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Beaufort County's
Contribution to a Notable Era
of North Carolina History

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***Beaufort County's
Contribution to a Notable Era
of North Carolina History***

A series of articles

by

**Congressman Lindsay C. Warren
of North Carolina**

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A SERIES OF ARTICLES

BY

HON. LINDSAY C. WARREN

Mr. KERR. Mr. Speaker, my colleague the gentleman from North Carolina [Mr. WARREN] has recently written a series of historical articles, appearing in the Raleigh News and Observer, that have attracted state-wide interest and comment. They deal with the most interesting period of North Carolina history and show deep study and research and are regarded as an outstanding and notable contribution of historical and literary effort. I ask unanimous consent to extend my remarks by inserting these valuable articles in the RECORD, including an editorial on same by Josephus Daniels.

BEAUFORT COUNTY'S CONTRIBUTION TO A NOTABLE ERA OF NORTH CAROLINA HISTORY

(By Congressman LINDSAY C. WARREN)

[Editorial Raleigh News and Observer, December 18, 1929]

LINDSAY WARREN, HISTORIAN

The first of one of the best series of articles the News and Observer has offered its readers in a long time appears on another page this morning. It is Congressman LINDSAY WARREN's story of Beaufort County's contribution to a notable era of the State's history.

Mr. WARREN in the rôle of lawyer and legislator the readers of the News and Observer know very well. It is fair to say that in the rôle of historian they will soon know him just as favorably. He has the faculty for digging into the past for significant details of events and also has the ability to write about them and about the men who participated in them interestingly. If you read nothing else in the paper this morning, read, by all means, this article by Congressman WARREN.

The articles in the series deal with that period of the State's history from 1845 to 1875, and are built up around the great ante and post bellum bar of Washington, composed of Edward Stanly, Richard S. Donnell, Edward J. Warren, Thomas Sparrow, William B. Rodman, Fenner B. Satterthwaite, and David M. Carter. All of these seven men were leading figures of their times. Mr. WARREN is a grandson of Judge Edward J. Warren.

The articles deal with the great political battles before the War between the States; the secession and several constitutional conventions; Washington during the war; the arrest of Mayor Isaiah Respass; the return of Stanly as Lincoln's provisional governor; the convention of 1868, and the work of Judge Rodman in that body; Judge "Jay Bird" Jones on the superior court bench; the Holden impeachment and the election of Vance. The county of Beaufort has always played an influential rôle in the legislative, constitutional, and judicial history of North Carolina, and these articles vividly portray her leaders in a trying period.

CHAPTER I

The county of Beaufort in the 225 years of its existence has always played a commanding rôle in the history of the Commonwealth. There have been periods when its leaders rose to great heights and left their indelible impress.

Settled exclusively by the English, its trials and tribulations as an important section of the colony go hand in hand with the rebellion against colonial rule and the unconquerable desire for independence. Undaunted by the Indian massacres of the early days, which almost took her last man, the county rose nobly to the cause of the Revolution, sending more than her quota of fighting men, and furnishing from her great estates even the family plate brought from England. Two of her great public leaders stood out in these times—Col. James Bonner and John Gray Blount. The former commanded the Beaufort County Militia and was preeminent as a man and as a soldier. The latter as a boy from a distinguished family, seeking adventure, had accompanied Daniel Boone as a chain bearer in his pilgrimage to Kentucky, and during the administration of Thomas Jefferson was to become one of the largest individual landowners in America. It was these two men who molded the sentiment and policy of the county in that early day. For the next 40 years, beginning with the accession of Jefferson, the sons of these men as well as other prominent figures came on the scene, and Beaufort County sat high in the councils of the State. It is my intent at some other time to treat of this period.

The purpose of these articles is to portray, historically correct, I trust, some of the happenings of that great era in North Carolina from 1845 to 1875 and to bring forth again those men who became dominant actors and who either lived in Beaufort County at the time or who were closely identified with it. Certainly no period in our history could be more interesting. They were the halcyon days before the war, and then the dregs and despair that followed it. Beaufort County shared in its pleasures, drank deep in its sorrows, and contributed greatly in its reconstruction.

For 40 years before the War between the States, Washington was a pleasure-loving but ambitious community. It was a port of no small repute. Out over the bar of Ocracoke Inlet to the West Indies, and northern points, went the fleet of Fowle ships carrying lumber and returning with merchandise, fruits, and molasses. Commerce teemed in the harbor and the docks were a busy scene. It was a day of large plantations, high living, fast horses, hard drinking, and political strife. The first day of court was always a gala affair, and set aside for political discussion. Any orator could get a crowd. The social reputation of the community was widely known. The people were hospitable to their hurt, and entertained lavishly. The slaves did the work. But withal, there was culture and refinement in the homes, and many of them were centers of attraction for learned people.

An outstanding event in its social life had been in 1819, when the town was visited by President James Monroe and his Secretary of War, John C. Calhoun. It was occasion for great celebration, the distinguished guests being met a few miles from town by a cavalcade of 100 citizens. Cannon boomed out the presidential salute. They were escorted to the courthouse lawn where the President spoke to thousands. That night, a dance, graced by ladies and gentlemen in resplendent dress, culminated the entertainment, Mr. Monroe taking part in the festivities and making himself most agreeable.

The town was included in the itineraries of many of the prominent men of the day, who came here to consult the great leaders and enjoy

the social life. In the summer of 1836, Washington was visited by one of her native sons in the person of Hon. Churchill C. Cambreleng. He was born there but moved to New York City at the age of 16, and subsequently engaged there in the mercantile business. He was elected to Congress as a Tammany Democrat and served for 18 years. At the time of his visit to Washington he was chairman of the Ways and Means Committee, enjoyed the friendship and confidence of Jackson, and had always been a tower of strength to him in his fight on the bank. Mr. Cambreleng spoke at Washington advocating the election of his close friend, Mr. Van Buren, but Beaufort County voted heavily against his candidate in the election. Two years later he was defeated for Congress and Van Buren thereupon appointed him as minister to Russia, where he served with great distinction. Judge Stephen C. Bragaw is one of his relatives and bears the name of his brother.

A discussion of the men and measures of the age beginning in 1845 necessarily must be woven around the legal fraternity. At that time politics was an exalted profession and the bar, on account of their educational qualifications, were looked to by the people as leaders of thought and exponents of issues. For 125 years the bar of Washington has been without a superior in the legal history of the State. The statement is made advisedly, but with knowledge of the groups that practiced there in each decade. Certainly this was true in the early fifties, when Edward Stanly, Thomas Sparrow, Edward J. Warren, William B. Rodman, Fenner B. Satterthwaite, Richard S. Donnell, and David M. Carter took their seats at the counsel tables in the same courthouse at Washington that stands to-day. Of this bar only William B. Rodman was born in Beaufort County. Aside from being a good place to live, there was considerable litigation in the county, and men like Stanly and Donnell forsook their native Craven and moved there.

In 1846 there came to Washington from the hills of his native Vermont a young man 20 years of age from a long line of Massachusetts ancestry. He had just graduated with high distinction from Dartmouth College, founded by his maternal ancestor, Doctor Wheelock. His name was Edward Jenner Warren. Tall, broad breasted, muscular, and erect, in appearance he was the acme of physical manhood, but the rigors of the cold northern climate had already affected him and he was moved to seek a milder temperature. He was a part of that migration of young men from New England that came south in the early forties. All were graduates of Tufts, Dartmouth, Yale, or Harvard, and they settled in Elizabeth City, Washington, and in Wilmington, N. C., and in Charleston, S. C. The South was still in the prime of her importance in the life of the Nation, and these young men, some as lawyers, some as physicians, and others as school-teachers, came seeking their opportunity and marrying into the older families. President Coolidge once told the writer that he became greatly interested in the southward trek of these able young men from his section during that period and used it as his subject when addressing the New England Society of Charleston when he was Vice President.

Edward J. Warren came as a school-teacher, finding time in his spare moments to read law, and was admitted to the bar in 1848. He shortly married Deborah Virginia Bonner, daughter of Col. Richard Bonner, a member of the Council of State, long influential and powerful in affairs and the largest planter and wealthiest man in Beaufort County. Fresh from Dartmouth, still haunted by the memories of Webster, young Warren made him his political ideal, espoused both his cause and his theories and frequently corresponded with him. He cast his first vote in North Carolina for the Whig candidate, and within three years became

outstanding as one of the younger Whig leaders. His early training and environment, the friendship of his Revolutionary ancestors with Washington and the Adamses, his admiration for Webster, and his hatred of the nullification doctrine of Calhoun gave him all of the requisites for a virile leadership in a section which was already in sympathy with his beliefs.

But from the beginning he was essentially a lawyer. His contemporaries at the bar scintillated with brilliance, both in the knowledge of the law and the powers of oratory. It was no local reputation these men had. As lawyers they rode the circuit of the eastern courts and each established himself. The old court minute books of the East attest their appearances and their hard-fought victories and defeats. Each had his special attainments, but in knowledge of the law all were profound.

"In Warren," wrote one of them, "the soft and tender seemed to find no lodgement in his composition, but the noble and generous, in fullest measure, made large reparation for their absence." He was lofty and austere and socially was retiring and unconvivial but loved the company of a few chosen friends, and with them, like Doctor Johnson, would indulge in "elephantine jocularity." He was an accomplished scholar and literatus.

Edward Stanly, born in New Bern, and a graduate of Norwich University, possessed all the force as well as logic that is generally given an able man. In his younger days he was hot-headed and ill-tempered and promptly met on the dueling ground a Member of the House from Alabama over an imaginary insult, but which resulted in no harm to either. But in his latter days Mr. Stanly calmed.

Thomas Sparrow, likewise born in New Bern, had graduated with great distinction at Princeton, being the valedictorian of his class and receiving from that great institution both his A. B. and Master's degrees. He read law under Judge Gaston, and moved to Washington and formed a partnership with Stanly. He was a profound student, and a forceful debater and orator. His appealing personality gathered men around him.

Richard S. Donnell was also born in New Bern. He was a graduate of the University of North Carolina and of Yale, and was a grandson of Gov. Richard Dobbs Speight. He was a man of commanding appearance, quick and decisive in his actions, and thorough in the preparation of his cases. He was a clear thinker and went to the heart of every problem.

William Blount Rodman, a grandson of John Gray Blount, was born in Washington, and educated at the university. He was small of stature and rather rotund. He was a fluent speaker, possessing a concise and analytical mind and knew the history of his State such as few men did. Later as a writer of legal history he had few superiors.

David M. Carter was nearly 6 feet tall and of large frame. He was born in Hyde County and attended the university. He had red hair and blue eyes, and at times an ungovernable temper. When in a rage, his countenance was ugly beyond description. He was a good hater. To his friends he was as true as steel. He detested his enemies. He was as brave as a lion. He was a powerful, ruthless advocate who brooked no opposition. After the war he formed a partnership with Mr. Warren.

Fenner B. Satterthwaite lived just over the line in Pitt County, but practiced in Washington regularly and moved there after the war. He had a natural gift for the law. He rarely cracked a book, but depended on his commanding appearance and striking personality, his

knowledge of the people, and his ability to speak. And quite successful was he.

Such was the bar of Washington in 1850. There was not a case brought in Beaufort County that these men were not pitted against each other, and at every courthouse in the eastern country where they appeared, one or more of them would arise and address his fellow citizens on the issues of the day. Warren, Stanly, Sparrow, Donnell, Satterthwaite, and Carter were Whigs, while Rodman carried the Democratic banner alone. Beaufort was a Whig county. In the earlier days it had stood by General Jackson, but it had annihilated Van Buren, Polk, Cass, Pierce, and Buchanan. Its members of the legislature had been Whigs, and the county always loyally supported Morehead and Graham.

In 1853, after five years at the bar and at the age of 27, Mr. Warren rose to great heights in his profession in the case of the State against the Rev. George Washington Carrawan, a Baptist minister of great influence, from Hyde County, owning large tracts of land and a number of slaves. He had killed a school-teacher from Perquimans County named Lassiter, and though Carrawan's slave had aided his master in disposing of the body, his evidence was incompetent and the case was built up solely on circumstances. It was removed to Beaufort County and Messrs. Warren and Carter appeared with the solicitor, Mr. Stevenson, of New Bern, while Messrs. Rodman, Satterthwaite, Donnell, and James W. Bryan defended. Mr. Stevenson placed Mr. Warren in charge of the case, and he accordingly made the last argument to the jury. Judge Bailey presided. It will go down as one of the great criminal trials of America, consuming eight days and becoming famous on account of the arguments and the immediate happenings after the verdict.

When the jury brought in a verdict of murder in the first degree (Carrawan had turned to his wife after Mr. Warren concluded his speech and said, "That speech hangs me"), the prisoner, arising to be sentenced, calmly took a pistol from his pocket, aimed it deliberately at Mr. Warren, and fired. He was attired in the conventional broadcloth of the day, with heavy cardboard in the lapels of his coat. A large gold chain was thrown across his chest, holding a locket hanging just over his heart. The bullet struck the locket, caromed to his lapel, cutting out the cardboard, and, falling to the floor, left him uninjured. The shock knocked him down, but he was quickly on his feet, and in time to see Carrawan draw another pistol and kill himself in the court room. Judge Bailey wrote: "The calmness and poise of Mr. Warren under such a severe ordeal was the most remarkable thing I have ever witnessed." The speeches made by Messrs. Rodman and Warren in that case, outstanding for legal argument and oratorical ability, are published in a work well known to lawyers as *Classics of the Bar*. The complete history of the trial was written at the time by Mr. Sparrow, who did not appear. There is a copy in the Supreme Court Library, and the few that are still preserved are much sought after.

It was during this period that events began to shape themselves that unerringly pointed to secession. The eighth congressional district at that time was composed of the counties of Beaufort, Craven, Lenoir, Pitt, Greene, Tyrrell, Hyde, Washington, Carteret, Wayne, and Jones. For years it had been overwhelmingly Whig, and its leaders were standing squarely with Webster and Clay. The district was so pro-Union that the opposition to the dominant party was negligible. Mr. Stanly had served three terms in Congress with great ability, but in 1842 had been defeated for reelection. He returned home and was immediately sent to the house of commons from Beaufort County for four terms,

was speaker in 1846, and the next year was the attorney general of the State.

In 1848 he was again elected to Congress and served until 1853, Mr. Donnell, at the age of 26, having voluntarily retired after serving one term, and insisting that Mr. Stanly take the Whig nomination. The district had been taking no chance that anyone who subscribed to the South Carolina doctrine should represent it. But with the increased activity of Beecher, Garrison, and Mrs. Stowe in the North, the seeds of disunion were germinating even in conservative and Union-loving North Carolina; and the Democrats, taking advantage of the mistakes of the Fillmore administration, set about to seize the Whig stronghold, the eighth district. Mr. Stanly had previously announced his retirement at the expiration of his term but yielded to the importunities of his party and again became the candidate.

Months before the election the Democrats nominated Thomas Ruffin, of Wayne. Mr. Sparrow, as chairman of the district Whig committee, became the manager of his law partner's campaign and lost no time in launching it. In a ringing appeal to the voters, prepared and signed by him as chairman, along with Col. Edward C. Yellowley, of Pitt, Jones Spencer, of Hyde, and others, he roundly denounced Mr. Ruffin and said that he was already "a warm and open advocate of the right of secession." He warned that the election might be thrown in the House of Representatives and asked, "Who shall cast your vote for President of the United States—Edward Stanly, a Union Whig, or Thomas Ruffin, a locofoco secessionist?"

The appeal to the electorate further continued:

"The Abolitionists and Free Soilers at the North and the secessionists of the South are both laboring for directly opposite reasons to destroy the Union. They continue to agitate. They live only by agitation. The compromise measures adopted by the last Congress were regarded by the great and good men, both North and South, as 'a settlement, a final settlement of the dangerous and exciting subjects they embraced.'"

"The abolitionists and secessionists continue to assail these measures. The wise and patriotic policy of our conservative Whig President is bitterly denounced. South Carolina is on the eve of disunion. Finding no other State to join her, she threatens to secede alone. Nullification and secession, odious always and crushed in 1833 by General Jackson, have been revived. If this doctrine is right, then South Carolina is right and our Government is wrong. If Stanly is defeated it will be proclaimed in all the land as a South Carolina victory in Stanly's district, in Union-loving North Carolina."

It was a great campaign. Sparrow, Warren, Carter, and Donnell took the stump for Stanly, all denouncing secession and breathing devotion to the Union. But Ruffin was elected and the Whig power in the district was at last broken. Beaufort County went for Stanly. Mr. Ruffin remained in Congress and went out when the State seceded. He was killed in one of the battles in northern Virginia. In 1853 Mr. Stanly moved to California, where he practiced law. His party, having passed off the scene of action, he allied himself with the rising new Republican Party and was their unsuccessful candidate for Governor of California in 1857. North Carolina was to hear no more of him until five years later.

It was in 1859 that Mr. Warren wrote a powerful article for the *New York Tribune*, which drew from Horace Greeley a lengthy editorial. At that time Mr. Greeley was saying, "Let them go in peace." It drew the fire of both the rabid abolitionists and the hot-headed secessionists. It

was a restatement of the old Clay policies, and pleaded with the sober sense of the North not to make it harder for both southern Whigs and Democrats who loved the Union to keep up their fight. By this time Mr. Warren had formed an intimate friendship with Governor Graham, and they constantly consulted.

After serving as Representative from Beaufort in 1858, Thomas Sparrow moved to Arcola, Ill., where, on account of his ability, a wide field of activity had been promised him, but with the war clouds gathering and feeling then the inevitability of the approaching conflict, he sorrowfully turned his way home within a year. But the lovers of the Union were not yet giving up. By this time Mr. Rodman was openly advocating secession, was writing prolifically, and making powerful speeches. Carter, Warren, Donnell, and Sparrow were making themselves heard, and wherever one spoke he was greeted with large crowds. Mr. Satterthwaite, living then in Pitt County, was quiet, but his near neighbor, Bryan Grimes, was using his great influence for dissolution. In the winter of 1861 the question of a convention was submitted to the voters of the State. The cotton States had gone out. On every stump in Beaufort County the question was argued. The people were at fever heat, but they were urged to vote down the call. Beaufort County did. And the State did. North Carolina was still in the Union.

But events were happening fast. Lincoln had made his call for troops. Virginia had seceded, and the war was already on. The next election on a convention was held. This time they were all together, all favoring it, and Beaufort County giving it a large majority along with the rest of the State. At the same time Edward J. Warren and William J. Ellison were elected as the county's delegates. Mr. Ellison was a large landowner and engaged in many business pursuits. He also was a Whig and strong Union man, and exerted tremendous influence in the county.

The personnel of the Secession Convention has been paid due tribute by the historians and writers. Certainly there has never been a greater or abler body of men gathered together in the history of the State, for in the crises North Carolina sent her best. The great county of Pitt sent Bryan Grimes and Fenner B. Satterthwaite, Mr. Grimes reproaching his friend and neighbor, Mr. Satterthwaite, a few days before the convention assembled, because he did not seem to have the same ardor that he did. Martin County sent Asa Biggs, then a United States judge, and one of the State's ablest men. Hyde sent Edward L. Mann. Washington sent William S. Pettigrew. Northampton sent her able judge, David A. Barnes, and John M. Moody. On the vote for president of the convention, Messrs. Warren, Ellison, and Satterthwaite voted for Governor William A. Graham, who was defeated by the venerable Weldon N. Edwards. Mr. Grimes voted for Edwards. After a few preliminary roll calls as to its form, the ordinance of secession was unanimously passed, the 115 members signing the enrolled parchment. North Carolina had gone out of the Union and then quickly ratified the constitution of the Confederate States.

For the duration of the war, at least, the old antagonists at the bar and in politics made their peace. Mr. Sparrow raised a volunteer company in Beaufort County. While stationed at Portsmouth, awaiting transportation to northern Virginia, he was ordered to take his company to assist in the defense of Fort Hatteras. He was surrendered there with the garrison, and was in a northern prison for six months until exchanged. He was then called to Fort Fisher and was made a major. When that last great fort of the Confederacy fell, he was at

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home on sick leave. In a small canoe he paddled alone 20 miles down Pamlico River, and never surrendered or took the oath of allegiance.

On May 16, 1861, Mr. Carter was commissioned as captain of Company E, Fourth North Carolina Regiment, and went quickly to the front. At the Battle of Seven Pines, May 31, 1862, his regiment suffered severely, and he himself received wounds that were deemed fatal at the time. It was weeks before he sufficiently recovered to report for duty, and was then assigned as judge of Jackson's corps and made lieutenant colonel. Later he was presiding judge of the Third Army Corps (A. P. Hill's). He remained in the army until he was called home by his election to the legislature.

Mr. Rodman also raised a volunteer company of heavy artillery, which saw service in several sections. Later he was made president of a military court which held sessions in different parts of the South. Mr. Satterthwaite was not in the army, but gave three sons to the cause. Mr. Donnell was in the legislature during the period of the war and was elected to the convention upon the death of Mr. Ellison and also to the convention of 1865.

Immediately after signing the ordinance of secession Mr. Warren was unanimously elected as captain of a cavalry company organized by his friends in the East. A similar company had been organized in another section, and it was decided to only commission one of them. Governor Clark appointed the other man, Mr. Warren always feeling that the governor had been actuated in his decision because they were political opponents. Later, when the entire convention tendered their services to the Confederacy, Mr. Warren was rejected on account of his physical condition. A brother who had remained in New England served in a Massachusetts regiment, while one who came South served in a Georgia Regiment. They faced at Chickamauga, and the southerner was killed.

The brilliant career of Bryan Grimes, who was inseparably connected with the life of Beaufort County, needs no elaboration in these articles.

CHAPTER II

Edward J. Warren and William J. Ellison played important rôles in the convention of 1861 and from the beginning were continuously pointing out the value of eastern Carolina to the future of the Confederacy, condemning the half-hearted efforts for its defense by the Davis government, and urging State action. Both of them actively participated in all of the proceedings and impressed the membership with their ability and courage. During its third session Mr. Ellison died, and Richard S. Donnell was elected to sit with Mr. Warren.

In 1858 Mr. Donnell had made his first legislative bow by serving as senator from Beaufort, and in 1860 he was one of the representatives from the county in the house of commons. He also served in that body at the sessions of 1862, 1864, and 1865, and was speaker both in 1862 and 1864. His great ability and fine legal training made him at once a leading State figure.

Mr. Warren was elected as senator from Beaufort in 1862, 1864, and 1865. In the convention of 1865-66 Messrs. Warren and Donnell were again the delegates from the county; so they served in the dual capacity as members of the convention and as members of the legislature. Mr. Donnell's colleague from Beaufort in the house of 1862 and 1864 was Col. David M. Carter. In both conventions sat Fenner B. Satterthwaite, then living in Pitt, and Jesse R. Stubbs sat in the latter convention from Martin. He was the father of Hon. Harry W. Stubbs,

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and for many years prior to the war was a representative from Beaufort, but had moved over into Martin. In 1866 he was elected to Congress, but the Thad Stevens régime would not let him be seated.

Mr. Warren was chairman of the Judiciary Committee during all of his terms in the Senate and Mr. Donnell served in the same capacity in the House until he was elected Speaker. Certainly no county in those strenuous times occupied a more powerful position in the legislative history of the State than Beaufort. Her Senator, Representatives, and members of the two conventions wielded tremendous influence, and Warren, Donnell, and Carter were giants in those bodies.

For the time being a new era began in North Carolina when on September 8, 1862, Zebulon B. Vance took the oath of office as governor, and a star of the first magnitude started its ascendancy. From that date until his death there was the closest personal and political friendship existing between Governor Vance and Mr. Warren. He soon appointed Mr. Warren as one of his council, and he became a recognized spokesman for the administration in the legislature.

During the progress of the war Governor Graham, Mr. Warren, Richard S. Donnell, Col. David M. Carter, and many others, were at times caustic critics of the Richmond government, and many of the war measures proposed both in the Confederate congress and in the legislature. They insisted upon a "vigorous constitutional war policy," but protested throughout, both in speeches and resolutions, "against any settlement of the struggle which does not secure the entire independence of the Confederate States of America."

The speech of William A. Graham against test oaths, sedition laws, disregard of constitutional guarantees, and the suspension of the writ of habeas corpus was one of the greatest expositions ever delivered in any legislative body on the face of the earth. Mr. Warren followed him in a speech that was widely commended by those who loved constitutional liberty. But they were criticized—Vance, Graham, and Warren—all being subjects of harsh Richmond editorials.

In 1863, when it looked like the railroad would be seized by the Union forces, and when Governor Vance, without avail, had exhausted his patience in urging President Davis to protect it, he was forced to go so far as to threaten to bring back North Carolina troops from Virginia for that purpose. Of course, the Confederacy was harassed, and was, no doubt, exerting every effort, but North Carolina was its backbone and was crying to it in vain for relief.

Debate on the lack of defense for the railroad broke out with fury in the legislature, and Governor Vance was highly commended for his actions. On June 3, 1863, Gen. D. H. Hill reported to the Secretary of War at Richmond:

"Mr. Warren, of Beaufort, one of the governor's council, said in a speech in the legislature that if the enemy got possession of the railroad it would be time for North Carolina to decide to whom her allegiance was due, the United States or the Confederate Government."

Strong language this was, and uttered with the same force by many others, but it caused the railroad to be protected. These men were not only demanding that their State be safeguarded on account of the host she had placed in the field but they were telling the world that in North Carolina constitutional guaranties meant something. The popular conception to-day is against such a conduct of a war, but no war governor in history has ever upheld these sacred rights more than did Zebulon B. Vance. As in later years many of these same men placed their feet on the neck of a tyrant who was usurping the liberties of the

people and cast him from office, they were then insisting that orderly processes of government be respected.

Abraham Lincoln never had a more severe critic than Mr. Warren. In his frequent correspondence with his friend, Mr. W. H. Willard, also of Washington, one of the largest merchants and manufacturers in the State, and the father-in-law of Capt. S. A. Ashe, Mr. Warren continually voiced his opinions of Lincoln, condemning him for bringing on a war without the consent of Congress, and excoriating his methods. "It would be odious," said he, "to live under a government presided over by a man who has utter contempt for the Constitution." In another, he called it "Lincoln's war," and in another he said, "You and I did not believe in the right of secession, but I had no reluctance in voting for the ordinance when I saw Abraham Lincoln ruthlessly trampling the Constitution under foot."

But let us turn back to the home of Donnell, Sparrow, Rodman, Carter, and Warren and see how things were going on. None of them could go back there now, for on March 20, 1862, a week after the capture of New Bern by the Federals, the Twenty-fourth Massachusetts entered Washington, accompanied by a fleet of gunboats. At this time the town had been completely evacuated by the Confederates and no resistance was offered. The regimental band accompanied by several companies marched from the dock to the courthouse and raised the American flag. A banner alleged to have been placed there by citizens was stretched across Main Street, bearing the inscription, "The Union and the Constitution." The Federal commander reported to the War Department that he had found Union sentiments among a few individuals. A garrison, consisting of infantry, cavalry, and artillery, was brought in and made permanent. A large fleet of gunboats was anchored in the river off the town. The occupation was continuous until the spring of 1864.

On September 6, 1862, the Confederates, under General Martin, made an attempt to recapture the town, coming in and taking possession of the western section. The streets were swept by artillery fire, the opposing guns being within a block of each other. Both sides had a large number of killed and wounded. The Confederates retired after an all-day battle, when Union reinforcements came up. It was during this battle that the Union gunboat *Pickett* blew up in the river just in front of the writer's home, killing her captain and 19 of her crew, and wounding 6. The old wreck may be seen to-day. The Union gunboat *Louisiana* shelled the town during this engagement for six hours, not a house in a radius of seven blocks escaping her fire.

When Federal occupation came, there were not over 700 people who remained in Washington, all of them being old people who were noncombatants, and a few children. The feeling was prevalent that the section was being handed over to the tender mercies of the invaders, and that the Richmond government was stripping North Carolina of her manpower for service in Virginia. Hearts less loyal would have utterly failed. The county had always loved the Union, but when the step to leave it was taken, bickerings ceased, and a united front was presented.

On March 30, 1863, the Confederates, under Gen. D. H. Hill, began the siege for the relief of the town. Unfortunately, he had no gunboats, and as a result the Union garrison was constantly relieved. The besieging force consisted of the brigades of Daniel and Pettigrew on the south side of Pamlico River, and the brigade of Garnett, of Pickett's division, upon the north side. The force under General Hill

numbered about 9,000. The Confederates seized the forts below the town and held in check a large fleet of Union gunboats attempting to pass them. The Federal garrison in the town at the beginning of the siege numbered 1,500, which was increased to 2,000 when the transports ran the blockade.

The Federals marched overland from New Bern with a force of 8,000 under General Spinola, but were met by Pettigrew at Blounts Creek and driven back. Fearing to make a land assault with its consequent loss of life, the Confederates daily engaged the Union gunboats and forts, and Washington was again riddled with shells. On April 15 a large part of the Confederate forces were called to Virginia, and the siege was abandoned. Washington was to remain under Federal occupation for another year.

The brilliant feat of General Hoke in capturing Plymouth on April 20, 1864, caused General Harland, the Union commander at Washington, to receive an order to evacuate the town. On April 30 the last Federal troops, after firing the different portions of the town, embarked. For the three preceding days the town was given up to sack and pillage. The plundering was not confined to the public stores and supplies but was general and indiscriminate. Gen. I. N. Palmer, who will always be remembered by the citizens of eastern Carolina for his kindness and consideration, as well as for his soldierly qualities at that time commanded the district of North Carolina. He was an honorable foe. In the general orders issued after the evacuation, he thus characterizes these outrages:

"It is also well known that the army vandals did not even respect the charitable institutions, but bursting open the doors of the Masonic and Odd Fellows Lodges, pillaged them both, and hawked about the street the regalia and jewels. It is also well known, too, that both public and private stores were entered and plundered, and that devastation and destruction ruled the hour.

"The commanding general had until this time believed it impossible that any troops in his command could have committed so disgraceful an act as this which now blackens the fair fame of the army of North Carolina. He finds, however, that he was sadly mistaken, and that the ranks are disgraced by men who are not soldiers but thieves and scoundrels, dead to all sense of honor and humanity, for whom no punishment can be too severe."

A board of investigation, presided over by Col. James W. Savage, Twelfth New York Cavalry, scathingly denounced the burning and plundering of the town, and said "there could be no palliation of the utterly lawless and wanton character of the plundering."

The fire burned from Pamlico River clear through to the northern limits, and covered eight solid blocks. The bridge was also fired. Nearly one-half of the town was destroyed by this conflagration. No military necessity required the burning of Washington. It was not necessary to cover the evacuation or to aid the escape of the garrison. No hostile force was then investing the town. A few days later, when the Confederates entered, an accidental fire broke out, and fanned by a high wind almost destroyed the other half. After this baptism the town was desolate and ruined. There were scarcely 500 inhabitants remaining of what had been an enterprising and prosperous community of 3,800 three years before.

No town gave more freely of its men and means and no town suffered more for the cause of the Confederacy.

The foregoing only in a small degree attempts to portray the sufferings of Washington and its people, but is given in order to refute the base-

less calumny lodged both during and after the war that there was disloyalty on the part of the citizens of Washington to the Confederate government. It is a slander that is unworthy of denial, and though 65 years have elapsed, history is recorded truths, and there is documentary evidence to give the lie to every false charge.

The hoisting of the banner across Main Street welcoming the invading Federals can be dismissed as an act of a very few cowed and whipped citizens who felt that their government (Confederate) had deserted them. The fact that the banner was even raised by local people is not admitted, for immediately afterwards no one would take the responsibility for it.

On March 30, 1862, with the Federals in undisputed control of the town, six well-known and prominent citizens, all old men, were the guests at dinner of Captain Murray, of the U. S. gunboat *Commodore Hull*, lying in the stream off Washington. Every one of them had either sons or near relatives in the Confederate Army. It was a convivial affair. They pulled off a drunk that evidently require some time for recuperation. Captain Murray proposed a toast:

"Here's to the reconstruction of the Federal Union, a plantation in Georgia with 100 niggers, and a summer residence in North Carolina."

The Washingtonians drank to it with great zest, their liquor at that time having taken the proper effect. It is reported that the captain ordered them oared ashore and safely put to bed. This was a shocking and horrible act of disloyalty.

On April 3, Isaiah Respass, the mayor of Washington, was arrested by a raiding party and sent to Richmond by General Holmes, the Confederate commander, then at Greenville. Mr. Respass was an old man, long past the combatant stage. Faced by a court-martial, with seven charges presented against him, hundreds of miles from home, he successfully combated them and was acquitted. Even then he was held and told that he could not return to eastern Carolina. He was accused of furnishing information to the enemy, or at least fraternizing with them. His arrest, contrary to the civil laws of North Carolina, and with a wanton disregard of his rights, caused an outbreak of widespread indignation. On May 1, Judge Badger, of Wake, arose in the convention and presented lengthy resolutions calling upon Governor Clark to make immediate inquiry and with a demand for his release. Messrs. Badger, Warren, and Graham made powerful speeches. After a debate of three days, the proceedings were terminated with a wire from President Davis announcing the release of Mr. Respass. After the war Mr. Respass was a senator from Beaufort county.

During the first week of May, 1862, Edward Stanly left his California home and was received at the White House by Abraham Lincoln. He was depressed and blue, for his home State, which he loved passionately, had been invaded, and both the place of his birth and that of his long residence were in possession of a conquering army. But he had a dream that his very presence there could bring peace out of distraction, and he painted to Mr. Lincoln a glowing picture.

Was not Washington and New Bern, now held by the Union forces, a former Whig stronghold? Had not their public men, even until the very last, suffered villification on account of their intense love for the Union? Was not this whole war brought on because the people had turned from their old and trusted leaders? What, then, would be easier, now that they were abandoned by the Confederacy, than to go down and wean and coax them back, and take them by the hand as erring brothers? And who, he argued with Lincoln, could better do this than Mr. Stanly himself?

It was no lust for office or for power that inspired Edward Stanly. Love for his old home, and for the Union, pervaded every fiber of his being. He knew also that there was suffering down in North Carolina, and he thought he could alleviate it. He pictured himself as a fearless knight on a mission of chivalry. Mr. Lincoln was impressed. He felt that if he could drive a wedge into North Carolina that the war would quickly end. Just as he did not consult Congress when he made war neither would he consult that body now, and on May 26, 1862, he commissioned Edward Stanly as Provisional Governor of North Carolina, with the rank of brigadier general.

Governor Stanly lost no time. He arrived shortly in New Bern, and spent a month conferring with General Burnside. He unfolded his plan. Idealism was to prevail. The military should play second fiddle, and there should be a minimum of restraint. In all of their acts they should play the part of the gentleman. They should fraternize freely with the citizens. No one should be called a rebel. The people should be told that they were simply misled, and that the Union was ready to receive them with open arms, and restore their property, including their slaves. This program had not been in effect 3 days before it clashed with the views of the Union general, and in 10 days Stanly was complaining to Lincoln of the excesses of the Federal troops.

He then moved on to Washington, and set up his headquarters in the building occupied by the branch bank of Cape Fear. Mr. Stanly was a persistent, tenacious, and determined man. He forcibly presented his ideas and arguments to all he came in contact with, and there is no denying the fact that he made inroads on the morale of the comparatively few people remaining in Washington. He was received kindly in the town which was formerly the scene of his many triumphs, and his presence no doubt softened the occupation. He wrote letters to many of his old Whig friends in the convention and legislature, including Graham, Badger, and Warren; but they had crossed the Rubicon long before, and sent him word that his mission was futile. Some time later he was issuing a public appeal to all of the State, advocating the election of Vance, and saying it meant a return to the Union. But it seems that he did not know Vance.

While Governor Stanly was busying himself to take North Carolina out of the Confederacy, and was holding a mock election to send his secretary as a Member of the United States Congress, the activities of his brother Alfred Stanly, who lived 3 miles from Washington, were giving both him and the Union garrison much concern. If Edward Stanly loved the Union, Alfred Stanly hated it. If Edward Stanly was the embodiment of national loyalty, Alfred Stanly, as a secessionist, surpassed it. He adored the Confederacy and hated "damn Yankees." He had tried to enlist, but was rejected on account of his age. So he became a bushwhacker de luxe, and his favorite occupation was to snipe at anyone wearing a blue uniform, as raiding parties would pass his house. It is known that he wounded several. It is said that he killed some. He thrilled when he was denouncing his brother's rule. One day a squad went out and burned his plantation, but the old man always remained an irreconcilable.

Governor Stanly carried on a lengthy correspondence with Lincoln. He constantly protested the thwarting and overruling of his policies by the Army, and was always mentioning the excesses of the troops, and complaining of their entire lack of cooperation with him. Soon Stevens and Sumner, on the floor of Congress, were interrogating the

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President, as to "this man Stanly who is assuming to usurp the powers of the military."

The provisional governor had accomplished nothing. Each day his disillusionment grew, and he was sad. On March 2, 1863, he resigned, no doubt upon the suggestion of Lincoln. He returned to California, entering into a large law practice, and was eminently successful. He died in 1872, at the age of 62, and was buried there. Edward Stanly was a great lawyer, and a wise statesman. He never lost his love and deep affection for the people of his native State. At least one of the votes for the acquittal of Andrew Johnson is accredited to his influence.

The banner incident, the social party of several old men on a Union gunboat, the arrest of Mayor Respass, and the visit of Stanly were all magnified, and mutterings were abroad that Washington was disloyal to the Confederacy. The truth is that the town and county were bled white, both of men and property, and the people displayed the stoicism of Spartans, and bore their sufferings heroically.

CHAPTER III

The war was now over, and William W. Holden was the provisional governor. North Carolina was to drink the bitter dregs for years to come. Governor Holden immediately set about to restore the State government, making a conscientious effort for the immediate return of the State to the Union, and appointing men of high character to fill all of the offices until the legislature could meet in the fall. The dream of his life was to be elected governor by the people. As judge of the second judicial district, he named Edward J. Warren, and appointed Daniel G. Fowle, also a native of Washington, and later to become governor, as the judge from the Wake district.

While no interest was taken, there was no objection to the call for a convention in 1865. Its personnel was selected solely by white votes, and many able figures were members. It was composed largely of men who were former Whigs, and it was imbued with a spirit of cooperation, and a desire to set the house in order again. Judge Edwin G. Reade, a former Senator in the Confederate Congress, was its president. Judge Warren and Mr. Donnell, as members from Beaufort, rendered able service on account of their wide experience, Mr. Warren being appointed on the committee to redraft the constitution.

The legislature met the latter part of November, Governor Holden having submitted his cause to the voters, and being defeated by Jonathan Worth. On November 29, General U. S. Grant visited the senate chamber of North Carolina, and was introduced to the body by Judge Warren. General Grant was there under instructions from Andrew Johnson, with whose policy at that time he was in hearty accord. The commander of the United States Army was most gracious, and in conversation did not hesitate to express his views and his opinion that as soon as an election could be held that North Carolina would be represented in the National Congress.

S. F. Phillips, Richard S. Donnell, Judge Warren, and Colonel Yellowley had a private talk with the general lasting over an hour, which, Mr. Donnell stated, "ought to be productive of excellent results, as we were impressed with the broad views of General Grant and believe that in his attitude toward General Lee at the surrender he has already shown us that he will be a friend of the South."

Little did they dream at that time that lust for office would cause General Grant to adopt a policy a few years later that placed North Carolina and other Southern States under an iron heel that no conqueror had ever before been guilty of.

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The legislature immediately went about to set up a stable government under the Constitution. On December 1 Judge Warren, by joint ballot of the legislature, was elected judge of the second district, receiving 89 votes to 68 for George Howard. The district at that time was composed of the counties of Beaufort, Pitt, Edgecombe, Martin, Washington, and Tyrrell. He resigned as a Member of the Senate on December 18, and Col. David M. Carter was elected to succeed him. No Member was more active or took a more prominent stand in the Senate than Colonel Carter during this unexpired term. At the same time Mr. Warren was elected judge, Judge Fowle, of Wake, also received his election.

Just before Holden went out of office he appointed B. F. Moore, Richard S. Donnell, and William S. Mason as commissioners to prepare and report to the legislature a system of laws upon the subject of freedmen. This report was adopted by the legislature, the other two members saying that Donnell was entitled to the major credit for the work.

The work of the convention of 1865-66 was finally approved by a vote of 63 to 30, Messrs. Warren, George Howard, and Thomas J. Jarvis being numbered among those opposing it. When it was submitted to the people Judge Warren gave a dignified statement containing his reasons for opposition. It was rejected both in Beaufort County and the State, and with exception of the ordinances it had adopted, the work of the convention was in vain.

Worth was now governor and with the beginning of 1866 Judge Warren entered upon his judicial career with a sense of relief from party politics and the storms of the day. During the latter part of the War the courts had ceased to function and he found that practically his whole time was occupied. During his few vacant weeks he would return to Raleigh and participate as a member of the convention. As judge, he covered every section of the State, evincing a keen and active interest in his work. He had cared nothing for politics and the bench was the only honor that had really appealed to him. The late Judge Henry G. Connor stated that he well remembered the first court held in Wilson and how he was struck with his manner and deep logic and innate sense of justice. In Orange County he clashed with the Ku Klux, who were interested in seeing a negro executed, only to discover that they were accusing the wrong man. But it was in the equity and law courts where he excelled, and there is frequent commendation of his decisions in the opinions of the Supreme Court. "He was the model nisi prius judge of his day," said Judge William A. Moore, a political opponent. He served on the bench until July 1, 1868, being defeated by Edmund W. Jones in an election where almost the entire vote against him came from negroes.

On June 3, 1867, Richard S. Donnell died from an incurable malady. He was only 47 years of age, but in that brief span there was crowded a life of service for North Carolina. His body was carried to his native New Bern and laid beside his father, Judge John R. Donnell, who added luster to the superior court bench of the State for 18 years.

Political readjustments were now beginning to take place, and men were casting about for the future. Until now Mr. Rodman was quiet, as were all of the old secessionists. General Grimes, with the glamor of a great military record, was in seclusion in Raleigh, and Matt W. Ransom had retired to his large estates on the banks of the Roanoke in Northhampton. In spite of the efforts of Holden and Worth, the State was not yet in the Union, though over two years had elapsed.

Mr. Rodman began conversations with both his friends and those of former hostile political beliefs. One of his first meetings was with Judge Warren, Colonel Carter, Major Sparrow, and Mr. Satterthwaite, the latter having moved into Beaufort. When the first call for a convention had been voted down in the county in 1861, and Mr. Warren and Mr. Rodman had debated the question out in every section, a feeling of antagonism had sprung up between them, but now that the struggle was over they had a mutual respect for each other that lasted for life. All of these men sat around the table to discuss the tragic plight of the State.

Congress had submitted the fourteenth amendment, and Mr. Rodman saw only gloom ahead. He vividly pictured the horrors of negro domination in the South, and lamented the fact that already mercenaries, camp followers, and unprincipled carpetbaggers were infesting the State. "Are we to let North Carolina become a prey to these people, and lead the ignorant blacks," he asked, "or shall men like us, who hold the State near and dear, step in and lead and assume control."

It was not a matter to be lightly brushed aside. Although the State government under Worth was functioning splendidly, a military despotism under the acts of Congress had been set up and the civil authorities were being constantly overruled and humiliated. Mr. Rodman felt that the only way either the State or the South could be helped was a submission to the new order and an assertion of leadership by representative men. It might be easy to criticize and speculate after the lapsing of nearly three-quarters of a century, but these were critical times and a man's motives should be judged by his accomplishments under the conditions that confronted him.

Colonel Carter, who carried to his death terrible wounds he had received on the field of battle, became after Gettysburg and Vicksburg an ardent advocate of peace at almost any price. In January, 1865, he was a member of a secret legislative committee that urged upon President Davis to make terms. He listened to Mr. Rodman with great sympathy, and it is certain that he left Mr. Rodman under the impression that he subscribed to his views. Later in the year, when the Republican Party was organized in the State, although Colonel Carter did not attend he was named as a member of its executive committee. In about a month he disavowed it and announced that he was a conservative. In a later campaign this incident was to hurt Colonel Carter politically. Major Sparrow and Mr. Satterthwaite could see no advantage in such an alliance as proposed by Mr. Rodman.

Judge Warren, by reason of his New England birth and his former pronounced Whig views, was expected to listen. He had cordially hated the ante bellum democracy, and a promise of leadership was held out to him in the new order by Judges Reade and Settle. Even after he had been defeated for judge, it was represented to him that Judge Starbuck would accept a Federal position, and if he would move to Salem he would be named his successor, and would be given the first vacancy on the Supreme Court. But Judge Warren, now a man without a party, would not listen. So, from the beginning of the war, he called himself a conservative, for the word "Democrat" was still an anathema to him. And Colonel Carter, Major Sparrow, and Mr. Satterthwaite also adopted that title, for just now they could not stomach to affiliate with a party they had always detested.

So Mr. Rodman attended the first Republican convention in Raleigh and cast his lot with that party. From the outset he was the leader of the conservative, or white wing, in striking contrast with Judge Reade, who went with the radical element. Never did Mr. Rodman

countenance negro domination or negro office holding, and to his influence, more than anyone else, is attributed the fact that Beaufort in years to come never suffered negro control, as so many of her neighbors did. With the exception of a few aldermen in Washington and a few school committeemen in the county that horror was spared. From that moment William B. Rodman exerted a far-reaching influence on the constitutional and judicial history of North Carolina.

But Congress had decreed that the "conquered Province" must have a new constitution, and General Canby, the military commander, initiated the enrollment of the negroes for their first suffrage. Another great convention was held in Raleigh, this time composed of the Conservatives and Democrats. They denounced the determination for a Constitutional Convention and banded themselves to oppose it. Judge Warren wrote Governor Vance, and Judge Fowle, who had resigned, that his attendance would be incompatible with judicial propriety, but that he was in complete sympathy with their movement.

The election was held, and as expected, the call for the convention carried. William B. Rodman and William Stilley were elected as members from Beaufort. Such a conglomeration of constitution makers had never before been gathered. Carpetbaggers, negroes, illiterate whites with deep-seated prejudices, and about 15 high-class men made up the assemblage. In the latter class, besides Mr. Rodman, were Plato Durham, of Cleveland, John W. Graham, and E. M. Holt, of Orange, the last three having no influence, but making memorable fights on all controverted questions. There was a dearth of lawyers in the body. It is paying no compliment to William Blount Rodman to say that he towered above everyone there. He would have been a distinguished leader in any convention or legislative body, where his legal ability and forensic powers would have been in demand. When the convention organized he must have shuddered at the colossal task confronting him, for he had fully determined to battle every question and save the State, if possible, from those who were ready to despoil her. As a former Confederate soldier, with his disabilities still unremoved, and as a former well-known Democrat, he was looked upon with suspicion by the negroes and carpetbag element. That section of the convention immediately set up as their leader the notorious but able Albion W. Tourgee.

Mr. Rodman was immediately appointed as one of the committee of 17 to report on the best mode of proceeding to frame the constitution and civil government. He was then made chairman of the committee on the judicial department, and it was here he best served North Carolina. From the first meeting of this committee he was in constant clash with Tourgee, and they waged a memorable battle both in committee and on the floor of the convention over the judicial article. Mr. Rodman was strongly opposed to the election of judges, and desired to retain the old distinction between actions at law and suits in equity. Tourgee took the opposite view on both questions, and by close votes his opinions prevailed. Mr. Rodman then gracefully yielded, and thereafter wrote all of article 4 of the constitution.

Surveying his handiwork he predicted "it will stand the test of experience and be more valued with every year of its existence." Mr. Rodman was also the author of sections 22, 27, 35, 37, and a part of 32 of the Bill of Rights. He wrote section 3, of article 5, on revenue and taxation, which in recent years has been amended. Mr. Rodman made a long fight in the convention to strike out section 21 of the Bill of Rights, which provided that the privileges of the writ of habeas corpus shall not be suspended. He desired the writ suspended during war, insurrection, or invasion, but his proposition was overwhelmingly de-

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feated. The late Judge George H. Brown considered that Mr. Rodman's most valuable contribution to the constitution was the fight he waged to preserve the equation between the property and poll tax, as the State was then financially prostrated.

When article 11 was under discussion, dealing with punishments, penal institutions, etc., Mr. Rodman riddled the committee's proposals with amendments, all of which were adopted. But outside of his work in writing the judicial sections, his most conspicuous effort was on the suffrage article, where he successfully combated the wild and incendiary views of men like Abbott, Tourgee, and Edmund W. Jones, who believed in social equality. Looking backward, it is a wonder that the convention did not proscribe every prominent man in the State, so great was the animosity then prevailing. Mr. Rodman, though having the confidence of the presiding officer from the first day of the session, and being thus favored by committee appointments, had to fight his way to leadership, and long before adjournment he was the recognized spokesman of the body.

The convention unanimously made Mr. Rodman one of the three commissioners to prepare a code of laws, and his work became a model for future codes. He was also appointed as one of two members of the convention to prepare an address to the people urging them to adopt the constitution.

The constitution was adopted by a large majority, Beaufort joining the other counties in favoring it. It is rather singular to note that Mr. Rodman, who wrote more sections of the constitution than any other man in the convention was not permitted to vote to ratify it, though in the same election he was elected to membership on the supreme court. Judge Warren, Major Sparrow, Colonel Carter, and Mr. Satterthwaite all issued fervent appeals to the people to reject it, but neither could they vote on the question. The disabilities of all of them were removed shortly after the election. It is also worth noting that the proposition to increase the membership of the supreme court from three to five was only carried in the convention by a majority of one. Had this not prevailed, it is hard to speculate what three would have composed the court.

The constitution of 1868, the organic law of the State to-day, conceived and born in prejudice and strife, and prepared by a convention, the overwhelmingly majority of which was hostile to North Carolina, has, notwithstanding its conception, stood the test. Recent conventions in many Northern States had afforded a chart. The fact that it was written by a mere handful of its membership is probably responsible for its lack of commissions and omissions. An abler body might have been hopelessly divided on fundamentals. In reviewing its birth it is to be wondered that such a document emerged. That it has passed through the decades with slight mutilation is surprising, and it is doubtful that the tinkering with it by amendment has very greatly improved it.

Defeated for reelection Judge Warren again actively entered the practice of law and formed a partnership with Col. David M. Carter. Several years later William B. Rodman Myers, the son-in-law of Judge Warren, was admitted to the firm. They had all the practice they could attend to and appeared in most of the far eastern courts.

The election, along with the adoption of the constitution, was a clean sweep for the Republican candidates and every branch of the State government came under their control. Holden became governor in his own right, while a supreme court was chosen composed of Pearson as chief justice and Reade, Rodman, Dick, and Settle as associate justices. In spite of the urge to engage in partisan politics, to which they freely

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yielded, no greater body has ever sat as the State's highest tribunal than this supreme court of the reconstruction era. All of them were native North Carolinians of distinguished ancestry, and men of character and the highest order of ability. It was the brightest spot in that sordid period and the surest hope of justice from an inferior, partisan, and at times corrupt superior-court judiciary. The opinion of Chief Justice Pearson in the habeas corpus cases was cited by the Democrats as an example of utter collapse of constitutional government, and coming as it did it staggered the sober thought of the State. Reviewing it to-day, however, aside from the shaken faith in our institutions, we must admit that had the writs been attempted to be enforced a stream of blood would have flowed in North Carolina from Alamance and Caswell to the Atlantic Ocean.

Judge Rodman, a member of this great court for 10 years, contributed in marked degree to its record. By virtue of having been a member of the convention that framed the constitution, he at once became its chief interpreter and expounder. It is interesting to observe the points of difference between the members of the court on constitutional questions and to contrast the views of Rodman, as a framer, with the other members. From the beginning there were divergent views on the part of Rodman on the one hand and his associates on the other as to the proper interpretation and construction of the article on homesteads, and they remained so until subsequent legislatures clarified enabling acts.

Before the question ever reached the court Judge Rodman in an able treatise had discussed the duty of the court should the legislature disregard the equation between property and polls and in subsequent opinions down to a late date this dictum has been referred to. In 1870, when the Republican legislature desired to extend their term beyond the biennium, by reason of a strained construction of the constitution, they passed a resolution asking for an opinion from the Supreme Court. Chief Justice Pearson and Justice Dick responded as "a duty of courtesy and respect," while Justices Rodman, Reade, and Settle declined. Judge Rodman went further than an outright declination and stated that if they wished merely his individual opinion, he would feel at liberty to give it, and then rather ingeniously pointed out the controverted sections, and ended by saying that if there was any doubt in the minds of the legislature that "a wise and becoming policy would require you to give the people the benefit of the doubt." The attempt by the carpet-bag legislature to perpetuate itself in office proved abortive. It should be mentioned that the Supreme Court in recent years has rendered opinions upon the request of the general assembly.

None of the writs of habeas corpus in the Holden-Kirk affair were issued by Judge Rodman. This was probably due to the fact that the Supreme Court was in recess, and that he lived in a section of the State far removed from the scene of trouble. There is no doubt, though, that all of the members of the court concurred in the opinion of Judge Pearson on that subject.

No attempt is made here to analyze or set out some of the outstanding opinions of Judge Rodman while a member of the court, which covered almost every subject of constitutional and statute law. They are his memorial and are cited to-day for their lucidity and logic.

CHAPTER IV

It was the November term, 1868, of the superior court of Beaufort County, the first court to be held under the new constitution. John H. 113512—6370

Small, a large farmer and business man, had been sworn in as foreman of the grand jury. Several members of this grand inquest were negroes.

"Mr. Foreman and gentlemen," piped the judge, "the people have declared that there shall be a new order in North Carolina, and that men who despise disloyalty shall be in control. Thank God we are back in the glorious Union again. The man who crushed the rebellion has just been put in office, and he with our help is going to run this country. I am glad to see on this grand jury to-day some of our newly liberated colored brothers, and I first charge you to see that their political and property rights are protected."

There then followed a harangue of an hour, interspersed with frequent profanity and occasional garbled quotations from the Bible. Mr. Small, one of that New England migration to eastern Carolina in the early forties, blushed for shame.

The occupant of the bench did not participate in the war. He was the delegate from both Washington and Tyrrell in the convention of 1868. While possessed of a law license, he had rarely appeared in a courthouse. He was tall, slim, and rawboned, with inanimate features and a glassy stare in his eyes. He wore a long frock coat, an extra tall silk hat, and presented an immaculate appearance. He walked almost on his toes, which caused his body to sway from side to side. He strutted like a peacock. He was a confirmed drunkard, a bitter partisan, thoroughly unscrupulous, without character or morals, and corrupt and debase. While lacking any knowledge of law, he later became as fiendish as a Jeffreys.

"Your honor," said Mr. Sparrow, "the wife of the defendant, Isaac Barrow, died last night. I ask that the case be continued to the spring term, the solicitor being quite willing."

"The motion is denied," snapped the court.

He got supreme satisfaction by being addressed as "his honor" by men like Sparrow, Warren, Satterthwaite, and Carter.

The judge was Edmund W. Jones, of the county of Washington, but already known far and wide as "Jay Bird" Jones (a name given him by Josiah Turner), and by the grace of a large negro majority presiding over the superior courts of North Carolina. At the solicitor's table sat Joseph J. Martin, of Martin. He was an honorable gentleman and held in high esteem.

After a few preliminaries, a recess was taken, and Judge Jones promptly headed for a popular bar.

That afternoon Capt. J. J. Laughinghouse, who lived just over the line in Pitt County, entered a plea of guilty to an assault on the sheriff. The judge imposed a fine of \$50, and then malignantly asked the captain what he had to say. Captain Laughinghouse, with the fire and vigor that was his for life, expressed his contempt for the court in language and oaths that made the air blue. The darkness of a winter evening was beginning to fall, and this was the last matter to be disposed of. In addition to the fine Judge Jones sentenced him to jail for 30 days, immediately adjourned court, and was spirited to a house on the outskirts of town.

Captain Laughinghouse had to serve all of his sentence. The ladies of Washington decorated his cell so as to hide the bars, a feather bed was moved in, the choicest food was brought in daily from their tables, and the captain in later years admitted that so great was his satisfaction in paying his respects to the judge, and so pleasant had his imprisonment been made, that he hated to see his term expire.

On Wednesday morning of the same term of court there was called the case of State v. Jim Carter. The courthouse was packed to over- 113512—6370

flowing. Jim was a former slave of Col. David M. Carter and had accompanied him to war. When Colonel Carter had been left for dead on the battle field it was Jim who had found him and carried him on his back to a place of safety and nursed him back to life. In the recent election Jim had voted the conservative or Democratic ticket, and had ostracized himself with the colored population. He was finally attacked on Main Street by several of them with the result that Jim wielded his knife with great dexterity and stabbed one to death. So he was to be tried for murder, and his former master, a ferocious old lion, sat by his side. For weeks before the trial the whole county had become either pro or anti Jim Carter, and the case had assumed a political aspect in that the Democrats were for acquittal and the Republicans for conviction. Over 200 Democrats sat in that courthouse with pistols in their pockets.

On a question of admissibility of some phase of the evidence Colonel Carter received a severe reprimand from the court for insisting upon the constitutional rights of his client and was ordered to apologize.

He thereupon straightened up and informed his honor that while it was true he was conducting a hearing where the State was seeking to take a man's life, that in no sense of the word could this be termed either a trial or a court; that by his actions the occupant of the chair had already shown he was lacking in any knowledge of the law and was devoid of any semblance of character or morals; that it was painful for him as a lawyer to address such a tribunal; that his conduct was only typical of what could be expected hereafter on the superior court bench; that the evidence sought to be offered by the defendant was competent and would be admitted regardless of the opinion of the court, and that so far as any apology was concerned he would sink lower than the mud-sills of hell before he retracted anything. Standing 6 feet from the judge he folded his arms and glared.

It was a full five minutes of painful silence before a word was spoken, and Colonel Carter was then told to proceed with the examination of the witness. The evidence attempted to be barred was presented in full to the mixed jury of whites and blacks.

The news had reached the judge, who was visibly under the influence of whisky, that he would be held to strict account for the jury's verdict and that pistols would bark out at him in the event of conviction. The opening of court that morning had been delayed an hour, due to the absence of his honor, who had finally been found at the home of a negro prostitute, where he had spent the night. Blear eyed, trembling, his bloodless face without expression, he realized that his judicial orders issued at times with merciless severity were without avail, even though surrounded by court officers of his own political party. During the three minutes the jury was out it was a tense scene in the courtroom. The judge squirmed and twisted in his chair and every eye was on him. The silence was broken when a tiny crack of the jury room door was opened and a little bullet-headed negro squeaked out, "Not guilty." The crowd was content in not hearing an acquittal in the impressive court form and bedlam reigned as they rushed in the street. That night Washington staged a celebration.

The gentle and erudite Dr. David T. Tayloe, a gentleman, scholar, and learned physician, who had served four years in the Confederate Army, looked in on the proceedings and became a militant. Doctor Tayloe was a former Whig leader, and a campaign song composed by him had been adopted by the Zachary Taylor campaign and was used throughout the Nation. He was asking himself what it availed a man in former days to have been a friend of the Union.

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Dr. Charles J. O'Hagan came down from Pitt to observe the workings of the Jones court, and was a calm but embittered spectator. He had recently made the sacrifice as the nominee for Congress and had been defeated. North Carolina will never see his like again. Born in Ireland, he had a passion for freedom and individual liberty. He had a national reputation as a physician, and after a distinguished service in the Army, did as much as any man to redeem his State. Although a small boy when he died, well does the writer remember him. He was both his father's and grandfather's lifelong and devoted friend. Truly, he was one of the State's great men.

At the fall term, 1870, Judge Jones presiding, H. E. Stilley, a member of the legislature, and colonel of Holden's Beaufort County Militia, made an unwarranted attack in a statement to the judge on Dr. John McDonald, who was sitting in the courthouse. Judge Jones, without investigation, castigated the doctor in stinging language. The fiery and temperamental physician jumped up in court, knocked Colonel Stilley down and threw him out of the courthouse. He was adjudged in contempt, fined \$100, and placed under a peace bond. When court adjourned, Doctor McDonald accosted the judge, grabbed him by the collar, and shook his hat off his head.

Carpetbag and scalawag justice was being meted out with a vengeance in the superior courts of the State.

Judge Jones was continually reversed by the Supreme Court, this happening eleven out of twelve times in one report. The bar of Washington carried up on appeal every case he tried, Colonel Carter doing so with great glee.

After Holden was impeached, the House passed articles of impeachment of Judge Jones, but he was permitted to resign without trial. He returned to Plymouth and became more dissolute than ever, his friends and companions being chiefly negroes. One day he was at a fishery on the shores of Albemarle Sound, where large catches of herrings were being thrown in boxes on the sand. He reeled over with a stroke, falling among the dying fish. They carried him home and he passed away that night. It is said that not a single white person attended his funeral.

In the old man's latter days, he strangely took up the idea that he wished to learn to sing. These were the days of old-fashion singing schools. There is hardly anyone left now who remembers the geography singing classes that made for such wonderful efficiency in the memory of geographical points and facts, but many now living remember the Carmina Sacra Classes that gave such delightful entertainment and made congregational singing very tolerable in the absence of a church organ. There was one of such classes going on in Plymouth, having the usual number of members and giving great entertainment.

"Jay Bird" joined and persisted in going vigorously into his work, entering early and staying late, and singing loud and strong. His notes and tones, according to report, were equal to old man Linkhaw's, of Roberson County, reported in the Sixty-ninth North Carolina Report, page 214. The difference was that Jay Bird's produced merriment and fun while Linkhaw's actually prevented religious worship. The judge had one of those voices that are not usual. A bass note like that of a bull frog was followed immediately by one sounding like a carpenter filing his saw. One day when he had broken up the class with laughter, he saw the awkwardness of his situation, and when the laughter ceased he delivered himself of this proposition:

"A slavish adherence to the notes destroys the symmetry of music."

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It is not reported that the old gentleman's voice acquired much skill for melody, nor what effect his efforts in that direction had on his private entertainment, but it would probably be admitted that his musical philosophy was sound, and expressed more wit than his mind was usually capable of.

On April 19, 1869, an article appeared in the columns of the Raleigh Sentinel headed: "A Solemn Protest of the Bar of North Carolina Against Judicial Interference in Political Affairs." This unusual document was caused by the late public demonstrations of political partisanship by the judges of the Supreme Court, and was aimed especially at Judge Reade, who had admitted the authorship of a shocking document signed by the Republican members of the "carpetbag" legislature in an address to the people of the State.

After reciting the exhibitions of mad partisanship by the judiciary, the article closed with this:

"Unwilling that our silence should be construed into an indifference to the humiliating spectacle now passing around us; influenced solely by a love and veneration for the past purity, which has distinguished the administration of the law in our State, and animated by the hope that the voice of the bar of North Carolina will not be powerless to avert the pernicious example, which we have denounced, and to repress its contagious influence, we have under a sense of solemn duty subscribed and published this paper."

It was signed by 110 members of the bar of the State, and was prepared by B. F. Moore, E. G. Haywood, and Asa Biggs. Judge Warren was in Raleigh at the time of its preparation and was the third one to sign it. Major Sparrow and Mr. Satterthwaite also signed.

When the Supreme Court met in June, it first ascertained how many of the signers practiced in that court, which proved to be 25. An order was then issued that these 25, one of whom was Judge Warren, should be "disabled from hereafter appearing as attorneys and counsellors in the court, unless they shall severally appear on Tuesday, June 15, 1869, and show cause to the contrary." The rule was discharged as to the others. The court held that the rule could be discharged as to the 25 on their making "a disavowal upon oath of any intention in signing and publishing said paper to commit a contempt of the Supreme Court or to impair the respect due its authority."

From time to time different ones would file answers to purge themselves of contempt, but no answer was ever filed by Judge Warren, Vance, Jarvis, and a few others. The matter was allowed to drop.

In the early part of 1870 President Grant appointed Col. S. T. Carrow, the sheriff of Beaufort County, as United States marshal of North Carolina. He was 6 feet tall, with a massive frame. He had no educational advantages, but was endowed with a strong personality and was powerful in political debate. He had joined the Republican Party and became sheriff. As such it was his duty to collect the odious special taxes assessed by the "carpetbag" legislature, and his great heart and charitable instincts caused him to pay out of his own pocket taxes for literally hundreds of people. He exerted great political influence and had a most salutary effect on the negroes, who were afraid of him. The office of United States marshal was one of the richest political plums in the State, and the fees were large. Colonel Carrow surrounded himself with fine horses and carriages, dressed fashionably, entertained lavishly, and was again profuse with his charity, his political friends and foes being recipients.

After the humiliating opinion of Chief Justice Pearson declaring the power of the judiciary exhausted, it was he who served the writs of

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habeas corpus issued by Judge Brooks in the United States court and took in charge the prisoners of the Holden-Kirk war, which later resulted in the impeachment of the governor. They rejoiced in being in Colonel Carrow's custody, and many of them wrote him letters speaking highly of the consideration and courtesy shown them.

The spring of 1870 had rolled around, and the State was so shocked at the program of pillage and plunder inaugurated by the carpetbag legislature that it was literally on fire. On June 4 there assembled in the Beaufort County courthouse one of the largest and greatest political conventions held in the East. It was composed of old-line Whigs, Democrats, and many Republicans who were already leaving that party. It was called the "Conservative Democratic convention," and a full county ticket was quickly unanimously nominated. It proposed for the Senate Judge Edward J. Warren and for the House Maj. Thomas Sparrow. Enthusiasm was rampant, for regardless of past differences, the delegates were now united for a single purpose.

The Eastern Intelligencer, published in Washington and edited by Dr. James F. Long, a quite able paper carrying as its slogan, "Death to radicalism," tells about it in its issue of June 8:

"When the name of Judge Warren was announced there were loud cries for him, for the people wanted to hear from him, as it was uncertain whether he would accept the nomination. It was feared his known physical infirmities would force him to decline. He soon made his appearance, and though hobbling and moving with great difficulty, he in about an hour's speech convinced the crowded court room that though rheumatism might to some extent have impaired his physical energies the profound logical mind, the brilliant, clear, perceptive, progressive intellect of Warren was still there stronger than ever, brighter than ever, as full of fire as in the days of yore, and the tongue lacked none of its native eloquence. We will not attempt an analysis of his address. Sufficient that he gave radicalism and its failures an exposé, every word of which was a nail in the right place, driven and clinched by the master of builders."

Of Major Sparrow it said:

"Sparrow, the servant of the county, the popular man of the county, whom the people love (and he merits it, because all of his life he has been making personal sacrifices—pecuniary and professional—to serve them), was next called. In his own unborrowed style he entertained them with choice morceaux of political viands that made their mouth water with anticipation of what the full feast of radical exposures would be when, uncoated and with sleeves rolled up, he will open the campaign."

Satterthwaite, it said, excelled his past efforts as an orator, and Colonel Carter, after presenting the resolutions of the convention, confined his remarks to giving "some wise advice to the colored people conducive to their future happiness and prosperity."

The campaign was fiercely conducted, but the ticket was elected by a large majority, and Beaufort County again sent two of her sons to Raleigh to figure prominently once more in history about to be made.

CHAPTER V

The legislature of redemption met in November, 1870. For another time the chairmanships of the judiciary committee in both senate and house went to Beaufort County. The Conservatives or Democrats had a wide majority in each body, and they immediately set about to undo what the despoilers had been doing for the last two years. They elected

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Thomas J. Jarvis, then of Tyrrell, and later to become governor, as speaker of the house.

On December 15, 1870, Maj. Thomas Sparrow, of Beaufort, appeared at the bar of the Senate and impeached Gov. W. W. Holden, in the name of all of the people of the State. By reason of his commanding influence, his purity of character, and outstanding legal ability, he had been chosen as chairman of the board of managers. Lieutenant Governor Caldwell retired to assume charge of the executive department, and Judge Warren was immediately elected as President pro tempore of the Senate.

The trial proper of Governor Holden, with Chief Justice Pearson presiding, began on January 23, 1871. He was arraigned on eight articles for high crimes and misdemeanors, based on a gross usurpation of the duties of his office, the countenancing and encouraging of the suspension of the writ of habeas corpus, and a general overriding of the constitutional rights of the citizens of the State. It was quite natural that the managers should select as their chief counsel that sturdy patriot, William A. Graham. The vicissitudes of politics had made this former United States Whig Senator and governor and outstanding advocate of the Union, the chart for patriots to follow. Governor Holden was represented by counsel of the highest ability, picked from both parties.

On February 2 Major Sparrow made the opening argument to the Senate, sitting as a court of impeachment. He succinctly pointed out the path to be followed, and his speech without a taint of demagoguery, and abounding in logic and legal argument, set a high-water mark for one of the greatest of State trials. And how different it was from another august body that had met a few years before to degrade a President who refused to bend to unscrupulous partisans. In that, they would have ousted a President who obeyed the Constitution, while in this, they were bringing to justice a governor who had openly flaunted it.

Major Sparrow began:

"The spectacle exhibited in this Senate Chamber to-day is without precedent in the annals of our country. It is the arraignment of the chief executive officer of a State, by the people of a State, through the representatives of the people, at the bar of the Senate, for crimes and misdemeanors in office. It is an accusation preferred by the people of North Carolina against the Governor of North Carolina for an alleged invasion of their rights as secured to them by the Constitution and laws of the land, and the subversion of their liberties. It is a charge preferred by the people that he, who was exalted by their suffrages to the highest office within their gift, to be a terror to evildoers, has himself become a doer of evil—that he who was sworn to support and maintain the law has become himself a violator of the law—that he whose sworn duty it was to protect the innocent and punish the guilty has made instruments of the wicked and disorderly to punish the innocent and unoffending, verifying in his person the scripture maxim, 'When the wicked are in authority the people mourn.'

"Those who may imagine that this impeachment of the governor is an attempt of a successful political party, in the flush of their triumph, to depose from his high office one who had made himself politically obnoxious to them, greatly underestimate the case and impute unworthy motives where none exist. As a party measure it would be fruitless of results, as the removal from office of the present incumbent would place in the executive chair as his successor one of his party, the lieutenant governor, who is far less obnoxious to the people. It is a

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movement, Mr. Chief Justice and Senators, which rises above all party considerations. It is the uprising of an outraged and oppressed people to vindicate the violated law. Of far less moment is the suggestion sometimes seen and heard that this prosecution ought not to be carried on in the present depleted condition of the Public Treasury and amid the financial prostration which abounds in all our borders. That it will cost money and further burden the people!

The question of dollars and cents, poor as are the people of North Carolina, oppressed as they have been, plundered as they have been, groaning as they are under a burden of taxation, is a suggestion underestimating, as it is unworthy of their honor, their intelligence, their virtue, and their patriotism. The price to be paid for liberty is always costly, sometimes in blood, invariably in treasure. No true son of North Carolina will hesitate to pay this price. God grant that it may never again be in blood! God grant that in all time to come brother may never in all this land be arrayed against brother in civil strife.

"Mr. Chief Justice and Senators, the people of North Carolina have always been distinguished for their obedience to law and their love of liberty. If they possess any peculiar traits preeminent above all others, they are these. It has been so in all their history from the 20th of May, 1775, of Mecklenburg memory, to the present time. The cause which they seek to vindicate before this tribunal is not theirs only but the cause of all people who seek to preserve the forms of constitutional government and civil liberty. It is the cause of all free people and of all people struggling to be free the world over; the cause of New York and Missouri as well as North Carolina. The question is a great question. The issues are momentous issues. Are the principles of liberty, built up and established and perpetuated in Great Britain, handed down to our fathers, adopted by them and cemented with their blood—are these great principles of the English Bill of Rights of 1689, incorporated by the framers of our organic law into that instrument, of the great charter and habeas corpus, to be preserved in this country? No less issues than these are involved in this proceeding. Do we live in the enjoyment of constitutional freedom? Have we preserved unimpaired the liberties bequeathed to us by our English and American ancestors or have we adopted a higher law than these, the law of tyrants and of temporary majorities, which override and subvert at will the forms of constitutional freedom?

"Mr. Chief Justice, when those in whose persons the rights of freedom and the law of liberty have been violated by their unlawful arrest and imprisonment shall have appealed to the judiciary for relief in vain; when the people through their representatives shall have called upon the Senate, sitting as a court of impeachment, for redress in vain, then, indeed, will our liberties have departed. Then will a revolution in our form of government have taken place, fearful in its proportions and realized by none of us. Then will the glorious temple of liberty reared for us by our fathers, instead of being, as we had too fondly supposed, real, substantial, built of strong rock, and founded on a rock, have become as the house of the foolish man, built upon sand—swept away like similar fabrics of old by the strong hand of power and the 'necessity' pleas of tyrants."

Every step in the trial was contested, and both the managers and respondent introduced voluminous testimony. The Chief Justice presided with great ability, but there are several roll-call votes where, on motion of Judge Warren, he was overruled and evidence held competent by the Senators was admitted.

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On March 22, 1871, Governor Holden was convicted on six of the eight articles of impeachment, Judge Warren voting "guilty" on all of them, the judgment ousting him from office and debarring him from holding office in the future. Judge Warren filed a well-considered written opinion setting forth the reasons for his votes, which was concurred in by Senator L. C. Edwards, of Granville. He scathingly denounced the unlawful arrests of Josiah Turner, Judge Kerr, and others, and stated that "from the beginning to the close of the dismal drama he (Holden) was fatally bent on mischief." He availed himself of the opportunity to express his "abhorrence of the secret political societies which existed in Alamance," and closed with this:

"If in all this lawlessness, whether in Alamance or Caswell, I could find a justification or excuse for the lawless acts of the respondent, I would most cheerfully say so. One crime can not be set off against another. However, much turbulent and misguided men may have taken the law into their own hands, he was not at liberty to do so. They were citizens, and were entitled to the benefit of those provisions of the constitution which protect even the guilty from arrest, imprisonment, trial, and punishment, otherwise than by the law of the land."

In 1865 Judge Warren had voted for Holden for governor in his race with Worth, believing that in the few months that he had been provisional governor, he had made a splendid record, and was imbued with lofty sentiments in restoring government in the State. But when Worth was elected he gave his administration strong support, and immediately broke with Holden forever, when he endeavored to get the United States to intervene and nullify the Worth election. He always believed that Governor Holden was a man of the highest and purest personal character, and that while later surrounded by thieves and cutthroats, the personal integrity of the governor remained unstained. Every instinct of Judge Warren revolted against constitutional violations, and he voted to impeach Holden because he had flagrantly disregarded the organic law of the State.

Just a few weeks before the impeachment the Conservatives went into caucus to select a nominee for United States Senator. Vance was the leading candidate, but there was considerable opposition to him, and he was not nominated until the twenty-seventh ballot. For 18 ballots a movement headed by Col. W. A. Allen, of Duplin, father of the late Judges W. R. and O. H. Allen, cast 17 votes in the caucus for Judge Warren for Senator. On every ballot he voted for Vance. Finally he took the floor and told his friends that the same criticisms they had of Vance, applied with equal force to himself, and urged their support of the war governor. Vance got two majority in the caucus and was elected, but was not seated for that term.

At the same session, the Democrats, eager for constitutional reform, passed a bill for a convention, against the protests and rulings of Lieutenant Governor Caldwell, the day before he took over the governor's office. After he became the governor, he still insisted upon his opposition, and though the bill had been passed by both houses, he asked the supreme court for an opinion on its constitutionality. The court, merely upon the governor's request, filed an opinion, unfavorable to the action of the legislature, and then a storm broke out. On April 5, 1871, they adopted a resolution that an opinion of the supreme court, in a case not properly constituted, had no binding force or effect, and that the governor, having no veto power, could not sit in judgment on an act of the legislature and nullify it. The supreme court was reminded rather sharply to attend to its own business.

Judge Warren was outraged by such a procedure on the part of the governor, and led the attack on him in a speech continuing for three days. The Wilmington Star mentioned his application of Webster's reference to the vigilance of the "unhooded hawk" in his reply to Governor Caldwell's message, and said that he came as near as any man to realizing his own wish, that his "words might be as cannon-balls." "His powers of sarcasm," said the article, "were simply terrific with his reference to the kitchen cabinet, and Snug, the joiner, and his 3-day speech on the governor will stand out as a famous philippic in legislative history."

The convention was submitted to the people, but the Grant administration was powerful enough to defeat it. Judge Warren, however, was again elected as the delegate from Beaufort.

A notable session had ended, conspicuous in its personnel and far reaching in its accomplishments. Comparison is always invidious. Certainly, the great internal-improvement program of the legislature under Governor Morehead will forever stand out. The bodies of 1887 and 1899 were splendid assemblages. In future years the general assembly of 1921 will be pointed to with pride by reason of its initiation of the road program and its vision for the educational and charitable institutions. It has been said that the house of 1923 was the strongest of a quarter of a century. But the outstanding session of the General Assembly of North Carolina in the entire history of the State was that of 1870-71, when, under the leadership of brave and courageous men, the State was rescued from despotism and her bow once more pointed to ideals that Carolinians revere.

Judge Warren returned home upon the adjournment of the legislature a hopeless invalid, his body racked with muscular rheumatism, and the wheel chair he had been forced to take in Raleigh now became permanent. But his courage did not abate, and daily he was rolled to his office and the courthouse, and the firm of Warren, Carter & Myers had a law practice requiring the time of all of them.

In 1872 Colonel Carter received the Democratic nomination for Congress from the first district, to oppose the incumbent, Clinton L. Cobb, of Elizabeth City. While dominant in a courthouse and in the legislature, he was handicapped by not knowing how to make a political speech. He and his friends made a thorough canvass of the district, but he was defeated. It was used against Colonel Carter in that campaign, with some effect, that his name had appeared as a member of the Republican State executive committee in 1867, which, as already explained, he had disavowed.

By 1874 the Democrats had made such progress that they had already captured one of the senatorships and five of the seven Representatives in Congress, and a wave of enthusiasm swept the East in the effort to redeem that section. About this time there arose out of the county of Hertford, Maj. Jesse J. Yeates, a former Confederate soldier and orator of much reputation, and one of the many able men that county has contributed to the State. Cobb, in Congress, had voted for the civil rights bill, and when Major Yeates secured the Democratic nomination, that became the sole issue. They met in joint debate in the Beaufort County courthouse to the edification of the Democracy. Major Yeates beginning his speech, informed the crowd that he was going to "take the corn off the Cobb," and he did it to their great delight. The next day he moved on to what was known as Barrows Fork, in Beaufort County, where they came from every section to hear him. So pleased were the people with his speech that they forthwith changed the name of the place to Yeatesville, which is to-day a prosperous community. Many years later, the

polished Senator Matt W. Ransom came down from Northampton and delivered a speech at North Creek. He made such an impression on that locality that its citizens named the place Ransomville.

The Democrats, still in control of the legislature, submitted another convention bill, and the battle for the election of delegates was now on. Judge Rodman, still on the supreme court, became a candidate from Beaufort. The papers and political pamphlets of that day disclose that he did so with some reluctance, and that he was more or less drafted to make the race. It was felt that he had rendered such a high order of service in the convention of 1868 that the State should avail itself of his valuable experience. But political lines were tightly drawn, and the Democratic State committee was urging no compromise, especially as the Republicans were against the call for the convention.

So a young man who had moved to Washington from Virginia and became associated with Major Sparrow and had already made his mark after five years at the bar was named as the Democratic candidate. His name was James E. Shepherd, later to become a superior court judge and then chief justice of the supreme court. It was a very close contest, many Democrats casting complimentary votes for Judge Rodman, who was, however, defeated by a small majority. Judge Shepherd was one of the leaders in the convention of 1875.

In the spring of 1875 Judge Edwin G. Reade, of the supreme court, moved to Washington, induced to go there by his friend, Judge Rodman. For three years Washington had two members of the supreme court. Judge Reade owned the home where the writer was born, which was purchased from him by the writer's father after Judge Reade had left the bench and moved to Raleigh. He made himself most agreeable to the people of Washington, who were willing to overlook his bitter political proclivities and admire his brilliant intellect and judicial decisions.

It was about this time that Fenner B. Satterthwaite died. He was a most remarkable man. Many years prior to the war he had been cast into a debtors' prison in Beaufort County, and while there studied law and upon his release was admitted to practice. He had high ability and honored the profession. After the war this old Whig rendered yeoman service to the Democratic Party.

In the early part of July, 1876, two men rode into Washington in the same carriage, followed by a cheering throng on horseback and foot. They repaired to a grove to address the multitude. One was Zebulon B. Vance, the greatest of all war governors of the Confederacy, and for the time denied his seat in the United States Senate by the reconstruction acts. This former Whig leader and friend of the Union was now the Democratic nominee for Governor of North Carolina. The other was Judge Thomas Settle, of the supreme court, an ante bellum Democrat and now the Republican nominee.

It was a brilliant debate and issues only were discussed, each side receiving equal applause from their partisans. It was the last political act of Judge Warren. He struggled out of his rolling chair and introduced Vance, at the same time paying tribute to Settle, who had been active in 1866 in making him a superior court judge. In the election, Beaufort County gave Vance 137 majority, and it was the first time in the history of the county that it had ever given its popular approval to a Democratic candidate for governor. Three months later Tilden got a small majority, that being also the first instance where a Democratic candidate for President had ever carried it.

On December 10, 1876, Judge Edward J. Warren died. Physical suffering had made his last years ones of torture. He was only 50 years

of age, but he was considered an old man. Of stern exterior, with sharp likes and dislikes, he was not a popular man, as the term is generally understood. But the people believed in him, and delighted to do him honor. His life since maturity had been one of constant storms. Uncompromising in his beliefs and opinions, fighting always for his well-thought-out and considered views, regardless of public approbation, he became one of the central figures in great constitutional, legislative, and judicial struggles, when liberty almost disappeared in North Carolina. He detested politics, yet he was thrown in their very vortex for nearly 30 years. He had a duty to perform, a high and lofty one, as he conceived it, and he did it. At a meeting of the bar and citizens, presided over by Colonel Carter, he was paid notable tributes. Judge Rodman came down from the Supreme Court and read the obituary he had prepared. The brilliant Maj. Louis C. Latham and Col. Edward C. Yellowley came from Pitt, and James Edwin Moore from Martin. Death had stayed the hand of politics, and friends and foes gathered.

Upon the death of Judge Warren, his law partner, Colonel Carter moved to Raleigh, where he at once took the position his wealth, character, and capacity commanded. He became director of the Raleigh National Bank and Home Insurance Co., member of the executive committee of the trustees of the university, the chairman of the commission to build the governor's mansion, and chairman of the board of the State's prison. He died in January, 1879, at the age of 49. His was another stormy life, filled with combat.

In 1881 Beaufort County again called on Maj. Thomas Sparrow and sent him to the house. His courtly manner and gentle spirit, his lofty ideals but firm convictions, made him almost venerated in the general assembly. His life was closed on January 14, 1884, at the age of 64.

In 1878, upon the expiration of his term on the supreme court, and after a service of 10 years on that tribunal, Judge William B. Rodman returned to Washington. He immediately entered into a large and lucrative practice, which continued to his death. It was nothing unusual to see this writer and expounder of the Constitution arguing a question of law before some justice of the peace perched on a cracker box in some store where he held court. One time one of the members of the bar, knowing Judge Rodman was to try a case before the justice where the point involved had been decided by the supreme court against the contention Judge Rodman was now about to make, slyly informed the justice that he should read the opinion in that case. When Judge Rodman had finished his elaborate argument the justice with great glee confronted him with an opinion adverse to his argument written by himself when a member of the court. Judge Rodman quickly replied that since writing that opinion he had imbibed greater wisdom, and he was now stating exactly what the law should be. His practice carried him in all the courts in the adjoining counties, where he was esteemed, admired, and respected. After leaving the bench he never again took any interest in politics, feeling that his mission in that field had been accomplished. All of his family and descendants have been active Democratic leaders.

In the evening of his life he sat in his library, with his ever-present long-stem clay pipe, surrounded with his books. He died March 7, 1893, at the age of 76, leaving a lasting impression on the constitutional and judicial history of North Carolina. He outlived all of his old contemporaries at the bar.

Richard S. Donnell, Edward Stanly, Edward J. Warren, Fenner B. Satterthwaite, David M. Carter, Thomas Sparrow, and William B. Rodman were now all dead, and the last of the illustrious ante and post

bellum bar had passed off the scene. Most of them had seen the beginning of new faces coming on in their stead, for with 1870 and extending through the eighties, a procession of able, brilliant, and capable men started out to constitute the bar of Washington for another era. James E. Shepherd, George H. Brown, George Sparrow, Charles F. Warren, John H. Small, William B. Rodman, and Enoch S. Simmons made up this array and took high rank in the profession.

There has been no attempt in these articles to present the congressional records of Stanly and Donnell. The former, on account of his long service in Congress, was a recognized Whig leader, and exerted commanding influence. He was a close friend of Clay and Webster. Mr. Donnell retired from choice after serving only one term. Nor has there been any attempt to go into the legislative acts bearing the names of Mr. Donnell, Judge Warren, Major Sparrow, or Colonel Carter. At the time they served the Judiciary Committee was all powerful, and was only composed of a select few in each House, so the first three either introduced or sponsored a large part of the important legislation of that period. Both Stanly and Donnell were Speakers of the House at critical periods in the State's history. The activities of Mr. Donnell, Mr. Satterthwaite, Judge Warren, and Judge Rodman in the several constitutional conventions and the work of the latter two on the superior and supreme courts have also been slightly touched upon. Above everything else, all of these men were lawyers. The articles have dealt more with their political activities in a trying time in the State's history. It has been felt that the important rôles they played have not been given the recognition justly due them. Actuated naturally by county pride, and with a deep appreciation of their works, these pen pictures of her sons are presented as Beaufort County's contribution to a notable era of North Carolina history.

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