

Until the autumn of

On the ~~15th~~ fifteenth day of November 1879,

every firm people in the ~~United States~~ had heard of Albion W. Bourgeois

~~One year afterwards he was known~~ He was known to the people of North Carolina as a hard-working

judge, a successful lawyer a daring innovator an independent <sup>political thinker</sup> ~~politician~~ and a fearless critic.

Beyond its borders he was widely known <sup>at all</sup> ~~at all~~ <sup>the time</sup> ~~the time~~ <sup>he was then</sup> ~~he was then~~ <sup>forty-one years of age</sup> ~~forty-one years of age~~. Though comparatively unknown

in Wilkesville, Adair County in 1858, the son his lips had been a busy and eventful one as a <sup>chief sketch</sup> ~~sketch~~ of a farmer of moderate means; fitted for col-

lege at a Western Reserve ~~Law Academy~~ <sup>Academy</sup>, situa-

ted at Kingsville, whether his father had recovered in his ninth year; a student of <sup>the University of</sup> Rochester, <sup>New York</sup>

by the outbreak of the war; Enlisting as a private in the 24th N.Y. Volunteers; <sup>in April 1861</sup> ~~in April 1861~~ <sup>in April 1861</sup>

wounded at the first battle of Bull Run; studying law <sup>producing with his class</sup> ~~producing with his class~~ <sup>admitted</sup> ~~admitted~~

~~admitted to the bar of Ohio in May 1862~~; ~~admitted to the bar of Ohio in May 1862~~ <sup>admitted to the bar of Ohio in May 1862</sup>

~~at giving the degree of A. B. with his class in the~~ <sup>at giving the degree of A. B. with his class in the</sup>

~~University a month afterwards re-entering the~~ <sup>University a month afterwards re-entering the</sup>

service as ~~1st~~ <sup>1st</sup> Lieutenant in the 105th O.I., in July 1862; Slightly wounded at Perryville, Ky.

like a silly parent and his others whom he hates and  
contemns and permits these special subjects of his fa-  
vor to oppress. I suppose it must be so because it al-  
ways has been so but that fact makes it none  
the plainer to endure."

Prime turned to the window with a sullen  
shrug as he concluded.

"I am a stranger," said the reverend gentlemen

"from the North-west - where we have little need to con-  
sider these things. ~~I of course, I have thought sometimes~~  
~~what an unpleasant thing it must be to be a~~  
colored man ~~before~~ <sup>before</sup> or a colored woman - which is  
worse yet. ~~Of course I know~~ <sup>know</sup> that the world - the civil-  
ized Christian world, was white; but I never thought  
before how hard it must be for a colored man to find  
a comfortable place in it or that one should ever  
imagine that Christianity was <sup>the</sup> white man's re-  
ligion. You must know, my friend that thousands of  
your race have died happy in the Christian faith."

"Oh it's easy enough ~~to~~ for a colored man to get ac-  
quainted enough to enable him to die happy" said Prime "but  
indeed it's about his only chance for happiness, if he is in  
a Christian land."

on the 8<sup>th</sup> of October 1862; captured at  
Newfleshboro, Texas, in Jan. 1863; a prisoner of  
war until May 1863; resigned on account  
of effects of former wound in 1864; re-  
~~moving to North Carolina in Jan. 1865~~  
North Carolina in June 1865, two weeks after  
the surrender of Johnston's army, at Greensboro  
Guilford County, where the surrender occurred,  
he engaged in business and the pursuit of  
his profession. This was his period of preparation.

Intensely interested in the political events of that  
the period immediately succeeding the war of re-  
bellion, he established and edited a newspaper at  
Greensboro, and in the Fall of 1867 was chosen  
as a delegate to the Constitutional Convention  
of the State. Here he at once showed his aptitude  
for legal and political speculation. Up to the close  
of the war, he had manifested scarcely any in-  
clination for political investigation or controversy.

"But you must ~~surely~~ <sup>extend</sup> give us credit for our en-  
deavors to ~~carry~~ <sup>extend</sup> the light of the Gospel to all men  
of men. Surely, Christianity is not to be blamed  
if it is not able to accomplish miracles." ~~Think of~~  
~~the noble men and women who have set us bounds to~~  
Christian charity."

"Have you ever tried justice?" asked Prime,

"Of course there has been a great deal of injustice  
but in these days there is no bound to Christian  
charity."

"It is useless to try to lift one up by a throat  
and at the same time knock him down with  
a club."

"But Christianity is a religion of love?  
we can only persuade men to do right; we  
cannot compel them."

"Precisely" said Prime "it can only persuade  
the white man; but feel no hesitation at com-  
pelling the colored man. What the colored ~~people~~  
need is a religion that will compel all men  
to do justice to all other men - ~~black~~ <sup>and</sup> white,  
weak and strong alike!"

"That is what Christianity seeks to do."

In college his bias had been toward literature. Logic and criticism were his favorite studies, though his range of reading outside the curriculum was much more important. From his early boyhood he had been an voracious reader. History he read with an avidity equalled only by ~~the~~ a curious instinct which compelled him to revolt when he found the characters of the great ~~one~~ out of harmony with the glimpses that it gave of surroundings and motives. "I was not," he says, "a critical reader; that is, I did not and hope I never may, read an author for the sake of finding his blunders or admiring his excellencies. Randomly becoming interested in a person or epoch I read all that was accessible upon the subject and took the mental picture that instinctively formed itself in my mind as my ideal of its history."

altogether careless of its ~~origin~~ the source  
of my impressions. In this way I came  
very early to regard individuals as in  
most cases, the resultants of popular  
conditions and I became impatient of  
those narratives of mere events, which  
did not trace their causes." Fiction and  
poetry came afterwards and in his college course  
we find him making a systematic study of the  
pre-Shakespearean English poetry and the  
conditions of English life and thought in Shakes-  
peare's time. About the same time, he read in  
the original the ponderous tomes of a French writer  
upon the reflex influence of laws upon popular thought  
and popular thought upon laws.

These two things give a key to ~~the~~ curiously  
complicated mental development of a man who  
carried the *De Natura Deorum*, in his hip-pocket when he

went to war and being confined temporarily  
in the library of a refugee unionist took from the  
volumes the volumes of the enemy had seized  
about the floor a small Spanish dictionary and  
a copy of Quixote, ~~which he read in prison~~ <sup>with</sup>  
~~a mind~~ "As a lawyer, he has," said one who has  
~~known~~ himself a national reputation in the profes-  
sion and who was long and intimately acquainted  
with his professional characteristics, "a singular power  
of instant and accurate analysis, which seems  
to inform him almost intuitively of what is the law,  
what it has been, and why it ~~is~~ was modified."

With a mind thus ~~was~~ peculiarly equipped, the  
young soldier plunged into the vortex of reconstruc-  
tionary thought, and legislation and jurisprudence.  
~~From~~ It does not appear that he had made  
constitutional law a special study but he showed  
a remarkable aptitude in adapting means to  
ends and engraving new ideas and new  
methods upon the severed stock of an  
overthrown civilization. Though one of the  
youngest and least known members of

the Constitution and when its work was  
ended it bore so unmistakably the stamp  
of his mind that it is even yet frequently  
referred to as "Tourge's Constitution". He was  
the author of the judicial system of the state  
which was said by Judge Shrewsbury  
to be "unparalleled for simplicity, certainty  
and effectiveness ~~to be found~~ in any  
state of the Union." Before the ~~completion~~  
work of the Convention was over, ~~his~~  
his fitness for such work became so  
apparent that he was <sup>named</sup> ~~chosen~~ one of  
the three commissioners to ~~be~~ chosen to  
prepare a "Code of procedure" ~~for~~ for the state  
and to revise the laws so as to adapt  
them to the new conditions made necessary  
by the emancipation of the slave and



his enfranchisement as a citizen.

In the Spring of 1868 he was ~~chosen~~ elected Judge of the Superior Court for the seventh judicial district embracing eight of the most populous and flourishing counties of the state, lying between Raleigh and Greensboro. As a judge he was prompt, fearless and impartial with a peculiar faculty for the despatch of business and untiring assiduity. Added to the double task of framing and administering <sup>the</sup> laws, was the difficulties attaching to his position. He was barely 30 years old when he took the oath of office. The bar of his district was an exceptionally strong one ~~and~~ embracing a large proportion of the leading practitioners and politicians of the state. The greater proportion of these were bitterly opposed to him politically as well as antipathetic to him on account of his Northern birth and breeding. The crime of being a

young man intensified this feeling and the fact that he had by his own personal exertions overthrown the judicial system of the state and established another in its place gave them also a professional animosity against him.

The courts were numerously in arrears no civil cases having been tried since the ~~secession~~ act of secession in 1861 and <sup>all</sup> in ~~each~~ of the counties the cases were numbered by hundreds, in some of them there were more than a thousand awaiting trial. Only a constitution of iron and a brain of steel could have performed the work which he ~~did~~ did as Judge, Codifier, politician and controversialist during the next six years.

This was made all the more difficult - by the fact that he suffered constantly from ~~wound~~ wounds received in the military service and once was compelled to undergo a severe and painful operation on account of three bullets being several times protruded by them. Yet he worked on apparently and no doubt actually unconscious that he was performing a herculean task. The hostility of the bar was overcome except in a few instances and the animosity which his candor and fearlessness as a political leader engendered was counterbalanced by personal liking and individual admiration. While a man of few

heavily warm attachment for those whom he esteemed, he was entirely indifferent to hostility directed against him on account of his political opinions. While, therefore, he had very warm personal friends, he was one of the most bitterly hated and perhaps the most widely dreaded of the Republicans of the South during the period of Reconstruction.

~~Almost simultaneously~~  
~~Both the close of his judicial term, in 1875, and another Constitutional Convention called for the express purpose~~

During his term upon the Bench that enormous, epidemic of political violence and assassination, known by the generic name of the Ku-Klux-Klan, though there were several, distinct fraternal societies under as a half-dozen names & engaged in it, prevailed. It was

X - That these facts are infinitely more important than the curiously insignificant array of figures the census has heretofore provided for mere visionaries to juggle with. The cure for dangerous tendencies or whimsical doctrine is accurate knowledge and accessible facts.

organized in his district in August  
1868, one month after he had qualified  
as judge and before he had held a court  
or ~~delivered a decision~~ decided a case.  
For five years, until it was finally broken  
up in 1873, there was unrelenting warfare  
between the young "carpet-bag" judge and the  
organized forces of the Klan. The outrages  
committed in his district were num-  
bered by hundreds, a reign of terror  
prevailed, which no language can convey  
any adequate idea. How he managed to  
escape assassination <sup>was</sup> a mystery alike  
to friends and foes. He did not even  
flinch; ~~but~~ travelled his district without  
attendance; defied all threats; would  
heed no warnings and never failed

to denounce the Ku Klux and their crimes  
to the Grand Juries of the several counties.

Almost simultaneous with the close of  
his term came another Constitutional Con-  
vention called by the Democratic party  
which had obtained control of the state  
by means of the terrorism produced by  
the Ku Klux, for the express purpose of  
reestablishing the old order of things, es-  
pecially the old system of courts and  
county government. Judge Sawyer was a-  
gain a member and though his party was  
in the minority it was found impossible  
for the majority to accomplish their pur-  
pose except in regard to making the county  
officers appointees rather than election and  
this was done by indirection. He resumed

the practice of the law and was appointed  
by Gen President Grant, Pension Agent  
at Raleigh, which position he held until  
1877. He continued in the practice of  
his profession until <sup>the Fall</sup> 1888-1879 when  
events occurred which changed the entire  
<sup>current</sup> ~~course~~ of his life.

On the 15th of November 1879, a  
<sup>appeared</sup> work entitled "A Fool's Errand by One of the Fools,"  
unique in diction, style and matter. Its suc-  
cess was instant and overwhelming. Its subject  
was the relation of various types of American  
life to the ideas and incidents of the recon-  
structionary epoch. Its characters were  
simple and lifelike, its incidents graphic  
and realistic; its analysis keen and  
unvarnished, and its satire so deft



and merciless, that every reader, no matter  
what his political affiliations <sup>was sure to feel its touch</sup> felt, at some period  
during its perusal. The work showed the hand  
of a master thoroughly equipped for the task  
he had undertaken. ~~It has been regarded~~  
It has usually been re-  
garded as a political novel and so indeed it  
is but in a much broader sense than  
that term is usually held to imply. It was  
concerned not so much with the support  
of any specific political ideas, as in tracing  
the relations and effects of general social  
and political conditions upon <sup>contrasted</sup> different  
characters ~~as found to occupying~~. The sale of  
the work was immense and its influence  
upon the thought of that time intense. It  
took so rank at once as a classic and  
has been translated into several lan-

eight languages, & so competent an authority as Mr Chas. A. Dana in the *Encyclopedia Americana* ascribed the success of the Republican party in 1880, to its influence, and Gen. Garfield in a letter to the author written immediately after his election attributed his elevation to the same cause. It was as a novel, however, rather than as a political tract that it exerted its chief influence on the author's life. From that time he devoted his attention to literature.

This sudden metamorphosis of the lawyer legislator and ~~the~~ jurist into a novelist and man of letters has seemed to many somewhat surprising — all the more perhaps because while <sup>continuing to be</sup> ~~substantially~~ intensely interested in political affairs, he has made no effort

to secure what are known as political re=  
ward, ~~for~~ or become what is known  
as an active politician, as his previous  
life would seem naturally to incline  
him to do. ~~The~~ A better knowledge of his  
character and preparations explains the seem=  
ing anomaly. While almost ~~as~~ unknown as  
<sup>cup author</sup> ~~a worker~~ when at forty one years of age  
he sprung suddenly into exceptional promi=  
nence he had been an industrious and  
frequent ~~as~~ writer for twenty years. Stories  
poems and sketches had ~~been~~ ~~and~~ appeared  
in various periodicals, under various  
pseudonyms during all that time, some of  
which he has rescued from oblivion  
by acknowledgement but by far the  
greater number he has persistently refused  
to claim. His reason for this is his own

belief in their lack of merit but the  
character of those ~~was known to be~~  
~~his thought~~ favored with his negotia-  
tion does not justify this conclusion. Among  
them ~~was~~ is "Lionel" "A Royal Gentleman" first  
~~pub~~ published under the name of "Foinette"  
in 1874 under the pseudonym "Henry Hurston".

Contemporary with "A Fool's Errand" appeared  
"Figs and Thistles" a story of the western Recess  
of Ohio, in the period immediately preceding  
the war of Rebellion and carrying its charac-  
ters through into the tumult life that followed.

It has been supposed that one of its characters  
was intended as a ~~parody~~ picture of  
Gen. Samfield: but as a fact, such was not  
the case. While ~~it~~ some of its incidents  
are closely paralleled by those of Gen.

Garfield life, the character was never in-  
tended to be in any degree, modeled upon  
his. ~~so~~ So evident was this to the author  
that he was ~~was~~ amazed to find people trace-  
ing resemblances between characters so utterly  
antagonistic as those of Gen. Garfield and  
Markham Chubb. The truth is that both  
were ~~typ~~ examples of the same type and  
readers have been inclined to regard the  
characteristics of the type rather than the pecu-  
liarities of the individuals. ~~This work~~

These works were followed in 1880 by  
"Bricks without Straws," which had really been  
written some years before but was re-  
written from memory the manuscript  
having been lost in the <sup>Spring and Summer of</sup> ~~Spring of~~  
1887.

In 1882 appeared John Cox, a volume containing two short stories also written previous to 1879. In 1883 came "Hot Plowshares." These five volumes were written ~~with~~ in fulfillment of a design conceived and ~~largely elaborated~~ in 1867, to portray the effect of dominant political ideas leading up to and, <sup>immediately</sup> resulting from the war of Rebellion, upon the different types subjected to their influence. In this series the last of these volumes comes first in point of time. "Hot Plowshares" is a study of the effect of anti-slavery ideas ~~the~~ chiefly upon Northern thought, though ~~southern~~ since very striking phases of Southern thought are ~~so~~ finely contrasted with them.

This ~~work~~ delineates the growth of that idea in the northern mind, from which ~~resulted~~ resulted in large measure the conditions which shaped the characters of the next in the series, "Figs and Thistles". These were <sup>all</sup> "northern type" types. In the next volume, the scene shifts to the South and we see the ~~def~~ / shaping force of slavery preparing the types of that region for the struggle which was impending. What "Hot Plowshares" and "Figs and Thistles" are to <sup>the North</sup> ~~is~~ to Northern <sup>thought and life</sup> ~~characters~~, then each ~~is~~ is "A Royal Gentleman", to Southern sentiment, during the epoch just preceding the war. In both cases, the contrasted lives tell their own stories. There is little argumentation. One sees the growth of public sentiment at the North towards liberty such as a result of stated premises and fixed

conclusions, but as a result of universal con-  
ditions and almost indefinable tendencies. So  
at the South we see Slavery as an almost uncon-  
scious factor in every life, shaping a people for  
the great conflict. In "A Fool's Errand," the ~~conf~~  
struggle which the others had considered in its  
causes, is weighed and measured in its  
consequences. Its purpose is to show ~~how the~~  
~~with~~ the effects of the mighty upheaval, upon  
the types the two civilizations had previously  
shaped and fitted for the ~~conflict~~ <sup>crucial strife</sup> in  
which not only nationality but the tenor of future  
civilization depended. In "Bricks without Slaves"  
this contrast is continued and especially  
extended to the colored man in his rein-  
forced capacity of a freeman and a self-  
~~governing factor~~ an automatic factor of a  
new civilization. John Jay and Hamilton