

**"Loyal to the Core from the First to the Last:" Remembering the Inner
Civil War of Forsyth County, North Carolina, 1862-1876**

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Abstract

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During the American Civil War a separate conflict was fought along the home front. Waged by Confederate Authorities against deserters, conscripts, and other dissenters, this “inner war” was accompanied by occurrences of arson, torture, and even murder, that left a bitter legacy. This thesis traces and examines how desertion, dissent, and the violence of civil war were remembered in Forsyth County, North Carolina. After the war, individuals and organizations wrestled to control and reshape how this traumatic violence—inflicted by southerners upon southerners—was remembered. The divisions that had been laid bare during the war continued to play out during Reconstruction in the courts, political campaigns, newspapers, and the streets of North Carolina. Though a memory of dissent held political power during Reconstruction, eventually an amnesia of dissent facilitated the disappearance of a Unionist identity, as the Confederacy’s Lost Cause narrative achieved near hegemony in the minds of white Southerners.

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I. Prologue: Murder in Forsyth

Three rifles pushed against Jacob Loss's chest, each held by a Confederate sharpshooter. A free person of color, Loss had offended a detail from the 1st North Carolina Sharpshooters out hunting deserters in the Piedmont of North Carolina. At this range the soldiers' skills as elite marksman would be unimportant. On that March day in 1865, the commanding officer gave an order, all three guns discharged, and Loss "then and there, instantly died." The next day the sharpshooters killed another local man, riddling his body with bullets. Two days later, three more white prisoners received no explanation as five sharpshooters marched them from jail into the woods. The commander of the little band, who according to a later indictment was "moved and seduced by the instigation of the devil," and at his orders three of his men each placed their rifles upon a different prisoner's chest. All three prisoners died surprised, their executors never revealing "the cause of their punishment." The sharpshooters left the bodies along the roadside, just north of the City of Winston in Forsyth County, North Carolina, a warning to others who failed to support the Confederacy. Among the dead were two deserters, one free person of color, and two reculant conscripts—the 19th century equivalent of draft dodgers—one of whom may have had an exemption. These five murders were products of an extremely personal conflict fought between Confederates and southern dissenters during the American Civil War.¹

¹ Record Book, Forsyth County Superior Court, Spring Term 1866, 1373-1375, 1390-1406, Forsyth County Criminal Action Papers, North Carolina Division of Archives and History, Raleigh, NC (cited hereafter as NCDH); William Shultz and John Nissen to Jacob Cox, May 10, 1865, in File on R. E. Wilson, *Unfiled Papers and Slips Belonging in Confederate Compiled Service Records* National Archives Microfilm Publication M347, RG 109, National Archives and Records Administration, Washington, D.C. accessed via *Footnote.com*

The killing of the Forsyth five was not an isolated event but the culmination of an “inner war” that divided neighborhoods and forced men who knew each other intimately to fight against one another.² This war *within* the states, which pitted local Confederate authorities against deserters, draft dodgers, and other dissenters, would leave a legacy of division, distrust, and violence in the postwar South. Southern communities faced distinct challenges of memory from this inner war. Unlike the hundreds of thousands of deaths on the battlefield, these casualties were part of a conflict in which the belligerents lived next to each other. Another legacy of this inner Civil War was a memory of dissent that survived and flourished during Reconstruction before the Lost Cause narrative achieved its near hegemony in the public life of the region.

Though Federal troops only rode into Forsyth County in April 1865, the war had arrived there much earlier. Located in the Piedmont of North Carolina, the county is best known as the home of Winston-Salem and R.J. Reynolds. But in 1861 Winston and Salem were still two small, separate towns when the county voted against secession.³ The Confederacy’s initial reliance upon a volunteer army meant those who wished to avoid combat could do so. In March of 1862, however, North Carolina drafted one-third of its

(<http://www.footnote.com>: accessed December 2010) (cited as Misc file henceforth); C. Daniel Crews and Lisa D Bailey, eds., *Records of the Moravians in North Carolina: 1856-1866* (Raleigh: Division of Archives and History, North Carolina Department of Cultural History, 2000), 6561, 6573, 6601, 6606, 6698. Julia Jones to Alexander Jones, March 19, 1865 in the Jones Family Papers #2884, Southern Historical Collection, The Wilson Library, University of North Carolina at Chapel Hill; For the best account of these murders so far has been David Williard, “Vengeance is Mine, I Will Repay”: Desertion, Killing, and Judgment in North Carolina’s Western Piedmont, 1865-1866,” *Journal of the Civil War Era*, (UNC Press, forthcoming); A full definition of dissenter and Unionist is in the introduction. The definition of dissenter is further clarified with a multitude of examples in the first section of the paper after the introduction, “Strategies of Dissent.”

² William T Auman, “Neighbor Against Neighbor: The Inner Civil War in the Central Counties of Confederate North Carolina” (Ph.D., Chapel Hill, N.C.: University of North Carolina at Chapel Hill, 1988). I will use Auman’s term the “inner war” to describe the conflict fought along the home front.

³ Michael Shirley, *From Congregation Town to Industrial City: Culture and Social Change in a Southern Community* (New York: New York University Press, 1994), 126-128. For the best work on Forsyth in the 19th century see Shirley’s book.

militia and a month later the Confederate Congress authorized conscription. The institution of mandatory service undermined the lackluster enthusiasm many already felt for the Confederacy. Over the next three years Forsyth residents increasingly opposed conscription, the war, and the Confederacy. Many reluctant warriors took to hiding in the woods, attempting to “lay out” until the war ended.⁴ The Confederate authorities ordered the local militia to round up deserters and conscripts. When the militia failed to suppress dissent, North Carolina created a “Home Guard” in July 1863 with the “dual assignment of enforcing the conscript laws and arresting deserters on the one hand and, on the other, protecting loyal citizens from the disloyal ones.”⁵ As the numbers of recusant conscripts and deserters within the Forsyth woods increased, so did the violence, ultimately spawning a bloody conflict that fractured the county along a multitude of lines. Death threats issued to deserter-hunters escalated to arson and shootings. Gun fights, robberies, murders, and prison breaks became frequent occurrences, and skirmishes broke out between dissenters and authorities.⁶ Twice during the war Confederate regulars had to be sent from the front lines to suppress dissent in Forsyth County. In the winter of 1864 the local Home Guard received instructions to march to the coast, leaving the county defenseless. Dissenters soon found they had “quite their own

⁴ It seems that volunteers were allowed to account for that third and only in areas (such as the Piedmont) where a third failed to volunteer, did they actually resort to a draft. In Forsyth a draft was used. For an account of the draft during the month before conscription see Auman, “Neighbor Against Neighbor,” 97. For a primary source mentioning it see Crews and Bailey, *Records of the Moravians V. XII*, 6458, 6463, 6466. Or for one in Davidson County see S. “For The Standard” *Weekly Standard*, March 12, 1862; For the best summary of conscription see Memory F. Mitchell, *Legal Aspects of Conscription and Exemption in North Carolina, 1861-1865*, (Chapel Hill: University of North Carolina Press, 1965). For a description of the term lay out see Frances Harding Casstevens, *The Civil War and Yadkin County, North Carolina: A History: With Contemporary Photographs and Letters* (Jefferson, N.C.: McFarland & Co., Inc., Publishers, 1997), 85, 144.

⁵ Auman, “Neighbor Against Neighbor,” 234.

⁶ For the best accounts of the Piedmont’s inner war see Auman, “Neighbor Against Neighbor”; Victoria E Bynum, *The Long Shadow of the Civil War: Southern Dissent and Its Legacies* (Chapel Hill: University of North Carolina Press, 2010).

way, in [Forsyth] county stealing and burning.”⁷ Depredations increased as law and order broke down, culminating in the murder of five Forsyth dissenters.

The political and personal overlapped during the inner war as violence frequently involved personal vendettas. Unlike much of the destruction wrought by Union troops, deserters selected their targets based on personal relations. Major Reuben E. Wilson, who oversaw and ordered all five killings, selected each of the five for execution from over fifty men that his sharpshooters captured. These killings were not random. All of the men involved—the executioners and the executed—were from Forsyth or Yadkin County.⁸ One of the victims, Samuel Speer, deserted from the 1st North Carolina Sharpshooters and almost certainly knew his executioners. Speer’s desertion from Wilson’s unit led to his untimely death. Desertion, particularly from Wilson’s own elite unit, offended the major’s sense of honor and views on the proper social order. Wilson knew the war would end soon; for him to rid his community of these disloyal troublemakers required decisive action. The second

⁷ “Disloyalty in Forsyth,” *People’s Press*, October 27, 1864; “Another Good Haul,” *Western Sentinel* November 3, 1864; *Western Sentinel*, Oct 27, 1864; “Arrested,” *People’s Press*, November 3, 1864; For quotes see: Beverly Jones to Alexander Jones, March 12, 1865, Jones Family Papers, SHC; [No title], *Western Sentinel*, January 12, 1865.

⁸ A.C. Cowles to Isaac Jarrett, esq., March 24, 1865, Jarrett-Puryear Family Papers, Rare Book, Manuscript, and Special Collections Library, Duke University; Misc file of R. E. Wilson; Compiled Service Record for Samuel Speers, of the 1st Sharp Shooters, in *Compiled Service Records of Confederate Soldiers Who Served in Organizations from the State of North Carolina*, National Archives Microfilm Publication M270, RG 109, National Archives and Records Administration, Washington, D.C., accessed via *Footnote.com* (<http://www.footnote.com>: accessed March 2010), (Cited as CSR for Samuel Speers, 1st SS from now on); Samuel Speers had previously never been identified; documents only refer to the fifth victim as Speers, however using census data and an extensive search of military records it became clear no other Speer of Yadkin fit the bill. The 1880 Census shows his wife as a widow. Additionally his father’s will (with the same name), lists him as living in 1864 but the probate of the will shows him as dead in 1868 ; see Samuel Speers, “Will of Sam Speers” 1864 (probated 1868), Filed in Yadkin County, North Carolina Division of Archives and History, Raleigh, NC. Additionally, a listing of many Yadkin soldiers is in the appendix of Casstevens, *The Civil War and Yadkin County, North Carolina*. See 1860 U.S. Federal Census, Population Schedule, *Eighth Census of the United States*, National Archives Microfilm Publication M653, RG 29, National Archives and Records Administration, Washington, D.C.: accessed via *ancestry.com* (www.ancestry.com, November 2010), cited as 1860 Census henceforth and 1880 U.S. Federal Census, Population Schedule, *Tenth Census of the United States*, National Archives Microfilm Publication T9, RG 29, National Archives and Records Administration, Washington, D.C.: accessed via *ancestry.com* (www.ancestry.com, November 2010) cited as 1880 Census for now on.

victim, James Flynt did everything he could to avoid serving in the Confederate army, as did much of his family. Flynt was far from the only man who refused to serve the Confederacy, but Wilson selected him from among all the other disloyal men for personal reasons. According to Major Wilson's aunt, Julia Jones, the area around the Flynt home was overrun by deserters include a party who had threatened her husband. The Jones family believed the Flynts "were all disloyal," and the night before his men shot James, Wilson spent the evening at the Jones home.⁹ Wilson and his aunt almost certainly discussed the troublemakers in the neighborhood. The shooting was clearly murder; a neighbor of the Flynts and friend of the Jones family recounted that "after James had his papers fixed up all wright they shot him for what cause no one knows." Presumably, the paperwork referred to an exemption James had acquired.¹⁰ Though Flynt was not a deserter, Wilson executed the young man for threatening both the Jones family and the Confederate social order. One of the executed deserters, Samuel Kelly, may have angered Wilson's family as well. Circumstantial evidence links Kelly to a band of Yadkin County deserters that sent death threats to Wilson's brother-in-law, a member of the Home Guard.¹¹ The small spatial and social distance between enemies exacerbated the wounds left by the inner war.

⁹ Julia Jones to "Jimmy," July 13, 1864; Alexander Jones to Julia Jones, March 30, 1865; Julia Jones to Alexander Jones, March 19, 1865; all of the Jones Family papers, SHC; Julia frequently wrote to her son James, a soldier under Wilson's command, about the troubles the Flynts caused. For example "My Dear Jimmy," July 16, 1864, Jones Family Papers, SHC reports that one of the Flynts' neighbors reported a party of sixteen of them moving around in 1864; the rest of the Jones Family Papers from the war years also contain periodic mentions of the Flynts.

¹⁰ J.C. Zimmerman to M.J. Spease, March 27, 1865, in the James C. Zimmerman Papers, Rare Book, Manuscript, and Special Collections Library, Duke University; Additionally, a letter from Julia Jones recounting all of the rumors after the shootings, mentions that a Flynt "had a discharge." Unfortunately her letter was not specific on which Flynt. See Julia Jones to Alexander Jones, March 19, 1865, Jones Family Papers, SHC; other sources confirm that Flynt was not attached to the military. For example see Misc file for R E Wilson.

¹¹ CSR for Samuel L Kelly, 38th NC; Auman, "Neighbor Against Neighbor," 242. Lewis Brumfield, *Wouldn't You Like to Have Known Them?* (Yadkinville, N.C.: L.S. Brumfield, 1992), 28, 31. See also Faye Jarvis Moran, "Biting Family Tree," *The Jarvis Family & Other Relatives*, <http://www.fmoran.com/biting.html>, (accessed

While personal reasons influenced who died, the shootings remained deeply political. Extralegal executions such as these carried a message to dissenters. In addition to shooting Jacob Loss three times, “they shot four ball[s] in [James Flynt].”¹² Wilson left at least three of the bodies on the side of the road, making no attempt to hide his acts. Wilson even openly stated that he ordered the shootings.¹³ The sharpshooters reportedly executed David Huff for “instigating the expedition for the release of J. Huff, a deserter,” a charge some in the community questioned. Sharing the name of a well known deserter may have led to the young man’s death, but a message was needed for those who attacked Confederate authority.¹⁴ These murders might best be understood as a desperate effort by Wilson to reassert the antebellum social order in a rapidly disintegrating world. Jake Loss appears to have crossed a racial boundary. He may have shielded deserters or escaped slaves. Perhaps the “free person of color” harassed or troubled the nearby Jones family. Some postwar even evidence suggests Jake deserted from a Confederate work detail. Just the fact that Loss had

March 2010) The band was led by a man named Sam Davis. Paulette Carter found that Samuel Davis and Samuel Kelly are first cousins once removed. Samuel Kelly’s paternal grandmother was also a Davis according to the family tree. See Paulette Carter, “Kelly Family Heritage,” created by user PauletteCarter1947 accessed via *Ancestry.com* (www.ancestry.com, March 2010). The exact links between Kelly and Davis family remain to be searched. However the 1850 census places Kelly living near a Samuel Davis (age 10), Auman found evidence of a Sam’ Davis threatening Bitting and all three (Bitting, Davis, and Kelly) have Yadkinville listed as their post office in 1860. Another victim, Huff may also have been linked to this band. See, 1850 U.S. Federal Census, Population Schedule, *Seventh Census of the United States*, National Archives Microfilm Publication M432, RG 29, National Archives and Records Administration, Washington, D.C.: accessed via *ancestry.com* (www.ancestry.com, November 2010), cited as 1850 Census henceforth.

¹² J.C. Zimmerman to M.J. Spease, March 27, 1865, in the James C. Zimmerman Papers, Rare Book, Manuscript, and Special Collections Library, Duke University.

¹³ William Shultz and John Nissen to Jacob Cox, May 10, 1865, Misc file for R. E. Wilson; Crews and Bailey, *Records of the Moravians V. XII*, 6561.

¹⁴ Crews and Bailey, *Records of the Moravians V. XII*, 6601. 1850 Census; 1860 Census; Members of the Huff family in Yadkin County—including a J. Huff—lived near Samuel Kelly and Samuel Davis. Perhaps both Kelly and Huff were targeted for their suspected involvement with the group of deserters who had threatened Wilson’s brother-in-law. At the very least, the threats against Bitting help explain why a detail of troops was sent to that neighborhood. More research remains on these ties to Bitting and Kelly and Huff; there were three men in the 1860 Census who could have been the Samuel Davis causing problems.

been born free may have upset Wilson, who must have recognized the inevitable end of slavery approaching.¹⁵ Whatever the cause, the young freedman likely defied the racial hierarchy by not doing what whites expected or ordered him to do.¹⁶ In some ways, Loss's murder eerily prefigured the postwar racial violence that characterized Reconstruction. Wilson and his men could just as easily been wearing white hoods as Confederate gray. The wartime intermingling of the personal and political was just one feature of the inner war that created challenges for reconciliation during the postwar period.

The stories of Wilson's victims reflect another impediment to reconciliation: the complexity of wartime loyalties. During the war, loyalty was multifaceted and fluid. Depicting the home front violence as a conflict between Unionist deserters and Confederate deserter-hunters—each fighting for a set of principles—obscures the reality of the inner war. Both the brother and uncle of victim James Flynt served as captains in the militia tasked with rounding up deserters. At least two gunfights broke out at the Flynt home in 1862, but who was fighting whom remains unclear. The unnamed assailants could have been Confederate authorities hunting for James or deserters targeting his brother, militia Captain DeWitt Flynt. Another of Wilson's victims, Samuel Kelly, initially supported the Confederacy—volunteering for Confederate service—before deserting; Kelly subsequently returned to duty,

¹⁵ Crews and Bailey, *Records of the Moravians V. XII*, 6573. James B. Jones to Beverly Jones, April 21, 1866; Jones Family Papers, SHC; these were clearly murders and patently illegal. Even the two deserters Speer and Kelly, were entitled to a court martial first. Jacob Loss lived in Bethabara not far from the home of Julia Jones, and one of the three gunmen was Private James Jones, Julia's son. Loss is also referred to as Loss and Lawson at times. He appears in the 1860 census as Jacob Samuels with an "F" for free person of color next to his name. His mother can be found in older Census' listed as being free as well. See 1850 Census and 1840 U.S. Federal Census, Slave Schedule, *Sixth Census of the United States*, National Archives Microfilm Publication M704, RG 29, National Archives and Records Administration, Washington, D.C.: accessed via *ancestry.com* (www.ancestry.com, November 2010).

¹⁶ Record Book, Forsyth County Superior Court, Spring Term 1866, p. 1404, Forsyth County Criminal Action Papers, NCDAH, Raleigh, NC; I am indebted to David Williard for providing me copies of these records as well as for his notes on the murders. Crews and Bailey, *Records of the Moravians V. XII*, 6573. James B. Jones to Beverly Jones, April 21, 1866; Jones Family Papers, SHC.

received a detail to a hospital, and then deserted again.¹⁷ Given that ‘Union men’ served in the Home Guard and deserters frequently maintained some allegiance to the Confederacy, ascribing loyalties to Southerners based on perceived loyalties frequently creates a false dichotomy that oversimplifies the reality of the situation. Communities were fragmented along lines far more complex than “loyal” and “disloyal.”

These complex, personal skirmishes fought at home left lasting scars in the North Carolina Piedmont. After the war, the conflict continued in court cases, fist fights, local and state politics, and disputes over how to remember the war. The murders of James Flynt, Samuel Speer, Jake Loss, Samuel Kelly, and David Huff represent just one tragic episode in the long Civil War.

¹⁷ Gerald Wilson Cook, *The Last Tarheel Militia, 1861-1865: The History of the North Carolina Militia and Home Guard in the Civil War, and Index to Over 1,100 Militia Officers* (Winston-Salem, N.C.: G.W. Cook, 1987), 88. Cook lists Dewitt as Jewitt on account of a transcription error. M.A. Zimmerman to J.C. Zimmerman, October 19, 1862, in the James C. Zimmerman Papers, Rare Book, Manuscript, and Special Collections Library, Duke University; CSR for Samuel L Kelly, 38th NC.

II. Introduction

Replicated across the South to various degrees and intensities, intra-community conflict devastated southern communities. In western North Carolina, in the Appalachian community of Shelton Laurel, local Confederates executed thirteen Unionists—including a thirteen year-old boy. In Gainesville, Georgia, militiamen hanged twelve Georgians for disloyalty without a trial, while in Gainesville, Texas, vigilantes hanged over 40 suspected Unionists. Six Georgians traveling to Federal lines were captured in Tennessee and executed at the Madden Branch Massacre. Though men with Union sympathies found themselves in danger of being tarred and feathered, even South Carolina contained dissenters who resisted Confederate authority, at times violently.¹⁸ As early as 1861, diehard Unionists fled to the North. But the introduction of conscription led many formerly ambivalent southerners to become dissenters. The Home Guard, militia, and Confederate regulars dispatched to round up dissenters forced deserters and recusant conscripts into hiding, but some dissenters fought back. Confederate counterinsurgency efforts only increased dissatisfaction; Confederate authorities and vigilantes arrested deserters' wives, confiscated property, and even tortured local residents in an attempt to learn where dissenters were hiding. In the final weeks of the war, as the Confederacy's prospects progressively worsened, desertion increased. A trickle became a flood as men recognized the South's imminent defeat and went home to protect

¹⁸ Phillip Shaw Paludan, *Victims: A True Story of the Civil War*, 6th ed. (Knoxville: University of Tennessee Press, 2004); Richard B McCaslin, *Tainted Breeze: The Great Hanging at Gainesville, Texas, 1862* (Baton Rouge: Louisiana State University Press, 1994); Jonathan Dean Sarris, *A Separate Civil War: Communities in Conflict in the Mountain South* (Charlottesville: University of Virginia Press, 2006), 137.¹⁸ James T. Otten, "Disloyalty in the Upper Districts of South Carolina during the Civil War" *The South Carolina Historical Magazine*, Vol. 75, No. 2 (Apr., 1974), pp. 95-110.

their families. In those final days no southern community remained entirely untouched, and large swaths of territory were nearly devoid of any law and order.¹⁹

Though many Civil War historians overlook the significance of the inner war, Southern dissenters have not been ignored by academics. The first major work on dissent was Georgia Lee Tatum's *Disloyalty in the Confederacy*, published in 1934, which recovered the stories of dissenters across the South. However, her work went largely unnoticed by many Civil War historians until in 1981 Philip Shaw Paluden published *Victims: A True Story of the Civil War*. A micro-history of the Shelton Laurel massacre, *Victims* remains the best account of any Civil War atrocity. In the past twenty years interest in Unionists and the inner war has blossomed. Led by historians such as John Inscoe, Jonathon Dean Sarris, Donald Sutherland, Michael Fellman, Robert Mackey, Victoria Bynum, and most recently Stephanie McCurry, scholars have brought to light the importance and prevalence of guerilla warfare and dissent in the South, providing a foundation for the next generation of scholars to build upon.²⁰

¹⁹ For an overview of dissenters see Bynum, *The Long Shadow of the Civil War*; Daniel E Sutherland, *A Savage Conflict: The Decisive Role of Guerrillas in the American Civil War*, 1st ed. (Chapel Hill: University of North Carolina Press, 2009); Daniel E Sutherland, ed., *Guerrillas, Unionists, and Violence on the Confederate Home Front* (Fayetteville: University of Arkansas Press, 1999).

²⁰ For the best descriptions of the inner war and dissent across the South see Georgia Lee Tatum, *Disloyalty in the Confederacy* (Lincoln: University of Nebraska Press, 2000); Bynum, *The Long Shadow of the Civil War*; John C. Inscoe and Robert C. Kenzer, eds., *Enemies of the Country: New Perspectives on Unionists in the Civil War South* (Athens: University of Georgia Press, 2001); Sutherland, *Guerrillas, Unionists, and Violence on the Confederate Home Front*; Stephanie McCurry, *Confederate Reckoning: Power and Politics in the Civil War South* (Cambridge, Mass.: Harvard University Press, 2010); Robert Russell Mackey, *The Uncivil War: Irregular Warfare in the Upper South, 1861-1865* (Norman: University of Oklahoma Press, 2004). Some of the best works on North Carolina dissent include: Auman, "Neighbor Against Neighbor"; Wayne K. Durrill, *War of Another Kind: A Southern Community in the Great Rebellion* (New York: Oxford University Press, 1990); Victoria Bynum, "'War within a War': Women's Participation in the Revolt of the North Carolina Piedmont, 1863-1865," *Frontiers: A Journal of Women Studies* 9, no. 3 (1987): 43-49; Bynum, *The Long Shadow of the Civil War*; Victoria E Bynum, "Occupied at Home: Women Confront Confederate Forces in North Carolina's Quaker Belt," in *Occupied Women: Gender, Military Occupation, and the American Civil War*, ed. Alecia P. Long and LeeAnn Whites (Baton Rouge: Louisiana State University Press, 2009), 155-170; John C. Inscoe, *Race, War, and Remembrance in the Appalachian South* (Lexington: University Press of Kentucky, 2008); Katherine Anne Giuffre, "First in Flight: Desertion as Politics in the North Carolina Confederate Army" (M.A.,

Historians of dissent frequently emphasize Unionist ideology, presenting an overly simplistic and static binary of Unionists against Confederates. This binary was at least in part a postwar creation and ignores the complexities of wartime dissent. Because of the multitudes of shifting loyalties, I use the term “dissenter” where others might use Unionist. “Dissenter” as a term does not presume to define motivations. Unionism, in contrast, implies a political ideology as the basis for opposing the Confederacy. “Dissenter” encompasses anyone who opposed Confederate authority in a sustained manner at any point after secession. Men who tried to avoid Confederate military service—as well as those who helped others avoid service—represent the largest category of Forsyth dissenters. These reluctant warriors were primarily deserters and recusant conscripts, but some obtained work details or other exemptions. Dissenters included volunteers who later deserted, as well as members of the militia and Home Guard who fled to northern lines when ordered to the front in late 1864.²¹ Militiamen who previously were willing to force others into the Confederate Army but were unwilling to fight themselves are overlooked by many definitions of Unionist, especially those based on the decisions of the Southern Claims Commission. Similarly, volunteers are almost always excluded from these ideologically based definitions of Unionist. This study rejects the definitions of “Unionist” that nineteenth-century bureaucrats and many twenty-first-century historians have used and instead utilizes “Unionist” as white southerners in Forsyth County understood the term during *Reconstruction*. Thus, except when in

Chapel Hill: University of North Carolina at Chapel Hill, 1991); Paludan, *Victims*; Barton A. Myers, ““Rebels Against a Rebellion” Southern Unionists in Secession, War and Remembrance” (Ph.D., Athens: University of Georgia, 2009); Barton A. Myers, *Executing Daniel Bright: Race, Loyalty, and Guerrilla Violence in a Coastal Carolina Community, 1861-1865* (Baton Rouge: Louisiana State University Press, 2009). A contrast between parts of the Piedmont would be a useful study that remains to be done. Bynum’s work demonstrates that the use of a comparative approach (in her case across three states) provides insights previously unknown.

²¹ For examples of Home Guard fleeing see “Another Good Haul,” *Western Sentinel*, November 3, 1864.

quotations, I use Unionist to refer to the postwar identity claimed by many wartime dissenters, an identity based upon a shared memory of principled resistance and patriotic motives. For clarification, I use the term “Union men,” to refer to those men who had Union sympathies *during the war*. Though these definitions are meant to help display the complexity of wartime Forsyth County, they remain inadequate and at times nebulous.²² My liberal use of dissenter may be viewed by some as too subjective, expansive, and ill-defined. This subjectivity is partially attributable to the arbitrary nature of any categorization of many diverse individuals into a finite set of identities, but the ambiguity also reflects of the reality experienced in Civil War Forsyth County.

The Unionist postwar memory simplified the messy and often traumatic truth that loyalty during the war was fickle, fluid, and flexible. Though love of Union surely played a role in many dissenters’ decisions, patriotism frequently constituted only one of many motives. Religion, family obligation, kinship links to the North, as well as pragmatic self-interest all influenced dissenters’ decisions and actions. Loyalty itself is a problematic word to use that implies a definitive and firm allegiance to something. Loyalties shifted overtime and were frequently contingent upon a variety of factors. Not all deserters supported the Union and not all Union men actively dissented. Joseph Glatthaar has demonstrated many soldiers “felt the tug of dual loyalties: one to their fledgling nation and another to their family.”²³ Frequently soldiers went absent without leave to provide for their family, and

²² Dissenters include many of those others might call Unionists. Avoiding Confederate service or helping others avoid it is central to my understanding of dissenters. I include those who obtained details from Confederate authorities specifically for the specific purpose of avoiding Confederate Service. My definition will become clearer in the next section as I outline the path of a selection of dissenters. I took the term ‘Union Men’ from the Southern Claims Commission records.

²³ Joseph T. Glatthaar, *General Lee's Army: From Victory to Collapse* (New York: Free Press, 2008), 411 see also Glatthaar's chapter "Desertion," 408-420. Glatthaar's description of desertion is by far the most modern.

some even intended to return to duty. However, once at home, they were often drawn into conflict with Confederate authorities sent to find them.²⁴ The inner war was not fought between Unionists and Confederates. Ideology was only one factor. Historian David Brown argues that “we need to move beyond the either/or mode of thinking that categorizes southerners only as loyal or disloyal during the war and rediscover the large number who occupied the middle ground.”²⁵ This “middle ground” was not stable. Individuals moved across it and came into conflict with one another, fracturing the middle ground across a multitude of crisscrossing fissures. These divisions that frequently formed between individuals who challenge the conventional labels of Unionist or Confederate generated lasting consequences.

This paper focuses on the *local* impacts of dissent during and after the war. It is not a military history that attempts to measure desertion rates for Confederate forces, as it only examines one community. I wish to avoid tedious arguments about why the South lost the Civil War. I am less interested in causes of the South’s loss than in the ramifications of defeat. Yes, desertion hampered Confederate war efforts, but so did Union manpower, a blockade, poor leadership, tactical and strategic errors, and structural problems within the Confederate war machine.²⁶ As historian Joseph Glatthaar has pointed out, the Confederacy

For one of the most historiographically important works see Ella Lonn, *Desertion During the Civil War* (Lincoln: University of Nebraska Press, 1928). Lonn originally published in 1928.

²⁴ For an example of an AWOL soldier who was pursued and harassed by the Home Guard but later returned to duty see Casstevens, *The Civil War and Yadkin County, North Carolina*, 76-77. For examples of AWOL men returning see also later in this paper the account of Lewis Grimble.

²⁵ David Brown, “North Carolinian Ambivalence: Rethinking Loyalty and Disaffection in the Civil War Piedmont,” in *North Carolinians in the Era of the Civil War and Reconstruction*, ed. Paul D. Escott (Chapel Hill: University of North Carolina Press, 2008), 31. Brown provides one of the few challenges to the conventional binary views of loyalty.

²⁶ For an expansive look at this question see Richard E. Beringer and William N Still, *Why the South Lost the Civil War* (Athens, Ga.: University of Georgia Press, 1986).

“had a much narrower margin for error than the Union,” and as the war progressed that margin disappeared.²⁷ For this thesis’s purposes, it is enough to say the Confederacy lost—as much as some may wish otherwise—and that consequences of that defeat were felt during Reconstruction and beyond. This paper does not attempt to measure the strength or weakness of Confederate nationalism.²⁸ The strength of Confederate nationalism depended on the individual Southerner. Within Forsyth County one finds the staunchest Confederates, the most devote Union men, and everything in-between. What matters to this scholar is how those three categories of white southerners interacted after the guns fell silent and the role their memories of neighborly violence played in their subsequent lives. I wish to know how Forsyth residents put the pieces back together and attempted to heal a divided community.

Even before the war, Forsyth was a distinct community. When Forsyth County was created in 1849 with the division of Stokes County into two halves, the county already had a unique population. Home to an eighteenth-century Moravian settlement, the Forsyth population was already in flux. In the 1830s and 1840s increasingly large numbers of non-Moravians had entered the community; as economic opportunity, especially in mills, spurred immigration.²⁹ Quakers, Methodists, and Baptists all lived in the community by 1860. The free community was not very racially diverse. Around 15% of the total population of 12,698 was non-white, but 1,768 of them were slaves: free people of color made up less than 2% of the total population. Though only about 11% of the non-white population was free, the vast majority of white residents did not own slaves. With only 300 slave owners, less than 14% of

²⁷ Glatthaar, *General Lee's Army*, 465, see also 175, 266, 441.

²⁸ For an excellent recent work on this see topic, see Anne S Rubin, *A Shattered Nation: The Rise and Fall of the Confederacy, 1861-1868* (Chapel Hill: University of North Carolina Press, 2005).

²⁹ As will be discussed Dissenters and Confederate loyalists can both be found in (and outside) the Moravian Church. Future studies may shine light on the relevance of religion in dissenter’s decisions.

the 2155 Forsyth county households enumerated in 1860 held their fellow man in bondage. Those that owned slaves usually owned fewer than six. The vast majority of residents had been born in North Carolina, though many had ties to Virginia or Pennsylvania.³⁰

At the center of the county lay the Moravian township of Salem and its secular neighbor Winston. Winston had actually been created in 1851 on the edge of Salem to serve as the seat for the newly formed county. When the war began, there was no railroad into the county. Instead a plank road ran from the nearest rail junction in High Point through Salem before ending in Bethania. With the exception of those living the eastern edge of the county, Salem and Winston constituted the closest major market for Forsyth residents. The additional historical and religious significance of Salem and political importance of Winston ensured that the two little towns remained the center of a large community.³¹

Micro-histories are extremely useful in examining white southerners' memories of the inner civil war. Though often viewed as a racial conflict, Reconstruction was also shaped by divides within the white community.³² The local nature of the violence that characterized the

³⁰ Shirley, *From Congregation Town to Industrial City*, esp. 93, 32, 113. Shirley provides the best summary of 19th Century Forsyth County. For data on the population see the 1860 Census and 1860 Slave Schedule. The 1860 Census lists 215 listed as "F" for free person of color and 2 listed as "B" for black, 10713 had race left blank for white in the 1860 census. The 1860 Slave Schedule lists 1,768 slaves in the county. On examining the ties, looking at birth places in the 1860 and 1850 census shows show ties to other places. Using the census likely underestimates those from outside of North Carolina as the enumerators would have assumed North Carolina as the place of origin. As the center of the Southern Moravian church Salem took on additional significance.

³¹ Shirley, *From Congregation Town to Industrial City*, 24, 39, 99, 112-114. As the center of the southern Moravian Church complete with a Moravian bishop Salem took on additional significance. The addition of the Yadkin River as the western boundary of the county provided an additional barrier that forced trade towards Salem, as did Forsyth's spider web like road system which brought most roads to Winston or Salem.

³² Especially in those areas with small black populations, such as Forsyth County, the legacy of the inner war carried almost as much importance as race (for racial numbers see 1860 and 1880 Censuses and also 1860 U.S. Federal Census, Slave Schedule, *Eighth Census of the United States*, National Archives Microfilm Publication M653, RG 29, National Archives and Records Administration, Washington, D.C.: accessed via *ancestry.com* (www.ancestry.com, November 2010), Henceforth 1860 Slave Schedule.

inner war carried over to the memory of the conflict. The tight focus of community studies allows historians to trace the war's impact upon individuals' lives into the twentieth-century.

Forsyth County presents an excellent case study of the legacy of dissent in one community. While historians view Randolph County, North Carolina as the center of dissent within North Carolina's Piedmont, Forsyth County was more typical of the region. Both peaceful and occasionally violent dissenters resided in Forsyth. Additionally, Forsyth remained under Confederate control until the last days of the war and during the final months witnessed the worst the inner war offered as desertion rates skyrocketed from the Army of Northern Virginia. The arrival of Union troops in the final days created numerous Southern Claims Commission records in the 1870s that serve as a key source for studying war-time memory. By contrast, only one Randolph County resident filed a claim with the Commission—for items taken in Cumberland County. Additionally, the numerous newspapers, both Republican and Democrat, published in Winston and Salem allow an examination of public discourse after the war. Manuscript collections, court records, and the published *Records of the Moravians* supply substantial source material to examine the community during and after the war. Lastly, on a personal level, a single document is responsible for sparking my interest in the area; my desire to contextualize a death threat sent from the Dial boys to a "Captain Quill Hunter"—discussed later in the paper—led to Forsyth County and my decision to examine dissent from the perspective of a community.³³ Tracing the Dial boys and their story led me to research Forsyth's dissenter community and its memories of dissent.

³³ Calvin, Wilse, and James Dial to "Quail Hunter," July 29, 1863 in Wilse Dial Letter, #3143-z, Southern Historical Collection, The Wilson Library, University of North Carolina at Chapel Hill (cited as Wilse Dial Letter henceforth); I am indebted to Malinda Lowery and Forest Hazel for their help determining where the Dials were actually from. Previously only William Auman among historians appears to have correctly identified the brothers as being from Forsyth.

This study explores the ways white southerners came to terms with and remembered the inner Civil War. In order to demonstrate the complexity and messiness of loyalty and the inner war, the first section examines the diverse strategies taken by dissenters to avoid Confederate service. Spatial analysis further complicates our understanding of dissent and loyalty. After examining the local, spatial, and fluid nature of dissent, the paper moves to the legacy of the war. A case study of one diehard Confederate and his memory of the Forsyth five vividly displays how important and contested the memory of the inner war remained for those involved in the conflict. The paper then delves into the formation of a Unionist memory, arguing that Unionist became a negotiated postwar identity during Reconstruction. Ultimately, Unionism became premised on a myth of principled and patriotic dissent—a myth that stretched and simplified reality—thus sowing the seeds of its own destruction. Petitions, the Southern Claims Commission, and election results display how the memory of dissent did not disappear overnight. Instead the power of a Unionist memory of the inner war reached an apex during the election of 1876 before eventually disappearing after 1880. This thesis concludes with an analysis of the rise of the Lost Cause to its near hegemony over white Southerners' memories. I believe the manner in which a Unionist identity formed undermined the usefulness of a memory of dissent, leading to the modern-day amnesia of Forsyth County's numerous dissenters.

III. Strategies of Dissent

Ransom Phipps needed to hide a recusant conscript who was still too young to grow noticeable facial hair. Phipps “dressed the boy in female attire, [and] worked him on the farm and in the kitchen,” presumably as part of the young man’s disguise, before the youth eventually escaped toward Union lines.³⁴ Cross-dressing, a rather unusual manner of avoiding military service, was one of many ways southerners unenthusiastic about the war resisted Confederate authority. During the rebellion dissenters utilized a variety of stratagems that required different concessions and compromises to avoid fighting. However, after the war many of these individuals still self-identified as Unionists. A close examination of the stratagems employed within one neighborhood, or even one household, reveals a world in flux, deeply divided along a multitude of lines.

For protection, deserters and recusant conscripts relied upon bands of fellow dissenters that frequently formed along geographic as well as kinship ties. The males of three neighboring households in the Broadbay District of southern Forsyth County worked together to survive the war. David Shoaf, a conscripted deserter, frequently hid next door in his father’s barn. David’s brother, brother-in-law, and brother’s new father-in-law, all of whom were recusant conscripts, joined him in hiding at his father’s farm. The band relied upon family for protection. In addition to David’s father, who sheltered dissenters on the run,

³⁴ Claim of Ransom Phipps (10716), Guilford County, North Carolina, in *Records of the Southern Claims Commission, 1871-1880, Disallowed Claims*, National Archives Microfilm Publication M1407, RG 233, National Archives and Records Administration, Washington, D.C., Accessed via Footnote.com (www.footnote.com, March 2011) (cited as Disallowed SCC henceforth); the commission misfiled this with Guilford. The Claim should have been filed in Forsyth.

David's uncle, George Hege, hunted deserters as part of the militia. Hege later recalled that "I was ordered out twice to hunt deserters I never caught any[.] I could have caught them, I did not want to." His claim appears to be at least partially true as his nephews were hiding next door. Family members of many nominal deserter-hunters enjoyed additional protection from capture. Hege helped ensure his family went undetected for much of the war. However, the band of dissenters grew later in the war, when changing conditions forced increasing numbers of dissenters to take to the bush. When Hege's militia company received orders to travel to eastern North Carolina to repel Union forces in 1864, he deserted rather than go to the front. He joined his family members in his neighbor's barn.³⁵

At first glance, the fact that David Shoaf's band of five dissenters escaped capture seems surprising. Christian Shoaf's home lay directly across the road from the farm of Amos Rominger, a lieutenant in the militia tasked with capturing deserters.³⁶ Perhaps, like George Hege, Rominger put little effort into hunting dissenters. In some sections of Forsyth County the local militia and Home Guard units included numerous Union men. Many joined the militia or Home Guard to avoid conscription. In 1864 when Governor Zebulon Vance ordered the militia to repel Union armies along the coast, many members, including officers, fled to Northern lines, while others like George Hege hid in the woods.³⁷ Rominger was

³⁵ Claims of George Hege (#10963) and Christian Shoaf (#10965), both of Forsyth County, North Carolina, Disallowed SCC, Faye Jarvis Moran, "Shoaf Family," *The Jarvis Family & Other Relatives* <http://www.fmoran.com/shoaf.html>, accessed December 2010. Other examples of Home Guard members protecting family include the Flynt Family and the Grimble family discussed later in the paper. All locations of events in this paper are based upon a map created by the author (see Appendix 1).

³⁶ 1860 Census; E.A. Vogler, "Map of Forsyth County, North Carolina: Compiled from Surveys of the Land Office, Salem NC and other Maps," November 1863, The Moravian Archives, Winston Salem N.C..

³⁷ "Disloyalty in Forsyth," *People's Press*, October 27, 1864; "Another Good Haul," *Western Sentinel* November 3, 1864; *Western Sentinel*, Oct 27, 1864; "Arrested," *People's Press*, November 3, 1864; William Vest, a captain in the militia even "Absconded to the Yankees" in 1864. (Cook, *The Last Tarheel Militia, 1861-1865*, 140.) There are numerous examples in the Southern Claims Commission disallowed records of Home Guard members. For an account of Union men belonging to the militia see Richmond Myers, "The Moravian

probably hesitant to arrest his neighbors. In fact, Confederate authorities investigated one of Lt. Rominger's superior officers because the officer was suspected of allowing a known deserter to go about his life unmolested for "fear of unpleasant relations with the friends of the deserter." Amos risked his life if he captured deserters for just to the east of Amos's land lay the Snyder family farm, home to prominent members of yet another band of dissenters.³⁸

Even within one family, individuals' loyalties and strategies to avoid fighting might vary. For example, the family of Benjamin Snyder attempted to avoid service in a variety of ways. Benjamin's son, Ezekiel, received a detail to a Salt Works where he worked in the ordinance department. Unfortunately, after Union forces overran the salt works, Ezekiel died in prison.³⁹ However, a brother of Ezekiel's hid successfully in the woods, while Benjamin lied about his age to avoid conscription. Within the Snyder family and across Forsyth County not all dissenters began as Union men, and not all deserters were conscripts. Romulus Snyder, Benjamin's oldest son, volunteered for service in 1861 and was even promoted to sergeant, before deserting after receiving a wound at the Battle of Williamsburg in 1862. Not until January of 1864 did Romulus return to duty.⁴⁰ Characterizing the Snyder family as a loyal or disloyal family conceals the reality of how complex loyalty was.

Church and The Civil War," *Transactions of the Moravian Historical Society* 20, no. 2 (1965): 241-242. Additionally the CSR for A. Rominger, 6th NC Senior Reserves lists him as not showing up.

³⁸ Cook, *The Last Tarheel Militia, 1861-1865*, 35, 159-162. It appears this was Dempsey Newsom, who is listed in the 1860 census as being in buffalo. However he is clearly listed as an officer in Broadbay, a William Newsom lived north of Andrew Reid (mentioned below) and Dempsey may have been living with him during the war, all locations are from the author's composite map (see Appendix 1).

³⁹ Misc Card File for E F Snyder and E F Snider, 1860 Census, Faye Jarvis Moran, "Melchior Schneider Family," *The Jarvis Family & Other Relatives* <http://www.fmoran.com/schneider.html>, accessed December 2010.

⁴⁰ CSR for Romulus S Snider, 14th NC; Claim of Benjamin J. Snider (10960), Forsyth County, North Carolina, Disallowed SCC.

Individual relationships played a far larger role in determining the actions of many dissenters than any sense of nationalism, and prewar friendships provided resources for those who “lay out” or hid in the woods. Conscripted in 1862, Nathaniel Charles received a furlough after being wounded; he never returned to duty. Nathaniel and at least one of his brothers joined their neighbors, the Snyders boys, in the woods. Another neighbor and recusant conscript, Andrew Reid frequently hid with the Charles and Snyder boys. The Snyders and their neighbors stuck together, and the many small bands formed a larger informal network. Three deserters from nearby Davidson County frequently visited the Charles family for provisions. The two families had been friends for thirty years before the war.⁴¹ Kith and kinship networks remained stronger than patriotism, and these networks were crucial for protection. Had Amos Rominger captured one of his neighbors, his barn might have gone up in flames, if he were lucky.

Resisting Confederate authorities carried different meanings for different individuals. Just north of George Hege and Amos Rominger’s farms (northwest of the Snyder farm) lived Emanuel Tesh, who landed a job as a cooper, exempting him from conscription. Tesh considered building flour barrels for the Confederate army a way of dissenting. Though Tesh did nothing else to help the Union—there is no evidence he even fed deserters—he shared with other dissenters a common aversion to serving in the Confederate Army.⁴² After the war Emanuel Tesh, David Shoaf, Benjamin Snyder, Nathaniel Charles, and George Hege all

⁴¹ Testimony of Nathaniel Charles in Claim of Benjamin J. Snider (10960), Forsyth County, North Carolina, Disallowed SCC, Testimony of Andrew Yokley in Claim of Jacob Charles (10957), Forsyth County, North Carolina, Disallowed SCC, author’s composite map shows locations.

⁴² Claim of Emanuel Tesh (10962) Forsyth County, North Carolina, Disallowed SCC. Tesh is one of the few claimants who failed to testify that he fed deserters and others hiding out. If he had made such a claim, one might wonder whether Tesh fed them due to prewar friendships, for political reasons, or to avoid angering armed men.

considered themselves Unionists. Men such as these, as well the likes of Amos Rominger and Romulous Snyder, muddled the distinction between Confederate and Unionist.

Identifying a neighborhood, let alone a household, as Unionist or Confederate is a frustrating task for the historian. With so many individuals claiming to be Unionists during the 1870s, the neighborhood described above must have been an extremely disloyal one in the eyes of the Confederacy. However, no area was homogenous in loyalty. The neighborhood also included Confederates. Emanuel Tesh's neighbor Isaiah Mc Kaughan volunteered for the Confederate cavalry, and McKaughan lived next to Nathaniel Crowder, one of the gunmen in the quintuple homicide that introduced this thesis.⁴³ Loyalty cannot be mapped using a choropleth map, a thematic map using color or shading to display information spatially, as even shades of blue and grey obscure the reality. Because survival strategies, political opinions, and even loyalties were never stagnant, a map of dissent would appear as a multicolor fractal changing overtime. Home to an entire spectrum of shifting loyalties over space and time, Forsyth found itself terribly divided.

Instead of considering loyalty, historians might re-conceptualize dissent by examining strategies of survival. Each Forsyth resident took a distinct strategy that often changed as circumstances dictated. Many of the wartime divisions were formed when these strategies

⁴³ Compiled Service Record for Isaiah Mc Kaughan, 7th CSA Cav, *Compiled Service Records of Confederate Soldiers Who Served in Organizations Raised Directly by the Confederate Government*, National Archives Microfilm Publication M258, RG 109, National Archives and Records Administration, accessed via *Footnote.com* (<http://www.footnote.com>: accessed March 2011), See CSR for Nathaniel Crowder, 1st SS; "The Superior Court," *Western Sentinel*, April 13 1866, and Record Book, Forsyth County Superior Court, Spring Term 1866, 1373, Forsyth County Criminal Action Papers, NCDAH.

came into conflict with one another. Strategies for avoiding service as well as political views frequently evolved as circumstances changed. A friend of Nathaniel Charles, Andrew Yokley, initially hired a substitute to avoid service. When the Confederate Congress repealed the rule allowing substitutes, Yokley arranged for “a detail to haul wood for the Rail Road.” Only when this exemption became too costly did Andrew flee to the woods. Many ambivalent southerners became newly converted ‘Unionists’ with the introduction of conscription laws, high taxation, and food shortages.

The story of the Dial boys, who became some of the most violent resisters within Forsyth County, demonstrates how Union men were created, not born. Drafted in the militia and arbitrarily transferred to Confederate service in March 1862, Thomas Wilson Dial deserted within six months.⁴⁴ Thomas, or “Wilse” as he was known, returned home to hide in the woods with his two brothers, James and Calvin. In the summer of 1863, Captain Aquilla Hunter of the Forsyth militia attempted to capture the three brothers. The Dials wished to be left alone but Hunter issued orders to shoot the young men if they resisted arrest. In response, the Dial boys sent a death threat to the aptly named Hunter, complaining that it was unfair to hunt for them: “If such men as yo are is [sic] Christians of heaven[,] i want to know who is the hippocrits of hell[,] we have never done yo any harms for yo to hunt for us,[sic]” wrote the boys; only because of the Confederacy’s persecutions did they decide that, “we will give yo something to hunt for hereafter.” The Dials stated outright they would steal from secessionists now that the Confederacy had declared war on them. The boys had tried to

⁴⁴ CSR for Thomas Dial, 48th NC; though his CSR does not say he was drafted explicitly, given the dates he entered service and other evidence he was almost certainly drafted or received a large bounty to entice him to serve.

avoid being drawn into the war; but events forced them to take a side and they declared themselves “United States regulars,” as they embarked on a private war against the Confederacy.⁴⁵ Captain Hunter failed to capture the brothers, but the 21st North Carolina Infantry had better luck when they searched the county for deserters later that fall. Discovered by a detail of Confederate infantry, the three brothers fought back. In the ensuing shootout James received a mortal wound, and his brothers were both arrested. The captured Thomas was returned to his unit where a court martial sentenced him “to be shot with musketry.” At 11am March 24, 1864, as the snow on the ground melted around them, the firing squad raised their arms; Thomas Wilson Dial “met death quietly and stolidly.”⁴⁶

By April 1864, Calvin Dial had become perhaps the most adamant anti-Confederate from Forsyth County. The death of his two older brothers eliminated any remaining feelings of affection Calvin might have held for the Confederacy. Forced to serve in the 21st North Carolina—the unit responsible for his brothers’ deaths—Calvin deserted as soon as he could.⁴⁷ Returning home, he began a spree of violence that led to him becoming known as the “notorious deserter named Dial.” Calvin formed a gang of dissenters who terrorized the northwest corner of Forsyth County. Robbing the homes of Confederate families, burning

⁴⁵ Calvin, Wilse, and James Dial to “Quail Hunter,” July 29, 1863 in Wilse Dial Letter; for another take on the Dial’s see Auman, “Neighbor Against Neighbor,” 242-244.

⁴⁶ Your Affectionate Mother” to “My Dear Son,” October 29, 1863, Jarrett-Puryear Family Papers, Rare Book, Manuscript, and Special Collections Library, Duke University; CSR of Calvin Dyal, 21st NC; S. H. Walkup, Typed Transcription of Journal in the S. H. Walkup Papers, #1401, Southern Historical Collection, The Wilson Library, University of North Carolina at Chapel Hill; Record of Court Martial Book; Chapter 1, Volume 198, 1864-1865, p. 56; Records of the Adjutant and Inspector General’s Department, RG 109; National Archives Building, Washington, D.C. (NAB); Theo. Frank to Elizabeth Frank, March 24, 1864, in the Frank Family Papers, #3980-z, Southern Historical Collection, The Wilson Library, University of North Carolina at Chapel Hill.

⁴⁷ CSR for Calvin Dyal, 21st NC, indicates he may have actually deserted twice and been captured the first time; for evidence of this see: “List of prisoners” dated December 10, 1863; Manuscripts, Folder 3431; Other Records, RG 109, NAB; and also Record of Court Martial Book; Chapter 1, Volume 197, p. 12; Records of the Adjutant and Inspector General’s Department, RG 109, NAB.

barns of prominent secessionists, and firing on home guard members, the Dial gang embarked on a private war.⁴⁸ Of all dissenters, the Jones family feared Dial the most, far more than any Flynt. James Jones thought that “it certainly would be a great blessing to the community if Dial could be caught & it would be a greater [one] to know that he was executed.”⁴⁹

Never captured by Confederate authorities, the “artful deserter, well known throughout this community, by the name of Dial” was brought down by a pair of deserters. Two men avoiding service by pretending to be recruitment officers captured him along with another prominent member of his gang, likely for reward money. When the Dial and his partner attempted to escape, one of their captors shot Dial in the hip. Dial’s compatriot fared worse, receiving a mortal wound. Confusing loyalties further, within a week one of his captors murdered the other. The murderer claimed Dial’s friends committed the deed for revenge, which seemed a perfectly plausible explanation at the time. By the time the authorities realized the truth, the man had vanished with a large sum of money.⁵⁰ His exact identity remains unknown.

Dial’s capture just a week before Major Wilson’s sharpshooters visited the community may have saved his life. A month before participating in the murder of Jake Loss, James Jones wrote to his siblings that, “I wish too that the Battalion could come to Forsyth &

⁴⁸ “Accidentally Shot,” *People’s Press*, December 15, 1864; Julia Jones to “Jimmy,” July 13, 1864, Jones Family Papers, SHC; Julia Jones to “My Dear Alex,” February 8, 1865, Jones Family Papers, SHC; *Western Sentinel*, January 12, 1865. “Deserter Shot,” *Western Sentinel*, March 2, 1865.

⁴⁹ James B. Jones to “Brother and Sister,” February 19, 1865, Jones Family Papers, SHC; “Deserter Shot,” *Western Sentinel*, March 2, 1865.

⁵⁰ “Murder,” *People’s Press*, March 9, 1865; “Shot,” *People’s Press*, March 9, 1865; *Western Sentinel*, March 16, 1865; Julia Jones to Alexander Jones, March 3, 1865; Beverly Jones to Alexander Jones, March 12, 1865 in Jones Family Papers, SHC; A.P. Smith to Zebulon Baird Vance, March 3rd 1865, Zebulon Baird Vance Papers, Private Collections, NCDAH.

catch all the deserters,” before asserting that “Dial & Freeman [another prominent member of Calvin’s gang] are certain to be killed if caught.” Both Dial and Freeman would have been obvious targets for execution. However, by the time the battalion arrived in North Carolina, Freeman was already imprisoned in Richmond’s Castle Thunder and whether Dial’s wound was fatal remained in question. Though Calvin escaped Wilson’s wrath, leaving others to be targeted instead, numerous well trained soldiers angry at the deserter’s treatment of their families arrived in Forsyth in April 1865 as Lee’s veterans returned home.⁵¹ Calvin risked his life if he stayed, so he fled to West Virginia where no one knew his past and southern dissenters were welcome. Though safe from retaliation, the war’s impact on Dial was lasting: both his brothers were dead, and Calvin was unable to return to North Carolina. In later years “the old reprobate,” as Calvin’s daughter called him, struggled with the bad hip that was a reminder of his wartime trauma.⁵² However, while Calvin fled, many dissenters stayed in North Carolina and continued to live next to their former enemies.

⁵¹ Beverly Jones to Alexander Jones, March 12, 1865, Jones Family Papers, SHC; James B. Jones to “Brother and Sister,” February 7th 1865, Jones Family Papers, SHC; Had Dial been able to walk it seems likely he would have been chosen for death. The arsonist Dial and his gang remained prime suspects for the destruction of Wilson’s family’s mill (Julia Jones to “My Dear Alex,” February 8, 1865, Jones Family Papers, SHC).

⁵² “Fayette County Register of Marriages” for Calvin Dial and Mary Foster, accessed at West Virginia Department of Culture and History, http://www.wvculture.org/VRR/va_select.aspx (March, 2010); contrary to what the database says the image of the original clearly indicates a date of October 17, additionally the database says 1870 but it appears it is 1869 not 1870; this is confirmed by 1870 U.S. Federal Census, Population Schedule, *Ninth Census of the United States*, National Archives Microfilm Publication M593, RG 29, National Archives and Records Administration, Washington, D.C.: accessed via *ancestry.com* (www.ancestry.com, November 2010), cited as 1870 Census henceforth. The 1870 Census already lists them as married under Calvin Dile; see also 1880 Census; 1900 U.S. Federal Census, Population Schedule, *Twelfth Census of the United States*, National Archives Microfilm Publication T623, RG 29, National Archives and Records Administration, Washington, D.C.: accessed via *ancestry.com* (www.ancestry.com, November 2010) cited as 1900 Census henceforth; and 1910 U.S. Federal Census, Population Schedule, *Thirteenth Census of the United States*, National Archives Microfilm Publication T624, RG 29, National Archives and Records Administration, Washington, D.C.: accessed via *ancestry.com* (www.ancestry.com, November 2010) cited as 1910 Census henceforth; West Virginia State Department of Health, “Certificate of Death #8812” for Calvin B Dyal, July 10, 1934, accessed at West Virginia Department of Culture and History, http://www.wvculture.org/VRR/va_select.aspx (March, 2010); Authors phone conversation with Margret Neel, February 11th 2011; Mrs. Neel is the Great Granddaughter of Calvin Dial. She remembers conversations with Eunice Dial, Calvin’s daughter who cared for him in old age.

IV. A Divided Community

Forsyth County experienced a true civil war, pitting neighbors against each other. In July of 1863 Lt. George Grimble of the 71st North Carolina Militia received a \$60 reward “for arresting and delivering” to Raleigh two deserters, one of whom was Julius E. Spaugh. Both Grimble and Spaugh hailed from the Southfork District of Forsyth County (just west of Broadbay) and surely knew each other. George and Julius grew up about a mile apart and the road to Salem passed both George’s boyhood home and the Spaugh farm.⁵³ George’s younger brother Lewis likely attended school with Julius. Conscripted on the same day, Lewis and Spaugh served in the same company of the 21st North Carolina. The two soldiers even deserted within a week of each other. Not surprisingly, Lewis seems to have had an easier time avoiding the militia patrols that his brother led. After three and half months absent without leave, Lewis returned to his unit well rested. Grimble’s willingness to arrest some deserters but not others provides just one example of how hard it was (and remains) to characterize an individual’s wartime loyalty. Grimble’s selective arrest of deserters not only underscores how contingent his loyalty was; it also surely sowed bitterness within the community.⁵⁴

⁵³ Misc File on George Grimble; George may have moved even closer to the Spaugh family when he married and left his father’s house according to the author’s composite map.

⁵⁴ CSR for Julius E Spaugh and Lewis Kimble, 21st NC; 1850 Census and 1860 Census; According to census and military records data Spaugh was about 3 years younger than Lewis Kimble. Vogler, “Map of Forsyth County, North Carolina: Compiled from Surveys of the Land Office, Salem NC and other Maps.” shows the location of schools, that both the Grimble and Spaugh’s were within a mile of the same school. Grimble is sometimes spelled Gimble or Kimble and Spauch is variously spelled Spark, Spach and Spauch, among other ways. Geographic analysis within this section and the rest of the paper uses author’s composite map (see Appendix 1).

Returned to his unit, Spaugh waited until May of 1864 to flee to Union lines. The “captured” Spaugh then informed a Union officer that he desired to take the Oath of Allegiance. The deserter claimed he was “always a Union man, [and was] tired of fighting for [the Confederacy].” Sadly, Spaugh’s plan to spend the rest of the war in Ohio went unrealized; he died of chronic diarrhea in a prison hospital. His death far from home almost certainly widened the breach between the Spaugh and Grimble families. The Confederacy conscripted at least two of Julius’ brothers as well. One was wounded so severely that he was discharged from the army, and the other deserted only to “die from a disease contracted whilst in the army” shortly after the war ended.⁵⁵ Grimble was lucky to avoid retaliation.

Grimble needed only to recall what happened to some of his neighbors who had hounded deserters to have cause for fear for his safety. In early August of 1864, Alexander Martin’s son, home on furlough, helped capture a party of deserters. These deserters had friends who retaliated by lighting Martin’s barn on fire. When Martin attempted to extinguish the flames, hidden gunmen fired on him. He was forced to watch his entire crop go up in smoke and listen to the cries of his three horses burning to death. Arson and attempted assassinations were not easily forgotten.⁵⁶ Feuds between neighbors did not evaporate overnight. While distance facilitated the healing of divisions between North and South, no such opportunities existed for the Spaugh and Grimble families who continued to live near each other after Appomattox.

Constant reminders of the war lingered after the guns fell silent in 1865. On June 24,

⁵⁵ CSR for Julius Spaugh, 21st NC; CSR for Jonas R Spaugh, 21st NC; Harrison Spaugh, 33rd NC; 1850 Census; “Pension Application” for Mary Ann Spach, widow of Harrison Spach (Spaugh), June 9, 1885, filed in Forsyth County Box 6.165, NCDAH, Raleigh, North Carolina, (accessed online <http://mars.archives.ncdcr.gov>, March 2011) note it is misfiled online under James G. Sparks (Jones County)).

⁵⁶ “Where is Civil Law,” *Western Sentinel*, August 4, 1864.

1866 Lewis F. Hine was finally buried in the Bethania cemetery. An orphan who had been raised in the home of a prominent Unionist, Hine was shot by Home Guard members in western North Carolina while attempting to reach Federal lines. After the service the minister noted in his diary that "the Church was full." Whether the large attendance was attributable to Lewis's funeral or a coincidence remains unknown.⁵⁷ However, during the war Bethania had been reputed to be one of the most disloyal sections of the county. Additionally, when Hine's foster mother requested permission in 1864 to bury him in the Moravian cemetery, the church initially rejected her request not because Lewis had 'betrayed' the South but because she offered to pay with unreliable Confederate bills that constantly lost value. Although prominent anti-Confederate elements existed in most Moravian congregations in the area, no congregation was homogenous. During the war, for example, at least one leading member of a Bethabara congregation ceased attending because he felt a preacher's sermons were too pro-Union.⁵⁸

The geographic and social proximity between former belligerents ensured that divisions formed by the inner war intruded into all areas of community life. In 1866, a newly arrived minister at the Friedberg Moravian Church noted that "ever since my entrance upon my duties I had been painfully sensible that the results of the war had left their sad effects upon this congregation." The bitterness remained so divisive that the minister believed that "political feeling was now as high as during the struggle, and the bitterness between the two parties threatened to wreck the church."⁵⁹ The congregation's membership included many

⁵⁷ Crews and Bailey, *Records of the Moravians V. XII*, 6540, 6657, 6710.

⁵⁸ Lizzie Lee to ZBV, November 29, 1863, NCAH 9273, *Papers of Zebulon Vance*, role 20; Crews and Bailey, *Records of the Moravians V. XII*, 6540, 6657, 6710, 6588.

⁵⁹ Crews and Bailey, *Records of the Moravians V. XII*, 6661.

former deserters and recusant conscripts. Perhaps most notable among them was John Crouch, whose older brother, Augustine, had been executed for desertion during the war. John had deserted as well, slipping across to Federal forces in August of 1864. Numerous members of the congregation died for the Confederacy as well. At most churches in the area these divisions lingered. Three years earlier in the midst of the war, the nearby Friedland church (in the Broadbay township) was divided after the Home Guard “had been called out to secure the persons of deserters, etc., and as some of the children of members were discovered by said home guard there was considerable feeling against members who were serving in the Home Guard.” In the aftermath of the war, Moravian clergymen constantly worried that “the remains of the political discords and dissensions are still to be traced, and these must all be worked off before the church can be blessed.”⁶⁰ Healing congregations and the larger Forsyth community was easier said than done.

Not everyone worked to heal the community: some politicians saw these internal divisions as an opportunity. Postwar Republicans worked to shape the memories of dissent for political gain almost as soon as the war ended and planned celebrations that linked dissent, Unionism, and voting Republican together. On the Fourth of July, 1865 a crowd, “variously estimated at from 3,500 to 4,000 souls—being one of the largest assemblages ever met in [Salem],” gathered in Forsyth to celebrate the reunited nation’s birth. A local paper reported that “the large number of persons assembled, is the strongest indication, not to be misunderstood, of the deep interest felt by the people generally, in this section of country, in the restoration of peace and quiet.” After the “Salem Band” marched through town, the

⁶⁰ Milton H. Fulp, “Brief History of the Late ‘Confederate Guards,’ Organized at Winston, Forsyth Co. N.C.,” *People’s Press*, January 6, 1866; CSR for Augustin Crouch, 48th NC; Crews and Bailey, *Records of the Moravians V. XII*, 6463. CSR for John Crouch, 48th NC; Crews and Bailey, *Records of the Moravians V. XII*, 6504, 6659.

crowd gathered to hear the Declaration of Independence read as well as a speech by Col. Thomas W. Sanderson, the commander of the 10th Ohio Cavalry. Following these traditional celebrations a “Union Meeting” was held that directly connected celebrating the Fourth of July to the reestablishment of the authority of the U.S. The meeting passed a series of sixteen resolutions, many of which involved repudiating the Confederacy. The first resolution declared that “the so-called Confederate Government never did represent the wishes of the people of this State.” It further stated that the rebellion had been “forced on the people against their well-known and long cherished devotion to the Union, and maintained by force and violence over the people.” Another resolution denounced the principal of secession, while a third declared that all of the “the secessionists who counseled disunion are responsible for the loss of slavery, the loss of property, and the loss of hundreds of thousands of lives sacrificed in this cruel and unjustifiable war; and that we will under no circumstances support such men for office.” These proclamations were not solely aimed at securing local votes, nor were dissenters wholeheartedly embracing equality for all. In fact, the 14th resolution passed that evening called for the “entrusting” of North Carolina’s state government to “the TRUE AND LOYAL *WHITE* UNION CITIZENS of the States.”⁶¹ This resolution was clearly aimed at the federal troops stationed in Forsyth and the military authorities overseeing North Carolina during the early days of Reconstruction. White dissenters did not embrace emancipation or black voting rights but instead wished to be rewarded for their dissent and recognized that framing their dissent around patriotism would benefit their case.

Former Confederates contested Unionists’ attempts to remember the Confederates as

⁶¹ “4th of July” and “Union Meeting in Forsyth” *People’s Press*, July 8, 1865; Italics in original.

treasonous and Forsyth as a Union-loving community. While the presence of Federal troops had deterred any overt attempt to stop the festivities in 1865, some former Confederates retained their Confederate identity and found ways to resist Union authority. On August 15, 1865 someone “cut down the Union Flag in Winston.” Although a one hundred dollar reward was offered for the capture and conviction of the perpetrators, the crime remained unsolved. In 1866, with the Army withdrawn, former rebels became emboldened. Reports reached Raleigh and Washington D.C. that “A few rowdy rebs attempted to prevent the celebration of the 4th of July, by the Union men in Salem.”⁶² Early on the morning of the Fourth, a group of former Confederates spiked the ceremonial cannon slated to be used in that evening’s celebrations. Those who felt a stronger allegiance to the United States managed to drill out the spike and commenced a celebratory firing, at which point “the secesh, in a crowd, rushed on the second time, and got into a general fight, [...] but before it was over, they got a genteel whipping.”⁶³ A few of the Confederates were even arrested. In relating the fight over the cannon, a local Republican remarked, “we have more disloyalty, amongst us now, or with the secesh rebels, than existed twelve months ago. They are constantly speaking, hard things, of the U.S. government, and giving other utterances, of disloyalty.” In an attempt to maintain the peace, Salem banned fireworks from within the city limits the next year. Confederates occasionally influenced patriotic celebrations. After a band played on Washington’s Birthday in 1867, a Unionist newspaper editor complained that they failed to play any “glorious old national airs, such as Hail Columbia, Star Spangled Banner, or Columbia Is the Gem of the

⁶² H.A. Morris, C.C.C. “Court Order,” *People’s Press*, August 18, 1865; B.S. Hedrick to Jonathan Worth, August 1, 1866, in Jonathan Worth, *The Correspondence of Jonathan Worth*, ed. Joseph Grégoire de Roulhac Hamilton, vol. 2 (Raleigh: Edwards & Broughton Printing Co., 1909), 718.

⁶³ “Fourth of July,” and “Local and Miscellaneous,” *People’s Press*, July 13, 1866; J.L. Johnston to Benjamin Hedrick March 18, 1867, Benjamin Hedrick Papers, Rare Book, Manuscript, and Special Collections Library, Duke University.

Ocean.”⁶⁴ Whether this oversight was due to overt threats, an attempt to avoid controversy, or the membership of the band is unclear, but the wartime divides continued to influence public celebrations.

In an effort to exact revenge or achieve justice, some wartime feuds moved off the street and into the courtroom. On May 10, 1865, a month after Federal troops arrived in Forsyth County, John Nissen and William Shultz requested that a Union general order the arrest and trial of Major Reuben E. Wilson for the murder of “one negro man, and four white men, two of them having no connection with military service whatever.” In yet another strange example of twisted loyalties, John Nissen had formerly served as a Captain in the Forsyth County militia. During the war one of Nissen’s subordinates had been suspected of knowingly allowing deserters to serve in the militia, and accusations of disloyalty had also been leveled against Nissen. An anonymous letter sent to the Governor of North Carolina claimed Nissen failed to pay employees at his profitable wagon factory. According to the letter, the workers’ only compensation was the exemption from conscription that the job granted. The letter claimed some employees actually paid Nissen for the opportunity to work in the factory so that they could avoid service. Nissen and Shultz’s letter moved up the chain of command, and orders were eventually given for Wilson’s arrest. After Wilson was turned over to civilian authorities, Forsyth officials moved the case to Rockingham County, presumably so an unbiased jury could be found. Forsyth remained too divided for a fair trial.

⁶⁴ “Fourth of July,” *People’s Press*, July 13, 1866; J.L. Johnston to Benjamin Hedrick March 18, 1867, Benjamin Hedrick Papers, Rare Book, Manuscript, and Special Collections Library, Duke University; C. Daniel Crews and Lisa D Bailey, eds., *Records of the Moravians in North Carolina: 1867-1876* (Raleigh: Division of Archives and History, North Carolina Department of Cultural History, 2006), 6774-6775. “Washington’s Birthday,” *Salem Observer*, March 1, 1867; A fight still broke out on the 4th of July, 1867 though the cause is unknown. In Wilkes county in 1867, “armed rebel ruffians” attacked unarmed republicans during the fourth of July; see “Outrage in Wilkes County,” *Salem Observer*, July 12, 1867.

Both a continuation of the conflict by legal means and a contest over the memory of the inner war, the trial presented two narratives. To Nissen, Shultz, the Flynt family, and other dissenters, Wilson committed cold-blooded murder when he “barbarously put to death” the five dissenters. Nissen and Shultz’s letter highlighted the fact that the dead were “executed without any due form of either civil or military law [...] without any trial by Court Martial, or any investigation of the charges preferred against them.”⁶⁶ Wilson, in sharp contrast, viewed the killings as an act of war.

The inner war had shaped Wilson’s views of dissenters, and his experiences fighting them determined how he remembered dissent. Born of a wealthy family, Wilson immediately volunteered when the war began. Though only in his early twenties, Wilson’s company elected him second lieutenant. After his company’s reorganization into the First North Carolina Battalion Sharpshooters in April of 1862, Wilson was promoted to Captain. Then in August 1861, at the battle of Cedar Mountain, Wilson received wounds to both his right forearm and left leg. While recovering back home in Yadkin County Wilson learned about the inner war from his sick bed. He heard about the outrages deserters were committing and the numbers of men avoiding service by hiding in the bush. In addition to deserters passing through on their way home, Wilson was especially exasperated by the numerous local deserters, including about a half dozen men from his own company.⁶⁷ Wilson’s brother-in-

⁶⁵ William Shultz and John Nissen to Jacob Cox, May 10, 1865, in Misc file for. R. E. Wilson; Cook, *The Last Tarheel Militia, 1861-1865*, 35, 121. "The Words of Many" to ZBV, n.d., NCAH 1279, *Papers of Zebulon Vance*, role 26; Misc file for. R. E. Wilson; David Williard “Vengeance is Mine, I Will Repay.”

⁶⁶ William Shultz and John Nissen to Jacob Cox, May 10, 1865, in Misc file for. R. E. Wilson.

⁶⁷ CSR for Reubin E. Wilson, 1st SS; Much of my account of R.E. Wilson’s life comes from Frances Harding Casstevens, *Tales from the North and the South: Twenty-Four Remarkable People and Events of the Civil War* (Jefferson, N.C.: McFarland & Co., 2007), 254-274, esp. 259-260 for this section.

law—who was also the trustee for Wilson’s trust fund—even received death threats from “a crowd of tories and conscripts.”⁶⁸ Wilson’s frustration must have been palpable when he wrote the Confederate Secretary of War in May of 1863 to inform him of the problem. A recent court ruling kept the state militia from arresting deserters, so Wilson asked that the Confederate government grant him permission to capture these traitors. Though the Secretary failed to issue Wilson the authority to hunt deserters down in 1863, the distaste Wilson felt persisted.⁶⁹ In early 1864, Wilson finally returned to duty as the Provost Guard for Kinston, North Carolina, where he played a role in the execution of twenty-two captured Union soldiers convicted of deserting from Confederate service. Wilson’s exact role in the execution remains unclear, but as Provost Marshal he likely guarded the prisoners during their trial and until execution, before turning them over to another command for the actual hanging. Though not the hangman himself, Wilson recorded his opinion of these executions in an 1864 letter to his aunt. He celebrated the execution of disloyal southerners, writing: “we give them their dues down here, arrest every disloyal man we can find. Since I have been in Kinston there has been (22) twenty-two men hung here they were all deserters [...]” By the time the war ended Wilson was suspected of taking part in the murder of thirty men.⁷⁰ For Wilson, killing dissenters was no worse than killing Yankees. In fact, it was a preferable task. Wilson viewed dissenters as traitors and had no patience for them. Ironically,

⁶⁸ Auman, “Neighbor Against Neighbor,” 242. For information on trust fund see Brumfield, *Wouldn't You Like to Have Known Them?*, 28.

⁶⁹ Casstevens, *The Civil War and Yadkin County, North Carolina*, 282; Casstevens, *Tales from the North and the South*, 259.

⁷⁰ United States War Department, *Murder of Union Soldiers in North Carolina*, 39 Congress, First Session, House of Representatives Executive Document No. 98 (Washington: GPO, 1866), 25, 43. Reuben Wilson to Julia Jones, as quoted in Casstevens, *Tales from the North and the South*, 263. For the count of thirty see, Misc file for R.E. Wilson; in addition to the five in Forsyth and 22 in Kinston, Wilson supposedly shot three Union soldiers after he was captured.

his view of dissenters sounds eerily similar to their view of him.

Despite plenty of evidence to justify a guilty verdict, Wilson escaped conviction because the prosecution was anxious to avoid setting a legal precedent for similar cases—not to mention avoid further dividing the community. In the end, Thomas Settle, the solicitor for the region, “agreed to the rendering a verdict of ‘*not guilty*,’ in all the charges whereof the defendant stood indicted.” This appears to be part of a plea agreement as Captain Wilson immediately “agreed to a compromise in all the civil suits for damages that had hitherto been instituted against him by paying to the parties claiming such sums of money as were then agreed upon as being satisfactory.” The exact amount paid is unclear, but Settle appears to have been trying to heal the divides within the community by finding a compromise between guilt and innocence. Though officially “not guilty,” Wilson remained tainted by the memory of the five murders. The trial failed to appease many of Wilson’s accusers and the community remained at odds with itself.⁷¹ In 1868 a member of the Jones family informed her sister that because there “were so many mean people here [Reuben] could never stay here[...] Reuben is going to Geo-gay to live.”⁷²

Through the trial and subsequent years, Wilson’s faith never wavered that his actions were as just as the cause of the Confederacy. During a last ditch effort to save Petersburg and Richmond on April 2, 1865, Wilson was grievously wounded. Recovering from a ghastly amputation of his leg, Wilson declared: “but if I never recover I feel that I have done my

⁷¹ “The Case of Capt. R. E. Wilson” *Western Sentinel*, November 8, 1866; For the best account of this trial and about his subordinates trials see David Williard, “Vengeance is Mine, I Will Repay.” An earlier case about a separate shooting of a deserter in Forsyth County had also resulted in the accused being discharged. [No Title], *Western Sentinel*, May 4, 1866; when charges were later brought against Wilson’s subordinates, they were either dropped or covered by an amnesty act passed in North Carolina.

⁷² “Your Sister” to “My Dear Sister,” April 27 1868, Jones Family Papers, SHC; Unfortunately it is not clear which Jones sister was writing which, nor is it clear where “here” was. However, it seems likely Wilson’s enemies contributing to his need to leave.

whole duty in this war and in trying to establish and maintain our independence and this alone makes me feel good.” Even after losing a limb and being captured during the fall of Petersburg, Wilson still arranged to be “surreptitiously carried to the house of a citizen” from a Union hospital.⁷³ The trial likely deepened Wilson’s Confederate identity even further and he clung to his Confederate past for the rest of his life, never missing an opportunity to flaunt his Confederate service. After the war, he went by Major R. E. Wilson and carried calling cards that read “First N.C. Battalion Sharp Shooters, Confederate States Army.”⁷⁴ A prominent leader in the United Confederate Veterans, Wilson kept his unit’s old battle flag, which he displayed at the numerous reunions he attended. He likely carried the banner with him when he marched—or hobbled—in Jefferson Davis’ funeral. As an officer in the United Confederate Veterans and likely as a member of the Klan, Wilson fought to protect the memory of the Confederacy and his own reputation.⁷⁵

The memory of the murders would not die. In 1871 the legacy of the Forsyth five again reared its ugly head. On the evening of August 19 the U.S. District Attorney Darius E. Starbuck was approached by a one-legged man in Confederate uniform. The angry Confederate, none other than Reuben E. Wilson, had returned to North Carolina and now

⁷³ Reuben E. Wilson to Mrs. Julia Jones, May 13, 1865, Jones Family Papers, SHC; Misc file for R.E. Wilson; His escape likely would have escaped notice had orders not been issued for his arrest.

⁷⁴ Casstevens, *The Civil War in Yadkin County*, 113; Brumfield, *Wouldn't You Like to Have Known Them*, 29; Casstevens, *Tales from the North and South*, 272; See also Williard’s forthcoming “Vengeance is Mine, I Will Repay.” A calling card is in the Jones Family Papers, SHC.

⁷⁵ Though Klan membership is not proven it seems likely given all of the facts about him we know. Additionally, two earlier biographers believed he was: Casstevens, *Tales from the North and the South*, 273; Brumfield, *Wouldn't You Like to Have Known Them?*, 29. As much as Brumfield wants to excuse Wilson for being a member of the KKK, Brumfield’s assertion that Wilson was involved “only in its very early days, when only Confederate officers of the finest families were members,” seems overly kind. I do not accept that the KKK was ever one of North Carolina’s more benevolent institutions. Especially given his war and postwar record, it seems likely Wilson would have been a Klan member if not leader. Additionally, the fight in Salisbury described here may have been connected to the Klan trials as well. Casstevens was privy to excellent oral traditions as well, so her belief that he was a Klan member adds additional weight to the supposition that he was a Klan member.

demanded an explanation for some remarks Starbuck had supposedly made. Attempting to calm the angry veteran, Starbuck promised Wilson a written explanation. There may have been confusion between parties as to when the reply would be given, or Starbuck may never have intended to write one. The next morning when the Major and two friends arrived at Starbuck's hotel in Salisbury, North Carolina, the District Attorney had already checked out.

Starbuck had been one of the most prominent Union men in Forsyth County. During the war, Starbuck helped orchestrate a peace convention that pushed for North Carolina to leave the Confederacy and pursue peace with the Union on its own. After the war he became one of the most influential Republican leaders in Forsyth County, even garnering the nickname "Boss Starbuck" from Democratic papers.⁷⁶ Well-connected to the party's leadership, Starbuck was appointed District Attorney immediately after the war. Because of his Unionist credentials and the political nature of the postwar murder trials, the Jones family had considered hiring Starbuck to defend Wilson's nephew for the murder of Jake Loss.⁷⁷ In 1871 Starbuck was in the midst of prosecuting the most important cases of his career; shortly before Wilson approached Starbuck the court had adjourned from a special session of the court dedicated to prosecuting Ku Klux Klan members.⁷⁸

Starbuck and Wilson also had a personal history. According to newspaper reports, Wilson "had long felt aggrieved by Mr. Starbuck's persistent and repeated persecutions."

⁷⁶ Testimony of D.H. Starbuck for Claim of Peter Adams Wilson (3521), Forsyth County, North Carolina, Disallowed SCC; N.S. Cook, Smith Frazier Sen., M. Masten, T.T. Best and P.A. Wilson, "To the Editors of the People's Press" *People's Press* April 17, 1868; "Republican County Convention," *People's Press*, September 28, 1876.

⁷⁷ Worth, *The Correspondence of Jonathan Worth*, 2: 691, 718, 794, 821, 824, 901, 1078. William A. Hauser to Beverly Jones, April 1866, Jones Family Papers, SHC; Loss was of course the first of the five victims of the sharpshooters in March 1865.

⁷⁸ Casstevens, *Tales from the North and the South*, 273; Randolph Abbott Shotwell, *The Papers of Randolph Abbott Shotwell*, vol. 3 (The North Carolina Historical Commission, 1929), 11-15. "Fight at the Depot" *Salisbury Examiner*, August 25, 1871; Brumfield, *Wouldn't You Like to Have Known Them?*, 29.

Another paper reported Wilson's anger flared after Starbuck "made some remark derogatory to Maj. R. E. Wilson, between whom and Mr. S. there is an old grudge, and the remark was repeated to Maj. Wilson." But what was the dispute over and what comment could Starbuck have made? According to a third paper the disagreement grew "out of a suit or prosecution instituted against Capt. Wilson soon after the close of the late war." Perhaps Starbuck called Wilson a murderer or merely a scoundrel. Whatever the slight, it almost certainly related to the murder trials of 1866. Because Wilson refused to accept that killing disloyal southerners was a crime, any implication that he was a murderer constituted a slander that not only besmirched his name but also that of the Confederacy; Wilson's identity was fundamentally based on a specific narrative of the war, and Starbuck's insult challenged that memory.⁷⁹

For Wilson, his service to the Confederacy was constitutive of his very being, his very identity. It was so vital to Wilson's identity that he could not tolerate anyone who questioned his version of the inner war by portraying him as a murderer. Wilson along with two heavies, William Beard and Lucio "Bull" Mitchell, caught up to Starbuck later that morning as the attorney rode the omnibus to the Salisbury train station with United States District Judge George Brooks and his Clerk of the Court, a Mr. Larkins.⁸⁰ At first, Starbuck engaged Wilson in a quiet conversation. But soon their argument became increasingly heated until, as they arrived at the train station, Wilson erupted. The Judge later recalled that Wilson "charged Starbuck with having treated him badly and told him a falsehood, continuing to denounce him with further use of profane language." At which point, Starbuck called

⁷⁹ "Fight At The Depot" *Salisbury Examiner*, August 25, 1871; "Row In Salisbury Between Citizens and U.S. Officials" *People's Press*, August 25, 1871; "Fight At The Depot" *The Old North State*, August 24, 1871; there was some question as to Wilson's rank as official documents refer to him as Captain. However it appears he likely received a brevet or a field promotion as newspapers from during the war refer to him as Major. See Casstevens, *Tales from the North and the South*, 272.

⁸⁰ A predecessor to the modern autobus, an omnibus was essentially a horse-drawn bus.

“Wilson a liar or rascal.” This additional insult was too much for the honor-obsessed Confederate, who physically assaulted Starbuck. Larkins, moved to assist the District Attorney, prompting William Beard and “Bull” Mitchell to enter the fray. When Judge Brooks demanded to know what was going on, Beard grabbed the Judge by his neck and “with great strength pressed [Brooks] down on the seat, declaring with the oath that [the Judge] should not interfere with his friend.” Larkins intervened and along with another bystander freed Judge Brooks. The enraged Beard “turned with great fury and seemingly with intenser passion upon Mr. Larkins, hurling him with such violence from the omnibus that he fell to the ground.” Beard leapt down and began kicking the prostrate Larkin in the head. The Judge with the help of the same bystander managed to pull Beard off Larkin, but the enraged Confederate broke free. Beard again attacked the now staggering clerk, “again felling him to the ground with a single blow.” As Beard was “stamping” Larkin, Brooks could not “remember ever to have seen a human being so infuriated with anger as [Beard] seemed to be.” Due to the ferocity of the attack, the Judge “had good reason to believe that Beard would have killed Mr. Larkins unless prevented immediately.” Brooks took his cane and hit Beard in the head twice “with all the power and skill [he] possessed.”⁸¹

Newspapers reports of the fight exposed how much the divisions over the inner war remained in North Carolina. Republicans reported Brooks’ caning of Beard as a last resort to save Larkins, “a feeble man [...] who was being badly hurt.” But while Republican papers published accounts favorable to Starbuck, Democratic publications sided with Wilson. The *Raleigh Sentinel* announced joyously in a headline, “A One-legged Soldier Whips Starbuck,” and lamented the “disgraceful scene” of “a U.S. Judge, a U.S. District Attorney and a U.S.

⁸¹ George Brooks, “The Late Difficulty at Salisbury” *People’s Press*, Sept 15, 1871; see also Casstevens, *Tales from the North and the South*, 273; Brumfield, *Wouldn’t You Like to Have Known Them?*, 28-30.

District Court Clerk in ‘The Ring.’” The same paper reported that the caning was unwarranted because Brooks “was not struck by any of the parties but pushed back out of the way.” The rather partisan editor complained that Judge Brooks “over steeped the bounds of justice by ordering the arrest of only part of those engaged in the affair, since it was simply an assault and battery growing out of an old personal difficulty between two citizens.” All papers agreed that Beard, Larkin, and Starbuck “were pretty seriously bruised before they could be parted.”⁸² Initially arrested for contempt of court, Wilson, Beard, and Mitchell eventually faced indictments for “a conspiracy against the body and life of Starbuck.” But Democratic papers dismissed these charges, concluding that if the defendants “had designs against [Starbucks] life (which no one here believes) they certainly chose a very remarkable way of showing it.” The implication was clear; Starbuck would have been dead had Wilson tried. The case never went to trial, and once again Wilson avoided any legal penalty. Whether he intended to kill Starbuck or not, the fact that a one-legged man would attack a larger man who had both his legs is a testament to the importance Wilson put on how five dissenters’ deaths were remembered.⁸³

The memory of the war was foundational to Wilson’s sense of self. The first thing Wilson recalled each morning when getting dressed was the war. The veteran could not help but think of the war as he pulled on pants over his missing limb. It was not embarrassment or shame but pride that Wilson felt when he saw his stump. When he had his photograph taken for the *Confederate Veteran* magazine, Wilson spurned the traditional shoulder up portrait

⁸² “Fight at the Depot” *Old North State*, August 24, 1871; “Disgraceful Scene in Salisbury” *Raleigh Sentinel*, August 23, 1871. So far as I know there is no relation between Preston Brooks and George Brooks other than they both carried canes.

⁸³ “Bound Over to November,” *Carolina Watchman*, October 6, 1871; “Disgraceful Scene in Salisbury” *Raleigh Sentinel*, August 23, 1871.

most veterans preferred, especially those missing an appendage. Instead, the photo shows Wilson holding up both crutches prominently with his stump placed over his good leg to make sure all could see his sacrifice.⁸⁴ His public persona became a caricature of a former, or perhaps not so former, Confederate.

Men such as Reuben Wilson continued not only to fight to protect their name but also against their long-held enemies. Wilson viewed Starbuck not only as a slanderer but also a Unionist, a Republican, and likely as a southerner disloyal to his country and race. In 1890, the Greensboro *Patriot* reported that the “Unreconstructed Rebel” Major Wilson “swore [at the end of the war] he would never doff the grey and he wears it yet.”⁸⁵ Wilson never accepted the South’s surrender, and so in his mind Starbuck remained an enemy. Though the tactics and strategies changed to fit the circumstances, the war never ended for Wilson. Former Confederates could easily justify Klan violence against Republicans—frequently former dissenters—when in these diehard Confederates’ minds the battle continued. Wilson may not have believed the Confederacy would rise again, but he devoutly fought to ensure that his service was honored and that the term ‘Unionist’ was a foul epithet.

⁸⁴ “Maj. R. E. Wilson of Winston” *Confederate Veteran*, May, 1898; see also “Maj. R. E. Wilson Dead” *The Winston-Salem Journal*, March 9, 1907; “Faithful to Lost Cause” *Washington Post*, March 9, 1907, pg. 2.

⁸⁵ Cited in “An Unreconstructed Rebel” *News and Observer*, June 5, 1890.

V. Forging A Unionist Memory

Samuel Stoltz was almost certainly everything that Wilson hated. Early in the war, the Confederacy demanded Stoltz take a loyalty oath as a justice of the peace. When he refused, he lost his position. As a well-known “Union Man,” Stoltz received threats and had his farm ransacked by Confederates—including Wilson’s 1st North Carolina Sharpshooters—who targeted him for his political views. Stoltz nevertheless continued denouncing the Confederacy.⁸⁶

As in many Forsyth neighborhoods, residents ran the gamut of loyalties in Stoltz’s neighborhood. Stoltz’s son, Constantine, hid in the woods and neighbors’ barns to avoid conscription. Stoltz’s farm bordered the land of Alan Flynt, whose son James died at the orders of Major Wilson. James’s brother Dewitt Flynt, a captain in the militia, may have helped hide Constantine, or he may have tried to capture his neighbor. To the west of the Flynt farm lived a Confederate volunteer, while a witness against Reuben Wilson lived to the east of Stoltz’s property. Many of the old man’s secessionist neighbors likely ignored Stoltz’s incessant talk against their new nation, but a young lieutenant, Gabriel Clayton, showed less respect towards his elders. Among the wealthiest families in the neighborhood—their farm actually bordered the Stoltz homestead—the Claytons were adamant secessionists. One day Gabriel Clayton heard enough and “assaulted” Samuel Stoltz “with a buggy whip.”

⁸⁶ Claim of Samuel Stoltz (15085), Forsyth County, North Carolina, in *Southern Claims Commission Approved Claims, 1871-1880*, Records of the Accounting Officers of the Department of the Treasury, RG 217, National Archives and Records Administration, accessed digitally via Footnote.com (www.footnote.com , December 2010) cited as Approved SCC henceforth.

Almost a decade after it occurred, the seventy-two year old Stoltz still vividly recalled the whipping.⁸⁷

In 1872 Stoltz finally had a chance to testify about the assault. But by then there was no prospect of securing the conviction of his assailant. When Stoltz told his story, Clayton had been dead for eight years, killed in the war—though the family of his attacker still lived next door. Stoltz told the story not in a court of law to secure justice but before the Southern Claims Commission to demonstrate his loyalty. Stoltz filed a claim that year with the Claims Commission for a horse confiscated by Union troops in the final days of the war.⁸⁸ The Southern Claims Commission, created in 1871, allowed loyal southerners to receive compensation for property taken by Federal forces during the war. The Claims Commission provided dissenters an official forum to recount their persecutions. Individuals filed claims in which they and their witnesses testified to both the value of the property taken and the claimant's loyalty and sacrifices. Commissioners examined the written testimony as well as

⁸⁷ Claim of Samuel Stoltz (15085), Forsyth County, North Carolina, Approved SCC; Testimony of Constantine Stoltz in Claim of Tandy Kiser (14299), Forsyth County, North Carolina, Approved SCC. Record Book, Forsyth County Superior Court, Spring Term 1866, 1308, Forsyth County Criminal Action Papers, NCDAH; Dewitt's Uncle was accused of telling deserters when patrols were coming, (Wm. Flynt, "A Card," *Western Sentinel*, April 28, 1864) and after the war he claimed he was in the militia only to avoid service. (William H. Flynt, "Application for Presidential Pardon," 1865; *Case Files of Applications from Former Confederates for Presidential Pardons, 1865-67*, National Archives Microfilm Publication M1003, National Archives and Records Administration, Washington, D.C.; accessed via *Ancestry.com* (www.ancestry.com, March 2010)); however, we know William Flynt did round up and care for horse for the Confederacy and sell horses to the Confederacy as well, (File for William Flynt, in *Confederate Papers Relating to Citizens or Business Firms, 1861-65*, National Archives Microfilm Publication M346, RG 109, National Archives and Records Administration, Washington, D.C., accessed via *footnote.com* (www.footnote.com, November 2010)); for neighborhood locations the author used his composite map. The assault likely took place in 1863 when the 21st was in NC rounding up deserters.

⁸⁸ CSRs for William Clayton, 57th NC; Gideon E Clayton, 52nd NC; Michael Clayton, 21st NC; Gabriel Clayton, 21st NC in Faye Jarvis Moran, "Clayton Family," *The Jarvis Family & Other Relatives* <http://www.fmoran.com/clayton.html>, accessed December 2010. The Clayton family likely resented Stoltz as much as he did them; after all, four of the Clayton sons served in the Confederate Army. Gabriel and his brother, Matthew, volunteered together at the start of the war; their brothers Gideon and William each entered service the next year. William and Gabriel both served as officers. Matthew sustained a serious wound. In addition to Gabriel, Gideon was also killed in battle. Both Stoltz and the Claytons likely ended the war with bitter remembrances.

wartime documents to determine if a claimant had really remained loyal to the Union throughout the entire war. Stoltz's claim for "1 blind mare- 90 pounds of bacon- [and] 70 gallons of brandy," netted mixed results. The commissioners disallowed the brandy (valued at \$210) because it was not taken for military use. However, they approved the claims for both the horse and bacon. Stoltz received \$68 and entered the history books as a certified Unionist.⁸⁹

The commission's extremely high standards for loyalty focused on specific aspects of dissent. The standard questionnaire that the commission provided dictated what a claimant's testimony covered. The questions attempted, first and foremost, to discover any assistance given to the Confederacy. Selling supplies to the Confederacy, working in a war industry, or just feeding a relative in Confederate service could lead to a denied claim. "Any oath to the so-called Confederate States" disqualified a claimant, as did receiving a pass to travel behind Confederate lines.⁹⁰ Even if the alternative were death or bodily harm, any appearance of supporting the Confederacy resulted in a claim's being "disallowed."

In addition to evidence of uncompromising resistance, the commissioners scrutinized claimants' motives. Later versions of the questionnaire even asked "What were your feelings concerning the battle of Bull Run or Manassas, the capture of New Orleans, the fall of Vicksburg, and the final surrender of the Confederate forces?"⁹¹ Of course, almost every

⁸⁹ Claim of Samuel Stoltz (15085), Forsyth County, North Carolina, Approved SCC. For a good introduction to the Commission see Susanna Michele Lee, "Claiming the Union: Stories of Loyalty in the Post-Civil War South" (Ph.D., University of Virginia, 2005). For the following section I read every claim in Forsyth County in both the approved and disapproved categories as well as select claims from neighboring counties (many of whom lived just over the border) whose records still exist.

⁹⁰ Claim of Ransom Phipps (10716), Guilford County, North Carolina, Disallowed SCC.

⁹¹ See St. Louis County Library, "So. Claims Commission- Questions for Claimants and Witnesses - Final Version, 1874," *Southern Claims Commission*, <http://www.slcl.org/branches/hq/sc/scc/quest-final.htm> accessed 12/5/2010. Copies of the list of questions can also be found in many of the claims.

claimant replied that they celebrated Union victories, but the question's intent demonstrates what Commissioners cared about; principled dissent counted while pragmatic dissent disqualified claimants. The Southern Claims Commission rejected one claim after determining a claimant's efforts to hide recusant conscripts "may easily have been prompted by other matters than love of the union."⁹² Being publicly known as a Unionist was critical to a claim's success. The commissioners assumed principled and uncompromising Unionists would never keep their opinions to themselves, and therefore an absence of threats from Confederates against claimants frequently led to denials. Few claimants met the government's qualifications for "loyal" Unionist. While almost fifty Forsyth residents filed claims, fewer than ten received compensation. The rest failed to prove their loyalty.⁹³

The Southern Claims Commission can be viewed as a dialogue between the Federal government and Forsyth residents over who was a Unionist. As historian Malinda Lowery has argued, group identity can be seen as a "conversation between insiders and outsiders; these categories themselves are not fixed, and the labels represent heterogeneous populations."⁹⁴ The records of the Commission reveal clearly a contest over who was a Unionist. The government insisted that the ubiquitous claim of feeding deserters failed to prove loyalty, repeatedly denying those who held any civil office, served in the militia, or did business with the Confederacy. Yet Forsyth claimants continued to present harboring

⁹² Claim for Christian Shoaf (10965), Forsyth County, North Carolina, Disallowed SCC; Claim for George Hege (10963), Forsyth County, North Carolina, Disallowed SCC; see also family trees: Faye Jarvis Moran, "Shoaf Family," *The Jarvis Family & Other Relatives*, <http://www.fmoran.com/shoaf.html> and "Heine/Hine Family," *The Jarvis Family & Other Relatives*, <http://www.fmoran.com/hein.html>, both accessed November 2010.

⁹³ Forsyth County Historical Association "Southern Claim Commision" <http://www.forsythnchistory.com/southernclaims.html> accessed March 2011.

⁹⁴ Malinda Maynor Lowery, *Lumbee Indians in the Jim Crow South: Race, Identity, and the Making of a Nation* (Chapel Hill: University of North Carolina Press, 2010), xii.

deserters and avoiding military service as proof of loyalty, even after their friends and neighbors had claims denied. An exasperated Commissioner noted that one denied claimant “says he fed deserters from the rebel army while they were hid in the bushes[...but] nearly every claimant in the neighborhood and in many other localities claims to have fed deserters—usually these deserters are their sons, brothers or other kindred, but not always.”⁹⁵ The government insisted true Unionists would demonstrate suffering for the flag and prove that patriotic motivations inspired them. Dissenters deployed numerous arguments demonstrating loyalty. Most claimants cited their postwar Republican Party membership as evidence of wartime loyalty, but others found more imaginative ways to argue they were loyal. A few even argued service in the Home Guard demonstrated loyalty. George Hege contended that his time in uniform benefited deserters, because he did not actually try to catch any.⁹⁶ Another witness assured the Claims Commissioners that “the fact of [Jonathon Miller’s] having been in the Home Guard service [was not] any evidence of his disloyalty to the United States,” the witness would have trusted Miller with his own son who hid in the bush.⁹⁷ They would have been better off lying about their service. The commission denied both Hege and Miller’s claims, knowing that self interest frequently motivated deserter-hunters to avoid catching anyone, especially when chasing well-trained and better-armed fugitives.

⁹⁵ Claim for John Speace (14840), Forsyth County, North Carolina, Disallowed SCC John Speace also had the son of Samuel Stoltz as one of his witnesses.

⁹⁶ Claim for George Hege(10963), Forsyth County, North Carolina, Disallowed SCC; His neighbors included deserters and recusant conscripts some of whom he later hid with; see CSR for David Shoaf, 42nd NC; Claim for Christian Shoaf (10965), Forsyth County, North Carolina, Disallowed SCC.

⁹⁷ Testimony of William Myers in Claim for Jonathan Miller (15084), Forsyth County, North Carolina, Disallowed SCC.

A disparity persisted between who the Federal government considered loyal and who dissenters identified as a “Unionist.” Even the most principled Unionists frequently disagreed with the government’s standard. Samuel Stoltz, for example, did not hold others to the same standard that had been applied to him. Stoltz testified that claimant William Fulk “was regarded by his loyal neighbors as a Union man.” However, Stoltz also testified that he did “not know of any act done or language used [by Fulk] that would have prevented him from establishing his loyalty to the C.S.” Though Stoltz had refused to be silent during the war and constantly condemned the Confederacy, he did not feel such behavior was necessary to be considered loyal. To Stoltz, the fact that Fulk hid deserters and privately spoke against the South proved his Union credentials. Though Fulk’s claim was denied because he had worked in an iron works, to Fulk’s neighbors his decision to work in a military industry actually signaled his loyalty because by taking the job he avoided taking up arms against the Union. Stoltz also testified for denied claimant Tandy Marshall who sold a horse to the Confederacy, and Stoltz’s son served as a witness for at least two denied claimants who had sheltered him during the war. Stoltz’s decision to testify for denied claims was not unusual. Approved claimants, who had been deemed Unionists by the government, frequently testified on behalf of denied claimants. Conversely, many of the witnesses deposed for approved claims had previous had their own claims rejected by the commission. A year after Peter Wilson’s claim was denied, Samuel Stoltz requested that he testify on Stoltz’s behalf.⁹⁸

⁹⁸ Testimony of Constance C Stoltz, in Claims of John Speace (14840), and William Fulk (15080), both of Forsyth County, North Carolina, Disallowed SCC; Testimony of Samuel Stoltz, in Claim of William Fulk (15080), Forsyth County, North Carolina, Disallowed SCC. Testimony of Peter A. Wilson in Claim of Samuel Stoltz (15085), Forsyth County, North Carolina, Approved SCC. For other examples see Testimony of Mathias Mastin, in Claim of Philip Mock (15720), Forsyth County, North Carolina, Approved SCC, and Claim of Thomas B Lash (3501), Forsyth County, North Carolina, Approved SCC.

Approved Unionists, including Stoltz, accepted most denied claimants as Unionists. Connecting each claimant to their witnesses—as well as the other “Union men” mentioned by name—creates a single social network that links together almost every claimant, approved and denied. Many denied claimants are directly linked to certified Unionists, and the majority can be linked in two or three steps.⁹⁹ In examining the creation of Unionist as a negotiated identity it may be useful for future historians to draw distinctions between certified Unionist (approved claimants) and functional Unionists (accepted by certified Unionists).

The government clearly failed at dictating who Forsyth residents accepted as Unionists. Denied claimant and friend of Samuel Stoltz, Peter Wilson, was a prominent Republican politician after the war. In 1868, Wilson had been elected to the State Senate after publicizing his role in the wartime peace effort led by D.H. Starbuck. He continued to publicize his unionist credentials to tap into the dissenter community for support.¹⁰⁰ Clearly, the commission’s rulings had little or no impact on claimants’ standing in the community, limiting the importance of the government’s opinion to the monetary value of the claim.

The citizens of Forsyth had more success in pushing their definition of Unionism upon the government. At least to a limited extent the commissioners incorporated the Forsyth definition of Unionism into their judgments. Though the standard for claimants never

⁹⁹ I did this using the claims of Forsyth and neighboring counties. Later versions of the questionnaire given to each witness included the question, “Who were the leading and best known Unionists of your vicinity during the war?” This question was also used to make connections for this simple network analysis. A database to actually view the network is a project for the future. See “So. Claims Commission- Questions for Claimants and Witnesses - Final Version, 1874” <http://www.slcl.org/branches/hq/sc/scc/quest-final.htm> accessed 12/5/2010. The list of questions can also be found in many of the claims.

¹⁰⁰ Testimony of Peter A Wilson, in Claim of Samuel Stoltz (15085), Forsyth County, North Carolina, Approved SCC; “Salisbury Convention” *The Union Republican*, May 25, 1876; “Forsyth Republican Meeting,” July 6 1873; “Justices of the Peace For Forsyth County” *People’s Press*, July 8 1865; “Superior Court Week,” *People’s Press*, April 10, 1868 (Wilson ran as the Republican Candidate for the legislature) ; N.S. Cook, Smith Frazier sen., M. Masten, T.T. Best and P.A. Wilson, ”To the Editors of the People’s Press” *People’s Press* April 17, 1868 (Wilson utilized Unionist Credentials during the campaign); “Official Vote of Forsyth,” *People’s Press*, May 1, 1868 (Wilson elected to Senate).

wavered, witnesses were granted far more leeway. The Commission never questioned the fact that much of the testimony taken for approved claims originated from denied claimants. Friends and neighbors, Ransom Phipps and Caleb Idol submitted their claims on the same day. Due in part to Phipps' testimony, the Commission approved Idol's claim. Yet Phipps had served in the Home Guard and took an oath of Loyalty to the Confederacy in order to obtain a pass "to visit a sick soldier." Phipps' membership in the Heroes of America and the Red Strings—two secret societies formed during the war that were devoted to protecting dissenters—failed to overcome the blatant signs of disloyalty. His claim was rejected. Although commissioners likely read Phipps' (#10716) and Idol's (#10717) claims at nearly the same time, the claims met different fates. Possibly the commissioners never noticed the connection between the claims, or perhaps they accepted the incongruities. Though the commissioners found "little faith in the loyalty of any man who was totally unmolested," they did not declare him disloyal but instead "rejected [his claim] for want of satisfactory proof of loyalty." The commissioners recognized grey areas existed on matters of loyalty: though Phipps did not deserve compensation, they recognized he was not a Confederate. While commissioners searched for any excuse to fault a claimant's loyalty, they never discarded the testimony of previously denied claimants due to perceived disloyalty. Only when family members testified did a witness's honesty become an issue.¹⁰¹ On paper the commissioners recognized only two identities (approved and disallowed), but in practice the government recognized functional loyalists as a third category, not deserving of compensation yet trusted for testimony. To a limited extent, commissioners recognized that many southerners existed in "a middle ground" and could not be classified "as loyal or

¹⁰¹ Claim Of Caleb Idol (10717), Forsyth County, North Carolina, Approved SCC; Claim of Ransom Phipps (10716), Guilford County, North Carolina, Disallowed SCC.

disloyal.”¹⁰² While the commission failed to change who Forsyth county residents viewed as a Unionist, the government found considerably more success influencing the language used to describe Unionism. The government standard of uncompromising, principled dissent would have left a Unionist population too small to matter, but dissent premised on patriotism became central in the creation of a Unionist identity that allowed an “imagined community” to exist.¹⁰³ The government’s focus on “love of the union” as the motivating factor pervaded both denied and approved claims. Avoiding combat was repeatedly presented as a display of patriotism instead of self interest. The Claims Commission helped formalize a clear hierarchy that placed principled Unionism above all other forms of dissent. The Claims Commission was not the sole creator of this hierarchy; in an effort to appeal to northern politicians, petitions sent immediately after the war cited patriotism as the underlying motive for dissent.¹⁰⁴ Still, the records of the Claims Commission document the amnesia of additional motives for dissent and contributed to the formation of a Unionist identity premised on a memory of a shared principle. While postwar Confederate identity was built upon a shared memory of courageous combat, a memory of patriotic motives took the place of shared experience in the formation of a Unionist identity. The Southern Claims Commission bolstered this reliance on motive in forming a Unionist “imagined community.” Increasingly,

¹⁰² Brown, “North Carolinian Ambivalence,” 31. Barred Claims were claims that did not have any testimony so they were rejected outright. This does not constitute a different identity but falls under disallowed as well. (See Lee, “Claiming the Union,” 76.)

¹⁰³ Benedict R. Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, 2nd ed. (New York: Verso, 1983).

¹⁰⁴ For an example see “Memorial” attached to B.S. Hedrick to Andrew Johnson, July 25, 1866, in *Andrew Johnson Papers*, Library of Congress Microfilm, Role 23.

public rhetoric appropriated the Commission's language in describing deserters as one of two types: principled dissenters or self-interested cowardly ones.¹⁰⁵

This binary of two types of dissent—patriotic and pragmatic—became accepted political rhetoric by the mid-1870s. In 1876, Republican gubernatorial candidate Thomas Settle recognized two types of deserters: those who “deserted from bad motives” and those “who would rather have been shot than to have fought against the flag of our fathers.”¹⁰⁶ Settle did not feel the need to describe any other sort of deserter. Republicans knew that “many men had left the Confederate service to look after their families, rather than because they opposed the war effort.” But the party of Lincoln worked to strengthen the idea that any honorable deserter would be a Unionist at heart. Settle embraced the myth of principled Unionism wholeheartedly for political reasons. By reducing all deserters to Unionists, Settle presented a version of the past that assigned political motives to desertion. Settle's version seemingly compelled deserters-cum-Unionists to vote for him. Settle knew firsthand that he was simplifying reality: he, after all, had been the solicitor responsible for prosecuting R.E. Wilson for murder in 1866, and he knew well the complexities of wartime loyalty in North Carolina.¹⁰⁷

¹⁰⁵ Anderson, *Imagined Communities*. For the best discussions on Confederate memory see David W Blight, *Beyond the Battlefield: Race, Memory & the American Civil War* (Amherst: University of Massachusetts Press, 2002); David W Blight, *Race and Reunion: The Civil War in American Memory* (Cambridge, Mass.: Belknap Press of Harvard University Press, 2001); Gaines M Foster, *Ghosts of the Confederacy: Defeat, the Lost Cause, and the Emergence of the New South, 1865 to 1913* (New York: Oxford University Press, 1987); Carol Reardon, *Pickett's Charge in History and Memory* (Chapel Hill: University of North Carolina Press, 1997); W. Fitzhugh Brundage, *The Southern Past: A Clash of Race and Memory* (Cambridge, Mass.: Belknap Press of Harvard University Press, 2005); Catherine W. Bishir, “Landmarks of Power: Building a Southern Past in Raleigh and Wilmington, North Carolina, 1885-1915,” in *Where These Memories Grow: History, Memory, and Southern Identity*, ed. W. Fitzhugh Brundage (Chapel Hill, NC: University of North Carolina Press, 2000), 139-168.

¹⁰⁶ “The Great Contest” *Union Republican*, August 24, 1876 for another example see “General View of the Canvass—Memorable Discussions at Carter's Mill,” *People's Press*, August 31, 1876.

¹⁰⁷ Gordon B. McKinney, *Zeb Vance: North Carolina's Civil War Governor and Gilded Age Political Leader* (Chapel Hill: University of North Carolina Press, 2004), 309. “The Case of Capt. R. E. Wilson” *Western*

That the memory of the war remained contested in North Carolina society was demonstrated by the 1876 North Carolina gubernatorial election, which pitted former Confederate governor and Democratic candidate Zebulon Vance against Republican State Supreme Court Justice Thomas Settle. Throughout the campaign the two parties waged a constant battle over the Civil War and its legacy. Both parties bombarded voters with conflicting versions of the past during the campaigns as they angled for the votes of wartime dissenters. Vance and the Democrats, dedicated to black disenfranchisement and supported by white paramilitary activity, made no effort to gain the votes of freedmen; Vance refused to even hold debates in counties with black majorities.¹⁰⁸ As the Republican candidate, Settle could count on receiving nearly unanimous support from the African-American population, but he knew that the Republicans still needed a substantial portion of the white vote in the western half of the state. The Republican Party worked to ensure the wartime treatment of Unionists, deserters, and other dissenters became the foremost campaign issue of the election. Both parties saw the road to victory through gaining the votes of wartime dissenters. And both made efforts to depict themselves as the friend of Union men, a tricky endeavor for the former war governor.¹⁰⁹ As the two candidates toured the western portion of the state together, debating each other in each county, both men attempted to distance

Sentinel, November 8, 1866; for additional cases of trying deserters as well see "Settle as the Deserter's Friend" *People's Press*, August 31, 1876.

¹⁰⁸ McKinney, *Zeb Vance*, 308.

¹⁰⁹ For an example of Vance being portrayed as a friend to a deserter see "Truth Will Out," *People's Press*, September 18, 1876 which recounts how Vance helped a deserter whose property was taken by the Home Guard.

themselves from the Confederate government because of how they believed western North Carolina remembered the war.¹¹⁰

The Republican Party hoped the 1876 election would act as a referendum on the late war. In a textbook example of opposition research, Republican newspapers across the western half of North Carolina reprinted Vance's wartime orders against deserters as well as letters requesting reinforcements to suppress dissent. Accounts of wartime abuses, torture, and murder by Confederate authorities were published next to Vance's letters and carried the implicit and occasionally explicit statement that Vance bore some responsibility for these atrocities. One article subtitled, "Vance and His Minions Hang an Innocent Girl A Few Months Before the Surrender," claimed that Home Guard members nearly strangled a young girl to death but were acquitted because this "deed of unparalleled infamy" was done on Vance's orders. Making little attempt to get the vote of unreconstructed Confederates, Republicans included anti-Confederate planks in their platform. The National Republican Platform included the line "We charge the Democratic party with being the same in character and spirit as when it sympathized with treason."¹¹¹ The Republican Party of North Carolina's platform was even more explicit:

We regard the nomination of Vance as an insult to every Union man whose confidence he betrayed; to every conscript whom he persecuted; to every

¹¹⁰ For the best account of this election state wide see McKinney, *Zeb Vance*, 321-322. For the best discussions on memory in this election see Steven E. Nash, "The Immortal Vance: The Political Commemoration of North Carolina's War Governor," in *North Carolinians in the Era of the Civil War and Reconstruction*, ed. Paul D. Escott (Chapel Hill: University of North Carolina Press,, 2008), 269-294; Jeffery J. Crow, "Thomas Settle Jr., Reconstruction, and the Memory of the Civil War," *The Journal of Southern History* 62, no. 4 (1996): 689-726. Nash is focused on the Memory of Vance over a longer time span. Additionally while Nash is interested in Vance's rhetoric and narrative, this essay focuses on Settle's use of the past. Crow sees a failure where I see a nearly successful utilization of memory to continue Reconstruction. While the strategy failed, it seems likely most white voters for Settle voted on the war issue while many white Democratic voters may have voted for reasons of race or memory.

¹¹¹ "Fiendish Outrage!" *The Central* (Lexington, NC), September 2, 1876; "Republican Platform" *The Union Republican*, October 5, 1876.

Confederate soldier whose life was endangered or whose comrade was slain in useless battle to promote his unholy ambition; to every orphan whose sire he thrust into the forefront of battle to die in vain; to every man who has accepted the results of the war in good faith or who looks to future of the nation with hope.¹¹²

Even the local Forsyth County Republicans passed a resolution declaring “that the people of this country are indebted to the Republican party for the preservation of the Union as a nation, while its opponents, the Democratic party, threw the weight of its influence in favor of secession, Civil War, and ruin, and is now the representative party of all that class of men who hate the Union, and seek to deprive the masses of the rights guaranteed them by the Constitution.” In addition to running Settle for Governor, the Republican Party nominated “a well-known Unionist,” William Smith, as its candidate for Lieutenant Governor and publicized his war-time loyalty. Republicans believed they could win any election based on the issues of secession, conscription, desertion, and wartime treatment of dissenters. They wanted a vote on the legacy of the Confederacy.¹¹³

Democrats recognized that “such Union localities as Forsyth” could not be won by appealing to the love of the Confederacy. Democrats had largely avoided nominating prominent former Confederates including Vance during the second half of the 1860s for fear of alienating wartime dissenters.¹¹⁴ While praising Vance as their candidate, the Democratic Party attempted to undermine Republican candidates’ credentials as Unionists. Circulars were printed and Democratic newspapers published stories claiming that Smith was “guilty

¹¹² “Platform” *The Union Republican*, October 5, 1876.

¹¹³ “Forsyth Republican Meeting,” *The Union Republican*, July 6, 1876; “Beware of Lying Circular” *The Union Republican*, October 5, 1876.

¹¹⁴ “Beware of Lying Circular” *The Union Republican*, October 5, 1876; Paul D. Escott, *Many Excellent People: Power and Privilege in North Carolina, 1850-1900* (Chapel Hill: University of North Carolina Press, 1985), 137-138.

of hunting deserters with bloodhounds.”¹¹⁵ Just as Republican newspapers worked constantly to link Vance to the most notorious abuses of the war, Democrats attempted to connect Settle to prominent abuses against Unionists, including the widely known Shelton Laurel massacre. Democrats also presented evidence that Settle prosecuted deserters during the war as a solicitor. Vance even attempted to portray himself as a friend to deserters. However, given Vance’s wartime office, Democratic efforts to present Settle as the true enemy of dissenters could never have been entirely convincing or as rhetorically powerful as Republican attacks on Vance’s war record.¹¹⁶

To counter these deficiencies the Democrats added a third element to their strategy: in addition to defending Vance’s past and attacking Settle for similar crimes, Democrats also tried to wash the stain from “the bloody shirt.” While the Republican Party presented their opponents as the rightful heirs of secession and the progenitors of the Confederate States of America, the Democratic Party worked to shift the focus elsewhere. The Democratic platform proclaimed: “that in this the Centennial year of our existence, we invite all patriots to ignore all dead issues, to disregard the prejudices engendered by past events, and unite with us in the effort to restore a constitutional, honest, economical and pure administration of the Government[...].” In this paradoxical sentence, one finds the major components of the Democratic Party’s western strategy: reclaim the mantle of patriotism, present Republicans as

¹¹⁵ “Beware of Lying Circular ” *The Union Republican*, October 5, 1876, see also “More Testimony from ‘the Standard’,” *People’s Press*, September 14, 1876.

¹¹⁶ “Settle Quibbles,” *People’s Press*, September 14, 1876; “Truth Will Out,” *People’s Press*, September 18, 1876. For an example of Settle prosecuting deserters see “Settle as the Deserter’s Friend,” *People’s Press*, August 31, 1876.

corrupt, and avoid discussing the Civil War. At the same time, the Democrats sought to reclaim the legacy of the revolution with superficial displays of patriotism.¹¹⁷

Democratic newspapers presented the war as a red herring that distracted from pressing contemporary issues such as corruption and racial mixing. Numerous accounts of former deserters declaring their intent to vote for Vance regardless of their wartime differences were printed in Democratic publications. After one former Republican in Forsyth County, declared his intent to vote for Vance, Democratic papers heralded his decision as sign that the war should no longer divide the white vote. The *People's Press* exclaimed:

Farmer Grubbs, [...] declares he has voted the Republican ticket ever since the war, but after hearing the discussion at Salem he is convinced no honest Republican can continue to endorse such a party, and he shall vote for Vance. It is plain the bloody shirt doesn't wave well. The deserters themselves are sick of it.¹¹⁸

Grubbs may himself have been a deserter as the *Press* implied. The article continued with another anecdote: while at Salem's debate a man asked, "What in the deuce is that fellow talking of desertion for?" The unnamed man supposedly continued, "I'd a great sight rather he'd tell me how to make some bread and meat for my children—durn him—I was a deserter myself and I'm going to vote for Vance."¹¹⁹ In perhaps the most transparent attempt to place race over the past, a former deserter reportedly declared himself a strong Vance supporter because "he feels the centennial year, and wishes to be a white man and with the white men

¹¹⁷ "Our Platform," *People's Press*, October 26, 1876; the use of such imagery and its interplay with race is worthy of further examination as is the reclaiming of the founding fathers by Democrats from Republicans.

¹¹⁸ "The Campaign," *People's Press*, September 14, 1876.

¹¹⁹ "The Campaign," *People's Press*, September 14, 1876; Among Grubbs may refer to Joseph Grubbs a former deserter or Jesse Grubbs a Republican Party member (CSR for Joseph Grubs, 21st NC, and "Forsyth Republican Meeting," *The Union Republican*, July 6, 1876). The name "Grubbs" is extremely common in the area so without a first name his exact identity will remain unknown.

stand.”¹²⁰ Here lay the crux of the Democratic message: forget the war and remember ‘we are all white.’

The Democratic papers frequently lacked subtlety in their race baiting: next to an article defending Vance from Republican accusations that the Governor participated in the torture of a deserter’s wife, a headline announced, “The Greatest Outrage Yet Known. A White Boy Made the Servant of a Negro—A Justice of the Peace Virtually Makes a White Boy His Slave.” The account of a black man gaining “legal control of the boy” and whipping him as punishment was presented as an outrage far worse than any experienced during the war. The fear of flipped racial hierarchies represented a powerful campaign tool for Democrats.¹²¹

During the campaign of 1876, each candidate presented a different version of the past, but which version influenced or resonated with the electorate’s collective understanding of the past? On the surface Vance’s version appears triumphant. Vance won the race and once again served as governor. Historians have argued that Vance’s victory signified that “White North Carolinians’ dismissed Settle’s version of the Civil War in favor of the more glorious narrative embodied by Vance.”¹²² But Vance failed to offer a positive view of the Confederacy in 1876, only defending the State of North Carolina. Fundamental to Vance’s efforts to portray himself as an anti-Confederate and acceptable to former dissenters was the argument that he defended white North Carolinians from Confederate abuses. Vance

¹²⁰ “Truth Will Out,” *People’s Press*, September 18, 1876.

¹²¹ “The Greatest Outrage Yet Known. A White Boy Made the Servant of a Negro—A Justice of the Peace Virtually Makes a White Boy His Slave,” *People’s Press*, September 18, 1876.

¹²² Nash, “The Immortal Vance: The Political Commemoration of North Carolina’s War Governor,” 276.

portrayed himself as defending Unionists from the suspension of habeas corpus.¹²³ In 1876 neither candidate would have wanted Jefferson Davis stumping for him in Forsyth County. A more compelling explanation for Vance's victory is that many white voters valued racial solidarity over past crimes by Vance. Unlike elections, battles over memory are rarely winner-takes-all, and so to fully appreciate memory's role during the election requires a more nuanced analysis of election results than just who became Governor.

Though Settle's defeat surely harmed efforts to cement and empower a Unionist memory, Forsyth's results display just how contested the memory of the inner war remained in 1876 and reveals a more complicated picture of the effectiveness of each campaign's narrative. Because of the centrality of competing versions of the past in the election's public debates, voting patterns strongly reflect how voters received these conflicting narratives. Though the campaign revolved around the interconnected issues of "race, class, and memory," the war always took top billing in Forsyth's Republican campaign literature.¹²⁴ Because of the centrality of the war to Settle's campaign strategy in the Piedmont, Republican support is especially revealing of Unionist memories. That Settle won the county implies that many voters had not forgiven Vance, but precinct or township level results reveal far more. In one section of the county Settle received only 37% of the entire vote (half of which may have been from black voters), while in a second he captured at least 69% of the white vote, vividly displaying divisions within the county.¹²⁵

¹²³ For the best look at Vance's attempts to show how he defended North Carolinians, see Nash, "The Immortal Vance: The Political Commemoration of North Carolina's War Governor," esp. 270-276, 281.

¹²⁴ Nash, "The Immortal Vance: The Political Commemoration of North Carolina's War Governor," 274.

¹²⁵ Township level results for this entire section taken from "Official Vote of Forsyth County, 1876," *Union Republican*, September 16nd, 1876. For an explanation of how the votes were calculated see Appendix 2. In the future a map of 1860 slave ownership contrasted with votes in 1876 may provide further insights into voting patterns.

Comparing the geography of dissent and the results of 1876 suggests that Settle's version of the war played a role in determining how Unionists voted. While no wartime neighborhood had been homogenous, some had contained more dissenters than others. Centers of dissent overwhelmingly supported Settle. "The Southeast part of this county," a local paper reported in 1864, included "the vicinity where most of the depredations [by deserters] have been committed."¹²⁶ That same region, Abbotts Creek, gave Settle almost three quarters of its vote in 1876, the most of any township.¹²⁷ In 1871 Ransom Philips, a Union League member from the region, swore that "I never have, nor will ever vote for a secessionist. I voted Republican ticket straight through all the time."¹²⁸ Many of Philips' neighbors apparently shared his sentiments. Three townships along the southern edge of the county, Broadbay, Southfork, and Abbotts Creek, all voted for Settle over Vance. Even without the black votes Settle could have won these townships. Broadbay, especially its rural southern edge, had been home to numerous deserters and recusant conscripts during the war. Asked to identify the Unionists in the area, Samuel Yokley, who lived along the southern border of the Broadbay Township, recalled in 1878 that "in fact the greater part of my neighbors" were Union men.¹²⁹ Circumstantial evidence supports Yokley's recollection. Militia districts elected their officers, so a district's choice of leaders reflected its inhabitants'

¹²⁶ "Another Barn Burnt" *Western Sentinel*, September 8, 1864.

¹²⁷ Township Boundaries were taken from: Calvin Miller, "Map of Forsyth County, N.C." (Salisbury, N.C.: [C.M. Miller], 1907), "Map of Forsyth County, North Carolina," (1898) and the author's composite map.

¹²⁸ Claim of Ransom Phipps (10716), Guilford County, North Carolina, Disallowed SCC.

¹²⁹ Claim of Samuel D Yokeley (10959), Davidson County, North Carolina, Approved SCC. Other claimants in Broadbay region include Claim for Samuel D Yokeley (10959), Davidson County, North Carolina, Approved SCC, and Claims for Christian Shoaf (10965), George Hege (10963), and Emanuel Tesh (10958) all of Forsyth County, North Carolina, Disallowed SCC. See Appendix 2 for explanations of how the votes were calculated.

politics.¹³⁰ Broadbay's militia company's captain was John Nissen. Suspected of disloyalty during the war, it was Nissen who had requested Reuben Wilson's arrest for murder in 1865.¹³¹

Northern portions of the county also showed a correlation between centers of dissent and voting patterns. The area encompassed in 1876 by the Bethania Township had been overrun by deserters in 1865. The region included the homes of both Samuel Stoltz and James Flynt as previously discussed. An adamant secessionist wrote Governor Vance in November 1863 and complained that "in Bethania [...] are several men (tories) that have an influence over a considerable part of this county, and in fact over some adjoining once."¹³² The war-time influence of these leading citizens appears to have persisted: Settle won Bethania with 56% of the total vote, garnering at least 40% of the white vote. Not surprisingly the locations with the most Southern Claims Commission claimants per resident included Bethania, as well as Broadbay and Abbotts Creek. While not conclusive, the correlation between wartime centers of dissent and white Republican support implies Settle's version of the past resonated with many voters.¹³³

The pattern also holds when examining Vance's strongholds. Vance won both Kernersville and Belews Creek in 1876. Twelve years earlier a local paper reported a fire in the Belews Creek area was most likely *not* started by a deserter, "but more likely [by] a

¹³⁰ The idea to use militia elections to learn the views of population was first used by Wayne K. Durrill, *War of Another Kind*, 53-66. A complete analysis of militia officers' politics is a project needing attention.

¹³¹ William Shultz and John Nissen to Jacob Cox, May 10, 1865, Misc file for R. E. Wilson "The Words of Many" to ZBV, n.d., NCAH 1279, *Papers of Zebulon Vance*, role 26.

¹³² Lizzie Lee to ZBV, November 29, 1863, NCAH 9273, *Papers of Zebulon Vance*, role 20; Jones Family Papers for the years 1862-1865 contain numerous anecdotes about this area esp. involving the Flynt Family, see for example Julia Jones to "Jimmy," July 13, 1864;

¹³³ See Appendix 1 for details about mapping claimants' homes and Appendix 2 for calculating votes.

person of the community, there being no deserters from that section, or known to be in this neighborhood.” To the South, Kernersville had contained one of the few effective militia companies during the war. In October of 1864, a group of Kernersville militiamen captured 24 conscripts from Forsyth and Guilford county attempting to make it to Union lines.¹³⁴ Belews Creek and Kernersville each had one Southern Claims Commission claimant during the 1870s, implying an absence of Unionists. While the scarcity of Unionist claimants in Belews Creek may be attributed to Union forces bypassing areas, Union troops are known to have passed through Kernersville.¹³⁵

Though election results show trends, the community was divided along lines far too complex to easily draw. Each neighborhood included some white Republicans and some Democrats. Even in Abbotts Creek, Vance received at least 30% of the white vote. Countywide, a substantial minority of Forsyth’s white voters—probably around a third—chose to vote for Settle.¹³⁶ The fractal-like fragmentation of neighborhoods during the war assured neighbors still disagreed in 1876. Still, areas with large Unionist populations maintained a separate narrative of the war that clearly retained political influence. Whether Vance’s supporters overlooked his Confederate past in favor of racial solidarity or if they disliked their Unionist neighbors will remain forever unknown. But in 1876 the memory of the war remained contested, and a powerful Unionist counter-narrative existed in conflict with the Lost Cause.

¹³⁴ “More Incendiarism” *Western Sentinel*, September 15, 1864; [No title], *Western Sentinel*, October 27, 1864.

¹³⁵ Chris J. Hartley, *Stoneman's Raid, 1865* (John F. Blair, Publisher, 2010), 162. Southfork also may have lacked claimants because of a lack of Federal Troops. According to Samuel Yokley, troops riding towards Southfork from the South were turned back by Confederate skirmishers. “Claim of Samuel Yokeley (#10959),” Davidson County, North Carolina, Approved SCC.

¹³⁶ The estimation of “around a third” holds true county wide using the minimum possible support model detailed in Appendix 2 as well as by less conservative models as well.

There is rarely a moment when a mandate for one version of the past is adopted and consensus about the past reached. Instead, both the debates and the results show how contested the legacy of war remained and how important the war remained to dissenters. “I would vote for a nigger before I would for a secessionist” one Unionist had declared in 1872, before explaining: “I think there are good white man enough to put in office without putting in negroes or secesh.”¹³⁷ Men like him would never vote for Vance. This contestation of memory provides a sense of contingency often missing from the historiography of Reconstruction and ‘Redemption.’ Settle very nearly won, receiving a substantial number of votes from white North Carolinians. White, Democratic rule was not inevitable and the Lost Cause narrative had not yet triumphed in 1876. At least in Forsyth, a consensus on how the war should be remembered remained out of reach.¹³⁸ Over the next thirty years, however, the memory of the inner war and disloyalty faced new challenges that the Unionist identity ultimately failed to meet.

¹³⁷ Claim of Spencer Waggoner (10723), Forsyth County, North Carolina, Disallowed SCC.

¹³⁸ For approaches that value contingency and leave room for Reconstruction being a missed opportunity of interracial cooperation instead of a terrible aberration of misrule by blacks and northern carpetbaggers see W. E. B. Du Bois, *Black Reconstruction in America* (New York: Atheneum, 1992); Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863-1877*, 1st ed. (New York: Harper & Row, 1989).

VI. An Amnesia of Dissent

Only a few historians have addressed the disappearance of Unionists from the Southern memory of the war. Most have focused on how official Confederate narratives ignored them, or how a few families and tiny communities kept the memory of Unionism alive.¹³⁹ Unionist memory did not disappear for lack of a voice but because it failed to remain as useful as Confederate memory. In the immediate aftermath of the war, numerous reasons existed to maintain the memory of dissent and create a cohesive Unionist identity. The Southern Claims Commission, bitterness over wartime mistreatment, and political fights pitting former Confederates against the Republican Party all encouraged the creation of a Unionist identity inclusive to all dissenters. Premised upon a myth of principled Unionism, this Unionist identity flourished in the 1870s.

Erasing the complexities of desertion in the public discourse, however, weakened the long-term viability of a Unionist memory. From the beginning, the myth of the patriotic dissenter remained problematic for many deserters, never quite fitting with their individual circumstances. Though the official Unionist discourse erased distinctions between types of deserters, many individuals remembered the complexities that led to their desertion. Initially many conscripts grudgingly or even willingly went to war, only later going absent without leave when they felt the Confederacy failed to provide for the troops and their families. The

¹³⁹ For excellent examples of both see Myers, "Rebels Against A Rebellion"; John C. Inscoe, *Race, War, and Remembrance in the Appalachian South* (Lexington: University Press of Kentucky, 2008). See also Lee, "Claiming the Union."

Southern Claims Commission's categories and the myth of the principled deserter erased these complexities.¹⁴⁰

In addition to the weaknesses within Unionist memory, the narrative that former Confederates created allowed many deserters to claim a place of honor in Southern white memory. Confederate loyalists, anxious to demonstrate Southern soldiers' honor, presented a counter narrative to the myth of principled desertion. Henry T. Bahnson, one of Major Wilson's men, recalled years later how, "Many of the poor conscripts had been torn away from their helpless families, and my heart bleeds at the recollection of the pitiful letters I was called on to read and answer for my illiterate comrades [...] filled with accounts of hardships and privation [...] and frantic appeals to husbands or fathers to desert and come home."¹⁴¹ Bahnson and others recognized the reality of the past. Those who avoided service frequently did not do so on principle. Deserters had more important and tangible reasons than the Stars and Stripes: responsibility for their family.

Confederate memory-makers presented family responsibilities as an acceptable reason to desert. Wealthy industrialist, former Confederate, and head of the United Confederate Veterans, Julian S. Carr gave speeches across the state at the dedications of monuments and Confederate Memorial Day celebrations. Within these speeches he frequently told the story of Artilleryman Edward Cooper who had received the following letter from his wife:

My dear Edward;-- I have always been proud of you, and since your connection with the Confederate Army, I have been proud of you than ever

¹⁴⁰ For more on desertion's motives see Glatthaar, *General Lee's Army*, 411 see also Glatthaar's chapter "Desertion," 408-420.

¹⁴¹ Henry T Bahnson, Notebook #2, in the Henry T. Bahnson Papers #5035-z, Southern Historical Collection, Wilson Library, University of North Carolina at Chapel Hill. I am indebted to David Williard for pointing this collection out.

before. I would not have you do anything wrong for the world; but, before God, Edward, unless you come home, we must die! Last night, I was aroused by little Eddie crying. I called and said 'What's the matter, Eddie?' And he said, 'Oh mama, I am so hungry!' And Lucy, Edward, your darling Lucy, she never complains, but she is growing thinner and thinner every day. And before God, Edward, unless you come home, we must all die. (Signed) Your Mary¹⁴²

Cooper immediately applied for a furlough, but twice his request was rejected. Of course a father had no choice; loyal to the Confederacy but fearful for his family, Cooper deserted and went home. Upon arriving home, Mary hugged him and whispered, "I am so glad that you got your furlough." Apparently, she sensed something wrong and realized that her husband had deserted. Horrified she told him, "Oh Edward, Edward, go back! Go back! Let me and the children go down to the grave, but oh, for heaven's sake, save the honor of your name." And so Edward returned to his unit to face his court-martial willingly. Carr explained to audiences that the court had no choice but to sentence him to death, though it pained all five judges to do so, even to the point of tears. Luckily, the hero of the Confederacy, Robert E. Lee, pardoned poor Edward.¹⁴³

Cooper's story did not end there. He returned to his unit but during the next battle was mortally wounded. Though his whole unit had been killed or fled, the artilleryman continued to fight. Spotting the General who sentenced him to die, Cooper called out "General, tell me, I have one shot left, have I saved the honor of Mary and Lucy'?" Edward Cooper, hero of the Confederacy, then fired one last round before "the husband of Mary and the father of Lucy sank by his gun to rise no more."¹⁴⁴ Cooper was the perfect hero for Confederate memory-

¹⁴² Julian S Carr, Speech [fragment], folder 32, in the Julian Shakespeare Carr Papers #141, Southern Historical Collection, The Wilson Library, University of North Carolina at Chapel Hill.

¹⁴³ Julian S Carr, Speech [fragment], folder 32, Carr Papers, SHC.

¹⁴⁴ Julian S Carr, Speech [fragment], folder 32, Carr Papers, SHC.

makers to use: a private, a non-slave holder, loyal to the Confederacy, and dying heroically in the name of his family.

There was only one problem with the story: Edward Cooper never existed. Though historians still cite this account and his letter as authentic—one author even claimed that Cooper was from Alabama and married to a Georgian—no contemporary record of the Court Martial, pardon, or individual exists.¹⁴⁵ Even his death sentence fails to match reality. There was never a requirement to sentence Cooper to death, and the vast majority of deserters received lesser sentences, especially those who returned voluntarily.¹⁴⁶ After recusant conscript William Beason of Forsyth County was captured, he promptly deserted. Though arrested and sentenced “to be confined at hard labor with ball and chain for twelve months and to forfeit all his monthly pay during said time,” the Confederacy’s need for manpower led to his reinstatement. He deserted a second time and fled to Union lines, where he immediately took the oath of allegiance.¹⁴⁷ I have only found two Forsyth County men tried and executed for desertion, one of whom was the violent deserter Thomas Dial.¹⁴⁸ Though

¹⁴⁵ For the example that says he was from Alabama see Mark A. Weitz, *A Higher Duty: Desertion Among Georgia Troops During the Civil War* (Lincoln: University of Nebraska Press, 2000), 97-98. Weitz provides no evidence for his assertion that Cooper was from Alabama. For other recent examples see Stig Förster, *On the Road to Total War: The American Civil War and the German Wars of Unification, 1861-1871* (Cambridge ; New York: Cambridge University Press, 2002), 447; Daniel W. Barefoot, *Let Us Die Like Brave Men: Behind the Dying Words of Confederate Warriors* (Winston Salem: John F. Blair, 2005), 180-183; John Gilchrist Barrett, *The Civil War in North Carolina* (Chapel Hill: UNC Press Books, 1995), 191.

¹⁴⁶ In at least one case a men who had deserted as many as three times still received lighter sentences than death. See Glatthaar, *General Lee's Army*, 419. For a careful study of Punishments issued for crimes see Jack A. Bunch, *Military Justice in the Confederate States Armies* (Shippensburg, PA: White Mane Books, 2000), 88-131. There were no Edward Cooper in an Alabama or Georgia Artillery units either.

¹⁴⁷ John Gilchrist Barrett and W. Buck (Wilfred Buck) Yearn, *North Carolina Civil War Documentary* (Chapel Hill: University of North Carolina Press, 2002), 111. CSR for William Beason, 21st NC; Manuscripts, Folder 3431, Other Records, and Record of Court Martial Book and Record of Court Martial Book; Chapter 1, Volume 197, p. 12; Records of the Adjutant and Inspector General’s Department, both of RG 109, NAB

¹⁴⁸ Thomas Dial and Augustin Crouch of the 48th NC were both executed in early 1864. Crouch’s commanding officer, S.H. Walkup got in trouble for allowing his execution for going forward. Being busy, he had failed to even tell Crouch the sentence. Walkup’s superior officer, “Lt. General Hill” felt he should have gotten him off

most deserters received lesser sentences, the death sentence added another heroic moment for the iconic Robert E. Lee, the perfect soldier and true Southern gentleman, above the mundane and harsh aspects of war.¹⁴⁹

Cooper's tale supported the Lost Cause mythology in a multitude of ways. Cooper's dying for Mary glossed over the causes of the war, presenting Confederates as fighting to protect their family from invasion. Most importantly, the story presented an acceptable reason to desert. Carr's version of the past provided a place for deserters to claim they were loyal Confederates and only fled to protect their suffering family from starvation. By recognizing and embracing the complexities and hard choices deserters had been forced to make, the Lost Cause valorized deserters without requiring a disavowal of one's former beliefs. Over time the memory of principled desertion was replaced with familial responsibility or religious convictions.

Confederate myth-makers worked hard to erase dissent. In 1905, at the unveiling of the Forsyth Confederate Memorial in Winston-Salem, Alfred Waddell told the crowd that "it was the morale of the Confederate Army and the Confederate people that made them forever

or at least warned him and accused Walkup of "gross neglect." (Samuel Hoey Walkup, Diary, January 25, 1865, in the S. H. Walkup Papers, #1401, Southern Historical Collection, The Wilson Library, University of North Carolina at Chapel Hill.) Milton H. Fulp, "Brief History of the Late 'Confederate Guards,' Organized at Winston, Forsyth Co. N.C.," *People's Press*, January 6, 1866. More Forsyth Men served in the 48th, the 21st, and 1st SS than any other NC unit. See their respective CSR. See the CSRs of the 21st and 48th NC to find a sample of NC men who deserted and were not executed. A few include: William Beason 21st NC; Julius Spaugh, 21st NC; Alexander Spaugh 33rd NC; Many did not even have a trial but were instead punished by their commanding officers administratively. For a comprehensive listing of the outcomes of trials see Jack A. Bunch, *Roster of the Courts-Martial in the Confederate States Armies* (Shippensburg, Pa.: White Mane Books, 2001). Even Captain Wilson had men pardoned at the last minute see James B. Jones to "Brother and Sister," February 7th 1865, Jones Family Papers, SHC.

¹⁴⁹ For a discussion on the creation of Lee's elevation to near Sainthood, see Michael Fellman, *The Making of Robert E. Lee*, 1st ed. (New York: Random House, 2000).

famous.”¹⁵⁰ The Lost Cause mythology even had a place for individuals with Unionist politics. In another speech Carr recalled how “the people of Forsythe County were typical of the state at large in that their loyalty to the Union, strained at length to the breaking point, reacted from Lincoln's call for troops to ‘suppress the rebellion,’ to an embrace of the ‘Lost Cause.’” In a speech two years earlier, Julian Carr did not deny that “Forsyth was a Union County.” Instead, Carr told of how even the most loyal Union man came over to the Confederacy in 1861.¹⁵¹ The Lost Cause welcomed all types of dissenters.

Pragmatic dissenters, loyal confederates who deserted, and others never fully comfortable with the Unionist narrative were not the only ones to abandon a memory of dissent in favor of a glorious Confederacy. Some of the most prominent dissenters erased elements of their past dissent. Conscripted in August of 1862, David Pinkney Yokley deserted a month later with his brother Charles and uncle Joseph. David’s younger brother later joined them in the woods as a recusant conscript. David’s oldest brother, Andrew, fled to Tennessee where he joined the United States Army. David’s father, Samuel Yokley, was a prominent dissenter who experienced constant harassment from Confederate authorities. Arrested three times for hiding his sons, Samuel never revealed their location. When the Home Guard captured one of his boys, Samuel organized a rescue party of neighbors and family members that ambushed the Confederates along the road. In addition to Samuel’s son, two other neighborhood dissenters were freed. Samuel recounted all of this information for his *approved* Southern Claims Commission claim. Whether as captive or rescuer, David

¹⁵⁰ Alfred M. Waddell, Speech given to “James B Gordon Chapter United Daughters of the Confederacy,” [October 3, 1905] in Alfred M. Waddell Papers, #743, Southern Historical Collection, The Wilson Library, University of North Carolina at Chapel Hill.

¹⁵¹ Julian S Carr, Speech given Oct. 28 1903, Winston-Salem, in Julian Shakespeare Carr Papers, SHC.

almost certainly participated in the rescue mission that his father led. His brother Andrew died wearing blue, and his mother filed for Andrew's pension.

After taking up arms against the Confederacy, having a brother die in the Union army, and his father's successful claim, one might expect David to vocally oppose efforts to celebrate the Confederacy.¹⁵² Despite his wartime experiences David Yokley does not appear to have been especially tied to the Union. David's 1890 marriage to a sixteen-year-old endured until his death. What he told his young bride, born a decade after the Civil War ended, of the war remains unknown; however, it seems David may have failed to mention his wartime resistance. On her 1930 application for a Confederate pension based on her late husband's service, David's widow answered the question "was your late husband a deserter?" with a one word answer: "no." The application was denied but only because her age—55 instead of the minimum 60—made the young widow ineligible. However, Joseph's widow, David's aunt, received a pension for her late husband's entire month of loyal Confederate service. Other deserters' widows also applied for pensions. More striking still, David's wartime dissent failed to deter even him from applying for a Confederate pension. Though in theory ineligible due to his desertion—not to mention lack of service—David claimed to have been a loyal Confederate and received a pension for three years until his death in 1926. For sixty dollars a year, David erased his past.¹⁵³

¹⁵² CSR for D. P. Yokley, Joseph Yokeley, and Jefferson Yokeley all of the 48th NC, "Claim of Samuel Yokeley (#10959)," Davidson County, North Carolina, Approved SCC; Index Card For Andrew J Yokley, *Organization Index to Pension Files of Veterans Who Served Between 1861 and 1900*, National Archives Microfilm Publication T289, RG 15, National Archives and Records Administration, Washington, D.C. Accessed via footnote.com (www.footnote.com, March 2011); Compiled Service Record for Andrew J. Yokley in *Compiled Service Records of Volunteer Union Soldiers who Served in Organizations from the State of Missouri* National Archives Microfilm Publication M405, RG 94, National Archives and Records Administration, Washington, D.C. Accessed via footnote.com (www.footnote.com, March 2011).

¹⁵³ Entry for David P Yokley and Ella M Payne, 25 Dec 1890, Forsyth County, *North Carolina County Marriage Indexes*; North Carolina State Archives, Raleigh, North Carolina, accessed via Ancestry.com(www.ancestry.com, March 2011) "Soldiers Application for Pension" for D.P Yokley, December

Unionist memory failed to sustain itself as a counter narrative to the Lost Cause after Reconstruction, and eventually a memory of dissent ceased being useful. The postwar Unionist identity was built with unstable foundations. A dependency on patriotic motivations instead of shared experiences, skin color, or geographic location created inherent weaknesses within Unionist memory, further compounded by the necessity of opposing the Confederacy. In contrast, Confederate identity was inclusive and welcoming. Almost all whites were welcome to share in the glories of the Lost Cause. According to the Lost Cause narrative, dissenters had not even dissented: deserters only left to provide for their family, work details provided necessary material support for the troops, and even fighting for the Union proved one's manhood. Recusant conscripts remained the only category that failed to have a place in the Lost Cause.

The resurgence in Confederate memory from 1890 to 1920—visibly demonstrated by the erection of Confederate monuments across the South—corresponded with the rise of Jim Crow. Increasingly Confederate memory worked to unite whites along racial lines, celebrating the honor and bravery of the white race. In contrast, Unionist memory continued to depend upon opposition to the Confederates' dividing neighbors and even families. Unionist memory simply failed to remain useful. While the number of former dissenters decreased due to death and emigration, Democratic politicians, too young to have fought,

31, 1923 and "Widow's Application for Confederate Pension" for Mrs. D. P. Yokley, August 6, 1926, Filed in Davidson County, Box 6.654, NCDAH; "Widow's Application for Confederate Pension" for Cordelia Yokeley, July 7, 1924, Filed in Forsyth County, Box 6.654, NCDAH, Raleigh, North Carolina; For another example see "Pension Application" for Mary Ann Spach, widow of Harrison Spach (Spaugh), June 9, 1885, filed in Forsyth County Box 6.165, NCDAH; See also "Widows Entitled to Forsyth County Pensions," *The Forsyth County Genealogical Society Journal*, 23, no. 2 (Winter 2005): 134-135. For amounts paid out see The General Assembly of North Carolina, "Chapter 189: An Act to Amend and Consolidate the Pension Laws," in *Public Laws and Resolutions of the State of North Carolina Passed by the General Assembly* (Raleigh: Mitchell Printing Company, 1921), 481-487. Another example of a dissenter with a pension (this one in Yadkin County) has been found in Casstevens, *The Civil War and Yadkin County, North Carolina*, 112.

presumably became more politically acceptable to Unionists than their Confederate predecessors. With the end of the Southern Claims Commission and the introduction of Confederate pensions, even the monetary incentive to celebrate dissent was replaced with a new motivation to proclaim a Confederate affiliation.¹⁵⁴

¹⁵⁴ For the best recent work on the memory of Unionism in NC see Myers, "Rebels Against A Rebellion," esp. 221-256. Myers argues that the average older age of Unionists contributed to their dying off before confederate memory makers (223). While his statistics are correct and clearly men like Samuel Yokley died before younger men this may overstate the importance of the age of approved claimants. Older claimants were more likely to get approved because they were less likely to have been forced into service as they were exempt due to age. Established men were more likely to have property to be taken. However, his explanation deals only with approved claimants who were not the only people remembering Unionism. The sons of approved claimants were frequently conscripts. The numerous recusant conscripts, deserters, and men on details are left out of his analyses. Still, his point is important. Many of the leading Unionists were older than leading former Confederates. See also Paludan, *Victims*; Inscocoe, *Race, War, and Remembrance in the Appalachian South*.

VII. Epilogue: Forgotten Murders

Reuben Wilson appears to have won the contest of memory. The memory of the murders of five Forsyth dissenters has been all but lost. Most twentieth century accounts of his life were written by hagiographic biographers worshiping at the altar of the Lost Cause. Uncritical descriptions of him range from the typical lauding of a former Confederate—“during the war years, he was a brave and courageous soldier who obeyed orders and did his duty,” and “he was, to the end of his life, true to the South”—to a complete denial of any faults—“probably [...] Reuben partook of Klan acitivity [sic] only in its very early days, when only Confederate officers of the finest families were members.” The murder trials, when mentioned, are a sign of martyrdom for the cause, linking him to other ‘unfairly’ imprisoned Confederates such as Jefferson Davis and Henry Wirz. However, recently historians have begun to take a critical look at him.¹⁵⁵ A close examination of his life shows not only the brutality of the inner war but also the importance of the memory of atrocities and the power of the Lost Cause mythology.

A case of constitutive memory taken to the extreme, Wilson’s unyielding devotion to the Confederacy shaped every aspect of his life. In 1902, his personal letterhead was still embossed with “Headquarters 1st North Carolina Battalion Sharp Shooters” next to the image of Confederate flags around the North Carolina State Seal.¹⁵⁶ Perhaps most striking—or at

¹⁵⁵ Casstevens, *Tales from the North and the South*, 274. Brumfield, *Wouldn't You Like to Have Known Them?*, 29. For examples of a new look at him see David Williard, “Vengeance is Mine, I Will Repay.”

¹⁵⁶ Reuben Wilson to “Dear Cousin,” February 3, 1902, Jones Family Papers, SHC.

least smelly—the Major wore his Confederate jacket for the rest of his life. To the end of his days, Wilson attempted to hold on to the world he knew in 1860.¹⁵⁷ Even in death Reuben Wilson was a Confederate. As his health worsened he eventually moved back to Winston-Salem to live with his sister—a charter member of the local chapter of the United Daughters of the Confederacy. When Wilson died a bachelor in 1907 even his funeral was based around his Confederate service. The local chapters of the United Daughters of the Confederacy and the United Confederate Veterans attended his funeral “in a body.” They went first as Confederates and second as friends. The final sentence of his obituary summed up his life perfectly: “Major Wilson never became reconciled to the defeat of the Southern cause and always wore his Confederate uniform.” Even the *Washington Post* noted his passing, reporting that the old Sharpshooter was buried in his unit’s battle flag, a flag that bore his company’s motto: “we scorn the sordid lust of self and serve our country for herself.” Wilson never stopped serving his Confederacy, and never stopped reminding those around him that he was proud of his actions, no matter how horrible they might seem. The war changed Reuben’s world, but the “Unreconstructed Rebel” refused to surrender.¹⁵⁸

¹⁵⁷ Casstevens, *The Civil War in Yadkin County*, 113; Brumfield, *Wouldn't You Like to Have Known Them?*, 29; Casstevens, *Tales from the North and South*, 272; see also Williard’s forthcoming ““Vengeance is Mine, I Will Repay.”

¹⁵⁸“Membership Roster 1898-2008” <http://www.forsythnchistory.com/udcmembers1898.html>, accessed November 29, 2010; “Faithful to Lost Cause” *Washington Post*, March 9, 1907, pg. 2; “Maj. R. E. Wilson Dead” *The Winston-Salem Journal*, March 9, 1907; “An Unreconstructed Rebel” *News and Observer*, June 5, 1890.

Appendix 1.

Mapping Forsyth Using Geographic Information Systems (GIS)

Building A GIS Database

To aid in my geographic analysis of dissent I built a composite map of wartime residences using ArcGIS 9.3. All relative geographic locations between individuals in this paper were derived from this map unless otherwise noted. A digital map was built to display the homes of as many Forsyth Residents as possible. The map was used to provide almost all spatial data within this thesis (except where otherwise noted). Data from the 1860 census, military records, and other biographical data was linked in tables to residences using ArcGIS's tables.

The base of this map was a 1863 map by E.A. Vogler that indicates landownership. Digital copies acquired from the Moravian Archives in Winston-Salem of this 1863 map were georeferenced in ArcGIS. Other maps from UNC's map collection were also used for additional data.¹⁵⁹ Whenever possible plots of land on the map were linked to individuals in the 1860 Manuscript Census. Other primary sources with geographic information were also used occasionally to determine where individuals lived. Letters, the *Records of the Moravians*, militia records, family trees, and even a record of a land sale provided additional data about land ownership and occupation. Layers were created for households, roads, streams, and other attributes of the physical landscape. Additional layers were made to show information gathered from the research (for example where Southern Claims Claimants lived).

¹⁵⁹ Vogler, "Map of Forsyth County, North Carolina: Compiled from Surveys of the Land Office, Salem NC and other Maps"; Calvin Miller, "Map of Forsyth County, N.C." (Salisbury, N.C.: [C.M. Miller], 1907), http://dc.lib.unc.edu/cdm4/item_viewer.php?CISOROOT=/ncmaps&CISOPTR=849&CISOBBOX=1&REC=12; "Map of Forsyth County, North Carolina," 1898, http://dc.lib.unc.edu/cdm4/item_viewer.php?CISOROOT=/ncmaps&CISOPTR=777&CISOBBOX=1&REC=9.

Determining Who Lived Where

In *Kinship and Neighborhood in a Southern Community*, Robert Kenzer demonstrated that a census taker's path could be roughly estimated by using the locations of a few known households. While Kenzer used key households just to show a very general sense of where neighborhoods lay, his methodology can be expanded when more locations are known. Kenzer's data did not include townships while Forsyth's does. The path that census taker S.A. Waugh took can be identified with greater accuracy as the Vogler map provides detailed spatial information. For example, multiple households from the same census page (there are 279 pages in the 1860 Forsyth Census) can often be placed on the map. Frequently which road he took can even be determined. In one case, seven of nine households on a single census page were located on one page of the Broadbay District. Over forty of the two hundred and two households (over 20%) listed in Broadbay were placed with a reasonably high degree of certainty.¹⁶⁰

Vogler's map is not without shortcomings and methodologies had to be derived to determine who lived where. One of the shortcoming of the 1863 map is that actual houses are only infrequently marked. Instead, land ownership is demarcated. Some land owners held expansive holdings or owed multiple farms making the identification of residences difficult. However, by using neighboring farms in the census, evidence from the Southern Claims Commission, or other contemporary sources I was often able to determine which land contained the actual home. For individuals, especially non-land owners, who I could not place on the map, I assumed sequentially numbered census households were neighbors as long as they were enumerated on the same day. This allowed me to determine roughly which

¹⁶⁰ Robert C. Kenzer, *Kinship and Neighborhood in a Southern Community: Orange County, North Carolina, 1849-1881* (Knoxville: University of Tennessee Press, 1987), 155-160.

neighborhood most individuals lived in. To confirm an individual's home I always attempted to trace the 1860 census enumerator's path across at least two or three census pages.

Neighbors in the census often indicated which individual with a shared surname owned which property (i.e., which "Smith" lived in which property marked "Smith"). Surnames listed in C.M. Miller's 1907 map and neighbors in the 1860 census often helped determine who lived somewhere when bad handwriting or damage to the map provided only a partial name.¹⁶¹ Unfortunately, Vogler never completed his map so a few census districts are almost entirely empty.

Determining ownership is an art instead of a science. Different ways of examining the census data can occasionally provide two distinct conclusions. In writing this thesis I was conservative in determining locations and attempted to be precise in my language. When I was not sure of which piece of land was lived on and which someone just owned, I indicated that with my language. In the case of the Flynt's there are two possible locations about a mile apart for James Flynt's home.¹⁶² For this reason when discussing specific pieces of property I often refer to the "Flynt farm" or "Flynt's Land" instead of the "Flynt home." For the purposes of many types of analysis in this paper it is fair to assume that many land owners would have had dealings with their neighboring land owners.

In mapping the location of Southern Claims Commission Claimants I was frequently forced to rely upon imprecise descriptions within the testimony. Descriptions like "X miles north of Winston" do not always provide for an accurate placement. Occasionally later maps and shared surnames provided a best guess estimation when Vogler's map failed to provide a

¹⁶¹ Miller, "Map of Forsyth County, N.C.."

¹⁶² I believe in this his case, though it is uncertain, that Allen lived next to Stoltz. Most evidence indicates he was there.

location. The placement of some claimants' homes are extremely accurate, and most are within a mile. However, a few may be off by as much as a two miles. Still, census records ensure individuals are placed in the correct enumeration district. The addition of mapping witnesses' homes remains to be done at some future point.

Though the map is not completed, segments of the Broadbay and Buffalo townships were carefully researched for this paper. In these area's military records and claims commission records were used in an effort to determine the survival strategy taken by every conscriptable male in two neighborhoods. Further research is warranted as time did not allow every household in the entire county—let alone one township—to be linked to military records.

The creation of my composite map and geographic analysis could not have been attempted without the help of a few individuals. The project would have never gotten off the ground without the help of Richard Starbuck at the Moravian Archives. Mr. Starbuck, (who is a descendent of D.H. Starbuck) arranged for me to be given digital copies of Vogler's 1863 map for my work. I am indebted to the work of Maia Call, whose collaboration on the creation of this composite map was invaluable. As an undergraduate Geography Major at the University of North Carolina at Chapel Hill, Maia volunteered her time to help create the map. She provided far more than just data entry (though she did plenty of that) but also served as a sounding board, guinea pig, and adviser. In addition to providing the labor for mapping an entire enumeration district, Maia also helped me derive the best approach for determining who owned which piece of land. Without ever complaining she tried each of my ideas on how best to map Forsyth. She then pointed out the flaws and helped me refine the

process. Her understanding of GIS, historical geography, and her technical knowledge of the ArcGIS software were invaluable.

The use of GIS by historians remains a new field. Eventually, I hope to use my map for deeper spatial and statistical analysis, but more work remains before that is possible. Still, the data that my tentative mapping of Forysth provided for this paper, though anecdotal, provides important insight into the spatial characteristics of dissent. This first attempt at mapping a community in crisis demonstrates that historians should look closer at space when examining dissent.¹⁶³

¹⁶³ For a good example of a historian using space in new ways see Yael A. Sternhell, "Revolution in Motion: Human Mobility and the Transformation of the South, 1861-1865" (Ph.D., Princeton: Princeton University, 2008).

Appendix 2.

Determining Who Whites Voted For in 1876 (A Minimum Model)

There were no exit polls in 1876, therefore it is difficult to determine exactly how whites voted. However, an estimate of white support for Settle can still be made. To determine how whites voted, I first subtracted all black votes from the total vote (TV). Because of the Democratic stance on race, almost every black voter can be assumed to vote for Settle over Vance. While a few may have willingly or unwillingly voted for Democrats most would not have due to the democratic goal of black disenfranchisement.¹⁶⁴ To find the black vote for Settle (BV), I used the 1880 Census to determine an upper-bound for eligible non-white voters in a township. I used the 1880 Census for two reasons. First, the population of Forsyth was growing during the second half of the nineteenth century, so 1880 provides a number of eligible black voters that is probably larger than it would have been in 1876.¹⁶⁵ Second, the 1870 Census is prone to under enumeration, especially in the case of minorities.¹⁶⁶ Additionally, I assumed a 100% turn out of eligible black voters. Each of these assumptions makes the estimate of white support for Settle more conservative. The above assumptions result in an underestimation of white support for Settle. Hence the numbers I used for this thesis are a minimum instead of a likely.

¹⁶⁴ For a discussion on black votes for Democrats see W. Scott Poole, "Religion, Gender, and the Lost Cause in South Carolina's 1876 Governor's Race: 'Hampton or Hell!'," *The Journal of Southern History* 68, no. 3 (August 2002): 573-598 and; T.B. Tunnell, Jr., "The Negro, the Republican Party, and the Election of 1876 in Louisiana," *Louisiana History: The Journal of the Louisiana Historical Association* 7, no. 2 (Spring 1966): 101-116. However, I believe in Forsyth there was little support for Democrats among Black Voters as no reports exist of Black Democrats in the Forsyth Democratic papers, and one can only imagine their existence would have been publicized.

¹⁶⁵ Michael Shirley, *From Congregation Town to Industrial City: Culture and Social Change in a Southern Community* (New York: New York University Press, 1994), 201-202.

¹⁶⁶ Richard Reid, "The 1870 United States Census and Black Underenumeration: A Test Case from North Carolina," *Histoire Sociale / Social History* 28, no. 56 (November 1995): 487-500.

Once the estimated black vote is subtracted from the total votes for Settle (ST), we are left with a conservative estimate of white voter support for Settle ($SW=ST-BV$). This number represents the smallest number of whites who could have voted for Settle. While there is error in this estimate it demonstrates that Settle had a large number of white supporters in Forsyth County.

Gathering data for this project was quite simple. The results from each precinct or township are found in local papers.¹⁶⁷ To map the results, a combination of an 1898 and 1907 map were used to determine township boundaries in ArcGIS 9.3.¹⁶⁸

While a rudimentary and unsophisticated approach, this estimate does indicate wide but varied support among whites across Forsyth County. Additional models were also made which provide less conservative estimates. These estimates further support my claims (see tables below).

¹⁶⁷ Township level results for this entire section taken from “Official Vote of Forsyth County, 1876,” *Union Republican*, November 16, 1876.

¹⁶⁸ “Map of Forsyth County, North Carolina”; Miller, “Map of Forsyth County, N.C..”

Table #1: 1876 Election Results

Township	Settle (R)	Vance (D)	Total	Settle %	Vance %
<i>Winston</i>	294	389	683	43.05 %	56.95 %
<i>Kernersville</i>	118	138	256	46.09 %	53.91 %
Salem Chapel	121	71	192	63.02 %	36.98 %
<i>Old Richmond</i>	69	102	171	40.35 %	59.65 %
<i>Bellows Creek</i>	62	86	148	41.89 %	58.11 %
<i>Old Town</i>	72	125	197	36.55 %	63.45 %
<i>Vienna</i>	68	101	169	40.24 %	59.76 %
<i>Lewisville</i>	73	81	154	47.40 %	52.60 %
Bethania	134	105	239	56.07 %	43.93 %
Broadbay	120	70	190	63.16 %	36.84 %
South Fork	145	97	242	59.92 %	40.08 %
Middle Fork	145	57	202	71.78 %	28.22 %
Abbott's Creek	105	36	141	74.47 %	25.53 %
Total	1526	1458	2984	51.14 %	48.86 %

Source *Union Republican* and *People's Press*

Table #2: Eligible Voters in 1880 (Men Over 20) by Race

Township	Black	Mulatto	Non-White	White	Total	White %
Winston	321	59	380	492	872	56.42%
Kernersville	66	25	91	248	339	73.16%
Salem Chapel	103	2	105	421	526	80.04%
Old Richmond	43	2	45	195	240	81.25%
Bellows Creek	36	4	40	151	191	79.06%
Old Town	39	0	39	193	232	83.19%
Vienna		1	29	185	214	86.45%
Lewisville	35	5	40	152	192	79.17%
Bethania	61	4	65	257	322	79.81%
Broadbay	37	12	49	194	243	79.84%
South Fork	44	0	44	286	330	86.67%
Middle Fork	74	5	79	220	299	73.58%
Abbott's Creek	17	9	26	138	164	84.15%
Total	904	128	1032	3132	4164	75.22%

1880 Census

Table #3: White Support for Thomas Settle (100% Black Turnout Model)
The Absolute Smallest Amount of the White Vote Settle Could Receive

Township	Total Turnout	White Turnout	Min. White Votes for Settle	Min White % for Settle
<i>Winston</i>	78.33%	56.95%	86	0.00%
<i>Kernersville</i>	75.52%	64.45%	27	16.36%
<i>Salem Chapel</i>	36.50%	45.31%	16	18.39%
<i>Old Richmond</i>	71.25%	73.68%	24	19.05%
<i>Bellows Creek</i>	77.49%	72.97%	22	20.37%
<i>Old Town</i>	84.91%	80.20%	33	20.89%
<i>Vienna</i>	78.97%	82.84%	39	27.86%
<i>Lewisville</i>	80.21%	74.03%	33	28.95%
<i>Bethania</i>	74.22%	72.80%	69	39.66%
Broadbay	78.19%	74.21%	71	50.35%
South Fork	73.33%	81.82%	101	51.01%
Middle Fork	67.56%	60.89%	66	53.66%
Abbott's Creek	85.98%	81.56%	79	68.70%
<i>Total</i>	71.66%	68.30%	580	28.46%

Table #4: White Support For Settle Using Equal Turn out Model
A less conservative model assumes an equal turnout across races.

Township	Est. Votes Cast By Race		Est. White Support For Settle	
	White Votes	Black Votes	Total Votes	% of White Vote
<i>Winston</i>	385	298	4	0.00%
<i>Kernersville</i>	187	69	49	26.31%
Salem Chapel	154	38	83	53.80%
<i>Old Richmond</i>	139	32	37	26.59%
<i>Bellows Creek</i>	117	31	31	26.50%
<i>Old Town</i>	164	33	39	23.73%
<i>Vienna</i>	146	23	45	30.87%
<i>Lewisville</i>	122	32	41	33.56%
<i>Bethania</i>	191	48	86	44.96%
Broadbay	152	38	82	53.85%
South Fork	210	32	113	53.75%
Middle Fork	149	53	92	61.65%
Abbott's Creek	119	22	83	69.66%
Total	2234	750	775	34.71%

Winston had more black votes predicted in both models (380 & 298) than Settle Received (294).

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