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# Charles Henry Foster

## *A Unionist in Confederate North Carolina*

*By Donald E. Collins*

Charles Henry Foster was an enigma. Like a chameleon, he was able to adapt to the community around him and become whatever he believed others wanted him to be. Although a New England Yankee of abolitionist tendencies, he assumed the roll of a champion of Southern rights in his adopted state of North Carolina. And when war came, Foster just as easily reversed his publicly proclaimed beliefs in slavery and states' rights to champion the Lincoln administration and the cause of the Union. Yet Foster the patriot was also Foster the shameless con man for whom even the most fantastic and improbable schemes were not off limits in pursuit of high political office or military rank. To leading North Carolina Unionists and Confederates alike he was "Humbug Foster," a scoundrel, liar, and fraud.<sup>1</sup> Despite his motives, however, he significantly advanced the cause of the federal government in the Confederate state of North Carolina.

Foster was born in Orono, Maine, on February 18, 1830, the first-born child of local merchant Cony Foster and his wife Caroline, a daughter of Benjamin Brown, one of the wealthiest men in the state. As a youth, he showed an intelligence and ability beyond his years. Detailed diaries by Charles and his brother Benjamin show him to have been well read and an exceptional writer. Like his parents, he opposed slavery and generally supported the Democratic Party. As a young teen, he developed an early and deep passion for journalism and politics that only death would end. At the age of seventeen, he used the press to attack slavery as "a curse" that violated "the first principles of humanity" and was therefore "utterly, totally and fully wrong."<sup>2</sup> Only days before his twentieth birthday, Benjamin recorded in his diary that "*Charles is completely smashed with politics, and he thinks, writes and publishes 'sans cesse', if not 'sans varier'.*"<sup>3</sup>

In 1850, Charles and Benjamin entered Bowdoin College where they became acquainted with future leaders of the state and country, including : Joshua L. Chamberlain, future governor of Maine and a hero of Gettysburg ; Harriet Beecher Stowe, wife of professor Calvin Stowe ; and future U. S. Supreme Court Chief Justice Melville W. Fuller. In 1852, Charles publicly illustrated his anti-slavery beliefs when he took copies of Stowe's recently published book *Uncle Tom's Cabin* to Portland to sell

1. Benjamin S. Hedrick Collection. Perkins Library, Duke University. Numerous letters from several persons in this collection describe Charles Henry Foster in strongly negative terms (hereafter cited as Hedrick Collection).

2. Foster, Benjamin Brown, *Down East Diary*, ed. Charles H. Foster. (Orono, Maine, 1975), 35-36.

3. *Ibid.*, 262.

for the author. The two brothers were elected to Phi Beta Kappa honorary fraternity and graduated with honors in 1855.<sup>4</sup>

Prior to entering college, Charles studied law under the direction of Israel Washburn, soon to become the Civil War governor of Maine. Following graduation, he completed his law studies and was admitted to the Maine bar. Washburn is reputed to have offered him a partnership in his firm, which he declined.<sup>5</sup> Instead, he spent the year 1856 as teacher and principal at Cony School for Boys in Augusta, Maine

In 1857, Foster the abolitionist made a dramatic change in his career and political philosophy, opting for a life in the South as editor of the *Southern Statesman*, a Democratic Southern rights newspaper, and later as assistant editor of a larger paper, the *Norfolk Day Book*. On January 1, 1859, he moved to Murfreesboro, North Carolina, where he purchased *The Citizen*, a weekly Democratic newspaper, and became its editor. On May 1, 1860, he married Susan Carter, daughter of Perry Carter, a locally prominent merchant and large slave holder, and took up residence in the Carter home, Rose Bower.

Foster now became a staunch and emotional defender of the South and its institutions. He fiercely attacked "Black Republicanism," the John Brown raid on Harper's Ferry, and abolitionists. At the same time, he just as staunchly defended secession, states' rights, slavery, and its expansion into the territories.<sup>6</sup>

In March 1860, Foster attended The Democratic National Convention in Baltimore, Maryland as an alternate delegate for his district. On the fifth day, he joined other North Carolina delegates in bolting the convention, which was dominated by supporters of Stephen A. Douglas, to hold a separate convention and nominate the states' rights candidate, John C. Breckinridge of Kentucky, for president.<sup>7</sup> During the campaign, Foster used his newspaper to support the Breckinridge-Lane ticket.

On December 1, 1860, following the election of Abraham Lincoln, Foster used the *Citizen* to argue for state sovereignty and secession. He argued that allegiance to one's state was supreme, and that secession was constitutional because once a state was kept in the Union by force, it had lost its sovereignty and was reduced to the status of a "subjugated province."<sup>8</sup> Soon after making this argument, however, he sold the *Citizen*, probably in anticipation of moving to Washington, D.C. where he had accepted a minor position in the post office.

In late February, only a week after the birth of his first child, Foster left his family behind in Murfreesboro for the national capital. While events were occurring in North Carolina that would lead to that state's secession on May 20, 1861, Charles followed a course that would lead to his ejection from the state as an outright Unionist. On April 12, Southern forces fired on Fort Sumter in Charleston Harbor, South Carolina, followed by the refusal, on April 15, of North Carolina to provide troops to suppress the rebellion. About the same time, Foster enlisted in the Clay Guard, a volunteer battalion being raised in Washington for the temporary defense of the city against a rumored attack from Virginia. He was damned for this anti-Southern act when the news became known in Murfreesboro.<sup>9</sup>

4. Ibid., various pages.

5. Cleaveland, Nehemiah and Alpheus Spring Packard, *History of Bowdoin College* (Boston, 1882), 696 ; newspaper clipping , Charles Henry Foster Alumni Biographical File, Special Collections, Bowdoin College Library, Brunswick, Maine.

6. *Citizen* (Murfreesboro, North Carolina), numerous issues, 1859-60 (hereafter cited as *Citizen*).

7. Delaney, Norman C., "Charles Henry Foster and the Unionists of Eastern North Carolina", *North Carolina Historical Review* 37 (1960) : 350 (hereafter cited as Delaney) ; Thomas C. Parramore, "In the Days of Charles Henry Foster," *Daily Roanoke Chowan News* (Ashoskie, North Carolina), 1960, 146-155 (hereafter cited as Parramore) ; *Citizen*, June 28, 1860.

8. *Citizen*, December 1, 1860.

9. Parramore, 148.

Foster, perhaps unaware of the hostility that awaited him in North Carolina, returned to Murfreesboro to visit his family. There he found his wife's family as well as his brother Lyman, who had followed him from Maine to North Carolina, fully in support of the new Confederate States of America. Foster discovered that the residents of Murfreesboro were greatly agitated against him. Some believed him to be a Union spy, while others spoke of lynching him. He found himself a virtual prisoner in the home of his father-in-law and was ordered not to leave town until his case was referred to Governor John W. Ellis.<sup>10</sup>

Although there can be little doubt that Foster had already thrown his support to the Union, he saw no way out of a dangerous situation but to convince the governor of his continued and firm loyalty to the South. "*I am*", he wrote, "*bound by my oath never to take up arms against the South*".<sup>11</sup> Fearing for the worst, however, Foster fled North Carolina under the cover of darkness for Southampton County, Virginia, where he safely boarded a train for Washington, D. C.

For the next few years, Foster would follow a path of conspiracy and deceit designed solely for the purpose of self-promotion into the ranks of political and/or military leadership. In order to follow his several schemes it is necessary to understand his relationship with E. W. Carpenter, whom he apparently had met soon after taking his position in the post office. Prior to the war, Carpenter had read law under Winfield Smith, attorney general of the state of Wisconsin, who described him as an impudent, ignorant man whose most marked traits were his energy, gift of flattery, and an almost irresistible inclination to lie. Carpenter, he added, knew enough law to keep out of the penitentiary and to practice the bar room acts useful for obtaining public positions and a low notoriety.<sup>12</sup> He became Foster's "Man Friday" and an essential element in their schemes to deceive the government for Foster's benefit.<sup>13</sup>

On June 24, 1861, Foster informed President Lincoln of his intention to campaign for the *United States* [author's italics] House of Representatives to represent the *Confederate* [author's italics] state of North Carolina. According to Foster's logic, Congress should include representatives from the Southern states since he and the president both agreed that these states were still in the Union. Foster intended to be his adopted state's congressman, and he was serving Lincoln and his cabinet notice of his candidacy. "*Your silence*", he boldly informed the president, "*would be considered as implying assent to these propositions*".<sup>14</sup>

Foster followed up his announcement with a campaign for office based solely on newspaper propaganda written by himself and Carpenter. According to plan, they would report on the fictitious campaign ostensibly from within North Carolina, but in fact, while maintaining a low profile in Pennsylvania and Maryland.<sup>15</sup> Fraudulent dispatches written by the two men would then be printed in the *New York Tribune* and be picked up by other Northern papers to give the impression that an actual campaign was being conducted.

Dispatches allegedly written from Salisbury, Morganton, Raleigh, Weldon, and other North Carolina towns informed Northern readers of the fictitious campaign's progress. On September 2, 1861, Foster informed the public that "*I was elected to Congress from*

10. *Ibid.*, 149.

11. *The Raleigh Register* (North Carolina), May 21, 1862.

12. J. A. Noonon to Benjamin S. Hedrick, September 14, 1863, Hedrick Collection.

13. Benjamin Marshall to Benjamin S. Hedrick, January 9, 1862, Hedrick Collection.

14. Charles Henry Foster to Abraham Lincoln, June 24, 1861, Abraham Lincoln Papers, Series 1, Library of Congress, on microfilm (hereafter cited as Lincoln Papers).

15. *Congressional Globe*, February 23, 1863, 1211.

*this State by a large vote*” and “*shall claim my seat in December next*”.<sup>16</sup>

With Foster’s conversion to Unionism now public knowledge, his wife Susan broke relations with him in a letter published in an August 1861 issue of the Petersburg, Virginia *Daily Press*. “*As a true woman of the South,*” she wrote, “*I am desirous that my indignation and contempt be shown for the course*” he had taken. Every tie “*which has heretofore bound me to Charles H. Foster*” was, she declared, “*virtually dissolved forever*”.<sup>17</sup>

Foster’s reported election awakened a bitter enemy in the form of Benjamin F. Hedrick. The former chemistry professor had gained a national reputation as a Southern abolitionist and supporter of the Union when he was dismissed from the University of North Carolina for expressing support for John C. Fremont, the anti-slavery Republican candidate for president in 1856. Foster appears to have initiated the feud when, on December 7, 1859, he used the *Citizen* to virulently attack Hedrick for stealing Southern money to finance abolitionist attacks on the South. Intemperately describing the former professor as a “Benedict Arnold” to the South, Foster warned North Carolinians that Hedrick’s treachery would bring rape, murder, and slave insurrection to his native state.<sup>18</sup>

Now an official in the U. S. Patent Office in Washington, D.C., Hedrick was centrally located to campaign against Foster whom he regularly described as a humbug, cheat, liar, and fraud. He began a three-year campaign against Foster, firing off a stream of letters to the president, cabinet members, congressional committees, politicians, newspapers, and to other Unionist North Carolinians within and outside of the state.<sup>19</sup> While Foster would come to gain the support of North Carolina poor whites, the so-called “poor white trash,” leading native Unionists, such as Edward Stanly, soon to be appointed military governor of the state, and Hinton Rowan Helper, author of the *Impending Crisis of the South*, lined up against him.

Without waiting for the verdict of Congress on the validity of his election, Foster entered into yet another scheme, this one aimed at winning a ranking position in the Union army. The campaign was initiated in the *New York Tribune* of September 2, 1861. Carpenter, in his guise as a special correspondent reporting the alleged federal congressional campaign in North Carolina, informed readers that “Col. Foster” had enrolled a full brigade of loyal men in the eastern part of the state. “*Why not,*” the correspondent suggested, “*appoint Col. Foster a brigadier-General and arm and equip his men at once ?*” Within weeks, the “Congressman elect” personally offered Lincoln the services of his brigade. The scheme failed when the president referred Foster’s offer to Secretary of War Simon Cameron with a note of sarcasm that if arms were put in the hands of a regiment of Unionist North Carolinians, they probably would not remain in their hands long.<sup>20</sup>

Foster’s failure to gain official recognition from Congress or the president though his various political and military schemes did not discourage his efforts. On August 28 and 29, 1861, Union forces under General Benjamin Butler invaded North Carolina and gained control of Hatteras Island off the northeastern coast. Federal forces quickly found a sizable amount of Union sentiment among the residents of the island as well as in the adjacent Confederate-held coastal plains.

16. *New York Tribune*, August 10, 1861, September 2, 1861, September 12, 1861.

17. Parramore, 154.

18. *Citizen*, December 7, 1859.

19. Much of the Benjamin S. Hedrick Collection at Duke University Library is devoted to correspondence with civilian, military, and government officials in regard to Foster.

20. Current, Richard Nelson, *Lincoln’s loyalists ; Union Soldiers from the Confederacy* (Boston, 1992), 61.

Foster seized upon these pockets of Unionism as offering still another opportunity for gaining political office. The leader among the Unionists on Hatteras Island was Methodist minister Marble Nash Taylor. By October, Foster had moved from Washington to Hatteras, where he would remain off and on for the following seven months, residing near Reverend Taylor. There they would jointly plan for a government that even many local natives would have difficulty taking seriously.<sup>21</sup>

In late October, Foster and Taylor visited New York City to win support for their planned government and to plead for clothing, food, and other aid for the loyal citizens of Hatteras. While Taylor accomplished this function in a meeting at Cooper Institute, Foster worked to gain support for their proposed government from North Carolinians in exile. On November 11, he reported that he and Taylor had conferred with every North Carolinian they found in New York. These, he claimed, "*concur[red] heartily*" in the plan for creating a provisional government. Sixty thousand persons would recognize it as soon as the "*intimidation of rebel pressure were removed*".<sup>22</sup>

Once again on Hatteras, the two men called for a convention to meet on November 18, 1861, to take the necessary steps to create the proposed government. Forty-five counties were claimed to be represented either by delegates or proxies collected in New York. The actual number of delegates present totaled a scant six or eight. Taylor was declared provisional governor and the ordinance of secession was declared to be null and void. Without delay, "Governor" Taylor declared that an election for a representative to Congress from the second congressional district would be held on November 28, 1861.

The election was confined to Hatteras Island, the only area of the state then under Union control. Foster was the unanimous choice of the 268 voters. Two days later, the "Hon. C. H. Foster, member of Congress," left Hatteras in the company of his associate, E. W. Carpenter, to claim his seat in the House of Representatives. On December 18, 1861, the House's Committee of Elections rejected Foster's bid to become a member of that body.<sup>23</sup>

With the failure of Congress to seat Foster, a meeting was held on Hatteras Island at which it was decided to hold a second election on January 16, 1862, to fill the district's still-vacant seat. Bad weather and the arrival of General Ambrose Burnside's invasion fleet at Hatteras Inlet resulted in a decision by the voters themselves to delay the election until January 30. When the election finally took place, Foster gained thirty additional votes from Chicamacomico precinct, bring his total to 298.

While Foster's claim to a seat in the House of Representatives made its slow way toward a hearing by the Committee of Elections, Union forces under General Burnside moved to take control of the upper coastal region of North Carolina from Roanoke Island southward to New Bern and Beaufort. Roanoke fell to Union arms on February 8, and in March, Federal forces occupied New Bern, Beaufort, Plymouth, Washington, and Fort Macon. For the most part, these would remain in Union hands until the end of the war. The presence of the Northern army on the land and federal gunboats in the sounds and rivers of eastern North Carolina brought out numerous expressions of Union sentiment, and Foster, who considered himself a member of Congress until proven otherwise, was quick to exploit it.

In March or early April 1862, Foster left Hatteras and moved his base of operations

21. *Boston Journal*, March 17, 1862.

22. Delaney, 356-57 ; U. S. War Department, *The War of the Rebellion : The Official Records of the Union and Confederate Armies*, 128 volumes (Washington, D.C., 1889-1901), ser. 1, 1 :631.

23. House Miscellaneous Document, No. 21, Thirty-seventh Congress, Second Session ; House Miscellaneous Document, No. 2, Thirty-seventh Congress, Second Session.

to New Bern. Once there, he advertised his intention to hold a political rally on April 23. When General Burnside heard of his plans, he sent a tersely worded letter denying him the right to speak. “*You occupy no official political position in the State,*” he wrote, and in light of the president’s appointment of a provisional governor [Edward Stanly] who represented the “*views and feelings of a majority of the people of North Carolina, I cannot consent . . . to embarrass either him or the Government . . . by allowing any one else to initiate any civil policy*”. Since “*none of the citizens have represented to me that they desire a meeting of this kind . . . [it] cannot be allowed to assemble*”.<sup>24</sup>

Foster’s last hope for entering Congress came from the growing Union movement that was becoming increasingly evident within the native population of the coastal counties. Beginning in May 1862, eastern North Carolinians began to enlist in the First North Carolina Union Volunteer Infantry Regiment, a new Union army unit created specifically for white residents of the state. It was here, and in the related Free Labor Movement that was also beginning to appear among the poor whites in the region, that Foster would find support for still another try at Congress, as well as the officer rank in the Union army that he had failed to obtain earlier.

The initial attraction of both these movements appears to be economic self-interest rather than nationalism. Federal recruiters found that “Union talk” failed to attract enlistments. Poor whites, many of whom wanted to remove both free and slave blacks from the state in order to secure employment for members of their own race, often became avid abolitionists.<sup>25</sup> Although Foster apparently regarded slavery as an issue better left for later times, his appeals for the Union and his oratorical skills would win numerous adherents to the First North Carolina regiment and the Free Labor Movement.

Plans for creating the First North Carolina regiment were conceived in April 1862, by Unionists in the village of “Little” Washington, on the Pamlico River. The idea received a positive reception from generals John G. Foster and Burnside, and recruiting posters began to make their appearance on May 1. These promised prospective enlistees that their service would be as home guards within their county of enlistment, and that they would be under the protection of the United States government.<sup>26</sup> Foster, with the continuing aid of his friend E. W. Carpenter, saw the native North Carolina regiment as another opportunity for furthering his own career, and quickly assumed a role as regimental recruiter, although he had no formal relationship with the unit.

Carpenter, writing as Special Correspondent to the *New York Tribune* resorted to outright fiction in order to enhance Foster’s reputation in this regard. In a dispatch datelined New Bern, May 3, 1862, the self-described congressman was reported to be laying the foundation for second regiment of native North Carolinians in Hyde, Tyrrell, and Washington counties. This phantom unit was said to be armed and equipped, with a portion already “in the field, on their way to the scene of action.”<sup>27</sup> Regimental records, however, fail to show a single enlistment in the above counties during the period cited by the *Tribune* “Correspondent”.

The following month, Foster took time off from recruiting the First North Carolina regiment and his own mythical unit to return to the Federal capital to plead his case for a seat in Congress based on his earlier election under the short-lived Hatteras

24. *Raleigh Register*, May 21, 1862.

25. Brown, Norman D., “A Union Election in Civil War North Carolina,” *North Carolina Historical Review*, 43 (1966) : 391-92 (hereafter cited as Brown) ; *New York Tribune*, December 25, 1862.

26. “To the People of Eastern North Carolina” [Recruiting Poster], Henry Toole Clark Papers, Private Collection No. 235, North Carolina Department of Cultural Resources, Division of Archives and History, Archives and Records Section, Raleigh, North Carolina.

27. *New York Tribune*, May 8, 1862.

government. The House Committee of Elections met on June 5 and 6 to consider his case. A new impediment, however, had been introduced to dilute Foster's argument. On May 19, Lincoln had appointed Edward Stanly to be military governor of North Carolina. Foster could no longer claim the existence and support of a *de facto* or *de jure* Hatteras government.<sup>28</sup> His case now rested solely on expressions of public opinion rather than any previous election, as it had been carried out under the unrecognized Taylor "provisional government." On June 16, 1862, a negative decision was handed down. Noting that "*This is the fourth time that [he] has claimed to have been elected a representative to the thirty-seventh Congress*" from the first and second districts of North Carolina, it is difficult to understand how anyone can, in seriousness and in good faith, claim this to be an election of a "representative" to Congress.<sup>29</sup>

Foster, who had suffered so many previous rebuffs, was still not discouraged. He continued to speak at Union meetings where he actively campaigned for recruits for the North Carolina regiment and at the same time picked up support for yet another try at Congress. Free Labor Associations in the various counties, in some cases led by and made up largely of intensely abolitionist members of the First North Carolina, came to make up the core of his support.<sup>30</sup> By September, Foster gained open acceptance by the commander of the First North Carolina as a civilian recruiter for the regiment.<sup>31</sup>

On August 21, 1862, the Washington correspondent of the *New York Times* reported that President Lincoln had authorized North Carolina's military governor Edward Stanly to order an election for the first and second districts of North Carolina. Stanly, however, delayed a decision on the matter because, according to the New Bern correspondent for the *New York Times*, "*undesirable persons would be elevated to office*".<sup>32</sup> One such undesirable person was Charles Henry Foster.

In order to block Foster, Stanly brought in Jennings Pigott, a North Carolinian who was then residing in Washington, D.C., to run against him in case an election were held. Native Unionist opponents of Foster believed that Pigott would win easily over their detested enemy. On December 10, Stanly announced that an election would be held on January 1, 1863, for a seat from the second congressional district. The only serious candidates were Foster, Pigott, and Stephen D. Willis of Beaufort (City).

Pigott and Willis officially announced their candidacy on December 20, 1862, and Foster's failure to remove his name from the ballot left all three men in the race. On election day, the turnout was low due primarily to the fact that most of the congressional district lay either in Confederate controlled counties or in areas strongly contested by Southern guerillas. Pigott won with 549 of the 864 votes cast.

Pigott's victory was immediately challenged by Foster's supporters. They expressed outrage and prepared a series of documents to contest his election. On January 2, 1863, Private Abraham Congleton of the First North Carolina claimed that he had challenged at the polls over forty persons "*known personally as secessionists and to be open enemies to the government*". The entire roster of Company F and 36 members of Company G of the First North Carolina signed petitions swearing that they had voted for Foster and refused to recognize the validity of the election.<sup>33</sup>

Foster gathered these and other documents purporting to show the illegitimacy of the

28. Delaney, 361.

29. House Report, No. 118, Thirty-Seventh Congress, Second Session.

30. Brown, 391.

31. [Written endorsement by] J. M. McChesney, Commanding, First North Carolina Union Volunteer Infantry, May 9, 1863, Charles Henry Foster Papers, M-3498, Southern Historical Collection. University of North Carolina Library, Chapel Hill, North Carolina (hereafter cited as Foster Papers).

32. Brown, 386; *New York Times*, November 14, 1862.

33. House Miscellaneous Document No. 14, Thirty-seventh Congress, Third Session.

election and forwarded them to the Committee of Elections in Washington, D.C. It met in mid-February, 1863. Foster appeared as a witness and was angered when his lengthy presentation was cut short by its members. To the committee, the low turnout and inability of so large a number to attend the polls because of the danger of Confederate guerillas was sufficient to declare that a valid election had not taken place. The arguments of both sides were therefore irrelevant and need not be considered.<sup>34</sup>

Foster's defeat in the House of Representatives was softened when, on February 5, 1863, he was finally offered an officer's commission in the Federal Army and authorization to raise a second regiment of native Union troops. While in the capital for the hearings on the congressional race, he received notice from Adjutant General Lorenzo Thomas that the secretary of war authorized him to raise a regiment of volunteer infantry in North Carolina. He left Washington in March with "the written promise of the President" that he would be appointed captain with authority to recruit such a unit upon receiving the approval of Major General John G. Foster, commander of Union troops in North Carolina.<sup>35</sup>

On March 18, 1863, Foster reported to General Foster at the headquarters of the Eighteenth Army in New Bern, where his application as captain and recruiting officer for North Carolina was agreed upon. Shortly after presenting his papers to General Foster, however, and while the general's approval was in the process of final acceptance in Washington, D.C., Foster inexplicably began to make public threats against General Foster and former Governor Edward Stanly, who had resigned after a disagreement with the administration over Union policies in the state. His actions are difficult to comprehend given the former's generous approval of a recommendation that Foster's commission date from September 1862, in recognition of his work in recruiting for the First North Carolina Union Volunteer regiment.<sup>36</sup>

Perhaps in a display of unnecessary bravado, Foster arrogantly threatened to "ruin" General Foster if he failed to get his application approved as the state's recruiting officer and secure for him the higher rank of colonel in the Second North Carolina regiment. He had, he falsely bragged, played a major role in removing Governor Stanly, and could do the same to the general. Captain N. P. Pond of the Third New York Cavalry and naval Lieutenant T. J. Woodward, to whom Foster addressed his comments, reported him to military authorities.<sup>37</sup>

As he had not yet been mustered into the service, it was decided to try Foster as a civilian before a military commission to meet in New Bern on April 22, 1863. He was charged with using language prejudicial to good order and military discipline. Brigadier General I. N. Palmer headed the court. Foster acted as his own attorney but failed to persuade the court of his innocence. On April 25, 1863, he was found guilty and ordered to leave North Carolina with a promise never to return.<sup>38</sup>

Despite this forced exile from his adopted state, Foster managed to overcome the commission's sentence. In danger of losing all he had worked for, he appealed to General Foster, the man he had maligned, for a private interview to present an explanation for his actions before he acted upon the findings of the commission.<sup>39</sup> On

34. House Report No. 41, Thirty-seventh Congress, Third Session.

35. Lorenzo Thomas, Washington, D.C., to Charles Henry Foster, February 5, 1863, *Regimental Books*, Second North Carolina Union Volunteer Infantry, hereafter cited as *Regimental Books*; Charles Henry Foster, to Samuel C. Pomeroy, April 11, 1863, Lincoln Papers.

36. Court Martial of Charles Henry Foster, Eighteenth Army Corps, Department of North Carolina, Proceedings of a Military Commission held at New Berne, N. C., April 21, 1863, RG 153, U. S. National Archives, Washington, D. C.

37. *Ibid.*

38. *Ibid.*; John G. Foster to Benjamin S. Hedrick, August 31, 1863, Hedrick Collection; Delaney, 362.

39. Charles Henry Foster to John G. Foster, April 21, 1863, Charles H. Foster File, Miscellaneous Card Abstracts of Records, Roll



May 2, General Foster, now acting in support of Charles Foster, wrote to Major General John A. Dix, in Fortress Monroe, Virginia, with a request that he (Charles Foster) be permitted to work under him *“in carrying out the wishes of the authority given by the President”*. He further asked that he be given aid in raising a regiment in Chowan and adjacent northeastern North Carolina counties.<sup>40</sup>

Following his visit to General Foster, Charles traveled to Washington, D. C., where he apparently lobbied successfully with administration officials. On May 8, Secretary of War Edward Stanton wrote to inform him that the *“President . . . has appointed you Captain in the 2d Regiment North Carolina Volunteers,”* with orders to report for duty to Major General J. G. Foster.<sup>41</sup> On May 22, Captain Foster left the nation’s capital for Norfolk, Virginia, where he received orders from General Foster to report to Major General John D. Peck at Suffolk. His designated task would be to *“recruit from that portion of the population of [North Carolina] lying between Albemarle Sound and the borders of Virginia”*. Any recruits obtained were to remain in Suffolk *“until such time as the force under my command will admit the reoccupation of Elizabeth City,”* North Carolina.<sup>42</sup>

Foster’s exile in Virginia was short-lived, and by June 7, 1863, he was writing from New Bern for permission to accompany a military expedition into the northeastern counties in order to retrieve his family, with whom he had reconciled, and who were still residing in the Confederate-held interior. On July 27, he entered Murfreesboro aboard a federal gunboat, only to find that his wife and daughter had already departed for Union territory, where the family would be reunited.<sup>43</sup>

On October 3, 1863, Foster received the authorization he had long awaited to begin recruiting operations. Special Orders number 45, issued by General Peck, commander of the Army and District of North Carolina, was notable for the fact that it came under the signature of Benjamin Foster, Charles’ brother, who was now serving as assistant adjutant general on Peck’s staff, a position that undoubtedly worked for Charles Foster’s benefit during his tenure with the Second North Carolina regiment.<sup>44</sup>

Foster placed his highest and almost exclusive priority on recruitment. This task would not be easy. General Foster had noted four months earlier that recruits were no longer to be had in the occupied region below Albemarle Sound. Eastern North Carolinians who were true Unionists and those who had joined in order to remove slavery from the state had already enlisted in the First North Carolina regiment more than a year earlier. This left Foster in the unenviable position of relying almost exclusively on poor whites with families to feed and shelter, and Confederate deserters fleeing combat on the battlefields of Virginia as the primary sources for building the regiment. The motivation to fight for the Union was largely missing from these men.

Unable to rely on patriotism as a motivating force, Foster relied heavily on three sources to encourage such men to enlist in his regiment : enlistment bonuses of three hundred dollars which would provide a year’s salary for merely signing enlistment papers ; promises of food and shelter for families of poverty-stricken poor whites ; and safety under the protection of Union forces for Confederate deserters and draft resisters

25, Compiled Service Records of Volunteer Union Soldiers Who Served in Organizations from the State of North Carolina, National Archives Microfilm Publications, Microcopy No. 401, Washington, D. C. : U. S. National Archives, 1962 (hereafter cited as Foster File).

40. John G. Foster to John A. Dix, May 2, 1863, Foster Papers.

41. Edward Stanton to Charles Henry Foster, May 8, 1863, Foster Papers.

42. Charles Henry Foster to John G. Foster, May 22, 1863, Foster File ; John G. Foster to John D. Peck, June 6, 1863, Foster Papers.

43. Charles Henry Foster to John G. Foster, June 7, 1863, Foster File ; Parramore, 154-55.

44. Special Orders Number 45, Headquarters, Army and District of North Carolina, New Bern, Foster File ; I. Graham Tull, to Benjamin S. Hedrick, February 22, 1864, Hedrick Collection.

who had no desire to be sent to the front lines in Virginia and elsewhere. In January, 1864, Foster went so far as to attempt to recruit light skinned free blacks who professed reluctance at enlisting in black regiments. This latter practice ceased following a request for approval to General Butler, who apparently believed that such recruitment would interfere with the formation of Wilde's African Brigade, which was then recruiting in North Carolina. Even these inducements, however, would be insufficient to attract men in the numbers necessary to form a complete regiment.<sup>45</sup>

On February 1, 1864, Foster's regiment received a crushing blow from which it would never fully recover. Fifty-three men of Company F were captured during a surprise attack on New Bern by Confederate forces under General George Pickett. The men were stationed at Beech Grove, a Union outpost eight miles east of New Bern. Made up largely of former Confederates, its function was to intercept and enlist deserters fleeing from the Southern stronghold of Kinston about 15 miles east. Surprised by Pickett's men, and unable to escape, the men were taken as prisoners to Kinston. Nearly all of the captured men would die within two months, most in Confederate prisons in Richmond, Virginia and Andersonville, Georgia. Twenty-two, however, were court marshaled as deserters from the Confederate army, found guilty, and sentenced to be hanged. Mass public executions took place in Kinston between February 5 and 22, 1864.<sup>46</sup>

Although Foster protested the executions and attempts would be made to bring Pickett to justice, their immediate effect was panic and demoralization among the men of the two white North Carolina regiments. Sergeant George W. Jones, whose brother had been hanged in Kinston, complained that "*I am looked upon as a traitor and coward by the majority of the North as well as the South, and neither feel willing to protect me...*". Therefore, "*I no longer feel willing to serve . . . [as] I feel like a prisoner whom his sentence is death awaiting the day of execution*".<sup>47</sup>

Conditions continued to deteriorate in Foster's regiment following the hangings. Desertions increased, discipline declined, and on at least two occasions mutinies were put down.<sup>48</sup> While he was trying to turn conditions around, Foster's dream of military glory burst.

His downfall was brought about by General Butler who only recently had appointed Foster to the rank of lieutenant colonel on the recommendation of his predecessor. On March 12, Butler informed Secretary of War Edward M. Stanton that he had received an unspecified paper in connection with Foster that caused him to conduct further inquiries. Foster's "*movements in 'Sixty-one, the method he took to get back into the service [following his ordered removal by the military commission], his seeming want of efficiency, and his fickleness of purpose, render it not desirable that he should be retained in the service*".<sup>49</sup> Special Orders Number 124, issued by the War Department on March 22, 1864, however, simply alluded to "*improper conduct relative to his appointment and for unfitness for the position of an officer, as reported by the*

45. Second North Carolina Union Infantry, *Regimental Books*, RG-94, Records of the Office of the Adjutant General, U. S. National Archives, Washington, D. C. Information comes from an examination of many documents scattered throughout regimental records (hereafter cited as *Regimental Books*).

46. Collins, Donald E., "War Crimes or Justice ? General George Pickett and the Mass Execution of Deserters in Civil War Kinston, North Carolina" in : Steven Woodworth, editor, *The Art of Command*, University of Nebraska Press, 1998, Chapter 3.

47. George W. Jones File. [Roster of the] Second North Carolina Union Infantry, Compiled Service Records of Volunteer Union Soldiers Who Served in Organizations from the State of North Carolina, National Archives Publications, Microcopy No. 401, Washington, D. C. : U. S. National Archives, 1962.

48. Charles Henry Foster to Benjamin B. Foster, March 12, 1864, *Regimental Books* ; Walter S. Poor to Benjamin F. Butler, April 11, 1864, *Regimental Books*.

49. Delaney, 365 ; *Private and Official Correspondence of General Benjamin F. Butler During the Period of the Civil War*, 5 vols. (Norwood, Massachusetts, 1917), 3 :520.

*Commanding Officer, Department of Virginia and North Carolina, and other General Officers*".<sup>50</sup>

At the time of his dismissal from the service, Foster had built a regiment of 413 men. Of these, most of company F had been captured at Beech Grove, and within a month of his discharge, another two companies would be captured at the Battle of Plymouth, leaving only two of its five companies available for duty. On April 4, 1864, Lieutenant Colonel Walter S. Poor assumed command. He found a regiment whose morale was destroyed, its discipline almost non-existent, and administrative affairs in disarray.<sup>51</sup> The regiment that Foster had conceived and built was in an irreversible decline. By August 1864, poor morale and fear of capture led Poor to request permission for the Second North Carolina to lose its identity by merging with a Northern regiment. This, it was believed, would make North Carolina Union soldiers indistinguishable from their Northern brethren, and protect them from execution if captured.<sup>52</sup> The request was denied, but merger with the First North Carolina was accepted, and on February 27, 1865, the Second North Carolina disappeared as a regiment.

Foster never recovered from the humiliation of his dishonorable discharge and would never mention it in later writings about his life. Following his dismissal, he remained for a month or more in Beaufort where he attempted to obtain a reduction, if not complete reversal of his sentence, or at the very least permission to save face by resigning from the service. Failing this, Foster returned to his parent's home in Orono, Maine, to carry on the struggle to clear his name.

In July, he made an unsuccessful effort to return again to the South as an agent for Massachusetts to recruit soldiers for that state in the occupied areas of the Confederacy. Approval for the position apparently depended on securing a reversal of his dishonorable discharge from the service. With this in mind, Foster wrote to Secretary of the Treasury William P. Fessenden, a politician from Maine, and like himself, a Bowdoin alumnus. Foster pleaded for understanding of his actions in North Carolina, describing himself as a "*refugee, with my family dependent on me, without a home save my father's roof*". Foster begged Fessenden to intercede with President Lincoln for "*clemency in causing the cruel order dismissing [him] dishonorably from the service to be rescinded*". Apparently tiring of Foster's entreaties, his request was filed away with a written comment that "*This man Foster has had his case twice examined and twice adversely decided. The last application, I thought, had exhausted the case*".<sup>53</sup>

With his appeals denied, Foster drifted from job to job never completely successful at any until near the end of his life. In early 1865, he attempted to earn a living as a freelance lecturer in Boston, which he interrupted to return to North Carolina when his wife decided to return to her parents' home in Confederate occupied Murfreesboro. Foster remained alone in the coastal region eking out a meager living as a lawyer. When Richmond fell in April 1865, he reunited with his family and opened a mercantile establishment with the help of his father-in-law. Over the next few years, he tried his hand again at law, followed by the establishment of a short-lived news bureau in Raleigh, the state capital. His roll in reconstruction North Carolina was minimal. In 1867, he ran unsuccessfully to serve as the delegate from his county to the state constitutional convention called for by the states' military commander, General Edward S. Canby.

50. Special Orders No. 124, March 22, 1864, Foster File.

51. Walter S. Poor to Benjamin F. Butler, April 11, 1864, April 12, 1864, *Regimental Books*.

52. Lieutenant Colonel, Commanding, 2nd North Carolina Volunteers, to J. A. Judson, August 21, 1864, *Regimental Books*.

53. Charles Henry Foster to William P. Fessenden, July 21, 1864, Foster File.

In 1878, the Fosters left North Carolina, reportedly over concern for Susan's health, and settled in Philadelphia. There he was employed as a traveling salesman going from door to door and business to business selling subscriptions and advertisements for the *Norfolk Virginian* and other Southern newspapers. In June 1878, he was approved to practice law before the Philadelphia bar, and opened an office with George W. Reid. His real love, however, was journalism and he would sit up late hours writing articles for a number of newspapers and other periodicals. He became a regular visitor to the offices of the newspapers of Philadelphia, offering to sell his articles for publication.

In November 1879, Foster realized his childhood ambition of becoming a successful newspaperman when he was hired by the *Philadelphia Record*. Over the next three years, he rose to become its lead editorial writer. The success that had eluded him for so long was now his. On March 8, 1882, he developed signs of pleurisy that turned into pneumonia. He died peacefully at home the following Tuesday, March 14, surrounded by his family.



*Foster wrote to Secretary of the Treasury William P. Fessenden, a politician from Maine, and like himself, a Bowdoin alumnus, pleading for understanding of his actions in North Carolina (Photo Brady)*

Charles Henry Foster had all the makings for success. Possessed of a brilliant mind, he was a gifted writer who was acquainted with many of the literary, political, and military leaders of his day. He squandered a promising career in journalism, his first love, for dreams of political and military glory. The success of the First North Carolina Union Volunteer regiment owes much of its success to his recruiting ability. For all his brilliance, however, he was not an able leader of men, and the failure of the regiment was due largely to his own shortcomings. His lack of administrative ability combined with his lapses in ethics caught up with him at the height of his glory and brought him down to smashing defeat. But although unsuccessful, he made his mark on history, and the cause of Unionism in North Carolina during the Civil War benefited by his presence in the state.

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*The CHAB is indebted to Samuel Newell for permitting the association to reproduce the picture of his great-grandfather, John H. Nethercutt, to illustrate the above article.*