

Hatteras, a lonely outpost on the Outer Banks of North Carolina, was the seat of state government in 1861...or so thought Rev. Marble Nash Taylor and Charles Henry Foster.

In December, 1860, Taylor, a missionary from Virginia and a staunch Unionist, had been assigned to the Hatteras Methodist Church, "a wooden building," according to a Union soldier stationed at Hatteras during the Civil War, "with a high, steep roof, small windows and a low, narrow door."

On May 20, 1861 the government of North Carolina, at a convention assembled in Raleigh, became the tenth state to pass an ordinance of secession from the Federal Union.

Just over three months later, on August 28, 1861, Federal forces launched an amphibious assault on two Confederate garrisons on Hatteras Island, Fort Hatteras and Fort Clark. Neither garrison was well fortified or fully manned. Bombardment by seven Union warships brought unconditional surrender on the second day, providing Federal troops with access to North Carolina sounds, and the strengthening of the North's blockade of southern ports.

Subsequent Confederate abandonment of their batteries at Oregon Inlet and at Fort Ocracoke on Beacon Island, both of which were considered indefensible, secured early Federal control of the entire Outer Banks.

Union occupation of the coastal islands was not an unwelcomed state of affairs for a number of Outer Banks residents. A reporter's February 28, 1862 article, "The Federal Victory at Roanoke Island," was included in the *Illustrated London News* (March 22, 1862) with this observation: "With regard to the sentiment of the people on [Roanoke Island], it appears to me to be quite as much one way as the other. I think all they want is to be let alone by both parties."

Decades of profitable maritime trade with cities in the north, as well as an economy not reliant on enslaved plantation workers, led many islanders to side with the Union. In addition, since their villages were quickly occupied by hundreds of Federal troops, islanders' Unionist sentiments may have had as much to do with expediency as national loyalty.

Benson J. Lossing, in his 1866 *Pictorial Field Book of the Civil War, Volume 2*, writes that "While these events were transpiring, Colonel [Rush] Hawkins, in pursuance of the humane and conciliatory policy of the [Federal] Government toward misguided and misinformed inhabitants, issued a proclamation to the people of North Carolina, in which he exposed the misrepresentations of the intentions of the Government put forth by the conspirators and

their allies, assuring them that the war was waged only against traitors and rebels (who were called to lay down their arms and have peace), and that the troops had come to give back to the people law, order, and the Constitution, and all their legitimate rights.”

Col. Hawkins recognized that the fishermen and seafarers of the Outer Banks “could not have much sympathy with the revolt against a government which had been their constant friend.” Not surprisingly, most of the Bankers took the oath of allegiance to the United States “within ten days” after Union troops captured the forts and drove the Confederates off.

Consequently, on October 12, 1861 a Convention of delegates was held on Hatteras Island, resolving to “voluntarily and deliberately reaffirm our loyalty to the Government of the United States, and express our unalterable attachment to that Constitution which is the basis of the Union founded by our fathers.”

In language reminiscent of the Declaration of Independence, the Convention’s resolution enumerated forty-three grievances against the “spurious Government designating itself the Confederate States of America, and the revolutionary and treasonable dynasty which now usurps the governing power of our own State.”

The document was signed by Marble Nash Taylor, Caleb B. Stowe and William O’Neil at Hatteras, Hyde County*, North Carolina, Tuesday, Oct. 15, 1861 ^.

According to Oliver Christian Bosbyshell in his 1895 book, *The 48th in the War. Being a Narrative of the Campaigns of the 48th Regiment, Infantry, Pennsylvania Veteran Volunteers, During the War of the Rebellion*, “This high-sounding and pretentious document was nicely printed by a New York firm, on a large sheet of paper, enclosed in a colored border consisting of folded Union flags, and was sold to the patriotic and curious for the small sum of twenty-five cents, a sort of taxation imposed by the new State Government for the purpose of revenue.”

Because of Hatteras residents’ support for Federal troops, islanders soon discovered that their mainland markets for trading fish had disappeared. Supplies of corn and other staples unavailable on the Banks were quickly cut off. By early November the situation was so dire that Rev. Taylor; Charles Henry Foster, congressional office-seeker; and Rev. Conway, chaplain of the Federal forces, traveled to New York seeking aid.

A November 7 meeting at the Cooper Institute drew a standing room only crowd. Foster enflamed the audience with wild rhetoric, claiming that thousands of North Carolinians loyal

to the Union were being impoverished. Within a few weeks more than \$8,000 in cash, plus food, clothing and staples were shipped to Hatteras.

According to David Stick in his 1958 book, *The Outer Banks of North Carolina*, "By the time [the relief supplies] reached [Hatteras Inlet]...a profitable employment had been afforded to the natives by the soldiers, which relieved the wants of the people, so that a considerable portion of the produce sent for charity was sold and the money returned to the New York Committee."

Meanwhile, at Hatteras, on November 18, a Convention of delegates and proxies claiming to represent forty-five counties of the State instituted the Provisional State Government of North Carolina.

All state offices, "the incumbents of which [having] disqualified themselves to hold them by violating their oaths to support the Federal Constitution" were declared vacant.

Rev. Marble Nash Taylor was appointed Provisional Governor of North Carolina. The pre-secession state constitution was declared to be in full force, and the May 20, 1861 proclamation of secession was declared null and void.

Special elections were ordered "as soon as practicable and expedient," and the new Governor was "authorized and empowered to fill such official vacancies by temporary appointment...as...he may deem expedient for the safety and good order of the State.**

Two days after the institution of the Provisional Government, "Governor" Taylor issued his first of many proclamations, stating "We have attempted no revolutionary innovations; we have made no change in the organic law, or sought to overthrow or disturb any of the institutions of the State. In repudiating and resisting the wanton usurpation which has flagrantly defied the will and now crushes the liberties of the people of this Commonwealth, we act in the pursuance of a sacred duty to North Carolina, and to that great republic, our common country, which invested them with the high dignity of American citizenship."

Citing "the anarchy, misrule, and disorder which have prevailed throughout the Commonwealth [under Confederate rule], "suppressed and overborne as [the State] was by reckless and irresponsible usurpers," Taylor called on the people of North Carolina to "return to their allegiance to the United States, and to rally around the standard of State loyalty, which we have reerected and placed side by side with the glorious flag of the republic."^^

On November 28, 1861 “at an election ordered and held in accordance with a provision of the Revised Code of the Commonwealth, and pursuant to an ordinance of the convention passed on the 18th of November, 1861, for the purpose of appointing a representative of the second district of the State in the Congress of the United States, Charles Henry Foster did receive a majority of all the votes so cast” and was commissioned by Governor Taylor to serve as US congressional representative for the State of North Carolina.

Charles Henry Foster was born in Orono, Maine in 1830. He had pursued careers in law and journalism before moving, first to Norfolk, Virginia, and then, in 1859, to Murfreesboro, North Carolina where he owned and edited a weekly newspaper. There he continued a long-standing interest in politics, and by 1861 he had abandoned pro-secession views in favor of strong Unionist sentiments. He even traveled to Washington, D.C. to ask President Lincoln for his endorsement as leader of North Carolina’s Unionists.

Lincoln was not impressed with Foster’s efforts to represent North Carolina in the United States Congress, nor with Taylor’s attempt to establish a state government at Hatteras.

As John S. Carbone points out in his 2001 book, *The Civil War in Coastal North Carolina*, “the [November 18, 1861 Hatteras convention] hall was filled to less than capacity, as but six or eight delegates appeared. Foster had prepared for this by collecting proxies while he was in Washington and New York. The proxies were signed by individuals, in most cases, who had once lived in the state. The Convention claimed to represent forty-five counties.”

Carbone goes on to note that “On election day [November 28, 1861], voting was held at schoolhouses at Hatteras Island’s four precincts in the villages of Hatteras, Chicamacomico, Kinnekeet, and Trent.... Of the 268 votes cast, all were unanimous in support of Taylor for governor and Foster as U.S. representative to Congress. (The pre-war Second District had over 9,000 voters.)”

In a September 14, 1861 letter to Salmon P. Chase, President Lincoln’s Treasury Secretary, Benjamin Sherwood Hedrick, anti-slavery leader and employee of the US Patent office, had already stated his negative opinion of Charles Henry Foster.

“That man Foster still continues in the course of fraud and deception in which he has been engaged for some time. It is now reported in the newspapers that he has had an interview with the President: That Foster has offered and the President accepted a ‘Brigade’ of loyal North Carolinians. Now if the President has done anything to endorse Foster in his schemes, the result will be only mischief to the Union cause in North Carolina. As I stated in a former letter Foster is an unprincipled scamp and cheat. He has not been in N. C. for several

months- He has no influence with any party in N. C. even his wife according to his own statement repudiating him....

"My own decided conviction is that Foster should be at once arrested. I am prepared to make up a statement of facts, if more is necessary to induce the authorities to act. Or if it is thought to be not advisable to arrest him I propose to prepare a statement of the case for publication, so as to put the people on their guard against him. I may state that Mr Goodloe, and every North Carolinian here whom I have seen, agree with me in regard to Foster."

In December, the United States Congress, recognizing that the fragile Unionist government at Hatteras (according to a *New York Times* correspondent, a "fifteen or twenty miles long, by about one mile wide"... "sand bar recently captured by the United States Navy") had little legitimacy, and that Foster was distrusted by southerners and northerners alike, declined to seat Foster.

Rev. Taylor and Mr. Foster continued to exaggerate Union support in North Carolina. In a letter addressed to President Lincoln in January, 1862, Taylor alludes to "a vote of a large meeting of loyal men of Hyde County" endorsing "Col. Foster" "by our whole people, without a solitary exception."

Subsequent elections were held, but repeatedly Congress and President Lincoln failed to recognize them as legitimate.

In a proclamation made January 22, 1862, Taylor reminded North Carolinians that Union forces "who come among you are not foes but friends, and their mission is one of mercy and relief. The war they wage is not upon North Carolina and her people, but upon the rebels and traitors who have invaded your territory, and who hold you in constrained and protesting submission to their arbitrary power."

In that same proclamation the "Governor" decreed that the Declaration of November 18, 1861 instituting the Provisional State Government of North Carolina will again "be submitted to the people for ratification or rejection," and that "the polls be opened for the election of representatives in the Congress of the United States to fill existing vacancies."***

Not surprisingly, sentiment in much of North Carolina was bitterly opposed to Marble Nash Taylor and Charles Henry Foster. The March 22, 1862 issue of the *Wilmington (NC) Journal* published this sarcastic editorial:

"Evidently the Lincoln Government is ungrateful. After the Reverend Marble Nash Taylor

has traitorized enough to sin his stupid little soul away beyond redemption, or the hope of redemption, the authorities at Washington have most shamefully neglected that great man, and most unjustly ignored his immense claims as Governor elect of the State of Hatteras by the tumultuous acclamation of forty-three white men and a half, the half being a gentleman supposed to be not more than half white, but fully two-thirds drunk, as, indeed, were the majority of the Reverend gentleman's intelligent constituency upon that important and momentous occasion.

"An officer pretty generally known along the coast some years ago as captain Foster of the United States army, and more recently mentioned in connection with the evacuation of Fort Moultrie and the occupation of Fort Sumter by Major Anderson, is now addressed as 'Governor' by the Lincoln troops at Newbern. We do not know what Mr. Foster's present military rank may be, but he is said now to be, for the present at least, military Governor of North Carolina by the grace of Abraham Lincoln and the consent of William H. Seward. The Lincolnites have not treated their miserable tools in this State as well as the tools aforesaid expected, C. H. Foster is scouted by the great majority of the Northern people about as badly as by the Southern people. He is always spoken of as 'the man Foster,' he is a Pariah. Believe us, there is hardly a people on earth that can help despising such persons, however they may sympathize with their treason."

More vitriol was published about Rev. Taylor. *The Richmond Dispatch* of December 16, 1861 ran this "Biographical Sketch of Marble Nash Taylor":

"As the name of this man has been brought rather prominently before the public of late, in the character of Provisional Governor of North Carolina, we deem it not inappropriate to transfer to our columns the following sketch, which we copy from the *Norfolk Day Book*, of the 12th inst.:

"Marble Nash Taylor is one of the most despicable of the human family — hated alike by God and man, and for the reason that he employs the garb of religion to cover the rottenness of his depraved and corrupt heart. So pious did this treacherous hypocrite become at one time, that nothing would do but that he must preach the gospel. He saw very clearly that if he could assume the character of a minister, he would secure a confidence which would enable him the more easily to practice his deeds of infamy and vice. Accordingly he applied for admission in the Baptist Church, and asked to be ordained a preacher. Fortunately, the body to whom he applied knew more of his perfidious character than he thought they knew, and they unhesitatingly rejected him. Failing here, but still ambitious to serve his father, the devil, this hypocritical fiend applied for admission into the Methodist Conference. He was comparatively a stranger to them; they knew but little of his

real character, and as he wiggled a pious tongue, and wore a saintly countenance, they consented to receive him on trial. His term of probation, though short, was sufficiently long to reveal him in his true character. So given was he to deeds of darkness, that he could not, even to gratify his unholy ambition, restrain himself sufficiently long to be taken in full connection with that body. He was found to be a black-hearted hypocrite who desecrated the name and character of the minister of God, and he was speedily ousted from the Conference, and his license to preach taken away from him. -Nothing daunted, fully determined upon his unholy purpose, and finding that he must seek another field for operation, he hailed the breaking out of the war as a happy occurrence, and saw in it an opportunity of gratifying his base designs. He joined a company, and then went to work to demonstrate the great necessity which existed for a chaplain. He suggested himself as a proper person to perform the duties of that office, and by some hocus pocus succeeded in obtaining the appointment, and was sent to Hatteras.

“Marble Nash Taylor was now a chaplain in the Confederate States Army — prayed for the success of the Confederate arms — declared over an open Bible that the South was right and exhorted his hearers to die rather than surrender a cause so holy as that in which they were engaged. But the enemy came, and this fiend was afforded another opportunity of displaying his hypocrisy. On their near approach he watched his chance and stood upon the beach and signaled them. -He was understood; a boat was sent, and this contemptible apology for a man who had, while pretending to be a minister of the gospel, declared the South to be right, and prayed for the success of her arms, gave the lie to himself, and deliberately and willfully declared that he had used the sacred office of the ministry and the Holy Word of God deceitfully, by going over to that enemy and joining hands with him. This is Marble Nash Taylor, Provisional Governor of North Carolina. This is the scamp who dares to issue a proclamation to the people of that good old State, calling upon them to become as base and perfidious as himself, and renew their alliance to the United States! This is the villain whose acquisition by the Rump is so rejoiced over at the North, and whom the Northern Government so delights to honor. And why? Because, as we intimated in the outset, they need villains to carry on their work of shame, and Marble Nash Taylor is a villain!”

As a final blow to Foster’s and Taylor’s political ambitions, President Abraham Lincoln appointed Edward Stanly as military governor of North Carolina on May 19, 1862. Stanly’s headquarters were in New Bern, not Hatteras.

Although little else was heard from Rev. Taylor (who soon left the Outer Banks), or the Provisional North Carolina Government at Hatteras, President Lincoln appointed Foster captain of a U.S. regiment of North Carolinians. In 1864 an investigation by General

Benjamin F. Butler led to the termination of his military career.

Foster returned to Murfreesboro, North Carolina; then moved to Philadelphia in 1878 where he continued to work as a journalist and editor. He died there in 1882.

*In 1823 that part of Currituck County south of New Inlet, including present day Hatteras Island, was annexed to Hyde County.

^North Carolina resolutions, adopted by the Convention in Hyde Co., N. C., Oct. 12, 1861.

The following resolutions were read and passed unanimously and without discussion:

By a meeting of citizens of North Carolina, held in Hyde County, Saturday, Oct. 12, 1861,

Resolved, That we do hereby voluntarily and deliberately reaffirm our loyalty to the Government of the United States, and express our unalterable attachment to that Constitution which is the basis of the Union founded by our fathers.

Resolved, That while, as a law-abiding people, we accept the Constitution and laws of the Commonwealth of North Carolina, as they were prior to the treasonable and revolutionary innovations of the conspirators against the Union in this State, we do, nevertheless, utterly repudiate, reject, and disavow all acts of any Convention or Legislature done in contravention of our primary and permanent allegiance to the Federal Government, or in derogation of its authority, as imposing no obligation that loyal citizens are bound to respect.

Resolved, That we owe no obedience to the commands of the Acting Governor of North Carolina, nor to any other public officers, however validly constituted, who have transferred the duty they owed to the Union to the spurious Government self-styled the Confederate States of America. They have vacated, by the fact of their treason, the positions to which they were elevated by a confiding but betrayed people; and the rightful power to fill their vacancies reverts to the loyal men among their constituents.

Resolved, That no State authority existing, which we can consistently recognize or obey, and desiring to secure the benefit of law and order, now virtually suspended amid the anarchy of usurpation which prevails within our borders, we declare our wish for the establishment, at an early day, of a Provisional State Government for the loyal people of North Carolina.

Statement of Grievances.

The following is the report of the Committee appointed by a meeting of the citizens of Hyde County, North Carolina, to draw up a statement of grievances and a formal declaration of independence:

Appealing to that sacred right of protest and resistance which is inherent in all oppressed communities and with a firm trust in the Almighty ruler of mankind, whose good providence is declared in history, and who can never tolerate the permanent ascendancy of wrong, we do hereby, on behalf of the people of North Carolina, deliberately and solemnly proclaim our independence of the spurious Government designating itself the Confederate States of America, and the revolutionary and treasonable dynasty which now usurps the governing power of our own State. We repudiate the unwarranted arrogations of authority asserted by these bold, bad men — traitors alike to the Federal Union and to the people of North Carolina; we disclaim and disavow all participation or acquiescence in their twofold treachery; we denounce their wanton crimes against heaven and humanity; and we now and hereby reaffirm our unalienable allegiance to the Government of the United States, and resume all those elements and parts of sovereignty which belong, in subordination to the National Constitution, to the freemen of this Commonwealth.

In vindication of the justice of our cause, and in deference to the judgment of the world, we proceed to set forth some of the considerations which impel us to this declaration.

The tyrants whom we now arraign before the tribunal of public conscience have sought to deprive us of the precious heritage of our American citizenship, won for us by the heroic toils of our sires of the Revolution, and handed down to us to be transmitted to our children.

They have not only attempted the abrogation of the Constitution of the United States, but have addressed themselves to the sweeping mutilation of our municipal statutory law as embodied in the *Code* adopted 1st January, 1856.

They have violated nearly every section of that venerable work of our fathers, the Bill of Rights, which the State Constitution solemnly declares to be an integral portion of itself, and never to be violated on any pretence whatever.

They have placed us in the false attitude of revolt, against a beneficent and protecting Government which has never done us an injustice, and which was full of blessings to us all.

They have made loyalty a crime, and betrayed many of our people into rebellion by false pretences and intimidation.

They have endeavored, by the grossest falsehoods, persistently repeated, and by exaggerated appeals to prejudice and passion, to inflame our minds against our fellow-citizens whose intercourse with us has been productive only of benefits.

They have destroyed a commerce with our Northern brethren, which afforded a means of livelihood to no small portion of our people, and thereby brought the horrors of starvation to our doors.

They have inaugurated a neighborhood warfare of the most cruel and unpitiful ferocity, which spares neither age, sex, nor condition, but which arrays brother against brother, father against son, and substitutes for the kindly intercourse of friend with friend a fiendish hatred, espionage, and persecution.

They have invaded the sacred precincts of the household, and sundered the dearest ties of human nature. They have torn husbands and fathers from their homes, and robbed families of their natural protectors.

They have perpetrated the most shocking barbarities, and established a reign of terror and alarm without precedent in civilized history.

They have countenanced outrages and bloodshed, and encouraged mobs and riots. They have sanctioned the proceedings of irresponsible and self-constituted vigilance committees and other bodies utterly unknown to the laws, tolerated with complacency their proscriptive and indiscriminate violence, and applauded their atrocious deeds.

They have brutally murdered inoffensive and harmless persons, some of them of great age, and who would have soon departed from amongst us in the ordinary course of nature.

They have offered rewards for the lives of freemen guilty of no crime, and put prices upon their heads.

They have organized fraud and falsehood, and made a system of robbery and theft.

They have taught our youth habitual disrespect of law, and inculcated lessons of sedition and unbridled license.

They have used every agency of bribery and corruption to consummate their ends.

They have invited foreign tyrants to our shores, and sought, through the intrigues of commissioners abroad, to barter away our chartered liberties.

They have confiscated the property of citizens without just cause.

They have denied us the exercise of the elective franchise, and set at nought that provision of our organic law which affirms that elections ought to be often held.

They have destroyed the freedom of speech and of the press.

They have arrested peaceful and unoffending citizens without due process of law, and suspended the writ of *habeas corpus*.

They have recklessly disregarded the will of the people to abide by the compact of National Union, as repeatedly declared in public meetings throughout the State, and by the emphatic and overwhelming vote of the qualified electors of the Commonwealth, in February last.
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They have set aside the solemn and deliberate disapproval of the machinations of the disunionists, pronounced by a majority of the people in refusing to authorize the call of a State Convention.

They have prostituted their official positions to the purposes of a secret and infamous conspiracy which had predetermined the destruction of the Union, regardless of popular dissent, and, in the unscrupulous zeal of their treason, they have assumed powers without warrant, express or implied, in the Constitution.

They have arrogated the authority, through a Convention summoned with indecent haste, and acting in flagrant defiance of the wish of the people, to perform an act legally impossible, and therefore without effect or force, in decreeing the secession of this Commonwealth from the National Union. The ordinances of this Convention have never been submitted to the people for their ratification or rejection.

They have commissioned ten men as representatives of the State, in a body called the Confederate Congress, unknown to and unauthorized by the laws, and occupying an attitude of open hostility to that Constitution which North Carolina has formally and definitely ratified and accepted as the supreme law of the land. And, as if to omit no incident of a complete disfranchisement, they have withheld from the electors the poor privilege of designating such representatives.

They have raised and kept up armies to crush the liberties and waste the substance of the people, and have subordinated the civil to the military power.

They have deprived the people of the right to bear arms in their defence, but have obliged them to assist in the unhallowed work of their own enslavement.

They have required excessive bail, imposed excessive fines, and inflicted cruel and unusual punishment.

They have instituted a system of illegal searches and seizures, in granting general warrants, whereby officers and messengers have been commanded to search suspected places, without evidence of the fact committed, and to seize persons not named, and whose offences were not particularly described and supported by evidence.

They have restricted the people of their right to assemble together to consult for their common good.

They have taken and imprisoned freemen, and disseized them of their freeholds, liberties, and privileges, and outlawed and exiled them, and destroyed and deprived them of their life, liberty, and property, contrary to the law of the land.

They have delayed and denied to freemen restrained of their liberty, the remedy guaranteed by the Bill of Rights to enquire into the lawfulness of such restraint, and to remove it if unlawful.

They have allowed the people of the State to be made subject to the payment of illegal and exorbitant taxes and imposts without their consent.

They have denied our citizens the sacred and inviolable right of trial by jury in questions respecting property.

They have put freemen to answer criminal charges without presentment, indictment, or impeachment.

They have convicted freemen of crimes without the unanimous verdict of a jury of good and lawful men in open Court, as heretofore used.

They have disregarded the right of every man in criminal prosecution to be informed of the accusation against him, and to confront the accusers and witnesses with other testimony, compelled freemen to give evidence against themselves, and refused them a speedy and impartial trial.

They have suspended the laws and their execution without warrant or necessity, and

permitted the prevalence of anarchy and disorder.

They have confounded the legislative, executive, and supreme judicial powers of government, which ought to be forever separate and distinct.

They have permitted the interference of persons from outside our boundaries in regulating our internal government and police, the right of which belongs solely and exclusively to the people of this State. They have welcomed armed invaders from other States to assist in the subjugation of our citizens.

They have secretly promulgated, and in some instances openly proclaimed, their purpose to confer official honors and emoluments and peculiar privileges upon a certain set of men separate from the community: to restrict the right of suffrage to a few, and to substitute a life tenure of public office for the term fixed by law.

They have practically annulled the cardinal axiom of popular government and initial declaration of our Bill of Rights, that all political power is vested in and derived from the people only.

Wherefore, from these tyrants and public enemies we now dis sever ourselves, socially and politically, forever.

And with a full and lively sense of the responsibilities which our action devolves upon us, and reverently invoking the aid and guidance of Almighty God, we pledge to each other, for the maintenance of this solemn compact, our lives, our fortunes, and our sacred honor.

Marble Nash Taylor, Caleb B. Stowe, William O'Neil. Hatteras, Hyde County, North Carolina,

Tuesday, Oct. 15, 1861.

****Government for North Carolina:**

The Provisional State Government for North Carolina was formally instituted on the 18th of November, by a Convention of delegates and proxies representing forty-five counties of the State. The following ordinances were unanimously adopted:

By the People of the State of North Carolina, as represented in Convention at Hatteras, Monday, Nov. 18, 1861.

Be it ordained by this Convention, and it is hereby ordained and published by the authority of the same:

1. That this Convention, on behalf of the people of North Carolina, and acknowledging the Constitution of the United States of America as the supreme law of the land, hereby declares vacant all State offices, the incumbents of which have disqualified themselves to hold them by violating their oaths to support the Federal Constitution.
2. That the office of Governor of this Commonwealth having been vacated by the death of John W. Ellis, and by the active treason to the Union of his constitutional successor, Acting Governor Clark, therefore Marble Nash Taylor be hereby appointed and declared Provisional Governor of North Carolina.

III. That the Constitution of this State and its amendments, together with the statutes and laws thereof, as contained in the Revised Code put in operation January 1, 1856, be declared continued in full force; also such subsequent [400] acts of the General Assembly as were not adopted in contravention of the National Constitution, or in derogation of its authority.

1. That the ordinance of the Convention which assembled at Raleigh on the 20th of May last, proclaiming the secession of this Commonwealth from the Federal Union, such secession being legally impossible, is of no force or effect; and said ordinance, together with all other ordinances and acts of said Convention, or of the General Assembly, made and done in pursuance of the treasonable purposes of the conspirators against the Union, is hereby declared *ab initio* null and void.
2. That whereas it is desirable that this State shall be represented in the Federal Congress, and maintain her due weight in the councils of the Union, therefore the Provisional Governor be directed hereby to order special elections, in accordance with chapter sixty-nine of the Revised Code, as soon as practicable and expedient, in any district or districts now unrepresented. And, in view of the prevalence of armed rebellion and disorder in many portions of this Commonwealth, the Governor is hereby directed to issue his certificates of election upon presentation of such evidence as shall satisfy him of the fact of an election.
3. That the Governor be authorized and empowered to fill such official vacancies by temporary appointment, and to do such acts as, in the exercise of a sound discretion, he may deem expedient for the safety and good order of the State.

The Convention adjourned, subject to be reassembled upon the call of the President.

^^ Gov. Taylor's Proclamation, at Hatteras, N.C., Nove. 20, 1861. To the People of North Carolina:

On Monday, the 18th of November, 1861, a provisional or temporary Government for this Commonwealth was instituted at Hatteras, Hyde County, by a convention of the people, in which more than half the counties of the State were represented by delegates and authorized proxies. Ordinances were adopted by the Convention declaring vacant all State offices the incumbents whereof have disqualified themselves to hold them by violating their official oaths to support the Constitution of the United States, which North Carolina has solemnly accepted as the supreme law of the land; pronouncing [411] void and of no effect the ordinance of secession from the Federal Union, passed by the Convention assembled at Raleigh, May 20, 1861; continuing in full force the Constitution and laws of the State, as contained in the revised code of 1855-6, together with all subsequent acts not inconsistent with our paramount allegiance to the United States; appointing a Provisional Governor, and empowering him to fill such official vacancies and to do such acts as in his judgment might be required for the safety and good order of the State.

We have attempted no revolutionary innovations; we have made no change in the organic law, or sought to overthrow or disturb any of the institutions of the State. In repudiating and resisting the wanton usurpation which has flagrantly defied the will and now crushes the liberties of the people of this Commonwealth, we act in the pursuance of a sacred duty to North Carolina, and to that great republic, our common country, which invested them with the high dignity of American citizenship. We fulfil, moreover, an imperative obligation to God, to civilization, to freedom, and to humanity. We obey that cardinal maxim of sound government which affirms that the popular welfare is the highest law. The good and loyal men of North Carolina have been for months past without any domestic Government which they were bound to respect, and the apparent consent of a large majority of the citizens to the armed power of the revolutionists and traitors, who have unwarrantedly arrogated the governing authority of the State, has been not a voluntary and cheerful acquiescence, but a compelled and protesting submission to a military despotism. The lives of citizens and their rights of property and person have had no protection amidst the anarchy, misrule, and disorder which have prevailed throughout the Commonwealth. It had, there-fore, become necessary for the most ordinary interests of society, as well as in vindication of our loyalty to the national authority, that our municipal government, suppressed and overborne as it was by reckless and irresponsible usurpers, should be revived and maintained under the protection of the banner of the Union. The temporary State Government which we have accordingly set on foot has the approval in advance of thousands of good and faithful North Carolinians, and should command the prompt and cordial adhesion of all loyal citizens of the State. Of the desperate and ill-starred fortunes of the rebellion, and of its ultimate and thorough suppression, no rational man can entertain a doubt. It has the recognition of no nation under heaven, and the world's sympathies are unanimous in its condemnation; it is

everywhere regarded as not only a revolt against a most beneficent and paternal Government, but as assailing also law, order, progress, and all the great interests of mankind throughout the globe. It is an aggressive war upon popular liberty in the United States, and its claims can never be conceded short of an absolute surrender of the rights of man and a craven recantation of the holy creed of freedom.

I therefore call upon all the good people of this Commonwealth to return to their allegiance to the United States, and to rally around the standard of State loyalty, which we have reerected and placed side by side with the glorious flag of the republic. I adjure you as North Carolinians, mindful of the inspiring tradition of your history, and keeping in view your true interests and welfare as a people, to rise and assert your independence of the wicked tyrants who are seeking to enslave you. Remember the men of Mecklenburg and the martyrs of Alamance — dead, but of undying memory — and endeavor to repeat their valor and their patriotism.

Marble Nash Taylor, Provisional Governor of North Carolina. Hatteras, Nov. 20, 1861.

***Proclamation of the Federal "Governor" of North Carolina.

State of N. Carolina, Executive Depar't, Hatteras, Jan. 22, 1862.

To the People of North Carolina:

The invincible arms of the republic at length advance to the suppression of the great revolt against popular rights, and the national authority which has essayed to rob you of your American citizenship, and to enslave you to the will of relent less domestic tyrants, the holy banner of the Union, consecrated anew through its baptism of tears and blood, is borne by loyal hands, the symbol and pledge of your final and complete enfranchisement. Your silent and tearful prayers to God for rescue from the despotism that enthralls you are heard, and the hour of your deliverance approaches.

The brave men who come among you are not foes but friends, and their mission is one of mercy and relief. The war they wage is not upon North Carolina and her people, but upon the rebels and traitors who have invaded your territory, and who hold you in constrained and protesting submission to their arbitrary power.

To co-operate with those who now proceed to your liberation, and who seek to restore to you your ancient and inalienable rights, is your sacred duty, and a privilege which you will accept with eagerness and joy.

A portion of your brother North Carolinians are already rejoicing in the restoration of their freedom under the protecting ensign of the nation. Side by side with that glorious flag they have placed the re-erected standard of loyal North Carolina, and acting in concert with citizens of other sections of the State, they have proclaimed a Provisional Government for the Commonwealth.

An opportunity will soon be offered you to participate in the enjoyment of these precious and long-accustomed privileges. And that there may be no complaint in any quarter that your brethren first liberated from rebel thralldom have forestalled your action or anticipated a decision in which you had a right to share, I do now, by these presents, notify and require the voters of this Commonwealth to attend at the usual voting places as established by law, on Saturday, 22d February, 1862, an anniversary second in hallowed memory only to that of the proclamation of our national independence, at which time the ordinances of the Convention of November 18, 1861, a draft of which is hereto appended, will be submitted to the people for ratification or rejection.

And in order that the State may forth with resume her participation in the councils of the Union. I do furthermore direct that, upon the same day aforesaid, the polls be opened for the election of representatives in the Congress of the United States to fill existing vacancies.

In witness whereof I have hereunto set my hand, and caused the great seal of the State to be affixed, at Hatteras, this 22d of January, in the yhear of our Lord one thousand eight hundred and sixty-two, and of the independence of the United States the eighty-sixth.

Marble Nash Taylor