HISTORY
OF
NORTH CAROLINA

VOLUME III
NORTH CAROLINA SINCE 1860

By J. G. de ROULHAC HAMILTON, Ph. D.
Alumni Professor of History, University of North Carolina

ILLUSTRATED

PUBLISHERS
THE LEWIS PUBLISHING COMPANY
CHICAGO AND NEW YORK
1919
And yet the populists accomplished much of good. In a positive way their educational liberality was their best characteristic. They impressed this upon the state, and the democrats, returning to power, were forced to accept it and continue it. Their greatest achievements, however, were accomplished indirectly. Of these the most important was the liberalizing of the democratic party which through defeat was chastened and purified. When it returned to power it was with new and progressive leadership and with a new sense of responsibility to the people for social improvement. Once more it set its face to the future. The other great indirect result of populism was a new attitude towards the race question. Fusion awakened the people to a new sense of the danger of the negro in politics and bred a determination to eliminate him for the future that a new peace and security might come to the commonwealth. Thus in a new sense the doctrine of White Supremacy was presented to the state.

CHAPTER XIV
WHITE SUPREMACY

The war with Spain produced in North Carolina the same flare of enthusiasm as in the rest of the country. Everywhere was the evident feeling that here were sealed with blood the indissoluble ties which bound the state to the nation, not alone in political union but beyond dispute in one of hearts as well. The state had from Appomattox accepted the result of the Civil War in utter good faith, but had not always felt itself to be accepted by the North into full fellowship. Now with the loss of its sons in battle under the flag of the United States it claimed that fellowship. It was a significant change of attitude, and, occurring elsewhere in the South, was in some respects the best thing connected with the war.

The quota of the state in troops was two regiments of infantry and one battery of artillery. In place of the latter was substituted a battalion of three companies of negro infantry which was later expanded into a full regiment. None of the regiments saw service. When Havana was occupied the First Regiment was sent there for a short time, but the others never left the United States.

Interested as the state was in the war, it really occupied a secondary place, so intent were the people upon politics. The mass of the white people were determined upon a political change and it is not a matter of doubt that the war itself and the good feeling induced thereby between the sections made possible the political revolution which was presently to occur.

The campaign of 1898 was really begun on November 30, 1897, when the democratic executive committee met in Raleigh and issued an address to the people. It contained three exceedingly significant sentences. "We have fallen upon evil
days in North Carolina. "Too large a number of
its voters are ignorant for the masses to control. "The democratic party promises the people on its return to
power to correct all these abuses." In December it drew up
the rules for the primaries, and the provision for exclusion
of all negroes from participation foreshadowed the character
of the coming campaign. Early in the year it was evident that
the negro in politics was to be the paramount issue. The
emphasis which the democratic press laid upon cases of crime
committed by negroes was increased, condemnation of negro
office-holders was redoubled, both in amount and intensity, and
every effort was made to connect fusion in the minds of
the people with negro control and even domination.

Of course of negro domination except in certain of the eastern counties and towns having a black majority, there was of
course in one sense none at all. There never was a time in
North Carolina and never will be when a white population,
outnumbering the negroes two to one, could be dominated by
them. It nevertheless remained a fact that while the negroes in
a solid body voted the republican ticket and formed a clear
majority of that party they would in a sense control it, making
it irresponsible, easily swayed by the necessity of holding the
negro vote, and hence unfit to rule. It was also true that repub-
lican control in the state meant negro control in the east
with all that is therein implied—sometimes violence, injustice,
dishonesty; always inefficiency, incompetence, and partisanship,
accompanied by a deadly blight upon all progress. Herein lay the justification of the chosen issue.

The campaign was formally opened in May when both
populists and democrats held their conventions, the repub-
licans, as usual waiting until much later.

The populists met first, assembling on May 17th. The con-
vention contained three rather clearly defined elements. A
considerable number, seeing the trend of opinion and feeling
in the state, and themselves weary of conditions and anxios

to save something from the wreck of the party, desired fusion
with the democrats. They constituted a majority of the dele-
gates and were really headed by Marion Butler. A second
element wanted the party to make no overtures whatever but
to wait and force the other parties to take the initiative and
then make the best terms possible. The third wanted the con-
tinuation of the existing agreement with the republicans. It
was probable that a majority of the executive committee were
in sympathy with this element which was headed by Harry
Skinner. A resolution endorsing this view was presented
and caused a bitter fight. Skinner was its chief champion and
Butler its chief opponent, the latter winning when the resolu-
tion was decisively defeated.

The platform adopted endorsed the election law of 1895 and
sharply condemned the republicans for the changes made in
1897, endorsed the county government law, again pledged
the party to continued support and improvement of the public
schools, endorsed the principle of a non-partisan judiciary,
demanded an investigation of the lease of the North Carolina
Railroad, the reduction of railway rates, and the prohibition
of free passes, advocated the initiative and referendum, con-
demned the practice of removing cases to federal courts, and
urged reform in taxation and the reduction of salaries.

A series of resolutions was then passed inviting "the
patriotic cooperation of any party or faction of a party" to
secure the election of nine free-silver and anti-monopoly con-
gressmen, six non-partisan judges and twelve fearless and
impartial solicitors, and an anti-monopoly legislature pledged
to opposition to gold notes and mortgages, to government
by injunction, to the North Carolina Railroad lease, and to
free passes and pledged to support of the election law of 1895,
local self-government, and the reduction of railway rates. A
conference committee, consisting of Cyrus Thompson, Hal W.
Ayer, James B. Lloyd, M. H. Caldwell, J. B. Schulken, Z.
T. Garrett, and E. A. Mays, was appointed to treat with any
party declaring its endorsement of these purposes.

The invitation was plainly addressed to the democrats and a
conference of democratic leaders was quietly held in Raleigh
to discuss the proposal. Much sentiment for acceptance was
found, the powerful influence of the News and Observer was
being exerted in that direction, and it looked as though that
would be the conclusion reached by the group present when
Charles B. Aycock, of Wayne, rose in opposition. He was
well known, having canvassed a large part of the state in 1892 as candidate for elector-at-large. He strongly opposed acceptance of the offer, declaring that the party could not afford to compromise for the sake of victory and urging independent action as the best if not the only hope for the future. He swept his audience into almost complete agreement and this to a great extent determined the course of the party.

On May 25, two days before the meeting of the democratic convention, the populist committee by letter made their proposal. When the democratic convention met the question was referred to the committee on resolutions. There it was discussed and was championed by Josephus Daniels of the News and Observer but the majority favored refusal and the report of the committee was unanimous. The reply, adopted without dissent by the convention, was brief:

Resolved 1. That the proposition for fusion submitted by the Populist committee be, and the same is hereby, respectfully declined.
2. That the Democratic State Executive Committee be, and the same is hereby, instructed to entertain no further proposition for fusion.

The convention was highly confident and enthusiastic. The platform, after a discussion of national matters, condemned the fusion administration for corruption, extravagance, and incompetence, denounced the two fusion legislatures for allowing negro rule upon the eastern towns and for the choice of negro school officials, and condemned the republicans and populists for placing ignorant, irresponsible, and corrupt men in office. Much of the rest of the platform bore a close resemblance to that of the populists. The democratic organization was perfected and F. M. Simmons became chairman. His capacity for detail and his tireless energy fitted him for the position and much of the credit for the successful conduct of the campaign was due to his skilful management.

With the democratic refusal to fuse with the populists there was great popular interest in the probable action of the latter: At first it seemed unlikely that they would fuse with the republicans. But the party was deeply angered by the refusal and the leaders, eager for republican fusion which would hold them in power, were able to convince the rank and

file that the action of the democrats was due simply to the fact that the party was still dominated by "gold-bugs" and railroad lawyers. After that it was easier to arrange for "co-operation" with the republicans, although there was division of opinion, the Progressive Farmer violently opposing it.

When the republican convention met, it adopted a platform which, while largely devoted to national affairs contained the following planks on state affairs:

We hereby commend the administration of the State, because (first) the finances have been wisely, economically and honestly administered; (second) the laws have been ably, fairly and impartially administered, and the rights of life and property secured thereunder; (third) there are marked and gratifying signs of progress and development in all the material conditions of the State exhibiting the return of prosperity and the satisfaction of the people.

We believe that the men who broke the chains of Democracy in 1894, and who restored to the people the right of local self-government and of honest elections, will stand together in the coming contest for the preservation of these rights, which assure to our beloved State in fact as well as in name a truly Republican form of government. The joint administration of local and county affairs by the Republican and Populist parties through their chosen representatives has met the expectation of the men who elected them, and the financial conduct of the affairs of the different counties east and west, has been honest and circumspect as well as economical, and deserves our highest praise.

We favor the amendment to the State Constitution embodying the provisions of our present election law, which will guarantee to every citizen of the State the right to cast one free ballot and to have that ballot counted as cast.

We insist our State Executive Committee with plenary power to deal with the nominations of candidates for the offices of Superior Court Judge and Solicitors in the several Judicial Districts of the State.

As time passed the two groups drew together and fusion was finally accomplished. It had the immediate result of driving back into the democratic party quite a large body of populists who had come to distrust and dislike their allies.

Increasingly the campaign centered about the negro. Democratic denunciation of the participation of the negroes in politics grew so bitter and the color line was so sharply drawn that finally little else was talked about politically. All the offences charged against the fusion régime were made dependent upon the participation of the negro in politics. During
August white government unions or leagues were organized in various counties of the east and, as feeling grew, spread westward, remaining, however, of prime importance only in the east where the menace of the negro was most keenly felt. The chief center of the race feeling was, of course, Wilmington.

It will be remembered that under the law of 1895 the board of police commissioners of the city were given all power. In 1897 the law was so changed as to give the governor power to appoint the board of audit and finance and five of the aldermen. Under this law S. P. Wright, a white republican, was mayor, John E. Melton, another white republican, was chief of police, but the magistrates, policemen, and other local officials were chiefly negroes who dominated the government. The sheriff of the county was a mere figure-head who farmed out his office to the notorious "Gizzard" French who, although a member of the legislature, as deputy sheriff administered it politically.

During the summer the conduct of the negroes in New Bern and Greenville was particularly bad, but in Wilmington conditions were indescribably bad. Murder, burglary, arson, with the threat of rape, stared the people in the face, and, since there was no protection in the law, men as always sought it outside the law. As Governor Ayeok described it:

We had a white man for governor in 1898, when negroes became intolerably insolent; when ladies were insulted in the public streets; when burglary in our chief city became an every night occurrence; when "sleep lay down armed and the villainous centre-bits ground on the wakeful ear in the hush of the moonless nights"; when more guns and more pistols were sold in the State than had been in the twenty preceding years.

Under their rule, lawlessness stalked the State like a pestilence—death stalked abroad at noonday—the sound of the pistol was more frequent than the song of the mocking bird—the screams of women fleeing from pursuing brutes closed the gates of our hearts with a shock.

On August 18, the Daily Record, a negro paper, edited by one Manly, printed an editorial which contained the paragraph:

We suggest that the whites guard their women more closely, as Mrs. Polton says, this giving no opportunity for the human fiend,

be he white or black. You leave your goods out of doors and then complain because they are taken away. Poor white men are careless in the matter of protecting their women, especially on farms. They are careless of their conduct toward them, and our experience among poor white people in the country teaches us that the women of that race are not any more particular in the matter of clandestine meetings with colored men than are the white men with colored women. Meetings of this kind go on for some time, until the woman's infatuation or the man's boldness bring attention to them, and the man is lynched for rape. Every negro lynched is called a "big, burly, black brute" when in fact, many of those who have thus been dealt with had white men for their fathers, and were not only not "black" and "burly," but were sufficiently attractive for white girls of culture and refinement to fall in love with them, as is well known to all.

It won instant and fiery denunciation from every quarter of the state, and men wondered why the editor still remained in Wilmington and why the paper still continued to appear. It is likely that the fact of his apparent immunity made the demonstrations about the state seem less purposeful and determined. As a matter of fact while there was great political lethargy, the people of Wilmington, looking forward to one goal—the redemption of the state—and, determined to do nothing which might injure the chance of accomplishing this great purpose, exercised great self-restraint and bided their time, none the less determined, however, to settle the account forever at a later time.

By September the republicans and populists began to accuse the democrats of an intention to disfranchise the negroes and the other ignorant voters by an amendment to the constitution imposing an educational test. This was promptly and loudly denied by the democrats and it is not likely that any such policy had been agreed upon by party leaders. Certainly it was not the purpose, however much the wish, of the mass of the party. When the charge was made a document was sent out from the democratic headquarters which contained a discussion of the charge in which occurred this statement:

The constitution gives the right of suffrage to all male persons over 21 years of age, not disqualified by crime, and the Legislature cannot add or take away a letter from that. That can only be done by the people themselves, and the Democrats will never submit any proposition to the people to take from a man his right to vote. No Democrat has ever proposed such a thing. The charge is only intended to mislead, to deceive and to make political capital. It is entirely false.
There is not a Democratic convention that would not spit upon the man who might make such a proposition. There is not a Democratic candidate for office who would not pledge himself most solemnly against it.

Chairman Simmons branded the story as the same old republican campaign falsehood which had been employed since 1870 and James H. Poag, a former chairman, in a speech at Salisbury in October pledged the democratic party against such a policy. Such influential newspapers as the News and Observer and the Wilmington Messenger echoed the denial.

In September a staff correspondent of the Atlanta Constitution sent from Raleigh a letter upon conditions in the state, in which occurred this remarkable statement:

It is no secret that colored leaders, ambitious for their race, have matured in their minds a plan by which they hope to obtain absolute control of the legislative, judicial, and executive machinery, and then to rapidly carry out a scheme of colonization by which this will become a thoroughly negro sovereign State, with that population in the majority and furnishing all officials in the public service, from United States Senators and governors down through judges, legislators, and solicitors, to the last constable and janitor. If their plan succeeds, North Carolina is to be the refuge of their people in America. Their brethren from all the Southern States will be invited to come here, and set them among their fellows, and together work out their destiny in whatever degree of prosperity and advancement they may be able to achieve for themselves.

It was widely copied in the state press and was received generally as a genuine and startling revelation of a deep-laid scheme. The speech of George H. White, the negro congressman in the republican convention was remembered. "I am not the only negro who holds office," said he. "There are others. There are plenty more being made to order to hold office. We don't hold as many as we will. The democrats talk about the color line and the negro holding office. I invite the issue." One newspaper, after citing the case of Washington, after the close of the Civil War, closed with these rather pertinent remarks:

The city government soon became so corrupt and extravagant that Congress was forced to repeal the act giving the people the right of local self-government. What place is now to him what Washington once was? What one State in all this Union now holds out the inducement to enter her citizenship and seek her political honors? What State, and what State alone, is represented in the Congress of the United States by a negro? What State, and what State alone, has registration laws which make it easy for him to register, whether he is a legal voter or not? What State, and what State alone, requires nothing of him to entitle him to vote except his bare oath that he is so entitled? The answer to these inquiries is North Carolina.

By October a tremendous drive was on. Public feeling was tense in many quarters and there was evident a widespread determination among the democrats that the election must be carried if necessary by fraud or by force, or both. There was little opportunity of course for the former so completely were the polls controlled by the fusionists. In the employment of the latter there were two alternatives. The negroes must either be frightened away from the polls or prevented from depositing their ballots. Of the two, intimidation was easier, safer, more effective and in every way less objectionable and it was the plan resorted to in most instances. Organizations of "Red Shirts" appeared spontaneously, unconnected with each other or with the party organization. All through the southeastern portion of the state these "Red Shirts" rode about, boisterous, spectacular, and in the main harmless, visiting localities where the negro population was large, all wearing the lurid uniform which was at the same time a patent implication and a warning. Open violence was rare. An occasional republican meeting was broken up; in a few instances speakers were warned not to appear, but their power of intimidation was great. It was argued at the time and afterwards that they were merely a spectacular adjunct of the campaign but this is not true. They represented a fixed determination to put an end to existing conditions, and while they sought notoriety as the best means of accomplishing their purpose, they were nevertheless in deadly earnest. That they went no further was due solely to the fact that there was no need. Nor were they the irresponsible elements of the community, the riff-raff, and the ruffians. They were in the main respectable and well-to-do farmers, bankers, school teachers, and merchants,—in many cases the very best men in the community.

The threats and demonstrations produced at once the
counter threat by republicans of the use of federal troops, a suggestion which vastly helped the democrats. Reality was given the threat by a public allusion by Senator Pritchard to the possibility of their employment which was promptly construed by democrats into a threat and even a formal demand for it. Not a few republicans placed a similar construction upon the suggestion and employing it as a threat, assisted in magnifying it and spreading it abroad.

The democratic press kept the feeling at high tension. As a visiting writer of note put it:

The result was that in all sections of North Carolina, from the mountainous border of the West to the sand dunes on the Atlantic shore, the doctrine of antagonism to the negro was preached from every stump and reiterated in the columns of every newspaper. The negro himself was pillared as the quintessence of all that was brutal and dangerous. Especial prominence was given to items, the purport of which is evidenced in the following headlines, all of which are taken from a single issue of a Raleigh daily.

""Estimable Lady Grossly Assaulted by a Black Negro!"
""An Impertinent Negro Puts in His Lip and Narrowly Escapes Being Roughly Handled!"
""Black Scoundrel Assaults a White Man!"
""Negro Youths Assault and Rob a Venerable and Highly-Esteeem Citizen on a Principal Street!"
""Insolent Negroes Parade, Arm Themselves and March through the Streets of Wilmington!"

A fact to be remembered in this connection is that while doubtless the campaign caused an increase of emphasis, the condition of affairs, thus portrayed, actually existed.

During October, to add to public excitement, there was a small race riot in Robeson County.

In the meantime conditions had grown worse in Wilmington. The negroes were becoming more lawless and were heavily armed, though the common rumor of the time that they were bringing in great quantities of arms was without any adequate foundation. The truth of the matter was that the negroes were not plotting or planning anything. The mass of them were quiet; the loud and dangerous minority, badly led, and encouraged by scheming white politicians, were asserting themselves in fancied security. The white population, with few exceptions, practically lived under arms. Riot guns

by the hundred and pistols by the thousand were brought in and a rapid fire gun was placed in the armory of the Wilmington Light Infantry.

Politically, hopelessness had been replaced by untiring activity. A campaign committee consisting of twenty of the best business men of the town, headed by Frank Stedman, E. G. Parmele, Walker Taylor, and George Rountree, was chosen and a campaign fund raised for necessary expenses. In a short while the white people were in a state of excitement and ready to go to any lengths to effect a change of conditions. The chamber of commerce passed strong resolutions against the continuance of negro rule, and among white men party distinctions began to disappear.

In the meantime, as a protection against a possible uprising of the negroes, the town was quietly divided into military departments and the white citizens organized under the command of Colonel Roger Moore, one of the best men of the community.

The tension was so great that those in contact with the community sensed impending trouble. On October 18, W. H. Chadbourn, the republican postmaster, a Northern man, wrote and sent to Senator Pritchard an open letter in which he said:

I had thought at first that it was the usual political cry and a fight for office; but I am convinced that the feeling is much deeper than this, as it pervades the community, and there seems to be a settled determination on the part of the property owners, business men, and taxpayers to administer the city and county government. As a matter of fact, there are in this county 36 colored magistrates, and a colored register of deeds and various other minor officials, besides some presidential appointees, and the property owners, taxpayers, and business men seriously object to this state of affairs, and there now exists here the most intense feeling against any sort of negro domination. There is a greater chance of unrest and uncertainty about the maintenance of order than I have ever seen, and, as a result, the city and county are a hotbed of disorder.

Later in the month, Governor Russell and the Senators Butler and Pritchard were advertised to speak in Wilmington.
A meeting of business men was called and a committee representing them met the speakers on the morning of their appointment and pointed out the grave danger of such conduct on the part of the negroes as would precipitate a riot. In consequence the appointment to speak was not kept.

On October 24th, a committee of prominent citizens wrote Governor Russell, warning him that there was serious danger of an outbreak and urging him to use his influence with the local republicans to persuade them not to run any county ticket in order to prevent trouble. The candidates of the democrats had already been replaced by those selected by the business men of the city. The governor publicly declined to interfere, but after a visit from several prominent men who laid the case before him, at his suggestion no ticket was run.

On October 26th, Governor Russell issued a proclamation calling attention to the prevailing excitement and to instances of disorder and warning the people against acts of violence. Two days later there was a great white mass meeting held in Goldsboro. William A. Guthrie presided and in attendance were many populists including a former state chairman and even a few republicans who had rallied to the democratic party on the negro issue. A preamble in the form of statements bearing upon conditions in the state, and a series of resolutions were adopted. Among them these were characteristic:

It is not claimed, even by his white leaders, that the negro is capable of administering a government. On the contrary, the man who is the present Republican Governor of the State has declared, in the most emphatic language, that he is wholly unfit for it.

That counting the offices of register of deeds, deputy registers, deputy sheriffs, constables, justices of the peace, school committee-men, town commissioners, postmasters, collectors, store-keepers, gaugers, and the like, there are now in office in counties and towns of eastern North Carolina nearly 1,000 negroes, there being nearly 300 negro magistrates alone.

That as a consequence of turning these local offices over to the negroes, had government has followed, homes have been invaded, and the sanctity of woman endangered. Business has been paralyzed and property rendered less valuable. The majority of the law has been disregarded and lawlessness encouraged. In many localities men no longer rely upon the officers of the law for protection, for they are known to be incompetent or corrupt. Conditions have become so intolerable in these communities that they can be no longer tolerated or endured.

In view of these things, it is resolved:

That the Republican leaders have a second time clearly demonstrated their inability and their unfitness to govern North Carolina.

That the time has come when those who have followed these leaders should no longer do so, and that all men who love their State and their homes should unite in one supreme effort to redeem the State, and to place honest, capable white men in office in State, county, city, and town.

That our appeal has been, is now, and shall continue to be to the ballot box and to honest white men. We have contemplated no violence, but we are determined to use all proper means to free ourselves of this negro domination, which is paralyzing our business, and which hangs like a dark cloud over our homes.

That we declare it is not our purpose to do the negro any harm.

It is better for him, as well as for us, that the white man shall govern; that while we propose to protect and encourage him in all his rights and duties of citizenship, we affirm that North Carolina shall not be negroized. It is, of all the States of the Union, peculiarly the home of the Anglo-Saxon, and the Anglo-Saxon shall govern it.

In the campaign the fusionists were driven as it were from their feet and found themselves in the East unable to do anything but threaten and complain. Everywhere in the state they were on the defensive from the beginning. The populists, under the lead of Senator Butler, argued for a special form of government for the eastern counties, a thing clearly made possible by a decision of the Supreme Court in relation to the charter of Wilmington as amended by the legislature of 1897. Few listened to this. The issue was a general one. Populist strength was apparently dwindling and their claim that they were in a peculiar sense a white man's party lost weight before the fact of their fusion with the republicans and its visible results.

So far as the negroes were concerned, a large part of them had suddenly become convinced that political activity was unwise and that voting possibly would be a grave mistake. The campaign of intimidation had begun to turn the scale and many negroes were unregistered and a greater number probably did not vote. Nor was their action unnatural. The press was fall to the end of the campaign of threatening intimations, which grew worse before they reached the ignorant masses of the race, and a large number of reckless and hysterical speakers used the kind of argument which appears in a
speech which, according to a newspaper correspondent, was made by Alfred M. Waddell, in a speech in Wilmington the night before the election: "You are Anglo-Saxons. You are armed and prepared, and you will do your duty. Be ready at a moment's notice. Go to the polls tomorrow, and if you find the negro out voting, tell him to leave the polls and if he refuses, kill him, shoot him down in his tracks. We shall win tomorrow if we have to do it with guns."

REMEMBER THE

Remember the

These degenerate sons of the white race who control the republican machine in this county, or those whose positions made them influential in putting negro rule on the whites, will suffer the penalty of their responsibility for any disturbance consequent on the determination of the white men of this county to carry the election at any cost.

REMEMBER THE

A WILMINGTON CAMPAIGN WARNING, 1898

No such condition of affairs could pass unnoticed and the campaign excited much interest outside the state and there were a number of staff correspondents of newspapers and magazines who furnished daily to the world their interpretation of what was going on. Much of the press comment was of course bitterly hostile and there was general depreciation of violence, but the majority of correspondents from outside found themselves, regardless of former ideas, in sympathy with the demand for white supremacy. The Washington Post was notably sympathetic with the democrats and said that the struggle was one between anarchy and organized society, involving the preservation of enlightened institutions and honest government, of law, and of order.

The election was quiet and, generally speaking, there was little fraud. With the election machinery in the hands of fusionists there was but little chance of any. One box in a negro precinct in Wilmington was "stuffed" after the close of the polls in the presence of all the election officials so effectively as totally to embarrass the democrats by a majority as large as the total registered vote, but such cases were rare. All day long, according to a correspondent of the Outlook, the same precinct was surrounded openly by five hundred Red Shirts, armed with Winchester rifles, who ignored the fact that concealed in a wider circle outside of them were fifteen hundred negroes armed with old muskets, army rifles, shot guns, and pistols. Democrats elected a large majority of both houses of the legislature and seven of the nine members of Congress. Their majority was estimated to be nearly 20,000. In the black district the negro, George H. White, was re-elected.

The day after election, when the news of democratic success had come, a mass meeting, attended by about 1,000 white citizens, was held in Wilmington. A series of resolutions amounting to a declaration of independence from negro rule was unanimously adopted:

Believing that the Constitution of the United States contemplated a government to be carried on by an enlightened people; believing that its framers did not anticipate the disfranchisement of an ignorant population of African origin, and believing that the men of the State of North Carolina who joined in forming the Union did not contemplate for their descendants a submission to an inferior race;

We, the undersigned, citizens of the city of Wilmington and county of New Hanover, do hereby declare that we will no longer be ruled, and will never again be ruled, by men of African origin. This condition we have in part endured because we felt that the consequences of the war of secession were such as to deprive us of the fair consideration of many of our countrymen.

We believe that, after more than thirty years, this is no longer the case.

The stand we now pledge ourselves to is forced upon us suddenly by a crisis, and our eyes are open to the fact that we must act now or lose our descendants to a fate too gloomy to be borne.

While we recognize the authority of the United States, and will yield to it if exerted, we would not for a moment believe that it is the
purpose of more than 60,000,000 of our own race to subject us perma-
ently to a fate to which no Anglo-Saxon has ever been forced to submit.

We, therefore, believing that we represent unequivocally the senti-
ment of the white people of this county and city, hereby for our-
selves, and representing them, proclaim:

1. That the time has passed for the intelligent citizens of this com-
   munity, owning 65 per cent. of the property and paying taxes in
   like proportion, to be ruled by negroes.

2. That we will not tolerate the action of unscrupulous white men
   in affiliating with the negroes so that by means of their votes they
   can dominate the intelligent and thrifty element in the community, thus
   causing business to stagnate and progress to be out of the question.

3. That the negro has demonstrated, by antagonizing our interest
   in every way, and especially by his ballot, that he is incapable of
   realizing that his interests are and should be identical with those of
   the community.

4. That the progressive element in any community is the white
   population, and that the giving of nearly all of the employment to
   negro laborers has been against the best interests of this county and
   city, and is a sufficient reason why the city of Wilmington, with its
   natural advantages, has not become a city of at least 50,000 in-
   habitants.

5. That we propose in future to give to white men a large part of
   the employment heretofore given to negroes, because we realize that
   white families can not thrive here unless there are more opportunities
   for employment for the different members of said families.

6. That the white men expect to live in this community peaceably,
   to have and provide absolute protection for their families, who shall
   be safe from insult from all persons whatsoever. We are prepared
   to treat the negroes with justice and consideration in all matters which
   do not involve sacrifices of the interest of the intelligent and progres-
   sive portion of the community. But we are equally prepared now and
   immediately to enforce what we know to be our rights.

7. That we have been, in our desire for harmony and peace, blind-
   ed both to our best interests and our rights. A climax was
   reached when the negro paper of this city published an article so vile
   and slanderous that it would in most communities have resulted in
   the lynching of the editor. We deplore lynching, and yet there is
   no punishment provided by the laws adequate for this offense. We
   therefore owe it to the people of this community and of this city,
   as a protection against such license in future, that the paper known
   as the "Record" cease to be published, and that its editor be banished
   from this community.

We demand that he leave this city within twenty-four hours after
the issuance of this proclamation; second, that the printing press from
which the "Record" has been issued be packed and shipped from the
the city without delay; that we be notified within twelve hours of the
acceptance or rejection of this demand. If the demand is agreed to
within twelve hours, we counsel forbearance on the part of all white
men. If the demand is refused, or if no answer is given within the
time mentioned, then the editor, Manly, will be expelled by force.

Still another resolution demanded the resignation of the mayor and
alderman, and a committee of twenty-five representative men of the
town was appointed to execute these demands. They were James Ellis,
Rev. J. W. Kramer, Frank

Maundu, F. P. Skipper, C. L. Spooner, Hugh MacRae, J. Allen
Taylor, E. S. Lathrop, F. H. Fechtig, W. H. Northrop, Sr.,
A. B. Skelding, F. A. Montgomery, B. F. King, Rev. J. W. S.
Harvey, Joseph R. Davis, Dr. W. C. Galloway, Joseph D.
Smith, John E. Crow, P. H. Stedman, Gabriel Holmes, Junius
Davis, Iredell Meares, P. L. Bridgers, W. F. Robertson and C.
W. Worth. They at once organized and summoned a group of
thirty or more of the more prominent negroes before whom
they laid the ultimatum and demanded their influence in secur-
ing a peaceful execution of it. They were instructed to
deliver their reply to Alfred M. Waddell at his residence
at half past seven the following morning and it was arranged
that he would report the result to the committee at the armory
at 8 o'clock.

The negroes after conference secured from Manly a promis-
e to leave and drew up a reply promising to use their influ-
ence, but, instead of delivering it as arranged, mailed it. At
8 o'clock on the morning of November 11th, Waddell reported
to the assembled body of armed men that nothing had been
heard from the negro committee. He then placed himself at
the head of the men who marched to the Record office and
destroyed the whole outfit. During the disturbance the building
was found to be on fire and it was completely destroyed, the
origin of the fire never being discovered.

After the wrecking of the newspaper office the crowd began
to disperse. In the meantime the negroes all over Wilmington
had heard of the affair and had begun to assemble in many
parts of the city, many of them armed. Finally in an outlying
quarter the negroes, after refusing to disperse, fired on a party
of armed white men who at once returned the fire. Fighting
began resulting in the death of a number of negroes during
the forenoon. Occasional outbreaks occurred during the after-
noon and twelve negroes were stated to have been killed during the day. Three white men were seriously wounded.

As soon as the fighting began the Wilmington Light Infantry and a battalion of naval reserves were ordered out and at once began to disarm the negroes. Patrols of citizens, established on every block, also guarded the city and disarmed all passing negroes and furnished protection to those of them who were afraid. The white women and children were placed in the houses already selected for use in such a contingency and the guard was maintained all night. Militia hurried in from Fayetteville, Maxton, Kinston, Clinton, and other neighboring towns while hundreds of offers of assistance from the state and from South Carolina and Virginia poured in over the wires. The situation among a large part of the negro population was pathetic. They had been so filled with wild stories of what would happen to them in the event of democratic victory, that they did not stop to notice that no negro was harmed who was not associated with armed aggression, but, seized by panics, thousands of them, including men, women and children, fled out of the city during the following two days. Many of them stayed away for days, afraid to return and suffering in the meantime from cold, hunger, and exposure. It was the same story that had often been the case before. The ignorant negroes had been led by bad white men who had deserted them when trouble came leaving them to bear the brunt.

On the same day as the uprising, W. H. Chadbourne offered to secure the resignations of the city officials in favor of those selected by the business men. This was announced to the committee of twenty-five who then called upon the mayor and chief of police and demanded their resignation. The former objected to obedience during the disturbance; the latter, more philosophical, made the payment of his arrears of salary his sole condition. A meeting of the board of aldermen was held at which, one by one, the aldermen resigned and elected new ones chosen by the committee in their stead. The mayor then resigned and was replaced by Alfred M. Waddell who immediately announced his intention of suppressing all disorder and a little later personally cooperated in preventing a lynching. During all this time a number of white and colored republican leaders were in jail for their own protection.

The same night the expulsion of objectionable characters began. G. Z. French was taken by a squad of militia to the station where he narrowly escaped hanging, a noose having already been placed about his neck and the rope drawn taut, when intervention in his behalf saved him. R. H. Bunting, the former trial justice, John R. Melton, the former chief of police and several other white men were sent away as were six negro leaders who were regarded as particularly dangerous. All of them, black and white, were warned never to return. There was of course much public excitement for several days but no disorder and the town soon settled to quiet.

Democratic victory in the election was due to the abuses in government, supplemented by a wonderful activity of the press, excellent management of the campaign, and the enthusiasm of the individual voters. The party was once more united and was also able to draw some strength from the populists though possibly not as much as had been expected. In the campaign the party had found a leader in the person of Charles B. Aycock, of Goldsboro. Before the democratic convention he and Locke Craig, of Asheville, in a great meeting in Laurinburg had sounded the keynote of the campaign and he was active throughout its course, emerging as the outstanding figure in the new democratic party.

For the campaign methods employed in many quarters of the state, the better element had in the abstract little sympathy, but they were in no apologetic mood as concerned the practice in this particular case. To the majority the end had justified the means. Good government had been once more secured as in the seventies and in much the same way. It was felt to be deplorable that necessity forced the employment of such methods, but it was also felt that the necessity was there which justified even recourse to violence. The experiment of government by a party owing its elevation to power to a solid and ignorant negro vote had been tried a second and last time in North Carolina and had failed. The victors, many of them terribly alarmed at the menace to the state involved in the nee-
HISTORY OF NORTH CAROLINA

These two assertions—that the Negro cannot govern, and that the white man will not let him govern—are axioms. While the Negro continues shiftless, ignorant, superstitious, and incompetent, there is a justification for the refusal to give him absolute control over invested capital, commercial interests, and municipal matters. At the same time, the casting and the counting of his ballot are his constitutional rights; and so long as these are denied him, there is a confession that our vaunted scheme of universal suffrage is a failure and a farce. They will be denied him, however, even at the muzzle of the rifle, and as long as he threatens to exercise his rights, just so long will the South remain solid.

The legislature was of the following political complexion:

<table>
<thead>
<tr>
<th>Party</th>
<th>Senate</th>
<th>House</th>
</tr>
</thead>
<tbody>
<tr>
<td>Democrats</td>
<td>40</td>
<td>94</td>
</tr>
<tr>
<td>Republicans</td>
<td>7</td>
<td>23</td>
</tr>
<tr>
<td>Populists</td>
<td>3</td>
<td>3</td>
</tr>
</tbody>
</table>

Judge Henry G. Connor was chosen speaker of the House over Lee S. Overman and Looke Craig. The legislature was an unusually serious body, full of a sense of responsibility and exceptionally hard-working. By the time it met disfranchisement had been virtually determined upon and that was felt to be the chief obligation to the state. The outstanding difficulty was the necessity of devising some plan which would disfranchise the negroes without at the same time depriving white men of the right to vote.

On January 6th, Francis D. Winston introduced a resolution for a constitutional amendment restricting suffrage, based upon the Louisiana plan of an educational test and the "grandfather clause." This was referred and the committee went at once to work upon it. It was perfected during January, submitted to the democratic caucus for approval, after which it came before the houses for consideration. An attempt was made to amend it so as to make the operation of the grandfather clause without limit, but fortunately that failed. The Senate passed it by a vote of forty-two to six and the House eighty-one to twenty-seven. Only one populist voted against it, for several democrats in the House opposed it. The republicans voted solidly against it.
As submitted the important clause was this:

Sec. 4. Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language; and before he shall be entitled to vote he shall have paid, or on or before the first day of May, of the year in which he proposes to vote, his poll tax for the previous year as prescribed by Article V, Sec. 1, of the Constitution. But no male person who was on January 1, 1867, or at any time prior thereto, entitled to vote under the laws of any state in the United States wherein he then resided, and no issue descendant of any such person, shall be denied the right to register and vote at any election in this state by reason of his failure to possess the educational qualifications herein prescribed: Provided, he shall have registered in accordance with the terms of this section prior to December 1, 1908. The General Assembly shall provide for the registration of all persons entitled to vote without the educational qualifications herein prescribed, and shall, on or before November 1, 1908, provide for the making of a permanent record of such registration, and all persons so registered shall forever thereafter have the right to vote in all elections by the people in this state, unless disqualified under section 2 of this article: Provided, such person shall have paid his poll tax as above required.

In framing the amendment the committee was confronted immediately by three difficulties. One of these—the determination not to disfranchise any white man who had the right to vote—was overcome by the adoption of the grandfather clause. A second—the fifteenth amendment—was more difficult, but the amendment as finally adopted seemed to the committee to avoid conflict with it. A third was the clause in the act of June 25, 1868, readmitting North Carolina and five other states to representation, which provided "that the constitutions of the said States shall never be so amended or changed as to deprive any citizen or class of citizens of the United States of the right to vote in said States." This presented a pretty question, but the committee decided on sound grounds that the clause was not operative since Congress had no right to impose conditions or obligations upon certain of the states which were not binding upon the others.

The principles guiding the committee as outlined by George Rountree, the chairman, were: (1) Persons guilty of crime are not of sufficient character to vote; (2) Persons without home or some fixed habitation are not sufficiently interested to vote intelligently; (3) Those who are not thrifty enough to pay taxes and bear part of the burden of the state should not take part in its government; and (4) Persons in order to vote must have sufficient intelligence for their voting not to be a menace to the community. So far as the grandfather clause was concerned, it was intended to be merely a bridge from the existing unlimited adult-male suffrage to a suffrage qualified by ability to read and write.

While the amendment was the great achievement of the session and the legislature moved very cautiously to avoid anything which might divide the white voters, much else was accomplished. A law providing for separate accommodations for the races on trains and steamboats was passed in spite of considerable opposition from the railroads. The existing election law was repealed as soon as the session began and later a new one, greatly resembling the one in operation before 1895, was passed. In order to protect the eastern counties from negro rule, the old system of electing county commissioners by magistrates who were themselves elected by the legislature was restored, applying, however, only to Washington, Granville, Caswell, Bertie, Vance, Warren, Craven, Edgecombe, Perquimans, Franklin, Montgomery, Pasquotank, and New Hanover. A law was passed providing for the domestication of foreign corporations before they could engage in business in the state. A department of insurance was established. The public school law was revised and an appropriation of $100,000 for the use of the schools was made. A proposition to divide the school fund between the races on the basis of what each paid was debated for some time. A meeting of negroes held in Raleigh in January presented a memorial praying the legislature not to pass any legislation unfavorable to the race and issued an address to the colored people of the state advising quiet and the cultivation of good feeling. There was some sentiment behind the proposed law but it was generally thought that action of this sort would be unwise and the bill was defeated, but there was no unanimity about the principles of the proposal and its defeat did not mean the establishment of a policy. The question was simply postponed for future settlement. The county boards
of education were abolished and county boards of directors established in their place.

Almost as soon as the session began investigation of various departments was undertaken and the penitentiary was particularly the object of suspicion. The affair of the institution turned out to be in bad conditions and it was soon decided by the democrats to change the management, the point being made, in support of their contention that polities was not involved and that no financial responsibility could be assumed unless there went with it control. Accordingly a law was passed incorporating the state's prison, as distinguished from the penitentiary, and in addition to the existing directors, twelve more chosen by the legislature were authorized. An executive board of three was created and the office of superintendent abolished. Another law authorized the issue of bonds to pay the debts amounting to more than one hundred thousand dollars.

Just before the meeting of the legislature, J. M. Mewborne, the superintendent, had resigned and William H. Day, a democrat had been appointed. As to S. Otho Wilson, partisanship was rampant but the board demanded possession of the institution, Day refused to yield and the case went to the Supreme Court.

One of the first acts of the legislature was a resolution asking the governor to communicate his reasons for the suspension of the two Wilsons from the railroad commission. After the statement of the case was laid before them an investigation was decided upon. It was long and tedious, resulting in the vindication of Major J. W. Wilson who was a democrat. As to S. Otho Wilson, partisanship was rampant but the partisans were divided. Some wanted to rebuke the governor by vindicating him; others clamored for his removal by ratification of the governor's action. He had in the meantime resigned. Finally both were re-instated. The legislature then abolished the railroad commission and created the corporation commission with new and enlarged powers, electing Franklin McNeill, S. L. Rogers, and E. C. Beddington commissioners.

The criminal circuit courts established by laws of 1895 and 1897 were abolished and later the eastern and western district criminal courts were established. The board of inter-

HISTORY OF NORTH CAROLINA

HISTORY OF NORTH CAROLINA

national improvement was reorganized and the control of the Atlantic and North Carolina Railroad given to it.

A troublesome case before the legislature was that of W. L. Norwood, a judge of the Superior Court who had resigned under charges of habitual intemperance and after his successor had been appointed had claimed the office. After investigation and considerable discussion as to whether he was still a judge and whether or not he was impeachable, the House passed a resolution of impeachment. He at once resigned and the case was dropped, although the House had presented the case to the Senate.

The legislature of 1897 had created the office of chief inspector of shell fish and the governor had appointed Theophilus White to the position. There was much dissatisfaction and the legislature of 1899 abolished the office substituting a board of seven commissioners. A later act forbade the state treasurer to pay any compensation for services in connection with the industry unless it was authorized by the new act. In this law and in many others the democrats were seeking chisely to oust from office of any sort those who had been appointed by the fusion legislature or the governor.

There was much fear among democratic members of the legislature that some judicial interference with the amendment would prevent its proper submission. Accordingly when the legislature adjourned it was not as usually, sine die, but to June 12, 1900. No secret was made of the fact that this was done to prevent any tampering by the Supreme Court with the amendment.

In April the court handed down its decision in the penitentiary case, delivered by Judge Montgomery, with Judge Clark dissenting, in which it was held that while the legislature had power to abolish an office created by legislative authority, it cannot by a mere transfer of duties oust the incumbent of an office. This was of course in accord with precedents in the state dating from the decision in Hoke v. Henderson in 1883, affirmed shortly before in Wood v. Bellamy in 1897.

Other office-holding cases followed rapidly. An interesting one was Wilson v. Jordan, arising out of a contest for the
office of clerk of the western district criminal court, in which the Supreme Court, Judge Furches delivering the opinion with Judge Clark dissenting, held that all acts of the same session of the legislature upon the same subject matter are to be considered as one act and must, under the doctrine of in pari materia, be construed together and further that they should be considered to be in pari materia whether passed at one session or not. From this reasoning together with the precedent of Hole v. Henderson, they declared the clerk of the criminal court of Buncombe entitled to the office.

Another important decision arose from the refusal of D. H. Abbott, one of the railroad commissioners to surrender his office to E. C. Beddingfield, who had been elected a member of the newly-created corporation commission. This was decided in the autumn of 1899, Judge Furches writing the opinion of the court and Judge Clark again dissenting. The doctrine laid down in the penitentiary case was again asserted, the two statutes of the legislature declared to be in pari materia, and Abbott declared entitled to the office.

The new board of internal improvement removed the president and directors of the Atlantic and North Carolina Railroad and appointed a new board which elected James A. Bryan, president. D. W. Patrick, the old president, refused to surrender the road and the governor and old board of internal improvements declined to recognize the new board. The court, applying the precedent of the Wood and Day cases, Judges Clark and Montgomery dissenting, sustained the defendants in both cases.

The effect of these decisions, along with a number of similar ones, was to undo a considerable part of that work of the legislature which had been directed towards getting republicans out of office and democrats in their place. Feeling against the court was bitter, particularly among the members of the legislature, and talk of the possibility of impeachment of the judges began as early as December, 1899. In the court itself it had come even earlier. In his dissenting opinion in Wilson v. Jordan, Judge Clark said:

North Carolina is one of the States that has never given its Executive even a modified veto upon legislative action; and there is nothing in its Constitution indicating any intention to give the judiciary any supervision or control over the law making power. On the contrary, while the Courts can not pass, in any the most remote degree upon the title to his seat of any member of the Legislature, that body can sit in judgment upon any member of the Executive or Judicary branches of the State Government by impeachment, and remove him from office.

Judge Furches evidently construed this as a threat and in the opinion of the court administered this quiet but stern rebuke.

From the intimations made by a member of this Court we are induced to say: that we have discussed the legal questions arising in this case as they appeared to us; we do invite criticism, we have no right to object to fair criticism, and we do not do so. If such criticism shall be indulged in, as is not just or legitimate, we believe that an intelligent and learned profession will discriminate between that which is legitimate and that which is not.

It has been suggested by a member of this Court, that the Legislature has the power to impeach a judge—that it has recently done so, and that there is no appeal from its judgment. Such a suggestion as this, has never occurred in the history of this Court until now. This suggestion added nothing to the strength of the argument advanced for the defendant. Why it should have been made, we do not know. But remembering our position as members of this Court, we will not express our sentiments as to such suggestions, and will only say that, in our opinion, any member of any Court, who would allow himself to be influenced by such suggestions is unfit to be a judge.

In the case of the school boards there were few contests, Superintendent Mebane advising the boards of education not to contest but to yield in the interest of the schools. It was a highly patriotic action and one characteristic of his official conduct.

All during 1899 the amendment was discussed from every angle. It met with opposition from the republican and populist leaders who argued that it was a breach of faith in that it was a violation of an agreement expressed in the law of June 25, 1868, already referred to, which they claimed bound the state in honor as well as in law. They also declared it in conflict with the fifteenth amendment because it was directed exclusively against the negroes and would operate only against them. Finally, they argued that it was unwise and wrong because it would disfranchise all illiterate white men. The glaring inconsistency between the last two arguments...
is to be explained by the fact that they were intended for
Northern and Southern consumption respectively.

In spite of the attitude of their parties, a number of promi-
ent republicans and populists were favorable. Thomas Set-
tle, from the time of the adoption of the amendment, endorsed
it heartily. Harry Skinner, at the time of the meeting of the
legislature, declared that the disfranchisement of the negro
was the most necessary and important work before it. Wil-
liam A. Guthrie enthusiastically championed it. There was
quite a tendency apparent on the part of the western republi-
cans to urge that the party should unite with the democrats
in support of it. Had they done so, it would have meant the
rebirth of the party in North Carolina.

In the spring of 1899 the Cummins was favorable to the
amendment, but by autumn it declared its opposition on the
ground that there was grave danger of the disfranchisement
of white men as well as negroes through the probability, if
not certainty, that the Supreme Court of the United States
would uphold the educational qualifisitie and declare the
grandfather clause unconstitutional. This soon became the
stock argument of the entire opposition. Nor was it confi-
ded to the opposition, for many democrats felt this to be a
fatal weakness of the amendment because likely to defeat it
before the people, or, if ratified, to thwart the purpose of its
ratification. This was largely discussed in March, April, and
May, 1900, and the feeling on the subject was seen to be so
strong that it was decided to change the amendment at the
June session so as to make the entire section stand or fall
together.

Early in January, Senator Pritchard introduced into the
Senate a resolution declaring the grandfather clause a viola-
tion of the fourteenth and fifteenth amendments and of the
fundamental principles of a republican form of government.
Both he and Senator Butler spoke on the resolution, which
precipitated a debate in which a number of senators took
part. The resolution was of course intended to create in the
North hostile sentiment against the amendment.

The campaign against the amendment, apart from the
discussion and this resolution, was begun when the populist
executive committee met on January 9, 1900. They issued an
address on the subject and endorsed heartily a letter of
Senator Butler's in which he denounced the democrats as
anarchists and Red Shirts, and advised fusion with the re-
publicans. The state organization was completely dominated
by him to the disgust of many populists who were beginning
to feel that few of the aims of the party had been attained,
that fusion had been a capital error from which Butler had
derived most of the benefit, and that the party was more
"boss-ridden" than even the old democratic party had been.
Many of these, moreover, were favorable to the amendment.

The campaign was well under way early. Discussion by
democrats of their candidate for governor had begun early
in 1899 and Cyrus B. Watson, who had been defeated in 1896,
M. H. Justice, who had been prominent in the legislature, T.
F. Davidson, who had served eight years as attorney-general,
and John S. Cunningham, a prominent farmer, had all been
mentioned as possibilities. But in the minds and on the
lips of the mass of democrats was the name of Charles B.
Aycock. Watson did not desire the nomination and Justice
and Cunningham soon withdrew. Davidson's name was with-
drawn when the convention met. Long before any of these
things happened Aycock's nomination was a certainty.

The convention met in Raleigh on April 11th. Every coun-
ty was represented and every delegation was full. There had
never before been a convention like it in the state. "No body
more truly representative of all that was best in the life of the
state ever assembled in North Carolina. Every profesi-

sion, every industry was there represented by its strongest,
its most eminent leaders, all inspired by a sincere conviction
that they had been called together to perform a high civic
duty upon which depended the future happiness, peace and
prosperity of a great State." Aycock was unanimously nomi-
nated and made a speech of acceptance which not only sounded
the keynote of the campaign, but lifted the contest from the
low ground of race antagonism and prejudice to a plane of
high statesmanship, seeking the welfare of the whole people.

Great interest had been felt in the question of the nomi-
nation for superintendent of public instruction. Mebane's
administration had been, considering everything, a striking success and was full of promise. The office had been divested of partisanship and there was every assurance that this would continue. It was already on a higher plane than it had been since the days of Wiley. Mebane favored the constitutional amendment and thus cut himself off from the fusionists. He had many enthusiastic democratic supporters, and the Charlotte Observer strongly advocated him, calling constant attention to the fact that he was the first superintendent since Wiley to regard the office as other than a sinecure. The democrats had a second great opportunity to divorce the schools from politics and failed to take it. Mebane deserved the nomination, but partisan feeling was too strong and he was defeated by General Thomas F. Toon.

The rest of the ticket as nominated was for lieutenant-governor, W. D. Turner; secretary of state, J. Bryan Grimes; treasurer, B. R. Lacy; auditor, B. F. Dixon; attorney-general, R. D. Gilmer. The platform made white supremacy the dominating issue, but demanded a complete change of administration and sweeping reform.

The populist convention met a week later and nominated a ticket headed by Cyrus Thompson and A. C. Shuford. The county conventions of the party had been notably weak and twenty-six of the counties were unrepresented. An interesting struggle between Skinner and Butler took place in the convention. Skinner wanted the convention to instruct the delegates to the national convention for Bryan and, as a proof of the sincerity of the party, he proposed the nomination of Dan Hugh McLean and Lee S. Overman for electors-at-large. He declared himself opposed to negro suffrage and apparently made no secret of his bitterness against Butler. The latter was, however, once more in complete control and the convention did not endorse Bryan or nominate McLean and Overman. It condemned the legislature of 1899 for its expenditures, for the laws it had passed, and for the adoption of the amendment. It, however, took no definite stand on the amendment, leaving it to the individual voter to decide upon it and declaring it "not a party question," but proposed as a better solution a federal amendment prohibiting negroes from holding office. It also advocated a special system of county government for the black counties.

The republican convention met on May 1st and was largely controlled by federal office-holders who formed a considerable part of its membership. A ticket headed by Spencer B. Adams and Claudius Dockery was named and a platform adopted which denied that negro domination had existed, condemned the amendment, declared the election of 1898 carried by fraud and violence, and gave to fusion rule, even in the black counties, a hearty endorsement. Not many negroes were in the convention and throughout the campaign every effort was made by both populists and republicans to keep them in the background.

It was common rumor that populist and republican leaders had arranged for continued fusion as early as April, and the democrats at once charged that there was no intention of running both tickets and that one would be withdrawn. In July they spread the report that Adams was coming down. In the meantime many republicans of the older sort, chiefly from the West, like Judge Ewart, were bitterly opposed to fusion and exceedingly hostile to Butler. But late in July Thompson withdrew and a co-operative ticket was arranged with Adams for governor; H. F. Sewell, lieutenant-governor; Cyrus Thompson, secretary of state; W. H. Worth, treasurer; H. W. Ayer, auditor; N. C. English, superintendent of public instruction; and Z. V. Walser, attorney-general. All but Adams and Walser were populists, but the legislature, it was arranged, was to go to the republicans who were to re-elect Butler to the Senate.

In June there was a conference in Greensboro, on the question of how best to defeat the amendment, at which were present among others, R. Z. Linney, W. P. Bynum, Jr., A. E. Holton, and Senator Pritchard. Among other things, it was decided to employ writes of mandamus to force election registrars to put the names of persons denied registration on the books. But news of the plan got out and when the legislature met on June 12th, it amended the election law so as to deny to judges the power to issue writs of injunction and mandamus
upon election questions until the facts had been ascertained by a jury at a regular session of the Superior Court.

To remedy the weak point in the amendment, the following clause was added:

Sec. 5. That this amendment to the Constitution is presented and adopted as one indivisible plan for the regulation of the suffrage, with the intent and purpose to so connect the different parts and to make them so dependent upon each other that the whole shall stand or fall together.

The legislature, then, on June 14th, adjourned to meet again on July 24th.

In the meantime the campaign was well under way. The democratic plans had been carefully worked out by the chairman, F. M. Simmons, but after the enthusiasm of the convention, the party had a bad attack of over-confidence. This was partly overcome by sending out thousands of letters and a vast amount of campaign literature. The other parties followed suit and the voters were reached as never before by this sort of appeal.

From that time there was not a dull moment in the campaign. All the parties were active. For the republicans and populists federal office-holders took a prominent part and finally Chairman Simmons appealed to President McKinley, calling attention to the fact that the republican convention and, to a lesser extent, the populist convention also had been dominated by them; that the offices were used as a basis for political activity; and that the republican chairman was United States district attorney. The letter had, of course, no effect upon the President, but it made good campaign literature and was doubtless intended for that.

The managers of the campaign against the amendment were not wise. In addition to activity of officials, the state was filled with threats of federal interference and of the federal arrest of election officials, while the activity of loud and threatening negroes intensified partisanship and race feeling.

At the outset the democrats declined a joint canvass with the populists on the question of the amendment. They did this ostensibly because the populists had not opposed the amendment in their platform but were advocating a sort of compromise measure. The democrats declared that it was a straight issue and the republicans, of course, not the populists, were in complete opposition. The real reason, however, was probably to avoid creating a situation which would intensify party spirit among the populists upon whose strength the democrats expected to draw heavily.

The democratic campaign was skillfully planned, cleverly executed, and most successful. Public interest grew steadily and Aycock's canvass became a sort of triumphal expedition. Also it was the most effective part of the campaign. He devoted himself entirely to the race issue and education. In his first campaign speech he asserted that the campaign was one of a single issue—the negro question. "For years," said he, "the Democratic party has been fighting this issue until at last it has made up its mind that it must be settled, and settled once for all. We are going to win this fight, and we want to win it with practical unanimity. I've sort of got used to the unanimous way of doing business, and I'm in favor of it." Defending the amendment, he said:

This amendment was drawn with great skill. It was drawn after long thought, and with full knowledge of the end to be attained. It was drawn with the deliberate purpose of depriving the negro of the right to vote, and of allowing every white man to retain that right. And I tell you now and here, did I believe that it would cause the oppression of a single man, or deprive one white man, however ignorant or humble, of his suffrage, I would not support it. On the contrary, its passage will mean peace to the land, it will mean an end to an era of crime and lawlessness, security to property and purity of politics. There will be no more dead negroes on the streets of Wilmington, no more rule of the incompetent and corrupt.

In the beginning of the campaign he found great suspicion of the section of the amendment limiting the operation of the grandfather clause to a short term of years and such effective use was made of this by the opposition that many democrats feared it would defeat the amendment and there was some agitation to have the legislature at its June meeting strike it out. Aycock was informed of the movement and at once opposed it, asserting that the party was pledged to submit the amendment as adopted. He declared that if a change was made, he would feel compelled to withdraw his
candidacy. His courage and his leadership thus prevented a grave error.

During the campaign he made 110 speeches, travelled more than a thousand miles by carriage and 5,000 miles by rail, and addressed 100,000 people.

The chief agencies of the democrats in the various localities were the white supremacy clubs which attracted a large membership. The Red Shirts were once more active, not often given to violence, but still entirely determined. As in 1898 they were occasionally rough, on a number of occasions they prevented republican speakers from appearing, and once or twice they attempted strong measures. In some quarters of the state, the costume was a badge of support of the amendment.

The lines were drawn sharply in the campaign and it became increasingly difficult for white men to face and answer the charge that opposition to the amendment stamped them as advocates of negro rule. The populists early began to divide on the question and there were not lacking republicans who openly championed the amendment as demanded by necessity and, in addition, as the salvation of their party. Among these were Alexander McIver, A. W. Shaffer, one of the surviving carpet-baggers, T. M. Argo, and J. C. L. Harris. In addition, many republicans, who for political reasons did not care to parade their views, voted for the amendment.

On the other hand, some democrats opposed it as unconstitutional. But they were few. The mass of the party supported it enthusiastically; some from race feeling, some from partisan motives, some from the conclusion thoughtfully arrived at that by it alone could good government be secured. A large element of democrats, populists, and republicans acted from still another motive. With vision and foresight, they looked forward beyond the existing party struggle and for the sake of the political ideals of their children—of the state of the future—they were willing to go to almost any length to carry the amendment and thus remove from politics in the state the sore spot which was rapidly impairing the political health, and with it the political morality, of all the people. Many of these had no particular reverence for the fifteenth amendment, believing as most people in the South did, that by reason of the method of its adoption it had never been in morals or in law a part of the Constitution and that hence it was not binding upon their consciences. But with many others this was not the case. They believed that the amendment was probably in conflict with the Constitution and it required a powerful impulse to gain their support. Hope for the ultimate restoration of the sort of political morality which had prevailed in an earlier day and for an educated electorate furnished that and justified their action to themselves.

On July 24th the legislature met and adjourned to July 30th, when it met again. This action was frankly stated to be due to the necessity of watching the Supreme Court in order to prevent judicial interference with the amendment.

The state election had been placed in August by the legislature in order to avoid any confusion with the national campaign and any federal interference. It was held on August 3d and the amendment was carried with a majority of 53,932. Sixty-six of the ninety-seven counties gave majorities for it. Aycock carried seventy-four counties and received a majority of 60,354. The total vote was about seventeen thousand less than in 1896.

The disfranchisement of the negro in 1896 partook of the nature of a revolution. It was now in a measure undone by a counter-revolution, this time accomplished under the required forms of law. The current of progress checked by the negro vote was once more set in motion and the state was ready to go forward to a new day.

After the election forty-five registrars were arrested on various charges and bound over to the federal court. It was in part a means of intimidation and was opposed by many republicans including Senator Pritchard. Judge Furches was also known to be opposed. When the legislature met the cases were still pending and to the rage of the republicans, the expense of counsel for the accused was assumed by the legislature.

The national campaign was of interest chiefly in connection with the primary for United States senator and the election of members of Congress. Bryan's success was a cer-
tainty. The senatorial contest was between F. M. Simmons and Julian S. Carr and resulted in the selection of Simmons by a tremendous majority. He carried eighty-one counties. Seven Democratic congressmen out of nine were chosen and the hated White was defeated. Bryan carried the state by a slightly increased majority over 1898 in a much smaller vote than that cast in the state election.

After the election of Simmons by the legislature, Senators Butler and Pritchard attempted without success to induce the Senate, for the first time in its history, to go behind the legislature which had chosen him and decide upon the legality of his election. Their failure was the first victory of the amendment.

The suspicion and hostility among democrats towards the republican members of the Supreme Court was increased by something which happened on October 17th. Theophilus White, the inspector of shell-fish, declined to accept the act of the legislature abolishing his office and sued in the Superior Court to settle his title and after winning there was sustained by the Supreme Court. His salary remaining unpaid because the auditor and treasurer denied having any authority to pay it, in view of the act of the legislature, a controversy without action to compel the auditor to issue his warrant and the treasurer to pay it was submitted to the Superior Court which decided in his favor, and the case was carried to the Supreme Court on appeal. In May, 1900, a decision declaring White entitled to enforce payment was rendered. The decision was written by Chief Justice Faircloth with Judges Purchees and Douglass concurring and Judges Clark and Montgomery dissenting.

No writ was issued at the time and the legislature at its June session passed a resolution asking if White’s claim had been paid. During the recess of the court the clerk declined to issue a writ and when the court again assembled application for a writ was at once made and refused on the ground that the case had gone off the docket and consequently there was nothing to act upon. The clerk asked several times for a ruling on whether he should issue the writ but the court declined to give this. The three concurring judges, however,

advised him personally to issue it. Judge Clark opposed it and finding that it would be issued wrote out a protest containing his dissenting opinion in the case which he demanded to have published in the reports, a request which the court refused on the ground that the case had been closed. Acting under the advice of the judges, the clerk issued a peremptory mandamus upon the auditor to issue his warrant for whatever amount was due, and upon the treasurer to pay the warrant. The amount was found to be $831.15 which the treasurer paid from the shell-fish funds in his hands. A short time later the legislative committee which was charged with the duty of examining the treasurer’s books, declined to give the treasurer credit for the payment and the whole matter was thus referred as it were for decision to the General Assembly.

On December 29, Chief Justice Faircloth died and quite a movement developed to persuade Governor Russell to resign so that Lieutenant Governor Reynolds, upon succeeding, could appoint him chief justice. A more unsuitable appointment could scarcely have been suggested. Governor Russell has at times in North Carolina probably been painted a darker hue than he deserved to be, but no one could maintain that he was temperamentally fitted for the supreme bench. He was arrogant and vindictive to an abnormal degree and at times almost venomous in his dislikes. In his private relations he was loyal and friendly to a high degree. He was a very good practitioner but he was not in a strict sense a learned lawyer. More than all these things, public feeling against him was so high that the court would have suffered. Of course the whole proceeding, too, from the standpoint of political morals would have been a questionable one. There is no evidence that either the governor or lieutenant-governor took the matter seriously and early in January Russell appointed Judge Purchees chief justice and C. A. Cook associate justice.

And with this entirely creditable action the fusion administration passed into history.