Presidential Reconstruction in North Carolina as Viewed by a Southern Unionist Whig

Howard Joseph Kerner

Loyola University Chicago

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PRESIDENTIAL RECONSTRUCTION IN NORTH CAROLINA

AS VIEWED BY A

SOUTHERN UNIONIST WHIG.

HOWARD JOSEPH KERNER, S.J.

A thesis submitted in partial fulfillment of the requirements for the degree of Master of Arts in Loyola University.

August 1937
Vita Auctoris

Howard Joseph Kerner was born at Bellevue, Ohio, September 19, 1912. He received his elementary education at St. James' School, Lakewood, Ohio. He attended St. Ignatius High School, Cleveland, Ohio, graduating in June, 1930. In August, 1930 he entered the Jesuit Novitiate of the Sacred Heart, Milford, Ohio, and was enrolled in the College of Arts and Sciences of Xavier University. In August, 1934 he transferred to Loyola University, receiving the Bachelor of Arts degree in June, 1935 and then began his graduate studies in the Department of History.
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CHAPTER ONE

PRESIDENTIAL VERSUS CONGRESSIONAL RECONSTRUCTION

Within a year after the first gun had fired on the brick walls of Fort Sumter, the North painfully began to realize that Lincoln's first quota of men would be unable to parade from one state capitol to another in the South. So what was going to be a three months lark became the bloodiest civil war in the world's history. The United States, a young nation of but four score and some odd years, had to face many new problems not least of which was reconstruction — and here the first difficulty of reconstruction arose. Was it to be reconstruction of a conquered nation, a state of the Union, or merely a rebellious people? The various theories were not proposed at once. Rather there was a development of theory caused in part by the clash between the executive and the legislative branches of government, each of which offered theories of its own to sustain its position as the rightful body to carry out the work of reconstruction.

Without a precedent to serve as a guide, President Lincoln was confronted with the intricate question of reconstruction as early as December 1862 when General Shepley, acting as military governor of the recently acquired territory of New Orleans and its environs, ordered an election for members to Con-
President Lincoln adopted as a basis for restoration the theory of "once a state always a state." That is to say the states are to be considered as indestructible. The state is an impersonal entity and regardless of the people who make up the body politic, remains a state whatever may be the actions of the people. Teachers of political science in after years condemned this theory as erroneous, but at the time it was proposed, Lincoln was not alone in holding this view for the Supreme Court had indicated that such was its opinion. And Congress, the future opponent of the executive theory, apparently accepted the plan for it admitted as members of the House of Representatives, Messrs. Hahn and Flanders who had been elected by the loyalist faction of Louisiana.

The executive plan was outlined at some length in the presidential proclamation issued December 8, 1863. Beginning with the assumption that the Southern States were still members of the Union, it naturally followed that the work of reconstruction was an executive problem. The states were not disloyal but the people in them. Therefore, as chief executive, it was the president's duty to restore law and order in the South as he saw fit. This brought forth what commonly was called the "Ten Percent Plan" because in the proclamation President Lincoln provided for the establishment of loyal governments as soon as ten percent of the people who had voted in the election of 1860 signified their desire for the reestablishment of a state government. Certain conditions were laid down, however, to qualify
as a voter. Each had to take the oath included in the proclamation and remain faithful to it; each had to qualify as a legal voter as provided by the respective state laws operative before the ordinance of secession had been passed; and each had to belong to the body of those who did not come under the reserved classes. It is to be observed that President Lincoln carefully avoided friction with Congress by inserting the clause, "whether members sent to Congress from any state shall be admitted to seats, constitutionally rests exclusively with the respective Houses, and not to any extent with the Executive." Still another clause he added with the probable intention of providing a loophole of escape should Congress too strenuously object to his plan. It might be interpreted even as a denial of his basic theory of the perdurance of a state. The clause provided that the new state government to be established should use "the same name, boundary, subdivisions, constitutions, and general code of laws as before the rebellion."

Acting under the guidance of President Lincoln's proclamation, a group of loyalists assembled in January 1864 to further the work of reconstruction in the state of Louisiana. The convention petitioned General Banks, the commander of the army of occupation, to appoint a day for the election of civil officers in the state. The twenty-second of February was selected as the day for the election and March 4 as the day for the inauguration of the governor. Mr. Hahn, who was already serving in Congress, was elected governor. Shortly afterwards
President Lincoln wrote a "strictly private" letter congratulating him upon fixing his name in history as the first Free State Governor of Louisiana.

By this time, Congress was becoming a bit impatient with Lincoln's work of restoration. Thaddeus Stevens was adamant in his opposition to the executive plan and now he became more outspoken in his denunciations. His theory was that since the states had waged war and had been defeated, they should be treated as conquered provinces. It was left to Congress alone, therefore, to settle their status. But Stevens was a bit too advanced for the House to follow him immediately so he was content to bide his time and keep the question constantly before them by his lucid exposition of reconstruction theories.

Not many months elapsed before Congress presented an entirely new front. The gradual change of attitude was discernible for Congress first evinced signs of independent action when it refused to seat representatives from Arkansas. It also began to fear that the President's proclamation would have no permanent effect upon the position of the liberated slaves. Then, too, Steven's constant dinning of his theories into the ears of the House set many men to considering the problem. All of these factors played their part in popularizing Steven's "lapsed state" theory which placed reconstruction in the hands of Congress. By rebelling and waging war through a period of four years, the states reverted to the status of territories, and hence it devolved upon Congress to determine how these territories should be
During the late spring of 1864, a congressional bill based upon the lapsed state theory was discussed in both the House and the Senate. It was more severe than the president's plan in a number of its clauses. For example, a majority of voters was required to take an oath of allegiance before electing delegates to a convention that was to form a state constitution. The new constitution had to contain legislation repudiating all war debts, "State or Confederate," and disqualifying a reserved class of men. As finally passed by both houses, it took the name of the Wade-Davis bill, but in spite of its stricter provisions and more correct interpretation of reconstruction, it met with scant approval from Thaddeus Stevens. He objected to the bill because it left an apparent loophole for a possible interpretation that the states had not ceased to exist. The clause, "states whose governments had been overrun," was the cause of his disapproval. Mr. Davis' action in the House might also be judged in that light for he attempted to win the proponents of both theories to his side while laboring to bring the measure to a vote.

By the time the bill reached President Lincoln for his signature, less than ten days remained before the adjournment of Congress. It met the fate of the pocket veto, but the president did not allow the action of Congress to pass unchallenged. On July eighth he issued a proclamation wherein he objected to the setting aside of the reconstructed states of Louisiana and
Arkansas, declaring that he was of the opinion that the abolition of slavery was to be accomplished by an amendment to the constitution and not merely by congressional action. As for the matter of reconstruction, he said that there was no need to require a state to follow only one plan. In fact, he saw no reason why, if a state so chose, the congressional plan might not be followed, but he did object to one plan of reconstruction that would exclude all others. He closed the proclamation by placing his actions before the American people to judge as they would in the forthcoming election. Messrs. Wade and Davis assailed the president rather violently in the New York Tribune on August 5, 1864 and succeeded in damaging only their own cause. The nation endorsed Lincoln's stand, but Congress now was arrayed definitely against the executive. Until his death, Lincoln did little save somewhat reluctantly sign a bill which prohibited the counting of the electoral votes of the states which had passed an ordinance of secession. As Congress had the right to determine the counting of the electoral votes anyway, it scarcely can be said that he surrendered.

The untimely death of Lincoln brought Vice President Johnson to the executive office. Unfortunately, Johnson's tactless nature eventually lost for his office all that might have tended to mitigate the future radical action of Congress with regard to reconstruction. Johnson's ardent devotion to the Union made him vindictive enough, at first, to satisfy even Thaddeus Stevens, for he declared that, "traitors should be ar-
rested, tried, convicted, and hanged." Fortunately for the South, the persuasive Secretary of State Seward was able to win him over to a plan that was much like President Lincoln's. Like his predecessor, he then proceeded by various proclamations to begin the reconstruction of the Southern States. With the exception of Texas, this work was well on its way to completion by late summer. Like Lincoln, he recognized Louisiana, Arkansas, and Tennessee as already having effected reconstruction and, in the case of Virginia, he agreed to the shadowy Pierpont government that had been maintained throughout the war.

During the fall of 1865, the various Southern States re-organized and held elections for representatives and senators. As they naturally chose men who were leaders in their respective states, it was not surprising that Alexander Stephens, Vice President of the late Confederacy, was elected to represent Georgia in the Senate. Many of the other states sent men who also had played prominent parts in the Confederate army or government. The Republicans were alarmed when they saw the quondam Confederate brigadiers presenting themselves as claimants to seats in Congress and had visions of an unpromising future for party dominance. They were needlessly alarmed for Thaddeus Stevens had prepared for just such a situation. He saw the House Clerk McPherson and induced him to keep the names of the Southerners from the roll-call.

On the day the new session of Congress opened, the roll was called and the astonished Southerners heard name after name
called but not their own. After the preliminary business of organization had been settled and James Brooks, the Democratic leader had been informed that the question of the seating of the Southerners would be treated shortly, Stevens arose and offered a resolution on the question. The resolution provided for a committee of fifteen which was to investigate conditions in the South and decide whether any or all of the states lately rebellious were entitled to be represented in either house of Congress. It further provided that until a "report shall have been received concerning these states and acted upon by Congress, no member shall be received into either House from any of the so-called Confederate States." The resolution was objected to as being out of order but Stevens quickly obtained a vote temporarily suspending the House rules and brought it to a vote. It was passed by the onesided vote of 133 ayes to 36 nays with 13 not voting. The Senate passed the measure verbatim as a concurrent resolution.

In this manner developed the duel between the executive and legislative branches of our government. But even at this point the ultra radicalism of the following years might have been avoided had the president and some of the Southern States been more conservative in their actions. Each party, however, thought that it was in the right and acted accordingly. This convinced the Republicans all the more that reconstruction and not restoration should be their policy if party dominance and the security of the nation were to be assured.

Accordingly, during 1866 the various theories of recon-
struction were discussed on the floors of Congress. The executive or "state perdurance" theory was advocated by Mr. Raymond, a Republican, but since it found instant support among the Democrats it failed to attain even a large minority. The House dictator, Thaddeus Stevens, continued to keep his "state lapsed" theory before his fellow congressmen, but this too failed to meet the general approval of the Republicans because of its radical nature. The theory which finally solidified opinion was that proposed by Mr. Shellabarger. It was a clever blending of the other two and was without doubt the true solution. Denying the validity of the ordinances of secession and the right of the Southern States as territories and as people to leave the Union, Mr. Shellabarger declared positively that these territories had lost, however, their status as states of the Union. During the early summer of 1866, the Committee on Reconstruction presented its final report, the majority report vindicating the previous action of Congress, and the minority report supporting the executive. Beginning with the carrying of the Civil Rights bill over the president's veto in April, Congress continued to override the executive veto. Clearly things had come to a crisis. The solution was found in the mid-term elections, the outcome of which was an emphatic approval of Congress for the Republicans gained a greater majority.

Hereafter events developed rapidly. The president continued to oppose Congress with firmness but he was powerless before their overwhelming majority. The South also flung its
gauntlet in the face of Congress for by the first of January 1867 all but three of the Southern States had repudiated the Fourteenth Amendment by great majorities and the other three soon followed suit. The Military Act of March 2, 1867 and the several supplementary acts of the following months were the answers to the challenge. The original act as first presented "was the most brutal proposition ever introduced into the Congress of the United States by a responsible committee, and it would never have been tolerated except at such a time of partisan excitement and exaggerated suspicions." Fortunately, the bill was amended and changed, but even this failed to take away its harshness. Congress now was prepared to club the Southern States back into the Union as it saw fit. Every attempt which Johnson made to interpret the acts was immediately over-ridden. Congress for the next decade held the whip handle.
NOTES FOR CHAPTER ONE

2. Burgess, J.W., *op. cit.*, p 14
CHAPTER TWO

NORTH CAROLINIAN REACTION TO PRESIDENTIAL RECONSTRUCTION

Two early attempts were made by President Lincoln to establish a loyal government in North Carolina. Although both attempts ended in failure, they are of interest for they illustrate concretely Lincoln’s early plans for reconstruction. The first abortive government was known as the Hatteras Government. During the first year of the war, General B.F. Butler with land and naval forces captured the fort which guarded the entrance to Hatteras Inlet. This laid a number of the sparsely populated maritime counties open to the inroads of the Federal forces. The people had never been over-sympathetic with the Confederate government, and since the Confederate army failed to make any effort to protect that part of the state, a supposedly large number willingly expressed the desire to establish a loyal government. Two of the more outstanding men of the district were responsible for the crystallizing of opinion.

Marble N. Taylor, the first of these men, was a native of Virginia and a Methodist minister. His conduct in the Confederate defeat at Fort Hatteras was questionable as he was with the Confederate army until a short time before the fall of the fort when he joined the Federal forces. He himself declared that he was forced by circumstances to shift his allegiance, but he denied that he had given information which led to the speedy taking of the fort.
The other was Charles H. Foster who had left his native state of Maine some years before the war in the employ of a land company. The outbreak of the war found him the editor of a newspaper in Murfreesboro. He viewed the Southern cause with favor until the commencement of hostilities. His fellow townsmen noticed the change and voted to expel him from the town. By means of a personal appeal to Governor Ellis and the efforts of friends, this vote was nullified, but towards the end of the year he left the state and eventually reached New York city where he labored to advance the establishment of a loyal government for North Carolina.

The outcome of his efforts was the so-called Hatteras Convention which met on November 18, 1861. The minutes of the convention stated that forty-five counties were represented although "six or eight persons composed the convention." Taylor and Foster declared, nevertheless, that this handful represented by proxy the counties listed. "These so-called proxies were authorized by no meeting of the citizens but merely by individuals who, in most instances, lived in other states."

The convention appointed Taylor provisional governor, and shortly after Foster was elected to Congress. On presenting himself in Washington, a committee examined his case and refused to accept him as a qualified member of Congress. The first setback did not daunt Foster for he returned to North Carolina and held another election on January 16, 1862. To make sure that he was elected still a third election was held on January 30.
Armed with the results of these two elections and numerous memorials requesting his admission to Congress, he returned to Washington. The committee on elections inspected his new claims but found no evidence of a worthwhile number of people supporting his position.

The election had been restricted to Hyde County, and out of a voting population of over 9,000, not more than four hundred had voted for him. The ridiculousness of such an election after a convention which had but a handful of delegates made it sufficiently obvious to the committee on elections that the whole scheme was a farce, so once again they declared that Foster was not entitled to a seat in Congress. It is patent that these two men were out to establish a loyal government not so much because of a great devotion to the Union as for personal advantage. With all hope of being seated in Congress gone, the Hatteras Government came to an end.

The second attempt, while established on firmer grounds also proved to be a failure. The state was known to have a large number of Unionists so President Lincoln decided to make every attempt by peaceful means to win the state away from the South. He selected Edward Stanly on May 19, 1862 as military governor, with the rank of brigadier general, to perform the work of the civil governor until a more favorable moment for the reestablishment of a civil government. The choice would have been admirable but for one great defect in Stanly's character; he lacked tact. This was a necessity for one whose chief work was that of recon-
The fugitive slave was the cause of his greatest difficulties. As provisional governor he considered it his duty to enforce the laws of the state. Since the state laws provided for the return of fugitives, he allowed all owners who took an oath of allegiance to the United States to recover their escaped slaves. This was a comparatively easy task as the slaves usually sought protection within the Union lines. Still another law forbade the teaching of the slaves to read or write. Stanley, therefore, thought it his duty to close the newly established school for negroes in New Bern. This slave problem, then, together with the discovery that the state was no longer as loyal as in former years when he served in the state legislature, left him quite bewildered. Correspondence with Governor Vance and Generals D.H. Hill and S.G. French closed his futile efforts at reconciliation. Early in 1863 he sent in his resignation to President Lincoln.

He stated that the Emancipation Proclamation made his position untenable as he had assured the Unionists of the state that his purpose was to restore the state to the Union status quo ante bellum. He concluded his remarks with these words:

"That I have offended some is probable, but they were those whose schemes of plunder I defeated..... whose oppressions of the innocent and helpless I resisted..... whose purposes seemed to have been to join or follow the troops and to encourage and participate in the most shameful pillaging and robbery that ever disgraced an army in any civilized land." 7

And in a letter to Senator Sumner that was published in Raleigh the Sentinel nearly a decade later (Jan. 26, 1870) he wrote:
"Had the war in North Carolina been conducted by soldiers who were Christians and gentlemen, the state would long ago have rebelled against the rebellion. But instead of that, what was done? Thousands and thousands of dollars worth of property were conveyed North. Libraries, carpets, mirrors, family portraits, everything in short, that could be removed, was stolen by men abusing flagitious slaveholders and preaching liberty, justice, and civilization."

Stanly's resignation was accepted in March and with him ended the second attempt to hasten reconstruction in the state. No further attempt was made to establish a loyal government until after Sherman's march to the sea had ended the last Confederate resistance. Shortly afterward President Johnson appointed W.W. Holden provisional governor with instructions to call a state convention as soon as possible and hold an election in order to prepare for the restoration of civil government.

The reactions to Johnson's proclamation varied throughout the state. The Democrats, of course, had little to say for they had gone into retirement even before the end of the war. Crushed by their defeat, they scarcely showed signs of life until the dark days of the negro regime when all white men forgot party lines and joined forces to rid the state of the "black and tan" legislature. The Whigs, who, for the most part, had adopted the name of Conservatives, found themselves once again in control of the state. When Holden was appointed provisional governor, even their natural love for the Union and consequently the presidential plan were severely tried. However, as they always had been the loyal party in the state, they forgot the provisional government for the moment while they furthered the organization of the
party by holding Union meetings throughout the state. These as-
seembles were, for the most part, conservative in their state-
ments and passed resolutions "simply acknowledging that the war
had been a failure, expressing gratification at the return of
peace, and declaring a desire to return to full allegiance to the
United States." A small faction with the consistency of their
future leader Holden shifted from their former position of rabid
secessionists and "last dollar, last man" slogan to the other ex-
treme of ultra radicalism. No words could express their abhor-
ence of the Confederacy and their abuse of its leaders. As events
proved, these men became the future consorts of the negro voter,
men who had their own interests rather than those of the state
at heart.

Jonathan Worth, a life long Whig, might well be regarded
as the representative of the better class largely made up of
Whigs who favored the plan of President Johnson. Since he is to
be the focal point around which we shall center our investiga-
tions, we might examine his career prior to the years of recon-
struction in the war torn South. He was born in Guilford County,
North Carolina November 18, 1802. After receiving his early ed-
ucation at the old field schools, he spent two and a half years
in the Academy at Greensboro. Wishing to study for the bar, he
secured a position as school teacher in Orange County so that he
might be near Judge Murphey and devote his spare moments to the
reading of law under this eminent jurist. Towards the end of
1824 he obtained a license to practice law.
Several years later Mr. Worth entered state politics and was elected to the legislature. After serving for a number of years, he retired to devote his entire time to the pursuit of his profession. Reentering politics in 1840, he was elected to the state senate. In 1841 and again in 1845 he unsuccessfully sought to be elected to Congress.

By 1860 Mr. Worth had become one of the most prominent Whigs in the state. At that time he was serving in the state senate where he strenuously opposed the rapid development of disunion in the state. Even after the fall of Fort Sumter he voted against a state convention that would consider an ordinance of secession. At last, appreciating the futility of his efforts to oppose the war spirit, he sided with his native state and served her in various public offices during the war.

At the close of the war Mr. Worth was appointed provisional treasurer and financial agent of the state. In spite of the disordered condition of affairs, he was able to save $150,000 worth of the state's investments. Just what Worth's views were at this time might be summed up best by quoting parts of his campaign circular for governor which was printed in the Sentinel for October 18, 1865.

"He (Johnson) does not demand of us a surrender of our manhood. Every art of his and the military officers in this state proves that he wishes you to cast your votes for the men of your choice..... The President is a great and sagacious statesman. When we promise our allegiance to the United States, he believes us. He knows that confidence on the one side begets confidence in the other..... Nobody now meditates further resistance to the United States, and I hope the day is not distant when a general amnesty will be granted."
I trust the action of our convention now sitting, will satisfy the whole nation as to our earnest desire to return to full communion with the United States. I shall endeavor to encourage a return to the habits of law and order and steadfast attachment to the Union which made us so great and so prosperous a people whilst we adhered to the counsels of Washington.

William W. Holden, ever the weather-cock shifting with the wind of public favor, was the proto-type of the North Carolinian radical and ultra Republican. After running the gamut of various political beliefs and allegiances, he emerged from the war an ardent supporter of President Johnson's plan of reconstruction. His aspirations to the governorship were patent and sparing no words in his protestations of loyalty to the United States, he brought himself to believe that his life long ambition was at last to be satisfied. In fact the man must have convinced himself that he was the personification of loyalty, facts to the contrary notwithstanding, so earnest were his declarations to President Johnson.

Flatly opposed to the presidential plan was a small group represented by Judge Thomas Ruffin, former chief justice of the state supreme court. Bias had no part in his disapproval as his letters to Edward Conigland, a member of the convention of 1865, clearly show. One letter in particular provoked a series of letters in reply after Conigland submitted it to the Wilmington Journal for anonymous publication. Almost every thoughtful reader recognized readily the personality of the author in the able exposition of the unconstitutional nature of the president's method of reconstruction.
In a lengthy reply, William A. Allen, a prominent citizen from Duplin County, agreed with much that Ruffin held although he denied that it was clear that the original state constitution was still in effect so as to provide a legal basis for a constitutional convention. But even granting that much of Ruffin's letter were true, he pleaded for the people to ignore technicalities, accept the situation, and make the best of things for the time being in order to prevent serious trouble.

The discussion became a bit heated after Lewis Hanes, the editor of the Old North State entered the field with a rambling article which called upon English history to prove that the convention, as called by the president, was "regular though irregularly called." Much of the letter was marred by a lack of restraint, and it provoked a letter which was published in the daily Wilmington Journal for July 28, 1866, signed A Citizen. The writer acclaimed Ruffin's position and with definite arguments tore Hanes' letter to bits. He summed up the work of the convention with these words:

"..... The whole action of the convention, during its last session, and for the greater part of its first was, in my opinion, a gross usurpation at variance with the fundamental law of the land, and subversive of the rights of the people as in that law set forth and declared."

B.F. Moore, the leading proponent of the new constitution which was largely the result of his labors, also wrote in reply to Ruffin's argument. J.G. de R. Hamilton best sums up Moore's answer in these few words:

"While not showing, possibly, as great a respect for
and knowledge of constitutional law as that of the former chief justice, it indicated a clearer perception of the changed conditions brought about by the war." 18

Mr. Holden's newspaper, the Standard, readily took for granted that Judge Ruffin was the author of the provocative letter that had been published in the Wilmington Journal. The Standard played up the fact that Judge Ruffin was old and seemed penitent when he petitioned the president for pardon. But now, the paper triumphantly pointed out, he was "bitterly opposed" to the president and, therefore, still a rebel. If one were to follow that line of reasoning, the South's most bitter enemies would have to be classed as rebels for the radical faction in Congress was beginning to oppose the president with growing rancor. Moreover the conduct of some of these radicals was a contrast with Judge Ruffin's dignified and constitutional criticism of the presidential form of reconstruction.

In summing up the various opinions in the state relative to President Johnson's proclamation of May 29, 1865 which provided for the eventual restoration of the state to the Union, one might say that the great majority of the citizens was in favor of accepting the plan and for making the most of a slightly undesirable manner of reentering the Union. The war-wearyed people were only too eager to ignore the rough edges of the act so long as it promised a restoration of prewar conditions in the not too distant future.
NOTES FOR CHAPTER TWO


2. Hamilton, J.G. deR., _op. cit._, p 84 as quoted from _Western Democrat_ for October 1, 1861

3. Hamilton, J.G. deR., _op. cit._, p 85 as quoted from _Register_ for May 21, 1862

4. Hamilton, J.G. deR., _op. cit._, p 86

5. Hamilton, J.G. deR., _op. cit._, p 86 one of the proxies

To Rev. M.N. Taylor
Lima, N.Y. Nov. 15, 1861
Dear Sir:— I address you this line to request you to represent the Union men of Onslow County, North Carolina, in the state convention to organize a provisional government, having once been a resident of the county and knowing something of the feeling there existing.

I am respectively,
J.W. Bailey


8. Hamilton, J.G. deR., _op. cit._, p 112

9. _Correspondence of Jonathan Worth_, vol. I pp I-IX Sketch of Worth by Hamilton

10. _Correspondence of Jonathan Worth_, vol. I pp 436-39

11. _Correspondence of Thomas Ruffin_, vol. IV p 62

To Edward Conigland
Hillsboro July 2, 1865
I consider this as no constitution, because your convention was not a legitimate convention and had no power to make a constitution for us or alter that which we have and had; and that it cannot be made a Constitution even by popular sanction.

I object to the organization of your body as a convention because it was called without the consent of the people of North Carolina by the President of the United States or under his orders; an act of clear and despotic usurpation, which could not give the body any authority.

12. _op. cit._, vol. IV p 83

13. _op. cit._, vol. IV pp 84-90
14. op. cit., vol. IV pp 93-98
15. Hamilton, J.G. deR., Reconstruction in N.C., p 176
16. Correspondence of Thomas Ruffin, vol. IV pp 107-14
CHAPTER THREE
PROVISIONAL GOVERNOR HOLDEN AND THE CONVENTION OF 1865

On April 27, 1865 General Schofield issued a proclamation announcing the cessation of hostilities in the state. As military commander of the state, he also issued an order the day following, freeing all slaves still in servitude. While President Johnson was gradually making himself familiar with the many affairs of state which confronted him, General Schofield won the gratitude of the North Carolinians by his able restoration of peace and order. On all sides the people had complained that foragers, from both the disbanded Confederate army and the standing Federal army, seized private property. As this sometimes led to open violence, General Schofield quickly restored order by establishing able military police for each county under the command of his subordinate officers for the three military districts of the state.

Although General Schofield wished, with certain restrictions, to receive the appointment as provisional governor of the state, President Johnson ignored the army entirely when he summoned several well known natives of the state in the early part of May. D.L. Swain, B.F. Moore, and William Eaton arrived in Washington ahead of W.W. Holden, the fourth member of the party, who was detained until after the first interview with the president. John H. Wheeler, who joined the first three in Washington, has left an account of the first and subsequent meetings with the president.
At the first meeting the president gave a brief outline of his plans for reconstruction as embodied in the already prepared proclamation to that effect. Mr. Moore strenuously opposed the clause which provided for a constitutional convention to be called by presidential authority. He wished, rather, for a convention called by the state legislature. This would have been by far the more logical procedure since Johnson was following Lincoln's theory that the Southern States had not ceased to exist as states. Apparently Moore wished to distinguish between the state and its rebel legislature. When the objection was raised that there was no guarantee to be had for the loyalty of the legislature in the event of presidential recognition, Moore assured the president that of the members of the legislature there was not one who might not be "led back into the Union with a silken thread."

The next day the men returned to find Mr. Holden awaiting them with a party of his own. The president wished the two groups to join forces and nominate a provisional governor. Moore, Eaton, and Swain refused to associate themselves with the others, perhaps realizing that they were outnumbered and, in all probability, would be outvoted by Holden's picked group. They took their leave while the president, too, withdrew for a short time to allow the others to select a nominee. On returning, he found that Holden had been chosen so, with evident approval, he appointed him provisional governor. It is not difficult to understand Holden's appeal to the president. Both came from humble homes.
in North Carolina, and both by sheer force of will had worked in
their common field of politics with varied success.

Shortly before his assassination, President Lincoln
had formulated a plan of reconstruction for the state. In fact
the proclamation had been prepared on the very day of the assas-
sination. According to D.F. Caldwell of Guilford, N.C., the
president had selected Jonathan Worth as provisional governor
after having considered both his (Caldwell's) and Worth's names.
If this be true it would serve as still another example of Lin-
coln's admirable tact in placating all parties. Certainly such
a persona non grata as Holden would never have been selected by
him.

With the provisional governor appointed, President John-
son began his reconstruction of the South by issuing his proclam-
ation granting general amnesty. Fourteen classes were excluded
from the benefits of the amnesty though even these could obtain
pardon if they were to appeal to the president and he saw fit to
comply with their request. Almost every prominent Southerner
fell into at least one of the classes, for the persons excluded
were ranking officers in the army above colonel and in the navy
above lieutenant, executive and diplomatic officers of the Con-
federacy, all who left federal positions to aid in the rebellion
(postmasters), war governors, and all aiding the Confederacy in
any way who possessed property worth $20,000 or more.

On the same day, May 29, 1865, President Johnson issued
the following proclamation:
"I Andrew Johnson..... do hereby appoint William W. Holden Provisional Governor of the state of North Carolina whose duty it shall be at the earliest practicable period, to prescribe such rules and regulations as may be necessary and proper for convening a convention, composed of delegates to be chosen by that portion of the people of the said state who are loyal to the United States and no others, for the purpose of altering or amending the constitution thereof;..... and to restore said state to its constitutional relations to the Federal Government. 6

President Johnson prefaced the appointment by declaring that as executive it was his duty to establish a republican form of government because North Carolina lacked such a government and the constitution (4th section of the 4th article) required him to take action. After inducting Holden in the duties of his office as provisional governor, he laid down the qualifications for those who were to elect delegates to the forthcoming convention. All were required; first, to qualify under the state and constitutional requirements which were in force prior to May 20, 1861; second, to take the oath provided by the amnesty proclamation of May 29; and third, it was granted to either the convention or legislature to lay down the qualifications for future office holders.

The proclamation concluded with seven other provisions that would do much towards restoring the old order of things before the war. The army was instructed to aid to the fullest extent in the execution of the proclamation while the secretary of state was to enforce all federal laws. To help in this respect, the district courts were to be reopened. Likewise, the postmaster general was instructed to reestablish the mail service; the secretary of the treasury to appoint tax collectors and collect
taxes. And the secretary of the interior was ordered to supervise all businesses falling within his jurisdiction and the secretary of the navy to confiscate all Confederate naval properties.

Governor Holden was disliked heartily by the political leaders and thoughtful men of the state because of his cam­eleon-like attitude in the political affairs of the state. Whig, Democrat, Secessionist, he had been while it had been expedient, and now he was receiving a political reward for his intense loyalty to the Union and his personal devotion to the president. Unlike the provisional governors of the other states, he was not required to take the "iron-clad" oath before entering office.

During the first week of June, the Standard announced his appointment as provisional governor. While there was little approval of the appointment in the state, there was no opposition. The people were only too anxious to return as soon as possible to their former peaceful ways.

On June 12, shortly after taking up the duties of his new office, Governor Holden issued a proclamation which gave in brief outline the work he wished to accomplish. His foremost care, he assured the people, was to bring about the speedy election of a civil governor and legislature. The legislature was to elect the two United States senators while the representatives were to be chosen by the people, so that hope might be held out for an early return to the Union. He promised to appoint the necessary justices to enable the citizens to take the oath required under the amnesty act. Subordinate officials, too, were...
to be appointed to supervise the election of delegates to the
convention as required by the presidential proclamation of May 29.
The selection of county clerks and sheriffs he left to the jus-
tices. He concluded by asking the people to exert themselves in
the rehabilitation of the state and acclimate the freedmen to
their new status by giving them a word of encouragement from
time to time. A blot on an otherwise reasonable message to the
people was an uncalled for tirade against the Confederacy.

Needless to say, much criticism was leveled against
the provisional governor's work, but it was not all justified.
The state government had to be established and numerous details
claimed Holden's attention. He could not solve all difficulties
immediately so he wisely decided to act slowly and work his way
through the maze. But this can hardly excuse his arbitrary meth-
od with regard to the forwarding and recommending of applications
for pardon to the president. After President Johnson issued his
proclamation requiring the fourteen classes to make personal applica-
tion for pardon, hundreds from these classes in the state
took the oath and sent their applications to the governor asking
him to forward them to the president with his recommendation.

Holden purposely made a number of the applicants feel
so obligated that they voted for him somewhat unwillingly in the
subsequent election. In fact, Jonathan Worth charged him with
making that an unwritten requisite before making any efforts on
the applicant's behalf. In other cases where he could not intimi-
date, he deliberately withheld pardons in order to prevent the
parties from voting against a political friend. Numerous applications never even left his office and were found by his successor. This partiality caused Mr. Worth no end of trouble for by the time he entered office the hundreds of applicants whose affidavits had been left by Holden to gather dust in the governor's files, began to write numerous letters of complaint. They had to blame someone, and as Holden was no longer at hand, Worth bore the brunt of their dissatisfaction.

It was quite evident that Holden's newly acquired love for the Union was not the explanation of his ignoring of many of the applications. His recommendations scarcely could bear out this supposition for a large number of "original secessionists" and war men received pardons, while prominent men like William A. Graham, John A. Gilmer, Josiah Turner, and others were not recommended for immediate pardon. These men, like Jonathan Worth, had been staunch Unionists until the state sided with the South and the war actually had begun. This was just another example of Governor Holden's many glaring inconsistencies, and must be laid to personal prejudice and even, perhaps, to the domineering trait in his character.

As it was impossible for him to attend personally to every little detail of the work anent the pardons, Dr. R. J. Powell was appointed as the state representative in Washington. He was supposed to convey to the president Holden's estimate of the applicants apart from the official endorsement. The president in turn referred these to the attorney general who was to pass final
judgment upon them before the pardons were granted. By the middle of the following year, 1450 pardons had been granted bearing Holden's signature and a much smaller number, 419, bore Worth's approval. The smaller number granted over the latter's signature was not because of rigorous selection on his part but rather was due to the dropping off of petitioners.

Worth at no time refused to endorse the affidavit of a petitioner. Economic reasons effected at least two of these classes filing petitions. One, the former Confederate postmasters, led as a class with the greatest number of pardons, 815, and the other, those who were worth more than $20,000, received 510 pardons. The postmasters wished to continue to hold their positions and the wealthy class wished to make its peace lest the threats of confiscation be carried out.

Another great task which confronted the provisional governor was that of local appointments. While there are instances of partiality, the majority of the appointments were made in all sincerity and predominantly favored the old Whigs from whose ranks came the Union men of the state. Within the brief period of two months, Holden appointed more than 3,000 magistrates and mayors or commissioners for the towns. He also found time to reorganize the boards of directors of state controlled organizations such as some of the railroads. Those railroads with unpardoned directors in the majority, he took over until the necessary number was pardoned. Here too complaints were leveled against him but save for a few exceptions, without any just cause. He failed
to fulfill the pessimistic expectations of many when he was appointed provisional governor and his efforts were, on the whole, properly directed.

Towards the end of the summer, the radical press of the North carried vivid accounts of conditions in the South. Ironically enough, Holden suffered from the very accusations which he was to use to such advantage during the following two years in his efforts to discredit the very policies which he now supported. The northern radicals claimed that the provisional governors were ignoring southern unionists when men were considered for state offices. The charge was groundless as far as North Carolina was concerned for, as has been observed, Holden's appointments were confined almost exclusively to Unionist-Whigs. But mere charges of partiality changed to the supposedly horrible conditions existing in the state. Unfortunately for the success of these radical descriptions, the charges became so absurd that the investigations of Dr. Powell, the state representative in Washington, quickly laid bare the malice and falsehood in the newspaper correspondents' accounts. Dr. Powell showed that not only were the descriptions not written in the state, as purported, but he also showed that they mentioned men as prominent in the state who were unknown.

With much of the work of state reorganization accomplished, on August 8 Holden issued a proclamation for the election of delegates to the convention provided for in the presidential proclamation of the previous May. Thursday, September 21
was the day chosen for the election. In addition to the presidential requirements for qualification as a voter, Holden added others of his own. He permitted all to vote regardless of payment or non-payment of the poll tax. To prevent fraudulent votes all were enjoined to present at least a copy of the paper certifying that they had taken the amnesty oath.

As the election day approached, the apathy prevalent in the state diminished while hostilities began to break out between the Standard, Holden's newspaper, and the Sentinel which gradually came to represent the opposition. There were no issues at stake as all now considered the outcome of the Civil War the final arbiter of the old issues of secession and slavery. It is true the state debt remained, but even on this subject there was little comment. The few opinions expressed favored a postponement of any definite consideration of the problem. During August and September, Mr. Worth, the acting provisional state treasurer, wrote letters to various men in the state on the subject. An excerpt from one written to E.G. Reade sums up his views on the subject of repudiation.

"The convention, in my opinion, should not complicate the question as to our readmission into full communion with the United States by taking up the question of State indebtedness, the validity of laws passed since May 20/61, or anything else, save the amendments to the Constitution and such legislation as is indespensible preliminary to our representation in the Congress of next winter." 19

And in another letter written to J.C. Skeen he said:

"I am sure there is not one of you has the requisite information to come to a just conclusion. It is wholly unnecessary for the Convention to act on this matter and no discreet
man will form and declare his opinion on so grave a question before he is as fully informed as possible as to facts essential to conducting him to a wise conclusion."

Apparently some had even considered repudiation of the state debt contracted before the war for he ended a letter to Jesse Walker with this plea:

"I am not willing to disgrace my old mother (the state) by making her repudiate her debts.... especially when she makes nothing by it. The war debt ought to be scaled."

The eligibility of delegates was raised when Orange County wished William A. Graham to be its representative. Although he refused to accept the nomination, he declared that he was eligible in spite of the fact that the president had not pardoned him as yet. Holden brought the difficulty before the president who sustained the provisional governor's stand that unpardoned persons were ineligible. President Johnson promised, however, to pardon on Holden's recommendation all such persons elected.

The justices of the peace administered the amnesty oath throughout the state. A free election was assured when General Ruger ordered the soldiers to remain in camp on the election day unless the civil authorities requested aid. Needless to say, no requests were made and only one brawl occurred. This was at Concord, the county seat of Cabarrus, where a Union veteran fired into a crowd of intoxicated negroes who attempted to vote. A "free for all" took place without any serious injuries. The general outcome of the election pleased Governor Holden who assured President Johnson that the state would be controlled by the
Unionists. Eleven of the successful contestants were unpardoned, but Holden hurried their names through in time for them to take their seats in the convention.

Judge Edwin G. Reade was the unanimous choice for chairman when the convention assembled October 2. As the Democrats were in temporary retirement, the delegates were drawn from the Whig Unionists for the most part. The convention soon indicated its wish for a speedy reconstruction of the state and return to normal relations with the federal government. It was fortunate that at this period of transition middle aged men comprised the majority of the body; they were old enough to be stable and yet lack the overly cautious conservatism of old age.

Chairman Reade, recently appointed provisional justice of the state supreme court, was one of the outstanding members. For years he had been one of the better known lawyers in the state and had served one term in Congress shortly before the war as well as an abbreviated term as senator in the Confederate government. His loyalty to the Union was unquestionable if one may judge from the eloquent speech he delivered after having been chosen presiding officer. He closed with the following words:

"Fellow citizens we are going home. Let painful reflections upon our late separation and pleasant memories of our early union quicken our footsteps towards the old mansion, that we may grasp hard again the hand of friendship, and sheltered by the old homestead which was built upon a rock and has weathered the storm enjoy together the long, bright future which awaits us." 25

Perhaps the most outstanding member of the convention was B.F. Moore who constantly took part in the debates and showed
a firm grasp of the problems to be solved. Others who had much
to do with the forming of opinion by their active participation
in the discussions were Thomas Settle, Judge George Howard, Judge
M.E. Manly, Edward Conigland, Nathaniel Boyden, Bedford Brown,
D.D. Ferebee, and William Eaton. All sincerely desired readmis-
sion into the Union as soon as possible, but they did not stoop
to accomplish this by subserviency. Unfortunately this could not
be said of all the members for Thomas Ruffin Sr. was informed by
Edward Conigland that "he was mortified to notice the spirit evin-
ced by many of the convention... so prescriptive and subserv-
ient, two characteristics which are always found united. Some
seem to think that their chief duty consisted in reechoing Yan-
ekkee denunciations." Governor Holden did little to influence
the convention when he delivered his brief message. A word of
praise for the president's plan of reconstruction, a passing ref-
erence to the questions of slavery and secession, and he was fin-
ished.

Quite naturally secession was the most important of
the questions to be solved. There was unanimity of opinion favor-
ing abrogation of the ordinance of secession passed by the con-
vention of 1861, but this unanimity came from various reasons
differing "toto caelo." Some wished merely to repeal the ordin-
ance without saying anything further. This would tend to recon-
cile those who had ardently supported the theory of secession and
accordingly Jones of Rowan introduced an ordinance to that effect.
This was almost immediately tabled because the committee appointe
to consider the subject reported an ordinance of its own through Nathaniel Boyden. The following day still another was submitted by D.D. Ferebee who sought for the elusive middle ground on the question. Several stormy sessions followed during the next few days.

Judge Howard led the opposition to the ordinance proposed by the committee which declared that "the same (ordinance of secession) be repealed, rescinded, and abrogated, and the said supposed ordinance is now and hath been at all times null and void." He elaborated on his own sincerity and that of the people when the ordinance of secession was adopted. Thinking that their course was justified, they had used the secession government as a modus vivendi for four years. To declare that order null and void would be to nullify all business conducted during that period. Others opposed the committee's ordinance because they considered it to be the usurpation of judicial power by a body that was only legislative, and such a decision, as now proposed, reflected on the convention of 1861.

B.F. Moore, who was responsible for the committee's work, ably answered all objections and added reasons of his own for the adoption of the measure. He granted that the ordinance might be interpreted so as to nullify the acts of the four previous years, but he pointed out that further action by the convention could rectify existing conditions. Samuel F. Phillips answered the objection to judicial action by the convention by observing that it was just that which the convention of 1861 did
when it expressed the opinion that the state had the right to secede. Had not the present convention the right to express a contrary opinion?

Ferebee's compromise was put to a vote but overwhelmingly defeated 94-20. The committee ordinance then passed the second and third readings with few dissenting votes although a small number refused to vote either way. Secession was declared to be legally dead.

The prohibition of slavery constituted the substance of a bill proposed by Thomas Settle on October 5. Again there was quibbling on non-essentials by those who wished to revive old issues, but two days later an unanimous vote was secured for the adoption of the ordinance.

With these two problems disposed of, the convention turned its attention to the organization of state and local affairs. As B.F. Moore had promised during the discussion on the repeal of the ordinance of secession, the judicial decisions and contracts of the previous four years were declared binding. All acts of the provisional government also were made valid, but pro tempore only, as it was further provided that the provisional government offices would become vacant with the next meeting of the general assembly. Apparently trouble was expected from the negroes for a military police was created in each county which felt the need of such protection. Another enactment of a similar nature was a petition to the president asking him to remove the negro troops from the state. Further petitions addressed to him
asked for a general amnesty and restoration to the Union with full rights. The status of the freedmen was not settled at once. A committee was appointed to consider existing legislation in their regard and recommend the repeal of certain clauses as well as suggest constructive laws in their behalf.

All of the above ordinances were passed, as well as others, before the subject of the state debt was considered. A committee had been working on the subject from the time the convention assembled and had reached agreement upon the acceptance of the state debt prior to May 20, 1861. Some favored and some opposed assumption of the war debt while many more preferred to postpone immediate action and investigate both sides of the question. This attitude and the information forwarded from Washington by Dr. Powell brought about the tabling of Settle's resolution which prohibited the assumption of the war debt.

But with the question apparently in abeyance for the moment, the convention was startled when Governor Holden forwarded the following letter from President Johnson.

W.W. Holden, Provisional Governor Washington City, Oct. 18/65

Every dollar of the state debt, created to aid the rebellion against the United States, should be repudiated, finally and forever. The great mass of the people should not be taxed to pay a debt to aid in carrying on a rebellion which they, in fact, if left to themselves, were opposed to...... I repeat, that the loyal people of North Carolina should be exonerated from the payment of every dollar of indebtedness created to aid in carrying on the rebellion. I trust and hope that the people of North Carolina will wash their hands of everything that partakes in the slightest degree of the rebellion which has been so recently crushed by the strong arm of government in carrying out the obligations imposed by the Constitution of the Union.

Andrew Johnson
President of the United States
This action of the president was difficult to explain until some months later when the Sentinel for March 23/66 published a letter of Holden to President Johnson.

Raleigh, October 17, 1865

Sir: Contrary to my expectation, the convention has involved itself in a bitter discussion of the State debt made in the aid of rebellion. A continuance of this discussion will greatly excite the people and retard the work of reconstruction. Our people are believed to be against assuming the debt by a large majority. Is it not advisable that our Convention, like that of Alabama, should positively ignore this debt now and forever? Please answer at once.

W.W. Holden 30

We may dismiss this letter with the words of P.H. Winston who wrote to Governor Worth on March 29, 1866. "By the way it now comes out that Holden did by a partisan, one sided, and untrue telegram to President Johnson obtain the telegram ordering repudiation of the new State debt."

Although the telegram from the president ruffled some of the delegates because of his interference in state affairs, the act of repudiation was quickly passed. B.F. Moore was outspoken in his condemnation of presidential interference, but even his influence against immediate repudiation was of no avail. Apart from those who resented the act of repudiation and presidential interference, there were those who thought that the president and provisional governor had gone too far, in such a brief time, in making such definite and final decisions. The Sentinel aptly put this feeling in words:

"One of the last acts of the convention, and certainly the most humiliating act ever performed by a body claiming to be the embodiment of the sovereignty of the people of a State, and ever put upon record, was the passage of the ordinance repudiating for all time the war debt of the state." 32
With this much work accomplished, the convention adjourned until May 24, 1866. Before adjournment, a resolution of thanks was passed as a sign of appreciation to the president and the provisional governor for their efforts to restore the state to the Union.
NOTES FOR CHAPTER THREE

1. McPherson, Edward, Documentary History of Reconstruction pp 18, 19

2. Hamilton, J.G. deR., Reconstruction in North Carolina p 103

3. Hamilton, op. cit., pp 106-07 as quoted from Wheeler Reminiscences, p 60

4. Hamilton, op. cit., p 107 as quoted from McCullock, p 378, Men and Measures of Half a Century,

5. Hamilton, op. cit., p 108 note; Hamilton says that he never found information to credit or disprove this statement.


7. McPherson, Edward, op. cit., p 11

8. Hamilton, Reconstruction in North Carolina, pp 110-11

9. Hamilton, op. cit., p 111


   A few days before the gubernatorial election Holden also issued a list of 500 names of those for whom he had obtained pardon. Six months later Gov. Worth was still endeavoring to secure the same pardons.

12. Hamilton, Reconstruction in North Carolina, p 113, note

   To Thomas I. Person, Weldon, N.C.

   Sir:- Your despatch received. The governor instructs me to say...... also that the pardon of those who may take part against Mr. Odom and Dr. Borrow for the convention in Northampton will be delayed.

   L. Hanes Private Secretary


14. Hamilton, Reconstruction in North Carolina, pp 113-15 and

   Holden in his Memoirs said that he did not urge the pardon of Graham, etc. so as to protect the president from pardoning too many prominent rebels and also because he thought these men were unsympathetic with himself.
15. Hamilton, op. cit., pp 113-15
17. Hamilton, op. cit., p 117 as quoted from the Executive Correspondence of Prov. Gov. pp 40-42
25. Hamilton, op. cit., pp 120-33 for description of convention
26. Correspondence of Thomas Ruffin, vol. IV, p 44
27. Hamilton, Reconstruction in North Carolina, pp 126-28 from Ordinances of the Convention, pp 46-74
28. Hamilton, op. cit., p 129 Powell in a letter to Holden reported that he had consulted the members of the president's cabinet and all, with the exception of Stanton, who refused to commit himself, advocated postponement of the case.
29. McPherson, Edward, History of Reconstruction, pp 18-19
30. The Sentinel found the letter in the Senate documents.
33. Hamilton, op. cit., p 133
CHAPTER FOUR

ELECTION AND FIRST TERM OF GOVERNOR WORTH

It was a foregone conclusion that Mr. Holden would be one of the gubernatorial candidates in the fall, but the opposition was apparently at a loss as to its choice during the summer months. This was caused by the complete disorganization of all political parties save Holden's infant organization of Unionists and all others who wished to serve him. No attempt was made, however, to nominate anyone until the convention had assembled in October. Shortly after it convened, a sort of caucus was held but open to all of the delegates. After some discussion, the following note was forwarded to Holden.

Hon. W.W. Holden
Raleigh, October 14, 1865
Sir: The undersigned members of the state convention of North Carolina, fully appreciating your earnest and effective efforts for restoring our state to her constitutional relations with the Federal Government, and being desirous that restoration should be under one whose guidance it has been so auspiciously begun, respectfully request that you will allow your name to be placed before the people of North Carolina for the office of governor at the ensuing election. 1

This letter was signed by fifty-three of the delegates. One must not deduce from this that Holden was a persona grata to all of the signers. Not a few were obligated to Holden for the early granting of the presidential pardon. Others had been led to believe that Worth would not be a candidate.

Several days later Holden replied by letter accepting the honor. One paragraph in the letter is interesting because
his words contradicted his previous actions.

"I did not seek the place I now occupy, nor have I sought a nomination for election by the people. I have been content to do my duty to the best of my ability under the instructions of the President, and to leave my conduct to be judged by an intelligent and indulgent people. I do not fear that judgment." 4

Nearly a year later, Lewis Hanes, who had been his private secretary and faithful ally during the war, wrote: "I believe that in everything he (Holden) did, he kept constantly in view no object but his own political advancement." This self-seeking of Holden alienated many who once had been his political friends. Hanes was of this number.

When the above mentioned caucus chose Holden, a still larger number (67) of the delegates led by William A. Graham, Josiah Turner, P.H. Winston, and C.C. Clark decided to select a candidate of their own. Jonathan Worth's name was suggested by the four gentlemen mentioned above and found immediate approval with the others. Although he could not take the "iron-clad" oath he had been a life long Whig and one of the three who voted against secession in the convention of 1861. These facts, the delegates thought, would make him acceptable both to the Whig-Unionists and to President Johnson. His able administration of the scattered state holdings in cotton, resin, etc. which had been restored to the state at the cessation of hostilities was another factor which probably influenced the delegates.

At first Worth was unwilling to accept the proffered nomination. However, by dint of some persuasion he consented reluctantly. Some of his friends attempted to dissuade him after
he finally had accepted, but once he had made up his mind he was adamant. In a letter written on October 16/65 to John Pool and Lewis Thompson, he outlined the reasons for his former hesitancy but declared that Holden's arbitrary methods for procuring pardons, and the thought that many had already fixed their gaze upon him as the logical opponent of Holden had decided him to run for governor. In a letter written to John Pool the following day he again stated his position.

"I have decided that it is my duty to yield my assent to the earnest wishes of my friends, to allow my name to be run for governor. On many accounts I have yielded with positive pain. (many of his friends opposed it) ..... But I am certain that Mr. Holden cannot be elected Civil Governor without extreme dissatisfaction to a very large number of the voters of the state."

That Mr. Worth was sincere in his candidacy because of Holden's limitations is attested by what he adds in the same letter: "or if deemed best, both of us might withdraw, (Holden and Worth) under the agreement that the name of Judge Reade should be run."

With the two candidates chosen, the newspapers in the state began to espouse the cause of one or the other and conduct the active work of the campaign as neither Holden or Worth took part in a canvas of the state. Thus began the formation of party lines that would endure even after the trying years of reconstruction had passed. The old party lines of Whig and Democrat were broken down, and after the ten years of reconstruction there would emerge the Union or Republican party and the Conservative or Democratic party.
The campaign became heated, at times, because of the newspaper articles supporting either candidate. At first Worth was not considered a serious threat by Holden's supporters but soon they were aroused from their complacency. The Standard then began a campaign of misrepresentation and abuse which was echoed by the other papers throughout the state supporting Holden.

In the face of Worth's record as a Union supporter, they nevertheless asserted that he was an "original secession" man. Their constantly reiterated slogan was "W.W. Holden and Go Back to the Union, or Jonathan Worth and Stay Out of the Union." This was the keynote of the Holdenite plea. Such a statement was without foundation though President Johnson did not conceal his disappointment when Holden was defeated.

Worth was distressed by such a type of campaigning as he sincerely wished for a speedy resumption of former relations with the Union. He appealed to B.S. Hedrick, who was in Washington, to obtain some statement from the president denying the allegations of the Standard. Hedrick was able to accomplish this indirectly for Worth wrote:

"To J.J. Jackson

Raleigh Nov. 2/65

Hedrick says the Attorney General assures him the President wishes the people of North Carolina to vote as they please for governor. . . . The pretense that the President requires the election of Holden is based entirely on the affirmations of Holden." 9

Worth needed little defense for his stand on the state war debt. He had pleaded for time before making a decision either way. This, in fact, had been Holden's position until he
made a last minute change by suddenly wiring to President Johnson about the state's attitude towards the debt. The Standard, however, declared that Worth had advocated the assumption of the war debt and would, if elected, undo the work of the convention by abrogating repudiation and burden the people with an immense debt. This, the paper claimed, would prolong martial rule by colored troops and delay the return to the Union. Here the paper had reckoned without public opinion. Worth's stand on repudiation had been in accord with the views of many in the state. Holden's actions had been unacceptable to this class, and when the Standard came out and took Worth to task, there was a "boomerang effect" which really injured Holden.

The papers supporting Worth naturally played upon Holden's checkered career as a politician. Aspersions on his frequent change of party already had reached the New York papers. At various times during the year the New York Tribune had commented:

"Such a man was not in real favor on any side, as events subsequently proved. He had said that the war should be supported to "the last man and the last dollar." So it was alleged in North Carolina, he had supported it; he was the last man to go into it and his was the last dollar to be contributed for its prosecution." 11

Worth's papers also took to task the opposition's charge that Worth's election would prevent reunion. Even some of Holden's newspapers did not hesitate to criticize the Standard for making such charges. The Charlotte Times perhaps best summarized the Holden campaign in these words:
"Vote for Holden and be loyal, and vote against him and be a traitor. That is the English of it. And if that is to be the test, then we are a traitor and glory in the treason. As a provisional governor, we have not aught to say against him, but as a politician, we are against him, and if chance should throw us on the same side with him, it would make us question the correctness of our views." 12

With a better class of men supporting him than in his previous attempt to reach the governorship, Holden was a close second at the polls on November 9. Out of 60,000 voting, Worth received a majority just short of 6,000. The two ordinances of the convention (slavery and secession) proposed for ratification drew a light vote of approval and a correspondingly light vote was cast for the seven congressmen. Of the seven elected, all originally had opposed secession although only one could take the "iron-clad" oath.

Thanks to the pre-election activity of the Standard and other papers, the North received the election returns with evident disfavor. They considered it as an open approval of the late Confederate government. The choice of the candidates for Congress gave some grounds for this dissatisfaction with only one A.H. Jones capable of taking the "iron-clad" oath and Josiah Turner still unpardoned. The North always ignored the important distinction drawn in North Carolina between original and later secession men. The latter group had opposed secession to the last moment and sided with the South only when their native state voted for the ordinance of secession. As Mr. Worth constantly reiterated in his letters, these late secessionists were far removed from the original ones whom he treated with scorn as dis-
unionists, men responsible for the prevalent desolation in the post war South.

Probably because of Holden's defeat, President Johnson failed to keep his promise of terminating the provisional government after the election. Shortly after the election, Secretary Seward informed Holden that he was to continue to act as provisional governor, and towards the end of the month President Johnson wrote:

Washington, November 27, 1865

"Accept my thanks for the noble and efficient manner in which you have discharged your duty as Provisional Governor. You will be sustained by the government.

The results of the elections in North Carolina have greatly damaged the prospects of the State in the restoration of its governmental relations. Should the action and spirit of the legislature be in the same direction, it will greatly increase the mischief already done and might be fatal.

It is hoped that the action and spirit of the legislature will be so directed as rather to repair than to increase the difficulties under which the State has already placed itself.

Andrew Johnson
President of the United States

Another view of the election may be found in the letter of Governor Worth written on November 23 to J.M.Worth and comments on the outcome of the elections:

"There is this peculiarity in the result. My friends are greatly rejoiced while those who voted against me are either pleased or not much chagrined at the defeat of their candidate. Many of Holden's friends curse him outright for his infamous statements in the Standard since the election to deceive the North into the belief that his defeat and my election indicate hostility to the Gov't. of the U.S." 16

Although the state had elected a governor unable to assume office because of the continuance of the provisional government, this irregularity did not prevent the General Assembly from
meeting on November 27. Little is known about the former political affiliations of the members save what possibly can be deduced from the assemblies' internal organization. The election of Thomas Settle over D.D. Ferebee as speaker of the senate would indicate a Holden majority as would the unanimous selection of Samuel F. Phillips by the house.

As the legislature probably realized that its actions would go far towards reconciling President Johnson, little opposition was offered when the provisional governor urged immediate ratification of the Thirteenth Amendment. The chief opposition was met in the senate for the house passed it with but four dissenting votes. Even in the senate the opposition fought not so much for the provisions of the amendment as the evident encroachment by Congress upon the State's rights. John M. Morehead and D.D. Ferebee, in particular, were outspoken against its adoption although the former claimed that he did not wish to impede ratification. But the outcome of the Civil War was even more suasive than the loss of the state's rights. The war weary legislators had lost, for a time, their old interest in the constitutionality or unconstitutionality of an act. When the amendment finally was put to a vote, the senate voiced its approval in much the same way as had the house. It then was referred to a committee which declared it to be ratified, but added with a rider of its own, that this in no way gave Congress the right to legislate for the freedmen. Such a declaration, of course, was no more than a protest for it had no legal foundation.
The General Assembly did nothing to help the state for their own status as a legal body still had to be settled. The only other work done at this time was the passing of a resolution expressing the state's good will towards the Federal Government, and something more important, the filling of the vacant state offices. The first act, no doubt, was motivated by the desire to impress upon the president the state's genuine loyalty to him and its wish to meet all requirements for an early reunion. The two state senators elected by the assembly were William A. Graham and John Pool. As Governor Holden had blocked a presidential pardon for Graham, both houses of the assembly petitioned the president to pardon him. The pardon was granted, but Holden then delayed its delivery. He said that he did so because "he doubted whether a Northern member of Congress could with propriety consent to sit with one who had been a member of the Confederate Congress."

With this work accomplished, the legislature adjourned until February 1866 after administering the oath of office to Governor Worth and providing for his assumption of office with the close of the provisional government.

In spite of the fact that Governor Holden painted a rather unfavorable picture of the General Assembly's actions in his frequent communications to the president, Secretary Seward sent the following note a few days before Christmas.

Department of State
Washington December 23/65

To His Excellency, W.W. Holden, Provisional Governor of N.C.
Raleigh, North Carolina:

Sir:— The time has arrived when, in the judgment of the President of the United States, the care and conduct of the proper
affairs of the State of North Carolina may be remitted to the Constitutional authorities chosen by the people thereof, without danger to the peace and safety of the United States.

By direction of the President, therefore, you are relieved from the trust hitherto reposed in you as provisional governor of North Carolina. Whenever the governor-elect shall have accepted and become qualified to discharge the duties of the executive office you will transfer the papers and property of the State, now in your custody, to his excellency the governor-elect.

It gives me especial pleasure to convey to you the President's acknowledgement of the fidelity, the loyalty and discretion which has marked your administration.......

William H. Seward

When several days later Governor Worth assumed office, he notified Secretary Seward to that effect, and on December 30 he issued his first letter to the people of the state. In it he congratulated the people upon the termination of the military government and pleaded for cooperation with the newly established civil government to promote law and order. To bring about a state of peace and order, he directed the judges of the state supreme and superior courts to qualify and act. The unincorporated towns were instructed to choose officials of their own in place of those who had been serving under the provisional appointment. In conclusion he assured the citizens that the legislature would promptly adjust all matters not solved by the mere transition from military to civil government.

Governor Worth's first official act was to call a special session of the legislature to repair an oversight on the part of the convention. This body had ordained that all offices filled by the provisional governor were to be declared vacant with the termination of the provisional government, but had failed to provide for new justices of the peace. Because of this
defect, the new civil officials were unable to qualify for office and, in consequence, there was no legal government throughout the state. The special session quickly rectified this condition by instructing the retiring officials to administer the oath of office to the incoming incumbents. For those sections where elections had not yet been held, the legislature further provided that the provisional appointees were to hold office until new men were elected.

Before entering upon the major work of this special session which devoted most of its time to the freedmen, it might be well to give some account of the freedman's condition in the state at this time. Like the other Southern States, North Carolina was burdened with the vagrant negro problem. As the Federal armies pierced farther into the South, the negroes deserted their former masters in greater numbers and followed in the wake of the invading armies. Thousands of these freedmen were cared for by the army and later by the Freedman's Bureau, but even the military supplies were so limited that there was constant threat of famine.

"In North Carolina they were occupying every hovel and shanty.... crowding into the towns and literally swarming about every depot of supplies." Many were dying for "want of proper food and medical supplies." They were rapidly becoming a tribe of vagabonds and thieves, a veritable menace to the whole countryside, subsisting upon berries and what they could beg and steal. Others believed that they had acquired with their new
liberties some indefeasible right to the property of their former masters, and would visit the garrison towns to make inquiry of the officers. "Only by their suffranc'e could the owner continue to live in his old home and till his acres. They were "much astonished" when they were informed that freedom did not mean that they were "to live in idleness and be fed by the government."

Attempts to establish order were made in Raleigh by the provost marshall's court. The more serious crimes were turned over to the Freedmen's Bureau but petty offenses such as larceny and disorder were punished immediately by the provost's court. The convicts usually were punished by being hanged by their thumbs from the lamp posts in the streets. Petty thievery, in particular, was annoying and apart from the fitful attempts by the provost's court in Raleigh and the Freedman's Bureau, little could be done during the summer of 1865. Often enough local officers were powerless to act because the Freedman's Bureau would interfere.

In a letter to Governor Worth, William A. Graham described the conditions in his part of the state.

Hillsboro Jan. 26 1866

"I fear the Bureau of Freedmen is to be fastened upon us for some time and if so, there can be but little security to the White man in any asserted rights. Thefts are of daily and nightly occurrence in this vicinity and the negroes with arms are traversing the country under the pretense of hunting but really for stealing."

And in Raleigh itself B.F. Moore described the situation in a letter to Thomas Ruffin.

Raleigh, September 22/65

"Night before last nine horses and mules were stolen from the stables of the citizens of the city, with the saddles
and bridles. Doubtless the thieves were freedmen, who desire to return homeward with spoil after having visited the capitol on business. I desire once more to see the civil law restored to our land, and an efficient police, and firm courts. The Military punishes the freedman thief with a mock punishment which but encourages the rogue to higher deeds." 26

A freedman's convention assembled in Raleigh on October 3 in response to an invitation sent out the previous month by a committee consisting of A.H. Galloway, John Randolph Jr., and G.W. Price. Delegates representing about half of the counties of the state spent four days discussing problems peculiar to themselves. Although most of the men were natives of North Carolina, a few had resided in the North for a time and had received some education. James H. Harris was undoubtedly their most able man. A number of resolutions pertinent to the improvement of their status were adopted and a petition for legislative attention to their problems was directed to the constitutional convention and the legislature. 27

In contrast with the following year or two, the question of negro suffrage was discussed with unusual calmness by prominent men in the state. This apparent calm did not deceive B.F. Moore, however, for he wrote to Judge Ruffin "that the struggles for negro political equality are to be prominent and harassing, and the attempted check on free legislation of the state in regard to the blacks are to be ever before us backed by a parcel of lowbred fanatics, abroad and among us." 28 And even though the discussion was calm, it soon became evident that the majority did not favor negro suffrage. Some few of the minority advocated complete suffrage but they were in advance of contemporary
thought. Ordinarily, only a restricted suffrage was advocated.

B.F. Moore, W.S. Mason, and R.S. Donnell had been appointed by Governor Holden to consider the problems arising from emancipation and present a report of their study to the General Assembly. Their report, when presented in January 1866, evinced a knowledge of prevailing conditions and offered a corrective scheme of legislation. It was based upon the proper assumption that the negro was now a citizen and entitled to the privileges accruing therefrom with but few modifications. Hence they advocated that all special legislation passed in former years which tended in any way to curtail the negroes' privileges should be abrogated and new, suitable laws be enacted to cope with the new condition. Like other legislatures of the South, they defined as negro "all persons of color and their issue to the fourth generation, even when one parent was white in each generation." Marriages between negroes prior to emancipation were declared valid and steps were taken to make future marriages equally binding. A marriage between a negro and a white was forbidden and any official granting a license or attempting to perform the ceremony for such marriages was liable to prosecution. The state apprentice laws were made applicable to negro as well as white, but former masters had first right to the apprenticing of their former slaves. This was one of the clauses which stirred the North because the abolitionists declared it to be tantamount to slavery. In order to be valid, business transactions involving ten dollars or more between persons of color or between a negro and white had to be put
in writing and witnessed by one white capable of reading and writing. The criminal laws were applicable to white and black alike with the one exception of rape. Here the penalty was death for a "negro guilty of assault with the intent to commit rape upon a white woman." "The negro was to be given all the privileges of white persons before the courts in the mode of prosecuting, defending, continuing, removing, and transferring their suits at law and in equity." And he was made "eligible as witness when not otherwise incompetent, in all cases wherein the rights of persons of color were involved." By consent of the parties involved, he also might serve as witness in the case of whites.

All of the above suggestions on the part of the commission were adopted in substance with a number of additions but not until after a long and protracted fight in both houses of the legislature. Opposition was widespread in the state because many could not bring themselves to consider their slaves of yesterday today's equals. On the other hand, the press advocated the adoption of the proposed legislation. The one great exception was the Standard which did not commit itself either way although the editor was known to be against the proposed code.

It is evident, then, that the general spirit of the negro code was exceptionally liberal for the times. The additions were a bit too discriminating, it is true, but many of them were due to the conduct of the vagrant negroes throughout the state. And the important thing to note in these additions which provided for the rigorous prosecution of all who even attempted to
steal live stock or were caught trespassing is that the code applied to white and black alike. But even this indication that the state was progressing rapidly towards the breakdown of racial antipathies failed to satisfy the Freedman's Bureau, and the officers refused to surrender their jurisdiction to the civil authorities. Governor Worth longed for peace at any cost so long as it could be obtained honorably. Therefore, he did not hesitate to advise the convention, when it reassembled in May 1866, to remove the slight discriminations before the law on account of color in order to placate the Bureau. His advice was heeded but the act was only legislative and "did not bind the further action of any general assembly."

The chief purpose for the reconvening of the convention was, however, the adoption of a new state constitution. In the interim, public sentiment in favor of the convention had changed to one of protest though it is possible that the opposition now became more articulate. At any rate, it was sincere as many of the prominent jurists and lawyers of the state were to be found in this group. Judges Ruffin and Manly were numbered among them. Ruffin's opinion was esteemed outside of the state for Thaddeus Stevens used it with effect in a speech delivered at Bedford, Pa. on September 4, 1866. Stevens said: "I quote Judge Ruffin, one of the ablest and fairest of the secessionists. The chief justice is right. Not a rebel State has this day a lawful government."

In addition to the objections based upon legal grounds there were those who wished the convention to close because they
considered that there were too many Holdenites among the dele-
33 gates. Governor Worth, on the other hand, supported the work
34 of the convention.

When the convention assembled, a motion for dissolu-
tion was made, but a onesided vote, 61 to 30, defeated the pro-
35 posal. With that question settled, E. F. Moore directed the work
of framing a new constitution. When completed, it was much like
the old constitution with needed revisions and additions. Wil-
36 liam A. Allen, a well known citizen from Duplin County and a del-
egate, was opposed to the adoption of the new constitution and
gave the following reasons in a letter to Judge Ruffin.

"If the views herein presented are entitled to consid-
eration, the proper course for the people of the state to pursue,
in reference to the new constitution is to vote for or against it
upon its merits. Many of its features I like, and consider them
improvements on the old Constitution. There are others, however,
that I consider exceedingly objectionable so much so that I felt
36 constrained to vote in the convention against it as a whole as I
shall do at the election as one of the people."

The convention sat until late in June before the work
on the new constitution was completed. Put to a vote, it was a-
doed by a vote of 63-30 and so it was left to the people of the
state either to accept or reject it at the forthcoming election.
"In addition to being more compact, the constitution was clearer
37 and fuller than the existing one." The debates provoked by the
publication of Judge Ruffin's letter succeeded in throwing doubt
upon the legality of the convention. This probably accounted
38 for the rejection of the constitution on August 2 by the close
margin of 1,982 votes in a total vote of 41,122. Strangely
enough, both Worth and Holden advocated ratification. The latter even went so far as to say that rejection of the constitution would be the worst blow the president's policy could receive.
NOTES FOR CHAPTER FOUR

1. Holden, W.W., Memoirs, pp 64-65

2. Correspondence of Worth, vol. I, p 433

3. Hamilton, op. cit., p 134


5. Hamilton, op. cit., p 133 quoted from Standard, July 18/66


9. Correspondence of Worth, vol. I, p 446

10. Hamilton, op. cit., p 137


13. Holden, op. cit., p 68


15. Holden, op. cit., p 69


17. Hamilton, op. cit., p 142


20. Hamilton, op. cit., p 146, from Executive Correspondence of Gov. Worth


22. Hamilton, op. cit., p 147 as quoted from the laws of 1866

24. Hamilton, op. cit., p 157
26. Correspondence of Ruffin, vol. IV, p 31
27. Andrews, Sidney, The South Since the War, pp 119-32
28. Correspondence of Ruffin, vol. IV, p 31
29. McPherson, op. cit., p 29, leg. respecting freedmen
31. Hamilton, op. cit., p 156
32. Woodburn, J.A., Thaddeus Stevens
33. Hamilton, op. cit., p 172
34. Correspondence of Worth, vol. II, p 763
35. Hamilton, op. cit., pp 155-56
36. Correspondence of Ruffin, vol. IV, p 83
37. Hamilton, op. cit., p 175
38. cf. p 19
40. Correspondence of Worth, vol. IV, p 763
CHAPTER FIVE

THE SECOND TERM OF GOVERNOR WORTH

Governor Worth's first term was to last until the August elections of 1866. This explains the early efforts of his friends who began to plan for his reelection but a few months after he finally entered office. The first local meeting to effect this purpose was held in Worth's home county of Randolph during May. This action met the approval of B.S. Hedrick, the state's representative at Washington. Hedrick also declared that North Carolina was making greater progress towards rehabilitation than any of the other Southern States, and with Governor Worth's reelection this progress should become even greater.

Governor Worth formally declared himself to be a candidate for reelection during June when he issued a circular in which his past stand on national questions prior to the Civil War was outlined and his staunch loyalty to the Union professed. He declared that it would be impossible to conduct an active campaign as the affairs of the state were too pressing at the moment, and he deemed it to be more advisable to devote his entire attention to this work. He urged all to remove, as much as possible, the animosities rising out of the war and suggested that one way to accomplish this would be to refrain from unwise denunciations of the party in power. The circular also pointed out that his reelection as governor would not be a triumph for the disunionists as he himself abhorred disunion and, moreover, those
who voted for him in the previous election were both former se-
cessionists, recently pardoned, and old line Unionists.

Holden probably realized that he had little chance of
being elected for he sought to persuade others to run in opposi-
tion to Governor Worth. There were others besides Holden who saw
clearly that Governor Worth had strengthened his position very
much and that to run against him for the governorship would be
sheer waste of time. General M.W.Ransom declined to consider a
contest, while J.M.Leach and General W.R.Cox, after half consid-
ering the subject, withdrew when it became evident that they
would receive little support from the people. Finally, on Sep-
tember 20, a convention made up of loyal Unionists met in Raleigh
to select a candidate who might oppose Governor Worth with some
prospect of success. Holden addressed the convention urging
support of the congressional measures. Once again he had shifted
his allegiance. From now on the quondam champion of the presi-
dent became more outspoken in his denunciations of the state gov-
ernment as representative of presidential reconstruction. The
convention nominated Alfred Dockery for governor, advocated adop-
tion of the Fourteenth Amendment to the Constitution, and censur-
ed Governor Worth's administration.

When Governor Worth heard the outcome of the conven-
tion, he wrote the following estimate of his opponent to B.S.
Hedrick.

"The nomination of Dockery over me as an unmistakable
loyal man is absurd unless you adopt the Holden theory that you
are to judge men without reference to their antecedents. The
journals show that in Dec. 1860 he voted for the appropriation of $300,000 to be placed in Governor Ellis' hands to arm the state while I voted against it...... In May 1861 he voted for a convention to dissolve the Union while I voted against it...... Holden and Thomas the chief men who nominated him, sought seats in the convention of 1861 and voted the state out of the Union...... I refused to be elected a member of that convention. Antecedents do not suit my opponents."

But once again the opposition to Worth was thrown into confusion for Dockery refused to accept the nomination. Holden was determined to have someone represent his faction so he advised the people to vote for Dockery regardless of his refusal. In a letter to C.C.Clark for October 1, Governor Worth said that Dockery had refused to run because of insufficient time for canvassing the state, and also because of the insufficient representation at the convention. But the "purpose was, through secret organizations, to vote for him without subjecting him to the mortification of defeat as candidate."

When the election which the convention had postponed for two months was held in October, Governor Worth carried the state by a majority of 23,496 out of a total vote of 44,994. Strangely enough, Dockery, who had not been officially a candidate carried Randolph County, the home of Governor Worth, and eight additional counties. Worth was successful in a similar manner for he carried Richmond County, Dockery's home.

During the early summer months, the Worth adherents were elated for the moment when it was announced that Holden had been nominated as minister to San Salvador. Holden went to Washington for the apparent purpose of furthering his chance to obtain
senatorial confirmation, although it was rumored that he did so only to be able to decline the appointment. The senate failed to ratify the nomination so Holden returned to renew his attacks on the Worth administration. Governor Worth described Holden's efforts in a letter to former governor Z.B.Vance.

"Raleigh July 26 1866

Holden, Tod Caldwell and others of like malignant feeling towards North Carolina, are endeavoring to restore the state to military rule. The scheme is to make the impression that Union men (so called) cannot have justice in our Courts. The present military commandant of the State cordially cooperate with them, as I fear does Genl. Grant- witness his military order dated July 1. Agents appointed by Genl. Robinson have been sent to the Western part of the State to take "ex parte" testimony that Union men can not have justice in our Courts...... Western N.C. is the region from which they expect to draw the proofs necessary to prove that martial law ought to be restored...... Charges are vague- hence not easy to answer, but specific enough to accomplish the design of the signers." 11

During the summer North Carolina was represented at two national conventions. The first, called by the supporters of President Johnson, met at Philadelphia on August 14. Such prominent men as William A. Graham, John A. Gilmer, Judge Howard, and Thomas Settle represented the state. Graham served as a member of the committee on resolutions and Gilmer was one of the vice presidents.

The purpose of the convention was to unite Democrats and administration Republicans. The delegates from the North were Democrats and Republican supporters of the president while the South sent men who were to form the Conservative party during the next few years. A spirit of good will and mutual reconciliation was the outstanding note of the convention. The Northern
radicals were not slow to capitalize on a certain incident and called it the "arm in arm" convention. This sobriquet had its source in the action of the Massachusetts and South Carolina delegates who walked into the convention arm in arm on the opening day.

The Southern delegates showed remarkable willingness to concede pre-war questions such as slavery and secession. For example when the resolution, "Slavery is abolished and forever prohibited," was read, Judge Yerger of Mississippi said, "Yes and nobody wants it back again." Henry J. Raymond, one of the instigators of the convention, in an account of this incident in his diary wrote: "Judge Yerger said we could so far as his state was concerned and turned to Governor Graham of North Carolina and asked him if it would not be true of North Carolina. Governor Graham answered that it would and of the whole South also."

When the Southern Unionists assembled in the same city two weeks later, North Carolina was represented by a group made up principally of newly arrived Northerners. Of these, A.W. Tourgee, a native of Ohio, was to become one of the more notorious of the "carpet-baggers." Such a delegation, then, hardly could be called representative. Tourgee took a prominent part in the convention and became very eloquent, if not altogether truthful, when he described conditions in the state. He claimed that Union men were not safe under the civil authorities of the state, that 1,200 Union soldiers who had settled in the state had been forced to leave, that fifteen murdered negroes had been drawn out of a
pond, and finally that the disloyal governor of the state had ignored a petition signed by 700 loyalists seeking protection from rebel deprivations. As Governor Worth pertinently pointed out to the editor of the Greensboro Patriot when he discussed Tourgee's speech, Tourgee had charged the civil government of the state with a number of serious matters but not one of the accusations did he substantiate.

The General Assembly met after the election with its old Whig majority unchanged. Judge Manly was chosen to preside over the senate and R.U. McAden was elected speaker of the house. Judge Manly also was elected United States senator to replace John Pool. Although Pool supported Worth in the election, he had lost favor with the Assembly when he declared, at the time he sought admission into the United States Senate, that his purpose in seeking the election to the Confederate Senate during the war had been to embarrass the Confederate government. In his message to the Assembly Governor Worth advised the rejection of the Fourteenth Amendment.

Governor Worth some months previous to this had voiced his disapproval of the Fourteenth Amendment. For one whose constancy to the Union was unquestioned by all sincere men, his utterances indeed sound strange. This but shows how repugnant the proposed amendment was to the South.

"If three fourths of the States adopt the Howard amendment to the Constitution it may restore a worthless Union. It would be a reunion with mutual detestation and abhorrence between the lately alienated people. No Southern State, where the people are free to vote, will adopt it. If we are to be degraded we will
retain some self-esteem by not making it self-abasement. I would submit to confiscation or any other calamity which brute-force can impose before I would be guilty of the self-degradation of voting for this amendment.... Nobody in this State that I have heard of, except a few Holden men _per se_, will vote for it. 16

The reasons which Governor Worth gave for his disapproval of the proposed amendment were many and indicative of the Southern viewpoint. He first objected to the illogical procedure of Congress in denying statehood to the Southern States yet at the same time requiring them to exercise the privilege of ratifying or rejecting an amendment to the constitution. And, he argued, even if North Carolina should adopt the amendment, what assurance had she of prompt readmission to the Union without further penalties? He pointed out that President Johnson the year before had offered prompt readmission, certain conditions being fulfilled, and here a year later the state was as far from reconciliation as ever. His chief objection was raised against the third section of the amendment whereby the most prominent men in the state would be disqualified from holding public office.

"It excludes from public confidence not only such men as Hanes, and Bat. Moore, John Pool, R.P. Dick, Jo Turner, etc. but every man who as justice of the peace, constable, Postmaster, etc. may have taken the oath to support the Constitution of the U.S., while it admits to office the most violent secessionists who have taken up arms and fought through the war against the Union provided he had held no position prior to the war whereby he had to take the oath to support the Constitution of the U.S.... The dispensing power retained for two thirds of Congress is the most detestable feature of the scheme. Honorable men could not get a dispensation from a Congress evidently under the lead of Thad. Stephens. Only sycophants and men mean enough to seek thrift by fawning could obtain the dispensation. If we were voluntarily to adopt this amendment I think we would be the meanest and most despicable people on earth." 17
The General Assembly adopted Governor Worth's instruction on the Fourteenth Amendment and appointed a joint committee to discuss the subject. In a few days the committee returned a lengthy criticism of the amendment and advocated its rejection by a vote of 11 to 1. The criticism followed the trend of the governor's objections though it treated the subject more in detail. The first section was rejected because it failed to define the "privileges and immunities" of the citizens of the United States. With these undefined, Congress would be able to interfere with the internal affairs of the state. The second section met with disfavor for the same reason, viz. it opened a gateway to congressional interference with state elections. This section also would alter the customary basis of representation according to population and change it to representation according to the number of voters. Nothing was added to the governor's objections to the third section, and the fourth section was considered to be a waste of words for the state already had repudiated the Confederate war debt, agreed to pay the Federal debt, and no longer expected compensation for emancipated slaves. The fifth section met with disfavor for like the others it gave to Congress the right to meddle in state affairs. When put to a vote on December 13, 1866, the work of the committee was approved by a onesided vote. The senate rejected the amendment 44 to 1 and the house 93 to 10.

C.L. Harris, the only state senator to favor the ratification of the amendment, left shortly after for Washington in
company with D.A. Jenkins. Meeting Holden and Pool there, they, together with some of the radical members of Congress, began to formulate a new plan of reconstruction for the state. Thaddeus Stevens at the instigation of a number of North Carolinians, among whom were W.W. Holden, Lewis Thompson, John Pool, Tod R. Caldwell, Thomas Settle, and R.P. Dick, already had introduced into the House of Representatives a new plan of reconstruction for the state. In its general outline the plan was much like the Congressional Reconstruction Act passed some months later.

At this time the state began to realize that the activity of the radicals was threatening the civil government. The first counter action was begun by the lower house of the General Assembly. This body investigated the charges of partiality and discrimination in the local civil courts. A resolution declaring for the impartial administration of justice was passed by the General Assembly. A member of the house, Blythe of Henderson, stated that he could not vote for the resolution as it was not true. This charge was not allowed to pass unanswered. Several days later, Waugh of Surry introduced a resolution calling upon the judiciary committee to investigate Blythe's charge. When Blythe and a few supporters were examined, they were unable to substantiate their accusation even in part.

Not content to settle local complaints, Governor Worth together with a group made up of Nathaniel Boyden, P.H. Winston, Bedford Brown, J.M. Leach, A.S. Merrimon, and Lewis Hanes journeyed to Washington early in March 1867 to determine just what status
North Carolina held in or out of the Union. Since they discovered shortly that everything was in the hands of Congress and after discussing Southern problems with several Southern governors and friendly members of Congress, they returned home without effecting any change in the relations of the state with the Federal government.

During 1866 the radicals of North Carolina led by Holden began to change front as they saw the trend of radical policies in Congress. Holden originally had opposed negro suffrage as much as any Southern Conservative, but the end of the year found him as ardent an advocate of negro suffrage as the most radical Northerner. In a letter to Bedford Brown and others, Governor Worth described Holden's subversive activity with the negroes.

"The late efforts of the North Carolina radicals who derive all their notions and blindly follow their leader Mr. Holden, look to the disfranchisement of the whites and the enfranchisement of all the negroes..... Mr. Holden has thrown off his disguise- addressed the negroes in night assemblies- has printed and circulated among them for their signatures asking Congress to carry out this program- And in a speech made to them a night or two ago, as I learned from an intelligent negro who was present (no white man save those less respectable than the negroes were present) that he told them North Carolina had made last year some 100,000 bales of cotton. He enquired whose labor had made this cotton- who got the money etc., etc. The design is to make the negro dis-satisfied with the whites by making them believe that they are still in effect slaves, working for the whites. He succeeds in deceiving the credulous creatures- and winds up with the assurance that they are soon to be relieved- that in a short time their oppressors will be put out of power and the state government committed to their hands and a few benevolent white men like himself."

He concludes the letter charging that Holden is aided in sending petitions to Washington for the nullification of the
existing state government by the "Red Strings," "Loyal League," and other secret organizations. "The negroes, of course, sign en masse while many whites are told that their lands will be confiscated in the coming regime unless they sign." "Many timorous souls," Worth thinks will sign.

This, indeed, was a strange role for one who had owned slaves and on more than one occasion "had sent off slaves handcuffed to be sold from their wives living in Raleigh."

During the early months of 1867, charges of violence and disorder multiplied and were published by even the more reserved newspapers of the state. Governor Worth protested to the editors of these journals against the policy and wisdom of carrying accounts of these disorders, even if they were true, as such articles afforded the radicals some fodder. "But," as he protested to the editor of the Wilmington Journal, "it is untrue."

"Not an instance has occurred in the state where a Shf. has had resistance within 18 months in any locality of the state to call on his posse to aid in executing process. The militia of the county has not sustained "defeat" by banditi and if they had, the Executive of the state should have been called upon before a piteous appeal is made to the Federal authority for help." 25

As for convincing Congress of the loyalty of the state, he dismissed the task as almost impossible.

To W.F.Leak

Jan. 13th 67

"My idea is that members of Congress know that there is no real intention on the part of any considerable number of Southerners to offer resistance to the govt. of the U.S. To prove to them by high-minded Southern Secessionists that no disloyalty now exists in the South, which they already know, will accomplish nothing. They are willing that the mass of their constituents shall labor under the impression that we are still disloyal. They
are unwilling the masses shall be undeceived. The sole motive of
their action is the retaining of party ascendency, but it is neces-
sary to make the honest masses believe they are moved by patri-
otic motives. They will not hear evidence much less allow it to
be published, tending to establish our willingness to obey the
laws and constitution of the U.S. They know (I mean the members
of Congress know) that we submit in good faith— but they don't
intend their constituents shall know it. If we offer evidence
which Gov. Graham asked leave to offer a year ago, they will not
hear it... or will suppress it. Their sole motive is the reten-
tion of political powers. We cannot reach the popular ear of the
North through Congress." 26

As the first week in March, the day for adjournment of
the General Assembly approached, Governor Worth tried to pursuade
the body to prolong its session in hopes that the executive and
legislative branches of the state might effect some stable plan
for ending the uncertain conditions prevalent. But the usual ex-
codus of members began about a week before the end of the session
so that towards the end there was a bare quorum present. With
the departure of the last members of the legislature, Governor
Worth was left alone to face the difficult task of maintaining...
the civil government.

27
The following was Worth's estimate of the "convocation."

"To C.C. Clark. The Holden Convention of yesterday, in which it is pretended some 8 counties were represented, was a truly small affair. Holden asked for the Commons Hall for their sitting a day or two before the meeting. We granted the request without hesitation. They did not choose to make a public demonstration of their weakness so assembled in Holden's office and declared.... etc."


The following is illustrative of the reconstruction acts.

"During Reconstruction in North Carolina, three ex-governors, a former justice of the Supreme Court, several ex-congressmen, and a number of other distinguished men were at dinner together. The only person present who could vote or hold office was the negro who waited on the table."
19. McPherson, op. cit., p 194
CHAPTER SIX

THE CONGRESSIONAL MILITARY ACTS

In December 1865 when Congress definitely broke with the presidential form of reconstruction, several reports on conditions in the South were presented to the Senate by the president. The first was that of General Grant who had paid a flying visit to the Carolinas, Georgia, and Virginia during November. Officers of the army of occupation and citizens of the South were interviewed. One might think such a hurried investigation superficial, but it would be a bit difficult to substantiate such an accusation for Grant, after all, was a soldier trained to make quick and accurate estimates. Neither did he have any reason to be optimistic or partial towards the South. The gist of his report is summed up in his own words:

"I am satisfied that the mass of the thinking men of the South accept the present situation of affairs in good faith. Slavery and the right to secede, they regard as having been settled forever by the highest tribunal, arms, that man can resort to. Leading men not only accept the situation as final but believe it a fortunate one for the whole country.... The citizens of the Southern States are anxious to return to self-government within the Union as soon as possible; while reconstructing they want and require protection from the Government; they are in earnest in wishing to do what is required by the Government, not humiliating to them as citizens, and if such a course was pointed out they would pursue it in good faith." 2

It is significant that General Grant, while seeing the need of a small army of occupation, advocated the withdrawal of the colored regiments because they were a source of irritation and trouble. He also saw the defects in the Freedman's Bureau
in spite of the good it undoubtedly did for the famished black as well as white Southerner. Needless to say, this report found little favor with the Senate as it in no wise measured up to its preconceived notion of Southern conditions. Senator Sumner dismissed the report by calling it a "whitewashing."

More to the liking of Sumner and the radicals was the carefully prepared report of Carl Schurz, a major general in the volunteer service, who had spent three months in the lower South, in South Carolina, Georgia, Mississippi, and Alabama. This report did not find conditions, at the moment, so alarming as those that would exist in the future. In fact he spoke rather favorably of the success of the president's plan of reconstruction.

"The generosity and toleration shown by the government has facilitated the re-establishment of the forms of civil government and led many of those who had been active in the rebellion to take part in the act of bringing back the States to their constitutional relations." 5

Schurz based his gloomy forebodings of the future on what he termed the "moral value" of the results of the war.

"Treason does, under existing circumstances, not appear odious in the South. The people are not impressed with any sense of its criminality. And there is yet among the southern people an utter absence of national feeling. Their submission and loyalty springs from necessity and calculation. While accepting the abolition of slavery they think that some species of servitude, peonage, or other form of compulsory labor is not slavery and may be introduced without a violation of their pledge." 6

These two reports differed so widely in interpretation because one man realized that the South had fought for an ideal while the other apparently failed to grasp this fact. How Schurz could expect a people to be overwhelmed with the enormity of a
crime for which they never consciously felt guilty is somewhat unintelligible.

Meanwhile, in accordance with a resolution adopted by both houses of Congress, the joint committee on reconstruction was conducting its investigation of southern conditions. The South had been divided into sections and assigned to sub-committees; Virginia, the two Carolinas, and Georgia falling to the lot of Senator Howard and Congressmen Blow and Conkling. Neither Blow nor Conkling took an active part in the North Carolina investigation so Senator Howard was left to work alone. And even he did not over exert himself as he remained in Washington and summoned a few witnesses. William A. Graham of North Carolina, claimant to a seat in the Senate by reason of the late election, asked to be allowed to attend the examination of witnesses from his state so that he might refute or answer testimony of an unfavorable nature. Senator Fessenden, the chairman of the joint committee, refused to grant his request but asked that he suggest suitable witnesses for examination. Graham requested this favor because he had been informed that Senator Howard was questioning only a few men on conditions in North Carolina, these few not even being natives of the state. Before the investigation closed however, twelve men were examined but, of these, Bedford Brown was the only native of the state. Two had lived in the state before the war, one was a newspaper correspondent for the New York Herald, and the other eight were army officers.
Like the testimony from the other sections of the South, the information derived from the North Carolina witnesses gave a very unfavorable account of conditions. They testified that the freedmen were both hated and in imminent danger of being enslaved once again should the army of occupation be withdrawn. It is not improbable that such statements were made because six of the witnesses were officers of the Freedman's Bureau. Remove the need of the Bureau and they would lose their positions. The testimony was not unfavorable in its entirety for both Colonel Whittlesey and Major Lawrence dissented from such declarations as "Northern men and all Unionists would be unsafe" without the protection of the army. In fact Major Lawrence, formerly an agent of the Bureau and an Illinois Republican, went so far as to offer proof to substantiate his testimony and delivered a message entrusted to him by General Abbott, a Northerner who had settled in Wilmington, N.C. The message ran:

"Tell them (the committee) that a Northern man is just as safe anywhere in the state of North Carolina as he is anywhere in the North. I do not say that a man cannot come here and so act without sense and discretion that he will get into difficulty with the people; he can do that anywhere. But a man who comes here and attends to his own business and does not take some pains to make himself odious, I think, is as safe here as anywhere else."

It will be informative to search Governor Worth's correspondence for subjects mentioned before the committee. Worth emphatically stated his position on political matters in a letter to John Pool written at Raleigh on May 6, 1866.

"I abhor as cordially as my whole life shows I have always abhorred Disunionists - and hence I detest the dominant power
in Congress quite as much as I ever did the Southern Secessionist.... It would be an awful alternative for me to be compelled to choose between Jeff Davis and Thad. Stephens." 9

The freedman question played a large part in the testimony. In a letter to J.A. Worth for April 30, 1866 Governor Worth showed that he was abreast of the times.

"Duncan Shaw was much mistaken in supposing me pledged to negro-suffrage. I have made no such pledge, but the exact reverse. I suppose what he means is that I am in favor of allowing them to testify. This is true. All fair minded men will be for it as soon as they understand it." 10

These few words express fairly well the general opinion of the South on the matter, and of the North as well, for during 1866 the question of negro suffrage was raised throughout the North, and a number of the states refused to grant negro suffrage.

Another charge leveled against the South was that they esteemed their military leaders. Worth puts the question fairly to B.S. Hedrick in a letter for August 7, 1866.

"That nearly all of the people of the South respect Genl. Lee for his personal virtues and admire him as a great military man, it would be hypocrisy to deny:— and they do not regard the cherishing of these feelings as incompatible with their oath of allegiance to the U.S." 11

And lastly, the statement issued by the majority of the committee on reconstruction declared that the "taxes levied by the United States would be paid only on compulsion and with great reluctance." There is ample proof in Worth's correspondence to refute this charge. There is no denying that the taxes caused a certain amount of complaint and even remonstration on the part of the tax payers and the governor, but it was not because of the taxes per se so much as the manner in which they
were collected. In a letter to Reverdy Johnson, Democratic senator from Maryland, Governor Worth pointed out that the U.S. land tax was being collected in the state on the 1860 assessment rate. This was a grave injustice to an impoverished people for the value of the land had fallen very much during the war, and in the case of towns within the war zone such as Plymouth, N.C. which had been burnt to the ground, the people would be forced to pay taxes on destroyed property. Worth also observed in a letter to E.J. Hale that the taxes were being collected while the South was without representation, and, to make matters more aggravating, there was a sliding scale in the tax rate for no apparent reason. In North Carolina it varied from sixty to eighty cents on one hundred dollars while in Virginia it was as low as twenty-seven cents on one hundred dollars.

Summing up the charges against North Carolina, it is only too evident that this state, at least, did not deserve the harsh blanket charges of the committee on reconstruction. Conditions were unsettled but that was to be expected after a long war, and the attempts of the radicals to discredit the local courts served only to show the admirable recovery the state had made towards the restoration of law and order during the brief period of presidential reconstruction.

Governor Worth remarked in a letter to B.S. Hedrick for May 7, 1866 that "the late reports of the Disunion Committee (ludicrously denominated "reconstruction committee") looks to indefinite disunion and domination over the South."
The ready compliance of the various Southern States with the presidential plan showed a willingness to cooperate with any reasonable form of reconstruction. It can be interpreted in no other way. True, it was injudicious on their part to send such men to Congress as Alexander H. Stephens for able though he was and esteemed by his fellow citizens, there is no denying the fact that the Republican Congress was no little nettled when a man who but a few months before had been vice president of a bellicose power now presented himself as a senator to the very government he had sought to destroy through four years of bloody warfare.

But Congress insisted on prevailing over the executive and set out to reconstruct the South as it saw fit. Possibly it could not have been more successful if it deliberately had attempted to alienate the South. At the opening of 1866 the desire for peace and restoration was universal throughout the prostrate South, and the fires of loyalty to the Union were beginning to glow dimly once again. Radical congressional action, however, rudely scattered the embers before they could warm the section and succeeded in irritating, then alarming the South, and finally sowing the seeds of sectionalism that was to persist for several generations.

Legally, Congress was correct when it insisted on directing the work of reconstruction, but the manner in which it carried out the work will ever be a blot on the legislative branch of our government. No doubt some of the legislators.
thought that they were acting for the best, and such unfortunate events as the New Orleans riot during the summer of 1866 served but to confirm the countless stories of southern atrocities which flooded Washington. Apart from these, however, there were others who sought to destroy the governments of the South, disfranchise the war party, and by means of the negro vote establish Republican control. It was this faction, too, that descended to such extreme measures as the attempt to remove President Johnson from office when he refused to become subservient to Congress. Whatever the motives may have been that guided the individual senators and congressmen, and however favorable the interpretation of their conduct, there still remains the conclusion "that the fanaticism of extreme partisanship had an undue influence over them all."

"The contest with the President had blinded their perceptions as to the morality, legality, and propriety of the means they were willing to employ in securing the victory over him."

Yet as late as January 5, 1867 Governor Worth was able to write to C.B. Dibble that "the people of North Carolina were never more loyal to the Constitution of the United States and never more obedient to National Authority," in spite of the dark rumors that were spreading throughout the state concerning the future action of the radical Congress. Worth rightly surmised that "the Congressmen while capable of ascertaining the truth of southern affairs were deliberately allowing.... lies to be spread throughout the North so as to perpetuate the dominance of the
Republican party." A week later in a letter to W.F. Leak, Worth reiterated that Congress was aware of the fact that "the South was no longer as a body disloyal," but merely wished the South to be considered such by the North so as "to prolong their tenure of power." He also pointed out that it was impossible to deter Congress from its course of action as "it would not hear evidence much less allow it to be published, which would tend to establish their willingness to obey the laws and constitution of the U.S."

The passing of the congressional Military Act on March 2, 1867 fell over the South like a heavy pall. Many were so stunned that they scarcely could believe the news. An apathy settled over the conservatives that was not ended until the outrages of the carpetbag regime once more summoned them to action to save their land. A few days after the passing of the act, Governor Worth indicated his future plans.

To, Worth and Daniels March 7, 1867

... As we have no power of physical resistance, it (Congress) must be obeyed until the proper tribunal, the Supreme Court of the U.S., shall declare it null and void... If I find there is no remedy in the Supreme Court, there is no course left but obedience or resistance - the latter is impossible.... If I cannot resist, either by judiciary or physical force, what course is then left? It seems to me that obedience no longer becomes degradation but sensible prudence.... I conclude, at present, that if we have no remedy through the Judiciary, we should submit to a state of things we cannot resist and endeavor to guide the revolution." 18

And such was the spirit which prevailed throughout the South. The governor of Mississippi made the first move to bring a test case before the Supreme Court, but before undertaking the task he sought to obtain the concurrence of some of the other
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   We may accept Grant's report for the following reasons. Since the end of the war, he had been in a position to acquire abundant information from all sides. This information was far less colored by politics and post war emotionalism than the reports of newspaper writers and newly arrived visitors from the North. Then, too, Grant's contact with the South during the war gave him an insight and appreciation of the people and knowledge of the utter destitution of the country. With this to serve as a background, he made his hurried survey. Quick, unerring judgments are necessary for the successful general. If anyone was qualified to make such a survey, certainly Grant was the man.


3. Hamilton, op. cit., p 209


5. Rhodes, op. cit., v.5, p 552


7. Hamilton, op. cit., p 210


9. Correspondence of Worth, vol. I., pp 574-76


15. Burgess, op. cit., p 127

16. Correspondence of Worth, vol. II, p 865
CHAPTER SEVEN

MILITARY VERSUS CIVIL AUTHORITY

Apart from congressional opposition, the state governments as reestablished by President Johnson at first were incapable of carrying out the necessary functions of a civil government for the long years of warfare left an aftermath that no presidential decree could remove. Business and the few southern industries were completely disorganized, and it was questionable whether law and order could be adequately established. This was due in no small part to the large number of vagrant negroes, war refugees, and the usual parasites who follow in the wake of an army. That is why General Grant advised the retention of a limited number of troops in the South until more stable conditions existed. However, common sense would seem to dictate that the military refrain from meddling with the civil governments unless there was manifest inability on the part of the civil authorities to cope with situations that might arise. At times the aid of the military was needed in the South but certainly not to the extent to which it interfered in North Carolina. This interference particularly after the civil government had been established under Governor Worth, caused no little uncertainty about the administration of justice. And all of this occurred when the state needed aid and encouragement, not vexatious and obstructive interference.
Governor Holden, it is true, was scarcely more than a semi-civil instrument in the hands of the military for his very authority as provisional governor was derived from the presidential wartime power. This did not prevent him from vigorously protesting against the quartering of negro troops at various garrisons throughout the state. It had been reported to him that the negro troops at Wilmington, in particular, were not only a constant source of annoyance but a positive menace for they made the large negro population of the city very restive. The negro troops made frequent arrests and on one occasion the order was given "to run a certain person through if he said or did anything."

Later in the summer there was a near clash between the colored population of the same city and the white people. Some of the freedmen approached the mayor and demanded certain city offices. Refused on the grounds that as non-voters they had no right to hold a public office, the negroes threatened the mayor. This caused the city to become very anxious for fear of an uprising among the negroes, a constant worry in the South especially since emancipation.

Governor Holden sustained the mayor's action in refusing to grant offices to the negroes and, furthermore, assured him that any vindictive conduct on the part of these applicants or others would be punished immediately. To bring an end to such trouble, Governor Holden then urged General Ruger to remove the negro troops from the state. The request was granted in part for orders were given in September to demobilize all negro troops.
from the North. This still left a fair number to terrorize the localities in which they were stationed. In two places at least, Elizabeth City and Edenton, there was needless worry for the troops were very orderly, but in other places the apprehensions were too well founded, unfortunately, upon several outrages. At Beaufort, for example, rape was attempted and in one instance brutally committed upon white women. The culprits were arrested in town only to escape civil judgment since the garrison at Fort Mason threatened to turn the guns of the fort upon the town unless the men were released. Feeling ran so high in the locality that General Ruger forbade the negro troops to leave the fort unless accompanied by a white officer. At Wilmington troops from Fort Fisher attacked Thomas Pickett and his two daughters, killing the father and wounding the two girls. In only one instance is there record of the removal of troops after some outrage or other. This was at Kinston. Governor Holden's protest to General Ruger was heeded after the soldiers had beaten a man. Similar accounts could be drawn from different points in the state. Be it said to their credit, both General Ruger and General Cox tried to prevent the trouble, but that did not prevent the white population from being justifiably alarmed at the presence of the colored troops.

Until the provisional government of the state had filled the state courts with their complement of judges, Governor Holden willingly turned over all criminals to the military courts. But even after some of the local courts had been reestablished,
General Ruger continued to interfere. This was true particularly where freedmen were concerned. At the instigation of the bureau, the military would try freedmen on the grounds that the civil courts did not administer justice in cases which involved freedmen. Charges and counter charges were made by General Ruger and Governor Holden, but in the end, although General Ruger granted that the courts were honest, President Johnson inconsistently upheld the military. Eventually a compromise was reached whereby all persons of color, regardless of the crime committed, were to be turned over to the military courts while all whites charged with only misdemeanors were to be tried by the civil courts. Needless to say, this arrangement was set aside at times, but it served as a basis for better cooperation between the civil and military powers in the state.

There is no doubt that the southern newspapers were indiscreetly outspoken on occasions. This was evident during the winter of 1865-66 for a rigid military censorship was established to restrain the intemperate pen of any "fire brand" editor. Several editors were arrested and confined for a short time, but their trials were never held. In the only case which came up for trial, the defendant was fined three hundred dollars for "publishing and circulating disloyal and seditious writings within a district under martial law." Robert P. Waring, the guilty editor, denied that he had intended the interpretation applied to the article in question. An impartial reading of the editorial would leave one at a loss to point out the disloyal and seditious
writing contained therein, granting that it was intemperate.

By the time Governor Worth assumed office on December 28, 1865, much of the preliminary discussion with the military had been satisfactorily concluded by Governor Holden. But if the new civil governor thought that with his taking office the civil power would become the dominant power in the state, he was soon disillusioned. The president inconsistently maintained a semblance of martial law and, at the same time, recognized the existence of the civil government. Governor Worth was not to be deterred, however, from asserting the rights of the civil power in spite of its anomalous position. In the first month of his first term, the arbitrary action of a detail of soldiers from Salisbury was brought to his attention. The soldiers, under the command of the Q.M. sergeant, forced the keeper of the Statesville jail to surrender his keys. They then released two of the prisoners, Cook and Blackwell by name, who had been confined by Judge Fowl of the state superior court. Governor Worth brought the matter to the attention of General Ruger adding that Judge Fowl had informed him that one of the parties concerned was "a terror to orderly citizens of that part of the state." What action, if any, was taken in the matter by General Ruger, I have been unable to ascertain.

The real sore spot with regard to jurisdiction came up most frequently from the meddlesome Freedman's Bureau. The bureau undoubtedly did much good in the state by relieving the extreme want of black and white alike, but, blinded by prejudice
and overzealousness for the negro, it often made justice a play-
thing where a case involved both races. Usually the innocence of
the negro was taken for granted while the testimony of the white
person was ignored regardless of his personal integrity or know-
ledge of the case. Such conduct on the part of the bureau natu-
really outweighed or at least obscured the good which it accom-
plished. Even the more estimable men in the state early reached
this opinion. William A. Graham wrote to Governor Worth "that he
feared that the Bureau of Freedmen was to be fastened upon the
State for some time and if so there could be little security to
the white man in any asserted rights."

This injustice might be illustrated best by the action
of the bureau in the case of Pool vs. Hinton. W.R.Pool of Wake
County suffered the loss of a cotton gin by fire and the theft of
fifteen hogs. Some of the hogs were butchered near Pool's home.
The thief left a plainly marked trail which led to the house of
Albert Hinton, a freedman, where fresh pork was found concealed
in a bed. When promptly indicted for the crime, Hinton appealed
to the bureau. The following letter illustrates the strange en-
forcement of justice.

W.R.Pool:-- Albert Hinton complains that you charge him with
stealing meat. Mr. Pool, things have come to a strange pass if a
colored man cannot buy meat from a wagon in the road without in-
curing the charge of stealing. You had better look further than
this man's house. Perhaps your olfactory will enable you to
get on the right scent. You might come to market and seize every
piece of meat you find on the stand, on the same principle on
which you charge him of stealing. You will call at this office
and explain this matter. These men shall be protected in what is
just.

Yours respectfully, H.C.Vogell Agent
Unfortunately the men in the bureau exercised their authority at times to humiliate the white citizens so as to impress upon the negroes a "most vivid and popular manifestation of their authority." Such conduct could only have harmful influence upon a race sadly in need of correct instruction in the duties of its new status. It also had its repercussion in the aggrieved whites for it nurtured insubordination and contempt for all courts.

In February, Major H.C. Lawrence, a northern Republican and a former official of the Freedman's Bureau, expressed his disapproval of its continuance. This gentleman's antecedents preclude any chances of southern bias in his indictment of the bureau.

"Whilst there was and could be, no law but military law, or rather authority, the Bureau was a necessity to some extent. But to continue it after the States shall have given the blacks their civil rights seems to me the very reverse of sound policy considered simply with reference to that. It will engender hatred towards the blacks on the part of the whites, as a favored class to whom extra legal protection is given by the Federal Government—hatred towards the government itself, which, by this system, pronounces the people regardless of justice, and brands courts and bars juries, in advance, as ready jurors. It substitutes for men learned in the law and soon to administer it, for trial by jury and right of appeal, the decision of men who, in many cases, if not most, will know nothing of law; who will often be prejudiced, and some corrupt. It will incite in the blacks, to some extent, a sense of independence of the local laws, sanction their distrust of them, the courts, and people, and certainly cannot tend to educate them in the duties of citizens." 12

Considering the fact that a post war era is naturally marked by unrest and lawlessness, one might suppose that the bureau did not figure overmuch in the law court. As a matter of fact its work was so vast that, by May 1866, Colonel Whittelsey reported that 10,000 cases involving the two races already had been settled. The enormity of the injustice done to the white
population might be imagined with conditions prevailing such as described in the excerpt of Major Lawrence's letter. And in spite of these intolerable conditions, even the bureau testified that four-fifths of the white people were willing to treat the negro with fairness. Nor is it unreasonable to add that most of the remaining one-fifth would have dealt fairly with the negro if it had not been for the provocative methods and injustice of the bureau.

One of the principal objectives Governor Worth set for himself was the removal of conditions such as above described. To accomplish this end, he wisely strove to have a clear definition of jurisdiction in cases claimed both by the bureau and the civil authorities. By the summer of 1866, he had accomplished little, but that did not deter him from continuing his work in this connection.

During the summer General J.C. Robinson became the military commandant of the section. Governor Worth grew alarmed when the general announced that he intended to investigate conditions in the local courts of the state, especially in the western circuit. The governor had reasons to fear the outcome since General Robinson claimed that the "military authorities had the right to suspend the civil officers of the state from the exercise of their functions." If the general were to view the state of affairs with the prejudice of the bureau and at the same time carry out the asserted right of suspending civil officers, no end of confusion might be expected. To add to the governor's
discomfort, W.W. Holden took an active part in this work so what with the investigations of a supposedly biased soldier and the charges of a native North Carolinian, the outcome hardly seemed likely to turn out favorable to the state.

General Robinson did not conduct the investigation himself but appointed two subordinates to undertake the work. Governor Worth charged them with "taking ex partes statements that would prove all sorts of injustice in the courts." The reports submitted to General Robinson were unfavorable in their criticism of the administration of justice in the western circuit, but the state found an advocate in William P. Bynum, a staunch Republican, who, nevertheless, declared that Major Walcott was "greatly in error both as to his facts and his conclusions." Unlike the usual run of the bureau officials, it turned out that General Robinson had ordered the investigation only to make himself familiar with prevailing conditions and not out of any wish to discredit the courts. He also was fair in his interpretation of his subordinates' reports, so much so, that he declared that in nearly every instance the courts were fair and impartial. General Sewall testified that conditions were as General Robinson stated.

After more than a year of intense effort on the part of Governor Worth to settle the civil status of the state, Congress nullified all existing governments of the South as established by President Johnson. The Military Act of March 2, 1867 provided that these civil governments were to continue provisionally; they were liable at any moment to modification or abolition.
until a civil government could be formed in accordance with the congressional requirements.

During the interim between the passing of the Military Act and the inauguration of W.W. Holden as governor of North Carolina in July 1868, Governor Worth continued to hold office with the concurrence of General Daniel E. Sickles who commanded the second military district of North and South Carolina until his removal in August 1867. General E.R.S. Canby, who succeeded in command, likewise continued the Worth government. Although military law now was established in name as well as in fact, Governor Worth bravely attempted to maintain the dignity of the civil government especially after General Sickles announced that the civil government, though provisional, should be obeyed. He could do little but protest, however, when the military interfered as it now did more often. As a whole, the military regime under General Sickles was not as harsh as it might have been for he sought to cooperate with Governor Worth as far as he saw fit.

General Canby's period in command was more resented because he ignored the state so completely that nearly six months had elapsed before he so much as entered the state. In a letter written on December 26, 1867 to B.G. Worth, Governor Worth rather caustically remarked in a post script that "In giving us Canby for Sickles, the Prest. swapped a devil for a witch. My revelations to the Prest. astound him..... I state nothing which I can not sustain by documentary proof."
An excerpt from a letter of Governor Worth to Governor Charles J. Jenkins of Georgia sums up the military regime under both Sickles and Canby.

"Sickles maintained these views (on reconstruction) as a partizan and politician. Canby maintains them as a narrow minded conscientious Radical—Both have issued edict after edict, until they have made a new code for us."

They have thus: 1. destroyed respectability of trial by jury; 2. forced the better judges to resign because of the impossible codes; 3. formed new tribunals of justice held by men without legal training; 4. widen jurisdiction of these military courts; 5. and remove many officers without giving reasons, placing unworthy men in their places; 6. while the military detectives arrest without preliminary trial and place the men in distant forts. 25
NOTES FOR CHAPTER SEVEN

1. Hamilton, op. cit., p 159, from the Ex. Correspondence of the Provisional Governor


7. Op. cit., pp 167-68 The following was the seditious Ed. "We are still without Washington news, and look forward to the committee on credentials with some interest, though without hope of receiving justice. The South is now under a more grinding despotism than has heretofore found a place upon the face of the earth. Raised under a form of government as expounded by the early fathers of the republic, when to say 'I am an American citizen' was to be equal to a king, we feel our serfdom more painfully by reflecting upon what we have lost. We have fallen from our high estate, and now there is 'none so poor as to do us reverence.' Other nations, suffering under the iron heel of lawless tyranny can console themselves with the reflection that their condition is no worse than that of their predecessors. Not so with the wretched Southron. He once roamed his fields a free man, and sat under his own vine and fig tree, and none dared make him afraid. He was the equal if not the superior of the mercenary race which now dominates over him."

8. Correspondence of Worth, vol. I, pp 482-83


15. Correspondence of Worth, vol. II, p 685

23. Correspondence of Worth, vol. II, pp 1069 and 1149
CHAPTER EIGHT

THE END OF PRESIDENTIAL RECONSTRUCTION

The summer of 1865 saw the mustering out of service of the victorious northern troops and the defeated, ragged, and thin ranks of the South. Force of arms had settled definitely that the negro was to be free and the Union was to endure. But were these two vexing questions of the past decades forever settled? The North was still dubious. Accordingly, President Johnson sent Generals Grant and Schurz to investigate conditions. Grant's report briefly stated that "the mass of thinking men of the South accept the present situation of affairs in good faith." Schurz in his report granted that the South had submitted but added that it was a submission of necessity. He complained that "except in individual instances" there was "an entire absence of that national spirit which forms the basis of true loyalty and patriotism." General Wade Hampton, beloved leader of the South next after General Lee, best answers Schurz' complaint.

"The South unequivocally 'accepts the situation' in which she is placed. Everything that she has done has been done in perfect faith, and in the true and highest sense of the word, she is loyal. By this I mean that she intends to abide by the laws of the land honestly, to fulfill all of her obligations faithfully and to keep her word sacredly, and I assert that the North has no right to demand more of her. You have no right to ask or expect that she will at once profess unbounded love to that Union from which for four years she tried to escape at the cost of her best blood and all her treasures." 1

And so President Johnson, not theorizing over much about whether the Southern States were in or out of the Union,
proceeded to establish civil governments on the assumption that they were still in the Union. North Carolina was the first to bow its head to the executive demands for an amendment to the state constitution abolishing slavery, abrogation of the ordinance of secession, and repudiation of the war debt. By the end of the year Jonathan Worth was acknowledged by the president as the civil governor of the state. Hence, North Carolina, as far as the executive branch of the United States Government was concerned, rightfully was entitled to her former place in the Union.

The president's plan was a practical method of accomplishing reconstruction quickly and easily, but he had failed to consider congressional opposition. Throughout the war the power of the executive had grown to the detriment of the legislative branch. For various reasons the reaction came when the representatives of the reconstructed states presented themselves before Congress in December 1865 and were not recognized. There followed more than a year of theorizing about the status of the Southern States. Were they in or out of the Union? As we have seen, the president based his plan of reconstruction upon the state perdurance theory while Congress sought to establish its right to carry out the work of reconstruction by various interpretations of the "state lapsed" theory. President Lincoln had touched on "this pernicious abstraction" in the last address he delivered before his death.

"We are all agreed that the seceded States, so called, are out of their proper practical relation with the Union, and that the sole object of the Government, civil and military, in
regard to those states is to again get them into the proper practical relation. I believe that it is not only possible, but in fact easier, to do this without deciding or even considering whether these states have been out of the Union, than with it. Finding themselves safely at home, it would be utterly immaterial whether they had ever been abroad. Let us all join in doing the acts necessary to restore the proper practical relations between these States and the Union, and each forever after innocently indulge his own opinion whether in doing the acts he brought the States from without into the Union, or only gave them proper assistance, they never having been out of it." 2

Lincoln's calm leadership was needed sorely during this controversy between President and Congress as a spirit of compromise on the part of the executive undoubtedly would have prevented the excesses of the radical Congress. But Johnson, whose chief fault, it would seem, was undeviating adherence to his state perdurance theory, knew no compromise. That, together with his unfortunate "swing round the circle" during the summer of 1866, were the reasons why he was doomed to ultimate failure.

Only one thing restrained Congress from plunging into a program of reconstruction of its own; uncertainty of the northern response to such a move. That uncertainty was dispelled by the outcome of the mid-term elections. Thanks to the final report of the committee on reconstruction, the innumerable and biased press accounts from the South, mere rumor, and the undignified and alienating influence which President Johnson's political tour had upon many supporters of the presidential plan, a radical majority was returned sufficiently large to override all opposition. But even after the Military Act was passed, Congress seemed reluctant to base its action on the one reason which subsequent study could justify: the fact that reconstruction was a
legislative problem. In the preamble of the Military Act, it was stated that the purpose of the measure was "to provide for a more efficient government," yet it went on to say that no legal state governments existed and that there was no adequate protection of life and property. The constant theme of its appeal to the North, too, was one describing the near anarchy existing in the South. Andrew C. McLaughlin thus dismisses this phase of reconstruction:

"It is hardly worth our while to pass upon the constitutionality of this method of reconstruction; it seems almost a trivial task, because so much more was involved than any question of technical regularity. Congress was determined to force the South to adopt negro suffrage; if anyone can find constitutional justification, that will not help him much in an attempt to find ethical or political justification. No historian now fails to lament the spirit of implacable rancor underlying much of the congressional procedure; and this rancor overtops any question of technical constitutional authority, for it left behind it a sense of bitter injustice which persisted for decades; it postponed the cementing of the real spirit of social union and harmony between the sections." 3

In North Carolina itself, the civil government was well established in an incredibly short time. The leaders in control of state affairs were, in the main, a strong remnant of the defunct Whigs who avowed their detestation of the southern secessionist as vehemently as any northerner. Throughout the state the courts were reestablished and were able to stand the close scrutiny of military investigators who sought to find evidence discrediting their administration of justice. The state constitution had been revised and to a greater degree, perhaps, than in any other state of the South, the negro roamed a free man. Governor Worth's able administration brought favorable comment
alike from Secretary of State Seward and the most obscure citizen of the state. And Governor Worth pressed on imperturbed, in spite of the nagging of the Hollenites who sought to overthrow the existing government, to hasten the day when the ravages of the war would be removed. But one thing was lacking to make it once again a state of the Union and that one condition, recognition of its representatives, Congress refused to grant.

After more than a year of civil rule, during which the state began to find itself and return to normalcy, the Military Act rudely set aside all that had been accomplished. It proposed to establish a legal form of government and protect life and property, but never was government more of a farce, and life and property more insecure than under the reconstruction program of Congress. The effort of the radicals to establish the Republican party in North Carolina met with just the opposite result. Because radicalism and republicanism were identified, the partyless Whigs preferred to throw their lot with the Democrats.

Before ending the study of presidential reconstruction in the state, it will be enlightening to examine briefly the undoing of the work of Governor Worth during his tenure of office. The radicals lost no time in organizing. On March 28, 1867 a state wide convention was held at Raleigh with attendance equally divided between white and black. J.H. Harris became the leader of the colored faction which, strangely enough, was less radical than the white. After some discussion, the assembly adopted the view of three former Democrats, Thomas Settle, W.W. Holden, and
R. P. Dick, and organized under the name Republican. The keynote of the convention was the election of men acceptable to Congress and the hastening of readmission to the Union. It then adjourned until the following September when it again met in Raleigh. This time it was in the hands of the negroes and the real power, the northern Republicans. The resolutions of the previous meeting were adopted together with several additions as the party platform. Resolutions opposing confiscation and favoring the removal of disabilities were proposed but met with too much opposition to be passed. In fact the spirit of the convention was prescriptive as the political leaders counted upon the solid negro vote plus a small white vote to carry any election. They did not wish conciliation that might bring prominent men of the state into a position of party dominance to the ruin of their own political careers.

Evidently the leaders of the Republican party would brook no opposition if W. W. Holden's words are to be accepted. In his paper the Standard for September 21, 1867 he wrote: "The man who gets in the way in the crisis of restoring the Union according to the will of the nation should not only lose the last acre of land he has, but he deserves death by the halter." Although the conservatives held a convention in September denouncing the platform of the Republican party, their meeting was listless and this state, caused perhaps by a realization of the futility of further opposition to Congress, prevailed in the subsequent campaign for the election of delegates to the constitutional
convention. This apathy manifested itself in the outcome of the election for the Republicans won a large majority of the seats.

At the instance of General Canby, the convention met at Raleigh on January 14, 1868. The Republicans numbered one hundred and seven while the Conservatives had only thirteen delegates. The small conservative vote and the general practice of fraud at the polls were the principal reasons for the ill success of the Conservative candidates.

Of the Republican delegates, at least eighteen were carpet-baggers and fifteen were negroes. The more prominent of the carpetbaggers were former officers of the Union army, among whom were General Joseph C. Abbott of New Hampshire, General Byron Lafin of Massachusetts, and Lieutenant Albion W. Tourgee of Ohio. As the Conservatives were too few to influence any vote, and the native Republicans were men of little prominence, the small group of carpetbaggers controlled the convention. With the exception of the Standard and a few other Republican newspapers, the press of the state was outspoken in its condemnation of the convention. The Sentinel best expressed the general sentiment of the white majority.

THE CONVENTION (SO CALLED)

"The pillars of the capitol should be hung in mourning today for the murdered sovereignty of North Carolina. In the hall where have been collected in days gone by, the wisdom, the patriotism, the virtue of the state, there assembles this morning a body convened by an order of Congress, in violation of the Constitution of the United States, and in utter disregard of the Constitution of North Carolina, a body which, in no sense as a whole, represents the true people of the state, which has not
been elected according to our laws nor chosen by those to whom those laws have committed the right of suffrage. In the seats which have been filled by some of the best and truest sons of North Carolina will be found a number of negroes, a still larger number of men who have no interests or sentiments in common with our people, but who were left in our midst by the receding tide of war, and yet others who have proven false to their mother and leagued with her enemies."

As the convention continued its session the press became less restrained, and the following description was printed in the North Carolinian for February 11, 1868.

**MANAGER COWLES' MUSEUM**

Wonderful performances in Natural History

The performance began at the usual time.... The Cowles Museum contains Baboons, Monkeys, Mules, Tourgee, and other Jackasses. Also McDonald, Eppes, Congleton, Mayo and "other horned cattle" too tedious to mention.

The convention, after some discussion, expelled the newspaper reporters temporarily but eventually allowed the more restrained to attend the sessions. The per diem allowance to members was set at the unprecedented sum of eight dollars, regardless of presence or absence, and an equally high sum of twenty cents mileage to and from the convention was allowed. Absentees were numerous and fraud was evident in the mileage accounts. One member living but thirty miles from Raleigh presented a claim for a 262 mile trip each way and another living sixty miles away presented a claim for the same distance. Fraud also was common wherever there was a chance to spend money.

As for the real work of the convention, the framing of a new constitution, the members showed little inclination to expedite matters. The carpetbaggers were responsible for most of the work on the new constitution. When completed, it was a
synthesis of the constitutions of several of the northern states. The needs of North Carolina, however, were not considered and in spite of amendments remained a somewhat inefficient basis of government for years to come.

The convention finally adjourned after devoting the last two days of the session to "singing and horseplay." Strains of "Hang Jeff Davis," "John Brown," and "Yankee Doodle" must have caused the very foundations of the building to groan and echoed in the newspapers on the following day.

THE CONSTITUTIONAL CONVENTION (SO CALLED)
The Disgraceful Closing Scenes; Corn Field Dance and Ethiopian Minstrelsy; Ham Radicalism in its Glory

Both the Conservatives and the Republicans assembled on February 6, 1968 to nominate men for the various state offices. Although the majority of the Conservatives were Whigs, Thomas S. Ashe, a Democrat, was nominated for governor. This but indicated the temporary breakdown of party lines as the white man's party girded itself for the coming years of turmoil. W.W. Holden was nominated by the Republicans. The campaign was a bitter one for the Republicans sought to stir up old animosities while the Conservatives, in a more political way, justly called attention to the unfitness of many Republican candidates and the defects of the new constitution. As the campaign drew to a close, feeling ran high in both parties. Holden was burned in effigy on several occasions, and personal abuse and encounters between the various candidates were common.

The apathy which had fallen upon many of the whites
was not dispelled by this excitement for the Conservatives did not poll their full strength during the three days of the election on April 21, 22, and 23. As in the vote for the convention, fraud was prevalent, so these two factors once again brought about a onesided Republican victory. Governor Holden was not inaugurated until July 1, and on the same day Governor Worth sent his successor a curt note surrendering the office to him under protest. The next day the legislature met and ratified the Fourteenth Amendment. By July 20 the state’s senators and congressmen had been admitted to Congress, and once again North Carolina was a state of the Union. Legally, reconstruction was at an end, but in reality, the work of destruction was to continue until the Conservative victory in 1870.
NOTES FOR CHAPTER EIGHT

1. Fleming, W.L., Sequel to Appomattox, pp 31-32


3. McLaughlin, op. cit., pp 664-65


5. Hamilton, op. cit., pp 246-49

6. Op. cit., p 256 The Cowles referred to was the chairman of the convention.


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CONCLUSION

To estimate the success of one predestined by circumstances to failure is a task both difficult and uncertain. When we speak of the "might have beens" there is wide range for a fanciful interpretation of mere commonplaces and trivialities while the really important issues may be obscured and even ignored. Especially is this true of post war days in the South after the Civil War. In particular is it difficult for us to bridge the chasm which the several decades of compromise had created prior to the outbreak of the inevitable conflict between the North and the South. Each section viewed the other with distorted vision, but actual warfare soon broke down the disdain "Johnny Reb" had for the Yankees and the Yankee, in turn, soon learned to respect his courageous enemy.

Unfortunately for the South, the men who were to determine their political status after the war were politicians far removed from the battle field, and hence they retained their pre-war prejudices. When the tenure of Republican power was threatened by the influx into Congress of ex-Confederate brigadiers after the post war elections, the Republicans quickly capitalized on sectional prejudices. They were successful in their efforts to keep the Southerners out of Congress and gained an ascendency in Congress for themselves that was to endure for years to come.

In addition to lack of recognition, the South was misrepresented in the North by the Republican controlled committee
On reconstruction which presented a report colored alike by pessimism and bias that almost demanded congressional action. Moreover a helpless and discredited president was powerless to complete his early efforts of reinstating the lately rebellious states. That is why I say that circumstances predestined Governor Worth to failure in spite of every effort on his part to lead North Carolina back to the Union. However, this does not mean that his work was to no avail.

Without attempting, therefore, to probe the "might have been" in his career, we can find ample evidence of his executive ability, sincerity, and loyalty to the Union with very little sectional prejudice affecting his decisions on debatable policies of state relations with the Federal government. Governor Worth, as we have seen, was one of the few who had opposed secession in 1861 and when peace was declared in 1865, he was one of the first to welcome the prospects of reunion. During the days immediately after the war, he acquitted himself creditably of the important task of locating and reclaiming state property. To him was assigned the burden of the governorship and the duty of reestablishing civil order in a war-torn and impoverished state. This in itself was difficult but added to this was President Johnson's doubtful attitude towards him. The presence of the army and its constant interference in civil affairs and court decisions and the open hostility of the Holdenites, favored by the president and later by Congress, also contributed their share to the many cares which beset the governor. It is to Worth's credit that he
did not allow so many difficulties to bewilder him or cause him
to despair. He faced each task and sought first to establish
civil order and then normal relations with the Federal govern-
ment. The first was accomplished without any disorder, but pow-
ers greater than his to command thwarted, every effort to gain
congressional recognition. In North Carolina itself repeated at-
ttempts to discredit the courts proved conclusively that a capable
judiciary administered justice impartially.

The congressional Military Act ended all hope of re-
union with the Federal government. Although the war was nearly
two years removed, martial law once again the only law in the
state. Governor Worth's ability was recognized by Generals Canby
and Sickles, the commanders of the second military district, for
he was directed to continue to administer the civil government
which was to operate conjointly with the military. In spite of
the uncertainty of the duties entailed by this anomalous position
Governor Worth firmly attempted to maintain law and order, not by
virtue of his concurrent action with the military but rather in
his capacity of civil executive only. At all times he opposed
the arbitrary actions of the army officers and strove to maintain
the tolerated civil government as far as possible. So for nearly
three years he unselfishly sought the best interests of the state
refusing to use his office as a means for personal gain. The wel-
fare of the state was above all other considerations. Yet he
showed due respect for the president without allowing deference
to authority to overshadow and interfere with his own views on
matters of state.

In short, we can say that Governor Worth in conformity with the presidential proclamation, established a workable, satisfactory, civil government. In spite of Holden's hostility and subversive work, in spite of local conditions resulting from the war, and finally in spite of constant interference by the military, he was able to maintain this government. Through no fault of his own the state was not recognized by Congress and the Military Act which reestablished martial law, soon undid much of his work. And even in the impossible capacity of provisional governor or mere agent for the army, he put aside personal preferences and sought to aid the state in this somewhat ignoble position until the new civil government should be inaugurated. Such generosity and loyalty to a lost cause is proof enough of the governor's loyalty to principles, devotion alike to state and country, and typical of the old school of southern legislators which produced the Clays and Calhouns during the first half of the century.
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