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Book of Harriet:

The Disambiguation of Five North Carolinian Siblings 1840-1941

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ABSTRACT

This paper is a work of creative nonfiction that adopts the first-person narrative voice of Harriet Smith (c. 1819-1873) in order to recount the biographies of her five children, all of whom were born slaves belonging to the Smiths, a prominent Orange County, North Carolina family. The four youngest siblings were simultaneously Smith slaves and Smith progeny who continued to live and work on the same plantation post-Emancipation as did many enslaved children who were fathered by their American owners. However, the interrelationships between Harriet, her children, and the Smiths were atypical of the era and region. Harriet’s four daughters were reared in the main plantation home by their white aunt, the very mistress whom they—and Harriet—served. History marginalized all of them until Harriet’s great-granddaughter, the Reverend Dr. Pauli Murray, published her 1956 familial memoir Proud Shoes: The Story of an American Family. Murray’s memoir chronicles the life of Harriet’s eldest daughter and the family into which she married with contextual mentions of Harriet, her other four children, and the people with whom they made families. Despite their collective historical significance in North Carolina’s Piedmont region, little scholarship exists regarding these individuals, their interrelated lives, and their remarkable life stories. Written to reflect Murray’s seminal example, this narrative spotlights Harriet and all five of her children, illuminates the many accomplishments of a disremembered family of color, and contextualizes their inimitable lives during a divisive yet transformative century.
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for Harriet
INTRODUCTION

THESIS STATEMENT

Harriet Smith was born circa 1819 of Cherokee descent. At age fifteen, she became the legal property of a prominent Orange County, North Carolina plantation-family patriarch named Smith. By 1851, Harriet was mother to five children—Julius, Cornelia, Emma, Annette, and Laura—all of whom were born slaves of the Smith family and inherited multiple ethnicities. In her slave quarters, Harriet raised her firstborn and only son, Julius. He was fathered by Harriet’s legally-unacknowledged husband, a freedman who was banished from the Smith property by the two jealous sons of the Smith family patriarch. Harriet suffered repeated rapes by the youngest Smith brother during which Cornelia was eventually conceived. Throughout a scandalous aftermath, the older Smith brother begot Emma, Annette, and Laura. All four sisters were raised—underfoot of their white fathers and grandparents in the main plantation home—by their white aunt Mary, the only other sibling of the two Smith brothers. After Emancipation, and until her death in September 1873, Harriet worked for the Smiths as Mary’s personal servant.

Enslaved children fathered by American slave-owners were not uncommon. However, the Smith’s living arrangements were unorthodox. Harriet, her children, and the affluent Smith family’s collective relevance cannot be overstated with regard to their complex interrelationships within North Carolina’s historical record. Yet, to date, their comprehensive narrative has yet to be fully explored. The successes and failures of the white, male, Smith family members are acknowledged within their respective historical, medical, or political contexts. With the exception of Harriet’s eldest daughter, Cornelia, whose life was documented in Pauli Murray’s memoir, Proud Shoes: The Story of an American Family, little scholarship exists regarding either the women or the individuals of color in this multifaceted family. Derived from historical data, archived records, and Pauli Murray’s writings, this
paper adopts Harriet’s first-person voice as a narrative device to reintroduce Harriet, her children, and their family members, underscoring the relevance of their lives within historical, familial, and personal contexts.

GOALS AND CHALLENGES

While maintaining a focus on Harriet, I defined three primary goals that drove my research and writing processes. Each goal stemmed from questions I posed after I read the Reverend Dr. Pauli Murray’s *Proud Shoes: The Story of an American Family*. First, I wanted to determine what happened to all the family members who were only briefly mentioned in the memoir, to discover the people, places, and factual events that formed Harriet’s complete family biography. This biography would include Harriet, her husband, all five of her children, their spouses, and their children—surnames Smith, Day, Fitzgerald, Morphis, Kirby, and Toole—and would parallel the *Proud Shoes* example that thoroughly documented only Harriet’s eldest daughter, Cornelia, and the extended Fitzgerald family into which she married.

Also mirroring *Proud Shoes*, this unconventional family biography would include the white Smiths, principally Mary Ruffin Smith who raised Harriet’s daughters, as well as Mary’s former governess and longtime companion, a British teacher named Maria Spear. Like Cornelia’s half-siblings and her mother Harriet, Mary and Maria were contextually written about in *Proud Shoes* but little to no scholarship existed regarding the two spinsters who played pivotal roles both in the Smith household and in the lives of Harriet’s children. While I did not want the focus to shift from Harriet to Mary and Maria, their roles were inextricable from Harriet’s life and death. Of paramount importance to my paper

were Maria Spear’s personal letters that contained the only known mentions of Harriet and her children, excluding historical data and Proud Shoes.²

My second goal was to form a narrative with regard to Harriet’s family from whatever biographical information I discovered, initially unaware of the boundless yet intermittent wealth of evidence embedded in manuscript collections and the historical record. Despite copious amounts of biographical data that I collected and contextualized, significant events and relationships in several individual’s lives were either unaccounted for or beyond elucidation. This lack of comprehensiveness was exacerbated by the often pejorative portraits painted of Harriet’s family members by nineteenth- and twentieth-century historians, journalists, and authors. Some of Harriet’s family members were simply forgotten but others were disremembered or remembered inaccurately. Because of this, it became clear to me that, in my paper, Harriet’s narrative must be based entirely in fact, just as Pauli Murray intended Proud Shoes. While Murray’s memoir was my impetus, and I continue to be inspired by the Reverend Dr. Pauli Murray’s life and legacy, even she occasionally uplifted her Fitzgerald forebears in Proud Shoes at the expense of other family members, a fact I respectfully discuss herein.

With my second goal defined—that Harriet’s narrative would be an historically-accurate, nonfictional biography of the forgotten and disremembered individuals in her life story, each of whom would take center stage in their own chapter within the greater familial storyline—I had to determine how to write the narrative. Although Harriet’s life story is unusual, it is very much “a human story,” and an American story, just as Murray described her grandmother Cornelia’s life in the introduction and title of Proud Shoes.³ Because Murray summoned her own voice of courage to tell the poignant Proud Shoes

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² Personal correspondence of Maria Louise Spear (1804-1881), Box 2, Folder 19, Charles Beatty Mallett Papers #3165, Southern Historical Collection, Wilson Library, University of North Carolina at Chapel Hill. Hereinafter letters are cited as Maria Spear to [Addressee of Letter], [Date of Letter], SHC. All text is verbatim except “&” is noted as “and” and “&.” is noted as “etc.” for reading ease. See Chapter: Methodology for detailed explanation of Spear’s letters and their importance.
³ Murray, introduction to Proud Shoes, xix.
tale, a voice that played a decisive role in her family’s history, I wanted Harriet’s narrative to emanate from a similar, personal perspective. This decision defined my third goal.

My third and final objective was to personalize the narrative, to write entirely from Harriet’s perspective rather than from the vantage point of the people she served or a generic historical viewpoint that already marginalized Harriet and her progeny. This goal was my greatest challenge. Unfortunately, historical archives were absent of any record that might disclose Harriet’s personal thoughts, feelings, and desires. Although Harriet’s voice would be my narrative instrument, I was loathe to put words in her mouth that were not representative of Harriet. Unlike another native North Carolinian named Harriet (Jacobs) who authored a rare first-person account of her enslavement and freedom, Harriet Smith produced no such known record. The two Harriets were contemporaries and both lived in North Carolina but their respective lives traversed wildly different paths. Like every hopeful historian, I envisioned that Harriet Smith’s elusive private journal might surface during the course my research. It did not.

While contemplating my final goal—to adopt Harriet’s first-person voice—I determined that her speech should not read as contrived, overly academic, or markedly colloquial. Harriet’s accent, degree of literacy, education, and even her first language were undocumented. Additionally, in order for Harriet’s narrative voice to recount her profoundly complex family biography she would have to possess knowledge of factual and historical events that occurred after her physical death and beyond her personal experiences. That which was realistically impossible was stylistically necessary. As a result, I concluded that Harriet would speak from a modern perspective, one that afforded her the knowledge and contextualization of events that took place after her 1873 death. She would use a modern

5 Harriet Jacobs was born circa 1813, five or six years before Harriet Smith.
vocabulary that reflected the progress and perspective experienced during her great-great-grandchildren’s lives. Harriet, as narrator, would be conversant with the historical record but not omniscient. All information she reported could be authenticated by a modern researcher. In my paper, Harriet is able to see beyond her grave and those of her children but her observations are in no way a fantasy—of either hers or mine. Harriet’s narrative is an accumulation of verifiable facts.

I identified and extracted these verifiable facts from the vast and academically-accepted historical record. However, the process was complicated by the mutability of oral history, the fallibility of memory, and the imprecision of documentation. My constant challenge was to accurately portray Harriet and her family in light of the fact that Proud Shoes was an amalgam of historical facts, personal perspectives, and sometimes unsubstantiated oral histories passed down through generations. Further obfuscating the matter was the historical record itself, created by humans and often riddled with recording errors, omissions, and blatant fabrications. For instance, gender, age, and race were sometimes determined at the discretion of a census-taker who simply guessed via visual assessment.6 Like Pauli Murray, I had choices to make. I paired Murray’s Proud Shoes account with Maria Spear’s correspondence and juxtaposed them with my research. After respectful consideration and hours of deliberation, I concluded Harriet’s Cherokee heritage would set the tone of my paper and give shape to her personality. Of the three known heritages in Pauli Murray’s family—African, European, and Native American—the latter is the heritage that Harriet alone passed to her children as well as the least explored.

From birth, Harriet and her five children’s racial identities were delineated by the white establishment, irrespective of the various combinations of ethnicities each of them inherited. Enslavement precluded any meaningful application of the concept of self-identity. Over the years, the

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categorizations and racial designations of Harriet’s children and grandchildren on Federal Censuses transmuted from slave, to mulatto, to Negro, to colored, to black, to “of African descent,” to African American, and each successive generation shouldered a slur of racial labels and epithets outside the scope of census-taking. However, none of these designations were terms with which they themselves were afforded the opportunity to self-identify. Moreover, none of the terms were accurate or reflective of Harriet and her children’s multifaceted heritages. During the nineteenth and the majority of the twentieth centuries, the assigned terms all implied the same conclusion: not white.

In Proud Shoes, Murray explored the African and European heritages of her ancestral past. During Harriet’s paragraphs, Murray also contemplated her Native American ancestry and invited her readers to further ruminate. She wrote that her great-grandmother Harriet was “small and shapely, had richly colored skin like the warm inner bark of a white birch, delicate features, flashing dark eyes and luxuriant wavy black hair which fell below her knees. She was shy and reticent but her eyes talked.” Murray bookended those sentences with inconclusive deliberations as to Harriet’s precise antecedents, specifically, what percentage of African heritage, if any, and/or European heritage may have complimented Harriet’s Native American heritage and her natural beauty. After Murray’s final speculation about Harriet’s Cherokee grandmother, readers are left to ponder the heritages and the racial designations assigned to everyone in Harriet’s family tree. Heritage and self-identification are prominent themes in Murray’s writings yet she strove to live her life without categorization.

Throughout her literary, legal, religious, and activist endeavors, Murray rejected labels of all types, particularly those that served to limit an individual’s personal decision to identify with any one race, gender, or sexual orientation—or combination thereof. With resolve, she endured the painstaking

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7 The 1990 Federal Census questionnaire asked individuals to “Fill ONE circle for the race each person considers himself/herself to be.” The 2000 Federal Census questionnaire was the first to allow individuals to select multiple races with regard to self-identification, to choose “one or more races to indicate what this person considers himself/herself to be.”

8 Murray, Proud Shoes, 38.
process of unearthing all her ancestral roots and then shared her journey with a reluctant audience who has, only decades later, begun to appreciate the mantra of hope from Murray’s “song in a weary throat.” By writing in Harriet’s voice, a voice that had been silenced both in life and in death, I hoped the narrative would “give [Harriet] a song of hope and a world where [she could] sing it.” Ultimately, Murray’s poetry and her Proud Shoes narrative helped portray Harriet.

Although Harriet’s birthplace and forbears are unknown, and the first fifteen years of her life are almost absent from record, Murray’s physical description of Harriet in Proud Shoes is imbued with elemental undertones that accentuate Harriet’s Cherokee heritage, e.g., the imagery of the white birch with its curative inner bark and, like all trees, sacred to the Cherokee; her wavy black hair falling below her knees; even the mention of Harriet’s reticence which evokes the Cherokee tradition of honoring silence. Murray’s physical descriptions of Harriet coupled with Maria Spear’s written remarks regarding Harriet’s character were paramount in my decision to center Harriet’s narrative voice in her Cherokee roots. In my paper, Harriet would invoke the spirit of her Native heritage to more fully explore one of the many ancestral facets first chronicled by Pauli Murray. As an extension of the Cherokee tradition that honors silence, I hoped to honor those who were silenced.

Years of personal interest in other Native American nations and tribes, and attempts to learn the Lakota language, afforded me insight into various native traditions, especially the art of storytelling, the rhythms of several native languages, and the culture of interconnectedness. While I am far from a


10 Generally speaking, Native American hair is described as “straight” so Murray’s “wavy” word choice is interesting. Perhaps she chose the word to imply Harriet also had African heritage, though Murray was a wordsmith and another word choice might better have expressed her thoughts, if that was her intention. Murray may have appreciated the ambiguity of the term “wavy” or perhaps it was a term used by the women who passed down Harriet’s physical description via oral tradition. Or, perhaps, Harriet wore her long hair in braids that resulted in waves when it was unplaited.

11 The comments are contained in Maria Spear’s personal correspondence and are specifically addressed throughout this paper.
learned scholar, I continue to study and often find solace in the profound simplicity with which life lessons are conveyed via multiple but similar Native American philosophies and stories. For instance, the concept of togetherness, of oneness, is inherent in Cherokee thought and integrated within the very structure of their language. Each tree, each animal is its own being, a respected member of the greater community, personalized but not personified. Similarly, in the traditional Lakota language the term “wilderness” does not have a corresponding word because the concept of wilderness, as modern Americans understand it, does not exist. There is a term that translates to “away or apart from the village or encampment [but it simply means] a different place and not a different concept of a place dependent upon [an individual’s] presence or absence.” Out of this interconnectedness derive everyday stories. These stories are communicated in universal terms. From them, emerge complex and insightful subtexts, e.g., the reminder to listen when young, to cultivate something worthy of speech when old. Such stories are for the everywoman, the everyman, and resonate with Pauli Murray’s thoughts about “the human story.”

Accordingly, I decided the tradition of storytelling would be the conduit through which Harriet would narrate her family biography. Harriet’s voice would also give voice to her disremembered family members. But how would her voice sound, how should her voice read? The definition of Harriet’s voice became my next challenge. No known record existed and, above all, my intent was to honor and respect Harriet, her children, and members of their families. I decided, in contrast to the only twenty-six known recorded voices of former-slaves, Harriet’s tone would not echo the southern American vernacular defined by its dramatic articulations, colloquial sayings, or comfortable drawls that singsong off the lips.

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14 “Guard your tongue in youth and in age you may mature a thought that will be of service to your people,” is attributed to Chief Wabasha of the Santee Sioux whose sentiment spoke to the profundity of silence.
and into the ears. Instead, Harriet’s narrative would reflect the prosodic tones of her Cherokee ancestry: simple yet profound, unanimated yet poignant, poetic yet unadorned, evenly articulated yet comprehensive and, perhaps most important, the invocation of silence in the absence of fact or clarity. The many years I spent in the theater world—studying dialects and dialogue, character development and motivation, the art of storytelling and artistic truth—aided me in crafting these aspects of Harriet’s language.

Understandably, partnering Harriet’s ancestral Cherokee consciousness with a modern vocalized perspective would dramatically reshape the dialogue she likely spoke during her lifetime, for instance, referring to the people who once owned her as “Miss Mary” or “Marse James.” Those titles are employed throughout Proud Shoes, in part, because slaves such as Murray’s grandmother Cornelia had to use the titles. However, employing those titles in Harriet’s modern ruminations would only serve to diminish what I hoped to establish—empowerment. Consequently, Harriet references each individual by first name, sans title. I also made subtle but effective changes to other terms that Murray used in Proud Shoes, such as not capitalizing “the Big House,” the main plantation home of the Smiths. In doing so, the lowercase form of the term de-anthropomorphized the structure and, in Harriet’s soliloquy, detracted from its role as the center of operations from where the white Smiths governed. In essence, the Smiths would assume secondary roles in Harriet’s narrative, Harriet’s children would gain prominence, and the Big House would be diminished to what the structure actually was: a very big house in which Harriet was both slave and servant, and her children were slave, servant, and kin. Harriet’s “center” was in her cabin, in her children, in her mind, in her heart. I was vigilant that any alteration I made did not also diminish the inhumanities suffered by Harriet, her children, or any of the individuals enslaved at

Oakland.\textsuperscript{16} Despite the fact that Harriet’s daughters were raised in the big house, they were slaves—bought, sold, and nearly slave-traded by white Smiths.

Furthermore, because Pauli Murray was a practiced and gifted wordsmith—and because she treasured her own writing—language and words were equally important to me with regard to Harriet’s voice. For this reason, I was mindful to discuss provocative, divisive terms such as “race” and “heritage”\textit{without} using words I believe hinder progress in modern discussions of the eponymously named concepts. Such terms include the usage of “blood” to separate or connect individuals, e.g., blood-kin or mixed-blood, or categorizing somebody by her perceived “race” as on Federal Census forms. These “blood race” words and concepts are pervasive not only in nineteenth- and twentieth-century writing but also in texts that served as my sources and in twenty-first century language.\textsuperscript{17} In my opinion, the terms are antiquated, prejudiced, and the widely- and blindly-accepted usage of these terms is prohibitive to the advancement of “race relations”—a term that essentially negates my point. If an inclusive pan-consciousness is to reshape how the \textit{human race} defines its successive generations, then language and terminology must be at the center of every modern discussion.\textsuperscript{18}

In a typed treatise for \textit{Proud Shoes}, Murray wrote that Cornelia’s “vocabulary was a curious hodge-podge of strong seventeenth century one-syllable Anglo-Saxon expressions and legal terms which she passed on to her children and grandchildren,” the apparent result of an affectionate relationship Cornelia had with her lawyer father.\textsuperscript{19} While the other Smith slaves likely spoke with an accent that resembled those of the aforementioned twenty-six tape-recordings of former-slave narratives, Cornelia

\textsuperscript{16} The main house was called Oakland and the plantation was called Price Creek for the river that ran through it but the names were often interchangeable. Maria’s letters are headed with “Oakland” while most Smith ledgers state “Price Creek Plantation.”


\textsuperscript{18} For scholarship and debate, see Sapir-Whorf Hypotheses from Pinxten, \textit{Universalism Versus Relativism}.

used a distinctive vocabulary and speech that mirrored her unique circumstance. Perhaps her half-sisters also conversed in this manner given they grew up in the same household.

My final consideration with regard to Harriet's voice and vocabulary derived from Pauli Murray's tape-recorded words in a 1976 interview during which Murray discussed her alternating yet occasionally simultaneous roles as activist, lawyer, poet, and priest and how she used language and action.

I'm inclined to think that when I could effectively act, I did not write. When I could not act, when I was blocked from acting, it came out in words. It had to come out in some way and being both a person who is moved to express in words as well as in the body, that very often it took both forms, but that in each case, I was striving for the highest form of action. Therefore, when I wrote poetry, I did not want to write at a coarse and profane level, but I wanted to use language in its most distilled sense [...] And our poets are said to be our prophets. When you begin to talk about prophets, then you move into the field of religion. The prophetic role of the minister—to proclaim the Word. And, unlike some black poets, I chose to take what I believe to be my mother tongue, namely the English language, and try to utilize it in what I considered its most distilled sense. In other words, to use the language of the oppressor in its most effective side.²⁰

Murray’s sentiments were delivered in a contemplative and metered cadence, her conviction was present. In her vocabulary and voice, I heard whispers of the matriarchs who preceded her, particularly those who were unable to act, whose words were stifled, whose screams were ignored. Harriet.

In my paper, Harriet uses language and vocabulary effectively like her great-granddaughter Pauli. She moves herself from dog-eared historical margins and repositions herself and her family squarely in the center of the page. From there, in clear voice, she endeavors to narrate her story, a whole story, “with all its ambivalences and paradoxes,” just as Pauli Murray did in Proud Shoes.²¹ Most certainly, Murray’s spirit and Harriet’s ghost were my guides throughout my research and writing processes. These women, their families, and Native American spirituality—expressly, the Lakota greeting

²¹ Murray, introduction to Proud Shoes, xx.
Mitákuye Oyásʼíŋ which embodies the concept that everything is interconnected—were fundamental in the accomplishment of all three of my goals. I was able to conjoin the greater historical context and scrupulous academic scholarship with the intensely personal lives of Harriet Smith and her children, Julius, Cornelia, Emma, Annette, and Laura.

BACKSTORY

Cherokee legend holds that when a person dies she can never come back to the living, as once the dead were able. However, her soul lives on as a spirit who possesses the ability to travel between three the Worlds: the Upper World of protective spirits, the Lower World of menacing spirits, and the Middle World where all interconnected entities—plants, animals, elements, humans—exist alongside each other, as equals. In the Middle World, protective ghosts can be summoned or materialize at freewill to help maintain an equilibrium between the Worlds and to counterbalance disorder caused by capricious or disruptive spirits. The spirits of the Upper and Lower Worlds are occasionally seen by the living in the Middle World. It was while reading Pauli Murray’s extraordinary memoir that I first encountered Harriet’s ghost, though her manifestation was less apparitional and more literary.

Murray’s beatific imagery of Harriet was harshly contrasted with the reality of Harriet’s life as a slave. Murray hauntingly recounts how Harriet was repeatedly and violently raped by Sidney Smith, the

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22 A literal translation of the words, which is spoken often as both a Lakota salutation and a prayer, is “all my relations.” A general translation implies we are all related, all connected: rocks, river, sky, wind, fire, spirits, animals, people, etc. The concept of interconnectedness also originates in the Cherokee creation legends and extends to everything in nature’s temple.
23 This basic description of ghost-travel is only one of many myths with regard to spirits who pervade Cherokee legend. Tribe members have an intimate connection to the dead who figure prominently in Cherokee culture. Christopher Bernard Rodning, Center Places and Cherokee Towns: Archaeological Perspectives on Native American Architecture and Landscape in the Southern Appalachians (Tuscaloosa, AL: The University of Alabama Press, 2015), chapter 6.
youngest son of the wealthy Smith patriarch who owned Harriet.\(^{25}\) Other slaves dared not interfere during the horror despite Harriet’s “fits of hysterical screaming,” and “ear-splitting shrieks that tore the night.”\(^{26}\) Even screams from Harriet’s young son, Julius, a wailing witness to the harrowing violations of his mother, did not solicit help from anyone within earshot.\(^{27}\) Murray wrote that one such assault resulted in the conception of Julius’ first half-sibling, Cornelia, after which Murray suggests Harriet entered into a lengthy, abstruse, but comparatively less-volatile relationship with the older Smith son, Frank Smith.\(^{28}\) Abundant speculation surrounds this relationship, specifically as to whether the relationship was mutual, involuntary, or, like many relationships in this family, bewildering and multidimensional. Without Harriet’s first-person account to support or refute any particular assertion, the matter will forever remain one of conjecture. Nevertheless, Harriet’s relationship with Frank resulted in the births of her three youngest daughters, Emma, Annette, and Laura.\(^{29}\)

By the time I first read *Proud Shoes*, Harriet had been dead for 140 years. I had read other memoirs and narratives set in the pre-Civil War and post-Reconstruction eras but *Proud Shoes* profoundly moved me like no other. Harriet dematerialized from the pages of Murray’s memoir and entered into my daily thoughts, usually accompanied by her children and a tome of unanswered questions. Clearly, Pauli Murray had written a work of singular importance that was as multifaceted as the individuals about whom she wrote. Why had I never heard of this remarkable author, especially given the fact that I lived in Durham, North Carolina, the very town in which Murray was raised? In *Proud Shoes*, Murray puts into perspective and brings to life a past that is still evidenced in Durham’s present, a past that is easily discerned throughout the region but largely overlooked by visitors and Bull

\(^{25}\) “James” Strudwick Smith (1787-1852) was the Smith patriarch and James “Sidney” Smith (1819-1867) was his youngest son.  

\(^{26}\) Murray, *Proud Shoes*, 43.  

\(^{27}\) Ibid.  

\(^{28}\) Ibid., 46-7. Frank was born Francis Jones Smith (1816-1877).  

\(^{29}\) Ibid., 37-44. Harriet and Frank’s descendants claim the two were married but no evidence has been found to support the claims, quoted in “Rejected from U.N.C. 38 years ago, Pauli Murray returns to offer hope,” *The Daily Tarheel*, 18 February 1977.
City-loving Durhmites alike. Perhaps the most obvious vestiges are the bricks her grandfather and
grand-uncle manufactured, building blocks that helped define Durham’s signature red-clay brick
architecture. Extant university buildings, private homes, and tobacco warehouses built from Fitzgerald
bricks have endured nearly a century-and-a-half of Southern history. Although common knowledge is all
but forgotten regarding the plain-view evidence of Murray’s ancestry, recent efforts have drawn
attention to both Murray and her fascinating Fitzgerald family.

Murray’s extant childhood home, built by her grandfather Robert Fitzgerald (Cornelia’s
husband) on what is now Carroll Street in Durham will soon function as the Pauli Murray Center for
History and Social Justice, an effort-in-progress associated with the Duke Human Rights Center at the
Franklin Humanities Institute and The Pauli Murray Project.\(^{30}\) The house garnered National Treasure
status in 2015, a play that extols Murray’s life was produced in 2011, a biographical film is in the start-up
stages, and each year younger generations discover \textit{Proud Shoes} in university classrooms.\(^{31}\) Gradually,
people outside scholarly circles are learning about Murray’s contributions, about her bravery, sagacity,
and tenacity. Multiple commissioned murals depicting Murray’s visage and one of her quotes are
painted on Durham’s brick exteriors by an artist-in-residence with community members. All these
efforts are hopeful catalysts for the recognition of other members in Harriet’s and Murray’s ancestry.

In the final paragraphs of \textit{Proud Shoes}, Murray wrote, “We would scatter and there would not
be one Robert and Cornelia Fitzgerald descendent left in the South. We would become city folk in stifling
little apartments in northern cities, far from the land and rootless, and the Fitzgerald name would die
out leaving only the Fitzgerald mark here and there. We younger ones would search for something we
had lost or perhaps had never had.”\(^{32}\) Her words are an invitation for us to stop, to look around Durham

\(^{30}\) When Murray moved to Carroll Street it was called Cameron Street, Murray, \textit{Proud Shoes}, 4, 5, 9, 11, 17.
and North Carolina, to identify the “marks” left by her ancestors and to credit them. Her words are an incitement to remember forgotten names, especially those belonging to individuals of color and to women who left profound marks in an era when too many people were enumerated only as hash-marks or numbers on census pages, and when most women were defined by their fathers and husbands. Those forgotten names include Murray’s great-grandparents, Thomas Fitzgerald and Sarah Ann Burton, a freed black man and white woman who raised their children to be respected educators and entrepreneurs. The forgotten names also include Murray’s Fitzgerald aunts, Pauline Fitzgerald Dame, Marie Louise Fitzgerald Jeffers, and Sarah Ann (Sallie) Fitzgerald Small, all school teachers like their father. Pauline and Sallie taught in the Durham graded school called West End School, known locally as the Fitzgerald School. All three aunts were instrumental in Murray’s childhood education and, over decades, consulted as sources for the oral histories from which Proud Shoes was written.

With the knowledge that Harriet’s daughter, Cornelia, and the Fitzgerald family into which she married were garnering some well-deserved attention, my focus was further drawn toward the lesser-acknowledged family members in Proud Shoes, specifically Harriet and her other four children: Julius, Emma, Annette, and Laura. Paralleling Murray’s model, the life stories of these family members formed the outline for my paper: Harriet’s introductory chapter is followed by a chapter dedicated to each of her five children and their families, each written from Harriet’s modern vantage point and each with nearly two centuries of Harriet’s life-long and post-death reflections to frame the family portraits.

To form these biographical portraits, I consulted records in the Durham, Orange, Chatham and Mecklenburg County Register of Deeds Offices which documented all the properties Harriet’s progeny purchased and sold. Because I was local and curious, I drove through each county and logged the plats.

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34 Murray, introduction to Proud Shoes, xv.
once owned by Harriet’s children, noted which residences still stood, and attempted to discern where everybody was buried. The latter task continues throughout the editing of this paper. Cornelia once told Pauli “that when people died their spirits hovered about their pictures,” and Murray believed her grandmother. In the room where the Fitzgerald family portraits hung, relatives “of all ages stared down upon [Murray] from every wall.” While I walked through downtown Durham, Pauli Murray’s murals peered out at me from red-clay brick walls. When I visited the pastoral countryside properties, extant houses and cemeteries teemed with ghosts of futures past. No matter where I went in my adopted hometown and the surrounding region, the spirits spoke to me, urging me to discover more about the lives of Harriet and her children. Necessary, then, was some less ethereal data to substantiate my assertion that so many of Harriet’s progeny commanded acknowledgment. The data did not disappoint.

METHODOLOGY AND SOURCES

I employed many methods in order to accomplish my primary goals—to assemble Harriet’s complete family biography and to create a narrative from that research articulated from Harriet’s perspective. Because Proud Shoes left me with many questions pertaining to nineteenth-century customs and attitudes about gender and race with regard to property ownership and familial relations, I wrote several papers to broaden my horizons. Throughout the writing of those papers I repeatedly mused that Murray’s memoir should be annotated. Proud Shoes is beautifully-written, well-researched, and brimming with historically-contextualized personal information. However, in accounting for her sources Murray provided only a generalized, one-page list and a heartfelt introduction that explained

\[35\] Murray, Proud Shoes, 56.
\[36\] Ibid.
her personal sources and process. In order to write a narrative based in fact, and so I could accurately annotate my paper, I had to differentiate the rich oral histories in Proud Shoes from verifiable facts.

As I began to examine each line of her text, I soon found myself in myriad archives, in multiple counties, and amid two centuries of scattered information. Clearly, annotating Proud Shoes was a massive undertaking outside the scope of a master’s thesis. However, my initial efforts were not in vain because I arrived at a key idea. A multitude of people were mentioned at the central story’s periphery—all of whom played major roles in Harriet’s life, none of whom had existing biographies. From the documents I discovered during my annotation research, I learned that even the lesser-mentioned individuals in Murray’s multifaceted narrative lived compellingly interesting lives. Perhaps their children—who were not slaves, lived during the Second Industrial Revolution, and therefore likely accumulated more documentation—could provide clues regarding Cornelia’s half-siblings, Julius, Emma, Annette, and Laura. As I parted the branches of Harriet’s family tree to reveal her grandchildren’s generation, the number of individuals, life stories, and relationships increased exponentially. Because the relationships between the many people in Harriet and her children’s lives were numerous and complex, I needed a device to keep them all straight and began constructing a genealogy with Harriet at the top and her children—Julius, Cornelia, Emma, Annette, and Laura—beneath. The space between mother and each child required intense deliberation and careful thought. They were not a typical family.

Immediately, it was clear that traditional lineage charts were impractical. Harriet’s family tree transcended the definition of nuclear family, even by present-day models of a modern family, (e.g., multiple divorces and remarriages, same sex partners including birthparents or biological-parents on a family tree, multiple co-parents raising a child, or adopted children involved with their biological families). Harriet’s tree eventually forked into a more traditional pattern when her children married and
their children followed suit. But during Harriet’s childbearing years the winds of circumstance raged. The familial limbs between Harriet and her children resemble those of a knotted and gnarled live oak.

I could easily enough acknowledge and graph Harriet’s State-unrecognized marriage to Julius’ father with a discourteous but simple genealogical footnote. Harriet and a freedman named Reuben Day were granted permission from the Smith patriarch to marry, and did, even though their marriage was not recognized by the State of North Carolina due to Harriet’s slave status. On the diagram, Reuben could be noted as Harriet’s husband regardless of state law. But how would I diagram the relationship between Harriet and Sidney? He was the father of her second child, Cornelia, but he was not Harriet’s husband, lover, or companion. The relationship category of “rapist” does not figure on a traditional lineage chart yet this fact and the relationships Harriet had with each Smith were central to her story and had to be acknowledged somewhere in the diagram lest the details be trivialized. Her relationship with Frank Smith was equally as complicated to diagram because, although three offspring resulted, Proud Shoes inconclusively defined their relationship which left a wide margin for speculation.

Furthermore, how and where would I include Sidney and Frank’s older sister, Mary Ruffin Smith? Mary raised Harriet’s four daughters under the same roof as both her brothers (Harriet’s daughter’s white fathers), her parents (Harriet’s daughter’s white grandparents), and, for a short time, her grandfather (Harriet’s daughter’s white great-grandfather, Mary’s maternal grandfather). Pauli Murray scrutinizes Mary’s arms-length mothering but states the four sisters were nevertheless raised by Mary in the main house until each was married and moved out. Mary’s roles as surrogate mother and aunt conflicted with her role as the legal owner of her nieces. While these complex relationships defy simple, comprehensive definition, Mary figures prominently on the diagram.

37 Ibid., 39-40.
38 Ibid., 37-49.
39 Mary Ruffin Smith (c. 1814-1885).
Additionally, if Mary’s roles were represented on the diagram, then certainly Maria Louise Spear, Mary’s lifelong companion, also had to be represented. Maria was a respected teacher from England who tutored the children of several affluent North Carolina families. Although Murray asserts that Maria did not teach Harriet’s children, Maria did tutor Cornelia’s eldest daughter Pauline. Maria was considered a devout and pious woman, ten years Mary’s senior. Maria was Mary’s governess and tutor before she became Mary’s confidante. They lived together for decades in the same household alongside Harriet’s daughters and Mary’s brothers. Mary and Maria cared very deeply for one another, they were inseparable at times, and they shared a bedroom. They attended Harriet’s deathbed together and Mary attended Maria’s. But, like so many other relationships in this narrative, the known details of their relationship are ambiguous. All these individuals were members of an unconventional family, each inextricably connected to the other, and no simple genealogical or familial mechanism exists to express those relationships or to integrate them into Harriet’s narrative. The genealogical diagram I constructed is almost three-dimensional.

With this diagram completed, I sought to discover the details of the lives of each individual and contextualize their place in history. Despite technological advancements, searches for the exasperatingly common name “Harriet Smith” were equally as disheartening as the searches for “Mary Smith.” Harriet’s name is noted on two bills of sale, on the United States Orange County 1870 Federal Census, in

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40 The Mallett sisters of Fayetteville are the most relevant of these tutees, in particular Caroline and Margaret Mallett, daughters of the aforementioned Charles Beatty Mallett in whose manuscript papers Spear’s correspondence is held. The Mallett sisters are referred to by Spear and hereinafter as Carrie and Maggie.

41 Murray, *Proud Shoes*, 231-2. Harriet’s children made only their “X” mark on official documents with the exception of her youngest daughter, Laura, who signed her own name on every known extant document. See each sibling’s respective chapter for elaboration. Maria is omitted from the genealogy in the front matter but no less a part of this unorthodox family.

42 Maria Spear to Carrie Mallett, 7 March 1877, SHC. The final two letters in Maria Spear’s correspondence are addressed to Carrie and Maggie but written by Mary Ruffin Smith who wrote the Mallett sisters to mourn Maria’s death 6 January 1881. These letters and a copy of Mary’s will, neatly written in her own hand, are among the few extant examples of Mary’s handwriting.

43 See front matter, “Harriet’s Children and Grandchildren” for the simplest version.

44 Coincidentally, just as I am not related to any of the Smiths, neither is the aforementioned H. G. Jones to the Joneses in the Smith-Jones family. Prior to this project, I researched my own heritage for years, impeded by the same surname challenge. Like Harriet, my surname was assigned—Harriet’s by default from the slave-owning Smiths; mine by an immigration agent unable pronounce or spell my paternal great-grandfather’s surname.
Smith family ledgers, in Maria Spear’s letters, and within the pages of *Proud Shoes*; so few records from which to construct an accurate portrait.\(^{45}\) Because the details of Harriet’s daily life were essential to my envisioned narrative, and because I am not a scholar of women’s studies, African American or Native American studies, or history, I was compelled to venture further into those disciplines to better understand the context within which Harriet and her children lived their lives. Consequently, I sought out scholarship and literature that dealt specifically with nineteenth-century female property owners, slaves who remained on the same plantation post-Emancipation, race relations on plantations, and North Carolina’s Piedmont Region. I juxtaposed current scholarship with nineteenth-century memoirs, poetry, and history books—the latter written by people who experienced the Civil War firsthand and lived during the periods and region in which Harriet lived.

Current sources I consulted included Leslie Brown’s *Upbuilding Black Durham*, Victoria Bynum’s *Unruly Women* and *The Long Shadow of the Civil War*, Janette Thomas Greenwood’s *Bittersweet Legacy*, and Robert Kenzer’s *Kinship and Neighborhood in a Southern Community*, primarily because each author specifically addressed the time period in which Harriet’s children and all people of color struggled with the issues that I wanted to address in my paper: familial relationships, postbellum plantation life, racial tension and segregation, Klan violence, the black vote, and lack of historical acknowledgement regarding people of color.\(^{46}\) Fortunately, some of Harriet’s family members were mentioned in these scholarly texts. In addition to modern scholarship, I wanted representative writing from Harriet’s contemporaries, to personalize the historical, to draw focus toward the individual.

\(^{45}\) The United States Orange County 1870 Federal Census is the only one to bear Harriet’s name. Hereinafter, all censuses are U.S. Federal Censuses conducted in North Carolina counties unless otherwise noted and cited as [County], [Year of Census].

For personal narratives I turned to texts such as Harriet Jacobs’ *Incidents in the Life of a Slave Girl*, Sam Morphis’ “The Autobiography of a Negro,” Lunsford Lane’s *The Narrative of Lunsford Lane* and the poetry from George Moses Horton’s *Naked Genius*.\(^4^7\) Each text offered the personal perspective of an individual who was both enslaved and freed, in their own words. All four authors were North Carolina natives, born in the first three decades of the nineteenth century, and Horton was Harriet’s plantation neighbor in Chatham County. However, most remarkable was the fact that Sam Morphis was the father-in-law of Harriet’s daughter, Emma. With very few scholarly references, Morphis’ life, detailed below in Chapter Emma, remains largely unacknowledged despite his role in Chapel Hill’s history. This oversight is magnified by the 1927 Pulitzer Prize for Drama awarded to playwright Paul Green who based his play, *In Abraham’s Bosom*, on Morphis’ autobiography and the lives of two other North Carolina slaves.

For another modern narrative similar to *Proud Shoes* I read Sydney Nathans’ *To Free a Family*, yet another local story but about runaway slave Mary Walker who was also Harriet’s contemporary.\(^4^8\) I consulted multiple nineteenth-century memoirs such as Augustus White Long’s *Son of Carolina* and Joseph Blount Cheshire’s *Nonnulla*.\(^4^9\) The latter two texts also contained Harriet’s family members but were written by white men who associated with the white Smiths—who were also mentioned, though not always favorably. All of these texts were contrasted against *Proud Shoes* and Maria Spear’s letters to form the backdrop of Harriet’s life. Finally, I consulted Kemp Plummer Battle’s *History of the University*

\(^4^7\) Sam Morphis, “The Autobiography of a Negro” (Sam Morphis, as told to Horace Williams) in the Paul Green Papers, #3693, Box 171, Folder 3039, SHC. Lunsford Lane, *The Narrative of Lunsford Lane, Formerly of Raleigh, N.C. Embracing an Account of His Early Life, the Redemption by Purchase of Himself and Family from Slavery, and His Banishment from the Place of His Birth for the Crime of Wearing a Colored Skin, Published by Himself* (Boston: Hewes and Watson’s Print, 1848). George Moses Horton, *The Black Bard of North Carolina: George Moses Horton and His Poetry*, ed. Joan R. Sherman (Chapel Hill, University of North Carolina Press, 1997).

\(^4^8\) Sydney Nathans, *To Free a Family: The Journey of Mary Walker* (Cambridge: Harvard University Press, 2013). Incidentally, before Mary Walker escaped from what is now Durham County in 1848 she was enslaved on the plantation adjacent to where Harriet’s husband (Reuben Day) lived free.

of North Carolina as an encyclopedic source.\textsuperscript{50} However, as my paper progressed his two volume study took a more prominent—and less flattering—role than I initially intended, as evidenced in Chapters Annette and Emma. Throughout this process, the lives of Harriet, her children, and their personal experiences remained my focus.

I already established that I would tap Harriet’s Cherokee roots for the substance of her voice and that she would speak from a modern perspective, 143 years after her death. In an effort to better understand what Harriet might have thought about her enslavement \textit{after the fact}, I read hundreds of slave narratives from the Federal Writers’ Project of the Works Progress Administration (WPA), constantly aware that much criticism surrounded the effort. Like some of the audio recordings I researched, the oral interviews were conducted during the 1930s, many by white Southerners or underqualified individuals who asked a specific group of questions surrounding an agenda set forth by the WPA.\textsuperscript{51}

Remarkably, because I had already researched Harriet’s children, their spouses, and grandchildren’s children, I recognized a name in the text of Tempie Herndon Durham’s interview to be that of Harriet’s son-in-law, Ned Kirby.\textsuperscript{52} I soon discovered more family members who were mentioned in other interviews which, in turn, provided valuable backstory. Finally, I identified multiple individuals who resided on neighboring plantations and in neighboring counties, each with valuable regional information. From these sources, I chose specific poignant remarks to weave into Harriet’s narrative, especially those relevant to Harriet’s descendants. However, although the WPA interviews provided


\textsuperscript{52} See Chapter Annette for details of Mrs. Durham’s interview in which she mentions “Uncle Edmond Kirby,” Annette’s husband Ned Kirby, who married Tempie and Exter Durham. Exter was also known as Carne and sometimes spelled Kearney.
factual details and afforded perspective, they did not provide an account of Harriet or her children’s personal experience. Many interviewees admitted to or suspected being the child of the man who once owned her; none was raised in his house.

Other methods I employed to tell Harriet’s story included research in a number of historical records. First, I traced the properties on which various family members lived—both the wealthy Smiths and the freed Smiths, all of whom owned property post-Emancipation. I traced the present ownerships to nineteenth-century inheritances to the N.C. land grants, hoping there to find Harriet’s ancestors among the indigenous tribes that were displaced. My initial research in the real property and vital records of Durham, Orange, and Chatham County ultimately expanded to Mecklenburg, Pitt, Edgecombe, Cumberland, and Wake Counties, all in North Carolina, and counties in New York and Connecticut. I consulted photographic archives and many historical maps including the Sanborn Fire Insurance maps to verify my research and to search for clues to substantiate oral history or speculation.

Throughout my research, I employed agencies and databases such as the National Archives and Records Administration, HeritageQuest, and several genealogical websites which provided a convenient, albeit incomplete, digitized assemblage of documents such as U.S. Federal Census records, birth and death certificates, cemetery records, city directories, wills and probate records, and other such documents. Additionally, periodicals, journals, immigration records, military service records, the Freedmen’s Bank records, the Freedmen cohabitation/marriage records, and the Social Security Death Index provided more information and expanded Harriet’s definitive genealogy but invariably led to

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53 HeritageQuest offers convenient digital access to censuses, city directories, veteran records, etc. and is constantly updated to include the most recently scanned data. All information from genealogical sites was highly scrutinized and used only as a regrouping point when I reached a dead end in my own research. Such sites are riddled with misinformation, guesses, and false claims.
additional questions.\textsuperscript{54} I conducted field research in cemeteries, residences and vacant properties, places of worship, and various other physical locations in order to clarify contradictory information, to photograph, or simply to search for clues on site.

I consulted multiple special collections primarily held at the University of North Carolina (U.N.C.) at Chapel Hill’s Southern Historical Collection (SHC) and Documenting the American South. The manuscripts I perused included: Mary Ruffin Smith Papers, Fitzgerald Family Papers, Paul Green Papers, and Charles Beatty Mallett Papers, all held at U.N.C.; Kelly M. Alexander Sr. Papers held at the J. Murrey Atkins Library Special Collections, U.N.C. Charlotte; and Pauli Murray Papers held at Schlesinger Library, Radcliffe Institute, Harvard University. My examination of Pauli Murray Papers was particularly rewarding. That she was able to so thoroughly research *Proud Shoes* before the advent of the internet and search engines is a testament to her determination which is consistently evidenced throughout the many papers she donated to Schlesinger Library.

Finally, the following secondary source was entirely unanticipated and must be acknowledged here. After I had completed the bulk of my research and written several drafts, historian and former state archivist, H. G. Jones, published a book with David Southern entitled *Miss Mary’s Money: Fortune and Misfortune in a North Carolina Plantation Family, 1760-1924*. The “Mary” in this title was none other than Mary Ruffin Smith, mistress of the plantation on which Harriet lived and died, the woman who raised Harriet’s daughters. My initial reaction was one of dismay. Were my own research and writing efforts all for naught? Jones’ dust jacket stated his book was “the result of eight years of research” and co-authored by researcher David Southern. What could I possibly have discovered that they did not unearth with four times the research effort and a lifetime more of specialized experience? Again, the ghosts spoke.

\textsuperscript{54} The continued efforts of librarians and county clerks to digitize deeds, periodicals, and other historical documents are greatly appreciated by this author and welcome advancements to scrolling through microform.
Although Jones states in his Preface that his book is for “the hundreds of descendants” of Harriet’s five children, Jones’ primary interest was, as the title suggests, Mary, her last will and testament, and the Smith family fortune. From reading *Proud Shoes*, I knew that each of Harriet’s children inherited property from Mary. And, via the Mary Ruffin Smith Papers, I had already researched to whom Mary—the sole *legal* heir to the Smith fortune—bequeathed the remainder of the estate: the University of North Carolina, the Episcopal Diocese of North Carolina, and the Chapel of the Cross. *Miss Mary’s Money*’s thoroughly explicated Mary’s last will and testament and the nearly two-decade probate process, not Harriet or her children’s lives.\(^5\) Not only was the book a fascinating read with well-researched documentation and annotated sources, but also its 2015 publishing date provided me with a current scholarly secondary source and a convenient compendium for the Smith-Jones history, pre-Harriet. Moreover, Dr. Jones’ mentions of Harriet and her children in his text made evident to me that we share intellectual and emotional respect for all the individuals in Harriet’s disremembered family.

The publication of *Miss Mary’s Money* relieved me from any obligation to discuss at length in my paper the backstory of Mary’s brothers, parents, and grandparents—with the exception of Chapter Julius in which necessary backstory is summarized. Likewise, Jones also wrote extensively about Maria Spear, her background, and her involvement in the Smith family, and freed me to concentrate solely on Harriet and her children in my paper except when Harriet’s story dictated otherwise. When Jones writes about Harriet and her children, it is from the perspective of their involvement in the white Smith’s lives. Jones’ chapters are named for the white Smiths and the beneficiaries; mine for Harriet and her children. Therefore, my initial disappointment at the discovery of Dr. Jones’ book was replaced by relief. *Miss Mary’s Money* is an invaluable resource chiefly with regard to the white Smith-family members and, as such, I consider it a companion book to better understand Pauli Murray’s *Proud Shoes*.

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\(^5\) Mary Ruffin Smith’s gift to U.N.C. ultimately provided plumbing and electricity to the university, Jones, *Miss Mary’s Money*, 184-90. A plaque in her honor hangs in Memorial Hall.
SUMMARY OF RELEVANT DISCOVERIES

Although my entire research process seems one relevant discovery after the next, there are five that command individual spotlights. The first was gleaned from the aforementioned personal correspondence of Maria Louise Spear held primarily in the C. B. Mallett Papers. Unfortunately, Spear’s letters were not archived and made publically available until twelve years after Proud Shoes was first published.56 The letters provide a first-person account of events that more thoroughly explains specific passages in Proud Shoes as well as describes in detail unpublished documentation of Harriet’s life and death. More importantly, Spear’s letters offer a markedly different perception of multiple Proud Shoes portraits and relationships—expressly those related to Harriet, Mary Ruffin Smith, and Maria Spear herself. Throughout this paper, I highlight examples of these disparities and employ the historical record to support or refute either author’s viewpoint. Whereas Spear’s perceptions are influenced by her loyalties to Mary and to her faith, Murray’s perceptions are equally influenced by her loyalty to the Fitzgerald family and by the oral histories the Fitzoplastals shared with Murray.

The bulk of those stories originated from Murray’s grandmother Cornelia who communicated oral histories from the time Murray was a young girl until she was thirteen years old, when Cornelia died. Thirteen is an impressionable age at which to process the complexities of any family history, particularly a history that began during a rape committed at the hands of Murray’s own white great-grandfather. Of course, Murray was aware of these complexities as an adult and throughout her memoir she attempts to distinguish Cornelia’s personal perspective from a broader and occasionally more realistic account of events. Murray also used additional oral histories and background information communicated to her by her aunts—Cornelia’s daughters—who helped raise their niece, Pauli.

56 SHC acquired Spear’s letters 28 June 1968. Whether or not Murray became aware of their existence is unknown to me.
However, their stories are second-person accounts with regard to Harriet. Neither aunt could have personally remembered Harriet because they were only one- and three-years old when she died. Even though Murray’s eldest aunt, Pauline, lived with Mary and Maria briefly during the 1870s, and was tutored by the latter around age seven, that age is also far too young for Pauline to comprehend the Smith family’s postbellum interrelations or to render fair or whole portraits of Mary and Maria.

Because the information in Spear’s correspondence both clarifies and refutes events, people, and relationships in *Proud Shoes*, it must be examined with a scrutinious eye with regard to perspective and accuracy. After researching Maria Spear, to consider the source, I reread and carefully studied each letter in the collection. Her collected letters, neatly penned in nineteenth-century cursive, begin in the historically-significant postbellum year of 1866, just as Maria permanently returned to Oakland. Because written correspondence was a platform through which personal and historical information was shared alongside hearsay or gossip, and because the Smiths were undoubtedly among the more discussed families in Orange County, I hoped other regional manuscripts would contain letters to corroborate or provide additional perspective. Unfortunately, a rudimentary search produced many results that mentioned the Smiths but not Harriet or her children. The search continues.

Perhaps the single most relevant discovery with regard Spear’s correspondence is her documentation of the circumstances preceding Harriet’s death and the thirteen months it took Harriet to die as opposed to the *Proud Shoes* account that states Harriet’s death took place shortly after injuries she received that are described below, in Chapter Two. This discrepancy is a prime example of the

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57 Maria Spear and her mother of the same name were teachers at the Hillsborough Female Academy. Charles L. Coon, *North Carolina Schools and Academies 1790-1840: A Documentary History* (Raleigh, Edwards & Broughton Printing Co., 1915), 308. *Proud Shoes* describes the younger Spear as a gentle voice of reason and compassion in Mary Ruffin Smith’s life whereas examples in this paper contrast Murray’s portrait of Spear. Regardless, Spear was an immigrant, a working nineteenth-century woman, a teacher and tutor to affluent North Carolina families, a companion to Mary, and a devout Christian.

58 Maria was absent from Oakland for periods during the War. The penmanship in her later letters—which noticeably diminished in number and in length throughout the years before her January 1881 death—emphasized the trained educator that she was and only occasionally reflected Maria’s failed eyesight and advanced age.
jeopardy of relying on memory for memoir, ironically, an error Maria makes in the very letter describing Harriet’s injuries. Maria’s correspondences are predominantly addressed to two of her former Fayetteville students, the daughters of C. B. Mallett, and focus primarily on Mallett family members who lived in Fayetteville and Chapel Hill, Mary Ruffin Smith and her brothers in Orange County, other educated and prominent white people in the region, and Maria herself. They also provide biographical information regarding some freedpeople on the Smith plantation, Harriet’s children, their family members, and friends. The letters disclose Maria’s steadfast devotion to her faith and to Mary Ruffin Smith. Maria’s affectionate musings about Mary contrast Pauli Murray’s more severe albeit multifaceted portrait of Mary in Proud Shoes. Although I address this contrast within the context of my thesis statement, the greater significance of this discovery is outside the scope of this paper. Abundant future discourse on this matter is imperative to better understand the complexities of all the women involved. In conclusion, Maria’s letters are a first-person account of the Reconstruction Era and the unusual circumstances of the people who lived on the Smith plantation, replete with historical data and a captivating subtext, all discussed throughout this paper. Her letters provide yet another perspective from which to consider Proud Shoes.

The second source that produced significant relevant discoveries was the Mary Ruffin Smith Papers. The Smith family documents contained therein provided context but the ledgers and account books of Mary’s brother Frank, Dr. Francis Jones Smith, were central to my paper. At first glance the ledgers are merely transactional records pertaining to the medical services that Frank provided and to various plantation exchanges that required accounting. However, like Maria Spear’s letters, each transaction written in Frank’s handwriting documented the postbellum interactions he had with Harriet,

59 Maria notes the events took place on one day while newspapers state the next day, though, either could be in error.  
60 See Chapter Five: Emma Morphis Cemetery for elaboration.  
61 Mary Ruffin Smith Papers, #3879, Southern Historical Collection, The Wilson Library, University of North Carolina at Chapel Hill. Hereinafter items from the Mary Ruffin Smith Papers are cited as [Identification of Item], [Box #]/[Folder#] in MRS #3879, SHC.
his daughters and their husbands, and even his grandchildren. These records contributed not only to the
genealogical aspects of my research but also to a better understanding of the complex interpersonal
relationships on the Smith plantation. These findings are discussed throughout Chapter Three.

A third relevant discovery is the genealogical research itself and the resultant family tree in
which a host of inimitable family members and familial information is now gathered, reassembled, and
contextualized. This effort exists as a centralized resource for future researchers and Proud Shoes
enthusiasts. Although Pauli Murray may be the most accomplished member in Harriet’s family tree, this
paper acknowledges several others including Sam Morphis whose life inspired a Pulitzer Prize-winning
play. Also acknowledged are Annette’s husband, Ned Kirby, her father-in-law, Tom Kirby, and their
friend and neighbor, Ed Cole, all people in Harriet’s life who profoundly changed the political and
religious lives of freedpeople in the Piedmont region. These three men are responsible for many extant
churches in the region and their biographies are detailed in Chapters Five and Six. Despite the Pulitzer
and historical recognition within the individual churches, little to no acknowledgment has been paid to
these individuals or to their families who made their accomplishments possible, a fact I hope this paper
rectifies, if only in part.

My fourth relevant discovery was realized during my research of Harriet’s youngest daughter,
Laura, and her husband Gray J. Toole which resulted in so much information I considered writing this
paper solely on them and their life in Charlotte, North Carolina; they are detailed in Chapter Seven. Both
were born slaves, bought properties together and separately, and lived much of their married life in the
headlines of local and state newspapers. After their three-year long divorce proceedings culminated
with a North Carolina Supreme Court decision, Laura and Gray continued to appear in the headlines,
both favorably and unfavorably until they finally left Charlotte and lived separate lives. Like Cornelia and
Robert in Durham, Laura and Gary were ultimately unable to clear the hurdles that separated them from Charlotte’s “better classes” but their attempts and life stories are remarkable.62

The final and most insightful discovery I made is that Harriet and her children—and her children’s children—were present and involved with each other throughout their lives, far more than the oral histories of Proud Shoes suggest or that current scholarship concedes based upon Murray’s memoir. As you will read in the following chapters, there is ample evidence to support my assertion that various combinations of Harriet’s family members lived together, prayed together, worked together, and were both witness and participant during celebratory milestones and sacraments. One individual was present for a sibling’s shared joy while another was present during a mother’s unexpected tragedy.

Whether Harriet and her children maintained close familial contact throughout their early childhoods or whether it was rekindled during adulthood remains unclear. However, I adamantly caution against the employment of terms such as “estranged” when describing Harriet and her relationship with her children.63 I further suggest that historians consider Harriet, her children, Mary, Maria, and several other Oakland tenants a familial anomaly. “Family” is an appropriate word choice to describe them all as a group whereas “flux of family” may best describe their interrelationships. Like most families, these interrelationships can be plotted on a wide spectrum and were often swayed by the waves of war, history, law, life, and personal choice. Regardless of these shifts, Harriet did not die estranged from her children. Neither did she live estranged from them, at the very least, throughout their adulthoods.

62 The “better classes” are the self-described members of the upper echelons of the black and white business classes who collaborated for a brief time in Charlotte from 1850 to 1910, as described by Janette Thomas Greenwood in Bittersweet Legacy.  
63 “Estranged” and similar words are frequently used by scholars, historians, and journalists to describe Harriet’s relationship to her children.
While this was especially true of Harriet, Julius, Emma, Annette, and their extended families due to their respective proximities to each other as freed adults, there is evidence to suggest Cornelia and Laura also maintained relationships with their siblings if not Harriet. Both also returned to Oakland, for very different reasons, over the years. Mary Ruffin Smith may have raised all Harriet’s daughters when they were children—that time period being the least historically-documented and therefore the least commented about in this paper—but Julius, Emma, and Annette maintained close relationships with Harriet during adulthood and, after Harriet’s death, with each other. The final accompanying photograph (Figure 5) contains three names of Harriet’s grandchildren; three cousins represented on the reverse of a photograph, each of their names written in pencil at different times. The photograph suggests sisterly contact was maintained between Laura, Cornelia, and Emma. Laura sent the photograph of her eldest child (Delia) to Cornelia (whose eldest child is noted on the reverse as “Mary P. Fitzgerald,” not “Pauline,” the name Mary Pauline chose to be called a later point in time). Additionally, at another undetermined point in time, the name of Emma’s eldest child (Samuel Morphis) was practiced twice in cursive, upside-down, underneath his cousin’s names. Many arguments could be made as to when, why, and how these three cousin’s names made their way to the back of this particular photograph. But the fact remains that they exist there now, together. The ambiguity and the fact, together for reasons unknown, are profoundly symbolic of Harriet’s life and family.

CONCLUSION

Harriet died thirty-seven years before Pauli Murray was born. Murray’s grandmother and aunts spent years recounting stories to Murray who spent two decades writing Proud Shoes. Despite

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64 As described in each sibling’s respective chapter.
65 The year Harriet died, her children turned the approximate ages of 33, 29, 27, 25, and 22, from Julius to Laura.
66 Murray, introduction to Proud Shoes, vii.
Murray’s exhaustive research, by the time the familial oral histories were woven into the larger narrative and published in book form, contradictions and inaccuracies were threaded throughout the memoir. While these inconsistencies require further exploration and clarification, they in no way diminish Murray’s seminal memoir and its universal relevance. In her Proud Shoes introduction, Murray acknowledges that she took several liberties and drew some “conclusions which the facts seemed to justify” all the while careful “to distinguish between the facts and the legends which could not be substantiated.” In the main text, Murray concludes her Grandmother Cornelia embellished memories then Murray articulately describes how Cornelia did and the reasons why. Such is the nature and process of historical memoir.

When the events of the distant past are recalled, the subconscious endeavors to fill gaps in the timeline or to flesh out the incomplete portrait. Over time, these alterations or additions become part of a story that deviates from actual events. Memoir, as a literary form, is acknowledged as mutable and subjective, a fluid expression that is continuously revealed. A memoir’s significance can change, even for the author, with hindsight and reflection. With this in mind and with no extant records or written firsthand knowledge concerning the most sensitive details of Harriet life, I considered shifting this paper’s perspective, many times, from Harriet’s vantage point to that of a general historical perspective. During those moments, I recalled an expression and the phrase turned itself: I could not give up on the ghost. I had not yet found Harriet’s grave—or those of her children except Cornelia—and, until I did, Harriet’s narrative voice kept vigil.

Harriet’s physical body had been as one with the land for fourteen decades yet her spirit seemed everywhere I traveled in the Piedmont, in the Middle World of the living. In Durham, where I attended Duke Graduate Liberal Studies seminars in brick buildings thought to be constructed of

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67 Ibid., xii.
68 Murray, Proud Shoes, 54.
Fitzgerald bricks, the bricks served as another reminder to not give up the ghost. The bricks were steadfast, assured together, and a symbol of a “Proud” family’s fortitude. Pauli Murray researched her family for years and confronted many personal demons before finding the right voice through which to tell her story. She wrote about the many Fitzgeralds who were buried in Durham’s Fitzgerald Cemetery, a then-overgrown graveyard which Pauli Murray championed for restoration so it would complement the condition of the adjacent well-kempt, city-owned, white cemetery, Maplewood. However, Harriet died before Cornelia moved to Durham so her grave could not be located in Fitzgerald Cemetery. I returned to the pages of Proud Shoes where Pauli Murray left so many clues, namely the married names of Harriet’s daughters: Fitzgerald, Morphis, Kirby, Toole.69 In the midst of Morphis research, another ghost appeared before me, this time, from a genuine grave.

Just as Harriet’s spirit first leapt from the pages of Proud Shoes and into my daily thoughts and research process, so too did her second daughter’s specter when I discovered Emma’s name in cemetery records: the Emma Morphis Cemetery.70 The cemetery and the property on which it is located occupies a portion of the one-hundred acres Emma inherited from Mary Ruffin Smith. Each of Harriet’s daughters inherited from Mary one-hundred acres while Julius—not directly related to the white Smiths— inherited twenty-five acres. I wondered if perhaps Julius, Annette, and Laura were also buried on their own properties. I traveled to northern Chatham County where a sign read “Morphis-Durham Family Cemetery” and solemnly marked the tiny triangular plat bordered by a fence, private residences, a highway, and an access road that bordered a much larger cemetery adjacent to its own church.71

Just beyond the Morphis-Durham sign, I saw several grave markers, barely discernable, the horizontal headstones hidden by undergrowth. Thigh-high sassafras-seedlings, young southern sugar

69 Ibid., 164-5.
70 Now called the Morphis-Durham Cemetery, the name “Emma Morphis Cemetery” exists on the deeds while “Morphis Family Cemetery” is written on Emma’s death certificate.
71 Chatham County Deed Book 96 Page 399. Also 94/274. Hereinafter Chatham County deeds are cited as CC [Book#]/[Page#].
maples, and blossomless irises competed with invasive vegetation obscuring any would-be defined path to the grave markers so I trod carefully, respectfully, toward a flash of color that caught my eye. Death certificates and cemetery records had prepared me for who was buried there. I knew Emma Smith Morphis and at least two of her children were laid to rest in the heavily shaded plat as well as a granddaughter. Cemetery records correctly noted their grave markers as disappeared though various field stones still peppered the site. More importantly, in that moment, I realized the glimpses of color I spied were lemon yellow bows and purple silk flowers adorning white wooden crosses that crowned two headstones. Somebody had, rather recently, parted the undergrowth, pulled it from the headstones, and placed the small crosses. The periwinkle was already creeping ever-so-slowly back.

Cemetery records had not prepared me for this—that living ancestors continued to use the site to bury their loved ones. Even though Harriet was always at the center of this narrative, and I was mindful to keep her and her children in my forethought, researching historical archives can be a solitary and often clinical process. My research indicated the rectangular cemetery plot on the larger triangular plat measured only 58’ x 60’ with roughly two-thirds of that small area designated for burials contained within a concrete-block rectangle. Given the number of burials I noted in burial records and the very small plat, I foolishly assumed interments ceased years ago. I became keenly aware of the ghosts of Cherokee legend. The already respectful demeanor I adopted before entering the sacred site bristled at my inattention and I vowed to tread with the utmost care among Harriet’s progeny.

Despite any number of questions that might have been answered by Harriet's living descendants—those who buried the recently interred—I chose not to contact them for the purposes of this paper. Federal Census records, multiple online genealogical databases, and social media websites provided me with enough information to connect the roots of the past to the limbs of the present.

However, I wanted to flesh out Harriet and her children’s biographies as fully as possible before intruding upon descendants who might not share my enthusiasm for unearthing the past. Perhaps Emma’s living relatives did not know they were related to the Morphis and Smith families. Perhaps they did not want to know. Standing in the Morphis-Durham Cemetery, I recalled Pauli Murray’s poignant words regarding the discovery that her forebears were both freed slaves and slave owners.

Over the course of six decades, Pauli Murray attempted to acknowledge and embrace all of her complex heritage and, more importantly, each individual forbear. These individuals are as diverse and complicated as any character in a well-written novel or play. Authentic characters are the mark of a great storyteller; the ability to create whole characters so complex, enigmatic, and plausible that they seem real, simultaneously accessible and inaccessible. In Pauli Murray’s family, some of the individuals are so difficult to imagine that they are more easily remembered as characters and not as real people—some events so horrific they can only be imagined as fictional in order to begin to process the terrors that were inflicted by and upon the very real people in her family tree. With regard to these ancestors, Murray spent a lifetime trying to understand, accept, and embrace all of them, not just the ancestors who made her proud. In doing so, she became a braver person, a more whole person. Then, she wrote about her experience and shared it with the world. No small effort. No small gift.

Throughout my process, Murray’s legacy inspired me to consider her ancestors via her own words. In 1970, nearly a century after Harriet’s death, Murray prefaced her Dark Testament poems with,

\[
I \text{ speak for my race and my people—} \\
\text{The human race and just people.}
\]

Murray’s ancestors were just people. I have no doubt Murray intended those words to be interpreted for the double-entendre they represent: “just”—meaning unprejudiced, fair, impartial, or based on what

73 Murray, introduction to Proud Shoes, xx.
is morally right and fair. But, also, “just”—meaning only, simply. We are, all of us, in the end, “only” people. I like to think people also strive to be more than “only” people; most people strive to be just people. In our failings, we have only to move forward and learn from our mistakes, from our past, from our whole history. If our goal as the human race is to be just people, the whole history must include the forgotten and the disremembered. Let us begin with Harriet.
Chapter One: Prologue

When I was called, I was called Harriet. Smith was a later addition, when circumstance required I possess a surname, when citizen eventually supplanted slave. I was called Harriet Smith for nearly four decades, from the day I was purchased for $450 and became the legal property of a Smith family patriarch from Orange County, North Carolina. The 1834 bill of sale describes me as “a negro girl named Haritt [sic], aged fifteen years past a slave, [...] sound and healthy and clear of any defect whatsoever as to [my] health.”74 The words tender an inaccurate and inadequate portrait. The description reveals nothing of me save what might serve the buyer and the seller, neither of whom cared about me being human. The bill of sale is presently well-tended in the University of North Carolina’s manuscript collection, in an institution where generations of my family members were once employed, primarily in service positions. One descendant in particular, my great-granddaughter, the Reverend Dr. Pauli Murray, was denied admission to the University “for the crime of wearing a colored skin.”75 Several evidences of my existence are archived there, tipped into the Smith family papers, among the tattered ledgers, wills, and deeds that survived multiple possessions, civil war, and the plodding passage of time. Long after I died, the records were catalogued and archived in a climate-controlled environment while my mark and my grave marker steadily slipped from memory into a potter’s field.

Flowers were sent when my body was laid to rest on an early-autumn day in 1873 near the Orange-Chatham County line. A cap was expected for the departed elderly and flowers for the young; that was the neighborhood rule.76 I was fifty-four years old and referred to as “Mary’s old servant

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74 Orange County Deed Book D Page 401. Hereinafter Orange County deeds are cited as OC [Book#]/[Page#]. William Kell to James Strudwick Smith, 30 September 1834, Box 1, Folder 9, in MRS #3879, SHC.
75 Quoted from the title of Lane, The Narrative of Lunsford Lane.
76 Maria Spear to Carrie Mallett, 13 December 1873, SHC.
Harriet” yet flowers were sent.\(^77\) Whether they were to lie on my coffin or on my grave was left up to those who would bury me during the sultry September storms that inundated that year. Just as they had throughout my life, the elements marked the moments of my death. Relentlessly rainy weather wept during the final days of my demise and kept wet those who dutifully tended my deathbed. From the big house, Mary had to cross three fences and two cotton fields to reach me, in the “night and day in the rain and dew.”[^78] How many times had I traveled the same path, to tend to Mary, in whatever weather, at whatever hour? How insignificant yet intimate these details seem in my otherwise undefined portrait.

Was Harriet my given name or assigned to me, as was my surname—Smith—*like so much white weight*? Who was my mother, to what clan did my forebears belong, *a tribe the white man called Cherokee*? Where do my bones now lie, as one-with-the-land, *the land they called the United States of America*? The bills of my sale, census records, and the casual mention of my name in personal correspondence, plantation journals, and other such documents barely flesh out my piecemeal portrait. My silhouette is scarcely sketched via archived documents, my visage only subtly shaded via oral histories, my thoughts and feelings lost to supposition. Several documents note I was a mother.

At my death, I was the mother of five grown children—one son, Julius, and four daughters, Cornelia, Emma, Annette, and Laura. At my death, I was already grandmother to twelve of my thirty grandchildren who would survive to adulthood. I was ten-years a freedwoman but still lived and worked on the Smith’s plantation. My four eldest children lived nearby me throughout my life; only my youngest moved away. History and time disremembered all six of us until the historical memoir *Proud Shoes: The Story of an American Family* was authored by my great-granddaughter, Pauli. She is the unheralded scion of my family, a gem finally garnering national attention for her courage and accomplishments. She

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[^77]: Harriet’s exact date of birth is unknown. The two bills of sale contained in MRS Papers calculate her birth year at circa 1819 and the 1870 US Federal Census at circa 1817. For references in this paper, Harriet’s date of birth is calculated from 1819.

[^78]: Maria Spear to Carrie Mallett, 13 December 1873, SHC.
went on to greatness after the University first denied her admission. She became a lawyer, an author, a priest, a poet, an activist. Yet, however brilliant Pauli’s light, it does not shine alone among my progeny.

Following are five such lights, five biographical portraits of my children, and myself, and the disremembered people with whom we made families. Speak our names aloud. Our souls are among you, witnessing modern history being made as we once made it ourselves. Most of our names will not be found in historical indices unless they are placed there now. Most of us lived the lives of the common people. However common we may have been, our daily lives were extraordinary. Long since overlooked, our stories are within reach, buried only as deep as memory and the effort to divine them. Exhumed from archives, our stories form portraits of the forgotten and the disremembered, some of all the People. We were the People denied the “Blessings of Liberty” and excluded from the aspirational “perfect Union.” We were the People who cleared and worked the land so agrarian and industrial enterprise might flourish. We were the People. We were people.

Speak our names aloud: Harriet, Julius, Cornelia, Emma, Annette, and Laura.
Chapter Two: The Mother’s Name is Harriet

\[\text{A cabin of one’s own and a moment to rest,}\
\text{A name and place for one’s children}\
\text{And children’s children at last . . .}\
\text{Hope is a song in a weary throat.}\]^{79}

The beginning of my end took place during the summer of 1872 at Oakland, a sprawling plantation on Price Creek owned by the Smith family in Orange County, North Carolina. Throughout that summer we weathered myriad violent thunderstorms. Like many storms typical of the region and season, torrents materialized from the steaminess of sunburnt afternoons and lightning struck with pointed indifference, often with little warning. August newspapers reported multiple tempests across the Piedmont during which barns burned and livestock drowned. Waterlogged crops disintegrated, flocks were felled midflight, and partridge-egg-sized hailstones carpeted the ground.\(^{80}\) On Friday afternoon, August 23, lightning chose Oakland. It could have struck anywhere on the Smith property that comprised upwards of three-thousand acres in Orange and Chatham Counties.

The day the lightning came, I was a freedwoman, living in my own cabin on the plantation but working as Miss Mary Ruffin Smith's personal servant. She was Oakland’s mistress, the eventual heir to the Smith-Jones fortune. Everybody called her Miss Mary. I called her Miss Mary until the day I died. Mary was up in the big house when the storm set in. Her youngest brother, Sidney, died five years past but her only other sibling, Frank, was up in the big house too, as was Maria Spear, Mary’s former

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\(^{79}\) Murray, Dark Testament, 22.

\(^{80}\) The Carolina Watchman, 22 August 1872, 1; The Charlotte Democrat, 27 August 1872, 3; The People’s Press, 29 August 1872.
governess and lifelong companion. Only three lightning flashes appeared particularly dangerous that day. However, surveyors of the aftermath reported seven lightning strikes on the plantation.  

*The black gum is the only tree spared by the Thunder Beings, because lightning can find no entrance into its impenetrable core.* What could the Thunder Beings know about the incongruities of Oakland? One tremendous bolt splintered a large gum tree in an adjacent field where, moments before, John and several other field hands had been laboring. That strike validated Mary’s oratories regarding the hazards of summer storms. How many times had she harangued John, and all of us, about the dangers of lightning?  

For those who had never witnessed the devastation of such a storm, that gum tree offered perspective. Gums are particularly difficult to split and, when used as firewood, the logs produce unwanted smoke and burn too quickly. Unless easier-to-harvest trees are scarce, procuring firewood from gums neither offsets the laborious lumberjacking efforts nor compensates for its inadequacies as a fuel source. How humbled we were to behold that stubborn tree, so effortlessly reduced to disfigured firewood—charred shards strewn about, kindling riven in a split second by a single spear of electrified light. Fortunately, John heeded the echoes of Mary’s warnings and—finding no other place to hitch the mules save the very tree that, unbeknownst to him, would soon be struck—he sent the field hands home early, unwittingly saving life and limb, not only of the field hands but also the mules.

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81 Maria Spear to Carrie Mallett, 26 August 1872, Maria Spear to Maggie Mallett, 27 August 1872, SHC. Spear notes the storm occurred on “Thursday week”, indicating 22 August 1872. However, multiple North Carolina newspapers report its occurrence on Friday, 23 August 1872. *The People’s Press*, Winston-Salem, 29 August 1872, 3; *The Daily Journal*, 24 August 1872, 3.  
83 Maria Spear to Carrie Mallett, 26 August 1872, SHC. John is named in Spear’s letter and could be one of any number of neighboring Johns who either lived on or near Price Creek Plantation.  
84 Ibid. Also, Maria Spear to Maggie Mallett, 27 August 1872, SHC.
After the bolt struck the gum tree, two flashes struck other trees between my cabin and Maria’s new log schoolhouse. The passage “seemed full of lightning, as if it were a [real] thing you could catch by arm fulls [sic].” The formidable flash and crackle marshaled into my cabin two frightened neighborhood children en route home from school. I knew both children well. Dennard was a twelve-year-old boy who lived in Hillsborough, and Mary Cole was the thirteen-year-old daughter of my neighbor and friend, Ed Cole. Dennard was eating some ripe melon that Ed brought to share with everyone. My daughter, Annette, and three of her children were safe inside, visiting with me when the storm began to indiscriminately ravish flora and fauna for miles. Annette and my namesake were on my bed; her two toddlers playing on the floor when Dennard and Mary rushed in.

Once inside my cabin, Dennard shook the rain from his person, turned to his schoolmate and declared, “There Mary, what a good thing we got in here, we might have been killed.” The moment the last of those words left his lips another bolt of lightning struck my chimney, shot down, split the funnel, and exploded my firedogs, bellows, and poker throughout the room. The bolt “came out through the fireplace, struck Dennard on the head, ran down his back, [and killed] him instantly,” leaving a half-chewed mouthful of melon in his lifeless body.

The lightning zigzagged, alive in our midst, racing ravenously through any conduit it could find toward an expiry. Before it found its terminal point out the door that had been left ajar, the bolt circuitously conducted itself through half the people in my home and slaughtered an entire flock of hens underneath my cabin who sought shelter from the deluge. The flash spared Annette and my grandchildren who were beyond the circuit that Dennard, Mary, Ed, and I created—though, they were,

85 Maria Spear to Carrie Mallett, 26 August 1872, SHC.
86 Ed Cole was also the plantation preacher. See Chapter Annette for his biography and legacy in the Piedmont region.
87 Maria Spear to Carrie Mallett, 26 August 1872, SHC.
88 Ibid. The term andirons was used by Maria and ubiquitously in the northern United States, while its synonyms firedogs, iron dogs, or dogs were preferred terms in the South. An English woman by birth, Maria was careful to employ American spelling in her correspondence with her American friends but occasionally she reverted or edited herself, e.g., “colourful.”
nonetheless shocked by the horror unfolding before their eyes. The bolt found Ed, stupefying him for over half an hour, rendering him unable to summon help from the main house for his daughter who was paralyzed by the strike.\textsuperscript{89}

The same bolt also pierced me, zinging my nerves, stinging my muscles, and cracking my bones, paralyzing me for days, and permanently disfiguring my body. \textit{My body}. My body had endured the pains of birthing five children, of being brutally beaten and repeatedly raped, my young son a wailing witness at the conception of his own half-sister. My body knew indescribable pain. And, on August 23rd, the storm-spirits that my ancestors revered and called the Thunder Beings came to claim their pound of flesh, from \textit{my body}.\textsuperscript{90}

Fierce rain, winds, and floods continued through the afternoon and night, forestalling Dennard’s father’s journey from Hillsborough to retrieve his son, a son he did not yet know was dead. The following morning, we watched helplessly—wounded, dumbfounded, and grief-stricken—as Dennard’s father carried his son’s body from my cabin, past nests of broken eggs, mutilated hens, and splintered trees.

I lived for thirteen months after the lightning came. I was crippled and suffered through great pain throughout that year. By then, all my children were married with families of their own. But the event was seared into our familial consciousness. Annette and everyone who witnessed the events would never forget but it was Cornelia who made them ritual. As an adult, “the circumstances of [my] death left such a deep impression on [Cornelia] that all activity at [her] home stopped whenever a

\textsuperscript{89} Ibid. Mary’s brother, Frank, a doctor, lived with Mary and Maria at the main house and would have been called to the scene.\textsuperscript{90} Thunder Beings, lightning, from Mooney, \textit{Myths of the Cherokee}, 240, 441, 465, and Norton, \textit{Cherokee Myths and Legends}, 18, 112.
thunderstorm came up. The windows and doors were closed; nobody dared sit in front of a fireplace or open draft; no one touched anything metal. The whole family gathered in the lower part of the house and sat praying silently until the storm had passed."

I died in my cabin, in the same bed upon which my daughter, Annette, and namesake granddaughter were playing that devastating August afternoon. Among those who attended my deathbed was Mary Ruffin Smith, the woman who once legally owned me, the woman I served for thirty-nine years as slave and servant, the woman who brought all four of my daughters into her big house and raised them underfoot of their white fathers—her brothers. My daughters were both Mary’s nieces and her slaves. They did not share slave quarters with my son Julius and me. They ate, slept, and worked in the same house as the white Smiths who “carefully preserved a thin veneer of master-servant relationship for [an] unbelieving public.” My first two daughters, Cornelia and Emma, born in 1844 and 1846 respectively, entered into the Smith home in plain view of the tongue-wagging townsfolk of Hillsborough. When that became too much for the old Smith patriarch to bear, he had what the neighbors called “a mansion” built on a 1600-acre Price Creek countryside estate. This house was Mary’s house, Oakland. There, my two youngest daughters, Annette and Laura, were born in 1848 and 1851. Oakland was still in Orange County but far enough south of Hillsborough and Chapel Hill-proper to avoid the daily gawps and gossip.

Outside the metes and bounds of Oakland, legislation rigidly defined our separate and unequal coexistences in terms of race and skin color. However, inside the property line, our daily lives were anything but strictly black and white—like our heritages. This was true for all the Smiths—those

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91 Murray, Proud Shoes, 231. Murray writes that Harriet “never recovered from the shock; she was paralyzed and died not long after that.” However, Maria Spear’s August 1872 and September 1873 letters provide more accurate accounts of the lightning and its aftermath, and of Harriet’s later death. SHC acquired and archived Spear’s letters in 1968, twelve years after Murray published Proud Shoes. Murray, a thorough researcher, may never have been aware of their existence. The possibility exists that other family members for whom Spear does not account could also have been present in Harriet’s cabin.

92 Murray, Proud Shoes, 48-49.

93 Jones, Miss Mary’s Money, 63-6.
considered white as well as those of us who were not. To be clear, we were slaves and they were slave-owners, a fact that applied to everyone save my daughters. It was their contradictory roles as slaves, as daughters, as nieces, as children, that emphasized the greyness in between the blackness and whiteness. The rigid racial designations they were publically assigned, by law-makers and census-takers, were tempered at home by daily circumstance—and further distorted by the conflicting roles of fatherhood and fathering, motherhood and mothering. The particulars of my children’s paternity and maternity were not strictly governed by genetics or the law but, rather, by the daily interactions of all of us muddling through life’s events; sickness, harvest, drought, war, a trip into town.

We lived unconventionally on a plantation that had to be operational regardless of the crossover roles played by father, master, mother, mistress, kith, and kin. My great-granddaughter, Pauli, wrote that Mary Ruffin Smith and I “shared a strange motherhood in which neither could fully express her maternal feelings. The same overpowering forces which had robbed the slave mother of all natural rights had thrust them unwanted upon the childless spinster.”\(^94\) A similar sentiment applies to the men who fathered my children. Julius’ father was beaten and banished from the Smith property by Mary’s brothers—Sidney and Frank—thusly denying my husband, Reuben Day, any role in raising his own son. Cornelia’s father, Sidney Smith, showered her with attention and love but she ultimately served him. Emma, Annette, and Laura’s father, Frank Smith, was less interested in his daughters than he was in keeping Sidney from possessing me again. Each of my children experienced their own unique forms of belonging and un-belonging. Their childhoods were unique to each other and unique to their peers.

“‘We were free. We were just born in slavery, that’s all,’ [Cornelia] always said. And to her, there was a difference.” And, sometimes there was a difference. Most times, not.\(^95\)

\(^{94}\) Murray, Proud Shoes, 48.

\(^{95}\) Ibid., 48-54. According to Pauli Murray, Harriet and her children were freed by Emancipation, not by Mary, the last Smith to own not them all. While this may be accurate, Murray did not find enough factual data to support Cornelia’s claims before
Until Cornelia moved to Woodside and Laura to Charlotte, each with their respective husbands, I never lived more than an arm’s reach or short walk away from any of my children. I was entangled in my children’s lives and they in mine until they were grown adults and my death physically separated us. My children and I remained in the Smiths lives in varying degrees of togetherness and separateness, ebbing and flowing with the tides of war and promised peace, through joy and sorrow, within the boundaries of freedom and servitude, but always at the mercy of those who held sway. I say “the Smiths” as if we were not also called Smith. Like so many others, we took our “freedom by degrees and remained obedient and respectful, but [were always] wondering and thinking of what the future held for” us.

While Julius lived with me in the slave quarters, his station and status clearly defined by slave law, my daughters lived in the same house as their white relatives—white fathers, white uncles, white aunt, and white grandparents. They were owned. They worked for the Smiths. But they were also arms-length kin who were afforded the relative comforts of a palatial plantation home and slightly better everything compared to the slaves outside the big house, like Julius. He was the son of a free black man but categorized as a slave, because I was a slave. Meanwhile, my daughters “occupied a no man’s land between whites and blacks, belonging wholly to neither yet tied irrevocably to both.”

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Proud Shoes was published. Mary purchased Harriet, Julius, and Cornelia from James Smith in 1845, but Harriet’s youngest three daughters were born Mary’s property due to Harriet’s slave status: partus sequitur ventrem or “offspring follows the mother.” Murray must have been unaware of the 1845 bill of sale due to her wording in the passage, “By 1860 [Mary] owned Harriet and her five children” and “after she bought them she told the girls they were free, but she never manumitted them outright,” Proud Shoes, 52. If Murray’s latter statement is accurate, Cornelia’s ideas about slavery, freedom, and relative-freedom—evident in such statements as “We were free. We were just born in slavery”—are afforded perspective.

Woodside is the Fitzgerald farm described in Chapter Four.

Robert Glenn as quoted in Voices from the Days of Slavery, 336. Mr. Glenn was born in Orange County, near Hillsborough, 16 September 1860, about thirteen years after the Smiths moved from Hillsborough to Oakland. His narrative includes a moving account of his decades-long anticipation of a reunion with his parents after he survived slavery and multiple owners.

The home was palatial by regional standards despite records that suggest how sparsely it was furnished. This may have been because James Smith was notoriously stingy, because much had been squandered, because Mary was reputedly frugal, or a combination. See Jones, Miss Mary’s Money, 124-5.

Murray, Proud Shoes, 91.
those delineations were further skewed by the publically-scrutinized actions of Mary Ruffin Smith. She took my daughters to the Chapel of the Cross in Chapel Hill for Sunday service come rain or shine. \footnote{100}

Mary was less than five years my senior, aged nearly twenty years to my fifteen when I was purchased by her father to serve her. \footnote{101} Ten years later, when Julius was a toddler and Cornelia an infant, Mary’s father almost slave-traded all three of us—\textit{including his own granddaughter, Cornelia}—during several desperate attempts to salvage his mismanaged fortune. \footnote{102} Mary’s father and brothers brought much disgrace to the Smith home, much of which was left for Mary to bear alone. Her brashness was often softened by her attempts to remedy the transgressions of her male relatives. Of the white Smiths, she was perhaps the most complex individual to understand, particularly when her cruelty contrasted her compassion or when her parsimoniousness overshadowed her generosity. \footnote{103}

Mary was the product of her generation and the era. She was well-read, learned within the confines of a nineteenth-century Southern female education, and trained to become the mistress of her father’s plantation. \footnote{104} But her gender prevented her from becoming more recognizably accomplished. Denied the opportunity to pursue a profession that might have reflected her intellect, she ran the plantation, a role she acquired in stages. First, she oversaw the move to Oakland from Hillsborough in

\footnote{100} It is not clear if Julius also attended the weekly carriage rides to Chapel Hill proper. He was baptized and later brought his own family to the chapel for baptisms and confirmations.

\footnote{101} Murray incorrectly states Harriet was purchased for Mary’s coming out party at age eighteen, \textit{Proud Shoes}, 37.

\footnote{102} See Jones, \textit{Miss Mary’s Money}, Chapter 2 for a detailed account of Mary’s father, Dr. James Strudwick Smith. In 1845, Mary bought Harriet, Julius, and Cornelia, for $550, James S. Smith to Mary R. Smith, 25 August 1845, Box 1, Folder 9, in MRS #3879, SHC. H. G. Jones suggests James Strudwick Smith “was not averse to making a hundred-dollar profit at the expense of his blood daughter,” \textit{Miss Mary’s Money}, 64. However, James did not “make a profit.” Harriet’s initial purchase price in 1834 was $450. The second bill of sale in 1845 states $550 for the purchase Harriet but also includes both Julius and Cornelia, each of whom would have (by the day’s standards) been far more valuable than $50 apiece.

\footnote{103} Mary’s actions were often followed by contradictory actions, e.g., she raised the four sisters in the main plantation home but denied them educations. Slave education was legally prohibited for most of the time that Mary’s nieces lived at Oakland. However, Mary was a capable, intelligent woman and, within the privacy of her home, she could have educated her nieces just as some other slave-owners did, especially given Maria Spear, a qualified teacher, resided under the same roof. Another example of Mary’s contradictory actions is evident when she bequeathed her nieces 100 acres each but not the means to upkeep the land (property taxes, equipment, etc.), an oversight exacerbated by the lack of education that prohibited the overall advancement of her nieces. While Mary had the opportunity to radically alter history—if she had educated her nieces or, against convention, bequeathed her entire estate to them—she did not. More examples follow throughout this paper.

\footnote{104} Murray, \textit{Proud Shoes}, 36.
1847, caring for her ailing parents all the while. She then gradually assumed her deteriorating father’s responsibilities until his 1852 death after which she was doubly accountable while her brother Sidney slowly succumbed to the alcoholic abyss that resulted in his 1867 death. Finally, she gained control over all operations throughout the next ten years during which her brother Frank suffered a stroke, was consumed by madness, and finally died in 1877. Mary’s gravestone reads, “She hath done what she could.” Perhaps she did. The Civil War raged during the heart of her ascension to plantation mistress. The aftermath left her, all of us, with scarce resources and plenty of hard times. Mary turned to her faith for strength and guidance. I did not share her devotion to the church.

Maria Spear once wrote about me, “The only religious exercise that I thought Harriet really enjoyed was my singing “Nearer my God to Thee, Nearer to Thee.” Is it not sweet. So quiet, and lovely.” However, her understanding was rather narrow regarding what religion meant to any of us because Maria was so steadfast in hers; as was Mary. A long day’s deliberation would pass if I had to choose the more pious disciple. Still, religious devotion can cloud the ability to appreciate spirituality in others. And, like everybody else in our unorthodox group of people, the British-born schoolteacher was the sum of her many aspects; an educator, a product of her era, a product of her faith, reverential to the laws of the country she now called home, and ever-devoted to Mary, the mistress of a nineteenth-century Southern plantation. Maria also wrote, “I heard the coloured Brethren and Sisters, for I suppose I must not say negroes [sic], singing ‘I Want To Be an Angel.’ [...] The singing was at Harriet’s house, one moonlit evening. And you don’t know how pretty it sounded, through these tall trees.”

105 See Chapter Three for details of Frank’s madness.
106 Mary first attended Hillsborough’s extant St. Matthew’s Church of which both her parents were lifelong members. After moving to Oakland, she became a charter member of the Church of the Atonement which became the Chapel of the Cross, Jones, Miss Mary’s Money, 105-106.
107 Maria Spear to My Dear Girls, 10 September 1873, SHC.
108 Maria Spear to Maggie Mallett, 11 July 1866, SHC.
spirituality assume many forms. Perhaps divinity is attained when they are experienced simultaneously, even if only by individuals separated by circumstance.

Mary’s devotion to her faith brought my daughters to the Chapel of the Cross where they spent many Sundays relegated to the balcony overlooking the white congregation and the Smith family pew. Regardless of their seats inside that Chapel, religion stayed within each of them for the rest of their lives, and they passed it onto their children, though not all of them remained Episcopalians. My great-granddaughter Pauli Murray was the first African American woman to be ordained an Episcopalian priest but she was not the only ordained minister in my family. There were several.109

Mary set her nieces on what she considered the righteous path, and arranged the baptism of each of my children, including Julius, in December 1854. A page bearing all their names still exists among the Chapel records.110 Also written on the baptism page is Kemp Plummer Battle’s name, though his blessing transpired the following spring. He became a lawyer, professor, an historian, a N.C. State Treasurer, and a University of North Carolina president and trustee, an institution that he documented in the pages of a two-volume study.111 He spent the better part of twenty years settling Mary Ruffin Smith’s last will and testament. Because Mary was explicit when she named Kemp her executor, he ensured Julius and Cornelia’s inherited Orange County property was arable. Emma, Annette, and Laura also benefited from the same stipulation when they received 100-acres each in Chatham County.112

Mary gave my children religion and property. I would not; I could not.

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109 See Chapters Annette and Emma for the Reverends Ned Kirby, Rufus Morphis, Ed Cole, and other family members in the church. See Chapters Julius and Laura for their church attendance. Cornelia’s devotion is noted throughout Proud Shoes.
110 Episcopalian baptisms typically take place during the main Sunday service while the congregation participates in song and prayer as they welcome the newest members of their church. For reasons unknown, Harriet’s children’s baptisms took place on a Wednesday while another enslaved child, recorded on the same page, was baptized on Sunday.
111 This two-volume compendium, the History of the University of North Carolina, plays a significant role throughout Chapters Emma and Annette.
112 For a detailed account of the protracted settlement of Mary’s last will and testament see Jones, Miss Mary’s Money.
The Chapel of the Cross baptism record contains all five of my children’s first names and their ages under the 1854 heading “December 20. Five Servant Children belonging to Miss Mary Ruffin Smith.” In parentheses, underneath my children’s names, penned in the same cursive handwriting are the words:

(The Mother’s name is Harriet.)
Chapter Three: Julius

HILLSBOROUGH

My first child and only son, Julius Caesar Smith, was born in 1840. I made him with my husband, Reuben Day, but our union was neither legal nor lasting. “Gettin[g] married [and] having a family was a joke in the days of slavery [...] The main thing in allowing any form of matrimony among the slaves was to raise more slaves[,] in the same sense and for the same purpose as stock raisers raise horses and mules, that is for work.” Nevertheless, love does not abide by the cruel rule of man, so Reuben and I married each other. The cruel rules categorized him as mulatto, just as I was categorized, but he was born free, worked for himself in Hillsborough, and lived in what is now called northern Durham County. In order to marry Reuben I had to ask for permission from Dr. James Strudwick Smith, the first Smith to own me, the eventual grandfather to my daughters. The doctor—who was conferred a Doctor of Medicine degree only after he paid a fee and positioned himself to become president of the University’s medical society—voiced no objections to my request.

A slave-owner profited from the marriages of his female slaves. The slave-owner had no responsibilities to the husbands and any subsequent children were born the slave-owner’s human

113 Except Cornelia whose birth is documented in Pauli Murray’s Proud Shoes, Harriet’s children’s birth years are approximate and calculated using the baptism record from the Chapel of the Cross, U.S. Federal Census Records, and/or other vital records, and each record contradicted the last. The birth years regarding references made in this paper are as follows and for reasons explained in each individual’s chapter via said documents: Julius 1840; Cornelia 1844; Emma 1846; Annette 1848; Laura 1851.

114 Thomas Hall as quoted in Voices from the Days of Slavery, 360. Mr. Hall, who was eloquent and adamant during his brief interview, was born in Orange County, once belonged to Jim and Polly Woods, and did not want his story to be written by the WPA interviewer because “the white folks have been and are now and always will be against the negro [sic, per interviewer].”

115 Orange County 1850-1870 Federal Censuses. The other Reuben Day noted is Reuben’s father.

116 Diploma of Jacobum S. Smith, M.D., University of Pennsylvania, 1822, XOP-2930/1, in the James S. Smith Account Books, #2930-z, SHC. Also Jones, Miss Mary’s Money, 31 and n. 38.
The children could be kept as future slave-laborers or sold for hundreds of dollars. At the time I wanted to marry Reuben, North Carolina did not recognize slave unions of any kind, even with free or freedpeople. James Smith knew this law well because he “helped to change the state constitution in 1835 to take away [the right for blacks to] vote and bar them from education.” To James Smith, my marriage to Reuben was nothing more than a profit waiting to be reaped. To me, our union was pure hope. Reuben was free and someday I would be too. Reuben’s father of the same name owned seven acres on the Flat River and Knapp of Reeds Creek. Perhaps we would live there, someday, and have a family.

With permission, and with dreams of a free future, Reuben and I stood before a preacher and spoke words of troth. Reuben and I were not allowed to live together but during his visits we dreamed and planned how he would save up enough money to buy my freedom—and our son’s freedom too, when Julius was born in 1840. But those were aircastle dreams that would not come to pass for me or

117 Murray, Proud Shoes, 39. While the Latin maxim partus sequitur ventrem was eventually adopted into state law throughout the nineteenth century, it was first adopted by statute 14 December 1662 in Virginia. Both the concept and the law perpetuated slavery and was the general mindset of Southern slave-owners.

118 Lawrence M. Friedman and Harry N. Scheiber, eds., American Law and the Constitutional Order: Historical Perspectives (Cambridge, Mass.: Harvard University Press, 1988), 306, n. 35. The North Carolina Supreme Court ruled, “the relation between slaves is essentially different from that of man and wife joined in lawful wedlock.” Slaves were considered chattel and could not enter into contracts including marriage. Any marriage performed was not legally bound.

119 Murray, Proud Shoes, 39.


121 Murray, Proud Shoes, 40. Murray’s account is the only known record of the marriage. Given Harriet’s friendship with Ed Cole, a Baptist minister described in Chapter Annette, perhaps Cole married Harriet and Reuben.

122 Julius’ year of birth on the Chapel of the Cross baptism record may be incorrect. Unless Julius was born within the last ten days of 1854, the baptism record places Julius’ year of birth in 1842 (otherwise, late December 1841). Pauli Murray likely used the baptism record to calculate Julius’ birth year—the image is included in Proud Shoes’ first published edition. The August 1845 bill of sale that documents Mary’s purchase of Julius indicates that Julius’ age is “about three years old,” which also places his birth year circa 1842, in Box 1, Folder 9, in MRS #3879, SHC. However, Julius’ supposed 1842 birth conflicts with Reuben’s January 1841 legal marriage to another woman (see below). As a result, number of possible scenarios must be considered. Reuben could have fathered Julius in 1842, even after he was legally married to another woman. It is also possible that Julius was not fathered by Reuben Day or that Julius had an older brother of the same name who died in infancy. Or, Reuben may be another man altogether, named William Day, see footnote 131. Victoria Bynum also puts forth the assertion, that Julius’ birth likely occurred in 1840 and not in 1842, Unruly Women, 176, n. 81. She also asserts correctly that Reuben Day did not leave Orange County after being banished by the Smith brothers (see below). However, Bynum also suggests Harriet and her daughters were estranged, Ibid., 152. I argue the contrary as evidenced by many the examples in this paper. The politics of motherhood certainly shifted when Harriet’s daughters entered the big house as Smith progeny. But Julius (as an adult, noted
for Julius. He was an infant when our life as a family was forever altered by both of James Strudwick Smith’s sons: Francis Jones Smith and James Sidney Smith—Frank and Sidney to those who knew them well.

Frank and Sidney were away, studying at the University of North Carolina at Chapel Hill, when their father purchased me in 1834. I was fifteen years old as was Sidney. Frank was two-and-a-half years older than Sidney, and Mary—their sister who I was purchased to serve—was two years older than Frank. When their enrollments overlapped, Frank and Sidney shared a room in the Old West Building that still stands on campus today. After four years apiece spent at the University each brother made the thirteen-mile ride north, back to the Smith’s Hillsborough residence. Like their father, neither brother was conferred a degree. Frank returned home first but in 1837, he followed his father’s footsteps to study medicine at the University of Pennsylvania. That same year, the eighteen-year-old Sidney returned home and “hurled himself with single-minded fury into whatever caught his interest.” That was, eventually, me. Lack of degrees prevented neither Sidney nor Frank from practicing law and medicine, respectively. Frank’s Pennsylvania studies ended in 1838 when he permanently returned to Hillsborough to open a medical practice alongside his father. Sidney entered into legal practice with a young attorney in Hillsborough, the seat of Orange County, and quickly established himself as a skilled

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123 Robert Glenn as quoted in *Voices from the Days of Slavery*, 336. “After I retired at night I made plan after plan and built air castles as to what I would do.”
124 Frank enrolled at U.N.C. when he was sixteen years-old and Sidney when he was fourteen.
125 Jones, *Miss Mary’s Money*, 88.
It was during this time that I married Reuben Day and the Smith brothers ought to have found brides that satisfied familial and societal expectations.

Frank and Sidney were young professional men with respected social standing and among the more desirable bachelors in the county if not the state. Their doctor-politician father, James Smith, owned many properties, as well as an impressive estate that included mills, distilleries, and a tannery, each with the equipment, tools, and slave-laborers necessary to operate them. Furthermore, Frank and Sidney's maternal grandfather Francis Jones and great-grandfather Tignal Jones were Revolutionary War veterans who held political office. Their vast estates once included sprawling plantation complexes, mills, and a well-attended racetrack. The vast holdings of the Jones estate were supposed to pass to Frank, or to Sidney if Frank died first, via the traditions of primogeniture. As it turned out, everything was eventually inherited by their older sister, Mary Ruffin Smith, who bequeathed 425 acres to my five children and more than 3000 acres to U.N.C., the Episcopal Diocese of North Carolina, and the Chapel of the Cross.

In light of such well-heeled and prominent ancestors, both Frank and Sidney could have married any woman they chose. However, the brothers were not interested in the genteel daughters of Southern society. Instead, they concentrated their libidinous gazes squarely within the Smith property line. Frank's advances toward me were quietly calculated from a distance while Sidney's were constant, blatant, and distressing. After Sidney cornered me multiple times in the big house, I began nailing my

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127 Jones, Miss Mary's Money, 69-70, 88.
128 Francis Jones (1760-1844) was husband to Mary Parke (1761-1811) and father to Delia Jones (1787-1854) who married James Strudwick Smith (1787-1852). For the marriage of the Jones-Smith family and information on the racetrack that once occupied what is now Fearrington Village see Jones, Miss Mary's Money, 13, 174, 180. The Joneses of Chatham County were among the most prevalent land- and slave-owning families in North Carolina whose fortunes once rivaled that of Richard Bennehan, Tignal Jones' contemporary. Richard Bennehan's daughter married into the Cameron family, North Carolina's wealthiest slave-owners, and together the Bennehan-Cameros eventually possessed tens of thousands of acres in the region and owned about two thousand slaves. The Cameron family patriarch, Duncan Cameron, was once James Strudwick Smith's benefactor (among many other roles), owned the land adjacent to Reuben Day's father, and also owned Mary Walker, the aforementioned runaway slave from Sydney Nathan's To Free a Family. Although the Bennehan-Cameros became far wealthier than the Smith-Joneses, at Richard Bennehan's 1825 death his fortune was comparable to the Jones-Smith fortune.
cabin door closed at night. During the day I served the Smiths in fear. The jealous brothers began to fight like two starved dogs after the same piece of found meat. After observing the rivalry and the intensifying advances toward me, Mary pleaded with her father to quiet the quarreling brothers, to no avail. James Smith reasoned his sons were within their rights as men “to sow a few wild oats” before marrying respectable women befitting the Smith family name.129

I had nowhere to turn, not even to my husband who was a marked man when he came to visit me. Julius was a toddler when Frank and Sidney joined efforts to banish Reuben from my life. The last time I saw my husband, he was threatened by Sidney to leave the Smith property and never return. One night, when he attempted to reunite with me, “the brothers beat Reuben with the butt end of a carriage whip” then promised to shoot him dead if he dared return.130 Reuben never did come for me but he did not leave the county as some thought. He continued on with his life only twenty-two miles due east of me, without me. And, he wasted no time. In January 1841, he married Mary Brooks, a freewoman twelve years his senior, a legal marriage this time. By 1860, they were raising a ten-year-old girl named Cornelia who was born six years after my Cornelia was born.131

129 Murray, Proud Shoes, 40-2.
130 Ibid., 39-42.
131 Living with Reuben (48) and Mary Day (58) is Cornelia Day (10) but the census does not note whether she is a daughter, niece, etc., Orange County 1860 Federal Census. Because Murray wrote that Reuben “disappeared from the county and nothing was heard of him again,” Proud Shoes, 42, the claim is repeatedly cited as fact. However, Reuben Day is noted in Orange County court records, bondsman records (1841, 1855), marriage records (1841), and census records until 1870 when his paper trail disappears (Reuben is spelled “Ruben” on the 1860 census and “Ruebin” on the 1870 census), see Orange County Federal Censuses, 1820-1870 and Brent Holcomb, Marriages of Orange County, North Carolina, 1779-1868, comp. Brent H. Holcomb, indexers Robert and Catherine Barnes (Baltimore: Genealogical Publishing Co., 1983), 11, 85, 136. Moreover, the following points discovered throughout my research are of great importance to Harriet’s narrative and mentioned here for future research. First, there are two documented nineteenth-century Orange County men named Reuben Day, father and son, as well as additional free Reuben Days who lived outside Orange. Second, Pauli Murray notes that Reuben was called, “in official records, William Day; probably Reuben William Day,” Proud Shoes, 39. Third, on Julius’ marriage certificate (noted below) he indicates his father is “William Day.” Fourth, in her research notes Murray occasionally refers to Reuben as “Cornelius Day” and “William? [sic] Cornelius Day,” Pauli Murray Papers, MC 412, Folders 307 and 308, Radcliffe Institute. Finally, one free person of color named “William Day” out of several who appear on Orange County Federal Censuses 1840-1880 was born circa 1820 and is roughly the same age as Harriet. The argument could be made that this William Day (or any number of the Reuben/William/Cornelius Days outside Orange County) was Harriet’s husband and not the “Reuben Day” that current scholarship accepts. If proven to be true, all scholarship specifically referencing Reuben Day (the junior), including all mentions
The year after Cornelia Day’s birth, Reuben was charged with fornicating with a white woman. Sixteen years later he was charged again, with a different white woman. When Reuben disregarded the law, his status as a free man of color infuriated many white men. But he particularly enraged “Sally Walker, on whose land he worked as a tenant farmer, [... She complained] to Governor William W. Holden that [Reuben] was ‘a mighty headstrong, violent, passionate man [who] ...thinks he can and will have the whole sole control of everything on the plantation.’” Reuben never owned his own land in Orange County and his father’s land, about which we once dreamed, passed to other Day children. Reuben Day disappeared from Orange County records around the same time that I died.

After Reuben was banished, Frank and Sidney continued to eye me covetously. To possess me, one brother had only to defeat the other. During one otherwise ordinary day, unthinkable horrors were inflicted upon my body and my soul, at the hands of Sidney Smith. My life was forever altered as were the lives of the Smith family. Many white men during that time period sexually exploited female slaves “with little fear of censure, provided they conducted such ‘affairs’ discreetly.” There was nothing discreet about Sidney Smith. He broke down my cabin door and brutally beat me—repeatedly and savagely—into submission. I was raped week after week. Neither the Smith family nor the Smith slaves intervened. The latter feared Sidney’s violence would be redirected to their quarters so they suffered in silence the many protests in which I “would cry out sharply, moan like a wounded animal and beg for

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132 Lucinda Woodrow and Lottt Vaughn were the two white women, as quoted from Sally Walker to Governor Holden, 14 June 1869, Governors’ Papers, Holden, North Carolina Department of Archives and History in Bynum, *Unruly Women*, 79, n. 81.

133 The Orange County 1870 Federal Census was the last to bear Reuben’s name. Pauli Murray unsuccessfully attempted to confirm Cornelia’s assertion of a fraternal relationship between Reuben and the famous furniture maker Tom Day. Current scholarship has acknowledged the more successful Days of Orange County but Reuben is not among them. While it is likely that Reuben is a cousin of the more famous Days, he is not the brother of Tom Day. Rather, John Day is Tom’s brother, an accomplished craftsman and minister who moved to Liberia when it was still a colony and, among other impressive feats, helped found the country of Liberia, Laurel C. Sneed and Christine Westfall, *Uncovering the Hidden History of Thomas Day: Findings and Methodology* (Durham, N.C.: Thomas Day Education Project, 1996).

mercy. [I knew] the other slaves, hearing [my cries and Julius’ screams,] trembled in their beds and prayed silently for [my] deliverance.”135

Deliverance means different things to different people. After repeated rapes at the hands of Sidney, deliverance manifested for me in the form of Frank Smith. Cornelia, my first daughter, was conceived during one of the many nights I struggled beneath Sidney’s soulless domination. Frank, who bided his time before he made his move, eventually decided to physically eliminate his brother from the equation. Frank waited for Sidney to exit my cabin, gave him a bloody beating, then left him outdoors, overnight, unconscious. Over time, Sidney recovered from the nasty hole Frank put in his skull, and Sidney never touched me again. But he was “never quite the same” after the beating.136 From that time onward, nothing was ever the same between any of us.

Cornelia was born in early February 1844. Within two weeks the eldest Smith patriarch, Francis Jones, Cornelia’s white great-grandfather, died at the age of 84. The village of Hillsborough observed, incredulously, as Mary Ruffin Smith brought her own niece, her father’s slave, into the Smith home and “kept a private nurse for her until she was six years old.”137 If ever the expression rolling over in one’s grave applied to anyone, surely it did to Francis Jones. With one less Smith, the Hillsborough house was occupied by Mary and her two brothers, their mother Delia and father James, and little Cornelia, of course. All along, I served Mary in that house, arm’s-length from my own daughter while Mary mothered her niece at arm’s-length. My great-granddaughter Pauli wrote that bringing Cornelia into the Smith home was, for Mary, “the first of many such battles in her soul in which [she] would be torn between conscience and pride. The decision set her on a course of action from which she could not retreat for the remainder of her life. Like Harriet, she was drawn deeper and deeper into a quagmire.

135 Murray, Proud Shoes, 43.
136 Ibid.
137 Ibid., 46.
She was to experience a common bondage with Harriet that transcended the opposite poles of their existence as mistress and slave.”\(^{138}\) Pauli was a gifted storyteller. She was born thirty-seven years after my death and had a way with words. She was able to articulate the inexplicable.

Bringing Cornelia into the house may have eased Mary’s conscience but it only complicated Cornelia’s life. Julius, grew up “knowing his place” on the Smith property and in the greater world. Conversely, Cornelia was born with only two feet and three worlds in which she had to learn to walk: the slave world, the white world, and the Smith world. Often, she had to navigate them simultaneously, especially when Sidney, very unexpectedly and publically, proclaimed that he was her father and relished the fact that she resembled him so obviously.\(^{139}\) Everybody had an opinion regarding Sidney’s relationship with Cornelia, but only Sidney knew whether his affection toward her precipitated from genuine love, or to spite Frank who laid claim to my body after Cornelia’s birth, or for some other reason that now lies in his grave. Regardless, Cornelia grew to adulthood with the memories of a father figure, however convoluted, impressed deeply into her psyche. Julius did not.\(^{140}\)

Julius was denied his father’s name, his father’s presence, and bound to the Smiths—who robbed him of those riches—until Emancipation freed him. None of my children lived easy lives. But Julius’ path was crossed by many long shadows. After my death, and with the passage of time, the details of Julius’ life slipped into forgotten recesses, despite holding a distinction that no white member of the Smith family could ever claim again: the Smith name. As was custom, each of my daughters took the surnames of their husbands when they married. Their children’s children had children who carried

\(^{138}\) Ibid.
\(^{139}\) Ibid., 48-50.
\(^{140}\) Murray calls Sidney a “creature of paradoxes.” She contrasts Sidney’s alcoholism and violence with positive and compassionate qualities, e.g., legal cases in which he represented accused people of color pro bono, Ibid., 49-52.
on the Morphis and Kirby surnames.\textsuperscript{141} Ironically, Julius—the only child of mine who was not Smith progeny—was the only person to pass the Smith name to the next generation but without any privileges of “legitimacy” to which the white family members were born. When illegitimacy was paired with the erroneous racial designations that my children were assigned throughout their lives, crude and distorted portraits were etched into the historical record, portraits that do not depict their wholeness.

After Reuben was beaten out of my life, Julius was essentially left without either parent. When I was not tending to Mary in her house, I was consumed by Frank in mine. Julius was hurried off to another slave cabin when Frank sought my bed.\textsuperscript{142} Whether legitimate or illegitimate, all the Smiths settled deeper into the dilemma that was our daily lives while Hillsborough society ogled the spectacle. Although it was business as usual for the Smith men, domestic undercurrents systematically dragged the Smith name into the depths of shame. Brothers Frank and Sidney drank to excess while their father James had all but squandered the family fortune. If James Strudwick Smith possessed any redemptive qualities, I am unable to name them. After his father-in-law died, James sullied his finances to the point of collapse, overspending and overextending himself until much of the fortune Francis Jones left to his daughter Delia and his grandchildren—Frank, Sidney, and Mary—was in jeopardy of total loss. During one desperate, self-serving moment, James nearly slave-traded—his own granddaughter Cornelia, Julius, and me.\textsuperscript{143} During a similar moment in August 1845, he did sell all three of us, to his daughter, Mary. The sale was just one of many of James’ attempts to save himself from his creditors and avoid financial ruin.\textsuperscript{144} Mary’s role and reasons for buying us were far more complicated.

\textsuperscript{141} No male Fitzgeralds or Tooles had children that survived to adulthood but cousins passed down both surnames.
\textsuperscript{142} Ibid., 48.
\textsuperscript{143} Jones, Miss Mary’s Money, Chapter 2. See p. 60 for an uncatalogued document with Smith’s baleful intentions.
\textsuperscript{144} OC D/329. Original bill of sale: 25 August 1845, Box 1, Folder 9, in MRS #3879, SHC. According to Proud Shoes, Mary worked by moonlight in her garden to save enough money to buy Harriet, Julius, and Cornelia.
In the winter of 1846, I gave birth to Emma. She was born Mary’s legal slave and her second biological niece. Emma was the first of three daughters Frank fathered but he did not express an interest in her like Sidney did with Cornelia. The following year all of us—me and my children, Mary, her brothers and parents, and more than twenty slaves relocated to southern Orange County, to the plantation on Price Creek they called Oakland.\footnote{Orange County 1840 and 1850 Federal Censuses and Slave Schedules. Jones, \textit{Miss Mary’s Money}, 66.} The spacious new house was built explicitly for Mary and situated sixteen miles due south of the King Street property in Hillsborough. The sprawling 1600-acre Price Creek tract was adjacent to 1400-acres known as Jones Grove, also owned by the Smiths.

The psychological distance between the new and old residences was lost on James who had deteriorated into “a virtual physical and mental cripple” during his financial woes which included prolonged bankruptcy proceedings.\footnote{For bankruptcy details see Jones, \textit{Miss Mary’s Money}, Chapter 2.} Unlike the relatively more residential Hillsborough streets, Oakland was agrarian, a discreet country setting where the unconventional Smiths could escape “the glare of Hillsboro [sic] society and clacking tongues.”\footnote{Murray, \textit{Proud Shoes}, 47. The spellings \textit{Hillsborough} and \textit{Hillsboro} are intermittently adopted throughout the town’s history.} For us slaves, it was just more hard work. First, packing and moving everything; then establishing new routines and new duties in a new home far from town; finally, working the sizable plantation itself, no small undertaking even though the land was arable. None of this work kept Frank from my bed. Annette and Laura were born at Oakland in 1848 and 1851 respectively and, like their older sisters, raised in the big house by Mary while Julius remained in the slave quarters with me. Whenever I was able, and free of Frank, I returned to my cabin where my “sweet loveable boy” was all too quickly growing into a young man.

In early December 1852—when Julius was twelve years old, and his four half-sisters were eight, six, four, and one—James Strudwick Smith died, ignorant of the fact that all four of the girls residing in
the house he built for Mary were his own grandchildren. The term “grandfather” meant as much to the profligate, unconscionable, sixty-five-year-old man as the term “grandmother” meant to his wife, Delia Jones Smith.\textsuperscript{148} Delia, whose Jones family fortune afforded the tract of land on which we all lived, became the family’s matriarch upon James’ death. However, she was the product of the despotic nineteenth-century laws that subjugated women. Delia was a silent witness to her sons’ tomfoolery and lechery, and to her husband’s financial shenanigans that repeatedly shamed her family name, Jones, as often as it did her married name, Smith.

In the absence of her sons’ assistance after James’ death, Delia relied heavily on Mary and me, and of course all the slaves without whom nothing would be done. Sidney was busy pursuing political aspirations in tandem with his legal practice, all the while falling deeper into the bottle. Frank shared his brother’s affinity for alcohol and, when he was not practicing medicine, or with me, could be found in his “two-room cottage in the corner of the yard […] where he kept his whiskey and his concubines.”\textsuperscript{149} Despite keeping up appearances in town, Delia knew exactly what her sons were responsible for and how recklessly they lived at home; she may just as well have died of shame. She followed her husband to his grave within two years, in early November 1854 at the age of sixty-seven, having met all of the grandchildren she would ever have.

With James and Delia’s deaths came a change in the Smith hierarchy but also more of the same. The world beyond the Smith walls had been changing too, also with more of the same. The lives and actions of Sojourner Truth, Harriet Beecher Stowe, William Wells Brown, Frederick Douglass, and Solomon Northup counteracted the Fugitive Slave Act, the Dred Scott decision, and state laws that forced freedpersons back into slavery. Excluding slave laws—which were enforced before the ink was dry—the broad strokes of historical change took time to filter down to us slaves. As always, it was a little

\textsuperscript{148} In \textit{Miss Mary’s Money}, H. G. Jones aptly titles James Smith’s chapter “Profligate Father.”
\textsuperscript{149} Long, \textit{Son of Carolina}, 32. Jones includes a photo of this cabin behind Oakland, \textit{Miss Mary’s Money}, 92.
different at Oakland. After the crops were in and the animals were up, it was the personal and the ordinary that caught our attentions and held our sway especially, for me, when those events involved my children. Exactly six weeks after Delia’s death, Mary took all five of my children to be baptized in the Chapel of the Cross.

By December 1854, we had concluded a particularly active hurricane season. A Category Three storm in September named “the Great Carolina Hurricane” made landfall in Georgia, cut across South Carolina, and tore through the heart of North Carolina, leaving twenty-six dead and survivors thankful for any and all clear winter days afterwards. The weather on 20 December was seasonally cold with a high temperature that hovered around freezing. Mary and my five children were tucked into the Smith family carriage en route to Chapel Hill. Depending upon which hill or clearing the wagon traversed, and with clear visibility during the four-mile carriage ride northeast from Oakland to the university campus, they could have spied the site of Cornelia’s future home to the east, in Durham Station. Looking north, they might have seen Julius’ future home just north of Hillsborough’s southern outskirts. But those were more aircastle dreams for another day and my children had the reality of religious ceremony waiting for them in Chapel Hill.

Despite the cold, I am certain Mary felt spiritual peace knowing my daughters—her nieces—would soon be fully initiated “with water and the Holy Ghost, and received into Christ’s holy Church, and

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151 Durham Station was shortened to Durham when it incorporated in 1867 and later became Durham County in 1881.
152 The extant Price Creek home is a private residence on Smith Level Road, Chapel Hill. In March 2016, the ten-acre property with the 3,360-square-foot home formerly known as “Oakland” listed at 1.4 million dollars, MLS Listing ID #2048353. The description includes a reference to H. G. Jones’ Miss Mary's Money and states “Price Creek Plantation, restored to its former glory,” but no mention is made of the many slaves or the other residents who spent decades in the house and/or working the plantation. Chapel of the Cross is still located at 304 East Franklin Street, Chapel Hill. Julius’ home was on the northeast corner of Nash and King Streets, Hillsborough; Cornelia’s at 906 Carroll Street, Durham.
153 “Aircastles” as quoted by Robert Glenn in Voices from the Days of Slavery, 336.
be made *a lively member* of the same." Mary put her faith in such rituals. She arranged for Julius to be baptized alongside his half-siblings notwithstanding my perceived aversion to religious exercise. As their surrogate mother, Mary ensured my children had whatever religious deliverance she deemed appropriate. Although the Smith’s religion was not my way, the Chapel of the Cross provided many full-circle moments for my children. The summer after my death, and not quite twenty years after they were baptized themselves, Julius brought his daughter Emmer, and Emma brought her daughter Harriet, to be baptized in the Chapel of the Cross “during Sunday afternoon service." All the children wore their best outfits, white frocks with blue bows. Julius and his wife, Fannie, were also confirmed that same day. Afterwards, Bishop Lyman—who headed the Episcopalian Diocese of North Carolina that would later inherit the Smith fortune—delivered a sermon about Baptism and Confirmation. The chapel was overflowing; the gallery packed with so many people of color that some had to listen from outside, through the door and windows. The event was the talk of the town the next day, by blacks and whites alike. At one point or another, all my children were baptized, confirmed, communicated, and attended services at the Chapel of the Cross, and Emma was married there.

These full-circle moments culminated one-hundred and four years after my death, when my great-granddaughter, the Reverend Dr. Pauli Murray, delivered her first Eucharist in the Chapel of the Cross, at the lectern bearing Mary’s name. About that moment she wrote,

> On Sunday, February 13, [1977,] in the little chapel where my Grandmother Cornelia had been baptized more than a century earlier as one of “Five Servant Children Belonging to Miss Mary Ruffin Smith,” I read the gospel from an ornate lectern engraved

154 Italics as written, “The Ministration of Public Baptism of Infants to be Used in the Church,” *The Book of Common Prayer and Administration of the Sacraments; And Other Rites and Ceremonies of the Church According to the Use of the Protestant Episcopal Church in the United States of America: Together with the Psalter, or Psalms of David* (New York: Appleton & Co., 1845), 307.

155 Maria Spear to My Dear Girls, 10 September 1873, SHC.

156 Maria Spear to Carrie Mallett, 9 July 1874, SHC.

157 Ibid. Also, Mary Arthur Stoudemire, “Black Parishioners of the Chapel of the Cross 1844-1866,” *North Carolina Genealogical Society Journal*, Vol. 9 (May 1983), 78-84. “Maria Spear Smith” is noted among the baptized in September 1859 as “servant of Miss Mary.” This is likely Maria Louise Spear who was misreported as a “Smith” and as Mary’s “servant.”
with the name of that slave-owning woman who had left part of her wealth to the Episcopal Diocese of North Carolina. A thoroughly interracial congregation crowded the chapel, and many more stood outside until they could enter to kneel at the altar rail and receive Communion. There was great irony in the fact that the first woman priest to preside at the altar of the church to which Mary Ruffin Smith had given her deepest devotion should be the granddaughter of the little girl she had sent to the balcony reserved for slaves. But more than irony marked that moment. Whatever future ministry I might have as a priest, it was given to me that day to be a symbol of healing. All the strands of my life had come together. Descendant of slave and slave owner, I had already been called poet, lawyer, teacher, and friend. Now I was empowered to minister the sacrament of One in whom there is no north or south, no black or white, no male or female—only the spirit of love and reconciliation drawing us all toward the goal of human wholeness.¹⁵⁸

Pauli titled the final chapter in her autobiography “Full Circle,” echoing the sacred circle of my ancestors, our ancestors, and her words are a reminder that a return to the beginning is equally as important as acknowledging every step in the journey. The return affords perspective and a sense of completion as well as a new beginning; the steps in the journey are the moments of our collective lives, to be deliberated. How those moments are remembered and incorporated to form our historical record determines whether or not history is repeated. Full circle.

FANNIE

When Julius was a young teen he nearly died when he “got lost in the woods during a heavy snowstorm. He was found almost frozen to death and was severely crippled for the rest of his life,” just as I was crippled seventeen years later when lightning found my cabin.¹⁵⁹ But his injuries did not thwart him from family life. Like all his younger sisters, Julius got married and had children, although he was the

¹⁵⁸ Murray, Song in a Weary Throat, 435.
¹⁵⁹ Murray, Proud Shoes, 48. Murray states Julius “was around thirteen” when he was lost and found. The event was communicated to Murray by her Fitzgerald aunts and is noted several times in her Proud Shoes research notes without further detail.
last of my children to do so. On 22 December 1871, he married a young woman named Fannie Turner.¹⁶⁰

Soon after, Fannie’s name began to appear in the Smith family ledgers. All our names are in the Smith family ledgers. On numerous occasions throughout these ledgers, Julius’ name is written beside mine in a joint transaction, beneath mine on the same day, nearby the names of his brothers-in-law, or in connection with those of our neighbors.¹⁶¹

We interacted with each other on a daily basis, not just because we were family and neighbors but because our plantation life was almost entirely self-sufficient. I bought sole leather, took out a $3.00 cash loan, and satisfied a bill with payment of 2-½ bushels of corn; all noted in Frank’s ledgers. These entries seem ordinary until perspective reminds us that the man recording them fathered three of my children, and his father and sister once owned us. The entries are a more than just record of transactions of tenant farmers living at or near Oakland. They tell the stories of our daily lives: to trade a barrel of seed corn or a bushel of wheat; to buy some tobacco plugs, fodder, or concentrated lye; to obtain as prescribed laudanum, essence of peppermint, valerian extract, or tincture of rhubarb to heal whatever ailed us; to secure a loan, to buy a sound mule, a new plough, or a pocket watch from a neighbor. For so many of us, these entries serve as some of the only evidence that validates our daily existences. Many entries simply document Frank’s medical practice and detail who ailed and why. Still,

¹⁶⁰ Fannie was a teenager and Julius was about thirty. The Orange County Marriage Register states the couple registered 22 December 1870 while their license states they married exactly one year later, 22 December 1871, at the residence of “Davie Blount.” Fannie’s parents are noted as Martha Blount and Julius Turner. The latter could be both Fannie’s father and former owner though “Julius” Turner may be a recording error. The only Julius Turner in the region was about twenty when Fannie was born. Several Orange County Turners were prominent land and slave owners, including Sheriff Josiah Turner and his political son of the same name. “Julian Turner” is incorrectly noted as “Julius Turner” on the 1860 Federal Census as a member of Sheriff Turner’s family. Another man of interest is Julius Smith’s neighbor Israel Turner (spelled Isreal on the 1860 Slave Census) who also owned slaves in Orange County. For the purposes of this paper, Fannie’s 1855 birth year is based on the Hillsborough, Orange County 1880 Federal Census where she is noted to be twenty-five years old. On the same census, Julius’ age is grossly underreported at thirty-three years. He would have been at least thirty-eight in 1880, if he was born in 1842 as Proud Shoes suggests, or as old as forty if he was born in 1840 as discussed above. On the previous Hillsborough census (1870) an eighteen-year-old “Fanny Blount” lives at home with her parents David and Martha Blount. If this Fanny is also Julius’ Fannie, her calculated birth year would be circa 1852. Regardless, both “Fanny” and “Fannie” were still teenagers, sixteen or nineteen years old, when Julius married. Julius was between twenty-nine and thirty-one years old based upon all the aforementioned records.

¹⁶¹ E.g., 19 Apr 1872: Julius and Harriet together, $4.90 for fodder; next entry, same day, settled with another tenant by paying Annette Kirby for clothes; further down, same day, extracted Julius’ wife’s tooth, in Volume 6: Medical Accounts, Box 2, Folder 18, in MRS #3879, SHC.
many other entries are a record of plantation or mill operations, trade and loan transactions, and other such dealings that illustrate how the residents and we tenants of Oakland—and our neighbors—lived together before, during, and after the War. An accurate profile cannot be fashioned from ledger entries alone yet the journals possess a telling narrative of their own.

On 13 February 1872, Frank delivered Julius and Fannie’s first daughter and charged the couple his standard $10 delivery fee for a nighttime visit. The record of this event explains a flurry of entries for Julius and Fannie in the months leading up to her delivery. In addition to providing pregnancy-related medical attention, Frank also extracted two of Fannie’s teeth, one before and one after giving birth.

Six months later, on 23 August 1872, my friend and neighbor Ed Cole bought medicine for his children, including calomel for his son George. Ed must have made his purchase in the morning, before he and his daughter Mary were stunned by lightning in my cabin later that afternoon. Despite my frequent mention on the ledger pages before that fateful August day, the next entry containing my name does not appear until 9 May 1873, nine months after I was crippled. My account is marked paid: $11.50 for a lightning rod.

After that date my name is written only once more in that ledger; or any ledger. I paid five dollars for a barrel of corn on 6 June 1873 and I died three months later, finally succumbing to my injuries from the lightning. Within a year of my death, after decades of relative consistency, some of Frank’s ledger entries were roughly scrawled; some were utterly unintelligible. Whether he was inebriated or mentally impaired, or whether past ghosts haunted his abilities, cannot be determined. His penmanship noticeably and rapidly deteriorated in the months leading up to June 1875 when he

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162 If the couple’s 1871 marriage certificate is accurate, the child was delivered less than two months after their marriage.
163 10 Apr 1871 “$1 to extract Fanny’s [sic] tooth and for medicine”, Volume 6: Medical Accounts, Box 2, Folder 18, in MRS #3879, SHC. Also, 19 April 1872.
suffered what was believed to be a debilitating stroke. He needed two sticks to get around afterwards and Maria was correct when she declared that he would never “be well again.” His last entries are sixteen months before his death, legible only because he maintained the same model as previous entries and so many of the names are familiar. “It was reported in fervently religious circles that [he] died in great terror, torn with regret and remorse; but such reports may always be taken with a grain of salt.” Others said he was “seized with a lingering disease passing through violent insanity unto death,” after which somebody with neat penmanship resumed the plantation record-keeping followed by other accountants that post-dated Maria and Mary’s deaths in 1881 and 1885, respectively. The entries after Frank’s death are more businesslike; they lack his medical entries and personal loans, they relate primarily to plantation operations, they are rigorously balanced, and my children’s names are no longer mentioned. My family narrative simply stopped.

The ledgers hold other mysteries that will never be explained such as who repeated Frank and Sidney’s initials and names in odd and various places, some doodled like a young teen in love for the first time? Whose shaky, perhaps elderly, hand inked, “State of North Carolina Orange County” for no apparent reason on the first page of a neatly-penned mill-book turned medical-ledger? Or, maybe it is a child’s hand, or a freed person learning to write, practicing cursive letters? This page and the adjacent inside cover page contain the following declaration written in Frank’s distinctive handwriting: “Mill Book

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164 Murray, Proud Shoes, 233.
165 Maria Spear to Carrie Mallett, 24 Dec 1875, SHC. Maria reports that Mary is “waiting incessantly” on Frank despite being ill.
166 Long, Son of Carolina, 33.
168 The handwriting observations are based my study of each entry in all the ledgers and other documents archived in MRS Papers, and a comparison with Frank’s signature and other writings on legal documents. Just as Maria Spear’s letters contain unique identifiers in her penmanship, abbreviations, and writing patterns, Frank Smith’s script is unique, e.g., he adds a distinctive flourish on his uppercase letters “F” and “I” as well as other identifiers that are consistent with his writing on notarized or witnessed documents.
169 Emma’s husband, Henry Morphis, is noted but only in the same vein as other purchasers of plantation product.
170 Medical Journal, Francis J. Smith, 1845-1850, Vol. II, Box 2 Folder 13, in MRS #3879, SHC.
of F J Smith.” The F is for Francis and the J for Jones, his Christian names. Directly beneath that statement, “F J Smith” is repeated, written in faded pencil, but not in Frank’s handwriting. Below and to the right is penciled, “James S S” which could designate either James Strudwick Smith—Frank’s father—or James Sidney Smith—Frank’s brother, the man who raped me. Below all that, centered on the page, is an oversized uppercase letter “H” six-lines high, the letter calligraphically articulated with fluid loops that end in a graceful circlet in lieu of any recognizable letters that might have otherwise indicated a name. On the adjacent page, under the “shaky” handwriting, the furtive cursive-penciled words read:

If there is any fault mine
It is the fault of loving thee

What mysteries rest in the hearts and in the graves of all us Smiths.

When Fannie gave birth to the first of her three children, she and Julius named her Emmer, after my second daughter, Emma. Emmer is the same little girl who was dressed in blue bows and baptized in the Chapel of the Cross alongside her cousin, my namesake Hattie. I did not live long enough to meet Julius and Fannie’s other two children. In 1875 they named a second daughter Mary Smith.\textsuperscript{171} The naming of my grandchildren by my children rarely strayed beyond the previous two generations of immediate relatives and often included the given-name from one of the white Smiths or one of my children’s names; even Maria Spear figured among the choices.\textsuperscript{172} In 1877, Julius and Fannie named a son Eugene Smith and he completed their family. Eugene was not biologically related to the white Smiths but, being the only male child of my only male child, he was the only descendant born who could pass the Smith name to successive generations.

\textsuperscript{171} Orange County 1880 Federal Census.
\textsuperscript{172} Cornelia’s second daughter was named Maria Louise, sometimes called Mariah, and called Marie as an adult.
In a different time, Julius Smith would have been called Julius Day, or I would have inherited my mother’s clan via matrilineal Cherokee customs, and my daughters might never have been born. As it was, Julius was a Smith, as was his son, as would be any future sons Eugene fathered. That Julius was able to have a family at all was a testament to his strength. Despite being crippled in his youth, he was not idle. He was exempted from military service due to his disability but he worked at plantation jobs that suited his abilities and, after he left Oakland, he found other suitable employment. As the Reconstruction Era drew to its close in 1877, all my children were married and twenty-one of my thirty grandchildren who survived to adulthood were born. Each was instilled with the hope that the New South implied, as opposed to more of the same Old South they actually endured. By 1880, Cornelia had moved to Durham, Emma and Annette were ensconced nearby in Chatham County, and Laura had already moved to Charlotte, a decade earlier. I was dead seven years, Mary was the only living white Smith, and Maria Spear died the following year. Oakland was nearing her end and Julius sought his future in Hillsborough, the village in which he was born.

In 1880, Julius held one of nineteen jobs at the only tobacco factory left in Hillsborough.\(^{173}\) Fannie was busy keeping house and raising Emmer, Mary, and Eugene. On 23 October 1882 Julius paid $100 to the Hillsborough Building & Loan Association to buy three-quarters of an acre on the northeast corner of King and Nash Streets.\(^{174}\) The western edge of his lot defined part of the town’s western border but was still desirable real estate inside the town limits, just as it is today, nestled in historic

\(^{173}\) The Orange County 1880 Federal Census states Julius’ employment is in a tobacco factory. Although there is no known record of his employment specifically at Webb & (formerly Whitted) Co. or “Webb’s” as it was called, by 1880 it was the only tobacco factory left in Hillsborough and more likely a workplace for Julius than traveling daily to Durham, the center of N.C. tobacco production. For “Webb’s” see Kenzer, Kinship and Neighborhood, 30.

\(^{174}\) OC 50/348. Julius is sometimes spelled “Julious” or “Julias” on referential deeds, e.g., OC 56/544 and 104/283. As a result, the misspellings are cited in historical guides such as Stewart Dunaway, Hillsborough, N.C.: History of Town Lots, The Complete Reference Guide (Hillsborough, N.C.: Lulu.com, 2013), Issue 2a, 453, 460, 463, 471, as well as the 2015 Addendum of the same name and publisher, 171, 177, 191, 441. While these misspellings may be noted exactly as they appear on some of the deeds from which they were copied, they unintentionally marginalize Julius further than he already has been by the historical record. The collective misinformation or absence of information disregard Julius Smith’s presence in Hillsborough, his role in Orange County history, and his familial connection to Pauli Murray and the Proud Shoes narrative.
downtown Hillsborough. Julius’ property was only three blocks west of the Smith’s former King Street residence, the same house in which Cornelia and Emma were raised before everyone moved to Oakland; the same property on which Julius was born a slave, four decades earlier.

The old Smith house still stood, reoccupied, beside the Masonic lodge and directly across from the Occoneechee Hotel. In-between the old Smith property and Julius’ newly-purchased property, lived Haywood Beverly who—years before—owned the Beverly & Fitzgerald tanning business with Cornelia’s future husband, Robert Fitzgerald. Haywood continued to operate the successful tannery after Robert married Cornelia and moved to Durham. Like the Fitzercialds, Beverly weathered his share of Klan intimidation as did most families of color in Orange County. Nevertheless, after they were granted suffrage hundreds of thousands of black men continued to vote, in defiance of Klan violence. Due to his disability, Julius was exempt from paying the poll tax, a prerequisite before men could register to vote in North Carolina and just one of the many Jim Crow laws that attempted to discourage voters who were not white. The local newspaper printed the details of Julius’ exemption, for all those who could read. Within a year of purchasing his King Street property, Julius’ name appeared again in the Orange County Observer for nonpayment of property taxes. My children were subject to blatant ignominy often, as were many freedpeople. Whatever land they owned, purchased, or inherited, came with a price premeditated toward foreclosure. Jim Crowed louder whenever people of color found a foothold in the mountain of real estate.

175 Renamed the Occoneechee Hotel in 1888 and located at present-day 153 W. King Street, it was first called Spencer’s Tavern or the Orange Hotel, then renamed the Corbinton Inn before it was renamed the Colonial Inn. In 2016, it is an extant ghost of itself. Recent efforts to save the 178-year-old inn have escalated to eminent domain proceedings. The News & Observer, October 13, 2015. Also Dunaway, Hillsborough, N.C.: History of Town Lots, 116. Also Allen Alexander Lloyd and Pauline O. Lloyd, History of the Town of Hillsborough—1754-1982 (Hillsborough, N.C.: A. A. Lloyd, 1982-1986), 18.
177 Orange County Observer, 7 July 1883, 3. The few extant documents containing his signature are noted with Julius’ mark “X” as was custom of the era, OC 51/24, 51/424. On both documents, Fannie is noted as signing her name.
178 Orange County Observer, 29 September 1883, 3.
Like his half-siblings throughout the years, Julius managed to pay the few dollars for taxes due on levied property before the Sheriff sold it at the courthouse door—to anyone with enough cash for the due taxes and various associated costs. A common perception of North Carolinian slave-owners was that freedpeople were leaving plantations en masse.\textsuperscript{179} In reality, many freedpeople had nowhere else to go and little or no means to get there. After the War, Mary’s tenancy offer—of rent-free cabins, food, and clothing in exchange for continued work on the plantation—prompted the majority of Oakland’s recently-freed individuals to carry on in the same roles in which they functioned before and during the War. Those who stayed at Oakland experienced relative freedom “tentatively and with odd formalities on both sides.”\textsuperscript{180} Those who were able to move away and find employment elsewhere usually found another service job, often in agrarian-related industries such as Julius being employed at the tobacco factory. Julius was determined to keep his home in Hillsborough and soon had other interests that would help pay his property taxes. From her grave, Mary Ruffin Smith unknowingly enabled him.

When Mary died on 13 November 1885, she left each of my daughters—her nieces—100 acres of property with provisional life-estate clauses, the contents of her home to be divided, and a maximum cap of $150 to build a house on each plat.\textsuperscript{181} She also left my son twenty-five acres. While Emma, Annette, and Laura’s property in Chatham County took some time to properly sort out—caught up in the division of over 3000 acres that Mary bequeathed to the University of North Carolina and the Episcopal Diocese of North Carolina—Cornelia and Julius were deeded their Orange County properties within eleven weeks of Mary’s death. On 27 January 1886, Julius paid Mary’s executor five dollars and became a property owner for the second time in his life.\textsuperscript{182} The following day Julius sold the property to an

\textsuperscript{179} Cornelia Phillips Spencer Diary, 7 May 1865, quoted in Kenzer, \textit{Kinship and Neighborhood}, 105.

\textsuperscript{180} Murray, \textit{Proud Shoes}, 164.

\textsuperscript{181} Office of Clerk of Superior Court, Orange County, H/394. Also handwritten copy in Box 1, Folder 9, in MRS #3879, SHC. See Jones, \textit{Miss Mary’s Money}, for a detailed account of Harriet’s children’s property and Mary Ruffin Smith’s estate and will.

\textsuperscript{182} OC 50/22. Kemp Plummer Battle was Mary’s executor.
Oakland neighbor, Wesley Cole, and profited $295. Julius, Fannie, and their three children lived in their home on the corner of King and Nash Streets and had no desire to return to rural life. With money in his pocket my son opened a business in Hillsborough.

Julius became the proprietor of an eating saloon located less than a block from where he was born. His eatery occupied the building’s basement and was adjacent to the A. A. Springs Plug and Twist Tobacco Factory building, defunct but used for storage and licorice vats. But there was no better spot for his saloon—on Churton Street between King Street and Margaret Lane, directly across the street from the courthouse. Patrons who exited that establishment were likely to seek out libation and sustenance after their legal transactions were completed. Despite the prime location, the long shadows that often crossed Julius’ path also cast misfortune on his business venture. During the early morning hours of 16 March 1888, a fire alarm was sounded and the residents of Hillsborough rushed to fight an inferno downtown. “The fight, for it was a hard one, was to keep the fire confined to the enflamed row of wooden buildings, some of which [stood] for more than 100 years.” The courthouse to the east had several roof fires yet was ultimately saved along with the north side of King Street where the majority of the town centered. The heat was so extreme that apples which were displayed behind the window glass of the confectionary store on the corner of King and Churton Streets were thoroughly baked through to their cores.

183 OC 51/24. Wesley Cole owned the property adjacent to Julius, not to be confused with William Cole who was Mary’s plantation manager. Both Coles were white.
186 This is Hillsborough’s extant “old” courthouse and one of five built over the years. The modern-day “new” courthouse is located one block south. Perhaps coincidentally, years earlier, Cornelia Fitzgerald’s mother- and sister-in-law also opened a restaurant across the street from the courthouse, circa 1870, catering to the courthouse clientele, Murray, Proud Shoes, 230.
187 Orange County Observer, 23 March 1888, p. 3.
188 Ibid.
The newspapers used the “occasion to complement the ‘Hillboro Citizens’ Fire Brigade,’ the best in the world [stating] the colored people acted a noble part and worked like Turks.” They lauded how blacks and whites came together, counteracting the gusty winds that fueled the fire along with the spirit of community. In all, eight homes or businesses burned to the ground. Few people had insurance, including Julius. His eatery suffered a $10 loss from which he recovered only to meet yet another misfortune. Nine months later, on 1 December 1888, another fire of equal ferocity consumed the same part of town. Again, the citizens of Hillsborough joined forces to combat the blaze and the newspapers showered them with praise:

No other people can fight fire like the white and colored of our old town. Our colored people deserve the very brightest praise. We are proud of them. To one and all we return thanks on behalf of our merchants and others for the good work done at the fire. We sincerely sympathize with all who lost by the fire and feel that all of us ought to be very thankful that the whole business portion of the town was not burned.

The newspaper stated the loss of Julius’ eatery was comparatively small, but it was everything he had.


\[191\] Orange County Observer, 1 December 1888, 3.
Chapter Four:  

Cornelia FITZGERALD

In 1888, the same year Julius’ suffered two fire losses, Cornelia Smith and Robert George Fitzgerald celebrated their nineteenth wedding anniversary. Their property in Durham and Orange Counties and the youngest of their six children, Roberta, was three years old. When their middle four children—Marie, Tommie, Sallie, and Aggie—were not busy with chores, they were knee-deep in schoolwork at the insistence of their educated father. Their educations were made possible by the resolve of their resourceful mother, and via great sacrifice from both parents as well as their eldest sibling, Pauline Fitzgerald. By age eighteen, Pauline helped to support her family, already three years a teacher at a one-room schoolhouse in Durham. In the early twentieth century, Pauline and Sallie taught together at West End School—one of three graded schools for children of color and locally known as the Fitzgerald School—where students included their niece, my great-granddaughter, Pauli Murray.

The importance of both being educated and educating others were two of the many lessons Robert instilled in his family. His directives eventually provided his daughters with incomes that they used to care for him while his health failed. Throughout the 1880s and until Robert’s 1919 death, Cornelia and her children progressively shouldered more responsibilities as wage-earners while Robert’s

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193 Maria Louise, Thomas Charles, Sarah Ann, and Agnes are their given names. Eight years earlier, the 1880 Durham Township of Orange County Federal Census notes all five children (Roberta was born later, in 1885) are all at school, a feat for children of color in 1880.

194 Mary Pauline Fitzgerald Dame (1870-1955). Pauli Murray, born Anna Pauline Murray, is Mary Pauline’s namesake and was eventually adopted by her aunt Pauline, Letters of Adoption, Pauli Murray Papers, MC #412, Folder 249, Schlesinger Library, Radcliffe Institute, Harvard University.

195 Murray, Proud Shoes, 238-40. Pauline taught six dozen students in a shoddy one-room schoolhouse, ages six to twenty, through the eighth grade, Pauli Murray Papers, Folder 73, MC #412, Schlesinger Library.

196 Per note above, see the City of Durham, Pre-1930 Sewer Map for the location of the Fitzgerald School.
eyesight and wellbeing continuously deteriorated. His eyesight was compromised due a gunshot injury he sustained during the Civil War. Despite Robert’s service to his country twice, his military pension was denied for many years, especially when he needed it most. The support he received from his family during this time was a comforting reflection of the family into which he was born. Robert was a family man but also spent much time away from both of the families he loved. At age sixteen he studied at Philadelphia’s Institute for Colored Youth then, two years later, at Ashmun Institute; he worked as an itinerant teacher for the Freedmen’s Bureau; he served in both the Union Navy and the Union Army. And, in January 1868, Robert arrived alone in Hillsborough, North Carolina, when Durham was just a township of Orange County and known by its antebellum moniker, Durham Station—an isolated but necessary depot in the midst of agrarian properties that was built to accommodate trains traveling between Hillsborough and Raleigh.

Via the Freedmen’s Bureau, Robert set up and taught at schools for freedmen. In early 1868, he organized a school in Hillsborough and found lodgings with Haywood Beverly, with whom he soon owned a tannery. When her future husband Robert arrived in Hillsborough, Cornelia was still living at Oakland while her three younger half-sisters were married and living with their husbands. Within six months, North Carolina was readmitted to the Union and Robert was called away, briefly, to head up another Freedmen’s school in Goldsboro. He met Cornelia upon his return and courted her against a dramatic historical backdrop: over a half million men of color exercising their legal right to vote.

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197 Murray, Proud Shoes, 127-8, 239-43.
198 Ashmun Institute renamed Lincoln University in 1866. Navy enlistment 29 July 1863, discharged 14 January 1864. Robert volunteered the day after his discharge as an Army private, the Fifth Massachusetts Colored Volunteer Cavalry, was eventually shot in the left eye, and discharged October 1864, Murray, Proud Shoes, 102-4, 127-35, 234.
199 Brown, Upbuilding Black Durham, 30.
200 The U.S. Bureau of Refugees, Freedmen and Abandoned Lands, established in 1865.
201 Murray, Proud Shoes, 193-4. Like Robert, Haywood Beverly was born free to parents of multiple ethnicities.
202 Ibid., 194-5. Goldsboro is eighty-five miles southeast of Hillsborough.
203 Robert’s journal entry notes the day he met Cornelia, 6 October 1868. Despite his suffrage activism, Robert did not cast his first vote until 1870, Murray, Proud Shoes, 208, 227. Robert George Fitzgerald’s diary, June 1867-December 1871, in the Fitzgerald Family Papers #4177, Southern Historical Collection, The Wilson Library, University of North Carolina at Chapel Hill.
Despite the many positive events unfolding in Robert’s life, every moment of triumphant seemed countered by one of tragedy or disappointment.

When North Carolina’s 1868 constitution was ratified it provided suffrage to all men and free public education to all children. In response to these provisions, black voter turnout, and organized activism in many North Carolina towns, the Ku Klux Klan rallied and imposed an intimidating and deadly presence in the state. A black man, accused of burning down a barn, was murdered by the Klan the same day Robert opened the Woodside School. Many of Robert’s Orange County neighbors supported the Klan. They taunted and threatened him in town, displeased that Robert taught freedmen and was a free black man. Still, other townsfolk frequented the tannery Robert owned with Haywood Beverly. All Southerners, especially people of color, suffered the effects of Reconstruction with considerably less than they had before the War. Relations between the free and the freed were acrimonious. People of color rose together in the spirit of freedom and union, while many white Southerners “refused to bury their Confederate corpse.” Robert persevered and sought out more ways to make a living during these bleak times. When he tried his hand at brickmaking in the Piedmont region his prospects suddenly escalated from a 4,000-brick order for a local irregular train operator to a 4,000,000-brick order for the state penitentiary. He soon convinced multiple Fitzgerald family members to move south, permanently, including his parents.

Like Cornelia, whose heritage derived from Sidney Smith’s and my forebears, Robert inherited multiple ethnicities from his parents. His father, Charles Thomas Fitzgerald, was a freedman of African

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207 Beverly became successful and owned nearly 22 acres in Hillsborough by 1886. Chas. Emerson’s North Carolina Tobacco Belt Directory (1886), 469, 479.
209 Ibid., 225. The irregular train was one that operated sans schedule.
heritage and Irish descent who came to North Carolina from Pennsylvania via Delaware. Robert’s mother, Sarah Ann Burton, was a “blue-eyed, red-faced,” white woman with Swedish and French roots. She was a bold presence in the Hillsborough community where she opened an eatery opposite the courthouse, the same location in which Julius would someday operate his saloon. Despite unwelcome attention from an overcurious public, Sarah Ann taught her youngest children that strength of character had nothing to do with skin color. She “simply refused to countenance race lines” and declared “folks are folks and they all look the same in the privy.” She saw history change on a daily basis and became part of the change herself by speaking her mind at every opportunity. Imagine what Klan supporters thought when Robert’s colorful Fitzgerald family pulled into University Station in April 1869, cash in hand, ready to settle down and start businesses.

When Robert’s parents moved to Orange County they immediately paid $1,200 cash for a 158-acre homestead they named Woodside Farm, inclusive of “the stock, farming utensils, household and kitchen furniture.” Robert soon introduced them to Cornelia whom he had been courting for six months—after an initial interrogation by Mary Ruffin Smith as to his intentions, of course. My daughters were also the only daughters Mary would ever know and “she was determined not to cast them adrift in the wreckage of the war. She [saw] them through until they had all found good husbands, were honorably married, and settled down,” in accordance to Mary’s faith. Mary was fond of Robert

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210 Charles Thomas Fitzgerald (1808-1879) was known by his middle name, Thomas. His two given names are often mistakenly inverted. Thomas’ enslavement was not common knowledge in the Fitzgerald family. It was during Pauli Murray’s Proud Shoes research that she discovered his manumission papers and incorporated the facts into her narrative, Proud Shoes, 60-63.

211 Ibid., 230. The exact locale for Sarah Ann’s eatery is unclear but both were across from the courthouse. Julius’ location is certain because the fire losses are marked on the aforementioned Sanborn Fire Insurance Maps. All the other buildings “across from the courthouse” are noted as “storage” on these same maps. There are no known pre-1888 maps of Hillsborough that depict buildings to the degree of Sanborn’s specificity.

212 Ibid., 56, 66-7. Sarah Ann Burton (1818-1889) raised her children to take pride in their African heritage no matter how often the narrow-minded and judgmental Hillsborough villagers commented on the Fitzgeralds’ skin tones which ranged, according to Pauli Murray, from “strawberries and cream” to “gingerbread” to “dark chocolate,” Murray Proud Shoes, 66-7, 260.


215 Ibid., 164.
and approved a marital union. At the age of twenty-five, Cornelia married Robert George Fitzgerald on her in-laws Woodside Farm, 8 August 1869.\textsuperscript{217} She was welcomed into the Fitzgerald family and the last of my daughters left Oakland—and me, and Mary—to make a family with Robert.\textsuperscript{218} Thirteen months later, when Cornelia’s first daughter was born, she named her Mary Pauline.\textsuperscript{219}

In 1871, Robert sold back his interest in the tan yard he owned with Haywood Beverly for $400 and concentrated on his brickmaking business. Within five years, Robert purchased a total of twelve-and-a-half acres adjacent to his parent’s Woodside Farm on which he and Cornelia raised the first three of their six children. Both Robert and Cornelia worked multiple jobs to buy their properties but making ends meet for their growing family during Reconstruction was a challenge.\textsuperscript{220} Fortunately, Robert’s parents—who adored their grandchildren—lived on the adjacent property.\textsuperscript{221} And, Cornelia’s childhood family was a wagon ride away, twelve miles south, at the 1600-acre Oakland plantation that had been operational since 1847.\textsuperscript{222} This was to Cornelia’s advantage.

\textsuperscript{217} Orange County Marriage Record Fitzgerald to Smith, 1869.
\textsuperscript{218} “The Fitzgeralds fell in love with [Cornelia] immediately,” save Sarah Ann Burton Fitzgerald who was perhaps overly-possessive of her “Robbie, dear boy,” Murray, Proud Shoes, 218. But the Fitzgeralds later clashed with Cornelia due to her pride regarding her Smith heritage, Proud Shoes, 229-30. See also Brown, Upbuilding Black Durham, 5-6.
\textsuperscript{219} With few exceptions, Harriet’s grandchildren share names with family members, including many white Smith family names. However, excluding Pauline/Pauli and the obvious Harriet namesakes, no assertion is made here as to whether or not an individual was the namesake of a relative with whom they share a name. Nineteenth-century Christian naming practices, personal choice, and circumstance are among many factors that may have influenced a particular name for a child. Nevertheless, the consideration of these individuals and their similar names underscores how interrelated they all were.
\textsuperscript{220} Leslie Brown suggests that Cornelia’s inherited 100-acres “offered her family some stability during the economic downturns in the 1870s,” Brown, Upbuilding Black Durham, 6. However, Cornelia did not inherit those 100-acres until January 1886 (OC 51/21), shortly after Mary Ruffin Smith’s November 1885 death. During the 1870s Robert and Cornelia did own land but they purchased it themselves, two plots adjacent to Woodside Farm bought in 1875: $153 for ten acres (OC 50/336) and $26 for two acres (OC 50/337). In 1879 the couple also bought the first acre of many they would own in Durham County, Deed Book 2 Page 241, hereinafter DC [Book#]/[Page#]. Cornelia and her children did eventually live on her inherited 100-acres but many years after the 1870s passed, while Robert was building their now-Carroll Street home which was completed circa 1898. Finally, when Cornelia’s father, Sidney Smith, died in 1867 his last will and testament was absent of Cornelia’s name. Mary, as Sidney’s executrix, had the authority to bequeath his estate to whomever she pleased. We have only Proud Shoes stories to theorize as to whether or not Cornelia believed Mary would eventually right Sidney’s wrong, an act that could have provided Cornelia and her family with some of the “stability” that Brown suggests Cornelia had. Mary did not. She maintained sole control of every square-inch of the over 3000-acre estate until her 1885 death and bequeathed roughly thirteen percent to Harriet’s children.
\textsuperscript{221} Murray, Proud Shoes, 229.
\textsuperscript{222} Interestingly, Cornelia’s name is absent from the extant Smith family ledgers but Robert Fitzgerald’s name appears several times in the Daybook of Francis J. Smith, Volume III, Box 2, Folder 14, in MRS #3879, SHC. Cornelia’s half-siblings and their spouses have frequent entries in multiple ledgers, except Laura whose single entry is followed by her relocation to Charlotte.
After Sidney died in 1867, Mary ran Oakland much like she did when he was alive—with Maria at her side as her constant companion, dependent upon me as her servant, and beholden to all her former slaves who stayed at Oakland post-Emancipation, as tenant farmers. Not much changed when Frank died in 1877 except that I was also gone. Primary operations and crops changed over the years in keeping with the seasons, weather trends, or supply and demand. “Like most plantations it was almost entirely self-sufficient. The Smiths had their own mill, blacksmith shop, carpentry shed,” smokehouses, granaries, orchards, and a distillery at one point in time. The plantation turned out wheat, rye, corn, oats, peas, beans, potatoes, tobacco, cotton, wool, flax, sweet potatoes, milk, honey, molasses, sugar cane, fruits, nuts, wax, tallow, hides, and livestock and poultry, both live and slaughtered. When Cornelia came to visit at Oakland, Mary sent her back to Robert “with tubs of lard, or butter, eggs, chickens, hams, flour and meal.”

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Cornelia spent the first decade of her marriage beside her in-laws and visiting Oakland. But when Robert’s father died in 1879, and the 158-acre homestead became too much for his mother to

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223 Murray, Proud Shoes, 159. Price Creek Plantation as described here is an amalgam of Cornelia’s memories contained in Proud Shoes and reports made by Smith family members on Federal Agriculture Schedules noted below. Output quantities may have been (as H. G. Jones also suggests, Miss Mary’s Money, 109) overstated by Cornelia due to her comparatively more meager post-Oakland existence, but possibly underreported by the Smiths for tax reasons.

224 Smith, 1850-1870, U.S. Federal Censuses, Orange County, North Carolina, Agriculture Schedules.

225 Murray, Proud Shoes, 220-1. Murray does not specifically state that Cornelia brought her children to visit their grandmother Harriet and I did not discover direct evidence. Unless she had a falling out with Harriet, Cornelia likely visited with Harriet just as Annette, Emma, and Julius did (e.g., Annette and her children’s otherwise casual visit on Harriet’s bed the day lightning struck; Julius and Harriet buying supplies together). However, it is possible that Cornelia rejected Harriet, perhaps because Cornelia was very close to her father, Sidney, or because Cornelia was Mary’s “strong right arm” and surrogate daughter, or because the reality of Cornelia’s own conception was too painful for her to accept and she transferred accountability to Harriet instead of Sidney, Ibid., 52. Murray states that when Cornelia recalled Harriet, Cornelia became entranced in “some strange ritual of memory,” Ibid., 35. For all these reasons, Harriet is depicted as both the victim and the instigator, “What that poor woman went through” vs. “she couldn’t help herself,” and “Harriet was at the bottom of it all” vs. “she was the one person who never had any choice at all,” Ibid., 35, 37.
manage, Robert and Cornelia bought their first Durham property. Robert and his brother, Richard Burton Fitzgerald who also bought Durham real estate, expanded their rapidly-growing brickmaking businesses, separately. Both brothers had sons who joined the family business but each son’s path diverged alongside his respective father’s. Robert made his bricks by hand at his smaller brickyard while Richard’s larger yard eventually contained a $6,000 cement dryer that allowed him to produce bricks year-round. Fitzgerald brickmaking was among many businesses that both contributed to and participated in Durham’s reformation—from a mere township of Orange County incorporated in 1869 to a full-fledged County in which the city of Durham was designated as its county seat in 1881. Robert could not have imagined that the red-clay bricks he once crafted with his own hands would someday be canvases for colorful murals of his granddaughter, the future Reverend Dr. Pauli Murray.

Ultimately, Robert’s health and his war wound prevented him from achieving the same degree of success that his brother Richard enjoyed. The Bank of Durham’s collapse in late 1888 and its aftermath widened the gap between those who struggled and those who prospered. Robert’s brother Richard was among the latter group of Durhamites who “in the early decades of the 1900s [...] acquired national reputation for entrepreneurship. Businesses owned by African Americans lined Parrish Street.”

226 DC 2/241.
227 After Robert and Richard parted ways, Richard was ultimately the more financially successful of the brothers. For an advertisement that touts Richard Fitzgerald’s 4,000,000-bricks per year capacity, see Chas. Emerson’s North Carolina Tobacco Belt Directory” (1886), 135.
228 Robert’s only son, Thomas Charles, went missing at age nineteen, Murray, Proud Shoes, 244-5. Richard’s sons Samuel, Burke, and Charles were all noted brick manufacturers, Durham Hills Directories 1903-1904, 1905-1906, 1907-1908.
231 Evidence of Robert’s failed eyesight during this time is evident on Durham County deeds that are signed with “his mark” even though he was both literate and an educator. Previous deeds are signed in his own hand. The grief over the loss of his only son circa 1894 also likely contributed to the gradual demise of Robert’s business.
an area that became known as Black Wall Street. North Carolina Mutual Life Insurance Company, North Carolina Central University, and the Mechanics and Farmers Bank (M&F) were formed by and for people of color. As a cofounder of M&F, Richard emerged as one of Durham’s most successful entrepreneurs. He rubbed elbows with John Merrick, Dr. Aaron McDuffie Moore, Dr. James E. Shepard, William G. Pearson, and Charles Clinton Spaulding, all men of color whose accomplishments fostered Durham’s growth. These men founded and directed the North Carolina Mutual Life Insurance Company and their surnames still grace Durham’s modern businesses, streets, and schools.

Together with several other Durhamites, these leaders united and engaged politically with the intention to uplift families of color via organized efforts. But as Klan violence increased across the South, they collectively decided to withdraw from the political arena in order to focus on making money, “education, business, and industrial progress.” Consequently, Durham was spared the violence suffered by other North Carolina cities. One month afterwards, in November 1898, the Democratic Party’s carefully-crafted segregationist campaign culminated in the Wilmington Race Riots. Two-thousand organized whites terrorized Wilmington streets and the resultant deaths of an unverifiable number of black citizens and the physical ousting, jailing, or murder of both black and white Republican leaders led to the mass exodus of nearly all Wilmington’s people of color. Democratic parades in Wilmington and Raleigh were followed by riots in New Orleans and Atlanta which led to further disenfranchisement and legal segregation. In contrast, the successes of Durham’s leaders were, intrinsically, a progressive “response to the reign of terror visited upon [other cities] during the

233 North Carolina Office of Archives and History and “Black Wall Street” memorial sign located in the downtown Durham locale.
235 NC Mutual is the oldest and largest black-owned insurance in the United States.
successful white supremacy campaign of the 1890s.”

For the most part, the economic depression and radical violence which pervaded other Southern cities during and after Reconstruction bypassed the expanding city of Durham, the Fitz吉erals, and, as it happened, all my children.

By 1890, Emma and Annette had moved south of Oakland, to the more rural reaches of Chatham County where, on their respective 100-acre inheritances, they raised seventeen children between them. The same year, Julius and Fannie, still suffering the losses from two fires, sold their Hillsborough property for $150. One hundred and forty miles to the west, in Mecklenburg County, my youngest daughter, Laura, witnessed organized protests and the resultant white supremacy campaigns that flared up on the streets of Charlotte. Despite Charlotte’s 1890 population of almost 12,000, the violence was minimal compared to Wilmington. During the 1890s while Robert built the house on Cameron Street in Durham, Cornelia returned to the ghost of Oakland—in the absence of any living Smiths, and in the presence of a caretaker and the occasional hunter—to live on and work her adjacent 100-acres. But when Robert finished building their home, Cornelia left Orange County for the Southern anomaly that was Durham, a mecca where “all the people of Durham work[ed]. There [we]re no drones and but few criminals.”

Warehouses and factories were needed to process and manufacture Durham’s signature Brightleaf tobacco and cigarettes, and homes were needed to house the owners and laborers. Bricks made from the ample veins of red clay upon which Durham County sat were in high demand by now-familiar names such as Blackwell, Carr, and Duke. Durham & Southern Railway brought visitors-turned-

239 Most of the 1890 U.S. Federal Census was destroyed by fire and water damage in 1921. Vital records, city directories, etc. were consulted to determine Harriet’s children’s whereabouts during this time.
240 OC 52/424. Julius makes his mark, Fannie signs her name.
241 Long, Son of Carolina, 32. Murray, Proud Shoes, 242. Cameron now 906 Carroll Street, site of the historical landmark and national treasure, the Pauli Murray Center for History and Social Justice.
242 Durham 1887 Branson’s City Directory, his italics.
residents to work in the newly-built factories that operated within Durham’s proximate city limits.\textsuperscript{243} Citizens bought or rented houses that were constructed daily. New or improved amenities were financed by the factory owners who lived mere blocks from their businesses and were eager to invest in the neighborhoods surrounding their profitable enterprises.\textsuperscript{244} Some of Durham’s people of color began to enjoy a parallel growth in industry and education. Privilege was still sharply divided along race lines, separate and unequal as the laws of segregation were written and enforced. But for some people in Durham such as Richard Fitzgerald the disparities narrowed between black and white successes. For Robert, the gap widened.

By the time Cornelia and Robert’s daughter Agnes died in 1914, and young Pauli arrived at her grandparent’s front porch to be raised, the heart of Robert’s business existed only in the many buildings that were built with his bricks. The year before, in December 1913, ten thousand people gathered to witness a 40-foot sign—erected above the city and illuminated by 1,230 electric bulbs—spell out the slogan “Durham: Renowned the World Around.” The words Progress, Success, Health, and Wealth framed the slogan.\textsuperscript{245} Robert and Cornelia must have shuddered. They were able to retain only one of the many acres they once owned. On it stood what Robert called the “story-and-a-jump” house in which they provided the setting to nurture and educate their gifted granddaughter Pauli, a child destined for greatness from the ashes of loss. Pauli was only three years old when her mother Agnes suffered a fatal cerebral hemorrhage in her Maryland home. Agnes was a nurse and married William H. Murray—a Howard University graduate, a high school teacher, and principal—before moving from Durham to


\textsuperscript{244} Kenzer, Kinship and Neighborhood, 124-6. “One house built per day” statistic quoted by Kenzer from The Tobacco Plant, 18 May 1880.

\textsuperscript{245} The sign was 41.5’ x 31.5’ and after damage from strong storms rendered it too expensive to repair it was dismantled. James G. Leyburn, The Way We Lived: Durham, 1900-1920 (Elliston, VA.: Northcross House, 1989), 15. James E. Wise, Durham Tales: The Morris Street Maple, the Plastic Cow, the Durham Day that Was & More (Charleston, SC: The History Press, 2008), 84-6.
Maryland where they started their family. After Agnes’ death, William was unable to alone care for Pauli and her five siblings, all under the age of ten and three of them babies. Pauli was brought to Durham but William’s burden was still too great. He suffered from the effects of typhoid fever and was eventually committed to the “Hospital for the Negro Insane of Maryland.” Nine years after arriving in Durham, Pauli lost her father too. William was murdered while he was a patient in the hospital.

At the time of William’s 1923 murder, the hospital had since been renamed Crownsville State Hospital. An ill-trained, temporary hospital guard named Walter Swisowski badgered and taunted William then threatened him using racial epithets. Later, he cornered William, bludgeoned his body, and inflicted a violent and fatal skull fracture. At William’s wake, Pauli—who was thirteen years old when she traveled back to her birthplace to attend her father’s funeral—repeatedly slipped past adults to reach her father’s open casket, to lift the handkerchief that a grown-up had placed over William’s bruised face, to sear into her consciousness the aftermath of his violent death. “His face was purple and swollen, his head was shaven and his skull had been split open like a melon and sewed together loosely with jagged stitches crisscrossing the blood-clotted line of severance.”

The ignorance and inhumanity that permeated my generation continued throughout my great-granddaughter Pauli’s and left generations of my ancestors bereft of freedom.

Other than “anxiety neurosis” that likely stemmed from the loss of his wife and caring for six very young children, and complications from “typhoid and brain fever” during his childhood, William Murray received an unremarkable mental-health diagnosis when he first entered Crownsville—and a
promising prognosis with a recommendation for parole two years before his death.\textsuperscript{250} Regardless, in June 1923, newspapers reported an “insane patient... was beaten into insensibility by one of the guards [...] found dying last night in the cellar of the institution.”\textsuperscript{251} The governor ordered a perfunctory inquiry but on the two year anniversary of William’s death, a then-current Crownsville patient pled via open letter for Crownsville conditions to be addressed “before there is another murder in cold blood like that of William H. Murray by guard Walter Swiskowski. This place is worse than slavery and we are treated like beasts at times and fed on food that is not fit to eat.”\textsuperscript{252}

William was buried in the same grave as his deceased wife, my granddaughter, Agnes. The name MURRAY was engraved into a concrete slab to mark their graves.\textsuperscript{253} Pauli returned to Durham, to the consoling embrace of her Grandmother Cornelia, Grandfather Robert, and her three aunts—Pauline, Marie, and Sallie, my only other surviving Fitzgerald grandchildren—who also helped raise Pauli. Eventually, the guard was sentenced to ten years for manslaughter. Unrepentant, he had the gall to contact the Murrays for assistance at his parole hearing, to no avail. Eventually, the cemetery where Agnes and William were laid to rest succumbed to neglect, vandalism, and disrepair. Bankruptcy was followed by demolition and a discount store was unceremoniously erected on the once sacred ground.\textsuperscript{254} Perhaps in an attempt to right this wrong, an affront over which she had no control, Pauli fought for decades to save a different cemetery: the Fitzgerald Cemetery in Durham, where so many Fitzgerald family members were interred.

\begin{thebibliography}{9}
\bibitem{250} Murray, Pauli Murray: The Autobiography, 55-7.
\bibitem{251} “Insane Patient Beaten to Death,” Harrisburg Telegraph, 19 June 1923, 9.
\bibitem{253} Murray, Pauli Murray: The Autobiography, 57.
\bibitem{254} Ibid. See also “Laurel Cemetery abandoned not once but twice,” The Afro-American, 15 November 1980.
\end{thebibliography}
Chapter Five: Emma

ABRAHAM’S BOSOM

Despite being the middle child, Emma was very often first and last. She was the first of my children to marry and the only one to do so during the War. She was the first of my three daughters begot by Frank and the last of my children born in Hillsborough. Of her siblings, Emma bore more children who survived into adulthood, five of whom lived past the age of eighty-two. Of Mary’s nieces, she was the only relative who received Smith property outside Mary’s last will and testament, which also made her the only person except her siblings to receive any property from the Smith fortune.\textsuperscript{255} Emma was the first to leave Mary’s house. She was the first to bear my grandchildren. She was also the first of my children to lose a child of her own. She was the last of my children to die, in 1941, after raising nine children to adulthood, and living for nearly a century in Orange and Chatham Counties.

On 22 December 1864, amid the throes of war, a sliver of hopefulness and happiness outshone the chaos, if only momentarily; Emma married Henry Morphis.\textsuperscript{256} Their names were recorded in the Chapel of the Cross marriage record where, exactly eleven years and two days prior, Mary brought Emma and her siblings to be baptized, in the same chapel where Mary took my children for Sunday service each week, in the same chapel where Pauli Murray delivered her first Eucharist more than a century later. In the Chapel book, Henry’s name was recorded as “Henry Battle, servant of W. H. Battle.” But from his baptism and throughout his life Henry used his father’s surname, Morphis.\textsuperscript{257} Henry was the

\begin{footnotesize}
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\item[\textsuperscript{255}] Excepting Harriet’s children, only the University of North Carolina, the Episcopal Diocese of North Carolina, and the Chapel of the Cross were bequeathed property.
\item[\textsuperscript{256}] In her Papers, Pauli Murray notes (via her aunt Sallie) that Henry was an “oarman [sic] and whiskey maker” and that Aunt Nette (Annette) and Aunt Emma “looked just like Indian squaw,” Pauli Murray Papers, Aunt S[allie’s] Memories of Smith’s, 31 Jan 1956, MC 412, folder 307, Schlesinger Library.
\item[\textsuperscript{257}] Henry and his four siblings were baptized Easter Sunday, 23 March 1856, Stoudemire, “Black Parishioners of the Chapel of the Cross,” 82. The Morphis surname derives from his father’s first owner, James M. Morphis.
\end{itemize}
\end{footnotesize}
son of Samuel Morphis and Elizabeth Battle. Sam and Lizzie, as they were known, were married on the front porch at the home of Judge William Horn Battle. Their names were written in the Chapel of the Cross marriage record just as Henry and Emma’s would be two decades years later.\footnote{N.C. cohabitation marriage records place the marriage year at 1846; the Chapel of the Cross records at c. 1842-1845 “illegible” and Lizzie is also noted as “Lissy.” Judge W. H. Battle presided over some of the Smith bankruptcy proceedings, was the son of an early cotton mill founder, a noted lawyer and jurist, a state legislator, a U.N.C. law professor and trustee, a N.C. Supreme Court justice, and a friend of Mary Ruffin Smith. Judge Battle’s son was the aforementioned Kemp Plummer Battle.} Numerous U.N.C. students attended Sam and Lizzie’s wedding. On that day, Lizzie was still owned by Judge Battle—hence her surname—who was the father of Kemp Plummer Battle, the eventual president of U.N.C. and Mary Ruffin Smith’s executor. Sam’s owner and the reason so many University students attended the wedding requires further explanation.

Emma’s new father-in-law appeared often in Orange County newspapers and in North Carolina legislation records. He grew up similarly to my daughters, enslaved yet treated differently than other slaves. His playmates were his owner’s children; they were very close and separated only at night. As he aged, Sam saw there were differences yet could not comprehend the complexity of his circumstance—he did not feel like a slave or understand slavery—until his sixteenth year, when his owner died and Sam learned he was to be sold on the auction block. At once, he “felt the chains and [his] spirit bowed and groaned.”\footnote{Morphis, “The Autobiography,” 3. Although I quote Sam Morphis throughout these paragraphs, his brief autobiography is too profound to be adequately abstracted and this author recommends reading Morphis’ own words. Internet copies contain minor recording errors.} The night before the sale, confused and afraid, Sam “stole away from the plantation and made [his] way through the woods to Chapel Hill [...] he seemed to drift there by an inherited impulse,” and stopped only when he reached his deceased owner’s alma mater about which he had been told many stories.\footnote{Ibid, 3-4.} Despite this attempt to escape slavery, he was sold to a new owner who—illegally, through a third party, and inconsideration of an annual fee—allowed Sam to hire himself out as he pleased.\footnote{Battle, History of U.N.C., Vol. I, 602-3.} When Sam became a waiter in a boarding house he understood for the first time he “was a
Negro and a slave, but [he] rebelled and determined to spend [his] life with the white-people. He entered into a life of servitude but philosophically raged against his confines. Through his job as a waiter at the University he befriended many white students and professors. He engaged them intellectually and forged friendships while he served them.

Without a doubt, Sam was a gifted intellectual. He was also “very handsome, full of humor, [and] an expert manager of horses” which he applied to his trade as a hack driver. He called his buggy service the “Chapel Hill Lightning Express” and sometimes it afforded him travel from one end of the state to the other, often on business for Judge Battle. He shuttled Maria Spear to and from Mary’s home so many times that Maria often mentioned Sam and his “comfortable old carriage” rides when she wrote to her former tutees, especially her former students Carrie and Maggie Mallett in Fayetteville. Half the population of Fayetteville and North Carolinians from mountains to coast knew Sam by name. He shared his travels and observations with his white University friends who grew even fonder of Sam and his poignant contemplations. With the aid of these friends, Sam eventually raised $550 to buy his own freedom undeterred by State law that mandated his slave status and refused him the right to own property.

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263 Multiple draft cards and death certificates note the occupation of Sam’s grandsons and great-grandsons as “U.N.C. Dining Hall” or similar U.N.C. employment. See “Pop” Morphis below.
265 “Chapel Hill Lightning Express” quoted in James Vickers, illus. Thomas Scism and photo. Dixon Qualls, Chapel Hill: An Illustrated History (Chapel Hill: Barclay Publishers, 1985), 105. Vickers account of Sam’s property loss is inaccurate, see below, and his portrait of Sam is biased, likely because his source was Battle’s The History of U.N.C., also below.
266 Maria Spear to Carrie Mallett, 19 June 1866, SHC. In this letter, Maria writes that Sam charged her $8 (which she “paid thankfully”) for the trip from the train depot to Oakland, roughly forty miles as the crow flies but likely a longer trip over nineteenth-century terrain in a horse-drawn carriage. As evidenced in this letter, Sam made an impression upon those he met including Maria’s former tutees. This letter is the first in the collection, written at Oakland, the place Maria would call home for the remainder of her life. When Maria permanently moved back into the main house, she joined Cornelia, Annette, Laura, Mary, Frank, and Sidney, all under the same roof. Fifteen months prior, Emma married Henry Morphis and moved out of the main plantation home. Ten months after Maria moved back in, Sidney died.
During a game of Whist, one friend suggested he petition the Legislature for emancipation. His friends would write letters; Sam once saved a student’s life who would testify on Sam’s behalf. Samuel Morphis was so well-liked even more white people attempted to facilitate his legal emancipation. These efforts were initiated in 1856 by Sam’s owner, James Newlin, who petitioned the N.C. General Assembly while a host of unlikely others joined him. Slave-owners Chief Justice Thomas Ruffin and U.N.C. president David L. Swain were among forty-three Chapel Hill residents who signed a petition that requested consideration of Sam’s plea. An additional 309 University of North Carolina students—including seventy-eight students from other Southern states—signed another petition and provided letters that spoke highly of Sam. A bill was introduced after which remarks were made as to the “good character of Sam [and] his docent behavior.” The commendations were hastily countered by antiabolitionist declarations but Sam was resolute.

Armed with a receipt from my master and with a petition numerously signed to the Legislature to grant me to myself, I went to Raleigh to plead my own cause. My feelings had never run so high. The higher emotions of my youth seemed to be seeking entrance again. I sought the legislators one by one and [pled] my cause. A few listened to me, old students of the University, and promised to help me; but as a rule I was abruptly dismissed. The war was almost here; I saw there was no hope for a Negro.

A postponement quelled all efforts, and in 1858, the House of Commons rejected the bill. Sam suddenly felt “less of a man” and that his “higher feelings were dead.” He was not owned by anybody yet he was not at all free. He earned and saved money yet could not own property. He was intellectually...


270 Ibid. Ruffin’s signature is particularly astonishing given the decision in his most infamous case, *State v. John Mann*, in which he stated, among similar sentiments, “the power of the master must be absolute,” *State v. Mann*, 13 N.C. 263 (1829).

271 “State Legislature, House of Commons, night session, Thursday Jan. 27,” *The Weekly Raleigh Register*, no. 5, 2 February 1859, 2. Interestingly, the article uses “docent” as an adjective.


driven and politically engaged yet could not be formally educated or vote. Disconsolate, Sam returned home a broken man and reminisced his misconstrued childhood, his unlawful wife, his disenchanted ambitions, his duplicitous associates, and his new adversaries. Six years passed and the War provided more perspective for Sam who ruminated, when “Lizzie and I were married

fifteen cents and an old trunk were all that I possessed. It was of course not necessary for me to support my wife. I needed my daily bread and clothes only. These came from the white folks. I depended upon them like a child. My physical welfare was my only real concern—and this I got from the white folks easily. Hence my only real station in life was this dependence upon the white folks.

The war did not mean anything to me. I could not understand it. Why white folks should fight each other in this way I did not understand. Now and then the report came that we were to have our freedom, but I did not believe that anybody could beat our masters. They knew too well how to handle a gun. And I knew they would shoot. 274

Sam Morphis was seventy years old when he dictated “The Autobiography of a Negro” to U.N.C. professor Horace Williams. Years after Sam’s death, Williams passed the handwritten narrative to playwright Paul Green. After pairing Sam’s travails and optimisms with those of two other former slaves—one from Wilmington and the other from Angier, N.C.—Green wrote the play *In Abraham’s Bosom* which won the 1927 Pulitzer Prize for Drama. 275 The irony was not lost on Green that, in death, Sam would not benefit from the success of or the attention paid to his autobiography. In life, the “fighting white folks” continued to dictate Sam’s fate.

**CHAPEL HILL**

Although my daughter Emma and her husband Henry were born slaves, they wed after Emancipation, thus were legally married when they wed. But when Henry’s parents wed they were both

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275 See statement from Paul Green attached to the typed copy of William’s original longhand in "The Autobiography of a Negro" (Sam Morphis, as told to Horace Williams) in the Paul Green Papers, #3693, Box 171, Folder 3039, SHC. “The Bosom of Abraham” is a Biblical reference to a comfortable place where, depending upon the translation, the righteous dead exist while they await Judgement Day.
slaves; therefore the marriage was not recognized by the State. In 1866—two years after Emma and Henry’s legal marriage and more than twenty years after Sam and Lizzie’s unrecognized marriage—North Carolina General Assembly legislation mandated all “slave cohabitations” be registered under penalty of misdemeanor. In Orange County, there were so many marriages between former slaves that their names alone fill an entire book. Couples paid the required twenty-five cents and were unceremoniously considered married along with a page full of other names in the overcrowded ledger. Like Sam and Lizzie, some couples had been married for decades, some for more than fifty years. Haywood Beverly, Robert Fitzgerald’s tannery partner, and his wife Amanda are among the entries; suddenly their three daughters were legitimatized. Each couple, somehow, secured the fee and went through the motions of legalizing their marriages for fear of legal consequences.

Sam and Lizzie, struggling through the aftermath of war, nearly starved the winter before so they paid the twenty-five cent fee and took no chance with the law—until they were forced to. When the Union soldiers came through Orange County, the Smith plantation fared better than others. Still, we had nothing to eat that had not yet been sown or grown, no way to travel except on foot, and currency was either valueless or useless due to the empty stores operated by owners in the same quandary.

Mary, who instructed Cornelia to bury the Smith family valuables in the ground, had “been pillaged of everything, all her bed and table linen and towels [sic] not one left.” Linens were of little concern to

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276 The 1846 date is derived from the marriage records noted herein but it conflicts with Sam’s autobiographical statement that he turned to marriage after he was (in 1859) defeated by the Legislature. The discrepancy may be a recording error on the part of Horace Williams and the marriage likely occurred circa 1842-1846. Four separate Federal Censuses note the year of Henry’s birth at or between 1845 and 1851.

277 Barnetta McGhee White, Somebody Knows My Name: Marriages of Freed People in N.C. County by County, Vol. II (Athens, GA, Iberian Publishing Co., 1995), xiv-xv, 652. White notes that the “stunning specificity of the wording” in N.C.’s Act triggered thousands of couples to register, “were unique to the state of N.C., and had] significant implications for the hundreds of thousands of descendants of the married couples.” See also, North Carolina Marriage Records, Orange County, Cohabitation Records, 1866-1868.

278 The surnames of women were not noted. The clerk—aware of the paper and time necessary to record each marriage one-by-one using the standard verbiage—recorded many of them in bulk, one couple per line. The names-in-bulk are preceded by verbiage which was intended to apply to all the couples below. But Sam and Lizzie’s group-verbiage does not contain a date, though it was likely circa August 1866 based on other records. White, Somebody Knows My Name, 652.

279 C. P. Mallett to C. B. Mallett, 18 April 1865, Charles B. Mallett Papers (#3165), SHC. Murray, Proud Shoes, 162-3.
so many freedpeople such as tenant farmers who still lived in the shadow of the Big House and had to procure twenty-five cents from an empty pocket in order to legalize a forty-year marriage.

During this uncertain time, the Battles in Chapel Hill looked in on Mary as did the Malletts, both those who lived in Fayetteville and those in Chapel Hill. Mary had a guard posted and sent for much needed supplies. Suddenly, slaves were freedpeople; war was over; nothing changed; everything changed. Sam Morphis lost all his friends, the University was on the verge of collapse, and there were no jobs. Folks on the Hill thought, “what could be more ridiculous than the continued ding dong of the College bell for prayers and all the usual recitation hours, when there is but one senior and one junior” in school and the hallways are overrun with Union soldiers playing nine pin? The sweltering scant summer was followed by a bitter winter without. One icy afternoon, Lizzie shaped the last of the Morphis’ meal into a small corncake and baked it on a hoe in the ashes of a dwindling fire. Sam, Lizzie, and their two children still living at home devoured what they knew was their last morsel, and Sam was driven to desperation.

The next evening, during the dark hours of Christmas Eve, Sam paced in the heavy snow. From the well-worn footpaths he’d traveled so often he spied the Battles gathered round the glow of the family hearth in the sitting room and, confident he was unobserved, he stole a chicken. Sam and his family ate their meal in the early morning hours, on the one week anniversary of the adoption of the Thirteenth Amendment. Always philosophical, Sam later mused that his hunger was both literal and figurative, that his “physical welfare must come out of [his] own hands’ from that moment on.” He labored for twenty years, built a lucrative hack business, became politically involved, spoke at the

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280 C. P. Mallett to C. B. Mallett, 18 April 1865, Charles B. Mallett Papers (#3165), SHC. The executor of Mary’s estate, Kemp Plummer Battle, was among Mary’s few lifelong friends who made a point to check in with her during this time. Others included Kemp’s father, William Horn Battle and the Battle family, as well as the Malletts in Fayetteville (primarily Charles B. Mallett, father of Maria’s students) and the Malletts in Chapel Hill (Charles P. Mallett who was C. B. Mallett’s father).
281 Ibid.
283 Ibid., 7-8.
Republican convention, and bought a two-story home in the town of Chapel Hill. Sam entrusted his papers—his deed, paid-off mortgage, and receipts—to a white man he considered a confidant. But Sam was robbed of his life’s work and his future when this trusted friend passed away and his estate—including Sam’s papers—passed into the hands of a sister who died shortly thereafter. “She left her estate to the village church” and her executor claimed Sam owed hundreds of dollars. Sam owned his property and home outright but he had no proof. Accordingly, Sam’s home was sold, the church received the proceeds, and he and Lizzie were reduced to renting a “miserable hut” in which they lived, in poverty, until their deaths.

Once “determined to spend [his] life with the white people,” Sam abandoned his reliance on them and redirected his shattered faith and incredulity into a rallying call for his brothers and sisters, “I preach to the Negro to be a Negro and to be for a Negro. And there is some gladness that comes to me when I see that my type of Negro will be soon gone from the face of the earth.” Sam’s name can be found today in a few footnotes or in several often inaccurate paragraphs. But his search for identity—during a time period that either denied or dictated his—and his life’s story that inspired a Pulitzer Prize-winning play demand deeper exploration and a more prominent place in history.

An account of Sam’s life that might have paid appropriate homage to him was written by Kemp Plummer Battle—Sam’s daughter-in-law’s aunt’s executor; Sam’s wife’s former owner’s son—and

284 Orange County records contain no purchase deeds for Sam and Lizzie but account for two sales of property, $440 for one acre paid by James Willis in 1881 and $55 for five acres in 1895. In addition, Sam and Lizzie borrowed monies from both Mary and her brother Frank Smith leveraging the Rosemary Street property to pay debts in 1873 and 1879. The absence of deeds, the purchase-price-to-acreage ratios, and the post-sale paper trails corroborate Sam’s story but are also cause for further inquiry. At Frank’s 1877 death, Sam and Lizzie had not yet paid the note which is later noted in Mary’s last will and testament. See OC 20/504, OC 2/428, OC 5/96, OC 47/235, OC 54/178, OC 50/10, OC 49/288.

285 Morphis, “The Autobiography,” 9. Kemp Battle states Sam “would have been sent to the County Home to die the death of a pauper, if one of his daughters had not taken him into her humble home,” Battle, History of U.N.C., Vol. I, 603. To which daughter Battle referred is unclear as is whether or not Henry assisted. On the Orange County 1870 Federal Census, Sam, Lizzie, daughter Alice, a Baby Morphis, and a bedridden woman (Lizzie’s mother perhaps) live together in Chapel Hill. Henry, Emma, and baby Sam live with Harriet five miles southwest in the same county. On the 1880 census, four of Sam and Lizzie’s grandchildren (all under ten, absent of their mother Alice and her living husband) live with the elderly couple while Henry, Emma, and seven of their children reside beside Mary Ruffin Smith.

published in the *History of the University of North Carolina*, the institution at which Battle was president and Sam worked. Although Kemp briefly praised Sam’s “mind of decided natural strength” he twisted Sam’s own anecdotes to paint an inaccurate portrait. Kemp maliciously and repeatedly assassinated Sam’s good character, his intellect, and his affableness. He stated Sam’s property “disappeared” then, proselytizing, Kemp blamed the loss on Sam’s poor choices. Sam’s defect was not his “inclination to alcoholic stimulants” as Kemp wrote; it was that he put his faith in the white man who repeatedly betrayed him. Sam’s autobiography—his own words, a thoughtful yet thoroughly critical self-portrait—is a more honest depiction of Sam than are Kemp Battle’s words of judgment. In his autobiography, Sam explored his entire range, his reality and his possibility. Ironically, Kemp Plummer Battle—lifelong friend to Mary Ruffin Smith and executor of her will, a man who knew the frightfully intimate details of my daughter’s conceptions and the reasons they lived in the big house, a man who was the president of the University at which all the white Smith men were once enrolled—failed to mention, in either volume of his *History of the University of North Carolina*, a single account of James or Sidney Smith’s intemperance or proclivity toward inhumanity.

**EMMA MORPHIS CEMETERY**

Sidney’s inhumanity was often overlooked by his similar father, but also by his sister Mary. In April 1867, she fell into the depths of mourning when Sidney died. *My heart was no less empty. For* months afterwards her grief was exacerbated by her religious conviction; her brother was, as Maria said,

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interred “without the hope of a joyful resurrection.”288 Those of us navigating the fifth year of our emancipation were well aware of the sorrow that flooded the big house but more so of the political horizon that included the possibility of citizenship if North Carolina’s proposed constitution ratified the Fourteenth Amendment. When Congress passed the first of the Reconstruction Acts the month before Sidney’s death, my son and sons-in-law were enfranchised and became politically engaged in conversation and in action. Like his father Sam, Henry Morphis saw opportunity and joined his new compatriots in solidarity. Henry’s activism was met with repeated threats of hanging if he was caught trying to vote the “radical ticket.”289 Encouraged by the increased enrollments of both black and white people in the Republican Party most of Oakland’s freedmen supported the ticket anyway.290 The black vote reverberated in the streets and in the fields. As a result, by “the fall of 1867 more than twice as many whites registered to vote [in Orange County] as had cast ballots in 1866.”291 Because black voters in Orange County were almost doubly outnumbered by Conservative white voters—and therefore certain they would not be successful in the county elections—the Republican Party focused voter-turnout efforts toward state and national elections that would effect change at the county level.292

Political outcry in the fields and lamentations from within the big house were blissfully eclipsed by the coos of my first grandchild, Emma and Henry’s son. All my children were born slaves but all my grandchildren were born free. The couple baptized their newborn son at the Chapel of the Cross on 29

288 Maria Spear to Maggie Mallett, 6 Nov 1867, SHC. H. G. Jones states Maria Spear’s lament could suggest that Sidney committed suicide (an unforgivable Christian sin) or that he died before he accepted the Church’s teachings, Miss Mary’s Money, 120.
289 Dick Mottsman, “’Pop’ Morphis, Janitor at U.N.C. Remembers University Life of 1880s,” Durham Morning Herald, 25 May 1947, Pauli Murray Papers, MC 412, folder 307, Schlesinger Library. This article is a rare interview with one of Harriet’s grandchildren and includes a photograph of James Monroe Morphis, better known as “Pop,” see Figure 1: James Monroe Morphis (1872 — 1958). The article contains errors (such as Emma’s longevity of 99+ years; the figure is closer to 96) but is an invaluable source regarding information about the Morphis family and the Smiths.
290 Maria Spear to Maggie Mallett, 4 August 1871, SHC. This letter postdates the 1868 elections but illustrates the trend toward Republicanism among people of color at Oakland during the intervening years.
292 Ibid., 136-7.
September 1867. Maria said Emma’s baby was “fat and short necked” and perhaps the comment was not intended as callously as it sounded. But Maria could wear two faces as well as anyone in the South. On the one hand she is remembered as unbiased, compassionate and opposed to slavery; she “preached a silent gospel by example,” she championed a young Pauline Fitzgerald when Mary raised her hand in anger. Around 1860, when my daughters were between the ages of eight and sixteen, Maria left the Smith household and lived with two freedwomen after her antislavery sentiments and “growing disunion made her views unwelcome” among the Smith men. Mirroring the many facets of Mary, Maria’s personae also included her devotion to the tenets of her faith, a steadfast allegiance to Mary Ruffin Smith, and less-than-enlightened sentiments about equality and inclusivity.

After the 1868 convention and the resultant constitution that abolished slavery, provided universal male suffrage, and mandated public education, Maria remarked, “Oh me, does not your heart ache about the election. Poor dear North Carolina, ruined, ruined.” Her pejorative remarks extended to Mary’s tenants. When these men of color were able for the first time in their lives to participate in the democratic process, Maria scoffed that “only one Negro on this plantation voted conservative—five did not go and the rest all radical. Is it not too bad, so good as Mary is to them all.” Maria even insinuated Ed Cole was to blame for the lightning strike that killed Dennard, “it seemed as if ignorance and self-will in one of the persons invited the danger for he insisted on opening the door and on their all coming round the table to eat melons which he had brought.”

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293 Stoudemire, “Black Parishioners of the Chapel of the Cross,” 82.
294 Maria Spear to Carrie Mallett, 4 November 1867, SHC.
296 Maria Spear to Carrie Mallett, 2 May 1868, SHC.
297 Maria Spear to Maggie Mallett, 4 August 1871, SHC.
298 On this matter, H. G. Jones states it was uncharacteristic of Maria to attribute blame. Although Jones also speculates about Maria’s true colors, so to speak, I argue Maria’s comment was very much in character. Maria may have been devout and often well-intentioned but her correspondences—written to two former students with whom she confided and confessed excruciatingly intimate secrets such as the details her virginity and what she really thought about Mary’s brothers—reveal a side of Maria she took great care to sequester from public knowledge. She was acutely aware of the possibility that her letters might be read by others and several times cautioned her former students to burn a letter after reading or to make no mention.
uninvited. After the preparations for Annette’s wedding, Maria groused, “Negroes hold themselves above white people now, but let them be in sorrow or in joy, how quickly they find their old friends.”

While my deathbed was more diligently attended by Mary, Maria “picked her times and so got along very well” and did not catch the cold that laid up Mary for months afterwards—and worried Maria incessantly. After my death, Maria noted, “It is all done now and I trust that Mary will have no more such trial to her feelings and exposure to her health.” She held Mary above all others and when she returned to Oakland permanently in June of 1866 at 62 years of age, she stayed until her death in January 1881. The spinsters shared almost everything, meals, a bedroom, over-weekends with the Malletts, and together at Oakland hosted Maria’s former Fayetteville tutees. Maria believed the perfection of a woman’s nature could only exist “in the state of Wife and Mother” and it was God’s will that her “Heavenly Parent, Lord, and Master forbid [her] those blessings.” So, perhaps her comment about Emma’s firstborn was simply an observation, but nevertheless a comment to which I, this child’s grandmother, would certainly take offense. To Emma, to all of us, her firstborn was a marvel, like all firstborns, and we reveled in his lightness for too brief a time. A rampant choking cough took hold of him and made him deathly ill. Despite calomel and sundry medicines, “rubbing his breast and throat with oil of Amber and putting his feet in hot water,” he nearly strangled before an operation seemingly in their response “that could give offense.” This latter comment was in reference to Sidney bequeathing everything to Mary, to which Maria cryptically responded, “I know what will be the end result.” The margin for speculation is wide.

299 Maria Spear to Carrie Mallett, 17 March 1868, SHC.
300 Maria Spear to My Dear Girls, Maggie and Carrie Mallett, 10 September 1873, SHC.
301 Maria Spear to Maggie Mallett, 3 September 1868, SHC. Maggie and Carrie Mallett were the same ages as Annette and Laura, all born between 1848 and 1851. When the Mallett sisters visited circa August 1868, Cornelia and Laura were yet unmarried and, according to Proud Shoes, would have still been living at Oakland. Maria’s 19 September 1868 letter to Maggie is riddled with mysterious references as to what transpired during the Mallett’s visit, namely an individual who was considered to be an intruder to Maria and Maggie who wanted to spend time together without a third party. Maria writes, “it seemed to give the dear little thing so much pleasure to be with us, that I could not invent any excuse to get her downstairs.” This “dear little thing” is likely eleven-year-old Alice Mallett (Maggie and Carrie’s younger sister whom Maria also tutored and exchanged correspondences) who accompanied her sisters to Oakland. But Laura, aged sixteen, is also a possibility. Maria suggested to Maggie that she respond in the third person, in order to imply that the matter at hand concerned some other group of people, “so all danger of betrayal might be avoided, in case the letter fell into other hands.”
302 Maria Spear to Maggie Mallett, 11 September 1874, SHC.
saved him. Ultimately Emma and Henry buried their first born child and his little brother grew up without him.  

This little brother was Samuel J. Morphis, named for his grandfather, the estimable aforementioned Sam Morphis of Chapel Hill. But he also shared a name with his older brother who just died, a naming practice that was common during my time. Little Sam was born 13 October 1869, lived to be 82 years old, and was a successful fruit farmer with orchards in Orange County. After Sam’s birth, Henry continued to receive death threats. Emma was as frightened of losing Henry to a lynch mob as she was of losing her second child. “Klan terrorists mounted a culture of intimidation” and concentrated violence in Orange and neighboring counties. We got word of horrific murders, burnings, and tortures. From Alamance County, we learned Cy Guy was lynched and his neighbors heeded instructions written in Cy’s own blood not to cut him down; the poor man’s mutilated body hung for four days. Violence and intimidation became a sobering reality in Hillsborough and Chapel Hill when we got word that Cornelia and the Fitzgeralds were being terrorized at Woodside. The situation escalated so dramatically one night Robert’s brother Billy returned to Pennsylvania posthaste.

Despite the chaos and anxiety we faced every day, every hour, Emma delivered little Sam without incident, though under unusual circumstances. When Emma, Annette, and Laura were little girls, their father “Frank shrugged them off and treated them as part of the surroundings. They kept a

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303 Maria Spear to Carrie Mallett, 4 Nov 1867, SHC. Emma’s first baby appears on no census records but was baptized as an infant 29 September 1867 at the Chapel of the Cross. On the 1870 Federal Census, more than two and a half years later, Emma’s only child—a second child—is a one-year-old and his age is consistent with her oldest child on subsequent censuses. Because her first child would have been at almost three by the 1870 Federal Census and because records corroborate her second child’s birth in 1869, it is reasonable to assume Emma’s first baby died before the Orange County July 1870 Federal Census was taken.

304 Sam Morphis’ death certificate incorrectly lists his wife (Patty Craig) as his mother (Emma Smith Morphis).


306 “Cy Guy” is Cyrus Guy whose story is related 20 May 1937 by Ben Johnson as quoted in Voices from the Days of Slavery, 8-13. Mr. Johnson was born in Orange County and once owned by Gilbert Gregg of Hillsborough. He did not know his parents and his only known brother was sold to pay for the wedding dress of Gregg’s fiancée.

307 Murray, Proud Shoes, 221.
respectful distance from him and addressed him as ‘Marse Frank.’” But when Emma was twenty-four, her child was delivered by her own father, Dr. Frank Jones Smith, who charged Emma and Henry the standard $10 delivery fee. Frank delivered several of his own grandchildren before his 1877 death as well as most of the children born in the rural reaches of southern Orange County. Little Sam was my third grandchild, preceded only by his late brother and Annette’s first daughter. Within nine months of Samuel’s birth three more grandchildren arrived: Laura gave birth to her first daughter, Annette to her first son, and Cornelia to her first daughter. When my daughters totaled nine children between them, Julius joined his half-sisters in parenthood—and was charged the same $10 fee from Frank—after which at least one grandchild of mine was born per year for the next ten years. In all, a third of my grandchildren lived into their eighties and nearly all of them shared the name of some other member in their multifaceted family, including the white Smiths. Both Annette and Emma named a daughter Harriet. When my last grandchild was born in September 1885—one month before Mary Ruffin Smith died—she was named Mary, the fourth among my grandchildren to be christened Mary.

As each of my daughters married, they left Mary’s house to live with their husbands. Cornelia eventually settled in Durham, Laura in Charlotte, and Annette remained nearby in Orange County. But when Emma left Mary’s house, she came to mine. By 1870, Emma, Henry, baby Samuel, and I were a family of four in Chapel Hill Township, free citizens of the United States of America, “three fences and two cotton fields” away from the big house where Emma was once Mary’s cook. I met the next two of Emma’s ten children, Thomas born in 1871 and James Monroe in 1872. Little Harriet was born the next

308 Ibid., 49.
309 Medical Accounts, Francis J. Smith, 1845-1850, Vol. VI, Box 2, Folder 18, in MRS #3879, SHC. The entry is not marked as paid.
310 Only Laura did not have a daughter named Mary although her eldest was named Delia M. whose middle name has yet to be determined. Only the middle initial “M” appears on Delia’s death certificate and letters of administration, see Chapter Laura. Also, Laura could have lost a child named Mary, or Harriet.
311 Orange County 1870 Federal Census. Maria Spear to Carrie Mallett, 13 December 1873, SHC. James Monroe “Pop” Morphis quoted by Mottsman in “‘Pop’ Morphis,” Durham Morning Herald, 25 May 1947 from Pauli Murray Papers, MC 412, folder 307, Schlesinger Library. Pop states Emma was Mary’s cook and that he “lived at the Smith home in his early youth.”
year, the same month I died. Emma gave birth to five more children during the next decade, Eunie, Mary Frances, Julius, Rufus Alexander, and George Edward who went by Eddie.312

Rufus Morphis was a family name on Henry’s side but it was a mouthful so everybody called him Alex or Alec until he changed it back to Rufus in adulthood. His name was barely recorded the same way twice on any document until it was preceded by “Rev.” after which it was always the Rev. R. A. Morphis. Rufus was the last of my grandchildren to die, fifteen months before the passage of the Civil Rights Act of 1964. Like all his brothers, he was a farmer. But Rufus also became an ordained minister and preached with the New Hope Baptist Association alongside our friend, Ed Cole.313 Ed was a mentor to Rufus whose novice’s mistake was recorded and resolved in the Association’s minutes. The Rev. R. A. Morphis was “charged with sitting upon an open communion table [... He] asked forgiveness for his misconduct and assured that the offense would not be repeated. The Board granted the pardon in the spirit of Christ” and he continued to minister long after he buried both a stillborn child and, three years later, his wife when she was just 32 years old. He later remarried and ministered in Pennsylvania where now lies buried beside his second wife.314

Rufus’ older brother, James Monroe Morphis, inherited his grandfather Sam’s gregariousness and sense of humor. He was known as “Pop” by everybody in town and at U.N.C where he held a custodial position for many years.315 In 1938, when the U.N.C. Graduate School denied Pauli Murray

312 It is not clear whether Emma lived with or adjacent to Mary after Harriet died, or perhaps both. The Orange County 1880 Federal Census suggests that Emma and her large family lived in a dwelling separate from Mary. However, James Monroe Morphis’ comment quoted in the previous footnote must also be considered.
315 See Figure 1: James Monroe Morphis (1872 — 1958).
admission based solely upon her race, her response to the university’s president fueled a debate destined to be argued at a national level. I do not know if Pauli was aware that so many members in her grand-aunt’s family tree were employees at the University, allowed admittance only via the service entrance. Pauli’s grandfather Thomas Fitzgerald was a manumitted slave who knew the value of education. Pauli’s aspirations were realized, in part, because Cornelia married Thomas’ son—an educated man who taught freedpeople and subsequent generations of Fitzgeralds. In contrast, Pauli’s white grandfather Sidney misspent his enrollment at U.N.C., squandered his privilege, and neglected to teach his daughter Cornelia how to write her own name. *I could not teach her either.* The systematic appropriation of Native Americans homelands, the disenfranchisement of Africans via slave labor, and the subjugation of both peoples was “the foundation upon which the gentry established the University of North Carolina and the Town of Chapel Hill in 1793. The first public university in the nation was, in fact, an institution controlled by slave owners to promote the profit and privilege of their class.”

Sam Morphis and so many of his descendants were never taught to read or write and were denied the right to enter into academic settings that suited their intellects and desires. If only the University and public figures who once befriended Sam Morphis had granted his emancipation and honored his life’s work. “*If only* is a song in a weary throat.” Sam Morphis was referred to as a “two-horse hack” but his job did not define him. Neither did Thomas Morphis’ job when the automobile

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317 When Murray submitted her application, family members employed at U.N.C. included the generation born in the twentieth century e.g., per 1940-1941 draft cards, William Henry Morphis (b. 1909) employed at U.N.C. dining hall; his brother Charlie Morphis (b. 1915) at U.N.C. power plant; Harrel Morphis (b. 1917) at U.N.C. dining hall; and a later generation included cousin Thomas J. Morphis whose 1990 death certificate indicates his occupation as U.N.C. custodian. “Pop” Morphis’ interview is archived in Murray’s Papers and among the inked comments are “your 2nd cousin” and “Aunt Emma Morphis.” The author of those comments could be any one of a number of people based on the relationships noted.


319 Paraphrasing “Hope is a song in a weary throat,” Murray, *Dark Testament and Other Poems*, 22.

replaced the buggy and he found employment in Durham as a driver. His cousins Frank and Oscar Kirby, Annette’s eldest sons, were his partners and Oscar was Thomas’ housemate. Just as Emma and Annette lived and remained close to each other throughout their lives, so did their children, grandchildren, nieces, nephews, and cousins who often worked, lived, and worshiped together.

Like his grandfather Sam, “Pop’s” sharp wit endeared him to those whom he met. He once asked a plantation employer if he could have some hay that her horses wouldn’t eat. When she inquired as to why her horses would not eat the hay and his would, he replied, there is “the same difference between my horses and your horses as there is between you and me. Things my horses eat would kill your horses, and things I eat would kill you.” When he was still living and working at Oakland, Mary suggested that if he walked to the Hill and retrieved a double-barreled shotgun from the blacksmith, he could keep it. He did and Mary had her favorite squirrel soup within the week. He relocated to Virginia with his wife after Mary died and when, after a forty-year absence, he returned to Chapel Hill in 1928 he remarked the students were “more moderate drinkers than their grandpas of the ‘good old days.’” Pop died at the age of 86 in 1958, nine months after his wife died. They are buried together in Virginia. He left their daughter Emma, named for my Emma, his estate worth $8,560.

The year before Pop died, his older brother Thomas passed away, also at age 86. Their next younger sister Harriet followed them in 1959 at age 83. Mary Frances, the youngest Morphis sister, only lived to age 66, a relatively young age of death in the Morphis family. Mary Frances married Atlas Durham whose parents were Exter Durham and Tempie Herndon. Tempie lived to be 103 years old and

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321 Hills 1905-1906 Durham Directory, 155, 186. The cousins were near neighbors living at 222 Hargrove and 601 Glendale. Thomas was later a wood dealer, Durham 1911-1912 Seeman’s Directory, 217.
323 Ibid. According to the article, this event took place several days before Mary’s death. The weapon referred to was Mary’s “late brother’s” shotgun and could have belonged to either Frank or Sidney who both preceded Mary in death. Regardless, the gun once belonged to either Pop’s grandfather or his grand-uncle. Somebody unknown underlined and penned comments on the article including, “His Grandfather,” meaning Pop’s grandfather, i.e. Frank Smith.
was among those interviewed for the WPA former-slave narratives. Her interview included an account of her wedding day, officiated by Annette’s husband, the Reverend Ned Kirby. She recalled joyful and humorous moments in an otherwise uncertain time as well as the memory of her wedding ring that Exter carved out of a large red button with a pocketknife.\textsuperscript{325} The Durham and the Morphis families celebrated another union when Emma’s son Thomas married Tempie’s daughter, Nonnie Durham, and yet again when Nonnie’s brother, Hayes Durham, married Annette’s daughter, Laura Kirby. By the turn of the century, a Morphis would be hard pressed to walk a quarter mile in any direction without crossing the path of a Durham, Kirby, or Cole to whom she was related by birth or by marriage. And, nearly everybody had a namesake who married someone with a surname that reflected the towns or townships in which we lived; the Durhams of Chatham who lived in Orange and Durham, or the Bynums and Caldwells from Carr or Cheeks or Williams or Oakland. Laura’s husband even married a Charlotte from Charlotte but we never met her. These naming practices continued with my great-grandchildren and their children.\textsuperscript{326}

All Emma’s children married and had families except Eunie who lived with Emma most of his life where he worked the farm.\textsuperscript{327} After Emma died, Eunie joined Rufus in Pennsylvania and married a woman named Mary.\textsuperscript{328} Eunie died at age 73 and is buried near his sister Mary Frances in the Morphis-Durham Cemetery, a triangular plat of land in northern Chatham County that was once part of Emma’s

\textsuperscript{325} Tempie is sometimes spelled Tempe or Tempy. Exter is noted in most official records as Carne and sometimes Kearney but Tempie calls him Exter in the WPA interview. The couple’s extant Durham home on Pine Street (now Roxboro) is northwest of North Carolina Central University. Until the 2015 sale of the house and its current renovation, the porch roof was held up by the same double-columned beams visible in Mrs. Durham’s WPA photograph. Photograph and interview accessed 27 March 2016, http://xroads.virginia.edu/\textasciitilde hyper/wpa/durham1.html. Roxboro Street property photograph and details accessed 27 March, 2016, http://property.spatialest.com/nc/durham/property/118560/card/1.

\textsuperscript{326} E.g., Mrs. Nettie Lillian Kirby Williams who died in 2010 was the daughter of Thomas Kirby (Annette’s third son) and shared a name with her grandmother Annette “Nettie” Smith Kirby but took the surname Williams which is also the name of a township in Chatham County, once part of the Smith estate, and home to many Kirbys.

\textsuperscript{327} His 1947 death certificate perhaps incorrectly states his age as 75 and the census misspellings of his names include Una, Unis, Ernie, Anie,INUE, Uonic, Mophus, Morphus, Morphies, and Morghus.

\textsuperscript{328} Pittsburgh, P.A. 1954 City Directory.
inherited 100-acres. Emma’s other children were laid to rest in nearby Orange County except Rufus Alexander in Pennsylvania and James Monroe in Virginia. My daughter Emma, my middle child who was the first and last of so many events, never strayed far from the home in which she was born. During her ninety-sixth winter she grew ill in her lungs. She survived slavery and a war, raised nine of her ten children to adulthood, and in 1941 her body was returned to the earth, in the Emma Morphis Cemetery where Mary Frances and Eunie followed within six years. Thirty years later, when my namesake granddaughter Hattie—Mary Frances’ daughter—was killed in a fire at age eighty, her remains were returned to Chatham County and interred beside her mother and grandmother.

Longevity was prominent in the Morphis family but so too was tragedy. Before Emma was buried two months before her ninety-seventh summer she was, lamentably, unable to spend her many days with her beloved Henry. He survived the lynching threats he received during the 1860s and 1870s, but in the second decade of the twentieth century, Henry Morphis—father of ten, husband for a half century—was “whipped and beaten by the then-powerful Ku Klux Klan” and later died from his wounds.

329 This is the same cemetery mentioned in the Introduction. In 1901, Sam Morphis (Harriet’s grandson), Henry, and Emma mortgaged the 52-acre property that Mary willed to Emma and Sam, OC 31/126. This sum was satisfied as were others, e.g., a deed of trust in 1915 for $125, OC 50/249/a. However, foreclosures sometimes resulted, e.g., OC 62/20a, 70/180a. Borrowing against property was typical for Harriet’s family members who were unable to truly benefit from Mary’s bequests due to the cost of upkeep and the daily struggles they faced as people of color. Had Mary stipulated in her carefully-worded will for taxes to be paid from the interest on a deposited sum of money, her nieces might have kept their properties and, foreseeably, passed them to generations that would, today, possess substantial estates in Orange and Chatham Counties. Mary stipulated a similar point in her will regarding the Francis Jones Smith Fund through which extant student scholarships continue to be funded solely by accrued interest, see Jones, Miss Mary’s Money, 181, 183. Unfortunately, Mary did not include this stipulation in her last wishes, the life estate clause complicated the lives of Harriet’s daughters, and each property ultimately became a costly albatross.

330 Despite exhaustive searches, the only known account of Henry’s brutal beating and the events preceding his death are the few sentences in Pop Morphis’ 1947 interview. Henry Morphis is noted on the Orange County 1910 Federal Census as head of household. An Orange County 1915 deed of trust is absent of Henry’s name yet Emma is not noted as a widow, although she could have been, OC 50/249. Emma is noted as a widow on the 1920 census and on a deed of trust in 1923, OC 68/6.
Chapter Six: Annette

KIRBY

Annette was my fourth child, my third daughter, the second of Frank’s daughters, and the first of my children born at Oakland. She lived there until she married Edward Kirby in her twentieth year. It seemed everybody had a role in her wedding preparations, even Mary and Maria who iced and trimmed five cakes. A wedding day is a celebratory event, easily recollected and usually recorded in one form or another. But the days that follow a wedding eventually elapse into years and the hourly records of motherhood are not kept in the county courthouse. For this reason, Annette’s life story can only be discerned via her husband’s more abundant historical records, those of her in-laws, and a close family friend. She spent much of her life raising her eight children who survived to adulthood and working the land upon which she lived. Nettie, one of Annette’s many nicknames, was my second child to marry, 18 March 1868. She and Edward were often called Nettie and Ned, or Aunt Net and Uncle Ned, or Annie and the Reverend E.D. Kirby. Here, I refer to Annette as “Annette,” Ed Kirby as “Ned,” and our family friend, Ed Cole as “Ed.” Ed figured prominently in Ned and Annette’s life and in all our lives. When they were alive, both “Eds” were also called “Ned.” Pauli referred to Ed Cole in Proud Shoes as “Uncle Ned.” But to me, “Ned” Kirby was my son-in-law. And “Ed” Cole was my friend, the same man who survived the lightning strike in my cabin.

331 Maria Spear to Carrie Mallett, 17 March 1868, SHC.
332 Kirby to Smith, Orange County Marriages. Holcomb, Marriages of Orange County, 172.
333 They were also called Ed, Edward, Edwin, and Edmund, e.g., “Edward” Cole on 1870 Orange County Federal Census then “Edwin” Cole on the 1880 Federal Census. Illustrating the fluidity of nineteenth-century names, Ed Kirby is also documented as Ed “Kerby” on Annette’s death certificate, “Edward” on son Oscar’s and Annette’s, “Edmund” on the 1900 Federal Census, Kirley, Curby, etc. on other sources. Ed Cole is also the Rev. E. H. Cole and is not to be confused with Mary Ruffin Smith’s white plantation manager W. C. Cole or Wesley Cole who bought Julius’ twenty-five acres.
334 Murray, Proud Shoes, 53. In her WPA narrative, Mrs. Tempie Herndon Durham called Ed “Uncle Edmond Kirby.”
As if following in the footsteps of her older sister who married into the colorful Morphis family and produced generations of remarkable Morphises, Annette married into the equally interesting Kirby family and mothered a multitude of Kirby kin. Annette’s new parents-in-law were Thomas Kemp Kirby and Judith Kirby, known by everyone as Tom and Julie, and were married in 1848. After Chapel Hill was incorporated in 1851, a Board of Commissioners was established. When the War ended, Tom Kirby and two other men of color served on the Board in cooperation with white members. This Board was revolutionary and progressive not only because men of color held membership alongside whites but also because all members were Republicans. Tom’s tenure on the Board, 20 August 1869 – 30 March 1870, coincided with the mounting violence in Orange County inflicted by the Ku Klux Klan. The notorious organization came to the aide of the Conservative Party who waged war on Republicans. The Klan “focused its boldest attacks on Republican leaders” and, despite brutal murders that were committed across the South and in his neighborhood, Tom established himself as one of these leaders. He was threatened about the same time the Fitzgeralds were intimidated at their Woodside Farm.

Tom Kirby’s membership on the board was not mentioned by Kemp Plummer Battle in the History of the University of North Carolina. Like Sam Morphis, Tom Kirby was noted briefly in the

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335 Unlike Sam and Lizzie Morphis whose names were crowded on one line, Tom and Julie’s 1848 marriage was recognized earlier in the 1866 Slave Cohabitation records, in a full paragraph with appropriate verbiage. The following documents prove Julie/Judith/Judy/Julia/Kirby and Thomas/Tom/Kemp/Kirby and Edward/Edmund/Ed/Ned/Kirby are the same people, respectively: “Kemp and Julie Kirby” per son “Edward Kirby” death certificate; “Thos. and Judith” per Orange County Cohabitation Records and on Annette and Ned’s marriage bond; “Tom and Judy” per Chapel of the Cross 1848 marriage record; “Thomas and Julie” per Chapel Hill Township, 1870 Orange County Federal Census. “Thomas” and “Julie” per OC 47/258, 50/285, see below re: Kirby-to-Kirby property conveysances that further verify each identity. “Edward” per 1870 and 1880 Orange County Federal Census, “Edmund” per 1900, “Ed” per 1910. “Edward Plummer Kirby” per his Chapel of the Cross 23 March 1856 baptism record and “Thomas Kirby” last will and testament. “Rev. E. D. Kirby” per “Minutes of the NHMBA.”


337 Republicans in nineteenth-century terms, i.e., supporters of Lincoln’s legacy and opposed to Confederate Democrats.

historical volumes but Kemp chose to highlight his own personal suspicions and Tom’s perceived failures instead of Tom’s accomplishments. The historian stated Tom “was capable, but never gained a high character for probity. He [wrote that Tom] was suspected in the days before the war of selling whiskey on the sly to students, a most lucrative business if detection did not follow, as the profits were from one hundred to a thousand per cent on the cost. Good behavior wiped out this suspicion, at least to the extent of making him eligible for employment by the University.” The job to which Kemp referred and to which Tom’s “good behavior” applied was as a servant in the university’s Old West building, the dormitory where Frank and Sidney Smith were roommates during the early 1830s.

Kemp also overlooked Tom’s leadership within the community, in particular Tom’s role in 1865 as one of the organizing members of the extant First Baptist Church of Chapel Hill. Tom Kirby’s profile in Kemp Battle’s history book contains two additional disparaging and random stories before it is noted, rather pointedly, that “Tom Kirby had a son, Edmund, who was employed in the Chemical Laboratory. He was a preacher and some of his sermons are said to have contained the most lurid metaphors, blazing with the transformations he had witnessed in the Laboratory. These fiery reactions were typical of the flames awaiting the damned for their sins.” Damnation notwithstanding, this son “Edmund” was none other than Ned Kirby, Annette’s husband. Kemp Battle attended the same church as Ned Kirby, though they sat in different sections. Ned was baptized at the Chapel of the Cross in 1856—one

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339 Battle, *History of U.N.C.*, Vol. II, 560. Battle states Tom was “free issue” while Chapman states he was a slave, “Black Freedom” (diss.), 115. Among other salient points, Chapman’s 2006 dissertation discusses U.N.C.’s history of “institutional racism,” challenges modern scholarship that trivializes the University’s historical support of white supremacy, and, like this paper, draws attention to some of the many marginalized people of color in the Piedmont such as Sam Morphis and U.N.C. service employees.

340 Lefler, *Orange County*, 305. The church which had several names is located at 106 North Roberson Street, Chapel Hill.

341 Battle, *History of U.N.C.*, Vol. II, 560. Unfortunately, Pauli Murray’s devotion to her grandmother Cornelia and her Fitzgerald family sometimes led to unfair comparisons with Cornelia’s sisters and incomplete portraits of their husbands. Murray states Cornelia “was the most high-minded” of Harriet’s daughters, that Ned Kirby was “a young preacher of sorts from Chatham County with a devilish sense of humor and a knack for pleasing all ladies,” and only that Sam Morphis was “a colorful figure around the University,” *Proud Shoes*, 164-5.

342 Ned’s name is noted as “Edmund” on the 1900 Chatham County Federal Census, Annette as “Annie B”, with Oscar, Thomas, Kemp B., Emma and Mary all at home. Ned’s name is noted as “Edward Plummer Kirby, Son of Judy and Tom Kirby,” on his day of baptism, Easter Day, 23 March 1856, Chapel of the Cross.
year after Kemp was baptized there, as an adult, and the same day as Henry Morphis and his four siblings. But Ned turned away from the Episcopalian church and found his calling in the Baptist faith.

Tom and Ned Kirby’s names are peppered throughout Frank Smith’s ledgers for medical services, the sale or purchase of crops, or the occasional $1 to $5 loan. This was common practice on plantations where plantation families had money, tenant farmers had crops, and banks were either nonexistent, a long ride, or a longer walk away from the obligations of daily life. Several times, Tom’s loans exceeded the standard smaller amounts. One $10 loan was sent via Annette to her father-in-law and Frank once loaned Tom $65 to “buy a mule for himself or son.”343 Tom owned a $400 farm that required horsepower. Tom’s “or son” was also Frank’s son-in-law.

In Tom Kirby’s earlier years, he worked as a waiter in Miss Nancy Hilliard’s Eagle Hotel.344 He saved $500 and on 8 December 1842 bought a one-quarter acre lot on the north side of Franklin Street, directly across from the hotel in which he was formerly employed.345 This transaction was not officially recorded until five weeks after Confederate General Joseph E. Johnson surrendered his army to General Sherman at Bennett Place—ending the War in Georgia, Florida, and both Carolinas. Interestingly, Tom’s deed was witnessed by Kemp Battle. The Franklin Street lot was deeded under Tom’s name alone but fifteen years later his wife Julie bought a lot as well, two acres on College Street for $200. When Ned

343 Entry 1 Feb 1874, Volume 6: Medical Accounts, Box 2, Folder 18, in MRS #3879, SHC. Orange County 1870 Federal Census.

344 Tom must have worked at Miss Nancy’s after she named it “Eagle” in 1846 and before she sold it in 1853, see Battle, History U.N.C, Vol. II, 261. Also, Vickers, et al., Chapel Hill: An Illustrated History, 61, 78-9 for photographs. The Orange County 1880 Federal Census states Thom is a “college waiter.” Kemp P. Battle, “Sketch of Wilson Caldwell,” 8. Battle’s assessments of blacks are more favorable when he perceived that the individual abstained from “sinful” temptations or when Battle deemed the individual’s “moral character” was in keeping with his personal definition of the concept.

345 OC 47/258. This deed was not recorded until 3 June 1865 and sold in 1892, five years after Tom’s death, by his wife Lizzie Kirby. Not enough documentation has yet been discovered to assert whether Lizzie Kirby was Tom’s second wife or yet another name for his wife Julie/Judy/Judith/Julia. In his last will and testament, Tom Kirby bequeathed the aforementioned quarter-acre lot (reduced to one-sixth on the deed) to his wife “Lizzy Kirby” and also bequeathed the two-acre lot purchased by his wife “Julia Kirby” (deed noted in the following footnote) to his son Edward Plummer Kirby (Ned Kirby, who with his wife Annette sold it in 1889, OC 52/426). Tom’s will proves Lizzie’s husband and Ned’s father are the same man, Tom Kirby, just as the aforementioned documents prove that Tom and Julie/Judy/Judith/Julia were married.
married Annette, his mother Julie joined the fold of Smith women, all of whom were eventually property owners.\textsuperscript{346}

Female land ownership increased postbellum due, in part, to Civil War deaths of landowning males and their sons, who would have inherited the real estate. In the absence of male heirs, the property passed to a wife or daughters. But despite her newfound role as proprietor—whether via inheritance or personal acquisition—a married woman had no legal rights to govern her property at will, operate a business, or retain earned wages. Mary Ruffin Smith carefully worded her last will and testament because of these laws, of which she was aware due to her interest, intellect, and her father and brother’s legal positions. These laws were, perhaps, among the reasons she never married. For unmarried Mary, “the common law held no special restrictions on property ownership and control; a ‘feme sole’ had the same rights as men.”\textsuperscript{347} Legal equality for married women lagged primarily because, “the legal status of Southern women hinged on the decisions of lawmakers for whom the status of women per se was rarely the paramount concern,” lawmakers that included Mary’s father.\textsuperscript{348} Married women would not enjoy the same property rights as single women until the Martin Act of 1911.\textsuperscript{349} However, from 1867 to 1869, “Reconstruction constitutional conventions launched the women of [three states including North Carolina] on the road toward legal equality with men, at least on the matter of property rights and obligations.”\textsuperscript{350} As sole heir to the 3000-acre Smith-Jones estate in 1877, the unmarried Miss Mary Ruffin Smith had more autonomy than the married Mrs. Julie Kirby who purchased

\textsuperscript{346} OC 50/285. College Street is now Cameron Avenue.
\textsuperscript{348} Ibid., 216.
\textsuperscript{349} C.S.N.C. § 2507, known as Martin Act of 1911, gives a woman “the capacity to contract as if she were unmarried [... making her] liable as if she were unmarried on her contracts to convey land,” accessed 15 March 2016, http://www.leagle.com/decision/19341096FSupp103_187.
\textsuperscript{350} Lebsock, “Radical Reconstruction,” 196.
her own lot in 1880; more autonomy than all my daughters—each married—whose inheritances were stipulated with life estate clauses.  

Two years after Annette inherited her 100 acres from Mary in 1885, her husband Ned inherited the two acres on College Street once owned by his parents, Tom and Julie. But Annette and Ned’s lives were not lived in Chapel Hill proper, on the relatively smaller two-acre lot. They were a farming family with eight children to raise and 100-acres in Chatham County to cultivate. In 1889, after borrowing against the College Avenue property several times, they sold the lot for $200 and spent the rest of their lives in rural Chatham County. From there, Ned preached alongside our friend and neighbor Ed Cole who, by means of Baptist eternal security, saved the lives of countless freedpeople.

COLE

Mary Ruffin Smith may have indoctrinated my daughters in the Episcopalian religion but Annette’s family was moved by the Baptist faith, or, rather, they were moved by the Kirbys and the Coles who moved multitudes in Orange, Chatham, Durham, and Wake Counties. After the War, many freedpeople abandoned the sequestered galleries of their former-owner’s churches and gathered

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351 When property is deeded or willed to an individual, “life estate” stipulates that ownership is retained by said individual until death at which point, in Mary’s will, ownership would transfer to her niece’s respective children, not her niece’s respective husbands who might attempt (before or after the death of his spouse) to use the property for personal gain or to settle debts. Mary’s intentions may have been to empower her nieces individually but the careful wording of her will ensured that her grandnieces and grandnephews ultimately possessed the land. This meant that all living children and grandchildren of any given niece must either be present or provide notarized statements of agreement when the property was conveyed. As you will read in Chapter Seven, this was most complicated for Laura. Incidentally, life estate is how Mary inherited her property. Mary’s maternal grandfather Frank Jones bequeathed his daughter Delia a life estate in the Jones property (wisely bypassing Delia’s husband, James Strudwick Smith) after which the property was intended to pass to Jones’ grandchildren: Frank, Sidney, and Mary, in that order. Mary outlived both her brothers, was childless, and the law did not recognize Frank and Sidney’s daughters, the Smith brothers’ only children.

352 Tom Kirby’s last will and testament, 20 March 1883, Orange County, N.C., and probate papers, 5 December 1887.

353 OC 10/234, OC 13/139, OC 13/297. Whether the couple ever resided on College Street is unclear though could be verified by cross-referencing the Orange County deeds with the laborious methodologies employed by Frank L. Owsley and his critic Fabian Linden to determine residential relationships from Federal Census data, see Kenzer, Kinship and Neighborhood, Appendix I. The 1870 and 1880 Federal Censuses place Annette and Ned in Chapel Hill, Orange County, where the College Street lot is also located, while the 1900 and 1910 Federal Censuses state Chatham County, on Annette’s inherited 100-acres.
together on the more comfortable pews of the Baptists—no matter if the pews were stumps under a shade tree or a green blanket of grass beside the creek during a two-week-long revival. The lack of formal structure, the absence of ritual, and the democracy of the Baptist congregation appealed to freedpeople who, along with the right to vote, were able to choose how and where to express themselves, many for the first time in their lives. The aforementioned First Baptist Church of Chapel Hill, organized in part by Tom Kirby, became part of a much larger association largely due to the efforts of our friend, Ed Cole, the church’s first pastor.  

In 1867, in the communities where Wake and Orange Counties met, people of many colors came together, built a log structure, named it St. Mary’s Church, and elected Ed as their pastor. In order to accommodate the many parishioners Ed attracted, a framed end was added onto the log building. When that did not provide enough seating, the log portion was replaced by more framed construction. In 1868, St. Mary’s became part of the Wake and Orange Line Association that was organized by the Rev. E. H. Cole. By 1870, Ed had organized, promoted, and was the first pastor of five churches and he ultimately served for over three decades. As St. Mary’s joined the Wake-Orange branch, six other churches were promoted by another minister—the Rev. Calvin Luther Hackney from the New Hope Association. In the spirit of community and consolidating the two branches with eleven churches between them, the Reverends Cole and Hackney entered into an enthusiastic debate as to the terms and technicalities of their association. Ed resolved the matter stating, “If you will take my constitution and by-laws, I will take your name.” The Reverend’s agreement was followed by prayer and a

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354 See Figure 2: The Reverend E. H. Cole (1827 — 1900). In Lefler, Orange County, 305, Tom “Kerby” is noted as a leader, misspelled just as “E. D. Cole” is noted as the first pastor at First Baptist (Ed’s middle initial “H” is misreported as “D”). First Baptist Church of Chapel Hill was formerly Rock Hill and still functions today on 106 North Roberson Street, Chapel Hill.
356 Lefler, Orange County, 305. “Minutes of the NHMBA,” 1931.
unanimous vote in favor of the “New Hope Missionary Baptist Association.” Apropos to the Baptist tradition, and after disagreements “as to the true meaning of Saint,” St. Mary’s was befittingly renamed Mount Sinai and functions today on the road of the same name in Durham County.358

As a result of Ed’s outreach and community-building efforts, the New Hope Missionary Baptist Association archives and the Annual Session minutes are peppered with generations of Coles, Kirbys, and Morphises—as both ministers and parishioners—and many are my progeny. Successive generations continue to cultivate this faith, more than a century after Ed’s 1900 death. The Reverend E. H. Cole was well known by many converts who attended his legendary plantation revivals. But Ed was also my friend, my neighbor who thoughtfully brought melons to share before the lighting found us both, and his daughter, and killed young Dennard on that August day in 1872.359 An event of that gravity bonds witnesses to one another, no matter the circumstance. I had such a bond with Ed. He was literate, driven, and his “moving sermons attracted blacks and whites alike from neighboring plantations.”360 He organized the gatherings that produced the beautiful music Maria heard through the moonlit trees. He raised five children with his first wife and, after she died, he raised seven more with his second wife. Above all, he was a man of God who gathered together many hopeful souls during hopeless times.

Annette and Ned benefitted from Ed’s altruistic nature, especially with regard to Ned’s ministerial role in the church. Being the senior of the two ordained ministers and an Executive Board member, Ed was a mentor to Ned in the New Hope Missionary Baptist Association.361 Ned was a young minister when the Association formed but his leadership during the merger was acknowledged even

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358 Ibid. The church in 2016 is located at 5222 Mount Sinai Road, Durham.
359 His daughter, Mary Cole, recovered from the lightning strike and married Rich Johnson eleven years later, North Carolina Marriage Records.
360 Murray, Proud Shoes, 53.
361 “Minutes of the NHMBA,” 1896.
after his death. Like Ed, Ned was well-liked and the church supported him spiritually, when he delivered sermons, and monetarily, during hard times and when Annette fell ill. In a cryptic passage of the Association’s minutes the “Rev. E. D. Kirby in appropriate remarks thanked God that his life had been precious in God’s sight and for being spared to attend another annual meeting.” Six months before Ed died he conducted religious services together with Ned. They led the Association in prayer and song and finished with “On Jordan’s Stormy Banks I Stand,” a hymn about reaching the Promised Land. If ever a man was worthy of reaching what he defined as his heaven, Ed Cole was such a man. He had a gift—to stir the spiritual fervor of the unpurified masses—and his gift was not squandered. Ed was said to have baptized more people than any other preacher in the New Hope Missionary Baptist Association.

By 1940, the Association had forty-two churches and ten thousand members. That same year, when the deacons of Mount Sinai Baptist Church recalled their history and consulted the living members who were present during Ed’s administration, they cautioned present-day members to record their own history with care lest the present become a forgotten past. Of Ed they wrote, “In the year of our Lord, 1900, April 27, God saw fit to call Rev. Cole from labor to reward. The whole church was in mourning for having lost their leader who had led them successfully for thirty odd years. He had stood by them when times were good and bad. He was a good shepherd, and did not leave his sheep when times were hard for wolves to come in and destroy them.” While this was true of Ed during his lifetime, there was little our friend and neighbor Ed Cole could do from his resting place when Annette and Ned fell upon their greatest hardships during the first two decades of the twentieth century.

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362 “Minutes of the NHMBA,” 1931, 16.
363 “Minutes of the NHMBA,” 1899, 9. The brief mention of the “Rev. E.D. Kirby’s wife sickness” in 1899 is rare. Annette died in 1926. Because Emma and Annette lived in more rural areas and led less public lives than Cornelia and Laura, their names are rarely noted in documents. The exceptions are the yearly newspaper mentions for non-payment of taxes and vital records.
364 “Minutes of the NHMBA,” 1896. Ned’s middle initial is noted as “D” in the NHMBA minutes, not “P” for Plummer.
365 “Minutes of the NHMBA,” 1899, 7.
366 Williams, Who’s Who Among North Carolina Negro Baptists, 121.
CHATHAM COUNTY CIRCLES AND SPIRALS

There were many ways in which a mother could lose a child during my lifetime. If all went well, the tenuousness of pregnancy abruptly surrendered to the complexities of delivery that were followed by a lifetime of protracted disquiet concerning survival. *Little has changed.* Loss was common. And each successive loss was followed by an entirely unfamiliar feeling of despair. Cornelia lost her only son when he was nineteen. Her grief was in not knowing where or how or why he died. Ten years later her youngest daughter died from typhoid fever, also at age nineteen, and Cornelia grieved with the children who were Roberta’s students.\(^{367}\) When Cornelia, then a seventy-year-old woman, lost the third of her six children—Pauli’s mother, Agnes—her grief was displaced by the care she provided for a three-year-old Pauli and for Robert who was in poor health. Emma lost her first, baby Samuel; Annette lost twins in infancy; Laura buried two of her four adult children. There were others.

When Annette lost her twins, the tragedy was marked by their physical absence. But when her living sons *became lost*—alive in the world but not surviving, not thriving—Annette experienced a new form of loss. Her four daughters were homemakers. The eldest, Laura, married one of Tempie and Exter’s boys and stayed in Chatham. The middle daughters, Harriet and Emma, made their families in Durham.\(^{368}\) And her youngest, Mary Kay, lived nearby in Orange County. But all four of Annette’s boys—Frank, Oscar, Thomas, and Kemp—gave her pause for grief and worry. This, paired with the everyday difficulties with which freedpeople struggled, set Annette and her family circle into a downward spiral plagued with one misfortune or setback followed by another.

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\(^{367}\) Like her older sisters, Roberta Fitzgerald was a teacher at an early age. *Hill’s 1903-1904 Durham Directory,* 99.

\(^{368}\) Interestingly, Annette’s daughter, Harriet, lived to age 86, and Emma’s daughter, Harriet, lived to age 83.
The greatest of their troubles with a child began in 1887 when Annette’s eldest son, Frank—a teenager—and two others were indicted for murder and convicted of manslaughter. The victim was a white student from Chapel Hill, a fact that newspaper reports unremittingly contrasted against the three young men, all from families of color. Testimony included the confirmation of the consumption of alcohol by all parties present and the severe inebriation of the gunman. However, conflicting testimonies were lost to the larger debate of race: black killed white. Who was and was not present at various times throughout the night ultimately did not matter. Neither did the testimony that while Frank’s friends each had a pistol, Frank had no weapon. Instead, he “had his hand in his hip pocket” and that was suspicion enough. There were deliberations about whether Frank and one friend were even in the room when the fatal shot was fired. Ultimately, the gunman who shot and killed the student received five years in the penitentiary while the other friend and Frank Kirby received two-to-five years each. Matters were complicated when, during their appeal, the three attempted a jailbreak while being held in the county jail. The escape was unsuccessful, the appeal to the Supreme Court found no errors in the original trial, and the convictions stood.

This series of events coincided with Annette and Ned’s mortgaging of the College Avenue property they inherited from Ned’s parents, the property they sold in 1889. While it may have been mortgaged and eventually sold for other reasons, Frank was a teenager and his legal fees and court costs were likely paid by his parents. For Annette and Ned, a tragedy such as this was all it took to push them out of the rural circle of their Chatham County lives and into the spiral from which they and their son would not recover. The couple buried Frank in 1911 when he was 41 years-old. The coroner stated

369 The Daily Review, 7 April 1887, 4; The Tobacco Plant, 18 May 1887, 3; The Chatham Record, 19 May 1887, 3.
his death was the result of “excessive use of whiskey and opiates” and the secondary cause was “chronic drunkard.” Frank Kirby’s brother Oscar signed the death certificate.

The details of Frank’s conviction and his death are tragic but not the sum of the man. He was married to Fannie Bolden and they had six children but only two survived. Following in his father Ned’s faith, Frank and Fannie attended the extant White Rock Baptist Church, and Fannie continued for 42 years after Frank’s death. Frank was employed at a furniture store where two of his brothers also applied their trades. Annette’s second eldest son, Oscar, was an upholsterer who married Annis Jenkins, a second grade teacher in Durham’s East End graded school—another addition to the many educators in our family and a compliment to the Fitzgerald sisters who once taught at West End School. Annette’s youngest son, Kemp Kirby, was a carpenter and a furniture repairer who also lived in Durham, on Fitzgerald Avenue, just down the street from his sister Emma Kirby Overby. Only Annette’s third son, Thomas, remained a farmer in Chatham. He lived the longest of her sons, to age 82, and had more children than he did siblings, nine in total.

The year after Frank died, two Durham preachers attempted to collect the names of former slaves, they said, so Congress could properly distribute to each of them a $400 pension as per a law that would soon be enacted. The fee to cover the cost of arrangements and enrollment was ten cents. The Rev. Ned Kirby, patriarch of the Kirby family by then, warned his community about the ruse and he assured the desperately-hopeful few who were tempted to pay the fee that there was no hope of a pension from Congress, or anyone. Ned kept watch over his flock but it was not always a lucrative endeavor. Annette’s 100-acre property was mortgaged multiple times over the years. She and her

373 The Durham Sun, 10 May 1925, 3. Durham Morning Herald, 30 May 1917, 9. WWI draft registration card, 1918, Oscar Kirby.
374 Hill’s 1934 Durham Directory, 518.
375 Chatham County 1910, 1920, and 1930 Federal Censuses.
376 The Chatham Record, 23 October 1912, 3.
sisters struggled to hold onto their properties from the moment they inherited the acreage. “By the end of the Great Depression, the three hundred acres bequeathed to [Annette, Emma, and Laura] had passed into the hands of local white families” and Cornelia’s acreage was sold in 1947.377

The onset of Prohibition in 1920 coincided with more troubles for the Kirbys that were exacerbated by yet another concentrated insurgence of the Ku Klux Klan. In retaliation the following year, word came from Greensboro that more than 32,000 men of color had organized their own “K.K.K. and that they [would] ‘test with bullets’ whether members of the white Ku Klux Klan [were] real ghosts.”378 Six weeks later, Emma and Ned’s son, Kemp Kirby, was arrested after a sheriff’s search discovered whiskey-manufacturing evidence in Kemp’s possession. The forty-three year old’s $1,000 bond was doubled when his conduct was deemed unsatisfactory and he was jailed, found guilty of retailing, and sentenced to eighteen months of road labor—a grueling job for prisoners in the southern heat and a bitter one in the cold.379

All my grandchildren were among the first generation of American citizens born free to parents who were born slaves. All of them lived with the hope of equality but all of them died before legislation outlawed discrimination and segregation in the United States. My great-great-grandchildren and their children continue to hope for true and universal equality but constant setbacks have exponential effects. While Annette’s family spun in circles in their personal lives they were also caught in the greater spiral of history that revolved toward—but too often away from—equal rights. In considering how people of color are remembered, it is not that the Kirby brothers are without accountability; it is that there are so few if any reports of their goodness and many accomplishments to counter the less

377 Jones, Miss Mary’s Money, 193. OC 128/299. CC HJ/395. CC GH/595. CC HH/90. CC EW/140.
378 The Chatham Record, 28 April 1921, 1.
379 The judgment on Kemp’s manufacturing charge was suspended “on payment of cost and to give $500 bond at expiration of first sentence for his appearance at every criminal term of court for two years, showing good behavior,” The Chatham Record, 11 August 1921, 1. Pauli Murray Papers, Pauli Murray biographical notes re: Kemp, he “fell dead on the streets of Durham.” MC 412, folder 307, Schlesinger Library.
flattering reports in newsprint and in the annals of history that focused only on their failures—or their perceived failures. The Kirby brothers, who found a world of trouble in their early adulthoods, scraped by without equal rights and were often reprimanded by the heavy hand of prejudice, not justice. Despite the more publically documented accounts of their missteps, the Kirbys along with their Smith, Fitzgerald, Morphis, and Toole cousins left a positive collective mark in the Piedmont region, particularly in education and religion, two institutions their enslaved parents and grandparents were legally denied.

Like the Morphis and Fitzgerald families, the Kirbys who contributed to education and religion in North Carolina had parents and grandparents of color who braved the first steps of citizenship and equality. The Kirby patriarch, Tom Kirby, organized a church the year the Civil War ended, he saved $500 and bought a lot on Franklin Street, with his wife he owned another two acres on Cameron Street, he defied the Ku Klux Klan, and he held public office during Reconstruction. But until an updated, multi-volume compendium is written to accompany, amend, or replace Kemp Plummer Battle’s *The History of the University of North Carolina*, the first words read about the patriarch of the Kirby family are, “Tom Kirby, a big burly yellow man, an ‘old issue free man of color,’ served the West building.” Kemp Battle knew nothing of Tom Kirby or his family. Here, let the record also show that Tom’s son “Edmund,”— whose sermons Kemp said “contained the most lurid metaphors” though he never listened to one himself—was the well-respected Reverend Ned Kirby, husband of Annette Kirby and father of ten, an ordained minister of the Baptist Church who organized places of worship for countless freedpeople then guided them through one of the most difficult periods in American history.380

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380 In addition to Battle’s comments, H. G. Jones refers to Ned Kirby as “a handyman and preacher of sorts,” *Miss Mary’s Money*, 112, and Pauli Murray refers to Ned Kirby as “a young preacher of sorts,” *Proud Shoes*, 165. Only eight of Annette and Ned’s known children survived to adulthood, see front matter for genealogy.
Chapter Seven: Laura

*She like a restless bird,*

*Would spread her wing, her power to be unfurl’d,*

*And let her songs be loudly heard,*

*And dart from world to world.*

TOOLE

My youngest child, Laura, the third of Frank’s daughters, traveled the farthest away from her birthplace. Her life began in 1851 under the same unusual circumstance of being raised with her three older sisters in the big house at Oakland. She attended services at the Chapel of the Cross with Mary and her sisters and she served the Smith household until she married—at a younger age than any of her siblings, barely seventeen. After meeting and marrying Gray J. Toole, a freed volunteer soldier from eastern North Carolina, Laura’s life took a decidedly different path than her sisters, first, to the burgeoning town of Charlotte. While her sister's life stories are told through the more numerous documents of their husbands, Laura left a paper trail of her own that meanders through legal, religious, and familial circles.

When the Civil War began, my son Julius was a man of twenty-one years and my daughter Cornelia was barely seventeen. For my two eldest children, the preceding decade was a precursor to their coming of age, inundated with escalating political tensions, the threat of Southern secession, and the day-to-day history that dramatically altered their lives. In 1861 Emma turned fifteen, Annette

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382 Laura’s birth date is estimated at 1851 with consideration from the following records, noted here as Year & Name of Record: *Calculated Birth Year/Age According to Document*. 1854 Baptism: 1852/2. 1870 Federal Census: 1851/18. 1880 Federal Census: 1852/27. 1900 Federal Census; “Nov. 1850”/49. 1920 Federal Census: 1851/68. 1920 Death Certificate: “2 Sep. 1851”/69.” Multiple documents suggest she was born late in the year so calculated birth years regarding censuses are figured with this in mind, i.e., Laura’s birthday falls after the census was taken in all examples.
383 Laura is mentioned by name only once in Maria’s correspondence, “I was lying down reading when Laura handed me the letter.” Maria Spear to Maggie Mallett, 6 November, 1867, SHC. This establishes her presence at Oakland in 1867. If Laura was born September 1851 as her death certificate states, she turned seventeen the month before her marriage, 14 October 1868.
384 See Figure 3: Gray J. Toole (1847 — 1925).
thirteen, and both were more aware of their unique childhoods than their little sister, Laura, who was only nine when Fort Sumter was bombarded, 250 miles south of Oakland. She was too young to fully fathom the exceptional familial and historical circumstances in which she grew up. Yet there she was, in the midst of civil war, a slave then freed, raised in the big house, an anomaly. As an adult, as a freedwoman, and long after I died, Laura began to contextualize the poignancy of her childhood.

Laura’s first breaths of legal freedom were taken in January 1863 and though Emancipation was welcomed—by some—with a celebratory spirit, it was immediately followed by more of the same hardship and adversity under which most Southerners had been living, even the Smiths. The hope of real freedom waxed while the War showed few signs of waning. Crops and supplies dwindled or were taken. Everything was scarce throughout the War and Reconstruction—from lamp oil to fabric, from wheat to livestock, from shoes to butter. 385 On 17 April 1865, we received news that the 9th Michigan Cavalry had arrived in Chapel Hill ahead of four thousand troops in blue. 386 Cornelia was instructed to bury the Smith family silver and, lest it all fall into the hands of Union soldiers, to cover her efforts with bonfires.

Laura was told to greet soldiers who approached from the north and looked “‘pretty as a picture in a spick-and-span washed frock’ speeding down the lane with her long curls flying in the wind and a Union flag and white cloth of surrender held high above her head.” She was soon relieved of her flags by a Cavalry captain who rode her back to the front door of Oakland on the saddle of his horse. She looked “very delighted and not in the least like one who had just surrendered the Smith pride.” 387 Little did she

385 Murray, Proud Shoes, 161-162. Murray describes the Smith household struggles and Cornelia’s responsibilities as liaison between the Big House and the slave quarters. Frank’s ledgers indicate what was and was not being exchanged or purchased.
386 Ibid. Of interest to this story is that poet George Moses Horton—who was enslaved on a plantation neighboring the Smith property in Chatham County—met Captain William H. S. Banks of the 9th Michigan Cavalry during the occupation of Chapel Hill. Banks was responsible for publishing Horton’s Naked Genius and Hortons poetry is noted throughout this paper. Horton, The Black Bard of North Carolina, 29-30. Horton’s poetry was first published in 1829.
387 Murray, Proud Shoes, 161-162. Proud Shoes notes “little Laura” was thirteen the morning the 9th Cavalry rode in, Murray, Proud Shoes, 163. In Murray’s Papers, she states Laura’s age is fifteen, Pauli Murray Papers “Outline-Biography-Pauli Murray,” 8, MC 412, folder 325, Schlesinger Library. If Laura was born in 1851, she turned thirteen several months before the cavalry
know that nine days later, her future husband—a volunteer soldier in the United States Colored Troops Infantry—would witness the Confederate surrender at Bennett Farm, fifteen miles northeast of Oakland.

While thirteen-year-old Laura charmed the soldiers at Oakland, eighteen-year-old Gray J. Toole stood alongside his brothers in arms anticipating the end of the war in his home state where he and many of the men in Company E were born slaves. Gray came from Pactolus Township, Pitt County, North Carolina. When men of color were legally allowed to enlist and serve, the newly-freed teenager—who likely overstated his age—enlisted under the rank of private.\textsuperscript{388} That Gray survived was remarkable given the 292 deaths in his regiment. He enlisted when Company E was besieged with continuous artillery attacks while digging Dutch Gap in Virginia. Afterwards Gray participated in multiple campaigns and his regiment was ultimately recognized for its distinguished roles in Bermuda Hundred, Petersburg, Dutch Gap, Chapin’s Farm, Fort Fisher, and Sugar Loaf Hill.\textsuperscript{389} In Gray’s company of 131 enlisted men, thirty-seven did not survive: seven were killed in action, thirty men lost their lives as a result of their wounds, disease, or other causes, and seventeen more were wounded or disabled.\textsuperscript{390}

Gray mustered out in September 1865 and three years later he married my youngest daughter.\textsuperscript{391} Like her sisters, Laura chose a husband who did not blend into the background. Gray was charismatic and became widely-known for his tonsorial services after he and Laura moved to Charlotte. Gray was once the human property of an Edgecombe County man named Henry Irwin Toole, III—a
violent man who influenced Gray’s Conservative political leanings. Five years after Gray’s death, a Colonel who spent time in Gray’s barber chair remembered Gray to an associate who was writing a memoir. The Colonel had a distorted and cruel sense of humor and related his opinions to the memoirist who wrote,

Like most Negro barbers in the South, who served exclusively white patrons, Gray professed to be a very ardent Democrat. Just after the general election of 1884 Colonel Jones went into the barber shop to be shaved. Gray was exultant over the election. “The Democrats have got it this time, Colonel. Mr. Cleveland is elected. I am shore proud of it. And now they ought to turn out all the Republicans. When the Republicans had the president, they had all the offices. Now the Democrats have got the president, they ought to have all the offices. That is the right way. I always heerd from my old master [Henry Irwin Toole, III] that that was the true Democratic doctrine: To the Spoilers belong the Ruins.”

It would be hard to give a better description of the “Spoils System” in politics. And in telling the story Colonel Jones added rather sadly: “And Gray Toole is so stupid that he cannot understand what a bright speech he made.”

Gray was not at all stupid. After his enslavement he, like so many others, supported himself and his family by serving those who amassed the wealth. While they were in his chair, Gray peered into the lives of the privileged and reflected back what they wanted to hear. After all, no white man would sit in the chair of a black Republican barber who espoused universal suffrage, public education, and citizenship. Gray became politically involved when he was older but in his youth he was more cautious and conformist. He suffered physical and emotional wounds from his cruel and violent white owner, so perhaps Gray chose a path of least resistance after emancipation.

None of us at Oakland really got to know Gray or what he thought because he did not stay in Orange County long enough. He was twenty-one when he married Laura 14 October 1868 at the Presbyterian Church in Chapel Hill. By June 1870

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392 Only the first Henry Irwin Toole was given the name at birth, Cheshire, Nonnulla, 15-18. Also, Zella Armstrong, Notable Southern Families, Volume 1. (Chattanooga, Tenn.: Lookout Pub. Co., 1918), 36. His son, Henry Irwin Toole, II, a N.C. state senator, is the brother-in-law of Henry Toole Clark, North Carolina’s 36th governor. Gray’s half-brother was named John Henry Toole and has an equally intriguing life story that has yet to be fully explored.

393 Cheshire, Nonnulla, 58-59. The Colonel was Hamilton C. Jones, Jr. of Rowan County, north of Mecklenburg County. Of particular interest to this story, the Bishop Cheshire was the Junior son of the Reverend Joseph Blount Cheshire and, at Kemp Battle’s request, was sent to serve at the Chapel of the Cross (1878-1880).

394 Cheshire states “Gray Toole had belonged to a rather violent Democrat down on Tar River, Henry I. Toole.”
they had a six-month-old daughter and lived 120-miles southwest of Laura’s childhood home, in Charlotte, Mecklenburg County, North Carolina.395

CHARLOTTE

In December 1869, at age eighteen, Laura gave birth to her first child, my fourth grandchild.396 She named her daughter Delia M. Toole, one might assume, in homage to Laura’s white paternal grandmother, Delia Jones.397 But the Smiths also owned a cook named Delia “who had been in the family for years and bossed the kitchen.” Delia said she “spit in the biscuits and peed in the coffee just to get back at them mean white folks.”398 Only Laura can confirm whether baby Delia was named for her white grandmother, the Smith family cook, some other Delia, or simply because Laura or Gray liked the name. Laura named her next child Sidney, a choice I cannot fathom, and when little Delia grew up she named her only child James Sidney.

Just before Delia’s birth, Gray bought a Charlotte property with John T. Schenck, yet another nearly-overlooked man of color even though he figured prominently in Charlotte’s political history and played a pivotal role in the lives of many Charlotte blacks as well as in Gray and Laura’s lives.399 Schenck’s name was not recorded on the deed to this property that expressly excluded one corner of

395 In September 1869, Laura borrowed ten dollars from her father Frank Smith, Volume 6: Medical Accounts, Box 2, Folder 18, in MRS #3879, SHC. This is the sole transaction that mentions Laura by name in Frank’s extant ledgers. It is marked out as paid but, more importantly, the entry establishes her possible presence at Oakland; at the very least, her continued interaction with her place of birth. She was about six months pregnant with her first child, Delia.

396 The Mecklenburg County 1870 Federal Census—taken in June 1870—states Delia is five months old and born in December, i.e., born December 1869. Gray’s brother, Henry, a nineteen-year-old barber also lives with them in Ward 3.

397 Delia Toole’s name is misspelled on census and other official records (and/or the transcriptions), e.g., Lelia, Tools, Tolle, Tirle, Tool, and Torte. Delia Jones is the wife of Dr. James Strudwick Smith and daughter of Mary Parke and Francis Jones.

398 Murray, Proud Shoes, 160.

399 Mecklenburg County, North Carolina, Register of Deeds, Real Estate Index 1840-1918, Book 44/Page 401. Hereinafter Mecklenburg County deeds are cited as MC [Book#]/[Page#]. Gray’s deed is dated 7 October 1869 but was not recorded until 26 April 1884. In 1824, Schenck was born into slavery in Cleveland County, North Carolina. He was literate, had business savvy, and was a gifted carpenter who bought his wife’s freedom along with his own before the War, Greenwood, Bittersweet Legacy, 47. He and Gray had many business dealings but after a falling out, they parted ways in court, over the first property they bought, see below and Springs v Schenck, et al., https://casetext.com/case/springs-v-schenck, accessed 15 March 2016.
the lot on which a small cabin stood. The absence of Schenck’s name and the small cabin would someday be the center of several lawsuits that rose to the Supreme Court of North Carolina. However, before those troubles began Laura and Gray had four children to raise and two decades to navigate. In December 1869, they had a beautiful new daughter and a new beginning in a burgeoning city.400

By 1870, Charlotte was already more than just a glimmer of the commercial mecca it became. The city’s North Carolina Railroad hub became operational in the mid-1850s, bringing with it commerce and new residents, gradually replacing the gold-mining and agrarian businesses with the textiles industry and, eventually, the banking industry that dominates present-day Charlotte. Ten years before Laura and Gray arrived the city’s 2,265 population included 825 slaves and only seventy-four free persons of color. But post-Emancipation, Charlotte was among the cities where freed people united and organized. Mecklenburg County’s population nearly quadrupled between 1850 and 1900, and the city of Charlotte’s population nearly doubled every year between 1860 and 1900.401 There were many individuals and families, like Laura and Gray, who saw a better future on the streets of Charlotte than in the fields of their former owners.

Although the white population in “Charlotte began to separate into distinct classes in the 1870s, the African American community remained largely a one-class society.”402 Gray aimed for the upper reaches of that class. At the heart of the Queen City, the posh, Central Hotel operated its 125-rooms at full capacity. The duplicitous advertising slogans, ‘Pleases all people all the time’ and ‘Good rooms, good beds, good table, electric fans in dining room’ [spoke to] the service initiative of [the] popular

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400 See Figure 4: Delia M. Toole (1869 — 1902).
401 The Federal Census recorded Charlotte’s population at 1,065 in 1850; 2,265 in 1860; 4,473 in 1870. By 1900, Charlotte’s population topped 18,000 second only to Wilmington whose population increased by only 920 persons during the final decade of the nineteenth century largely due to the aftermath of the 1898 race riots. Comparatively, Durham’s population was 256 in 1870 and 6,679 in 1900.
402 Greenwood, Bittersweet Legacy, 70.
hotel” but not to the hotel’s Whites Only policy. The four-story hotel did not yet have an elevator but did tout a separate entrance for women and “ornate gas-lit chandeliers, brass cuspidors, elaborate wallpaper and wainscoting [that decorated] the lobby and main floor.” While Laura cared for Delia at home, Gray made a name for himself at the Central, as it was called. The elite foot-traffic that passed through his shop included former gold mine operators, textile moguls, bankers, and politicians.

Gray's name appeared often in the city directories and in both the black and the white newspapers, sometimes on the society gossip pages, sometimes to advertise or editorialize about his tonsorial services. The Western Democrat—a Charlotte newspaper that reflected the wealthy, white male, conservative political bent—reported,

Gray Toole on Streets. Scrape, scrape, scrape, went the razor and for every two scrapes the razor made, Gray Toole’s tongue made three. There’s something soothing about Gray’s vernacular, as all his patrons admit. Indeed, a good many people seek his chair just to get a snatch of his talk. His theme today was the streets, “These streaks [sic] in Charlotte,” he averred, “can’t be beat. Now there’s the Raleigh streaks. Why, they ain’t nothin’ like Charlotte, I tell you, sir. I was in Raleigh a short time ago, and I actively mined up to my knees in mud right under the dome of the Capital, sir.”

Gray’s charisma and charm were outmatched only by his colorful observations. That is the Gray we met at Oakland, the one who swept Laura away, the idealist. But his interviews with such journalists contained a subtext more representative of Gray’s reality. He ended each sentence with the obligatory “sir” and the columnist’s emphasis on Gray’s mispronunciation of “streets” as “streaks” subtly but transparently reduced Gray to his station: a black barber for whites only. As much respect as Gray garnered over the years, the parenthetical letter “c” always followed his name in the city directory. The

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404 Ibid. Central Hotel operated from 1840-1931 then renamed Albert Hotel. The property was first a tavern, then the Sadler’s Hotel (1846), later renamed the Mansion House, then Central Hotel, and rebuilt circa 1853 to become “Charlotte’s most elegant bar and high-ceilinged dining room. When it first opened, a bowl and pitcher supplied bath water to the rooms, hot water brought if requested.”
405 The Charlotte News, 2 June 1890.
letter “c” stood for “colored,” not colorful, charismatic, or colloquial. The tempered respect with which newspaper reporters tendered Gray’s portrait diminished the moment Gray fell out of white favor.

After Delia’s first birthday, Gray purchased another property on West Hill Street and the family moved adjacent to the defunct St. Catherine and Rudisill Gold Mines.406 I died just before Laura gave birth to her second child, Sidney Henry, in 1873. Laura and Gray enjoyed relative success throughout the next decade despite the six-year economic depression that followed the Panic of 1873.407 The couple’s third child, Lizzie L., was born in 1875, and their last, John S., was born in 1877.408 Gray’s barbershop became a Barber and Bath business and he made professional plans with John Schenck. When the House passed the Civil Rights Act of 1875, Schenck along with many black Southerners challenged whites-only policies, including one Charlotte “civil righter” who sat in the front row of the Opera house and six others who sat in a theater’s whites-only section and inspired others to follow suit.409

By 1879, John and Gray owned the Schenck and Toole Saloon and employed a fulltime clerk.410 Emulating John, Gray took a more proactive role in the community over the next two decades. He ran for alderman, attended city meetings, played for the barbers vs. waiters baseball team, and coached two renowned teams, the Quicksteps and the Charlotte Grays. His name graced the State business

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406 MC 7/180. The Rudisill Mine yielded 2.6 million dollars of gold and was formerly leased by London Mining Company, Charlotte’s largest gold-mining operation, before the mining business waned when larger deposits were discovered in California. It reopened during the 1880s and again in the 1900s. Today Gray and Laura’s former properties are prime Charlotte real estate, either directly across from or underneath the nearly 74,000-seat Bank of America Stadium, home to the NFL’s Carolina Panthers. Wade H. Harris, Sketches of Charlotte: North Carolina’s Finest City and the Recognized Cotton Milling Centre of the Southern United States (Charlotte, North Carolina: Wade H. Harris, 1899), 36, from http://lcweb2.loc.gov/service/gdc/scd0001102010011405066d6c//2010011405066d6c.pdf, accessed 15 March 2016. Daniel Augustus Tompkins, History of Mecklenburg County and the City of Charlotte from 1740 to 1903 (Charlotte, North Carolina: Observer Printing House, 1903), 103, accessed 15 March 2016, https://archive.org/stream/historyofmecklenb01tomp#page/n7/mode/2up.

407 The Panic of 1873 began when a major American railroad construction investor declared bankruptcy and triggered an economic panic that spread globally. Earlier the same year Gray and Laura mortgaged the West Hill property for $448.00 but paid it off by April the following year, MC 8/345.

408 Sidney Henry shares names with his white grandfather Sidney Smith and both Gray’s brother, John Henry, and Gray’s father, Henry Irwin Toole, III. Lizzie shares a name with Gray’s mother who is noted as Lizinah Lantham (Gray’s marriage record) and Elizabet Tucker (Gray’s death certificate). Lizzie was called Elizabeth in her adulthood.

409 Beasley and Emerson’s 1875-76 Charlotte Directory. Greenwood, Bittersweet Legacy, 70.

410 Located at W S College between Trade and 4th, Chas Emerson & Co.’s Charlotte, N.C. City Directory 1879-1880. Here, Gray was almost fatally wounded from a knife injury to his head during an altercation, Wilmington Morning Star, 18 February 1879.
directories and he enlisted and trained more than 100 men of color for the Spanish-American War.⁴¹¹ He was even elected president of the Charlotte Fire Department’s Neptune No. 3, operated by men of color alongside three companies run by whites, all the while maintaining his barber business and buying properties with John Schenck and with Laura.⁴¹² Such a diverse list of accomplishments and activities, made the Toole name synonymous with success.⁴¹³ However, late nineteenth-century “Charlotte’s black society was two-tiered, divided between a small better class of businesspeople and professionals and their spouses and a large class of laboring men and women.”⁴¹⁴ Laura and Gray’s efforts to occupy the upper tier were constant but they mirrored Cornelia and Robert’s attempts in Durham—each success was countered by a slightly larger setback and Jim Crow showed no signs of fatigue. While Gray lived in flux in the business world, Laura ensured her children had education and religion.

QUEEN CITY SPECTACLE

In 1883, Laura was one of only three communicants at St. Michael’s Episcopalian Church in Charlotte located one block east of the properties Laura and Gray owned.⁴¹⁵ The bishop responsible for establishing the new church was the same Bishop Lyman who baptized Julius and Emma’s daughters in their white frocks and pretty blue bows at the Chapel of the Cross; the same bishop of the Episcopal Diocese of North Carolina to which Mary Ruffin Smith left half the family fortune. Laura’s children—Delia, Sidney, John, and Lizzie—were fourteen, ten, eight, and six years old when St. Michael’s started

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⁴¹² The Southern Home, 6 November 1876, 3.
⁴¹³ Gray’s first barber shop was located in the Central’s basement. But he soon occupied “the Front room in the Central Hotel building formerly occupied by the Telegraph Office. Gray Toole is one of the best colored men in the State, and, best of all, he attends to his business in person, and we hope he is getting rich,” The Charlotte Democrat, 7 June 1878, 3. “Barber Shop,” Charlotte Home and Democrat, Charlotte, N.C., 20 July 1883, 3. The Wilmington Morning Star, 30 October 1878, 2.
⁴¹⁴ Greenwood, Bittersweet Legacy, 5.
⁴¹⁵ The Charlotte Observer, 16 November 1903, 6. The church lot is now occupied by the Carolina Panther’s Bank of America Stadium but the parishioners still congregate elsewhere. For a photograph of St. Michael’s see Fannie Flono, Thriving in the shadows: The Black Experience in Charlotte and Mecklenburg County (Charlotte, N.C.: Novello Festival Press, 2006), 113.
Sunday school classes. Like their mother Laura—the only one of my children whose personal signature appears on a legal document—each of my Toole grandchildren learned to read and write. Until 1907, there was only one graded school for children of color, across town in Ward One. Laura understood that illiteracy was a tool wielded by segregationists and determined that her children would not suffer the consequence. My children were all very different people. But quite often, Emma and Annette’s lives closely paralleled each other, while Cornelia and Laura’s lives followed similar paths. Just as Cornelia’s daughters—Pauline, Marie, and Sallie—became teachers, so did Laura’s daughters—Delia and Lizzie.

Laura’s life in Charlotte centered on her four children and on being the wife of her charismatic husband. But around the same time she inherited her 100 acres from Mary, Laura’s life shifted. Her name, as “the wife of colored barber Gray J. Toole,” began to appear in the newspapers. From Charlotte to Chatham County to New York City, anybody that read the paper knew “the wife” inherited 100 acres from “the wealthy old lady who died near Chapel Hill.” At this point Laura’s parallels to Cornelia diminish and a flurry of headlines throughout the next fifteen years hardly seem attributable to the “little Laura” who left Oakland in 1869. In 1886, Laura paid $125 for the second piece of property deeded in her name only. Soon after, two white men, H. G. Springs and J. J. Sims, constructed a house and occupied it with a tenant—all in the matter of hours—on a property to which Gray had claim. Gray took his grievances to criminal court where the jury returned a guilty verdict and fined each defendant twenty-five dollars. Springs and Sims appealed, the case was sent up to the Supreme Court, but Gray

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416 Where Laura learned to write and her degree of literacy is unknown but all known documents containing Laura’s signature are signed (or noted as being signed, as in the case of copied deeds) in her own hand. Contrarily, Julius, Cornelia, Emma, and Annette are noted as making their “X” mark though several censuses affirm literacy and/or a fourth-grade education. CC BP/580, CC EX/282. CC EX/283. Gray’s signature is always in his own hand.

417 The New York Times, 6 December 1885. The Chatham Record, 3 December 1885. Mary’s will stipulated that in addition to the acreage and home contents, her nieces and two others would split a fixed sum that, after some complications, came to $133.33. Jones, Miss Mary’s Money, 207, n. 11.

418 MC 49/192. The first was her 100-acres from Mary.
eventually prevailed.\textsuperscript{419} The following year Gray was commissioned as a captain in the Charlotte Light Infantry. He still owned a barber business but lost his posh shop in the Central Hotel.\textsuperscript{420} Gray and Laura mortgaged several of their properties, some several times, but paid off the debt each time. Meanwhile, racial tensions escalated in Charlotte and throughout the South whenever people of color were elected to political office. The city became charged. Modern progress collided with ancient stagnation. In this moment, the spark that once bonded Laura and Gray as a couple ignited a firestorm between them.

One quiet evening, in his 705 West Hill home, Gray “was enjoying a quiet hour in his dining room, reading his tactics, when, in an attempt to uncross his legs, his foot struck a goods box [...] under which he discovered] a tin keg filled with powder, enough to have scattered Captain Toole and his household and kitchen furniture over the greater part of the township.”\textsuperscript{421} There were no wires or trigger, and Gray never learned who or why somebody wanted to send him “upon an aerial expedition.” Seven months later, Gray was convicted of assault and battery on Laura.\textsuperscript{422} And the firestorm was stoked. The court battles concerning Toole and Schenck real estate continued while the judges of multiple courts became familiar with both Gray and Laura. In 1889, Laura was found guilty of indecent language, fined $50, and motion was set for a new trial.\textsuperscript{423}

\textsuperscript{419} “General News,” Charlotte Home and Democrat, Charlotte, N.C., 13 and 20 August 1886, 3. This suit was followed by another suit in which Springs sued John Schenck and Gray Toole (whose falling out is alluded to during the proceedings of the retrial) over the first property Gray purchased, http://www.aoc.state.nc.us/www/public/html/volumes/ncsct106.pdf, 142-152, accessed 15 March 2016. Other land owned by Laura and Gray (and Schenck) figures prominently in educational politics, namely plots they owned that were considered as a possible site for a school to educate children of color.

\textsuperscript{420} “Mecklenburg Superior Court,” Charlotte Home and Democrat, Charlotte, N.C., March 18, 1887, 3 and September 09, 1887, 3.

\textsuperscript{421} “Local Items,” Charlotte Home and Democrat,” July 01, 1887, 3.


\textsuperscript{423} The Charlotte Observer, 16 August 1888, 4.

\textsuperscript{421} The Springs v. Schenck, 99 N.C. 552 (NC 1888) trial (from the 1869 property) that was settled on appeal, continued. The Charlotte Observer, 17 August 1889.
She was indicted on two charges and received a general verdict of guilty. The first charge was “the loud and boisterous use of a single profane sentence in a public place, etc., and its repetition for the space of ten minutes, to common nuisance, etc. The second count charged the singing in a loud and boisterous manner on the public streets, etc., of an obscene song” with similar repetition and nuisance implications. The reason for Laura’s vocalizations was likely because Gray accused Laura of having an affair with a man named Henry Palmer and sought divorce from her via the only means with which a man in North Carolina could obtain separation from his wife: adultery. Gray J. Toole v. Laura Toole presented insufficient evidence to go before a jury, the newspapers vilified Laura, Gray continued to pursue the matter, and the case did not resolve for four more years, in the N.C. Supreme Court.

After she separated from Gray, Laura worked as a laundress. Delia, who was a twenty-year-old teacher, lived with her mother and siblings at the West Hill address while Gray moved to West Fourth Street. The same year Laura and Gray’s proceedings commenced, Delia married John T. Hand in her father’s new house. John was a tonsorial associate of Gray’s but they became involved in multiple enterprises and activities later. Laura and Gray met their first grandchild six months after the wedding. Delia named him James Sidney Hand. Like Gray, Delia’s husband John fell in and out of favor with his fair-weather white patrons. News reports provided details regarding both his charitable and recreational activities—such as the barbers vs. waiters baseball proceeds that supported a local black orphanage—as


425 August 1889 Mecklenburg Criminal Court. North Carolina Supreme Court, September 1890 & 1891.


427 Hirst’s 1889 Directory of Charlotte, N.C., 199.

428 J. T. Hand to Delia Torte [sic], 11 Feb 1890, North Carolina Marriage Records. Baby James shared a name with his great-great-grandfather James Strudwick Smith and his great-grandfather James Sidney Smith (Sidney).
well as his less-than-legal activities often conducted with Gray such as gambling and alcohol manufacturing.429

The next year the Superior Court decreed that all twenty-three lots jointly owned by John Schenck, his wife, Gray, and Laura be sold. This was a substantial loss for all of them.430 The year after, Gray was granted a divorce from Laura but she appealed to the Supreme Court where finally, in 1893, the protracted proceedings culminated in a rare wife-fault divorce between two people of color.431 The court proceedings and the eventual divorce played out in the newspapers and coincided with arrest reports involving Gray and John Hand’s gambling ring.432 The whirlwind of news reports continued as if fueled by external forces. In 1894, John T. Hand was charged with abandoning Delia, Gray’s “Queen City Club” was raided, John Schenck died, and Gray remarried—a grocer named Charlotte Jackson.433 The following year, shortly after Gray was reelected to the Charlotte Light Infantry, the flames from Gray and Laura’s original spark arced from metaphor to reality.

A September 1895 fire destroyed Gray’s store and several dwelling houses, including Gray’s residence worth $1,400. His wife, Charlotte from Charlotte, broke her leg exiting the building with some belongings; Gray vowed to rebuild.434 Two months later, Laura mortgaged her home to cover the bond of her son, Sidney, who was charged with assault with intent to kill at Laura’s Thanksgiving party.435 And the flames grew higher. The debt was paid off and Sidney was instructed to settle himself down, which

430 Half the lots are underneath the NFL’s Carolina Panther’s stadium and occupy a full quarter of the available seats in the 73,000-seat arena.
431 North Carolina, Supreme Court, *North Carolina Reports: Cases Argued and Determined in the Supreme Court of North Carolina, Volume 112*, 152-158.
433 Charlotte Jackson to Gray J. Toole, 12 September 1894, Cumberland County Marriage Register, Cumberland County, N.C., Brides Colored, 41.
he did, eventually, in Tennessee where he worked as a barber and married a young woman from Alabama. Laura graduated from laundress to seamstress, a better paying job that Cornelia also held when she first married Robert. During this time, Delia lived with her husband John (Hand) while Laura’s other children lived with her—John (Toole) who was employed as a waiter, Lizzie as a teacher, and Sidney as a barber. After a lengthy investigation Laura and two neighbors were suddenly charged with arson, specifically, of burning down Gray’s houses and business. Lack of evidence halted the proceedings; the Wilmington race riots followed; and with the Spanish American War on his mind, Gray volunteered to serve his country for the third time. He enlisted as 2nd Lieutenant, Third Regiment, Company D, in the North Carolina Charlotte Light Infantry. During his service, Gray, his son-in-law, John Hand, and several barber friends were prosecuted for the illegal manufacture and sale of alcohol, and in multiple gambling incidences.

A fire will only burn under specific conditions and only if it has a contributing fuel source. Just before the turn of the century, Laura and Gray’s incendiary relationship was doused by simply separating the elements—Gray moved to Fayetteville with his wife Charlotte, established a grocery, and lived there until his death. In 1925, Lieutenant Gray J. Toole, the man who once claimed to be Grover Cleveland’s personal barber, died from chronic kidney and heart conditions. Laura also left the city of Charlotte and moved to her Chatham County property. However, she had to return to the city of churches one final time, to conduct a final business transaction.

439 Gray was buried in Brookside Cemetery, Fayetteville, 2 June 1925, Death Certificates, Cumberland County, North Carolina. His daughter Lizzie, who had since moved to Connecticut, was Gray’s only living child and signed his death certificate. The Grover Cleveland claim is noted in Miss Mary’s Money, 203, n. 6, and on numerous (especially genealogical) websites. The claim is intriguing but I found no verifiable evidence to support the claim.
Preserved in the modern tombs of Mecklenburg County, early records that refer to Laura are noted as “et ex.” or “wife of Gray Toole.” However, later records read “Formerly Laura Toole’s Property” or simply “Laura Toole” and all accompanying documents bear her own signature.440 On 6 April 1904, Laura Smith Toole walked into the county courthouse to sell the last property she owned in Mecklenburg County. Eighteen years beforehand, just after Mary’s death, Laura paid $125 for this modest property on Southern Railroad, a property upon which she later built a home and resided with her children after her divorce.441 The events of the three decades she spent in Mecklenburg County forced her into the lower confines of her social class but simultaneously entangled her in the agendas of the elite who ran Charlotte, one of whom witnessed and signed her final property conveyance.442 This deed expressly included the adjacent property that was once at the center of the forcible trespass litigation against Springs and Sims, despite the fact that Laura was not seized of said property. Along with that glint of intrigue inked into the verbiage, my youngest daughter was noted as paid, $600 for both lots. Laura signed her signature as Grantor and left the Hornet’s Nest behind her, forever.443

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441 MC 49/192.
442 The witness, Heriot Clarkson, was a devout conservative Democrat, prohibitionist, and Episcopalian; an alderman, vice-mayor, and city attorney of Charlotte; a member of the North Carolina General Assembly and associate justice of the North Carolina Supreme Court. He studied at U.N.C. before Mary died and was later involved in the Chapel of the Cross’ new parish house construction. He supported and implemented the white supremacy campaign in Charlotte during the late nineteenth century and his negative impact on the lives of Charlotte blacks is discussed throughout Greenwood, Bittersweet Legacy. He later organized Charlotte’s Anti-Saloon League and is noted for his “vintage hellfire and brimstone” legal opinions, see John Wertheimer, Law and Society in the South: A History of North Carolina Court Cases (Lexington, KY: University Press of Kentucky, 2009). With all this in mind, and while Laura and Gray had multiple documented dealings with Clarkson, many questions remain regarding the undocumented interrelationships of Clarkson and the Tooles, especially in light of Clarkson’s name on Laura’s 1886 property purchase (as trustee of the litigated plot that is excluded from the deed, MC 49/192) and on the 1904 sale of that property (as witness, with the inclusion of the litigated plot, MC 188/264).
443 During the American Revolution, Charlotte’s was dubbed the Hornet’s Nest, one of the Queen City’s many nicknames.
Chapter Eight: Epilogue

Where is the mighty and the stout
Who lived this fading world to crave?
Left and forever gone without
A stone to show their grave. 444

Unlike my daughters and their children—whose lives I have been able to painstakingly piece back together from sundry scattered documents, letters, and footnotes—my Julius remains a mystery. Not knowing is a mother’s unplumbed anguish. Two years after Julius and Fannie sold their Nash Street property in Hillsborough, Julius lived at a boarding house in Durham with his children, Emma, Mary, and Eugene. 445 Several blocks south lived a woman named Fanny Smith but I cannot say if this Fanny is Julius’ Fannie. 446 The couple once had an altercation on the streets and the papers were quick to report the news of the disturbance of the peace. 447 Afterwards Julius and his family ebbed into a sea of Smiths too numerous to differentiate and were drowned with the tides of time.

Only Julius’ son, Eugene, surfaced for a breath of acknowledgement. He died in Manhattan, New York, 5 September 1946. Being the only son of my only son, and despite the fact that he was not Smith progeny, he took to his grave the Smith name. Eugene never married or had children and, with his death, the Smith family name of Orange County, North Carolina ceased to be. Eugene is buried in the

446 The year after Ramsey’s Durham Directory was published, Fannie’s 303 Pine Street address was demolished to erect the Pine Street Presbyterian Church (which had multiple incarnations and served the black community), Sanborn Fire Insurance Maps, “Durham, Durham County, July 1893” and “Durham, Durham County, February 1898,” accessed 15 March 2016, http://www2.lib.unc.edu/dc/ncmaps/index.html.
447 The Durham Daily Globe, 15 October 1894, 1. Fannie swore out a warrant against Julius but failed to appear in court and was charged $2.60 for court costs.
Evergreens Cemetery, part of a cluster of Brooklyn cemeteries that includes Cypress Hills Cemetery, where his first cousin Pauline Fitzgerald Dame—Cornelia’s eldest child—is buried. Eugene’s second cousin, Pauli Murray, is buried there too, beside Pauline, the aunt who helped raise her and officially adopted her in 1919, the same year of Robert Fitzgerald’s death.

Someday I will discover what happened to Julius. A document that bears his name and the details of his passing will come to light, just as they have for my other children. But not all sorrows can be solaced. Cornelia grieved through many years after her only son “Tommie left home as a young man of nineteen and was not heard from again.” Cornelia’s youngest daughter, Roberta, died at the same age from typhoid fever, and Cornelia’s second youngest, Agnes, died from a brain aneurism at age thirty-five. The grief of burying two of her daughters was only magnified by the fact that she had no such ritual with Tommie. Cornelia and Robert spent the rest of their days in Durham, in the “story-and-a-jump” home that Robert built on Carroll Street, essentially following his own advice to “always have your own little patch of ground and your own house if it’s nothing but a shack.” To young Pauli Murray, it was a bona fide aircastle.

Robert’s 1919 death ended his fifty-year marriage to Cornelia and she joined him in 1924. They lie next to each other in Fitzgerald Cemetery where the Fitzgerald patriarch and matriarch, Thomas and Sarah Ann, were first laid to rest. Also nearby are Robert and Cornelia’s daughter Roberta, two sons-in-law, Richard Fitzgerald and his wife Sarah Ann Williams, and so many others, all atop the veins of sandy loam that supported them all during their Durham lives. All but three grave markers have long

448 Murray, Proud Shoes, 244-5.
449 Ibid., 25. Carroll Street was called Cameron when Robert built their home.
450 The burials noted in this paragraph were drawn from memory by Pauli Murray and sketched on multiple pages in the Pauli Murray Papers, MC 412, Folder 333, Radcliffe Institute.
451 The “White Store sandy loam” on which Fitzgerald Cemetery was built is situated between two “White Store fine sandy loam, shallow phase” pockets. Both soils are suited to growing tobacco and corn but also—as the Fitzgeraldds took advantage of—for making durable bricks when the correct percentages of soil and sand are mixed. “Soil Survey of Durham County, North Carolina,” Samuel Oscar Perkins, et al. North Carolina State Archives, Soil map, North Carolina, Durham County sheet and
since disappeared despite more than one-hundred people of color buried in the once officially-segregated plat.\footnote{Gathered from various historical sources, Cemetery Census notes the burials of 111 individuals but there are likely more, accessed 15 March 2016, http://cemeterycensus.com/nc/durh/cem048.htm.} On Memorial Day each year, a celebratory gathering honors them all at Fitzgerald Cemetery then continues at the Fitzgerald Carroll Street home now named The Pauli Murray Center for History and Social Justice—soon to be a community center. Poetry and music, food and community, history both past and present are shared amongst anyone who wants to join the memorial celebration. Pauli fought for decades to have Fitzgerald Cemetery desegregated, maintained, and incorporated into the adjacent Maplewood Cemetery. Together, Fitzgerald descendents, Bull City-loving Durhamites, and the Pauli Murray Project continue Pauli’s efforts with the hope to place a memorial marker befitting these many and remarkable former Durham residents.

Next door, in Chatham County, the site of the Emma Morphis Cemetery remains largely unnoticed by the passersby in their cars on the highway. The grave markers here, too, have disappeared for my daughter Emma, two of her children, Eunie and Mary Frances, and for her granddaughter Hattie M. Durham. Emma’s grave marker was once a flat slab that read simply and aptly, “Mother.”\footnote{Quoted from Ida Ruth Durham Lee, 2 Mar 1998 by Cemetery Census taker. Mrs. Lee was Emma Smith Morphis’ great-granddaughter and, in 2001, was interred in the Morphis-Durham Cemetery, http://cemeterycensus.com/nc/chat/cem132.htm, accessed 15 March 2016.} The recently interred are marked by headstones that bear familiar surnames. On this spring day, the budded irises reach upward through the carpet of brown leaves that cover the dead. The determination of each verdant stalk reminds me of my family, eager to bloom amid the natural process of life and death, of prosperity and decay. The contrast of the living and the dead speaks to the cemetery’s humble character where members of the Morphis family finally rest in peace.

the Smith siblings and responsible for everyone’s burial save her own which was attended to by Kemp Battle. She planned the cemetery according to her own wishes with marble tablets and her thoughtful placement of the deceased. Inside the mortared rock wall are five stumps, two of them were once the grandest cedars with sheltering shade boughs. They now serve as nature’s *jardinières* for moss and poison ivy. Nine graves are arranged in two rows, all feet facing east. The first row is marked by James Strudwick Smith and his wife Delia Jones Smith, her parents, Francis and Mary Jones, and her brother, Ruffin Jones. In the next row, brothers lie side by side, Frank and Sidney; quarreling no more.

*Everything returns to the earth, drawn in by gravity and time, and the ghosts of the dead may only observe.* Sidney’s marble tablet stands alone. Frank’s marker cracked and crumbled into several large pieces that fell atop Mary’s grave before someone propped up the jagged stones to once again reveal his name. Mary’s is the tallest marker, a four-foot marble pedestal with a marble cross finial and an inscription that includes, “She hath done what she could.” Beside Mary lies Maria, her companion in death as she was in life. “A mound in the northeast corner appears to be an unmarked grave.”

Also in Chatham County, the Reverend E. H. Cole was laid to rest in the Mount Zion Baptist Church cemetery, one of his many churches. He is memorialized there with a marble headstone. In 1926, Annette and her son Oscar joined our old friend Ed Cole in the same cemetery and the following year Annette’s husband Ned Kirby was buried there too. Around them, many of our friends and family

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454 This task was also attended to by Kemp Battle who had three Smiths exhumed and reburied at Jones Groves, Jones, *Miss Mary’s Money*, 65, 84. Battle arranged Mary’s grave stone.

455 Quoted from the 1976 Cemetery Census survey notes regarding the “Dr. James Strudwick Smith Cemetery,” 20 April 1976, Cemetery Census, 3230 Walters Road, Creedmoor, NC 27522 (now the Jones Grove Cemetery). The survey recorded five great cedars which marked the location that was, then, difficult to reach due to overgrowth and “a jungle of brambles.” In 2016, easy access from the north is possible due to the development of Fearrington Village, a vast and affluent community that includes housing, tourist accommodations, shops, fine-dining eateries, and a retirement community. Fearrington occupies much of the Jones Grove tract that, along with Price Creek Plantation, would have been inherited by Harriet’s four daughters had they been considered legitimate Smith heirs.

456 The church (built later) and cemetery are located at 530 Lystra Road, Chatham County. The Rev. E.H. Cole (2 April 1827 – 27 April 1900) is noted on a foundation cornerstone as are Rev. Hackney and other Coles. Ed Cole died 27 years after Harriet died.
were interred over the years including Exter and Tempie Durham, and some of my Kirby and Morphis grandchildren.

As for my youngest daughter, Laura, she suffered a similar fate as Cornelia when she buried two of her adult children and raised her only grandchild, Jimmie, the son of Delia Toole and John Hand. When Delia and John moved to Yonkers, New York around the turn of the century they left young James in Laura’s care. But in 1902, at the age of thirty-two, Delia died from a heart condition when Jimmie was only eleven years old. Delia’s body was returned to North Carolina and Laura buried her in Chapel Hill. John Hand moved back to Charlotte, remarried, built a lucrative barber business, and hired his son after he came of age.458 For a time, Laura lived on her own 100-acre property in Chatham County, beside her sisters Annette and Emma but in 1910 she sold all of it to Emma’s son, Eunie Morphis.459

Laura buried a second adult child in 1917, her youngest, John S. Toole, who died from pulmonary tuberculosis just before his fortieth birthday. The relative longevity which ran in her sister’s offspring was lost on three of Laura’s children. After she buried John, Laura eventually moved to New Canaan, Connecticut to live with daughter Lizzie and her husband.460 Laura returned to North Carolina only after her death. On Christmas Eve’s eve in 1920, Laura Smith Toole, died in her sixty-ninth winter. She was my youngest child and the first of my daughters to die, and at the youngest age. Her body was

458 Walsh’s Charlotte, North Carolina City Directory for 1910, 406. John Hand’s 1916 last will and testament notes his estate was worth several thousand dollars and he was acknowledged in the newspapers after his death, The Charlotte Observer, 5 January 1917, 8. In the will’s wording, Hand suggests his son, Jimmie, might inherit some of the fortune, but only at the sole discretion of his second wife, Minnie, his executrix, Mecklenburg County Probate and Wills. Afterwards, Jimmie Hand left Charlotte and is noted at his grandmother Laura’s address in New Canaan, C.T., 1917 WWI Draft Registration Card and Fairfield County, C.T. 1920 Federal Census.
459 The life estate clause that Mary Ruffin Smith included in her last will and testament stipulated that her nieces’ respective children were the legal heirs to each 100-acre property. As a result, each living child had to be accounted for on all deed transfers. At the 1910 sale of Laura’s acreage, Laura was living in Chatham County, N.C., Sidney and wife Daisy were in Hamilton County, T.N., Lizzie (with the surname Jordan sans children or husband) was in Fairfield County, C.T., and John (single) was in Westchester County, N.Y. CC EX/283. Delia’s name is absent due to her 1902 death. Although Jimmie Hand’s guardianship papers have not yet been discovered, Laura Toole is noted as his guardian on deed CC EX/282.
returned to North Carolina and her death certificate states Laura was buried in Durham. This puzzles me because both children who preceded her in death—Delia and John—were buried in Chapel Hill as was her son Sidney who died in 1922, two years after Laura’s death.  

Sidney Toole was a barber like his father, Gray, and with his death, only Lizzie remained from Laura and Gray Toole’s children. After Laura died, Lizzie Toole—who was married for a third time and called Elizabeth—left Connecticut, returned to Chatham County where she bought thirty-five acres with her husband Thomas Henderson in 1925. This property was once part of the Smith-Jones estate, nearby her living Kirby and Morphis cousins, and a two-minute walk to the white Smith cemetery. In addition to her Morphis and Kirby cousins, Lizzie also stayed in contact with her father’s Toole family. When Lizzie died in 1958 at the age of 82, her cousin Nellie Toole attended to her burial in Durham. Lizzie was buried in Beechwood Cemetery as were her cousins Harriet and Emma Kirby; Nellie Toole followed in 1980. All these cousins and several others from the Kirby families have grave markers. But, like their mother Laura, none of Lizzie’s sibling’s graves are marked or known. Sidney and John Toole’s death certificates read simply “Jones Grove.”

“Jones Grove” is the name of the vast tract of land that was once Francis Jones’ 1400-acre plantation from which was carved the 300 acres that Emma, Annette, and Laura inherited. But “Jones Grove” is also the name of the Cemetery where the white Smiths are buried. My Toole grandchildren

461 Laura’s death certificate states only “Place of Burial: Durham, N.C.” and “Cemetery: Durham,” 23 December 1920, Town of New Canaan, State of Connecticut, Bureau of Vital Statistics. She may be buried in Durham or a recording error is possible, e.g., Cemetery Census records for the Jones Grove Cemetery were listed in Orange County instead of the correct County of Chatham for many years. Laura’s daughter Lizzie (Elizabeth Henderson) signed Laura’s certificate and is buried in Durham’s Beechwood Cemetery which did not open until after Laura’s death. If Laura is buried in Durham, the more likely (speculative) location would be Geer Cemetery, a four acre tract where countless and, now, nameless African Americans were buried from 1876-1944.

462 CC GO/62. Chatham County 1940 Federal Census. The property is still called the Henderson Place but became part of the Fearrington Village complex upon which houses on one-acre lots are currently for sale in the $600,000+ range, accessed 5 March 2016, http://www.fearrington.com/wp-content/uploads/2015/09/Henderson-Place.pdf. 

463 Nellie is Gray Toole’s brother’s daughter-in-law. Thomas Henderson died in 1939 and, according to his death certificate, was buried at “home” on the Henderson tract where he and Lizzie lived (which is currently beneath Fearrington’s aforementioned residential development, east of the Morphis-Durham and Jones Grove Cemeteries. No recorded cemetery is noted on the Henderson tract, accessed 15 March 2016, http://cemeterycensus.com/cemgps2.htm?cnty=nc/chat/.

464 Sisters, Harriet Kirby Brown and Emma Kirby Overby died at age 86 in 1958 and at age 77 in 1960, respectively.
may be buried outside the Smith cemetery but they are not buried inside the confines of the stone wall. Although a tenth mound within the Jones Grove Cemetery wall was once noted on a survey as an unmarked grave, there are countless unmarked graves outside the wall that will never be surveyed, never be known. Those graves are occupied by the forgotten and disremembered men, women, and children who were once the legal property of the Smiths and of other North Carolina slave-owners. Somewhere, among so many, are the graves of my only son Julius and my youngest daughter Laura.

Somewhere, among so many, one of those graves is mine.
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The Daily Register (Raleigh)
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The Durham Daily Globe
The Durham Morning Herald
The Durham Sun
Eastern State Journal (White Plains, N.Y.)
Harrisburg Telegraph
The New York Times
Orange County Observer
The People’s Press
The Southern Home
The Tobacco Plant (Durham)
The Weekly Raleigh Register
The Western Democrat
The Wilmington Morning Star

Maps


Figure 1: James Monroe Morphis (1872 — 1958)
Photograph permission courtesy the Herald-Sun, © the Durham Herald Company.


Figure 2: The Reverend E. H. Cole (1827 — 1900)

Figure 3: Gray J. Toole (1847 — 1925)
Courtesy J. Murrey Atkins Library Special Collections,
Kurz and Allison Art Studio, Charlotte, copyrighted by Thomas L. Leatherwood.
Figure 4: Delia M. Toole (1869 — 1902)
Courtesty Schlesinger Library, Radcliffe Institute, Harvard University.
Detail of “Cousin Delia Toole, daughter of Laura Smith Toole,”
photographer J. S. Broadaway, from family album in Pauli Murray Papers,
Photographs, MC 412, Box 75, Schlesinger Library. See reverse below.
Figure 5: Reverse of “Delia M. Toole”

Courtesy Schlesinger Library, Radcliffe Institute, Harvard University.

Three first cousins represented on the photograph: Delia, Pauline, and Sam.

The photograph is of Delia M. Toole (Laura’s eldest child).
The photograph once belonged to Mary P. Fitzgerald (Cornelia’s eldest child, Pauline).
The name written twice upside-down is Samuel Morphis (Emma’s eldest child).

Pauline was born in 1870; Delia and Sam were born in 1869.