

# Reconstruction and Black Rights after Slavery in Chatham County, NC: 1865-1900

by Jim Wiggins, CCHA volunteer, May 2020, Revised Feb 2024

*At the end of the Civil War, the Union imposed two immediate conditions on the Southern states as requirements to regain admission to the Union--abolishing slavery and instituting black suffrage. Once accomplished, both conditions had tremendous ripple effects on all aspects of life in the South. The absence of slavery meant that new forms of labor and economy--at least new to the South--had to be discovered and implemented. And suffrage meant blacks now had a part to play in the passage of laws governing themselves as well as whites. While much has been written about Reconstruction and black rights in the South, this paper will focus on how these events played out in Chatham County and the role that Chatham County leaders and voters played in these developments. Much of the information comes from primary sources.*

On May 11, 1865, Maj. George F. Towles accompanied a detachment of Pennsylvania soldiers from Raleigh to Pittsboro. As Towles rode ahead, a small black boy astride an ox preceded him shouting, "The Yankees are coming. The Yankees are coming." As Towles rode down Pittsboro's main street, the residents rushed to their doors, making the Major feel "much more conspicuous than I cared to be." He halted at the courthouse and soon was surrounded by curious townspeople. Not being touched directly by the war itself, the detachment may have comprised the first Yankees the locals had seen. Towles assured them that the soldiers were not going to arrest anyone or to destroy the town. He felt he "was mostly kindly treated" during his stay. He found the town "quiet and sleepy but comfortable looking." Towles detected "no Union sentiment here whatever," but 324 citizens did take the oath of allegiance.<sup>1</sup>

What were the conditions in Chatham County at the time of Towles's visit? The 1860 U.S. Census provides the best approximation available of Chatham's population at the end of the Civil War.<sup>2 3</sup>

19,101 total population

74 free blacks (mainly farmers, miller, wheelwright, cabinet maker)

146 free mulattoes (mainly farmers, cooper, carpenter, shoemaker)

6,177 slaves (33% of the population)

733 slaveholders, most of whom had few slaves

After the war, both former white slaveholders and formerly enslaved people had to adjust to the transition from slavery to other forms of labor. For example, Adeline Alston was a plantation owner with at least 67 slaves in 1860.<sup>4</sup> An entry in one of her account books reads: "All of the Negroes who have not quit work before the 24th of Oct. 1865 quit

on that day [except Henry Betsy & Bethiah].” Her accounts indicated that her plantation then made the transition from one based on slavery to one based on sharecropping. Alston provided a one-room cabin in exchange for one-third of the crops raised by the former slave.<sup>5</sup>

Plantation owners’ wealth shrank considerably as former slaves were no longer assets--labor was not free and blacks could not be used as collateral or sold. White business owners who formerly had slave workers were in the same situation. This loss of wealth rippled throughout Chatham’s economy with the only possible exception being subsistence farmers, who had little wealth to begin with. Former slaves had to learn to establish labor contracts with old owners or new employers. These problems will not be dealt with here. Rather, this paper will focus on black rights in Chatham County during and following Reconstruction.

The end of slavery also meant that whites were forced to come to terms with major changes in the social and political status of former slaves and free blacks--here referred to as “black rights.” Black rights will include voting, equality in law, and interaction between blacks and whites (or conversely, segregation). This paper will outline efforts to define black rights during the period called Reconstruction and its aftermath, as these events played out in Chatham County.

## **1865-1866: Reactions to Presidential Reconstruction**

### *May 29, 1865. President Johnson’s requirements outlining his Reconstruction policy.*

President Andrew Johnson, a Tennessee Democrat, set a limited number of requirements to return the Southern States to the Union as soon as possible.<sup>6</sup>

- Granted amnesty to all ex-Confederates except those who had held high office in government or the military or who were wealthy land owners; but even those excluded men could apply for a presidential pardon.
- Appointed William W. Holden, the longtime editor and publisher of the Raleigh-based *North Carolina Standard*, provisional Governor.<sup>7</sup> Holden was charged with calling a convention consisting of delegates elected by loyal citizens for the purpose of amending the state constitution to declare the secession ordinance null and void and to abolish slavery.
- Required that all voters and electors take an amnesty oath, or oath of allegiance, and meet the qualifications set forth by the state constitution in force before May 20, 1861--the day the state passed its secession ordinance--thus no freedman could vote for delegates to the convention.

### *October 2, 1865. Constitutional Convention convenes to create a new State Constitution.*

Holden issued the call for a state convention and on September 21 delegates were elected to the convention. Many voters stayed away from the polls, too bitter even to vote in an election for a convention that would carry out the President’s requirements.

Chatham delegates,<sup>8</sup> all new to political office, were:

- Robert Love, who in 1860 was a 54-year-old white farmer from the Eastern District, Hadley's Mill post office, with personal estate<sup>9</sup> valued at \$19,000 and two (apparently free) mulattoes (a laborer and a carpenter) living in the household.
- George P. Moore, who in 1860 was a 36-year-old white farmer with two mills, wool-carding and tannery businesses, from the Eastern District, Grove post office, with personal wealth of \$8,000 and six slaves.
- John A. McDonald, who, according to the 1860 census, was a 33-year-old white merchant from the Middle District, Pittsboro post office, with personal wealth of \$50, and no slaves.
- The Roster of Chatham Confederate Veterans does not list any of the delegates. The 1870 Census indicates that Love and Moore lost wealth following the Civil War--especially Moore who lost both businesses and slaves.

At the Convention on October 2, the ordinance forever abolishing slavery passed unanimously. The ordinance declaring secession null and void met with greater resistance, but was finally passed 105 to 9 with the Chatham delegates among the "yeas."<sup>10</sup>

On November 9, the work of the Constitutional Convention was submitted to the eligible white voters. In the State, the ordinance abolishing slavery was approved by a vote of 18,527 to 3,696; but many people simply did not vote due to the President's demands. Only 38% of those voting in the governor's race voted on this ordinance. In Chatham, the vote was 549 to 90 in favor of the ordinance. The ordinance voiding secession was approved by a vote of 19,977 to 1,940 in the state; in Chatham by 577 to 52.<sup>11</sup>

Elections for political offices were also held at the same time. In the governor's race Holden was defeated by Jonathan Worth statewide, but Chatham favored Holden 911 to 707.<sup>12</sup> Two Chatham delegates to the Constitutional Convention were elected to the State House---John McDonald and George P. Moore. The third member was Richard Bray Paschal who in 1860 was 45 years of age, was county sheriff from the Goldston area, had \$7,175 in personal estate wealth, and had nine slaves. L. W. Gorrell, another candidate new to political office, was elected from Chatham to serve in the State Senate. The 1860 Census indicates he was 36 years old, a physician from Goldston, had \$10,000 in personal wealth, and had 12 slaves. The 1870 Census indicates that both Paschal and Gorrell had lost wealth since the Civil War. I have found no records to suggest that either was a Confederate veteran.

*November 27, 1865 and January 18, 1866. State General Assembly convenes to replace slavery with law.*

On January 31, 1865, U. S. Congress had passed the Thirteenth Amendment which abolished slavery and involuntary servitude. The Amendment was ratified by 27 non-seceding states in July. (One wonders if there would have been such an amendment if the Southern States had not seceded.) The November 1865 session of the NC General Assembly dealt mainly with the Thirteenth Amendment which was ratified by

overwhelming majorities, including the Chatham representatives. The legislature also passed a resolution stating that it had ratified the Amendment only because they understood that it did not enlarge Congress's power to decide the larger legal status of freedmen within the States.

During the January 1866 session the legislature turned its attention to deciding the legal status of the freedmen. Several proposed laws were debated, including what the legislature called the "Act Concerning Negroes and persons of color, or of mixed blood." (Mixed blood meant anyone with one-sixth or more black blood.) Subsequently these laws have been given the name "The Black Codes." In the House, the Act was passed by the narrowest of margins--51 to 50. All three Chatham representatives voted "yea." In the Senate, the Act was first defeated (18 to 22) with Chatham Senator Gorrell voting "nay," and then passed 22 to 19 with Gorrell not casting a vote.

According to the Black Codes<sup>13</sup>:

- Freedmen would be granted the same mode of trial by jury as whites. They could give testimony in court cases if the rights of other blacks were involved. In all other civil and criminal cases black testimony was not permitted "unless by consent of the parties of record."
- All punishments for criminal violations were to be the same for blacks and whites—except for the crime of "assault with an intent to commit rape upon the body of a white women" when a black man was to suffer death.
- Blacks were allowed to make contracts. But for articles worth more than ten dollars, contracts had to be witnessed by a white person who could read and write.
- All masters were to apply the same duties to black apprentices as to white apprentices. However, black girls could be apprenticed until the age of twenty-one while white girls could be apprenticed only until their eighteenth birthday. County courts could bind out black [but not white] children "when the parents with whom such children may live do not habitually employ their time in some honest, industrious occupation." And in binding out black apprentices their former masters, if judged a suitable person by the court, would get preference over others.
- Marriage between blacks and whites was prohibited. But blacks who had lived together during slavery were obligated to marry and to record their marriages at a fee of twenty-five cents. Failure to do so was a misdemeanor.
- Blacks could not own or carry guns, swords, or knives unless they obtained a license one year in advance of the purchase. Nor could they engage in seditious language, insurrections, and rebellions in the State. Violations were to be punishable by death. Persons trying to excite such behavior in others would be sentenced to the pillory for one-hour, receive one or more public whippings, not less than thirty-nine lashes, and be imprisoned for twelve months.
- Any black person entering North Carolina from another state would be fined \$500 "from time to time" until the person left the state. Any native black leaving the state for more than ninety days would be treated as an out-of-state black; and if that person returned, he would be assessed the same penalty. If not able to pay their fines, they would be hired out.

- The legislature also passed other laws which, although applied equally to blacks and whites, were passed in immediate response to emancipation. These laws dealt with vagrancy, the intent to steal farm animals, paying laborers in kind, and enticing servants from fulfilling their contracts.

On May 20, 1866, the Constitutional Convention met again in a second session. With Governor Worth's encouragement they repealed some of the discriminatory sections of the Act: limiting the testimony of blacks, limiting the movement of blacks in and out of state, and prohibiting them from carrying and owning weapons. The punishment in the rape provision was changed to "a fine, imprisonment not exceeding two years, standing in the pillar for one hour, two or more public whippings on his bare back not exceeding thirty-nine lashes at any one time, all or any of them of the discretion of the court." Chatham Representative Love voted to support these repeals; McDonald and Moore voted against. The revised Act was approved by a vote of 82 to 20 with Chatham delegate McDonald voting "yea," Moore voting "nay," and Love not recording a vote.

*April 9, 1866. A northern, Republican Congress takes charge. Elected Southern representatives are not seated.*<sup>14</sup>

On April 9, 1866, Congress passed, over President Johnson's "states' rights" veto, the Civil Rights Act which conferred citizenship on all native-born Americans (except American Indians not paying taxes!). The Act stated that all citizens (so defined) will have the same rights regardless of race or color within any state or territory of the United States, and defined their rights under federal law. The rights defined were limited to those specified in the Constitution's Bill of Rights. The Act authorized federal judicial and law officers to enforce the law. On June 13, Congress also passed the Fourteenth Amendment which had five sections, only three of which will be mentioned here.

1. There was a restatement of the Civil Rights Act giving the federal government supreme authority to define and protect the civil rights of its citizens, thus moving the Amendment beyond future repeal.
2. The states could continue to determine voter eligibility; but congressional representation would be reduced in proportion to the number of adult males denied the franchise (including blacks). This was a compromise between those in Congress who wanted Congress to support black suffrage with legislation and those who wanted to leave the decision to individual states.
3. No person who previously had taken an oath to support the Constitution of the United States and subsequently engaged in insurrection or rebellion or given aid or comfort to the enemy, was to be eligible to be U.S. Senator or Representative, elector for President or Vice President, or hold any office, civil or military, federal or state. But Congress could, by a two-thirds vote of each house, remove such restrictions. The intent here was to take political control, in both Congress and state offices, away from former Confederate officials. (Most of these restrictions were removed by Congress on 22 May 1872.)

*October 2, 1866. The North Carolina Equal Rights League of Freedmen meets at the African Methodist Church in Raleigh.*<sup>15</sup>

Chatham County was among the sixty counties sending delegates to the convention. Chatham delegates elected to the convention were John Smith, Jonathan Evans, Nathan Coe, Daniel Blacken, and Mr. Perry. None of them are listed in the 1860 Census (which would not have listed enslaved persons) and only John Smith, who was elected to the Business Committee, was listed in the 1870 Census. Assuming that this is the delegate John Smith, at that time, he was 50 years old, a house painter from New Hope, and could write. The minutes of the convention do not mention any of the Chatham delegates as the individual voting was not recorded and none addressed the convention.

Governor Worth and former governor Holden both addressed the convention urging members to be industrious, sober, truthful, and educated, but to stay out of politics. By contrast, the convention themes included suffrage, self-help through education and jobs, and land acquisition. But consensus on which of these themes should have priority was not achieved. The constitution adopted by the convention stated that the object of the League was to “secure, by political and moral means--the repeal of all laws--that make distinctions on account of race.” Particular attention was given to denouncing the apprentice section of the Black Code. They endorsed Congress’ passage of the Thirteenth and Fourteenth Amendments.

*November 19, 1866. The General Assembly convenes to deal with the Fourteenth Amendment.*<sup>16</sup>

In the Fall of 1866, the following Chatham County representatives were elected to the General Assembly. George P. Moore was returned to the House while Richard Bray Paschal was elected to the Senate. George W. May and Thomas W. Womble were newly elected to the House. In 1860, May was a 49-year-old white farmer from Center Township with personal estate valued at \$1000 and no slaves. Thomas W. Womble was a 54-year-old white farmer from Gulf with personal estate valued at \$1000 and no slaves. Following the War both of Chatham’s new legislators had lost wealth. Neither May nor Womble were Confederate veterans.

The Assembly began by certifying the re-election of Worth as governor. (Chatham voters had supported Worth by a vote of 884 to 211 votes for Dockery). The main focus of attention was the ratification of the Fourteenth Amendment recently passed by Congress. Worth, in his address to the both bodies of the Assembly, encouraged them to reject the Amendment. The votes were nearly unanimous with all Chatham legislators voting to reject. Other bills passed with the support of Chatham legislators included:

- Ask the Federal Government to use Freedmen’s Bureau funds to redistribute blacks among ALL the states
- Erect workhouses and ball-and-chain gangs for public works. The reasoning was that whippings would no longer work because slaves had become too accustomed to them.

- Make adjustments in two Black Codes by eliminating discrimination aspect of the apprentice law.
- Alter penalty for the conviction of stealing a horse, mare, gelding, or mule. "First offence would receive two or more public whippings, put in the stocks and pillory, and imprisonment--for a term not exceeding twelve months; and for second offence shall suffer death." Chatham's Paschal (Senate) and May (House) proposed an alternative changing the punishment to "For the first offence the culprit shall be branded with a hot piece of iron with the shape of a small horse-shoe, and receive thirty-nine lashes on his bare back at a public whipping post" and death on the second offence. Paschal's alternative was rejected by a vote of 18 to 26 and the original bill accepted 30 to 12. In the House, May's amendment failed and the original billed passed with the support of the other Chatham legislators.

## 1867-1869: Reactions to Congress's Reconstruction

*March 2, 1867. The U.S. Congress sends in the military.*<sup>17</sup>

In response to ten states' failure to ratify the Fourteenth Amendment Congress passed two Reconstruction Acts—both over President Johnson's veto. The first Act placed the offending states under military rule and divided them into five military districts, North Carolina being in the second district under the command of General Daniel Sickles. The Second Reconstruction Act specified the procedures that the states had to follow in order to rejoin the Union.

- District commanders were to call a vote for each of their states to approve a Constitutional Convention and to elect delegates. Commanders were required to create a voting registration list of eligible voters, consisting of all male citizens, 21 years of age or older, both black and white, except those disqualified by the Fourteenth Amendment or a felony conviction, all voters having to take an oath affirming their qualifications. Approval of the convention required a majority vote of the state's registered voters.
- Should a Constitutional Convention convene it would have to adopt a new constitution guaranteeing sufrage for freedmen.
- Should a state then ratify the constitution and the Fourteenth Amendment, Congress would review the state's actions; and if approved, the state's Congressional delegation would be seated, signifying the state's readmission to the Union and military rule would end.

The first Supplemental Reconstruction Act (March 23, 1867) required an oath of past loyalty in order for any man in the South to vote. To take what was called "the Ironclad Oath," a person had to swear he had never borne arms against the Union or supported the Confederacy — that is, he had "never voluntarily borne arms against the United States," had "voluntarily" given "no aid, countenance, counsel or encouragement"

to persons in rebellion and had exercised or attempted to exercise the functions of no office under the Confederacy. A farmer who sold grain to the Confederate Army would be considered to have “given aid.”

This last provision meant that the “cream” of the white Confederate military and political leadership was disfranchised. The *Raleigh Daily Sentinel* wrote about “a dinner party attended by three former governors, a former justice of the state supreme court, one or two former members of Congress, and several other distinguished men. The only person in the august gathering who could vote was the black man waiting on the tables.”<sup>18</sup>

General Sickles declared many general orders which acted as additions to Congress’s procedures, some of which generated considerable controversy.

- Outlawed the carrying of deadly weapons except when hunting on one’s own premises. Local law officers were permitted to carry arms when absolutely necessary.
- Abolished the death penalty for burglary and larceny.
- Prohibited the punishment of crimes by whipping, maiming, branding, stocks, pillory, or other corporal punishment.
- Removed all property qualifications for public office and made all current taxpayers eligible for jury duty so long as they were eligible under the Reconstruction Act.
- Prohibited racial and class discrimination on public transportation.
- Required civil officials and private citizens to assist post commanders when summoned.

#### *March 27, 1867. The Republicans get organized.*<sup>19</sup>

Meeting in Raleigh, the North Carolina Republican Party was organized with delegates—101 whites and 46 blacks—from 56 (of 89 existing) counties. Chatham’s delegates included two whites—Silas Burns and William T. Gunter—and three blacks—Richard Ramsay, T[homas] Taylor, and Henry Smith. In 1870, Silas Burns was a 66-year-old farmer in Cape Fear Township, with property and personal wealth valued at \$14,000. William T. Gunter was a 50-year-old white farmer from the Middle District with personal estate valued at \$110. In 1870, Ramsay was an unmarried 35-year-old carpenter living on Pittsboro Road North Side. Taylor was a married 63-year-old stonemason living on the same road. I was unable to locate any information on Smith.

Headed by former governor William Holden, the newly formed NC Republican Party was a coalition of blacks, immigrant Northern Republicans (“carpetbaggers”), and native white Republicans (“scalawags”). Together they were pro-Union and anti-slavery and therefore represented a challenge to the Conservative Party in the state as well as in Chatham County, though Chatham probably had few if any carpetbaggers. (The Conservative Party existed from 1860-1876 and was a loose coalition of former Democrats and Whigs.)<sup>20</sup> The Republican Party adopted a policy favoring black suffrage without any property qualifications, further distinguishing themselves from the Conservative Party. But little else was said regarding social equality with the exception of spreading education among all men.



*January 14, 1868. The second Constitutional Convention meets.<sup>21</sup>*

On October 18, 1867, District Commander General Sickles ordered that the voting regarding the convention and its delegates would be held on November 19 and 20. Citizens would be severely punished for using intimidation or violence to prevent citizens from registering or voting. It was specifically prohibited for white employers to dismiss their black laborers for voting.

The state's voters supported the convention initiative 93,006 to 32,961. But the decision was made by the overwhelming number of black votes. Whites rejected the initiative by a margin of 32,961 to 31,284, while blacks supported it 61,722 to 0. Voter turnout among registered blacks was 85 percent, while only 44 percent of white registered voters voted. The turnout among whites was due to the belief among Conservatives that low turnout was the best strategy in defeating the convention due to the policy that a majority of the registered voters had to vote in favor of the convention for it to pass. Chatham voters supported the convention 2,116 to 330.

Republicans won 107 of the 120 delegates to the convention, and included what one newspaper described as 18 carpetbaggers, 13 negroes, and 74 native whites. Republican John McDonald, the only Chatham member of the previous convention not having owned slaves, was again elected to a Constitutional Convention. Republican William T. Gunter was Chatham's second delegate. According to the 1870 Census, both Gunter and McDonald had lost wealth since before the war.

On January 14, 1868, the North Carolina Convention opened in Raleigh and after two months of deliberation the Republican majority had drafted a new state constitution. McDonald made a significant contribution to the deliberations. One of the resolutions passed expressed the desire of the people of North Carolina to restore the State to her Constitutional relations with the Federal Government at earliest day practicable. Several amendments were proposed, including ones stating that the Reconstruction Acts were unconstitutional. Supporters of these amendments argued that the Acts would have the dire results of disenfranchising intellectual whites and transferring power to "ignorant blacks," and represented efforts to degrade whites to the level of the black race. These outcomes were said to be "crimes against civilization and against God." The amendments were rejected. Both Chatham delegates voted against the amendments.

The Preamble and Bill of Rights of the new North Carolina Constitution resembled those of the U. S. Constitution. The new documents also stated "there is no right on the part of this State to secede;" prohibited slavery and involuntary servitude other than for crimes; made every male person eligible to vote if he was born or naturalized in the United States, 21 or older, residing in the state 12 months and in the county 30 days; made the same persons eligible to hold public office except those who denied the being of Almighty God or had been convicted of treason, felony, perjury, any infamous crime or corruption in office. A series of proposed amendments to the eligibility requirements for holding public office stated that additional persons should be excluded: blacks, those with wealth less than \$2000, and those who had taken an oath to the United States and

subsequently engaged in rebellion. All amendments were rejected, with Gunter and McDonald voting to reject.

Several ordinances were passed with the support of Chatham delegates.

- It should be illegal to intimidate voters going to the polls and for employers to make employment contingent on voting in a particular way.
- The voters, rather than the county courts, would choose sheriffs and other local officials.
- A free public-school system for black and white children was guaranteed but with separate but equal schools.
- Interracial marriage and sexual intercourse between races should be prohibited.
- The state militia should be organized into separate black and white units where no white man would be required to obey the orders of a black officer.
- The revised state penal code would permit murder to be punished by death, but branding, cropping, whipping, and the pillory would never be allowed.

*April 21-3, 1868. Statewide elections are held.*<sup>22</sup>

North Carolina voters ratified the new State Constitution 93,084 to 74,015--with 84% of voters casting ballots. Chatham voters supported the Constitution with a majority of over 700 votes. More Conservatives voted this time due to the Fourth Reconstruction Act passed on March 11, 1868, which declared that a *majority of the votes cast* would be sufficient for ratification. In the previous election, passage had required a majority of all registered voters.

Republicans dominated the election results both locally and state-wide. William Holden was returned to the governorship (by a margin mirroring the vote on the constitution) and more Republicans were elected to the General Assembly. Twenty blacks were elected to the Assembly—17 to the House and 3 to the Senate—none from Chatham. (No records indicate that Chatham elected any blacks to public office during the period discussed here.) Chatham voters also supported Holden and elected Republicans William T. Gunter and James B. Long to the House and Silas Burns to the Senate. In 1870, Long was a 56-year-old white farmer from New Hope with personal estate worth \$800; he had owned no slaves before the war. Silas Burns was born in Massachusetts. In 1850 he owned a manufacturing business in Wake County with no evidence of owning any slaves. In 1870, he lived in Cape Fear and was a 66-year-old white farmer with personal estate worth \$4,000.

Changes to the State Constitution had included the reorganization of the State into townships and the election of county officials (whereas they previously had been appointed.) The first Chatham election of county officials took place in April 1868. Collectively, all were white farmers, 35-55 years old, with little wealth, had no slaves in 1860, and had not served in the Confederate military. They were James Pace, W. C. Thomas, J. M. Woody, George W. Stedman, and R. C. Council.<sup>23</sup>

*July 1, 1868. The State House and Senate convene.*<sup>24</sup>

Many of the newly elected state officials were Republican, but could not take office because of being disqualified by the Fourteenth Amendment provision that disallowed those who had taken an oath to support the US Constitution and subsequently engaged in insurrection, rebellion or given aid or comfort to the enemy. Something had to change to increase the state's chances of ratifying the amendment and being readmitted to the Union. So, on June 25, 1868, a Republican Congress removed the disqualification of seven hundred North Carolina Republicans, including Governor Holden, and it declared that the congressional delegation of North Carolina (and those of five other Southern states) would be admitted when the states' legislatures ratified the Fourteenth Amendment. Congress also approved North Carolina's new constitution.

A week later the first order of business of the NC General Assembly was the ratification of the Fourteenth Amendment--required by the U.S. Congress as the condition for the state's readmission to the Union. The House passed the bill 82 to 19 with Gunter's support but not Long's. The Senate passed the bill 35 to 2 with the support of Burns.

Other bills were passed which suggested an increasing interest in expanding racial segregation.

- A bill supporting the formation of the state militia had a provision that there would be separate units for blacks and whites; and that no white men would have to take orders from a black officer. The bill passed both chambers with the support of all Chatham delegates.
- One bill in the Senate proposing support for the cemetery in Salisbury had a provision that the cemetery would have separate grounds for burial of persons of color. It passed with Burns' support.
- The Senate also proposed that "white ladies and gentlemen [should sit on] one side of the gallery and colored ladies and gentlemen on the other side." It narrowly passed by one vote with no record of the individual votes.

On July 3, Governor Holden notified General Canby (new head of the Army controlling North Carolina) that the Assembly had ratified the Fourteenth Amendment and the state constitution. On the 4th, Holden was inaugurated; and on the 6th, Congress admitted three delegates from North Carolina and rejoined North Carolina to the Union.

Although there was a great rush to rejoin the Union, there were many Chatham dissidents, among whom was John A. Hanks, a 56-year-old white physician from Pittsboro. On May 11, 1868, Hanks wrote a letter to his son lamenting the conditions following the war, part of which is the following.

*The Scallawags, Blathersskites, Rascals, Rogues & Cumbo & Cuffie have taken the day & N. Carolina has elected Wm. Holden Governor & all the ticket composed of Carpetbaggers & broken down politicians with plenty of deserters from the parties they once were proud to belong to I mean the old Whig and Democratic parties. We hear this evening, however that the Congressional Committee has refused to take the state into the Union; the enfranchising clause is the objection & the probability is we shall be governed by a military despotism as at present, with the addition of another*

*Brown low of fiendish notoriety in the person of Bill Holden, Be it so! I would rather suffer on and bide our time than have our old constitution made by our Fathers when men were honest & made by the wisest and best of N. Carolina's gifted sons & amended in '36 by such men as Gaston Toomer & Malcomb, thrown aside trampled on, and substituted in its stead a rickety, rascally, devilish, concern made in Washington & a literal copy in many respects of the Massachusetts Constitution with the addition of the Negro equality clause & then to just think if the men who made it! Fifteen negroes & the balance neither wise nor better men, witness from our own County Chicken Billy Gunter and John McDonald! I honestly believe the policy pursued by the Radical party will culminate in another war, a war in comparison with which the other was but child's play. It will be a war of races & the deluded Africans will find that this is & shall be a white man's & and only a white man's government.<sup>25</sup>*

***On February 25-26, 1869, Congress passes the Fifteenth Amendment.***

The third of the Reconstruction Amendments was passed by Congress on February 25-26. It stated that no person could be denied the right to vote because of "race, color or previous condition of servitude." The NC General Assembly met in special session on March 5 and ratified the amendment with the support of Chatham's representatives. Earlier considerations had been met with arguments that blacks should not have the vote because they were not propertied or intelligent and that women, while citizens, could not vote. But beginning with the end of the Civil War when Lincoln proposed that black Union soldiers should be awarded voting rights, to newly-elected President Grant's support for ratification of the Amendment, support for black suffrage had grown. And Republican-dominated state legislatures saw the benefit of grateful black voters in maintaining political control.

But there was a loophole in the Amendment. It did not state that blacks could not be denied the right to vote. Only that no person could be denied the right to vote because of race. Therefore, State laws could be passed denying the right to vote because of other factors which were correlated with being black such as lack of property or illiteracy. This reality will be discussed later in this paper.

It is important to note at this point that Republicans who had controlled the political process voted to abolish slavery, grant black suffrage, and make new laws nondiscriminatory. But at the same time, they placed some emphasis on racial segregation in some spheres of Chatham life.

***On April 27, 1870, Republicans meet in New Hope Township in Chatham County.***

An article in the 4 May 1870 Daily Standard reported that Republicans (the number unknown) met at Byrd's school house for the purpose of appointing delegates to represent Chatham County at the Republican Convention the following month in Raleigh. G. [George] W. Macklin was called to chair the meeting. Macklin, a 21-year-old mulatto, was unmarried with no children. He was a farmer in New Hope Township. W.

[Willis] Byrd was appointed Secretary. Byrd, a 56-year-old mulatto, was married with nine children. He, too, was a farmer in New Hope Township. Macklin and Byrd were also appointed to serve as delegates to the Republican Convention. Grandson Evans was appointed as a third delegate. Evans, a 47-year-old mulatto, was married with six children, and also farmed in New Hope Township. We know from other sources that Macklin, Byrd, and Evans were not formerly enslaved, but were free persons of color prior to emancipation. Byrd and Evans were brothers-in-law. Both were appointed to a committee whose responsibility was to draft resolutions expressing the sentiments of the meeting. The committee included three others. A. [Alvin/Abner] Ashworth, a 44-year-old white, was married with five children. According to the 1870 census, Ashworth was a farm laborer in New Hope Township who could not read or write. H. [Henderson] Rogers, a 40-year-old black, was married with five children. He also was a New Hope farm laborer who could neither read nor write. Thomas. Weaver was 25 years old and a farm laborer living in the New Hope household of Edmund Byrd, whose household members, including Weaver, were recorded in the census as white. Weaver could read but not write. The resolutions resulting from the meeting supported peace, Reconstruction Acts of Congress, President Grant, justice for all persons without regard of race, color or creed, and restoring State prosperity.<sup>26</sup>

## **1870-1900: Conservatives Regain Political Control (Redemption)**

### **1870. Political Change.**

The Fall 1870 elections brought significant changes to Chatham's political scene. Five years of Reconstruction gave way to a period historians call "Redemption" because it returned Democrats (also called Conservatives) to the power they held before the end of the Civil War. Political disputes continued, but the balance of power shifted in favor of the Conservatives. The Republican county commissioners voted into office in 1868 were swept aside by Conservatives William S. Gunter, J. D. Brasington, Andrew J. Riggsbee, and Alexander Thomas. The implications of this change for black rights were not direct, as county commissioners' responsibilities focused mainly on taxes and roads. All but Thomas would be reelected in 1872. Collectively those elected were aged 38 to 52, white farmers who, with the exception of Riggsbee, had lost considerable wealth since before the war. None appear to have owned slaves. All had connections with the war, either themselves serving or having sons or nephews who did. Gunter and Brasington maintained their influence on the county commission, alternating the chairmanship.<sup>27</sup>

Those elected to the NC General Assembly were also new to the job: William Gaston Albright to the Senate and John A. Womack and R. J. Powell to the House. In 1870, both Albright and Womack were farmers who had lost wealth since before the war. Albright's father, William, had served as a Chatham state senator from 1836 to 1848 and again in 1852. Womack's father, Green Womack, had been a prominent Pittsboro businessman. R. J. Powell was a Captain in Co. E 10 NC during the war and in 1870 he

was a 31-year-old farmer living on Pittsboro Road North Side. He is buried in the Episcopal Church cemetery in Pittsboro. Albright and Powell continued their political power in the county with their election to the State Senate--Powell in 1872 and Albright in 1874 and 1876.<sup>28</sup>

The State Senate opened its session in November, 1870. On the 26th, a traditional message was received from the governor, William Holden, a Republican. It contained usual references to state debts, taxes, transportation, schools, and penitentiaries. However, his major attention focused on his efforts to combat the rise in KKK activity in the State.

*Every race of men in this State is free. The colored citizen is equally entitled with the white citizen to the right of suffrage. The poor and humble must be protected in this right equally with the affluent and the exalted...all magistrates, sheriffs, and other peace officers to be vigilant, impartial, faithful and firm in the discharge of their duties, magnifying and enforcing the law, ferreting out offenders, protecting the weak against the strong who may attempt to deprive them of their rights; to the end that the wicked may be restrained...bands of men who go masked and armed at night, causing alarm and terror in neighborhoods, and committing acts of violence on the inoffensive and defenseless...would be followed and made to feel the penalty due to their crimes...there is and has been for some months past, a feeling of insubordination and insurrection, insomuch that many good citizens are put in terror for their lives and property, and it is difficult, if not impossible, to secure a full and fair enforcement of the law. I gave notice...that violations of law and outrages in the aforesaid counties must cease; otherwise I would proclaim those counties in a state of insurrection, and would exert the whole power of the state to enforce the law, to protect those who are assailed or injured, and to bring criminals to justice.*<sup>29</sup>

The General Assembly's response to Holden's efforts to suppress Klan activity was impeachment! In late 1870, a former clan leader and representative from Orange county introduced a resolution to impeach Holden. The principle reason for this response was that what Holden described as "bring criminals to justice" the Conservative legislators saw as "harassment of good law-abiding citizens." After a highly partisan trial, the Senate found Holden guilty of six of the eight impeachment articles with Chatham's Albright voting guilty on all eight. The final vote to remove Holden from office and never to allow him to hold public office again was approved 36 to 13 with Albright voting with the majority.<sup>30</sup>

#### *The Klan surfaces in Chatham.*

On Wednesday night before Christmas in 1870, members of the Klan attacked Essic [or Essex] Harris, a 30-year-old mulatto renting farmer in Oakland Township. He lived with his wife and six children. Before the war he had been a slave to William G.

Harris. Following the attack, Essic Harris testified to a Congressional Committee looking into Klan activities.

*They came to the door and knocked. I was asleep when they came. My wife, when they commenced knocking at the door, said, "Essic, Essic, there's someone at the door." I jumped out of bed. By the time I got out of bed they had knocked both my doors open. They asked where my gun was. By the time I understood what they said, they had my gun out of the rack. They asked me if I had ever seen the Ku-Klux. I told them "No, sir." They said: "Here they are; we are the Ku-Klux. Did you ever see them before?" I said: "No, sir."*

*They asked me where my shot and powder were. I told them up in my little bag. They took the shot and powder and walked right out, and never said anything more... They sort of scared me at first. Some of them had on some women's clothes ... [Some covered their faces with what] "looked like a sort of paper or sheep-skin; it was a sort of black thing.*

*[A week or two later, Harris and wife had laid down in bed, when] "she said, Essic, the Ku-Klux is coming... By the time I had got my gun, they had knocked my window open. I had to fall to my knees, then, to keep from being shot. My wife was lying in bed [in the one room house]. After they got the window open they commence firing in the window. Some of them said they were going to come in at the window and get me out... They kept knocking at my door, saying that they had killed me. It was half an hour before they knocked the door down, I reckon; but as soon as they got the door down, so they could shoot in, they commenced firing in the door, though they had been firing in the window all the time.... I was sitting very close to the window. When they put pistols in at the window I could see them and prevent them from hitting me... There were five children in the house. I never had time to see what they were all doing; but they all got out of the way. I thought they were all dead. My wife had got between the bed-ticking and the mat; my little children were in another bed; they had got in a pile, right on top of one another; like a parcel of pigs... They came to my window and pulled off their caps. Some of them I knew, and some I would not know in the daytime if I was to see them... They always say in my county that a man could not kill a Ku-Klux; , they said they could not be hit; that if they were, the ball would bounce back and kill you. I thought though that I would try it; and see if my gun would hit one... It had only a common load with one or two big shot, such as I always put in it... I shot this man, xxxxxx, and Mr. xxxxx<sup>31</sup>... [A pair] carried off the shot one. They said, "Boys, the old man is calling for his five-shooter and loading his gun; let us leave." Upon that they went off... I was hit in nine different places... there was three bullets---one through the thick part of my hip, just above the knee; one right through the muscle of the arm; one cut through the hair, taking skin and all;*

*the balance were shot. I have got a shot in my left toe, which cannot be got out; it is there among the joints, and it has to stay...*<sup>32</sup>

The Harris testimony suggests that the assault was carried out by a group of local men who decided to first take Harris's guns and then later to intimidate him by shooting up his place. Testimony reported that two of the attackers recognized by Harris sold liquor at a small building at a crossroad. Harris himself testified that he had purchased liquor there. It is possible that the group took the mantle of the Klan to scare people even more.<sup>33</sup>

Local law officers refused to do anything about the raid, so Harris went 10 miles in order to catch the train to Raleigh to seek a prosecution process. According to Harris, the men were arrested by Mr. Hester, the Marshall, remained in jail a while, and then they were bailed out.

Harris was asked if he knew of other Ku-Klux violence. He answered, "They have whipped and shot some people about there, right bad, and burned some houses...I have heard of them killing them here and yon, but not close to me. There was a black man not far from me, named Anthony Davis. They went one night and got hold of him, and whipped him very bad...They whipped him and shot two of his children."<sup>34</sup>

Harris was asked about his politics. He responded that he did vote Republican, but did not make political speeches and did not expect to vote again because "That is just the way it is. It is not worth while [sic] for a man to vote and run the risk of his life."<sup>35</sup> This would prove to be the most significant portion of his testimony! The goal of the Ku-Klux was to end the black vote.

Was Essex Harris a credible witness? According to several who testified on his behalf, he was. Mr. Elias Bryan, a farmer from Haywood, testified that he had known Harris for 30 years and vouched for his good character. Further, Mr. Bryan had discussed Essex Harris with the man who "raised him"—in other words, the man who formerly enslaved him—W. G. Harris, a former legislator representing Chatham—who said that Essex's "character was as good as any man's," as did Mr. Ned Finch, from whom Harris rented the land on which he lived and worked "since the surrender."<sup>36</sup>

Several additional Accounts of KKK Assaults in Chatham County are provided in Appendix A. These included not only intimidation, but whippings, shootings, and burning of homes.

On April 20, 1871, the U. S. Congress passed the Third Enforcement Act or "the Ku Klux Act" as it was more popularly known. It targeted secret organizations that used intimidation and violence to achieve their objectives. Whenever Klan activities were too powerful for civil authorities to suppress, the president (Grant) could call in the military and suspend the writ of habeas corpus. On the eve of the August 3 election, Company K of the 2nd Artillery was sent into three counties—Chatham, Moore, and Harnett. The commander of Company later reported that the election "passed off very quietly." By the end of 1871, federal officials had used the Act to make twelve hundred arrests in North Carolina, but which resulted in only 23 guilty pleas and 24 convictions. In 1873, the North Carolina General Assembly passed the Amnesty Act which absolved Klansmen of all



crimes committed while in disguise. And by the end of 1874, the U. S. attorney general ordered all remaining Klan cases dismissed.<sup>37</sup>

### *The Constitutional Convention of 1875 Meets.*

On August 3, 1871, eleven thousand more Republicans went to the state-wide polls than had done so the year before. At the same time there were three thousand fewer Conservative voters. The net effect was a rejection of an effort by the Conservative-dominated General Assembly to have a referendum for a state constitutional convention--49,344 to 44,720. Chatham voters also defeated the convention proposal 1,757 to 1,480.

Following the 1871 blip in what otherwise was their consistent political control, the Conservatives in the Assembly were more successful in getting a constitutional convention in 1875 by not offering a referendum to decide the issue. The delegates elected to the convention included 58 Conservatives, 56 Republicans, and 3 Independents. Chatham's delegates were Conservatives John Manning and William F. Stroud. John Manning also had been a delegate to the Confederate Convention and served in the military as Lieutenant in Co. M 15NC. He was a 43-year-old lawyer who would go on to serve in the U. S. Congress and a founder of the UNC Law School and a professor there. Manning Hall is named for him. Stroud was a 43-year-old white farmer married with one child. Interestingly, he later became very active in the Populist Party in the 1890s.

The Convention met on September 10, 1875. Manning and Stroud sent their account of the actions of the Constitutional Convention to the *Raleigh News*, November 9, 1875. Their accounting included these approved amendments to the Constitution.<sup>38</sup>

- (a) Carrying concealed weapons and (b) belonging to secret societies [the Klan] would be illegal. The individual yeas and nays were not ordered.
- The General Assembly (a) may from time to time elect court officers and clerks and (b) will have entire control of the county government and the election of Justices of the Peace including abolishing many useless offices. "This gives a door of escape to our white brethren of the East [white- minority counties] from negro despotism." Manning and Stroud supported both of these amendments.
- 90 days residence in a county instead of 30 will be a qualification for a voter. [Presumably addressing carpetbaggers] Those convicted of felony cannot vote unless restored to the rights of citizenship. Both parts of the amendment were passed 58 to 49 with Manning and Stroud among the majority.
- (a) "The children of the colored race shall be taught in separate public schools, but there shall be no discrimination made in favor of or to the prejudice of either race." (b) Marriages between a white person and a negro will be illegal. The last two amendments "settles the question of social equality, and this without injury to the colored people; it only protects and preserves the white race," according to Manning and Stroud. The two amendments were highly correlated, as whites believed that integrated schools would lead to inter-racial marriage, thus failing to

preserve the white race. Additions to the latter amendment were to make illegal (c) cohabitation of white men and negro women and (d) sexual intercourse between a white person and a negro, or a person of negro blood to the third degree. Both additions were rejected with the support of Manning and Stroud. The school and marriage amendments were passed 96 to 2, indicating the support of white Republicans as well as Conservatives.

In the subsequent state election held on November 7, 1876, the proposed constitution was approved 120,159 to 106,554. Chatham voters also approved the constitution 2,115 to 1,846--a difference of only about six percent. Former Governor Zebulon Vance won a bitter battle for governor over Judge Thomas Settle who was a confederate veteran and one of the founders of the Republican Party. Chatham voters similarly favored Vance--2,083 to 1,801.<sup>39</sup>

The ratified Constitution went into effect on January 1, 1877. Three months later, President Rutherford B. Hayes removed the last of Federal forces from North Carolina bringing about what modern historians often call "the end of Reconstruction." But, in Chatham County, Reconstruction had ended seven years earlier, when Conservatives regained control.

Attitudes in the north had begun to change. Some felt that Reconstruction had not yet achieved the goals of the war in that, though slavery had been abolished and the Union restored, continued government intervention was necessary to achieve greater black civil rights. Others believed that the race issue was dead, and that reconciliation should be the focus of a decreasingly-involved federal government. The latter accused the Reconstructionists of emphasizing the sacrifices of the federal Civil War soldiers—"waving the bloody shirt"—to win elections.

Economic depression, particularly in agriculture, continued in Chatham County, the State, and the South for most of the period from the Civil War until World War II. The rise of the Populist Party in the 1890s did little to alter the situation. It too, like the brief control of the Republican Party in the 1860s, was a coalition of Populists and Republicans, whites and blacks—in this instance for the benefit of farmers. The coalition achieved political control, particularly in Chatham County. At the end of the decade, it collapsed when it failed to meet the challenge by Conservatives accusing the coalition of supporting black political power.<sup>40</sup>

## **1900 and Beyond: The Jim Crow Period**

### ***Black Suffrage***

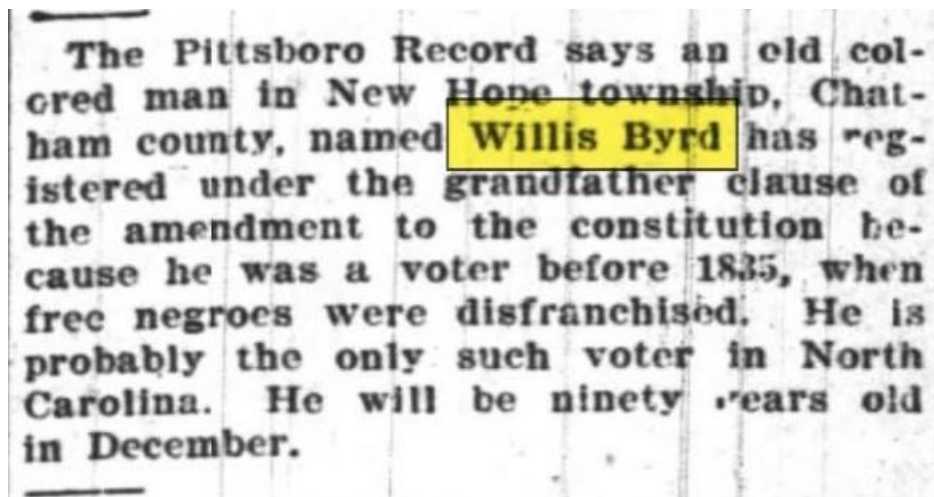
Ratified in 1870, the 15th Amendment to the U. S. Constitution guaranteed that the right to vote could not be denied due to race, color, or previous condition of servitude. North Carolina, along with other Southern states, began to find ways to circumvent the Amendment. The State created new amendments to its Constitution specifying additional requirements to vote, including passing a literacy test which required a male voter to

demonstrate the ability to read and write a section of the State Constitution designated by a voting official.

This requirement also would have prevented many white men from voting. In order to avoid disenfranchising the white voters, a second amendment was passed in 1900, called the “grandfather clause,” which stated that no man could be denied the right to vote based on his failure to pass the literacy test *if* he himself or his direct ancestor could vote under State law on January 1, 1867, three years *before* the 15th Amendment was passed—thus ensuring that formerly enslaved persons and their descendants would be subject to the literacy test. In Chatham, support of the amendment was promoted by *Chatham Record* editor H. A. London week after week: “The object of the proposed amendment is to eliminate the negro from politics in North Carolina and to prevent a small minority of the whites from joining with the solid mass of negroes in outvoting and controlling the great bulk of white people.”<sup>41</sup>

Though passed state-wide, the grandfather clause failed to pass in Chatham County— 1,976 against to 1,708 for.<sup>42</sup> The failure of the amendment to pass in the county can likely be attributed to the opposition of a considerable number of registered black voters in the county, Quakers, and Fusionists in the electorate.<sup>43</sup>

A list of the Chatham County men who met the requirements of the “grandfather clause” was produced, called “Permanent Registration of Voters,” which were the voter registries for 1902 to 1908.<sup>44</sup> The amendment had a tremendous impact on Chatham voting patterns, beginning with the registration for voting in the 1902 Fall elections where 3,023 whites registered compared to only 4 blacks.<sup>45</sup> Yes—only 4 blacks registered to vote in Chatham after the amendment. For example, the following article appeared in the 19 October 1902 of the *Raleigh News and Observer*.



The Pittsboro Record says an old colored man in New Hope township, Chatham county, named **Willis Byrd** has registered under the grandfather clause of the amendment to the constitution because he was a voter before 1835, when free negroes were disfranchised. He is probably the only such voter in North Carolina. He will be ninety years old in December.

Willis Byrd, named in the above article, was a free person of color, residing in Chatham for many years. It was noted earlier in this paper that Willis was politically active in the 1870s. The Permanent Register of Voters from 1902-1908, lists him as qualifying under the grandfather clause on his own record, meaning that he, himself was registered

to vote on January 1, 1867. The same page of the Register indicates that Willis' son, Amos, also qualified under the grandfather clause on Willis' record. Willis died in 1904.<sup>46</sup>

Brown J. D.	56	Not known	North Carolina	October 10 1902
Boling Elijah	73	Voter himself	North Carolina	October 11 1902
Byrd Amos J.	56	Willis Byrd	North Carolina	October 11 1902
Byrd Willis	89	Voter himself	North Carolina	October 11 1902
Bryan J. Newton	29	Daniel Bryan	North Carolina	October 14 1902
Bryan Atlas J.	49	Daniel Bryan	North Carolina	Oct. 14 1902
Beekwith S. Manly	61	Voter himself	North Carolina	Oct. 14 1902
Beekwith W. Dwyer	35	S. Manly Beekwith	North Carolina	Octo 16 1902
Byrd Nathaniel	82	Josiah Byrd	North Carolina	Oct. 18 1902
Booth Thomas D.	44	Thomas H. Booth	North Carolina	Oct 18 1902
Beekwith William H.	54	W. Beekwith	North Carolina	Oct. 22 1902

Following the vote in the 1900 suffrage amendment, H. A. London's *Chatham Record* editorialized, "The true white men of North Carolina have arisen in the might and majesty, and in thunder tones have decided that henceforth and forevermore, white men, and none but white men, shall govern our old state."<sup>47</sup> "The adoption of the amendment will eliminate them [negroes] from politics, and there will no longer be danger of negro domination in any part of our good state. Therefore, a more kindly and friendly feeling should hereafter prevail between the two races."<sup>48</sup> White supremacy had been restored in white-majority counties like Chatham.

Though the grandfather clause expired in 1908, the literacy test amendment survived until 1965 when the U.S. Congress passed the Voting Rights Act. It was not until 1978 that Chatham elected its first Black to public office, when Carl Thompson became a county commissioner.

### "Separate, but Equal"

Racial segregation was another focus of the Jim Crow period, although sometimes with the caveat "separate but equal." Following Reconstruction, the federal government left the southern states alone with regards to black rights for almost a century. Congress' Civil Rights Act of 1875 had a provision that prohibited racial discrimination in inns, public conveyances, and places of amusement. But in 1883, the Supreme Court declared it unconstitutional on the grounds that it sought to prohibit discrimination that was purely private in nature and therefore beyond the scope of the Fourteenth Amendment. The bill originally had another provision prohibiting racial discrimination in educational institutions as well as cemeteries, but that provision failed to pass Congress. In 1896, the Supreme Court ruled in *Plessy v. Ferguson* that segregation on rail transportation was constitutional because it did not treat the black race as inferior.

It wasn't until 1954 and the Supreme Court's ruling in *Brown v. the Board of Education of Topeka, Kansas* that "separate but equal" in schools was declared

“inherently unequal.” In 1970, schools in Chatham County schools became fully integrated. In 1964, Congress passed a law that prohibited racial discrimination in hotels, restaurants, and other public accommodations and this time the Supreme Court upheld the Act. But last, and most significant, in 1987, the Supreme Court declared laws against interracial marriage laws unconstitutional in *Loving v. Virginia*. This period could be considered the “Second Reconstruction.”

## In Conclusion

The brief five-year period following the Civil War produced the most significant reorganization in Chatham County society--ever. The primary cause was the three federal Constitutional Amendments passed during that period. Their passage was produced by extraordinary and sometimes controversial events--the war, Congress declining to seat representatives from the secessionist states, Congress denying previous Confederate office holders the right to continue to hold office, Congress giving freedmen the right to vote, Congress making readmission to the Union contingent on a secessionist state ratifying the Amendments, and the formation of a coalition of black and white voters (the Republican Party). In Chatham, the coalition elected officials who for the most part supported the Amendments. But once Congress re-admitted North Carolina to the Union and withdrew its previous provisions, the political structure of Chatham went back to “normal.” Slavery was gone, but voting restrictions, segregation, and Jim Crow laws restored and reinforced White Supremacy.

Reconstruction began with Chatham’s eligible white voters overwhelming support for the abolition of slavery and nullifying secession *in order to affect the state’s readmission to the Union*, although the very low turnout suggests that support was less overwhelming than the vote indicates. However, once blacks were given voting rights, Chathamites’ voting records indicate deep divisions on the question of restricting voting rights of blacks—with less than 300 votes deciding the outcomes. Assuming that blacks voted against voting restrictions targeting them, then more whites voted *for* than against the restrictions.

But segregation was another matter. Support for segregation in such institutions as education, marriage, and the state militia was almost immediate following the Civil War. Because the State Constitutions and laws passed by the legislature said schools would be segregated *without* discrimination, many blacks may have supported segregation if they thought school segregation meant separate *but equal* and that they would have more control over the education of their children. Evidence to contradict this view would only become apparent during the Jim Crow era. For example, in 1940 the County’s per pupil expenditure for white children was \$41.81 but only \$23.66 for blacks.<sup>49</sup> On the other hand, there is no evidence to indicate that blacks were any more interested in interracial marriage than were whites.

Jim Crow would test blacks’ tolerance for the many forms of segregation. North Carolina laws would prescribe separate areas from whites and blacks in libraries,

transportation facilities, restaurants, and toilet facilities. Local churches with both white and black parishioners segregated them into different areas. Public buildings, including the Chatham County Courthouse, had segregated water fountains and restrooms. Chatham businesses could decide to segregate or not. Some black-owned businesses in Chatham served both races, e.g., an embalming business, a coffin maker, and a jewelry store in Siler City. One black citizen owned adjoining confectionary store and barber shop on Pittsboro's main street. The store served both blacks and whites; but the barber shop was "whites only."<sup>50</sup>

This is not to say that segregation was a Southern invention. To the contrary. Historian Leon Litwack's description of black rights in the 1860 North, while slavery existed in the South makes this clear.<sup>51</sup> But, clearly, the Jim Crow period of segregation in Chatham County deserves its own documentation.

*Revised 29Aug2023*

Appendix A: Additional Accounts of KKK Assaults in Chatham County.

Prince Case. *NC Weekly Standard* (Raleigh), 13 Jul 1870.

**More Outrages—More Blood.**  
On Friday night a body of Kuklux, disguised, came to the house of Wyatt Prince, near Buckhorn in Chatham County, and deliberately shot him, inflicting five severe wounds. The unhappy man, we understand, is not expected to recover. No cause was alleged for the crime.

At right: The *Tri-Weekly Era* (Raleigh), 28 Sep 1871.

**PUNISHING WITNESSES—ANOTHER OUTRAGE.**

It would seem that the exemplary punishment inflicted by the United States Circuit Court upon Shotwell and others, a few days ago, has had no effect to deter his Klan, in other parts of the State, from perpetrating similar offences. We are informed by a correspondent that, on the night of the 20th September, 1871, in Chatham county, a party of disguised men proceeded to the house of Mrs. Katy Ferguson, and took her out and beat her severely. There were but three engaged in the commission of the outrage, but they informed her that there were about seventy-five near at hand. These men were disguised in red, and called themselves "Red Men." They were seen at some two or three different points on their way to the residence of Mrs. Ferguson, and were tracked, the next day, for some distance, in the direction of Alamance county. This outrage occurred in a community proverbial for its high moral character, to wit—in the vicinity of "Snow Camp." The only excuse or reason supposed to exist for the commission of this crime is the fact, that quite recently Mrs. Ferguson was in Raleigh in attendance as a witness, and had just a day or two previous returned.

Ferguson Case.

At right: The *Ashville Weekly Pioneer*,  
19 Oct 1871.

[From the Washington Chronicle]  
**A MOTHER AND DAUGHTER STRIPPED  
AND WHIPPED.**  
**A True Statement Made on Oath Before the  
United States Commissioner.**

A United States official reports, under date of September 8, 1871, a series of outrages perpetrated in Chatham county, North Carolina, on Mrs. Catharine Ferguson, her daughter, (Sarah Jane Ferguson,) three of her sons, and a young man named Eli Phillips. This official, who is one of the most fearless and useful in the service, at once proceeded to investigate the matter, and the result was he speedily brought all the parties to Raleigh. Miss Sarah Jane Ferguson, 21 years of age, made an affidavit of the facts before Mr. Commissioner Shaffer. The official referred to made further inquiries, which served to corroborate the girl's statement. The other five who were outraged when she was, stand ready to sustain her in her testimony.

Miss Ferguson swears that disguised men, some of whom were known to her, visited her mother's house twice in December last. At the first visit they broke into the house and took out two of her three brothers, and whipped them very badly. They cut the blood from them. The family talked about this outrage, and the result was the Kuklux made a second attack on the mother and daughter and three sons. They broke into the house again took out the mother and whipped her with twisted sticks. They tore off her clothes, threw her down on the ground, holding her hands and feet, and beat her. Three held her and two whipped her. They bruised and wounded her so that she could not get about for a month. After they had thus whipped the mother they whipped her three sons, tearing off their clothes and holding them on the ground. She says "they cut them to pieces," striking them over the head also with pistols. They also whipped a young man named Phillips, doubling their hickories and whipping with both hands. They then took Miss Ferguson, tearing off her clothes, stretched her at full length on her face, held her hands and feet, and gave her two hundred lashes.

This unhappy family, as soon as they were able to travel, abandoned their home and took to the woods, where they lived for a month; sometimes in cold, rainy weather, suffering all the time for food. They at length left the neighborhood, and were kindly allowed to live in a house of Mr. Hugh Dixon, at Snow Camp Foundry, Chatham county, N. C.

These facts were sworn to by Miss Susan J. Ferguson before a United States Commissioner in Raleigh, September 8, 1871.



Testimony from the Report of the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States 42nd Congress 2nd Session House Report 22 vol. 2, details several other Ku-Klux “outrages” in Chatham County. Only some of these events will be summarized here. Testimony occurred in a question-answer format and details emerge over many pages, often with several witnesses testifying about the same event, making it impossible to include the original sources. However, links are given in the footnotes that will take the reader to the testimonies in the original document.

### Howle and Shaffer Testimonies

William R. Howle a white railroad contractor working on the Chatham Railroad in Oakland Township described an attack on his workers and threats made by the Ku-Klux against “Yankee contractors”<sup>52</sup> like himself. Howle was originally from Richmond, Virginia,<sup>53</sup> and could be described as a “reluctant Unionist” in that he testified that he was against secession but volunteered for the Confederate army and he was against slavery but owned slaves.

*On the night of the 29th of April [1871], about 3 o'clock in the morning, I was aroused by heavy firing about a quarter or half a mile from the shanty where I was sleeping. I had been sleeping in the woods previously, in consequence of these apprehensions...When I heard the firing I remarked to my foreman, who slept with me, that the Ku-Klux must have come...*

*We got up, went across the railroad, and found our hands scattered among the woods, lying in the underbrush that had been cleared from the track.... We heard the tramping of horses, and went off among the bushes and lay down, not wishing to be seen by the Ku-Klux. They came on hurrahing and yelling, forty or fifty of them, in disguise. They said they had just cleared out one house; that this was a Ku-Klux country, and they would be damned if the Ku-Klux would not control it; all they wanted now was to drive the damned Yankee contractors off their work, and then they would have possession; that if they caught them they would hang them to the nearest tree they could find; and their stock should be killed. From their yelling and carrying on in that way I thought they must have been intoxicated...I saw no more of them that night. The next morning I went over to where the firing was heard. There I found that two negroes had been whipped, [also] one white man, and three women, and that a negro had been shot. They told me it was done by this party of Ku-Klux that I saw coming away...The next day was Sunday, the 30th. I went to Locksville and reported the circumstances to J. T. Moffet, magistrate, and asked him for protection for my property. He told me he could not give it to me...He said he did not have the power to summon a posse of men to guard the work....*

*I then proceeded to Raleigh with one of the party that was whipped, and carried him before United States Commissioner Shafer, when he swore out a warrant against some ten or fifteen of the party. I was appointed*

*special deputy marshal by Shafer, went back to Chatham County, and arrested three of the men; the others ran and got into the woods, and I could not catch them.... [Howle was asked if the three men he arrested were in custody now.] "Two of them are; one has given bail. One of them has confessed."*

*I think the whole of it is done for the purpose of keeping negroes and white republicans from voting... They have an election in North Carolina in August. They operate in the counties where they have nearly a tie vote... The republicans feel particularly unsafe; they are afraid to talk politics at all; you seldom get a white republican to express his opinions.*

When asked if he had made any political speeches, Howle responded "I must state that the negroes found out that I was a republican..., so, some ten days before the election in November, they came out and serenaded me, and I made a speech. I advised them on the day of election to go to the polls and support the republican nominee, and if they had any sick or disabled men I would send my carts and haul them to the polls to vote. After that I was threatened by Ku-Klux. I afterward went to Raleigh and made a speech there."

Howle indicated that, after the attacks, only a few of his workers would return to the job, and that he was also afraid to return to the site at night as he feared for his life.

Webster Shaffer, U. S. Commissioner in Raleigh charged with prosecuting accused KKK assaulters, testified before the Congressional Committee and elaborated on Howle's testimony.<sup>54</sup>

*"Howle and some of his friends and laborers got away. [The KKK] went to the house of this Mrs. Frances Gilmore [white] and found two negroes there sleeping on a pallot. They entered the house and took one negro out and whipped him. They then undertook to take the other out, and he got through the door, and ran to get away. They shot him. That man was not able to travel when the parties were arrested and brought before me. He is still here, but recovering I think. The testimony showed that one colored man was very severely whipped, and [four white] women were whipped; also a [white] girl, the only girl there was in the crowd; I could judge she was about sixteen to eighteen years of age; they took her clothes off, whipped very severely, and then lit a match and burned her hair off and made her cut off the part that they did not burn off with the match.*

Shaffer gave further testimony about the fear caused by these attacks--"It was the case of a [white] man who swore that two or three parties in his neighborhood had been whipped...in the night-time by persons in disguise... He said he did not want his name on paper...He said if they found out they would burn him out....He said there were one hundred men that were whipped and mutilated and burned out who did not report, to one

who did....they are afraid of the Ku-Klux....He said that we had no idea there of the outrages that were committed in Chatham County...My judgement, based on the testimony that was given, without any absolute knowledge of my own is, that there is more truth about it than poetry.”

## Endnotes

<sup>1</sup> From Towle’s diary in Mark L. Bradley, *Bluecoats and Tar Heels*, University of Kentucky Press, 2009, p. 32.

<sup>2</sup> <http://chatham1860.blogspot.com/p/v-behaviorurldefaultvmlo.html>. Accessed 2May2020.

<sup>3</sup> [http://www.ncgenweb.us/chatham/freblks\\_1860.htm](http://www.ncgenweb.us/chatham/freblks_1860.htm). Accessed 13 Aug 2018.

<sup>4</sup> The 1860 slave schedules for Chatham list 67 enslaved persons for Adeline Alston, but more than 40 more for A. Alston, which may also be Adeline.

<sup>5</sup> National Register of Historic Places Alston-DeGraffenried Plantation Boundary Increase (Pittsboro vicinity) 10/21/1993 <https://files.nc.gov/ncdcr/nr/CH0001bi.pdf> Accessed 2May2020.

<sup>6</sup> Mark L. Bradley, *Bluecoats and Tar Heels*, University Press of Kentucky, 2009, pp. 44-45.

<sup>7</sup> Throughout the 1840s and 1850s, Holden had advocated for Southern rights to expand slavery and sometimes supported the right of secession, but by 1860 he had shifted his position to support the Union. Holden and his newspaper fell out of favor with the state Democratic Party, and he was removed as the state’s printer when he editorialized against secession in 1860. In 1861, Holden was sent to a state convention to vote against secession representing Wake County. As the Civil War progressed, Holden became critical of the Confederate government, and became a leader of the North Carolina peace movement. In 1864, he ran against incumbent Governor Zebulon B. Vance as a peace candidate, but Vance defeated him in a landslide receiving over eighty percent of the vote. From: [https://en.wikipedia.org/wiki/William\\_Woods\\_Holden](https://en.wikipedia.org/wiki/William_Woods_Holden) Accessed 20May2020.

<sup>8</sup> Information about delegates from 1860 and 1870 U. S. Censuses; Paul W. Wagner, *Politics: 1778-1971*, in Hadley et. al., *Chatham County 1771-1971*, 1997; *Roster of Confederate Veterans from Chatham County, North Carolina*, 2001.

<sup>9</sup> Personal wealth was self-reported on the census and presumably included the value of enslaved persons, who were considered property.

<sup>10</sup> *Journals of the Constitutional Convention of the State of North Carolina*, 1865.

<sup>11</sup> Roberta Sue Alexander, *North Carolina Faces the Freedmen*, Duke University Press, 1985, p. 38; Paul W. Wagner, “Politics: 1778-1971,” in Hadley et. al., *Chatham County 1771-1971*, Chatham County Historical Association, 1997, p. 96; *The Daily Standard*, 28 December, 1865, p. 3.

<sup>12</sup> *The Daily Standard*, 28 December, 1865, p. 3.

<sup>13</sup> Alexander pp. 38-52; *Journal of the House of Commons of the State of North Carolina, 1865-66*, pp. 34-5, 174; and the *Journal of the Senate of the State of North Carolina, 1865-66*, pp. 176, 242.

<sup>14</sup> Eric Foner, *Reconstruction America’s Unfinished Revolution 1863-1877*, Harper and Row Publishers, 1988, pp. 243-247.

<sup>15</sup> Minutes of the Freedmen’s Convention, Held in the City of Raleigh, on the 2nd, 3rd, 4th, and 5th of October; 1866; 1860 and 1870; U. S. Census; Alexander pp. 81-92.

<sup>16</sup> *Journal of the House of Commons of the State of North Carolina, 1866-67*; *Journal of the Senate of the State of North Carolina, 1866-67*; U.S Census 1870; Slave Registry 1860; Alexander pp. 52-57.

<sup>17</sup> Bradley pp. 131-140.

<sup>18</sup> Rachel Kleinfeld, *A Savage Order: How the World’s Deadliest Countries Can Forge a Path to Security*, Pantheon Books, NY, 2018, p. 49.

<sup>19</sup> *The Daily Standard*, 28 March, 1867; 1870 U. S. Census.

<sup>20</sup> The Conservative Party was the name commonly applied to a loose political organization that first developed in North Carolina during the Civil War, when the old Whig and Democratic Parties ceased to function as separate political entities. A Whig-Unionist coalition evolved in opposition to a Democratic-Secessionist group that came to be called the Confederate Party. After the war there was a further

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realignment of old-line Whigs with Democrats, called Conservatives to distinguish them from the Radical or Republican Party.

<sup>21</sup> Bradley 171-3, 181-4, Wager 97-99, Journal of the Constitutional Convention of the State of North Carolina, 1868; *The Daily Standard*, 3 December, 1867.

<sup>22</sup> Bradley p. 184; U.S. Census 1850, 60 and 70; *The Weekly Standard*, 29 April, 1868; Elizabeth Balanoff, "Negro Leaders in the General Assembly, July, 1868-February, 1872," *North Carolina Historical Review*, 48 (Winter 1972).

<sup>23</sup> Hadley, Horton, and Strowd, *Chatham County, NC 1771-1971*, p. 442.

<sup>24</sup> Bradley p. 191; Journal of the House--1868, Journal of the Senate—1868.

<sup>25</sup> *Cartersville Crossroads #5* Spring 2001 "The Wartime Letters of Lt. John W. Hanks, Part III".

<sup>26</sup> Our thanks to Glenn Evans for bringing the reference to this meeting in the 4 May 1870 *Daily Standard* to our attention. Information about the participants is from the 1870 Census for Chatham County.

<sup>27</sup> Chatham County 1771-1971, p. 442; U.S. Census 1860 and 1870; Roster of Confederate Veterans from Chatham County, N.C.

<sup>28</sup> Chatham County 1771-1971, p. 442; U.S. Census 1860 and 1870; Roster of Confederate Veterans from Chatham County, N.C.

<sup>29</sup> Journal of the Senate, 1870, pp. 30-32.

<sup>30</sup> Journal of the Senate of the General Assembly of the State of North Carolina at its Session of 1870-71; Trial of William W. Holden: governor of North Carolina, before the Senate of North Carolina, of impeachment by the House of Representatives for high crimes and misdemeanors, March 15, 1871.

<sup>31</sup> Names are given in the report but we have not included them here.

<sup>32</sup> Report of the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States 42nd Congress 2nd Session House Report 22 vol. 2, pp. 87-90.

<https://babel.hathitrust.org/cgi/pt?id=nyp.33433081782785&view=1up&seq=111> Accessed 18May2020.

<sup>33</sup> Report of the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States 42nd Congress 2nd Session House Report 22 vol. 2, p. 91.

<https://babel.hathitrust.org/cgi/pt?id=nyp.33433081782785&view=1up&seq=115> Accessed 18May2020.

Roster of Confederate Veterans from Chatham County.

<sup>34</sup> Report of the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States 42nd Congress 2nd Session House Report 22 vol. 2, p. 95.

<https://babel.hathitrust.org/cgi/pt?id=nyp.33433081782785&view=1up&seq=119> Accessed 18May 2020.

<sup>35</sup> Report of the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States 42nd Congress 2nd Session House Report 22 vol. 2, p. 95.

<https://babel.hathitrust.org/cgi/pt?id=nyp.33433081782785&view=1up&seq=119> Accessed 18May2020.

<sup>36</sup> Report of the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States 42nd Congress 2nd Session House Report 22 vol. 2, p. 76.

<https://babel.hathitrust.org/cgi/pt?id=nyp.33433081782785&view=1up&seq=98> Accessed 18May2020.

<sup>37</sup> Bradley, pp. 237, 246, 251.

<sup>38</sup> Raleigh News, 9 Nov 1875.

<sup>39</sup> Charlotte Observer, 12 Nov 1876.

<sup>40</sup> See <http://chathamhistory.org/pdfs/ChathamCountyaHotbedofPopulism.pdf> and

<http://chathamhistory.org/pdfs/HowFarmTenantsLivedinChathamCounty.pdf> Accessed 18May2020.

<sup>41</sup> Paul W. Wagner, "Politics: 1778-1971," in Hadley, et al., *Chatham County, NC 1771-1971*, p. 113.

<sup>42</sup> Chatham Record, 30 Aug 1900, p.2.

<sup>43</sup> Paul W. Wagner, "Politics: 1778-1971," in Hadley, et al., *Chatham County, NC 1771-1971*, p. 113.

<sup>44</sup> State Archives of North Carolina digital archive: <https://digital.ncdcr.gov/Documents/Detail/chatham-county-permanent-registration-of-voters-1902-1908/1562335> Willis and Amos Byrd are listed on image 229.

<sup>45</sup> Raleigh News and Observer, 4 Nov 1902, p.1. Quoted in Wagner, p. 113.

<sup>46</sup> Additional information about the Willis Byrd family can be found in the following paper on the Chatham County Historical Association website:

<https://chathamhistory.org/resources/Documents/PDFs/ResearchArticles/FreePOC/EarlyFreePeopleofColorinChatham.pdf>, page 8.

<sup>47</sup> Chatham Record, 2 Aug 1900, p. 2.

<sup>48</sup> Chatham Record, 16 Aug 1900, p. 2.

<sup>49</sup> Bishop Leach, "The Negro," in Hadley, et al. *Chatham County, NC 1771-1971*, p 337.

<sup>50</sup> Bishop Leach, "The Negro," in Hadley, et al. *Chatham County, NC 1771-1971*, p 339.

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<sup>51</sup> Leon F. Litwack, *North of Slavery: The Negro in the Free States 1790 – 1860*, University of Chicago Press, 1961, p. 97. “In virtually every phase of existence, Negroes find themselves systematically separated from whites. They were either excluded from railway cars, omnibuses, stagecoaches, and steamboats or assigned to special ‘Jim Crow’ sections; they sat, when permitted, in secluded and remote corners of theaters and lecture halls; they could not enter most hotels, restaurants, and resorts, except as servants; they prayed in ‘Negro pews’ in the white churches, and if partaking of the sacrament of the Lord’s Supper, they waited until the whites had been served the bread and wine. Moreover, they were often educated in segregated schools, punished in segregated prisons, nursed in segregated hospitals, and buried in segregated cemeteries.”

<sup>52</sup> Testimony in the report indicates that Republican strangers were referred to as “Yankees,” a general term of disrepute.

<sup>53</sup> Report of the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States 42nd Congress 2nd Session House Report 22 vol. 2, pp. 51-52, 55.

<https://babel.hathitrust.org/cgi/pt?id=nyp.33433081782785&view=1up&seq=75> Accessed 18May2020.

<sup>54</sup> Report of the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States 42nd Congress 2nd Session House Report 22 vol. 2, pp. 39-40.

<https://babel.hathitrust.org/cgi/pt?id=nyp.33433081782785&view=1up&seq=63> Accessed 18May2020.

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