

DAVID SCHENCK AND THE CONTOURS OF
A CONFEDERATE IDENTITY

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Rodney J. Steward

Certificate of Approval:

Anthony G. Carey
Associate Professor
History

Kenneth W. Noe, Chair
Associate Professor
History

David C. Carter
Associate Professor
History

Joe F. Pittman
Interim Dean
Graduate School

DAVID SCHENCK AND THE CONTOURS
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Rodney J. Steward

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Rodney Jay Steward

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Signature of Author

Date of Graduation

VITA

Rodney J. Steward was born in Muncie, Indiana to John and Janet Steward in January 1969. He received a Bachelor of Arts degree in history from Montreat-Anderson College in 1995 and a Master of Arts in history from Western Carolina University in 2001. He is married with one child and currently resides in Opelika, Alabama.

DISSERTATION ABSTRACT
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OF A CONFEDERATE IDENTITY

Rodney J. Steward

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The purpose of this dissertation is twofold. First, it serves to shed light on the life of North Carolinian David Schenck (1835-1902), whose extensive diaries have been a wellspring of information for historians for decades, yet whose biography remains unwritten. Second, it uses the life of Schenck as a powerful lens through which to view and challenge dominant interpretations of the regarding broadly defined questions such as the make-up of Confederate identity; who were the secessionists; the Civil War home front experience, and the direct connections between Confederate home front policies and the Ku Klux Klan. Schenck's close involvement with the revolutionary States' Rights Party of North Carolina, his service to the Confederacy as a Receiver under the Act of Sequestration, and his involvement with the Ku Klux Klan during Reconstruction sheds new light on these and other areas of Civil War, Reconstruction, and New South studies.

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My study of the life of David Schenck is the culmination of many years of hard work and personal sacrifice. Now that this dissertation is completed I can say with full confidence that the craft of biography is, at best, difficult. The challenge of coming to know an individual based entirely on his or her written record or the records kept by the society in which that individual circulated are daunting. After eight years of reading David Schenck's diaries, however, I feel I have overcome the obstacles all biographers face. Along the way I have impose on many good people and proper recognition and gratitude is now due.

I would like to thank my director Dr. Kenneth W. Noe whose mentorship over the last five years has been central to my completion of this dissertation. I would also like to thank Dr. Noe for his long-suffering patience with a graduate student who likes to talk things over before he writes them down. Thanks are also due to Dr. Anthony G. Carey and Dr. David C. Carter who served on my dissertation committee and who have influenced my professional development in profound ways. I also owe a very special thanks to my friend Dr. Kimberly Key who agreed to serve on the committee as the outside reader.

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(Psalms 40:2)

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INTRODUCTION

The purpose of this dissertation is twofold. First, it serves to shed light on the life of North Carolinian David Schenck (1835-1902), whose extensive diaries have been a wellspring of information for historians for decades, yet whose biography remains unwritten. Secondly, it uses the life of Schenck as a powerful new lens through which to view and challenge dominant interpretations regarding broadly defined issues and questions such as who were the secessionists; what was the make-up of their Confederate identity; how did the secondary Confederate bureaucracy interact with the home front, and what were the connections between Confederate home front policies and the Ku Klux Klan. Schenck's close involvement with the revolutionary States' Rights Party of North Carolina, his service to the Confederacy as a Receiver under the Act of Sequestration, and his involvement with the Ku Klux Klan during Reconstruction sheds new light on these and many other areas of Civil War, Reconstruction, and New South studies. His lifelong struggle to come to terms with his religion also raises important questions regarding the role of religion in make-up of a Confederate identity.

Scholarship on Confederate identity and religion in the Civil War South has emphasized the planter class and how evangelical Protestantism provided the metaphysical basis for its Confederate ideology. Much of this work, however, does not adequately explain the convergence of religious manhood, class, and patriotism on the home front, particularly among the South's small but emergent professional middle

class.¹ Those southerners – often young lawyers, doctors, and merchants – were men whose social and economic interests developed alongside the plantation economy.² Although members of the professional middle-class were few in number, their strong religious convictions had a profound impact on the Confederate South. To be sure, many served in the Confederate armies and distinguished themselves on the battlefield. Others, however, stayed at home and served their country in other ways. Middle class professionals who remained on the home front often served as secondary government officials, filling bureaucratic positions at the county, regional, and state levels. In their capacity as bureaucrats, they became the face of the Confederate government at the local

¹ For discussions on Confederate nationalism, see Peter S. Carmichael, *The Last Generation: Young Virginians in Peace, War, and Reunion* (Chapel Hill: University of North Carolina Press, 2005); Elizabeth Fox-Genovese and Eugene D. Genovese, *Fruits of Merchant Capital: Slavery and Bourgeois Property in the Rise and Expansion of Capitalism* (New York: Oxford University Press, 1983); Eugene D. Genovese, *The Political Economy of Slavery: Studies in the Economy and Society of the Slave South* (New York: Random House, 1961); Eugene D. Genovese, *The Slaveholders' Dilemma: Freedom and Progress in Southern Conservative Thought, 1820-1860* (Columbia: University of South Carolina Press, 1992); James Oakes, *Slavery and Freedom: An Interpretation of the Old South* (New York: Knopf, 1990); Drew Gilpin Faust, *The Creation of Confederate Nationalism: Ideology and Identity in the Civil War South*, (Baton Rouge: Louisiana State University Press, 1988); George C. Rable, *Confederate Republic: A Revolution Against Politics* (Chapel Hill: University of North Carolina Press, 1994); Gary W. Gallagher, *The Confederate War* (Cambridge, Mass.: Harvard University Press, 1997); John McCardell, *The Idea of a Southern Nation: Southern Nationalists and Southern Nationalism, 1830-1860* (New York: W. W. Norton and Co., 1979); and Emory Thomas, *The Confederate Nation, 1861-1865* (New York: Harper and Row, 1979). For works on religion in the antebellum and postbellum South, see Ted Ownby, *Subduing Satan: Religion, Recreation, and Manhood in the Rural South, 1865-1920* (Chapel Hill: University of North Carolina Press, 1990); James Oscar Farmer Jr., *The Metaphysical Confederacy: James Henley Thornwell and the Synthesis of Southern Values* (Macon, Ga.: Mercer University Press, 1986); Richard J. Carwardine, *Evangelicals and Politics in Antebellum America* (New haven, Conn.: Yale University Press, 1993); Christine Leigh Heyrman, *Southern Cross: The Beginnings of the Bible Belt* (Chapel Hill: University of North Carolina Press, 1997); Mitchell Snay, *The Gospel of Disunion: Religion and Separatism in the Antebellum South* (Chapel Hill) University of North Carolina Press, 1993); and Donald G. Matthews, *Religion in the Old South* (Chicago: University of Chicago Press, 1977).

² Professional middle-class North Carolinians can also be identified by the positions of power they held. According to historian Paul D. Escott, land requirements and other restrictions often precluded middle-class Tar Heels from rising to the upper echelons of political power. They were not, however, excluded from political power altogether. Escott asserts that middle-class men dominated political office at the local level, creating what he terms a “squierarchy.” See Escott, *Many Excellent People: Power and Privilege in North Carolina, 1850-1900* (Chapel Hill: University of North Carolina Press, 1985), 16-19; and Rodney J. Steward, “Christian Manhood and Respectability: David Schenck and the Making of a Confederate Identity,” in the *North Carolina Historical Review*, 87, 1, p. 61.

level and were responsible for implementing the widely unpopular policies of the Davis Administration.

Middle class professionals also constituted the bulk of respectable evangelical society in the antebellum South.³ Indeed, piety and irreproachable morals, they believed, were characteristics that helped distinguish them as a class. Donald G. Matthews has shown that “evangelical Protestantism in the Old South enabled a rising lower-middle/middle class to achieve identity and solidarity.”⁴ Strict adherence to evangelical ideals eventually distinguished middle-class whites from poor whites and, in terms of respectability, put them on an equal footing with the wealthy upper class. Schenck was a good example of this type of middle-class professional who served as a Confederate bureaucrat and whose Christian faith and zeal for the Confederate cause formed a single religio-political identity. The pages of his wartime diary reveal, however, that his patriotism and service in the Confederate bureaucracy represented more than simply his desire to contribute to Southern independence. They suggest that his devotion and service to the cause constitute the linchpin linking antebellum concepts of religion, manhood, class, and patriotism together into a single identity. His diary also suggests that he viewed Confederate nationalism as the key to social advancement and personal profit.

Chapter One introduces Schenck, the environment in which he came of age, and the peculiar religio-political make-up of his Confederate identity. Born in 1835, David

³ Beth Barton Schweiger, *The Gospel Working Up: Progress and the Pulpit in Nineteenth Century Virginia* (New York: Oxford University Press, 2000), 5-6; and Anne C. Loveland, *Southern Evangelicals and the Social Order, 1800-1860* (Baton Rouge: Louisiana State University Press, 1980), 32-33.

⁴ Matthews, *Religion in the Old South*, xv; see also Bill Cecil-Fronsman, *Common Whites: Class and Culture in Antebellum North Carolina* (Lexington: University Press of Kentucky, 1992); and Guion Griffis Johnson, *Antebellum North Carolina: A Social History* (Chapel Hill: University of North Carolina Press, 1937), 63-65.

Schenck grew up in Lincoln County, North Carolina. In the years just before the coming of the Civil War Schenck practiced law in the Superior Courts of North Carolina. As early as January of 1860, he declared his commitment to disunion and worked hard for the cause of secession. In March of 1861, he and hundreds of other Tar Heel secessionists met at Goldsboro, North Carolina and formed the States' Rights Party of North Carolina. The party's stated purpose was to abolish the Democratic Party within the state, seize control of the General Assembly, and take North Carolina out of the Union.

Chapter Two explores the process by which Schenck emerged from relative political obscurity into a corner of the limelight of secessionist politics in North Carolina. It also demonstrates the revolutionary character of the States' Rights Party and the lengths to which its leadership was willing to go to ensure that secessionists remained in control of the governing apparatus within the state. Schenck was able to parley his membership in the party into gainful employment. First he served as a staff member in the state Commissariat and then later he assumed a seat in the State Constitutional Convention in Raleigh, where the convention oversaw the state's transition into the Confederacy.

Chapter Three sheds new light on the Confederate Act of Sequestration and how it was implemented in North Carolina. Schenck served as a sequestration Receiver, and his activities reveal a new dimension to the relationship between the Confederate government at the local level and the people on the home front. The purpose of the Act of Sequestration was to deprive the North of any and all financial gain derived from property, rights, rents and so forth held in Confederate states. The act specified that

proceeds from confiscated property sold at auction would be used to indemnify “loyal Confederates,” but it offered no criteria by which to determine who was a loyal Confederate. Thousands of dollars from confiscated property was never remitted to the Sequestration Fund in Richmond, while Schenck and other Receivers grew wealthy during the war.

Chapter Four examines Schenck’s activities during the early years of Reconstruction when he and the rest of the South sought to transition from a wartime society to peace. When Radicals in Congress seized control of Reconstruction the white South faced a difficult road ahead. Schenck responded to Radical policies in North Carolina by joining the Ku Klux Klan. He traveled throughout western North Carolina setting up Klan dens in various locations. Using his position as a leader in the Klan, Schenck made his way back into politics and he had high hopes for the future.

Chapter Five explores the years between 1868 and 1874 when Schenck was involved with the Ku Klux Klan. During this period in his life, Schenck clashed with Federal authorities sent to enforce the policies of the state’s Republican government. Klansmen were being rounded up by the hundreds and tried in Raleigh in Federal courts. One such case involved newspaper editor and former Confederate soldier, Randolph Shotwell. Schenck turned his back on Shotwell while he was on trial and never offered to help his fellow Klansman. In 1872, he was called before a Congressional committee in Washington to answer questions about his activities in the Invisible Empire. During his testimony, Schenck gave his interrogators all the information they asked for and then some.

Chapter Six traces the last twenty years of Schenck's life. Beginning with his failed bid for the office of Chief Justice of the North Carolina Supreme Court in 1878 Schenck's past began to catch up with him. Old enemies surfaced during Schenck's campaign to win the nomination for Chief Justice who were determined to expose him as a coward for having stayed on the home front during the war, and as a traitor to the Invisible Empire for having abandoned his oath to the secret society he helped to establish in North Carolina. Schenck's political career came to a halt, and his future at the bar looked bleak. In 1882, he quit the bench and went to work for the Richmond and Danville Railroad and soon moved his family to Greensboro. There in Greensboro, Schenck bought the site where the Revolutionary Battle of Guilford Courthouse took place in 1781 and established the Guilford Battleground Company. In 1889, he published a revisionist history of the Battle of Guilford Courthouse that sought to rescue the honor and reputation of the North Carolina militia who fought there.

Schenck's life offers a fascinating glimpse at how powerful social and religious elements at work in antebellum North Carolina society enabled Schenck to forge an enduring religio-political identity. Although often out of step with his fellow Tar Heels, Schenck relentlessly pursued his vision of an idealized Southern society, but in the end fell well short of reaching his personal goals.

CHAPTER ONE

COMING OF AGE

On the western edge of North Carolina's Piedmont section, in the region sandwiched between the Catawba River and the Blue Ridge, lies a pristine, beckoning land. For centuries, this handsome country with its rich soil and vast mineral deposits was the homeland of Cherokee and Catawba Indians. European settlement remained sparse until the latter half of the eighteenth century, when the arrival of vast numbers of Germans and Scotch-Irish in Philadelphia far to the north prompted a wave of southbound migration. Beginning in the 1750s, a steady stream of these pioneers began arriving in the western Piedmont. Together they laid the foundation for what would become Lincoln County.

In 1779, the region "formerly called Tryon, in honor of William Tryon, the Royal Governor," became Lincoln County. Renamed by the North Carolina Assembly in honor of Revolutionary War hero general Benjamin Lincoln, the county became home to several families destined to leave an indelible mark on the history of the state. Among them were businessmen Michael Hoke and Jacob Ramseur, and incipient industrialists Peter Forney and Alexander Brevard. Lincolnton, the county seat, was the administrative

center of politics and the hub of business and social activity. It was there that many of the county's early founders made their home.¹

The coming of the American Revolution caused sharp divisions among the newly arrived settlers of the western Piedmont. A miasma of tension hovered over the region as Patriots and Loyalists eyed each other with distrust and uncertainty. On June 20, 1780, at a spot near Ramsour's Mill, Lincoln County Patriots destroyed a small Loyalist force in a fiercely fought engagement. According to one eye-witness, "in this battle neighbors, near relations, and personal friends fought against each other, and as the smoke would from time to time blow off, they would recognize each other. In the evening and on the next day the relations and friends of the dead would come in, and a scene was witnessed truly afflicting the feelings of humanity." The Battle of Ramsour's Mill brought the bitter contest of the Revolution directly into the lives of the people of the western Piedmont, much like another civil conflict would do one hundred years later.² Victory at Ramsour's Mill boosted the Patriots' morale and propelled them on to their great victory over British and Loyalist forces at King's Mountain. Their stubborn determination to stand their ground at Ramsour's Mill and the spirit that characterized the Revolution itself would loom large in the imagination of future generations of Lincoln County's youth.³

¹ John Hill Wheeler, *Historical Sketches of North Carolina From 1584 to 1851, Compiled From Original Records, Official Documents, and Traditional Statements* (Baltimore: Regional Publishing Co., 1964), 225.

² General Joseph Graham, "The Battle of Ramsour's Mill" printed in the Catawba Journal in Charlotte, North Carolina February 1, 1825, cited in Wheeler, *Historical Sketches of North Carolina From 1584 to 1851*, 232; Robert Orley DeMond, *The Loyalists in North Carolina during the Revolution* (Hamden, Connecticut: Archon Books, 1940), 125-127.

³ William L. Sherrill, *Annals of Lincoln County, North Carolina: Containing Interesting and Authentic Facts of Lincoln County History Through the Years 1749 to 1937* (Charlotte, North Carolina: In Cooperation with the Southern Stars Chapter of the United Daughters of the Confederacy, 1937), 36, 37, 40; Gary W. Gallagher, *Stephen Dodson Ramseur: Lee's Gallant General* (Chapel Hill and London:

In the first half of the nineteenth century, Lincolnton grew into a bustling town with a thriving and diverse economy. A network of corduroy roads connected the county to regional markets in Mecklenburg and Iredell Counties and to markets in South Carolina as well. Although a small number of cotton-producing plantations existed in Lincoln County, small-scale farming was the primary source of income for many of the county's residents. A budding industrial economy also grew alongside the agricultural economy. Iron ore and various other minerals abounded and a thriving iron industry developed in the early part of the century.

Lincoln County's expanding economy was firmly attached to the institution of slavery. By 1860, the total population had reached 8,195 people: 2,196 or 26.8 per cent of whom were slaves. Slaves produced tons of pig iron in Lincoln County furnaces, labored on small farms and large plantations, and tended to the domestic needs of their white owners in town. Chattel slavery played an integral role in shaping the social and political milieu of Lincoln County and antebellum North Carolina as a whole. The state's slow economic development in the nineteenth century limited its participation in the cotton and tobacco markets and kept the numbers of slaves comparatively low.⁴ As one scholar notes, "of the seven major slave states, only Louisiana had fewer slaves [than

University of North Carolina Press, 1985), 5. Robert Orley DeMond, *The Loyalists in North Carolina during the Revolution* (Hamden, Connecticut: Archon Books, 1940) William L. Sherrill, *Annals of Lincoln County, North Carolina: Containing Interesting and Authentic Facts of Lincoln County History Through the Years 1749 to 1937* (Charlotte, North Carolina: In Cooperation with the Southern Stars Chapter of the United Daughters of the Confederacy, 1937)

⁴ Sherrill, *Annals of Lincoln County*, 171; Hugh Talmage Lefler and Albert Ray Newsome (eds.), *North Carolina: The History of a Southern State* (Chapel Hill: University of North Carolina Press, 1954), 398, 400; Lincoln County Records, 1855-1860, and U.S. Census Slave Schedules of Lincoln County, North Carolina, 1850 and 1860 at the North Carolina Department of Archives and History Raleigh, North Carolina.

North Carolina] in 1860 – and that by only four thousand.”⁵ The heaviest concentrations of slaves were situated in an arch stretching from the northern tier of counties along the border with Virginia east along the coastal plain, and along the southern tier of counties on the South Carolina border from Mecklenburg to Brunswick. Lincoln, Gaston, and Rutherford Counties lay just beyond the slave-belt and on the periphery of the plantation economy.

After the Revolution, Pennsylvania pioneers began arriving in Lincoln County in ever-increasing numbers. Among them was a “vivacious and jocular” young man named Michael Schenck, who had left his home in Lancaster, Pennsylvania to become a successful entrepreneur. In 1801, he married Barbara Warlick, a “sprightly woman” who bore him seven children. Schenck first made a name for himself in 1816 when he built the first cotton mill south of the Potomac River in Lincoln County. Three years later he met with even greater success when he, along with business partners John Hoke and James Bivings, built the Lincoln Cotton Factory on the South Fork of the Catawba River, near the small village of Lincolnton. The mill’s fine-spun cotton became famous for miles around and drew customers to Lincolnton from great distances. Schenck and his partners made a handsome profit from the mill’s success. In 1835, Schenck sold his share of the factory to his partners and retired from business life, wealthy and content. He lived another fourteen years while the cotton mill that he and his partners built remained in operation until 1863 when it was destroyed by fire.⁶

⁵ Lefler and Newsome, *North Carolina*, 424.

⁶ Sherrill, *Annals of Lincoln County*, 81; David Schenck, *Historical Sketch of the Schenck and Bevins Families* (Greensboro, North Carolina: Thomas, Reece & Co., Book and Job Printers, 1884), 11,

David Warlick Schenck, one of Michael Schenck's sons, grew up in Lincolnton during the first decades of the nineteenth century. Born in 1809, David W. Schenck immersed himself in the culture of the Second Great Awakening and imbibed the values of evangelical Protestantism. As an adult, he became a devout Methodist and a student of medicine at Philadelphia's Jefferson Medical College. Widely respected for his candor and sound judgment, he was also known as a man of great intellect and stern religious convictions. In 1832 he married Rebecca Susan Bevens and settled into a modest home in Lincolnton. Rebecca bore four children but only two, Barbara Elizabeth and David, lived to adulthood. She herself died in October 1837, three days after giving birth to a stillborn daughter. Bereft of their mother at tender ages, David and Barbara grew up in Lincolnton in the care of their father, who never remarried.⁷

Rebecca's death profoundly impacted the members of her family, especially her husband and her son. Reeling from the loss of his dear wife, David W. Schenck appeared to fall into a spiritual stupor after Rebecca's death, and eventually left the Methodist church altogether. He remained apostate for many years and "lingered in this unhappy state...almost forgetting God." During this time his children received scant instruction and encouragement in the Christian faith at home.⁸ After a serious bout with typhoid fever in 1850, however, his desire for personal salvation returned and, although he never rejoined the Methodist communion, he died believing his sins were forgiven. The

North Carolina State Library, Genealogy Room, Raleigh, North Carolina; The Michael Schenck Family Bible at the North Carolina State Archives, Raleigh, North Carolina.

⁷ Schenck, *Historical Sketch of the Schenck and Bevens Families*, 17-20; David Schenck Diary, October 1854, Southern Historical Collection University of North Carolina-Chapel Hill, (hereafter cited as Schenck Diary SHC); Michael Schenck Family Bible, North Carolina State Archives, Raleigh, North Carolina.

⁸ Schenck Diary, December 26, 1861, SHC.

absence of a mother and the lack of spiritual nurture at home during that crucial period would leave a painful emptiness in the heart of Rebecca Schenck's melancholy son David that he would wrestle with all of his life.

Born in 1835, young David Schenck exhibited many of his father's academic proclivities. He excelled in Latin, arithmetic, and literature at the rigorous and famous Lincolnton Academy.⁹ He possessed a keen mind and was successful in his studies, yet often he was distracted by the abundance of game birds, swimming holes, and secret fishing spots in the woods and meadows surrounding Lincolnton. Together with Stephen Dodson "Dod" Ramseur, his dearest school friend, David spent countless hours stalking his next meal or frolicking in the countryside. Youthful mischief followed the boys into town as well. Attending court and the thrill of muster days particularly were activities that always promised great entertainment.¹⁰

Schenck and Ramseur became very close friends from the moment they first met at the Lincolnton Academy. Schenck, who was introverted, somber, and given to melancholy, gravitated toward Dodson Ramseur's extroverted, sensitive, and empathetic personality. Ramseur's parents, Jacob and Lucy Ramseur, opened their home to David and included him in many of their family activities. The Ramseurs were devout Old School Presbyterians who faithfully instructed their children in the Shorter Catechism and the Westminster Confession of Faith. Schenck's spiritual well being was a particular matter of concern for Lucy Ramseur, who occasionally counseled him on spiritual

⁹ The Lincolnton Academy was well known in the western part of North Carolina for its academic rigor and, moreover, because it was where the mysterious John Stuart Ney taught. Ney claimed to be Marshall Ney, Napoleon Bonaparte's top Lieutenant who unexplainably disappeared while in the custody of the Duke of Wellington. For details see William L. Sherrill, *Annals of Lincoln County*.

¹⁰ Gallagher, *Stephen Dodson Ramseur*, 7-8.

matters. Schenck spent countless hours in the Ramseur home where he imbibed the social and religious values that would come to define his own aspirations. “I love Dod and I love his mother, the whole family,” Schenck once confided to his diary.¹¹ He responded to Lucy Ramseur’s maternal attention with unwavering devotion and filial love. “Mrs. Ramseur is a model mother. She combines more suavity of manners and sweetness of disposition with inflexible discipline than any lady I ever knew,” he wrote.¹² Schenck’s diary entries from his adolescent and early adult years indicate a strong desire to be a part of the Ramseur family. Unlike his own, it had all its constituent parts – a mother, father, sons, and daughters. David Schenck’s relationship with the Ramseur family early on filled a void in his heart left by the untimely death of his mother Rebecca.

Town life provided a new set of diversions for Schenck and Ramseur in their teenage years. Much time and energy was spent wooing and serenading young ladies. A wide variety of interest groups could be found in antebellum southern towns where “those who were interested formed benevolent, literary, lyceum, temperance, musical, theatrical, debating, and other organizations.” Schenck and Ramseur became active in the evening debating society at Pleasant Retreat Academy [Lincolnton Academy] where they debated as a team.¹³ Careful and meticulous preparation of their line of argument produced success on more than one occasion. David Schenck’s ability to articulate a point of view with great precision would become one of his most polished skills.¹⁴

¹¹ Schenck Diary, February 26, 1854, SHC.

¹² Ibid., March 20, 1855, SHC.

¹³ At some point during the 1830s, the people of Lincolnton began referring to the Lincolnton Academy as the Pleasant Retreat Academy.

¹⁴ Lefler and Newsome, *North Carolina*, 427. Ibid., 8.

For Schenck and Ramseur, veterans of the Revolution became objects of the greatest admiration. They idolized the surviving veterans of the battles of Ramsour's Mill and King's Mountain. The greatness of the Founders and the legacy of liberty they left to subsequent generations of the "heroic-era" more generally formed a powerful ideal in David Schenck's imagination. "I visited the battleground [King's Mountain]...and viewed every spot of interest with emotions that were deep in my soul and stirred all the memories of those thrilling scenes as they have been so often pictured to my young imagination in song and story."¹⁵ Recent scholarship on the characteristics of the "last generation" of southerners to grow up with the institution of slavery suggests that intense admiration for heroes of the Revolution reflected "the prominent role that the living memory of forebears played in the self-definition of the last generation." Schenck, like so many young southerners of his day, held-up the Founders as primary role models, and strove to achieve greatness on a similar scale.¹⁶ They would come to articulate a powerful expression of southern nationalism drawing, in part, from the example of the heroic figures of the American Revolution.

In their late teenage years Schenck and Ramseur planned glorious futures for themselves. Schenck craved fame and fortune as an attorney, while Dod fancied a career in the military. Ramseur, however, came from a wealthy slaveholding family that not

¹⁵ Hugh Talmage Lefler and Albert Ray Newsome (eds.), *North Carolina: The History of a Southern State* (Chapel Hill: University of North Carolina Press, 1954), 6-8. In this passage Forgie defines the "post-heroic era" as the period between 1820 and 1861. He asserts that the Founders, and the greatness they achieved, came to be viewed as mythic father figures in the minds of Americans born in the "post-heroic era." James McPherson has also argued that a profound reverence for the Founders was a primary source of motivation for Civil War soldiers. See James McPherson, *What They Fought For, 1861-1865* (New York and London: Anchor Books Doubleday, 1994); Schenck Diary, October 1855, SHC.

¹⁶ Peter S. Carmichael, *The Last Generation: Young Virginians in Peace, War, and Reunion* (Chapel Hill and London: University of North Carolina Press, 2005), 93.

only knew the value of education, but could afford to pay college tuition. Schenck's father, a small town doctor who often received eggs and produce for his services, did not necessarily possess the means to send his son to college. This may have been the determining factor in Schenck's choice of career, for lawyers did not need to attend college if they could read law in the office of another attorney.

By 1855, Schenck and Ramseur were ready to begin laying the foundations for their futures. Over the years they had grown to be more like brothers than friends, and parting company was a painful experience. "We are busom friends and when separated tis as if my other self were gone," Schenck wrote in March. In the twilight of adolescence, the boys embarked on their separate roads. Ramseur went to Davidson College across the Catawba River in Mecklenburg County for a year and then entered the United States Military Academy at West Point. Schenck meanwhile read law in the office of well-to-do Lincolnton attorney Haywood Guion in preparation for taking the examination to practice law in North Carolina county courts.¹⁷

Legal apprenticeship in the nineteenth century involved not only instruction in the laws and statutes of the state, but also extensive reading in a wide variety of literature and history. This liberal dimension of his training suited Schenck who, as a young adult, was enamored of youthful notions of romance and idealism. His mentor, Haywood Guion, was a patient, competent instructor, and an early role model. Guion also was a successful lawyer/planter whose wealth and influence served to inspire Schenck as he slowly plodded his way through his course of study. Early in his training Schenck feared that his timidity would be an embarrassment at the bar, yet his optimism for success in his chosen

¹⁷ Schenck Diary, March 11, 1855, SHC.

field never failed him. “I have no fear that I cannot attain a knowledge of the law,” he wrote in March 1854, “the only thing I fear is my need of what in common parlance is termed “brass” signifying boldness and assurance. I will be timid at the bar but I can and will overcome this by perseverance and practice.”¹⁸

Gaining an understanding of the law did not come naturally to Schenck. He struggled not only with the complexity of the law, but also with the uncertainty of future success. “Oh! The legal profession is a thorny path,” he wrote. “People suppose it to be a lazy occupation fit only for the idle and are apt to sneer at a young man who embraces it, whereas there is no science so difficult, so arduous, which requires so much application and then to obtain no credit where so much is merited.”¹⁹ Distractions abounded and Schenck often felt that his efforts were insignificant. “I stuck to that office today like a cat to a hot brick in December and made sad havoc in the legal camp,” he wrote with frustration.²⁰ Nevertheless, he persevered, “I applied myself today, in fact straining my mind, till it just refused to act,” he wrote.²¹ Just when Schenck seemed on the verge of succumbing to the tediousness of his studies, his mentor lifted his spirits, “Mr. Guion has returned from his service and reports himself rich, aye! Wealthy, if 2 or \$300,000 is a fortune, and tells me I can have his practice, which was cheering news to a poor friendless devil like myself. I shall await events without being sanguine or depressed,” he wrote.²² Guion’s offer, which he appeared to have made in the

¹⁸ Ibid., March 3, 1854, SHC.

¹⁹ Ibid., May 4, 1854, SHC.

²⁰ Ibid., August 16, 1854, SHC.

²¹ Ibid.

enthusiasm of his monetary gain, was not a sincere one, and Schenck did not take over his practice.

In the nineteenth century, specialization in the field of law was rare. Most lawyers were generalists who seamlessly transitioned from criminal to business and contract law. Criminal cases were the least lucrative, but they provided an opportunity for lawyers to display their skills in high profile cases before a packed courthouse.²³ In one such case in 1853, David Schenck's mentor Haywood Guion defended a man accused of murdering his wife. Guion argued vigorously on behalf of the defendant, but to no avail. He was convicted and sentenced to hang. According to John Richardson, Schenck's cousin, who witnessed both the trial and the sentencing "Langford [the accused] was sentenced, by Judge Dick, to be hanged on the 25th Nov. He trembled and cried a little when the sentence was pronounced. Judge Dick Cried so much he could scarcely talk."²⁴ Cases like the Langford trial served to remind spectators, and especially young law students, that judges and lawyers performed a solemn and important duty in criminal matters.

Loneliness was the greatest distraction for Schenck during these early days of his legal training. His closest associates, Dodson Ramseur and another boy named Robert F. Hoke who also grew up in Lincolnton with Schenck and Ramseur, were busy with their own schooling and had little time for the once familiar frolics they shared in their youth.

²² Ibid., August 23, 1854, SHC.

²³ In the antebellum South, Court was not only a place where justice was dispensed it was also a source of popular entertainment. People often flocked to town from the far-flung corners of the County to witness the lively arguments of lawyers. In that sense, nearly every criminal case was a high profile case.

²⁴ John Richardson Papers, October 17, 1853, University of North Carolina-Chapel Hill, Southern Historical Collection.

Free time was a scarce commodity at this stage in Schenck's life too. In addition to studying law he was also obliged to lend a hand at his brother-in-law's dry goods store in town, and work at his father's apothecary shop making pills. "Pa put me to making pills till 11 O'ck, a most unpleasant duty, which I do cordially despise. Good Lord deliver me from doctors and apothecary shops!" he wrote.²⁵ Even John Richardson, Schenck's first cousin who then boarded with him while he studied medicine with his uncle David W. Schenck, had little time for frivolous pursuits. Schenck believed that without the companionship of his closest friends he was likely to fall in with a bad crowd and risk losing whatever social standing he had. "I could not repress the coming reality that soon all my intimate associates the last of a chosen few will be gone, John to attend lectures, Dod to college – and then temptation and seduction, whose charms and folly I have experienced, are on every side, ready and willing to ruin me," he fretted in August, 1854.²⁶ Schenck would rather have kept bad company than none at all, and with bad company came drinking and carousing.

Nonetheless, Schenck gradually developed confidence in his ability as a student of law and showed promise for future success. His studies intensified as the time drew near for him to present himself before the Supreme Court in Raleigh for his bar examination. In a final stage of preparation, Schenck took stock of himself and his situation, "I am today five feet eight and a half inches high, and weigh 135 pounds. I shall persevere in my studies, if health permit, and a reasonable survey of the field of my

²⁵ Ibid., January 5, 1854, SHC.

²⁶ Ibid., August 28, 1854, SHC. Schenck's mention of "John" may have been his friend John Ramsey.

profession encourages me to think my success is pretty sure.”²⁷ He felt a sense of honor and duty as he headed off for Raleigh, “my certificates of recommendation from friends speak highly of me, and encouragement on every hand urges me to duty and reflection,” he wrote just before commencing his journey to the capitol.²⁸ A few weeks later, a light-hearted and relieved Schenck wrote in his diary, “this morning finds me at home again and under relieved circumstances, from my former writings. I have attended the Supreme Court, have been examined, passed an honorable examination and have my license signed and sealed and delivered to practice in the county courts of N. Carolina.”²⁹ He was now ready to begin a business of his own, but finding clients in his hometown would prove somewhat difficult.

In July of 1856, Schenck proudly recorded making his first appearance in court. “Today I made my appearance for the first time, at the bar. The County court being in session I filed a petition for Jemima Mauney widow for dower and also a petition for the heirs of the estate for partition.”³⁰ The following month he journeyed to Dallas in neighboring Gaston County to make acquaintances and drum up business. Along the way, he nervously meditated on the fact that his “inexperience and youth were no vouchers for success,” and he felt “their need in all its importance but then when ambition swelled my bosom and the triumphs of industry and energy were depicted in their glory, I was again a man and my spirits were buoyed up with exultant hope and

²⁷ Ibid., March 24, 1856, SHC.

²⁸ Ibid., June 3, 1856, SHC.

²⁹ Ibid., June 30, 1856, SHC.

³⁰ Ibid., July 17, 1856, SHC.

pride.”³¹ In Dallas, he met up with his friend William Lander who, he remembered, “did all in his power to cheer my spirits and give me a good name in the circle of his numerous friends.”³²

William Lander would figure prominently in David Schenck’s early adult life. Born in Ireland in 1817, Lander came to America with his parents the following year. The Lander family eventually settled in Lincolnton where his father, Samuel, operated a coach factory and served as an itinerate preacher in the Methodist church. William attended the Lincolnton Academy as a boy “where he received instruction from his uncle J. W. Murphy.”³³ Lander was a remarkably dynamic individual with a brilliant mind, an acute memory, and unmatched eloquence. He was also giving of his time and fortune, and he cared deeply for his friends. Lander studied law and soon after passing the bar was elected County Solicitor for Lincoln County representing the state in all criminal actions in the county court. According to his grandson, “one of his first cases was against a man of high position in the county. He was influential and strong minded and when Mr. Lander began his argument this man determined to abash the young attorney and look him out of countenance. This, however, had the contrary effect of inspiring the young lawyer to greater effort. He made a powerful appeal to the jury and convicted the defendant, who never afterward fully regained standing with his neighbors. This single legal victory distinguished Mr. Lander at once and from that time he never lacked for

³¹ Ibid., August 18, 1856, SHC.

³² Ibid.

³³ William Lander Sherrill’s brief biography of his grandfather William Lander in the Zebulon Vance Walser Papers, University of North Carolina-Chapel Hill Southern Historical Collection.

clients.”³⁴ Much later in his life, David Schenck would say of Lander, “I have traveled all over North Carolina and listened to all her great orators and lawyers and have never heard one who was the equal of William Lander before a jury.”³⁵ Lander also was active in Democratic politics and it is likely that he and Schenck became acquainted at local party functions. Lander took Schenck under his wing and helped him along early in his career by making important introductions and recommending him to clients. Schenck held Lander in the highest esteem and sought to emulate his example. Lander became a mentor to Schenck and they remained close friends until Lander’s death in 1868.

David W. Schenck was pleased that his son successfully passed the bar and he wanted to aid him in further building his career. He offered to pay his son’s tuition at Chief Justice Richmond M. Pearson’s law school in Davie County if he wished to attend. The cost to Schenck’s father was considerably less than sending his son to college for four years. Davie County was not far from Lincolnton and Schenck could complete his studies in about two years. Graduates of Richmond Hill, as the school was known, were fully admitted to the bar and licensed to practice law in North Carolina superior courts. Schenck seized the opportunity and departed for Judge Pearson’s in September of 1856. “I arrived in Rockford – the most uninviting place I ever saw – my spirits were dejected and my heart sank within me,” he wrote upon arrival.³⁶ Schenck nonetheless fit in well with his fellow students and soon made friends. He also was struck by the novelty of his new situation and paused to reflect on it, “it was an...interesting spectacle to see twenty

³⁴ Ibid.

³⁵ Ibid.

³⁶ Schenck Diary, September 5, 1856, SHC.

three young gentlemen sitting thus at the feet of this great legal genius to learn wisdom and hear the teachings of this complicated science,” he wrote.³⁷ He likened the familiar, conversational style and format of Pearson’s lectures to descriptions he had read of the ancient Greek academies. His classmates were bright, attentive students and Schenck felt a little intimidated at the first lecture he attended. “I felt some tremor in the knees as the lecture proceeded,” he confessed in his diary. He was resolved to show his appreciation for his father’s kindness by doing well at Richmond Hill; “for the present,” he wrote, “my resolution is to apply myself diligently to my studies and appreciate the kindness and answer the expectations of my father.”³⁸

Outwardly, Schenck’s life developed at a steady pace but inwardly despair, turmoil, and uncertainty still gnawed away at his conscience. Between the years 1854 and 1859, Schenck was afflicted periodically with severe depression and hypochondria, which on occasion produced extreme anxiety. He feared being alone but often felt awkward in social settings, especially around unfamiliar young women. During this period in his life, Schenck’s diary is replete with comments regarding his failing health; “I arose this morning quite indisposed, having a vertigo and a dull stupid languor of the whole system”: “had a visit from the devil who leaves me in ill health and desperate spirits”: “I was confined to my bed all day with severe inflammation of the throat and a general feeling of prostration.”³⁹ Such comments demonstrate his firm belief that his health was frail at best. Oddly, he never mentions his father expressing concern for his

³⁷ Ibid.

³⁸ Ibid.

³⁹ Ibid., January 4, 1854, December 15, 1854, and January 2, 1855, SHC.

health or ever treating his symptoms for that matter. Perhaps David W. Schenck, a trained physician, suspected that his son was never really ill but only feigned illness perhaps to escape work or some other unpleasant duty. It is also likely that Schenck's frequent illness imagined or real, strained his relationship with his father.

The depression, in fact, usually followed some "sinful" act wherein Schenck believed he had defiled his character and transgressed the law of God in some way. He feared the social ramifications of his sins and loathed his own weakness in the face of temptation. "If I could only revoke the time I spent at that detestable, degrading cockfight, I could dwell on this holiday with rapturous joy but it preys on every thought like a canker worm and nips every pleasure in the bud." "I was made sick by some mean liquor and was ill disposed all night, without comfort, and with the company of a smiting conscience."⁴⁰

Schenck's inner misery also stemmed in part from his mother's death, coupled with a sense of guilt caused by the fact that he could not remember her as a person, but only the pain of losing her. Schenck notably returned home for a visit in December of 1856, and visited Rebecca's grave. With a heavy heart he wrote, "I visited my mother's grave in the stillness of twilight and rested on the enclosure to meditate on the scene before me and to think of that loved one now mingled with the mother clay. And had I once a fond mother who nursed me to her bosom, and called me hers – who watched my tottering steps in infancy and smiled at my childish joy? Yes! Ah yes! But I knew her not, ere memory could treasure up her worth she was called away to heaven. No trace of her visage is left on my mind only in the mist of those far off days can I remember my

⁴⁰ Ibid., January 1, 1855, and December 4, 1854, SHC.

frantic grief as they laid her in the cold grave and my cries as the rumbling clods sounded on the coffin containing all that I then loved. Yes, at least I remember my grief and seems but a moment gone, its pangs are still bitter to my lonely heart.”⁴¹

Clinical psychology seems to offer some insight into the inner workings of David Schenck’s psyche. He demonstrates many of the symptoms described by attachment theory. This theory asserts that the crucial bonding period between the infant and its primary care giver (the mother) occurs between birth and roughly three-years of age. When that bond is prematurely broken the child often demonstrates certain characteristics later in life. David Schenck seems to have demonstrated the characteristics of the preoccupied adult type. Such individuals often “see other people in a positive light but are prone to excessive attempts to elicit approval because of their own negative self-image.”⁴² They are also prone to hypochondria and recurring bouts of depression. David Schenck at least demonstrated these characteristics. Psychologists have also shown that the breaking of the primary bond, even for children as young as two years of age, often forms a powerful and lasting memory. Moreover, that memory is typically connected with some related sensory perception such as scent or sound. For Schenck, cold weather

⁴¹ Ibid., December 20, 1856, SHC.

⁴² Linnea Ruth Burk, *Adult Attachment Status, Borderline Personality Traits, and Interpersonal Coping Behavior: Adult Controlling Attachment as an Externally Based Self-regulatory Strategy* (Ph.D. Diss., Auburn University, 2004), 27. See also M.D.S. Ainsworth, “Attachment Beyond Infancy,” in *American Psychologist*, vol. 44, No. 4, 1978, pp 709-716; J.P. Allen, S. T. Hauser, and E. Borman-Spurrell, “Attachment Theory As a Framework for Understanding Sequelae of Severe Adolescent Psychopathology: An 11-Year Follow-up Study,” in *Journal of Consulting & Clinical Psychology*, vol. 64, No. 2, 1996, pp 254-263; Y. Bar-haim, O. Aviezer, Y. Berson, & A. Sagi, “Attachment in Infancy and Personal Space Regulation in Early Adolescence,” in *Attachment & Human Development*, vol. 4, No. 1, 2002, pp 68-83; K. Bartholomew, and L.M. Horowitz, “Attachment Styles Among Young Adults: A Test of a Four-Category Model,” in *Journal of Personality & Social Psychology*, vol. 61, 1991, pp 226-244; J. A. Crowell and D. Terboux, “A Review of Adult Attachment Measures: Implications for Theory and Research,” in *Social Development* vol. 4, No. 3, 1995, pp 294-327, and M. Divac-Jovanovic, D. Svrakic, and D. Lecic-Tosevski, “Personality Disorders: Models for Conceptual Approach and Classification,” in *American Journal of Psychotherapy*, vol. 47, No. 4, 1993, pp 558-571.

and the “rumbling clods sounding” in his mother’s grave typically triggered the painful memory of losing his mother. Attachment theory might well help make sense of the reasons for his close relationship with Dodson Ramseur, his “ill-health,” and the strange depression that haunted him for most of his life.

Schenck at any rate learned to suppress his inner feelings, and when he returned to Richmond Hill after the Christmas holiday he focused his attention on completing his studies. In June of 1857, his father’s expectations were realized when he graduated from Pearson’s Law School fully licensed to practice law in the superior courts of North Carolina. He was now ready to begin building his career, and to establish his reputation among polite society.

In antebellum North Carolina, class and religion were perhaps the two most important factors determining social and economic mobility among white men. The state’s economic development in the late antebellum period supported the steady growth of a small professional middle-class. Members of this budding social class were often young doctors, lawyers, and merchants, men whose social and economic interests developed alongside the plantation economy.⁴³ The term “middle-class” aptly describes them for in antebellum North Carolina’s social order, they occupied a social, political, and economic rank beneath the planter elites, but also ranked above yeoman, poor whites,

⁴³ Professional middle-class North Carolinians can also be identified by the positions of power they held. According to North Carolina historian Paul D. Escott, land requirements and other restrictions often precluded middle-class Tar Heels from rising to the upper echelons of political power. They were not, however, excluded from political power altogether. Escott asserts that middle-class men were active in politics at the local level, many even attaining the coveted position of Justice of the Peace. See Paul D. Escott, *Many Excellent People: Power and Privilege in North Carolina, 1850-1900* (Chapel Hill and London: University of North Carolina Press, 1985), and Jonathan Daniels, *Tar Heels: A Portrait of North Carolina* (New York: Dodd, Meade & Company, 1941).

free blacks, and slaves.⁴⁴ Religiously, middle-class professionals constituted the bulk of respectable evangelical society in the antebellum South.⁴⁵ Indeed, piety and irreproachable morals were characteristics that helped distinguish them as a class. Historian Donald G. Matthews has shown that “evangelical Protestantism in the Old South enabled a rising lower-middle/middle class to achieve identity and solidarity.”⁴⁶ Strict adherence to evangelical ideals eventually distinguished middle-class whites from poor whites, and, in terms of respectability, placed them on an equal footing with the wealthy upper class.

Schenck grew up in such a professional middle-class home with his father and sister, and despite the absence of a mother in his adolescence it was there that he was first taught the Christian faith. In his formative years, he absorbed the culture and values of evangelical society, but struggled to comply with its standards of godliness. During this phase in his life Schecnk attended church infrequently and seldom attended the same church for any length of time. Southern divines emphasized the need for repentance of sins and the repudiation of moral depravity, especially among young men who as a group seemed at the greatest risk of succumbing to immoral temptations. From the pulpit, ministers admonished young men to live exemplary Christian lives, extolling the virtues

⁴⁴ Ibid., and Guion Griffis Johnson, *Antebellum North Carolina: A Social History* (Chapel Hill: University of North Carolina Press, 1937), 63-65.

⁴⁵ See Beth Barton Schweiger, *The Gospel Working Up: Progress and the Pulpit in Nineteenth Century Virginia* (New York and Oxford: Oxford University Press, 2000), 5-6, and Anne C. Loveland, *Southern Evangelicals and the Social Order, 1800-1860* (Baton Rouge and London: Louisiana State University Press, 1980), 32-33.

⁴⁶ Donald G. Matthews, *Religion in the Old South* (Chicago and London: The University of Chicago Press, 1977), xv. See also Bill Cecil-Fronsman, *Common Whites: Class and Culture in Antebellum North Carolina* (Lexington, Kentucky: The University Press of Kentucky, 1992), and Johnson, *Antebellum North Carolina*.

of godliness, duty, and devotion to one's family and community as characteristics of Christian manhood. Indulgence in decidedly male forms of recreation such as drinking, gambling, and fighting were contrary to evangelical values and often resulted in humiliating and very public church discipline.

As a young adult these admonitions weighed heavily on Schenck's conscience for he, like many other young Southern men, frequently engaged in these frowned-upon activities. "This day finds out of church a pleasure seeker," wrote Schenck in his diary on New Year's Day 1855, "I happened at a cockfight today, lost \$2.25 in money and much more in character. I came home with disgust and shame and felt the frown of virtue on every honest man's face." For Schenck irresistible temptation abounded; "liquor presents itself to me in tempting form and requires my greatest strength to guard me from its influence."⁴⁷

Censure from the evangelical community could stain one's reputation and dampen the prospect for social mobility. They considered those outside the evangelical circle, about half of antebellum North Carolina society, unrepentant, immoral, and on the periphery of respectable society. Included among those beyond the pale of the "Christian commonwealth" were those slaveholders whose mistreatment of their slaves drew rebuke and scorn from evangelical reformers, and the hordes of apostate poor whites who as a social class constituted the bulk of North Carolina society.⁴⁸

⁴⁷ Schenck Diary January 1, 1855, SHC. See also Carwardine, *Evangelicals and Politics in Antebellum America*, 282; Christine Leigh Heyrman, *Southern Cross: The Beginnings of the Bible Belt* (Chapel Hill and London: University of North Carolina Press, 1997), Chapter Three; Ownby, *Subduing Satan*, 14-15; Cecil-Fronsman, *Common Whites*, 170, and Johnson, *Antebellum North Carolina*, 434.

⁴⁸ Eugene D. Genovese, *A Consuming Fire: The Fall of the Confederacy in the Minds of the White Christian South* (Athens and London: University of Georgia Press, 1998), Chapters One and Two; Escott, *Many Excellent People*, 8-24, and Loveland, *Southern Evangelicals and the Social Order*, 128-129.

Protestant evangelicalism existed within a broader social framework that encompassed clear, class-oriented social distinctions. Slavery provided the most obvious distinction because those who commanded the profits of slave labor often grew rich. It followed that wealth begat power and those that attained power clung to it tenaciously. In the early antebellum period evangelicals and slave owners were mutually antagonistic. Their relationship began to change, however, as evangelical denominations began to proliferate throughout the South and the social status of the clergy, many of which had become slaveholders themselves, rose dramatically.⁴⁹ Southern divines responded to the abolitionist onslaught by offering a Biblical defense of slavery that emphasized God's approbation of human bondage. Although some reform-minded evangelicals were critical of masters who failed to treat their slaves in accordance with Biblical strictures, by the mid-antebellum period slaveholding and the wealth that it generated was viewed as harmonious with scripture and socially respectable by the majority of evangelical denominations. Biblical guidelines governing the treatment of slaves required masters to embrace a paternalistic attitude toward their chattels. Paternalism, which ideally came to characterize the master-slave relationship, eventually permeated antebellum society, becoming the basis for all class relationships. At the top of the social order the powerful and wealthy were positioned to dictate the etiquette and standards of polite society while remaining under the umbrella of evangelical Protestantism.

Thus was the religious and social milieu governing David Schenck's early adulthood, when his youthful flirtations with vice conflicted with his desires for success and personal salvation. Much of Schenck's future would depend on his ability to master

⁴⁹ Heyrman, *Southern Cross*,

the virtues of respectability and characteristics of Christian manhood. Between 1854 and 1859, Schenck's battle for reconciliation between the spirit and the flesh frequently led him to despair. He once confided to his diary "I have virtually renounced the church and become an open sinner."⁵⁰ His inward struggle for mastery over respectability and Christian manhood represented more than a guilty conscience longing to get right with God. It was a struggle to shed the identity and folly of youth and to adopt his ideal of manhood by displaying, to himself and the community, virtue and respectability.⁵¹ Being a man in antebellum society involved faithfulness to God, self-denial, and devotion to duty and family. A man's personal sense of honor was highly sensitive to criticism of his performance in any of these areas. Schenck pondered this mystery on his twenty-first birthday, "I am admonished that I must put away childish things and begin to follow the custom of the world, in inuring my heart to its evils. I have a work to do, a body to clothe and feed, a character to establish, and my fellow beings welfare to advance as far as I can."⁵²

Leaving Richmond Hill, Schenck re-launched his career as an attorney, a profession that carried great potential for economic and social advancement. Many of North Carolina's prominent men were practitioners of the law, men who used their legal skills as a stepping-stone to political office. Middle-class upstarts like Schenck, however, were often viewed with contempt by wealthy, successful lawyers who felt that they jeopardized the dignity of the profession. One North Carolina lawyer living in Virginia

⁵⁰ Schenck Diary, June 30, 1854, SHC.

⁵¹ Rodney J. Steward, "Christian Manhood and Respectability: David Schenck and the Making of a Confederate Identity," in *The North Carolina Historical Review*, 82, 1, January 2005, p. 65.

⁵² Schenck Diary, March 24, 1856, SHC.

complained that he “had taken a most invincible distaste to the practice of law, and nothing but hard necessity should ever compel me to open my lips in another court of justice...the profession is becoming daily fashionable. It is, the dernier resort, in this state of every S-O-B, who fails in every other attempt at subsistence. The profession has lost much of that dignity and elevation of character which in former times was the passport to honorable reputation and which united the most distinguished and most virtuous into its ranks.”⁵³

The path to power and prominence thus was choked with many pitfalls; for polite society often-scorned parvenus, and evangelicals looked askance at naked ambition. “I confess,” Schenck wrote introspectively, “ambition and honor have had something to do in my choice [of careers] and its many difficulties have been charitably looked on, but why despair (sic). Others have succeeded, so can I.”⁵⁴ Nevertheless, he feared that his desire for status and material gain conflicted with his need to accept Jesus. His dearest friend Dodson Ramseur assuaged his anxiety by assuring him that they did not conflict and encouraged him to remember that, “Religion leads to happiness, not the gloomy, sorrowful life that so many nonbelievers suppose.” Still, the doubts persisted.⁵⁵

In June, after leaving Richmond Hill, Schenck arrived in Gaston County to assume the duties of County Solicitor – a position he undoubtedly owed to his friend and advocate William Lander, who was County Solicitor for Lincoln County. Ramseur wrote

⁵³ John Y. Mason to John H. Bryan May 6, 1820, MS in John H. Bryan Papers, Quoted in Guion Griffis Johnson, *Antebellum North Carolina: A Social History* (Chapel Hill: University of North Carolina Press, 1937), p.61.

⁵⁴ Schenck Diary, March 24, 1854, SHC.

⁵⁵ Ramseur to Schenck 24, 28 January, 27 March, and 24 May 1858, Stephen Dodson Ramseur Papers, University of North Carolina-Chapel Hill Southern Historical Collection. Gallagher, *Stephen Dodson Ramseur*, 21.

from West Point to congratulate Schenck on his new position and to encourage him to seek God's friendship on the road that lay ahead; "my friend I congratulate you on the glorious course that is before you...for all your efforts, may God be your Guide, your Protection, and your Friend!!!"⁵⁶

From an uncomfortable hotel room in the small town of Dallas, Schenck began to lay the foundations of his career. For three years he rode the judicial circuit with other, more experienced, lawyers and slowly gained a reputation as an able attorney. Although Schenck's economic and professional status were beginning to blossom, his spiritual life remained in turmoil. Boredom and loneliness plagued his personal life in Dallas and he continued to worry about succumbing to the influence of the baser elements of local society. "The loneliness of my situation weighs heavy on me – want of religious services and the counter influence of society around me has led me into profane habits at which my better nature revolts," wrote a melancholy Schenck.⁵⁷

During these dark and lonely days in Gaston County Schenck's faith teetered on brink of collapse. In the midst of his lonely despair, however, he began pondering marriage, a step that seemed to offer a solution to his loneliness and desire for social standing. "I have for the first time in my life taken a plain, practical view of married life," he wrote. "I have laid aside romance entirely...and revolved in my mind how and where withal I could maintain a wife of congenial nature and who that wife might be."⁵⁸

His decision to pursue the hand of Sallie Ramsey reveals much about his perception of the social, economic, and religious barriers standing between him and the

⁵⁶ Ramsey to Schenck April 6, 1857, Ramsey Papers, SHC.

⁵⁷ Schenck Diary, September 11 and 12, 1857, SHC.

⁵⁸ *Ibid.*

society he longed to join. His desire to be numbered among the elite of society, however, must not be understood only as a superficial quest for the outward symbols of status. Schenck believed that the elite of society who were in good standing among the evangelical community, people like his beloved Ramseurs, represented the personal standards he aspired to uphold. Union with Sallie Ramseur would help bridge the gap between him and the society of which he desired to be a part while literally making him a member of the family he idealized. Moreover, marrying a pious woman like Sallie held out the possibility of assured salvation. Among many antebellum evangelicals, domestic life was elevated to the status of a sub-religion, and safeguarding the home from the pervasive influence of sin was the thrust of most evangelical reforms in the South. Although men provided for and protected their families, the home was considered the domain of women. Wives and mothers provided instruction in the ways of the Christian faith and sought to develop virtue and character among family members. Moreover, many Southern men believed that the virtuous love of a pure and godly woman could impute salvation to an unbelieving husband. The question facing David Schenck, however, was whether Sallie would have him as her husband.⁵⁹

The issue consumed Schenck's thoughts as he made preparations to support a wife. Broaching the subject with Sallie's parents was a delicate matter: "Spoke to Mrs. R-----r concerning Sallie, was received kindly – surprised Mrs. R. but I think she took it well, at least gave her consent and led one to hope," wrote an anxious Schenck. "If I am

⁵⁹ See Matthews, *Religion in the Old South*, 112; Heyrman, *Southern Cross*, 310; Stephanie McCurry, *Masters of Small Worlds: Yeoman Households, Gender Relations, and the Political Culture of the Antebellum South Carolina Low Country* (Oxford and New York: Oxford University Press, 1995); Steward, "Christian Manhood and Respectability" in *The North Carolina Historical Review* vol.82, No. 1, January 2005, p.67.

disappointed it will almost kill – if successful my happiness is well nigh complete,” he wrote a month before proposing.⁶⁰ On the night Sallie Ramseur accepted his proposal Schenck gleefully recorded in his diary: “I experienced almost a change of nature, the iniquity and deceit of the world was fast drawing me to a doubtful skepticism, but the virtuous love of a pure woman has broken the spell and I know there is still some good in the world – my whole heart was melted when I found so much divinity in one nature, so much that was holy, heavenly, lovely – Ah! Sallie...a happy man might have been a cheerless wanderer and one capable of good would have been a victim of selfish ambition.”⁶¹

Within months, Schenck reported a religious quickening which he attributed to Sallie’s influence. “I am under strong religious convictions and have been for some months. I have been attending to my spiritual duties closely and I am almost persuaded sometimes that I am a Christian,” he wrote only two months after his engagement.⁶² Dodson Ramseur, by then a cadet at West Point, approved of the match, and was pleased to learn of the stirrings in his friend’s spiritual life. Later that summer Schenck learned that the wedding would not take place for at least another year and a sense of desperation descended upon him. His religious convictions seemed to evaporate and he again began to feel that only through matrimony might he gain salvation. “Before God in all

⁶⁰ Schenck Diary, December 13, 19, 1857, SHC.

⁶¹ Ibid., February 4, 1858, SHC.

⁶² Ibid., May 1, 1858, SHC.

reverence, I believe my salvation depends on my marriage,” wrote Schenck in August 1858.⁶³

Finally, a year later, in August 1859, Schenck married Sallie Ramseur. To the groom’s surprise, Dodson Ramseur arrived on summer furlough from West Point in time to attend. For the first time in his life Schenck was a man at peace with the world. He and his bride made their home in a small boarding house in Dallas together with a slave woman and her child that he had purchased. Although he believed that salvation might now be imputed to him through the faith of his wife, the vexing conflict between his ambition for prominence and his thirst for spiritual assurance persisted. To be sure, marriage brought him closer to the inner peace he longed for, but it did not represent the Rubicon he was determined to cross. Nevertheless, Schenck did not despair but rather looked to the future with great optimism, “My prospects are cheering – I am diligent in business, have good health, sane mind and a growing business,” he wrote.⁶⁴ In the months after his marriage, Schenck worked hard to hone his professional skills and cultivate his business. His reputation as a competent and honest attorney in the eyes of the community was vital to his material and social success, and Schenck was careful to guard it closely.

During the fall circuit while in Gaston County Schenck and a close friend, T. F. Hoke, defended the infamous Edward Isham in one of the antebellum South’s most notorious murder trials. Schenck, who was County Solicitor for Gaston County at the time was assigned to defend Isham, who was being prosecuted by Schenck’s friend and

⁶³ Ibid., August 31, 1858, SHC.

⁶⁴ Ibid., September, 1859, SHC.

mentor, William Lander. Isham, also known as Hardaway Bone, was on trial for murdering James Cornelius in his Catawba County home with a knife. “It was certainly the most cool and deliberate murder I ever investigated,” wrote Schenck. “He attacked the dec. in his own house, on the Sabbath day, while preparing for church, with a knife in a wicked assault and while Cornelius was unarmed and when he had executed his felonious purpose boasted that he ‘had killed a damn dog’,” Schenck recorded. Although Schenck and Hoke lost the case and Isham was later executed for his crime, both attorneys enjoyed a modicum of localized celebrity for their involvement.⁶⁵

Schenck appeared to be fascinated with Isham and his life of crime, carousing, and violence. In a series of interviews Schenck recorded Isham’s autobiography and unwittingly preserved for posterity a valuable lens for examining certain aspects of the antebellum past. Isham’s story offers perhaps the most revealing glimpse into the daily lives of poor whites in the antebellum South. Indeed, Schenck’s record of Isham’s life has provided recent scholars with a powerful tool for assessing some of the more obscured issues poor whites faced on a daily basis such as the extent to which violence permeated their daily lives; sexual promiscuity; alcohol abuse; race and class relations; crime; domestic violence etc.⁶⁶

While David and Sallie Schenck basked in the loving warmth of married life, storm clouds gathered on the horizon. In the summer and fall of 1859, a business partner of Jacob Ramseur, Schenck’s father-in-law, embezzled his company’s working capital,

⁶⁵ Ibid., September, 1859. See also Scott P. Culclasure, “‘I Have Killed a Damn Dog’: Murder by a Poor White in the Antebellum South,” in the *North Carolina Historical Review*, Vol. 70, 1993, p. 14-39.

⁶⁶ See Charles C. Bolton, *Poor Whites of the Antebellum South: Tenants and Laborers in Central North Carolina and Northeast Mississippi* (Durham: Duke University Press, 1994) and Charles C. Bolton and Scott P. Culclasure (eds), *The Confessions of Edward Isham: A Poor White Life of the Old South* (Athens: University of Georgia Press, 1998).

leaving the Ramseur family nearly bankrupt. Dodson Ramseur, who had just returned to West Point, was most galled by the fact that his father's partner was a Northerner.⁶⁷ Infuriated, Ramseur complained to Schenck that his family had been "robbed of all earthly goods by the damning treachery of a miserable Yankee, a villain, a liar, a fiend of hell," and vowed that if he ever met up with this man that he would "crush him to atoms."⁶⁸ The Ramseur family never recovered from their financial losses.

Worst of all, the strain proved too much for Jacob's wife Lucy Ramseur to bear and in November, she suffered a complete nervous breakdown. Schenck was grief stricken by Lucy Ramseur's collapse, "I have to record with painful heart the melancholy derangement of my dear mother-in-law Mrs. Ramseur," he wrote in his diary. "Oppressed with grief and care more than human mind could support, her reason became impaired on Monday last, the 14th and has gradually increased until now. She still lingers on, in a situation to which death is preferable."⁶⁹ Lucy Ramseur was the closest figure to a mother Schenck had ever known, and her failing health was especially painful to him. It was she who had always encouraged him to renounce vulgarity and vice, and to pursue the path of virtue. Days later, a crest fallen Schenck confided to his diary, "After a lingering illness of two weeks and two days, my dear mother-in-law Mrs. J. A. Ramseur, died at Meadow Woods near Lincolnton on the 29th November 5 o'clock P.M. The sun was just setting in glorious splendor when she died; typical of the triumphant scene which

⁶⁷ See Gallagher, *Stephen Dodson Ramseur*, p. 21.

⁶⁸ Ibid.

⁶⁹ Schenck Diary, November 19, 1859, SHC.

she was entering after the good fight in this world of care and trouble.”⁷⁰ A sense of perdition seemed inescapable as he lamented her death, “I mourn her loss as a mother, kind and dear to me – who has always evinced the kindest solicitude in my welfare, encouraged me in the path of virtue, and admonished me in the wickedness of vice.”⁷¹ Yet from her kindness, warmth, and nurture Schenck also drew inspiration, “may her example ever incite us to Christian duty,” he wrote.⁷²

Lucy Ramseur’s death was unquestionably a dark and painful moment in David Schenck’s life, but in retrospect it was also a pivotal moment in which he began to focus sharply on merging his worldly ambition and his spirituality. He began taking to heart Lucy’s spiritual admonitions with the view to becoming a virtuous Christian man. On the national and local level, events were taking shape that seemed to make his understanding of these things much more clear.

⁷⁰ Ibid., November 29, 1859, SHC.

⁷¹ Ibid.

⁷² Ibid.

CHAPTER TWO

SECESSIONIST REVOLUTION

When church bells in Lincolnton rang out at midnight on January 1, 1860, announcing the arrival of the New Year, the mood in the town was festive, as it was elsewhere in North Carolina and across the nation. Beneath the gaiety, however, Americans grew apprehensive about the future of their troubled republic. During the 1850s, sectional tension over the issue of slavery had increased sharply, and acrimonious debate on extending slavery to newly acquired territories in the West threatened to divide the country and erupt into civil war. Attempts to reach an amicable compromise failed, as political and ecclesiastical dissent over the issue of slavery escalated. Violence erupted in Kansas and on the floor of the United States Senate. At the close of the decade, John Brown's raid on the federal arsenal at Harper's Ferry, Virginia, sent a shock wave throughout the South. The outpouring of sympathy for Brown from prominent men in the North, such as Ralph Waldo Emerson, Herman Melville, and many Northern divines, inflamed Southerners' indignation and sense of betrayal.

In Lincolnton, David Schenck welcomed the New Year with family and friends and quietly reflected on the past year's events. In the months since Lucy Ramseur's death, Schenck's perspective on Christian manhood, respectability, faith, ambition, and how to achieve them had begun to change. These attributes, which Schenck so earnestly sought, comprised part of what historian Bertram Wyatt-Brown has described as "honor."

They constituted a prescribed set of ethics and behaviors that reflected a complex series of religious, social, and political values specific to each social class. In antebellum North Carolina, the distinction of honor, or respectability, was restricted to wealthy planters, evangelical leaders, and the small professional middle-class to which Schenck belonged. Honor, however, also served as a social construct used to bridge the gap between austere Protestant evangelicalism and the indolent planter elite. Although most middle-class professionals were considered respectable by polite society, they lacked the honor and prestige accorded to the wealthy. Moreover, the wealthy inherited social and religious distinctions, while middle-class men like Schenck had to prove their worth. True Southern men were Christians who exhibited godliness and piety; they displayed devotion to duty and were committed to protecting their families and the Christian community, as well as the institution of slavery. Defending these hallmarks of Southern society and the social, economic, and political heritage they represented lay at the heart of Southern nationalism.¹ Schenck's weak faith and modest social standing had thus far impeded his efforts to achieve the honor and prestige he sought. During the controversial and divisive presidential election of 1860 and the civil war that followed, Schenck's zeal for the Confederate cause helped him to forge a Confederate identity that linked Christianity, respectability, and patriotism – an identity that also would place him out of step and at odds with the majority of his fellow Tar Heels.

Schenck's pro-Southern sentiment found its fullest expression in the nexus of religion and Southern patriotism. In January 1860, as he pondered the South's political future, Schenck articulated his support for radical secessionists: "The South is in a

¹ Schenck Diary, January 1, 1860, SHC. See also Bertram Wyatt-Brown, *Southern Honor: Ethics and Behavior in the Old South* (New York: Oxford University Press, 1982).

considerable state of excitement on the present state of politics. I am a Disunionist,” he wrote.² Schenck’s enthusiastic support for disunion so early in 1860 contrasts sharply with the Unionist sentiment held by the vast majority of North Carolinians. A few months later, after attending a sermon on the doctrine of imputed righteousness, Schenck experienced God’s plan of salvation like an epiphany, and his weak and faltering faith quickened to a vivacity that he had never before known. Shortly thereafter, he recorded in his diary: “being thoroughly convinced of my duty I united myself to the Presbyterian Church in Lincolnton... for God has greatly increased my faith and strengthened my grace.”³

Schenck’s early commitment to secession and the timing of his religious awakening are no mere coincidence. Rather, they demonstrate the gradual process by which the sacred and secular spheres of his life converged into a single identity. The strained political and religious atmosphere that attended the sectional crisis, moreover, hastened that convergence. For many years, Southern divines had depicted the ecclesiastical conflict over slavery with their Northern counterparts in stark contrasting terms: orthodoxy versus heresy, purity versus corruption, godliness versus ungodliness. Schenck made a similar comparison, albeit implicitly, when, on the day he recorded joining the church he wrote, “I feel a strong hope in Christ, but I know all who live godly in Christ Jesus must suffer tribulation – I trust in his many promises for my support.”⁴ Like many Southern evangelicals, Schenck sensed the “tribulation” at hand and viewed the approaching conflict as essentially religious in nature.

² Schenck Diary, January 1860, SHC.

³ Ibid., May 13, 1860.

⁴ Ibid.

As the November 1860 elections drew near, Schenck became increasingly involved with the John C. Breckenridge Southern Democratic campaign, canvassing the judicial circuit in support of the candidate. His political motivation stemmed in part from his desire to preserve the Constitution as he understood it and to shield the South from the disgrace a Republican victory was sure to bring. In October, he wrote in his diary, “in this cause [the Breckenridge campaign] I have enlisted for the campaign, not as a politician or aspirant for office, but with pure and conscientious motives – to preserve our Constitutional rights and thereby save the Union, or if denied this, to choose secession in preference to disgrace.”⁵ During the campaign, Breckenridge Democrats fended off accusations that a vote for their candidate was a vote for disunion by arguing that their strident defense of Southern rights reflected their desire to preserve the Union. Although Schenck was an advocate of disunion, he feared the grim consequences that were sure to follow secession.”[T]he pages of history for another year may be written in blood,” he wrote, while pondering the stakes involved in the coming election.⁶

News of Abraham Lincoln’s victory reached Lincolnton on November 8, and the town buzzed with activity. From his home on the outskirts of town, Schenck recorded the peoples’ response to the results of the election: “sadness covers every countenance, and alarm pervades every walk of life. There is panic in the money market, and every woman and child talks of war and its consequences. It is generally concluded that at least South Carolina, Alabama, Mississippi, and Florida will secede immediately.”⁷ Between

⁵ Ibid., October 1, 1860.

⁶ Ibid.; Marc W. Kruman, *Parties and Politics in North Carolina, 1836-1865* (Baton Rouge: Louisiana State University Press, 1983), 201-204.

⁷ Schenck Diary, November 8, 1860, SHC.

December 20, 1860, and February 4, 1861, the seven states of the lower South did indeed secede from the Union and formed the Confederate States of America, but in the upper South a strong conditional Unionist sentiment dominated.

While the cotton states of the lower South severed ties with the Union during the winter of 1861, a political battle pitting Unionists against secessionists took shape in North Carolina. Secession helped lay bare deep rifts in the state's political landscape by revealing that although North Carolina was a slave state, the planter ethos and the fire-eaters' rhetoric on states rights did not hold sway over the vast majority of Tar Heels. Secessionists were a minority in North Carolina, where most people, including substantial slaveholders, expressed a strong allegiance to the Union. A vibrant two-party political system consisting of the resurrected Whig Party and the Democratic Party thrived in North Carolina, helping to maintain political equilibrium in the midst of the secession crisis and well into the war years.

Most North Carolina Whigs were Unionists who advocated a "wait and see" policy regarding the Republican victory. They cautioned Tar Heels against drawing premature conclusions about the Republican doctrine on restricting slavery in the territories. They also scorned the state's small number of fiery secessionists, portraying them as irrational fools seeking to lead the state down the path of political suicide. Factionalism meanwhile plagued North Carolina's Democratic Party. Although the party was not split entirely, two discernible camps had formed within its ranks. The majority of Democrats were moderates who, along with some Whigs, advocated secession on a conditional basis only. Moderates understood that the overwhelming majority of voters who cast ballots for Breckenridge were Unionist Democrats, and party leaders were

therefore reluctant to associate themselves with the radical fringe. Secessionists constituted the minority voice among Democrats, and in the winter of 1861, they worked feverishly to persuade Governor John Ellis, a secessionist himself, to encourage the legislature to hold a statewide vote on a secession convention to debate North Carolina's future in the Union.⁸ After a lengthy discussion in the State Assembly, a date was set in February 1861 for North Carolinians to vote on the convention question and to elect delegates from each county should the convention be approved.

During the months of January and February 1861, secessionists and Unionists waged an intense publicity campaign in every county. The atmosphere across the state grew tense, as secessionists and their opponents tugged the interests of voters in opposite directions. It was in the midst of this charged political environment that Schenck made a series of risky decisions that, if successful, would catapult him into the position of prominence he so longed for, but if unsuccessful, would destroy his dream of joining the inner circle of North Carolina elites.

First, Schenck enlisted in the secessionists' cause to quash Unionism in North Carolina. He toured the judicial circuit of the western Piedmont, speaking to crowds and attending gatherings. He urged voters to sever ties with the United States and to join with their sister states in the Southern Confederacy. Not surprisingly, Schenck often compared the current political environment to that which the Patriots faced during the American Revolution. "We are in the midst of revolution," he wrote while touring the circuit. Throughout the region, Schenck encountered sharp political divisions and he

⁸ Paul D. Escott, *Many Excellent People: Power and Privilege in North Carolina, 1850-1900* (Chapel Hill: University of North Carolina Press, 1985), 33; Daniel W. Crofts, *Reluctant Confederates: Upper South Unionists in the Secession Crisis* (Chapel Hill: University of North Carolina Press, 1989); Kruman, *Parties and Politics in North Carolina*, 201-204.

noted that, “political differences are so embittered as to engender personal animosity daily. Everyone not for us is against us and is counted an enemy, a submissionist, equal to a Tory.”⁹

On February 28, North Carolinians voted on the convention, and the results sent a clear message to secessionists. The call for a convention failed to win a majority of votes. Moreover, the majority of delegates that Tar Heels elected to attend the would-be convention were Unionists. The message was clear: North Carolina was still attached to the Union. Schenck’s frustration boiled as he assessed the situation; writing, “we the secessionist are laboring manfully to join them [Confederate States], but the Tories of 76 are not all out of North Carolina yet – I feel like cursing the state and bidding it a final adieu.”¹⁰ Adding to his displeasure was his worsening financial situation. Schenck’s fervent desire for North Carolina’s secession from the Union threatened to bankrupt him, for the secession crisis brought business to a standstill and he had begun to feel the economic pinch. “Business is stagnant in every line,” he wrote, “clients quarrel over politics instead of property and have no money for lawyers.”¹¹

Shortly after the convention vote, secessionist leaders proposed another convention. Delegates elected to attend the first proposed convention and others from all parties would assemble in the small town of Goldsboro to further discuss the matter of secession. The more than two-thirds of the delegates elected in the February 28 vote who were Unionists flatly refused to countenance the Goldsboro Convention. Moreover, the

⁹ Schenck Diary, February 1, 1861, SHC.

¹⁰ *Ibid.*, February 1861.

¹¹ *Ibid.*

Unionist press denounced the convention as illegal and revolutionary.¹² In spite of the controversy, Schenck chose to attend as the delegate from Lincoln County. The convention opened on March 22, with Weldon N. Edwards elected to preside over the assembly. Schenck deeply admired Edwards and looked up to him as a role model. He was an elderly planter from Northampton County, North Carolina who had served as a member of Congress and as a state senator. He also was a fiery secessionist who had advocated secession for many years. No admirer of republicanism in general, he had by 1860 concluded that the federal government was a failure. In a letter to Thomas Ruffin written after the November 1860 election, Edwards wrote, “my mind is almost day and night upon the wretched condition of our country. It mortifies me to think that the Govt. (federal) is a failure – the state Govts. are not yet. Both however rest upon the same basis – the capacity of the constituent body for self-government. This is the great fundamental rule upon which rest the principles and theory of all our political structures and inseparable from them. Take it a way and our experiment proves an utter failure. Our Govt. would be transformed into one of force.”¹³

South Carolina’s aged “apostle of disunion,” Franklin J. Moses delivered the opening speech to the Goldsboro Convention. In it he “referred to the natural affinity between North Carolina and the seceded states and reminded his hearers of the difficulties which then beset them and the old Union.”¹⁴ Later in the day, Schenck

¹² *Fayetteville Observer*, March 18, 1861 quoted in Henry McGilbert Wagstaff, *State Rights and Political Parties in North Carolina, 1776-1861* (Baltimore: Johns Hopkins Press, 1906), 141.

¹³ Weldon N. Edwards to Thomas Ruffin November 23, 1860, in J. G. De Roulhac Hamilton (ed), *The Papers of Thomas Ruffin* (Raleigh: Edwards and Broughton, 1920), 101.

¹⁴ Wagstaff, *State Rights and Political Parties*, 142. See Charles B. Dew, *Apostles of Disunion: Southern Secession Commissioners and the Causes of the Civil War* (Charlottesville: University Press of Virginia, 2001).

delivered a rousing speech before the convention. He presented himself as a staunch advocate of Southern rights and disunion, and called upon his fellow North Carolinians with thunderous sermon-like language to act decisively in the matter of secession. Among those listening in the crowded assembly was a young boy named John M. Hollowell, a native of Goldsboro who came to witness the excitement the convention brought to his otherwise sleepy town. So forceful and impassioned was David Schenck's speech that seventy-eight years later, Hollowell remembered it in a series of articles he wrote for the *Goldsboro Herald*, published as *War-Time Reminiscences and Other Selections*.¹⁵

On March 23, delegates formed committees for the purpose of drafting several resolutions. One resolution produced by the convention set forth that "the vote taken on February 28 was not the deliberate fiat of the people; that subsequent events had brought many into a readiness for reconsideration of the state's relations to the Union."¹⁶ The convention also established the North Carolina branch of the Southern Rights Party and recorded everyone present as founding members. Schenck boasted of his involvement with the convention and the founding of the party in diary: "On the 22nd & 32 I put myself on record before the country as an unconditional secessionist – I attended the Goldsboro convention which organized the Southern Rights Party of North Carolina which laid as its foundation the secession of North Carolina from the late United States."¹⁷ Sometime later, he tore from his diary the pages on which he described the

¹⁵ J. M. Hollowell, *War-Time Reminiscences and Other Selections* (Goldsboro, NC: *Goldsboro Herald*, 1939).

¹⁶ Wagstaff, *State Rights and Political Parties*, 142.

¹⁷ Schenck Diary, March 1861, SHC.

events that took place at the Goldsboro Convention. It is likely that what he sought to remove from the diary reveals a far more radical side to the convention and to Schenck himself.

A correspondent for the Unionist *North Carolina Standard* attended the convention and wrote about the events that took place. On March 27, 1861, he reported, “we learn that the resolutions adopted look to revolution in the event of the failure of the disunionists to take the state out of the Union according to the Constitution. Another great meeting is to be held in Charlotte on the 20th of May, at which a second declaration of independence is to be made and the good people of the state are to be annexed to the ‘Cotton Confederacy.’¹⁸ Further commenting on the convention’s resolutions, the correspondent wrote, “the purport of them [the resolutions] was to establish a new party to take the place of the Democratic Party, and to make arrangements to take the state out of the Union.”¹⁹

When Schenck returned from Goldsboro, he may have been preparing for the newly established Southern Rights Party to give the signal to launch the expected revolution in the near future. The editor of the *North Carolina Standard*, W. W. Holden, an influential Democrat, gave the secessionists a strong warning: “We tell these agitators and disturbers of the peace once for all, that their schemes will fail. The people of the state will neither be coaxed nor driven from the course they adopted. They have spoken at the polls, and they will see to it that their voice is respected. Any attempt to revolutionize the state will bring down upon the authors of the attempt the most signal punishment. These agitators remind us of the condition of the fallen angels plotting new

¹⁸ *The Disunion Meeting at Goldsboro* (Raleigh, NC: *North Carolina Standard*, March 27, 1861).

¹⁹ *Ibid.*

enterprises against heaven almost as soon as they had touched the fiery floods to which the hand of the Almighty had consigned them.”²⁰ Holden did not restrict his comments to likening the secessionist to “fallen angels” but went on to warn, “they must yield, and they shall. Let them do so gracefully and while they may. They will not be “punished” unless they shall proceed to some overt act of rebellion; but if they should do that, the awakened wrath of the people to whom this government belongs, and who have the right to control them and all other politicians, will consume them utterly. Let them learn with others to “watch and wait.””²¹

The Goldsboro Convention drew a harsh rebuke from other Unionists and Moderate Democrats alike, and was never recognized as a legitimate assembly. Yet for Schenck, the convention marked the birth of his Confederate identity. From that point in his life forward, he would always be thought of or remembered as a Confederate nationalist. Throughout the secession crisis, and perhaps because of it, the various components of this identity – politics, religion, patriotism – all came together to form, in his view, a new definition of faith, manhood, and respectability. Like disparate elements cast into the furnace and forged into tempered steel, Schenck’ identity as a Confederate nationalist stemmed from a blending of antebellum politics, religion, and notions of respectability but represented more than the sum of its parts. For Schenck and many other Confederates, the terms of respectability and Christian manhood were redefined and shaped into the image of a Confederate nationalist.

The impatient secessionists of North Carolina did not have wait for long. On April 12, 1861, General P. T. G. Beauregard commenced his long anticipated

²⁰ Ibid.

²¹ Ibid.

bombardment of Fort Sumter in Charleston Harbor. By 2:30 the next day the fort surrendered. President Lincoln responded with a call for 75,000 volunteer troops to put down the rebellion in the South. He sent a telegram to Governor John Ellis requesting a quota of troops from North Carolina to aid in stamping out the rebellion. Governor Ellis promptly replied, “you can get no troops from North Carolina.” He instead ordered the state militia to seize all the federal arsenals and coastal forts in the state. Lincoln’s call for troops thus roused the war spirit of Tar Heels and effectively silenced Unionist sentiment throughout the state. In Lincolnton, Schenck breathed a sigh of relief that the secessionists’ revolution was now obviated by the bellicose mood sweeping the state. “It is difficult to embrace the state of the country in the space of a diary; but Thank God instead of a meeting in Charlotte to secede, the whole state will certainly secede on that day,” he wrote.²²

By the end of April, Ellis, with full support from the legislature, reissued the call for a secession convention. Schenck’s mentor, William Lander, would represent Lincoln County at the convention.²³ The convention met in Raleigh on May 20, 1861, and within hours unanimously passed the ordinance of secession. A crowd gathered at the state capitol and anxiously awaited news from the convention. On the lawn of the capitol, an artillery battery patiently awaited orders from the governor. As delegates filed out of the assembly to announce North Carolina’s withdrawal from the Union to their constituents outside, someone handed a note to the young artillery officer commanding the guns. Seconds later, the first of one hundred cannon shots boomed throughout the city proudly announcing North Carolina’s secession from the United States. The officer commanding

²² Ibid., May 15, 1861.

²³ By this time Schenck and his wife had moved back to Lincolnton from Dallas.

the battery was a recent West Point graduate who, only weeks after graduating from the military academy, had resigned his commission in the Union army and offered his services to his home state. That officer was Schenck's brother-in-law, Dodson Ramseur.²⁴

North Carolina was the last Southern state to secede from the Union before the war began in earnest, yet Schenck was thrilled to receive the news of North Carolina's withdrawal from the Union, and he saw the hand of Providence at work in the events that had recently unfolded in the country. He also saw secession as a divinely sanctioned act of liberation, which only affirmed his belief that the conflict that was sure to lay ahead was essentially religious in nature. Schenck joyfully wrote, "the 86th Anniversary of American Independence in North Carolina was made doubly sacred to every heart in the old Sovereignty today by absolving ourselves from the bondage and unjust oppression of our degenerate brethren in the North!" Describing the peoples' response he recorded, "it was received over the whole state with the wildest exhibitions of joy and exultation. The men shouted the news, the women clapped their little hands and joined in the glee, and the boys fired every combustible in reach." Schenck himself felt that he had witnessed the proudest moment in the state's history, writing, "I hail it as the most glorious event that ever marked the history of our state, and feel proud of my exertions in consummating the event." He also offered a justification for secession, stating that "I always knew that all the North lacked to work our ruin was power – We have done everything for peace and justice that man could – aye! all that Christian forbearance and charity could require from any people and our appeals have been unheeded, our remonstrances condemned, our

²⁴ Gallagher, *Stephen Dodson Ramseur*.

warnings sneered and scoffed until every principle of Christian virtue and manly honor required us to “strike for our homes and firesides.”²⁵

Schenck regarded the future of the state and the nascent Confederacy with enthusiasm and resolve. “The consequence of this great and glorious event in history has yet to be worked out, of its result no one who knows the Southern heart can doubt. North Carolina will never recede from this step until the last man is dead and the last dollar is spent. If Abe Lincoln ever rules North Carolina again it will be as a barren desert of desolation. My feelings on this mighty event are inexpressible – my joy is unspeakable, and the next greatest joyful, glorious act is Joining the Confederate States of America. I thank God for this glorious day, from the honest depths of my heart.”²⁶

When delegates to the Secession Convention gathered in Raleigh that May, public opinion regarding the Convention’s *raison d’etre* stood in stark contrast to the same issue only weeks before. Schenck delighted in the public’s overwhelming support for the cause of secession and saw a certain poetic justice in seeing Unionist delegates forced by public opinion to endorse the course of secession. “The vote in the Convention was unanimous,” he wrote, “Badger, Graham, and old Bedford Brown swallowed the dose like a bitter pill; but thank God public opinion made them take it, will or no will.”²⁷

It is easy to lose sight of political developments in North Carolina up to the time of secession. Indeed, most Tar Heels themselves were understandably distracted by the pendulum-like swing of popular opinion favoring secession, and their swelling enthusiasm for the Confederate cause. In the wake of Fort Sumter and the state’s

²⁵ Schenck Diary May 20, 1861, SHC.

²⁶ Ibid.

²⁷ Ibid.

withdrawal from the Union, most North Carolinians easily forgot that the state's Democratic Party had been on the verge of splitting in two only days earlier, and that the radical faction, which founded the Southern Rights Party of North Carolina, had prepared to supplant the state's government. For secessionists like Schenck, a founding member of the States' Rights Party, Fort Sumter and Lincoln's call for troops proved an unexpected but delightful political boon. Men portrayed only weeks before as irrational fools and a radical fringe, now basked in the light of popular public opinion. The initial ebullient response to secession and the war that loomed on the horizon, however, belied the fact that North Carolina's political stability was in grave peril. Democrats and Whigs entered into a temporary truce while the state prepared for war, but the deep socio-political rifts that had characterized North Carolina politics for decades remained just below the surface. For this brief period of time, however, white Tar Heels enjoyed a sense of rare camaraderie as they united in a common cause.²⁸

In Lincoln County, enthusiasm for the war was rife. Everywhere, men and women answered the call to war with a solemn sense of duty and exhilaration. According to Schenck, "our glorious little county furnished up to 20th May two companies armed and equipped by the County, which by its County Court pledged itself for \$15000 for their subsistence – Capt. W. J. Hoke's company from town, numbering 100 men, took the flower of our youth – Oh! How sad that these noble brave gentlemen have to fight such

²⁸ Throughout the 1850s, North Carolina politics was characterized by a rapidly growing demand for universal white male suffrage and greater political democracy for the state's large yeoman class. The secession crisis temporarily squelched suffrage dialogue. Most secessionists were adamantly opposed to expanding the franchise and many, including Schenck, would point to yeoman demands for a greater political voice as one of the leading causes of Confederate defeat. See Marc Kruman, *Parties and Politics in North Carolina, 1836-1865*; Escott, *Many Excellent People*, and William K. Boyd, "North Carolina on the Eve of Secession," in *Annual Report of the American Historical Association for the Year 1910* (Washington, 1912).

mercenaries as come from the filth of the cities of the north.”²⁹ Dodson Ramseur also inspired hundreds of people from Lincoln and surrounding counties to do their Confederate duty. A colonel in charge of the Ellis Light Artillery, he had gained a reputation as a disciplined and inspiring commander.

All around him, nearly every adult white male Schenck knew was offering service to the Confederacy by enlisting in militia companies or serving in a political capacity in Raleigh. The muster rolls from Lincoln County swelled with the names of hundreds of young men who volunteered to fight, and possibly die, for the Confederacy. Yet one name was conspicuously absent from those rolls – his own.

On May 25th, Schenck arrived in Raleigh where he hoped to find a better position on the home front. He complained in his diary that, “the disturbed state of the country destroys my business at the bar: and being feeble in health I was not able to do field service; consequently am at the mercy of political gambles – but – Commissary General Wm Johnston Eqr of Charlotte, now in the service of the state tendered me a captaincy in his department which I will accept.”³⁰ It is true that Schenck went to Raleigh to exploit political connections, but his explanation remains somewhat disingenuous. His business at the bar was, at this point at least, anything but defunct. His partner, William Lander was a member of the Secession Convention, then in session in Raleigh, and therefore any business coming into their office would have gone to Schenck. Moreover, the State Assembly had yet to produce the Stay Act, which would effectively cripple his practice sometime in the early summer. Although business was beginning to slow in other words, it had not stopped. Furthermore, only five days earlier he proudly noted that Lincoln

²⁹ Schenck Diary, May 1861, SHC.

³⁰ Ibid., May 25, 1861.

County had already raised two companies of militia for service in the Confederate cause and was forming another. Were friends and neighbors in Lincolnton beginning to ask why he had not joined up? For the rest of his life, Schenck would claim that ill health prevented him from active service in the Confederate army. With no obvious maladies other than his lifelong hypochondria, however, Schenck would assert that he had no choice but to answer the call to active duty on the home front.

In fact, Schenck was by now an aspiring politico, and he wanted to reap his rewards for participating in the Goldsboro Convention and supporting the secessionist party. He believed that the secessionist revolution would reward truly loyal Confederates with positions of responsibility, authority, and profit. While a commission in the state's commissariat temporarily would satisfy Schenck's need to appear to be actively engaged in the Confederate cause, his higher aim was obvious. Secessionists dominated the state's Secession/Constitutional Convention, many of whom were active participants at the Goldsboro Convention. It would meet in Raleigh over the next several months for the purpose of drafting a new state constitution, and overseeing North Carolina's transition into the Confederate States of America. The Convention also played an important role in determining new policies concerning the implementation of Confederate laws. Schenck clearly yearned to participate in the Convention's business. During his stay in Raleigh, he spent most of his free time observing the Convention's daily business. From the sidelines, he learned much about the ethos of the secessionist revolution he had helped to launch and the men who were now directing it.

Schenck waited for several days for his commission to be issued by the Governor's office. The wait made him anxious and he began to fear the humiliation of

being denied the position. He wrote, “I called on Gov’r Ellis and he promises everything tomorrow 11Ock.” The next day proved disappointing, “11Ock I called to see Gov. Ellis – no reply satisfactory- feel like leaving in disgust and would do so, but for the mortification of going home without the commission.”³¹ Disgusted, he wrote, “necessity to provide for my family has alone placed me in [the] position of a servant.”³² On the first of June a relieved Schenck finally wrote in his diary, “my appointment has been confirmed at last by the military board and I will now be ready for work.”³³

Schenck would no longer have time to visit the Convention everyday and listen to its debates, but he continued to attend as often as he could. In the short time that he observed the Convention in action Schenck, like his political role model Weldon Edwards, concluded that “this Convention I am sorry to say contains more politicians than statesmen, and instead of looking after the interests of our state, they are devising schemes to obtain office – every prominent man is candidate for Southern Congress. I fear that the days of Republican government ended with Republican simplicity.”³⁴ Schenck and other secessionists had little patience for dissent and grew frustrated as

³¹ Ibid, May 30 and 31, 1861.

³² Ibid., May 30, 1861.

³³ Ibid., June 1, 1861.

³⁴ Ibid. In *Parties and Politics in North Carolina, 1836-1865*, historian Marc W. Kruman emphasizes the antiparty sentiment that characterized the Secession Summer. According to Kruman, “The secession of North Carolina created a flood tide of antiparty sentiment in the state.” It is true that secession blurred the distinctions between Whigs and Democrats, and that Tar Heels in general expressed a sense of revulsion towards the status quo of party politics as George C. Rable has noted in his book *Confederate Republic: A Revolution Against Politics*. Secessionists such as Schenck, Weldon Edwards, and others believed that they had become the only legitimate party and that all others were mere politicians. The coexistence of the duly elected State Legislature and the indirectly elected Secession/Constitutional Convention made for an unusual situation wherein one body, of necessity, would move to abolish the other. In that regard, party sentiment was alive and well. Although at this moment the founders of the States Rights Party had no coherent plan to accomplish their goal of supplanting the existing state government, they still contemplated achieving their goal.

the Convention debated adopting the Confederate Constitution. He complained, “the Convention still sits and gasey small fry occupied the day in opposing the Permanent Constitution. Old Federalism dies with dreadful agony looking wishful eyes back to Egypt, where Protective Tariffs & Internal Improvement once gave them position.”³⁵

There was also a distinctly generational edge to Schenk’s disillusionment with the delegates to the Convention. “I have this remark to make that great men, like big hills, grow less as you approach them,” he wrote. “Such men as Badger, Ruffin and others often make plain mistakes in argument and suffer exposure and though I have no confidence in Gov. Graham as a politician, he is the coolest and clearest debater in the Convention. I notice in old men more vanity than the young men and a decided forwardness to be conspicuous. These great men are only men.”³⁶

In contrast, Schenk’s religious life found ample sources for encouragement and growth in Raleigh. Churches abounded in the state’s capitol and he attended services frequently. “I attended church at Presbyterian in morning, Episcopal in Evening, and Baptist at night,” he wrote.³⁷ Yet Schenk could not help missing his wife and his home. He again experienced depression, and typically he feared that his situation would soon lead to religious backsliding. “I heard two sermons today but hotel life and public room is not conducive to Christian advancement,” he wrote one Sunday evening late in June.³⁸ Nevertheless, Schenk continued to believe that his service to the Confederate cause was

³⁵ Ibid., June 3, 1861

³⁶ Ibid., June 6, 1861. Badger was George E. Badger former Secretary of the Navy and Senator from North Carolina; Ruffin was Thomas Ruffin former Chief Justice of the North Carolina State Supreme Court., and Graham was William Graham former Governor of North Carolina.

³⁷ Ibid.

³⁸ Ibid., June 23, 1861.

an act of religiosity, and he remained devoted to faithfully executing his duties to God and country.

While in the state's Commissary Corps, Captain Schenck was responsible for equipping North Carolina regiments as they formed and supplying state troops in the field. It was exacting work. "Today I went regularly to work," he wrote. "Capt. Merrimon of Asheville and I were all day taking invoices of stock on hand, tedious but not difficult. I feel now as if I was alive once more and in active service."³⁹ Occasionally, he personally delivered supplies to troops encamped in various parts of North Carolina and Virginia. These outings afforded Schenck the opportunity to talk with Tar Heels from every corner of the state and he enjoyed them. In a short time, Schenck came to believe that Tar Heels were of one accord and that the state's shift to a war footing was nearly seamless. Proudly he wrote, "the most sanguine men are astonished at the resources of the state – we emerged from peace into a most convulsive revolution and in two months have every department of the military organization in order and active operation." Of the state's military organization, Schenck noted that, "We have now 11000 volunteers organized into regiments and nearly 5000 state troops for the war, most of them well armed and equipped and they are coming in by hundreds daily, from all sections – especially from the secession counties in the state who are as forward to fight for as to assert their rights." Whereas the Commissary Corps was concerned he noted that "the commissariat is in fine condition, we have 500,000 lbs. Bacon, flour, corn to spare, and everything is transacted according to army regulations. Our arsenal at Fayetteville where we captured 40,000 guns affords us ample supply of arms – a state manufactory at Raleigh makes our caps for guns. The deaf mutes make cartridges, and

³⁹ Ibid., June 3, 1861.

the women clothing: all persons work with patriotic zeal and our people seem to have resources never before dreamed of - it is almost marvelous – North Carolina has reason to be justly proud of her position and her energy.”⁴⁰

Many thousands of troops passed through Raleigh that summer on their way to Virginia, and several regiments bought supplies from the North Carolina Commissary. Though they were all fighting for the same cause, Schenck could not bring himself to accept them all as members of the same Confederate brotherhood. He noted that, “The Zouaves from New Orleans [were] attracting most attention, they passed on Wilmington road. They are foreigners, desperate characters, of savage, unhuman nature, whose natural ferocity is increased by the excitement of war. They are dangerous to friend or foe – are all foreigners, unused to our habits, language or custom and I fear their characters are not suitable to fight this holy war for freedom – it is a bad example to set before a Christian world, I fear it is a retrograde movement to barbarism.”⁴¹

Schenck meanwhile enjoyed every opportunity to spend time with Ramseur, whose battery was then stationed a short distance from Raleigh. On one visit he wrote, “I spent this day with the Ellis Light Artillery at Camp Boylan 3 ½ miles in the country. Dod and I were glad to spend a day together once more and enjoyed it very much.” But later that night Schenck’s health once again became an issue. “I was unwell at night and became quite depressed. I fear that my health is forever gone, and thoughts of my dear little family greatly depresses me.”⁴²

⁴⁰ Ibid., June 7, 1861.

⁴¹ Ibid., June 8, 1861.

⁴² Ibid., June 9, 1861.

On the 11th of June, Schenck received welcome news of the results of the first battle of the war, which took place at Bethel Church on the Virginia peninsula, thirteen miles from Jamestown. About fourteen hundred Confederates including the First North Carolina Regiment, commanded by Dodson Ramseur's friend and advocate, D. H. Hill, scored a signal victory against nearly five thousand Federal troops commanded by General Benjamin F. Butler. Across the South, jubilant Confederates hailed this small victory as a glorious omen and many augured that the war would be over quickly. Schenck naively believed that, "N. C.'s Regiment has gained the first field battle in the cause of Southern Rights against odds of 4 to 1. No subsequent conflict can eclipse the glory of this proud day."⁴³

For Schenck, another exhilarating experience that summer came while on an official visit to Richmond. There he had a face-to-face encounter with Confederate President Jefferson Davis. Although no words were exchanged, Schenck was awestruck. Of the encounter he wrote:

"I saw our immortal President Davis – I stood by him as he mounted his horse for a ride. I was waiting to see him as he came from the hotel and someone passed by dressed in a linen checked suit who did not attract my attention until he halted by the gray charger with his back to me. I asked can that plain unassuming man be Jeff Davis? I was disappointed; but in a moment he turned around and I saw the greatness in his face, which now attracts the admiring gaze of the world, and before which his countrymen almost bow down and worship. I felt thankful that I had seen the man whom I believe God has selected to deliver the South from oppression and tyranny."⁴⁴

Upon his return to Raleigh it was business as usual in the commissary. The streets of the capitol teemed with activity as the people went about their daily business.

⁴³ Ibid., June 11, 1861.

⁴⁴ Ibid., June 21, 1861.

Evidence of the existence of the war was ubiquitous, and everywhere peoples' lives seemed to have quickened to the pace of a mounting emergency. Then, in July, came news of the battle at Manassas. "Today came rumors of an attack on Beauragard at Bull's run by Gen'l Scott and that we repulsed the enemy with great slaughter," wrote Schenck.⁴⁵ News of the first Confederate victory was met with wild celebration on the home front. Some people believed that the Federal Government would now be willing to return to the negotiating table and they looked forward to a peaceful and political solution to the problem confronting the broken nation.

As the excitement began to fade, however, most people came to the sobering realization that Manassas was merely the opening salvo in what promised to be a long and costly war. Indeed, as the Secession Summer wore on, enthusiasm for the war and the Confederate cause began to wane. Unionists, whose voice had been silenced by the cacophonous roar for secession, slowly began to reassert their views. On August 6, Schenck recorded in his diary news a violent Unionist protest in Davidson County: "I am sorry to chronicle the fact that there is some rebellious disturbance part of Davidson and Randolph counties; where there are a good many Quakers and Yankees. Our Governor has sent several companies to High Point station to overawe any such feeling; and the ring leader of the band has been arrested and imprisoned."⁴⁶

Schenck nonetheless remained oblivious to the implication of the disturbance. Believing like most true secessionists that Tar Heels had lost faith in the old party system and that most North Carolinians supported the secessionist revolution, Schenck remained

⁴⁵ Ibid., July 18, 1861. The Battle of Bull Run actually took place on July 21, 1861. It is possible that Schenck mistakenly recorded the date some time later.

⁴⁶ Ibid., August 6, 1861.

confident in both the political stability of the state and the future of the Confederate nation. Of this new “era of good feeling,” he wrote that, “it is amusing to see when it comes to electing a Senator how quickly the old feeling revives and what a lack of confidence they feel among the old parties.”⁴⁷ Toward the end of the summer he still believed that the South had demonstrated its earnestness and that Northern resistance would soon cave in. He conjectured that “peace may then be looked for by Spring; if the North has sense enough to read the writing on the wall – Her troops have shown themselves far inferior to us and her armies, with every military preparation has failed to even put us on the defensive; and if English fleets join us she must sue for peace or suffer destruction – she has no other alternative.”⁴⁸

In August, politicians returned to the capitol in droves as the state legislature prepared to reconvene. Although a temporary truce between Whigs, moderate Democrats, and Secessionists had been in effect since May, one could sense a change in the political climate. For four months, the Secession Convention and the State Assembly had peacefully shared one stage. Now, members of both assemblies began to eye each other with suspicion. Early in July, having completed the task of transferring the state’s entire military establishment to the Confederate government, the Convention adjourned until November. Then on July 7, 1861, Governor Ellis, whose health declined rapidly during the secession summer, died at his home in Salisbury. Ellis’s untimely death jump-started the old processes of electioneering, and old party sentiment quickly resurfaced. Party sentiment, in fact, never really went away especially among delegates to the Convention. It must be remembered that although Secessionists held all the positions of

⁴⁷ Ibid., August 16, 1861.

⁴⁸ Ibid., August 24, 1861.

leadership in the Convention, Unionists both Whigs and Democrats filled its ranks. The revolutionary Secessionists never lost their suspicion of the men who had opposed secession. Even the governor distrusted many of the prominent Unionist members of the Convention. In a letter to Confederate Secretary of the Treasury Christopher G. Memminger, Ellis had written, “Judge Ruffin and Wm. A. Graham visit Richmond tomorrow on a mission to Prest. Davis. The latter is a deadly enemy to the Southern Confederacy. The (true) men in the Convention were entrapped into this mission.”⁴⁹

Legislators were keenly aware of the fact that the Convention was in the hands of the same men who had founded the States Rights Party, men who seemingly were prepared to overthrow the popularly elected government of North Carolina. They worried that the secessionist revolutionaries in the Convention might still attempt to carry out plans to topple the state’s government. It is likely that members of the State Assembly simply bided their time during the secession summer while popular support for secession soared only to take action against the Convention when the legislature reconvened in August. A letter from Convention President Weldon N. Edwards to delegate Thomas Ruffin in August confirms that the legislature indeed considered taking action against the Convention, and that Secessionists were, in fact, considering a move to supplant the legislature. Edwards wrote, “I recd. Wednesday a letter from Mr. Rayner, in which he stated, that there was Bill before the Legislature “proposing to submit to a vote of the people of the state – whether the Convention shall not be abolished, and thus prevent its meeting in Novr.” – that it would pass, as he learnt, both houses, and gave it as his opinion, that I should thereupon, by proclamation, convoke the convention, and that

⁴⁹ John W. Ellis to Christopher G. Memminger June 20, 1861, in Tolbert, *The Papers of John Willis Ellis*, 851. For a contrasting point of view on the dissolution of party sentiment see Rable, *Confederate Republic*, and Kruman, *Parties and Politics in North Carolina*.

in that event, he should be in favor of “rescinding the law” and “abolishing” the legislature.”⁵⁰ Edwards went on to write, “There can be no other object in calling before Novr. Than to get clear of the law and the Legislature – its contemplated duties can be as well attended to in Novr. as now – and if the Legislature choose to indulge in Passion and a spirit of resentment – it would seem unbecoming in the Convention to accept the issue tendered it, and make a war in which one of the Parties would be soon made to feel its weakness.”⁵¹ Although Edwards and his associates were unable to act upon their plan to “abolish the Legislature,” the fact that their plan to do so remained active throughout the secession summer demonstrates a clear continuity with their Goldsboro agenda. It also casts the secessionists of North Carolina in a far more revolutionary light than historians have heretofore demonstrated. Within a few days, however, the machinations of secessionists and legislators came to an abrupt halt, for the war that so many, including Schenck, believed would soon be over, came to the shores of North Carolina.

The first true test of Tar Heels’ commitment to the war came at the end of the summer. In Washington, the Federal army was preparing to move on the North Carolina coast. On August 25th, the Headquarters Department of Virginia issued Special Orders No. 13, which directed Major General Benjamin Butler to “prepare 860 troops for an expedition to Hatteras Inlet, North Carolina, to go with Commodore Stringham, commanding Home Squadron, to capture several batteries in that neighborhood.”⁵² News of the fleet’s departure from Old Point reached Raleigh on the 27th and Schenck noted in

⁵⁰ Weldon N. Edwards to Thomas Ruffin August 24, 1861, in J. G. De Roulhac Hamilton (ed.), *The Papers of Thomas Ruffin* Volume 3 (Raleigh: Edwards and Broughton 1920), 185. “Mr. Rayner” is Kenneth Rayner, who was himself a delegate to the Convention and an ardent Secessionist.

⁵¹ *Ibid.*

⁵² Headquarters Department of Virginia, Fort Monroe, Va., August 25, 1861, Special Order, No. 13, in *War of the Rebellion: Official Records of the Union and Confederate Armies*, Series I, Vol. 4, 580.

his diary, “a telegraphic dispatch also announces the departure of a large fleet from Old Point, whose destination is feared to be our coast as the Yankees swear vengeance on our coast.”⁵³ After a two-day bombardment from the sea, a white flag went up over the fort. Barron and his officers acquiesced and surrendered Fort Hatteras to Union forces on August 29th.

News of Barron’s surrender reached Raleigh within hours. The city was abuzz with alarm and excitement. Schenck noted that “I came down to the city [Raleigh] on the 4 Ock train and found everything in excitement – Fort Hatteras surrendered today at 12 Ock after a desperate resistance to a two days bombardment, and the whole force are now prisoners of war.”⁵⁴ ‘Tar Heels’ responded to the news with a sense of indignation and dismay. Panic spread through the population of the eastern counties as fear of a Union attack seemed imminent. Assessing the situation, Schenck recorded, “the Vandals are on our coast – our soil is invaded and every North Carolinian is burning with rage.... the news excites only indignation, and a renewed determination to resist to the death.”⁵⁵

Although steps were taken to block a Union advance on the capitol, the people of the eastern counties continued to fear the approach of the Union army. They also dreaded a slave uprising. Reports steadily filtered back to Raleigh of slaves running amuck or absconding to Union lines. Moreover, frightened people began to evacuate the eastern counties in droves. Schenck noted that, “the train from Newberne continues to bring citizens with families, from the scene of danger. Negroes too are being sent off in

⁵³ Schenck Diary, August 27, 1861, SHC.

⁵⁴ Schenck Diary, August 29, 1861, SHC.

⁵⁵ Ibid.

numbers to the west for security.”⁵⁶ Evacuees brought with them stories of slave insurrection and a general sense of panic. The effect was demoralizing and would ultimately have political ramifications. The capture of the North Carolina coastal region marked the beginning of the end of enthusiasm for secession in North Carolina and the fall from grace of the men who had led the state into the increasingly disastrous situation it now faced.

Unaware of the changing tide, Schenck went home to Lincolnton for a few days in September. The short furlough was restful and afforded him time to take stock of his situation and that of the state as well. The state’s Commissary Corps prepared to be handed over to the Confederate government and transferred from Raleigh to Richmond in October. Schenck dreaded the thought of going to Richmond and the prospect of living rough in camp. He determined to resign his commission in the Commissary Corps before it was transferred and to rely on political connections for acquiring suitable employment on the home front.

The state itself endured an awkward transition from peacetime government to a war footing. In the months since the death of John Ellis, Henry Toole Clark had stepped in as acting Governor. Though well meaning, Clark was a woefully inadequate executive. Commenting on his performance as governor, Schenck wrote, “our unfortunate Governor is giving general dissatisfaction. No one doubts his integrity and patriotism but his total incapacity is so obvious that it is becoming the subject of everyday remark; and many good men tremble for our interests.”⁵⁷

⁵⁶ Ibid., September 1, 1861.

⁵⁷ Ibid., September 11, 1861.

A sharp division between the original Secessionists and Unionist Whigs and Democrats meanwhile arose over the Confederate Presidential elections in November of 1861. The result of that division was the emergence of the coalition Conservative Party, which would wrest the governorship away from the Secessionists the next year. For the rest of 1861, however, the Secessionists directed state policy, seemingly unaware that the high water mark of the revolution they had helped to launch in North Carolina had already passed.⁵⁸

Half way through September, Schenck received news from Smithfield, Virginia that Dodson Ramseur had fallen desperately ill. The news provided a reason to resign his commission earlier than planned. “Rec’d a letter stating that Dod was sick at Smithfield,” he wrote. “I drew my last pay \$140.00,” he wrote, “and left with but little regret as dealing in meat and bread was not congenial to a mind trained to law,” wrote Schenck upon leaving the Commissary Corps for good. “I have suggested to me a more congenial appointment – Receiver, under the late Act of Sequestration, for the Western portion of the state...I shall call on Judge Biggs tomorrow to try my fortune – it seems to have fallen to me as a ripe harvest and I hope to obtain the position so suitable for me,” he wrote as he set out for Goldsboro.⁵⁹ The next day Judge Asa Biggs promised Schenck the position, but it would be some time before he would assume the duties of that office. Meanwhile, Schenck’s journey turned north to Smithfield, Virginia and his ailing friend.

For two weeks, Schenck stayed by Dod’s side as the fever gradually subsided. Together he and Dod joked, dreamed, and reminisced about more peaceful times. The

⁵⁸ See Kruman, *Parties and Politics in North Carolina*, 228-233.

⁵⁹ Schenck Diary, September 18, 1861, SHC. Asa Biggs (1811-1878) served as Confederate States judge in the district of North Carolina.

visit also afforded Schenck the opportunity to explore the south side of the James River. On one of his outings he viewed the Federal position at Newport News across the river. He also discovered, to his dismay, that the people in that vicinity did not share his affection for the Confederacy. "I am sorry to say this part of Virginia, though decidedly hostile to the North, have no warm sympathies with the South and seem to fraternise with us more to whip the Yankees than to establish a separate government," he wrote. "They openly assert their want of confidence in the government and blame the South for the war. I fear evil from this quarter in the future - the people are not heartily attached to the Southern Confederacy," wrote a disillusioned Schenck.⁶⁰

By October, he was back once again in Lincolnton. Throughout the summer the state's economy steadily had slowed and began to show signs of strain caused by the demands of war. Extortion and profiteering abounded and were beginning to take a toll particularly on local economies. Schenck's financial situation continued to worsen. "The scarcity of leather, shoes and money is daily discussed and various resorts for economy are daily mounted," he noted.⁶¹ Adding to his financial woes was the fact that Stay Law passed by the General Assembly of North Carolina in May was finally going into effect. Its primary purpose was to put a moratorium on the execution of writs of *fieri facias* and *venditioni exponas*.⁶² It also restricted the number of Superior and Supreme Court sessions to one per year. The law did not forgive private debts but did prevent creditors

⁶⁰ Ibid., September 27, 1861.

⁶¹ Ibid., October 4, 1861.

⁶² *Fieri Facias* (that you cause to be done) and *Venditioni Exponas* (that you expose to sale), are the names of writs instructing a sheriff to seize and sell a defendant's property in order to satisfy a monetary judgment against him for either indebtedness or damage to the plaintiff's property.

from seizing property for payment.⁶³ For Schenck it threatened to put him entirely out of business. “This Stay Law abolishes the Spring Term of the Superior Courts, restricts the Supreme Court to one term a year and gives one to plead – it amounts to a virtual abolition of the judiciary and leaves us without any civil remedy to trespass or debt – I found the people here [Lincoln County] unanimous in condemning the law and extremely indignant at its passage,” he wrote.⁶⁴

Things were not all dreary though, William Lander, Lincoln County’s delegate to the Secession Convention, was running for the Confederate Congress and decided to resign his seat in the convention. Schenck quickly put his name in as candidate to replace him. The election took place on November 6, 1861, and Schenck won a landslide victory over his opponent J. M. Smith. “I had the honor today of being elected to the Convention of North Carolina...the old Whigs of town could not bear to see a young Democrat honored with the position,” he wrote after the votes were tallied.⁶⁵ The elections for Confederate Congress were conducted the next day and William Lander was elected without opposition. Schenck would now have a powerful friend in the Confederate Congress, and he too would rub elbows with some of the most powerful men of North Carolina. It was for Schenck the crowning moment in the secessionist revolution.

The celebrations were cut short, however, with the arrival of news that Port Royal, South Carolina had fallen into Federal hands. “The country is startled at the fall of Port Royal in South Carolina!!!,” wrote Schenck after receiving the news.

⁶³ *Stay Law. An Act to Provide Against the Sacrifice of Property and to Suspend Proceedings in Certain Cases*: Electronic Edition. Call Number Cb347.2 1861 (North Carolina Collection, UNC-CH) <http://docsouth.unc.edu/staylaw/staylaw.html>.

⁶⁴ Schenck Diary, October 14, 1861, SHC.

⁶⁵ *Ibid.*, November 6, 1861.

“Desperation and wrath is gathering over our people and they are determined at all hazards and without any quarter to drive the vandals from the soil they have desecrated.”⁶⁶ The capture of Port Royal brought the reality of the war even closer to home and though the South’s resolve remained strong, uncertainty was beginning to creep onto the home front.

After a long recess during which political intrigue threatened its very existence, the North Carolina Secession/Constitutional Convention reconvened in the capitol on the third Monday of November. Schenck, the newest and youngest delegate, was announced and seated. He received a friendly welcome from Weldon Edwards, the man he admired so greatly. Schenck was thrilled to be an associate of Edwards and the leading secessionists in the Convention. As a delegate, he would now be counted among the vanguard of Confederate revolutionaries and would be recognized as a leader among other secessionists.

The second session of the Secession/Constitutional Convention devoted itself to the more mundane matters pertaining to the state’s transition into the Confederacy and to organizing the production and procurement of war materiel. From his new vantage point, Schenck could begin to see that the state’s economic situation posed a grave threat to its political stability. “Our whole commercial system seems to be in as great a revolution as our political – with abundant harvest wheat has risen to 1.30 pr bushel – flour 750 pr barrel and other things in proportion – panic and speculators are the banes of war – but it is impossible to reach either by law – I am greatly apprehensive that we are to have much suffering among us before the winter is over,” he wrote at the end of his first week in the

⁶⁶ Ibid., November 8, 1861.

Convention.⁶⁷ Early on, Schenck felt the enormity of the Convention's work. Every issue amounted to a crisis that required the collective wisdom of all the delegates to solve. The state faced a serious shortage of salt; many greedy planters continued to grow cotton instead of much needed wheat and corn; yeoman farmers quickly learned that grain surpluses were far more valuable when distilled into liquor.

By December, Schenck's perspective on the war was beginning to change. On the condition of the state he wrote, "the growing magnitude of this terrible war troubles me greatly: public calamity and private distress seem to meet me at every glance to the future – I trust God still for His mercy and daily implore His special care for myself and my country."⁶⁸ The war mobilized the people of North Carolina; men were on the move, and the presence of the rude masses was being felt like no other time in the state's history. He saw the breakdown of antebellum morality everywhere, especially around the military camps where gambling, liquor, and prostitution were growing problems. Schenck, viewing the Confederate cause as essentially religious in nature, grew concerned that God would punish the South for the wickedness on the home front. "I can but feel alarmed for fear of His wrath," he wrote, "when I see much wickedness among our people: and contempt of His holy word instead of being in sackcloth and ashes for our sins – our soldiers seem to have forgotten God literally, and to have become completely demoralized – no one can travel on the cars without hearing the foulest profanity – and the most offensive and obscene language. The contagion of the camp

⁶⁷ Ibid., November 29, 1861.

⁶⁸ Ibid., December 1, 1861.

seems to have made even more ravages on their morals than on their bodies,” he complained.⁶⁹

The Secessionists in the Convention also were deeply concerned about what they perceived as the need to silence and punish seditious Unionists. For days, an acrimonious debated raged among the delegates regarding the passage of an ordinance to define sedition and prescribe a fit punishment. Finally, and against the objection of several prominent Unionists, the Convention passed *An Ordinance to Define and Punish Sedition*. The ordinance stated that “if any person in the State shall attempt to convey intelligence to the enemies of the Confederate States, or shall maliciously and advisedly endeavor to incite the people to resist the government of this state or the Confederate States, or shall stir up or incite tumults, disorders, or insurrections in this State, or dispose the people to favor the enemy,” such a person would be guilty of sedition.⁷⁰

When his train rolled into Lincolnton on December 14, Schenck was glad to be home once again. His joy was short-lived, however, for he soon found that his father had fallen ill and was in a near state of paralysis. The illness weighed heavily on the son. More than ever, he relied on his faith. “Affliction in my family makes me somewhat gloomy,” he wrote, “it reminds me afresh of the awful affliction of last winter [diphtheria] worse almost than death – I pray God for faith and grace to endure all my responsibilities and trials.”⁷¹ His fears that the home front would suffer privations during

⁶⁹ Ibid.

⁷⁰ *An Ordinance to Define and Punish Sedition*. North Carolina. Convention (1861-1862). Presented by Mr. Rayner. 1p. John W. Syme, Printer to the Convention November, 1861. VCp 342.2 (North Carolina Collection, University of North Carolina at Chapel Hill). Electronic Edition: <http://docsouth.unc.edu/imls/sedition/sedition.html>

⁷¹ Ibid., December 15, 1861.

the winter months were coming true, but he was cheered to find that the people in Lincolnton, at least, seemed cheerful and that their will to resist was still strong.

For the next two weeks, Schenck and his wife nursed his ailing father as best they could, but his health slowly deteriorated nonetheless. He died at 8:00 A.M. the day after Christmas in his son's house. Schenck was heartbroken and mourned the loss of his father for weeks. "This year opened with so sad a bereavement that I have had but little heart to write or reflect on its advent. My affliction has been very severe but I trust that it is rather God's love than His anger "For whom he loveth he chasteneth" sayeth his holy word. I miss my dear father continually and his death greatly distresses me," wrote a heavy-hearted Schenck.⁷² Sallie comforted him and helped him through the difficult times, and his son Doddy also brought him immeasurable joy. Though his spirits were buoyed by his loving family, and he was himself again before too long, he missed his father dearly and a sense of perdition seemed inescapable.

The Convention reconvened in Raleigh on January 21, 1862, and immediately went into emergency session. Nine days earlier a fleet of more than 120 transport ships and gunboat escorts carrying nearly than 12,000 Union soldiers had left Hampton Roads, Virginia for the North Carolina coast. Major General Ambrose E. Burnside commanded the long-expected invasion force. After encountering a fierce and relentless gale lasting nearly two weeks, the fleet made its way inside of Pamlico Sound. "We reassembled in Convention today – The circumstances surrounding us are of the most alarming character and creates a feeling of deep and patriotic anxiety in every heart," wrote Schenck.⁷³ "The

⁷² Michael Schenck Family Bible, North Carolina Department of Archives and History, Raleigh, North Carolina; Schenck Diary, January, 1862, SHC.

⁷³ *Ibid.*, January 21, 1862.

Burnside expedition consisting of 100 gunboats is inside of Pamlico sound, and is preparing for a descent on our coast at Newberne, Roanoke island and Washington; while a fleet of 20 war vessels are simultaneously to attack Fort Macon.”⁷⁴

On February 7 and 8 Schenck recorded the dire news of the fall of Roanoke Island. The state’s entire coastal plain was now in grave peril. Once again panic set in among the people of the eastern counties and civil order began to break down. Commenting on the situation down east, Schenck wrote, “The slaves unanimously refuse to be removed and if it is insisted on, they flee to the swamps.”⁷⁵ The panic soon abated as Burnside’s advance ground to a halt and attention shifted elsewhere to Tennessee and beleaguered Fort Donnelson then on the verge of surrender.

The Convention carried on its business for several more weeks. The business of making North Carolina a Confederate state had long since been accomplished, but not without exacerbating tensions that already existed between Secessionists and Whigs. Unionists kept the Convention in extended session and taxed the patience of Secessionists by fighting tooth and nail for every concession. “I am here again in attendance to the Convention. I came here with a feeling of repugnance if not disgust, knowing that a vast majority of the State and the unanimous voice of my people desire that it should have adjourned sine die,” wrote an annoyed Schenck.⁷⁶ The Convention finally adjourned permanently at the end of April 1862 and the delegates went home.

Schenck returned to Lincolnton a proud man. In the thirteen months since attending the Goldsboro Secession Convention, the revolutionary vision that he shared

⁷⁴ Ibid.

⁷⁵ Ibid., February 22, 1862.

⁷⁶ Ibid., April 21, 1862.

with other secessionists had come to fruition. The dream of a Southern nation was being made a reality and he was delighted to have played a part in it. He had risked much by promoting secession, and revolution if necessary, and now those risks were paying off.

Revolutions are fraught with uncertainty and the secessionist revolution was no exception. In his capacity as Receiver, Schenck would bring the secessionist revolution home to the people of the western Piedmont. He would take up the battle against war weariness and punish disloyalty wherever he encountered it. With religious zeal he would promote the Confederate cause throughout the western Piedmont while lining his own pockets, never realizing that the day of the secessionists had passed and in its twilight disaster could be seen looming on the horizon.

CHAPTER THREE

THE HOME FRONT

When the State Convention disbanded in the spring of 1862, David Schenck returned home to Lincolnton. For a while he labored in the fields of his small farm on the outskirts of town, planting crops and building fences in preparation for what promised to be an uncertain economic future. By the end of summer, however, the District Court of North Carolina was ready to begin its work of tracking down enemy-owned property and plumbing the depths of loyalty on the home front. Schenck's role as Receiver under the Act of Sequestration placed him at the forefront of the Confederacy's effort to score a retaliatory blow against the financial interests of Northerners who owned property in the Confederate South, and to enforce loyalty on home front. In that office he was arguably the most visible symbol of Confederate authority at the local level, and the duties he performed would linger in the memories of Tar Heels for years to come.

Initial support for the Confederate cause among many North Carolinians on the home front slowly evaporated like a morning mist. The collapse of the home front economy and harsh policies adopted by the Confederate government exacerbated class tensions that were present even before the war. Yet Schenck attributed plummeting morale and battlefield reverses to the ever-increasing political boldness of the morally degenerate masses. As the months passed and the costs of the Confederate war soared ever higher, Schenck found himself increasingly out of step with his fellow Tar Heels.

On August 6, 1861, the United States Congress had approved the First Confiscation Act, which laid the legal groundwork for Union forces to confiscate Southerners' private property being used to aid the rebellion. Although not directly mentioned in the act itself, it was understood, and later confirmed by executive order, that "property" included slaves. The broad scope of the act and its purposefully ambiguous wording rendered it sufficiently vague so as not to rouse anti-abolitionist sentiment among Northerners. In the South, however, the message of the First Confiscation Act rang loud and clear. "The war is to be waged on the heads of women and children," clamored the *Charleston Mercury*. "Let them emancipate, let them confiscate. And while they emancipate our slaves...let us console the instrument of their destruction."¹

Passage of the federal confiscation law touched a sensitive nerve with Confederates. Protection of personal property rights, and particularly the right to slave property, underpinned the Confederate government's entire political philosophy. The threat of large-scale federal confiscation of Southerners' property raised the stakes of the rebellion to an uncomfortable level for many Confederates. It should come as no surprise therefore that within a month of the federal confiscation law's passage, the Confederate government in Richmond responded with its own version of government-sanctioned confiscation.

The Confederate Congress passed the Act of Sequestration on August 30, 1861. Its preamble read, "Whereas the government and people of the United States have departed from the usages of civilized warfare in confiscating and destroying the property of the people of the Confederate States of all kinds, whether used for military purposes or

¹ *Charleston Mercury*, July 24, 1861, quoted in Brian R. Dirck, "Posterity's Blush: Civil Liberties, Property Rights, and Property Confiscation in the Confederacy," in *Civil War History*, 48 (2002), 241.

not; and whereas, our only protection against such wrongs is to be found in such measures of retaliation as will ultimately indemnify our own citizens for their losses, and restrain the wanton excesses of our enemies.”² Such inflammatory language is noticeably absent from the Northern confiscation law, suggesting the value Confederates attached to slave property as well as their disdain for Northern attempts to violate its sanctity.

Congress designed the Act of Sequestration to strike at northern financial interests within the Confederate states. It mandated that Confederate officers would locate “all and every lands, tenements, hereditaments, goods and chattels, rights and credits within these Confederate states and every right and interest therein held, owned, possessed or enjoyed by or for any alien enemy.” Such property would be “sequestered by the Confederate States of America.” The confiscated property of “alien enemies” would be sold and the proceeds paid into a fund administered by the Treasury Department. A board of three Sequestration officials would hear indemnity claims made by “loyal Confederates.” The board would pass on its recommendation to the Confederate Congress, and after a special hearing, Congress would approve or reject the claims. Those claims approved by Congress were to be sent to the Treasury, which then would issue an indemnity to the claimant. The circuitous route established for indemnity claims ultimately gave Congress the final word on which “loyal Confederates” would be compensated for their losses.

The wording of the indemnity clause, however, was dubious at best for it stated that confiscated property “shall be held for full indemnity of any true and loyal citizen or

² “An Act For the Sequestration of the Property of Alien Enemies,” in *Confederate Imprints*, Reel 2 No. 49.

resident of these Confederate States, or other person aiding said Confederate States in the prosecution of the present war between the said Confederate States and the United States of America.”³ Nowhere did the act define or offer any criteria for identifying “true and loyal citizens.”

The authors of the Sequestration Act understood that the primary difficulty with enforcing the law would be locating northern-owned property. Business, tax, and legal records would be useful in shedding light on the whereabouts of some of it, but the Confederate government would rely heavily on information provided by ordinary citizens. As historian Brian Dirck noted, “the Sequestration Act accordingly required every Southerner to turn informant for the government.”⁴ Indeed, should Southerners prove reluctant to provide the government the information it sought, sequestration officials were given extraordinary punitive powers to search out and seize confiscable property.⁵

Enforcement of the law fell to two newly created arms of the Confederate Department of Justice, receivers and federal grand juries. Receivers, appointed by Confederate District Court judges, tracked down, seized, and auctioned property belonging to alien enemies. Federal grand juries aided the receivers, receiving testimony

³ Ibid. There is a surprising paucity of scholarly work examining the Act of Sequestration and how it was implemented across the Confederacy and its impact on home front morale. Only a handful of works exist that examine this controversial piece of Confederate legislation. See Dirck, “Posterity’s Blush;” Mark E. Neely, Jr., *Southern Rights: Political Prisoners and the Myth of Confederate Constitutionalism* (Charlottesville: University Press of Virginia, 1999); James G. Randall, “Captured and Confiscated Property During the Civil War,” in *American Historical Review* 28, (Oct. 1913); Daniel W. Hamilton, *The Limits of Sovereignty: Property Confiscation in the Union and the Confederacy During the Civil War* (Chicago: University of Chicago Press, 2006); T. R. Havins, “Administration of the Sequestration Act in the Confederate District Court For the Western District of Texas, 1862-1865,” in *Southwestern Historical Quarterly* vol. 43, 1940 and Thomas G. Dyer, *Secret Yankees: The Union Circle in Confederate Atlanta* (Baltimore: Johns Hopkins University Press, 1999).

⁴ Dirck, “Posterity’s Blush,” 242.

⁵ Ibid.

and interrogating those suspected of being alien enemies. The act empowered officials to fine and jail individuals who refused to answer questions regarding the whereabouts of enemy-owned property. Violating of the law was a high misdemeanor, and those caught hiding confiscable property were fined double the value of the property they hid from the government in addition to receiving the regular fine and were also subject to imprisonment for up to five years.⁶

The Sequestration Act also charged the Confederate Attorney General with putting the law into effect. Aside from that stipulation, however, it set no parameters or limitations on the power of Receivers and grand juries to acquire the information they sought. Furthermore, its general silence on nearly all interpretive matters placed the awesome responsibility of defining the terms “loyal Confederate” and “alien enemy” entirely in the hands of local sequestration officials.⁷

Moreover, unlike other federal laws passed by the Confederate Congress such as conscription, impressment, and tax-in-kind, which were administered by state officials, sequestration proceedings were the exclusive jurisdiction of the Confederate District Courts. Judges thus wielded unprecedented and centralized power. As one historian has noted, “in somewhat the same sense that Louis XIV, the Grand Monarch of France, is credited with saying, “*L’etats c’est moi*,” it might also be suggested of the district judge that he was the court.”⁸ During times of adjournment District Court judges executed

⁶ Ibid. Act of Sequestration, section 2, *Confederate Imprints*, Reel 2 No. 49.

⁷ It should be noted that the Act required receivers and grand juries to act in a “just manner” and also called upon the Confederate Attorney General to establish guidelines for implementing the law, but no Attorney General did so. See Dirck, “Posterity’s Blush,” 242.

⁸ William M. Robinson, Jr., *Justice in Grey: A History of the Judicial System of the Confederate States of America* (Cambridge: Harvard University Press, 1941), 62. Although Robinson acknowledges the

many of their duties from chambers. Among them was the duty of appointing individuals to serve as officers of the court. The courts employed many officers including the district attorneys, clerks of court, bailiffs, receivers, and grand juries. In this regard, the make-up of the entire Confederate District Court system was based exclusively on political patronage. In North Carolina even the office of sheriff, traditionally one of the few offices for which yeomen and poor whites could vote, became an appointee of the District Court judge.

Asa Biggs was the Judge of the North Carolina Confederate District Court. Notably, he was an original secessionist and, like David Schenck, a founding member of the States Rights Party. Indeed, North Carolina secessionists tellingly chose to make Goldsboro rather than Raleigh the Confederate administrative center of the state, and it was there that the Judge Biggs presided over the District Court. He personally appointed every officer of the Confederate court in North Carolina, including David Schenck. By August of 1862, the administrative details for establishing and operating the court were finalized. It had concluded old business pertaining to prewar cases, rendered judgments on the Admiralty docket for which it also had jurisdiction, and now turned its full attention to the business of sequestration.

Following the events associated with executing the Act of Sequestration in North Carolina, and David Schenck's role in the entire process, unfortunately is rather like tracing the path of a single thread through an intricately woven cloth. The bureaucratic machinery for facilitating sequestration was complex and many portions of the process are undetectable. With few exceptions, those Confederate court officers who kept diaries

unprecedented power exercised by Sequestration officials, he ultimately concludes that there was nothing untoward in the Confederate judiciary's implementation of Sequestration.

and journals during the Civil War seldom recorded the details of their involvement with sequestering alien enemy property. The identities of grand jury members were secret, and the minutes of their meetings and interrogations destroyed after each session. Rather than keeping detailed records of all property confiscated, sold, and the amount the property fetched at auction, Receivers reported to the District Court only on those properties that were sold. In this way the Confederate District Court of North Carolina placed a partial veil of secrecy over sequestration that continues to distract historians.

The court's desire for secrecy in regards to sequestering the property of alien enemies further begs explanation. A handful of documents pertaining to Schenk's duties as Receiver still survive. When viewed alongside entries made in his diary and other surviving evidence from elsewhere in the Confederacy, a picture begins to emerge. According to Schenk's Receiver's bond, on file with the District Court in Goldsboro, he served as Receiver for the district of the Western Piedmont, which included Cleaveland, Catawba, Lincoln, Gaston, Iredell, and Mecklenburg Counties.⁹ The district covered roughly the same area as the judicial circuit he rode only a few months before. He began his work sometime in August 1862, at the precise moment that North Carolina's economy began its rapid decline as a result of the blockade and profiteering on the home front. "[A]n inward canker worm is preying on our vitals," he complained on September 1. "Extortion, blockade and scarcity has raised the necessities of life to such fabulous prices that actual suffering exists among us, and that too among the families of absent soldiers.

⁹ Receiver's Bond in Record Group 21, North Carolina District Court Records, Confederate Court Garnishment and Sequestration Wilmington 1862-1864, Box 3, RG 21 National Archives and Records Administration Southeast Regional Branch, Atlanta, Georgia. Hereinafter cited as NARA (Atlanta).

There are silent indications of gathering trouble from this source, which make patriots tremble,” Schenck added.¹⁰

“I am engaged these days in my duties as Receiver,” he continued “and have recently sold \$20,000 worth of real estate confiscated in my district. Lands bring very high prices. Men who have money and do not wish to speculate fear a depreciation and prefer to invest their funds in permanent property which cannot well be destroyed, and in fact the abundance of money depreciates it and correspondingly increases prices of good property,” wrote Schenck.¹¹ According to the North Carolina Comptroller’s report for the fiscal year ending September 30, 1862, the gross tax value of all property in Catawba and Cleaveland Counties combined amounted to only \$15,532.65. The \$20,000 worth of real estate confiscated by Schenck thus encompassed an enormous amount of land and property.¹² In the adjoining district, Confederate Receiver C. N. White sold 354 acres of prime cotton land in Union County at auction for \$5.00 an acre on September 16, 1862. Assuming the land Schenck seized fetched at least the same amount at auction, he would have sold some 4,000 acres of land.¹³

There is more. Later that month, Schenck complained of soaring prices and the rising costs of property and slaves as the economy continued to flag. “Prices of negroes are enormous,” he noted, “likely boys bringing \$2000 – other property in proportion, in

¹⁰ Schenck Diary, September 1, 1862, SHC.

¹¹ Ibid.

¹² Comptroller’s Report for the Fiscal Year ending September 30th, 1862 in the War Department Collection of Confederate Records Chapter VIII, Volume 247, “Report of the Comptroller of Public Accounts, North Carolina, 1862, pp 141, 144, RG 109 National Archives and Records Administration Washington D.C., hereinafter cited as NARA (Washington).

¹³ District Court Records, RG21, Confederate Court and Garnishment, Wilmington, NC, 1862-1864, Box #1, Folder #2, NARA (Atlanta). This information comes from a sales report made by C. N. White to the Confederate District Court.

fact no one will part with property but under necessity.”¹⁴ His remarks regarding the desperate condition of the economy illustrate the fact that economic disaster was fast becoming a reality for the people around him. Yet in the midst of the economic despair rapidly enveloping the entire state, Schenck prospered. “Charles, my negro boy arrived in the cars – Col. Ramseur purchased him for me in Richmond for the sum of \$1225.00. From all I learn and see of him I think he will please me very well.... I feel about as proud of this acquisition as any I ever made.” He continued, “I have also just purchased from brother [brother-in-law] 2 ¾ acres of land on the Rocky-Branch for a pasture – which has a nice little meadow on it – it cost me \$50.00 an acre. This too is a very convenient addition to my little property and one I needed much.”

When Schenck began his duties as Receiver, he began to complain about profiteering among merchants and manufacturers. He often couched his frustration with wartime inflation in patriotic assertions that the rampant price gouging on the home front threatened to undermine the authority and credit of the Confederate government. He also argued that profiteers were sinners and certainly unpatriotic. “This war has taught us much of the inhumanity of man, which makes countless thousands mourn,” he wrote. “Extortion and speculation are the besetting sins of our people. First it began with the manufacturers and the whole country became excited and talked of regulating prices. It was considered unpatriotic to sell yarn at 2.00 per bunch. But the thirst for gain has spread among the producers until prices are only limited by the elastic consciences of the sellers. A farmer grumbles at everything and very deliberately asks 1.25 for corn and

¹⁴ Schenck Diary, September 24, 1862, SHC.

\$20. for flour, while wool commands \$2.50 per pound when .25 cts was formerly a good price,” he complained.¹⁵

Even more galling to Schenck was the fact that the principle on debts owed by Southern merchants to Northern suppliers was specifically excluded from sequestration until twelve months after a peaceful conclusion to the war. So frustrated was Schenck with this clause in the Act of Sequestration that he wrote to Confederate Secretary of the Treasury, Christopher G. Memminger, asking that the clause be rescinded. “I hope you will pardon an humble individual in suggesting to you a source of revenue that ought to be used,” he wrote. “I refer to the vast amount of debts now confiscated to the use of the government and which the act of Sequestration does not allow to be collected by executors [Receivers] until twelve months after peace or until ordered by Congress.” He added that “money everywhere is more plenty than ever, and its abundance induces men to use it for speculation and extortion.” He further charged that “merchants and Jews especially, who owe largely, instead of aiding the cause by paying these debts thus confiscated are using it to raise prices and injure the credit of the government.” Schenck suggested that the solution to this problem was to “give the District Judges a discretion to order executors [Receivers] to issue for the whole or part of the sum as may seem best.” Such discretion granted to the District Judges would enable Schenck to punish those extortionist merchants and Jews that he believed were destroying the state’s economy.¹⁶

A diary entry made several weeks later in February 1863, however, sheds additional light on another source of Schenck’s frustration with profiteers, his own involvement with the practice. “I have \$1600 invested in cotton at 18cts,” he tersely

¹⁵ Ibid.

¹⁶ David Schenck to Christopher G. Memminger, December 28, 1862, RG 365, Treasury Department Collection of Confederate Treasury Records, NARA Washington D. C.

wrote. Perhaps his annoyance stemmed more from the fact that he was not maximizing his own profits.¹⁷ Yet as 1862 drew to a close, Schenck counted his blessings. He attributed his new prosperity to God's blessing and was conscious to offer his thanks and unswerving devotion. He added, "though extortion and speculation have borne heavily on the whole country and I have shared in its burthens yet the promises of God have been sure and steadfast," he wrote. "My profession of law was laid prostrate in the beginning of the war, and I looked with gloomy apprehension to the future. There my commission on the Commissary General's staff supplied my wants, but its duties were too onerous for my strength and I resigned. Then, by Providential occurrence, I was appointed Receiver under the Act of Sequestration – this office has unexpectedly proved very profitable to me. I have made in the last month or two some \$1800 which puts me out of debt and leaves me a negro man and \$1000 in cash, while I have good prospects for more. My next effort," he continued "will be to save enough money to build me a nice house and improve a spacious lot I have bought and paid for, and I believe God will in this as other things, bless the labor of my hands and give me the desires of my heart."¹⁸ Simply put, becoming a Receiver had resulted in vast personal profits for Schenck.

The question that must necessarily arise is what was the source of his financial well-being, especially at a time when, as a Confederate bureaucrat, he was paid in Confederate currency which was depreciating daily? The Receivers ledger for the Sequestration Fund from the Confederate Treasury offers one clue. According to the ledger, which recorded all funds remitted to the Sequestration Fund each year by each Confederate States Receiver, David Schenck's district remitted only \$3,610.24 in the year

¹⁷ Schenck Diary, February 1863, SHC.

¹⁸ Ibid., December 1862.

1862. It also shows that Schenck was paid \$319.58 to cover the cost of expenses incurred while executing the duties of his office.¹⁹ There is no evidence, in other words, that the full \$20,000 worth of confiscated real estate sold at auction in September was ever deposited into the Sequestration Fund in Richmond. Could it be that the Confederate District Court disbursed those and other funds liberally among the officers of the court?

Again, there is a clue. On January 1, 1863, Schenck blithely recorded in his diary, “the beginning of another year finds me in prosperity and peace; and with health, raiment and food.”²⁰ He also included a list of all the various properties he had acquired over the previous year, which, in his estimation, was worth \$9000. During the following month he added, “I am entirely absorbed these times in the scheme of building me a new house and improving my premises at the end of town,” seemingly oblivious to the economic despair developing around him. “I am prosecuting my official business as Receiver to get the funds. I have \$1600 invested in cotton at 18cts, and have agreed to sell my present house and lot for \$2000. I want \$4000 before I begin. I have just put me out a nice little orchard and am cleaning up the grounds. I feel very proud of my enterprise and hope that God will bless me in my efforts to complete it.”²¹ Though admittedly limited, the evidence is clear that Schenck used his post as Receiver to become a wealthy man. Given his relatively modest salary as well as the legal requirements of the Sequestration Act, one must conclude that somehow he profited directly from the seizure and sale of “alien land” he so diligently pursued.

¹⁹ War Department Collection of the Confederate Treasury Department, Chapter 10, Volume 207, Accounts of Receivers Sequestration Fund, 1862, RG 109, pp 631-632, NARA (Washington).

²⁰ Schenck Diary, January 1, 1863, SHC.

²¹ Ibid., February, 1863.

A closer look at the surviving evidence reveals much about the system by which Sequestration was applied in North Carolina and how Schenck could become wealthy as a result. North Carolina had twenty Receivers; considerably more than nearly all the other Confederate states. According to the Sequestration Fund ledger, North Carolina Receivers remitted \$292,226.93 to the sequestration fund between 1862 and 1863. For reasons that are not clear, no revenue from confiscated property was remitted to the Sequestration Fund from North Carolina after 1863, in spite of the fact that petitions to the court for issuance of writs of *Fieri Facias* and *Venditioni Exponas* signed by Schenck and other Receivers well into 1864 still exist.²² Three of the most active Receivers in the state were Schenck, DuBrutz Cutlar, and Levi M. Scott, whose remittances collectively amounted to \$126,062.49, or 43 per cent of the North Carolina total.²³ The Receivers ledger for the Sequestration Fund in Richmond indicates that David Schenck's district remitted \$54,691.55 to the Sequestration Fund in 1863 – more than any other Receiver district in the entire state.²⁴ All three operated in districts where strong Unionist sentiment clashed sharply with Secessionists before the war began. This fact suggests strongly that there was a distinctly political edge to sequestration and that it was more than an effort to deprive Yankees of profits derived from the South. It suggests that Sequestration, or the threat of it, was also a loyalty test.²⁵

²² War Department Collection of the Confederate Treasury Department, Chapter X, Volume 207, Accounts of Receivers Sequestration Fund, 1863, North Carolina Record, at NARA Washington D.C.

²³ *Ibid.*, David Schenck's remittances amounted to \$58,301.79, Levi M. Scott \$24,149.70, and DuBrutz Cutlar \$43,611.00.

²⁴ War Department Collection of the Confederate Treasury Department, Chapter X, Volume 207, Accounts of Receivers Sequestration Fund, 1863, pp 631-632, at NARA Washington D.C.

²⁵ Schenck's district included Lincoln, Iredell, Mecklenburg, Catawba, Cleaveland, and Gaston Counties. Levi M. Scott's district included Person, Caswell, Alamance, Rockingham, and Guilford

The kind of property that Receivers went looking for also reveals much about how they viewed their mandate. While we know little about Schenck, other Receivers' dealings reveal a great deal. Receivers often targeted small family farms for confiscation, not the large tracts of commercial property as one might expect would be owned by a Northern investor. In December 1862, Scott advertised the following properties in a Greensboro newspaper:

133 acres in the South East part of Guilford co., adjoining the lands of Henry Shoffner, Jacob Shoffner and others - - also a life estate in 19 3-4 acres adjoining the first tract, known as a part of the lands of the late Samuel Coble.

Two thirds of a lot of 94 acres on Hickory creek, being the Interest of Isaac Fountain in the lands of the late Isaac Murphy.

The life estate of James Thornburg in 133 acres on Brush Creek and Horsepen, adjoining the lands of Joseph Thornburg, James Poe and others.

40 acres adjoining the lands of Wm. H. Brittain, R. M. Stafford and others, known as the lands of Andrew Meridith. Two small parcels adjoining the lands of Henry Foust, Peter Coble, Wm. Brown and others, known as the lands of Jacob Wheritt, one Parcel containing 6 1-4 and the other 19 acres.

46 acres known as the Beeson Mine on Deep River, adjoining the lands of Widow Beeson, J. R. Mendenhall & others. 68 acres on South Buffalo, adjoining the lands of Alson Oaky, William Walker and others, known as the lands of Smith Leonard.²⁶

Receivers apparently were not the least bit squeamish either about preying on the vulnerable within their districts. On January 15, 1862, Receiver C. N. White issued a

Counties; DuBrutz Cutlar was responsible for New Hanover County and two other counties (probably Brunswick and Pender Counties).

²⁶ Levi M. Scott, Sequestration Sale Broadside, in *Confederate Imprints*, 1861-1865; reel 15, no. 849-3. Published in Greensboro, North Carolina. Newspaper unknown.

garnishment on property occupied by Mrs. Adline W. White a widow in Caberus County.

On January 31, Mrs. White responded to the list of interrogatories included in the garnishment:

In answer to the following interrogatories, I have to say, I am Indebted to my son Harvey B. White, who is residing temporarily In the state of California, a note for \$624.22 due August 30, 1855 Subject to the following credits have one for \$22.50 dated February 18, 1856, one for \$200.00 dated December 11, 1856, and one for \$57.30 dated January 1, 1857. I also hold a note on my son H. B. White for \$362.00 due about the 1 of April 1854, which note Has since been destroyed by the burning of my house and its Contents. I held said note expecting it to be set off against the Note mentioned above. My son H. B. White has the one eighth Interest in my dower, the land on which I now live, which interest Is on the contingency of my death. The said tract of land is on The waters of Cold Water creek...containing 247 acres.²⁷

Widow or not, Judge Asa Biggs, at the request of C. N. White, issued a writ of *Venditioni Exponas* for the property and it was confiscated and sold at auction. Harvey White, Adline White's son, was declared an enemy alien by virtue of no other fact than he was residing in the state of California.

White actually faired better than most accused of being an enemy of the Confederacy. In April 1864, William Gordon of Wilmington, North Carolina, filed a petition in Cutlar's office. In his petition, Gordon alleged that "lot Nos. 1.2, 3B, and No. 78 according to the plan of town, belong to J. B. Allen alien enemy who lives somewhere in the enemy lines having escaped through arms about the year 1863."²⁸ He added that Allen was from New Hampshire and had lived in Wilmington for many years. This information was enough for Cutlar to condemn the property, sell it at auction, and

²⁷ Adline W. White to C. N. White, Confederate States Receiver, January 31, 1862, RG21 Confederate Court Garnishment/Sequestration Wilmington Box #1, NARA (Atlanta).

²⁸ Petition of William Gordon in DuBrutz Cutlar Papers, p. 89, Southern Historical Collection Wilson Library, University of North Carolina-Chapel Hill.

persuade the court to declare Allen an alien enemy. Less than one month after the sale of his property, J. B. Allen returned to Wilmington from behind enemy lines on the North Carolina coast, where he had been trapped for several months. Cutlar ordered the Sheriff to arrest Allen, and he was subsequently handed over to the military authorities to be punished for disloyalty.²⁹

The handful of studies that exist dealing with the Sequestration Act all fail to ask the one vital question that demands an answer: who was buying the confiscated property Receivers sold at auction? In an economy that quickly fell victim to hyperinflation and rapid devaluation of its currency, who possessed enough ready capital to buy so much land and property? Again, there are a few tantalizing clues. According to a receipt found among the DuBrutz Cutlar papers, J. B. Allen's property went to William Gordon, the man who accused him of being an enemy alien. Receipts from an auction held in Union County in 1862, indicate that Receiver C. N. White sold 354 acres of land and mineral rights on 288 other acres to Robert Hall Morrison, the father-in-law of Confederate General Thomas J. "Stonewall" Jackson, and also man who owned land adjacent to the property he purchased from White. Notably, David Schenck emerged from the Civil War owning six lots in town and several pieces of land near by. Did he profit as well from seizing and then purchasing valuable lands? Were "enemy aliens" and the "disloyal" simply men and women in the wrong place at the wrong time?

Another kind of property Receivers sought out was railroad bonds. The District Court files for North Carolina meanwhile are full of thousands of garnishments, issued to attorneys who acted as railroad bond brokers for countless individuals. Those bonds were sequestered and signed over to Confederate Receivers. There is no surviving record

²⁹ Ibid.

indicating what happened to any of those bonds after they were signed over into the custody of Receivers, but the possibilities for personal profit are obvious.

Few Southerners openly spoke out against Sequestration and those who did were often accused of disloyalty and subject to confiscation. In this regard, it appears that a Southerner could become an alien enemy by virtue of his or her behavior. Its few opponents stressed its unconstitutionality. One opponent, writing under the pseudonym “Nemo,” blasted the Act of Sequestration for its fundamentally unconstitutional nature. Wrote the legally astute “Nemo,” “The law should be repealed because it is unconstitutional. It is effectually, and to all intents, an *ex post facto law*, and a law impairing the obligation of contracts. It is called *retroactive*, but you cannot change the nature of a law by a name.” He further asserted that “*Ex post facto* laws and laws impairing the obligations of contracts, are, in their principles, precisely the same – one intended to apply to criminal, the other to civil transactions. Both being equally odious, they are coupled together in all our State and Federal Constitutions, and to prevent cruel injustice and secure the rights and liberties of the people are both *expressly prohibited*.”³⁰

Another intrepid opponent of sequestration, and of the Confederate government in general, was Richmond attorney John H. Gilmer. In 1862, the Confederate District Court of Virginia served Gilmer with a writ of Garnishment requiring him to reveal the whereabouts of property owned by his prewar Northern clients. Gilmer decided to fight the writ. His case went before the District Judge James Halyburton. Gilmer asserted that the Act of Sequestration was a moral travesty and referred to it as a “bill of

³⁰ Nemo, A Few Thoughts on the Confiscation Act, No. 1, *The Augusta Constitutionalist*, Augusta, Georgia, 1861, in Confederate Imprints, 1861-1865; reel 91, No. 2792.

ravishment.”³¹ Gilmer crafted a cogent thesis regarding the strange ambiguity and inconsistency attached to the Confederate authorities use of location as the primary criteria for determining citizenship. In the end, however, he argued in vain. Judge Halyburton offered a sweeping justification of Confederate authority, asserting that the “Constitution was made for citizens and friends, and not for the benefits of aliens and enemies.” He also argued that the Confederate States could “make war of any kind and in any shape which the discretion of Congress would dictate.”³² With that, Gilmer was compelled to comply with the writ of Garnishment. He remained under the watchful eye of the District Court for having dared question the authority of the Confederate government.

The operations of Federal Grand Juries, the other half of the Sequestration Act’s enforcement wing, are even more submerged in shadows. In accordance with time honored tradition, grand jury notes were destroyed at the end of each jury’s tenure, leaving no record of what transpired while it was convened. One set of Confederate Grand Jury notes have survived, however, and they reveal a darker side to the Sequestration Act’s bureaucracy. Those notes are from the Confederate Grand Jury convened in the Eastern District Court of Galveston, Texas, and date from November 1861 to January 1862. According to historian Brian Dirck, the minutes reveal a Grand Jury comprised of members from the upper echelons of the business and political world. During its tenure the Grand Jury investigated forty-nine people and interrogated untold

³¹ Dirck, *Posterity’s Blush*, 249. The transcript of the Gilmer case can be viewed in *Confederate States v. John Gilmer, Substance of the opening Argument of John Gilmer with Authorities: and the Opinions of Judge Halyburton Construing Sequestration Act, etc.* in *Confederate Imprints*, reel 15, No. 2750.

³² Dirck, “Posterity’s Blush,” 249.

numbers of other citizens.³³ Jury members were not content to simply search out enemy owned property, but rather to probe the depths of loyalty of suspect individuals. With limitless power to prosecute its investigations, the Grand Jury could compel community members to supply the information it sought. In Dirck's assessment of the East Texas Grand Jury minutes, "the Sequestration Act created a capricious system which empowered Confederate officials to conduct extensive and nearly limitless investigations into the hearts and minds of their fellow citizens. Whether other grand juries or sequestration officials availed themselves of this opportunity is not known; but the opportunity was there, and that was the real issue."³⁴ Did the Grand Jury of the Western Piedmont with which David Schenck worked so closely operate in a similar fashion? Did they seek to probe the members of their community for signs of disloyalty? Sadly, we cannot know, for the Confederate District Court of North Carolina did its work well in hiding from contemporaries and modern historians alike the details of the work of its Grand Juries.

During the winter of 1863 the second Conscription Act went into effect, enlisting all able-bodied men between the ages of eighteen and forty unless exempted. Conscription already had placed a severe strain on the work force and crippled the home front's ability to both produce enough food to sustain itself and support the war effort. More and more, North Carolina families fell into financial ruin as the war ground on, and

³³ Ibid., 250. In his article on Sequestration, *Posterity's Blush*, Dirck asserts that Confederates used the threat of Sequestration and other forms of punishment as a stick with which to beat would-be dissenters. His article is the only study to include the Grand Jury minutes, which are located at the University of Texas Center for American History, Austin, Texas. See also T. R. Havins, "Administration of Sequestration Act in the Confederate District Court for the Western District of Texas, 1862-1865," 43, *Southwestern Historical Quarterly Online*, http://www.tsha.utexas.edu/publications/journals/shq/online/v043/n3/contrib._DIVL501.

³⁴ Dirck, "Posterity's Blush," 253.

a deep and bitter resentment began to spread among those whose sufferings and sacrifice for the war effort seemed grossly disproportionate. Women especially felt the sting of privation and hardship. Thousands of women openly encouraged their men folk to desert and come home.³⁵

In March 1863, Schenck observed the scene of enlistment day in Lincoln. “The Enrolling officer, under the Conscription Act, enrolled all citizens up to 40 years old, today at this place. It was a solemn occasion and much seriousness prevailed. There was no denunciation of the law but a deep feeling of sadness at its necessity,” wrote the twenty-eight year old Schenck. “Many families are left in a helpless condition. I have no heart to dwell on these necessary burthens – the history of this war will be one of many sorrows and sublime patriotism.” He concluded his observations of this most solemn event with a comment that has the ring of a note for posterity. “My office as Receiver exempted me. I feel grateful for the escape, as my health is not sufficient for any military duty,” he wrote.³⁶

Schenck’s privileged position as a secondary Confederate bureaucrat – an officer of the District Court invested with great powers to conduct the business of the Confederate government, seemingly blinded him to the reality. He certainly acted as if he was blissfully unaware of the depths of his own corruption, for only eleven days later, after lamenting the conscription of the last remaining cohort of men on the home front and the terrible circumstance the situation left countless women and children, Schenck roundly criticized his fellow Tar Heels for engaging in the “unpatriotic” economic

³⁵ For a thorough examination of the plight of women on the home front see George C. Rable, *Civil Wars: Women and the Crisis of Southern Nationalism* (Urbana: University of Illinois Press, 1989).

³⁶ Schenck Diary, March 9, 1863, SHC.

practices with which he too was involved. “The...question of food is more momentous,” he wrote, “...our citizens everywhere have been seized with a mania for speculation and riches which blinds their patriotism and induces them to raise cotton and tobacco, when they ought not to spare an acre from breadstuffs.”³⁷

He further complained of the continual depreciation of Confederate currency and soaring inflation. Food shortages were by then an alarming fact particularly among the poor, whose lack of the even the most basic food caused great concern on the home front. Schenck, however, took a somewhat condescending view of those great sufferings, writing, “I devote all my spare moments from my official duties as Receiver, to my little plantation. I was providentially spared from the vice and infirmity of laziness and whenever my hands find anything to do I do it with all my might. Thus far by God’s blessing I have food and raiment and some to spare, and I feel encouraged still to put my trust in Him.”³⁸ His criticism of Tar Heels’ “mania for speculation and riches” and his thankfulness for being “spared from the vice and infirmity of laziness,” though implicit, offers an early glimpse of his views of the poor and the reasons for their suffering as well as his disdain for those who opposed the Confederacy. The “logic” of Schenck’s views on these issues were as follows: they are poor because they are lazy; they suffer because they are greedy, and they are disloyal because they lack the moral character to be patriotic. Yet Schenck could also write that “my office has supported my family and yielded me about \$2200 profit which I have invested in cotton at 18 cts.”³⁹ If it was immoral and unpatriotic for farmers to grow cotton for profit, then why was it not so for

³⁷ Ibid., March 20, 1863.

³⁸ Ibid.

³⁹ Ibid.

Schenck to purchase their cotton and sell it for his own profit? This was a question he never tackled.

That summer Schenck confronted another mounting crisis that threatened not only to prevent him from carrying out his duties as Receiver, but also to place him in physical danger. Discontent on the North Carolina home front reached the boiling point by the summer of 1863. Across the state, desperate women pleaded with all levels of government for relief from the chronic lack of food on the home front. Angered by the Confederate government's apparent indifference to their despair, a mob of furious women descended upon the storehouses of several merchants in Salisbury, demanding that owners sell them flour and other necessities at a price they considered fair.⁴⁰ The women forced their way into several storage rooms and made off with as many supplies as they could carry. Similar food riots took place elsewhere in the state as desperate women took decisive action in accessing the necessities of life.

Worse yet, their desperate and guilt-laden appeals to their men serving in the Confederate armies began to take a toll. Desertion among North Carolina troops in 1863 soared to new levels. Schenck believed that this crisis on the home front portended an ominous future for the Confederacy. "News from all quarters is that desertion is progressing to an alarming extent," he wrote, "and disloyalty is everywhere increasing and growing bolder – women and mothers advise their brothers and sons to desert, and protect and harbor them at home." The apparent weakness and inability of the Home Guard and Militia to round up the deserters further upset him. He wrote, "there is no power at home to take them [the deserters] - the militia officers have not the force and are

⁴⁰ See Paul D. Escott, *Many Excellent People: Power and Privilege in North Carolina, 1850-1900* (Chapel Hill: University of North Carolina Press, 1985), 65-66. Salisbury is in Davie County, which was part of the district that adjoined Schenck's district.

not sustained by the people at home. It has almost fallen into disuse and the country is getting full of deserters. In the disloyal counties formerly Unionist – as Yadkin and Wilkes – they number hundreds and are committing depredations on person and property. This evil is alarming to every patriot.”⁴¹

The issue of desertion among North Carolina troops was closely associated with the suspension of the writ of *habeas corpus* in 1862 and the perceived threat to the independence of the state’s judiciary posed by the Confederate government’s encroachments on civil liberties by acting upon the suspension of the writ. North Carolina Supreme Court Chief Justice Richmond M. Pearson was a zealous defender of the state judiciary’s independence and feared the Confederate government’s assumption of the power of arbitrary arrest. Pearson defended the rights of North Carolina deserters and often discharged them from service or sent them back to the army without imposing any sort of punishment or fine. Secessionists such as Schenck were outraged at the leniency Pearson showed to deserters. “This evil [desertion] has been greatly stimulated by the various decisions of Chief Justice Pearson, who has been discharging conscripts and deserters on almost every pretext, until this class of persons expect (and with some reason) protection from him for every offense,” Schenck wrote.⁴² According to North Carolina historian Marc Kruman, “the independence of the state’s judiciary seemed threatened in mid-1863 when Secretary of War James A. Seddon...blamed the desertion of North Carolina troops on the general belief that the state courts had declared the conscription law unconstitutional, and he asked the governor to use his influence to

⁴¹ Schenck Diary, June 11, 1863, SHC.

⁴² Ibid.

restrain the judges.”⁴³ Conservative Governor Zebulon Vance, who also championed the independence of the state’s judiciary, flatly refused. Yet the power of arbitrary arrest and confiscation had already been at work with a modicum of stealth among the people of North Carolina in the form of Sequestration.

Desertion, disloyalty, and discontent within Schenck’s own district that summer quickly led to violence. “The first evidence of counter revolution and civil war at home has just been seen,” he lamented. “One hundred militia men, armed with shot guns and common rifles, some infantry, others riding, all provided with three days rations and under the command of Lt. Col. Caleb Ramsour, passed out of town at 5 O’ck to attack and capture a formidable band of deserters who are collected around the little mountain some twelve miles east of this place.” Schenck augured that “these are but the beginnings of the troubles drawing near to us and my heart sickens at the prospect.”⁴⁴

The situation on the home front continued to deteriorate at an alarming rate through the year. Confederate currency became all but worthless and, according to Schenck, “amounting to almost utter ruin.”⁴⁵ Schenck continued to interpret the home front crisis as the result of wickedness among the debauched masses. Indeed, he saw their discontent as a potential lightening rod likely to draw the wrath of God upon the whole Confederate nation. “Good men everywhere tremble and pray awaiting God’s inscrutable Providence, while the wicked grow worse and more hardened. Avarice reigns

⁴³ Marc W. Kruman, *Parties and Politics in North Carolina, 1836-1865* (Baton Rouge: Louisiana State University Press, 1983), 247. See also Mark E. Neely, *Southern Rights: Political Prisoners and the Myth of Confederate Constitutionalism* (Charlottesville: University Press of Virginia, 1999), and Harold M. Hyman, *To Try Men’s Souls: Loyalty Tests in American History* (Berkeley: University of California Press, 1980).

⁴⁴ *Ibid.*, August 13, 1863.

⁴⁵ Schenck Diary, November 24 and 25 1863, SHC.

supreme, and revels in its gains even among the carnage of battle.” Depravity and sin, he believed, had so permeated the hearts of the people on the home front he felt compelled to beg God for mercy. “The hearts of our people seem to be entirely hardened – vice, debauchery, fraud, profanity, covetousness, and every sin of the world seems to increase in alarming strides,” he wrote. “Oh God!, while we confess our sins and thy righteous judgements, we implore thy mercy upon us.”⁴⁶

At the close of 1863, Schenck reflected on the events of the past twelve months and summarized the situation facing the North Carolina home front. Yet in spite of disastrous battlefield reverses, the collapse of the economy, political ineptitude, privation, and pervasive discontent among Tar Heels, Schenck expressed optimism and continued loyalty to the Confederate cause. “I do not despair,” he wrote. “I believe a just and merciful God will not permit our barbarous and wicked enemies to triumph over us. We deserve chastening and may receive it, but I still trust Him for final deliverance from the awful consequences of conquest and subjugation.”⁴⁷ In sharp contrast to the impoverished condition of untold thousands of people within his district that he witnessed on an almost daily basis, Schenck also unashamedly boasted of his abundant personal profits. “Thus far this merciful Providence has been bountiful and gracious and I have lacked for no good thing. I have now a years supply of every comfort, and have only to apprehend the cruelty of our enemies.”⁴⁸

Yet as the year 1864 dawned in the cold of winter, Schenck became sullen and gloomy. “I have lived to see the glorious fabric of the revolution totter and fall beneath

⁴⁶ Ibid.

⁴⁷ Ibid., December 1863.

⁴⁸ Ibid.

the strokes of fanaticism and infidelity of its inheritors,” he penned. “[T]o see a vicious sentiment triumph over faith and principle and subvert the nation: giving thereby another historical evidence of the instability of republics; and developing some of the errors of our Declaration of Independence – Especially that all men are not free and equal by birth.”⁴⁹ He deplored the wickedness and depravity that seemed to spread among the people of the home front like yeast through dough. “There is great demoralization among the trading classes owing to the fluctuating character of the currency (which consists now wholly of Confederate Treasury notes the state issues being held as investments) and contracts and promises are rarely kept if interest induce their violation,” he wrote with mixed feelings. “In many, very many instances the troubles and trials of the country harden the heart of our people, and the ties of affection and sympathy seem to be entirely lost. Wickedness, profanity and ungodliness are seen and heard everywhere, and those who take a scriptural view of things attribute much of our sufferings to this cause.”⁵⁰

The year 1864 saw the active formation of an opposition party in North Carolina, which was led by the Conservative turned peace advocate William W. Holden, editor of the *Raleigh Standard*. Additionally, counterrevolutionary groups such as the Heroes of America began active campaigns of subversion and sabotage against the Confederate Government. Indeed, 1864 marks the year in which the power and sway of the secessionists was truly broken in North Carolina.

In February, Schenck lamented the condition of home front politics. “It is sad to good men to see the demoralization of our people politically, at home. The disaffected and tories, led by that infamous wretch, Holden, are agitating for a convention for the

⁴⁹ Schenck Diary, January 19, 1864, SHC.

⁵⁰ Ibid.

purpose of seceding from the Confederacy,” he wrote with disgust. “A few old Unionists who have lost all respect and political influence are anxious for any change, even to submission that they may regain strength and destroy Southern leaders.”⁵¹

The political landscape of the state was again in transition. Political upheaval pitting fundamental ideologies against each other resurfaced. The sun was quickly setting on the secessionists whose tenacious stand for republican/elitist rule had led the state down the path of perdition. The Conservative Party, comprised of Unionist Democrats and Old Whigs and led by the dynamic Governor Zebulon B. Vance, had seized the reins of political power from the secessionists in 1862. The Conservatives, though deeply resentful of Richmond’s flagrant disregard for states rights, were committed to staying the course of the war and would demonstrate political brilliance in coming elections.

In opposition to Governor Vance was the Peace Party led by Holden. Appealing to the disaffected and now impoverished hordes of North Carolinians who demanded an end to the war, Holden became the champion of the peace movement in the state. Secessionists like Schenck had nothing but antipathy for Holden and his constituency of the *Hoi Polloi*. “[T]hese wretches are getting bold,” wrote Schenck. “The rank and file of the faction are the lowest population of the country – contemptible either by their ignorance, or generally by their vicious character, such men as never dared speak in time of peace.”⁵² Schenck’s contempt for the ignorant, who were exercising their political voices for perhaps the first time, was undisguised as he fretted over the growing number of peace advocates in surrounding counties. “I was grieved to see Gaston County so

⁵¹ Ibid., February 19, 1864.

⁵² Ibid.

much disaffected, chiefly through the influence of one Wm. Stone, a man of bad moral character, but whose profession as a physician gives him some standing,” he wrote. “The intelligence of the county is all loyal but the bad men of every class are united in opposition to the Government and the war – in fact are tories of the worst stamp.” He even went one step further noting that, “one observable feature is that the tories of this day are the direct descendants of the tories in the revolution of 1776.”⁵³

Even in the overwhelmingly Democratic Eighth Congressional District, which included Lincoln County, the tide turned against the secessionists. As the gubernatorial election of 1864 geared up, Conservatives were determined to dislodge William Lander from his Congressional seat. Lander, who ran unopposed in 1861, had grown to be despised throughout the district. Former Unionist Whig Judge William Preston Bynum of Lincoln County was the Conservatives’ first choice for party candidate. Bynum, however, felt that he was too embittered by partisan warfare to make an effective candidate. “I have been kept under by the Democracy in this & surrounding counties, so long & with such triumphant satisfaction to their leaders, that I confess that my carnal mind is enmity against them, & I have an inward uprising when I have a prospect of putting *them* where they have so long kept me,” he confided to a close friend.⁵⁴ The nomination therefore went to James Graham Ramsay of Rowan County. In the election that November, Ramsay defeated Lander, and the Conservative revolution, which had begun two years earlier with the election of Vance, broadened into a sweep of nearly all congressional districts throughout the state.

⁵³ Ibid.

⁵⁴ William P. Bynum to James G. Randall, August 24, 1863 in James Graham Ramsay Papers, Southern Historical Collection, University of North Carolina at Chapel Hill, quoted in Kruman, *Parties and Politics*, 253.

The race for governor, meanwhile became a referendum on the war. Both Holden and Vance were Conservatives, but they differed on one vital issue, the terms of peace with the North. Holden advocated peace and reunion with the North on fair and honorable terms. He wanted the state to assert its sovereignty by breaking with the Confederate states and entering into peace negotiations with the Federal government.⁵⁵ In contrast, Vance, who also championed state sovereignty and personal liberties, believed that peace with reunion was not only an impossibility, but also undesirable. Holden thus accused Vance of siding with the secessionists and argued that the governor was lukewarm on the issues of state sovereignty and protection of personal liberties. Vance responded by distancing himself from the secessionist-Democrats, and he had expressed no qualms about blaming them for the present crisis. From the stump, Vance heaped scorn on secessionists, casting them as “destructives” responsible for bringing the state low. According to historian Marc Kruman, “when editor Edward Hale urged Vance to court the secessionists or face the prospect of a Democrat’s entering the race, Vance replied: “I don’t agree with you about the the [sic] secessionists running a third man. They are as dead as a door nail – they will be obliged to vote for me, and the danger is in pushing off too big a slise [sic.] of the old union men with Holden.”⁵⁶

David Schenck reluctantly acknowledged Vance’s likeliness to beat the hated Holden and supported him accordingly. “Gov’r Vance, is understood to be the candidate for reelection,” he wrote. “[A]ll patriots in the state are disposed to support him for the

⁵⁵ Congress’s renewal of the suspension of habeas corpus was the source of Holden’s disenchantment with the Richmond government. Holden, like many North Carolinians, feared that the Confederate government was becoming a centralized military despotism. He saw the suspension of habeas corpus as evidence that Davis’s administration was rapidly developing into an arbitrary government. Many North Carolinians believed that the suspension of habeas corpus was directed at them as an effort to squelch advocates of peace. See Kruman, *Parties and Politics*, 259-265.

⁵⁶ *Ibid.*, 261.

sake of union and harmony in the great cause and for that reason to ignore for the present all minor differences in politics or opinions; as the Gov'r is perhaps the best man who has strength enough to beat Holden."⁵⁷ In the end Vance won a signal victory over Holden. Schenck was greatly encouraged by the victory. "Vance beats Holden 50,000 votes and the voice of the people is for war to independence and no compromise," he wrote with much enthusiasm.⁵⁸ Nonetheless, the failure of the Secessionist-Democrats to produce a candidate and the subsequent death of their party helped widen the breach that had formed within the Conservative Party. The Holden/Vance split would remain permanent, with the Holden faction ultimately forming the nucleus of the North Carolina Republican Party following the war. The 1864 gubernatorial race was but the opening salvo of a political struggle between these two factions that would last for many years. The discourse stemming from the competition of these two political parties would ultimately give shape to the state's political landscape in the years following the Civil War.

In the spring of 1864, Schenck tried to convince himself that Southerners' confidence in the government and its prosecution of the war was strengthening. He attributed a perceived upswing in public morale to Congressional reform and a series of legislative acts that restored confidence and a sense of stability. "A great reaction, I might say enthusiasm, has taken place in the Confederacy in the last two months – attributable to several well grounded reasons," he confidently wrote. "1st Congress, was aroused by the reverses of the Fall campaign in the West, to devise some sure measures of reform. From this necessity sprang the Currency Act, giving more confidence in public credit. 2d The Military Bill, a very severe but just and necessary one, which will

⁵⁷ Schenck Diary, March 26, 1864, SHC.

⁵⁸ Ibid., August 20, 1864.

strengthen our armies very much – 3 The suspension of Habeas Corpus, which in this state at least has done infinite good – 4th The Tax Bill which while it is heavy, will feed and clothe the soldier and secure our armies.”⁵⁹ It is inconceivable that by increasing the tax burden, authorizing arbitrary arrests, and further centralizing the power of the Confederate government that North Carolinians, already engaged in acts of resistance to these very issues, might, as a whole, grow more confident about the conduct of the war. Such statements in truth only underscore the fact that as a true Confederate nationalist, Schenck had grown increasingly out of step with the majority of his fellow North Carolinians. Indeed, he now seldom ventured far from his home. “My Receivers office, which is my public duty, requires some writing and traveling, which takes me to Charlotte occasionally. With this exception I seldom leave home,” he wrote.⁶⁰

As the war ground on, Schenck seems to have felt increasingly isolated from Lincolnton society. “I very seldom go up the street [into town] and very little into society,” he confided to his diary.⁶¹ He devoted most of his time and effort instead to his farm. “I have been quite busy for three weeks on my farm trying to get my crop properly planted and worked,” he wrote in June.⁶² Farm work appealed to his paternalism and his

⁵⁹ Ibid., March 1864. The Confederate Currency Reform Act of 1864 “repudiated one third of the Confederate money supply” as a way of stabilizing the value of Confederate currency. See <http://eh.net/encyclopedia/article/weidenmier.finance.confederacy.us>. The Military Bill, as Schenck refers to it, was actually Senate Bill No. 51. It placed state all state troops under the direct control of the Confederate government. This bill met with furious resistance in many states because usurped individual states’ right an power to defend themselves. See <http://docsouth.unc.edu/bill51/bill51.html>. Late in 1863, the Confederate Congress renewed authorization of the suspension of the Writ of *Habeas Corpus*. This was the catalyst that sparked the split in the Conservative Party in North Carolina. The Tax Bill mentioned by Schenck was attached to Senate Bill No. 51 and increased the scope of impressments. This too caused a firestorm of resentment throughout North Carolina were food shortages were already at crisis levels.

⁶⁰ Schenck Diary March, 1864, SHC.

⁶¹ Ibid.

⁶² Ibid., June, 1864.

desire to acquire status through slave property. “I have increased my family by the purchase of a servant girl (Nancy) and her children which makes my requirements for food larger. I have put (Alice) another hoe hand in the field,” wrote Schenck the slaveholder.⁶³ He seemed quite pleased that he acquired these new slaves through clever speculation on his part: “the negro girl I speak of, with her children (11 yrs. and one 7 months) cost me \$6000 – I made the money by buying 20 bales of Cotton, which I exchanged for Yarn, then sold the Yarn.”⁶⁴

“The state of the country is now one of most intense anxiety,” wrote a fretful Schenck. “The last desperate effort of the enemy to take Richmond has begun, under their new Hero, Gen’l Grant – He crossed the Rapid-Ann on the 1st May, and attacked Gen Lee at the Wilderness on the 4th and 5th, where he was repulsed with great slaughter; he then moved by his left flank down the Ny river and attacked Gen Lee again on the 12th and 13th at Spottsylvania C. H. where he was again repulsed with fearful slaughter though not without inflicting severe loss on us,” he observed.⁶⁵ As the military campaigns of 1864 ground on, Schenck sensed the rising hopes and fears of Southerners. “Our people are very hopeful and confident trusting under the Providence of God to the veteran army and its venerable chief for success.”⁶⁶

Out of the blue, his illusion of a hopeful and confident home front shattered. On June 28, a courier arrived from Morganton, “announcing that the mountain Tories and raiders 400 strong had made a descent on Camp Vance, 2 ½ miles from Morganton,

⁶³ Ibid.

⁶⁴ Ibid.

⁶⁵ Ibid.

⁶⁶ Ibid.

captured 300 of the 17 year old boys in camp, burnt the railroad train and were advancing.”⁶⁷ The people of Lincolnton sprang into action and hastily organized a defense. “At once our quiet town was in commotion, the Court house bell was rung and the citizens assembled for consultation. It was a very serious time and every man felt that war had come to his door. A volunteer company, 58 strong, composing al present was immediately formed under command of Capt John F. Hoke and by 10 Ock pickets were thrown out on all the roads of approach and the balance were held as reserve at the Court House. I remained on picket all night on the Newton road,” Schenck proudly wrote.⁶⁸ The next day, the raiders retreated to their mountain hideaway followed, by a contingent of the Home Guard. The scare was enough to prompt the Lincolnton town council to organize a voluntary defense association and to petition the state for arms to equip its members.

In August, Schenck wrote optimistically, “on the whole victory is with us – the North admit the failure of the campaign, and the Peace party is rapidly gaining strength and boldness; and public opinion once more inclines to the opinion that this year will end the war.”⁶⁹ With the autumn, however, came bad news and a pervasive sense that the war lost. “The fall of Atlanta has taken place,” wrote a heavy-hearted Schenck in September. “It was evacuated on Thursday the 1st day of September by General Hood, who was outflanked by superior numbers on the west side of the city... to the country, it

⁶⁷ Ibid., June 28, 1864. Camp Vance was an induction and training camp for new conscripts. In 1864, the Conscription Act was expanded to include all men between the ages of 17 and 45. The 300 seventeen-year-old boys Schenck mentions were all new conscripts being trained at the camp.

⁶⁸ Ibid.

⁶⁹ Ibid., August 20, 1864.

seems to me, to be a vital wound. I write now on the 15th and were my feelings pictured they would be one of almost helpless, hopeless despair.”⁷⁰

One month later, Schenck finally encountered at a personal the human cost of the war that so many North Carolinians had already experienced. Dodson Ramseur had been wounded and captured at Cedar Creek. Although the war had grown unpopular in Lincoln County, Dodson Ramseur remained idolized as a local hero. He had risen to the rank of Major General and won much recognition for his gallantry and service to the Confederate nation. “Dod has been the idol of the family,” wrote Schenck. “[T]o whose safety and honor day by day we have looked with the most tender and affectionate anxiety. Oh! It is a hard stroke and words nor pen can describe our grief. May God pity him and be merciful to him, shall be our earnest prayer,” wrote Schenck.

The next day a telegram arrived announcing Ramseur’s death, “I wept more bitterly than ever tears ever flowed from me before and my spirit was broken within me,” Schenck lamented.⁷¹ The Federals sent Ramseur’s body under flag of truce to Richmond, where it lay in state over night at the Capitol. It was then conveyed to Charlotte. An honor guard escorted Ramseur’s coffin from Charlotte to Lincolnton. The funeral was sorrowful for the soldier had become a symbol not only of the youth and vitality of Lincolnton, but of the broken south itself. All of Lincolnton mourned.⁷²

The cold of winter seemed an appropriate environment for Schenck to mourn the loss of his dearest friend. Good news was a rare commodity that winter; for Schenck all

⁷⁰ Ibid., September 15, 1864.

⁷¹ Ibid., October 22-23, 1864.

⁷² For full details on Ramseur’s death see Gary W. Gallagher, *Stephen Dodson Ramseur: Lee’s Gallant General* (Chapel Hill: University of North Carolina Press, 1985).

had become bleak. The hope of a Southern nation, the dream he and Ramseur once shared, afforded him no comfort, for it too seemed lost. On every front ragged and exhausted Confederate armies faced an overwhelming foe. Schenck, like so many Southerners, resigned himself to wait with morbid anticipation for the *coup de grace*. His bitter disgust for the molestation of the Founders' vision of a self-governing republic filled the pages of his diary. "The experiment of a gigantic war has taught me the weakness of a Republic; and the failure of self-government," he wrote in bitter reflection. "[I]t has led me to prefer strength, to freedom as an element of happiness in the formation of a national government."

In that season of defeat and destruction, Schenck also could perceive with a new clarity the nature of the Founders' Republic and the source of its corruption. "When the ignorant, licentious and reckless population of Europe flooded our country as refugees or exiles," he complained, "and came without principles or policy or property, and began to use their free and equal suffrage, as their wantonness or wickedness might impel them...then we began to feel that we had a gift from the Greeks and that our liberties were guarded by a government too weak to protect them, and that the multitudes had the power."⁷³ He predicted that, "we will never find peace, permanency and happiness until some day we establish a monarchy, where intelligence and property shall be the ruling power of the state and where the absurd doctrine of the equality of man shall be as much condemned as it is now applauded."⁷⁴ Although Schenck's diatribe was influenced in part by his despair, his comments also undeniably constitute the most frank expression of

⁷³ Ibid., December 12, 1864.

⁷⁴ Ibid.

his views on the inequality of man and the weakness of republican government for governing the ignorant masses.

More recriminations welled up within him as he watched with disgust and despair the crumbling, one by one, of the states of the Confederacy. He blasted those who had resisted “Confederate tyranny” with sarcasm and invective. “Gov. Brown has let his vanity and stupidity destroy his patriotism, and Georgia fell ignobly, with her 15,000 state exempts scattered in terror through the state,” wrote Schenck.⁷⁵ In the last months of the war many leading Confederates advocated the conscription of slaves to replenish troop supplies for the desperate Confederate armies. Confederate General Patrick Cleburne had “advocated the enlistment of slaves in January 1864,” but the Davis administration adamantly opposed black conscription.⁷⁶ Later that year, however, secessionists generally came to support slave conscription as a last-ditch effort, although old Unionists offered stiff resistance. “In this hour of extreme peril, the inevitable negro seems to be the subject of the greatest consideration,” he observed. “Our white population being unable to furnish further recruits to the army, the idea of conscripting the negro and placing him in our military service is now freely discussed and General Lee has given the idea the weight of his great name and urges the plan on Congress.”⁷⁷ With much contempt, Schenck noted that “the Peace agitators and factionists in every quarter are urging objections against it. They say it is giving up the *casus belli* the principle for which we contend.”⁷⁸

⁷⁵ Ibid., December 1864.

⁷⁶ Bruce Levine, *Confederate Emancipation: Southern Plans to Free and Arm Slaves During the Civil War* (Oxford: Oxford University Press, 2006), 99.

⁷⁷ Ibid.

From the beginning, Schenck had maintained that the war was essentially religious in nature, the temporal manifestation of God’s unfolding plan. Whether the final outcome was judgment or deliverance, Schenck firmly believed that the hand of Providence was at work bringing His purposes to fruition. By the war’s end, Schenck was convinced that he understood God’s real purpose. “For myself I have become thoroughly convinced that the great design of Providence in this war is to exterminate our system of slavery as it is not the slavery of the Bible; and that this war will continue until that end is obtained,” he wrote. “If we be wise, in our day,” he warned, “we may respect his wishes and save our country; otherwise he will use our enemies to effect his purposes.”⁷⁹

A few short weeks later, Schenck made note of the events that surrounded the demise of the Confederacy. “I have but little heart to chronicle the downfall of the Southern Confederacy, my home and my country, for which I prayed and labored,” he wrote with bitter disappointment.⁸⁰ By the summer of 1865, the war was over, the rebellion was crushed, and the Confederate states lay in ruins. North Carolina had suffered a political, economic, and social blow that would leave deep scars on the hearts and minds of Tar Heels for generations to come. For most, defeat afforded an opportunity to reflect on the enormity of their loss. In the words of secessionist North Carolinian Catherine Devereux Edmonston who quoted Job, “the future stands before us dark, forbidding, & stern, whilst the happy past smiles back at us with the luster of a vanished summer sunset, & we have to repeat again and again to ourselves, ‘Shall I

⁷⁸ Ibid.

⁷⁹ Ibid.

⁸⁰ Ibid., May, 1865.

accept good from the hands of the Lord and shall I not also receive evil?”⁸¹ For Schenck, defeat cemented his distrust of democratic government and, moreover, the people of North Carolina as well.

⁸¹ Catherine Ann Devereux Edmonston June 26, 1865 in Beth Gilbert Crabtree and James W. Patton, eds., *Journal of a Secesh Lady: The Diary of Catherine Ann Devereux Edmonston, 1860-1866* (Raleigh: Division of Archives and History Department of Cultural Resources, 1979), 713. Job 2:10.

CHAPTER FOUR

RECONSTRUCTION, 1865-1868

On April 26, 1865, General Joseph E. Johnston defied the orders of Jefferson Davis and surrendered the tattered remains of his army to General William Tecumseh Sherman a few miles from Durham Station, North Carolina, near Raleigh. Federal troops remained for the rest of the year under the command of General John M. Schofield, who was charged with keeping the peace and assisting in reconstituting the state government. One month later, on May 29, President Andrew Johnson issued his Amnesty Proclamation, which pardoned all Southerners except fourteen specific classes of Confederate officials and wealthy planters. These exceptions required individuals to make a personal appeal for pardon directly to Johnson himself. Until officially pardoned, their property was forfeit and they could not officially convey title. It was clear that Johnson's vision for Reconstruction included a modicum of personal revenge toward the Southern aristocracy that had rejected him before the war.¹

¹ See Paul D. Escott, *Many Excellent People: Power and Privilege in North Carolina, 1850-1900* (Chapel Hill: The University of North Carolina Press), 85; Otto H. Olsen, "North Carolina: An Incongruous Presence," in Otto H. Olsen ed., *Reconstruction and Redemption in the South* (Baton Rouge: Louisiana State University Press), Chapter V; Edward H. McGee, "North Carolina Conservatives and Reconstruction" (Ph.D. diss., University of North Carolina at Chapel Hill, 1972) Chapter III, and Michael Perman, *Reunion Without Compromise: The South and Reconstruction, 1865-1868* (Cambridge: Cambridge University Press, 1973) 68-69. See also, Gordon B. McKinney, *Zeb Vance: North Carolina's Civil War Governor and Gilded Age Political Leader* (Chapel Hill: The University of North Carolina Press, 2004), 264-269; William C. Harris, *William Woods Holden: Firebrand of North Carolina Politics* (Baton Rouge: Louisiana State University Press, 1987), Chapter 8; Kenneth M. Stampp, "The Tragic Legend of Reconstruction" in Kenneth M. Stampp and Leon F. Litwack eds., *Reconstruction: An Anthology of Revisionist Writings* (Baton Rouge: Louisiana State University Press, 1969), 3-21, and Dan T. Carter, *When the War Was Over: The Failure of Self-Reconstruction in the South, 1865-1867* (Baton Rouge: Louisiana State University Press, 1985), Chapter One.

That same day, the president also issued another proclamation specific to North Carolina. In it, he announced that William W. Holden would act as provisional governor until a new state government could be formed and a new constitution written. Holden would oversee the convention that would rewrite the state's constitution and prepare the way for reentry into the Union. It was a tumultuous period that placed unprecedented strain on class and race relations in the Old North State. During that time, many poor whites and freedmen worked together under the banner of the Republican Party to establish a more democratic political reality for all the people of North Carolina. Secessionists and Conservatives like David Schenck meanwhile resorted to violence and intimidation to roll back democratic reform and maintain the old order.

The principle of white equality was the primary issue that underpinned Presidential Reconstruction. Between 1865 and 1867, North Carolinians struggled to establish greater political equality among whites, rewrite the state's constitution, and reorganize the structure of local power. Some prominent Tar Heels understood that change was unavoidable and sought to make the necessary adjustments. Many, however, took a conservative view and resisted all attempts to renegotiate the terms of power that had long been established in North Carolina society. Conservatives would win a minor victory against Holden and his Unionist administration by gaining a majority in the legislature in November of 1865, but ultimately their stubborn refusal to accept the Fourteenth Amendment to the Constitution fundamentally altered the character of Reconstruction by bringing even greater federal intervention into the state's internal affairs.

For David Schenck, the end of the war marked a period of great uncertainty and despair that began with Federal occupation of Lincolnton.² “On the 16th April,” wrote Schenck on the last day of May, 1865, “Gen’l Palmer’s brigade of cavalry took possession of this place (Lincolnton) and we were in their power for six days – in the meantime being compelled to feed the men and horses, three regiments.”³ Although the people of Lincolnton were required to feed the soldiers and their horses, they were otherwise treated kindly. “Though thus subjected to the rigors of war,” wrote an incredulous Schenck, “we were magnanimously treated in our persons and homes, both of which were protected from violence and molestation.”⁴

In the immediate aftermath of surrender, chaos otherwise ruled in the western Piedmont. Crowds of displaced persons wandered to and fro, bands of Confederate soldiers roamed the countryside looking for food as they followed their homeward paths, and freedmen began to exercise their new freedom by leaving the masters for whom they had labored for so long. Indeed, as many as 330,000 black North Carolinians “were no longer chattel.”⁵ The presence of so many people moving about at such an unstable time led to violence until Federal troops intervened. “At first we were threatened by armed mobs of Confederate soldiers, deserters, &c,” Schenck recalled, “but the Yankees put them down where they were, and in our own town we dispersed a large mob by promptly

² Ibid.

³ David Schenck Diary, May 31, 1865. S.H.C.

⁴ Ibid.

⁵ Escott, *Many Excellent People*, 113.

arming our citizens and defying their power and subsequently, by arresting 9 of them, who were the boldest of the crowd.”⁶

In spite of the uncertainty associated with defeat and emancipation, Schenck was initially optimistic about the future of wage labor in the South. “I expect to lose all my negroes - eight - but as there are many “freedmen” hunting labor I feel no uneasiness about procuring servants,” he wrote. “In fact I am half inclined to believe that after the social revolution is fully accomplished, we will be the gainers by the change.”⁷ His optimism proved to be short lived, however. Many freedmen remained transient and those who did enter into contract labor often demanded more wages than most whites either could or would pay. “My cook (Harriet) is unsettled,” Schenck complained, “and likely to leave me any moment, and it is difficult to supply a good cook’s place in the present emergency, while the whole system of labor is in a perfect chaos.” “Every fool negro thinks freedom consists in leaving his master and being idle as long as possible and while they are going through this preliminary enjoyment, and finding out the realities of their dependence the crops are suffering.”⁸

Schenck’s mood quickly changed to disgust and anger as the reality of the loss of control over the black population set in. “[T]he presence of these abominable, detestable Yankee soldiery demoralizes the negro, and destroys the influence or power of the former masters,” wrote a frustrated Schenck.⁹ “Holden is now provisional Governor and R. P. Dick District Judge for their opposition to the Confederacy and a Convention is ordered

⁶ Ibid.

⁷ Ibid.

⁸ Ibid., June 7, 1865.

⁹ Ibid.

to be called, under rules prescribed by Holden, to reestablish the Government and make a new Constitution. In short the reign of terror and persecution, and the day of trouble has begun – woe be to those patriots who loved their country, and staked all for its salvation. We scarce dare to think much less write our feelings and sentiments.”¹⁰

By June it had become clear that the federal government intended to punish prominent supporters of secession and the Confederacy. For Schenck, who had served as a Confederate States Receiver and had acquired a significant amount of property during the war, the future looked ominous. “The greatest perplexity of all... is that by the Yankee law all my property is declared confiscated, and the president, Andrew Johnson, in his proclamation of amnesty, excludes all civil officers, embracing me, and says that each one must make personal appeal for Executive clemency and it will be considered. This will put me to considerable cost and trouble and leaves me in great uncertainty as to the event,” he worried.¹¹ Schenck thus wrote to President Johnson in the summer of 1865 to request executive clemency, which he received by summer’s end. His future looked nonetheless uncertain, however.

Political instability as well as the threat of reprisal from Holden’s Unionist administration nonetheless loomed on the horizon. “Politics again seems to give some little animation and relief to the crushed sensibilities of our people,” Schenck observed. “The old Unionists are now having all their own way and will have the task of making the best terms out of their Yankee friends.” The prospect of a broadening political democracy in North Carolina was repulsive to Schenck, whose wartime contempt for the

¹⁰ Ibid. When Holden made his bid for Governor in 1864 he was supported by only three prominent men in the state – Robert P. Dick, Thomas Settle, and Alfred Dockery. See Olsen, *Reconstruction and Redemption in the South*, 159.

¹¹ Ibid.

“masses” now deepened. “The rabble, the ignorant and the timid think that they will save their necks by hallooing for these tory candidates, whom they have lately been so loud in denouncing. Good men who loved their country and mourn over its downfall are silent observers of the scene.”¹²

Economic stagnation and the general lack of currency in circulation only added to his miseries. “The condition of our people is poor indeed,” he complained. “The scarcity of money....is truly alarming....if a man worth \$5000 has a \$10 Greenback he feels well off – as a general rule you will not find one man in ten of our substantial citizens who have a cent of money.”¹³ For the rest of 1865, the lack of money was a constant worry. On one occasion his frustration with an allegedly dishonest businessman led to fisticuffs:

“On Friday 8th Sept I had the only fight which I have had since I became a man,” he wrote. “It was with John F. Phifer, a wealthy manufacturer whose insatiable love of money caused him to act dishonestly with me. In October 1864 he contracted to sell me 100 bunches of yarn for 2.00 per bunch to be paid in specie, giving me 3 years credit on the contract. I accordingly gave him my note and received 50 bunches of yarn before the Confederacy fell. Since then yarn has gone up to \$2.25 per bunch and he refused to deliver the other 50 bunches. These I demanded in a calm but firm manner twice, and on the second meeting he not only refused but used insulting language. After bearing much, he impugned my integrity, I gave him the lie and he attempted to strike me; having a heavy walking stick in my hand I struck him a severe blow and cut his head.”¹⁴

Bystanders separated the brawling men and no serious injuries occurred but the incident and the frustration that led to it lingered in Schenck’s mind for weeks.

¹² Ibid. See Escott, *Many Excellent People*, 85.

¹³ Ibid., August 16, 1865.

¹⁴ Ibid., September, 1865.

Ultimately his postbellum woes shook his faith to its foundations. “Occasionally I feel like ‘cursing God and die,” he wrote, “My internal conflict for spiritual life and existence is as great as my temporal difficulties.” As weeks and then months passed by with no money, no work, and no opportunities to earn money, Schenck increasingly felt abandoned by God, for “no token for good has been shown me for many months and a dreadful apathy oppresses me.” Even the strength of his sanity seemed in question; “the endurance of mental suffering is well nigh exhausted and I often have fears that my reason may leave me. May God pity me and the thousand suffering souls around me on every side,” he wrote.¹⁵

As the year drew to a close, however, Schenck’s prospects began to change. In November, Conservatives successfully voted Holden out of office. Jonathan Worth, formerly the state’s treasurer, became the new governor. Worth was a Quaker and a Unionist before the war, but when the state seceded he gave his support to the Southern cause if not to the war per se.¹⁶ Meanwhile, on New Year’s Day, Schenck renewed his partnership with mentor and former Confederate Congressman, the aging William Lander. Although he had not practiced law since the passage of the Stay Law in 1861, Schenck was eager for business. Reconstituting their partnership salvaged Schenck’s career at the bar and perhaps helped to save his reputation. As an original secessionist and in his duties as Receiver under the Act of Sequestration, he had acquired many enemies. Although Lander had lost his seat in the Confederate Congress by a landslide vote in 1864, he remained widely popular among the people of his old Congressional

¹⁵ Ibid., December 14, 1865.

¹⁶ See Beth G. Crabtree, *North Carolina Governors, 1585-1974: Brief Sketches* (Raleigh: Division of Archives Department of Cultural Resources, 1974), 97.

district. His support thus helped smooth some of the hostility aimed at Schenck and his ilk. Indeed, Schenck was pleasantly surprised by the warm reception he received at their first court in March. “I was unanimously elected County Solicitor by a court unanimously opposed to me in politics during the whole bitter contest just over,” Schenck recorded with a sense of relief.¹⁷

Schenck’s partnership with William Lander lasted two years, and he would inherit most of Lander’s clients after Lander died in January of 1868. Although he was well liked in the counties of the Western Piedmont, his ego never fully recovered from the political defeat that cost him his seat in the Confederate Congress in 1864. Always fond of whiskey, Lander took solace in drink after the war. Local merchants were all too willing to help him self-destruct by extending him unlimited credit to support his whiskey habit. Schenck later testified in 1880 that “I know that W. H. and C. Motz furnished to Mr. Lander a large amount of spirituous liquors for his own use. I think Mr. Lander used from 1 to 2 gallons a week the last year of his life. I know that he frequently during that time sent to Mr. Motz for liquor. During that time Mr. Lander’s family was in need of family supplies. I appealed to Mr. Motz as a personal friend to credit them in his store for supplies.”¹⁸

Acceptance back into the political fold of the judicial district of the Western Piedmont was a pivotal moment in Schenck’s personal history, but it also reflected the pattern of political alignment taking shape across the state. North Carolina Conservatives were closing ranks in the face of democratizing efforts on the part of the federal

¹⁷ Ibid., March 1866.

¹⁸ Testimony of David Schenck October 10, 1880 in the Lander Estate Suit. Estate Records – William Lander: Court Record 060.508.77, North Carolina Department of Archives and History, Raleigh, North Carolina.

government. By 1866, Johnson was locked in a bitter struggle with Radicals in Congress over the terms of Reconstruction and readmission of former Confederate states into the Union. Republican congressmen feared that Johnson's lenient attitude toward the Southern states was losing the peace and they pushed for more forceful measures.¹⁹

As the political battle took shape in Washington and in North Carolina, Schenck took stock of the situation from the hinterlands. "All would be well with us as we are quiet and unresisting, endeavoring to make the most out of our sad misfortunes but the Radicals in Congress are howling like incarnate fiends – taxing their ingenuity and wickedness to invent new modes of torture and insult for us which would soon grind us to powder," he wrote. And of President Johnson, who only a few months before Schenck described as a traitor and the bastard son of the South, he had nothing but praise. "The fine undaunted stand of President Johnson," he wrote, "who stands thus far like adamant against them [the Radicals]. He vetoed the Freedman's Bureau bill and the Radicals, fierce with rage, hurl defiance and invective against him; and suppressed menaces mark the language of either."²⁰ Schenck perceived that the political turmoil taking shape was but the opening salvo of yet another violent revolution in politics. "To a student of history every circumstance of the present situation portends the eve of another violent revolution in government," he augured. "I only hope that if revolution comes our deliverance will be near – may God so order his wise Providence."²¹

¹⁹ Escott, *Many Excellent People*, 86. See also Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877* (New York: Harper & Row, 1988), and Eric Foner and Olivia Mahoney, *Reconstruction: People and Politics After the Civil War* (New York: Harper Perennial, 1995).

²⁰ Schenck Diary, March 13, 1866. The Freedmen's Bureau was originally only supposed to be in existence for one year. Early in 1866, Congress voted to extend its operation. This is the Freedmen's Bill to Which David Schenck makes reference in this passage.

²¹ *Ibid.*

On April 9, 1866, Congress passed the Civil Rights Act over President Johnson's veto. The bill prohibited states from enacting any law that discriminated against, denied, or hindered the civil and Constitutional rights of citizens of the United States. It also declared that blacks were eligible to sit on juries, to sue and be sued, and could enter into contracts of their own accord. In short, it guaranteed civil and legal equality for the freed people. Passage of the Civil Rights Act set the political revolution that Schenck foresaw into motion and violence loomed on the horizon.²² Schenck, ever the lawyer, argued that the bill was unconstitutional. "This Bill abolishes all civil distinctions in the South on account of race or color and makes it a high crime for the state to enact or the judiciary to execute any law so discriminating – it is palpably in violation of the Constitution and subverts the state governments."²³

In 1866, North Carolinians faced several major decisions. The Fourteenth Amendment to the Constitution, which made all former slaves citizens and guaranteed them fair and equal treatment under law, would prove to be the explosive issue that would change the nature of Reconstruction itself. At the President's urging all the states of the former Confederacy with the exception of Tennessee, Johnson's home state, rejected the amendment. In North Carolina, Holden's Union Party, weakened significantly by his loss to Jonathan Worth in 1865, argued that if the Conservatives in Raleigh did not accept the amendment they would bring down upon themselves and the state the wrath of the radical Republicans in Congress. Complete federal intervention in the state's internal affairs and black suffrage were the next punitive steps he warned.

²² Perman, *Reunion Without Compromise*, 187; See also Joseph Gregoire de Roulhac Hamilton, *Reconstruction in North Carolina* (New York: Columbia University Press, 1914).

²³ *Ibid.*, April 10, 1866.

“When negro suffrage comes, as it will, if these warnings are not regarded, let no man say we are to blame for it,” warned the *Raleigh Standard*.²⁴

Governor Worth, who led the opposition to the Fourteenth Amendment, meanwhile was up for reelection. His chief opponent, Holden, accepted that he could not defeat Worth and in September gave his full support to fellow Unionist and close friend Alfred Dockery. In the election, Worth defeated Dockery by a majority of three-to-one. Clearly the opponents of the Fourteenth Amendment, who constituted the old order, were poised to reject the amendment on the grounds that they believed it to be illegal and unconstitutional, and it also threatened to dilute their power base. When the legislature met late in 1866 to vote on the amendment the outcome was predictable. In the Assembly representatives rejected the amendment by a vote of 93 to 10, and in the Senate by a vote of 45 to 1. In this singular act of defiance the old political leaders, those men that led the state out of the Union and into war, once again set themselves and the state in opposition to the will of Congress.²⁵

Schenck continued to believe that a violent racial revolution was in the making. Like so many other former secessionists and Conservatives, he could sense that they were losing political ground to the rising tide of Radical Unionist politics. The old order with its renewed emphasis on elitist politics and hierarchy was coming unraveled. The Radicals in Congress were bent on destroying forever the slave aristocracy, spreading the message of democracy and Republican ideology, and forcing compliance upon a defiant South.

²⁴ *Raleigh Standard*, September 29, 1866, quoted in Olsen, *Reconstruction and Redemption in the South*, 163.

²⁵ Olsen, *Ibid*.

In March of 1867, Congress took a further step, passing the Military Reconstruction Act, which declared the governments of those Southern states that had rejected the Fourteenth Amendment insolvent. The Act divided the South into five military districts and placed a U.S. Army General in charge of all affairs in each district until acceptable state constitutions could be drafted. In North Carolina General Daniel Sickles took command. Sickles was a politician turned general, and his administration of North Carolina was notable for his amiability and lack of interference with the governor's daily business. Sickles did insist, however, that military courts be established and that even civilians were liable to be tried in them. He also implemented the Fourteenth Amendment and the Civil Rights Act to the letter of the law, allowing blacks to serve on juries and sue whites. Secessionists like Schenck and Conservatives were outraged by his notions of equality. Civil and legal equality further divided North Carolina's soon-to-be Republicans and the old political elites. General Edwin R. S. Canby, a professional soldier, soon replaced Sickles. Although Canby was not fond of the policies established by his predecessor, he nevertheless upheld them and endeavored to get along with Governor Worth.²⁶

In 1867, North Carolinians once again voted for delegates to a state constitution convention. In the run-up to the election Conservatives were confident that their grip on power in the Old North State was sure. Conservative campaigning across the state that summer was noticeably less intense than it had been in previous elections. Moreover, a large portion of the state's Conservative voters were disgusted with the lack of progress in Reconstruction politics. Their disillusionment translated into widespread apathy. In

²⁶ Hugh Talmage Lefler and Albert Ray Newsome, *North Carolina: The History of a Southern State* (Chapel Hill: University of North Carolina Press, 1954), 468-70.

Raleigh, Holden and his supporters reorganized as the Republican Party and launched a vigorous campaign to register as many eligible black and poor white voters as possible. On the eve of the election, however, Conservatives counted statewide 30,000 more registered voters than the Republicans. On Election Day Conservatives got an unexpected surprise, as thousands of disillusioned Conservatives stayed at home. Apathy among Conservative voters was enough to erode the party's numerical superiority and give the Republicans a resounding victory. The call for a convention meanwhile was approved with 107 of the 120 delegates being Republicans.²⁷

The Constitutional Convention of 1868 produced a new state constitution with sweeping changes in all three of the government's branches. It ushered in the era of free public biracial education, rendered nearly every male voter eligible for every public office, and, perhaps most importantly, broke the power structure upon which the state's "squirearchy" rested by making positions of power at the county level open to popular vote. The effect was to sweep out of office county judges, justices of the peace, district attorneys, and clerks of court and to replace them with popularly elected individuals. In most counties blacks and poor whites, long excluded from holding such offices, assumed power. Popular democracy eclipsed Schenck and the old order of Lincoln County removing them from positions of power and influence.

Thus relegated to the margins of politics, Schenck and a coterie of malcontents would strike back by joining the Ku Klux Klan in 1868 and employ terrorist tactics designed to destroy political democracy and to restore the old order. On the Fourth of July, 1867, the *Lincoln Courier* noted, "the people of Lincoln County assembled at the court house in large numbers to see and be seen, &c. on the present occasion the recently

²⁷ Ibid, 471; Escott, *Many Excellent People*, Chapter 6.

franchised, numbering from twelve to fifteen hundred, assembled according to programme, to celebrate the day.” The *Courier* further noted that “the respectable white population feeling most keenly their unfortunate condition, reduced to the most abject bondage, deprived of those rights and privileges for which their fathers successfully battled against British Legions, could not enter into and partake of the spirit which Yankee-doodle inspired among the sable classes. This was their day.”²⁸

Residents of Lincolnton awoke that morning also to discover a strange placard hanging in a most conspicuous place in town. According to the *Lincoln Courier*, “At sunrise, a mysterious and insulting placard was suspended in a conspicuous place, which, after consultation was removed, and by order of Mayor McBee, the Federal flag was hoisted. On investigation, it was found that the objectionable placard with its significant signs and marks, had been put up by a negro, one of the Red Strings,” the paper reported.²⁹ The Red Strings, a wartime Unionist organization also known as the Heroes of America, were thought to be led by Holden. In the summer of 1867, the Union League and the Republican Party were vocal supporters of Radical Reconstruction. Although blacks comprised a significant portion the membership of these organizations in Lincoln County, the majority of members were middle to lower class whites.

The *Lincoln Courier's* Conservative editors sought to convey the placard's meaning in the most sinister of terms. In offering and description of the placard the paper noted, “A triangle, in heavy black lines, enclosing the letter B, Red Strings at corners, and bearing the objectionable sentiment ‘To the Death.’ The above was calculated to excite

²⁸ Lincolnton, North Carolina, *Lincoln Courier*, July 5, 1867.

²⁹ *Ibid.*

the most orderly citizen,” the paper averred, “yet the intended insult was born with dignity, and no disorder resulted. But, had it been perpetrated by a Southern gentleman we have no doubt severe punishment would have been meted out to him.”³⁰

Scenck attended the festivities that day and was one of two main speakers to address the crowds gathered for the celebration. The other was Ohioan Albion W. Tourgee, a former Union officer, Carpetbagger, editor of a Radical newspaper in Greensboro, and a rabid opponent of North Carolina’s old political elite.³¹ The *Courier* described the scene: “Mr. Tourgee, selected as the orator of the day by the Union League, ascended the platform and consumed about two and a half hours in the delivery of his peculiar sentiments, almost every idea of which, as delivered, was calculated to prejudice the Colored man against his former master, and, at present, only true friend, evidently intending to sow the seeds of strife that the future fruit may be gathered in blood. Yet no one murmured.”

As Tourgee surrendered the stage to Schenck he surely had no idea of his opponent’s frame of mind nor was he aware of the strain Schenck had been under for the previous two weeks. In the middle of June Schenck received news that United States Supreme Court Chief Justice Salmon P. Chase, on the circuit in Raleigh, had declared that Receivers under the Act of Sequestration were personally liable for all money from confiscated property. “This places me in the power of claimants who can ruin me,” Schenck feared. He also noted “Radicals threatening ‘Confiscation’ and Red-Strings organizing all over the state for that very purpose.”³²

³⁰ Ibid.

³¹ Olsen, *Carpetbagger’s Crusade*, 69.

Schenck rose to speak. The *Courier* observed:

“in compliance with the wish of colored delegations and a written invitation placed in the hand of David Schenck, Esq., that gentleman addressed in a most happy and eloquent style. He entered into the merits of the subject presented by the occasion, after only three or four hours notice, and we are pleased to note that many intelligent colored men, as well as our fellow citizens who were present, express themselves as delighted with the manner exhibited by Mr. Schenck: ...Suffice it to say, that the paper figures presented by Mr. Tourgee in his efforts, were literally destroyed by the manly, eloquent, convincing and overpowering arguments and oratory of Mr. Schenck. At the close of Mr. Schenck’s remarks, Mr. Tourgee attempted a rejoinder (which is unusual and in very bad taste,) but it was mainly apologetic and explanatory. This ended the proceedings of the day, without any hostile demonstrations to mar the occasion.”³³

What Schenck said remains a mystery, for the *Courier* never published the speech. One thing is for certain, if the two men did not know each other before they would certainly never forget each other after that day. Schenck and Tourgee would remain bitter enemies for rest their lives. Much of Schenck’s hatred for Tourgee to be sure would come from the fact that Tourgee would play an instrumental role in affecting constitutional changes to the local power structure, particularly making the county magistrates and other local positions of power open to popular election. These changes were significant because they destroyed the network of power that Schenck had been a part of since being elected County Solicitor in 1866.³⁴

³² Schenck Diary June 17, 1867, SHC.

³³ Ibid.

³⁴ See Olsen, *Carpetbagger’s Crusade*, Chapter 9.

In August 1867, one month after his encounter with Tourgee, a disdainful Schenck had his first experience with a black jury. “I attended Catawba Superior Court this week...two negro men – Horace Burton and Samuel Warwick were placed on the jury, being drawn under General Order of General Sickles. Both were unadulterated Africans,” he quipped. His disdain was not entirely racially motivated, however, but rather had strong class overtones associated with it. “The whole panel being drawn from the tax payers in general without regard to freehold qualifications, was the most inferior in intelligence I ever saw in N. C. – the negroes were about of average intelligence as the whites,” he added tellingly.³⁵ That blacks and poor whites might sit in judgment in a court of law was utterly loathsome to Schenck.

The referendum on the new constitution and the gubernatorial election of 1868 meanwhile created a new firestorm in North Carolina politics. The Conservatives’ plan to subvert the call for a constitutional convention in 1867 backfired and opened the door for Holden and other Unionists to firmly establish the Republican Party and endorse Congressional Reconstruction. A strong desire for political reform had been present among yeomen farmers and poor whites, the state’s largest classes of white people, since the war, and constitutional reform under the Republican Party held out the prospect of broadening political opportunity for the masses of whites and freedmen. Republican voters were organized through the efforts of the Union League which sought to shield their members from Conservative machinations. As historian Gordon McKinney has noted, “through the Union League, which had approximately seventy thousand members, the party protected its supporters from the political, social, and economic pressures that the elite sought to bring to bear on the people – mostly poor men – who voted

³⁵ Schenck Diary, August 12, 1867, SHC.

Republican.”³⁶ When Republican delegates won an overwhelming majority to the convention, it became clear to Conservatives that the tide had turned. Governor Worth refused to run for reelection on the Conservative ticket, thus enabling William Holden to run for and win the office of Governor in July. Violence and vicious politics would engulf Holden’s term in office leaving scars on the social and political landscape of the state for generations to come.³⁷

In order for one to understand the events associated with Governor Holden’s term in office, the emergence of the Ku Klux Klan, violence, and ultimately his declaration of martial law, it is necessary to first have an understanding of the social make-up of the Republican Party. Freedmen, understandably, constituted a large portion of Republican voters. They were encouraged to take an interest in politics by the Freeman’s Bureau, the Union League, and by the vast number of Carpetbaggers that came South after the war seeking political and economic opportunity. Alongside the Freedmen, and forming the rest of the rank-and-file of the Republican Party, were poor whites and yeomen farmers whose contempt for the elitist politics of the old order had boiled like magma beneath the surface of North Carolina politics for decades. Finally, a handful of well-to-do whites who were truly interested in political reform aligned themselves with the party. Men like Holden, Kenneth Raynor, Alfred Dockery and others, men who were formerly members of the old order, could now see the writing on the wall and entered into the Republican fold.³⁸

³⁶ McKinney, *Zeb Vance*, 276.

³⁷ Harris, *William Woods Holden*, Chapter 8; Escott, *Many Excellent People*, Chapter 4.

³⁸ Harris, *William Woods Holden*, Chapter 8; Lefler and Newsome, *North Carolina*, 465-470.

The party dominated in the eastern cotton counties where blacks outnumbered whites and the mountain counties where poor whites were eager to gain the upper hand over the aristocratic eastern counties in the legislature. It is often erroneously assumed that the North Carolina Piedmont was a Democratic stronghold during Reconstruction, and that rampant racism prevented bi-racial cooperation in politics in the Piedmont. Indeed, as Paul Escott has noted, “the Piedmont was vital ground for Republicanism and, correspondingly, a grave threat to Democratic chances.”³⁹ In order for Conservatives to dominate in the Piedmont they would be forced to rely on their most powerful weapon – racism. Surveying the political landscape of the Piedmont Escott notes that, “to win Piedmont elections, the Republican party needed substantial numbers of white votes. Conversely, the Democrats could carry the Piedmont only if they succeeded in dividing voters on racial lines and holding a substantial majority of the whites. [T]he Democrats were not able to do that.” Escott adds that “in his victorious gubernatorial election of 1868, William W. Holden....captured twenty-six of the piedmont’s thirty-nine counties.” Moreover, “among the twenty-nine predominantly white counties of the piedmont, Holden triumphed in nineteen.” Clearly the widespread popularity of Radical politics presented a menacing prospect to former secessionists like Schenck whose wholehearted belief in elite rule, limited democracy, and the fundamental inequality of man marked him as an enemy of the new political order.

On New Year’s Day 1868, Schenck recorded his thoughts about the constituent parts of the inchoate Republican Party in his district:

³⁹ Paul D. Escott, “White Republicanism and Ku Klux Klan Terror: The North Carolina Piedmont During Reconstruction” in Jeffrey J. Crow, Paul D. Escott, and Charles L. Flynn, Jr., eds., *Race, Class, and Politics in Southern History: Essays in Honor of Robert F. Durden* (Baton Rouge: Louisiana State University Press, 1989),5-6.

“The negroes here, who were generally domestics, are more intelligent than the ignorant heathenish class who lived on the plantations South, but even here not more than one third are earning an honest livelihood. Many live on one meal a day and go half naked, while others steal or get enough to keep soul and body together by doing menial jobs for the whites. They all agree though in voting together and believe any and every falsehood which is told them by the Yankee teachers, and Freedmen’s Bureau men. These sneaking rascals,” he ranted, “come down here to seek office, and putting themselves on a social equality with the negro go to their Leagues and school houses, make them speeches and excite their passions, and when election day comes procure their votes to put them in office – in this degrading service they have the very low and ignorant whites of the country, who formerly worked as slaves, to join them.”⁴⁰

In Schenck’s view the newly empowered Republican Party with its constituency of outcasts, degenerates, and traitors, threatened to sweep away the old political elites entirely and fundamentally alter the socio-political order of the Old North State. Conservatives would not relinquish their hold on power without vociferous objections, however. They launched a relentless campaign of mudslinging and criticism of every conceivable aspect of Holden’s administration. They also sought to break the bi-racial unity the Republican Party had achieved among its members especially in the Piedmont counties. Their efforts stepped up dramatically if vainly during the presidential election of 1868, in the hope that they could prevent Ulysses S. Grant from securing the White House. In the face of what many Conservatives in the Western Piedmont viewed as naked tyranny, secret societies such as the Constitutional Union Guards, the White Brotherhood, and the Knights of the White Camellia organized throughout the region between 1868 and 1876 under the constitution of the Ku Klux Klan. Former Confederate General Nathan Bedford Forrest first organized the Ku Klux Klan in Pulaski, Tennessee in

⁴⁰ Schenck Diary, January 1, 1868

1866 for the purpose of terrorizing and, if necessary, eliminating, politically active blacks, Carpetbaggers, and Scalawags. The Klan's tactics proved successful and the organization quickly spread to surrounding states.

Schenck now faced a dilemma. Although the old guard of his judicial district had welcomed him back into the political fold, his identity as an unconditional secessionist remained fixed in the minds of his contemporaries. Many Conservatives still eyed secessionists with contempt, still referring to them as “destructives.” Schenck, moreover, had not only remained on the home front during the war while so many thousands of his neighbors went off to fight and die, but that he was also responsible for confiscating tens of thousands of dollars worth of personal property and for accusing many people in his district of being disloyal to the Confederacy. With Republican domination of the legislature and political empowerment for the masses, including many whose property he may have confiscated, Schenck expected serious threats to his future wellbeing on the horizon.

His first response was to walk a fine line of political neutrality, remaining publically tight-lipped about the new order. His business picked up that spring, brightening his financial future. Schenck hoped the increase in business was a kind of forgiveness for not having fought on the battlefield during the war. “I suffered much in popular estimation because I did not join the army,” he wrote. “God knows I had not physical strength to march ten miles or endure a week of camp exposure, but I had trusted to time and justice to vindicate me and I think they are fast doing so – at least if I can judge by the business confidence and practice entrusted to me.”⁴¹

⁴¹ Ibid., Spring Circuit, 1868.

That same spring the new state constitution was submitted to the people for ratification, inflaming racial and class tensions across the state. Schenck began to feel political pressure from many of his colleagues who urged him to publicly denounce the new Constitution. Reluctant to do so, he wondered how long he could stay the course of neutrality. “Just now, politically, I occupy an unenviable position,” wrote Schenck, “the Constitution just submitted by the Convention to the people for ratification has stirred up the most bitter feelings between the two races....and speakers on both sides are traversing the state from mountain to sea-board and haranguing the people in the most denunciatory and vindictive manner,” he observed. “All decencies of the debate are discarded, and social relations are broken up. In this conflict I am like a hunter thrown out of the chase. I have no party – I think it to be our best policy to take the Constitution as the best we can do and then elect the best men to execute it. This view is generally disapproved of by my friends and makes my social relations very unpleasant,” he wrote. “I have formed the conclusion sincerely and unless my mind changes I shall not abandon it. It is with emotions of regret that I have to part with so many friends with whom I have so long associated and I almost wish that my options were otherwise,” he lamented.⁴²

Although he endured much public abuse and ostracism from the old guard, Schenck remained publicly neutral on the issue of the Constitution and indeed avoided all political conversation. Neutrality, however, was not to his liking, for he was by nature a man of strong opinion. Yet the impulsive nature that characterized his heated desire for secession only a few years before now seemed superseded by a measured and contemplative response, taking the long view of the political situation rather than obsessing on the presentism of political and social change. “As much as I abhor and

⁴² Ibid., March 24, 1868.

detest the innovations made on our political government by the provisions of the new Constitution,” he wrote, “I yet look upon it as the terms of the conqueror to which we are bound to submit or receive worse at their hands. They have the power of “lions,” and the disposition to use it in the same savage manner,” he observed. In Schenck’s view, quiet submission to the new Constitution today meant that the old guard would survive to recapture the offices of power in the future.

“I can but think it is better to bend before the storm today and trust the future than resist and be hurled to the earth and be completely destroyed. Negro suffrage, odious as it is, may be controlled by the white majority of forty thousand in North Carolina, and we get the control of our state matters in our own hands, and even if it be in the hands of Republicans here, it is better than to trust the Radicals in Congress, for they legislate for those who feel the burthens without being affected themselves, but own Republicans must endure the same burthens they impose on others. We have at least the check of self interest on our own legislature. It is not then policy to take the matter into our own hands – let us accept the Constitution and elect good men to exterminate its evils by a wise administration. These are my views, my convictions after calm and mature deliberation, and I have pledged my adherence to them publicly and privately so I cannot repudiate them.”⁴³

Yet Schenck’s desire for political neutrality collapsed within days. One is only left to speculate as to what caused him to abandon his course of neutrality so abruptly. Perhaps he succumbed to social pressure, or perhaps, as his diary seems to suggest, he never truly was out of the political fray. Whatever the case may have been, four days after swearing his neutrality in his diary, Schenck completely reversed himself. “The campaign for the Constitution continued with earnestness and zeal on both sides until I found it was narrowing down to a contest between white men on one side and Negroes and Scalawags on the other, in this situation I could no longer remain, nor did I desire, a

⁴³ Ibid., April 12, 1868.

neutral position,” he wrote. “On the 18th April I declared myself with the Conservative Party and so announced in a public speech in the Court house.”

With the ratification of the Constitution also came a marked change in his tone as he described the political situation. “The Constitution is carried and the Radicals have the government in their hands – we will now await developments. The lines of society are being rigidly drawn, all the Intelligence and Virtue of the state are with the Conservative party and they treat with contempt and scorn the miserable wretches who have deserted their race and color to obtain office by negro votes – for myself I prefer to be buried with the white man, than to sleep on the grave with the negro.” Chillingly, he concluded that “posterity will one day mete out to the Scalawags and their children the deserved reproach, which attaches to their name.”⁴⁴

Schenck’s April diary entries are peculiar for several reasons. First, he discusses the growth of his business and his acceptance back into the fold of his judicial district. Next he declares his neutrality in politics and his support for the new constitution, even taking great pains to remain outside the political discourse and enduring much criticism for doing so. Then, seemingly overnight, he changes his position on the Constitution and politics as a whole, jumping headlong into to the political battle taking shape across the state.

Finally, and almost as an afterthought, he decided that he was long overdue for a personal vacation. “I have long desired to take a visit to our mountain country and see its grandeur and its beauties, but the calls of business have never allowed me the time, though living at their base,” wrote Schenck. “But now that we have an interregnum, by virtue of Radical changes, I projected a trip. Mr. W. H. Motz and myself fixed out an

⁴⁴ Ibid., April 28, 1868.

outfit, of a good two horse wagon, with cover, in which we a good tent and every appurtenance to make ourselves comfortable. We hired Daniel Hubbard to drive and took Mr. Lindsay along as a protégé. We rode a horse that we might have a better opportunity to see the country,” he wrote.⁴⁵

From April 28 to May 24, Schenck and his companions trekked across the North Carolina mountains, stopping here and there to visit with acquaintances. It seems odd that a man who claimed he could not serve in the Confederate army for fear that exposure to the elements might kill him would choose to camp in the rugged North Carolina mountains for a month all the while leaving his family at home without his protection at a time of such political upheaval and violence.⁴⁶ Later evidence would suggest that the trip had more sinister purpose involving the Ku Klux Klan, which Schenck secretly had joined earlier

In September Schenck returned home to canvass his district in support of Democratic candidate Horatio Seymour. As the campaign wore on, Schenck’s political views grew more extreme. “The combat deepens,” he wrote. “[E]very patriot in the state is exerting his utmost power to bring our dear old state once more under the control of the white men, and redeem it from the power of negroes, Carpet-baggers, and Scalawags.”⁴⁷ For Schenck, every political incident and issue involving Conservative Democrats and Radical Republicans became a battle between the races on one hand and a battle between

⁴⁵ Ibid.

⁴⁶ For thorough discussions of Reconstruction, Klan violence, and North Carolina Conservatives during Reconstruction see Edward Hobson McGee, “North Carolina Conservatives and Reconstruction” (Ph.D. diss., University of North Carolina at Chapel Hill, 1972), and Jesse Parker Bogue, Jr., “Violence and Oppression in North Carolina During Reconstruction, 1865-1873” (Ph.D. diss., University of Maryland, 1973); George C. Rable, *But there Was no Peace: The Role of Violence in Reconstruction Politics* (Athens: University of Georgia Press, 1984).

⁴⁷ Schenck Diary, September 1868.

the classes on the other. In October he noted that “the contest in this state is fast narrowing down to a division of races – Negroes, Carpet bag Yankees and office seekers on one side and respectable descent white men on the other. No viler crew ever disgraced this fair state than its present Radical party. They are making the most extravagant and unheard of appropriations for public works, when there is not a dollar in the Treasury; and Yankee lobbyists are in Raleigh, bribing the members and speculating in the bonds.”⁴⁸

Conservative Democratic newspapers spouted an endless series of similar racist propaganda. Schenck not only believed the party rhetoric but became a transmitter of the message of racism. Like many Conservative extremists, he argued that the entire black population was politically well-organized through secret societies. “The negroes all belong to the Loyal league, a secret, oath bound organization, where...infamous schemes of offense against the white people are concocted,” he confided to his diary. It is true that many blacks belonged to the Union League but it was not a secret society. It existed for the purposes of educating blacks and poor whites about their political and legal rights, protecting neophyte Republican voters from the Ku Klux Klan and other terrorist organizations, and to encourage solidarity among black and white Republicans.⁴⁹

Schenck raged at U. S. Grant’s victory in November and cursed the Radicals, African Americans, and Scalawags. He continued to proclaim that North Carolina was on the verge of an all out racial war and seemed to be expecting some sort of outrage to be committed by his political enemies. “We are fast approaching the inevitable consequences of negro equality – war of the races. The deepest hate now exists between

⁴⁸ Ibid., October 1868.

⁴⁹ Ibid.

the two and the first spark will kindle a flame not easily extinguished,” he wrote. “The savage wretches celebrated Grant’s election here with torch lights and fiendish orgies, more like cannibals than human beings, and our citizens had to patrol the streets with arms in their hands for hours in the night.”⁵⁰

⁵⁰ Ibid., November 21, 1868.

CHAPTER FIVE
KLANSMAN, 1868-1874

In November of 1868, Schenck set out on the fall circuit. Although he and his Conservative friends had worked tirelessly to defeat the new state Constitution, its passage and the subsequent changes made to the judicial system brought new prosperity to Schenck. Those attorneys who were licensed to practice law only in the county courts were effectively eliminated along with the county courts themselves. Because Schenck was licensed to practice law in North Carolina's superior courts, and because those courts subsumed county court business, the Republicans had ironically eliminated much of his professional competition.

On the circuit that fall, Schenck encountered the Radical judge George W. Logan, with whom he would soon clash. He described Logan as a "Radical judge whose ignorance and stupidity were the laughing stock of the bar – an apt illustration of Radical rule. He neither knows any law nor has brain enough to comprehend it when he is instructed."¹ Schenck was not alone in his open disrespect for Radical judges such as Logan and Albion Tourgee. The state's legal profession, which was overwhelmingly Conservative, widely denounced the authority of Republican judges. The Raleigh *Sentinel* went so far as to assert that our judges "are a disgrace to the bench, a mockery of dignity and decency, a laughing stock of the legal profession and a curse and a blight

¹ Ibid., Fall Circuit 1868.

to the people.”² In Greensboro that fall, Schenck’s bitter enemy Albion Tourgee sat on the superior court bench for his first circuit. Conservatives were relentless in opining the ineptitude of Republican judges and Schenck was perhaps the most vociferous critic of Judge Logan in his district.

Schenck’s reputation as an able attorney and an arch enemy of the Radicals served him well. His business continued to increase dramatically and so did his standing in the community. “I am rising rapidly in professional reputation and will soon be foremost in my district; my popularity and influence are daily increasing,” he noted.³ Driven by ambition, he now dreamed of his own seat on the bench sometime in the future. “I want some day when my mind is matured and my experience ripened to be a judge – the highest office in my estimation, that mortal man can fill,” he wrote.⁴

In March 1869, Schenck took stock of his situation. “I have made more than half as much cash as I did all last year,” he wrote, “besides dues made and not collected. I have burned my midnight lamp nearly every night for two months; and this last week at Newton I made \$162.00 in cash, the best court I ever made at that place, my room was crowded all the time. The flattery and compliments I received from those people are enough to make more prudent men than me vain – my last political campaign in that county gained me hosts of friends and clients, men who have money and means. I am making money now like the days of 1860-1-2.” In contrast, most Tar Heels were struggling to make do in a sluggish economy that persisted to the end of the decade.⁵

² Raleigh *Sentinel*, September 26, 1868 quote in Otto Olsen, *Carpetbagger’s Crusade*, 145.

³ Ibid.

⁴ Ibid., August 25, 1869.

⁵ Ibid., March 1869.

As the 1869 fall circuit approached, Schenck nonetheless dreaded future confrontations with Judge Logan. “I am to practice before a judge who is ignorant and corrupt, notoriously so, and who hates and despises me for exposing him.” Much to his surprise, Logan proved to be less adversarial during the new circuit. Schenck continued to prosper greatly from the increase in business.⁶ As his business and reputation expanded, a sense of false humility appeared. “I have been very successful in my practice – have made a considerable amount of money, over double my expectations, and have added to my reputation as a lawyer. My modesty prevents me even entering in this private diary the many flattering compliments that I have received....A few old sore heads still ask if this ‘is not the carpenter’s son’ but generally I have secured honor even at home.”⁷ In a very telling remark, Schenck revealed that his old desire to be counted among the elite of North Carolina society also was still very much alive. “The People have always been my friends,” he wrote, “but now those who wished to be counted as the aristocracy, are glad to have my friendship.”⁸

Indeed, throughout 1869 and 1870, his business increased substantially and his personal wealth grew accordingly. In the spring of 1870, he determined to build a new house for his growing family, which now numbered five children and his wife Sallie. The project soon proved to be too expensive, but an equitable solution presented itself. In March 1870 he purchased the house and property of Lincolnton resident Jasper Stowe, who had fallen on hard times and was forced to sell to settle his debts. The house, which was built in 1850, was a large white colonial structure with 3,561 square

⁶ Ibid., Fall Circuit, 1869.

⁷ Ibid., December 5, 1869.

⁸ Ibid., Schenck’s mention of the “the people” is in reference to polite society or the social elite.

feet of living space under its expansive roof. For the house and its extensive grounds, now renamed Evergreen, Schenck paid a total of \$2,500 plus \$500 in fees.⁹

While Schenck's popularity and wealth grew his political enemies, the "vile and detestable" Radicals, Negroes, Carpetbaggers, and Scalawags, remained in control of the state government. Political violence attributed to the Ku Klux Klan also escalated throughout the state. The Klan's strategy of terror was beginning to prove successful, especially in the crucial Piedmont. By 1870, the fortunes of the Republican Party in those strongholds were beginning to erode away at hands of the Ku Klux Klan. As Paul Escott notes, "Governor Holden knew that his party's fortunes were slipping in 1870. Moreover, the situation was particularly disturbing in counties such as Alamance and Caswell where Ku Klux Klan terror was rife. Republicans in these counties were in mortal danger."¹⁰

Schenck first wrote of the Ku Klux Klan and its mysterious emergence throughout the South in April 1868. "The Ku Klux Klan is now organizing through the whole South," he explained. "Its movements and designs are still so mysterious that no one has a definite idea of its designs, but by cabalistic signs, mottoes and advertisements they strike terror into the hearts of the blacks, threatening all manner of punishment even to assassination – they dress in white, move noiselessly at night, carry skulls and skeletons and use every means to give themselves an unnatural character.

⁹ The house was moved in 1920 to south side of Rhodes Street and the land that it sat on was donated to the county for building Lincolnton High School. The house, which now sits on the corner of Rhodes and West Streets in Lincolnton, was valued in 1992 at \$220,951. It remains today as it was when Schenck purchase the house one of the most magnificent homes in the county.

¹⁰ Escott, *Many Excellent People*, 162.

Military orders are now being issued to arrest the Ku Klux and we may look for trouble ahead.”

Schenck, who had secretly joined the Ku Klux Klan in October 1868 and actively recruited new members and established Klan dens throughout western North Carolina, wrote in his diary of the Klan in December 1869 with affected naiveté “They say – People surmise – Rumor has it – that there is a large well organized Secret Society in our midst, familiarly known as the Ku Klux Klan,” wrote Schenck.

“It seems to be a political society, based on the supremacy of the White race, and to restore the Constitution as it was. The results of the organization are generally to suppress negro impudence and to quiet their political arrogance, and in this way the society commends itself to a large majority of good men in the country. Many sympathize with it who seem to have a fear of its mysterious character. The members are generally supposed to be the parties who travel at night in long red gowns and disguised with masks, and who inflict severe punishments on negroes who cohabit with whites, or are guilty of larcenies, or insults to white women, and similar offences – A great many instances are nightly occurring where negroes are thus severely dealt with,” wrote Schenck whose knowledge of the organization seemed rather extensive.¹¹

At around the time Schenck joined the Ku Klux Klan in 1868, his diary entries regarding the secret organization seem to be written with a view to demonstrating his lack of knowledge about it. He evidently anticipated, in attorney-like fashion, that his diaries might one day be used as evidence in a court of law. Not once did he record any of his direct activities with the Klan, but rather wrote about the secret society only occasionally as if he had no intimate knowledge of the organization. His actions, however, would later speak clearly to the truth of his involvement with the Klan, and

¹¹ Schenck Diary, December 18, 1869

the full truth that he was in fact the leader of the Ku Klux in the western part of the state would later be fully revealed.

Meanwhile, society in the Western Piedmont was beginning to feel the Klan's presence, Schenck claimed. "The result is a very uneasy feeling in society: the negroes are terror stricken and many seem very desperate. The Radical authorities are in a frenzy of anger and send negro militia to quell the rioting but they only seek an unseen foe, which strikes and disperses, leaving only the victim behind," he noted. Schenck could not resist the temptation to add: "It is the Beginning of the End," he wrote. "The inauguration of the Second Irrepressible Conflict and which must sooner or later end in the extinction of the negro race."¹²

Klan terrorism increasingly tested the resolve of the Holden administration. Although violence and intimidation appeared to be working for the secret insurgent forces of the Conservative Democrats, Holden's administration still had powerful allies. President Grant and the Radicals in Congress were infuriated by the escalating violence committed against Republicans in the Southern states. Under the direction of Amos Tappan Akerman and the newly created Department of Justice, Congress passed the Enforcement Act of 1870, followed by the Ku Klux Klan Act of 1871. Under these two acts the Department of Justice worked closely with local U.S. Attorneys to issue hundreds of indictments against Klan members. U. S. District Courts were held in permanent session in Raleigh while the government made sweeping arrests of alleged Klan members. Hundreds of Klansmen and associates were interviewed by the court and many were granted immunity from prosecution if they would turn state's evidence on charges against the mysterious organization's leaders.

¹² Ibid.

The information the government derived from those immunity testimonies about the Klan, its activities, its membership, and above all its leadership painted a shocking picture of the Conservative Democrats' resistance to black suffrage and Republican rule. In an effort to intimidate blacks and white Republicans from voting, Klansmen usually visited their unsuspecting victims at night, often dragging them from their beds and committing some act of violence against them. In the case of State -v- Julius Somers, Klansman Daniel Whitesell testified that he and other members of the White Brotherhood in Alamance County dragged Daniel Jordan, a black man, from his bed and whipped him for allegedly stealing. "Well, we went down and took him out – we bust open the door – they say they took him out of bed. I was outside. They brought him out. He was in his drawers and shirt. They put him a few questions – whether he had been stealing. He said not. Then he broke and run. Some of them run after him and caught him and whipped him. We wore disguises with gowns on."¹³

The Klan engaged in far more audacious and sinister activities than whippings. On August 31, 1870, Capt. Eli S. Euliss testified that he and other members of the Constitutional Union Guards had orders to murder a State Senator. "Some time during the recess of the legislature....James Patterson came to me and told me he had just received an order to South Commander....regarded as the first officer in the county, he told me he had received an order from the Chief of Orange County, sent in cipher and directed to Chief of Alamance County that on a certain night, I think it was Tuesday night, [Senator] Shuffner was to be hanged until dead and then sent to Governor

¹³ State v Julius Somers, Testimony of Daniel Whitesell, Raleigh 1870, KKK Papers Perkins Library, Duke University.

Holden.”¹⁴ Armed with testimony from their own members, the government went after the Klan with all its authority. The circuit court in Raleigh hosted a long series of high profile Klan trials that resulted in hundreds of convictions. For while Klan violence abated but in the latter half of 1870 politics once again roused the passions of many Tar Heels resulting in a sudden resurgence of Klan activity.

In July of 1870, campaigning for state elections was meanwhile well underway. In Caswell and Alamance Counties, Klan violence was on the rise, with outrages being committed against black and white Republicans almost daily. In an effort to quell the violence and to protect Republican voters, Governor Holden declared martial law in those counties. He also dispatched state troops under the command of George W. Kirk, a veteran of the Union Army. Kirk’s militia arrested 101 prominent Klansmen and the violence stopped at least for a while. Schenck recorded that “Kirk’s militia have already been organized by Holden and will be sent to the various counties of the state to overawe and terrify the people, so as to carry the elections for the radical party.”¹⁵

The governor had no plans of sending state troops to all the counties of the state to intimidate Conservative voters. Nevertheless, Holden had taken quite a risk by sending troops to quell the violence and soon his gamble would backfire. Conservatives wasted no time in unleashing a deafening howl of complaint. Popular opinion, Conservative and Republican, turned against Holden in the election. The result was that Conservatives won majorities in both houses. “Such a political revolution was never before known in this state,” wrote a jubilant David Schenck. “The result not only

¹⁴ State v Wm. Andrews, Testimony of Captain Eli S. Euliss, Raleigh August 31, 1870, KKK Papers Perkins Library, Duke University.

¹⁵ Schenck Diary, July 10, 1870, SHC.

surprise but startled everyone, even the most sanguine Conservative. It was the spontaneous outburst of indignation by the people by the lawless usurpation of that infernal despot W. W. Holden, who has disgraced civil liberty and brought its great bulwark of Habeas Corpus into contempt.”¹⁶ Although not quite the “political revolution” that Schenck declared it to be, the election was a setback for democracy in North Carolina. It also left Holden open to impeachment by the new Conservative majority in the legislature.

Also high on the Conservatives’ agenda was constitutional reform and a speedy restoration of the old county court system. A referendum for a new Constitutional convention was hastily put to the people for a vote. Conservatives were frustrated when the referendum failed. The old guard encountered other problems that tested their patience and resolve. In 1871, Congress refused to waive Zebulon Vance’s federal disabilities and seat him in the U.S. Senate. Then renewed Klan violence in Cleveland, Rutherford and other western counties brought federal troops to the region and hundreds of arrests soon followed.¹⁷ Schenck stood at the center of that flurry of violence and chaos.

Trouble with the Ku Klux Klan in the Western Piedmont began on April 8, 1871 when the Klan conducted a raid in Rutherford County. The raid caused considerable excitement and soon resulted in a major confrontation between Schenck and Logan. As Schenck described the situation, “It seems that the Ku Klux as they are called, made a raid as they call it on a one Aaron Biggerstaff, who lives 8 miles east of Rutherfordton,

¹⁶ Ibid.

¹⁷ Escott, *Many Excellent People*, 164.

on Saturday night the 8th, and chastised and otherwise maltreated him in a very severe if not cruel manner,” he noted.

“This Biggerstaff it seems is one of Logan’s political tools whom he uses to accomplish his dirty purposes and Logan made a great excitement over it, causing the Sheriff to call out a posse of 300 men, and having some thirty men arrested on suspicion, and himself absented from his legitimate business at Shelby pretending to be in fear of his life. This produced corresponding indignation among the citizens of Cleveland and they held a public meeting denouncing Logan in severe terms, and sent their Sheriff to make request that he come at once and hold the court. This brought his Honor (?) and we endeavored to do business but accomplished but little. Logan immediately sent one ‘Bate Carpenter’ another of his pliant accomplices, to Raleigh and Washington to report and exaggerate the difficulty, and the consequence was that the most exciting rumors were over the whole country and many persons much frightened and agitated,” wrote Schenck.¹⁸

Judge Logan’s report about the Biggerstaff incident and other Klan activity in Western North Carolina drew immediate federal attention. His report was published in the Proceedings of the Senate of the United States and cited in the New York *Tribune*. As a result Schenck was called to testify before the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States; he claimed that a copy of the *Tribune*’s report was handed to him by “someone in the street.”¹⁹ Upon reading the report he immediately wrote a letter to Senator Francis Preston Blair of Missouri, who was a member of the Joint Select Committee, blasting Judge Logan. In Schenck’s

¹⁸ Schenck Diary, April 18, 1871.

¹⁹ Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States, Testimony of David Schenck, December 8, 1871, Serial Set Volume Number 2, 42nd Congress, Second Session, H. Rpt. 22, pt. 2. Hereinafter cited as Select Committee Report.

words, “my letter was written to Mr. Blair the Democratic Senator from Missouri, who alone had the courage to properly characterize the infamous provisions of what is known as the Ku-Klux Bill now passed by Congress – I remarked in the letter that he was at liberty to use my name and referred to Hon. Francis E. Shober, our representative in Congress. I did not intend that the letter should be published, containing the very severe terms used towards Logan, but only intended that he – Blair might use my name to contradict Logan’s statement.”²⁰

As Schenck expected, he was soon served with a ruling for contempt from Judge Logan and was subsequently disbarred. One wonders why Schenck was so concerned about Judge Logan’s report to the U.S. Senate. Other attorneys in his district were not nearly as concerned. The fact that the report coupled with increased Klan violence in the region brought federal troops and a federal investigation of the Klan and its leadership in the Western Piedmont provides a strong clue.

After a lengthy battle the contempt charge was overturned by the State Supreme Court and Schenck was readmitted to the bar, none the worse for wear. He seemed oblivious to the fact that in the process of interviewing members of the Ku Klux Klan and studying the organization, the government had actually learned a thing or two about how the Klan operated. Federal Commissioners quickly concluded that those individuals in North Carolina society who were active in Conservative politics and were vociferous in their criticism of the Republican Party, men like Schenck, were likely to have some sort of affiliation with the Klan. Moreover, people fitting the first criterion that were also well-to-do, and especially if they were former members of the old order removed from power by Constitutional changes, were likely to be the leaders of Klan

²⁰ Schenck Diary, April 24, 1871, SHC.

dens. While this was certainly not always the case, it did provide a general profile of the kind of person the government was looking for. Schenck fit the description perfectly.

Slowly he became aware that the government was closing in him. “There are dark and gloomy periods in the life of every man, when it seems that God and Hope have deserted him,” wrote a somber Schenck. “Since the 8th day of May until now, and God only knows how much longer, my enemies have triumphed over me and my friends have deserted me. Every wrong or mistake I ever made has received its vengeance upon me,” he wrote.²¹

In August the situation intensified. “The Ku-Klux excitement has assumed a new phase this summer,” he recorded. “The Ku-Klux Bill, as it is called, passed by Congress in February last, gives jurisdiction to the circuit court of the United States of all outrages committed with a view to intimidate voters or prevent the exercise of any civil or political right, and provides for the appointment [of] U. S. Commissioners to investigate the offences,” wrote a nervous Schenck.

Logan presided over the U. S. District Court in Western North Carolina. In accordance with the Ku Klux Klan Act of February 1871, Logan’s court was responsible for conducting the investigation of Klan activity in that part of the state. To aid him in that cause, Judge Logan appointed Nathan Scoggins as U. S. Commissioner. Tracking down members of the Ku Klux Klan was truly a family affair for Nathan Scoggins. As Randolph Shotwell remembered, “the Scoggins tribe are now engaged in skinning the government and people. Nathan is U. S. Commissioner, Andy is U. S. Deputy Marshal, Joe, Bill, and Jim are either deputies or acting deputies, and the old

²¹ Ibid., July 6, 1871.

man drives the wagon to haul the prisoners unlawfully seized by his Man-hunting sons. Together they must pocket \$50 per day as their squeezing from the government, not to speak of private operations.”²²

The Ku Klux Klan in the Western Piedmont viewed the Scoggins brothers as the sons of perfidy. It was alleged that Nathan Scoggins was, for a short time, a member of the secret organization but had turned his back on the Klan and now “persecuted” his former Klan brothers for pay. The Scoggins brothers were rough and violent, the sort of men Ku Klux Klan leaders sought out to do the organization’s dirty work. Enticed by a bounty for every Ku Klux arrested and convicted, the Scoggins proved to be a relentless foe of the Klan.

Numerous arrests followed. “A large number of citizens,” Schenck wrote, “perhaps 100, have been arrested and held to bail in large sums of from \$3 to 10,000, while others not able to give the Bail are imprisoned in the filthy jail of Rutherfordton in this sultry weather.”²³ Among those arrested in Rutherford County that summer was the newspaper editor Randolph Abbott Shotwell. Arrested for allegedly being the Chief of Rutherford County, Shotwell and six other men were about to experience just how determined the government was to eradicate the secret organization.

At the time of his arrest in July of 1871, Shotwell had just left his post as editor of the Asheville *Citizen*. A series of Klan raids in Buncombe County drew the attention of Judge Logan and soon the Scoggins posse caught up with Shotwell in Rutherford County. Shotwell and his companions spent two weeks in jail in Rutherfordton before

²² J. G. De Roulhac Hamilton (ed), *The Papers of Randolph Abbott Shotwell* (Raleigh: North Carolina Historical Commission, 1936) vol. 3, 5. Hereinafter cited as the Shotwell Papers.

²³ *Ibid.*, August 4, 1871. The U. S. Commissioner “Scoggins” mentioned in this passage is Nathan Scoggins from Rutherford County.

being shipped off to an even smaller jail in Marion. Finally, they went to Raleigh to stand trial. Schenck clearly was worried. “The U. S. Commissioner, as I understand, will soon visit Cleveland County and most probably Lincoln, Gaston and Catawba for further investigation, accompanied by the Federal troops,”²⁴ he wrote, sensing the dragnet closing in around.

Sometime around August 15, Schenck once again decided to tour the mountains of North Carolina. Taking his wife and their nine –year-old daughter Lucy, the Schencks slowly made their way to Asheville, stopping frequently along the way to visit with acquaintances. Their journey took them along a suspicious route, namely the stomping grounds of Randolph Abbott Shotwell and his alleged associate, the Rutherford County attorney Plato Durham. With Shotwell imprisoned in Raleigh awaiting trial and the possibility that he might “puke” at any moment, it is logical that Schenck’s untimely journey was designed for him to confer with other Klan leaders from the region.

On September 1, the Federal Marshall finally arrived in Lincolnton. “The United States soldiers, 25 of them, and the United States Marshall rode into town, with all the parade of conquerors and soon divided into squads, and went out into different directions to arrest persons charged with being in Ku Klux raids; chiefly being implicated by testimony of Negroes and those accomplices who, beginning to fear danger, have been swift to turn State’s Evidence against others less guilty than themselves,” he sneered.

Four days later the situation climaxed. “I have come home only to come in contact with, and to feel the wretchedness and distress which pervades the county,”

²⁴ Schenck Diary, August 4, 1871.

lamented Schenck. With characteristic overstatement and wretched self-pity, Schenck described hundreds of arrests of fathers in his county accused of Klan activity as well as the general mayhem caused by the presence of so many troops in town. “Today comes to me the word of Gov. Caldwell that I am to be arrested as being accessory to these crimes which God knows I am as innocent of as his ‘vileness’ George Logan,” he wrote.

“The humiliation of these dreadful times is awful; we are degraded politically to the level of the brutish, savage miserable negro and when humanity revolts at it and some are led to resent it, then comes down federal power to imprison and destroy them for it. I have thus far borne all this without violating the laws made by our conquerors, but my position as a man and my exposition of the villainy of George Logan has so incensed the vile and malicious scoundrel that he is using every effort to bring me into trouble and implicate me in the outrages committed.”²⁵

In Raleigh, meanwhile Randolph Shotwell languished in a jail cell while his trial slowly unfolded. After two long weeks of confinement in appalling conditions, Shotwell’s health clearly was beginning to decline. “I have suffered physically during the past fortnight more than anyone, even my fellow prisoners, could imagine,” he complained. “Long confinement rendered me very bilious, and the 200 miles of railroad travel, with changes of food and water, threw me into a condition of semi sea-sickness, which my too frequent resort to cheap, mean liquor – the only kind to be had – served to allay only for a brief period, succeeded by increased disorders.”²⁶

²⁵ Ibid., September 4, 1871. Republican Governor Tod R. Caldwell succeeded Governor William W. Holden in 1871 after Holden was impeached and convicted by the Conservative majority in the state legislature. Caldwell was later elected Governor by the Republicans in 1872. See Crabtree, *North Carolina Governors*, 100.

Worse, Shotwell's Klan brothers had abandoned him to fate while quietly praying that he would keep his mouth shut. His patience with and commitment to the members of his secret fraternity, coupled with his sickness, soon wore thin. "It may be that I am unduly suspicious, unduly sensitive of slights," he wrote in journal while incarcerated in Raleigh. "But assuredly there are very many men whom I have known in other days, yea, men for whom I have given my humble labors as an editor; who 'pass by on the other side' – really and figuratively – now that I have 'fallen among the thieves.' There are dozens of men in town today – some of them within pistol shot of me at this moment – who have never even inquired of me at the jail door. There are scores of others who 'swore to befriend' – to the 'best of their ability' – every 'brother in distress,' yet who never utter a word in condemnation of the outrages heaped upon my head, and from all that I can learn, even join with the time-servers in saying with long visages, 'yes, this Ku Klux business was all wrong; Shotwell and his gang have acted recklessly – very badly.'"²⁷

In spite being abandoned by the leaders of the Ku Klux Klan, Shotwell nevertheless remained uncooperative with government officials to the end. From his jail cell in Raleigh he defiantly recanted much of his confession given to government officials. "I have nothing to expose," he ranted to his journal. "It is false that I said there were 400 Ku Klux in Rutherford; so far as I know there never were half so many. It is false that I ever made an estimate of the number of Ku Klux in Cleveland, Henderson, Buncombe and McDowell. So far as I know, there has never been any organization in either of these counties. While in Asheville I knew of no such

²⁶ Shotwell Papers, 25.

²⁷ Ibid., 26-27.

organization, nor do I believe there was any. It is false that I was in command of the Klan which made a martyr of Jim Justice and...I have never gone in disguise, nor intentionally injured a human being except in lawful warfare," he wrote.²⁸

In Lincolnton, meanwhile the pressure on David Schenck continued to mount. "The whole County is full of wild, absurd rumors, in which everyone's name is coupled – the more prominent the man the more the rumors and as my name has been mingled with this Ku Klux excitement everything centers on me," wrote Schenck, who was beginning to count the cost of "prominence." He recounted the situation in his diary.

"A few cowardly rascals that have been committing outrages on negroes have gone to Rutherfordton to confess to George Logan, (who is acting as Commissioner for the radical Committee) in order to get pardoned themselves. Logan compels them to tell all they know and many of the poor wretches, confused with terror, tell everything Logan asks for. One Ben Masagee, a country carpenter of low standing, went up on Logan as usual commenced interrogating him as to my connexion with the Ku Klux and the lying rascal to please Logan told him that he believe I was Chief of the county. I met this fellow yesterday just at the corner of the street, near the bakery, and asked him about it; he denied it and lied more in regard to it. He then began to talk loudly and curse so as to attract attention, and used threatening language. Whereupon I turned on him with my walking cane – a stout hickory one – and knocked him 'winding' as the boys called it. He fell at the second blow and hollered manfully. I hurt him right badly and will have to pay for it, but it will teach these villains not to use my name so freely to screen their own crimes."²⁹

In Raleigh, Shotwell, who was convicted for his part in Klan violence in his district, received a heavy sentence of six year at hard labor, plus a five thousand dollar fine. Schenck reviewed the trial and the verdict in the most matter-of-fact terms. "The U. S. vs R. A. Shotwell et al was the principal and leading case in which it was shown that various delegations from different dens of the Invisible Empire (by which name the

²⁸ Ibid., 30.

²⁹ Schenck Diary, September 9, 1871, SHC.

organization is known in this part of the state) met at Rutherfordton and under the command of R. A. Shotwell as county Chief took James Justice out of his bed in the night time, conducted him out of town, and treated him in a most barbarous and inhuman manner, as a punishment for his zealous advocacy of the Radical party. The crime was fully proven, and the severe punishment of a fine of \$5000 and six years imprisonment on Shotwell was pronounced as the sentence of the court. I do not disapprove of this judgement,” he added with unbelievable hypocrisy. “It is true Justice is a blackguard, and an enemy of his color and his race, a vile degraded creature, but the unlawful violence showed that those who punished him were but little better in character.”

Schenck was fortunate that Shotwell was not talking for he was about to make a confession of his own.

“Unfortunately for me, in 1868, in October, during the Presidential campaign, between Seymour and Grant, and while excitement was high, I was persuaded after much reluctance to join the Invisible Empire. I joined in Dallas under the assurance often given that no violence was to be committed and that it was purely a secret political society, using lawful means to accomplish its ends. At that time no violence had been committed but the organization spread rapidly over the surrounding counties and soon party zeal induced members to take in very unworthy persons, especially white men of the ‘baser sort’ who were formerly radical and this class of men began to Ku Klux negroes, to punish negro men and white women for miscegenation, then to punish for larceny and other crimes, and finally to whip and scourge anyone against whom they had enmity – thus wholly perverting the original design of the organization. I became alarmed at the first meeting and never attended one afterwards, and in February 1870 ceased my connexion with it as soon as the violences commenced.”³⁰

³⁰ Schenck Diary, September 30, 1871, SHC.

His confession notably called into question his tour of the mountain counties in April 1868 with his friend W. H. Motz. The strange timing of the journey and Schenck's own confession that the Klan spread quickly to the surrounding counties suggest that perhaps the true purpose of his mountain tour was to establish Klan dens in those places where he and his companions sojourned.

Moreover, Schenck made several diary entries in October of 1868, and in none of them does he make mention of the Ku Klux Klan. He does, however, fill the pages of his diary frequent rantings about the coming "war between the races", and the "damnable Yankee oppression." In every instance where he made such entries during the Presidential campaign of 1868, large sections of his diary were torn from the manuscript. David Schenck was using his diary as an alibi to protect himself from federal prosecution?

Judge Logan and the Federal government tried hard to convict Schenck. "The 'Pukers' as those who have become frightened and confessed," he wrote "have revealed to the Commissioners and others that I was member, and Logan and others of my political enemies have used the most strenuous exertions by promising amnesty, by threats and favors to extort or but testimony to involve me in guilt and have filled the county with rumors, but after all their villainous attempts they have thus far failed to elicit from even the vilest of the 'Pukers' any charge against me."³¹

By November, the investigation into Schenck's connection with the Ku Klux Klan had lost momentum. From the comfort of his spacious parlor at Evergreen, Schenck recollected the details. "The Radical authorities...have been in our town from Oct. 23rd until Nov. 14th, investigating Ku Klux outrages and with special instructions to

³¹ Ibid.

seek for evidence against me; besides this, the Scogginses, Commissioner and Marshal at Dallas, all of last week were using every exertion and oppression to get testimony against me and Logan was stimulating every effort by his malice and hatred to accomplish the same thing but they have gone, without even getting slim enough evidence to arrest me, much less to convict me before a jury,” wrote Schenck. His confidence that he would come through this trial unscathed was growing.³²

The Federal government was not yet finished with David Schenck, however. In November, he was again subpoenaed to testify before the Joint Select Committee. “Failing to get testimonies from others they have summoned me to Washington to testify before the Outrage Committee, hoping that they will get something in that way to criminate me, but in this they will signally fail as they have in the other effort – I have desired to be examined so that public records will acquit me, and this device will recoil with terrible effect on my relentless persecutors,” he wrote. Members of the committee included Senator Scott of Pennsylvania (Chairman), John Pool of North Carolina, Judge Luke Potter Poland of Vermont, Senator Francis P. Blair of Missouri, and Senator Alfred Moore Waddell of North Carolina. The committee questioned Schenck for more than six hours on his involvement with the Ku Klux Klan. Schenck denied being the Chief of Lincoln County and swore that he had not been involved in any illegal activity associated with the secret organization. He insisted that the real villains in the Western Piedmont were George W. Logan and his henchmen, the Scoggins brothers. According to Schenck, the Invisible Empire was a peaceful, secret political society organized to promote the policies of the Democratic Party. He testified that African American

³² Ibid., November 19, 1871.

members of the Union League and the Red Strings were responsible for the many barn burnings, beatings, and murders that occurred in Schenck's district.

As the questioning wore on Schenck's credibility quickly began to erode. He admitted to joining the Invisible Empire in October of 1868 at the request of several of his friends but only on the condition that the organization would take no part in violence of any sort. When questioned further about joining the Invisible Empire with his friends the absurdity of his statement became quite evident:

Question: In which of these counties that you have named were you taken into this organization which you speak of having joined in 1868?

Answer: Gaston County.

Question: By whom were you taken into it?

Answer: I wish you, gentlemen, would not press me for these things upon my impression, though I will give them to me if you press me; but I will state my reasons for asking to be relieved from it. Those parties I know have never committed any violence, and I know they have used their influence against it. I know the organization I joined has never committed any violence. I have inquired of these gentlemen frequently; and now, if their names are made public it will subject them to a persecution by Scoggins and others.

Question: I propose to press the inquiry if the committee sustain me, and I put the question, by whom were you initiated into the the organization?

Answer: I was initiated by a man named John G. Lewis.

Question: What rank did he hold in the organization?

Answer: I do not know, positively, what.

Question: Did he tell you?

Answer: He told me he was an officer, but what sort of an officer I do not know. It was not in a regular meeting that I was initiated. It was at night. I had made a speech I the Conservative club, and after that I was asked to join this organization by several parties, and did join it then.

Question: Name them, all of them.

Answer: I do not know that I can name them. I cannot say which on asked me to join; there was a crowd there.

Question: Name any you remember.

Answer: This man Lewis had the conversation with me.

Question: How many persons were present when you were initiated?

Answer: Well, sir, I cannot tell you; the men were in disguise. I think, as near as I can remember, that there were some six or eight.

Question: Name them!

Answer: I do not know them from Adam. I did not know a man present, not a man.

Question: You do not know them, then?

Answer: No, sir.

Question: Have you never learned since who they were?

Answer: No, sir; I did not know a man present on that occasion. I was not present five minutes when it occurred.

Question: What was the form of disguise?

Answer: I do not know whether I can describe it. I think they had on red gowns and masks; that is my recollection about it. I do not know whether they had anything else or not. I was present about five minutes while that oath was administered, and immediately left. That was the last meeting I ever was in.”³³

Under relatively little pressure, Schenck gave up the name of his Klansman John Lewis to the committee. One wonders if Schenck grasped the incredulity of his assertion that he was initiated into an organization of which he knew nothing, at night, by men in disguise only to quit that same organization two years later.

Unlike his Klansman Randolph Shotwell, Schenck proved to be an easy fount of information. The committee dismissed him and sent him home. Seemingly oblivious to the real danger he was in, he gloated over his success before the committee. “I was summoned...to appear before the Southern Outrage, alias Political inquisition Committee of the 4th day of December, Monday at 2 O’ck, and reported promptly and my examination was continued from day to day until Friday, Dec. 8th when I was examined about six hours,” he wrote. “I, of course, denied all criminal connection with the Invisible Empire and strongly condemned its outrages. I also exposed much of the villainy of the radical Commissioners, and Marshals,” wrote Schenck.³⁴ Not long after

³³ Select Committee Report, December 8, 1871, Serial Set Volume Number 2, 42nd Congress, Second Session, H. Rpt. 22, pt. 2., p. 383.

he returned home, he was indicted for being the Chief of the Invisible Empire in Lincoln County. The next fourteen months would be a living hell for him and his family. While under indictment Schenck's business suffered greatly. Moreover, during that time the nexus of the state's economy began to shift toward newer markets in Charlotte and the Upstate section of South Carolina slowly eclipsing Lincolnton. The future looked bleak for Schenck and his beloved Lincolnton.

As the months wore on, Schenck continued to cling to the notion that God was still working out His providential plan for the South. He also wrote that North Carolinians were enduring God's chastisement for their sins, namely for not accepting His Providence. "The goodness of God and His Providence in the affairs of the world are openly discarded even by professing Christians because His providences do not correspond with their ideas of justice and right," Schenck observed. "Our ministry are much to blame; during our noble struggle for liberty they told us that God's justice demanded our success, and that Bible truth required us to succeed, this was wrong, but our people believed it then, fought and suffered for it, and they still cherish it even to accusation against God."³⁵

On April 21, 1873, the indictment against Schenck was withdrawn. As he recalled, "I attended the U. S. District Court at Statesville. His Honor, Robt. P. Dick, District Judge presiding. Judge Dick proposed....that all defendants under the Enforcement Act or Ku Klux might submit without cost and no fine would be imposed; judgment being indefinitely suspended unless the defendant committed a new violation of the Act....about one hundred and fifty defendants took these terms and were finally

³⁴ Schenck Diary, December 1871, SHC.

³⁵ Ibid., July 7, 1872.

discharged. So ends these vexatious indictments, which brought almost as much distress and suffering on our section of the state as the recent war,” wrote Schenck. “Nol Pros in my case was entered by the District Attorney, he and the Judge both knowing it was but a political indictment instigated by G. W. Logan and founded upon the most miserable and bare faced perjury.”³⁶ With the prosecution withdrawing the indictment Schenck’s long ordeal with the threat of a partisan prosecution was over.

With the indictment behind him, Schenck began to work to achieve his life-long dream of becoming a judge. In his quest to achieve that goal he faced many unexpected challenges. The first came from his life long friend, John F. Hoke. When Schenck made it known that he would be seeking the nomination for Superior Court judge of the ninth district, Hoke suddenly emerged as a challenger. Coveting the position for himself, he sought to derail Schenck’s campaign. Although the two men eventually came to an uneasy understanding wherein Hoke agreed not to seek the nomination, Schenck remained suspicious of his old friend.

Randolph Shotwell, recently released from Albany State Prison after serving three years of a six year sentence, also opposed Schenck. “Shotwell’s attempt to injure me has so far been a failure,” he wrote in April. Yet Schenck now began to sense that his testimony before the Joint Committee about members of the Invisible Empire and his lack of support for Shotwell in his time of trouble was coming home to roost. Of course winning the judicial nomination and being elected to the bench would give Schenck and his family some degree of protection from disgruntled Ku Kluxers who might feel that Schenck had betrayed his oath. He took a remarkably condescending view of these men who were opposing him. “Both these men,” he wrote, “one from

³⁶ Ibid., April 21, 1871. *Nolle Prosequi* – Latin for “we shall no longer prosecute.”

New York gambling hells [Gus Benton], the other from Albany Penitentiary are but representatives of the opposition to me.” Schenck believed that he held the social and moral high ground in the race to receive the nomination for judge and that he was more deserving than any other candidate.³⁷

Although Shotwell was a convicted felon, he returned to the Western Piedmont as something of a folk hero. Wielding a modicum of social and political influence, Shotwell’s ability to influence local politics could not be underestimated. “A general convention of the Conservative Party was called at Rutherfordton on Monday the 13. This is the county where I was least known and where Shotwell, late of the Penitentiary, was operating against me, and where they boasted that I would not be supported if nominated. There were only 43 men present. The vote was Shipp 26 – Hoke 10 – Schenck 7. My friends introduced a resolution that the party would support the nominee and it carried 41 to 2. The negative voters were Michael H. Justice and W. L. Twitty. The latter’s grandfather was a notorious thief and counterfeiter and was imprisoned for years in the jails and penitentiaries of the country. The other, Justice, is an ignorant, stupid fool, a county court lawyer who is noted principally for making speeches on one side and voting on the other,” wrote a scornful Schenck. His dislike for these two men came not from the fact that they had opposed him, but rather that they exposed his betrayal of Shotwell. “They voted No because I condemned the atrocious raid of Shotwell on Justice,” he concluded.³⁸

Early in May Schenck received the Conservative Party’s nomination for judge of the ninth judicial district, but no sooner had he been nominated than more political

³⁷ Ibid., February 8, 1874.

³⁸ Ibid., April 17, 1874.

enemies began to emerge from the woodwork. George W. Logan, though removed from the bench about two years before, was still active in Republican politics and still carried a grudge against David Schenck. Logan and his allies sought to derail Schenck's campaign and they found a willing ally in his old friend Hoke. "Scarcely had the nomination been announced before I heard that John F. Hoke was to be an independent candidate against me," wrote an outraged Schenck. "Though the vile creature had solicited me to run for the office and then came out as a candidate for the nomination and pledged his honor to abide by its action, yet knowing the uncontrollable corruption of the miserable creature I was not surprised at his perfidy and meanness," he wrote.

Schenck also found that he could not escape Shotwell's influence. "The Mecklenburg people had, through the lies of Randolph Shotwell, lately out of the Albany penitentiary, become prejudiced against me," he noted. According to Schenck, Shotwell sought to "inflame the young and susceptible portion of the Conservative Party against me by telling them I had betrayed the Ku Klux and had sought to be examined and turned States evidence to save myself. An anonymous circular purporting to be extracts from my testimony was scattered in profusion in every direction and Shotwell added lie after lie verbally to this report so that much indignation was excited against me."³⁹

Although Radicals sought to woo Hoke onto the Republican ticket for the judgeship, Logan's contempt for Schenck got the better of him and he refused to vacate his party's nomination. The vote came down to a choice between the Republican Logan or the Conservative Schenck. On July 25, 1874 Schenck gave his last campaign speech

³⁹ Ibid., May 13, 1874.

before the election on the steps of the courthouse in Lincolnton. “An immense crowd...listened to me with breathless silence for an hour and a half,” he boasted. “I defined the necessary qualifications for a good judge and then showed Logan’s ignorance, stupidity and corruption. And portrayed the evils of anarchy and crime which necessarily followed the mal-administration of the law. That when the government through its judiciary did not protect its citizens they would either individually or through secret unlawful societies protect themselves.” Seemingly he was oblivious to the remarkable irony of his own words.⁴⁰

“The great ambition of life has been accomplished,” wrote a jubilant Schenck on August 6, 1874. “I am now the Superior Court Judge, elect, of the 9th Judicial District of North Carolina.” Triumphant over Logan was a sweet victory for Schenck. He would sit on the bench of the Ninth Judicial District for eight years. During that time he traveled circuits in both western and eastern North Carolina and developed a reputation for fairness and competency. He remained involved in Democratic politics during his tenure as judge, but his involvement with the Ku Klux Klan had irrevocably stained his reputation with the younger generation of Democrats. Radical Reconstruction had reached the high water mark by the time Schenck ascended the bench but the Republican Party remained a force to be reckoned with for many years to come. Although Schenck gradually drifted away from the political limelight in which he had spent much of the Reconstruction years he had by no means seen the last of ugly political battles with bitter enemies like the one he fought with George Logan and John F. Hoke.

⁴⁰ Ibid., July 25, 1874.

One final incident would come to set the stage for next phase of Schenck's life. On September 4, 1874, Schenck got into a scuffle with a black domestic servant named Bob Burton and he ended up shooting the man. According to Schenck Burton "returned at 10'ck, and soon afterwards I discovered that he was very much intoxicated....About 30'ck while I was writing in my office near the house, he [Burton] came to my window which was open, and informed me that he was going to leave. I assented to this, and he then began the most abusive, offensive and threatening language to me, said he was not afraid of a white man, didn't care if was a judge, and said he was prepared to fight or kill," wrote Schenck. The two men scuffled as Schenck led Burton to the gate leading to edge of his property. Schenck threw a rock at Burton but missed. Burton then threw a rock at Schenck wounding his elbow. Schenck then called for his shotgun while Burton wrestled with another black man who came to see what the commotion was all about. As Burton was walking away from Schenck's property, Schenck shot him with his shotgun and then later had him placed in jail. Schenck claimed he acted to defend himself from a drunken domestic servant and in doing so won even more support from members of the Ku Klux Klan. The incident would come back to haunt Schenck, however, because it was widely believed that Schenck shot Burton because he refused to vote for him as Superior Court Judge.⁴¹

⁴¹ Ibid., September 6, 1874.

CHAPTER SIX

ESSE QUAM VIDERI, 1878-1902

The final two decades of David Schenck's life were by no means quiet or uneventful. It was a period in his life during which he came to realize the limitations of the Southern society he loved and, in his own way, fought to preserve. Schenck had reached the zenith of his career on the bench, but then fall short of his ambitious dream of serving on the state supreme court. He would also devote himself to rewriting the history of the Battle of Guilford Court House, the only major battle fought in the state during the Revolution. In so doing, Schenck sought to rescue his personal reputation and the honor of his beloved North Carolina and her sons who fell while fighting to secure liberty for their posterity. Indeed, Schenck's zeal for the honor of the Old North State in the waning years of his life would be similar to the zeal he had expressed for the Confederate cause many years before.

From the superior court bench, Schenck's long battle against Federal encroachment on state rights continued unabated as this stage of his life opened. Unwilling to cede one inch of ground on the issue of the state courts' jurisdiction, he frequently clashed with federal judges in several high profile cases. In the Hoskins Case for example, which involved the power of the Circuit Court of the United States to remove an indictment against a Federal Revenue officer from the state courts for trial, Schenck wrote the leading opinion for the state courts which then went before the state

Supreme Court. “I arrived at home from my circuit on Saturday the 13th, and was engaged all the following week in the preparation of my ‘opinion on the conflict of jurisdiction’ between the state and federal courts,” he wrote. “I was the first judge to resist the federal court in its claim to remove criminal cases from the state to the circuit courts.”¹ For Schenck, donning the robes of a superior court judge was akin to donning a Confederate uniform. In his first four years on the bench he was a tireless and vocal advocate of Southern and state rights. And as in the days of the secession crisis, he often spoke out publicly against the Federal government’s wanton excesses and abuses of power. “It seems I have been called, by Divine Providence, to resist Federal usurpation and expose Radical villainy,” he wrote. “It often discourages me to be always in a warfare with these corruptions in high places but it is duty and I shall discharge it fearlessly and trust in God to bless me for it.”²

To Schenck, no federal abuse of power was as unsavory as racial equality before the law. On this issue he remained bitter. “[T]he breach between the races widens as the young free negroes grow up and intrude themselves on white society,” he stewed as he reflected on the changes that had overcome the South as a result of Radical Reconstruction. Chillingly he added, “nothing prevents the white people of the South from annihilating the negro race but the military power of the United States government.”³

¹ Schenck Diary, June 30, 1877, SHC. See also, *Columbia Law Review*, vol. 3, No. 5, May 1903, 354-361. *State v. Hoskins* occurred in 1877 and centered on a Revenue officer and his deputies who, in the execution of their duties, killed a suspect who resisted arrest.

² *Ibid.*, July 11, 1877.

³ *Ibid.*, January 20, 1890, Quoted in Edward L. Ayers, *Promise of the New South: Life After Reconstruction* (New York: Oxford University Press, 1992), 428.

Although by 1877 Radical Reconstruction in North Carolina had ended, many Carpetbaggers and advocates of radical reform still remained in positions of power throughout the state. They supported the Federal government in the conflict of jurisdiction that Schenck had become so involved with. The case went before the state Supreme Court and Schenck's written opinion was the primary argument for the state courts. Crucially, in Schenck's view, no state institution was so infested with Radicals as the state's Supreme Court. His antipathy for the high court ran deep. "The Supreme Court of North Carolina is a political Nazareth, a hot bed of Radical hate, and desperation," he growled.⁴ Anticipating a ruling against the superior courts, he wrote, "I have but little hope from them except the Chief Justice and shall therefore not be surprised to hear an adverse opinion from them."⁵ At the end of July, the state Supreme Court rendered its decision, overturning Schenck's argument. "The court, true to its Radical instincts and its political hatred of the rights of the states and its aversion to all decent white folks and respectability generally, has decided in favor of the power claimed," he wrote with disgust. "No one expected less of a court whose name is a stench intolerable in the nostrils of the white men of North Carolina who wait impatiently and fretfully for the election next year, to set their seal of condemnation and contempt upon them."⁶

Smelling political weakness among the state's cadre of Radicals in the high court and elsewhere within the halls of power, Schenck prepared to act. He intended to run for a seat on the state Supreme Court. Indeed, his anti-Radical speech-making and his highly

⁴ Schenck Diary, July 2, 1877, SHC.

⁵ Ibid.

⁶ Ibid., July 30, 1877.

publicized opinion in the conflict of jurisdiction case were calculated to maximize his influence with the conservative white electorate and improve his chances against other Democratic competitors. “I have made hosts of friends in North Carolina wherever I have gone, and especially where I have held courts, and my recent conflict of jurisdiction with the federal courts has given me prominence and reputation all over the state,” wrote Schenck weeks before the state Supreme Court’s ruling.⁷ His assertion that he had been called by Divine Providence to battle against usurpation and villainy had become a self-styled crusade to eradicate the last vestiges of Radical politics in North Carolina. “I shall appeal to the people of North Carolina and in 1878 they will hurl this last putrid cluster of Radicals from power and turn them over to the scorn and derision of all honest men,” wrote Schenck.⁸

The road to the Supreme Court was fraught with difficulties, however, many of which Schenck either could not or would not recognize until it was too late. In 1877 there were three Democratic contenders for the position of Chief Justice on the Supreme Court. William N. H. Smith represented the moderate Democrats and had the backing of Governor Vance. Smith was appointed the acting Chief Justice of the Supreme Court in the wake of Chief Justice Richmond M. Pearson’s sudden death. Daniel G. Fowle and David Schenck represented the extremist wing of the party. Fowle and Schenck, both old secessionists, were vocal advocates for the restoration of white rule and the abrogation of radical policies.⁹ The rivalry within the party became intense and Schenck was in the thick of it.

⁷ Ibid., July 11, 1877.

⁸ Ibid., July 30, 1877.

Not only was Schenck in competition with Fowle and Smith for the nomination, he also had a major falling out with Zebulon Vance who had then just started his second administration as governor.¹⁰ As the summer of 1877 wore on, the rift between Vance and Schenck grew worse.

“The acts of Governor Vance, since his administration began, have been incomprehensible to his friends and a pleasing surprise to his political enemies,” ranted Schenck. A detailed list of offenses committed by Vance followed. “One of the first acts was to appoint Dr. Arendell of Carteret County to be State proxy in the Atlantic Rail Road. Now Arendell is a very recent convert from Radicalism, and was such a dirty scalawag that he was appointed surgeon in Kirk’s regiment of villains and cutthroats in 1870....secondly the Governor is guilty of nepotism....thirdly, in allowing his wife, who is a nervous, foolish little woman...to dictate appointments of her friends....fourthly, the pardoning power is being greatly abused, by turning out criminals to gratify the Governor’s friends....fifthly, he is ignoring the men who placed him in office and bestowing his patronage and favor on the proselytes to our party and those whom he can hope to conciliate the Republicans....sixthly he is drinking whisky and indulging in immorality and obscenity unbecoming to any man....seventhly, by trying to build up a party in North Carolina whose only governing principle is to be fidelity to Governor Vance and support of him for United States Senator in 1878.”¹¹

There is in retrospect something strangely personal about Schenck’s criticism of Vance. The party’s leadership was in fact transitioning from one generation to the next but Schenck had not yet detected the shift. Vance, the consummate politician, was distancing himself from Schenck by courting the next generation of party leaders. The realignment of power within the Democratic Party would leave Schenck vulnerable and exposed to attack from without, especially in his bid for the Supreme Court nomination.

⁹ Otto H. Olsen, *Carpetbagger’s Crusade: The Life of Albion Winegar Tourgee* (Baltimore: Johns Hopkins Press, 1965), 211.

¹⁰ Beth G. Crabtree, *North Carolina Governors, 1585-1975* (Raleigh: Division of Archives and History, Department of Cultural Resources, 1974), 95.

¹¹ Schenck Diary July 12, 1877, SHC.

For the next year Schenck worked hard to win over voters within his district. Throughout the course of his canvass, he remained supremely confident that he would win the nomination. “Supreme Court prospects I think are first rate in this county [Burke],” he confided to his diary from the circuit in Burke County in August. In October, while in Mitchell County, he wrote, “Mitchell [County] is certain for me in the Convention.” From Morganton in December Schenck boasted in his diary, “almost every leading man in the community gave me assurance of support for the Supreme Court next summer, and as far as I could hear from all directions, it seemed to be a unanimous sentiment that I was to have the nomination.”¹²

For Schenck, winning the nomination for Chief Justice of the Supreme Court had become his chief ambition, but there was one drawback to this high honor. By the winter of 1877, his family had grown to seven children. The cost of paying for his children’s education was high and he occasionally feared that the Supreme Court salary would not be enough for him to adequately provide for his family. “My chances for a nomination on the Democratic ticket seem now to be almost certain and the prospect of enjoying such an high honor is very gratifying and pleasant, but the salary being only \$2500 with no outside emoluments I have great apprehensions that I cannot support my family upon it,” he wrote.¹³

Nonetheless, in March 1878, Schenck officially became a contender for the position of Chief Justice, and his campaign to win influence with county administrations statewide swung into high gear. “I am now a candidate for the nomination of Chief Justice, and am hard at work to accomplish success,” he wrote enthusiastically. Schenck

¹² Ibid., August 7, October 13, and December 5, 1877.

¹³ Ibid., November 8, 1877.

worked hard to out-maneuver his chief competitor, Judge Smith. “I have Halifax, Northhampton [counties] from the east, with strong probabilities for Wake, Warren, Martin, Beaufort, that I know of now,” he calculated. “The chances now are decidedly against Mr. Smith, and I hope to succeed in my aspirations.”¹⁴

The race for Chief Justice occupied all of Schenck’s time and attention. “I have been writing and receiving letters from all over the West, and I have but little doubt that the West will be almost solid for me in the Convention,” he wrote when taking a break from his expanding correspondence. From his perspective the prospects for success looked good. “My friends are active and I hope soon to hear public expressions through County Conventions in my favor.”

As for his main competitor, Schenck was sure his failure was certain. “Mr. Smith is losing strength everyday, his concurrence in the case of State vs Driver, and Miller vs Miller has brought down on him the indignation of the people, the bar and the press, and the only sentiment in his favor is that of compassion for his weakness and old age. I am glad we had an opportunity of finding him out before it was too late. I knew his imbecility before but the people did not,” wrote a confident Schenck.¹⁵ The fight within the Democratic Party of North Carolina for the Chief Justice nomination was beginning to draw national attention. A correspondent for *The New York Times* reported that, “a bitter fight is going on among the Democrats for the nomination of the Chief Justice of the Supreme Court. The present outlook foretells lively times in the Old North State from now until the election in August.”¹⁶

¹⁴ Ibid., March 8, 1878. Judge William N. H. Smith hailed from the eastern part of the state.

¹⁵ Ibid., March 22, 1878.

Schenck's ego feasted on the many expressions of support and confidence arriving daily from his ever-expanding constituency across the state. He believed that he was winning an unspoken mandate from the conservative white electorate, one that called for him to save the state from further degradation at the hands of Radicals. In his mind, he stood as the central pillar in the Southern identity he had crafted for himself in the months prior to the Civil War. He viewed himself as a socio-political force that was gaining strength and moving rapidly toward a glorious crescendo.

He found evidence of his growing political power in many instances but none so clearly as in his relationship with Governor Vance. In March of 1878, Schenck wrote the governor a letter in which he laid out his complaints against him. Schenck believed that he had brought Vance to heel. "Gov. Vance and I have had a correspondence explanatory of some of his unkind and disrespectful remarks and the matter is perhaps formally adjusted. Vance, in his puffed up vanity and pride, has presumed to put on the air of a censor and dictator in our party and I brought him up standing and caused him to explain," he wrote.¹⁷

Schenck's forty-third birthday fell on Sunday, March 24, while he was holding court in near by Morganton. The race for the Supreme Court was shaping up nicely, he believed, and his concluding remarks in the diary entry for that day mentioned that he had just received a telegram from Halifax County announcing that the county had declared for him in the race for Chief Justice. Two days later everything changed. "This has been a black Tuesday to me. The news from the state convinces me that I cannot beat Mr.

¹⁶ North Carolina Politics, in *The New York Times*, April 3, 1878.

¹⁷ *Ibid.*

Smith for Chief Justice.”¹⁸ Indeed, the tide of popular opinion turned against him so abruptly that Schenck was left stunned at the sudden reversal of fortune. He would not defeat Judge Smith for the nomination for Chief Justice of the Supreme Court and ironically Schenck would end up voting for him in August.

What happened that brought about such an abrupt change in Schenck’s fortunes was a series of events that came to fruition at the same time. First, the Democratic Party’s leadership already had decided to sever ties with old secessionists like Schenck who had a reputation for thumbing their nose at Federal authority. This decision was what led Governor Vance to cement ties with the younger generation of Democrats, men with no direct connection with secession or the Ku Klux Klan. Support for the Invisible Empire had so deteriorated that any connection with it was viewed by party strategists as a liability to the Democracy. This was certainly the case for Schenck as one newspaper pointed out, “Schenck was elected Judge of the Superior Court because he belonged to the Kuklux Klan, but it now seems probable that he will be denied further promotion for the same reason.”¹⁹ While Schenck took issue with Vance over warming up to the “proselytes of the party,” he never seemed to understand that the upper echelons of the Democracy were leaving him behind. As the race for the Supreme Court entered its final phases, Vance gave his full support to Smith. He also demonstrated his mastery of state politics by securing the votes of his powerful friends for Smith instead of Schenck. According to one newspaper correspondent, “it is now charged that Gov. Vance has

¹⁸ Ibid., March 26, 1878.

¹⁹ A Southern Political Feud, in *The New York Times*, April 12, 1878.

entered the fight for Chief Justice, and is wielding a sledge hammer in favor of Mr. Smith.”²⁰

Second, Schenck’s past connections with the Ku Klux Klan and his betrayal of Randolph Abbott Shotwell and other members of the Invisible Empire came back to haunt him. “Through private letters from the East,” he wrote, “I learned that Randolph A. Shotwell had written several abusive private letters to the East, to Dossey Battle, editor of the Tarboro *Southerner*, and others, reviling me, with charges in regard to my connexion with the Ku Klux and my testimony about them, at Washington City in December 1871,” wrote Schenck.²¹ Shotwell’s revenge required no guile on his part; he simply shared to the truth about how Schenck, the putative leader of the Ku Klux Klan in the western half of the state, turned his back on him while he was on trial in Raleigh, and how Schenck betrayed the oath he had sworn to the Invisible Empire when he testified before the Congressional hearing in Washington. Shotwell, who had become somewhat of a folk hero for enduring hard labor in prison for refusing to betray his Klan brothers, exposed Schenck as a coward, a shirker, and a fraud in his attack. According to *The New York Times* Shotwell’s attack on Schenck was, “a terrible exposition of Mr. Schenck as an original secessionist, as a shirker of the war, as a Kuklux, and as a judge.” Shotwell asserted that Schenck’s grandstanding on the issue of the conflict of jurisdiction between the State and Federal courts was pure political showmanship. “Mr. Shotwell says that Mr. Schenck is not entitled to any credit for resisting the jurisdiction of the Federal court over indictments in State courts of revenue officers for alleged offenses as such officers, because Mr. Schenck, as a lawyer, was the first man in the state to apply for the removal

²⁰ The Contest in North Carolina, in *Ibid.*, April 4, 1878.

²¹ *Ibid.*, June 22, 1878.

of a case of this kind to the Federal court. This was in 1873. These revenue officers were indicted for assault and battery. Mr. Schenck, as their counsel, moved to have the case transferred to the Federal courts,” reported *The New York Times*. Shotwell went on to destroy Schenck’s credibility by quoting Schenck’s own testimony before the Congressional hearing in Washington regarding the oath he had taken to Invisible Empire. “To show Mr. Schenck’s utter depravity, Mr. Shotwell quotes from his [Schenck’s] testimony, in which he said he did not regard the oath he had taken as a member of the invisible empire as any more binding than set of resolutions at a Democratic meeting, and in reply to how he got rid of that oath, Schenck said there were several ways of getting out of a difficulty – one is to fight out, another is to back out, and that he [Schenck] backed out.”²²

Shotwell’s attack on Schenck was devastatingly efficacious. The correspondent for *The New York Times* reported that “it has been well understood that Mr. Schenck’s prospects for a nomination for either place on the Supreme Court were growing smaller at a rapid rate. Already have Rutherford and Burke Counties refused to indorse him.”²³ Exposed for the things had done and said in the past; Schenck’s own history would prove to be the most powerful indictment against him.

The third factor was also crushing to Schenck’s prospects of winning a seat on the Supreme Court. The “C” letters, a series of anonymous missives appearing in the Greensboro *North State* between March and May 1878, effectively lampooned Schenck as an ambitious coward.²⁴ “C” was none other than Schenck’s old rival and fellow

²² North Carolina Politics, in *The New York Times*, April 17, 1878.

²³ Ibid.

Superior Court Judge, the Northern-born Albion Tourgee. According to Tourgee's biographer, Otto Olsen, "Schenck and Fowle were cleverly ridiculed as blusterers who sought judicial honor through reviving memories of the war, although they had actually lurked safely in the rear during the war and only loomed into prominence after peace was declared and treason was made safe and profitable."²⁵ Schenck bore the brunt of Tourgee's critical wit and his aspirations were thoroughly undermined.²⁶ Indeed, Tourgee's pen made a mockery of Schenck's whole identity, going all the way back to the Goldsboro Convention in 1861, and he cast Schenck in a most unflattering light. "The Hoskins case, and the question involved therein, is the chariot in which Schenck expects to be borne to the Chief Justiceship, while Fowle looks upon it as big enough to carry double, and lays claim to a back seat – if he can't get the front one," quipped "C."²⁷

Stirring old memories of the war and reminding the electorate of his early calls for disunion became a dangerous liability for Schenck. "It is a rather peculiar and significant fact that the two champions of States Rights who expect to obtain judicial honors for renewing the war, are both men whose hides are unpunctured by hostile shot, and who were always to be found fighting valiantly at a safe distance in the rear while the war was going on in the field."²⁸

Tourgee's remarks about Schenck's character became much more personal and damaging. He made much of Schenck's lack of military service:

²⁴ Olsen, *Carpetbagger's Crusade*, 211.

²⁵ *Ibid.*, 212. Quote from *Wilmington Star*, quoted in *Greensboro North State*, July 25, 1878.

²⁶ Olsen, *Carpetbagger's Crusade*, 212.

²⁷ "C" No. 2 in *Greensboro North State*, March 18, 1878. The Hoskins case was the conflict of jurisdiction case that Schenck was involved with.

²⁸ *Ibid.*

“Schenck...is not troubled with scruples, real or imaginary, so long as he is certain that there is no danger. He is utterly indifferent to what is thought of him, if he can succeed in accomplishing his ends. He was no more given to rash exposure of his precious person during the four years of of useless struggle, than was his compeer, the judge of the provisional era; but he made good use of his time and talents as soon as the danger was entirely over.”

Tourgee further scarred Schenck for cowardice during Reconstruction:

“Not only did he join the ku-klux, but he made haste to abase himself before a congressional committee, and to crawl on his belly in the dust, through many pages of the ku-klux reports, as soon as he realized how dangerous a contrary course might be. It was rumored that he was duly and truly prepared for judicial honors by shooting a “nigger.” Of course, this gives him a great advantage over his competitors.”²⁹

Tourgee’s attacks on Schenck, his war record, his calls for disunion, his involvement with the Ku Klux Klan, and his hatred of blacks were relentless. With surgeon-like precision Tourgee thoroughly and systematically discredited Schenck of any and all honor he may have imagined that he possessed.

“As long as there is no danger, Schenck is one of the reckless mortals ever known to history. He is utterly insensible to any danger which he cannot appreciate. The carnal weapons of actual warfare were unsuited to his hands in the days of conflict, but it is generally believed that no man on the globe could more fearlessly or gladly do a man to death under the forms of law, if occasion should ever offer, and the person accused was obnoxious to him, or some *éclat* might possibly be derived from his extermination. This opinion, it must be confessed, is greatly strengthened by the peculiar fierceness of his ante-war zeal, the mildness and brevity of his record of service in the war, the alacrity with which he entered into the ku-klux conspiracy, and the anxious haste with which he rushed before the investigating committee to excuse himself.”³⁰

²⁹ Ibid. Tourgee’s mention of Schenck “shooting a ‘nigger’” is in reference to the incident that occurred in Lincolnton in 1874 discussed in Chapter Five.

Randolph Shotwell's attack on Schenck ran in newspapers throughout the Eastern Counties at around the same time that the "C" letters appeared. Schenck, who was holding court in the twelfth judicial district, responded to the Shotwell's attacks by instructing his long-time friend and chief political advocate Paul B. Means to refute Shotwell's claims. Means frantically began writing letters to prominent editors and even to the Governor. He also began placing cards in a variety of newspapers refuting Shotwell's claims, but to no avail. Means pleaded with Vance to intervene on Schenck's behalf. "Dear Governor....I find that your word can change the darkness and make it all brightness for my friend [Schenck]," wrote Means, "please speak it then at once."

Tourgee's lampoon in the Greensboro *North State* and Shotwell's letters and public campaigning against Schenck effectively turned public opinion against him with remarkable speed. His political career was destroyed and he would never hold a public office again. He began to show signs of slipping into a nervous breakdown. "I am exceeding sorrowful, inexpressibly sad," he recorded. There was little that he could do to answer the charges made against him in the state journals as the accusations were a matter of public record. Once again, Schenck had reached a point in his life where his faith teetered on the brink of collapse. "In the agony of my heart I have felt the full measure of the exclamations as they escaped from my lips 'Oh! Wretched man that am.' 'My God, my God why hast thou forsaken me,'" he wrote.³¹

Schenck's grief and sadness at this moment were further compounded by the dishonesty and failure of his oldest child, Dodson Ramseur Schenck, at Davidson

³⁰ Ibid.

³¹ Schenck Diary June 17, 1878, SHC.

College. Although Schenck never stated specifically what offense his son had committed, later entries suggest that laziness and apathy were the cause of his failure and that he had picked up some bad habits while away at school.³²

For months, Schenck wallowed in self-pity, lamenting the destruction of his future in public office.

“For forty-three years have I lived and toiled and suffered, through orphanage, through disease, through poverty, among strangers, in troublous times, and weighed down with burdens too heavy for me to bear, and amidst it all I have done charity far beyond my means to the poor, to the church, and to the helpless. I have trusted God with faith amidst it all, striving for only one earthly blessing, asking only one post of honor, usefulness and duty, that was to write my name in the Judicial history of the state, to be a member of its Supreme Court. For four years the prize came nearer and nearer, and blessing and Providence brought it in my grasp until all men conceded that I should have the coveted prize. The cup was at my very lip, when not three months ago, on the 2nd of April, while was absent, an over-zealous friend began a series of publications which ruined me politically and has resulted in my defeat and disgrace,” Schenck lamented.³³

Frequently he mulled over the events that had taken place that led to his political ruin. He felt no animosity toward his friend Means, whose inept defense of his record with the Ku Klux Klan led to his downfall. “No truer or more chivalric heart ever beat in mans bosom than in that of this ‘princely gentleman,’” he wrote of Means. “In the exuberance of his zeal he committed a great error which ruined me, but in my defense he

³² Dodson Schenck never returned to Davidson College instead he went to work at a cotton mill not far from his home in Lincolnton. A few years later Dodson Schenck followed in the footsteps of his grandfather and attended Jefferson Medical School in Philadelphia.

³³ Ibid.

bore himself without shame or fear, valiantly and nobly.”³⁴ He was not so forgiving of Governor Vance, however. Although Schenck believed he had been wronged by Vance, he was not eager to seek revenge against him either. “Gov. Z. B. Vance grossly and sadly deceived me. I am in no bitter spirit or revengeful mood, but my children shall know that...he never secured me a vote or said a word in my behalf,” wrote a sullen Schenck.³⁵ As the summer wore on, Schenck’s thoughts and mood became increasingly morbid. “I often think now of death and how short a time it will be until we will be gathered with the generations which have preceded us. Life has few charms or pleasant anticipations for me now. Gloom hangs over all.”³⁶

For a second time in his adult life, Schenck found himself widely out of step with the majority of his fellow Tar Heels. So abrupt and sweeping was his fall from grace with his constituency and even his own political party that Schenck was at a loss to understand why. He would never admit that he had acted in a cowardly or dishonorable way in regards to his service to the Confederacy or with his involvement in the Ku Klux Klan. In Schenck’s mind, his godless enemies had spread lies about him and the people, for reasons that he would never understand, chose to believe them. “I cannot understand it by reason,” he wrote in hindsight. “That the people should have been misled into hostility against me by such falsehoods and immaterial charges as were made against me and therefore my confidence in them is lost.”³⁷ Still, he had to consider the future for his own sake and the sake of his family as well. “So many enemies have now risen against

³⁴ Ibid., June 22, 1878.

³⁵ Ibid.

³⁶ Ibid., July 9, 1878.

³⁷ Ibid., July 23, 1878.

me in politics that to my view, I can never again get promotion or office,” he wrote. The future looked hopeless; “to go back to the law now would be to sink into poverty and want, for I could not make a living here for my large family. To remove to a strange place at my age and leave my home, adorned and beautified by my hands, seems worse than death to me.”³⁸

Schenck continued to serve as Superior Court Judge of the ninth, and later sixth judicial circuits, until April 1881. In February of that year, a representative of the Richmond & Danville Railroad approached Schenck and persuaded him to quit the bench and work for the railroad. On April 2, 1881, he telegraphed Governor Thomas J. Jarvis his resignation. Jarvis replied, “Your resignation as Judge of the 6th Judicial District has been received, accepted, and filed this day. In your retirement from the Bench the state loses the services of a learned, upright Judge. This I am sure will be the sentiment of the people of the state whose regrets at your resignation have already found expression with the public press.”³⁹

For a year Schenck worked part time for the Richmond & Danville from his office in Lincolnton. At the end of that year, corporate officials requested that he move to Greensboro and assume the duties of General Counsel for the company in North Carolina on a full time basis. He agreed and on May 6, 1882, he sold his home in Lincolnton to his son-in-law John L. Cobb. He and family set out for their new home in Greensboro. Once settled into his new home, Schenck wrote in his diary, “on the 4th day of April last, I purchased from Mr. Charles W. Ogburn this new home for the sum of \$5000. It

³⁸ Ibid.

³⁹ Ibid., April 14, 1881.

contains 2 ¾ acres of land, on Edgeworth Street, which was formerly the site of the Academy belonging to the Presbyterian Church at this place.”⁴⁰

The move to Greensboro, though difficult, especially for Sally, provided a fresh start for Schenck. He and his family grew to be happy in Greensboro. Schenck would eventually become a powerful advocate for progressive reforms in business and in public education in his new home. He served as an alderman on the city council and chaired the committees that oversaw the extension of Elm Street and created a public school system in Guilford County. In Greensboro, Schenck also escaped the influence of old friends and the political associations that had been the source of such disappointment. He found contentment outside the realm of politics and there he also would experience a peace in his life that he had never known before.⁴¹

One day in October, 1887, while driving past the field where the Battle of Guilford Courthouse took place in March of 1781, Schenck had an idea. By the end of day he had purchased thirty acres of land encompassing the battleground. He then persuaded several of his prominent friends there in Greensboro to invest money in the project. A year later the state of North Carolina granted the investors a charter and Schenck was named the first president of the Guilford Battleground Company. Schenck’s idea of purchasing and preserving the battleground proved to be revolutionary, for it was the first of many military parks that would eventually become national monuments. Schenck was devoted to the battleground and, although his health was

⁴⁰ Ibid., May 28, 1882.

⁴¹ For general information regarding Schenck’s life in Greensboro see William J. Moore, *Greensboro: A Chosen Center* (Woodland Hills, California: Windsor Publications, Inc., 1982, 45, 47, 50, 51 and 88; Blackwell Pierce Robinson, *The History of Guilford County, North Carolina, U. S. A. To 1980, A. D., Volume One* (Greensboro: Guilford County Bicentennial Commission, 1976), 153, 158, 160, 169, 171, 181, 187, and 190.

beginning to fail, he exerted much energy working to preserve it and serving as president of the Guilford Battleground Company until death in 1902.

For Schenck, the battleground and its history meant a great deal. He was convinced that North Carolina militia who fought in the battle had been misrepresented by historians and he was eager to redeem their honor. He threw himself into the arduous task of researching and then rewriting the history of the Battle of Guilford Courthouse. *North Carolina, 1780-1781: Being a History of the Invasion of the Carolinas by the British Army Under Lord Cornwallis in 1780-81*, Schenck's history of events surrounding the battle of Guilford Courthouse was published in 1889. The book chronicled the British invasion of the Carolinas and Georgia culminating in the Battle of Guilford Courthouse in which Schenck, as historian, took exception to the standing interpretation.

Although ostensibly a history of the Revolutionary battle, Schenck's book also was an effort to reclaim much his own honor. "It has been described by Lee and Campbell, Virginians, who participated in it, on the American side, and in their respective narratives they have severely reflected on the conduct of the North Carolina militia, who formed the first, or front line of Greene's army, and received the cannonade and first fire of the enemy," wrote Schenck.⁴² "General Greene...has adopted that account and reported the militia as delinquent in duty in the fight; and for these reasons North Carolinians, without investigating the correctness of these statements, or considering the sources where they originated, or reflecting upon the extenuating, if not the justifying, circumstances which surrounded these troops, have suffered mortification

⁴² David Schenck, *North Carolina, 1780-1781: Being a History of the Invasion of the Carolinas by the British Under Lord Cornwallis in 1780-81* (Raleigh: Edwards & Broughton, Publishers, 1889), 293.

at this supposed dereliction of duty on the part of their fellow-citizens.”⁴³ One need not possess a vivid imagination to perceive that Schenck was indirectly writing about his own experience of being viciously maligned, misunderstood, and sentenced to a place of dishonor in history’s long memory. Indeed, his vindication of the North Carolina militia’s record of service reads like an explanation of his own lack of service during the Civil War. “I shall not, however, shrink from the task of endeavoring to unfold the whole truth of history, and to publish important facts and circumstances which have either been intentionally or criminally suppressed by these historians, who have gone before, and also to show that much of the glory of this battle belongs to other classes of troops, from North Carolina, who participated in it and whose identity, as North Carolinians, has been over looked by historians because their names were not on the muster rolls of the regular army,” he wrote⁴⁴

His book received much critical acclaim within North Carolina and won for him applause from many of the state’s leading students of history. Schenck consulted multiple manuscripts and acquired several primary correspondences theretofore unknown to historians while researching his book. His historical writing bears the obvious influence of the British historian Lord Macaulay whose work he admired and read frequently. Schenck covers the entire history of the British invasion of the South and culminates with the Battle of Guilford Courthouse in 1781. Throughout the manuscript, Schenck seeks to rescue the reputation of North Carolinians and to reveal the vital role they played in repelling the British invasion.

⁴³ Ibid, 294.

⁴⁴ Ibid.

In the last years of his life, Schenck grew ever more concerned about how history would remember him. He wanted posterity to think of his as an active patriot of North Carolina and the South. Perhaps he believed that by preserving the battlefield and rescuing the honor of the North Carolinians who fought there that somehow he might win forgiveness from his fellow Tar Heels for his own failures. Deliverance from odium also weighed heavily on his mind. “To all these sources of information I shall appeal for truth, and for justice for North Carolina, with the confidence that very much, if not all, the odium attached to her militia will vanish away, and that the honorable part borne by her other volunteer troops, in this battle, shall be established, beyond cavil or doubt,” wrote Schenck.⁴⁵

In 1895, Schenck’s health deteriorated to point where he could no longer practice law.⁴⁶ He spent his days conducting the business of the battleground company; writing historical pamphlets for the park, and spending time with his beloved Sallie. According to his son Paul W. Schenck, “failing health, brought on largely by over-work, made him practically an invalid during the last six years of his life.”⁴⁷ Although there is no direct evidence concerning the cause of his failing health, Schenck may have suffered from heart disease attributable to a poor diet. Diary entries from the latter part of his life indicate that his weight soared to nearly two-hundred pounds before his death. On August 26, 1902, David Schenck died at his home in Greensboro at the age of sixty-seven. Paul Schenck recorded, as perhaps his father would have desired, that, “at his

⁴⁵ Ibid., 295.

⁴⁶ Schenck’s positions with the Richmond and Danville Railroad and the Charleston, Cincinnati & Chicago Railroad were dissolved in 1895 and he retired from business life all together.

⁴⁷ Paul W. Schenck to Charles L. Van Noppen, April 1, 1928, Charles Leonard Van Noppen Biographical Sketches, Box 6, Special Collections, Perkins Library, Duke University.

death in 1902, the city of Greensboro and the state of North Carolina mourned his passing.”⁴⁸

David Schenck’s life offers a fascinating glimpse at the construction of a religious-political identity and how the individual interacts with the imagined community. Consistent themes run throughout the course of his adult life that shed light on the identity he crafted for himself, which was based upon his understanding of the world around him and his place in it. Three themes in particular stand out that form the core of Schenck’s identity: religion, duty, and manhood. Although he often behaved like a fair-weather Christian, religion was nevertheless the linchpin of Schenck’s identity for it underpinned his entire worldview. As a young man, he despaired over his position in society because he felt that he was outside of the “Christian commonwealth.”⁴⁹ The secession crisis and the emerging Confederate cause afforded an opportunity whereby his religious and political identities merged into one. For Schenck, advocating for secession and serving the Confederacy, even safely in the rear, was an act of religiosity that displayed not only his commitment to the Confederate cause but also to God as well, and placed him squarely within the inner social circle he desired to be a part of.⁵⁰ But the cause that was so intricately woven into the religious side of his identity was lost and Schenck found it very difficult to reconcile himself to that fact. For years after the Confederacy’s defeat, he displayed behavior that few Christians would recognize as compliant with Christian morals. His dodging of military service during the war; the

⁴⁸ Ibid.

⁴⁹ See Beth Barton Schweiger, *The Gospel Working Up: Progress and the Pulpit in Nineteenth Century Virginia* (New York: Oxford University Press, 2000).

⁵⁰ See Kurt O. Berends, *Confederate Sacrifice and the “Redemption of the South”* in Beth Barton Schweiger and Donald G. Matthews eds., *Religion in the American South: Protestants and Others in History and Culture* (Chapel Hill: University of North Carolina Press, 2004), 99.

Klan violence that he was associated with; lying before the Congressional Committee; his betrayal of Randolph Shotwell, and shooting an unarmed black man in the back. All violated Christian principle. Yet when all was going well in his personal life his faith was strong. For Schenck, Christianity was not about the sovereignty of God or the absolute truth of His word, but rather it was an imagined ideal that he first strove to attain, and then struggled to keep.

A powerful sense of duty was another major component in his identity. Although often misguided and self-serving, throughout his adult life, Schenck nevertheless acted out of a sense of duty to his community. Indeed, duty and commitment to one's family and community was a central part of the South's honor culture that Schenck was thoroughly immersed in. Although he took pains to avoid any and all personal danger during the Civil War by staying safely on the home front, Schenck, nevertheless, believed that he was doing his duty to his country and community by confiscating enemy property and accusing his neighbors of disloyalty. During Reconstruction, Schenck involved himself with the Ku Klux Klan because he felt that it was his duty to protect society from the evils of Radical policies that threatened to undermine the elite socio-political order he cherished. His sense of duty was problematic, however, because it often conflicted with the over-arching principles of his religion. A guilty conscience was not something Schenck wrestled with and he appeared to comfortably embrace the notion that the ends justify the means, especially if it meant the restoration of elite white rule in North Carolina.

Manhood also played a leading role in the identity Schenck crafted for himself. Honorable Southern men, as Schenck understood, were duty-bound Christians who were

self-sacrificing. Schenck sought to project this image through religiosity and displays of duty. For Schenck, manhood was almost pure imagery. For example, as a secessionist, he sought to lead sheepish Tar Heels in support of the Confederate cause, which quickly took on a religious character; as a Confederate official he was seen as being closely associated with the cause itself; involvement with the Ku Klux Klan cast him in the light of a defender of Southern virtue, and from the bench he was seen as a champion of redemption who continued to fight the war on behalf of the Old North State stamping out the corruption of Radical reform.

Religion, duty, manhood; in the end Schenck was none of these for he failed in all of them. The simple truth is that David Schenck was a vain, vacuous sort of man, who wanted the honor accorded to the respectable, and he wanted to be admired by his peers and contemporaries, but he lacked the personal courage to fight, sacrifice, and struggle for any of those distinctions. This helps explain, in part, how he could stay at home during the war when the majority of men from his county either volunteered or were conscripted into the service, and how he could receive word of his dearest friend's death on the battlefield without ever mentioning his wife's grief or any sense of shame for not having been there himself. His lack of a substantive character also helps explain how he could be widely known as the leader of the Invisible Empire in the western half of the state and, as Tourgee pointed out in the "C" Letters, when danger reared its head he fled to Washington to betray his fellow Klansmen to save his own skin. Schenck sought to project an image of himself that was false, and one that he failed to live up to. Ironically, in 1893, the state of North Carolina adopted the motto, *Esse Quam Videri*, which means:

to be rather than to seem. David Schenck's personal history reveals that in the end he could only seem or appear, but he could never be the man he idealized.

The life of David Schenck also connects with many of the larger issues associated with the Civil War era. Historians have long sought to answer the question, who were the secessionists? Examining Schenck's life reveals that at least some of them were professional middle-class men who were seeking to advance their position within the rigid class structure of antebellum and Civil War North Carolina. Moreover, his diary and other evidence pertaining to the States Rights Party suggests that North Carolina secessionist were far more revolutionary than historians have heretofore portrayed them.

Schenck's brief career as a Confederate States Receiver also sheds light on the inner workings of the Confederate bureaucracy at work on the local level. While the men-folk were away fighting, Schenck preyed upon their families by confiscating and selling tens of thousands of dollars worth of property belonging to them. He also accused many of those people of disloyalty and had them punished by Confederate authorities. The evidence suggests that far from the "weary but loyal" view of the Civil War home front, North Carolina, at least, had more in common with Revolutionary France during the reign of terror. Schenck's story also establishes a clear connection between secondary Confederate bureaucrats and the Ku Klux Klan. Schenck's equivocation before the Congressional hearing and his betrayal of his Klan brothers reveals much about the character and motives of the Klan's leadership. Although Schenck's views and ambitions are often unusual and out of step with the society around him his diaries nevertheless offer valuable insight into the heart and mind of an ardent Confederate nationalist,

Klansman, and Southerner. They also shed much light on North Carolina society as it endured the greatest political, economic, and social upheaval in its long history.

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