Biographical Sketch
copied from
"Biographical History of
N.C. ---- " Vol IX

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY 20

Albon Winegar Jaquith was born in Williamsfield Ashtabula Co. Ohio May 2, 1838. He was the son of Valentine Louisa Winegar Jaquith. His boyhood was spent on his father's farm until about 1846 when the family removed to Kingsville, O. where he entered the Academy. He matriculated at the University of Rochester in 1859, enlisted as a private in the 27th N.Y.V. in April 1861 and was seriously wounded at Bull Run. In consequence of his wound he was discharged from the Army and re-entered Rochester, where he was graduated with the degree of A.B. in 1862. In the fall of 1862 he enlisted in the 105th O.V.I. Soon after he was promoted to a lieutenancy. At Perryville Ky. he was slightly wounded, was captured at Murfreesboro Tenn in Jan. 1863. He was a prisoner for several months at Atlanta, Macon, Salisbury, Libby, when exchanged. He was married May

(2)

May 14th, 1863 to Emma L. Kilbourne of Conneaut Ohio. On account of wounds he quit the service in 1864 In 1865, however, he was appointed major of a negro regiment, and was on the way to join his command when the war closed. He located in Greensboro N.C., in 1865, where he published The Union Register 1866-7. He was a delegate to the loyalist convention in Phil. in 1866, and represented Guilford Co. in the Constitutional conventions of 1868 & 1875. He was superior Court Judge of the 7th Judicial Dist. from 1868 to 1875. After his term of Judge expired, he removed to Raleigh and was Pension Agt there until 1880. In 1881, he took up his residence in New York and began the publication of The Continent, a magazine. The next year, however, he moved it to Philadelphia, where, after lingering for 3 years longer, it expired. Sub

sequently he made his home in Mayville, N.Y. and while there became Prof of Legal Ethics in the Buffalo Law School. He had the degree of LL.D. conferred upon him by Rochester in 1880 and by Copenhagen in 1883. In 1897 he was made Consul at Bordeau and died at that place, May 21st, 1905.—

This epitome of the life of a remarkable man is to be found in the current biographical dictionaries. For a work like this it is only a section of his life that can have any importance that passed in N.C. It is the carpetbagger, the politician, the lawyer, the judge only, who has any part in N.C. history. A list of his works will be found at the end of this sketch

Immediately after the war the white men of N.C. hoped to establish the industrial and material prosperity of the State with the aid of northern capital and northern immigrants. There were

very, very many waste places to build up. Among themselves there was little capital. Their young men could work and wanted to work. Among them there was indeed a cheerful if not joyous acceptance of any work, however rough, however discordant with their antecedents. Each new immigrant there, who came with money, was bringing to them new and better opportunities, and he was welcomed, if not with warmth, certainly with hospitality. But this newcomer must remember, and must respect the prejudices of the people among whom he located. You there were/are believed that since Man no human legislation could bring about a State of equality between the white & black races. This belief was more than a prejudice, it was a passion. It was more than a theory; it was

CHAUTAUQUA COUNTY HISTORICAL SOCIETY 2013

a creed, their faith in which was as strong as their confidence in Holy Writ. He, this new comer from the North must not advocate equal suffrage for the Negro. He must not use that suffrage as a means to advance his own political fortunes. He might be considerate and kind to the Negro, but he must not meet him on a social plane different from that with which they met him. He might establish schools and churches for him, but he must not worship with him, nor provide teachers for the former who taught and practiced social equality. It was not that the Negro was taught, but what was taught him that provoked the whites.

Mr Louigée was a young man when he took up his residence among us — only 27 years of age. In his veins flowed the blood of the Canadian

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY 2013

(6)

Bayaguer and the New England Puritan. To the former, he owed the vividness of his imagination and the force and energy of his language, to the latter his indomitableness and calm, cautious courage. Something indeed of the sternness of the Puritan may have remained a part of his character, but nothing of his fanaticism and little of his faith. When he located in Greensboro, he had no delusions about the negro. He appreciated his condition and had some idea of his limitations. He had an intellectual apprehension too, of the intense social antipathy of the whites for the negroes, but had no sympathy for it. To him, it was a pitiful weakness and not a divine instinct. He seemed to have the Latin toleration for miscegenation. Perhaps this was an inheritance from a French-Canadian ancestry, perhaps a theory which he would have repudiated in pro-

CHATTAUGA COUNTY NY HISTORICAL SOCIETY

tice. For this he afterwards classed himself "among the fools," "those who hoped in some inscrutable way the laws of human nature should be suspended, or that the state of affairs at first presenting itself would be but temporary;" and in so doing this he admitted that he was not a martyr and claimed he was not a self-seeker.

He was a man of real culture ability, having a definite and clear policy, and being determined to pursue that policy regardless of consequences. He was not an enthusiast there was no enthusiasm in his nature but he was calculatingly ambitious and perfectly willing to use the means which the Government of Congress had provided him with to advance his own personal interests. He knew things and men, but it was a knowledge of the brain, and not that deeper knowledge of the heart. He was one of

CHAUTAUQUA COUNTY HISTORICAL SOCIETY 2013

observing the springs of human action but wholly without sympathy and with only ill-concealed contempt. So he had no personal magnetism, and without this no one, it makes no difference how great his mental endowments & equipment may have been, was ever a man of commanding force.

What wonder, then, that such a man, with different antecedents, different ideals, different ambitions and looking at questions from a diametrically opposite point of view, should soon become the worst hated of the foes of the white man?

His first public service in the State was as member of the Constitutional Convention of 1868. A man so ambitious so able, so cultured, could not fail to use an opportunity like this to leave his impress upon the fundamental law of the State. He was largely influential in securing:

Equal civil and political rights

to the negroes!

2. Abolition of all property qualifications

3. — Election by the people of all officers

4. — Penal reform — the abolition of the whipping post, stocks and branding

5. — Uniform and ad-valorem taxation.

6. — Provisions for an ~~active~~ effective public school system.

7. — Judicial reform resulting in the Code of Civil Procedure.

His persistence, in season and out of season, in advocating the first of these objects, has made the people forget, to a great degree, his real service to them in securing the last six. As a matter of fact, few men have lived in the State who have conferred upon it such lasting good as did A. W. Tourgée; yet he was a partisan leader of a motley horde, not many of whom were blessed with any sense of common decency or common honesty! On all

party questions affecting the relations of the races, he would scrouble voted with these people. He was willing to put a negro officer over a white militia company. He was willing to regiment white and negro companies together. He was willing to have mixed schools. In short as between the negro and the white man the scales should stand balanced exactly.

One can scarcely imagine, now, the virulent bitterness with which the vast majority of the best people of the State regarded the completed work of this Convention. It did indeed force upon them burdens grievous to be borne, the greatest of which was unlimited negro suffrage. They would try to work, however and struggle to defeat it at the polls. With an emasculated white electorate, though, they could do nothing against the forced negroes and their white allies. In the

gubernatorial campaign of that year (1868) nearly all the best and purest and ablest men in the State, regardless of former party affiliations took part in behalf of Mr Thomas C. Ashe and against Mr W. W. Holden. — but in vain. —

In that election Mr Tourgée was elected judge of the seventh judicial district. He came to the bench absolutely devoid of legal experience or legal training. He came to ~~the~~ it, too, with that old idea of his that the white people of the State, like an unbroken colt, must be watched and guided and controlled, lest they should kick out of traces and refuse longer to obey the bit. The truth is that, though very sore over recent events, they would soon have been content with him as judge, had he respected their traditions, realized that reforms were things of slow growth and could not be forced, and that arbitrary attempts on his part to secure the rights of the negro would

only convince them that he could never be an impartial judge for the whites. Leaders of this, Sanders, at his first court he sent for the Chairman of the Board of County Commissioners and asked if there had been any negro jurors drawn for that term. He was told that there were not, but simply because there were none in the county list for the purpose. Judge Tourgee reprimanded him sharply from the bench, directed that the old list should be destroyed, and forced him in the presence of the court to draw other names from the box until he had secured enough negroes to satisfy his own sense of justice, and then proceeded to try cases both a jury thus selected by himself. This was heard over the district, and the white people knew, or thought they knew, what they had to expect from such a judge. Besides, he offended against their traditions and their sense of propriety by taking part in political meetings, riding in political processions

and adjourning Court to attend political
convention. Once, in Orange County, he left
the Court on Tuesday to attend a convention,
but refused to discharge the Grand Jury.
That Body at the suggestion of Josiah Turner
presented him for Neglect of duty. The pre-
sentment, in Mr Turner's handwriting and
characteristic style, lay in the Court House
at Hillsboro for many years, but has since
disappeared. The result of all this was that
the white people at large regarded Judge
Tourgée with intense disgust and bitterness.
He was not their judge, but an alien
placed over them by their conquerors. He
was a partisan on the bench, using
his opportunities to protect his own followers
and to punish his political foes. Of course,
much must be allowed to the virulence
of party feeling at the time, which was exceed-
ingly bitter; Still, making all due allow-
ances for this, the defects of his temperament,
his character and his training were such as

To make him fall short of being a just and upright judge.

As Lord said, when first made judge he knew little law and little of court procedure, He was, however, an able, ambitious indomitable man, & he set to work to make himself a good lawyer. His habit was, as soon as he reached a town where he was to hold court, to require the Clerk to attend upon him, with copies of the pleadings in each of the causes which were to be tried. A strong grasp powers of concentration and remarkable quickness of intellect, he threw aside himself familiar with the points at issue in each case before he entered the Court House & he in consequence soon made himself an efficient judge in cases in which there was nothing in the subject matter of the parties to arouse his prejudice. He could never have been more, for at his time during his stay in the State, was he a thoroughly conscientious man, and it makes no difference

how brilliant a man may be, he can never make a just and upright judge with conscientious views looking.

Twice was Judge Tourgee's life in serious danger from the Ku Klux. It must be remembered that that organization was in itself a government, having its own laws, by which its members were bound. Those laws prevented, or were intended to prevent, all hasty action. No punishment was ever inflicted by the order itself without calm, cautious, deliberate consideration by the oldest and wisest members of the body, particularly in cases of life and death. The great evil of such an organization, even when it may be a necessary evil, is that, however cautious it may be, it must exclude from its membership many hot headed, unruly, whiskey-loved young men. His element, being more active, more energetic, more determined, and more malignant than the older, more sober and more cautious members, sometimes in disregard of their own law

took matters into their own hands, and in the garb of the order, whipped or wounded those whom they had little satisfaction. In Orange County for instance, only two men were executed under the orders of the Klan, the Dorn-burgers in Bingham township. Two were shot, wounded, one living, and quite whipped by those who had erupted from the Klan. In the order they there was this continual struggle between the hot heads and the more cautious and intelligent leaders.

A company of young men, members of the Klan which is tradition has agreed among themselves to meet Judge Dougee on his way from Pittsboro to Hillsboro, and just south of the latter place to put him to death, without saying anything to the chiefs of the Klan. Of them number was a bar keeper in Hillsboro. He, while under the influence of liquor divulged the plan to a young man from Chapel Hill on the afternoon before the night in which it was to be executed. That young man on his way home stopped at the house of a woman named Clark, who had

herself been disciplined by the Ku Klux for being too intimate with negroes, and said enough to let her know the fate of Judge Tourgée should he proceed to Hillsboro that night. She left immediately and took her stand near the Chapel Hill road to intercept the Judge. She had not long to wait before he made his appearance. She stopped him, told him of her suspicions and fears and induced him to avoid Hillsboro and go to Graham. Thus his life in all probability was saved. This incident he afterwards idealized in his "Fool's Errand" — converting the woman Clark, into a beautiful young lady.

At a period subsequent to this and about the time of the execution of John W. Stephens, the Klan itself seriously considered the necessity for the removal of Judge Tourgée. The death sentence was about to be passed upon him when an influential leader of the Klan — coming late appeared. As soon as he was informed of the state of affairs he interfered, and after much persuasion succeeded in having the decree reversed. After this, the carpetbag judge's life

was as safe as any other man's.

It is said in Greensboro that Judge Tourgée was exceedingly anxious that the attorneys for Kirk's prisoners should lose application for a writ of habeas corpus; that he was prepared not only to issue it, but to see it was executed.

"Yet" says he, in "The Fool's Errand," it was a magnificent sentiment that underlay it all — an unfaltering determination, an indomitable defiance to do that had the seeming of compulsion or tyranny. One cannot but regard with pride and sympathy the indomitable men who, being conquered in war, yet resisted every effort of the conqueror to change their laws, their customs, or even the personnel of their ruling class; and this too, not only with unyielding stubbornness, but with success. ×××××

It must be counted to us as the desperate effort of a proud, brave, and determined people to secure and hold what they deemed to be their rights."

CHAUTAUQUA COUNTY HISTORICAL SOCIETY 2013

He knew his life was seriously threatened all during the Ku Klux era, yet with a calm cool, serene courage he went about his work and that too among a people, not one of whom would lose a tear at his untimely taking off, many of whom would welcome it as a positive blessing.

At the end of his term Jan. 1st. 1875. he quit the office of judge an excellent lawyer and later practiced in Greensboro & Raleigh with some success. He was in the Convention of 1875. still a partisan and the leader of the Republican forces. There he was simply an obstructionist and did nothing positive. In a general way, it may be said he uniformly opposed every alteration of the Constitution proposed by any member.

In 1878. his "Code with Notes & Decisions." came from the press and in the following years. his "Digest of Cited Cases." Each of these was in its sphere, an exceedingly valuable contribution to the legal literature

of the State, though both have been superseded by more modern works. In his preface to the Code, he with fine taste & excellent judgment ignores his own prominent part in the adoption of that system & says simply:

"That there are evils attending the abandonment of the old system and the adoption of the new, no one can doubt. That the circumstances under which it was adopted in this State have placed it under the disadvantage of prejudice from the outset, every one will admit. It must also, I think, be admitted that even under this great disadvantage, it has secured a permanent foothold not to be disturbed by legislation or construction."—

It was in 1879 that he attained a world-wide reputation by the publication of his novel "A Fool's Errand." It was published anonymously and created immediately so great a sensation that the author's identity was with long concealed. At the present time it is out of fashion, but the writer is inclined to rate it as the second best of the political novels which have been published in this country. He believes that there will ere long be such a revival of interest in it, that it will

not be permitted to die.

In 1880 George Tourgée gave the public of N.C. a taste of his quality as a political satirist in the "F" letters. By universal consent it is admitted that for keen and polished satire, these letters were inimitable. He left the State soon after and here we must part with him, too, pausing only to quote David Nelson at the grave of "the Fool" as a fair estimate of his own character.

"He was a good man according to my notion and an earnest one; but — Somehow it seemed as if his ideas wasn't calkilated for this meridian." —

Biographical Sketch — in

Biographical History of N.C.

from Colonial Times to the Present. —

Vol. IV.

CHAUTAUQUA COUNTY HISTORICAL SOCIETY 2013

Copy Biographical Sketch

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY 2013

Mr. Chas Van Noppen. Publisher.

Dear Sir: I am in receipt of Vol. IV of the Biographical History of N.C.

It is greatly to be regretted that the sketch of Judge Tourgee was not submitted to some one who knew the facts of his life, - that is, - if this sketch is to be taken as historical - not mere fiction; - for it ~~is full~~ abounds in most absurd errors. -

In the first place, his ancestry is given, - "as Canadian Voyageur & Puritan", when in fact the Tourgees were Huguenots, who left France in 1685 ~~after~~ upon the Revocation of the Edict of Nantes, - going first to the Island of Guernsey in the English Channel and from there coming to America and settling in Rhode Island (See Bird's History of "the Huguenots in America". - Ah no [illegible] Canada.

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY 2013

or were there any (2) intermarriages with the Canadian Voyageur.
In the hundreds of biographical notices in dictionaries, encyclopedias, etc. did I ever see his ancestry given as "Canadian Voyageur & Puritan".

On the mother's side — the Winegar. — Judge Tourgée was sixth remove from Ulrich Winegar, born in Switzerland and emigrating to America in 1710 with the Colony of the Palatines under the fostering care of Anne Queen of England. — (See Genealogy of the Winegar Family in the Long Island Historical Society) — settling on the Hudson River, in the now county of Columbia, State of N.Y. — His great grandfather, John Winegar, lived, died and was buried in Lee, Berkshire Co. Mass. — His grandfather, Jacob Winegar was born, lived, died and was also buried there. — There is a remote strain of Puritan blood, through intermarriages in the ~~coming~~ through Edward Winegar family [illegible] the Mayflower

The deductions drawn, therefore, that he had the Latin

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY 2013

~~through intermarriages in the Winegar family~~. — but not enough to over-power the two other sturdy stocks from which ~~he~~ Judge Tourgee sprung.

I note these two fundamental errors. — There are so many minor ones, — that in no sense could this sketch be called biographical, or historical. It is a great pity when history is written and put out as true it should be so untrue. — If this sketch of Judge Tourgée is a sample of the ~~verity~~ accuracy of the lives depicted in these volumes, they can have but little value for the present or future generations who may scan their pages for facts.

It is very evident to my mind that the author of this sketch never met Judge Tourgée. If he had he could never have put forth as true the estimate of his character as given in the last paragraph of page 442 continuing on pp. 443. — as one ~~with~~ ~~[illegible]~~

"not an enthusiast," "calculatingly ambitious" without "that deeper knowledge of the heart," — and "no personal magnetism." — Ask any one, if any such there be alive, who listened spellbound and breathless to his masterly eulogy of Gov. Graham in the Convention Hall in 1875, — who had just died, as a member of that body, — if this estimate is a true one. I could name many other instances, — but this one will suffice.

The incident in the last paragraph of pp. 446, is another senseless absurdity. It never occurred. The woman Clark is, as far as Judge Tourgee is concerned, a myth. — I, who knew every incident and possible happening in my husband's life during these troublous times, can vouch for this as wholly untrue. —

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY 2013

To be warned that his life was in danger, if he pursued followed a certain course, - was to make him more than ever determined not to deviate in the slightest degree from the way he had planned. & That there were many plots and counter plots to murder him as they did Stephens, we knew very well, - but this knowledge gave him no concern, except to be always prepared and the determination that if he was slain he would not alone pass the bourn.

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY 2013

In summing up my opinion of this "biographical history" of my husband it is as follows:

It is a poor, weak senseless attempt to portray the character of a man — who the author confesses ~~to have~~ that "few men have lived in the State who have conferred upon it such lasting good" — as he, — abounding in errors and contradictions. — and unworthy a place as history in any volume.

I knew my husband, — from the most intimate association with him for nearly 50 years, whose heart and mind was to me an open book, the pages of which were always spread ready for my perusal, — and I can most truthfully say, that underlying all his matchless characteristics was his idea of Justice. — Justice to all men, — no matter what

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY 2013

their color or previous condition because they were men. He could not be "calculatingly ambitious." — His character is well epitomized by the legend on the monument erected to his memory

"Count me then
As one who loves his fellow men". —

I think the time may come when N.C. would gladly expunge this so called biographical ~~sketch~~ history, — from its records. — for his memory will live — not die, — and grow brighter as the years go on. —

Respectfully
Emma K. Tougée

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY 20

It was not for the record man alone he labored and fought unceasingly - but for the white race also. He believed with all his heart and soul.

"That Law of Changeless Justice binds
Oppressor with Oppressed -
And close as Sin and Suffering joined
We march to fate abreast."

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY 2013

P.S.

I note in the sketch of John Walker Stephens on p.p. 420 – the author in commenting on his murder by the Ku Klux Klan. – says. – "Who they were no one, unless some of their number are still living, knows." –

Among Judge Tourgee's papers I find the names of all those who were engaged in this dastardly, cowardly murder, – legally sworn to and attested also a full description of the manner in which this outrage was committed.

In my husband's biography which I am now preparing. I propose to have this paper photographed and insert to the everlasting disgrace of Caswell County, that in a sup=

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY 2012

Sparsely civilized community in the latter half of the nineteenth Century such a crime should be committed. — E. K. T. —

CHAUTAUQUA COUNTY NY HISTORICAL SOCIETY 2013