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"OF WEALTH, VIRTUE, AND INTELLIGENCE"

The Redeemers and Their Triumph in

Virginia and North Carolina,

1865-1877

by

Catherine Silverman

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CHAPTER I  
INTRODUCTION

"I abhor the democratic tendency of our government... The tendency is to ignore virtue and property and intelligence--and to put the powers of government into the hands of mere numbers....Agrarianism and anarchy must be the result of this ultra Democracy."<sup>1</sup>

Thus did Governor Jonathan Worth of North Carolina express sentiments commonly shared by many Virginia and North Carolina postbellum leaders, who opposed Northern efforts to reconstruct their states. In their letters and in the newspapers which supported their position, there are constant references to themselves as the "class of wealth, virtue and intelligence,"<sup>2</sup> as opposed to the propertyless masses who were represented by their political opponents.

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<sup>1</sup>Jonathan Worth to William Clark, Raleigh, Feb. 16, 1868, J. G. DeRoulhac Hamilton, ed., The Correspondence of Jonathan Worth (2 vols.; Raleigh, 1909), II, 1155-1156.

<sup>2</sup>Richmond Whig, Sept. 16, 1873; L. Q. Washington, clipping in National Intelligencer, in L. Q. Washington to Robert M. T. Hunter, Washington, D. C., May 14, 1868, Robert M. T. Hunter Papers on Microfilm, Alderman Library of the University of Virginia, Charlottesville, Va.

Their enemies too, frequently, though sarcastically, described them in these terms.<sup>3</sup> A question to be answered by this study is whether this characterization was indeed valid--whether the men who presided over the liquidation of Reconstruction in Virginia and North Carolina possessed the qualities which they, and their enemies, attributed to them.

To answer this question, it is necessary to determine the identity of the men in question and to examine their conduct in the acquisition and exercise of power. The only one of these attributes measurable quantitatively is that of wealth which can be determined in a number of concrete ways such as examination of assets listed in the manuscript census of 1870, the Slave Schedules in the manuscript census of 1860, receipts for income taxes paid to the Confederate States of America, or by checking the names of those pardoned under the thirteenth exception to President Johnson's amnesty proclamation which applied to former Confederates possessing over \$20,000 in taxable property.

While education and professional occupations requiring a certain amount of training give some indication of abilities, these achievements are not necessarily synonymous with intelligence. Especially in the 19th century when standards for admission to colleges and universities were anything but ob-

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<sup>3</sup>Albion W. Tourgee to Editor of the Era, Greensboro, Feb. 28, 1873, Albion W. Tourgee Papers, Microfilm Roll 11, No. 1663, Southern Historical Collection, University of North Carolina, Chapel Hill, N. C.

jective, professional status depended heavily on a combination of wealth and privilege. The last attribute, virtue, could not of course be determined through quantitative methods, but some light might be shed as to its existence through examination and comparison of private correspondence with public pronouncements. Actions and motivations must also come under scrutiny in order to establish the validity of the subjects' conception of themselves. This study will attempt to determine who the "Redeemers" were, something of their goals, their accomplishments, and their motivations.

Examination of this group will be restricted to the period of Reconstruction, 1865-1877, even though the "Redeemers" wielded power beyond this period. In North Carolina they controlled their state until defeated by the populists in the 1890's. In Virginia, they, or their spiritual descendants held on to their power into the twentieth century, with the exception of a four-year period from 1879-1883 when the Readjusters, a coalition group, composed of Republicans and disillusioned Conservatives, dominated state politics.

Attempts to determine the origin of the term "Redemption" have been unsuccessful. The first printed use of the term was in Albion W. Tourgee's Bricks Without Straw, a novel of Reconstruction in North Carolina.<sup>4</sup> In historical accounts

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<sup>4</sup>Albion W. Tourgee, Bricks Without Straw (New York; Fords, Howard and Hulbert, 1880), 380, cited in Mitford M. Mathews, A Dictionary of Americanisms On Historical Principles (Chicago: University of Chicago Press, 1951), 1874.

"Redemption" is generally associated with the end of Reconstruction, 1876-77, with the Wormley House Conference which confirmed agreements between Southern Congressmen and Hayes' men insuring the election of Rutherford B. Hayes to the presidency in return for southern "home-rule."<sup>5</sup> The year 1877 is described as marking the beginning of the long domination by the "Redeemers." It is my view, however, that "Redemption" began much earlier, almost before the war ended, as antebellum leaders anticipated defeat and began to formulate plans to salvage what they could from the wreckage. Accordingly this study will begin just before the surrender at Appomattox.

The terms "Redemption" and "Redeemers" imply that there was some abhorrent state of affairs from which delivery was desired, and contemporary writings stated clearly what this was: "Radical Reconstruction," "Black Reconstruction," or "Negro Rule." However, this view of "Redemption" loses much of its validity when confronted with the historical fact that no such undesirable state of affairs ever existed. Recent historiography of the Reconstruction period has effectively discredited the old stereotype of Republican misrule and has demonstrated that in many cases Radical leadership was enlightened and resulted in achievement of long overdue reforms benefiting both races in the respective states. In

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<sup>5</sup>C. Vann Woodward, Reunion and Reaction: The Compromise of 1877 and the End of Reconstruction (Boston: Little Brown & Co., 1951), 196.

Virginia and North Carolina, the Constitutions adopted by the overwhelmingly Republican Constitutional Conventions provided for the establishment of such desirable reforms as a state-supported public school system, penal reforms, and state responsibility for care of the insane.

Less recognized is the fact that "Redeemers" started to "liberate" their respective domains before the advent of Congressional Reconstruction, that is before the existence of the very regimes from which the states were to be "redeemed." Furthermore, Virginia never experienced a "Radical" civilian regime. The state was readmitted to Congress under a coalition of Whiggish Conservatives, railroad magnates and moderate Republicans masquerading as the "True Republican" party. The term "Redemption," although generally used in respect to Virginia was certainly inappropriate. In this study, "Redemption" will be examined not primarily as a response to Radical Republican rule, but as a euphemism invented by the "Redeemers" themselves to disguise a sustained effort on their part to maintain power immediately following the cessation of hostilities.

"Redeemers" is indeed a misnomer for this group of leaders who sought power in the postwar South beginning even before the conflict ended. Nor is the term "Bourbon" appropriate. These people did not seek to reestablish the status quo ante bellum, though some of them would have liked to had it been feasible, and most regarded it with nostalgia. Instead, they attempted to superimpose a technologi-

cally forward-looking economy upon an antiquated and outmoded social structure, a program begun by the Whigs before the war. In Virginia especially, planter-industrialists had sought to improve agricultural methods and increase the number of factories without abolishing slavery. After slavery was abolished, they retained their original goals -- the prevention of social change and the maintenance of their traditional privileges. Through farmer associations in Virginia whereby planters would agree to place a ceiling on wages for the freedmen, and through contracts with their former slaves, they succeeded in securing conditions remarkably similar to those obtaining in slavery. One such contract between Colonel Edmund W. Hubbard of Buckingham County, in Virginia's Southside, constantly used the phrase "as before the late war" in its provisions.<sup>6</sup>

There is really no satisfactory name for these southern leaders. Perhaps it is best to adopt a term they applied to themselves throughout the period studied--the term Conservative, which in their minds was almost a synonym for virtue. It also symbolized opposition to "Radical" which was associated before the war with northern abolitionists and southern secessionist "fireeaters," and after the war, with those who favored civil rights and suffrage for Negroes. Conservative parties were organized in both states in 1867 in opposition

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<sup>6</sup>Contract between E. W. Hubbard and Freedmen, Buckingham County, Va., December 17, 1866, Hubbard Family Papers, Southern Historical Collection, Chapel Hill, N. C.

to the Republican parties and comprised both old Whigs and old Democrats. Ideologically, however, the Conservative party was closer to the Whigs. Its leaders favored government by the wealthier, propertied classes as opposed to the propertyless, uneducated masses.

Before the war, persons calling themselves Conservatives tended to be nationalists. In the 1850's, they sought to stem the polarization between North and South by the formation of a national Conservative party. For instance, in 1858, Vermont-born journalist Nathan Sargent wrote hopefully to his Virginia friend Alexander Hugh Holmes Stuart, old Whig statesman and later a leader among the Redeemers. Sargent had received "a very satisfactory letter" from Governor Washington Hunt of Lockport, New York, who "concur cordially in our views, and thinks that there ought to be a consultation among conservative gentlemen very soon, to determine what is best to be done to form a national, union, conservative party...."<sup>7</sup> Similarly, in December 1859, Edward Everett of Massachusetts wrote to William C. Rives, Virginia planter, author and leading Whig statesman telling him of a "Conservative meeting" held recently in Faneuil Hall which he described as "signally successful," and as a "large and enthusiastic meeting."<sup>8</sup>

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<sup>7</sup>N. Sargent to A. H. H. Stuart, Washington, D. C., October 31, 1858, Alexander H. H. Stuart Papers, Manuscript Division, Library of Congress, Washington, D. C.

<sup>8</sup>Edward Everett to W. C. Rives, Boston, December 12, 1859, W. C. Rives Collection, Manuscript Division, Library of Congress, Washington, D. C.

As the term implies, these men were politically conservative, suspicious of democracy and government by any except property-owners. They feared disruption of the Union as much for its possible effect on the social structure as for its affront to their loyalty for the Union. The war, with its great suffering, discredited advocates of secession and gave prestige and the confidence of the voters to those who had opposed secession. Many early postwar Redeemers were former Whigs whose basic aims had become evident in their correspondence and speeches at the time of secession conventions. Just as the radical secessionists hoped to preserve the status quo in the South through secession from a Union which they believed would soon be controlled by those who sought to destroy slavery,<sup>9</sup> so the anti-secessionists by saving the Union hoped to preserve slavery and avert the social revolution they feared would be an inevitable consequence of civil war. With the coming of war, and defeat for Southern independence they sought to avoid, or at least mitigate, sweeping social change by swift and well organized action to prevent a takeover by elements they distrusted -- Northerners, the freedmen, and the poorer classes of whites. They were

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<sup>9</sup> In the Virginia Secession Convention of 1861, arch-secessionist and speaker of the House of Representatives, Robert L. Montague, stated that he believed it his duty "to do what I can to separate my State from these people at the North, who are striving day and night to destroy one of God's institutions--the institution of African slavery." Proceeding of the Secession Convention of the State of Virginia (4 vols.; Richmond, 1968), III, April 2, 1861.

then joined by the former radical secessionists, mainly "old Democrats", whose method of accomplishing the same end had failed. After the war's cessation, the Conservatives in both states formalized the term by organizing political parties under the title Conservative. It will be the leaders of this group with whom my study will be concerned, using their opponents, the Republicans, as a control group.

### Historical and Geographical Backgrounds

Both Virginia and North Carolina were divided geographically into three important areas, the fertile coastal plain in the East, the Piedmont in the center and the mountains, a section of the Southern Appalachians in Virginia called the Blue Ridge and in North Carolina the Great Smokies. There were geographical differences between the two states, however, which would affect the economy and historical development. Whereas Virginia was blessed with perhaps the best harbor on the East Coast, Chesapeake Bay, North Carolina had almost no ports and a seacoast riddled with dangerous shoals and shifting sandbars that had earned the nickname, "Graveyard of the Atlantic".<sup>10</sup> In addition, Virginia's water routes were superior to those of its neighbor. The James, York, Rappahannock and Potomac Rivers flowed smoothly into Chesapeake Bay, providing wide, navigable highways that en-

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<sup>10</sup>Hugh T. Lefler and Albert R. Newsome, North Carolina, the History of a Southern State (Rev. ed.; Chapel Hill: University of North Carolina Press, 1963), 17.

couraged the growth of commerce. In fact such excellent transportation was provided that in the colonial period British and other ships had been accustomed to pick up tobacco at wharves located at the river's edge of each plantation thus greatly inhibiting the growth of cities. The great port of Norfolk, close to the boundary line, was used more as a facility for North Carolina,<sup>11</sup> whose two main river systems, the Yadkin, and Catawba, flowed southeastward into South Carolina leaving North Carolina almost landlocked.<sup>12</sup> The lack of adequate waterways created a serious problem for farmers in the Piedmont and mountain areas who must rely on inadequate and costly overland transportation to market their products or obtain supplies. For these and other reasons, North Carolina from about 1815 to 1835 was known as the "Rip Van Winkle State" with most of its population eking out a bare subsistence in farming.

As might be expected, problems of the different geographical areas produced sectional differences, with westerners in both states pressing for greatly needed internal improvements and greater representation. Since funds for roadbuilding must come from either the state or the federal government, Western sections tended to be more strongly unionist than their

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<sup>11</sup>Thomas J. Wertenbacker, Norfolk, Historic Southern Port (Durham: Duke University Press, 1931), 30-31.

<sup>12</sup>Lefler, North Carolina, 19. The Cape Fear River did enter the Atlantic within the state's limit, but due to sediment deposit, the entrance was dangerous, the Roanoke flowed into Albermarle Sound, near the border of Virginia.

Eastern counterparts, secure on their slaveholding plantations, who viewed both change and the federal government with suspicion. In North Carolina the Eastern slavocracy until 1835 had maintained an unrepresentative, archaic, oligarchic political system, a government by and for the landlords. Dominated by the leading families, who held most of the offices, they maintained their rule through restrictive voting qualifications, requiring that only taxpayers could vote for members of the House of Commons, and only owners of fifty acres of land or more could vote for state senators. There were also property restrictions for holding office. The West was excluded from any effective say in the state government by the provision that each county, regardless of population, size or wealth, should have two representatives in the House of Commons and one in the Senate. As the East controlled the creation of new counties, it was able to maintain their majority. Any change in this unjust state of affairs was successfully resisted until 1834 when, following threats of the Western counties to secede, a convention was called to meet the following year.<sup>13</sup>

A similar, if not worse, situation existed in Virginia between East and West which culminated in the creation of West Virginia in 1863. In 1816 on the basis of inequitable representation, a small county like Warwick in the Tidewater,

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<sup>13</sup> Ibid., 298, 308, 335.

with 620 free whites, had the same power in the Assembly as Shenandoah County in the Valley with 17,000. As in North Carolina, the number of slaves was far less in the mountain areas of the West than in the Eastern portions, the farms were smaller in size, and the population was in general less affluent and more interested in improving their lot than the contented Easterners. For years Eastern conservatives had fought a delaying action in the face of Western demands for a reform convention.

In 1816 and 1824, conventions of Westerners were held in Staunton in Augusta County in the Shenandoah Valley, but in spite of the fact that the Westerners were joined by some influential Eastern editors like Thomas Ritchie and John Hampton Pleasants, the conservatives held their own for three years until 1827-1828 when the General Assembly approved the submission of a proposed convention to the electorate.<sup>14</sup>

In North Carolina Westerners made gains as a result of the convention of 1835, but in the State of Virginia they realized little from the Convention of 1829-30. Merrill Peterson in his introduction to excerpts from the debates at the Virginia Convention writes:

It was in fact a crushing defeat for the West and all friends of reform. The apportionment of representation, though not in itself sanctioning the antimajoritarian principles championed by the conservatives, ensured the continued dominance of "old" Virginia, in the affairs of the commonwealth. Despite

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<sup>14</sup>Merrill D. Peterson, "The Virginia Convention of 1829-30" in Democracy, Liberty and Property (Indianapolis, New York, Kansas City, Bobbs-Merrill Co., 1966), 273-74.

extension of the suffrage, over 30,000 adult white males remained outside the circle of political competence. The general assembly continued to elect the governor....The undemocratic system of local government survived untouched. Judges were made somewhat more removable, but none was admitted to election by the people. Finally, the defects of the constitution were without remedy, since the convention refused to make provision for its amendment...15

It would be twenty years before democracy would triumph, and then only in part. In 1850-51, another convention was held which without the inhibiting presence of a John Randolph gave to the reformers what they had so long fought for. The chief bone of contention in the preceding years had been unequal representation in the general assembly. At the convention, a compromise was effected by which apportionment of representatives <sup>was</sup> based on number of whites in census of 1850. That for the senate was determined arbitrarily however, with the East receiving thirty and the West twenty senators. The West paid a price for this concession however. Slaves, which were scarce in the West, but plentiful in the East were exempt from taxation if under the age of twelve, and if over were to be taxed on a value of \$300, a figure below the market price. A setback to internal improvements took the form of a constitutional provision forbidding the assembly to pledge the "credit of the state to defray obligations of any company or corporation." Some extension of democracy was secured in the form of provisions extending the suffrage to all white males over twenty-one, abolishing multiple voting, and making the office of governor and lieutenant-governor elective by popular vote. Other offices were also made elective.

However, the "viva voce" method of voting was retained, and a provision forbidding emancipation of any slave or descendant was passed. Had the West not won the reforms it did in the Constitutional Convention of 1850-51, it is quite possible that the secession of West Virginia would have taken place ten years before it did.<sup>16</sup> Charles Sydnor, writing about the resistance to the extension of democracy in the South before 1850, singles out South Carolina and Virginia as the "states that resisted the democratic movement most effectively." Sydnor points to property qualifications for officeholding, undemocratic local government, eastern dominance in the legislature and choice of governor by the legislature." Furthermore, he sees them possessing economic and social qualities that set them off from their neighbors. "As compared with North Carolina, for example, each had a more numerous and powerful body of eastern planters, a larger percent of slaves, and a stronger tradition of class distinction," with small farmers in the West enjoying less influence in state policies than in the other southern states.<sup>17</sup>

The greater effectiveness of the post-war North Carolina

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<sup>15</sup>Ibid., 284-285.

<sup>16</sup>Charles Ambler and Festus P. Summers, West Virginia, The Mountain State (Englewood Cliffs, N. J.: Prentice-Hall, 1958), 168-169.

<sup>17</sup>Charles S. Sydnor, Development of Southern Sectionalism, 1819-1848 (Baton-Rouge: Louisiana State University Press, 1948), 288.

Republican party, as compared to its Virginia counterpart is undoubtedly related to the fact that in the antebellum period North Carolina was more democratic and the poorer white classes enjoyed a few more blessings than their Virginia neighbors. North Carolina had some provision for schools for all white children, while Virginia had none. The efforts of Democratic Governor Henry Wise in Virginia to inaugurate reforms in the 1850's had been stymied by Whig opposition.<sup>18</sup> Also the fact that the counties which would most likely have been Republican were lopped off by the formation of West Virginia heightened the difference between the two states.

In two other respects, the two states were quite similar. The proportion of slaveowning families to the total free population in 1860 was 28.8% in North Carolina and 25.9% in Virginia. Both figures represent a drop in the proportion of the slaveowning population in the two states since 1790. Virginia's slaveowning population had decreased about five percent since 1850.<sup>19</sup> In Virginia, 5,777 slaveholders held twenty slaves or more--about 11.0% of the total number of slaveholders in Virginia which was 52,128. In North Carolina, out of a total of 34,658 slaveholders, 4,065, or 11.6%, owned twenty slaves or more.<sup>20</sup>

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<sup>18</sup>Clement Eaton, "Henry A. Wise: A Study in Virginia Leadership, 1850-1861," West Virginia History, III, (April, 1942), 195.

<sup>19</sup>Lewis C. Gray, Agriculture in the Southeastern United States (Carnegie Institution Institution, 1933), I, 482.

<sup>20</sup>United States Census. Agriculture in the United States (Washington: Government Printing Office, 1864), 236, 245.

Table 1

Slaveholders and Slaves in Virginia and North Carolina in 1860<sup>21</sup>

No. Slaves Held	North Carolina	Virginia
One	6,440	11,085
Two & under 10	18,080	26,492
10 & under 15	4,044	5,686
15 & under 20	2,029	3,088
20 & under 30	1,977	3,017
30 & under 40	870	1,291
40 & under 50	474	609
50 & under 70	423	503
70 & under 100	188	243
100 & under 200	118	105
200 & under 300	11	8
300 & under 500	4	1
Over 500	0	0
Total Slaveholders	34,658	52,128
Total Slaves	331,059	490,865

The average holding in each state was nine. Herbert Klein, in his comparative study of slavery in Cuba and Virginia, says that although the percentage of slaveowners in Virginia had decreased over the years, the number of slaves held by individual slaveholders had increased.<sup>22</sup> The percentage of black to the white population in the two states also was not dissimilar. In North Carolina in 1879, 35% of the population

<sup>21</sup>Based on figures from the 1860 census published in United States Census, Agriculture in the United States (Washington: Government Printing Office, 1864), 235-236; 243-245.

<sup>22</sup>Slavery in the Americas (Chicago: University of Chicago Press, 1967), 186.

was black; in Virginia it was 42%.<sup>23</sup>

### Secession and War

Both North Carolina and Virginia were located in the Upper South and thus shared a dilemma with Kentucky and Tennessee--the conflict between loyalty to the Union and sectional pride. Throughout the 1850's, unionism predominated, and it was not until the firing on Fort Sumter, and Lincoln's call for troops that secessionists were able to prevail. Bell and the Constitutional Unionists had carried Virginia by a narrow margin over Breckinridge in the election of 1860, while in North Carolina, Breckinridge emerged victor with a margin of only four percent. Virginia seceded April 17, two days after Lincoln's call for troops, by a vote of 88-55. One month earlier, before hostilities had begun, a similar motion to secede introduced by secessionist Lewis Harvie of Amelia County in the Tidewater region, had lost by a vote of 90-55. North Carolina, which unlike Virginia had no convention in session at the time of the firing on Fort Sumter, was the last state to leave the Union, voting on May 22, 1861. Virginia's stand a month before, it would appear, made it almost impossible for North Carolina not to follow suit, as she would then have been the battlefield, though there were undoubtedly other considerations.

In a study of opposition to secession in Virginia and

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<sup>23</sup>United States Census, A Century of Population Growth (Washington: Government Printing Office, 1900), 52-54; 68-72. Percentages are mine.

North Carolina, Gerald Henig names three groups who were opposed to secession until the firing on Fort Sumter and Lincoln's call for troops. Most important, according to Henig, were the non-slaveholding "yeomanry" of central and Western Virginia and North Carolina; some conservative men of property who were concerned lest the secession result in war and "endanger their privileged status"; and urban and commercial interests.<sup>24</sup> Ralph Wooster, in his quantitative study of the secession conventions of the South, emphasizes the Whig elements among those opposed to secession.<sup>25</sup> His analysis also reveals that whereas in the convention of both states the delegates were well-to-do, and most owned a substantial number of slaves, the more heavily slave-populated areas in North Carolina tended to elect secessionists to the convention of 1861.

He also found that in both states the more heavily populated slaveholding counties favored secession.<sup>26</sup> These were primarily in the Tidewater and Piedmont sections of Virginia, and in the Eastern counties in North Carolina.

An interesting aspect of the North Carolina Convention was the attempt by the unionists who opposed secession in

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<sup>24</sup>Gerald S. Henig, "Opposition to Secession in Virginia and North Carolina, 1860-1861" (unpublished M. A. Thesis, University of Wisconsin, 1965), 119-120.

<sup>25</sup>Wooster, Secession Conventions of the South (Princeton: Princeton University Press, 1962), 145, 201; Hugh T. Lefler, North Carolina, 415.

<sup>26</sup>Wooster, Secession Conventions, 153, 201.

principle, to separate from the Union on the basis of revolution rather than the right of secession. George Badger, Whig leader and unionist, introduced this resolution into the convention, but it was defeated, and another, based on the right of secession, was introduced by secessionist Burton Craige and passed.<sup>27</sup>

As might be expected in states which had so reluctantly left the Union, Virginians and North Carolinians chafed under Confederate restrictions. Within a year after secession, North Carolina had split into two parties, the Confederate, composed of original secessionists, such as the then Governor John Ellis and wealthy planter Weldon N. Edwards, and the Conservative, made up primarily of old Whigs and unionists such as former Governor William A. Graham, Zebulon B. Vance, William W. Holden, George E. Badger and Jonathan Worth. As their respective names suggest, the Confederates supported President Jefferson Davis and his policies of increasing centralization, while the Conservatives found themselves unable to stomach restrictions on "freedom of speech and press, supremacy of the military over the civil authority, sedition laws, test oaths, and suspension of the writ of habeas corpus." The latter, which President Davis suspended in June of 1863, resulted in the arrest and imprisonment, without trial, of about 40,000 North Carolinians.<sup>28</sup> The mem-

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<sup>27</sup>Lefler, North Carolina, 424.

<sup>28</sup>Ibid., 445.

ory of this arbitrary action played an important part in the public resentment directed toward Republican Governor Holden seven years later when he suspended the writ of habeas corpus in an attempt to curb the excesses of the Ku Klux Klan.

The Conscription Act of 1862 which provided for the exclusion from the draft of owners of twenty slaves or more also occasioned great indignation, and caused war Governor Zebulon B. Vance, elected in 1862 by the Conservatives, to coin the expression "a rich man's war, and a poor man's fight."<sup>29</sup> William W. Holden, in his Memoirs said that "when that law was passed by the Confederate Government over the States and enforced by that Government in the States, every vestige of constitutional liberty in the States vanished."<sup>30</sup>

Other grievances concerned the use of Virginia officers to command North Carolina troops in their home state, discrimination against the state in the appointment of high civil and military officers, and what was regarded as excessive impressment of property by the Confederacy. So unpopular was the war in North Carolina that that state's deserters numbered 23,000 soldiers and 423 officers, the highest number in the Confederacy. It should also be noted that the number conscripted in North Carolina was the highest of any state.<sup>31</sup>

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<sup>29</sup>Ibid., 442.

<sup>30</sup>William K. Boyd, ed., Memoirs of William W. Holden (2 vols.; John Lawson Monographs of the Trinity College Historical Society, Durham, Seeman Printing Co., 1911), II, 26-27.

<sup>31</sup>Lefler, North Carolina, 442-446.

The war weariness and distrust of the increasingly repressive policies of the Confederacy were converted into a burgeoning peace movement in 1863 after the battles of Vicksburg and Gettysburg. One hundred or more peace meetings were held in approximately forty counties urging the Confederate Government to sue for peace and calling for a North Carolina peace convention. When William W. Holden, who tended to reflect the views of the white "yeomanry," published the proceedings of the meetings in his North Carolina Standard, he was criticized by Governor Vance who subsequently broke with him.<sup>32</sup> Of this break, Holden wrote in his Memoirs:

I told him the people had a right to assemble and express their opinion and petition for redress in grievances, but I did not approve of propositions to return to the union unconditionally; yet the people who held these meetings were the men who elected him Governor....

This was the beginning of the wide separation between Governor Vance and myself which resulted in my opposing him for Governor in 1864, and here I may say, and do say in the most emphatic manner, that I have never questioned his integrity, nor his honor, nor the sincerity of his devotion to his principles, or to the people whose servant he was and is.<sup>33</sup>

After the break between the two men, the newly formed Peace party nominated Holden for Governor. Vance was again nominated by the Conservatives and won on a platform of "Fight the Yankees and fuss with the Confederacy," and North Carolina

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<sup>32</sup> Ibid., 446-447.

<sup>33</sup> Holden, Memoirs, 24-25.

continued to remain in the war until its end.<sup>34</sup>

In Virginia, there was also dissatisfaction with Confederate rule, but the secession of the Northwest portion of the state eliminated much of the opposition, as the counties seceding were the ones which contained most of the unionists, and even some antislavery elements. In addition, Virginia had a larger proportion of important offices, military and civil, than North Carolina. However, other grievances, such as that of conscription and impressment of property, were strongly felt. The citizens of Richmond were greatly distressed by the careless exit of the Confederate government, which in its haste to depart before the oncoming Union forces, set the city on fire and needlessly destroyed homes and businesses. Richmond was nearly leveled to the ground.<sup>35</sup> Confederate soldiers, stationed outside Richmond, jeered at Confederate officials who came to their barracks to urge them on. An interesting description of this action is found in an account by John S. Wise, son of the former governor, Henry A. Wise. Wise writes:

The Confederate Congress passed resolutions of hope, and sent orators to the trenches and camps to tell the soldiers that "the darkest hour was just before day." One of these blatant fellows I recall particularly. He had been a fire-eater, a nullifier, a blood-and-thunder orator, foremost in urging that we "fight for our rights in the Territories." He

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<sup>34</sup>Lefler, North Carolina, 448.

<sup>35</sup>John S. Wise, End of An Era (Boston and New York: Houghton Mifflin, 1899), 415-416.

was a young man, an able-bodied man, and a man of decided ability. But never for one moment was his precious carcass exposed to danger....Old Jubal Early had opposed the war until it actually came upon him, but when it was inevitable, he fought.... When these people, whose extravagant oratory had done so much to bring on the fight, and who had then contributed nothing of personal service to sustain it, came among his starving men to urge them to sacrifices which they themselves had never made, he treated them with undisguised scorn.<sup>36</sup>

By 1865, in Richmond at least, it was difficult to tell whether the "Yankees" or the Confederate officials were hated more.

#### Virginia's Union Government

Immediately following the passage of the Secession Ordinance April 17, 1861, Virginia's Northwestern delegates had prepared for separation from the rest of the state and arranged for an anti-secession convention which assembled at Wheeling May 11, 1861. At this convention it was decided to erect a new government in Virginia, loyal to the Union, and independent of the Richmond regime. Declaring the offices held by secessionists to be vacant, they elected a new set of state officers, headed by Francis H. Pierpont of Marion County, lawyer, mine operator and tanner, as governor. In August, 1861 an act was passed by a new general assembly providing for the formation of a new state to be called Kanawha. The new state, named instead West Virginia, was finally admitted to the Union in 1863, and Pierpont, who had declined to run for office in West Virginia, moved to Alexandria with his "restored" government. Though it represented only a small section of the state, it made possible

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<sup>36</sup>Ibid., 395.

continuous government in Virginia for the duration of the war. After the cessation of hostilities, there was no need for the President to appoint a provisional governor. The Alexandria government merely moved to Richmond. Its General Assembly was the smallest in the history of the state, consisting of six senators and seven members of the House of Delegates.<sup>37</sup>

Before then the "restored" government as Pierpont's regime was called, had held a Constitutional Convention at Alexandria February 13, 1864, and drafted a constitution that anticipated in some respect the Underwood Constitution later drafted by the Radical Convention of 1867-1868. The two most important provisions of the Alexandria convention were the abolition of slavery and the establishment of publicly supported popular education. This convention also established the requirement of an oath for voters supporting the Constitution of the United States and the "restored" government and swearing they had not willingly aided the rebellion.<sup>38</sup> A similar oath would be a feature of the 1867-68 convention. Several members of the "restored" government would play an important role in subsequent reconstruction of the state. Besides Governor Pierpont, they were Franklin Stearns, John C. Underwood, who later presided over the convention of 1867-68,

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<sup>37</sup>Hamilton J. Eckenrode, The Political History of Virginia During the Reconstruction ("Johns Hopkins University Studies in Historical and Political Science," XXII, Nos. 6-8; Baltimore: Johns Hopkins Press, 1904), 11-17.

<sup>38</sup>Ibid., 19-20.

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Job Hawxhurst, Lewis McKenzie, Joseph Segar and James Hunnicutt.<sup>39</sup>

In Confederate Virginia, unlike North Carolina, whose state government was dominated by Conservatives, Confederate supporters elected two Democratic governors, John Letcher (1861-1863) and William "Extra Billy" Smith who served until the surrender at Appomattox. Smith then went into hiding. In both states, however, there was dissatisfaction with the secessionists. A clue to the dissent prevalent in Virginia could be seen in the victory of old Whig John B. Baldwin of Augusta County in the Valley over former Governor Letcher for Senator. By the end of the war most Virginians had turned their backs on the secessionists, and the legislature elected in 1865, like its North Carolina counterpart, would be almost entirely composed of old Whigs. And in both states, with the cessation of hostilities, Conservatives prepared to fight for power, privilege and prevention of social change.

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<sup>39</sup> Jack P. Maddex, Jr., The Virginia Conservatives, 1867-1879: A Study in Reconstruction Politics (Chapel Hill: University of North Carolina Press, 1970), 27.

## CHAPTER II

### THE CONSERVATIVE LEADERSHIP

Who were the Redeemers? In trying to determine their identity, it should be noted that no comprehensive work on the group as a whole exists, but there is considerable treatment of the subject by historians in general works and state studies on Reconstruction as well as in biographies of individual Redeemers. Two works in particular, however, C. Vann Woodward's Origins of the New South, 1877-1913 and William B. Hesseltine's Confederate Leaders in the New South, present conflicting views of these self-styled saviors of the South.

But though the Confederacy's cause was lost on the battlefield, the Confederate leaders remained to face problems of the post-war South. They who had led the Southern people were still, after Appomattox, the leaders.<sup>1</sup>

In the main they were of middle-class, industrial, capitalistic outlook, with little but a nominal connection with the old planter regime.<sup>2</sup>

Hesseltine, as the first quotation suggests, presents the Redeemers as the old ante-bellum ruling class and former

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<sup>1</sup>William B. Hesseltine, Confederate Leaders in the New South (Baton Rouge: Louisiana State University Press, 1950), 7.

<sup>2</sup>C. Vann Woodward, Origins of the New South, 1877-1913 (Baton Rouge: Louisiana State University Press, 1951), 20.

Confederate leaders. On the other hand, Woodward emphasizes their industrial mindedness, describing them primarily as old Whigs with Whiggish ideas about internal improvements and industrial development which would result in the movement described euphemistically as the "New South." Though these two characterizations may appear contradictory at first glance, my investigations of Redeemers in Virginia and North Carolina indicate that their leaders frequently fell into both categories. It is unquestionably true that the dominant philosophy among Conservatives was Whiggish, embracing not only an interest in commercial and industrial expansion but also the traditional Whiggish suspicion of democracy and preference for rule by the elite.

Information gleaned from the manuscript census of 1860 and 1870, however, makes it impossible to ignore the Redeemers' connections with the old planter regime. In fact, Whiggish ideas of industrialization were coupled with the old slavocracy view of the ideal society. The Redeemers sought to have it both ways--to develop a new industrial economy without changing the social system beyond the requirements of the Thirteenth Amendment. Newspaper accounts, labor contracts, and legislative journals of the period clearly establish the attempt of the Conservatives to keep their former slaves in a condition as close to their ante-bellum status as possible, while promoting railroads and industry.

Much of the seeming confusion lies in the dual or triple capacities of some of these men. Many of the leading figures

in the postbellum era in the South had more than one occupation and played more than one role. For instance, William T. Sutherlin, a member of Virginia's famous Committee of Nine, is listed in the manuscript census of 1870 as a farmer. He is spoken of in memoirs as a tobacco merchant or businessman.<sup>3</sup> In the 1860 census he is listed as owner of a large number of slaves. As an officer of the state's Agricultural Society, he had written a good deal on the subject of improvements in agricultural techniques, and his correspondence reveals that he was absentee owner of at least two plantations in the state on which tobacco and cotton was raised. Sutherlin was also active as a railroad builder and later president of the Roxbury Gaston Railroad which he built in the 1870's with the aid of convict labor.<sup>4</sup> Obviously Sutherlin was one of the old planter class and in addition a forward-looking member of the industrialist society.

A North Carolinian counterpart of Sutherlin was Samuel McDowell Tate of Burke County, a farmer, railroad president, lawyer and sawmill owner. Tate, also a former slaveowner, was one of the four Conservatives who drafted the railroad promotion

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<sup>3</sup> Robert E. Withers, Autobiography of An Octogenarian (Roanoke: Stone Printing and Manufacturing Company, 1907), 293.

<sup>4</sup> P. Hairston to Major W. T. Sutherlin, Richmond, Senate Chamber, March 16, 1877, William T. Sutherlin Papers, Southern Historical Collection, University of North Carolina, Chapel Hill, N. C.

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 scheme that resulted in the ensuing railroad scandals.<sup>5</sup> Senator Matt Ransom of North Carolina was another. Ransom, a lawyer, owned a large plantation which was famous for its purebred horses. A former slaveowner, he also served as counsel for George Swepson, the chief promoter of the railroad swindles in North Carolina. His correspondence includes several items from Pennsylvania Railroad President Tom Scott regarding railroad matters as well as one from Collis P. Huntington of the Central Pacific Railroad, asking his senatorial help in securing more favorable legislation for his company.<sup>6</sup>

Many other examples could be cited including former Governor William A. Graham of North Carolina who was both a lawyer and planter and former Congressman Alexander H. H. Stuart of Virginia. Both men had held cabinet posts in the administration of Millard Fillmore, both were Whigs, former slaveowners, and members of old established families. Graham was far more affluent than Stuart both before and after the war, but both were equally influential in their states.<sup>7</sup>

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<sup>5</sup>Charles L. Price, "Railroads and Reconstruction in North Carolina, 1865-1871" (unpublished Ph.D. Dissertation, University of North Carolina, 1959), 405; T. H. Porter to S. M. Tate, New York, Feb. 11, 1868, Samuel McDowell Tate Papers, Southern Historical Collection, University of North Carolina, Chapel Hill, N. C.

<sup>6</sup>Tom Scott to Matt W. Ransom, July 24, 1874; December 15, 1874; June 20, 1876; July 25, 1876; August 14, 1876; C. P. Huntington to Matt W. Ransom, August 26, 1876, Matt W. Ransom Papers, Southern Historical Collection, University of North Carolina, Chapel Hill, N. C.

<sup>7</sup>Frank Nash, "William Alexander Graham," in Dictionary of American Biography, Allen Johnson and Dumas Malone, eds. (New York: Charles Scribner and Sons, 1931-1936), IV, 480-481; Thomas P. Abernathy, "Alexander Hugh Holmes Stuart," DAB, IX, 160-161.

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A clear exception was General William Mahone of Virginia, Confederate general, railroad president and United States Senator who played a major role in the "redemption" of his state in 1869, but later led the Readjustors in an overthrow of the Conservative regime. Although Mahone had been a slave-owner in 1860, he stemmed from quite humble origins, his father having been a tavern-keeper, born in Ireland. Mahone attended the Virginia Military Institute, became an engineer, and embarked on a railroad career that promised as much success as those of his northern counterparts. A very controversial figure, he had alienated most of his former friends and political allies by the time of his death in 1895.<sup>8</sup> Mahone was definitely oriented in the direction of industrialism, but unlike most Conservative leaders he had started his career in the antebellum period as a self-made man.

It has been alleged that the "back" of the old planter class was broken after the war. This may have been true in some states, but my analysis of information taken from the manuscript returns of the United States Censuses of 1860 and 1870, and confirmed by other sources, suggests that in Virginia and North Carolina, the antebellum ruling class continued their dominance in political and economic affairs.

It is true, as C. Vann Woodward points out, that the first Redeemer governor in Virginia, Gilbert C. Walker, was a carpetbagger from New York, and a banker with railroad connec-

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<sup>8</sup>Nelson M. Blake, William Mahone of Virginia, Soldier and Political Insurgent (Richmond: Garrett & Massie, 1935), 254.

tions.<sup>9</sup> But Walker was replaced three years later, in what is sometimes called Virginia's "Second Redemption"<sup>10</sup> by James L. Kemper, a native Virginian, former slaveowner and old secession Democrat. Occupationally, he was an unsuccessful lawyer, who, to make ends meet, resorted to obtaining pardons for fellow-Confederates for a fee.<sup>11</sup>

An occupational analysis of the legislature elected to office in 1869 as may be seen in Table 2 below, hardly indicates a preponderance of business interest. Of the 133 Conservatives in the 1869 Legislature, the largest occupational category was that of farmer, of whom there were thirty-six. Next highest were the lawyers, who numbered thirty-two. There was also one farmer-lawyer-merchant, two farmer-lawyers and one farmer-teacher. However, to the lawyer category should be added that of judge, of whom there were eight. Lumping these two occupations together would bring the legal profession to the highest occupational category. Of the Conservatives in the Senate, almost all--twenty-four out of thirty--were professionals. In the entire legislature there were only eight merchants, two manufacturers and one banker, though some of the lawyers undoubtedly had railroad connections.

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<sup>9</sup>Woodward, Origins of the New South, 4.

<sup>10</sup>Robert R. Jones, "Conservative Virginian: The Life of James L. Kemper" (unpublished Ph.D. dissertation, University of Virginia, 1964), passim; Jack P. Maddex, The Virginia Conservatives (Chapel Hill: University of North Carolina Press, 1970), 104.

<sup>11</sup>Jones, "Conservative Virginian," 53-54.

Table 2

Occupations - Virginia's "First Redeemer Legislature" 1869-70<sup>12</sup>

Occupation of Delegate	Conservatives		Republicans		Total
	House	Senate	House	Senate	
Farmer	31	5	6	4	46
Lawyer	19	13	2	1	35
Judge	8	0	0	0	8
Merchant	5	2	5	0	12
Manufacturer	2	0	0	0	2
Physician	4	3	0	0	7
Editor	0	2	1	0	3
Publisher	1	0	0	0	1
Carpenter	2	0	1	1	4
Apothecary	1	0	0	0	1
Clerk	1	0	0	1	2
Teacher	0	0	1	0	1
Minister	0	0	1	0	1
Builder	0	0	1	0	1
Postmaster	0	0	1	0	1
Engineer	0	1	0	0	1
Banker	0	1	0	0	1
Shoemaker	1	0	0	0	1
Mason	1	0	0	0	1
Justice of the Peace	1	0	0	0	1
Student	0	0	1	0	1
Mayor	0	0	0	1	1
Farmer-lawyer	0	1	1	1	3
Farmer-merchant	1	0	0	0	1
Farmer-teacher	1	0	0	0	1
Farmer-minister	0	0	2	1	3
Farmer-lawyer-merchant	0	1	0	0	1
Legislators	14	0	10	1	25
Unknown	10	1	7	5	23
Total	103	30	40	16	189

<sup>12</sup>These and all the figures in this chapter are based on a compilation of findings in the manuscript returns for population schedules for the Ninth United States Census (1870) and the slave schedules for the Eighth United States Census (1860), which were examined by me on microfilm obtained from the University of North Carolina and the University of Virginia. The manuscript census of 1870 gives the age, color, sex, birthplace, occupation of each person listed plus the amount of real and personal estate. It also notes illiteracy or defects such as deaf, blind, or insane. Other information such as military service was obtained from other sources. All compilations and tables were made by me from the collected data.

Approximately one third of the Conservatives in the house and one half of the Conservatives in the Senate had been slaveowners. In contrast, only one Republican senator and two Republican delegates to the house had been slaveowners. The fact that many of the assemblymen were too young in 1870 to have owned slaves in 1860 should be taken into consideration. A total of forty-six of 133 Conservatives in the 1869 legislature owned 801 slaves, giving them an average of seventeen and one half slaves each. Nine of these slaveholders owned over twenty slaves, three over fifty, and one, Cary Breckenridge of Botetourt County in the Appalachians, over one hundred. Breckenridge had 149 slaves

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Table 3

Slaveholding Among Members of the 1869-70  
Virginia Legislature

No. Slaves Held	Conservatives		Republicans		Total
	House	Senate	House	Senate	
None	44	4	22	9	79
One & under 10	16	8	1	1	26
10 & under 20	10	3	1	0	14
20 & under 30	3	0	0	0	3
30 & under 50	3	0	1	0	4
50 & under 100	0	2	0	0	2
Over 100	1	0	0	0	1
Not found in Census	27	13	17	6	63
<b>Total</b>	<b>104</b>	<b>30</b>	<b>42</b>	<b>16</b>	<b>192</b>

listed in his ownership in the 1860 Census.

In the Virginia Legislature of 1873-74, the "Second Redeemer Legislature," which contained a large proportion of what the Richmond Whig proudly called the "old names,"<sup>13</sup> there was not so great a variation in occupations. The farmer and lawyer categories, remained almost the same as in the 1869-70 Legislature, but there were fewer judges and merchants, making the farmer category somewhat more important proportionately than in the earlier legislature. However, the percentage of former slaveholders was higher, the average number of slaves increased to twenty-three, and a much larger proportion of slaveowners were in the over-twenty category. A more detailed analysis of the data for both these legislatures will be presented later, but the figures above are given to support my contention that the old planters were still very much alive and playing a

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December 31, 1873.

role in the governing of the state.

Top Conservative and Republican Leaders<sup>14</sup>

Table 4

<u>Occupations - Virginia Conservative and Republican Leaders</u>			
<u>Occupation of Delegate</u>	<u>Conservatives</u>	<u>Republicans</u>	<u>Total</u>
Lawyer	45	12	57
Farmer	8	3	11
Merchant	4	2	6
Editor	9	2	11
Educator	3	1	4
Officeholder	0	3	3
Minister	1	1	2
Physician	1	0	1
Banker	2	0	2
Manufacturer	2	0	2
Real Estate Agent	1	0	1
Railroad President	3	0	3
Carpenter	0	1	1
Mayor	0	1	1
Lawyer-Editor	0	1	1
Farmer-Lawyer	3	0	3
Farmer-Merchant	1	0	1
Farmer-Physician	1	0	1
Farmer-Lawyer-Author	1	0	1
Unknown	2	0	2
<b>Total</b>	<b>87</b>	<b>27</b>	<b>114</b>

<sup>14</sup> Conservative and Republican leaders were selected on the basis of their influence, either directly through the holding of high office, or indirectly through their impact on their respective parties. This was especially true in the case of the Conservatives, whose "disabilities" frequently prevented them from running for office. Governors, United States Senators, Congressmen and Chairman of political parties are included in the top leadership. Undoubtedly some important or influential persons have been overlooked. The second-string leadership consisted of members of selected legislatures and delegates to constitutional conventions.

Whereas in the two Virginia legislatures mentioned, farmers composed the largest occupational group, lawyers formed over fifty percent of the top Virginia Conservative leaders, and exactly half of all the legislators. The second largest occupational category, that of editor, comprised less than ten percent of all Conservatives, as did the third largest category, that of farmer. The total number of all occupations that might be considered "business"--merchant, banker, manufacturer, real estate agent, railroad president, and farmer-merchant was thirteen.

#### Wealth

Total real property assets of eighty-seven Conservative leaders studied, who included the Committee of Nine, senators and congressmen, Conservative party chairmen and leading members of state legislatures, amounted to \$1,838,700. Twenty-two of these leaders could not be located in the 1870 United States Census, but it is assumed that their assets would not change the average holding of the sixty-five who were found, \$27,039. Of these sixty-five, twelve Conservative leaders were listed in the census returns as having no real assets. If the fifty-three property owners only are averaged, the average property holding becomes \$32,476. The total personal assets of the eighty-seven Conservative leaders amounted to \$1,037,100. Twenty-two of the eighty-seven were not located in the manuscript census, and nine were listed as having no

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One of the persons listed as having no assets was William Mahone, Railroad President, whose annual salary was known to be \$50,000. A. Fulkerson to Mahone, Bristol, Va., April 3, 1868 enclosing clipping from Abingdon Virginian, Mahone Papers, Duke University Library, Durham, N.C.

personal assets. The average holding of the Conservative leaders excluding those not found and those with no personal assets is \$18,519. If those listed as having no personal assets are included, but those not found excluded, the average becomes \$15,955.

Table 5

## Real Property Holding - Virginia Political Leaders

Amount of Property	Conservatives	Republicans	Total
Not Found	22	12	34
No Assets Listed	12	1	13
Under \$1000	3		3
\$1000 and under \$5000	10	3	13
\$5000 and under \$10,000	5		5
\$10,000 and under \$25,000	14	4	18
\$25,000 and under \$50,000	9	4	13
\$50,000 and under \$100,000	8	3	11
Over \$100,000	<u>4</u>	<u>   </u>	<u>4</u>
Total	87	27	114

## Personal Property Holding

Not Found	22	12	34
No Assets Listed	9	1	10
Under \$1000	8	2	10
\$1000 and under \$5000	17	7	24
\$5000 and under \$10,000	9	1	10
\$10,000 and under \$25,000	12	2	14
\$25,000 and under \$50,000	3	1	4
\$50,000 and under \$100,000	5	1	6
Over \$100,000	<u>2</u>	<u>   </u>	<u>2</u>
Total	87	27	114

The average of the twenty-seven Republican leaders' real estate holdings excluding twelve not found, but including one

listed as having no assets in real estate was \$24,786. Republican personal assets averaged \$9,960. Though Conservative averages are higher, especially as far as personal assets are concerned, Republican medians and modes are both slightly higher. The distribution of this wealth may be seen in Table 5 above. The median for the Conservative leadership in real assets is \$10,000, for the Republicans \$14,300. In personal assets, the Conservative median was \$3500, the Republican median \$4,000.

Evidence of postwar Conservative leaders connections with the old planter aristocracy was found in studying the slave schedules of the 1860 United States Census. Of the eighty-seven Conservative leaders checked, nine were definitely not former slaveowners, fifty-one were, and twenty-seven were not found, that is, 85% of those located and 58.5% of all had owned slaves. A total of 2,026 slaves were owned by these fifty-one men in 1860, giving the slaveowning Conservatives an average of thirty-nine slaves each. Counting in the nine non-slaveholding Conservatives, the average would be reduced to thirty-three. Twenty-seven or 31% of all the top Conservatives (53% of the slaveholders) owned over twenty slaves as compared to 11% for all Virginia slaveholders. In contrast, of the twenty-seven Republican leaders checked, only six were listed as slaveowners, eighteen were definitely not slaveowners, and three were not found. Of the latter, one was the Reverend James Hunnicutt who had held slaves in the antebellum period, a fact constantly mentioned by his detractors, but the actual number is not known. The total number of slaves held by the Republicans as indicated in the census was 149, and the average number for each of the six slaveowners was

twenty-five. If the non-slaveowning Republicans are counted, the average is reduced to six. One of the Republican slaveholders was Judge Alexander Rives, brother of Conservative William Cabell Rives. Judge Rives owned sixty-six slaves in 1860, twice as many as any other Republican. If his slaves are deducted, the average for the slaveholders comes to sixteen.

Table 6

Slaveholding  
Virginia Conservative and Republican Leaders

Number Slaves Held	Conservatives	Republicans	Total
None	9	18	27
1 and under 10	15	2	17
10 and under 20	9	1	10
20 and under 30	8	1	9
30 and under 40	2	1	3
40 and under 50	4	0	4
50 and under 60			
60 and under 70	4	1	5
70 and under 80	2	0	2
80 and under 90			
90 and under 100	1	0	1
100 and under 150	3	0	3
150 and under 200	3	0	3
Not Found	<u>27</u>	<u>3</u>	<u>30</u>
Total	87	27	114

Age

The average age of Virginia's Conservative leaders was forty-six, that of their Republican counterparts forty. Distribution of age may be seen in Table 6 below. The mode, that is the age of the largest number of persons, for the Conserva-

tives, is forty-eight, that for the Republicans forty-two. The Conservative median was also forty-eight, the Republican median forty-two.

Table 7

Age - Conservative and Republican Leaders - Virginia

Age Bracket	Conservatives	Republicans	Total
20-29	4	4	8
30-39	8	5	13
40-49	39	5	44
50-59	19	4	23
60-69	12	4	16
70-79	3	0	3
Not Known	<u>2</u>	<u>5</u>	<u>7</u>
	87	27	114

As the table clearly shows, the largest number of Conservatives were in the 40-49 and 50-59 age brackets, establishing them as middle-aged. Only twelve of the eighty-seven Conservative leaders were under forty. The Republicans, as indicated in the table, were generally somewhat younger, most being between thirty and fifty years of age.

War Service, Birthplace, Color

Of the eighty-seven Conservative leaders, forty or almost half, saw military service in the Confederacy. In addition sixteen Conservatives held office under the State or Confederate governments. There were eleven non-participants. One Conservative, George Rye, had been an officeholder in the

Unionist Pierpont government. Nineteen were not found. The Conservative top leadership, without exception, was white. Inasmuch as white supremacy was an important goal of the Conservatives, this is not surprising.

Eleven of the twenty-seven Republicans, had served in the United States army, three in the Confederate army, three had been newspaper correspondents or editors, six had been non-participants, three had held office under the federal government and one was unknown. Twenty-five of the twenty-seven were white, the remaining two black. In the legislatures studied those of 1869-70 and 1873-74, and in the Constitutional Convention of 1867-1868, there were many more blacks. Three/<sup>top</sup>Republican leaders were foreign-born; ten were from other states, and fourteen were native-born Virginians. Of the ten born outside Virginia, nine were from Northern states, mostly New York. Eight of the nine had served in the United States Army and were involved in Virginia politics before congressional reconstruction. Thus, though they were not native-born, they do not deserve the opprobrium of "carpetbagger." Of the Conservatives, on the other hand, the overwhelming number were native-born, eighty of the eighty-seven. Two were foreign-born and five were born outside the state. Of the latter there was one person each from South Carolina, Maryland, Indiana, Pennsylvania and New York.

#### Political Experience

The overwhelming number of Conservatives had had previous political experience in Virginia politics, another bit of evi-

dence that points to their connections with the old ante-bellum ruling class. Only two certainly had had none, and for twenty-three the question could not be determined one way or the other. The remaining sixty-two had had previous political experience. Of the Republicans, a number had served in the Constitutional Convention of 1868, but most had not held legislative or other public office prior to the war. Since almost half of the Republicans were from outside the state, their prior service would have had little connection with Virginia antebellum politics.

#### Geographical Distribution

The Conservatives prided themselves on being an urban group,<sup>16</sup> and this is born out by the census returns. Fifty-two of the eighty-seven leaders were city-dwellers, while the remaining thirty-five lived in towns. Fifteen of the Republican politicians resided in cities, the remaining twelve in towns. However, Republicans also derived much black support from the wards of Richmond, and Petersburg was actually controlled by black leadership for a period of time.<sup>17</sup>

Conservative strength was highest in the Shenandoah Val-

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<sup>16</sup>W. C. Rives to W. F. Gordon of Charlottesville, Castle Hill, June 16, 1867, William C. Rives Collection, Library of Congress, Washington, D. C.

<sup>17</sup>Luther P. Jackson, Negro Officeholders in Virginia, 1865-1895 (Norfolk: Guide Quality Press, 1945), 86; Maddex, Virginia Conservatives, 200.

ley, Southside<sup>18</sup> and Piedmont sections of the state, as may be seen in the table below. Though twenty of their number had come from the Tidewater section, half of these were from Richmond and four from Norfolk--the state's two largest cities. Two of the most important leaders, the aforementioned Alexander H. H. Stuart and his brother-in-law, Colonel John B. Baldwin, came from Augusta, the largest city in the Valley. Lexington was the home of congressman and old secessionist John Randolph Tucker. Charlottesville in the Piedmont or central, hilly section of the state, and the home of the University of Virginia, supplied some of the state's most distinguished Conservative leaders. Of the twenty Conservatives from the Piedmont, fifteen were former slaveowners. The largest cities in the Southside section of the state were Lynchburg, Danville and Petersburg. The most heavily populated section of the state was the Tidewater section, with the highest number of freedmen; and this section was the chief source of Republican strength. Although the population of the Valley had been traditionally unionist and Whiggish, it was extraordinarily racist which prevented it from supporting the Republicans who favored universal manhood suffrage. The chart below shows the distribution geographically of the Virginia leadership.

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<sup>18</sup>Southside refers to the area South of the James River which flows Southeastward to Chesapeake Bay.

Table 8

## Geographical Distribution of Virginia Political Leaders

Section	Conservatives	Republicans	Total
Tidewater	20	13	33
Shenandoah Valley	20	2	22
Southside	18	6	24
Piedmont	20	1	21
Northside	5	4	9
Appalachia & Blue Ridge	4		4
Eastern Shore		1	1
Total	87	27	114

Education and Previous Political Affiliation

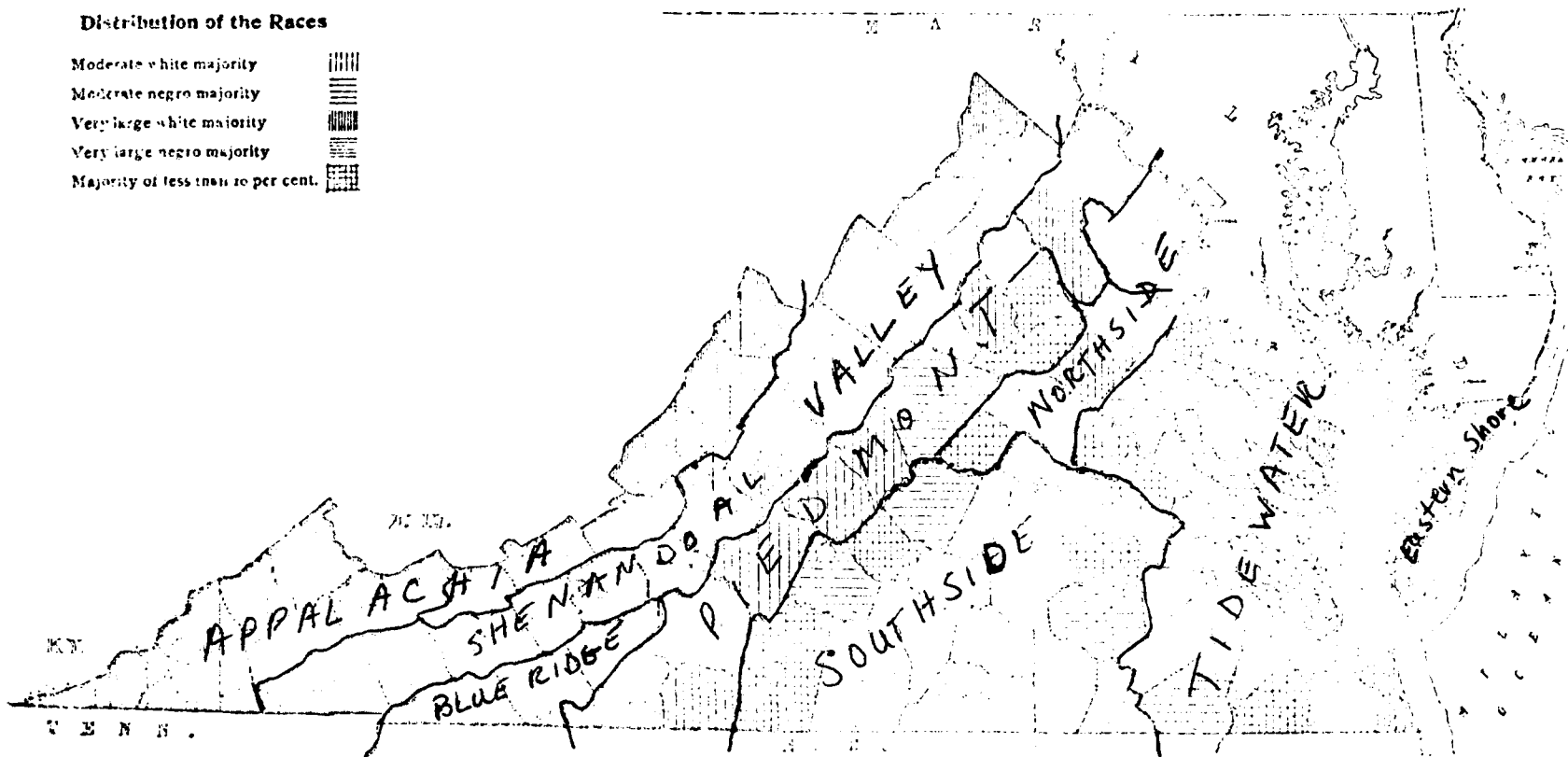
Neither of these categories are supplied by the manuscript census, and have been determined as far as possible by using other sources which include, the Dictionary of American Biography, Biographical Directory of Congress, state and county histories, newspapers and manuscripts. The information, especially that concerning antebellum party affiliation, is unfortunately incomplete.

Sixty-one of the eighty-seven Conservatives received a college education plus professional training. Five received a college education or its equivalent, one was educated in an Academy, the equivalent of high school, and the educational background of twenty could not be determined. Of the last category, however, six were editors by profession, and probably received some college training. The Republicans too, were well educated. Nineteen with college plus professional

## GEOGRAPHICAL DIVISIONS OF THE STATE OF VIRGINIA

### Distribution of the Races

- Moderate white majority
- Moderate negro majority
- Very large white majority
- Very large negro majority
- Majority of less than 20 per cent.



Based on Charles C. Pearson, The Readjuster Movement in Virginia (Gloucester: Peter Smith, 1969), 129.

training, one with college, one John Lewis of the Valley self-educated, six with education unknown made up the twenty-seven selected leaders. Constituents of both parties, black and white, tended to pick the best qualified representatives.

As far as prewar party affiliation was concerned, thirty-one Conservatives were found to have been Whigs before the war and nineteen were definitely Democrats. The prewar party affiliation of thirty-eight Conservatives was not found. However, it is possible to estimate the proportion of Whigs and Democrats in this last group. Breaking them down by section, eight were from Tidewater which tended to be Democratic and secessionist, nine from the Valley which was largely Whiggish and Unionist, two from Appalachia, also Whiggish and Unionist and eighteen from the Piedmont, Northside and the Southside which might be either. Adding these figures to those actually secured would establish a possibility of forty-two Whigs, twenty-seven Democrats and eighteen undetermined. The fact that Virginia went for Bell in the 1860 election would tend to support the existence of more Whigs than Democrats.<sup>19</sup>

As for the Republicans, omitting the out-of-state whites and the blacks who were not able to vote before the war, we find eight Whigs, three Democrats and five undetermined. Breaking these five down geographically as was done with the Conservatives, two were from the Tidewater section, one from the Eastern Shore and one from the Northside. Conjecture

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<sup>19</sup>Wooster, Secession Conventions, 140.

would add three Democrats, one Whig and one unknown. However, in the case of the Republicans, the guess as to Democrats is less certain, for Virginia secessionists and Democrats, unlike their North Carolina counterparts, did not enter the Republican party after the war. Many remained aloof from politics until the second redemption in 1873 when they returned in large numbers.<sup>20</sup> One, Robert L. Montague, who had been Speaker of the House in the Legislature of 1860-61 and a delegate to the Secession Convention, wrote sadly to William C. Rives in 1866 that, "alas! alas! The Past is gone, and with it all our hopes of present free government." Montague's letter continues:

I am here quietly at home pretending to farm with freedman as laborers, and actively engaged in the practice of law. We have had no mails here within the last few weeks, consequently I take no newspaper, and know but little of what is going on in the world. Will you then give me, for my own reflection, your views as to the future? .... I have not been relieved by the President, and I think it not probable that I shall ever again be in public life, but I do feel a deep interest in all that concerns our country and especially dear old Virginia. Is there any future for Virginia? I have some opinions of my own, but I will not trouble you with them.

What is your opinion as to our getting representation in Congress? Will this occur as long as the present long parliament reigns supreme at Washington? and is there not danger of its being deferred for many years?....<sup>21</sup>

Montague was returned to the house of delegates in 1873 by

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<sup>20</sup>Richmond Whig, December 31, 1873.

<sup>21</sup>Robert L. Montague to Rives, Urbanna, Va., July 11, 1866, Rives Papers, LC.

his Middlesex County constituency.

North Carolina

In the Old North State, the occupations of the <sup>top</sup>Conservative and Republican leaders closely resemble those of their counterparts in the Old Dominion. As may be seen in Table 9, the largest occupational category in both groups was that of

Table 9  
Occupations  
North Carolina Conservative and Republican Leaders

Occupation	Conservatives	Republicans	Total
Lawyer	35	12	47
Farmer	5	6	11
Judge	2	9	11
Officeholder		3	3
Farmer-Lawyer	1	1	2
Lawyer-Minister		1	1
Banker	2	1	3
Merchant	3	1	4
Professor		3	3
Physician	2	1	3
Editor	1	3	4
Minister	1	2	3
Engineer	2		2
Carpenter		1	1
Insurance Broker		1	1
Manufacturer		1	1
Total	54	46	100

lawyer. The preponderance of judges among the Republicans was due to the fact that the 1870 census was taken in 1870 while the Republicans still dominated the state government. Republican control of the University of North Carolina accounts for the larger number of professors among Republicans than Conservatives. There was no person in the North Carolina leadership

group whose occupation could not be found.

All business occupations combined--banker, merchant or engineer--would be seven, not so large a proportion as in Virginia. If, for both states, many of the lawyers were in fact business-connected, Woodward's thesis that forward-looking industrialists rather than old agrarians took the lead in the redemptive process has support. But when it becomes apparent that in North Carolina as well as in Virginia, most of the Conservative lawyers, merchants and other commercial persons owned slaves before the war and farmed large tracts of land, the assertion that this group had no connection with the old planter regime becomes untenable. Forty-three out of fifty-four or

Table 10

Slaveholding Among North

Carolina Conservative and Republican Leaders

No. Slaves Held	Conservatives	Republicans	Total
None	5	15	20
One & under 10	12	2	14
10 & under 20	8	4	12
20 & under 30	6	4	10
30 & under 40	4	1	5
40 & under 50	0	3	3
50 & under 60	3	1	4
60 & under 70	0	1	1
70 & under 80	0	1	1
80 & under 90	1	0	1
100 & under 150	2	0	2
Over 200	0	1	1
Over 500	1	0	1
Not Found	<u>12</u>	<u>13</u>	<u>25</u>
Total	54	46	100

or almost four fifths of the Conservative leaders might have been linked to commercial interests if we include all lawyers and the farmer-lawyer

and by a similar calculation, eighteen Republicans, or almost 40%, could also be viewed as business connected. However, thirty-seven Conservatives, 68% of all or 88% of those located in the census, had owned a total of 1587 slaves in 1860, averaging forty-two slaves each. The average, including the non-slaveholders, was thirty-eight. The unusually high average is due to the inclusion of two slaveholders who held over 100 slaves each and one who had owned over 500. The mode is much less, the largest number of slaveholders having owned under forty slaves each in 1860. Significantly, however, 46% of the slaveholders held twenty or more slaves, as compared to 11.6% for all North Carolina slaveholders.

A much smaller but substantial proportion of Republicans, eighteen of all forty-six, ( or of the thirty-three found) had owned slaves, 735 in all, or an average of forty slaves apiece. The high average of slaves held by Republicans was largely due to the number owned by Daniel Lindsay Russell, a planter and manufacturer of turpentine, whose father had been the largest landowner in North Carolina. Deducting these 212 slaves and dividing by the remaining seventeen slaveowners would reduce the average Republican holding to thirty-one. Yet the Republican average, including known non-holders, was twenty-two, notably larger than for Virginia Republicans. Also the North Carolinians included a high proportion of owners with twenty or more slaves.

The Conservative leadership then tended to be dominated by elements with slaveowner backgrounds and probable commercial connections and the Republican leadership contained a considerable, though smaller, number of such persons. The substantial number of affluent Republicans refutes the myth of the downtrodden scalawag in North Carolina at least, but raises the important question of why some of the slavocracy in that state turned to the Republican party after the war. They did not do so in Virginia.

Turning to wealth, we find that the Conservatives are a-gain out in front although not overwhelmingly. Of the fifty-four Conservative leaders, thirteen were not found in the 1870 manuscript census, but real estate holdings of the rest amounted to over half a million dollars and averaged \$12,575 per person, while the Republicans' real estate assets totalled just under \$400,000 with an average holding of \$11,075 in 1870. Ten Republicans of the forty-six were not found.

Table 11

Property Holding  
North Carolina Political Leaders - 1870

Amount of Real Assets	Conservatives	Republicans	Total
No Assets listed	3	7	10
Under \$1000	1	4	5
\$1000 and under \$5000	14	11	25
\$5000 and under \$10,000	9	2	11
\$10,000 and under \$25,000	9	7	16
\$25,000 and under \$50,000	1	3	4
\$50,000 and under \$100,000	4	2	6
Over \$100,000			
Not Found	<u>13</u>	<u>10</u>	<u>23</u>
<b>Total</b>	<b>54</b>	<b>46</b>	<b>100</b>
<hr/>			
Amount of Personal Assets	Conservatives	Republicans	Total
No Assets Listed	5	6	11
Under \$1000	6	5	11
\$1000 and under \$5000	12	11	23
\$5000 and under \$10,000	9	7	16
\$10,000 and under \$25,000	4	4	8
\$25,000 and under \$50,000	3	2	5
\$50,000 and under \$100,000	1	1	2
Not Found	<u>14</u>	<u>10</u>	<u>24</u>
<b>Total</b>	<b>54</b>	<b>46</b>	<b>100</b>

The Conservative leaders in North Carolina held a total of \$307,500 in personal assets with an average holding of \$7,687, while Republicans followed closely behind with a total of \$244,500 and an average of \$6,791. From Table 10 it is apparent that most property-owners held real assets in the range of \$1000 to \$5000, and \$5000 to \$10,000, and the same was true in the category of personal property. No one held over \$100,000 in either category and only eight held over \$50,000. North Carolina's leaders, though of substantial means for their day, were much less affluent than those of Virginia.

War Service, Birthplace, Color

Approximately one half of the Conservative leaders in North Carolina had served in the Confederate army, about the same as the Virginia Conservatives. Fewer North Carolinians held Confederate offices, however. The war service of ten of the fifty-four Conservatives could not be determined, twenty-seven had served in the Confederate army, two in the North Carolina State Militia, and five had held office under the Confederate regime. Nine had been non-participants.

As might be expected, fewer Republicans had served in the Confederate army, though thirteen--almost a quarter of these--North Carolina Republican leaders had done so. The largest number, nineteen, were non-participants, reflecting, it would appear, the unionist sentiments of this group. Five had served in the United States army. In this latter group were Albion Tourgee, famous carpetbagger and General Joseph Abbott,

who would become Senator. One had served in the North Carolina militia. Evidence as to military service was lacking for the remaining eight Republicans.

All of the Conservative leaders were white, and all except seven were born in North Carolina. Four were born in Virginia, and one each in Arkansas, Ireland and Tennessee. Most of the Republican leaders were native-born also, in contrast to the Virginians who had more outside whites in their leadership. Thirty-six Republican leaders were born in North Carolina, one was not found and nine were from the Northern states of Massachusetts, New Hampshire, New York, Ohio, Pennsylvania and Rhode Island. All except two were white.

Table 12

Age Distribution  
North Carolina Conservative and Republican Leaders

Age Bracket	Conservatives	Republicans	Total
Unknown	1	1	2
20-29	5	5	10
30-39	10	11	21
40-49	16	17	33
50-59	12	7	19
60-69	8	3	11
70-79	<u>2</u>	<u>2</u>	<u>4</u>
Total	54	46	100

Most of the North Carolina politicians, Conservative or Republican, were middle-aged. The mode for both groups of leaders was in the age bracket forty to forty-nine, with the average of the Conservatives slightly higher.

Education and Prewar Party Affiliation

Forty of the fifty-four Conservatives, or 76%, had had college plus professional training, four college or the equivalent, and two the equivalent of a high school education. The education of eight Conservatives could not be ascertained. Of the Republicans, twenty-nine, or 63%, had had a college education plus some form of professional training -- in this period "reading" law under the supervision of an established jurist was the most common method -- six had had a college education or its equivalent, three the equivalent of a high school or academy education, and eight were not found.

As far as I have been able to determine, and my information is not complete, the majority of the leaders of both parties were former Whigs. In the case of the Conservatives, there were thirty Whigs and six Democrats. The prewar party affiliation of thirteen could not be found, and five were too young before the war to have had any such affiliation. Of the native white Republicans, nineteen had been Whigs before the war, and five had been Democrats, while the politics of twelve could not be found. The remaining nine were either outside whites or black and therefore were not involved in antebellum politics. Slightly over half of the Republican leadership had held office before the war, while almost four-fifths of the Conservatives had done so. The political know-how and experience of the Conservatives was bitterly acknowledged by their opponents.<sup>22</sup>

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<sup>22</sup> Albion W. Tourgee to editor of the Era, Greensboro, Feb. 28, 1873, Tourgee Papers, microfilm roll 11, SHC.

### Geographical Distribution

North Carolina is divided geographically into only four sections--a section watered by the Lower Cape Fear River, whose major city is Wilmington, and a small section in the Northeastern part of the state, largely agricultural; the Piedmont or central portion of the state and by far the largest section; and what is called the Transmontane or mountainous region in the Western part of the state near Tennessee. The Northeast and Cape Fear sections were centers for rice culture in prewar times, and had a high concentration of blacks in the population. The greatest strength of the Republicans lay in this area, especially in the city of Wilmington which was controlled by Republicans until 1877 when the Conservative legislature gerrymandered the city.<sup>23</sup> The Piedmont section was home to most of North Carolina's yeomanry, small farmers and some large planters although the land was not as suitable as the eastern section for growing cash crops. Raleigh was situated in the Piedmont, as was Greensboro, Winston-Salem and Salisbury. Whites outnumbered blacks in most counties in the Piedmont. It was the first section to be recovered by the Conservatives and was the center for Klan activities in 1869 and 1870. The third section, in the western, mountainous region of the state was peopled chiefly by whites, who engaged in small farming or distilling. The area

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<sup>23</sup>William McKee Evans, Ballots and Fence Rails: Reconstruction On The Lower Cape Fear (Chapel Hill: University of North Carolina Press, 1967), 172-173.

around Asheville, the largest city in the section, was a resort during the summer when those who could afford it, fled from the lowlands to escape the heat and accompanying disease. This section before the war had been unionist. The chart below indicates the geographical distribution of Conservative and Republican top leadership in these four areas. In contrast to Virginia, North Carolina Republicans were surprisingly numerous from the Piedmont area.

Table 13  
Geographical Distribution of North Carolina Political Leadership

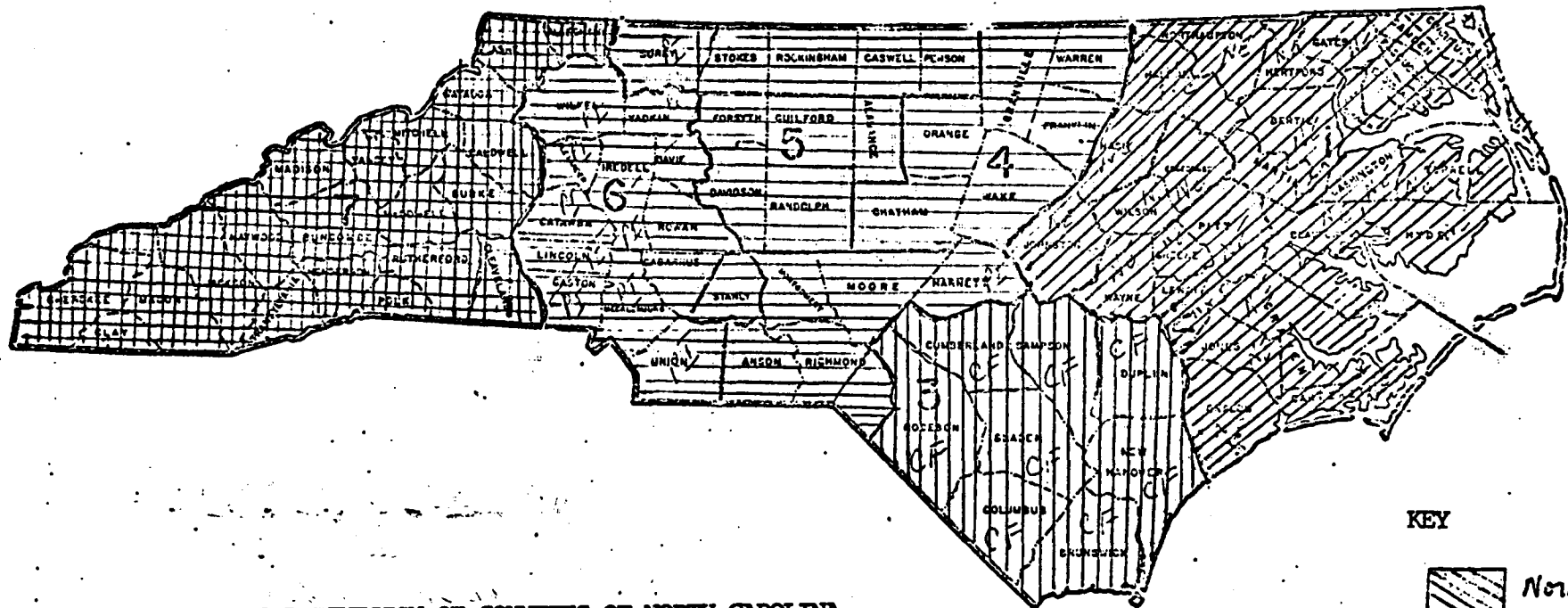
Section	Conservatives	Republicans	Total
Cape Fear & Northeast	10	17	27
Piedmont	34	23	57
Transmontane	10	6	16
Total	54	46	100

#### Conservatives and the Klan

At least ten, and probably more Conservative leaders, are known to have been members of the Ku Klux Klan in North Carolina, including the famous John G. Lea. In a posthumous confession published in 1935, Lea confessed to the crime of participating in the killing of John W. Stephens, a white Republican state senator. The murder was carried out by a group of ten men, representing "some of the finest families in the county." <sup>24</sup> Led by ex-Sheriff Frank and Dr. Roan, an eminent physician,

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

John G. Lea Confession, July 2, 1919, North Carolina State Department of Archives and History, Raleigh, N.C.; A. W. Tourgee to U. S. Grant, Greensboro, N. C., December 28, 1971, Tourgee Papers, Microfilm Roll 10, SHC.



GEOGRAPHICAL DIVISION OF COUNTIES OF NORTH CAROLINA

Based on John N. Sanders, Maps of North Carolina (Chapel Hill: University of North Carolina Press, 1961), 14.

KEY

-  Northeast
-  Cape Fear
-  Piedmont
-  Transmontane

they lured the victim to a brutal death by stabbing. All the participants in this crime were property-owners, had been slaveowners and were well-known in the community. Correspondence in the William A. Graham Papers indicates a close connection between that honored leader and Klan killers.<sup>25</sup> One letter from Graham to his son William Jr. suggests the interesting possibility that his other son, John, may have been a Klansman.<sup>26</sup> The son of the famous jurist, Thomas Ruffin, was also involved with the Klan as a letter from his father testifies.<sup>27</sup>

The leader of the Klan in North Carolina was alleged to be another honored North Carolinian, William L. Saunders, lawyer, editor, Secretary of State for North Carolina and Trustee of the University of North Carolina. Called to Washington to testify before a Joint Select Committee of Congress in 1870, he took the Fifth Amendment exactly one hundred times, declining to answer any questions regarding Klan activities in North Carolina. Evidence of this amazing feat may be found on his tombstone in Calvary Churchyard, Tarboro, N. C., the last line of which reads, "I decline to answer."<sup>28</sup>

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<sup>25</sup>George F. Bason to W. A. Graham, Graham, N. C., Dec. 18, 1871, typescript Graham Papers, SHC.

<sup>26</sup>W. A. Graham to W. A. Graham, Jr., Hillsboro, August 9, 1869, ibid.

<sup>27</sup>Thomas Ruffin to John K. Ruffin, Hillsborough, July 8, 1869, J. G. deRoulhac Hamilton, ed., The Papers of Thomas Ruffin (4 vols.; Raleigh: Edwards & Broughton Printing Co., 1920), IV, 225-227.

<sup>28</sup>Tarboro Daily Southerner, October 29, 1960.

One other prominent Ku Kluxer deserves mention. Josiah Turner, vitriolic editor of the Raleigh Sentinel and implacable enemy of the Radicals in his state was popularly spoken of as "King of the Ku Klux."<sup>29</sup> Leader of the Constitutional Union Guards, title of the Klan in Orange County, he was arrested in August 1870. Enormously influential, Turner was a former planter, slaveholder and member of the Confederate Congress. His almost certain involvement in the Klan is an indication of that organization's widespread influence. Another avowed Klan member was Fred L. Strudwick of Orange County, member of the 1871 Legislature who introduced the resolution to impeach Governor Holden. All of those mentioned above were influential Conservative leaders.

Virginia or North Carolina Conservative leaders were rather a homogeneous group, and the following characteristics would apply to the majority of them at least. A typical Conservative was above all white, middle-aged, native-born, well-educated--college or better--apt to be a lawyer by occupation, but might also be a farmer, certainly a landowner, a Confederate veteran, well-to-do, especially in Virginia, politically experienced, a former slaveowner or son of one, and connected with or part of a "fine old family." If old enough, he could have been either an old Whig or an old Democrat, more likely the former, especially in North Carolina, where Whigs had been stronger before the war. His educa-

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Raleigh Daily Standard, July 23, 1870; Turner to wife, [Yanceyville] July 8 [28], 1870, Turner Papers, SHC.

tion in a southern university would have helped to confirm a narrow Conservative viewpoint. Letters from such persons are full of admonitions to heed the lessons of history, particularly Greece and Rome, whose downfall was due, they agreed, to an excess of democracy.

The typical Republican leader approached the wealth of his Conservative rival more nearly than might have been expected, and in North Carolina his pre-war slave-holding status as well. Like his Conservative counterpart, he was most apt to have been a lawyer. In Virginia he would not have been a former slaveholder, but in North Carolina the odds were better than equal that he would have owned slaves, and more than a few. If a native white, like his Conservative fellows, he was more likely to have been a Whig than a Democrat. In North Carolina he would have been a native son, and probably in Virginia as well, though there the chance of having been born in the North was one out of three.

In some cases, former secessionists, discredited by the results of the war, joined the Republican party in order to function politically. Thomas Settle, Robert P. Dick, and W. B. Rodman were outstanding examples of this tendency in North Carolina. A native Republican on the top level of leadership who belonged to the same class as his Conservative opponent, might be convinced that working with rather than against the party in power nationally might produce better results. Judge Pearson of North Carolina held this view. In a letter written in support of Grant in the campaign of 1868, Pearson wrote:

It is inevitable that the Conservatives must split into two parties. The peace Conservatives and the war Conservatives, or to avoid inconsistency,

the nullifiers. The difference is so vital, that they can not act together as one party. The nullifiers met with the democrats. There can be no reason why the Conservatives, without identifying themselves with the Republicans, but keeping up their organization as a party, and leaving the nullifiers to go to themselves, may not act with the Republican party, and vote for Grant, as the man for the occasion, who, like Jackson, will put a stop to nullification, in the new shape in which it raises its hydrahead.

When the storm is over, the Conservative party, representing as it does, the property and intelligence of the State, will take the guidance of affairs, and all will be well.<sup>30</sup>

In Virginia, a comparable example to Pearson, though I have found no testimony as to his reasons, was Judge Alexander Rives, who actually belonged to the Republican party, yet managed to retain the respect of Conservatives. In general, however, Virginia Conservatives remained in their own party, although they alternately resisted and cooperated with Republicans when they thought it would be to their advantage. Even in 1869, when they supported Gilbert C. Walker, who ran under the True Republican label, Conservative canvassers were labeled as such in the newspapers.<sup>31</sup>

It might have been anticipated that the Conservative leadership--senators, congressmen, governors, party chairmen and others--would represent the antebellum elite. The next question that arises is whether the second-string leadership, represented in the state legislatures, reflected similar class interests. An attempt to answer this question will be

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<sup>30</sup>Ibid., August 11, 1868, also cited by Olsen, "Ku Klux Klan," 361.

<sup>31</sup>Richmond Whig, May 31, 1869.

made in subsequent chapters.

Throughout this chapter, I have constantly pointed out connections between the postbellum Conservatives and the antebellum ruling class. This does not mean, of course, that there were no industrialists among them, or that they did not represent commercial interests. Like other ambitious men, North and South, in this period, they turned to the railroads and burgeoning industrial enterprises from whence they expected great profits. In certain instances, the movement toward industry had started before the war, and emancipation of the slaves caused many planters to seek out other means of making a livelihood. It is important to recognize, however, that though many Conservative leaders had opposed secession and the war, they had formed part of the governing classes in their respective states, and had enjoyed the privileges that their governance had brought them. As the secessionists sought to preserve slavery through forming their own nation, so these Conservatives had sought to hold the nation together, that they might retain their slaves and their privileged status. Now that the war was over and slavery ended, both old Democrats and Whigs united to prevent the social revolution that might have followed in the wake of the conflict.

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## CHAPTER III

### AFTERMATH: THE LOST OPPORTUNITY

Spring 1865 was a trying time for those Virginians and North Carolinians who had cast their lot with the Confederacy. The depressing news from the front, the devastation and pillage of the land and livestock by Northern and Southern troops alike, and the mounting casualties that left hardly a home untouched, combined to discourage the staunchest Confederate. In addition, the irking oppression of the Confederate government --a far cry from the autonomy that the advocates of States Rights had expected to garner from secession --was particularly odious to those who had opposed secession in the first place.

For a year North Carolina's leading citizens had been convinced of the futility of the struggle. In May 1864, Josiah Turner, then Confederate congressman from North Carolina, had written to his wife, Sophia, from Richmond, capital of the Confederacy, that "before the summer or rather before the campaign is over General Lee will be in North Carolina with the Roanoke [river] as one of his lines of defence. It is as certain as fate that he can't hold Virginia after this

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 campaign."<sup>1</sup>

A few days earlier a four page letter by Turner had described casualties affecting families of some of the most prominent men in the state, men who had a vested interest in victory--persons such as ex-Governor William A. Graham, Colonel William L. Saunders, later to be the leader of the Ku Klux Klan in North Carolina, and General Oliver O. Dockery, a former Congressman who would become a leading Republican in the postwar period.<sup>2</sup>

What of the vast majority of North Carolinians, many of whom had been opposed to the war in the first place and to whom the "rich man's war" had brought only hardship? The Conscription Act which exempted owners of twenty slaves or more from the draft while requiring non-slaveowners to serve appeared to be grossly unfair to them. They responded by deserting in droves. Militia were organized to protect the citizens from pillage as fugitives tried to live off the land and to force the deserters back into the Confederate Army; but the state was sorely divided. In the gubernatorial election of 1864, William W. Holden, subsequently provisional governor under under presidential Reconstruction, ran on a peace platform against Zebulon B. Vance, who was desperately

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<sup>1</sup>Josiah Turner to Sophia Devereux Turner, Richmond, May 26, 1864, Josiah Turner Papers, Southern Historical Collection, University of North Carolina, Chapel Hill, N. C.

<sup>2</sup>Turner to wife, Richmond, May 7, 1864, ibid.

trying to keep his state in the Confederacy.

Some months later Turner wrote again to his wife from Richmond: "I shall leave the negro bill to its fate and come home in a few days if it is only to stay one day and night--for I now look upon all as lost and the country as subjugated."<sup>3</sup> Like most of his associates, however, men who had governed North Carolina before the war, Turner did not regard military defeat as decisive. In the very next sentence he writes: "I have broken the ice in a new direction--the papers can tell you nothing of it--I must stay a day or two to see if I can perfect my plans for the deliverance of the country--or rather for saving a part of the shipwreck."<sup>4</sup>

This attitude was typical of others of the ruling group of the two southern states. A clue to their aims and surprising elan may be found in some of the speeches in the Secession Conventions of 1861, and in the correspondence of that period. Alexander H. H. Stuart, one of the most ardent opponents of secession at the Virginia Convention of 1861, spoke against the Ordinance of Secession in secret session April 16, 1861, saying:

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<sup>3</sup>Turner to wife, Richmond, February 19, 1865, ibid.  
The "Negro bill" referred to a bill calling for the drafting of slaves into the Confederate Army.

<sup>4</sup>Ibid.

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Sir, let us look at some of the primary effects of immediate secession: Why, sir, under the intimations thrown out by the President, this country might in one week after the passage of the Ordinance of Secession, be in the condition of a man whose arms are paralyzed. Your mails might be broken up, and all communication stopped, thus completely clogging all commercial operations with the great seat of commerce [New York City] with which we hold the most important commercial relations. Sir, pass this Ordinance of Secession now, and you incur another hazard. You incur the hazard that the people themselves, not quite as sensitive to the highest notions of chivalry as the members of this Convention, but looking with a more impassioned view at the practical results, the interruptions to business, the burthensome taxation, the onerous military service, all the privations of every description which they are to suffer, might be induced to vote down the Ordinance of Secession. And where would you then stand? The gentleman before me [Mr. Morton of Greene and Orange Counties] says forcible revolution would follow. Revolution against whom? Against anybody and everybody...<sup>5</sup>

Some years later, in a speech delivered before the Literary Societies of the University of Virginia, Stuart again warned of revolution saying, "We have just emerged from one great revolution, and it may be that we are on the eve of another."<sup>6</sup> The speech was published by the Richmond Examiner in a pamphlet entitled The Recent Revolution.

This concern over the dangers of revolution was again expressed in a letter to Stuart from Judge Alexander Rives, a

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<sup>5</sup>A. H. H. Stuart, Speech to Secession Convention, April 16, 1861, Proceedings of the Secession Convention of the State of Virginia (4 vols.; Richmond: Virginia State Library 1968), IV, 19.

<sup>6</sup>A. H. H. Stuart, The Recent Revolution: Its Causes and Consequences, and the Duties and Responsibilities Which It Has Imposed on the People and Especially the Young Men of the South (Richmond: Examiner Office, 1866), 5.

well-to-do Virginia planter who became a Republican after the war and supported Negro suffrage. Rives wrote one month after Virginia had voted in convention to secede:

I was gratified to find from your letter that our opinions and feeling still run in the same current. I am not surprised at your declining public life at this time. Revolution places the worst men in the ascendancy; and moderation becomes a badge of suspicion.

Patriots have to bend before this storm; and wait for the people to recover their senses in the schools of adversity;--too happy alas! if their retreat and property be not invaded by the malicious and wicked, who will in these revolutionary times, constitute themselves, assessors of others; and if their rates be not paid, incite to rapine and plunder.<sup>7</sup>

After inquiring into the circumstances of the vote on secession, and inviting Stuart to visit and discuss the matter, Rives concluded:

I was glad to see, you are upon a committee to prepare other amendments to the Constitution. I should be greatly propitiated to this Revolution, if you could restore to us the features of a true representative Republic, in place of the radical Democracy, that is now leading us into anarchy, and all sorts of corruptions. Restore the independent tenure of the judgeship; take away most of the popular elections of subordinate officers; and disfranchise the purchaseable voters by placing some restriction on suffrage adequate to that end: and I should be reconciled to see old Virginia set up for herself as a Model Republic, free from entangling alliances.<sup>8</sup>

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<sup>7</sup>Alexander Rives to A. H. H. Stuart, Charlottesville, May 17, 1861, Stuart Papers, U. Va.

<sup>8</sup>Ibid.

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Apparently, it was prewar political affiliation, rather than postwar, that determined attitudes toward government. Both Rives and Stuart were old Whigs. Rives joined the Republican party after the war, Stuart led the Conservatives and was elected president of its first convention in December, 1867. Yet both cooperated in the "New Movement" of 1869 which resulted in the simultaneous restoration and redemption of the state.

Rives's distrust of the masses was echoed in North Carolina by another old Whig, David Schenck, a lawyer, who was appointed judge by the Conservatives in 1877. In 1864 Schenck wrote in his diary that the war "has taught me the weakness of a Republic; and the failure of self-government." After denouncing the "vicious, unbridled majority" that had brought about the conflict, Schenck predicted that "we will be in civil war and strife" as long "as a Republican form of government is the continental system of North America." and that "we will never find peace, permanency and happiness until some day we establish a monarchy, where intelligence and property shall be the ruling power of the state and where the absurd doctrine of the equality of man shall be as much condemned as it is now applauded..."<sup>9</sup>

Opposition to the war, dislike of the Confederacy, and movements toward a separate peace were favored by Conservative leaders who felt that their interests could be better secured through this means than through independence. Jubal Early, del-

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<sup>9</sup>David Schenck Diary, Vol. 5, December 12, 1864, typescript, 30-31, Southern Historical Collection, University of North Carolina, Chapel Hill, N. C.

egate to the Secession Convention, and later Confederate general, expressed the opposition of the tobacco interests to the severing of relations with the Union, predicting financial ruin for tobacco growers and manufacturers.<sup>10</sup> Jonathan Worth, governor of North Carolina during presidential Reconstruction and one of that state's most revered Conservatives, in a letter to a friend during the war revealed one of the deepest concerns of his class:

It is certain that a very large portion of the people of this State, probably a large majority --disapprove the course of the administration. Very many believe that a continuance of war will result in universal emancipation, and that while we present a formidable military front, we could make peace on the basis of the Constitution of the U. S. whereby we would preserve our slaves, and save the further effusion of blood and destruction of everything. Our Govt. will not negotiate on this basis....

These are frankly my views. I know there is a class of politicians who would denounce them as disloyal; and for this reason many who concur in them have not the moral courage to avow their sentiments. It is silly to charge me with disloyalty to my State. Everything dear to me is in North Carolina. A very large part of the property of myself and my children consists of slaves. I wish to retain them as slaves, believing it best for them as for me. I believe the provision of the Constitution of the U. S. a better security to this property, than separate Independence; besides, I abhor war and would rather submit to anything not degrading, than to continue to force men to slaughter.<sup>11</sup>

In a similar letter to John Pool, an old Whig statesman

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Henig, "Opposition to Secession," 43-44.

<sup>11</sup>J. L. Worth to D. L. Russell, Raleigh, February 16, 1864, in J. G. DeRoulhac Hamilton, ed., The Correspondence of Jonathan Worth (2 vols.; Raleigh: Edwards and Broughton, 1909), I, 296-297.

before the war, who would join the Republican party and be elected United States senator during Reconstruction, Worth expressed his fears of emancipation more frankly. If a separate peace were to succeed, he wrote, "it would be a blessing to the whole land and would prevent that universal emancipation and the curse of an enormous free negro population making the country unfit to live in."<sup>12</sup>

Although it has often been alleged that the South was thoroughly beaten after the war psychologically as well as militarily, the correspondence of Conservative leaders in North Carolina and Virginia does not support the first part of this thesis. Southern leaders, in these two states at least, had not resigned themselves in any way to political oblivion. They merely accepted military defeat. As they had opposed secession for fear that a war for southern independence might be followed by social revolution, they now put their experienced political heads together to make certain that the late military disaster did not bring about great social change--political or economic.

In Virginia, Stuart called for a series of meetings beginning with one at Staunton courthouse in the Shenandoah Valley which met May 1, 1865. It was composed, according to Stuart, of a "large assemblage of the best people of Augusta County."<sup>13</sup>

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<sup>12</sup>Worth to John Pool, Raleigh, February 6, 1864, ibid., 288-289.

<sup>13</sup>Stuart, Restoration of Virginia, 4.

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A handbill issued following this meeting took the position that "the ordinances of secession were mere nullities and absolutely void," and that "the southern states have never severed their connection with the United States, have never been out of the Union, and are therefore entitled, from the moment the war ceases, to resume their position as members of the Union."<sup>14</sup>

The handbill also reported the adoption of several resolutions by the meeting, the most important of which was one calling for the setting up of a committee of five, "to go to Richmond and ascertain whether the military authorities of the United States will interpose any obstruction to the election, assembling and action of...a convention."<sup>15</sup> The committee which consisted of Stuart, Baldwin and several others, was received "courteously" by the military authorities, but told that Governor Pierpont was recognized by the United States government as governor and would be in Richmond shortly.<sup>16</sup> Stuart states in his Narrative of the Restoration of Virginia his belief that the attempt at early restoration would have succeeded were it not for the assassination of Lincoln and subsequent "quarrels between President Johnson and Congress."<sup>17</sup>

About the same time that Stuart was attempting restoration

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<sup>14</sup>Ibid., 11.

<sup>15</sup>Ibid., 11.

<sup>16</sup>Ibid., 13.

<sup>17</sup>Ibid., 14.

in Virginia, an obscure soldier from North Carolina wrote to his aunt from a prison camp in Virginia advising her that it was now the duty of "all good men to take the oath of allegiance to the United States Government." By so doing, the young man continued, "we will be able to elect good men as senators to go to Washington. If every southern state will send two good senators, we will with the aid of the Democratic party...of the North be able to check the Republican party in their wild schemes."<sup>18</sup>

Conservatives had two main objectives following the surrender at Appomattox--reentry of the states into the Union on terms that would allow the former political leaders themselves to play a leading role in the governing process, and a resolution of the problems connected with emancipation that would seem satisfactory to them. Achievement of these two goals would kill any chance of reordering power among whites or of meaningful progress for the newly freed slaves. Despite their protestations to the contrary, Conservatives sought to retain as close a continuation of the master-slave relationship as possible. The reasons for this aim were partly economic, but not wholly so. The Conservatives subscribed to the nineteenth century belief in Negro inferiority and the Southern view that only Southerners could understand the freedmen and guide them to "success in their new condition."

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<sup>18</sup>Reuben E. Wilson to Aunt, Mrs. Beverly Jones, Manchester, Va., May 1, 1865, Jones Family Papers, Southern Historical Collection, University of North Carolina, Chapel Hill, N. C.

An explicit statement of this view of the freedmen is contained in a letter from one of the more liberal North Carolina Conservatives, Samuel F. Phillips, who rather inexplicably turned Republican in 1870 and was nominated as the Republican candidate for attorney-general.<sup>19</sup> Phillips wrote to his friend William A. Graham that "we owe it to our character as a Christian Community to give these unfortunate persons as fair a chance for success in their new condition as a sound regard for permanent welfare of the Whites will allow." Phillips continued:

...I mean that I desire to be liberal to the former slave in every respect not looking to political condition. His ignorance and degradation must play havoc with his happiness after all we may do for him; but if there be any freedmen who in the absence of hostile legislation will do well in our community, I desire, for one, to have no part in destroying or diminishing their chances. I suppose that the policy which will induce them to labor, and will afford them all legal protection to their rights of property is really all that we ought to be very careful for at present. Of course I do not exclude the discipline which may be necessary to secure their good morals. The prime necessity at present seems to me to induce them as a class to labor. There are certain aspects of the case which do not much encourage me in any hope that a black race is to live happily side by side with a white race here, but until we can persuade the country of the existence of this irrepressible conflict, (supposing there is one) we must address ourselves in good faith and good temper to a temporary amelioration of the condition of both races. First then, Hard Work, and afterwards when (if ever) prosperity has followed those exertions, then Book-learning, etc. etc. There may be education without this last.<sup>20</sup>

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<sup>19</sup>J. G. DeRoulhac Hamilton, Reconstruction in North Carolina (New York: Columbia University Press, 1914), 494.

<sup>20</sup>S. F. Phillips to W. A. Graham, Chapel Hill, N. C. December 28, 1865, Graham Papers, SHC.

His friend Graham, who one historian has dubbed the "architect of white supremacy" did not favor education for the masses at all.<sup>21</sup>

However, there were differences among Conservatives as to methods of achieving their goals. Some, like Phillips, decided to cast their lot with the Republican party. Most Conservatives in North Carolina had been old Whigs, and in Virginia even Democrats were Whiggishly inclined in the sense that they viewed the masses with suspicion. Differences over political strategy tended to divide this group into left and right wings. Those favoring cooperation and conciliation with a view to speedy restoration joined the Republicans; those favoring resistance and unadulterated white supremacy organized themselves into the Conservative party in both states in 1867.<sup>22</sup>

Conservative optimism about salvaging something from "the shipwreck" was based in part on knowledge that they had friends in the North who distrusted radicalism and the common man. Northern leaders, former Whigs, had worked closely with Southern Conservatives in attempting to prevent a conflict in the late fifties and to resolve the crisis of 1860-61. Such men as David Sears and Robert Winthrop of the Peabody Fund, statesman and orator Edward Everett of Massachusetts, and Washington Hunt,

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<sup>21</sup>Otto Olsen, "Reconsidering the Scalawags," Civil War History, XII (December, 1966).

<sup>22</sup>D. L. Russell, Jr., the Dockerys, S. F. Phillips, John Pool and R. M. Pearson, all extremely well-to-do men of North Carolina are examples of old Whigs who turned to the Republican party.

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former governor of New York, had corresponded extensively before the war with leading Virginia and North Carolina statesmen.<sup>23</sup> These, among "the best men" of the North, might be expected to be strong allies of their Southern counterparts in attempting to thwart Radical rule and social change.

In a short time, Conservative optimism -- and arrogance -- would be increased as it became clear that President Johnson harbored no ill will against them and that he also was opposed to social change that would render the freedmen independent of the white planters and farmers such as distribution of lands. Estates, including that of Henry A. Wise, which had been taken over during hostilities were returned to their owners with increasing rapidity. Newspapers like the Richmond Whig, Times, Examiner and the Raleigh Sentinel at times were suppressed by order of the military.<sup>24</sup>

In both states, legislatures were elected in 1865 which were overwhelmingly dominated by former Whigs. This was due unquestionably to the low esteem in which the Democracy was then held because of its close association with secession and defeat. In Virginia, the "Baldwin Legislature," named after John B. Baldwin, a Conservative, an old Whig and member of the Confederate Congress, was entirely composed of former Whigs with one exception. North Carolina's Convention of 1865 was

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<sup>23</sup>Rives and Stuart Correspondence, 1858, 1859, 1860.

<sup>24</sup>Richmond Whig, April 1866; A. A. Taylor, The Negro in the Reconstruction of Virginia (Washington: Association for Negro Life and History, 1926), 14, 15.

entirely Whig, as was the General Assembly of 1865-66 except for two members.<sup>25</sup>

In spite of Governor Pierpont's pleas for reforms which would relieve impoverished widows and orphans, establish a sorely needed public school system, and consolidate the railroads, the 1865-66 Virginia legislature remained obtuse and indifferent to the severe social and economic crisis that confronted the state. It voted no monies for the common schools, but instead appropriated a large sum of money for the University of Virginia. The University educated the sons of the elite, and before the war had been a hotbed of secession. Virginia's legislators did nothing to relieve the destitute, but asked Congress to repeal the federal test oath and the President to free Jefferson Davis. Worst of all, they passed stringent vagrancy laws in regard to the freedmen, laws that would allow freedmen refusing to sign contracts with the planters to be apprehended by county authorities, brought before justice of the peace for examination, and if found guilty of "vagrancy" to be hired out forcibly to an employer for three months. If the laborer should abscond, the employer would be entitled to another month of his service free and would be authorized to confine said laborer with a ball and chain. The oppressiveness of the act was increased by the practice of Virginians throughout the countryside to form farmers' association. These were actually employer combina-

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<sup>25</sup>H. J. Eckenrode, Political History of Virginia During Reconstruction (Baltimore: John Hopkins Press, 1904), 41.  
HAMILTON, Reconstruction in North Carolina, 139.

tions by which members would agree not to pay labor more than the prevailing rates, which were usually five dollars a month. Out of this sum the freedmen were expected to feed, clothe, shelter and provide medical care for themselves and their families. The Freedmen's Bureau unwittingly assisted the farmers by requiring written annual contracts and urging the freedmen to go to work. Some planters paid no wages at all, but instead paid the freedmen on a sharecropping basis. In the latter case, if the crop yield was insufficient, there might not be enough left to pay the laborers.<sup>26</sup> In January 1866, General Terry ordered that no magistrate or other civil officer apply the vagrancy statute to the freedmen; and he criticized the employer combinations as designed "for the purpose of depressing the wages of freedmen below the real value of their labor, far below prices formerly paid to masters for labor performed by their slaves."<sup>27</sup>

In North Carolina, Black Codes were also passed in the winter of 1865-66, but were not as restrictive as those of Virginia. This Reconstruction "Confederate Style", as John Hope Franklin has called it, provoked much dissatisfaction and criticism in the North. One wonders why the Conservatives, who were hardly naive politically, did not anticipate this reaction. Apparently, they assumed that the president and moderate senti-

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<sup>26</sup>Richmond Whig, January 26, 1866.

<sup>27</sup>Richmond Times, January 26, 1866, cited in Taylor, The Negro in the Reconstruction of Virginia, 18.

ment in the North, as expressed in such newspapers as the New York Times, would protect them from reprisals.

An example of such sentiment is contained in an editorial from the New York Times and reprinted in the Richmond Whig criticizing an order by Colonel Brown, Assistant Commissioner of the Freedman's Bureau in Virginia, that "late owners shall be required to provide for their former slaves, who are helpless and dependent on them for subsistence, until overseers of the poor of the various counties have made arrangements for their support." The order had been issued in response to reports that some planters were turning their former slaves adrift in the midst of winter. The Times editorial expressed sympathy for the "destitute" planters.<sup>28</sup>

Meantime, unionist complaints protesting favored treatment for their former oppressors were reaching Washington. From Richmond, one B. Wardwell stated in a letter to President Johnson that he had been threatened and imprisoned during the war because of his loyalty to the Union, and complained that his former prosecutors "now walk our streets at will with permits to resume their former business. Those who were the first to raise the Rebel flag, even now boast that they are not subdued. Detectives who searched our dwellings and insulted our wives and daughters are allowed all the privileges that a loyal citizen might expect. Ministers who mocked God,

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<sup>28</sup> Richmond, Whig, January 1, 1866.

and at the commencement of this war were anxious for the blood of General Scott and Old Abe as they called him, now thank God that President Lincoln is dead....We cannot live here with such persons unrestrained as they are. Our lives are not safe."<sup>29</sup>

Judge Alexander Rives of Charlottesville, moderate Republican and brother of the William Cabell Rives who had been a leading antebellum planter and statesman, wrote President Johnson that though leniency was commendable, "some have been pardoned from this State, who little deserved it, such as Harvie, Edmunds, Crenshaw etc." He added:

"I have ventured to write Governor Pierpont's secretary of state on the danger of too great facility of passing applications through his hands, and to suggest the propriety of conferring with tried union men in the various counties."<sup>30</sup>

The persons to whom Rives referred were former secessionists. Harvie was a delegate to the secession convention of 1861 where he pressed fervently for immediate secession.<sup>31</sup> After the war Crenshaw was elected to the 1869-70 House of Delegates and Harvie, while he held no office, was frequently mentioned for his lobbying activities. John R. Edmunds of Halifax made a keynote speech before State Conservative Convention, April 28,

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<sup>29</sup>B. Wardwell to Andrew Johnson, Richmond, Va., April 21, 1865, Andrew Johnson Papers, Series 1, Microfilm Reel 13, Library of Congress, Washington, D. C.

<sup>30</sup>Alexander Rives to A. Johnson, Charlottesville, Va., July 12, 1865, ibid., Microfilm Reel 16.

<sup>31</sup>William H. Gaines, Jr., Biographical Register of Members, Virginia State Convention of 1861, First Session (Richmond: Virginia State Library, 1969), 43.

1869.<sup>32</sup>

During this early period of Presidential Reconstruction, Conservatives were busily compiling their applications for pardon under the thirteenth exemption to President Johnsons' Amnesty Proclamation, which required persons having more than \$20,000 in taxable property to petition for pardon individually. Johnson generally accepted the recommendations of his provisional governor in North Carolina, William W. Holden, and of Governor Pierpont of Virginia. Pierpont favored universal amnesty as a prerequisite to national unity, and Virginians were pardoned rapidly. Holden, on the other hand, was quite selective in his recommendations, opposing pardons for leading Conservatives such as William A. Graham and Josiah Turner. Though he was criticized for this action on the grounds that these two men were strongly opposed to secession before the war, events proved that he had judged correctly, for Graham and Turner were to become the most adamant and influential opponents of reform in North Carolina.

Criticism of Pierpont's conciliatory policy toward former rebels came from Judge John C. Underwood of Virginia who declared "universal amnesty" would "turn the worst rebels loose to devour and prey upon us."<sup>33</sup> Northern Congressional leaders also expressed concern. From Boston Senator Charles Sumner

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<sup>32</sup>Maddex, Virginia Conservatives, 104.

<sup>33</sup>John C. Underwood to A. Johnson, Alexandria, Va., July 10, 1865, Johnson Papers, Series 1, Microfilm Reel 19.

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wrote the president begging him to "suspend for the present your policy toward the Rebel States," saying that "it abandons the freedmen to the control of their ancient masters and leaves the national debt exposed to repudiation by returning Rebels."<sup>34</sup>

The cockiness of the southern legislatures in 1865-66 together with their repressive legislation and the complaints of unionists were important elements in the work of a Joint Congressional Committee on Reconstruction established in 1866 under the leadership of William Fessenden. Southerners of all views were summoned to testify before it. While Congress was considering on what terms the states should be readmitted, Southern unionists sought to organize Republican parties in their respective states. This was accomplished in Virginia in May of 1866 at a meeting in Alexandria. The new party was called the Union Republican Party of Virginia. The significant event of this convention was that its members advocated qualified Negro suffrage, for the first time. The two most important leaders of the new party were John Minor Botts, a strong unionist who had been imprisoned for his views during the war but who was quite conservative on such matters as "manhood suffrage", and Judge John C. Underwood, a former resident of Virginia who had been driven from the state because of his abolitionist sentiments before the war and returned to Virginia in 1865. Underwood not only favored universal manhood suffrage

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<sup>34</sup> Charles Sumner to A. Johnson, Boston, November 11, 1865, ibid.

but at the Convention of 1867-68 advocated votes for women as well.<sup>35</sup>

The Republican party was not organized in North Carolina until considerably later, March 27, 1867, after the passage of the Reconstruction Acts in Congress.<sup>36</sup> It was composed of both native and outside whites, and its first convention took care to see that Negroes were represented among the delegates. It also endorsed Negro suffrage.<sup>37</sup>

Oddly enough, in spite of the fact that Conservatives controlled the legislatures in this period and were given almost a free hand in regard to their relations with their former slaves, their correspondence is full of lamentation and complaints. They grumbled that they had not been compensated by the United States Government for the loss of their "property" through emancipation. They blamed the devastation of the war, much of which had been caused by Confederate troops, on the Northern Radicals. They held them also responsible for their own uncertain future. On the other hand they attributed simply to indolence the freedmen's understandable reluctance to work under the terms prescribed by white farmers. Throughout the entire period the Conservatives held firmly to the notion that

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<sup>35</sup>The Debates and Proceedings of the Constitutional Convention of the State of Virginia (Richmond: Office of the New Nation, 1868).

<sup>36</sup>Otto Olsen, Carpetbagger's Crusade: The Life of Albion Winegar Tourgee (Baltimore: Johns Hopkins Press, 1965), 70.

<sup>37</sup>Taylor, The Negro in the Reconstruction of Virginia, Chapter 6.

the freedmen would not work without compulsion, refusing to recognize the realities pointed out both by contemporaries and subsequently by historians. Alrutheus A. Taylor in his study of the Negro in the Reconstruction of Virginia shows that many freedmen wished to send their children to school and have their wives at home to look after the children which had not been done under slavery. Several travel accounts describe the main reason for the black man's reluctance to work--namely that he was frequently not paid. When this happened, he would refuse to contract with the delinquent employer.<sup>38</sup>

Little noted by most Conservatives was the fact that whites suffered from a tendency to idleness partly because of the antebellum Southern attitude toward manual labor. In the postwar period, the press, particularly the Richmond Whig, constantly exhorted the whites to work and complained about those "hundreds and thousands of young men seeking employment in stores, lawyers' offices and other places, in order to avoid labor on farms and plantations, many of which are becoming wildernesses for the want of labor."<sup>39</sup> One exception to the prevailing Conservative attitudes toward labor however, was W. T. Sutherlin, merchant, planter and manufacturer who both praised the quality of work performed by the blacks and urged the whites "to go to work, not merely watch the Negro

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<sup>38</sup>Ibid., 70.

<sup>39</sup>Richmond Whig, October 4, 1874, also cited in Taylor, Negro in Reconstruction, 112.

work, work with their hands."<sup>40</sup> Sutherlin was one of the few Conservatives who was willing to pay higher rates for "first rate hands."<sup>41</sup>

The Conservative dominated legislatures of both states did little or nothing for education on the common school level. In Virginia, the "Baldwin" legislature's inaction as far as the common schools are concerned has already been cited. In North Carolina, which had developed a promising antebellum common school system, the repudiation of the Civil War debt liquidated the Literary Fund which, together with county taxes, had supported the common schools.<sup>42</sup> In addition a rather complicated convention ordinance passed in April 1865 had left North Carolina without a school superintendent.<sup>43</sup>

Finally, the attitude of leading Conservatives toward common school education left much to be desired. The much-respected Jonathan Worth, first elected Reconstruction governor of North Carolina, wrote to the equally esteemed former Governor William A. Graham January 12, 1866:

I have no confidence that the condition of our negroes will be elevated by emancipation--but in

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<sup>40</sup> Ibid., 174-175.

<sup>41</sup> W. B. Payne to Sutherlin, Halifax Farm, January 17, 1866, Sutherlin Papers, SHC.

<sup>42</sup> Daniel J. Whitener, "Public Education in North Carolina During Reconstruction, 1865-1876," in Essays in Southern History, ed., F. M. Green (Chapel Hill, 1949), 69.

<sup>43</sup> Ibid., 68.

our present condition I fear we shall have a Freedman's Bureau and military rule over us, if we make discrimination --as admittance in Common Schools. I mean if we educate the negroes in like manner-- and your school fund being reduced to nothing, and our people impoverished. I think the Common School system had better be discouraged for a time, and thus avoid the question as to educating negroes.<sup>44</sup>

Graham was undoubtedly in agreement with his colleague. Some years later, he wrote his friend and author Cornelia Phillips Spencer: "With a sparse population and general poverty, as is our case, I very much incline to the system of educating downwards; and that more good may be accomplished with limited means, by endowing the University, or at least sustaining it, than expending a like amount in the Common Schools."<sup>45</sup> Graham was agent for the Peabody Fund at the time he wrote these lines and as such, entrusted with the distribution of monies to the common schools of North Carolina.

Similar views were standard among Conservative leaders in both states; but in North Carolina, the strong desires of the masses of the people had forced the establishment of a common school system before the war and did not allow the Conservatives to eliminate it after the war. Virginia had had no common school system before the war, though Democrats, led by Henry A. Wise, had campaigned on the issue. Though Wise was elected, Whig opposition had prevented him from carrying out his pledges.

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<sup>44</sup>Hamilton, Correspondence of Jonathan Worth, I, 467.

<sup>45</sup>W. A. Graham to Cornelia Phillips Spencer, Hillsboro', September 29, 1870, Cornelia Phillips Spencer Manuscripts, North Carolina State Archives at Raleigh, N. C.

It was not until 1870 that a publicly supported common school system was established, through a provision of the Virginia constitution drawn up by the Radical Convention of 1867-68. The provision called for implementation by the legislature, no later than 1870. By 1870, the Conservatives, through a process that will be described later, had regained power and so claimed credit for establishing the education system.

In the two year period following the surrender at Appomattox, the Conservatives, who have often been dubbed the "natural leaders of the South," had an opportunity to exercise their leadership with little interference from outside their respective states. They had an opportunity to establish harmony among dissident elements and to bring about much-needed reforms. They failed dismally. Their narrow, shortsighted concerns with government economy and their taxpayer mentality prevented them from serving the interests of the people, both black and white, and kept their sights fixed on the maintenance of customary privileges. It was their failure to lead their own people, as much as Northern concern over losing the fruits of victory, that led to the establishment of military rule in the two states in 1867.

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## CHAPTER IV

### THE POLITICS OF RESISTANCE

In the brief period during which congressional legislation made it possible for Southern Republicans to exercise in Virginia and North Carolina some power, although never full control, the Conservatives were busily engaged in a kind of holding operation with a dual purpose. Their first objective was to prevent the Radicals from accomplishing anything significant enough to threaten their traditional privileges. Secondly, they sought to discredit their opponents sufficiently to pave the way for a Conservative resumption of power.

Conservative newspapers, as well as private correspondence was replete, in 1867, with invective and complaints against the Radicals, North and South. Virginia's most persistent Whig, Alexander H. H. Stuart, complained bitterly to his bookseller at the close of a business letter:

Is there any hope for us poor downtrodden people of the South? It is hard that those of us who resisted the revolutionists of the south, and only yielded to the inevitable exigencies by which we were surrounded, should now be the victims of the revolutionists of the north.<sup>1</sup>

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<sup>1</sup>A. H. H. Stuart to F. Taylor, Esq., Staunton, Va., April 25, 1867, Stuart Papers, L. C.

A month later, Stuart wrote again to his dealer in the same vein:

The southern people, as far as I can judge, are disposed, to a man, to relinquish the heresy of secession and kindred errors, and to come back into the union in good faith. Negro suffrage, is a bitter pill to all who know the utter unfitness of 90% of that population, to wield the ballot. But the hardest of all trials, is to induce a magnanimous people to disfranchise and outlaw those who did but what they believed to be their duty.<sup>2</sup>

In both states, newspaper accounts of the Radical-dominated constitutional conventions were far from laudatory and frequently descended into unprintable vulgarity. The Richmond Whig, discussing the opening of the Virginia Constitutional Convention in December 1867, spoke of "a time for bones and banjo conventions, black and tan assemblages, tar pitch and turpentine parliamentary bodies and negro supremacy conventions." Raleigh's leading journal, The Sentinel, alternately referred to the North Carolina Convention as the "mongrel" and then the "so-called" convention.<sup>3</sup>

Unfair allegations were made, based for the most part on the fantasies of the Conservatives. For example, in December '67 the Richmond Whig charged that "perpetual disfranchisement, expatriation, confiscation and the payment of the blacks for their services from the date of their emanci-

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<sup>2</sup>Stuart to Taylor, May 20, 1867, ibid.

<sup>3</sup>Raleigh Sentinel, January 8, 11, 15, 1868.

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 pation" were being contemplated.<sup>4</sup> At the time this editorial was written no such proposals had been projected and only the opening session of the Constitutional Convention had been held.

Similar opprobrium was woven into the correspondence of leading Conservatives. Old Secessionist "Ran" Tucker wrote to his brother Beverly, self-exiled in Canada, that in the convention "barbarism" had displaced "civilization from its seat in old Virginia!"<sup>5</sup> His greatest lament was over the convention's provisions for education which he said would require taxes "2-1/2 times as great as all the State tax now imposed on property for all purposes."<sup>6</sup> Indicating his belief that schools would not be segregated, he predicted that "as the whites will not send their children, this enormous tax, paid exclusively almost by the whites, will be enjoyed exclusively by the Negroes!"<sup>7</sup>

The greatest dilemma facing the Conservatives in both states after passage of the Reconstruction Acts in March 1867 was whether to resist or submit. To decide this question, informal consultation and conferences took place in Washington, D. C. between Conservatives from the various southern

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<sup>4</sup>Richmond Whig, December 8, 1867.

<sup>5</sup>John Randolph Tucker to N. Beverly Tucker, Middleburg, Va., June 4, 1868, Tucker Family Papers, Southern Historical Collection, University of North Carolina, Chapel Hill, N. C.

<sup>6</sup>Ibid.

<sup>7</sup>Ibid.

states and with national officials. On March 9, 1867, North Carolina's Governor Worth wrote to his colleague and friend William A. Graham of Hillsborough that he had heard that "Wise, Mason, Hunter and some others, are for non-action by the States, and that the great body of the Whigs and people at large are decided in favor of Pierpont's views."<sup>8</sup> Wise, Mason and Hunter were old Virginia Democrats and secessionists. Pierpont favored compliance with the Reconstruction Acts by calling a convention, drafting an acceptable constitution, and applying for readmission to the Union; the former secessionists preferred to remain under military rule. Governor Sharkey of Mississippi projected a plan to obtain an unfavorable ruling on the constitutionality of the Reconstruction Acts by the Supreme Court. Worth wrote again to Graham a few days later that he had interviewed Virginia's "large delegation" and "think they will not sustain Sharkie [sic]. Their idea seems to be to fall into, and to guide the Revolution."<sup>9</sup> Worth then asked Graham's advice as to whether or not North Carolina should join in Sharkey's plan.<sup>10</sup> Other questions discussed related to whether to join as a party with the Northern Democrats.

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<sup>8</sup>Worth to Graham, Washington, D. C., March 9, 1867, typescript, Graham Papers, North Carolina State Archives, Raleigh, N. C.

<sup>9</sup>Worth to Graham, March 12, 1867, ibid.

<sup>10</sup>Ibid.

Military District Number 1

Under the provisions of the Reconstruction Acts of March 1867, Virginia became Military District No. 1 under the command of General John M. Schofield a gentleman not unsympathetic to the Conservatives, and like them, highly suspicious of Radicals or their followers. This "rule by the bayonet" as the Conservatives termed it, was really not oppressive, and some Conservatives therefore advocated a "wait and see" approach, in the belief that restoration might better be postponed until the national climate might be more favorable to their interests. Virginia's Stuart expressed such feelings to an acquaintance in the North when he wrote that he thought "the tide of Radicalism has reached its highest point, and fancy I see symptoms of its ebb--God grant that it may be so, and that the day may not be far distant when wiser counsels will prevail, in the halls of national legislation.... Time, the great restorer, will bring about a better state of feeling in the North, and then we shall have substantial peace."<sup>11</sup> Some months later Stuart expressed this view much more forcefully when he told the Conservative convention: "We have met to appeal to the North not to permit the infliction of this disgrace [Negro suffrage] upon us. Our rights may be wrested from us, but we will never submit to the rule of an alien and inferior race. We prefer the rule of the bayonet."<sup>12</sup>

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<sup>11</sup>Stuart to Taylor, Staunton, May 20, 1867, Stuart Papers, LC.

<sup>12</sup>Richmond Whig and Richmond Dispatch, December 12, 1867.

However, throughout the entire period of military rule Conservatives vacillated between trying to cooperate with the Republican party which they felt alone could succeed in restoring the State, and openly opposing the Republican party at the polls. When opposition failed, they returned to the policy of collaboration and finally succeeded in 1869 in forming a coalition that successfully "redeemed" the State.

The Conservative party of Virginia opened its first convention December 11, 1867--almost a year after the formation of the Republican party. This long delay was partly due, as explained by the Richmond Whig, to the fear that any party established in opposition to the party then in power in Congress would be dismissed as Confederate and defeated overwhelmingly at the polls.<sup>13</sup> In an editorial of June 17, 1867 on "The Situation in Virginia," the Whig opposed the establishment of a Conservative party in Virginia arguing that such "an organization would be universally regarded in all northern Republican circles as resting upon a Confederate basis, and being in fact the embodiment and perpetuation of what is called 'Southern disloyalty.'"<sup>14</sup> The Whig maintained that for this reason no action of such an organization would "be acceptable to Congress. Congress would accept nothing that we voted for, and the original Union men and negroes voted against." Instead, the paper advocated that Conserva-

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<sup>13</sup> Richmond Whig, June 17, 1867.

<sup>14</sup> Ibid.

tives "not...vote against candidates for the convention solely because they are Republicans, but to vote for such liberal minded men of that party as will oppose the introduction of restrictive and proscriptive features into the Constitution."<sup>15</sup>

"In so voting," the Whig continued, "the object would be not to build up that party, but to help Virginia along. If we have parties in that convention, arrayed against each other in bitter hostility, the party that represents organized Confederate sentiments will go down, and the people they represent will go down with them." The journal concluded:

As at present advised, our opinion is that our votes should be cast for intelligent, liberal and patriotic Republicans, when such present themselves as candidates, or for such safe, sound men as accept the situation in good faith, and shall be pledged to observe all the terms and conditions embodied in the reconstruction laws. For our part, we want no firebrands or make-hates in that convention.<sup>16</sup>

Not all Conservatives agreed with the Whig's advice to "bore from within." A Buckingham County subscriber responded by cancelling his subscription. Robert T. Hubard, well-to-do planter and lawyer from the Southside wrote to his brother Edmund Hubard, a planter, lawyer and former Congressman, that he had "been told that Franklin Stearns of Richmond--the Yankee friend of Botts now owns about half of the Richmond Whig."

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<sup>15</sup>Ibid.

<sup>16</sup>Ibid.

If so, this probably explains the recent proclivity of the R. Whig to go over to the Radical party. I condemn its course so decidedly that I have directed the Whig to be discontinued and intend to take the Enquirer again."<sup>17</sup> The Hubards were prewar Democrats.

After the election of October 1867 when the Radicals won an overwhelming victory at the polls, the Conservatives decided to form a party of opposition to defeat any constitution that might be drafted. They were not even disposed to consider the possibility that a good constitution might be forthcoming. R. R. Collier, a Conservative of Petersburg, wrote to William C. Rives of Albemarle County giving him "a few ideas" about the need for "local organization to get the white voter to the election to ratify the constitution, or rather to reject it."<sup>18</sup> Collier argued that both the black and white voters of the State should reject the Constitution, "no matter how unobjectionable its provisions" on the ground that "the convention was called by the exercise of a power usurped by the mutilated Congress, in derogation of the incontestable rights of the States...to regulate each for itself, the rights of suffrage."<sup>19</sup>

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<sup>17</sup>R. T. Hubard to E. W. Hubard, Chillow, August 14, 1867, Hubard Family Papers, SHC.

<sup>18</sup>R. R. Collier to W. C. Rives, Petersburg, Va., December 16, 1867, Rives Papers, LC.

<sup>19</sup>Ibid.

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Complicating the strategic problem of the most effective approach to resumption of power were other factors. Divisions among Conservatives themselves existed based on a variety of reasons--old party alignments or personal enmities; special interest groups or business rivalries; sectional and geographical interests as well as urban vs. rural concerns. There were also personal rivalries involving political ambitions which influenced the judgment of individual Conservatives as to whether to support movements of cooperation or of resistance.

By far the most important of these rivalries were those of the railroads, which also involved competition between several Virginia cities. William Mahone, former Confederate general and president of the Norfolk and Petersburg and of the Southside Railroads was extremely anxious to consolidate under his management all the railroads of the state. He was motivated by both personal ambition and a desire to improve railroad efficiency, which consolidation would undoubtedly achieve. As his biographer points out, Norfolk and Petersburg the two cities mentioned above, as termini for Mahone's two railroads, favored consolidation.<sup>20</sup> On the other hand, Alexandria in the northern part of the state, terminus of the Orange and Alexandria Railroad under control of the Barbour of Culpeper County, opposed such a plan. Richmond and Lynchburg were fearful that consolidation would reduce their trade with other cities. Moreover, Lynchburg

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<sup>20</sup>Blake, Mahone, 80.

desired to retain control of the Virginia and Tennessee railroad which Mahone wished to consolidate with his other roads. Closely following the whole situation and interfering on occasion was the Baltimore and Ohio Railroad, whose interests would be seriously damaged with the establishment of a strong, consolidated railroad in Virginia.<sup>21</sup> The "B & O" also wished to capture the Southwest trade by extending a link through the valley.<sup>22</sup>

Conservatives, therefore, were frequently influenced in their choice of candidate or policy by their position in regard to the various railroads. Colonel R. E. Withers, Conservative party candidate for governor in 1869, as editor of the Lynchburg News, was associated with Lynchburg's opposition to consolidation. Accordingly, Withers opposed Gilbert C. Walker's candidacy for governor, as Walker was backed by Mahone and pledged to favor consolidation. Withers also opposed Walker's candidacy on personal grounds, as it meant his own withdrawal as a candidate. The importance of the consolidation issue also led Mahone to toy with the idea of supporting a Republican for governor on two occasions, though he himself was a Conservative until the formation of the Readjustor party in 1879. In 1868 Mahone considered supporting Wells, the Republican candidate for governor, and again in

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<sup>21</sup>Ibid.

<sup>22</sup>Charles C. Pearson, Readjustor Movement in Virginia (New Haven: Yale University Press, 1917), 22.

1873 his friend Robert W. Hughes who ran as a Republican for governor.<sup>23</sup> Mahone was supported in his consolidation efforts by Francis H. Pierpont, who remained Governor of the State from the close of the war until April 4, 1868, when he was removed from office by General Schofield and replaced with Wells.<sup>24</sup>

On March 13, 1867, one month before the Consolidation Act was passed, Pierpont wrote to Mahone warning him of the Baltimore and Ohio's scheme to capture the Southwest trade. He urged Mahone to

...spend ten thousand dollars [rather] than to let this legislature fail...without securing consolidation. An additional reason for building the Valley road is a determination to control the Covington road if they can. Baltimore can afford to spend five millions to accomplish this measure. Commerce and money have no conscience when great commercial interests are to be obtained. Richmond, Norfolk and Petersburg and even Lynchburg are ruined commercially if you don't succeed. Balto will buy up the Tennessee and other S. W. roads. Money to accomplish your consolidation should be of no consideration among money men. You have the best evidences of my sincerity for the interest of Va. You must get your men.<sup>25</sup>

Approximately one month later, April 18, 1867, The Southside Consolidation Act, merging the Norfolk and Petersburg,

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<sup>23</sup>Blake, Mahone, 143; Mahone to R. F. Walker, April 6, 1868, Letterbook, William Mahone Papers, Duke University, Durham, N. C.

<sup>24</sup>Blake, Mahone, 83; Eckenrode, Political Reconstruction of Virginia, 105.

<sup>25</sup>Blake, Mahone, 83.

the Southside, the Virginia and Tennessee and the Virginia and Kentucky railroads, was passed by the General Assembly.<sup>26</sup> Joseph B. Tree, long-time associate and friend of Mahone and auditor of the Norfolk and Petersburg Railroad, congratulated the general for carrying the day "by tactics not laid down in the Books, viz.--Champagne and Terrapin Soup." Tree continued:

It is all very amusing, but really it is only too true, that with the large majority of the mobocracy, you might talk common sense to them all day for a year without making them think right, while a good drink and a free dinner enlarges their ideas, gives them more comprehensive mental grasp and arranges their crude thoughts into practicable shape.

So you have gained the day, it matters not whether you whipped the enemy by movement not heretofore laid down--It is for the good of the state and for the good of the Commercial public and if the political incubus now laid upon the country was removed a year's time would justify you in the eyes of your most obstinate opponent.<sup>27</sup>

From the above it is obvious that discussions of policy based on principle set forth in the correspondence of Virginia's Conservatives must be weighed against other more subjective considerations. Throughout the period of "waiting," Conservatives were unified by their erroneous though heart-felt conviction of the inferiority of the black man and their

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<sup>26</sup>Ibid.

<sup>27</sup>Joseph B. Tree to Mahone, New York, April 22, 1867, Mahone Papers, Duke.

resolve that their state must be saved from "barbarization."

At first Conservative strategy had closely responded to developments in the Republican party which also had organizational problems and factional disputes. John Minor Botts, old-time Whig and unionist from Rockbridge County in the Valley, represented the moderate faction of that party. Actually, his views were not far removed from those of Conservatives--he opposed manhood suffrage, for instance; but because of his strictly unionist position during the war and his connection with the Republican party, Conservatives heartily detested him. His chief rival was James W. Hunnicutt, South Carolina born Methodist minister and editor of the Richmond New Nation, slaveholder and alleged former secessionist who, despite past associations, called for black suffrage and all other rights and privileges of American citizens, and therefore was widely supported by black members of the party. Hunnicutt was the "bete noire" of Conservatives, North and South alike. The New York Times and Tribune as well as local papers warned of the horrors of Hunnicuttism.<sup>28</sup> Though he had been a member of the Pierpont government, he had participated in a convention of that body in Alexandria in 1864.

A state convention of the Republican party had been held at Richmond April 17, 1867 under the leadership of James Hunnicutt. Tabling a resolution on confiscation which had

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<sup>28</sup> New York Tribune, April 12, 1867. Hunnicutt denied that he had advocated secession. Debates, Virginia Constitutional Convention 1867-68, I, 309-310.

prompted much discussion pro and con on the part of the black delegates, the convention adopted a series of resolutions which hardly fitted the description "radical" that was given them. The first resolution thanked Congress for the Reconstruction Acts; the second adopted the principles of the Republican party as its platform; the third called for equal protection of all before the courts; the fourth upheld the right of all to hold office; and the fifth advocated a public school system for all at public expense, equitable taxation, new usury laws and recognition of all men as free and equal. Pains were taken to enlist the cooperation of the white working class by assuring them that there was no wish to deprive them of their livelihoods.<sup>29</sup>

These resolutions were received with horror by the state's Conservatives who opposed universal manhood suffrage as a Northern importation and wished to continue government in the hands of the propertied. Therefore, many Conservatives at this time urged the formation of a Conservative party, while others, led by the Whig, urged Conservatives to cooperate with the more "moderate" group of Republicans in an effort to offset the Radicals. Just before the Republican convention in an editorial April 5, 1867, the Whig began its strategy of "boring from within":

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<sup>29</sup>Ibid., 68; Richmond Enquirer, April 18, 1867; Richmond Whig, April 18, 1867.

It is known that the respectable Union men are bitterly opposed to Hunnicuttism in all its phases and will not cooperate with the faction that is swayed by it...What we have to do is to save Virginia--her character and her fortunes....There are three classes that must unite to do so...the better class of Union men like Governor Pierpont, and Mr. Stearns...those who upheld the Southern cause, and the better class of colored population.<sup>30</sup>

In another editorial after the convention was over April 22nd, the newspaper reiterated its stand saying that "as our object is restoration, we propose to pursue that policy which will most effectually accomplish it, without regard to party antecedents or political creeds."<sup>31</sup>

Several attempts were then made to draw the discordant elements together. A visit of Senator Henry Wilson of Massachusetts to Virginia was one such effort. Wilson, who spoke in several places including Richmond, urged blacks, unionists, old Whigs and reluctant secessionists to join together and elect reliable men to the convention and to Congress.<sup>32</sup> A second attempt at ending the discord was initiated by a group of black leaders who invited prominent native whites to address them. Richmond lawyers Marmaduke Johnson and Raleigh T. Daniel responded to the invitation and addressed Richmond's black citizens in regard to their "new duties and responsibility." A sour note was injected by "Duke" Johnson however,

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<sup>30</sup>Richmond Whig, April 5, 1867.

<sup>31</sup>Ibid., April 22, 1867.

<sup>32</sup>Richmond Enquirer, April 23, 1867, cited in Taylor, Negro in Reconstruction of Virginia, 212.

who suggested possible proscription of Negroes voting against native whites.<sup>33</sup>

A third attempt at unity took place at a meeting in Petersburg called for late April at the instance of leading Conservatives encouraged by the Whig. A series of resolutions was passed. The first agreed to comply with the Reconstruction Acts of Congress; the second "recognized and accepted" the "proposition that the political power of the State, which has heretofore been wielded by white men alone, shall henceforth be possessed and exercised by white and black alike"; the third called for the framing of a new Constitution providing for equality before the law for all persons black or white, and declaring unconstitutional "all laws creating distinctions or differences of any sort between persons of different races."<sup>34</sup>

These resolutions calling for universal manhood suffrage and equal treatment before the law, which were mandatory for restoration under the Reconstruction Acts, were too advanced for the majority of Virginia's native white population at this time. Though statewide support for the cooperation movement was not forthcoming, efforts at infiltrating the Republican party with Conservative whites continued. Others urged formation of a statewide Conservative party. On June

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<sup>33</sup>Richmond Whig, April 5 and 22, 1867.

<sup>34</sup>Richmond Whig, May 1, 1867.

17, 1867, W. C. Rives, Albemarle planter and leading ante-bellum statesman, wrote his Charlottesville friend W. F. Gordon advising him how to counteract "the shameless movement of Botts and his tail to seize into the hands of a contemptible minority of the white population, by means of the negro vote, the supreme and vindictive control of the affairs of the State."

"This can be done," wrote Rives, "only by consent of action, under the form of organized associations throughout the State." Citing Burke, "When bad men combine, the good must associate; else they will fall, one by one, an unpitied sacrifice in a contemptible struggle," Rives continued:

Consider then, without delay, as you proceed ahead for bringing together and uniting in a solid phalanx the good and true men of Virginia. I agree with you that it is better to avoid mere party organization, especially upon any of the old platforms. But while justly disclaiming the spirit of party, you cannot avoid the forms of party association if you wish to make your action efficient. You must have meetings, consultations, conventions &c. and you must unite under a recognized denomination; otherwise you cannot secure the steady cooperation of men who have the same views with yourselves. How would it do to call a convention, consisting of all the patriotic and loyal men of Virginia, having the true interests of the State and the Union at heart, and not the sordid and selfish views of a party cunning at office and power, without regard to any other consideration. Call them together under the name of the Conservative Union men of the country, or any other denomination you may like better, but don't call them a party....You will...enter into communication at once with our friends in Richmond, Petersburg, Lynchburg, Staunton, Winchester, Abingdon, and all the other centers of an active public sentiment from which

the organization will radiate and spread throughout the State.<sup>35</sup>

Rives' counsel illustrates two important points about the Conservatives. First, it suggests the urban character of the movement. Note Rives's injunction to call upon allies in the urban centers of the state, though this should be weighed with the knowledge that in many cases the "friends" were often plantation-based, Rives himself was writing from his estate at Castle Hill. Second, in calling for action by those he dubbed the "good and true" men of Virginia Rives failed to realize that they, too, had special interests to protect. Like others of his class, he tended to identify the welfare of the privileged with the best interests of the state.

Gordon's reply some days later described his unsuccessful efforts to carry out Rives's suggestions, and his consequent decision to try cooperation by participating in a Republican party meeting in Charlottesville, July 1, 1867 because "in this critical emergency when...the power of the State will pass into the hands of this compact and ignorant mass guided and directed by vindictiveness and hate, the idea suggested itself to some of us here that the only hope of saving ourselves from such a consummation was boldly to unite with the Republican party."<sup>36</sup>

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<sup>35</sup>W. C. Rives to W. F. Gordon, Castle Hill, June 17, 1867, Rives Collection, LC.

<sup>36</sup>W. F. Gordon to W. C. Rives, Charlottesville, July 1, 1867, ibid.

Gordon requested Rives's opinion as to the "wisdom of this action," and explained it by saying, "for myself I am satisfied that the course we have taken affords the only chance left to us to escape from the imposition of a radical constitution disfranchising a majority of the white people and placing the power of the state in the hands of irresponsible non-property holders."<sup>37</sup> He added that he was willing to take "the hateful name of Republican hopeful though not confident that our submission in this form would appease the spirit of malignity which has been exhibited towards us and call into a live exercise any spirit of conservatism which may exist in the Republican Organization." Gordon described the Charlottesville meeting as "splendid" and named a number of prominent Conservatives who had participated in the meeting. His letter concluded:

I am hopeful that if the majority in Congress can be satisfied that the vote of the Southern States will be cast for the Republican ticket by the cooperation of the intellect and character of the South that they would be willing to leave to our own adjustment the details of our State Government upon which the peace and safety of our people so largely depend. If this be not so, we may look with certainty for negro legislatures and a negro judiciary and when these things shall come to be the prophecy of Mr. Calhoun made many years ago that the white population would be driven from the Southern United States is not far from its fulfillment. The assembling of Congress mainly in reference to the subject of reconstruction was another reason in favor of our action. It remains to be seen in which spirit our overture will be taken. That it may re-

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<sup>37</sup> Ibid.

sult in saving Virginia from the control of Botts, Hunnicutt and the negroes is my most ardent hope and I am satisfied that it affords our only chance.<sup>38</sup>

The frequent lumping of Hunnicutt with Botts by Conservatives, in spite of the fact that the two were bitter enemies, reveals either a total lack of comprehension or a reluctance to compromise at all.

It is obvious that Conservatives considered the cooperation movement only a temporary and expedient means of resuming complete control of the state. The Albemarle County meeting in Charlottesville which elected delegates to a Republican party statewide convention scheduled for August 1, in Richmond was followed by meetings in the counties of Buckingham, Charlotte, Amelia, Louisa, Pittsylvania, Halifax, Rappahannock, Prince Edward, and Smyth.<sup>39</sup> The county meetings were highly touted in the Richmond Whig.

The motives behind the "cooperation movement" were not lost on Hunnicutt and his followers who were reluctant to allow the state Republican party to fall into the hands of those who had voted against the Fourteenth Amendment and whom they knew to be opposed to suffrage for the freedmen. Accordingly, Richmond's black population thwarted the "cooperators" by packing the African Baptist Church in Richmond when the Republican convention convened. Neither Botts and his followers

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<sup>38</sup>Ibid.

<sup>39</sup>Taylor, Negro in Reconstruction, 217-218.

nor the cooperators were able to get in.<sup>40</sup>

After adjournment of the convention, which was then declared a mass meeting, Botts was invited to address the gathering by Dr. Thomas Bayne, a black dentist from Norfolk.<sup>41</sup> In his address, Botts counselled the blacks who overwhelmingly made up his audience, to "accept the cooperation of any respectable white man who was willing to join the Republican party, and endorse and defend its principles. His advice was endorsed by several black leaders."<sup>42</sup>

The August meeting marked the end of the cooperative movement, and Conservatives led by the Whig and Enquirer set about organizing themselves into a "white man's party." The Whig, which had been the chief proponent of cooperation advised its readers on October 21, 1867:

There are but two tickets before the people of Richmond: the run-mad radical and the conservative tickets. It is now too late for any other to be presented. Between these two the people of Richmond will have to make their choice.<sup>43</sup>

As the Whig stated, the time was too short to form an effective Conservative party organization before the elections scheduled for October 18-21, 1867.

However, realignment of forces did take place with most of the Conservative cooperationists leaving the Republican

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<sup>40</sup>Richmond Whig, August 2, 1867.

<sup>41</sup>Taylor, Negro in Reconstruction, 219.

<sup>42</sup>Ibid.

<sup>43</sup>Richmond Whig, October 21, 1867.

party.<sup>44</sup> A notable exception was Judge Alexander Rives of Charlottesville who continued to function as a Republican, though moderate. John Minor Botts adhered to the Republicans although his influence was now minimal. A small group of blacks under the leadership of Solon Johnson functioned with the Conservatives.<sup>45</sup>

Even considering the fact that many were disfranchised under the terms of the Reconstruction Acts, the whites still had a majority, and had they been better organized might have carried the election. Slightly over half of the whites voted. Of the 76,084 who did, close to 15,000 voted for a convention while only 638 of the 93,145 black voters cast their ballots against it. Thirty-three Conservatives and seventy-two Radicals were elected, twenty-five of the latter being black.<sup>46</sup>

The outrage felt by Conservatives at their rejection at the polls was well expressed in the editorial in the Whig, only lately the champion of cooperation between black and white voters. The Whig wrote:

Now that the negroes have drawn a blood line between themselves and the whites, and have manifested a fierce and stubborn determination to establish their supremacy at the hazard of ruin to all our interests, it becomes us to cast about for the means of self-protection.<sup>47</sup>

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<sup>44</sup>Ibid.

<sup>45</sup>Taylor, Negro in Reconstruction, 221.

<sup>46</sup>Eckenrode, Political Reconstruction, 84; Taylor, Negro in Reconstruction, 221.

<sup>47</sup>Richmond Whig, October 26, 1867.

The Whig then went on to urge the importation of "white population" from Europe and the North, enough to secure "white ascendancy if we have to give away one-fourth, or even one-half of our lands." This is of particular interest in contrast to the general reluctance to sell to freedmen, even when facing difficulty in paying taxes on unused lands.<sup>48</sup> The editorial further warned that "with black ascendancy our lands will, in process of time, become valueless, for our laborers will be our political masters, and they will fix their wages by law and make the taxes on all property so onerous that property-holders will be poorer than paupers." In a wild diatribe, it concluded:

The negroes (with some few honorable exceptions, never to be forgotten) have raised their hands against the whites, and threaten us with ruin, simply because we are white. They have embarked in a wild crusade against all whites--the Northern white and the foreigner as well as the whites of the South. There is but one way of arresting and turning back this threatening tide of negro fanaticism and ignorance, and that is by presenting to white people at the North and abroad such inducements as they will be unable to resist. No matter where the whites shall come from or what may be their antecedents, they will make common cause with us, for it is against their skin color and kindred that this crusade has been set afoot.<sup>49</sup>

In another editorial the same day, the Whig, addressed itself to the North expressing its anxiety that the recent "con-

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<sup>48</sup>Ibid.

<sup>49</sup>Ibid.

test" should be "incorrectly understood in the North, if it be fancied there that one of the parties was actuated by a desire to promote reconstruction and the other by the disposition to obstruct it." Indeed, said the Whig, this was not the case.

The prime and principal thing against which the Conservatives struggled was the supremacy of the negro race and the subordination of the white race. The second one, which was incidental to the first, was the triumph of an ignorant, vindictive and agrarian [italics mine] Radicalism that threatened to throw the muniments of law and the institutions of government in chaotic disorder, and subvert the very foundations of society. We ask Northern men to consider calmly what is to be the result in Virginia and the other Southern states of the political ascendancy of the negro race.<sup>50</sup>

Other newspapers were even harsher. The Enquirer recommended the discharge of Negro workmen who had voted the Radical ticket. Virginia's open ballot made it quite possible to check. Other newspapers followed the lead of the Enquirer.<sup>51</sup> There is considerable evidence that the Enquirer's advice was followed. The Lynchburg News, edited by arch-Conservative R. E. Withers gloated:

We are gratified to learn that one hundred and fifty negroes employed at the Wythe Iron mines, all of whom voted the straight out radical ticket, were discharged on Tuesday by the owner of the works.<sup>52</sup>

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<sup>50</sup>Ibid.

<sup>51</sup>Richmond Enquirer, October 26, 1867, cited in Taylor, Negro in Reconstruction, 223.

<sup>52</sup>Ibid.

There was a general disposition to import Northern and European whites into the state. One planter, William C. Rives, had replaced all the black labor on his plantation with Confederate veterans. Hearing of this, one of his New York friends, George Barclay, wrote him a letter of congratulations, referring to black workers as "lazy and thriftless."<sup>53</sup> Most planters, however, were unable to find substitutes for black labor, as there were few white replacement. The threatened loss of livelihood undoubtedly frightened many black into staying away from the polls. In addition, it revealed how little, in spite of protestations, the Conservatives cared for the welfare of their former slaves.

One week after the elections which were held November 7, the Executive Committee of the Richmond Conservative party issued a call for a statewide convention to be held in Richmond, December 11, 1867. Among the leaders were Alexander H. H. Stuart and Colonel John B. Baldwin of Staunton, President James Barbour of the Orange and Alexandria Railroad, ex-Confederate Secretary of State Robert M. T. Hunter, and Virginia's Confederate Governor John Letcher. Both prewar parties were well represented. When the meeting opened on the evening of December 11th, the press outdid itself in describing the glories of the grand assemblage. From the Whig:

No such assemblage has been seen in this Commonwealth in our day. It numbers among its members

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<sup>53</sup>George Barclay to W. C. Rives, New York, December 20, 1865, Rives Collection, LC.

men of all the ancient schools of politics, but there are, happily, no differences to divide them now. This great assemblage represented but one single idea, and that is the maintenance of that white power which framed all the States of the Union and the Union itself....The proudest names of the State once more responded to the roll call, and the stately forms of our most eminent citizens appeared once more upon the arena.<sup>54</sup>

The emphasis on what can only be called "white supremacy", and the need to maintain it, was a consistent element in all the changes in Conservative policy. It was also a central argument in appeals to Conservative northern allies. The Whig continued its adulations, lost in nostalgia as it recalled Thomas Jefferson, who with his "brilliant compeers stamped lustre upon Virginia."<sup>55</sup> Stuart, who was elected president of the convention, emphasized as the keynote of the Convention a continuation of white rule in the state. His lengthy speech concluded:

At the close of the war we were assured that upon the repeal of the ordinance of secession, the repudiation of the Confederate debt and emancipation of the slaves, we would be restored to our rights in the Union; but instead of these promises being fulfilled, a policy has been inaugurated placing the Southern States under the control of an inferior race. We have met to appeal to the North not to permit the infliction of this disgrace upon us. Our rights may be wrested from us, but we will never submit to the rule of an alien and inferior race. We prefer the rule of the bayonet...We desire further to perfect our organization so that all who desire that

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<sup>54</sup>Richmond Whig, December 12, 1867.

<sup>55</sup>Ibid.

this shall continue to be a white man's government may be able to act in concert and by one vigorous and united effort save ourselves from ruin and disgrace.<sup>56</sup>

The glowing tribute of the Whig to the Conservative convention was in stark contrast to the coverage accorded what they termed the "Bones and Banjo Convention"--the Constitutional Convention, which, whatever the views of Conservatives, had been elected by the voters of the state. In an editorial December 6, 1867 entitled "No Constitution with Negro Suffrage In It"--an unrealistic idea at best for people under military rule--the Whig expressed its reservations about the abilities of that Convention to devise any Constitution acceptable to the Conservative white citizens of the state.<sup>57</sup>

A theme that constantly ran through the Conservative press and correspondence was the idea that if only the Northern Conservatives understood how badly their Southern counterparts were being treated, they would put an end to such oppression by restoring home rule to those who had always been accustomed to rule. Accordingly, one of the convention's actions was to appoint a committee to prepare an "Address to the People of the United States" outlining the grievances and oppressions of the state's former ruling class. Chairman of the committee was the Honorable William C. Rives, considered by all to be not only the most capable man of letters in the state but the

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<sup>56</sup>Richmond Whig and Richmond Enquirer, December 12, 1867.

<sup>57</sup>Richmond Whig, December 6, 1867.

person whose name would command the most respect in the North. Rives, however, was in very poor health--he died only a few months later. Preparation of the address was then given to others on the Committee including John Randolph Tucker of Lexington, R. M. T. Hunter, Stuart and John Janney, a rather incompatible group. A draft of the address was finally prepared by R. M. T. Hunter but was never issued. L. Q. Washington of the National Intelligencer in a letter to Hunter some years later blamed the lack of publication on "Sandy" Stuart and the remnant of antebellum rivalries.<sup>58</sup>

#### The Convention of 1867-1868

The proceedings of the Virginia Constitutional Convention held under the provisions of the Reconstruction Acts were viewed with much hostility and criticism by Conservatives who attacked it even before it had proposed anything at all. Alexander H. H. Stuart, in his Narrative of the Restoration of Virginia described the convention as "mainly composed of ignorant and excited negroes, led by greedy adventures from the North, popularly known as carpet-baggers, and a 'few recreant natives,' who were designated 'Scalawags.' To this hideous majority were opposed a small minority of the better class of citizens, generally young men, who, not having held any public office before the war, were not disfranchised by

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<sup>58</sup>L. Q. Washington to R. M. T. Hunter, September 25, 1868, microfilm, Hunter Papers, U. Va.

the Congressional iron-clad test oath."<sup>59</sup>

Actually, the composition of the Constitutional Convention was quite different from the picture presented by Stuart. Altogether there were 105 delegates, fifty-six of whom were southern whites--over fifty per cent--twenty whites from outside the state, and twenty-four blacks.<sup>60</sup> The birth-places of five were undetermined.

The feeling was pronounced among Conservatives that nothing such a convention could devise might be worthwhile. Furthermore, they argued that the election which had been held under military jurisdiction and which had disfranchised some of the more politically experienced citizens was unconstitutional and thus the Constitution should be rejected no matter what it contained.

John Randolph Tucker called for the defeat of the Underwood Constitution--so-called because Unionist Judge John C. Underwood presided at the sessions: "I am out in the active canvass to raise our people to defeat it. It can be done if the white vote will register and vote, but there is a disgust and horror of these outrages, and a sentiment, that the Congress will fix it on us by fraud or force, whether or not we defeat it, which creates an apathy that constitutes our only danger. But I have good hope of its defeat."<sup>61</sup> The

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<sup>59</sup>Stuart, Restoration of Virginia, 17.

<sup>60</sup>Richard L. Hume, "Black and Tan Conventions," 131.

<sup>61</sup>Tucker to Beverly Tucker, June 4, 1868, Tucker Papers, SHC.

press, echoing Stuart's remarks at the Conservative convention, also took this position:

It is the duty of Virginia at once to take the ground that no order, ordinance, act, law or deed done by the representatives of the secret negro leagues, whether in or out of Convention, shall be obeyed, respected or heeded unless, under the compulsion of the fixed bayonets of the Federal soldiery."<sup>62</sup>

#### Military District Number 2

With the passage of the First Reconstruction Act by Congress on March 2, 1867, North Carolina, like its neighbor to the North, passed under military rule. Together with South Carolina, the Old North State became Military District No. 2 under the command of General Daniel E. Sickles. The state was divided into eleven military posts with headquarters at Morganton, Salisbury, Charlotte, Greensboro, Raleigh, Fayetteville, Goldsboro, Wilmington, Plymouth, New Berne and Fort Macon. As far as is known, Sickles, and his successor General Canby, did not share the sympathy for Conservatives that General Schofield did in Virginia. Both Sickles and Canby tended to be fair but meticulous in their administrations and therefore were not as popular among North Carolina Conservatives as Schofield was in Virginia.

Jonathan Worth, who had been elected governor in 1866 under presidential Reconstruction was not removed from office,

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<sup>62</sup> Richmond Enquirer, January 21, 1868, cited in Taylor, Negro in Reconstruction, 237.

but military authority superseded civil. During the same month of March, the Republican party was organized in Raleigh, composed of various factions whose diverse views would eventually make it impossible for them to hold together. Three main groups made up the Republican party in North Carolina: native whites or "scalawags" as they were called by their opponents, outside whites or "carpetbaggers," the pejorative term most frequently used, and the native blacks. Throughout the life of the party there would be conflict between these three groups, in terms of basic aims and political interests and in terms of officeholding and patronage. The blacks, though most loyal to the party, received the least patronage and were frequently barred from running for public office.<sup>63</sup> Aside from these three main groups, there were subdivisions among the native white element that were to prove most divisive. Rivalries based on geographical and sectional factors, personal differences, and previous political affiliations often interfered with the harmonious functioning of the party. In an article on North Carolina's native white Republicans in the Reconstruction period, Otto Olsen concludes that they were composed of both former Whigs and former Democrats, and that among "western Democratic counties that were

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<sup>63</sup>Otto Olsen, "Reconsidering the Scalawags," Civil War History, XII (December, 1966), William McKee Evans, Ballots and Fence Rails (Chapel Hill: University of North Carolina Press, 1968), 120.

predominantly Democratic in the antebellum period, those supporting [William W.] Holden in 1858 were more apt to become Republican than those not supporting him."<sup>64</sup> A chief opponent of Holden was old Whig Daniel R. Goodloe, who together with H. H. Helper, brother of the author Hinton Rowan Helper, and Benjamin S. Hedrick, prewar University of North Carolina professor ousted for his abolitionist views by Holden, had formed a triumvirate and unsuccessfully attempted to seize the helm of the Republican party. Convinced that they who had been loyal to the Union as the cost of great personal sacrifice were the most reliable, this little group determined to lead the state back into the Union. These three men have been highly praised by historians for their undeniably courageous adherence to their convictions, but it is questionable whether the state would have benefited by their leadership, had they won out over Holden.<sup>65</sup> Goodloe's inveterate hatred of Holden brought him perilously close to a "rule-or-ruin" policy toward the Republican party as demonstrated by his opposition to the 1868 constitution. In addition, his correspondence relating to that constitution reveals economic and social conservatism as well as a distrust of northern-born white politicians such as Albion W. Tourgee and George French

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<sup>64</sup>Olsen, "Reconsidering the Scalawags," 308.

<sup>65</sup>Barbara Bingham Garrison. "A Crusading Abolitionist in Reconstruction North Carolina: Daniel Reaves Goodloe" (unpublished M.A. thesis, Wake Forest University, Winston-Salem, 1967).

whom he felt sought to "force social equality," through the educational system. He opposed stay laws, repudiation of the public debt and other features of the document.<sup>66</sup>

The Republicans, stressing general democratic reforms, equal political rights for Negroes, and a practical solution to the restoration of the state into the Union, won overwhelmingly in the election of delegates to the constitutional convention. Part of the explanation, of course, was the fact that under the terms of the Reconstruction Acts, the freedmen could vote. Of the total of 179,653 voters registered in North Carolina in December 1867, 106,721 were white and 72,932 were black. Of these, 126,030 voted. The vote was two to one for the convention--93,006 to 32,961.<sup>67</sup> Further victories were won in securing ratification of the new constitution in the spring of 1868, in the election of both a Republican administration and a Republican legislature for 1868-1869.

Meanwhile, the Conservatives, like their counterparts in Virginia, were poorly organized and undecided as to whether to submit or resist. Throughout the summer of 1867 they sniped at the Republicans and grumbled about Negro suffrage.

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<sup>66</sup> Goodloe to B. S. Hedrick, March 17, 1868; Goodloe to Hedrick, March 27, 1868, Benjamin S. Hedrick Papers, Duke University, Durham, N. C.

<sup>67</sup> Raleigh Sentinel, November 22, 1867.

Former Governor David L. Swain and president of the University of North Carolina complained to Graham of a Republican speech containing "tawdry rhetoric" and "overdrawn metaphors". Writing to another friend Graham stated his views on suffrage for the freedmen. "It is to roll back the tide of civilisation two centuries at least, and place the ballot in the hands of a constituency less qualified for office of government, than has ever before exercised it, in any republican country."<sup>68</sup> Evidence that Conservatives were at least temporarily cowed by military rule is contained in a letter from Graham to his son warning him to be "on guard" in respect to any references to Negroes, that Holden's spies were everywhere.<sup>69</sup>

North Carolina's Conservatives were a little more prompt than their northern neighbors in organizing themselves into a political party. By late September, 1867 they had held a convention in Raleigh and prepared to enter the fall campaign to elect delegates to the Constitutional Convention of 1868. Their organization was named the Conservative party, that it was also to be a "white man's" party was made very clear.<sup>70</sup> Though the North Carolina Conservatives, like their Virginia counterparts, consisted of diverse elements, they managed to

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<sup>68</sup>D. L. Swain to Graham, Chapel Hill, April 16, 1867; Graham to Jesse Turner, Hillsboro', August 22, 1867, Graham Papers, SHC.

<sup>69</sup>Graham to W. A. Graham, Jr., Hillsboro, August 29, 1867, typescript, Graham Papers, SHC.

<sup>70</sup>Raleigh Sentinel, November 19, 1868.

hold together, and the fact that they had superior economic resources and political experience gave them more potential power than was apparent in 1867. Olsen described them accurately when he said, "Southern aristocrats may have been Lancelots on the battlefields of war, but they were as ruthless and as deadly as a Richard II or an Ivan IV in politics, and the Republicans proved no match."<sup>71</sup> Their objectives, to regain power and discredit their opponents were coupled with the determination to maintain white supremacy. From the beginning, the race issue was paramount and would be used both as a goal and the means of achieving it as successfully in the postwar period as under slavery.<sup>72</sup>

As stated in Chapter II of this study, Conservatives were predominantly Whig, but also included former Democrats such as William R. Cox, later chairman of the party; Thomas S. Ashe and Thomas Bragg of the old planter class and former Senator Thomas L. Clingman. Furthermore, the Whig philosophy prevailed--distrust of the common man, black or white, and the Hamiltonian belief that government should be in the hands of the propertied.

According to a study of the 1868 constitutional convention by Richard L. Hume, the "typical" Conservative in this body was "a businessman or an individual who had received some professional training," one who "had not been a vocal

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<sup>71</sup>Olsen, "Scalawags," 318.

<sup>72</sup>Ibid., 314.

secessionist," but had "supported the Confederate cause during the Civil War."<sup>73</sup> There were only fourteen Conservatives in the 1868 Convention, all southern whites. They were, according to Hume, and this is corroborated by the Journal of the Proceedings of the Convention of 1868, "united behind proposals designed to secure a constitution which limited the political rights of Negroes and required the establishment of racially segregated state institutions."<sup>74</sup> Compared to my own analysis, Hume's findings seem overly weighted in the direction of business occupations for the Conservatives, but this discrepancy is due to the fact that his data were based on contemporary biographical materials primarily and did not include the manuscript census of 1870, as did mine. Most Conservatives and Radicals in the legislatures analyzed in my study, were listed as farmers in the United States Census of 1870. This does not mean, however, that the farmers did not have other occupations in addition to farming.

Registration of voters for the purpose of electing delegates to the constitutional convention began August 1, 1867 and was completed by October 18.<sup>75</sup> The election was held November 19th and 20th and the results were an overwhelming victory for the Republicans and for the convention which the Conservatives had opposed. Conservative reaction was one

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<sup>73</sup>Hume, "Black and Tan Conventions," 496-497.

<sup>74</sup>Ibid.

<sup>75</sup>Hamilton, Reconstruction in North Carolina, 234-235.

of great disappointment, especially as the national elections had greatly encouraged them. On November 8, 1867, William A. Graham had written to his son that the "news from New York, New Jersey, etc., is even better than was expected. Negro suffrage has been voted down, even in Kansas, and with it woman's suffrage. The majority in New York is from 30,000 to 40,000."<sup>76</sup>

North Carolina's constitutional convention opened January 14, 1868 amid the jeers of the Conservative press. So derogatory were the reports, that General Joseph Abbott introduced a resolution that would bar unfriendly reporters from attending the proceedings.<sup>77</sup> Although the overwhelming majority of the delegates, eighty-eight out of 120, were native southern whites and many held important committee posts, some historians have attributed the work of the Convention largely to outside influence.<sup>78</sup> Certainly the role of North Carolina's best-known carpetbagger, Albion W. Tourgee, should not be underestimated. Tourgee's correspondence during the months of the convention contains innumerable drafts of legislation as well as hasty letters to his wife informing her that due

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<sup>76</sup> Graham to W. A. Graham, Jr., Hillsboro, November 8, 1867, typescript Graham Papers, SHC.

<sup>77</sup> Hume, "Black and Tan Conventions," 478.

<sup>78</sup> Hamilton, Reconstruction in North Carolina, 262.

to the pressure of work, he would not be able to get home when he had planned.<sup>79</sup> What is clear, however, is that Tourgee would never have been able to get his proposals adopted had they not reflected the desires of the overwhelming number of southern white delegates and the constituencies they represented. There were only nineteen outside whites and thirteen Negroes who joined the seventy-one southern whites to form the Radicals in the Convention.<sup>80</sup> Clearly though Tourgee may have been the guiding light, responsibility for the passage of the measures should be given to North Carolina's native whites. Allegations that the Constitution of 1868 was unsuited to North Carolina's needs are unfounded.

Compared with the Virginia Constitutional Convention of 1867-1868, the controlling Republican membership of North Carolina body was far more representative of the native white population. It will be recalled that the Virginia delegates consisted of fifty-six southern whites, twenty outside whites and twenty-four Negroes plus five unclassified whites, making a total of 105 delegates. Thirty-five of the Southern whites were Conservatives, while only sixteen Southern whites were Radicals. Thus in the Virginia convention, the outside whites and the blacks outnumbered the Southern whites among the Radicals. This was not true in North Carolina. Of the 120

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<sup>79</sup>Tourgee to wife, Raleigh, February 19, 1868, Tourgee Papers, microfilm roll 16, SHC.

<sup>80</sup>Hume, "Black and Tan Conventions," 472.

delegates and 103 Republicans, only nineteen were outside whites and thirteen were Negroes. This strongly suggests that although the products of both conventions were meritorious documents, meeting long unfulfilled needs of the populace, the North Carolina constitution was a more representative document. Unquestionably, the interests of North Carolina's voters, white as well as black, were being served by the Radical legislators.

The Virginia Reconstruction constitution was proscriptive, reflecting the understandable need of the small band of Radicals in the state to retain control by keeping as many Southern Conservative whites disfranchised as possible. The Virginia document placed restrictions on high-ranking Confederate officers and office-holders. On the other hand, all three factions of the North Carolina delegates had declined to restrict the political privileges of former Confederate supporters further than to recognize the limitations set by the national government. In some respects the two constitutions were similar. Neither contained references to color or race except to provide for universal, manhood suffrage. Both set up machinery for establish-

ing a state-supported public school system. Each also provided penal reforms, care for the insane in institutions separate from those housing persons convicted of crimes, the abolition of corporal punishment, and reduction in the number of offenses punishable by death.

A distinctive provision in the North Carolina Constitution would be abused by Conservatives in the years after their restoration to power. Article XI, Section 11 reads:

It shall be steadily kept in view by the Legislature, and the Board of Public Charities, that all penal and charitable institutions should be made as nearly self-supporting as is consistent with the purposes of their creation.<sup>81</sup>

This harmless appearing provision opened the door to convict-leasing in North Carolina. During the constitutional convention of 1875, which was controlled by Conservatives, Article XI, Section II was modified to authorize the farming out of labor, although it was stipulated that the convicts so farmed out "shall be at all times under the supervision and control, as to their government and discipline, of the Penitentiary Board, or some officer of this State."<sup>82</sup> The convict labor system was widely used in Virginia also as soon as Conservatives regained power, and convicts, mostly black, were employed to build railroads and in other industries.<sup>83</sup>

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<sup>81</sup>Constitution of 1868 As Amended (Raleigh: Josiah Turner, North Carolina State Printer, 1875), 61.

<sup>82</sup>Ibid., 62.

<sup>83</sup>Fletcher Green, "Some Aspects of the Convict Lease System," 119.

Summarizing the work of the North Carolina convention, Olsen points out that "Republicans had certainly not justified the vituperation hurled against them during the preceding year."<sup>84</sup> Acting with restraint and ability they had laid a foundation for continuing Republican influence in the state.

Conservative tactics in the North Carolina convention were similar to those of their Virginia counterparts. Although outnumbered even more in North Carolina than in Virginia, they staked their all on opposing the popular will. Through minority reports introduced by their two most prominent spokesmen, John W. Graham, son of William A. Graham, and Plato Durham, future Klan leader, they bravely sought to champion white supremacy, bar Negroes from office and even exclude Negroes from equal suffrage. Any possibility of success was hopeless, but this approach was meant to expose the Republicans to their constituencies as hostile to "the rule of the white race in North Carolina."<sup>85</sup>

Aside from their role as obstructionists, the Conservatives made one important contribution to the convention proceedings. They were responsible for helping to pass the stay law introduced by Tourgee to provide for deferred payments by debtors over a period of years.<sup>86</sup> Since many Conservatives

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<sup>84</sup>Olsen, Carpetbagger's Crusade, 113.

<sup>85</sup>Journal of the Constitutional Convention of the State of North Carolina at Its Session, 1868 (Raleigh: Joseph Holden, State Printer, 1868), 342-343.

<sup>86</sup>Hume, "Black and Tan Conventions," 495.

themselves were in debt, this was a law that was popular among both rich and poor alike.

Having unsuccessfully sought to sabotage the work of the constitutional convention, after its adjournment the Conservatives attempted to defeat the new constitution. Jonathan Worth, still unremoved as Governor, was among its most bitter opponents. A letter to his friend Graham expresses well the views of the group that Worth and Graham represented. It reads in part:

North Carolina, you know, looks to you as her leader in the present stringency of political affairs....

It is generally understood that you accept the issue forced on us whether the negro or the white man is to be dominant, and that you accept no middle ground.

I had entertained the view that upon some qualified basis of property or intelligence, negroes should be allowed to exercise a limited political power. I had inclined to this position--but with doubts whether we should not place ourselves on the broad ground that this is a white man's government --and that white men only must be its political managers. I understand you as having taken the latter position. Although not perfectly satisfied that the course is exactly right or the most politic --I yield my doubts and I shall heartily co-operate in your views, being satisfied that co-operation is indispensable to enable us to preserve any semblance of civil liberty.

Assenting then to the position, I understand you as thinking that the negro is to have no part in the civil government.<sup>87</sup>

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<sup>87</sup>Worth to Graham, February 27, 1868, Hamilton, Worth Correspondence, II, 1165-1166.

Worth continued by discussing possible candidates for the governorship. Speaking of Vance, Civil War governor of North Carolina, Worth emphasized that "the genuine object is to defeat the adoption of the Constitution," and continued:

It seems to me, if we succeed in this, we must carry with us a large portion of our people such as are to be found in Alamance, Guilford, and elsewhere who will not vote for him, and may thus be induced to vote for ratification. If we are to choose a candidate for Governor, members of Congress, and bring forward as our candidate men whom the great body of our people will support with enthusiasm, but whose war record will drive Goodloe, Helper, the Quakers, etc. into the support of the Radicals, I fear we will fail in our main object. No good man can desire to be elected Governor under the Constitution about to be proposed to us. I would myself decline such a position--but to accomplish our object--the rejection of the proposed constitution--our candidates should be most equivocally opposed to it--but not odious to moderate--or rather equivocal Radicals. If Goodloe and his followers be entirely driven from us, we shall be beaten.<sup>88</sup>

Though Worth denied his desire for the nomination, the requirements he suggested for a candidate in the above excerpt plus his communications to other possible candidates, clearly establish his wish to serve again.<sup>89</sup> Although Jonathan Worth is still considered one of the most honored figures of North Carolina history, and was undoubtedly a man of in-

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<sup>88</sup> Ibid.

<sup>89</sup> Worth to Z. B. Vance, Raleigh, March 2, 1868; Worth to A. S. Merrimon, March 9, 1868; Worth to Josiah Turner, March 8, 1868; Worth to Graham, Raleigh, March 10, 1868, ibid., 1167-1171.

tegrity for he was one of the two who voted against secession in 1861, he was unfortunately a man of little vision, obsessed by a belief that only the propertied were entitled to a say in the government. Also, he was consumed by what can only be called hatred and contempt for the Negro. His correspondence is loaded with expressions of prejudice such as the following:

I recognize in Sister Louisa's injunction that you and I quit writing about the negro, the practical good sense which I think characterises our family, and therefore will only say that I feel intense abhorrence and disgust at the schemes of Radicalism which seek to perpetuate their party domination by Union Leagues of negroes and baser white men--which seeks to make the lowest ignorance, instead of intelligence, the ruling power in the South.<sup>90</sup>

In spite of his agreement to stop "writing about the negro" the rest of the letter is a diatribe against the black man and his allies. It is interesting also how often in Conservative writing, references to Radical "Schemes" occurs. Yet hardly a letter was written on any subject by leading Conservatives that did not contain some reference to political strategy, usually concerned with what would be the correct or most effective policy to pursue.

Although Conservatives were pretty much agreed on opposition to the constitution, they were quite undecided as to which candidate for governor would be most effective in accom-

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<sup>90</sup>Worth to William Clark, Raleigh, April 13, 1868, ibid., 1187.

plishing this end. Much correspondence ensued between the most likely prospects for the office, ex-Governors Vance, Worth, and Graham, all advising each other not to run. Neither Vance nor Graham had been relieved of their disabilities and were really not eligible. The popular Civil War governor and superb orator, Zebulon Vance, was chosen by the Conservative party meeting in convention, February 5, 1868.<sup>91</sup> Vance declined about a month later,<sup>92</sup> and on March 14, 1868 the Conservative party executive committee met again and chose Thomas Ashe, an old Democrat and antebellum planter in his place. Just why Ashe was chosen despite his different political persuasion from that of the other candidates who had been considered, is not clear: the private correspondence of the period makes no reference to the decision. The rest of the ticket was comprised of former Whigs.<sup>93</sup>

Lists of Conservative canvassers were printed in the Raleigh Sentinel and included many well-known antebellum political leaders. Among the new canvassers in the field were two sons of William A. Graham. One, James, wrote his father for advice.

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<sup>91</sup>Raleigh Sentinel, February 6, 1868.

<sup>92</sup>Ibid., March 9, 1868.

<sup>93</sup>W. E. Pell to Graham, Raleigh, March 11, 1868, typescript, Graham Papers, SHC.

I see by the Sentinel of Saturday that I have been appointed with others, to canvas this County [Graham]. It is expected that we should open the campaign soon, or wait 'till the Constitution is put before the people? I think it would be very well, in his County at least, to try to stir the people up somewhat, before that time, for there is a very great apathy existing among them, and of those who seem willing to do anything, hardly any two work together....

Please tell me how to proceed, and give me any points that you think would be of use to me in such a canvass. I am not very well posted on the doings of Congress, or the political questions of the present day, as I did not expect to take any part in politics for two or three years yet, and I know very little of the history of times that may be compared with the present, in order to show whither we are drifting, and what might be expected in case we let this tide of Radicalism flow on without stopping it.<sup>94</sup>

They were badly beaten. In the elections held April 21, 22, and 23, the Republicans were victorious and the new constitution was adopted by a vote of 93,084 to 77,773.<sup>95</sup> The Conservatives were forced to be content with one judge, one solicitor and one representative to Congress. Events restoring North Carolina to civilian rule followed in rapid succession. July 1, 1868, General Canby ordered Jonathan Worth to surrender the governorship to his elected successor William W. Holden; July 2, the newly-elected, overwhelmingly Republican legislature met and ratified the Fourteenth Amendment and elected two senators, native Republican John

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<sup>94</sup>James Graham to father, Graham, N. C., February 10, 1868, ibid.

<sup>95</sup>Raleigh Sentinel, April 24, 1868.

Pool and former Union Army General Joseph C. Abbott. On July 20, 1868, North Carolina was restored to the Union and military rule ended.

August 3rd, the legislature adjourned one month after convening, to prepare for the 1868 presidential campaign. The Conservatives, believing that a Democratic administration in Washington would be of great assistance to them, carried on an energetic campaign to elect the Seymour-Blair team to office. Conservative master strategist, Graham, was in demand as a speaker. At least two of his four sons also canvassed. Writing to some of them in regard to his many speaking engagements at the height of the campaign, the senior Graham expressed optimism. "I receive by nearly every mail an invitation to some assemblage of the kind," he wrote, "and from these evidences must believe that Seymour will carry the State."<sup>96</sup> Again the Conservatives lost as the Grant-Congressmen were Republican. And the Radicals increased their strength in Congress.

Conservative strategy in North Carolina and indeed in the southern states generally, shifted from resistance to persuasion. An example of this can be found in a copy of a letter from Augustus Hill Garland, United States Senator from Arkansas, to Alexander H. Stephens of Georgia, former vice-president of the Confederacy. He outlined a plan to so "im-

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<sup>96</sup>W. A. Graham to W. A. Graham, Jr., Hillsboro, September 28, 1868, Graham Papers, NCSA.

press Grant so as to cause him to be conservative.<sup>97</sup> The letter urging Stephens' cooperation proposed the following:

One or two representative men of the true conservatism in each of the ten Southern States should, by private agreement, meet with General Grant, about 1st January next, and lay before him the facts as they are in these States, and promise and vouch for the peace and order and obeying of the laws on the part of the people here, if the government is properly conducted.<sup>98</sup>

Garland's letter specified that by "representative men," the author meant "neither active Democrats or Republicans in the late contest, but men who have been quiet, and have been looking to the peace and quiet of their people, and who have not stirred up strife and bitter feelings among their people."<sup>99</sup> Persons suggested in addition to Stephens included Governor Graham of North Carolina, Governor Orr of South Carolina, General Lee of Virginia and General Joe Johnston. Actually, this plan was quite similar to that finally pursued by the Committee of Nine in Virginia, which worked very well.

#### The Railroad Frauds

A few North Carolina Conservatives realistically adjusted themselves to the inevitability of a brief period of

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<sup>97</sup> A. H. Garland to A. H. Stephens, Little Rock, Ark., November 9, 1868, Graham Papers, SHC.

<sup>98</sup> Ibid.

<sup>99</sup> Ibid.

radical rule, and decided to make the most of it. A meeting of four such Conservatives was held late in December 1867 on the eve of the 1868 convention.<sup>100</sup> The purpose of this very important meeting was to prepare the groundwork for what would become one of the greatest railroad scandals in the nation, one for which the North Carolina Republican Legislature of 1868-1869, quite unjustifiably, would be held responsible.

The railroads dominated the economic development of the entire country during the postwar years, and North Carolina was no exception. Before discussing the frauds themselves, it is important to note certain facts. First of all, repair and expansion of the railroads was necessary to the recovery of any southern state after the war. Commerce could not exist, farmers could not market their products, and prosperity could not be achieved without the railroads.<sup>101</sup> To judge by the correspondence of the period, one would think that the administration of government as well could not have been carried on except for the railroads, so many arrangements <sup>were</sup> made on the train to Raleigh. Secondly, most legislators who voted to authorize the bond issue for railroad repair and construction did so in all sincerity, with no knowledge of any scheme of speculation. Finally, most of the bribing was done and most of the benefits were received by Conservatives.<sup>102</sup>

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<sup>100</sup> Price, "Railroads and Reconstruction," 405.

<sup>101</sup> Ibid., 603.

<sup>102</sup> Ibid., 604.

The identity of the four Conservatives who met at the end of 1867 and originated the North Carolina railroad schemes requires some attention. The most important of these promoters was the financier, George W. Swepson, president of the Raleigh National Bank, and controller or director of other banks outside the state.<sup>103</sup> Swepson, though a Conservative, was friendly with prominent persons in both parties. Hardly a manuscript collection exists without some communication from Swepson to persons as diverse politically as the Radical Albion W. Tourgee, to whom Swepson loaned money, and the arch-Conservative William A. Graham, to whom he gave political advice. From this extensive correspondence, one gathers that many of Swepson's machinations took place on the train to or from Raleigh. Swepson, who resided in Alamance County was married to the daughter of an eminent Virginia citizen and former Congressman Bartlett Yancey, and called himself an old Whig.<sup>104</sup> His attorney was United States Senator Matt W. Ransom, former Confederate general, lawyer, planter and owner of some of North Carolina's finest racehorses. The second most important figure in the 1867 meeting was Samuel McDowell Tate, of Burke County in the western part of the state. Tate, who has sometimes been called the "Talleyrand of North Carolina," is listed in the manuscript census as a

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<sup>103</sup>Ibid., 399.

<sup>104</sup>Ibid.

merchant, but from his correspondence one learns that in addition he owned a mill and a considerable amount of land. A former slaveholder and Confederate Army captain, he was also a railroad president enjoying important connections with northern banking interests. A Philadelphia merchant, Thomas W. Ackley of Philadelphia, wrote Tate early in 1868 asking "how things were working out in the South and whether there were any chances for making money." Ackley added, "I have no disposition to make money off the affliction of the South, but while it has to be done, it may as well go into the pockets of those friendly."<sup>105</sup> Tate would win a seat in the North Carolina House of Representatives of 1874-75 and also serve three additional terms in the legislature during the 1880's.<sup>106</sup>

Augustus S. Merrimon, thirty-seven year old lawyer from Wake County, was the third member of the group that met in December. Merrimon was also Swepson's attorney and legal advisor, and it was he who drafted most of the railroad legislation introduced in the 1868-69 legislature. Merrimon was considered by the Conservatives as a possible candidate for governor in 1868, and in 1873 would be chosen by a Conservative-dominated legislature for United States Senator. Merrimon had served as Confederate Army officer and was a former slaveholder. The fourth member of this select group was William J.

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<sup>105</sup>Thomas W. Ackley to S. M. Tate, Philadelphia, Jan. 24, 1868, Samuel McDowell Tate Papers, SHC.

<sup>106</sup>Biographical Sketch of Tate in ibid.

Hawkins, about whom little is known except that he was president of the Raleigh and Gaston Railroad.<sup>107</sup> Hamilton refers to him as Dr. Hawkins and mentions that he had business pursuits.<sup>108</sup>

Later, other Conservatives were involved in the railroad schemes initiated by the four men. Among these men were Thomas L. Clingman, former old Democrat and Senator who lobbied among the Conservatives in the 1868-69 legislative session and Rufus Y. McAden, relative of Swepson. There were also Republicans. One, General Joseph C. Abbott, who was a large bondholder and wished to make sure that the antebellum debt was not repudiated by the 1868 convention, was also a lobbyist for railroad legislation. The most important Republican, however, was former Union General Milton S. Littlefield, Jonathan Daniels' "Prince of Carpetbaggers." Littlefield worked closely with Swepson in bribing Republican legislators. It should be noted that most bribes were hardly more than what might be considered today amenities. A cigar, a dinner, an advance to pay for one lodgings, when payment from the state treasurer was slow in coming, such "bribes" were hardly enough to make a legislator change his mind about a vote. Most recipients would have voted for the bond issue anyway, as their constituents approved and railway development

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<sup>107</sup>Evans, Ballots and Fence Rails, 203.

<sup>108</sup>Hamilton, Reconstruction, 114.

was generally considered sound. Some larger loans were extended. Tourgee received approximately \$3000 from Swepson; but as he opposed the bond issue, this could hardly be considered a bribe. Most of this amount Tourgee paid back in time. The only case of rampant bribery was that of Byron Laflin, who apparently fitted the Conservative stereotype of a carpetbagger.

It is not certain just what Swepson had in mind as the full story was never told and the plan did not succeed. It is likely, as his wife wrote to Matt Ransom in 1870, that his scheme resembled those of the many northern "Robber Barons." "Had his business plans succeeded," she wrote "as he reasonably hoped...he would have been flattered and called the greatest financier in the State. There will still be a great deal of prejudice, envy and lies."<sup>109</sup> On September 24, 1869 --Black Friday on the New York Stock Exchange--George Swepson's dreams turned to ashes. Losing all his money, he was unable to continue his railroad expansion schemes and was forced to reveal frauds. In his biography of Littlefield, Jonathan Daniels writes of the legendary visit some years later of Colonel William Dortch, an eminent Conservative, to convince Littlefield to return and stand trial in North Carolina. According to Daniel's story, Littlefield left the colonel alone

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<sup>109</sup>Virginia Swepson to Matt W. Ransom, Haw River, April 21, 1870, Ransom Papers, SHC.

in the living room with all the papers connected with the frauds. When Littlefield returned Colonel Dortch politely took his leave saying "General...I do not think we will trouble you any more."<sup>110</sup> The implication is that there were too many Conservatives involved in the railroad schemes to risk giving Littlefield his "just due."

Unfortunately the railroad frauds did the Republican cause irreparable harm, increased to a large extent by the clever handling of the scandals by the Conservative press. The Raleigh Sentinel and other Conservative papers emphasized the role of the Republicans involved while playing down that of the Conservatives. As the Conservatives were the instigators of the entire scheme this was serious misrepresentation on the part of the press.<sup>111</sup> The scandals damaged economic progress in the state as well. After this time, the legislatures would no longer appropriate monies or float bonds to repair and build the railroads of the state. Thus the only available resource was northern capital, which built the roads and made what profits there were to be made.

In spite of the railroad scandals, the record of the Republican-dominated legislatures of 1868-69 and 1869-70 was good. It was unlikely that Conservatives, whose undemocratic

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<sup>110</sup> Daniels, Prince of Carpetbaggers, 298.

<sup>111</sup> There is evidence that Josiah Turner, editor of the Raleigh Sentinel, may also have been involved as he had borrowed money from George Swepson to purchase the newspaper. Ibid., 290.

ideas were well known among the people, could win the next elections in a fair fight.

Evidence in this chapter suggests that Conservatives in both states during the period of Congressional Reconstruction pursued similar policies, vacillating between cooperation and resistance. The difference in degree of success in the two states depended on factors other than Conservative strategy. It is my view that the superior ability of the Republican party in North Carolina to win the confidence of the masses of North Carolinians was the decisive factor in the Republican successes of 1867-1869. The superiority of the Radical regime in North Carolina in meeting the requirements of the majority of voters would make the Republicans hard to unseat.

It is also possible that the military regimes of the two states were a contributing factor. General Canby, who was Commander of Military District Number 2--North and South Carolina--strictly observed the provisions of the Reconstruction Acts and scrupulously made sure that Negro voters were registered. As far as is known, he expressed no views as to the qualifications of the elected representatives. Though not oppressive, there was military rule in North Carolina. The correspondence of such notables as Jonathan Worth and William A. Graham reflect their cognizance of this fact and a respectful fear of antagonizing the military or indirectly the Congress. General Schofield, on the other hand, who was in command of Military District Number 1--Virginia--made no secret of his sympathy with the

Conservatives and their aims. He addressed the 1868 Constitutional Convention and described its product as "unworkable." He criticized the persons of the delegates. In short, the Conservatives had in their military commander a friend at court.

The more democratic nature of antebellum North Carolina noted in the first chapter of this study is also responsible for differences between the two states. However, in neither state would the Republicans be successful for long. Divided among themselves, lacking adequate funds, or control of newspapers, they would be defeated as the reform impulse waned in Washington. But as will be shown in the following chapters, Conservative success would be much more difficult to achieve in North Carolina than in Virginia, and not as comprehensive.

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## CHAPTER V

### SUCCESS THROUGH MANIPULATION: VIRGINIA

Virginia's redemption was brought about by one of the most brilliant coups of the period, in the words of the Whig, "an example worthy the emulation not alone of our brethren but of every State and section of the Union."<sup>1</sup>

On Christmas Eve, 1868, a letter went out signed by such notable Conservatives as Alexander H. H. Stuart, John B. Baldwin of August County in the Shenandoah Valley and others to a select number of equally eminent Conservatives throughout the state requesting their presence at a "consultation of some of the most prudent of her [Virginia's] sons in Richmond on Thursday the 31st, in regard to the best policy to be pursued in the present alarming condition of the country."<sup>2</sup>

The next day an important letter signed "SENEX" appeared simultaneously in two Richmond papers. The author of the document was A. H. H. Stuart. Its contents were so delicate that the newspapers were reluctant to print it and only consented to do so on condition that it be printed in two papers,

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<sup>1</sup>Richmond Whig, November 8, 1873.

<sup>2</sup>Alexander H. H. Stuart and others to Leading Conservatives of Virginia, Richmond, December 24, 1868, Stuart Family Papers, Virginia Historical Society, Richmond, Virginia.

the Whig and the Dispatch and that it be signed.<sup>3</sup> Briefly, the letter proposed acquiescence in Negro enfranchisement in exchange for removal of the clause in the new constitution disfranchising Confederate officers and officeholders. Arguing that inasmuch as the whites were in the majority,

black enfranchisement was no real threat to traditional Conservative control, Stuart<sup>also</sup> pointed out that until "peace" is assured, "immigrants will not come upon us."<sup>4</sup> Once Virginia was readmitted to the Union, the letter continued, "population and capital will flow in an unbroken stream into all parts of our State, building up our cities, opening our mines, buying and improving our land, constructing new railways and canals, and giving vigor and activity to our industrial interests."<sup>5</sup>

Feeling against the new constitution had been running very high among Virginia's former "ruling class." The predominant sentiment was to reject it utterly in the referendum vote. This would have indicated to Congress a certain intransigence on the part of Virginians and postponed action on the restoration of the state. Stuart in his "SENEX" letter argued that instead of rejection, the intelligent and acceptable approach to the matter would be to accept the constitution but to obtain a separate vote on the clauses

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<sup>3</sup>Stuart, Restoration of Virginia, 23-26.

<sup>4</sup>Ibid., 20.

<sup>5</sup>Ibid., 22.

disfranchising former Confederates and requiring a test oath, and to reject those provisions at the polls.

The role of the Committee of Nine, which was selected the following week from among those leading Conservatives who attended the Richmond meeting, was to convince moderate Republicans in Washington as well as President Johnson and President-elect Grant of the wisdom of such a policy based on the principle of universal suffrage for universal amnesty, and to persuade fellow Conservatives that half a loaf was better than none. The protagonists of the new movement argued that by yielding on Negro suffrage, they could prevent former political leaders from being permanently retired to private life. In their first task they were greatly aided by such moderate Virginia Republicans as Franklin Stearns of Henrico County and Lewis McKenzie of Alexandria, both formerly associated with the Alexandria government, whose contacts with Washington Republicans enabled them to smooth the way for the Conservatives.

The second part of the work of the Committee of Nine proved to be far more difficult than convincing Congressional leaders and President Grant of the injustice of the disfranchising and test oath clauses. The Conservative leadership was sharply divided on the matter of compromise, for political as well as principled reasons. Robert E. Withers, editor and publisher of the Lynchburg News, and Conservative candidate for Governor, was a vociferous opponent of the "new movement," and used the pages of his newspaper to inveigh against it.

Gradually, however, Conservatives became convinced that a policy of seeming submission to the wishes of "the oppressor" was preferable to one of fruitless opposition.

Two letters to Stuart, one from Lynchburg in the Southside and another from Winchester in the North, are revealing. R. G. H. Kean, wrote to Stuart on January 13, 1869 of the Richmond meeting which set up the Committee of Nine:

My own judgment fully approves the action of your meeting in Richmond and I have no doubt that as far as this community is concerned, the sentiment of the quiet, earnest and reflecting men, in no way engaged in politics, is largely in support of the movement in favor of universal suffrage and universal amnesty.<sup>6</sup>

Kean went on to say that he felt that the newspapers of the city, especially Withers' News, "do not justly reflect the opinions of the people - though there is some danger that they may manufacture a numerical majority against it - simply because the supporters of the movement are quiet men, and the opposers are active, and outspoken ones."<sup>7</sup>

Nathaniel B. Meade, leading Conservative of Winchester, wrote Stuart a few days later assuring him that he had the support of the people of the Valley and condemning newspaper opposition to the movement. Meade further suggested that the new constitution also be amended so as to continue the poll tax as he felt that "one of the most important and objectionable features of the Constitution [was that] giving the power

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<sup>6</sup>Robert G. H. Kean to Stuart, Lynchburg, Va., January 13, 1869, Stuart Family Papers, Va. Historical Society.

<sup>7</sup>Ibid.

of taxation to those exempt from all taxes."<sup>8</sup>

Another view of the "New Movement", as it was called, came from the pen of the outspoken former Governor Henry A. Wise, who described the action as one that "outscalawagged the scalawags and outcarpetbagged the carpetbaggers."<sup>9</sup> The Committee of Nine was described by Wise as "an odd incongruity of members, no two of which agreed in history, or principles, or aims," which "usurped the prerogatives of taking all the rights and honor and interests of the people of Virginia into their own hands."<sup>10</sup> Wise continued:

They agreed only in one object, to get back into the flesh pots of Virginia. And they went to Washington and crouched and cringed to that Sans Culotte of a President...who stood over them like an overseer with a whip in his hand whilst they begged for pardons, until they wheedled him into such blunders as excited the ire of Congress and this as much as any other cause brought down upon the devoted people of the South the acts of Reconstruction and the force of Military Despotism.<sup>11</sup>

Many years later, Wise's son, John Sergeant Wise, in an historical novel, The Lion's Skin, described his father's reactions to the work of the Committee of Nine:

"What do I think of the new movement?" said he. "I think it is the basest abandonment of principle in the history of politics. I think it

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<sup>8</sup>Nathaniel B. Meade to Stuart, Winchester, Va., January 18, 1869, ibid.

<sup>9</sup>Henry A. Wise, Speech to the Republican Party of the Third Congressional District of Virginia, September 14, 1874, Barton H. Wise Papers, Virginia Historical Society, Richmond, Virginia.

<sup>10</sup>Ibid.

<sup>11</sup>Ibid.

a living lie! A base hypocrisy! A disgrace to the Confederate dead, destined to destroy the Confederate living. What would our dead comrades say if they saw us embracing the Negro as our political equal?...I hear them saying, 'We had the courage to die like men, but you have not the courage to live like men. A little more of endurance, a little more of patient martyrdom and you would have achieved honorable liberty. But you were weak and sighed for the fleshpots. You have bartered your birthright for a mess of negro pottage....'<sup>12</sup>

The Committee of Nine itself, Mr. Wise to the contrary, was actually quite homogeneous. All but one had been Whigs, a fact which might account for the ex-governor's disapproval as Wise was a former Democrat. Very Whiggish in background, six of the nine were lawyers, one a farmer, another, the aforementioned W. T. Sutherlin, a merchant and planter. The remaining member of the Committee of Nine William Owen, was listed in the manuscript census of 1870 as having "No occupation." Other sources describe him as a wealthy Halifax merchant. Apparently he needed no occupation as his assets in real estate totalled \$175,000 and his personal estate \$30,000.<sup>13</sup> Six of the nine were slaveowners in 1860, Owen with sixty-one slaves before the war having owned the largest number. All except one were native Virginians. The exception, James Neeson, had been born in Ireland. Neeson was exceptional in another way also. He was the only former Democrat on the Committee. Six of the nine are known to have had prior political experi-

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<sup>12</sup>John S. Wise, The Lion's Skin (New York: Doubleday, Page and Company, 1905), 245.

<sup>13</sup>Population Schedules, Vol. 12, Halifax County, Virginia; United States Census, 1870.

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ence, three--John B. Baldwin, A. H. H. Stuart and W. T. Sutherlin--having been members of the 1861 Secession Convention. Two others, John L. Marye Jr. and William Owen, had served in the 1867-1868 Convention, and Wyndham Robertson was a former governor of the state. All, except one, had either served in the Confederate Army or held office in the Confederate government, and their average age was fifty-three. Seven of the nine were city-dwellers. Only one, James Neeson, represented the Tidewater section of the state, and his residence was Richmond. The Valley was most heavily represented. Real wealth of these nine men totalled over half a million dollars in 1870, giving them an average holding of \$56,667, while their personal estate totalled \$341,000 with an average holding of \$37,889.

By far the wealthiest member of this committee was W. T. Sutherlin of Danville, planter and tobacconist who built and administered the Richmond and Danville Railroad and owned a large plantation in adjoining Halifax County. His real estate amounted to \$118,000 while his personal assets totalled \$112,000. President of the Virginia Agricultural Society, he had also been a delegate to the 1861 Secession Convention where he had first opposed, then supported secession. He had been Mayor of Danville from 1855-1861. Sutherlin's tobacco factory was the largest in the South.<sup>14</sup> As pointed out in

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<sup>14</sup>Information regarding the wealth, occupation, age and birthplace of members of the Committee of Nine was taken from the 1870 manuscript census, population schedules. Their antebellum slaveholdings are listed in the slave schedules of the 1860 manuscript census. Previous political experience was determined by consulting Earl G. Swemm and John H. Williams,

Chapter Two of this study, Sutherlin exemplified an industrially-minded postbellum leader with definite connections to the antebellum planter class.

The Committee of Nine did not include some of the best known and most popular antebellum leaders. Henry A. Wise, Robert E. Withers, Robert Ould, Robert M. T. Hunter and the popular Marmaduke Johnson were opposed to the scheme, and except for Robertson, Stuart, Sutherlin and Baldwin, the others were not widely known.

Although the Committee of Nine was not selected until the end of 1868 and did not function until the first half of 1869--four years after the war, its strategy was not new. The underlying aim of postbellum conciliation was to smooth over the transition to peacetime rule under dominance of Conservatives, with the hope that the military and Congress, being convinced of the sincerity and integrity of the "better citizens," would more quickly entrust to them the government of the state.

A similar policy had been tried in the spring and summer of 1867 in an unsuccessful attempt at Conservative control of the Republican party. The 1867 election had put the Radicals in control of the

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A Register of the General Assembly of Virginia, 1776-1918 (Richmond: B. Bottom, Supt. Public Printing, 1918); William H. Gaines, Jr., Biographical Register of Members, Virginia State Convention of 1861 (Richmond: Virginia State Library, 1969). Information about William T. Sutherlin was largely derived from manuscripts in the William T. Sutherlin Papers in the Southern Historical Collection, University of North Carolina, Chapel Hill. N.C.

Constitutional Convention and resulted in the drafting of a constitution with far more reforms than the Conservatives desired.

Accordingly, Conservative forces had set about rallying public support to defeat the constitution, even at the risk of continued military rule. Their willingness to accept what they dubbed "rule by the bayonet" was due in part to the fact that it was by no means oppressive. General Schofield was not unsympathetic to the Conservatives.<sup>15</sup> In his autobiography, he later referred to the Reconstruction Acts unfavorably, stating that their oppression could only be realized by "those who actually suffered the baneful effects of the unrestrained working of those laws."<sup>16</sup> So popular was he with the Conservatives that the Baldwin legislature in 1866 had petitioned President Johnson to appoint him because of his "great impartiality."<sup>17</sup>

The constitutional convention had adjourned April 24, 1868 and some two weeks later, on May 7th the Conservative party held its conventions.<sup>18</sup> A Whig editorial appropriately expressed the political philosophy of the Conservatives in

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William T. Alderson, "The Influence of Military Rule on the Freedmen's Bureau in Reconstruction in Virginia, 1865-1870" (unpublished Ph.D. dissertation; Vanderbilt, 1952), 149.

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John M. Schofield, Forty-Six Years in the Army (New York; Century, 1897), 395-6.

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Alderson, "Military Rule in Virginia," 149-150.

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Richmond Whig, May 8, 1868.

describing the attendance which, it said, was "as large as expected or desirable. They were enough for business, but not enough to make a tumultuous assemblage. The group was, indeed, composed of the picked men of the state."<sup>19</sup>

The morning session was taken up with the appointment of a committee to prepare the business for the convention to consider. This took them until eight o'clock at which time the convention reassembled and the committee's report, consisting of three resolutions, was given. The first provided that the convention should nominate candidates for governor, lieutenant-governor, attorney-general and a representative to the federal House of Representatives for the state at large. The second resolution declared that "sound men, true to the Constitution and to the honor and ancient renown of Virginia, should be nominated, without reference to their ability to take disabling oaths."<sup>20</sup> The third resolution provided for "the appointment of delegates from Virginia to the National Convention [Democratic] to be held in the city of New York on the fourth of July next."<sup>21</sup>

Certain details reported by the Whig emphasize Conservative determination to resist Radical encroachments in general and the new constitution in particular. The opening address by Samuel McDowell Moore of Rockbridge, an old Whig and mem-

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<sup>19</sup>Ibid.

<sup>20</sup>Ibid.

<sup>21</sup>Ibid.

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ber of the secession convention, declared that it was the duty of every patriotic Virginian to "buckle on his armor" to defeat the "infamy" being projected on the state--that the chief purpose of the Convention was to devise means to defeat the new constitution. Another speaker, Mr. Archer of Petersburg, declared his opposition to "all concessions to Radicalism and wanted the lines drawn strictly, and if any slipped over them he didn't care whether the resurrection trumpet ever waked him."<sup>22</sup>

The contest for the gubernatorial nomination was chiefly between Colonel R. E. Withers of Lynchburg and Colonel John B. Baldwin of Augusta County in the Shenandoah Valley. The vote was very close, 52-50 for Withers. Several issues were involved. Withers was well known in the Southside which had been unrepresented for some years. Furthermore, unlike Baldwin he was not disqualified for office under the Fourteenth Amendment. The convention was divided over whether to nominate candidates who were disqualified, and Baldwin, opposing his own nomination, strongly advocated putting forth only candidates eligible for office under the terms of the Reconstruction Acts. Accordingly, James Walker of Pulaski County and James L. Marye Jr. of Fredericksburg, both eligible men, were nominated by acclamation for the posts of lieutenant-

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<sup>22</sup>  
Ibid., May 9, 1868.

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governor and attorney-general respectively. In their acceptance speeches, both Withers and Marye spoke of the "zeal" with which they would "enter the canvass against the iniquitous constitution."<sup>23</sup> At the evening session Colonel Marmaduke Johnson of Richmond was nominated for Congressman at large and according to the Whig reporter "accepted the nomination in a characteristically eloquent speech, and will at once take the war path in search of Radical scalps." Apparently carried away by the speech, the Whig reporter added, "One blast of Duke's bugle is worth a thousand men."<sup>24</sup>

At the close of the Convention, the "picked men" of the state took to the canvass which in enthusiasm promised to resemble Pickett's charge. The object was to defeat the "Negro Constitution" as they called it. Canvassing was done at the courthouses, usually on the days on which the court was scheduled to meet, and speakers drew large crowds. Southern universities, with their emphasis on debating and oratory, specialized in turning out good "stump speakers" who were rarely brief in their remarks. An amusing letter of caution to prospective Conservative canvassers appeared in the Whig in the late spring of 1868. Its author advised campaigners to "set a good example to the negroes" by "preparing themselves thoroughly on the subjects they intend to present and then

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<sup>23</sup>Ibid.

<sup>24</sup>Ibid.

condense into as short a speech as possible, taking care to hold as few public meetings as they can consistently as with the duties devolving upon them."<sup>25</sup> This warning was penned by a farmer who was anxious to discourage his farm laborers, especially freedmen, from leaving their chores to listen to longwinded orators.

Both old Whigs and old Democrats overlooked former differences to turn back the forces of radicalism and black rule although correspondence within the various factions indicated that old rivalries had not completely died. Writing to his exiled brother Beverly, John Randolph Tucker informed him that "I am out in the active Canvass, to raise our people to defeat it. It can be done if the white vote will register and vote--but there is a disgust and horror of these outrages, and a sentiment, that the Congress will fix it on us by fraud or force, whether or not we defeat it, which creates an apathy, that constitutes our only danger." Tucker added: "I am a delegate to the Democratic convention at New York - and expect to go - with R. Y. Coghill as my colleague! Is that not queer - & Baldwin and Stuart &c &c -- all going to a Democratic Convention!"<sup>26</sup>

Discussing strategy for the campaign, the Whig noted that the Convention had "adopted no program for the conduct of the canvass but left it to the discretion of the candi-

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<sup>25</sup>Richmond Whig, May 8, 1868.

<sup>26</sup>John R. Tucker to N. Beverly Tucker, Lexington, June 4, 1868, Tucker Family Papers, SHC.

dates" who would "have to decide for themselves whether they will meet the white and negro Radical candidates and speakers at their gatherings, and invite them to Conservative gatherings, and thus throw the white and black masses together in a rough roll and tumble fight." The Whig confessed that "our taste revolts at such a mixed canvass" and went on to urge that "inasmuch as no Republican or freedman could possibly be convinced by any Conservative that the Conservatives should confine their attentions to bringing out the Conservative vote and leave the opposition to moderate Republicans."<sup>27</sup>

It was finally decided that a racist appeal would be most effective in winning the lower-class white vote in the western regions.<sup>28</sup> Withers, the candidate for governor, claimed credit for this decision. In his Autobiography, Withers describes the first use of "raising the flag of the white race" at Petersburg before a "large crowd" of Negroes.

I took...an early opportunity to declare that in my canvass I did not propose to ask, nor did I expect to receive the vote of any negro, that however honest they might be in their purposes, they neither possessed information or intelligence sufficient to enable them to decide matters of State craft, and for this I did not hold them accountable. I said that Virginia had always been governed by white men, and I was determined to use my best efforts to perpetuate their rule. This declaration was received with many growls of dissent from the blacks in the audience, but was vociferously

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<sup>27</sup>Richmond Whig, May 13, 1868.

<sup>28</sup>Robert E. Withers, Autobiography of an Octogenarian (Roanoke, Va.: Stone Printing and Manufacturing Company, 1907), 248-249.

cheered by the white men.<sup>29</sup>

The level to which the gentlemen of "wealth, virtue and intelligence stooped in canvassing may be illustrated by an excerpt from a "Letter from Lexington" in Rockbridge County in the Valley section of the state, printed in the Whig, May 8, 1868. A comparatively less obnoxious fragment reads, "...the ball is in motion in Rockbridge; she is rolling on to crush all such trash as disgrace the name of white man by worming in and out of negor huts to pander to negro prejudice and passion so that thereby they may gain place and power."<sup>30</sup>

The Conservative determination to defeat the constitution even with the certainty of having to remain under military rule was based partly on Radical reverses in 1867 and the hope of a national Democratic victory at the polls in the fall of 1868. L. Q. Washington, Virginia-born journalist for the National Intelligencer, who corresponded regularly with a number of Virginia and North Carolina Conservatives, wrote optimistically to his friend, former Confederate officeholder, Robert M. T. Hunter. Crowing over Democratic successes in Pennsylvania, Connecticut and Ohio in the fall of 1867, he predicted a "speedyrevolt on the part of the Conservative or more moderate Republicans," who would "soon insist on taking the lead in the party" and thus produce a split.<sup>31</sup> Carried

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<sup>29</sup>Ibid.

<sup>30</sup>Richmond, Whig, May 8, 1868.

<sup>31</sup>Lucius Q. Washington to Robert M. T. Hunter, Washington, D.C., October 9, 1867, Hunter Papers, U. VA.

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away by these setbacks to the Radicals, Washington expressed confidence that "we will be able to break up the whole Congressional plan of reconstruction." Of course Washington and his Virginia cohorts were disappointed in the 1868 elections. The Republican victory strengthened the incipient "New Movement" and convinced many Conservatives to make concessions. The optimism expressed by Washington, however, was dominant among Conservatives throughout the summer campaign of 1868.

However energetically pursued, the summer campaign of 1868 turned out to be an exercise in futility. General Schofield, who was opposed to the new constitution and feared its approval by the electorate, refused to appropriate funds to finance the election.<sup>32</sup> So distressed was Schofield over the proscriptive feature of the Virginia Constitution that on April 18, 1868 he wrote to Grant. The letter reveals how closely Schofield identified with Conservatives in their view of Virginia politics and also suggests how mild was his "rule by the bayonet." Schofield wrote:

In spite of every effort that could be made to prevent it, the Virginia Convention has adhered to its proscriptive measures, or rather to the most objectionable of them.

After every other means had failed, I even went so far as to visit the Convention and urge the repeal of the test oath. But what I said seemed not have the slightest influence. I inclose a newspaper report, which is a pretty accurate one, of what I said, and which will show that I have at least done my duty in that regard, if not more.

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<sup>32</sup>Schofield, *Forty-Six Years*, 400-403.

The same baneful influence that secured the election of a majority of ignorant blacks, and equally ignorant or unprincipled whites, to the Convention, has proved sufficient to hold them firmly to their original purpose. They could only hope to obtain office by disqualifying everybody in the State who is capable of discharging official duties, and all else to them was of comparatively slight importance. Even the question whether their Constitution will be ratified or rejected, they treat with indifference. Congress, they say, will make it all right anyway....

Of course I may be mistaken, but my opinion is that the Constitution must be adopted. This would not be a serious matter if it...were a good one, and good officers could be elected under it. But it seems hardly possible that the Union party can organize upon a satisfactory basis for the election. The negroes and their associates will doubtless insist upon unqualified indorsement of the Constitution by their nominees. This the respectable whites will not give. Hence the late Convention will be reproduced in the legislature, a large majority being either worthless radicals, white and black, or bitter opponents of reconstruction upon the congressional plan....

My impression is that the wisest course would be to let the thing fall and die where it is --not submit it to the people at all. We can then go on putting Union men in office and reorganizing the provisional government upon a loyal basis, until the friends of reconstruction get control of the State. Then a convention can be called which will frame a Constitution fit to be ratified by the people of the State and approved by Congress and the country at large.

If Congress would give a little more latitude in the selection of officers, by modifying the test oath, there would be no difficulty in filling all the offices in the State with men who would aid restoration. Without some such change, the work of reorganization cannot be carried very far. The view of the question which I have given above is, of course, the local one; but it seems to me the national one leads to the same conclusion. I can't see how the indorsement of such a Constitution as this one, by the Republican party, can be otherwise than damaging to them in the North. Would it not be wise for Congress to say at once, We reject,

once and for all, proscriptive constitutions?

I have written this letter merely to suggest points that occur to me as worthy of very careful consideration. I suppose Congress alone can determine what is to be done.

As explained in my official letter today, I feel bound to await the action of Congress before ordering an election. The nominating conventions of the two parties meet in Richmond on the 6th and 7th of May. Perhaps it may be best for Congress to await their action before determining the question...<sup>33</sup>

Although suspecting the election would not be held,<sup>34</sup> Conservatives, led by Colonel Withers, tirelessly canvassed till August 12 --one day before the originally scheduled election date. Newspapers contained notices daily of Conservative mass meetings to be held at various courthouses throughout the state. The emphasis was clearly racist, with many references to the Conservative as the "white man's party." One notice invited "every white man on the Eastern Shore to come and receive an old fashion [sic] Virginia welcome."<sup>35</sup> On August 12, however, an editorial in the Whig urged Conservatives to take a well earned rest and "watch and wait." Cautioning against openly participating in the presidential campaign, the editorial maintained that a "discreet silence" on the part of Virginia Conservatives might help Seymour and Blair more. Nevertheless Conservatives were urged to place their hopes for

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<sup>33</sup>Ibid., 400-401.

<sup>34</sup>Richmond Whig, June 1, 1868, July 20, 1868.

<sup>35</sup>Ibid., May 21, 1868.

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the future of their state on a Democratic victory. Such hopes were dashed when Grant and a large Republican majority in the House of Representatives swept to victory. L. Q. Washington wrote sadly to his friend Hunter of the Republican victory:

All around men are saying that Grant will be Conservative, that he will "split the party, disappoint the ultras," etc., but I do not see that in any phase of this election or his action there is any reasonable prospect of relief from the reconstruction acts. Those acts, negro suffrage and carpet-bag rule, appear to me to be ruin and practically intolerable... 37

In the face of such a somber picture, Washington counselled delay until after the inauguration. Meantime, "every influence should be brought to bear to impress him [Grant] and those of his family and special circle of intimates.... All speculations," the journalist concluded, "were but gropings in the political darkness." 38

As it became apparent that Negro suffrage, for the present at least, was inescapable, some Conservatives began to toy with the idea of a compromise. One month after the elections, the prolific Washington again wrote his friend Hunter of consultations with "lawyers and prominent merchants" in Fredericksburg and Richmond, saying that "they were quite ready to accept impartial or universal suffrage as an alternative to, and in order to escape from, the proposed constitution." 39 The majority, Washington continued, "seemed to think universal suffrage the better of the two plans--universal or impartial suffrage-- their idea

36  
Ibid., August 12, 1868.

37  
Washington to Hunter, Washington, D.C., November 4, 1868, Hunter Papers. U. Va.

38  
Ibid.

39  
Washington to Hunter, Washington, D.C., December 2, 1868, ibid.

being that they could control the negro vote." <sup>40</sup> Interestingly, Washington mentioned Robert Ould, along with James Seddon, James Carrington, and others as favoring universal suffrage. If Washington's statement is accurate, it is difficult to account for Ould's later opposition to the work of the Committee of Nine except in terms of political rivalry. There is little doubt but that factionalism did exist among Conservatives of like political beliefs.

Notwithstanding Washington's findings on his Virginia visit, A. H. H. Stuart faced difficulty a few weeks later when he sought to publish his "Senex" letter. Originally written for the Richmond Dispatch, its "purpose was to arouse people to the necessity of immediate action, and to suggest that the most feasible, if not the only, means of obtaining relief from disfranchisements and test oaths embodied in the Underwood Constitution," was the "tender to Congress on behalf of Virginia of a compromise, on the basis of universal suffrage as the equivalent of universal amnesty." <sup>41</sup> The Dispatch finally agreed to publish the letter simultaneously with the Whig. The Enquirer attacked the entire proposition.

As mentioned earlier in this chapter, the Committee of Nine was selected at a meeting of Conservatives December 31, 1868 in the Exchange Hotel in Richmond a few days after publication of the Senex letter. Conservative response to the formation of this committee was mixed. Conservative party chairman, Raleigh T. Daniel at first opposed the committee as did former governors Henry Wise and Extra-

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Ibid. Apparently "impartial" meant some kind of restriction, perhaps property or educational, impartially imposed on both races.

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Stuart, Restoration of Virginia, 19

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Billy Smith and Robert Ould, Richmond lawyer and member of the Conservative party central committee. Robert E. Withers, editor of the Lynchburg News and Conservative candidate for governor, editorialized <sup>42</sup> strongly against it in his paper.

Virginia's most important railroad executive, William Mahone, whose first consideration in regard to candidates was whether or not they favored consolidation of the Virginia and Tennessee and Norfolk and Petersburg railroads, gave invaluable financial and organizational aid to the "New Movement." Prior to this, he had toyed with the idea of supporting Wells, the Radical Republican candidate, as he believed Withers more concerned with advancing the interests of the Baltimore and Ohio Railroad than with promoting consolidation. However, when in October 1868 a scheme of Wells to sell the state's interest in the Virginia and Tennessee Railroad to the Baltimore and Ohio was revealed, Mahone began <sup>43</sup> working with Wells' Republican opponents. This group, who called themselves the "True Republicans," <sup>was</sup> led by Edgar "Yankee" Allen of the Eastern Shore, and consisted of persons of varying political stripe united for different reasons by opposition to Wells. Moderate Republicans who had been members of the Pierpont government like Lewis McKenzie and Franklin

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42 Robert G. H. Kean to Stuart, Lynchburg, January 13, 1869, Stuart Family Papers, VHS.

43 Eckenrode, Political Reconstruction, 117; A. B. Garland to Mahone, Burkeville, Va., August 18, 1868, Mahone Papers, Duke U.

44 Although Allen was nicknamed "Yankee," probably because he had been a Union officer, he was actually born in England.

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Stearns were members. Allen had been engaged in a bitter feud with Wells for some time. Later, this group was joined by Radical leaders James Hunnicutt and Job Hawxhurst, both outspoken members of the 1867-1868 convention. The latter were possibly motivated by resentment at being passed over by General Schofield who named Wells, previously unknown in Republican circles, as governor. Allen worked closely with railroad president William Mahone, who was anxious to prevent any gains on the part of his chief competitor, the Baltimore and Ohio Railroad. These persons, together with others opposing Wells' candidacy were successful in calling another convention in Petersburg in March 1869. Though they failed to prevent Wells from securing the Republican nomination for governor, Allen did succeed in providing Wells with a black running mate, Dr. J. D. Harris. Allen's subsequent action in opposing the whole ticket, and helping to organize the opposition party, the "True Republicans," dispels any doubt, I think, that his seconding of the nomination of Dr. Harris was motivated by a desire to see the blacks represented on the Republican slate. Following the adjournment of the Republican convention, Mahone, Allen and seven other Republicans held another meeting in the city for the purpose of organizing opposition. Gilbert C. Walker was selected for governor, John F. Lewis, a wartime unionist from the Valley for lieutenant-governor and James C. Taylor, a former Republican for attorney-general. More than one hundred prominent Republicans of moderate stripe signed an address presenting Walker and his running mates to the public as the nominees of the "True Republican" party.

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Richmond Whig, March 11, 1869.

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Meanwhile the Committee of Nine had begun its task not merely of convincing Conservative voters of the wisdom of supporting universal manhood suffrage in exchange for universal amnesty, but of enlisting the support of influential Congressmen and the administration to allow a separate vote on the various provisions of the constitution, especially that disfranchising former Confederates.

Accordingly, therefore, they <sup>had</sup> proceeded to Washington where they appeared before the Congressional Committee on Reconstruction January 21, 1869. <sup>46</sup> They were not alone, however, for two other groups of lobbyists appeared before the committee at about the same time. The first, a group of moderate Republicans who had been consistently Republican throughout the war, included Franklin Stearns, of the Alexandria government, L. H. Chandler, friend of Grant, Edgar Allen, and William Forbes. They lobbied in support of the ideas advanced by the Committee of Nine. The other group, Radical Republicans led by Governor Wells, expressed to the committee their belief that "loyal men would not be safe from wrong and outrage if <sup>47</sup> the white people of Virginia were all enfranchised." Finally, the Radicals declared that the only way to secure justice for all, black or white, was through a strong Republican party. Interestingly enough, all groups stressed the need for stabilization to encourage the importation of Northern and British capital into the state and thus bring about prosperity. <sup>48</sup>

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<sup>46</sup>  
Stuart, Restoration of Virginia, 36.

<sup>47</sup>  
Ibid.

<sup>48</sup>  
Ibid., 36-38.

This would seem to indicate the probability that any political faction in Virginia, would have advocated economic policies favoring industrialization. An example of Republican interest in industrial development is a letter from Judge John C. Underwood to Congressman Ben Butler urging support for Virginia enterprise--specifically development of her water power, to which the fiery Congressman somewhat unsympathetically replied that "No man will risk his capital where he does not believe he can get justice before a jury..."<sup>49</sup>

The Committee of Nine met with the Senate Judiciary Committee, consisting of Senators Conkling of New York, Frelingheusen of New Jersey, Doolittle of Wisconsin, and Trumbull of Illinois among others, who, according to Stuart's account were most attentive and "asked many questions."<sup>50</sup> The committee then called on General Schofield who in June had accepted the office of acting secretary of war. Schofield "expressed full sympathy with the objects we had in view," and agreed to arrange an appointment with President-elect Grant. Of this meeting and Grant's reception of the Committee, Stuart wrote: "His language and manner throughout the interview left no doubt in the minds of the committee that if the Senate should fail to act on the bill then pending until after the inauguration, he would interpose in some way to afford relief."<sup>51</sup>

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Benjamin F. Butler to John C. Underwood, Washington, D.C., April 8, 1871, Underwood Papers, LC.

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Stuart, Restoration of Virginia, 38.

51

Ibid., 45.

A second meeting with Grant was held a few days later and the committee left "cheered by the confident belief that at an early day after his inauguration, his strong arm would be interposed for the relief of Virginia." <sup>52</sup> In the course of the second interview Grant was reported by Stuart as having expressed great sympathy with the plight of "decent" white men suffering under the rule of Negro judges, juries, magistrates, sheriffs and constables. <sup>53</sup>

True to his word, Grant's message to Congress April 7 recommended that the Underwood Constitution should be submitted to popular vote for ratification or rejection with a separate vote on the test oath and disfranchisement proposals. <sup>54</sup> Congress, considerably softened by the lobbying activities of Stuart's committee and other conservative Virginians passed a bill April 10 incorporating Grant's recommendations. One month later, May 14, 1869, President Grant appointed July 6, 1869 as a day for the election, and this time it was held as scheduled.

The scheduled election, however, was not only to determine the fate of the Underwood Constitution but also to elect the governor and state legislature. Wells was clearly unacceptable to Conservatives, but it was doubtful whether Confederate Colonel Robert E. Withers, considered something of a mossback, could win. Furthermore, William Mahone, Virginia's leading railroad magnate, needed someone in the governor's chair on whom

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52  
Ibid., 46.

53  
Ibid., 45.

54  
James D. Richardson, ed., Messages and Papers of the Presidents (New York: Bureau of National Literature, 1897), VII, 13-15

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he could rely to press his plans for consolidation. Therefore Conservatives, including the Committee of Nine, decided to tacitly support the slate of candidates headed by Gilbert C. Walker which had been put forth by the True Republicans in the March address. But they were still committed to support the three Conservative candidates, and in a three-way race Wells might be expected to win easily.

If Mahone's plan was to succeed, it would be necessary to eliminate one of the three slates of candidates. The Conservatives called another convention in Richmond to decide on a course of action. <sup>56</sup> Robert E. Withers, James Walker and John L. Marye Jr. resigned as candidates and were not replaced, although the Conservatives did not go so far as to endorse the "True Republican" party. Much credit for this achievement belongs to Mahone who, as the leading railroad man in the state, wielded tremendous influence. According to his biographer, "Mahone was virtually placed in control of the combined forces which were working for the election of Walker." He quotes a Mahone pamphlet written many years later which said: "He planned the campaign; he secured orators; he made appointments; he furnished the funds." <sup>57</sup> Though Conservatives did not openly endorse the "True Republicans," the list of canvassers for Gilbert C. Walker clearly indicates overwhelming Conservative support, as does Conservative corres-

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55  
Blake, Mahone of Virginia, 104; Eckenrode, Political Reconstruction, 119.

56  
Blake, 106.

57  
Ibid.

58  
pondence for the months of May and June 1869. With Withers withdrawn, and Wells unacceptable for his radicalism, Conservative support went to Walker and they won overwhelmingly. As Conservatives rejoiced at the victory, few took note of the ironic fact that Virginia's re-  
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deemer governor was a "carpetbagger" from New York.

All participants sought to claim credit for the victory. Stuart, in his Narrative greatly exaggerated the role of the Committee  
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of Nine, important though its efforts were. Mahone's supporters have credited him with the major role in the campaign, and the District's military commander, General Schofield, made a similar claim. In his autobiography Schofield moralized:

It is perhaps not too much to say that if the other district commanders had in like manner refused to make themselves parties to the spoliation of the people placed under their charge, Congress would have shrunk from the direct act of imposing upon them such obnoxious governments, and the country might have been saved the disgrace of the eight years of carpet-bag rule in the South. ...But under a law which gave universal suffrage to the blacks and disfranchised the influential whites, any tolerable result was impossible unless the administration of a man who had the independence and courage to disam

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I. C. Shields to Sutherlin, June 16, 1869; Walter Coles to Sutherlin, Pittsylvania Courthouse, June 10, 1869, Sutherlin Papers, SHC; Richmond Whig, May , 1869.

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Walker had moved to Virginia early in 1865 for reasons of health.

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Stuart, Restoration of Virginia, passim.

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such a law of its poisonous sting. However this may be, it is certain that Virginia owes her escape from the sad fate of her sister states to the action of her district commander, who had abundant reason for the belief that the good people of that State fully appreciated the fact. 61

Such a statement advocates a strange role for a military commander to play in a nation which, as Schofield writes elsewhere, is committed to the principle of the subordination of military to civilian rule. More importantly here, it raises the interesting question of whether the commander's sympathy for the Conservatives was responsible for the Virginia Conservatives' early resumption of political power, in contrast to the course of events in North Carolina? It would certainly appear to be a factor. Schofield undoubtedly did make the lives of Virginia Conservatives much more comfortable under military rule than they would have been had General Terry continued as district commander, and the palatability of the mild military regime strengthened the determination of Conservatives to defeat the Constitution as it was constructed. Had the vote on ratification been held in the summer of 1868, the constitution would probably have been defeated, and the state would have continued under military rule. Had such rule been more oppressive, Conservatives, as they were in North Carolina, might have been more anxious to end it. Schofield also contributed to Republican division by appointing Henry H. Wells as governor, ignoring some of the more recognized party leaders such as James Hunnicutt, John Minor Botts or John Hawxhurst. Inasmuch as Wells was a Northerner, this certainly

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Schofield, Forty-Six Years, 403-404.

made him less attractive to the native white faction of the Republicans, and the disappointed Hunnicutt finally joined the Conservatives by supporting the candidates of the True Republicans. Conservative strategy of compromise was also an important factor. Taking advantage of Republican division, and withdrawing their own candidates from the races, they actually supported the moderate faction of the Republicans, even using the party name. Though Conservatives in Virginia are frequently credited with being cleverer than Conservatives elsewhere in outsmarting their opponents, the obstacles they faced were less formidable than in North Carolina. A weaker Republican party with an undistinguished candidate at the head of the Republican slate was in great contrast to the more solidly entrenched North Carolina party led by a strong native white governor, Holden, and a Republican legislature with a year and a half of solid achievement. Certainly the sympathetic attitude of Virginia's military commander made it much easier to be successful.

#### Virginia's "First Redeemer Legislature"

Regardless of who deserves the credit, the victory was quite complete. Of the 192 members of the 1869-70 Virginia Legislature, 134 were Conservatives. A breakdown of their occupations appears in Table 2 on page 32. Unlike Virginia's top Conservative leadership, the largest occupational category was that of farmer, but closely followed by that of lawyer. As shown in Table 3, page 33, of members located in the 1860 census, over forty percent of the Conservatives in the house and thirteen of seventeen in the senate had been slaveholders. This

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is much higher than the statewide average in 1860 which was 25.9 percent.

The average age of Conservative members of the house of delegates was forty, the median age was forty-three, and the mode was forty. However, the largest number of Conservative assemblymen were in the range of thirty to thirty-nine, closely followed by the range forty to forty-nine. Thus the typical Conservative member of the House of Delegates in 1869 was middle-aged. Only sixteen were too young to have been slaveowners in 1860. The age of fourteen Conservatives could not be found. The largest number of Republican members of the House were also in the thirty to thirty-nine age group, the average age was thirty-nine, one year younger than that of Conservative members. The median age was also thirty-nine, and the mode technically was twenty-five, but it would be more accurate to consider the typical Republican to be in the thirty to thirty-nine age group, though fewer were in the next highest group. It would appear from the data that the typical Republican was slightly younger than his Conservative counterpart.

In the senate, the largest number of Conservatives were in the forty to forty-nine age group, and the average age was forty-three. The median age was forty and the mode was forty-seven. As far as the Republican senators were concerned, seven of the sixteen were not found, and the nine remaining senators were distributed fairly evenly in all age groups, no group having more than two senators. The average age was

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United States Bureau of the Census, Agriculture in the United States, 1860 (Washington, D.C.: Government Printing Office, 1864), 247-248, also cited in Lewis C. Gray, History of Agriculture in the Southeastern United States (2 vols.; Gloucester: Carnegie Institution, 1958) I, 482.

the same as that of the Conservatives--forty-three.

Table 14  
Age Groups - Virginia Legislature, 1869-1870

Age Group	House of Delegates		Senate		Total
	Conserv.	Repub.	Conserv.	Repub.	
20-29	12	9	2	1	24
30-39	30	10	8	2	50
40-49	26	5	12	2	45
50-59	16	5	5	3	29
60 and over	6	2	1	1	10
Unknown	14	11	2	7	34
Total	104	42	30	16	192

### Wealth

There was a much greater gap between Conservatives and Republicans as far as wealth was concerned in the 1869-70 legislature than in the Conservative leadership as a whole. This was true in the categories of both real and personal estate. Table 13 indicates the distribution of wealth among the delegates, but the differences in total wealth and in average holdings for the Conservatives and Republicans are impressive. Total real estate holdings for Conservatives in both houses came to \$1,121,200, while that of the Republicans in both houses was only \$124,300. The average holding for Conservatives found including those listed as having no assets was \$13,037, that for Republicans \$4,286. In personal estate, Conservative wealth totalled \$307,500, while Republican wealth amounted to \$22,300. The average Conservative (based on those found including those with no assets) owned \$3,534 in personal estate, the average Republican \$766. The totals are not as significant, as there were fewer Republicans; but the averages do reveal wide discrepancies between the two groups. As indicated in the tables below, a substantially smaller proportion of Conservatives, as compared

to Republicans, fell into the three lowest categories and a much larger proportion into the two top categories of wealth.

Table 15  
Property Holding - Virginia Legislature 1869-70

Real Estate					
Amount Held	House		Senate		Total
	Conserv.	Rep.	Conserv.	Rep.	
Not known	18	13	3	7	41
No Assets Listed	21	13	4	1	39
Under \$1000	10	6	1	3	20
\$1000 & under \$5000	24	8	8	3	43
\$5000 " " \$10,000	6	1	5	0	12
\$10,000 & under \$25,000	16	1	5	1	23
\$25,000 " " \$50,000	7	0	2	0	9
\$50,000 " " \$100,000	2	0	2	1	5
<b>Total</b>	<b>104</b>	<b>42</b>	<b>30</b>	<b>16</b>	<b>192</b>
Personal Estate					
Not known	17	13	3	7	40
No Assets Listed	16	11	5	0	32
Under \$1000	25	12	8	5	50
\$1000 & under \$5000	27	6	9	4	46
\$5000 " " \$10,000	12	0	1	0	13
\$10,000 & under \$25,000	7	0	3	0	10
\$25,000 " " \$50,000	0	0	1	0	1
<b>Total</b>	<b>104</b>	<b>42</b>	<b>30</b>	<b>16</b>	<b>192</b>

#### War Service

In the Virginia House of Delegates, fifty-five of the 104 Conservatives had served in the Confederate army. One, a "True Republican" cooperating with the Conservatives, had served in the United States army. One had served in the Confederate navy and forty-seven are not known to have participated. Of these only a few were under age, but many were in their fifties, sixties and seventies in 1870 and may not have served for that reason. Only two of this group had held over twenty slaves, thus being exempt from service under the Confederate conscription laws. Among the

forty-two Republican assemblymen, six--two whites and four blacks--had served in the Confederate army, two--one black and one white--in the United States army, and thirty-four are not known to have served in any capacity. Of these, fifteen were black and may be presumed not to have served. The others, all white, had been born out of the state and would probably not have been Confederate veterans. <sup>Only</sup> six were native born whites, and the birthplace of three was unknown. One of the six native whites had owned over twenty slaves, and one would have been too young to serve.

In the senate, twenty of the thirty Conservatives were Confederate veterans, one was a non-participant and the war service of nine was not determined. Of the Republicans, six had served in the Confederacy, one had been a non-participant and nine were not found.

#### Education, Birthplace, Color

All except three Conservatives in the house of delegates were white. This is in contrast to North Carolina, where, as far as I have been able to determine, there were no black Conservatives. Of the forty-two Republicans in the house, exactly half, twenty-one, were black, the remaining white. In the senate, all thirty Conservatives were white, and ten of the Republicans were white, the remaining six black. Out of the entire legislature then, twenty-seven representatives were black.

Thirty-seven of the 104 Conservatives in the house had attended college and had additional professional training. One was self-educated, and the education of the rest was not found. Owing to the fact that the manuscript census of 1870 lists the occupations of members of the legislature as "legislator," it is difficult to determine educational

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qualifications from the occupational category. The census does state whether a person is illiterate, however, and no member of the Virginia 1869-70 legislature, black or white, was so designated. Of the forty-two Republicans in the house, nine had had professional training beyond the college level, the rest were undetermined. In the senate, twenty-one of the thirty Conservatives had had college plus professional training, nine were undetermined. Of the sixteen Republicans, two were professionals, two were self-educated and the education of the rest was not determined. Since Conservatives were generally better known, information about their backgrounds more often found its way into county histories and books of biographical sketches. Though the information in this category is too incomplete to draw any conclusions, the trend seems to indicate that the Conservatives were somewhat better educated. However, since all groups, including blacks, tended to choose the best qualified to represent them, there were probably more educated Republicans than the above information indicates.

As might be expected, the overwhelming majority of Conservatives in the Virginia House of Delegates was native-born. Eighty-two were born in Virginia, the birthplace of eleven Conservatives was not found, and eleven were born outside of the state. Of this last group, seven were northern-born, two southern-born and two were foreign-born. In the North Carolina house of the same year, all except two Conservatives found had been born in their native state. Slightly over half --or twenty two -- of the forty-two Republicans were native-born, seven were not found and

seven of the thirteen others came from northern states. Four were from southern states and two were born outside of the country, one in England and one in Ireland. In the senate, twenty-eight of the thirty Conservatives were native-born, one was born in Vermont and the birthplace of one could not be found. Ten Republican senators of the sixteen were born in Virginia, four were not found, one was born in New York and one in Pennsylvania.

63

Geographical Distribution

As in the case of Virginia's political leaders, Conservative strength was greatest in the Shenandoah Valley; there were no Republican representatives in the house from the Valley and only one senator. Conservatives had an equal number of representatives in the house from the Tidewater and Piedmont sections, while all representatives except one from the Appalachia-Blue Ridge section of the state were Conservatives. The table below shows the distribution geographically of legislators in both houses.

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Although some Republicans had been born outside the state, Judge Underwood for one, had lived in Virginia before the war, and most others had come to Virginia during the war with the Union army, the practice was to dub all non-native Republicans "carpetbaggers." The term should only refer to those Northerners who came to the South at the beginning of Congressional Reconstruction, with a view to personal gain.

Table 16  
Geographical Distribution of Virginia 1869-70 Legislature

Section	House of Delegates		Total
	Conservatives	Republicans	
Shenandoah Valley	23	0	23
Tidewater	22	19	41
Piedmont	22	1	23
Southside	17	16	33
Appalachia & Blue Ridge	12	1	13
Northside	5	5	10
Eastern Shore	3	0	3
Total	104	42	146
	Senate		
Shenandoah Valley	7	1	8
Tidewater	7	4	11
Southside	3	10	13
Northside	3	1	4
Piedmont	6	0	6
Appalachia & Blue Ridge	3	0	3
Eastern Shore	1	0	1
Total	30	16	46

Republican strength was greatest in the Southside and Tidewater areas where the largest concentrations of black voters could be found.

The Conservative victory in Virginia would clearly not have been possible without the cooperation of the moderate faction of the Republicans, a type of collaboration earnestly sought but never achieved in North Carolina. Conservative strategy and tactics also were probably superior. In the hope of attracting black support, Conservatives nominated several black candidates for the legislature, three of whom were elected. In North Carolina, there were no black Conservatives and few black Republicans nominated for office. Mahone's financial support and organizational

genius were important factors in the party's success. The "softening up" of the administration and Congressional leaders by the Committee of Nine aided by General Schofield, whose sympathy for Conservatives had long been manifest, also affected the outcome. Although the Virginia campaign was not without its extralegal features--ballotbox stuffing and employer intimidation being among those most prevalent--the factors mentioned above made it much easier for Virginia Conservatives to bring about what amounted to a bloodless coup, than in North Carolina where a stronger, native-white based Republican party forced Conservatives to resort to more drastic steps before their resumption of power.

## CHAPTER VI

## VIOLENCE AND VICTORY: NORTH CAROLINA

While Virginia's redemption was brought about relatively peacefully by clever manipulation, such was not the case with North Carolina. There it was accomplished only after a summer of blood and terror. This difference was not a matter of chance. The Republican government in North Carolina had been in operation for a year and a half, and for the most part, its reforms as embodied in the Constitution of 1868, had met long unanswered needs of the majority of the people, who were extremely suspicious of wealthy Conservatives' attempts at change. If the election of 1870 had followed a normal course, the Republicans would undoubtedly have been returned to office. It was, therefore, necessary to use other than political means to defeat them. This was undertaken through the efforts of the Ku Klux Klan, under the direction of the able Confederate veteran William L. Saunders. In Virginia, it was fear of Radical rule that enabled Conservatives to return to power. It is significant to note, however, that the creation of the much-vilified Radical Constitutional Convention endured until 1902. Like North Carolina's constitution, it too brought about reforms long denied to the people

by the state's ante-bellum ruling class. But unlike North Carolina, the reforms provided for in Virginia's Constitution would be implemented by the Conservatives who would do their best to water them down.

### The Rise of the Klan

The Ku Klux Klan in North Carolina had its beginnings as early as 1867, soon after the formation of the North Carolina Republican party, and its activities increased gradually until by the spring of 1869 it became difficult to maintain law and order.<sup>1</sup> On May 12 of that year, Republican Judge Thomas Settle wrote his colleague Judge Albion Tourgee that "men in disguise, at night have since the adjournment of our court, inflicted cruel whipping upon several of our colored citizens."<sup>2</sup> Declaring that "forbearance only invites further violence," and that such a state of affairs is simply "intolerable and must be stopped," Settle informed Tourgee that a petition had been forwarded to the governor asking for a special term of court in the county "in order that these men may be brought to justice," and asked Tourgee to confer with the governor to make sure that nothing else will "interfere with a Court time."<sup>3</sup> The special term was authorized by the

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<sup>1</sup>Otto H. Olsen, "The Ku Klux Klan: A Study in Reconstruction Politics and Propaganda," North Carolina Historical Review, vol. 32 (Summer, 1962), 341.

<sup>2</sup>Thomas Settle to Tourgee, Wentworth, May 20, 1869, Tourgee Papers, SHC.

<sup>3</sup>Ibid.

governor, but it did little good.

Two weeks later, Tourgee wrote from Graham in Alamance County to his wife Emma, of the sorry state of affairs in that county, and of his difficulty in getting a conviction. "It is decidedly the worst county in the district," wrote the judge. "The juries are all Ku Klux or at least a controlling element of them are so. There is no crime can be committed by a white conservative. Yesterday three men were tried for cutting a colored man in pieces almost--stabbing and beating and maltreating in every possible manner--but it was all of no avail. 'Not Guilty' was the verdict. It is no crime for a white man to cut a colored man open in Alamance."<sup>4</sup> Later Tourgee wrote Settle from Rockingham County the day after he had charged the Grand Jury, complaining

Things are in a bad situation, very bad. I have concluded to try everything this term. There must be no delay. Our only chance to avoid a widespread and bloody turmoil--in my opinion--is to put an iron heel upon these things at once here and now.<sup>5</sup>

Declaring that there was a distinct possibility that "help" might be needed, Tourgee requested Settle to tell the governor to be "ready to send us twenty-five men at a minute's warning," and depicted Republican morale at an all-time low:

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<sup>4</sup>Tourgee to Emma Tourgee, Graham, June 9, 1869, Tourgee Papers, microfilm reel 7, SHC.

<sup>5</sup>Tourgee to Thomas Settle, Wentworth, June 24, 1869, Thomas Settle Papers, Southern Historical Collection, University of North Carolina, Chapel Hill, N. C.

Our friends here are the worst frightened men you ever saw--actually scared out of their wits....

Grand jury, six colored, twelve white, one Ku Klux on it, a so-called Republican . Pettit Jury good."<sup>6</sup>

By November, the situation was so bad that Governor Holden called attention to the disorders in his address to the General Assembly and requested the legislature to amend and strengthen the militia law "so as to give the Executive the authority to embody promptly such a militia force as will enable him to repress violence in certain localities and maintain the peace." His address continued:

Numerous complaints have been made to me of violence and mob law in certain counties, by parties who ride at night, armed and disguised, and assume the right to regulate neighborhoods by injuring, insulting and punishing inoffensive white and colored persons....Men who put on disguises, and ride at night and break open houses, and molest, terrify or injure peaceable citizens, should be seized and punished. They are neither good citizens nor honest men....Secret political organizations have existed, and will exist always. Whatever we may think of such organizations, or however we may regret the necessity for them, it is not to be expected that we can get rid of them....But when they resolve themselves into military organizations, and take arms, under whatsoever pretext, to regulate neighborhoods and to dispense and execute such law as may be conceived only by themselves, they become dangerous to society, and all good citizens should unite to put them down.<sup>7</sup>

Only in recent years have historians challenged the tradi-

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<sup>6</sup>. Ibid.  
<sup>7</sup>William W. Holden, "Governor's Message to the General Assembly of North Carolina," Raleigh, November 16, 1869, House Journal (Raleigh, State Printing Office, 1869), 17-18.

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tional explanation of Ku Klux violence.<sup>8</sup> The rise of the Klan had previously been attributed to the general lack of law and order prevailing after the war, a state of affairs for which Republicans and freedmen were held primarily responsible since the latter were regarded as unprepared to assume the political responsibility which the former had thrust upon them. "Negro equality" and "Republican rule" were the culprits.<sup>9</sup> Important to the older indulgent interpretation was the view that excesses on the part of the Klan were the work of the riffraff, not of the responsible leadership. In North Carolina, the

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<sup>8</sup>A most important contribution to understanding of Klan violence in North Carolina was Olsen's "The Ku Klux Klan," cited above and published in the North Carolina Historical Review in 1962. The most recent and comprehensive treatment of the Klan throughout the South during Reconstruction is Allen W. Trelease, White Terror: The Ku Klux Klan Conspiracy in Southern Reconstruction (New York: Harper and Row, 1971), Chapters 12, 13 and 21 deal with the North Carolina organization. Both these studies view the Klan as a device of Conservatives to regain power and to repress the legitimate civil and political rights of the blacks. Everette Swinney, in an article "Enforcing the Fifteenth Amendment, 1870-1877," Journal of Southern History, XXVIII (May, 1962), 202-218, deals with federal attempts to handle Klan violence. His unpublished doctoral dissertation, "Suppressing the Ku Klux Klan: The Enforcement of the Reconstruction Amendments, 1870-1874," University of Texas, June 1966 described the Klan as "counter-revolutionary," (p. 41) and probably "terroristic" from the beginning. John A. Carpenter in "Atrocities in the Reconstruction Period," Journal of Negro History, XLVII (October, 1962), 234-247, provides further evidence of Klan excesses. All these studies refute the myth of the Klan as a volunteer order-keeping organization to protect innocent whites from excesses of the freedmen.

<sup>9</sup>Olsen, "Ku Klux Klan," 340.

fact that the Klan's greatest activity came to be centered in the Piedmont area around Greensboro, where Judge Tourgee presided over the superior court, belies this interpretation. In this area, in the counties of Alamance, Rockwell, Caswell and Orange, whites predominated, and local offices, including those of sheriff, justice of the peace, and magistrate were held by Conservative whites. Klan violence there was not a response to abuses, alleged or real, of Negro and Republican rule. Nor was it only the work of irresponsible men. While there were undoubtedly a large number of illiterate, poorer whites among Klansmen, as evidenced by some of the affidavits describing Klan atrocities, it was led on both the county and state level by prominent citizens. A check in the 1860 and 1870 manuscript census reveals that several of the persons named as assassins of Republican state senator John Stephens were former slaveholders and propertied and educated members of the community.

Given the leadership of the Klan, which included some of the most eminent Conservatives, it would seem more accurate to attribute the organization of "The Invisible Empire" in North Carolina to Conservative determination to regain power by "fair means or foul." Inasmuch as the Republicans appeared likely to win by fair means, the Conservatives resorted to terrorism and intimidation, methods not unfamiliar to recent

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<sup>10</sup>Ibid., 353.

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slaveholders.

The Republicans both leaders and rank and file were made of less hardy material. Tourgee, Settle and Senator Abbott urged firmness in their correspondence, but they were unable, even reluctant to carry this out. Writing to a friend in the North, Tourgee lamented:

You wonder I know why we do not protect ourselves. It will be hard for you to conceive how such things can be. Remember, Tut, that nearly all of our party here are poor men and colored men - and that a poor man in the South in the ante-war time was only less a slave than the black himself.

Our entire party thus consists of poor men... without arms and without the habit of self-respect so natural to the Yankee....I should not be at all surprised if I were the next victim. Murder is the rule - a reign of terror the end desired--in order that the Conservative party may obtain power.

Thousands of people dare not sleep in their houses from fear of violence. I think that not less than 1000 of these outrages have been perpetrated in eight counties of this state, during the last ten months. On the 18th June I go to hold Court in Alamance, one of the worst counties in the State--If I outlive that I propose a trip North and may give you a bit of a call.<sup>11</sup>

In view of the serious state of affairs and in response to Holden's appeal for more authority for the executive, the General Assembly enacted in 1870 the Shoffner Act which empowered the governor to protect life and property by placing

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<sup>11</sup>Tourgee to Robert M. Tuttle, Greensboro, May 26, 1870, Letterbook, 69, Tourgee Papers, microfilm reel 10, SHC.

any county under martial law if necessary. But the governor was still understandably reluctant to alienate public opinion by implementing the new legislation.

Meantime, Republican judges continued to have difficulties in apprehending and convicting Klansmen. An example of this kind of difficulty is contained in a letter from John W. Stephens, Republican senator and acting justice of the peace in Caswell County, to Tourgee asking his advice. Stephens wrote:

I desire to know of you which I should issue an order to, the Sheriff or Hooper, the jailor, to appear before me and show cause why he should not be attacked for contempt, when the jailor refuses to obey my orders as acting J. P. which he did last Saturday, and today I issued a state warrant and delivered it to T. N. Jordan, Deputy Sheriff, which he refused to execute, giving as his reason, that he had instructions to [dis] regard any precept from me. on this answer. I issued a warrant or rather an order to Dr. A. G. Yancey ordering Thomas N. Jordan, Deputy Sheriff to appear on tomorrow at 9 o'clock and show good cause why he should not be attacked for contempt which I sent to the coroner this evening. If he shall refuse or fail to execute that precept, what recourse have I left me, can I issue an order and deputize an officer to serve the same process on the coroner and Deputy Sheriff...?<sup>12</sup>

Another kind of problem is presented in Stephens's next question to Tourgee, as to whether "an officer has a right to assault a prisoner with a pistol when he is not resisting."

"This was done," wrote Stephens, "in a case where a white man

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<sup>12</sup>John W. Stephens to Tourgee, Yanceyville, September 6, 1869, Tourgee Papers, microfilm roll 7, SHC.

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arrested a colored man."<sup>13</sup>

In the early months of 1870, two crimes of such outrageous character were committed, that Governor Holden found it impossible to delay action any longer. In the first one, Wyatt Outlaw, a black Republican leader was murdered in Alamance County on the night of February 26. He was hanged on a tree just a few yards away from the courthouse. The Tourgee papers contain a number of affidavits implicating Klansmen, and from these it is clear that about 300 men were involved.<sup>14</sup> Conservative allegations to the contrary, Outlaw was a man of excellent character who was hanged for his efficacy in politics.<sup>15</sup> Shortly afterward, a black witness to the hanging, William Puryear, was found dead in a swamp, apparently also a victim of the Klan.

The second outrage took place in neighboring Caswell County and involved the murder of John Stephens, a white Republican state senator of some ability. Stephens was lured to his death by the treachery of an ex-sheriff, Frank Wiley, who, by virtue of his office, was charged with the maintenance of law and order in the county. Furthermore, the murder took place in the basement of the courthouse, while a meeting was going on upstairs. Stephens, who was attending the meeting,

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<sup>13</sup>Ibid.

<sup>14</sup>Affidavit of James Stockard, dated December 17, 1871 in Tourgee Papers, microfilm reel 10, SHC.

<sup>15</sup>Olsen, "Ku Klux Klan," 355.

was called away by Wiley under the pretext of discussing Wiley's forthcoming candidacy for sheriff. Once downstairs, he was seized by a group of ten men, taken to a basement room and garrotted and stabbed to death in a most brutal fashion. There are several sources for this event. One is an affidavit obtained by Tourgee from Patsie Barton, a Negro servant who overheard Wiley's account of the murder. The other is a posthumous confession by one of the participants which came to light in 1935. The tone of the confession is unrepentant and boastful. Throughout the nine-page document, attempts were made to justify the deed by attributing all sorts of crimes to Stephens.<sup>16</sup> The Conservative press pooh-poohed the two killings, saying that both men had deserved their fates, and even sought to implicate the Republicans, suggesting that Governor Holden had had a part in the murder.<sup>17</sup> Clearly, Stephens, who had realized that he was doomed for some time, had been killed for political reasons as had Outlaw.

#### The Kirk-Holden War

Realizing that a state of insurrection existed in two counties at least, and that such a situation could obtain no longer, the Republican state administration acted by placing Alamance and Caswell counties under martial law. In a

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<sup>16</sup>Confession of John G. Lea, Raleigh, July 2, 1919, North Carolina State Department of Archives and History, Raleigh, N. C.; Affidavit of Patsie Barton, December 12, 1872, microfilm roll 10, Tourgee Papers, SHC.

<sup>17</sup>Olsen, "Ku Klux Klan," 359.

questionable move, from both a legal and a tactical point of view,  
in effect  
Holden also/suspended the writ of habeas corpus.<sup>18</sup> The  
latter step was resented by North Carolinians as a violation  
of their liberties, particularly so as the unpopular Con-  
federacy had also done this during the war. The Conservative  
press made the most of this resentment.

A force of approximately 670 men was raised under the  
direction of Colonel George W. Kirk, a former Union army of-  
ficer from Tennessee. Arrests were made of a number of sus-  
pects including the flamboyant Josiah Turner, Editor of the  
Sentinel, who wrote to his wife from "Holden's Basteil" [sic]:

Let Mrs. [name illegible] know that I en-  
joyed her good breakfast and sent what was  
left up to her nephew who says he feels no  
mortification at eating after Holdens "King  
of the Ku Klux."

Twenty Alamance prisoners near me would be  
more comfortable with pillows. Cut shucks or  
straw sewed up in a yard of cotton cloth will  
make them as good as they want- if you have no  
money let me know and I will send you the little  
I have.

I prefer that you should not ask permission  
[sic] to come in and in a day or two go home  
to see after the children. You can return  
again whenever you wish. One of my old school-  
mates, James Williamson, sends compliments, and  
apples. I am happily situated in this fight  
between Ku Klux and Leagues.<sup>19</sup>

The Conservative press screamed about abuses, but in fact no  
one was hurt by Kirk or his men. Ex-Governor William A. Gra-

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<sup>18</sup> Ibid., 359. Trelease, White Terror, 209, 221, points  
out that Holden was in an ambiguous position.

<sup>19</sup> E. B. Holden to William A. Graham, Pea Ridge, Caswell  
County, July 28, 1970, Graham Papers, SHC.

ham was retained as defense attorney for all the prisoners. Leading Conservatives, Judge William H. Battle, Thomas Bragg, and Augustus Merrimon, were also involved in preparing the defense.<sup>20</sup>

No state justice would issue a writ of habeas corpus for the prisoners in spite of tremendous pressure by Conservatives.<sup>21</sup> Finally, Chief Justice Richmond Pearson, a leading Republican, and jurist of great distinction, was prevailed upon by Conservative William Battle and others to issue writs for the prisoners, which Holden chose to ignore. In a letter to Pearson published in the Standard July 26, Holden delineated his reasons for refusing to obey Pearson's orders to produce the prisoners. Holden wrote:

As the Chief Executive I seek to restore, not to subvert, the judicial power....It would be mockery in me to declare that the civil authority was unable to protect the citizens against the insurgents, and then turn the insurgents over to the civil authority."<sup>22</sup>

Pearson then declared his powers were "exhausted" and made no further attempt to secure the release of the prisoners, an act that nearly resulted in impeachment for him six months later

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<sup>20</sup>William H. Battle to Graham, Raleigh, July 28, 1870, ibid.

<sup>21</sup>ibid.

<sup>22</sup>Holden to Pearson, Raleigh, July 26, 1870, Holden Papers, NCSA.

when the legislature convicted Holden of charges.<sup>23</sup> However, a judge of the United States District Court, Republican George W. Brooks, was persuaded with some difficulty by Conservative Matt W. Ransom to grant writs to the Klansmen. Years later in his own account of his mission to Brooks, Ransom described his meeting in an interview with editor Josephus Daniels:

I drove all night and upon reaching Elizabeth City called at the Judge's residence. I made up my mind that I must enlist Mrs. Brooks on my side and laid myself out to win her. [No woman could resist the charm of the General] ...The Judge listened, asked a few questions, but gave no indication of his feelings....Tactfully I pointed out that he was the only man who could uphold justice, and I delicately pictured the high place in history he would win for himself and how he would uphold the great traditions by issuing the writ.<sup>24</sup>

Ironically, Ransom based his legal arguments for issuing the writ on the Fourteenth Amendment, Conservative opposition to which had been partially responsible for the Reconstruction Acts and Congressional Reconstruction. In another somewhat apocryphal account, Sheriff James Grant of Northampton County, who accompanied Ransom, wrote of the historic meeting as follows:

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<sup>23</sup>Thomas J. Jarvis to H. G. Connor, Greenville, Greenville, N. C., February 1, 1901, Henry Groves Connor Papers, Southern Historical Collection, University of North Carolina, Chapel Hill, N. C.

<sup>24</sup>Josephus Daniels, Editor in Politics (Chapel Hill: University of North Carolina Press, 1941), 44.

General Ransom...in presenting the petition, rose to the heights of eloquent oratory, and his pathetic appeal touched the very chords of Brooks' heart. Tears gathered in the eyes of the humane and patriotic judge and coursed down his cheeks.<sup>25</sup>

Whatever the details of Ransom's mission, there is no doubt that it took place, and that it was planned by Conservative members of the defense for the prisoners held by Kirk. In a letter to William A. Graham dated July 28, 1870, Judge William H. Battle wrote in part, "Your letter of yesterday came to hand this morning, and I have shown it to Messrs. Bragg and Merrimon. Mr. Moore lost his only grandchild a few days ago, and I have not seen him today."<sup>26</sup> Battle then described a conversation that day with Chief Justice Pearson who suggested that if they (the Conservatives) wished, they might apply to United States Chief Justice Chase for a writ of habeas corpus. The letter continued:

This was said upon our have suggested to him [Pearson] that, having invoked in vain the State Judiciary for redress, we thought we had a right, under the 1st Sec. of 14th and to [sic]the Const., to apply to a U. S. Judge for a writ of hab. cor.

Gen'l Ransom is here, & says he will start tonight to see Judge Brooks, & Goy. Bragg is drawing up the necessary papers.<sup>27</sup>

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<sup>25</sup>Pocahontas Wright Edmunds, Tarheels Track the Century (Raleigh: Edwards and Broughton, 1966), 76-77.

<sup>26</sup>Battle to Graham, Raleigh, July 28, 1870, Graham Papers, SHC.

<sup>27</sup>Ibid.

Brooks, who issued the writs August 6, may also have been influenced by the results of the elections, which were held two days earlier. Whether he actually had the authority to issue the writs is highly questionable.<sup>28</sup> As soon as they were issued, Holden appealed to the President denying "his [Brooks] right to interfere with the local laws in murder cases," and saying that he held "these persons under our state laws, and under the decision of our supreme court judges who have jurisdiction of the whole matter, and it is not known to Judge Brooks in what manner or by what tribunal the prisoners will be examined and tried."<sup>29</sup> Holden further declared his intentions to "detain the prisoners," unless ordered to do otherwise.<sup>30</sup>

On August 8, Holden was advised by Grant to yield.<sup>31</sup> The Kirk-Holden war was over. Meanwhile, state elections had been held August 4, with a victory for Conservatives. They won control of both houses of the legislature and sent five Conservative candidates to Congress.<sup>32</sup> Having secured control

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<sup>28</sup>Olsen, "Ku Klux Klan," 359-360.

<sup>29</sup>Holden to Grant, Raleigh, August 7, 1870, William W. Holden Papers, North Carolina State Archives, Raleigh, N.C. cited in Hamilton Reconstruction, 526-527.

<sup>30</sup>Ibid.

<sup>31</sup>Trial of William W. Holden, Governor of North Carolina, Before the Senate of North Carolina on Impeachment by the House of Representatives for High Crimes and Misdemeanors, (3 vols.; Raleigh: Sentinel Printing Office, 1871), 214, cited in Hamilton, Reconstruction, 527.

<sup>32</sup>Raleigh Sentinel, August 5, 1870.

of the legislative branch of the government, it would be only a matter of time before they could secure the executive arm by impeaching the governor. The judiciary, which was predominantly Republican, would remain so for a time until by constitutional amendment, the Conservatives could restore the old method of appointing judges instead of electing them. The Republican North Carolina Standard was probably right when it lamented that

it was the Constitutional Union Guard, the White Brotherhood, and the Invisible Empire [that] have gained the victory. Their weapons have not been arguments or eloquence; but the Scourge, the Knife, and the Rope have been the instruments with which they have gained their triumph.<sup>33</sup>

The record of the Klan in North Carolina reveals the extent to which the antebellum ruling class would go to regain control. But was the partial redemption of North Carolina in 1870 brought about by the reign of terror, or would the Conservatives have won without it? Otto Olsen, in his analysis of the North Carolina Klan, questions whether such extremism was necessarily decisive." Declaring that "political power had already been swinging toward the powerful and able Conservatives," Olsen concludes that "the Klan was not so much a necessity as an indication of the inability of the ante-bellum ruling gentry of North Carolina to accomodate itself to either Negro equality or the modern democratic political process."<sup>34</sup>

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<sup>33</sup>Raleigh Daily Standard, August 10, 1870, also cited in Hamilton, Reconstruction, 528.

<sup>34</sup>Olsen, "Ku Klux Klan," 360.

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He suggests that the "most significant contribution to the Klan may well have been an indirect one, however--the indignant public response to the Republican military movement."<sup>35</sup> Though Olsen may be right in his analysis, the evidence presented seems to prove just the opposite. He emphasizes that the Republican vote was much smaller than in the previous election, that the Conservative vote did not change measurably. This seems to suggest intimidation as the most important factor.

One contemporary source, at least, presents a different view. The Asheville Pioneer, edited by Republican Alexander H. Jones, in an editorial on the 1870 elections depicts Klan efforts at intimidation as part of an overall plan of Democrats on a national level to defeat the Republicans in the South, and reduce Republican strength in Congress. Jones stated that North Carolina was selected because its election was held earlier than in other states, and if the campaign were successful, "could be used to encourage the opposition to put forth greater exertions in other States."<sup>36</sup> Describing the plan, the editorial continues:

...first, to induce as many colored men to leave the State as possible; and second, to keep a percentage of those who remained from the polls through fear of personal violence. This programme was practically successful. Thousands were induced to leave the State

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<sup>35</sup> Ibid.

<sup>36</sup> Asheville Pioneer, November 15, 1870.

under promise of permanent employment at good wages in Alabama, Louisiana, and elsewhere. As a rule, the men who entered into these agreements found themselves in distant States without money and no one to give them employment. The second part of the programme was the peculiar work of the Ku Klux. This organization extended throughout the State. Tens of Republicans were assassinated and hundreds, if not thousands, were whipped or threatened with violence. That these plans were successful, is apparent from the fact that while there was at the late election a great falling off in the Republican vote as compared with that of 1868 for the same officers, there is no corresponding increase in the Democratic vote. [italics mine]<sup>37</sup>

Whether or not the Conservative support of and participation in the Klan was directly responsible for success in the state elections, it is clear that Conservatives intended to use the Klan for this purpose. This implies a fear on their part that they would again be defeated at the polls. If Conservative victory in this 1870 election was not brought about by actual intimidation of voters, as many contemporary sources claim, it was at the very least an indirect result of violence. By putting the State Republican administration to a test it could not meet--to maintain order through the courts or by military rule--Conservatives may have convinced a significant number of voters that the Republicans, however well-meaning, could not be entrusted with government. One thing was certainly made clear--that the Republicans were not strong enough to remain in power without federal support, and that was not forthcoming. Holden, who tried to respond forcefully, was cruelly

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<sup>37</sup>Ibid.

frustrated first by Judge Brooks, who owed his office to the governor, and then by Grant, from whom he had expected support.

The entire episode casts little credit on the party of "wealth, virtue, and intelligence." A little over a year later, after Congress had passed the Ku Klux Act, (April 20, 1871) and Grant had authorized the use of detectives in an attempt to bring Klansmen to trial, Judge Tourgee wrote the President thanking him for his intervention and informing him of some eighty-one indictments secured by him [Tourgee] against Klansmen in Alamance County. "Many of those indicted," Tourgee emphasized, "are of the most respectable families of the county."<sup>38</sup> Brutalized by their slaveholding experience, and accustomed to having their way, Conservatives resorted to antebellum tactics of force and violence in order to maintain their power. In so doing, it seems more likely that they thwarted, rather than anticipated, the will of the majority in North Carolina.

The "Reform Legislature" of 1870-71

A remarkably accurate preview of the intentions of "the rebel Democracy" in the legislature was outlined in an editorial in the Republican Asheville Pioneer. Basing its conclusions on the demands of the Raleigh Sentinel, leading Conservative newspaper, the Pioneer wrote:

It [the Sentinel] is as much the voice of the Ku Klux as though publicly announced as such, and the

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<sup>38</sup>Tourgee to Ulysses S. Grant, Greensboro, December 28, 1871, microfilm reel 10, Tourgee Papers, SHC.

Legislature will not dare, if so disposed, to ignore the demand. The Ku Klux demand is for the impeachment of Gov. Holden, Chief Justice Pearson, Judges Tourgee, Jones, Walls--indeed every prominent officer who had conscientiously carried out the reconstruction laws of Congress and the laws passed by the late Republican legislature. Where an obnoxious officer cannot be got rid of otherwise, it is proposed to abolish his office. Among others, it is proposed to abolish the office of Superintendent of Public Instruction, now filled by "the wretch Ashley," a designation applied by the Ku Klux organ aforesaid to an educated Christian gentleman, who has devoted the best energies of a long life to ameliorate and elevate the condition of the humble and the lowly--a person who commands the respect of every loyal man wherever known. The whole judicial [sic] and common school systems established under the new order of things is to be remodeled, to the end that the Ku Klux may better enforce their demands and the laws of Congress be rendered a nullity. As the constitution itself is "the fruitful source" of all the "oppressions" of which complaint is made. it is demanded, because the most expeditious and less costly, that the present instrument be "wiped out" by a "convention" and a new one formed; otherwise it would take two years to reach the desired end. Delays are dangerous with assassins, and hence a new convention is to do all the work in "thirty days."<sup>39</sup>

All of these projects were attempted. Not all succeeded. The attempt to call a new convention failed, but Holden and Judge Jones were impeached, the office of Superintendent of Public Instruction was abolished, and Judge Pearson barely escaped impeachment.

The 1870-1871 legislature convened on November 21; two and a half weeks later a known Ku Kluxer, Fred N. Strudwick of Orange County, introduced a resolution to impeach the governor. The trial of Holden began on February 2 and dragged on

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<sup>39</sup>Asheville Pioneer, November 24, 1870.

through March 23 when he was convicted on six of eight charges. Holden was removed from office, and Lieutenant Governor Tod R. Caldwell, a native Republican and former Whig, became governor.

In spite of the array of legal talent that defended him, the results of the impeachment were a foregone conclusion. The Conservatives had a two-thirds majority in the legislature and were determined to capitalize on it. Ex-Governor Vance and other prominent individuals opposed the move to impeach and indeed nine Conservatives in the lower House voted against the impeachment motion.<sup>40</sup> The House authorized funds to hire counsel to aid the prosecution, and William A. Graham, Thomas Bragg and Augustus Merrimon were accordingly retained. It should be noted that these men, all leading Conservatives, had also been counsel for the arrested Ku Kluxers.<sup>41</sup> On December 19, eight articles of impeachment were adopted.<sup>42</sup> All related to the Kirk-Holden war, and charged unlawful raising of troops and unlawful arrests and detentions. On February 9, a ninth article was introduced charging the governor with conspiracy to defraud the state in connection with George Swepson and the railroads bonds. According to the historian, J. G. De R. Hamil-

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<sup>40</sup>Horace W. Raper, "William Woods Holden: A Political Biography" (unpublished doctoral dissertation, University of North Carolina, 1953), 391.

<sup>41</sup>Thomas Sparrow to Graham, Raleigh, December 23, 1870, typescript, Graham Papers, SHC.

<sup>42</sup>Raper, "Holden," 391.

ton, who was at a loss to explain why this article disappeared from the Journal and the press.<sup>43</sup> The explanation seems clear enough when it is remembered that large number of prominent Conservatives, including Josiah Turner himself, were involved in the railroad scandals.<sup>44</sup>

The same day that the first eight impeachment articles were adopted, the seventeen Negro members of the legislature issued an Address to the Colored People of North Carolina which indicated that they were in no doubt as to the real motives of the Conservatives in impeaching Holden. Likening the Conservatives to Haman of biblical fame, Governor Holden to Mordecai, and the "poor people, especially the colored people" to the Jews of ancient times, the Address declared:

The only offence of Governor Holden, and that which has brought down the wrath of the dominant party upon him is that he thwarted the designs of a band of Assassins, who had prepared to saturate this State in the blood of the poor people on the night before the last election on account of their political sentiments, and to prevent them from voting. Because he dispersed this murderous host, organized by the so-called Conservative party they propose to destroy him....

When Governor Holden is disposed of those whom he protected will be their next victims. For the blood of one man will not satiate their thirst. They are mad because the Reconstruction measures have triumphed, and we are permitted to represent you in this body. They are mad because we refuse

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<sup>43</sup> Hamilton, Reconstruction, 550.

<sup>44</sup> Charles L. Price, "Railroads and Reconstruction in North Carolina," 604.

to bow the knee to them.<sup>45</sup>

Warning their readers of subsequent plans of the Conservatives for a return to the status quo to be accomplished mainly through the means of a constitutional convention to alter the 1868 Constitution, the Address continued:

It avails nothing, that they have got control of the General Assembly, by deception, fraud, and intimidation; so long as the friend of the poor, and protector of the innocent and defenceless, occupies the Chair of State, and you have the right to go to the polls unmolested. They have therefore commenced a system of disfranchisement, by amending the charters of towns, by allowing but one day for voting, by allowing voters to be challenged at the polls, and by requiring each to vote in the township in which he resides. They have thereby already disfranchised thousands. But progress in this way is too slow for their purpose. They therefore propose to call a Convention. Having repealed the Militia law, they propose to let loose their murderous band upon us delegates to this Convention. When this is done our liberties are at an end.<sup>46</sup>

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<sup>45</sup> "Address to the Colored People of North Carolina," Raleigh, December 19, 1870, Broadside in the North Carolina Collection of Campaign Literature, University of North Carolina, Chapel Hill, N. C.

<sup>46</sup> Ibid.

The legislators advocated setting aside Friday, January 13, 1871, as a day of fasting and prayer for the deliverance of "our good friend the Governor."<sup>47</sup>

The trial had hardly started when predictions of conviction were widely circulated. David M. Carter, then Republican member of the legislature, wrote to his wife from Raleigh that "everybody is talking of Holden's impeachment, the certainty of his conviction."<sup>48</sup> A few days later he wrote again from Raleigh that the "impeachment trial progresses with its varying incidents, changing from bad to worse for Holden all the while. His conviction is a certainty, unless something wholly unforeseen turns up. His own lawyers have lost heart in the case and are only fighting it out from a sense of duty to a client whom they cannot now desert without dishonor."<sup>49</sup>

Holden himself bore the strain quite bravely as letters to his wife and reports from friends testify. In March he

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<sup>47</sup> Ibid.

<sup>48</sup> David M. Carter to wife, Raleigh, February 5, 1871, David M. Carter Papers, Southern Historical Collection, University of North Carolina, Chapel Hill, N. C.

<sup>49</sup> Carter to wife, Raleigh, February 10, 1871, ibid.

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journeyed to Washington to seek support from the administration in his own trial and on behalf of southern loyalists.

Writing to his wife from the capital, Holden said:

There are many North Carolinians here, and I meet them at every point. I am not able to say what will be done. I have not yet been able to see the President, but I learn he has inquired for me, and Col. R. M. Douglas called the first day I was here and left his card. I was out, and did not see him. But I have heard from Mr. Cobb that the President has ordered a regiment of cavalry and a regiment of infantry to North Carolina. He seems to be thoroughly with us. The new Congress will meet on the 4th, and it is said to be his purpose to recommend the most stringent measures.

.....

I expect to see the President soon. Whether convicted or acquitted I must look to the future. If Congress does not do its duty there will be no safety for loyal people in the South. The impression here is that at last Congress will do its duty.<sup>50</sup>

Two days later Holden wrote again describing his meeting with Grant:

I have no ground to complain of want of respect. I had not called on the President, because I was unwell for two days, and afterwards he was engaged in signing bills; but I saw him today in his room near the Senate chamber. There was no mistaking the cordial grasp of his hand. I am to see him at length, alone, on Monday at twelve o'clock. He informed me he had ordered four com-

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<sup>50</sup>William Holden to wife, Washington, D. C., March 2, 1871, William W. Holden Papers, North Carolina State Archives, Raleigh, N. C.

panies of cavalry to North Carolina. He will send infantry as soon as they can be spared. He is thoroughly with us.

I can form no definite idea as to what will be done. I shall urge the President to send in a strong message to Congress on the subject, and to station the troops referred to in Raleigh.<sup>51</sup>

Holden did speak of the difficulties of raising money to pay his counsel. The House of Delegates had voted funds to hire counsel for Holden's prosecutors, but there were no funds for the defense. Though Holden mentioned to his wife his intention of discussing with the President his financial difficulties in connection with the trial, and may have done so, there was offer of no northern financial support. Holden was forced to mortgage his house in Raleigh for \$2500 in order to pay his lawyers. One, Edward Conigland of Halifax, refused compensation.<sup>52</sup>

Though it is abundantly clear that Holden was guilty of no malfeasance in office, but was impeached because he, as governor, had attempted to protect the victims of a band of assassins, some details of the trial are worth mentioning. First, Holden's counsel was not permitted to include testimony concerning the Klan activities that had precipitated the declaration of martial law. Thus the governor's action could only appear as capricious. Finally, when the vote was about to be

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<sup>51</sup>Holden to wife, Washington, D. C., March 4, 1871, ibid.

<sup>52</sup>Raper, "Holden," 404.

taken and appeared close -- two Conservative senators, too drunk to walk, were carried into the courtroom that their votes might be recorded.<sup>53</sup>

Aside from removing the governor, the most important effect of impeachment was to intimidate the Republican leadership even further. There was considerable fear that Lieutenant-Governor Caldwell, a Republican also, and Chief Justice Pearson would also be impeached. Furthermore, the 1870-71 legislature in its second session took direct action to consolidate Conservative power by reapportionment in favor of the Conservatives. Other legislation reflected Conservative interests and attitudes. A school law was passed under the guise of economy which cut the salary of the state superintendent of schools almost in half and transferred management of school funds from the school board to the legislature in order to keep control of the monies in the hands of the Conservatives.<sup>54</sup> In September, 1871, S. S. Ashley, under whose administration the North Carolina schools had grown threefold, resigned rather than face the complete destruction of his handwork.<sup>55</sup>

#### The 1870-71 North Carolina Legislature

Unlike Virginia Conservative leaders, whose largest occupational category was that of lawyer, the category having

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<sup>53</sup>Ibid., 393.

<sup>54</sup>Whitener, "Public Education in North Carolina," 85.

<sup>55</sup>Ibid., 86.

the most members was that of farmer. There were fifty farmers in the 165-member legislative body. In addition there were four farmer combinations. The second highest occupational cat-

Table 17

Occupations - North Carolina Legislature 1870-71

Occupation of Delegate	Conservatives		Republicans		Total
	House	Senate	House	Senate	
Farmer	28	7	13	2	50
Lawyer	16	12	3	5	36
Merchant	11	2	2	1	16
Physician	8	4	0	1	13
Farmer-lawyer	1	1	1	0	3
Farmer-minister	1	0	0	0	1
Printer	1	0	0	0	1
Legislator	1	1	2	1	5
No occupation	1	0	0	0	1
Officeholder	0	0	3	2	5
Carpenter	0	0	2	0	2
Clerk	0	0	1	0	1
Editor	0	0	1	0	1
Justice of Peace	0	0	1	0	1
Minister	0	0	1	0	1
Mortician	0	0	1	0	1
Painter	0	0	1	0	1
Worker	0	0	1	0	1
Occupation unknown	<u>7</u>	<u>7</u>	<u>6</u>	<u>5</u>	<u>25</u>
Total	75	34	39	17	165

egory was that of lawyer, of whom there were thirty-six plus three lawyer combinations. There were, however, more lawyers in the senate than farmers, a total of seventeen, while the assembly boasted only nineteen lawyers, less than half the number of farmers. The only other occupational categories with any substantial number of members were those of merchant and physician. The occupations of twenty-four members of the legislature were not found. Slightly less than one-third of the

Conservatives and a little over one-fourth of the Republicans were farmers, while one-fourth of the Conservatives and one-seventh of the Republicans were lawyers. Thirteen Conservatives, but only three Republicans were merchants. Twelve Conservatives gave their occupations as physicians, while only one Republican was listed as such in the manuscript census. Eighty-three percent of Conservatives and fifty percent of Republicans were farmers, merchants or professionals. Republicans, but no Conservatives, were listed in the less prestigious occupations of clerk, carpenter, mortician, painter or worker. The distribution of Occupations in this legislature does not differ significantly from the 1869-70 Virginia legislature. There are proportionately more physicians and farmers and fewer lawyers in the North Carolina legislative body. Of the 133 Conservatives in the Virginia house thirty-six were farmers, forty were lawyers and/or judges and in the Virginia senate twenty-four of thirty or four-fifths of the members were lawyers.

#### Former Slaveowners

Slightly under half, 49% of Conservatives found in the 1860 slave schedules. of the 1870-71 legislature had been slaveholders in 1860, compared with eighty-eight percent of the top Conservative leadership in North Carolina. Twenty-two percent of Republican legislators found had been former slaveowners. The Conservative percent is twice that for the percentage of slaveholding families in the state in 1860. The Republican percentage was somewhat less than the statewide percentage of 28.8, though surprisingly high also and in marked contrast with Virginia Republican

legislators. From the table below it seems clear that there were few large slaveholders in either group, the mode being in the range of one to ten. For Conservatives this was not equally the case in Virginia. The secondary leadership of North Carolina as exemplified by this legislature was in marked contrast with that of the state's top leaders who had been overwhelmingly slaveholders with two-thirds having \* owned 10 or more slaves rather than fewer.

Table 18  
Slaveholding - North Carolina Legislature, 1870-71

Number of Slaves Held	Conservatives		Republicans		Total
	House	Senate	House	Senate	
None	34	12	26	6	78
One & under 10	19	5	3	1	28
10 & under 20	6	5	1	3	15
20 & under 30	4	1	1	1	7
30 & under 50	1	2	0	0	3
Over 50	1	1	1	1	4
Unknown	<u>10</u>	<u>8</u>	<u>7</u>	<u>5</u>	<u>28</u>
Total	75	34	39	17	165

#### Age and War Service

The majority of North Carolina legislators in 1870 were in the thirty to thirty-nine age group. The next highest range was the forty to forty-nine age group. Combining these two groups, one can conclude that most legislators were middle-aged. There were an equal number of legislators in both parties in the 50-59 and 20-29 age groups, but Conservatives were largely under forty. This is not surprising in view of the fact that many older Conservative politicians were experienced and aspired

\*For comparative figures on North Carolina's top leadership and Virginia's 1869-70 legislature, see above, pp. 15, 33, 48 and 169.

to juicier political plums. Averages in the house were thirty-eight for the Conservatives; thirty-nine for the Republicans; and in the senate, thirty-seven for the Conservatives and forty-one for the Republicans.

Table 19

Age - North Carolina Legislature 1870-71

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Age Group	Conservatives		Republicans		Total
	House	Senate	House	Senate	
20-29	10	5	5	2	22
30-39	28	11	13	3	55
40-49	10	11	7	5	33
50-59	11	1	7	3	22
60-69	1	1	1	0	3
70-79	1	0	0	0	1
Unknown	<u>14</u>	<u>5</u>	<u>6</u>	<u>4</u>	<u>29</u>
Total	75	34	39	17	165

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Although Hamilton states that the overwhelming number of legislators were Confederate veterans, my findings did not substantiate this, though they are by no means conclusive. Of the 109 Conservatives in the North Carolina legislature, forty-five had served in the Confederate army, two in the state militia, six were non-participants, one a Confederate officeholder and fifty-five were not found in the Index to the Records of the War of the Rebellion which was the main source for this information. In other legislatures, that of 1876 for instance, a much larger percentage had seen Confederate service. The records of the later legislature are more complete, chiefly because of

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the existence of Randolph Shotwell's Legislative Sketches, a collection of minute biographies based on personal interviews with the legislators, but the greater percentage of Confederate veterans in the later legislature might indicate the growing political expediency of this qualification for candidacy. Of the fifty-six Republicans in the 1870 legislature, seven had served in the Confederate army, two in the United States army, three were non-participants and forty-four were not found.

#### Wealth

Of the seventy-five Conservatives in the North Carolina House of Delegates of 1870-71, eighteen were not found in the manuscript census. Of the other fifty-seven, fifteen had no assets according to the census, but the remaining forty-two held real estate amounting to \$169,400 and personal assets amounting to \$76,000, an average of \$2,971 in real estate and \$1,333 in personal assets. These averages are computed, based on a total of all persons found in the census. If the fifteen persons determined to have had no assets are excluded, the averages are considerably higher--but still modest--\$4,033 for real estate and \$1,809 for personal estate. In comparison, of the thirty-nine Republicans, seven were not located in the 1870 census, seven were listed as holding no assets, and the twenty-five remaining held real estate totalling \$135,600 and personal assets amounting to \$89,000, making an average for them of \$5,424 in real estate and \$3,560 in personal estate. If all

Republicans are included, the averages are \$4,237 and \$2,793. It would appear that the Republicans were more affluent than the Conservatives in the lower house of this legislature, but at least half of their assets can be accounted for in the wealth of one of the richest men in the state, planter and manufacturer George French, whose personal and real assets totalled \$131,000. Without his presence in the legislature, total figures and averages would be considerably less. The distribution of the wealth, as shown in the first two columns of Table 17, is much more important in determining the relative wealth of

Table 20  
Property Holding  
North Carolina Legislature 1870-1871

Real Estate					
Amount Held	House		Senate		Total
	Conserv.	Repub.	Conserv.	Repub.	
Not known	18	7	7	6	38
No Assets Listed	15	13	2	2	32
Under \$1000	12	6	4	0	22
\$1000 and under \$5000	17	9	11	5	42
\$5000 and under \$10,00	6	1	6	1	14
\$10,000 & u. \$25,000	7	2	4	2	15
\$25,000 & u. \$50,000	0	0	0	1	1
Over \$50,000	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>1</u>
<b>Total</b>	<b>75</b>	<b>39</b>	<b>34</b>	<b>17</b>	<b>165</b>
Personal Estate					
Not known	18	7	7	6	38
No Assets Listed	12	7	3	1	23
Under \$1000	17	18	10	3	48
\$1000 and under \$5000	22	4	11	4	41
\$5000 & under \$10,000	6	2	3	1	12
\$10,000 & under \$25,000	0	0	0	2	2
Over \$50,000	<u>0</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>1</u>
<b>Total</b>	<b>75</b>	<b>39</b>	<b>34</b>	<b>17</b>	<b>165</b>

the two groups. Republicans had a considerably higher proportion than did Conservatives of house members without real estate assets and with personal estates of zero to \$1000.

In the senate, the figures on real and personal estate do not appear to support the view that the Conservatives represented a wealthier class than did Republicans. While the total assets of the Conservatives are much higher than those of the Republicans, the average wealth of the Republicans is almost twice as high. Since the number of Republicans was so low, the figures would suggest that of those few Republicans elected to the legislature, the wealthiest ones were chosen. It should be noted that the wealthiest Republican in the state senate was almost twice as wealthy as the wealthiest Conservative, but more Conservatives had wealth. Only two Conservative senators out of thirty-four did not own any estate assets, as compared with two Republicans out of seventeen. The distribution of wealth is also significant, as seven-eighths of Republican real estate was owned by three men, while Conservative holdings were more evenly distributed.

The figures on property holding suggest that wealth offers only a partial explanation for the political inclinations of North Carolina's leaders. It should also be remembered that those elected to political office were not necessarily typical of their electorates. In both parties, and among blacks as well as whites, persons of greater education, wealth and influence were put forth for office.

### Education

The 1870 United States Census does not list educational qualifications, and information from other sources was available only for persons who were fairly well known. The information on education for the North Carolina House of Delegates for 1870-71 is so incomplete as hardly to deserve recounting. Of the seventy-five Conservatives in the house, the degree of education of fifty was unknown, twenty-five were known to be college graduates and to have had some professional training in addition. Of the thirty-nine Republicans, the education of twenty-nine was undetermined, three were listed as illiterate, two had a common school education and five had completed college with additional professional training. The only conclusion that can be drawn from such sparse information is that generally speaking the Conservatives had more formal education.

Statistics relating to educational qualifications of North Carolina state senators of the 1870-71 legislature bear this conclusion out somewhat more strongly. Of thirty-four Conservative senators, twelve had completed college and had undertaken postgraduate training, one had completed college only, one had had an academy education and twenty were undetermined. Thirteen Republicans of the seventeen in the senate were undetermined as far as educational qualifications were concerned, one had an academy education and three college plus professional training.

Geographical Distribution

An important question as far as the 1870-71 legislature was concerned is that the distribution of seats, especially as the answer might shed some light on the reasons for the Conservative victory in 1870.

Table 2/  
Geographical Distribution of North Carolina  
1870-71 Legislature

Area	Conservatives		Republicans		Total
	Senate	House	Senate	House	
Northeast	4	5	4	11	24
Cape Fear	5	13	8	10	36
Transmontane	7	24	0	6	37
Piedmont	18	33	5	12	68
	—	—	—	—	—
Total	34	75	17	39	165

As far as distribution between rural and urban areas, North Carolina differs from Virginia in that Conservatives do not appear to be located primarily in larger urban areas. Most legislators in both parties came from towns of 300 to 2000 population, with considerably fewer from cities or villages, partly because North Carolina boasted fewer cities than Virginia. Only Raleigh, Wilmington, Greensboro, Fayetteville, Charlotte, Newbern, Salisbury and Asheville could qualify as cities. Table 19 below indicates the distribution of the legislators.

Table 22

Legislators' Residences - North Carolina Legislature 1870-71

Residence	Conservatives		Republicans		Total
	Senate	House	Senate	House	
Town	19	46	11	21	97
City	7	7	4	5	23
Village	3	12	0	5	20
Not found	<u>5</u>	<u>10</u>	<u>2</u>	<u>8</u>	<u>25</u>
Total	34	75	17	39	165

The distribution between towns and cities appears to be about the same for both parties.

Birthplace and Color

All Conservatives in both houses of the North Carolina Legislature of 1870-71 were white, and sixty-one percent of all Republicans were white. In the corresponding Virginia legislature fifty-four percent of all Republicans were white, and there were three black Conservatives. The percentage of native whites in both parties was also extremely high. Of these whose birthplaces were located in the manuscript census of 1870, only two Conservatives and three Republicans were northern-born. Two of the three Republicans had lived in the state for some time before the war, so could not qualify as carpetbaggers, and Conservatives were rarely labelled as such. Three Conservatives and two Republicans had been born in other southern states. The birthplace of twenty-one Conservatives and eleven Republicans could not be located. All others, eighty-one Conservatives and forty Republicans were native-born. Percentages of native-born Conservatives and Republicans were ninety-four and ninety percent respectively. These figures seem to suggest the very strong native-white

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base of North Carolina Republicans, as compared with the Virginia Republican party, which had larger numbers of northern whites in its ranks. Only 68.2% of Virginia Republicans in the 1869-70 legislature were native-born as compared with 90% in North Carolina. And of these native-born Virginia Republicans, approximately 40% were black.

Victory came harder in North Carolina and was marked with more strife than in Virginia to some extent because of the circumstances—such as the nature of military rule discussed in the preceding chapter—but also because of the relative strength of the opposition. The Virginia Republican party was badly split and the larger "carpetbagger" faction made it more vulnerable to attack. Furthermore, as pointed out earlier, the Virginia Republicans had no record of legislative achievement to fall back on, as did their North Carolina counterparts, and the inclusion in the 1867-68 Constitution of the disfranchising clause was probably a tactical error, giving Conservatives an issue to exploit. In Virginia also, rather strong divisions among Conservatives were less important because of the lack of effective opposition and because of assistance in national circles. Virginia's method of redemption appears to have been unique. She was the only state to be "restored" and "redeemed" at the same time. On the other hand, the techniques used in North Carolina anticipated the intimidation of the "Mississippi plan" followed in 1872 and the Klan-like activities of the Red Shirts of South Carolina. Holden's impeachment too, was the first of several, and undoubtedly was suggested by that of Johnson in 1868. In North Carolina, the strength of the Republicans and the amount of fraud and intimidation used in the 1870 campaign suggest the possibility that an opportunity was missed by President Grant when he advised Holden to honor the writs issued by Judge Brooks and surrender the

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prisoners. The strategy employed by Conservatives—to create chaos and disorder and than make it impossible for the Republican administration then in power to maintain peace and safety through regular channels placed the Republicans in a hopeless situation from which they could only have been extricated by additional support. Had the federal administration responded by upholding Holden, the results might have been different. In both states, in different ways, the actions and attitudes of national figures affected Conservative success. Though the two campaigns were quite dissimilar, in certain respects similar tactics were used. In both states, Conservatives drew the color line, but in Virginia, Conservatives made some attempt to win over black voters by running black candidates for the legislature. They also exploited the race issue by attacking Republicans for their alleged failure to have more black representation among their candidates.<sup>56</sup>

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<sup>56</sup> Richmond Whig, May 23, May 25, May 29, 1868.

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Unlike the process of redemption in North Carolina which dragged on for six years between the initial Conservative legislative victory in 1870 and the capture of the governorship in 1876, Virginia's Conservatives were well entrenched after their coup of 1869. They had been joined by the moderate faction of the Republican party and Radical opposition was virtually dead. In North Carolina, on the other hand, Conservatives had to contend with a Republican party which was strong enough to retain the governorship from 1868 to 1876, actually carried the Convention of 1875—they lost their rightful majority by fraud on the part of Democratic commissioners in Robeson county—and maintained a constant threat to Conservative control. The weakness of Virginia's Republicans permitted Conservatives more freedom to disagree among themselves, and there was thus more factionalism among Conservatives in Virginia than in North Carolina. In a sense, the state's second redemption, as it was called, which took place in November 1873, resulted from this division among Conservatives. Governor Walker, though a northerner and elected as the candidate of the True Republicans, soon joined the Conservative party and like the proverbial convert, became more zealous than old Democrats. By 1872 he was supporting the "straight-out" Democratic ticket and campaigned actively for the Conservative candidate for governor, James Lawson Kemper.<sup>1</sup>

Despite the governor's conservatism, there had been considerable

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Audrey M. Cahill, "Gilbert Carleton Walker, Virginia's Redeemer Governor," unpublished M.A. Thesis, University of Virginia, 1956, 127.

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dissatisfaction with the Walker regime, largely over issues of railroad consolidation and payment of the state debt. Accusations of corruption, especially in the legislature, alleged to have taken place in both during the vote over consolidation also discredited the administration. Walker's personal extravagance and love of display was also resented. These dissatisfactions led to the beginning of a "new departure" movement with its aim the restoration of all state office to native Virginians.<sup>2</sup>

The record of the 1870-71 legislature was vulnerable to criticism. The chief measure passed by this body was the Southside Consolidation Act which passed both houses by a large majority and became law June 17, 1870.<sup>3</sup> Consolidation was probably beneficial, even though the panic of 1873 resulted in the consolidated railroad, named the Atlantic, Mississippi and Ohio railroad, going into receivership. This bankruptcy, incidentally, put an end to the business ambitions of its president, General William Mahone; stymied on the economic front, he would devote his not inconsiderable energies to politics. A related bill, providing for the selling of the state's interest in the railroads, was generally considered detrimental to the interests of the commonwealth, as whatever profits might be realized by the railroads would pass into private hands and thus would not benefit the state. This measure was nevertheless passed in 1871, amid charges of bribery and corruption. The third most

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Jones, "Conservative Virginian," 131.

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Ibid., 135., Allen W. Moger, "Railroad Practices and Policies in Virginia After the Civil War," Virginia Magazine of History and Biography, LIX (October, 1951), 431.

important law passed by the 1870-71 legislature, the funding of the state debt for the purpose of "preserving Virginia's honor," was very costly to the state treasury and adversely affected education and social reform in the state.<sup>4</sup>

All of these measures, the funding bill especially, were opposed by many in the state. A recent study by Robert Ours of Virginia's "first redeemer legislature" does not offer any clear geographical breakdown for the opposition. Table 20 below presents a breakdown, based on Ours's study, of the vote on these three measures by party and by geographical area.

Table 23 5  
Vote By Regions on Three Key Bills in the Virginia 1870-71 Legislature

1- Funding Bill

Area	For		Against		Not Voting		Total
	Cons.	Repub.	Cons.	Repub.	Cons.	Repub.	
Tidewater	8	15	2	0	5	3	33
Piedmont	16	4	12	0	2	0	34
Southside	10	22	12	1	4	4	53
Shenandoah Valley	11	0	6	0	1	0	18
Northside	6	2	4	0	1	1	14
Southwest	<u>6</u>	<u>0</u>	<u>15</u>	<u>0</u>	<u>2</u>	<u>0</u>	<u>23</u>
Total	57	43	51	1	15	8	175

2- Selling Interest Bill

Tidewater	2	11	9	4	4	4	34
Piedmont	23	2	3	0	4	2	34
Southside	12	21	14	5	0	1	53
Shenandoah Valley	8	0	4	0	6	0	18
Northside	8	3	2	0	1	0	14
Southwest	<u>5</u>	<u>0</u>	<u>13</u>	<u>0</u>	<u>5</u>	<u>0</u>	<u>23</u>
Total	58	37	45	9	20	7	176

<sup>4</sup> Woodward, Origins, 61.

<sup>5</sup> Robert M. Ours, "Virginia's First Redeemer Legislature," unpublished M.A. Thesis, University of Virginia, 1966, Appendix D, 267-271.

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3- Consolidation Bill

Tidewater	13	17	1	2	1	2	36
Piedmont	7	3	17	1	4	0	32
Southside	18	24	8	0	2	2	54
Shenandoah Valley	5	0	11	0	2	0	18
Northside	3	2	6	0	2	1	14
Southwest	<u>18</u>	<u>0</u>	<u>3</u>	<u>0</u>	<u>2</u>	<u>0</u>	<u>23</u>
Total	64	46	46	3	13	5	177*

It is clear from the table that both parties bore responsibility for the passage of the three bills. The chief Conservative opposition to the funding bill came from the Southwest, the Southside and the Piedmont, perhaps because of the predominantly agrarian nature of the constituencies in those areas. There was almost no Republican opposition to the funding bill, and Conservatives were closely divided. There was greater division in the legislature over the selling interest bill with the Piedmont strongly for, the Southwest strongly against the statute. The vote for Consolidation was the largest of the three bills, with delegates from Tidewater and the Southwest strongly favoring the bill, while Conservatives, particularly, in the Piedmont area opposed it. Piedmont opposition may be accounted for in part by the hostility to consolidation of Robert Owen, of Lynchburg, president of the Virginia and Tennessee Railroad. The Southside in general stood to gain from consolidation, and the Southwest had long needed railroads for the development of its commerce.

In the passage of the funding bill, Governor Walker was apparently quite instrumental, a fact usually attributed to his desire to secure the safety of the investments of his New York associates, who held many of the bonds.<sup>6</sup>

\*I find it impossible to account for the discrepancies in total figures for the vote on the three bills. Since they were voted upon at different times, the legislature may have numbered one or two less at such times due to the death or resignation of members.

<sup>6</sup>Cahill, "Walker," 127.

An editorial in the Shenandoah Democrat, an influential paper in the valley edited by Harold H. Riddleberger, expressed the feelings of the opponents of the funding bill when it stated:

The Funding bill, that horrible abortion of the shallow brain and abject imbecility of the last Legislature, must be repealed. It has cast upon us at once a debt of over \$3,000,000 in the way of taxes compelling us not only to pay interest upon the principal, but interest upon interest—compound interest.<sup>7</sup>

In another editorial on the same subject, the newspaper complained that

these bonds are held, with very few exceptions, by the very people who robbed us of one-third of our territory, robbed us of our property, burned our homes, devastated our lands, killed our fathers, sons and brothers, and by foreign capitalists, who aided and abetted this crusade upon all that was holy and sacred in the South—Wall Street brokers and stock gamblers who acquired them by payment of a few cents on the dollar.

Still there are Virginians who would take the last pound of flesh from the carcass of their poor old mothers to give to these comorants—strange indeed!<sup>8</sup>

Nevertheless, two years later the same paper supported the Conservatives in the election of that year declaring that neither party was totally responsible for "a few wrongs" such as the funding bill. The editorial argued:

In our State elections the distinct issue between the parties is whether white men or colored men shall rule us; whether the offices shall be filled by an illiterate class who will debauch the State and bring upon its people all the ills which now afflict the citizens of Louisiana, or whether our local government shall be administered by intelligent white people who have made it a model of reconstructed states, and kept white and colored secure in all their rights, privileges and immunities guaranteed to them by the constitution and the laws.<sup>9</sup>

7  
Shenandoah Democrat Clipping, August 3, 1871, Mahone Papers

8  
Ibid., August 1, 1871.

9  
Ibid., May 22, 1873.

Dissatisfaction with the Walker administration and legislation and Conservative rivalry, based both on prewar political affiliations as well as personal prejudices and conflicting business interests led to the nomination of James Lawson Kemper as Conservative candidate for governor.

Kemper, a planter and lawyer from Madison county, veteran of two wars—the Mexican and the Civil War, and pre-war Democrat had first opposed the "new Movement" then supported the Walker campaign in 1869, campaigned vigorously for Greeley in the campaign of 1872 and in 1873 was the most formidable opponent of Robert E. Withers for the gubernatorial nomination.<sup>10</sup> As in the campaign of 1869 which brought the Conservatives back to power, William Mahone acted as broker, providing financial and other assistance, although at first he did not favor Kemper for the nomination. Mahone would have preferred Judge Waller R. Staples, who did not choose to run.<sup>11</sup> The only other Conservative candidate was Withers, whose railroad interests were not congenial with those of Mahone. Withers was allegedly the candidate of the "Bucktails," a name commonly used for supporters of the Pennsylvania Railroad interests in Virginia. Moreover, Withers had opposed Mahone and his consolidation plans vigorously through his newspaper, the Lynchburg News. Kemper's early efforts at getting the railroad magnate's support are amusingly described in a letter from Richard F. Walker, one of Mahone's "most trusted" political informants. Walker wrote:

Gen. Kemper called in to see me yesterday. He evidently wants to be Governor, but "wants the office to seek him." I felt him, of course, in a quiet way, with reference to the "Bucktails," etc. He declared if he should be elected, he would come here "untrammled, and with no man's collar about his neck!!" I weighed him, and he

<sup>10</sup> Richmond Whig, August 7, 1873; Jones, "Conservative Virginian," 124, 126.

<sup>11</sup> Jones, "Conservative Virginian," 157.

is wanting! I would not trust him. Judge Staples has had several conversations with me. He is "all right," and the best man, probably, we could put in the field. 12

But inasmuch as Staples was unwilling to run for various reasons including that of poor health, Mahone was forced to consider Kemper. One month later, Walker wrote to Mahone again about the candidate's projects:

If Kemper is all right, with him we could make a strong fight. There is a great deal of "fuss and fury," i.e. humbug about him. At the battle of Seven Pines, in his shirt-sleeves, John M. Daniel said he heard him exclaim, with his crescent-shaped sword in hand, "Come on, my bloody heroes! Charge!! Send these Devils to Hell!!!" Such a man is strong always before the unwashed, and if he is right, we can easily win with him and Jim Walker for Lieutenant-Governor. 13

Mahone vigorously supported Kemper but his interests would not have suffered greatly had the Republicans won. Colonel Robert W. Hughes, Republican candidate for governor, was a friend and longtime associate of Mahone who had supported his Southside Consolidation plan of 1867.<sup>14</sup> Hughes, a native Virginian, newspaper editor, former secessionist and Confederate supporter, had joined the Republican party soon after the war. However, the railroad magnate did not support his friend Hughes for governor, feeling most probably that he could not win.

Mahone's assistance was largely financial, but as railroad president and employer of large numbers of black workers, he assisted the Conservatives by sending out most of the black railroad employees to repair the road on election day, making sure their return was delayed so long that they

12

Richard F. Walker to Mahone, Richmond, April 12, 1873, cited in Blake, Mahone, 139.

13

Ibid., May 26, 1873.

14

Jones, "Conservative Virginian," 162.

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would be unable to participate in the elections.<sup>16</sup> Another dubious scheme, though there is no evidence that it directly involved Mahone, as it had to be carried out by election officials, was the use of tissue ballots by Conservatives, making it possible to use a number of them in place of a single regular ballot. When this device was used, the number of votes cast in an election frequently was in excess of the number of persons registered to vote. In such a case, the number of votes had to be reduced, and the blindfolded man selected made sure to withdraw no tissue ballots. Mahone's biographer, who described this "chicanery" stated that as a result many of the Negro ballots were extracted and "their vote correspondingly decreased."<sup>15</sup> The use of money was widespread, and both the Kemper and Mahone correspondence contain letters testifying to the widespread use of funds for the purpose of bribing voters.<sup>17</sup> In addition, Virginia's open ballot made easy the intimidation of black workers by their Conservative employers.

Whether due to fraud and intimidation or to the will of the electorate, Conservatives won a great victory in the November 1873 elections, carrying both the governorship and seventy-six percent of the legislature.<sup>18</sup> Conservatives exulted over their success. The Whig sought to explain the victory in terms of superior tactics, and somewhat smugly exhorted fellow southerners everywhere to emulate their methods. Crowed the Whig:

15  
Blake, Mahone, 145.

16  
Ibid., 144-145 and footnote.

17  
Blake, Mahone, 143.

18  
Ibid., 144.

As a Virginian we can but feel pride in the wisdom displayed by our people in the management of our State affairs through the trying period of the last eight years. Ever true to their honor and manhood, they have yet exercised that patience under oppression that could not successfully be resisted, and that wisdom in avoiding entangling alliances with parties North purely political, Radical and Bourbon, that has enabled them to steer their tempest-tossed bark between breakers innumerable to a haven of safety. In the meanwhile how many of our Southern sister States, with prospects none the less propitious, have been stranded by accepting the leadership of men who, however true and patriotic, lacked the prudence and judgment requisite for the occasion. Without intending to be vainglorious or boastful, we can point to the Conservatism of Virginia as an example worthy the emulation not alone of our brethren of the South, but of every State and section of the Union. All honor to the wise heads and brave hearts that secured us the victory in 1869, and the unconditional surrender of our opponents upon the 4th of November 1873. 19

The 1873 legislature showed some interesting changes over the "first redeemer" legislature—that of 1869–70. The Whig editorialized joyfully over the presence of the "old names among the new members." "We are pleased," it wrote, "to recognize many names that are familiar to our ear, because of efficient services rendered the Commonwealth, in the halls of legislation, in ante-bellum days."<sup>20</sup> Sixteen delegates to the house and three senators, according to the Whig, had antebellum legislative experience. Best known of these was the Honorable Alexander H. H. Stuart, who had helped lead the Conservative coalition to victory in 1869 but had held no office himself at that time. Democrats were becoming bolder. Persons who would not have dared appear at the hustings a few years earlier were taking their seats in the new assembly. Robert L. Montague, for instance, secessionist antebellum speaker of the house of delegates and Confederate officeholder now represented Middlesex County in the new house of delegates.

19

Richmond Whig, November 8, 1873.

20

Ibid., December 31, 1873.

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Another "old name" was Robert E. Withers, who had demonstrated his zeal for the Confederate cause by naming his thirteenth child Virginia Secessia, and in his haste to defend his homeland, rode off to war leaving his wife still confined to her bed.<sup>22</sup>

Virginia was truly "redeemed" in 1873. Many members of the 1873 legislature could not have been on the ballot in 1869 for two reasons--their disabilities imposed by Congress under the Reconstruction Acts and Conservative strategy which stipulated that out-and-out secessionists and obvious representatives of the status quo ante bellum should be avoided as candidates. By 1873, however, the Conservative party was well entrenched. In addition, by this time, the national climate left little to be feared from the Federal government. Conservatives were now free to pursue openly their real objective--the well-being of the former ruling class in the state at whatever cost to the rest of the population. Hallmark of the Kemper administration was the limitation of the suffrage through a constitutional amendment passed in 1874 and ratified in 1876. The amendment provided that failure to pay the poll tax and conviction of misdemeanors would disqualify persons otherwise eligible to vote.<sup>23</sup> This measure, together with the abolition of one-third of the local offices, was aimed at the freedmen and resulted in the crippling of Republican control in local communities.<sup>24</sup> Restoration of the whipping post, and disfranchisement of any person so punished, were also legislative features of the Kemper regime. The intent of all these measures was to limit black

22

Withers, Autobiography,

23

Pearson, Readjustors, 50.

24

Ibid., 51.

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suffrage. Some years later, the grievances of both black and white voters against the Conservative regimes combined to inspire Virginians to oust Conservatives and elect "readjustors" in their official places.

As indicated in an earlier chapter, the legislature that convened in December 1873 contained a greater proportion of farmers than did the 1869 legislature. There were also proportionately more slaveowners, and their average slave holdings were higher than in the 1869 legislative body.\* The ninety-nine Conservatives in the house of delegates had a total of nineteen occupations, of which the largest was that of farmer. There

Table 24  
Occupations - Virginia 1873-74 Legislature

Occupation of Delegate	Conservatives		Republicans		Total
	House	Senate	House	Senate	
Farmer	33	10	13	0	56
Lawyer	18	13	1	2	34
Judge	1	1	0	0	2
Merchant	6	2	1	0	9
Manufacturer	2	1	0	0	3
Physician	6	3	1	0	10
Editor	2	0	0	0	2
Carpenter	1	0	0	0	1
Teacher	0	1	0	0	1
Minister	2	0	0	1	3
RR Clerk	0	0	0	1	1
Officeholder	3	1	1	0	5
Student	1	0	0	0	1
Agent (Real Est. or Insurance)	3	0	0	0	3
RR Superintendent	1	1	0	0	2
Cobbler	0	0	1	0	1
Laborer	0	0	2	0	2
Farmer-Merchant	1	0	1	0	2
Farmer-Physician	2	0	0	0	2
Lawyer-Teacher	0	1	0	0	1
Farmer-Lawyer	1	0	1	0	2
Farmer-Minister	0	0	1	0	1
Legislator	2	0	1	2	5
Painter	1	0	0	0	1
Unknown	<u>13</u>	<u>3</u>	<u>9</u>	<u>3</u>	<u>28</u>
Total	99	37	33	9	178

\*See figures pp. 32, 34 above, and 231-32 below for comparison.

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were thirty-three farmers, plus five combinations of farmer and other occupations — a total of thirty-eight. The second largest category among Conservative members of the house was that of lawyer. There were eighteen lawyers, one lawyer combination and one judge. Six merchants and two manufacturers make a total of eight businessmen in the legislature. Six physicians, two editors and two ministers, when added to the twenty members of the legal profession made those engaged in the professions the second largest group. Two persons listed only as legislators, a carpenter, a painter, three agents, a student and a school superintendent, comprise the rest. Thirteen of the ninety-nine were not found. There were thirty-three Republicans in the Virginia house. Here too, farmers made up the largest number—thirteen farmers plus three others who combined farming with other occupations—a total of sixteen. There was only one lawyer in addition to one farmer-lawyer, two laborers, one physician, one cobbler, one person listed only as "delegate" and one officeholder. The occupations of nine could not be determined.

Although farmers predominated among Conservatives in the legislature as a whole, lawyers outnumbered farmers three to two among the thirty-seven Conservatives in the Virginia senate of 1873-74. There were including lawyers, 1 judge and 1 lawyer combination, ten farmers, three physicians, and one additional teacher brought the professional groups to a total of nineteen. The business groups were comprised of two merchants, one manufacturer and a railroad superintendent. There was one member identified only as officeholder, and three Conservatives could not be found in the 1870 manuscript census. There were no farmers among the nine Republican senators in the 1873-74 legislature. Three were not found, and the rest consisted of

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two lawyers, one minister, one railroad clerk and two legislators, a label indicating that when the census was taken they had been legislators.

In both houses, the largest groups among Conservatives were farmers and professional groups, especially lawyers. In accounting for this fact, the availability of these groups for the time-consuming duties of the legislature should be noted, as well as the predominance among Conservatives generally of these two occupations. It was far more difficult for a merchant or manufacturer to leave his business than for a farmer to attend the legislature in the slow winter months. Furthermore, the profession of law had been traditionally, as it still is, a stepping stone to political achievement. Inversely, political success was also an effective way to increase one's law practice. However, the predominance of these two groups and the apparent absence of more industrially-oriented members of the legislature does not mean that industrial interests were not represented, as the actions of these two Virginia legislatures demonstrates. Lawyers in increasing numbers were retained by the railroads and other corporate interests, and farmers might also have business connections. It is worth noting that of the twelve merchant-manufacturers in the legislature, only one was a Republican, the other eleven being Conservatives.

Total real estate assets held by Conservatives in the Virginia 1873 house for whom reports could be found in the 1870 manuscript census was \$1,085,200, a figure one and a half times that of the 1869-70 assembly and almost six times that of its North Carolina counterpart. Fourteen members could not be located in the 1870 census, and for eighteen others no assets were listed. The average holding of all eighty-five Conservatives located in the census was \$12,767; the average not including those holding no assets was \$16,197. Table 22 shows the distribution of both real and personal

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estate. Although the largest number of Conservatives—twenty-four—owning real property fell in the category of over \$1000 and under \$5000, twenty-nine Conservatives held real estate ranging from \$10,000 to \$50,000. The median for Conservatives was \$9500, for Republicans \$600. The mode for Conservatives was between \$2000 and \$3000, for the Republicans \$200.

Table 25  
Distribution of Wealth Among Members of the Va. 1873-74 Legislature

Amt. of Real Prop.	Conservatives		Republicans		Total
	House	Senate	House	Senate	
Not Found	14	5	8	6	33
No Assets Listed	18	8	14	1	41
Under \$1000	4	2	6	1	13
\$1000 and under					
\$5000	24	6	3	1	34
\$5000 and under					
\$10,000	5	5	0	0	10
\$10,000 and under					
\$25,000	15	8	1	0	24
\$25,000 and under					
\$50,000	14	2	1	0	17
\$50,000 and under					
\$100,000	4	1	0	0	5
Over \$100,000	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>
Total	99	37	33	9	178

Amt. of Pers. Prop. Holding

Not Found	14	5	9	6	34
No Assets Listed	11	3	9	1	24
Under \$1000	29	11	8	1	49
\$1000 and under					
\$5000	24	9	7	1	41
\$5000 and under					
\$10,000	9	5	0	0	14
\$10,000 and under					
\$25,000	9	4	0	0	13
\$25,000 and under					
\$50,000	0	0	0	0	0
\$50,000 and under					
\$100,000	2	0	0	0	2
Over \$100,000	<u>1</u>	<u>0</u>	<u>0</u>	<u>0</u>	<u>1</u>
Total	99	37	33	9	178

Conservative personal estate amounted to \$580,400, averaging \$7,843 for those holding any personal assets, and \$6,828 if those known to have no personal assets are included. Republican personal assets totalled \$14,700 and averaged \$980 or \$612 depending on the inclusion or exclusion of those listed in the census as having no assets. The Conservative average was eight times higher than that of the Republicans; Conservative totals and averages were considerably higher than those of the 1869-70 legislature, but Republican totals and averages were much lower. The lower totals are due to smaller numbers of Republicans in the 1873 legislature, but lower averages cannot so easily be explained. Property-holding averages among Conservatives in all Virginia legislatures studied were greater than corresponding averages in North Carolina.

In the senate, Conservatives held a total of \$327,200 in real estate, averaging \$10,225 for each senator, a total of \$119,700 in personal assets averaging \$3740 a senator. On the other hand, out of the nine Republicans, the three who could be found held only \$1700 in real estate, averaging \$566. Total Republican personal assets amounted to \$1600 with an average of \$533.

Thirty-eight Conservatives in the house had owned a total of 895 slaves, averaging twenty-three slaves apiece. As twenty-three Conservatives were not found in the slave schedules of the 1860 manuscript census, the thirty-eight slaveowners represent fifty percent of the Conservatives whose reports were located. This is a much higher percentage than that given for slave-owning families in Virginia in 1860 as a whole, and very definitely establishes strong connections with the antebellum slavocracy. Thirty-eight Conservatives, or half of those found did not hold slaves in 1860. Only five Republicans of the thirty-three in the house had been slaveowners, with a total of 143 slaves, averaging twenty-eight apiece, if those owning no slaves are not

included. Eighteen Republicans had owned no slaves, and ten were not found.

Table 26  
Slaveholding Among Members of the 1873-74 Virginia Legislature

No. Slaves Held	Conservatives		Republicans		Total
	House	Senate	House	Senate	
None	38	11	18	3	70
One & under 10	12	6	0	0	18
10 & under 20	8	7	3	0	18
20 & under 30	8	4	0	0	12
30 & under 50	5	2	1	0	8
50 & under 100	5	0	1	0	6
Over 100	0	0	0	0	0
Not found in census	<u>23</u>	<u>7</u>	<u>10</u>	<u>6</u>	<u>46</u>
Total	99	37	33	9	178

In the senate, ~~nineteen of the thirty~~ Conservatives had been former slaveowners with a total of 288 slaves, giving them an average of ~~fifteen~~ slaves. No Republican senator had been a slaveholder in 1860 as far as it has been possible to determine. Although there was no appreciable difference between the 1873-74 legislature and the first Redeemer assembly in the number of former slaveowners among Conservatives, there was a considerable increase in the total number of slaves held--from 801 in the 1869 legislature to 1183 in the 1873 body--suggesting an increase in the number of large slaveowners. Eleven of the nineteen men mentioned in the Whig editorial had been slaveowners before the war. Virginia Conservatives also owned approximately two and a half times as many slaves as their North Carolina counterparts in the corresponding legislature.

Forty-five, or less than half, of the ninety-nine Conservatives in the house had served in the Confederate army during the Civil War. This casts some doubt on the frequently made allegation that war service was almost a prerequisite to political advancement in the postbellum period<sup>25</sup>

<sup>25</sup>Withers, Autobiography, 319.

It is true, however, that top offices in the period did go to veterans as in the case of the governorship in 1873 and the choice in 1874 of Confederate veteran Robert E. Withers for senator over the more politically experienced antebellum statesman and Confederate officeholder Robert M. T. Hunter.<sup>26</sup> But it was apparently possible to be elected to the legislature even if one had not come to the defense of his native state in her hour of need. For forty-eight Conservative members of the house there is no evidence of war service. Two were Confederate officeholders, and four were definitely non-participants. Of the Republicans, nine of the thirty-three members of the house had served in the Confederate army and none in the United States army, suggesting that the outside white faction was being eased out of political influence. The twenty-four others, fifteen of whom were black, were not located in the Index to the Records of the War of the Rebellion, and can be presumed to have been non-participants. If the two houses are considered together, seventy-one, or over half of the 136 Conservatives were Confederate veterans. Yet an impressive number, sixty-five, had seen no war service as far as could be determined. Of these sixty-five, eleven had owned twenty slaves or more, thus exempting from conscription and five had been over fifty years of age, five had been under twenty in 1869 and thus might not have been expected to serve. A total of twenty-eight had been slaveowners. This leaves a considerable number, whose lack of war service cannot be accounted for.

Twenty-six of the ninety-nine Conservatives in the house had had previous political experience, one was definitely inexperienced politically,

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Richmond Whig, November 8, 1873.

and this factor was undetermined for the seventy-two remaining members. Of the Republicans, only six, all black, had had previous political experience. This, of course, was not ante-bellum experience. In the senate, a much larger proportion of Conservatives had held elective office—sixteen out of thirty-seven—while five out of the nine Republican senators had also held public office prior to their election.

The average age of Conservative members of both house and senate was forty-three. Republicans in the house averaged forty-five years in age. Insufficient data for Republicans in the senate makes it impossible to estimate the age of the average Republican senator. The five whose age was determined were exceptionally young. Average age for all Virginia legislators was forty-one, forty-two for Conservatives and thirty-nine for Republicans.

All Conservatives in both houses were white in contrast to Virginia's "first Redeemer legislature," where three Conservatives in the house had been black. Like the earlier body, black Republicans outnumbered whites in the 1873 house—eighteen blacks to fifteen whites. Republicans in the senate were comprised of three blacks and six whites. There was a much higher percentage of black legislators among Republicans in Virginia than in North Carolina where white Republicans predominated.

The education of sixty-one Conservatives in the house could not be determined, as such information is not included in the 1870 census, and must be gleaned from whatever sources could be obtained. Of those found, none had less than a college education, and thirty-three of these had had additional professional training to obtain a license to practice either law or medicine. Of the Republicans, twenty-eight were not found (seventeen of these were black) and five had had college training plus professional training. In the senate, eighteen of the thirty-seven Conservatives had had

college plus professional training, while the other nineteen could not be found. Only one Republican senator could be found in the college plus category. The education of the other eight could not be determined.

Eighty-two of the ninety-nine Conservatives in the house were native-born, three were born in other states, all southern, and the birthplace of one was Prussia. Thirteen could not be located in the manuscript census. The vast majority, twenty-one, of the Republicans in the house were also born in Virginia. Two had been born in Pennsylvania, and one in Delaware. None was foreign-born and nine could not be located. In the senate, thirty-two of the thirty-seven Conservative senators were Virginia-born, two were not found, two were born in other southern states and one was born in Ireland. Two Republican senators were born in Virginia, one in New York, and one in England. Five could not be located in the census. Thus ninety-four percent of Conservatives in both houses were native-born. Though the percentage of native-born Conservatives in the 1869-70 legislature was almost as high, there had been a few northern-born Conservatives due to the fact that in the coalition party moderate Republicans had joined Conservatives. In 1869, thirteen of the forty-two Republicans were northern-born.

The largest group of Conservative members of the house came from the Tidewater region. This was the oldest section of the state and contained the two largest cities—Richmond and Norfolk. Although there was a sizable black population in this area—nineteen of the twenty-eight counties had black majorities in 1870—Conservatives nevertheless managed in 1873 to regain eight of these counties by using such methods as employer intimidation. The Richmond Whig pointed proudly to the fact that eight counties in the Tidewater region which "have since '66 been under Radical control" had returned "able Conservative representatives to the House of Delegates, instead of

ignorant negroes and migratory carpet-baggers."<sup>26</sup> The second largest group of Conservatives came from the Shenandoah Valley. No Republican members of the house came from the Valley and only one from the Piedmont, the section just east of the Valley which had black populations of 19% and 41% respectively. Conservatives from the Piedmont were also a sizable group, numbering twenty-one. Twelve Conservatives represented the Appalachian and Blue

Table 27  
Geographical Distribution of Members of Virginia's 1873-74 Legislature

Section	Conservatives		Republicans		Total
	House	Senate	House	Senate	
Tidewater	28	9	8	4	49
Shenandoah Valley	22	6	0	0	28
Piedmont	21	7	1	0	29
Southside	10	5	17	5	37
Northside	4	3	6	0	13
Eastern Shore	2	1	1	0	4
Appalachia	9	5	0	0	14
Blue Ridge	<u>3</u>	<u>1</u>	<u>0</u>	<u>0</u>	<u>4</u>
Total	99	37	33	9	178

Ridge sections west of the Valley, four came from the Northside, the area around Alexandria, and two from the Eastern Shore, the long cape that extends from Delaware to Virginia and forms the eastern rim of Chesapeake Bay. Republicans' largest contingent came from the Southside—so named because it comprised the area south of the James River. All except one of its seventeen counties had black majorities. It included three important cities—Petersburg, Danville and Lynchburg. The first of these cities had a large and politically effective black population to the great grief of Conservatives. Danville was divided politically, and Conservatives usually controlled Lynchburg. Seventeen Republicans and eight Conservatives represented the Southside. Republicans had no delegates from the Valley, a predominantly white area, or

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Richmond Whig, November 8, 1873.

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from Appalachia or the Blue Ridge, mountainous areas sparsely populated almost entirely by whites. They did have a majority in the Northside, the population of which was about three-fifths white. One Republican represented the Piedmont as opposed to the Conservatives' twenty-one,<sup>27</sup> one the Eastern Shore and eight the Tidewater region, chiefly Norfolk and the "Peninsula"-the strip of land between the James and York rivers extending from Williamsburg and Yorktown to Fort Monroe which had been held by federal troops under General Butler the last year of the war. The percentage of blacks in the Southside was 59%, that in the Tidewater area 52% while in the Piedmont, it was only 41%. In the Northside, it was 44%, but that area had been a unionist stronghold and seat of the Piedmont government during the war.

Most delegates in both parties came from towns or townships rather than cities. As the census locates all persons, even farmers in townships, it is difficult to determine the portion who lived in the country. Sixty-four Conservatives and six Republicans could not be located. In the senate about twice as many Conservatives came from town as from cities. The Republicans' small numbers make their statistics almost meaningless; four from towns, three from cities, and two unknown.






Conservative senators represented every section of the state, while Republicans, who totalled only nine senators, had representation from only two areas, Tidewater and the Southside, where they had four and five senators respectively. The situation in either house did not differ markedly from that in the 1869-70 legislature except for Conservative gains all over.<sup>28</sup>

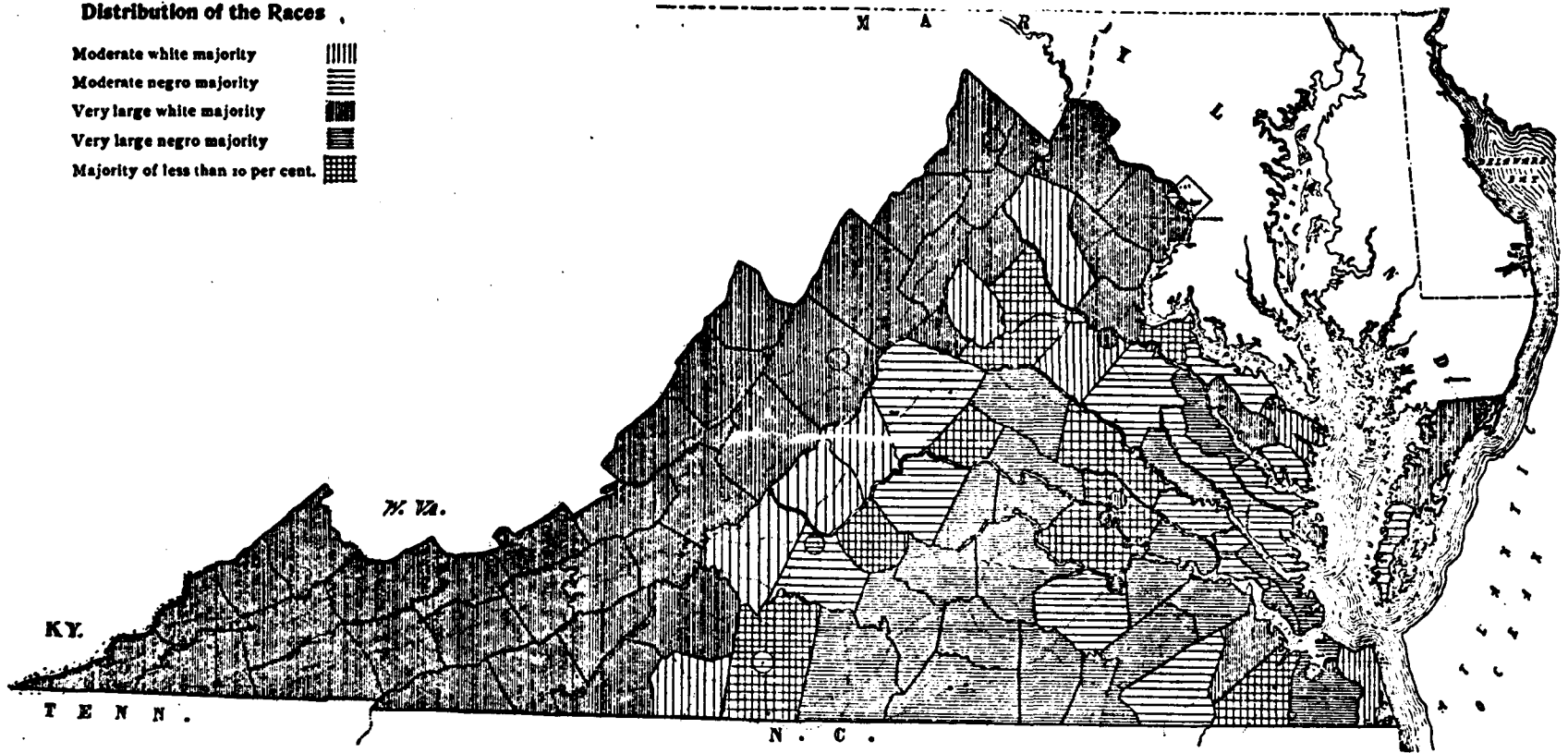
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27  
Eleven of the fourteen counties in the Piedmont had white majorities.

28  
See Table 13, page 55.

**Distribution of the Races**

- Moderate white majority 
- Moderate negro majority 
- Very large white majority 
- Very large negro majority 
- Majority of less than 10 per cent. 



Charles C. Pearson, The Readjuster Movement in Virginia (Gloucester: Peter Smith, 1969), 129.

The position of the Valley and mountain areas in the Reconstruction period is paradoxical considering their wartime record. These areas held the greatest number of unionists, and they had fewer blacks than the Tidewater and Southside areas, but their fear of "radical" or black rule influenced them to join with Conservatives. Not until 1879, after nine years of self-serving misrule by Conservatives, would these areas turn against them and support the Readjustors led by General William Mahone of Petersburg and his Valley lieutenant, Harrison Holt Riddleberger, editor of the Shenandoah Democrat.

## CHAPTER VIII

## NORTH CAROLINA: THE FLAWED VICTORY

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One of the main objectives of Conservatives in their efforts to regain political control in North Carolina, was the calling of a constitutional convention to make changes in the liberal constitution drafted by the Radicals in 1868. Their intention was to repeal the most progressive features of that document and thus consummate their victory at the polls in August 1870. The judiciary was still held by the Republicans; and although Conservatives had been successful in impeaching Governor Holden, the Lieutenant-governor who succeeded him, Tod Caldwell, was also a Republican. If Conservatives could modify the state constitution so as to return control of the judiciary to the Conservative-dominated legislature, they would in effect have complete control of the state. Such a plan was outlined in a letter from the promoter, George Swepson, to his attorney, Matt Ransom in the fall of 1870. Swepson was primarily concerned with the political aspirations of his attorney, rather than the welfare of the state when he wrote as follows:

Vance goes from here to Norfolk or perhaps to Baltimore to remain a few days. He will then go home. He says he had to talk with Merrimon on the subject of the Senatorship. M said he wanted it and V replied, "I want it also." They then agreed if it was determined to elect no one who had not been "relieved" Vance is to support Merrimon. But if it is thought prudent to elect one who was not "relieved" M is to go for Vance. He says Merrimon would rather go on the Supreme Court Bench. Vance says the plan will be for the Legislature to be very moderate and after the present Congress shall close its session to call a convention, go back to the old constitution and laws as near as possible. Let the judges be elected for life as heretofore, having only three on the Supreme Court, and increase salaries to 5 M each. So you see what takes Merrimon. Vance wants to know of me what your wishes were on the Senatorship...He then said you were very strong and having been relieved would make a good run if you wanted the place, but that you were too easy on the Radicals. From what Vance says I see very plainly that Merrimon will be your only formidable competition if it be determined to elect no one who is "banned," and Merrimon can be quieted by an

assurance of the calling of a convention at the start of the Session--electing judges for life and putting M on the Supreme Court Bench for life at 5 M salary. Vance is for Battle and Moore for the other two Supreme Court Judges. He is rather against Governor Bragg.<sup>1</sup>

It is evident from the above that personal as well as theoretical considerations were involved in the Conservative wish to resume complete control.

According to the provisions of the North Carolina constitution, a convention could only be called if two-thirds of the legislators in both houses voted for it, and the Conservatives could not secure a two-thirds majority on the bill. Another bill, which would take the question directly to the people was prepared and passed by a simple majority vote. However, Governor Caldwell, showing great courage in the face of a threat of impeachment, refused to implement the legislative act by ordering a referendum.<sup>2</sup> Conservative political acumen soon devised another scheme to bring about the desired convention. Dr. Edward J. Warren, a member of the 1870-71 legislature, wrote his friend David M. Carter, a wealthy planter of Beaufort County in the northeast corner of the state, of Conservative plans on the issue.

We have at last come to a determination on the convention question. A bill requiring no action by the Governor and containing but three restrictions, but having a two-thirds clause, will be introduced in the Senate and passed by a two-thirds majority. It will go to the House where it will fail. The vote will then be reconsidered, the two-thirds clause stricken out, and the bill will then pass by a majority. It will then come back as amended to the Senate and be concurred in. It will be submitted to the people on the first Thursday in August, at which time delegates will be elected. Except in the particulars above mentioned the bill will be pretty much the same as the present act.

1

George Swepson to Ransom, Alleghany Springs, Va., Sept. 11, 1870, Hanson Papers, SHC.

2

Albion Tourgee to Victor C. Barringer, Greensboro, Feb. 15, 1871, microfilm roll 10, Tourgee Papers, Letterbook, 260, SHC.

This is our agreement, Robbins and others concurring. I regard it as a victory on the part of those who entertain my views—substantially so. I am fully satisfied that, if we had agreed to abandon the convention, it would have resulted in the disintegration of our party. I believe we thus save our party, and that we can beat Caldwell and his co-conspirators on the bench.<sup>3</sup>

There was doubt in the minds of some Conservatives, however, of the legality of subverting the provisions of the constitution, much as they detested its liberality. Lewis Hanes, editor of the Salisbury Old North State discussed the question in a letter to lawyer Edward Conigland.<sup>4</sup> He spoke of the views which the state's most eminent jurist, Judge Thomas Ruffin, had expressed to him in 1866, and stated that he would publish Ruffin's views in his paper. Hanes concluded:

I scarcely need say to you, who have read my formerly expressed opinions of the Great Chief Justice, that I regard him as much the highest authority that can be cited on the legal and Constitutional principle involved in the present question. I never had clearer convictions in my life than I have of the unconstitutionality of the present law. If it had originated with the Republicans, there is, in my humble opinion, scarcely a lawyer of repute in N. C. that would not have denounced it as revolutionary and void. This will be generally admitted after a few years, I think.<sup>5</sup>

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Edward J. Warren to David M. Carter, Raleigh, March 2, 1871, D. M. Carter Papers, SHC.

4

Conigland, of Halifax County, though a Conservative, had served as part of Holden's defense and accepted no remuneration.

5

Lewis Hanes to Edward Conigland, Salisbury, N. C., May 30, 1871, Edward Conigland Papers, Southern Historical Collection, University of North Carolina, Chapel Hill, N. C.

Conservatives were premature in their aspirations. The proposed convention was defeated at the polls by a vote of 95,252 to 86,007.<sup>6</sup> Its defeat was a tribute to the popularity of the 1868 constitution, and also reflected a distrust of Conservatives by the majority of the voters. Fear of federal reprisal was also a factor.

The year 1871 brought further setbacks for Conservatives. The federal government belatedly took action against the Klan by passing a Ku Klux Klan Act in April 1871. Had it been enacted a year earlier, the Conservative victory and the subsequent impeachment of Governor Holden might have been averted, for the legislation declared secret societies illegal, provided for suspension of writs of habeas corpus in cases of disorder, gave military commanders more control over elections and increased penalties for violations of the Fourteenth Amendment.<sup>7</sup> More United States soldiers were sent into the state and finally in September 1871 a grand jury at Raleigh indicted 981 persons for Ku Klux activity. Despite the tardy nature of federal intervention, Judge Albion Tourgee in December of that year wrote President Grant expressing gratitude and attributing the indictments of federal action. Though the General Assembly continued to be controlled by Conservatives, in 1871 they were unable to capitalize on their victory without changes in the constitution.

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<sup>6</sup> Olsen, Carpetbagger's Crusade, 190.

<sup>7</sup> Everette Swinney, "Suppressing the Ku Klux Klan: The Enforcement of the Reconstruction Amendments, 1870-1874," (unpublished doctoral dissertation, University of Texas, June, 1966), 154.

By 1875, however, the climate had changed. The national government was in disrepute. The Redeemers deftly avoided their mistake of 1871 by not referring the question to the people; instead they issued a call on the basis of a two-thirds majority of the legislature, which they were now able to command. Moreover, proponents of the convention bill had written into the text of the bill "restrictions" on the extent of constitutional change in order to make the idea of a convention more palatable to the people. Such matters as homestead and personal property exemptions, restoration of corporal punishment, abolition of the public schools or deprivation of black persons of their newly acquired rights were among these "restrictions."

Although during the campaign to elect delegates to the convention in the summer of 1875, Conservatives carefully avoided spelling out in public the changes they desired, contenting themselves with casting aspersions on the authors of the 1868 Constitution, their objectives were clearly set forth in the correspondence of William A. Graham, perhaps the most astute leader of the group. In a letter to David F. Caldwell June 10, 1875, Graham wrote that "we are yet engaged in a contest for self-government by the native white race, and against the blacks, and their foreign allies, the latter consisting of office holders, State and Federal, and other minions of power." <sup>8</sup> Remarking that "it would

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Graham to Caldwell, Hillsboro', June 10, 1875, typescript, David F. Caldwell Papers, Southern Historical Collection, University of North Carolina, Chapel Hill, N. C.

have been more satisfactory to have a Convention without limits on its power, Graham concluded that despite the restrictions "there is room for many salutary amendments, which if we can adopt, we may confidently expect all other needed ones in the future." He then outlined the reforms which he considered desirable, all obviously unsuited for publication. Some of the most telling were:

1. Providing that all persons convicted of infamous crimes, Larceny, Forgery, Perjury, etc., shall lose their free law, as formerly and not be allowed to vote, or give evidence in Courts of Justice, 'til restored to credit by the Legislature, on proof of reformation.

2. It is proposed to exonerate voters from the degrading oath that each man will support the Constitution and Laws of the State, and of the United States., laws embraced in not less than 500 volumes - an oath imposed to degrade and insult freemen.

3. To emancipate the General Assembly, and permit the people, through their representatives at each session, to enact laws as they did formerly, as to how many judges and Circuits there shall be, what system of County Government, what punishment of crimes, etc. With one million of people, we have in the penitentiary near 700 convicts, while Ohio, with 3-1/2 millions has 612, and the number increasing with us every Court that is held. The system has failed with us. It is no terror against the commission of crime, and is too expensive. We must do, as Virginia does, whip thieves, and turn them loose; and if the crime is repeatedly committed, hang them.<sup>9</sup>

The first and third proposals although not explicitly so stating, were attempts to intimidate and deprive the black population of their rights as well as lighten the taxpayers' burden. They were apparently inspired by the example of Virginia whose Conservatives had passed a law making

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Ibid.

stealing a form of larceny and depriving persons convicted of that  
 crime of the vote.<sup>10</sup> It is interesting that the crime Graham com-  
 plained of was thievery, involving property rather than persons,  
 a crime of which Negroes were constantly being accused and convicted.  
 For the most part the victims of these proposals would be black.  
 Eventually the convict lease system would solve the problem of upkeep.  
 Under this system, the employer would be required to feed and clothe  
 the convicts who worked for him.

The degree of compassion and humanity of this Conservative leader  
 whom the Peabody Fund had entrusted with disposing of monies for common  
 school education in North Carolina, is further demonstrated by two  
 other proposals designed to deal with the unfortunate.

4. "To relieve the Legislature from the obligation to  
 establish inebriate and idiot asylums, and orphan asylums,  
 and leave the drunkard to his voluntary fate, and bind out  
 our Orphans to good masters, who will bring them up to be  
 useful citizens....

4. To require ~~lunatics~~, who have the means, to pay  
 their expenses in the Asylum, instead of nursing their  
 estates for kindred, after their deaths, and the same with  
 students in the University.<sup>11</sup>

In contrast to the candid statements quoted above, Governor  
 Graham's "Address to the People of Orange County," published in the  
 Raleigh Sentinel and widely distributed during the campaign was far

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<sup>10</sup>  
 See Chapter VII, 189.

<sup>11</sup>  
 Graham to Caldwell, Hillsboro', June 10, 1875, Caldwell Papers, SHC.

more circumspect, and took great pains to assure the voters that they had nothing to fear. Fully three-quarters of the document dealt with the restrictions placed on the Convention. Moreover Graham assured the voters, black and white, that even if such restrictions were ignored by the delegates, the Constitution must be ratified by popular vote, and that in any event the United States Constitution would ultimately protect the citizen. The only thing to be feared, warned Graham, would be the election of a majority of Republicans, whom he cleverly accused of supporting a new kind of "nullification," a doctrine very unpopular in the state, who might "run riot over the restrictions" and "provide for laying off of districts for the election in the future of colored judges, or other officers, to secure party support; and occasion mischievous contention, and the most fearful results."<sup>12</sup>

After exhorting complacent Conservatives not to remain aloof from the election, Graham turned toward the end of his address to Conservative proposals for amendments, dismissing them as "too numerous to be set forth in this address."<sup>13</sup> He did not even criticize any article of the 1868 Constitution, but suggested that since it "was formed and adopted under circumstances, when the people of the State were under a constraint, which deprived them of that freedom of will which is necessary in providing a Government for

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<sup>12</sup> William A. Graham, "Address to the People of Orange County," July 17, 1875, typescript, Graham Papers, North Carolina State Archives, Raleigh, N. C.

<sup>13</sup> Ibid.

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themselves...that in many particulars it may be greatly improved, and relieved of provisions now seen to be injurious."<sup>14</sup> Other Conservative canvassers were also evasive about revealing their intentions or criticizing the 1868 Constitution specifically; they hinted vaguely at its "unsuitability" due to its "alien" authorship.<sup>15</sup>

Republicans were not misled by Conservative reticence and conducted an effective campaign, sticking close to the issues that clearly affected the public welfare. "Rich Men's Sons to be Educated at Poor Men's Expense" is the headline of one editorial in a Wilmington Republican newspaper, pointing out that the late legislature had appropriated \$125,000 in bonds to the University, on which the people will be taxed to pay an annual sum of \$7500, while they had done "nothing towards educating the poor children of the State."<sup>16</sup> The Republican press also picked up comments of Conservatives less cautious than the discreet Graham. Both the Asheville Pioneer, a western paper, and the Wilmington Weekly Post quote William J. Yates, editor of the Charlotte Democrat, who wrote on the convention issue as follows:

If a Convention is called let it be unrestricted --let there be no pandering or promise to Radicalism or imported Yankee ideas--let the old-time practices be restored, including the whipping-post and qualified suffrage.

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<sup>14</sup>  
Ibid.

<sup>15</sup>  
Wilmington Weekly Post, July 25, 1875.

<sup>16</sup>  
Ibid., August 1, 1875.

21  
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Yates even attacked the Homestead provision of the constitution, one of the "restrictions" and perhaps the most cherished provision of all, saying:

The Restrictions imposed in the bill as it passed the Senate are degrading and disgraceful to the people of the State, especially in its pandering to the prejudices of our fanatical enemies at the north. No North Carolinian should ever say that he is willing to surrender his claim for damages in the unlawful emancipation of and deprivation of personal property, although we are all now opposed to re-establishing slavery in any shape.<sup>17</sup>

Answering conservative charges that the Republican party consisted of "all the ignorance that exists in the State," Republican editorials were quick to point out the sorry record of the ante-bellum ruling class with regard to education among the masses of the people.

Ignorance was the corner-stone and chief support and guard of slavery, and this dark and hideous monster sat enthroned in regal state in every cabin and hut in the State, even though they contained thousands and tens of thousands of white people. To perpetuate slavery it was necessary to perpetuate ignorance, and ignorance could not be maintained among slaves without its being maintained among poor whites also.

Human slavery was the wealth of the aristocrats of North Carolina previous to the war, and ignorance was the principal fetter with which they were bound, and little did these aristocrats care for the welfare of the poor white people of the State, and little did it interest them if they were reared up in the shades of the deepest ignorance and in the practice of the many vices that ignorance always entails. Their welfare was but a secondary consideration, and "poor scrubs" as Hon. J. M. Morehead is pleased to call white men, were always considered by the aristocrats as but cumberers of the land, only tolerated and endured because they knew of no speedy or safe way of disposing of them.<sup>18</sup>

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<sup>17</sup>  
Ibid., July 23, 1875.

<sup>18</sup>  
Ibid., August 1, 1875.



Citing ante-bellum laws enjoining education of the black man or woman under pain of punishment by whipping the editorial continued by pointing out that provision for education of the poor, black and white alike, was only undertaken by the Radical-sponsored constitution of 1868, which the Conservatives sought to revise. And it ended with the observation that

while the democratic Legislature of this State neglects and refuses to put into execution the requirements made in the Constitution regarding the common school system of the State ...they took good care to appropriate \$175,000 of state bonds, the interest of which is to go to the support of the University at Chapel Hill, from which the sons of poor men are excluded, and to which only the sons of rich men can be admitted. Rich men are not taxed to educate poor children, but poor men are taxed that rich men's sons may go to college.<sup>19</sup>

The Republican campaign was effective and first returns revealed a small majority for Republican delegates, many of whom, as Tourgee wrote his wife gleefully, were pledged to vote for immediate adjour-  
<sup>20</sup>ment sine die. Clear fraud on the part of the Democratic commissioners of Robeson County resulted in the seating of the Democratic candidates  
<sup>21</sup>in spite of the fact that the Republicans had won the majority of votes. This reduced the Republican majority to nothing. The assembly opened

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Ibid.

<sup>20</sup> Tourgee to wife, September 7, 1875, Tourgee Papers, SHC.

<sup>21</sup> Olsen, Carpetbagger's Crusade, 199.

with fifty-eight Republicans, fifty-eight Democrats and three Independents, two of whom were actually Democrats. The third Independent, Dr. Edward Ransom of Tyrell County was uncommitted but soon indicated his availability.<sup>22</sup> Democrats moved more quickly than Republicans, electing Ransom to the Speakership in return for his promise to support certain Democratic amendments.<sup>23</sup> Ransom won by only one vote, however—his own. The Republican majority was thus transformed into a Democratic majority of exactly one.—Conservative William A. Graham having died between the date of the election and the opening of the Convention. One of the "Democratic Independents" joined the Republicans. Only the narrowness of their victory plus the skillful maneuvering of Republican caucus leader, Albion Tourgee, prevented the Democrats from realizing a complete victory.

The Convention opened in Raleigh early in September 1875 with the delegates ensconced at the Yarborough House or the National Hotel. The latter, whose proprietor was a Democrat, was used as Republican headquarters, while the Yarborough, owned by a Republican,

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<sup>22</sup>John Steele Henderson to wife, National Hotel, Raleigh, September 7, 1875, John Steele Henderson Papers, Southern Historical Collection, University of North Carolina, Chapel Hill, N. C.: Tourgee to wife, Raleigh, September 7, 1875, Tourgee Papers, SHC.

<sup>23</sup>Ibid.

24

was frequented chiefly by Democrats. One of the youngest of the delegates, 24-year-old John Steele Henderson, complained of the age of the delegates, stating that there were only four of his colleagues near his age.<sup>25</sup> Actually, there were more young representatives, though some were Republican and probably unacceptable social companions for the young Democrat.

In this convention a number of ante-bellum Democrats were present, and Conservative success was attributed to leadership exercised by such experienced politicians as General Thomas L. Clingman and David Reid.<sup>26</sup> Almost half the delegates had had political experience, and their average age was forty-one.

In the thirty-one days of the Convention which began September 5, 1875,<sup>27</sup> the Democrats, despite their narrow majority, managed to achieve a number of their long-sought reforms. However, the extreme proposals advocated by ex-Governor Graham were successfully opposed by the vigorous efforts of Judge Albion Tourgee who played a key role in holding the Republicans together and planning party strategy. The

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John Steele Henderson to Uncle Haughton, Raleigh, October 6, 1875, Henderson Papers, SHC.

25

Henderson to wife, Raleigh, September 19, 1875, Henderson Papers, SHC.

26

Henderson to mother, Raleigh, September 9, 1875, Henderson Papers, SHC.

27

Raleigh Sentinel, September 6, 1875.

most important of the Conservative gains were amendments providing the transfer of local government control to the General Assembly and for the appointment of judges and justices of the peace, who were formerly elected by popular vote, by the legislature. In the 1868 Constitution, Article VII provided for local elections. The amendment gave the General Assembly the power to change provisions in the Article.<sup>28</sup> The former action hit hard at areas such as Wilmington where Republicans were in control. When this measure was passed, the Conservative press rejoiced at the transfer of "control of county governments from the hands of irresponsible, corrupt and ignorant mob of untutored barbarians to the Legislature of the State."<sup>29</sup>

Just as vital to Conservative political interests was the abolition of popular election of judges and of justices of the peace. The convention provided for their appointment by the Legislature, now safely in Conservative hands, giving them control of two of the three branches of government. Further changes in the judiciary provided for the reduction of the supreme court judges from five to three and those of superior court judges from twelve to nine.<sup>30</sup> As might have been

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28

North Carolina, The Constitution of 1868 As Amended (Raleigh: Josiah Turner, State Printer, 1875), 53-55.

29

Goldsboro Carolina Messenger, October 18, 1875, also cited in Olsen, Carpetbagger's Crusade, 203.

30

Olsen, Carpetbagger's Crusade, 203.

anticipated, these steps greatly reduced the efficiency of the courts and the dockets became hopelessly overloaded. The amendments affecting the judiciary were passed late in the session. Conservative concern over their passage is exemplified in a letter from the mother of one of the delegates to her son:

Your Father fears the Convention will adjourn without passing a most important ordinance, restoring to the Legislature the appointment of Judges. He is most anxious for that to be embodied in the Constitution. I hope it will be. Your Aunt also spoke of it to me when I saw her last... also the Magistrates or Justices of the Peace. <sup>31</sup>

Other important amendments related to racial matters. Provisions for segregated schools was written into the Constitution whereas in the 1868 Constitution the question had been left undecided. A proposed amendment by a Negro delegate to the effect that "colored children shall have equal advantage with white children in the vicinage, and that all monies raised for school purposes shall be rationally divided between white and colored children of each race within school ages," <sup>32</sup> was voted down, clearly indicating that Conservatives had no desire to share funds for education equitably with blacks. Although Republicans for fought the amendment, in the end only three actually voted against a constitutional provision for segregated schools substituted by

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31

Mrs. Archibald Henderson to son, John Steele Henderson, Poplar Grove, N. C., Oct. 8, 1875, Henderson Papers, SHC.

32

Journal of the Constitutional Convention of the State of North Carolina Held in 1875 (Raleigh, State Printer, 1875), 130, also cited in Olsen, Carpetbagger's Crusade, 202.

the Conservatives, so strong was the feeling against integrated schooling among North Carolina whites.<sup>33</sup> Prohibition of racial intermarriage was also incorporated into the constitution by the convention, while Tourgee's efforts to subject white males to the penalty by making extramarital intercourse between persons of different races a "misdemeanor" was voted down.

The Republicans, by their presence, did succeed in delimiting the damage done to the Liberal Constitution of 1868. An example is the amendment to Article XI covering punishments, penal institutions and public charities. Although the constitution of 1868 had provided for hard labor and had endorsed the principle that prisoners should be self-supporting as far as possible, the Conservative amendment authorized "the employment of such convict labor on public works, or highways, or other labor for public benefit, and with farming out thereof where and in such manner as may be provided by law."<sup>34</sup> Through Tourgee's influence, the Republicans won a proviso that forbade any "convict whose labor may be farmed out" be punished for any failure of duty as a laborer except by a responsible officer of the State," and that "the convicts so farmed out shall be at all times under the supervision and control, as to their government and discipline, of

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33  
Olsen, Carpetbagger's Crusade, 203.

34  
North Carolina, The Constitution of 1868 As Amended, 61-62.

the Penitentiary Board, or some officer of this State." Without such a proviso, employers would have been free to exploit without limit prisoners in their charge. Even with it so, statistics of mortality rates among convicts farmed out were to give ample evidence of abuses.<sup>36</sup> By the resistance of Tourgee and his fellow Republicans, North Carolina did not return to ante-bellum penal practices of corporal punishment as did Virginia. Nor did the state undo the provisions to care for orphans, the indigent and the mentally ill set up by the 1868 Constitutional Convention. Nevertheless, Conservatives achieved many of their aims to the detriment of the state, for both blacks and the poorer whites were ill-served by the alterations. Interestingly enough, many of the 1875 amendments became burning issues in the eighties and nineties with the result that the Populist-Republican governments repealed them.<sup>37</sup>

#### The Convention Membership

Inasmuch as the numbers of Conservatives and Republicans were so close in this body, it would seem possible to make more accurate comparisons than with the 1870-71 legislature\* in which Conservatives

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<sup>35</sup> Ibid.

<sup>36</sup> William McKay, "Convict Leasing in North Carolina,".

<sup>37</sup> Olsen, Carpetbagger's Crusade, 206.

\* For comparative figures, see above 204-15.

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overwhelmingly outnumbered Republicans. However, an analysis of the membership of the 1875 convention yields some rather surprising results. Occupational differences between Conservatives and Republicans seem slight. Lawyers were prominent in both groups, more numerous among Conservatives than among Republicans, and there were seventeen Republican farmers to sixteen Conservative farmers. There were three physicians in each party. More Republican delegates were designated only as office holders--this would change after the convention -- and more were teachers while Conservative delegates included the only editor. Republicans included five merchants to the Conservatives two, but the latter had in addition five men who were involved in manufacturing and merchandising, all but one apparently on a part-time basis. The table below shows the occupations of the delegates to the 1875 Convention.

Table 28

## Occupations of Delegates to the 1875 Convention - 1870 Census

Occupations	Conservatives	Republicans	Total
Lawyer	17	13	30
Farmer	16	17	33
Merchant	2	5	7
Physician	3	3	6
Officeholder	1	7	8
Manufacturer	1		1
Editor	1		1
Teacher		2	2
Judge		1	1
Carpenter		1	1
Contractor (RR)	1		1
Clerk	1		1
Farmer-merchant	2		2
Farmer-lawyer	2	2	4
Farmer-minister		1	1
Farmer-manufacturer	1		1
Lawyer-merchant	1		1
Physician-farmer	1		1
Unknown	<u>10</u>	<u>7</u>	<u>17</u>
Total	60	59	119

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As far as wealth was concerned, more real wealth was in the hands of Conservatives, though differences in amounts were not overwhelming. Total real estate value possessed by Conservatives as reported in the manuscript census of 1870 totalled \$294,000, while that of the Republicans amounted to \$252,800, a difference of a little over \$40,000. The average holding of all Conservatives found in the 1870 census was \$6,391, that of the Republicans, \$5,159. The mode in both groups was in the \$10,000 and under \$20,000 bracket. As far as personal estate was concerned, however, the Republicans held more assets and their average was greater. The mode for the two groups however was similar -- under \$5,000. The larger amount of personal property among Republicans was in large part due to the assets of one Republican merchant, George Z. French, real as well as personal wealth was disproportionately high as compared with either group. Discounting his assets, Conservative averages, though not totals, were higher than those of the Republicans. Table 2.9 below lists the real and personal assets of delegates to the Constitutional Convention.

Table 29

Real and Personal Wealth of Delegates to the 1875 Convention (1870 Census)

Real Estate	Conservatives	Republicans	Total
No Assets	6	8	14
Under \$1000	5	8	13
\$1000 & under \$5000	20	22	42
\$5000 & under \$10,000	6	4	10
\$10,000 & under \$20,000	5	5	10
\$20,000 & under \$50,000	3	1	4
Over \$50,000	1	1	2
Unknown	14	10	24
	<u>60</u>	<u>59</u>	<u>119</u>
 Personal Estate			
No Assets	5	4	9
Under \$1000	15	18	33
\$1000 & under \$5000	19	19	38
\$5000 & under \$10,000	5	4	9
\$10,000 and under \$20,000	1	2	3
\$20,000 and under \$50,000	1	1	2
Over \$50,000	1	1	1
Not found in census	<u>14</u>	<u>10</u>	<u>24</u>
Total	60	59	119

As compared with the 1870-71 legislature, the average wealth, both real and personal, is considerably higher. This may be partially accounted for by the fact that since constitutional amendments were so important to both parties, convention delegates comprised more of the top leadership—in other words both parties sent their most capable and experienced people to the convention. The older, more established delegates tended to have more wealth.

Turning to slaveholding, twenty-three or 38% of all Conservative delegates had owned a total of 439 slaves in 1860, while fifteen Republican delegates or 25% had owned 432 slaves in 1860. Because of the closeness of the totals, and the fact that fewer Republicans had been slaveowners, Republican averages are higher. This is somewhat

misleading. Republican James A. Bullock of Granville had owned 119 slaves in 1860. Discounting his slaves, totals and averages for the Republicans drop considerably. However, the mode for the Republicans was in the twenty to thirty bracket, while that of the Conservatives was in the ten to twenty category. Table 30 below shows the distribution of slaveholding among delegates to the 1875 convention.

Table 30 38  
Slave-holding - North Carolina Constitutional Convention, 1875

Number of Slaves Held	Conservatives	Republicans	Total
None	22	36	58
One & under 10	8	3	11
10 and under 20	7	3	10
20 and under 30	4	5	9
30 and under 50	1	2	3
50 and under 100	3	1	4
Over 100	0	1	1
Not found	<u>15</u>	<u>8</u>	<u>23</u>
Total	60	59	119

As the statistics indicate, although more Conservatives had been slaveowners before the war, those Republicans who had owned slaves had owned larger numbers of them. Yet fewer Conservatives, as compared to those in the 1870-71 legislature, fell into the small slaveholder category. The percentage of Conservative slaveholders was well above the 28.8% for the state as a whole in 1860, while that of the Republicans was lower or comparable, depending upon whether all Republicans be considered or just those for which census data is available.

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38  
Based on 1860 census.

39  
Gray, History of Agriculture, I, 482.

As far as age comparison is concerned, Conservative and Republican delegates to the 1875 Convention differed very little. Ages of the delegates were remarkably similar, the mode for both Republicans and Conservatives being forty while the median for Conservatives and Republicans both was the same --forty five. The average age for Conservatives was forty-six, for Republicans forty-five. Distribution of ages for both groups is shown below.

Table 31  
Age of Delegates to North Carolina Convention

Age Group	Conservatives	Republicans	Total
20-29	3	3	6
30-39	11	11	22
40-49	18	20	38
50-59	10	13	23
60-69	8	4	12
70-79	0	1	1
Not known	<u>10</u>	<u>7</u>	<u>17</u>
Total	60	59	119

As can be seen, the age composition of the 1875 Convention is considerably older than that of the 1870-71 Convention. In the 1875 body, thirty-six Conservatives and thirty-eight Republicans were over forty as compared to fourteen in each group who were under forty. In the 1870-71 legislature, fifty-four Conservatives were under forty as compared with thirty-six over forty, while twenty-three Republicans were under forty as compared with thirteen over forty--almost twice as many. Of the ninety Conservatives found sixty percent were under forty as compared with twenty-eight percent of those Conservatives found in the 1875 convention.<sup>40</sup>

<sup>40</sup> See Chapter VI, 168.

Seventy-three percent of the Republicans found were over forty as compared with fifty percent in the earlier legislature. Although the convention was held five years later and some of the same persons were in both groups, a check of the 1870-71 legislature reveals that only seven Conservatives and eleven Republicans had been members of both bodies. In 1875, ten Conservatives and eleven Republicans are found among the top leadership of their parties.

In contrast with similarities as to age, the war service of the two groups was vastly different. Thirty-five or almost sixty percent of Conservative delegates had served in the Confederate army as compared to only sixteen Republicans. No Conservatives but two Republicans had served in the United States army. One Conservative and no Republican had been members of North Carolina legislature during the period of the Confederacy. Three Republicans and no Conservatives and thirty-eight Republicans could not be determined. Of the thirty-eight Republicans, seven were black and unlikely to have served, six were not native born and the birthplace of five were unknown, leaving twenty native-born whites who apparently did not participate or who were unionists. The birthplace of five Conservatives whose war service was undetermined was not found; two had possessed over twenty slaves in 1860 which might have exempted them from service under the Confederate conscription act, and one would have been too young in 1860 to have served. This leaves sixteen Conservatives whose activities during the war are unaccounted for. Some may have been dissidents or unionists, though this seems less likely in the case of the Conservatives.

There were also great differences between Conservative and Republican delegates in reference to birthplace and color. There were no black Conservative delegates, as Conservatives had long since established themselves as a white man's party. There were eight black Republican delegates, or twenty percent, which was not a very large number considering the fact that the party's most numerous and consistently loyal members were black. Black representation was greater in the Virginia legislature. The black-white ratio in the two states was about the same. As to place of birth, forty-seven or ninety-four percent of those Conservative delegates located in the 1870 census were native-born, two were born in Virginia and one in New York. The birthplaces of ten were undetermined. Of the Republicans, thirty-nine or about seventy-five percent of those found were native-born. Thirteen were born outside of the state, two in Virginia, two in England and the rest in the North or in non-slaveholding Western states. Birthplaces of seven Republicans were not established. Clearly native-born whites predominated among Republican delegates to the Convention, though the influence of the outside white, Judge Albion Tourgee, was enormous and disproportionate to the number of Northerners. Conservative delegates were almost entirely nativeborn and all were white.

Table 32  
Geographical Distribution of Delegates to the 1875 Convention in North Carolina

Area	Conservatives	Republicans	Total
Piedmont	26	27	53
Transmontane	19	10	29
Northeast	5	8	13
Cape Fear	<u>10</u>	<u>14</u>	<u>24</u>
Total	60	59	119

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There were also some differences in the geographical areas from which the delegates came. Conservative and Republican representation from the largest area, the Piedmont with sixty-six percent of its population white,<sup>41</sup> was about the same—twenty-six Conservatives and twenty-seven Republicans; but Conservative influence was greater in the Transmontane area, a smaller less productive area to the West with an overwhelmingly white population.<sup>42</sup> Conservatives had nineteen delegates from the Transmontane to the Republicans" ten. However, Republicans did better in the Eastern counties, having twenty-two delegates from the Northeast and Cape Fear areas to the Conservatives' fifteen. Fifteen of the twenty-six counties in the Northeast area had a larger black than white population, though in the area as a whole about forty-nine percent of the population was black. Sixty-two percent of the population in the Cape ~~Fear~~ region was white, and only one of its seven counties, New Hanover, had a larger black than white population. The important city of Wilmington, a Republican stronghold, was located in New Hanover. The fact that Republicans did so well in areas predominantly white, suggests that they commanded the support of many whites in their counties. And in the Cape Fear region, had there been no fraud in Robeson County, they would have done even better.

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<sup>41</sup> Only five of the thirty-four counties in the Piedmont area had black majorities.

<sup>42</sup> Ibid. Eighty-eight percent of the population of the Transmontane area was white and in none of its twenty counties did the black population exceed that of the white, either in 1860 or in 1870.

There were only negligible differences between delegates of the two parties in education and political experience. Twenty-six Conservatives and twenty-two Republicans were found to have had a college education plus professional training, with two additional Republicans having a college education only. The education of thirty-five Republicans and thirty-four Conservatives was undetermined. Twenty-three Conservatives and twenty-two Republicans had had previous political experience, leaving thirty-seven delegates of each party who were newcomers to the political arena. Information available on prewar political affiliation and religion of the delegates was so sporadic as to be of no value to this study.

#### The Campaign of 1876

With the advent of the 1876 campaign Conservatives were approaching their final goal of complete control of the state, a process begun with the winning of the legislature in 1870. For six years, the Republicans had managed to retain the executive branch of the government; and by their presence in the 1875 convention they had prevented the Conservatives from sweeping away all liberal provisions of the 1868 constitution. Two of the state's leading citizens vied for the governorship. Zebulon B. Vance, North Carolina's popular Civil War governor, headed the Conservative ticket, while Supreme Court Justice and Confederate captain Thomas Settle led the Republicans. The campaign was a vigorous one with fifty-seven debates between the two principal candidates alone.<sup>43</sup> Conservative campaign literature stressed Republican corruption and extravagance on the national level,

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<sup>43</sup> J. G. DeRoulhac Hamilton, "Thomas Settle," DAB, IX, 598-599.

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attacked Settle as a secessionist which he was not, and raised the race  
 issued. One lurid Conservative broadside was headed "WHITE SLAVERY IN  
 NORTH CAROLINA - DEGRADATION WORSE THAN DEATH." Under the picture of  
 an auction it charged that blind and aged white paupers in eastern  
 counties were being hired out to Negroes to work for such wages as \$4.50  
 or \$5.75 a month!<sup>44</sup>

Ratification of the constitutional amendments was scheduled to take  
 place at the same time as the gubernatorial election which was held in  
 November. Conservatives won a great victory, but their methods, as in  
 previous campaigns, were questionable. One contemporary suggested that  
 the total vote actually exceeded the number of the voting population.<sup>45</sup>

Letters from Republicans to Settle following the elections corroborate  
 this view, as does Conservative correspondence during the campaign.<sup>46</sup>

One Republican correspondent wrote to Judge Settle that "our people  
 are very sore over the false election of Vance," and expressed his  
 view that "if non-partisans had controlled the election and all the  
 people had been perfectly free from interferences or influences that  
 your majority would have been greater than that claimed for the 'War  
 Governor'." He continued:

44

Broadside in North Carolina Collection, University of North Carolina,  
 Chapel Hill, N. C.

45

Judge Albion Tourgee is described as holding this view in Olsen,  
Carpetbagger's Crusade, 210.

46

Fabian H. Busbee to Ransom, Raleigh, June 5, 1876, Ransom Papers, SHC.

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In every county where the Democrats had control, the Registrar who was the umpire as to challenged voters was a rampart partisan of their side. Our county, by their manipulations and management in this respect and by open violations and trespass only gained for you four votes over Caldwell....There were at least one hundred intimidated and fraudulent votes given against us and yet we gained over the election four years ago and over the election two years ago...and this we can but attribute to your personal influence for never was a greater effort made for party on their side.<sup>47</sup>

In another letter, William A. Albright of Graham in Caswell County wrote Settle that "money was used freely by our opponents in this county and everything brought to bear that could influence votes."<sup>48</sup>

John P. McCrae; Republican from Wadesboro, wrote that in his county [Anson] "the election was much more fraudulently managed than I was aware of, a number of boys under age were allowed to vote, some without even registering." McCrae added: "The Board of Commissioners being extreme Democrats we could not help ourselves at White Store." Expressing fear of Conservative rule, McCrae concluded:

I write you these lines in confidence, as I feel it my duty to do. There seems to be a very bitter feeling manifested here since the election towards any Republican....I have been fearful that something serious would occur. If Tilden should be seated as president, I fear living will become unendurable in some localities. <sup>49</sup>

The worst incident of all was described in a letter to Settle from a Hertford Republican, D. M. D. Lindsey, who reported the killing of a

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<sup>47</sup> O. H. Blocker to Settle, Fayetteville, December 1, 1876, Settle Papers, SHC.

<sup>48</sup> William A. Albright to Settle, Graham, Nov. 10, 1876, ibid.

<sup>49</sup> John P. McCrae to Settle, Wadesboro, Nov. 18, 1876, ibid.

Republican elections supervisor by four Democrats the night of

November 6. Lindsey wrote:

I am in receipt of a letter by today's mail from Mrs. A. I. Glover of Hyde County in which she states that her husband, Dr. A. I. Glover, a leading republican of that Co. and who was appointed supervisor of election on the republican side, was killed by four Democrats on the night of the 6th inst. She states that he had been called to see a patient, and had with him his son, ten years old, when he was stopped at a shop and taken out in the sound and drowned.

Many frauds have been perpetrated in this section. The Reg. of Deeds from Martin Co. writes me that 350 or 400 Negroes were deprived of the privilege of voting at one box [ballot] in his county, for the want of time. Sheriff of Hartford tells me that twenty at his box were treated in the same way. Many fraudulent votes I am told were polled in Beaufort. Indeed I am satisfied that not only the District but the State has been carried by fraud, intimidation and bribery. 50

Confirming the charges of "money being used freely" was a letter from Conservative Fabian H. Busbee to Senator Matt Ransom written during the campaign:

I am very glad to report great interest taken in politics this year by men of money who have heretofore held aloof, and we have every prospect of handsome contributions in Wake [County] if a good ticket is nominated. The Railroads will be used for us to a greater extent than ever before. 51

From the above evidence, it appears that--as in 1870--Conservatives were unable to win without resort to extra-legal methods. The majority of the people would seem to have distrusted the Conservatives and feared the loss of gains won for them by Republicans in the Constitution of 1868;

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D. M. D. Lindsay to Settle, Hartford, Nov. 15, 1876, ibid.

51

Fabian H. Busbee to Ransom, Raleigh, June 5, 1876, Ransom Papers, SHC.

this majority as late as 1876 included a substantial number of white North Carolinians. By that date the Republican party in Virginia, and in most other Confederate states as well, had become the party of black Southerners with no significant following among native whites.

#### The North Carolina Legislature of 1876

Thanks to the journalistic efforts of a young North Carolina editor and former Klansman, Randolph A. Shotwell, information about members of this legislature is far more complete than for any other North Carolina legislature.<sup>52</sup> Shotwell, who was one of the few Ku Klux Klan members ever to have served time for his nightriding activities, was member of the 1876 legislature and compiled a pamphlet entitled Legislative Sketches, a collection of miniature biographies of each of the legislators.<sup>53</sup> As they had done continuously since their initial victory of 1870, Conservatives maintained a strong majority in the state legislature. There were seventy-nine Conservatives in the lower house and thirty-nine in the senate giving them a total of 118. Republicans numbered thirty-six in the house and ten in the senate, or just under forty percent of the legislature. Of the forty-six, all but twelve were white.

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<sup>52</sup> Information taken from the United States Censuses of 1860 and 1870 is still the main source for this analysis.

<sup>53</sup> Randolph T. Shotwell, Legislative Sketches (Raleigh, State Printing Office, 1877).

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A detailed analysis of the occupations of the legislators appears in the table below, but a summary view of the categories of occupations in the combined houses shows that the overwhelming majority of members of both parties were farmers. Forty-two Conservatives were farmers and fourteen more combined farming with other occupations, making a total of fifty-six or almost half of all Conservatives. Thirty-one

Table 33  
Occupations of Members of the North Carolina Legislature of 1876

Occupation of Member	Conservatives	Republicans	Total
Farmer	42	15	57
Lawyer	31	5	36
Physician	7	1	8
Merchant	10	1	11
Manufacturer	2	0	2
Engineer	1	0	1
Architect	1	0	1
Teacher	0	3	3
Minister	1	0	1
Editor	2	0	2
Judge	0	1	1
Surveyor	1	0	1
Clerk	1	0	1
Coroner	1	0	1
Officeholder	1	5	6
Mechanic	0	3	3
Shoemaker	0	1	1
Carpenter	0	1	1
Real Estate Agent	0	1	1
Mine Operator	0	1	1
Barber	0	1	1
Painter	0	1	1
Farmer-merchant	9	0	9
Farmer-lawyer	1	1	2
Farmer-lawyer-editor	1	0	1
Farmer-manufacturer	1	2	3
Farmer-clerk	1	0	1
Farmer-teacher	0	1	1
Farmer-editor	0	1	1
Farmer-minister	1	0	1
Teacher-minister	1	0	1
Unknown	<u>2</u>	<u>1</u>	<u>3</u>
Total	118	46	164

were lawyers, and two more were lawyer combinations; thirteen were engaged in other professions. Twelve Conservatives were businessmen, and ten more combined business with farming. There were three Conservatives designated only as officeholders and the occupations of two were undetermined. Of the Republicans, fifteen were farmers only, five more combined farming with other occupations, five were lawyers, five followed other professions, five were designated as officeholders and seven were mechanics or artisans. There were only four business men, two of whom were also farmers. The occupations of thirteen Republicans were not found.

In the senate alone, professionals outnumbered farmers among the Conservatives and the proportion of merchants and manufacturers was higher. Among senate Republicans also the number of professionals was higher than the number of farmers and the number of businessmen was zero. Eight of the thirty-nine Conservatives in the senate were merchants or manufacturers. The greater proportion of professionals in both parties in the upper house of the legislature may be attributed to the fact that senatorial office was especially beneficial to lawyers seeking to build a practice, and these formed the largest group in the professional class. One legislator, John Steele Henderson, whose first political experience was serving as delegate to the 1875 convention, wrote to his wife before the 1876 election complaining of his lack of clients and continued: "I am exerting myself in the political line more than usual--because I wish if possible to be rewarded hereafter, if Tilden and Vance should win the day."<sup>54</sup> In another letter to his

<sup>54</sup> Henderson to wife, Salisbury, Oct. 15, 1876, Henderson Papers, SHC.

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wife, written some time earlier Henderson had discussed his problems in building a practice and the possibility of entering politics, "though really those in the Democratic Party who work the hardest, frequently fare the worst."<sup>55</sup>

In the 1876 legislature,\* wealth was moderate but overwhelmingly in the hands of Conservatives, both as to total amount and average. In the lower house Conservatives held \$215,300 in real estate and averaged for all those found \$4,221 as opposed to the Republicans' \$45,500 with an average of \$2,166. In personal assets Conservatives possessed \$115,300 and averaged \$2,260. The Republicans held only \$23,700, averaging \$1,128 per Republican. Ten of twenty-seven

Table 34  
Real and Personal Wealth of Members of the North Carolina Legislature of 1876

Real Estate	Conservatives		Republicans		Total
	House	Senate	House	Senate	
No Assets	7	7	7	3	24
Under \$1000	7	4	5	0	16
\$1000 & under \$5000	25	7	9	1	42
\$5000 & under \$10,000	6	1	0	1	8
\$10,000 & under \$20,000	4	2	0	0	6
\$20,000 & under \$50,000	2	2	1	0	5
Over \$50,000	0	1	0	0	1
Unknown	28	15	14	5	62
	79	39	36	10	164
<u>Personal Estate</u>					
No Assets	6	6	4	3	19
Under \$1000	18	9	11	1	39
\$1000 & under \$5000	19	5	5	1	30
\$5000 & under \$10,000	5	3	0	0	8
\$10,000 & under \$20,000	2	2	1	0	5
\$20,000 & under \$50,000	1	0	0	0	1
Unknown	28	14	15	5	62
Total	79	39	36	10	164

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Ibid., July 5, 1876

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For comparative figures, see above 257-58, 209-211. By 1876, 1870 census figures are almost seven years out of date.

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Republicans in both houses but only fourteen of seventy-five Conservatives reported no real estate, and for personal property the numbers were seven and twelve respectively. Distribution of wealth is shown in the table above.

In the senate the situation was similar, though Conservative senators appeared to be richer than their counterparts in the house. The thirty-nine Conservative senators possessed a total of \$248,900 in real estate, averaging \$13,827 and in addition personal assets of \$69,100, averaging \$2,764 per Conservative. Republicans in the senate did not fare as well. Only two Republican senators could be found to hold any assets at all, amounting to \$8000 in real estate and \$2300 in personal estate, averaging \$1600 and \$460 respectively. It should be noted that the total real estate figure for the thirty-nine Conservatives in the senate exceeds that for the seventy-nine Conservatives in the house. The preponderance of wealth in real estate despite postwar depreciation in land values is not surprising as cash in the postbellum period was greatly lacking, but it also supports the argument that the Conservative did represent the old landowning class. In the house, two Conservatives and one Republican were not listed as holding assets in their own names, but as they were sons of some of the wealthiest North Carolinians, and inasmuch as part of this investigation is to determine the connection, if any, between North Carolina's postbellum leaders and the antebellum ruling class, the figures were included by me.

The existence of considerable amounts in personal assets among Conservatives brings into question cries of poverty and want during the postwar period. It is true that there was a shortage of currency and short-term loans were in great demand. It was also true that poverty

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was widespread in the South after the termination of hostilities. The figures cited above, however, strongly suggest the view that it was generally these classes not among the affluent before the war who continued to bear the greater burden of want in the postwar period. North Carolina Conservatives may have had to alter their style of living, but nowhere does one read of them starving.

Turning to slaveholding, thirty-three percent of Conservatives in the senate, and thirty-four percent of those in the house had been slave-owners in 1860. This percent is higher than the twenty-eight and eight-tenths percent of North Carolinians who belonged to slaveholding families in 1860.<sup>56</sup> On the other hand, only 15 percent of white Republicans in both houses had been former slaveowners. Forty Conservatives held a total of 596 slaves in 1860, giving them an average holding of 14.9.<sup>57</sup> Most slaveowning Conservatives held only one to ten slaves, however, as may be seen in Table 27. Although there were

Table 35  
Slaveholding Among Members of North Carolina Legislature of 1876

Number of Slaves Held	Conservatives		Republicans		Total
	House	Senate	House	Senate	
None	48	25	30	9	112
One & under Ten	17	5	1	1	24
10 and under 20	7	2	1	0	10
20 and under 30	1	2	1	0	4
30 and under 50	1	2	1	0	4
50 and under 100	1	2	1	0	4
Over 100	0	0	1	0	1
Not found in census	4	1	0	0	5
Total	79	39	36	10	164

<sup>56</sup> Gray, Agriculture in Southern United States, I, 482

<sup>57</sup> See above, 16, Table 1. Average prewar holding was nine slaves.

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only six former slaveowners or sons of slaveowners among the Republican members of the 1876 house, the total number of slaves held by this group was higher than the total held by Conservative members of the house. This anomaly is due to the presence in the house of Daniel L. Russell Jr., whose father of the same name was one of the largest planters and turpentine manufacturers in the state and had held 212 slaves according to the 1860 slave schedules. Russell, however, could hardly have been considered a member of the antebellum ruling class. Born a poor man in Mississippi, the senior Russell made his fortune in early manhood, chiefly in turpentine. Though a large slaveowner, Russell and the younger Russell's maternal grandfather, David Sanders, were opposed to secession and favored compensated emancipation. Without the senior Russell's 212 slaves, however, the Republican total and average would have been far below that of the Conservatives. Even so, only seven Republicans of the forty-six in both houses had held slaves.

As far as war service is concerned, predictably more Conservatives than Republicans had served in the Confederate army. Forty-six Conservatives in the house and eighteen in the senate, a total of sixty-four, had fought with the Confederacy. Thirteen Republicans, all in the house, had so served, and two Republicans, also in the house, had been in the United States army. Four Conservatives, three in the house and one in the senate, had belonged to the North Carolina militia during the war and four had been Confederate officeholders. The war service

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Louis Goodman and Alice Sawyer Cooper, "Daniel Lindsay Russell, Governor of North Carolina, 1897-1901: A Family and Friend's Memoir," (typescript, n.d., received by Southern Historical Collection University of North Carolina, Chapel Hill, N. C., 1964), 2-3.

of twenty-five Conservatives was undetermined, and twenty had been non-participants. Nineteen Republicans had been non-participants; the war activity of ten not found and two had been Confederate officeholders. No Republican had served in the militia.

Educational qualifications of Conservatives appear to have been higher than those of Republicans in both houses of the 1876 legislature. In the house, all Conservatives whose educational qualifications were found had had at least the equivalent of an academy education and thirty-seven had enjoyed a college education. Twenty-eight of the thirty-seven had undertaken some graduate work, chiefly to prepare for law careers. The educational qualifications of thirty-seven Conservatives in the house were not determined. Republicans in the house included one labeled illiterate in the census, two with only a common school education, ten college graduates, six of whom had had professional training. Educational qualifications of twenty-three were not found.

In the senate, where Conservatives outnumbered Republicans almost four times, twenty-one of the thirty nine Conservatives had attended college, seventeen of those had had professional training. Eighteen were not found. Of the ten Republicans, the educational qualifications of five were not found, one had done graduate work, three had completed college, one had the equivalent of an academy education and one had had only a common school education. None was illiterate.

The majority of legislators in both houses and both parties had had political experience. However, this experience was not necessarily antebellum--in fact, in most cases it was postbellum experience. Eighty-three Conservatives in both houses were politically experienced, twenty-nine were not, and the political experience of six was unknown.

Thirty-six Republicans had had previous political experience, six had not and the political experience of four was unknown.

The combined average age of all members of the 1876 legislature was forty-one and a half, with Conservatives in each house about four years older than Republicans. The combined average was about two years older than the combined average age of all North Carolina legislatures surveyed.

As in all North Carolina legislatures and the one convention surveyed, there were no black Conservatives and few black Republicans, eight in the house and four in the senate, or about one-quarter of all Republicans. The percentage of Republicans born outside the state, especially those born in the North was even less-only two in the house and one in the senate, or about six percent. All three were white. The so-called "carpetbagger" faction in the Republican party had almost entirely lost out to the native whites. Seventy-four Conservatives in the house and thirty-five in the senate were born in North Carolina, none in northern states. Six had been born in Virginia and two had come from other southern states. The birthplace of one could not be determined. Of the forty-six Republicans thirty-nine were native-born, two were born in Virginia, two in New York, one in Pennsylvania and one each in Georgia and South Carolina.

The geographical distribution of the Conservative legislators in the two parties is not particularly significant because of their preponderance in both bodies, but the Republicans managed to hold on to fifteen seats in the House and six in the senate representing counties in the Northeast area as compared to sixteen and ten for the Conservatives.

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Everywhere else, the Conservatives had wide majorities, but the showing of Republicans from the Piedmont was ~~still~~ substantial in the house.

Table 36  
Geographical Distribution of Members of the 1876 North Carolina Legislature

Area	Conservatives		Republicans		Total
	House	Senate	House	Senate	
Cape Fear	10	5	4	1	20
Northeast	16	10	15	6	47
Piedmont	33	17	15	3	68
Transmontane	20	7	2	0	29
Total	79	39	36	10	164

With the election of 1876 in which Conservatives made tremendous gains over the convention election in 1875, "redemption" was complete in North Carolina, and Conservatives were free to make the remaining changes they had so long wanted. With county governments safely under the wing of the Conservative-dominated legislature, North Carolina came to be run by the county "rings". Some years later, the tempestuous editor, Josiah Turner, deserted the Conservatives and wrote a ditty entitled "Courthouse Ring" to be sung to the tune of the "Bonnie Blue Flag." The banality of the Conservative regime is illustrated by the sixth verse which reads:

Now I lay me down to sleep  
I pray us all in office keep.  
If we should die before the people wake  
I pray the Alliance [sic] the devil take. 59

Two decades after the Conservatives secured full control in North Carolina, the people of the state, impatient with courthouse rule, ousted the party of "wealth, virtue, and intelligence" from power. Many participants in this upheaval, which was accomplished by a fusion of Populists with Republicans, had been active in Reconstruction politics.

<sup>59</sup>Manuscript, n.d. in Josiah Turner Papers, SHC.

CHAPTER IX

CONCLUSIONS

From the evidence presented in the foregoing chapters, it is possible to draw certain conclusions about the Redeemers of Virginia and North Carolina. Their identity has been fairly well established by the quantitative analyses of the top leadership and of legislators and convention delegates. Their connections with the old antebellum ruling class are clearly evident in the number of slaveowning families among Conservatives in office. In all cases the proportion of slaveowners among Conservatives was higher than the proportion of slaveowning families in the state. Their previous political experience and the fact that many antebellum political lights were prominent in the process of redemption and in office during the period, testifies to their ties with the old planter class. There is also evidence supporting Woodward's view that industrially-minded Whigs dominated the political scene, at least during the early years of Reconstruction, but this did not mean a basic shift in political power and direction.

Whether "old Whigs" or "old Democrats" or in the case of younger members, persons with no previous party affiliation, the public men who led Redemption were generally drawn from the more affluent Virginian and North Carolinian families, as indicated by the wealth reported in the manuscript census. Although some of the Republican leadership was of the same class—persons who, like Judge Richmond Pearson of North Carolina,

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felt that cooperation with the Republican administration in Washington rather than opposition would insure the return of Conservatives to power. As the table on page 50 indicates, the real and personal wealth of North Carolina's top leadership were fairly close, although in both categories the Conservatives' holdings were higher. There were two other factions among Republicans--outside whites and blacks. Neither of these groups existed among North Carolina Conservatives, and in Virginia they were insignificant in numbers, although some outside whites and native blacks had collaborated with Conservatives in the critically important coalition movement which restored Virginia to the Union and to Conservative rule. The Conservative leadership was a homogeneous group, for the most part, consisting of the more affluent, well educated and politically experienced persons in the states. Occupations varied among them, but the two largest groups were farmers and lawyers.

Ideologically, Conservative leaders shared a common bond, based in large part on the uniformity of their education. Many had been educated at their state universities, the University of North Carolina at Chapel Hill, the College of William and Mary at Williamsburg, and the University of Virginia at Charlottesville, Va. A few had been educated at Northern colleges or universities. The course of study, which critics later maintained was good only for turning out "stump speakers," placed great emphasis on the classics, on the art of debate, and the study of ancient history. Correspondence and speeches reveal that their classical studies left an indelible impression on these Redeemers, who identified their country with the ancient Roman Republic, themselves with the toga-wearing senators

combating Caesarism ( in the form of the national administration) and the freedmen and poorer whites with the "mob." When Conservatives spoke of "the People," they did not mean the masses, but the property-owners. Only those having a vested interest in society should be trusted with a say in the government. Although Republicans rather than Conservatives addressed themselves to the interests of those less affluent whites whose concerns had been so long ignored by their antebellum rulers, racial prejudice made the yeomanry easy prey to Conservative politicians who capitalized on this weakness by raising the flag of "white supremacy." After almost a decade of Conservative rule in Virginia, however, the native white agrarian element collaborated with blacks and some moderate Conservatives in the Readjuster movement of 1879. In North Carolina, the agrarian reaction came much later, coinciding with the Populist movements in other parts of the country.

Redeemers formulated their goals before Radical Reconstruction rather than in response to local Republican rule. Their careful and early planning dated back as far as the events at Appomattox. The old notion that the restoration of Virginia and North Carolina to Conservative control released the states from Radical misrule, has less substance even than most myths.

The Redeemers can be divided into two groups: the leaders who tended to be older and wealthier, and ambitious younger men in their twenties or thirties who were well represented in the legislative bodies. Many of the latter were sons of Conservative leaders. In the older group were many who had participated in the secession conventions of their states. In neither state had there been much sentiment for secession until after

Lincoln's call for troops, and North Carolina had been the last state to secede from the Union. At the conventions, the majority of Conservatives had opposed secession, though this was truer of North Carolina than of Virginia. One of the most important reasons for Conservative opposition to secession was the fear of a resulting civil war and the disruption of the status quo including slavery. After the war, they were determined not to let their nightmare of a social revolution become a reality. Because of their antebellum stand, these opponents of disunion enjoyed a great prestige after the war—ardent secessionists, many of whom were Democrats, being thoroughly discredited and mistrusted. In North Carolina, some old Democrats were forced to join the Republican party in order to secure any power.

Though similarities were predominant among Conservatives of Virginia and North Carolina, there were differences in the leadership of the two states. Whig influence was stronger in North Carolina, a fact attributable to the large number of Whigs in North Carolina since the 1830's. After the war, they were prominent in both parties. The Whig ideology was anti-equalitarian, quite suitable for Conservative goals. Virginia, on the other hand, contained more old Democrats in its top leadership, although at first the Whigs indeed did dominate. The early predominance of Whigs in both states was due to their generally anti-secessionist position before the war which gained favor with disillusioned and war-weary countrymen after the war. Virginia was a more affluent state than North Carolina and the property holding of top Conservatives in the two states reflected this fact. The Virginia Conservatives held over twice as much in real and personal estate as their North

Carolina compeers, and their average real estate holdings came close to three times as much. Tables 37 and 38 at the end of this chapter show a comparative summary of the top leadership of both states as far as wealth and slaveholding are concerned.

A desire for industrialization had been present in both states almost from the beginning of the Republic, and internal improvements which would further these aims had been favored by the Southern Whigs. By the time the Civil War broke out, there were state subsidies and state ownership of railroads and canals, a booming naval stores industry in North Carolina, floumilling and mining in Virginia, and tobacco processing in both states. Though industrialization in these two Southern states was a far cry from that taking place in the North, industrialization had had some impact on them. Almost any group in control of state governmental machinery would have reflected this interest, and receptivity to "Whiggish" enterprise was not a characteristic that distinguished Redeemers from their political opponents. A number of former planters had turned to postwar occupations other than planting, as did James L. Kemper, Virginia's "second Redeemer governor." Others, like William T. Sutherlin and Samuel McDowell Tate, merely continued the dual occupations in which they had engaged before the war.

Conservatives did not change their ideas along with their occupations. They demonstrated the strongest possible resistance to changes in education, penal reform, debt and homestead laws, goals sought by the poorer classes in both states for thirty years before the outbreak of hostilities. There

was no sudden conversion after the surrender based on the idea that the South should pattern itself after the industrial North and thus move ahead into prosperity. This argument was sometimes used by postwar advocates of the New South creed, but it was not new. Conservatives had been devoted to slavery as an institution and although finally reconciled to its demise were still determined to keep its essential features in the form of availability of cheap labor and the subservience of black people. Thus, the black codes and the opposition to black ownership of land, education and the franchise for the freedmen.

The younger Redeemers, many of them lawyers seeking ways of getting on in the world in a not too affluent period, seem to have accepted the political views of their elders without too much question, going into politics for personal reasons. They were too young to have been slaveholders, though frequently their fathers had been, and do not appear to have possessed great wealth in 1870. Many later became corporation lawyers, frequently for railroads, and politically prominent in the state. Examples of such men are John Steele Henderson, who eventually became United States Senator from North Carolina, and Thomas J. Jarvis, governor of the state in a later period. Both men had been junior legislators in the Reconstruction period.

Some Republican leaders, oddly enough, resembled their Conservative counterparts in such matters as degrees of wealth, former slaveholding interests and general prominence in the community. There does not appear to have been a large number of younger Republicans, however, partly because the Republican party after 1870 offered little political future in the South. In some instances, such as that of Daniel Lindsay Russell, an

important Republican leader from the Wilmington area and William B. Rodman, Code Commissioner of North Carolina in the Reconstruction period, Republican leaders had possessed great antebellum wealth which raises the question of why they turned to the Republican rather than the Conservative party. Obviously, class interest cannot be the explanation in their cases. Other factors, intangible ones perhaps, must be advanced to explain their choice of political affiliation, though such motivations are difficult to establish. Russell came from a strong anti-slavery background and endured great vilification from the Wilmington community as a result of his convictions. Rodman's political choice is more difficult to account for, though political expediency, because of his prewar Democratic party affiliation, may have been a determining factor. The Dockerys, Thomas Settle and Judge Richmond Pearson were other examples of Republicans who came from prominent antebellum families. The majority of white Republicans studied, as is generally believed, were indeed "sturdy yeoman," though some of these had owned a few slaves before the war. Examination of their slim correspondence reveals them to be not very well educated.

It is clear that, like any other political group, Conservative political leaders were chiefly preoccupied with winning and retaining power. Although they had some ideas for the betterment of the state, these ideas were clearly subordinate to their overwhelming conviction that benefit to the state and nation could best be achieved through rule by the class of "wealth, virtue, and intelligence" whether accompanied by a program or not.

Although Conservative power was fully established, it was far from complete. Though Redeemers managed to abort Radical Reconstruction in their respective states, the constitutions survived with little amendment until the turn of the century. In Virginia's case, there were no alterations of its constitution from the time of its ratification to 1902 when Democratic leaders pushed through a constitutional convention called for the expressed purpose of disfranchising the black voter. In North Carolina, Conservatives succeeded in making some gains--namely getting legislative control over local government and the appointment rather than election of judges--but further erosion of Radical reforms was prevented by the strength of the Republicans under the expert leadership of the alert Albion Tourgee. This attests to the fact that the Radical programs met longfelt needs of the people of Virginia and North Carolina, and that Conservatives even when in power were forced to make concessions to these needs. Although the writings of many Conservatives reveal almost complete lack of concern for the education of the masses, black or white, Redeemer regimes were unable to abandon this program as it was of primary concern to the majority of voters. This was also true for such other Republican legislation as homestead protection and penal reforms. One aspect of the latter, however, the convict lease system which had been started during Reconstruction as an economy measure, was perpetuated by Conservatives as a means of providing cheap labor. Methods of redemption in the two states differed sharply. Virginia was redeemed by a coalition of Conservatives, "True Republicans," and even a few moderate Negroes. The coalition nominated a northern-born Norfolk

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banker, Gilbert C. Walker, for governor and succeeded in obtaining power by defeating the Radical Republicans in 1869. Virginia thus passed from military rule into the arms of the Conservatives without ever having experienced Republican civilian rule. Conservative success was almost a sleight-of-hand performance, although intimidation against black voters was used. The excellent Constitution of 1868, usually called the "Underwood Constitution" after Judge John C. Underwood who presided over the Radical-dominated convention which drafted it, went into effect not before but after "redemption." The Republicans thus did not receive credit for its many good features such as the educational system.

In North Carolina, on the other hand, the liberal constitution of 1868, drafted by the Republicans, had gone into effect before redemption and had become very popular among the people. The Republican regime, which introduced many reforms, was also well thought of in the state, although it lasted only two years—from July 1868 to September 1870. Proof of its popularity is the fact that when the Conservative legislature tried to call for another convention in 1871 to amend the 1868 constitution, it was defeated by popular referendum. Reforms instituted by the Radicals so well met the needs and desires of the people, that Conservatives were unable to win in 1870 by normal political processes and resorted to extralegal methods. Ku Klux Klan violence, coupled with railroad fraud scandals (the schemes had been originated by Conservatives, and profits accrued mostly to them) were instrumental in the Conservative victory of 1870. The strength of the Republicans is attested to also by the fact that a Republican governor was again elected in 1872, and the Constitutional

Convention of 1875 was almost evenly divided between the two parties. It was not until 1876 that Conservatives achieved final victory in North Carolina. Even that was incomplete as the Republicans again came to power in 1896 at the height of the Populist movement when a Republican who had been prominent in Reconstruction, Daniel L. Russell, became governor.

The difference in composition of the Republican parties in the two states was an important factor in Republican successes in North Carolina. In that state the party was larger, stronger and composed of more native white elements than in Virginia; blacks in North Carolina were not as well represented. There were the usual rivalries between the outside white, native white and black factions of the party, but eventually the native white faction prevailed, suggesting the possibility that more native whites in North Carolina than elsewhere resisted Conservative appeals to racism and continued to regard the Republican party as a vehicle for the pursuit of their own economic and social interests. This does not imply that North Carolina Republican whites, like most whites in the nineteenth century, were free of racism, but that they refused to allow the issue to divert them from their goals. The remarkable persistence of Republican party strength in North Carolina despite setbacks also suggests that President Grant's failure to support Governor Holden in his drive against the Ku Klux Klan in the summer of 1870 was a costly one revealing a failure to appreciate Republican potential. Had Grant acted differently, North Carolina might have sustained an effective Republican party.

Aside from the factor of party composition, differences also depended on differing circumstances surrounding redemption. Virginia Conservatives did not find it necessary to resort to violence in the redemption of the state. It might be noted, however, that they had no hesitation some years later, in resorting to this method of combating the Readjustors. Undoubtedly the mild nature of the military regime in Virginia also made it easier for Conservatives there to recapture control in a more graceful fashion than by recourse to the Ku Klux Klan. Even after he was no longer in command of Military District No. 1, General Schofield continued to smooth the way for the Conservatives with whom he sympathized.

Finally, there is the question of whether the Conservatives were in fact the party of "wealth, virtue, and intelligence" as they liked to believe. Their relative prosperity has been conclusively established by the evidence contained in the manuscript census, although many of their public men were of modest means. The other two qualities, which relate to the character of the group, require a bit more elaboration, and judgment must be based on their actions and their private correspondence. It is difficult to ascribe virtue to a party leadership which conceived of and initiated the notorious railroad schemes in North Carolina, reaped the profits, and then passed the blame for the resultant scandals on to the Republicans who happened to be in office at the time. Even more compromising was their direction of Ku Klux operations in the state, and in some instances their participation in the lynchings, beatings and other forms of inhumanity perpetrated on black people and their white allies. In Virginia, virtue need be reconciled with the restoration of the

whipping post. A reluctance in both states to educate the common people is hardly a characteristic either of virtue or of an enlightened regime. The desire to keep the freedmen in a condition as close to slavery as possible showed the intelligence of Redeemers to be short range at best. Though their dedication and loyalty to the Whiggish ideals they cherished cannot be questioned, the nation is still suffering from the effects of the policy of the class of "wealth, virtue, and intelligence" in preventing black Southerners from becoming partners in the free society to which they were legally admitted by the efforts of Congress and the constitutional mandate of the states.

## APPENDIX I

Table 37  
 Percentage of Former Slaveholders in Virginia and North Carolina Top  
 and Secondary Leadership\*

<u>Pre-war (1860)</u>	VIRGINIA	NORTH CAROLINA	
% of slave- holding families	25.9%	28.8%	
% of those owning 20 or more slaves	11.0%	11.6%	
Average number of slaves owned	9	9	
<u>Post-war Conservatives</u>			
	<u>Top Leadership</u>	<u>Top Leadership</u>	
% slaveholders (of those found)	85%	88%	
(of all)	58.5%	68%	
% of those owning over 20 slaves	53	46	
Average no. of slaves owned	39	42	
	<u>1869-70 Legislature</u>	<u>1870-71 Legislature</u>	
% slaveholders (of those found)	48%	50%	
(of all)	34%	41%	
% of those owning over 20 slaves	19%	22%	
Average number of slaves owned	17.5	31.2	
	<u>1873-74 Legislature</u>	<u>1875 Convention</u>	1876 Legislature
% slaveholders (of those found)	53.7%	50%	35%
(of all)	41.9	38%	33%
% of those owning over 20 slaves	42%	34.7%	22.5 %
Average number of slaves owned	20	19	15 %

\* Based on 1860 census.

Table 38  
Wealth of Conservative Leadership\*

VIRGINIA	NORTH CAROLINA
<u>Top Leadership</u>	<u>Top Leadership</u>
\$42,994	\$20,262
 <u>1869-70 Legislature</u>	 <u>1870-71 Legislature</u>
14,349	4,304
<u>1873-74 Legislature</u>	<u>1875 Convention</u>
18,061	4,575
	<u>1876 -77 Legislature</u>
	6,481

\*Real and personal estate as reported in 1870 census.

APPENDIX II

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Virginia and North Carolina Top Leadership of Both Parties

North Carolina Conservatives:

Col.	Age	Occ.	War Svc.	Name	County	Geo.Loc. & Res.	Birth -plce.	Real Wealth	Pers. Wealth	No. Sla.	Ed.	Prev. Pol.Aff.	Re-l
W	58	Law	COC	T. Ashe	Anson	T PI	NC			17	4	Dem.	Epis.
W	42	Mer		E. Aston	Buncombe	C TM	Tenn.	10,000	4,000	000	5		
W	65	Law	N-P	D. Barringer	Cabarrus	T NE	NC	20,000		5	4	Whig	
W	38	Law	N-P	K. Battle	Wake	C PI	NC	70,000	25,000	51	4	Whig	Epis.
W	68	Law	N-P	W.H. Battle	Wake	C PI	NC	4,000	12,000	25	4	Whig	Epis.
W	59	Law	COF	T. Bragg	Wake	C PI	NC	5,000	5,000	14	4	Dem.	
W	26	Law	CSA	B. Bunn	Nash	T TM	NC				4		
W	52	Law		D. Caldwell	Guilford	C PI	NC	15,000	4,500	32	4	Whig	Quak. RRP
W	61	Far		P. Cameron	Orange	T PI	NC	60,000	40,000	650	5		
W	55	Law	CSA	T. Clingman	Buncombe	C TM	NC	15,000	30,000		4	Dem.	
W	43	Law	CSA	D. Coleman	Buncombe	C TM	NC	000	000	000	4	Whig	
W	51	Law	N-P	E. Conigland	Halifax	T CF	IRE	8,500	3,000	22	4	Whig	Cath.
W	39	Law	CSA	W. Cox	Edgcombe	T CF	NC	57,000	7,500	115	4	Dem.	Epis.
W	42	Law	CSA	J. Davis	Caswell	T PI	NC				4		KKK
W	28	Law	CSA	P. Durham	Cleveled.	T TM	NC	200	,000	000	5		KKK
W	39	Law	CSA	D. Fowle	Wake	C PI	NC	6,700	1,600	4	4	Whig	
W	63	Law	COC	B. Gaither	Burke	TM							

W	32	Far	CSA	J. Graham	Alamance	T PI	NC	2,000	400	015	4	Whig		
W	65	Law	CCO	W. Graham	Orange	T PI	NC	11,700	20,000	59	4	Whig	Presb.	
W	51	Eng	NCM	J. Harper	Caldwell	T TM	PA				2			
W	24	Law	CSA	J. Henderson	Rowan	C PI	NC				4		Meth	
W	24	Law	CSA	T. Jarvis	Tyrell	T NE	NC				4		Meth	
W	55	Law	CSA	P. Jones	Orange	T PI	NC	5,000	900		5		KKK	
W	55	Law	CSA	J. Leach	Davidson	T PI	NC	2,000	000	2	4	Whig		
W		Bank		R. McAden	Alamance	T PI	VA				8	4	Whig	RRP
W	44	Mer	CSA	D. McRae	New Hanover	C CF	NC	28,000	60,000	1	5			
W	51	Eng.	CSA	J. McRae	New Hanvr	C CF	NC	6,000	8,000	000	4			
W	40	Law	CSA	J. Manning	Chatham	T PI	NC	3,000	8,000	9	4		Epis	
W	39	Law	CSA	A. Merrimon	Wake	C PI	NC	5,000	2,500	2	3	Whig		
W	69	Law	N-P	B. Moore	Wake	C PI	NC	22,000	10,000	13	4	Whig		
W	70	Law	CCO	J. Morehead	Rock'ham	T PI	VA				28	4	Whig	RRP
W	59	Min		W. Pell	Wake	C PI	NC	2,500	3,500	000	5	Whig		
W	44	F-L	CSA	M. Ransom	Halifax	T CF	NC	72,000	7,000	82	4	Whig		
W	57	Jud	CCS	E. Reade	Person	T PI	NC	10,000	20,000	19	4	Whig	RR	

W	57	Law	N-P	D. Reid	Rock'ham	T PI	NC	7,000	7,500	21	3	Dem.	
W	28	Phy		P. Roan	Caswell	T PI	NC	000	5,000	53	4		KKK
W	42	Law	CSA	W. Robbins	Rowan	C PI	NC				4		
W	45	Law	CSA	S. Rogers	Wake	C PI	NC	1,500	000	36	4	Whig	
W	73	Jud		T. Ruffin	Orange	T PI	VA	20,000	000	6	4	Whig	Epis.
W	34	Law	CSA	W. Saunders	Orange	T PI	NC	4,000	500		4	Whig	KKK
W	42	Law	CSA	A. Scales	Rock'ham	C PI	NC	4,700	5,000		4	Dem.	
W	35	Law	N-P	D. Schenck	Lincoln	T PI	NC	7,000	1,000	13	4	Whig	
W	39	Law	N-P	F. Shober	Rowan	C PI	NC	6,000	1,000	2	4	Whig	
W	45	Phy		R. Speed	Pasq'tk	T CF	VA	2,000	300		4	Whig	
W	39	Bank		G. Swepson	Alamance	T PI	VA			25	5	Whig	RRP
W	39	Mer	CSA	S. Tate	Burke	T TM	NC	28,000	19,000	17	3	Whig	RRP
W	48	Edi	CSA	J. Turner	Orange	T PI	NC	2,000	700	32	4	Whig	KKK
W	42	Far	CSA	R. Vance	Buncomb	C TM	NC	000	000	7	2	Whig	
W	40	Law	GOV	Z. Vance	Meck'bg.	C PI	NC	4,000	1,500	6	4	Whig	
W	36	Law	CSA	A. Waddell	New Han'r	C CF	NC	12,000	800	24	4	Whig	
W	45	Far	N-P	F. Wiley	Caswell	T PI	NC	3,500	1,000	14	5		
W	60	Law	CSA	N. Woodfin	Buncomb	C TM	NC	1,800	7,000	122	4		RR

W 67 Law NCS J. Worth Randolph T PI NC 14 3 Whig Quak RR

W 41 Law CSA J. Yeates Hertf'rd T NE NC 4

North Carolina Republican Leaders

W 45 Mfr. USA J. Abbott New Hanv'r C CF NH 000 4

W 51 Min S. Ashley Wake C PI RI 000 000 4 Whig

W 31 Law CSA R. Badger Wake C PI NC 1,000 1,400 4 Whig

W 39 Law CSA W. Bailey Rowan C PI NC 500 000 4

W 48 Law CSA R. Barringer Meck'brg. C PI NC 3,000 25,000 13 4 Whig

W 73 Law N-P N. Boyden Rowan C PI MASS. 36,000 10,700 000 4 Whig Euth

W 49 Jud N-P G. Brooks Pasqt'k. T CF NC 18,000 5,000 25 4 Whig Quak

W 43 Jud CSA R. Buxton Cuml'd. C PI NC 2,500 6,000 16 4 Whig

W 52 Law T. Caldwell Burke C TM NY 8,500 5,200 28 4 Whig

W 27 Ofh CSA W. Canaday New Hanovr C CF NC 1,700 1,000 000

W 40 Law CSA D. Carter Beaufort T CF NC 76,000 35,000 47 4 Whig

W 28 L-M N-P C. Cobb Pasqt'k T CF NC 3,000 000 000 4 Epis

W 35 Law USA J. DeWeese Wake T PI ARK 3

W 48 Jud N-P R. Dick Guilf'd C PI NC 000 000 12 4 Dem Presb.

W 42 Far NCM J. Dixon Greene V CF NC 3

W	71	Far	N-P	A. Dockery	Richmond	T PI	NC	000	000	69	3	Whig
W	40	Far	CSA	O. Dockery	Richmond	T PI	NC	5,000	2,500	41	4	Whig
W	51	Far		T. Dula	Wilkes	T TM	NC	1,500	3,000	000	5	
W	69	Mer	USA	G. French	New Hanvr	C CF	MASS	75,000	56,000	2	5	
W	55	Far	N-P	D. Goodloe	Warren	T TM	NC	4,000	1,000	000	3	Whig
W	31	Edi		C. Grady	New Hanovr	C CF	NY	000	2,500	000	5	
W		Prof	N-P	B. Hedrick	Orange	T PI	NC				4	Whig
W	49	Ins.		H. Helper	Rowan	C PI	NC	000	000	000	5	Whig
W	51	ED	N-P	W. Holden	Wake	C PI	NC	10,000	8,800	10	3	Dem
B	40	Min		J. Hood	Wake	C PI	PA	000	300		5	
B	30	Far	N-P	J. Hyman	Warren	T PI	NC				2	
W	47	Law	N-P	D. Heaton	Craven	CF	OH			000	4	
W	49	Ofh		D. Jenkins	Wake	C PI	NC	2,000	1,000		5	
W	48	Edi	USA	A. Jones	Buncombe	C TM	NC				3	
B	45	Car	N-P	B. Jones	No'ham'tn	T CF	NC	200	400		5	
W	35	Jud	N-P	J. Justice	Ruth'ford	T TM	NC	300	400		4	
W	29	Law	N-P	T. Keogh	Guilf'd	C PI	NY	13,000	17,000		4	
W	51	Ofh	CSA	R. King	Lenoir	T CF	NC	20,000	6,200	026	5	

W	37	Prof	CSA	R. King	Randolph	V PI	NC	500	100	000	4	
W	60	Bank	N-P	I. Lash	Forsyth	C PI	NC	000	1,500	51	2	Dem
W	42	Phys		R. Norment	Robeson	T CF	NC	3,000	500	000	4	
B	26	Law	N-P	J. O'Hara	Halifax						4	
W	66	Jud	N-P	R. Pearson	Surry	T TM	NC	18,000	20,000	37	4	Whig
W	30	Jud	CSA	C. Pool	Pasq'tk.	T CF	NC	15,000	1,500		4	Whig
W	44	Law	N-P	J. Pool	Pasq'tk.	T CF	NC	10,000	1,000	41	4	Whig
W	38	Prof		S. Pool	Orange	T PI	NC	4,000	6,000	4	4	Whig
W	25	Jud	CSA	D. Russell	New Han'vr	C CF	NC	12,000	4,000	212	4	Whig
W	53	F-L	CSA	W. Rodman	Beaufort	T CF	NC	30,000	5,000	72	4	Dem
W	39	Jud	CSA	T. Settle	Rock'ham	T PI	NC	31,000	4,000	29	4	Dem
W	32	Far	N-P	W. Smith	Warren	T PI	NC				2	RP
W	43	Law	N-P	C. Thomas	Craven	T CF	NC				4	RP
W	32	Jud	USA	A. Tourgee	Guilford	C PI	OH	15,000	3,000	000	4	

Virginia Conservatives

W	56	Mfr	CSA	J. Anderson	Henrico	C TW	VA	200,000	50,000	60	4	Epis.
W	28	Law	CSA	W. Anderson	Rockbrdg	C SV	VA	1,200	1,200	000	4	Epis.
w	50	Law	CSA	J. Baldwin	Augusta	C SV	VA	15,000	20,000		4	Whig Epis.
W	49	Far	N-P	B. Barbour	Orange	T PI	VA	13,000	10,000	15	5	RRP
W	47	Law	CSA	J. Barbour	Culpeper	T PI	VA	8,000	600	15	4	Dem
W	51	Law	RRP	Jn. Barbour	Culpeper	T PI	VA			16	4	RRP
W	55	Law	COC	T. Boccock	Appomat.	T SS	VA			25	4	Dem
W	60	Far	CSA	R. Bolling	Fauquier	T PI	VA	337,650	200,000	73	4	
W	48	Law	COH	G. Booker	Franklin	T PI	VA	700	3,000	000	4	Whig
W	61	Far	VHD	R. Bowen	Tazewell	T AP	VA			11	3	
W	50	Bank	N-P	T. Branch	Henrico	C TW	VA	50,000	20,000		5	Meth.
W	47	Law	CSA	E. Braxton	Spotsyl.	C NS	VA				4	
W	63	Prof		J. Brockenbro'	Rockbdg.	C SV	VA	90,000	500	21	4	Dem
W	49	Bank		T. Brooks	Dinwiddie	C SS	VA	40,000	50,000		5	
W	49	Law	VHD	E. Burks	Bedford	C PI	VA	10,000	2,000	2	4	
W	34	Law	CSA	G. Cabell	Pittsylv.	C SS	VA				4	
W	27	Edi		W. Cameron	Dinwiddie	C SS	VA	50,000	000		5	
W	49	Mer		W. Clark	Pittsylv.	C SS	VA	47,000	23,000	22	5	
W	50	Law	CSA	J. Critcher	Westm'd.	T TW	VA	24,000	2,500	42	4	

W	26	Law	CSA	J. Daniel	Campbell	C SS	VA	000	000	000	4	Dem
W	65	Law		R. Daniel	Henrico	C TW	VA				4	Whig
W	38	F-L	CSA	A. David	Grayson	T BR	VA	3,000	000	000	4	
W	48	Law	CSA	B. Douglas	King Wm.	T TW	VA				4	Dem
W	48	Law	CSA	R. Duke	Albemarle	C PI	VA	12,000	1,000	6	4	
W	54	Law	CSA	J. Early	Campbell	C SS	VA				4	Whig
W	35	Far		J. Everett	Loudoun	T PI	IND	000	1,000	000	5	Whig
W	58	RRP	CSA	T. Flournoy	Pittsylv.	C SS	VA	25,000	5,000	65	4	Whig
W	58	Mer	N-P	J. Gibson	Wash'ton	T SV	VA	25,000	2,000	23		
W	58	Law		J. Gilmer	Henrico	C TW	VA	15,000	6,000	48	4	Whig
W	41	Law	CSA	J. Goode	Pr. Anne	C TW	VA	10,000	2,500	7	4	Dem
W	47	Law	VHD	J. Harris	Rock'ham	C SV	VA				4	Dem
W	41	Edi	CSA	J. Hope	Princ. Anne	C TW	VA	000	200		5	
W	64	Far	VSM	E. Hubbard	Buck'ham	T SS	VA	80,000	8,000	101	4	Dem
W	62	F-L		R. Hubbard	Buck'ham	T SS	VA	30,000	30,000	177	4	Dem
W	61	Far	COH	R. Hunter	Essex	T TW	VA	34,000	2,600	116	4	Dem
W	48	Law	CSA	E. Hunton	Fauquier	T PI	VA				4	Dem
W	41	REA	CSA	J. Imboden	Augusta	C SV	VA	15,000	2,000		5	Whig

W	72	Law	N-P	J. Janney	Loudoun	T PI	VA			5	4	Whig	
W	45	Law	CSA	M. Johnson	Henrico	C TW	VA				4	Whig	
W	42	Law		J. Johnston	Giles	T AP	VA			8	4	Whig	
W	57	Law	CSA	J. Johnston	Bedfore	T PI	VA	5,000	15,000	4	4	Whig	
W	51	Law	CSA	J. Johnston	Wash'ton	T SV	VA	10,000	8,000	4		Dem	RRP
W	48	Edi		J. Kelley	Spotsylv.	C NS	PA	14,000	7,000		5		
W	49	Phy		S. Kello	So'hampton	T TW	VA	000	000	30	4	Whig	
W	46	Law	CSA	J. Kemper	Madison	T PI	VA	4,500	2,000	23	4	Dem	
W	40	Law		T. Kirkpatrick	Campbell	C SS	VA				4	Whig	
W	63	Pro	CSA	R. E. Lee	Rockbrdg.	C SV	VA			42	3		
W	57	Law	GOV	J. Letcher	Rockbrdg.	C SV	VA	000	12,000	10	4	Dem	Presb.
W	29	Law	CSA	T. Logan	Henrico	C TW	SC	18,000	300		4		
W	43	Eng.	CSA	W. Mahone	Campbell	C SS	VA	000	000	7	4		RRP
W	40	Far	CSA	J. Mallory	Brunswick	T SS	VA	2,000	800	48	5		
W	45	Law	VHD	J. Marye	Spotsylv.	C NS	VA	3,000	500	27	4	Whig	
W	51	Min	N-P	J. Massey	Albemarle	C PI	VA	3,000	7,600	15	5		
W	42	Edi		N. Meade	Frederick	T SV	VA	10,000	2,000		5	Whig	
W	55	Far		W. Marcier	Loudoun	T PI	MD	66,000	1,300		5		

W	42	Mfr	N-P	W. Milnes Jr.	Page	T SV	ENG	50,000	20,000	000	2		
W	57	Prof		J. Minor	Albemarle	C PI	VA	6,500	8,600	11	4	Whig	
W	50	Law	CCO	R. Montague	Middlesex	T TW	VA	2,000	500	21	4	Dem	
W	74	Law	CSA	S. Moore	Rockbrdg.	C SV	VA	20,000	3,000		4	Whig	
W		Edi		A. Moseley	Henrico	C TW	VA			2	5	Whig	
W	48	Law	CSA	J. Neeson	Henrico	C TW	IRE	000	000		4	Whig	
W	45	RRP	CSA	R. Owen	Campbell	C SS	VA	75,000	15,000	4	4		
W	61	No Oc	CSA	W. Owen	Halifax	T SS	VA	175,000	30,000	61	5	Whig	
W	47	Law	CSA	E. Pendleton	Botetourt	T SV	VA	2,600	1,500		4	Whig	
W	38	Edi	N-P	E. Pollard	Campbell	C SS	VA	000	000		5	Dem	
W	45	Edi	N-P	R. Ridgway	Amherst	T PI	VA	400	3,500	10	4	Whig	
W	76	Plan	CCO	W. Rives	Albemarle	C PI	VA			165	4	Whig	Epis.
W	67	Far	CSA	W. Robertson	Washington	T SV	VA	120,000	67,500	96	4	Whig	
W	46	Educ.	N-P	W. Ruffner	Rockbridge	C SV	VA			000	4		Presb,
W	48	Ofh		G. Rye	Henrico	C TW	VA	000	000		5		
W	55	Law	COH	J. Seddon	Goochland	T NS	VA			73	4	Dem	
W	42	Law		J. Slaughter	Campbell	C PI	VA	50,000	70,000		4	Whig	
W	39	Edi	CSA	E. Snowden	Alexandria	C NS	VA	3,300	11,500	000	5		

W	44	Law	COC	W. Staples	Montgomery	T SV	VA				4	Whig	
W	63	Law	COC	A. Stuart	Augusta	C SV	VA	50,000	50,000	8	4	Whig	Presb.
W	48	FME	CSA	W. Sutherlin	Pittsylv.	C SS	VA	118,000	112,000	68	5	Whig	RP
W	32	Mer	CSA	W. Taylor	Pr. Anne	C TW	VA	000	10,000	000	4		
W				W. Taylor	Caroline	C TW	VA			196	5	Whig	
W	45	Law	CSA	W. Terry	Wythe	T SV	VA	5,000	2,500	5	4		
W	47	Law	COH	J. Tucker	Rockbridge	C SV	VA			14	4	Dem	
W	47	Law		J. Waddell	Augusta	C SV	VA	500	4,000	5	4		
W	37	Law		G. Walker	Norfolk	C TW	NY	18,000	25,000		4		
W	38	Law	CSA	J. Walker	Bedford	T PI	VA			34	4		
W	54	Law		R. Whitehead	Nelson	C PI	VA	11,000	9,000	11	4	Whig	
W	45	Law	CSA	T. Whitehead	Amherst	C SS	VA	4,300	16,400	9	3	Whig	
W	63	Law	CSA	H. Wise	Henrico	C TW	VA	000	000	23	4	Dem	
W	48	Far	CSA	R. Withers	Russell	T AP	VA	000	5,000	4	4	Whig	Epis.

Republican Leaders - Virginia

W	28	Law	USA	E. Allen	Pr Edward	T SS	ENG	12,000	1,500		4		
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W	31	Educ	USA	S. Armstrong	Eliz.City	T TW	HAW	-4,000	600	000	4	
W	42	Far	USA	R. Ayers	Richmond	T TW	ME	10,000	300	000	5	
B		Car	N-P	J. Bland	Pr. Edw'd	T SS	VA			000	5	
W	67	Law	N-P	J. Botts	Henrico	C TW	VA			16	4	Whig
W	67	May		H. Ellyson	Henrico	C TW	VA	30,000	65,000		5	
W		Far	USA	O. Hine	Fairfax	C NS	NY				5	
W	48	Edi		R. Hughes	Washington	T SV	VA	50,000	11,600	000	4	Dem
W		Min		J. Hunnicutt	Spotsylv.	C NS	SC				5	Dem
B	41	Law	USA	J. Langston	Louisa	SS	VA				4	
W	52	Far	N-P	J. Lewis	Rock'ham	T SV	VA	65,000	3,000	8	2	Whig
W	27	Ofh	USA	D. Parker	Henrico	C TW	NY	25,300	4,000	000	5	
W	32	Mer	USA	J. Platt	Dinwiddie	C SS	VT	18,000	11,000	000	4	
W	36	Law	USA	C. Porter	Henrico	C TW	NY	000	000	000	4	
W	64	Law	N-P	A. Rives	Albemarle	C PI	VA	90,000	7,000	66	4	Whig Epis.
W	33	Edi	W cor.	J. Sener	Spotsylv.	C NS	VA				4	
W	23	Law		J. Smith	New Kent	T TW	VA	10,000	1,000	000	4	
W	42	Law	CSA	E. Snead	Accomac	T ES	VA]	25,000	3,000	4	4	

W		Ofh	UOF	F. Stearns	Henrico	C TW	VA			32	5	Whig
W	30	Ofh	N-P	W. Stowell	Nottoway	SS	VT				4	
W	52	Law	VSS	C. Thomas	Pr. Edward	T SS	VA	4,000	4,000	000	4	Whig
W	62	Law	UOF	J. Underwood	Henrico	C TW	NY			000	4	Whig
W	47	Law	USA	H. Wells	Henrico	C TW	NY				4	
W		Edi	USA	D. White	Eliz. City	T TW	NY					
W	50	Law	CSA	W. Wickham	Henrico	C TW	VA				4	Whig
W	24	Law	CSA	J. Wise	Henrico	C TW	Brazil	14,300	4,000	23	4	Dem Epis.

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APPENDIX III

CHRONOLOGY OF REDEMPTION IN VIRGINIA AND  
NORTH CAROLINA

I - Period of Presidential Reconstruction, 1865-1867

VIRGINIA	NORTH CAROLINA
<p><u>1865</u> May - Francis H. Pierpont recognized as legitimate governor of state &amp; restored government at Alexandria as legitimate one. Thus Virginia technically readmitted to Union; other Southern States had provisional governors.</p>	<p><u>1865</u> May W. W. Holden, antebellum Democrat and secessionist, though peace man during war, appointed Provisional Governor by President Johnson.</p>
<p>26th Government moved from Alexandria to Richmond.</p>	<p>Oct. Convention of 1865, all Whig. 1-passed ordinance abolishing slavery.</p>
	<p>2-declared secession never to have existed</p>
	<p>3-at Johnson's urging, repudiated public debt incurred during war.</p>
	<p>Oct.to</p>
	<p>Nov. Campaign and Election of 1865 - Jon. Worth, unionist victor over Holden. Of Congressmen elected, only one could take oath.</p>
	<p>Nov.27 Convening of General Assembly</p>
	<p>1-ratified 13th Amendment 2-elected two senators and full set of judges. Took up no legislative matters</p>
<p>Dec. New legislature, elected 4th in summer of 1865, meets. Every member except one an "old-time Whig." Sometimes called "Baldwin Legislature."</p>	<p>Dec. Holden relieved as Provisional Governor. 23rd N. C. returns to civilian rule. Worth assumes governorship.</p>
<p>8 Assembly removes suffrage restrictions for ex-Confederates</p>	

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1866

Jan. General Assembly passes Vagrancy Act with severe penalties for violations.

Jan. 26 General Terry condemns Act as reducing freedmen to conditions worse than slavery; orders no magistrate or other civil officer to apply statute to Negroes.

Feb. more legislation affecting freedmen enacted by Assembly.

May 18th Formation of Union Republican Party of Va.

July 16th Meeting of conservative organization to appoint delegates to National Union Convention

Aug 14th National Union Convention in Philadelphia.

1867

Jan 9th General Assembly rejects 14th Amendment.

II - Period of Congressional Reconstruction, 1867-1870

Mar. 2nd Virginia becomes Military District No. 1 under Gen. Schofield (assumed control March 13th).

1866

Jan. General Assembly reassembles in extra session; enacts legislation regarding freedmen. N.C. "Black Code" comparatively mild, though did not give blacks right to vote, nor equal legal rights with whites.

May Continuation of Constitutional Convention of 1865.

Aug. Constitution rejected by 2nd electorate.

Aug. 14th National Union Convention in Philadelphia.

Sept. Jonathan Worth reelected governor.

Dec. General Assembly rejects 14th Amendment.

Mar. 2nd North and South Carolina become Military District No. 2 under command of Gen. Sickles.

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- Oct. Election of delegates to Constitutional Convention. Republicans victorious.
- Dec. 3rd Constitutional Convention opens in Richmond.
- Dec. 11th Conservative Party formed in Richmond at convention; 12th nominates candidates for election scheduled for summer of 1868.
- Jan-Aug. Campaign of 1868. Conservatives campaigned till day before election scheduled; called off by Schofield.
- Dec. 25 Appearance of letter signed "Senex," proposing Virginia yield on Negro suffrage in return for separate vote on disfranchisement provisions in Constitution.
- Dec. 31 Formation of "Committee of Nine," led by Stuart and John B. Baldwin to accomplish above.
- 1869  
April President Grant recommends to Congress Va. be authorized to vote separately on disfranchisement and test oath.
- Aug. 1st General registration of voters to elect delegates to Constitutional Convention
- Nov. 19-20 Republicans win majority of delegates to Constitutional Convention
- 1868  
Jan. Convention of 1868 - excellent and liberal constitution drafted. Ohio-born Albion Tourgee influential.
- April Election of General Assembly and ratification of constitution. Republicans victorious.
- July 20 North Carolina restored - end of military rule in state.
- Nov. Meeting of Republican legislature; remained in session until April 1869. Authorization of bond issue.

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April Conservative Party with-  
draws candidates. Tacitly  
supports "True Republi-  
cans" led by Gen. Mahone  
to back northern-born  
Gilbert C. Walker, for  
governor in order to de-  
feat Republican candi-  
date H.H. Wells.

June Virginia "redeemed"; radicals  
defeated by coalition

1869  
Summer Rise of Ku Klux Klan  
(beginnings as early as 1867)

Sept. "Black Friday" in New York  
Stock Exchange. George Swepson  
lost money, forced to reveal  
frauds. Schemes blamed on Repub-  
lican legislature.

1870  
Jan. Congress readmits Vir-  
ginia to Union.

1870 Spring - Ku Klux outrages and  
murder of Wyatt Outlaw and  
John Stephens.

June- Aug. Kirk-Holden War - Holden declares  
martial law in three counties and  
raises militia under direction of  
Col. George Kirk

Aug. 4th Conservatives win control of legis-  
lature in fall elections.

1871 Conservatives enact  
bills funding state  
debt; consolidating  
state's railroads; and  
selling state's share  
in railroads.

1871  
Feb.- March Impeachment of Governor Holden  
by Conservative legislature.

April Conservatives' attempt to call  
constitutional convention to  
amend 1868 constitution fails.

1872

Conservatives in both states support Horace Greeley and Liberal  
Republicans

- 1872 Republicans retain executive branch of government in gubernatorial election.
- 1873 Virginia's "Second Redemption." Election of Virginia-born James L. Kemper to governorship.
- 1875  
Sept. - Conservatives succeed in  
Oct. calling constitutional convention. Meets and votes to restore legislative control over judiciary and local govt. Republicans thwart Attempts to further alter 1868 constitution.
- 1876 Virginia Conservatives support Tilden.
- 1876 Conservatives win control of executive as well as legislative branch of state. Evidence of widespread fraud and intimidation.
- 1879 Coalition of Virginia Republicans and disenchanted Conservatives overthrow Conservative regime.

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