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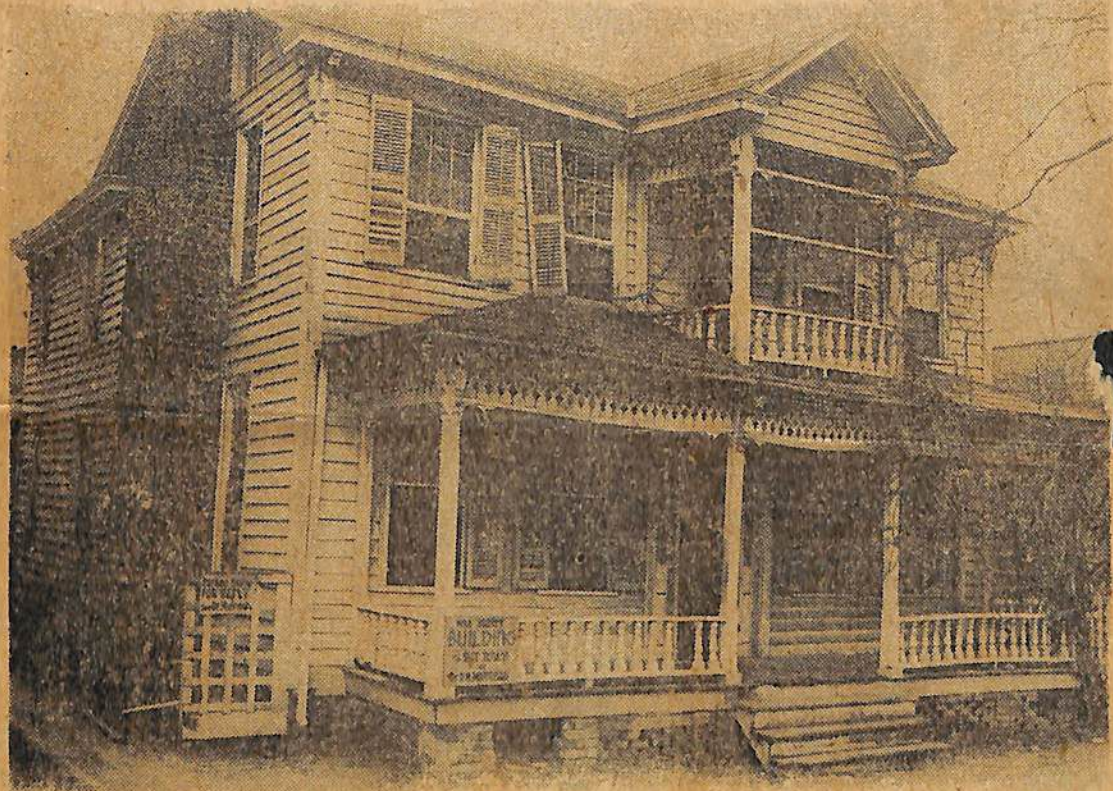
# Early Settlement Cotton

SECOND  
SECTION

## The Shelby Daily

TELEPHONE 5291

CLEVELAND COUNTY'S NEWSPAPER SINCE 1894



**OLD DURHAM HOME**—Above is the old home of Plato Durham, Confederate captain, conservative legislator, and Cleveland county leader

in the dark days of crisis under reconstruction from 1866 to 1875. (Photo by Willis.)

# In Cleveland County's Early Days

By MAMIE JONES

Knoxville, Tenn., reading law under his uncle, John Baxter. When

See LIFE Page 12

Plato Durham 1840-1875. Soldier, Lawyer, Statesman.

Son of Micajah Durham and Esther McDowell Baxter.

"Three things if possessed by a man entitles him to be called Chief of kindred:

"That he speak on behalf of his kin and be listened to;

"That he fight on behalf of his kin and be feared;

"That he offer himself as a pledge for his kin and be accepted."—(A Welsh Traid).

The above is the inscription on a bronze tablet on the Durham monument in the family plot in Sunset cemetery.

A study of Captain Plato Durham's military services in the Southern Confederacy; his labors in the Legislature of 1866; in the so-called Constitutional Convention of 1868, where he was leader of the Conservatives; his constructive work in the Legislatures of 1868-69, that corrupt, profligate Legislature made up chiefly of carpet-baggers, Negroes and scalawags; his efforts to protect the rights of the citizens of the State against the Reconstruction despotters of North Carolina's social, cultural and political institutions; his ery great services to the distraught citizens of Shelby and Cleveland County, particularly as relating to individuals in trouble because of alleged Ku Klux Klan activities; including (as many believe) deliberate, definite sacrifice of what might otherwise have been a brilliant political future, show conclusively that he did speak on behalf of his kin and was listened to. So much so that, among the Conservatives (Democrats), he was acclaimed throughout the State as "The Voice of His People." That he did fight on behalf of his kin and was feared. That he did offer himself as a pledge for his kin and was accepted. I do not use the word "kin" in the sense of those who might be connected with him by blood or marriage.

As a soldier and statesman his kin were the people of the Confederacy, fellow North Carolinians, and fellow Cleveland and Rutherford counties. During the last eight years of his brief life — he was only 35 when he died — he was definitely one of the most interesting, picturesque, and intense figures in public life in North Carolina; and at all times he bore himself with exemplary manhood.

## THE DURHAM MARKER

The house pictured above was the residence of Capt. Durham at the time of his death from pneumonia on November 9, 1875, and stood on what is now a parking lot just below the Masonic building on South Washington street.

The State of North Carolina, mindful of the debt we owe our forebears, is placing markers at the sites of homes of some of our outstanding leaders of earlier days, that the living might not forget the services of the dead.

In pursuance of this policy, the State Department of Archives and History provided a marker which was unveiled on the 73rd anniversary of Capt. Durham's death, Nov. 9, 1948, under the sponsorship of the local chapter of the United Daughters of the Confederacy. The plaque stands on the corner of East Warren and South Washington streets, and bears the following inscription:

"Plato Durham, Confederate Captain; Legislator; Member of Conventions of 1868 and 1875. Conservative leader in Reconstruction period. His home was 100 feet South."

Plato Durham was born at High Shoals, in Rutherford county, on the 20th of September, 1840. The towns of Henrietta and Carolen are built on what was then the plantation of his father, Micajah

Durham.

He received his education at the county schools and between the plow handles. In 1862 he was in

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LIBERAL WEEK

# LIFE

(From Page 1, Second Section)

he learned that his younger brother, Columbus, had joined the Cleveland Guards (at that time part of the 2nd N. C. Regt., and afterward Company "E" of the 12th N. C. Regt.,) he transferred from the military Company in Knoxville and attached himself to the Cleveland Guards. He served faithfully as a private and rose to the rank of Captain.

He was recognized as an exceptionally brave man with "the intimation of supreme courage." His men trusted him implicitly, and loved and admired him immensely.

## PRIVATE CAPTURES YANKEE GENERAL

One day in the Fall of 1863, when the fighting had temporarily ceased, private Harrison Eskridge, one of Durham's men, was sitting on a pile of leaves in a field, sunning himself. He was wearing a blue overcoat, taken from a Union soldier. He looked up and saw approaching him a Yankee officer, evidently intent on finding out how his men were faring. The officer, seeing the blue overcoat, assumed that its wearer was a Union soldier and came toward him. Sharpshooter Eskridge sat apparently unconcerned till the officer was within ten steps of him. Then he raised his gun, shouted "halt," and demanded surrender. The Yankee officer, was Brigadier-General Rutherford B. Hayes, later President of the United States. The astounded General asked to be allowed to surrender his sword to an officer of equal rank. Said private Eskridge:

"I will take you to my commanding officer, Capt. Plato Durham. He is the equal of any man in the whole blankety-blank Union Army."

After the close of the War, Captain Durham entered the law school of University of North Carolina, and continued his studies in law.

On August 6, 1886, he came into open court in Shelby and "qualified as an attorney at law."

In April, 1866, he was married to lovely Nora Catherine Tracy, daughter of Dr. and Mrs. J. W. Tracy of (what was later) Kings Mountain. Five children were born to this union. Of his three illustrious sons, namely Stonewall Jackson of Bessemer City, and Plato and Robert Lee, who are dead, I shall write at length later.

### **DISHONORABLE CONQUERORS**

After the close of the War, the people of the defeated (I should say crushed) Confederacy endeavored to take up again normal activities of life. But Congress, disregarding the honorable obligations of conquerors, sought to degrade their crushed foe.

In 1867, Congress declared that the states of the Southern Confederacy were not states, but conquered territory. That no legal government existed in any rebel state; declared martial law and set up an Army of Occupation.

The Federal Government further required that North Carolina should make a new Constitution. For this purpose a Convention met in Raleigh in January, 1868. Plato Durham was Cleveland County's representative.

At this Convention all but ten were adherents of the Republican party, among whom were 13 Negroes, a large number of men from the North, generally referred to as carpet-baggers because they came bringing what little possessions they owned in a carpet-bag, and the remainder were members of the white race, the greater part of whom were usually referred to as scalawags.

"Of the ten not affiliated with this majority (says Ashe's History of N. C.) were two young men of fine parts and high character, Capt. Plato Durham and Maj. John W. Graham."

The temper of this power-drunk majority is perhaps explained in a statement from one of the Raleigh papers, mouthpiece for Governor Holden and the Yankee usurpers of Southern rights. It had to do with applause from the galleries:

"They should be dealt with. Especially rebels should not be permitted thus to manifest approval or disapproval of what is said and done."

Referring to Capt. Durham another paper said: "The leaders of the so-called Conservatives appear to be Mr. Durham of Cleveland, and Mr. Graham of Orange. Mr. Durham seems to have the brains. . ."

All during the Convention, and the Legislature which followed, Capt. Durham and his associates proved a thorn in the flesh of this power-drunk majority. When, on the 16th of March, 1868, this iniquitous Constitution was signed, Capt. Durham asked that the Capitol bell be tolled, during the signing. This was done.

In the Legislature which convened the 1st of July, 1868, the 13 Conservatives, of whom Capt. Durham was leader, were outnumbered by 18 Carpet-baggers, 15 Negroes, and 74 white supporters of Congressional Reconstruction—the majority of whom were scalawags (turn-coats). This disgraceful, corrupt, profligate Legislature spent and stole all the State's money—including the school fund, and nearly doubled the State's debt. Hill's History says: "Capt. Plato Durham battled as hard for the welfare of his State in the Capitol as he had done on the field of battle."

In the Fall of 1868, Capt. Durham was elected to Congress from this District. But the Carpet-bag Secretary of State gave the election certificates to Durham's Republican opponent. Later, through fraud, he was deprived of two other offices to which he had been legally elected.

### **CONSTITUTION OF 1875**

As his last public service in 1875—a short time before his death—he was elected to again help revise the State Constitution. Under this second Constitution the law, made in 1868, that white and Negro children should attend the same school was abrogated. And separate school facilities were provided for the children of each race.

Capt. Durham "was rated among

the very ablest of the Democratic majority on one (1) that gave the State its present Constitution."

### **BEGINNING OF THE K. K. K.**

During the War years the Negro—as a race—comported himself admirably. However, the Republican party leaders knew that in order to stay in power it must have the Negro vote. To secure that it must use additional measures to turn the black man against his white friends and former masters.

In 1867, thru the vicious machinations of that secret society, "Red Strings," the idea was planted in the minds of the Negroes that since they worked to produce the crops which the white man took, they were, in effect, still slaves. Egged on by unscrupulous politicians the Negroes became a menace to society.

The State was under Martial Law and there was no redress in the Radical courts. The Ku Klux Klan was organized to reach those whom the Courts could not, or would not, reach.

Only under most unusual conditions would such high type men as Col. LeRoy McAfee and Capt. Durham have lent their leadership to an organization which took the law in its own hands, as did the Ku Klux Klan. But the scalawags and Carpet-baggers, using the Negro as a tool to further their own evil ends, had organized a Negro militia and equipped them with guns. Drastic measures had to be taken to protect the white people. These Yankees despoilers in this town were spending lots of Federal money, though the Negro got but little of it.

As Capt. Plato Durham testified before a Congressional Committee in Washington: "The Klan's original purposes and practices were righteous. It was effective against intolerable and otherwise remediless conditions."

(The men above mentioned, and many others who were members of the KKK in those days of crisis, would not have approved of the so-called KKK as it operates now. Today, we have laws that are en-

forced to protect helpless people. We did not have Courts to enforce such laws in the days of which I write. Furthermore, the Negro today is far more law-abiding than the white man.)

After the Ku Klux Klan began to function, many a thief and insulter of women, who had gone free at the Court House door, was visited by a white-robed ghostly group and given a whipping. A few white men were also visited and whipped.

In the beginning, the Klan put fear in the heart of the Negro, and served as a deterrent against crime. Later, men posing as Klansmen, used the Klan's method to satisfy personal grudges, thereby defeating the Klan's primary purpose. The organization got out of control of the men who had conceived it.

### **KLANSMEN IN JAIL**

Since Plato Durham had been one of the organizers of the Klan, he felt a personal obligation to the men who had joined because of his association with it. He did all he could (without pay) for the Cleveland and Rutherford counties under indictment for alleged Klan activities. He himself, was under indictment, but was never brought to trial.

There were hundreds of men under indictment, and many serving terms in jails and penitentiaries for Klan activities. Plato Durham went to Washington and made a personal appeal to President Grant. He asked him to have the wholesale indictments stopped and quashed, and remit the sentences of those already convicted.

Finally, the President told him to go home and have the Klan activities stopped. That prosecution would be held up, and clemency extended to those convicted.

Durham came home and published in his paper, "The Shelby Banner," a card calling on all young men and all old men who had run away because of K. K. K. activities to come home and go to work, and promising that they would not be molested.

In 1873, President Grant granted amnesty to all imprisoned for Klan activities.