

Prologue

The Confederate Defenses, Battle of New Bern, March 14, 1862

The battlefield was alive with concussion blasts from the angry, horribly loud thirty-two pound cannon. Those blasts spit fire some thirty feet from the end of the cannon barrel. They were literally earth-shaking, and Phil Bender was terrified! He heard each shot and felt each pressure surge from those explosions in his chest, his ears, his legs, and his eyeballs. Each blast seemed to take the breath from him as he felt the angry fire and steel all around. He knew he would be dead in only seconds.

So he did what any man would do; he ran for his life. They all did at that point, fleeing like a scattering of rats into the deep woods that began only fifty feet behind the Confederate defensive line just six miles east of New Bern. There he stopped. Standing behind a large oak, he loaded his rifled musket and took several shots at the damn Yankees. Then he remembered to shout at his men, "Rally behind the timber, and hold fast!"

He heard similar shouted orders from other lower-ranking commanders on the field, but most of the men merely fled past him. Many had already dropped their rifled muskets in their flight, and they figured that standing behind a tree with no rifle at all accomplished nothing. What were they supposed to do? Shout curses at the damn Yankees? Where did all those damn blue bellies come from anyway? Those Confederates were not about to stop, and to a man, they kept moving away from the fight. To Phil it was soon apparent that the maneuver he had ordered only seconds before had turned into an unorganized route.

A rider-less horse galloped past, nearly knocking Phil to the ground. He saw the horrid wound in the horse's front shoulder, a jagged piece of wood or metal sticking out of the muscle. Blood and bone were flying in every direction as the creature fled past in terror. It is an oft-neglected fact that battlefields of those days tortured not only men, but also the animals on which those men relied. That wounded horse in its terrified death gallop was not to be the only horror Phil witnessed. He watched with a mounting fear as his men—those that were still able—streamed past him, running for their lives. While the carnage in the Confederate line grew, the terror of war became apparent.

As he stood behind that tree, loading and firing as quickly as he could, Phil saw one man torn in two by a cannon shot. One moment he was running, and the next, his torso seemed to jump away from the rest of his body, leaving his legs behind. Phil said a quick, one line prayer for the unknown Confederate, and began reloading his rifle. Still, in those minutes, something happened to Phil

Bender. As he watched the bloody carnage—the death, the stink of war—while his men rushed by, he realized he had no prospect at all of stopping them. He knew war at that point, and for some reason as the immediacy, the horror, and the bloody carnage of that battle overtook him, he recalled his father’s warnings of war from his deathbed years before. How in hell could that old man have known?

But then Phil was interrupted by the next horror of that frantic Confederate retreat. A single Confederate private whom he did not know died only two feet from him. Three mini-balls from Yankee muskets hit that man at almost the same time, and the devastation tore his body nearly apart. Phil cried out loudly, his shout lost in the battle noise, as he clutched his empty musket. He turned away from the advancing enemy with the blood and brains of that man on his face, arms, and chest. He tasted that man’s brain on his tongue as he crouched low behind the tree, crying and terrified. For a few brief moments before his pending death, he withdrew into himself. He was spent; his command was lost, along with most of his sanity and all of his courage. He had, at that point, nothing left to give. It was as if he were dead already.

At the Deathbed, The Bender Plantation, April 1854

John Knox Bender, patriarch of the Bender family, was not yet dead. He was sixty-nine years old that year, and his last years had not been easy. With the dark clouds of war rising throughout the Carolinas in the early Spring of 1854, he’d called his sons together, along with two free black men. Each understood this to be John Bender’s deathbed.

The three Bender brothers, somewhat surprised by the presence of the two black men, nevertheless gathered near the bed of their father. All three were all in their early to mid-twenties, and all were fine young men, men who were beginning to make their way in life. Philemon Hughes Bender was the oldest. Phil looked very much like his father, with fiery red hair that bespoke his German heritage. He cut a dashing figure, indeed, at six feet two inches, and was a leader among his peers, in every way. Broad of shoulder, strong in temperament, self-reliant, though perhaps a bit boastful, he was essentially running the family plantation even then, as his father grew older. On that day, all assumed that Phil would carry forth the Bender name and become the patriarch of that storied family for decades to come. No one in that room would have believed that fate, often unkind and always unforgiving, would choose another course for Phil—and indeed, for many of the men then present at that bedside.

The middle son, Bryan Ernest Bender, did not measure up to his older brother. He was considerably shorter and not nearly as attractive to the ladies of the day. He was also a cripple; he had a lame arm. He had been born with a

withered left appendage, and that had been enough to keep him from being fully active in the robust games of his youth. He could recall many times where he felt that disability; various episodes from his youth when all of the other young boys were planning a camping or a hunting trip, or merely wrestling in the yard. He was always unable to participate. He remembered sitting, uninvolved and very alone at those times while he watched others hunt or race horses. In that aloneness he sometimes found utter despair.

Still at those moments he learned to escape into the various books his father had collected over the years at the plantation. In fact, he had gone for a time to the great University in Chapel Hill, where he had picked up the habit of reading everything. Moreover, he had learned to think clearly and deeply about any issue before him. His mind was sharp and as refined as almost any in the coastal Carolina region. Even from that early age, he was becoming the rarest of men: He was becoming not only learned, but wise.

In time, he developed a stern, yet rambunctious sense of humor, revealed most often in a rather dry wit! In spite of his lame arm—a true handicap in those years—everyone expected Bryan to do acceptably well. Bryan was running the family mercantile business located only twelve miles up the Island Creek Road, in New Bern, North Carolina. Most in the town of New Bern considered him a mere clerk, not realizing the international reach of his business endeavors—the obvious exception being his father, John Knox Bender.

The youngest brother, John Robert Bender was called Jake. He was a handsome young man with a boyish countenance and an easy temperament, having by far the best sense of humor in the family. Because prospects were somewhat limited for him, at least in terms of managing any of the family holdings, he had recently begun life as a sailor. With his education and his father's business connections with local shipping magnets, he had moved up fairly quickly to serve as second mate on a coastal freighter that plied the waters of the Atlantic Coast. He knew the harbors of Boston, Philadelphia, Baltimore, and New York quite well, as well as all of the leading southern ports—Savannah, Charleston, and New Orleans. In fact, every so often his brig, the *Trent Witch*, even sailed to Scotland or England! He was in town only rarely, and had returned home for an extended stay at this point. He had chosen to miss his ship's next cruise because of his father's long illness.

All three brothers were seated near the bed of their father, John Knox looking on solemnly. Their mother, Emeline stood near the head of the bed.

The two black men, Furney Bryant and Brice Bender, were standing respectfully away from the brothers, showing the proper sorrow, as expected of blacks in those days when dealing with an illness of a white aristocrat. Neither man knew why he'd been summoned to this family scene, and both felt some

trepidation that evening, even though they knew this family well.

While Brice had always been free, Furney Bryant had been born a slave; but, someone unknown to him, had purchased his freedom early in life. These two men were now both free black businessmen; each was well-respected in the community of New Bern, and each had done business for many years with John Knox and his sons on the Bender plantation. Everyone in the community had always assumed that the Bender family had owned Brice Bender's people at some point, since slaves often took the names of their masters when freed. Few seemed to know much about the actual ancestral connections however, and in those distant days, no one asked many questions on such matters. All five of these young men were about to receive a shock none of them could have expected.

The raspy death-voice of John Knox was understandable, though barely a whisper. He spoke while looking at his sons. "Boys, come a bit closer. I'm not sure how long I can speak."

The three white men drew their chairs nearer the bed, and John Knox continued. "My father, before he passed, laid a solemn duty upon me, and I now pass that on to you. For I must tell you of your family." Here the old man paused and coughed. Each of the others noted that even those few words had seemed to exhaust him.

Emeline quickly asked, "Do you want a drink, dear?"

The old man nodded his head in the affirmative, as she reached for a decanter on the dresser behind her. She put a cup of cool water to his lips. He sipped a bit, and then continued. "I now give you, my three sons, the same charge and responsibility; the duty of all of the Bender men, which will be your solemn oath before God."

Not knowing what was coming, Bryan interrupted. "Father, should we not do this in private?" He looked to the two black men on the other side of the bed, and continued. "Perhaps just the family?"

"No!" came the forceful answer from John Knox, as one final time in life he showed the fiery disposition—that quick temper—for which he was known. "This legacy is an oath I shall require of each of you prior to my death, as it was required of me. I chose to include these two men for my own reasons. This oath was required of me and of all of the Bender men in this family long before me. The oath is now your burden, and it affects you all." Here he paused to breathe deeply. He spoke again with a softer voice. "I have to do this while your brother John Robert is in port. He must hear this, and his ship may sail again at any time."

John Robert merely nodded. He had been at sea for six months, sailing the three-mast brig to Baltimore, then up to Boston, and then across to England. He hoped to work his way up to first mate soon, but he realized he could not

accomplish that quite as quickly as he'd like, even with his father's backing. Still, he hoped to become a ship's master some day. In the 1850s, that often required years of experience.

Phil spoke up then. "But Father, if it is about your will, you know we have all read that, and all of us are in agreement." Phil thought that to be an important point, since the family holdings were considerable, including the well-stocked mercantile store which Bryan ran, various building lots in New Bern, and some farmland across the Trent River from New Bern that the family always leased out. They also had some wooded land forty miles up the Neuse River at White Hall, and of course, the large Bender Plantation itself along Mill Creek in Pollocksville, North Carolina. That plantation housed the entire family, as well as twenty-five valuable slaves.

Of course, with the abolitionists kicking up a fuss in all of the northern papers that chattel might be worth very little in the not too distant future. That was only one of the political storm clouds on the horizon that had worried them all—even as John Knox lay on his deathbed.

John was speaking again, just a raspy whisper now, as all leaned forward to hear. "I must do this with you all here, including these men." He gestured to the two blacks. "Please do not interrupt your father again!"

Emeline then sought to calm matters a bit. "Take some more water dear, and then do continue before you become too tired."

Again, John Knox sipped from the cup his wife held to his lips. Then he spoke. "Our family has long done business with both Furney Bryant and Brice Bender here. Furney is the best blacksmith in New Bern, white or black, as well as a fine preacher for the darkies I'm told. Brice here builds all of our furniture, and much of the furniture for the finest houses in New Bern." At that he paused once again, clearly exhausted. After a few breaths he continued. "As you know, our ancestors once owned Brice's people. You may not know that the same is true of Furney's people."

At that, Bryan and John Robert both looked across the bed at Furney, and the expression on that black man's face showed horror, and as much surprise as any in the room. Then Furney realized that almost everyone in the room was looking at him. "I don't know how you might know that Mr. John. My daddy was a Bryant, a sailor my Mama knowed for a time, and I know my granddaddy on my mama's side was Barney Brice, but that's all I knowed."

John Knox continued in his raspy voice. "Your people come from the same line as Brice here. Barney Brice was the grandson of Burdine Bender's daughter Rachel Bender, just like Brice's pa. Emeline can show you your family line on your Mama's side after we're done. For now, let me just say that you and Brice are distant cousins of me and my three sons here!"

All were shocked by the boldness of that statement, and no one in the room knew how to respond. In those days, the heyday of slavery in the antebellum South, no one spoke of such things in polite company. Neither Brice nor Furney had ever heard any white man, a slave owner no less, boldly claim kinship with any black man at all. It simply wasn't done!

Bryan, ever curious, was the first to speak. "What are you saying father? Even if that is true, why are these men here? We know one ancestor or another slept with a slave, but that is not the sort of thing discussed in the family!"

John Knox looked at Bryan, perhaps his smartest son, if not the most physically capable. With Phil running the plantation, and Jake off at sea, it had been Bryan that took over not only the store, but several other business holdings and the financing for the family. Even with the plantation doing well, John Knox knew that the real family wealth, and the future of the family, lay with his store and his other business interests. Thus, even while he lay dying, John Knox knew that family matters were in good hands. Still, he despaired of what that future might bring in those troubled years of the 1850s.

"What you are about to read is an oath, and each of you will swear to abide by it, or you will be left out of my will. Should that occur, you will then lose all of your inheritance."

Everyone in the room was shocked into silence. Why would their father do this type of thing on his deathbed? Why do this with two darkies watching? Jake recovered first, and adopted a stern tone. "Father, you must explain the meaning of this. We are not children anymore, and we have all been dutiful sons. Each of us is doing quite well, and we do not deserve this disrespect. You are embarrassing these two men," here he gestured to the two black men, "as well as our Mother. Why? Have we displeased you in some way?"

Several in the room expected an explosion of the fiery anger once again. John Knox, a stern, strong, and some might say overly forceful man, was never a man to be casually challenged. All in the family, indeed all who knew him, would normally have expected ire from this man, their loving, yet short tempered father. Still one's pending death always seems to put things in perspective a bit, and John Knox did not show anger as his family expected. All were surprised when he said nothing for a moment. Then they were absolutely shocked to see a lone tear crept down his left cheek as he lay enfeebled and near death on the bed. Surprisingly, John Knox was smiling, even as he cried.

When he spoke again moments later, his voice had more force, as if his indomitable will had returned during those brief moments. With tears still on his cheeks, he spoke. "I have been one of the most fortunate men alive. God has blessed me richly! He has given me a wonderful woman as my wife." At that point, he looked at Emeline for a moment, who smiled in return. Then,

after a pause, John Knox continued. “I have been fortunate to love her very deeply throughout my life. She presented me with three fine sons and four fine daughters. I’m greatly pleased, I am greatly blessed, in every way a man can be blessed, with each one of my children.”

Everyone held their tongue, and let their father rest for a few breaths. He then continued, in what everyone recognized as a formal tone of voice. “God will soon call me to my reward, and I go willingly and happily. Each of my daughters is well married, and each of my sons has begun a good profession. Each is a committed Christian, and that is important to me. Each one is saved in the eyes of God.” He paused again, then continued. “I do feel I have been blessed by each of my children. Nevertheless, I shall absolutely require that each of you, my sons, swear to abide by this family legacy and this oath before you receive your inheritance. This is a serious matter—a serious obligation on you, and likewise on the two men before you. These men are your kinsmen, and Emeline will show you their family line, which proves that their family and our family are one, and have been so for several generations.”

All sat in silence for a moment. Then John Knox continued. “Now, I formally request that my oldest son Phil read this legacy, the Bender Legacy, for all here, as set down over a hundred years ago by the hand of my great grandfather, Martin Bender. You will each swear before God to honor this legacy before you leave this room.”

Bryan was even more shocked by what his father had just said. “You mean you have something written by Martin Bender, our ancestor? Why have you not told us this before?”

John Knox merely smiled and gestured to Emeline, who retrieved a document from the top drawer of the dresser behind her. She handed those frayed, yellowed pages to Phil. The pages looked exceedingly old, bent, and worn at the corners. Phil took it carefully from his mother, and in a moment he began to read aloud.

The Legacy

As a codicil to my last will and testament, I write these instructions, as a legacy to my sons Daniel and John, as to the maintenance and help they shall provide to my other children. As Daniel and John are both of age at the date of my writing, I leave this legacy as binding on both of them, or either of them that shall survive the other. Because of my illness, my sons and I have discussed this legacy together, within the last week, but I put it down herein for clarity, written by my own hand.

It is my wish that they leave this legacy and commitment, each in their own line, for their sons through the generations. I state and require them to commit, by their own oath, before God, as follows.

1. My sons, their sons, and all my progeny shall know that Burdine Bender, a Negro son of the slave Beatrice, is my son. By my last will and testament he and his mother Beatrice are, and shall remain forevermore, free. I have provided additional written notes, by my own hand, on this matter and the many other things in my life that my sons should know of my reasons for this.

2. Knowing that others do not look kindly on free Negroes, I require that my sons Daniel and John, prior to accepting their inheritance from me, do swear before each other, before their mother, and before Almighty God a promise to keep Burdine Bender and his progeny close to their farm or place of business, and to assist Burdine as he wishes and as he sees fit, and to assist all of his children through the generations, in learning trades that they may survive and thrive. These are your brothers and sisters before God, as shown in these notes and this legacy, and it is my hope and prayer that ye all assist each other whenever needed.

3. In my lifetime, I have made certain that Burdine learned his Bible, his letters, and his numbers, as I have all my children. I require that you each, Daniel and John, shall assist Burdine and see that his children and all those generations of his children learn to read the Bible and other writings, and learn their numbers.

In this new world, family lineage counts little. In this colony, if knowledge is the real power, then education is the real freedom. Mrs. Margaret Simmons taught me that when she took me in, and I most strongly admonish you to never forget that lesson. Read everything you can; learn everything you can, and work hard to assist Burdine, that his children may do the same.

4. I have sought forgiveness before Almighty God for my sin, and I have received such bountiful forgiveness as a benevolent and loving God may provide. I attest hereby that I die in peace with God, as is the blessing of his grace, his forgiveness, and his will. But herein I also testify, before God, that in spite of my sin, much joy and happiness has been afforded me by my son Burdine, as also from my sons and daughters by Katheryn Simmons Bender. I have loved Burdine as a son, as you know, and I urge you to love him as a brother, as you have thus far in life. He is a worthy man, and friend, and a brother you can count on, even as you count on each other. You are very fortunate to have such a man as he by your side, as I had such a man by mine, as these papers and this legacy hereby attest. Honor him, as you honor each other.

5. As this oath requires actions not condoned and not legal in this world, but right and true in God's eyes, as also in my beliefs, this oath shall be kept secret from all others through all the generations. However, I do most earnestly urge you, my sons, and the sons in those future generations, to share this legacy with your wives, as have I. Your wives are your strength and the backbone of this colony and I urge you to trust them and seek their guidance as to how to carry out this legacy, and in all other important matters as long as you shall live.

I do instruct and admonish you to read the story of the women in Brice's barn. They are strong women, and such women will be a blessing to you through all your generations. These are the women of the Carolinas; these are your mothers, your sisters, and your wives. If I have sired wise men through all the generations herein bound by this legacy, then by your acceptance of this legacy and as sworn before Almighty God, each of you shall marry a woman stronger than you are.

6. Finally, I also troth my sons to tend and to keep their Uncle, known to them as Uncle Dunker Tim, the one-legged Free Negro who has lived with us these many years, for as long as he may live. He has built much fine furniture, as you know, and you will keep him supplied with timbers that he may continue that work in his cabin at Mill Creek as long as he desires. By earnings from those pieces, and your help for this man, he will be provided for comfortably in his cabin, and well fed, and doctors provided when needed. He has saved my life more than once, as I have his. Many notes attached hereto attest to our battles together. He has been at my side throughout my life in tough times, and I have no doubt he is standing at my side, even as I lay in my coffin, and helping my family as you read these words in the days of my death.

I began my life in New Bern alone, as you know, but I did not live alone. God in his benevolent grace granted me a wonderful wife, Katheryn Simmons Bender, five fine children, and a great and true friend, Dunker Tim. I hereby testify at my death before Almighty God, that no two men could be more closely brothers than Dunker Tim and I, in this life or the next.

As I believe God has willed, I have identified a slight rise of one half acre, in the field behind my home, the Bender Plantation on Mill Creek, where I and my wife, Katheryn, shall be together buried. It is my wishes that this Free Negro, my friend Dunker Tim, likewise be buried in that half acre plot near to me, should he wish it. He often sat at my table to sup, he fought with me, and we bled together many times. I will be proud indeed to share my final patch of ground with both my wife and my friend.

This legacy and commitment, as well as all my notes on these events, I leave to my sons. If you honor me as is proper, as your children will be made and taught to honor you, I confirm you to this legacy and make it binding unto you for all your years. I urge you to make this legacy binding on your sons in those future generations.

This responsibility has been and can be, a great joy in life and not a burden, as I have endeavored to show you in all my days. That is always a choice that a man can make, and I pray I have taught you to make that choice wisely.

– Martin Bender, May, 18, 1750

Sworn before Katheryn Simmons Bender, my loving wife, who may hereby attest to the truth of this legacy, and take the oath of my sons, Daniel and John, to abide as described herein.

Under the paragraphs of the oath, were a series of signatures that seemed to be generational.

We sons of Martin Bender agree to abide by all provisions of this oath throughout our lives.

Daniel Bender as witnessed by Katheryn Simmons Bender, May 18, 1750

John Bender as witnessed by Katheryn Simmons Bender, May 18, 1750

We sons of John Bender agree to abide by all provisions of this oath throughout our lives.

John Bender, Jr.,

Martin Bender,

Lott Bender,

as witnessed by Mary Bender, wife of John Bender, September 18, 1794

We sons of John Bender, Jr. agree to abide by all provisions of this oath throughout our lives.

John Knox Bender,

George Stroker Bender,

Robert Hughes Bender,

Bryant Brice Bender

as witnessed by Fanny Bender, wife of John Bender Jr., April 13, 1832

As Phil finished reading, the raspy voice of John Knox could be heard once again. “You will each swear to this legacy today. Furney, you and Brice will likewise swear to this legacy, as it binds you each to assist each other, your cousins, and my sons. You will receive substantial farmlands from my will, but only after you swear to honor this oath, as likewise is required of my three sons here.”

Furney looked surprised, but Brice looked absolutely shaken. He said, “Sir. Thank you for yo’ kin’ness and all, but don’ you think . . .”

John Knox loudly interrupted. “Brice. You build the best furniture in these parts, and your daddy taught you to do that. I recommend you to everyone I can, and I sell your pieces in the mercantile shop. Do I not?”

Brice said, “Yes’ um you sho’ do. And I thanks ya. I sho’ do, suh!”

John Knox continued. “Brice, I do that because both you and Furney are descendents of Burdine Bender, the one mentioned here in the family legacy. You and Furney are our cousins, and I took this oath before you, as you can see. In their later years, Burdine and Daniel both went to Tennessee, but both of them left family here in New Bern. I can only hope our Tennessee cousins continue to meet these obligations, but I can state before God, that I’ve met them in my life, by helping the both of you whenever I could.”

At that point, John Knox looked over to Furney, and said, “Furney, you apprenticed to the finest blacksmith in New Bern, Mr. Darrel Kennedy. Did you not?”

Furney said, “I did suh! and I’s mightily lucky to get dat work!”

John Knox answered. “You were not lucky Furney. You are a good worker, and everyone in New Bern knows that. Because of that, and because of this legacy, my father and I had you put with Mr. Kennedy, the finest blacksmith around, because he did much of the work for my father on this plantation. You realized that old man Kennedy had never apprenticed a free Negro before you, don’t you? My father purchased your freedom secretly when you were a boy, and then my father prevailed upon him to take you. You are part of the legacy, you see.”

Bryan, by this time, had seen the inherent danger in the legacy, and always one to tackle the difficult propositions head on, he asked. “Father, I can see that you helped these men in their apprenticeship and in trade. We will certainly continue that, if that is your wish, but neither of these men can read. That is against the law, even for free blacks these days.”

John Knox, ever proud of his tough-minded, sharp-witted, though crippled son, smiled at Bryan as he said, “Phil, hand that legacy to your cousin Furney, here.”

Jake then spoke up, thinking that his father had all but lost his mind! “Father, don’t embarrass these men! These are important men, men of substance among the coloreds, and they know the law about Negroes reading!”

John Knox merely waved a feeble hand to hush his son, and he looked deeply into the eyes of the black man next to his bed. “Furney, you are a minister of God, so you will tell the truth now. You learned to read from Ms. Laura Lynn Waller, that firm-minded Quaker lady that everyone hereabouts thought was a blithering idiot for trying to teach coloreds to read—slaves and free men alike. She came through these parts when you were a young boy. I know that you learned to read, so don’t deny it. I paid her salary, or part of it, you see. You studied for the three years she was here, meeting secretly in the basement of the Negro Church over on Pollock Street. That was before the Sheriff caught on and drove her out of town in 1838.”

Furney merely hung his head, but he did not deny the story. John Knox continued. “Even now, once each month a book arrives from the Quaker Belt, those damned abolitionist Quakers up in Salem, North Carolina. The book comes in a brown wrapper. It is sometimes a book of prayer, sometimes a Bible commentary, or maybe even plays by one author or another. It is usually mixed in with some coffee beans and labeled coffee, in case the package is ever considered suspect or happens to break open.”

Furney merely looked at John Knox with total astonishment. He had always thought that Ms. Waller had merely kept sending the books to him for all those years, and he cringed to think that a white man in New Bern had known of his illegal activities all along!

John Knox continued. "I have paid handsomely for those packages for these many years, and you have, by now, received a fine education. As a minister, honor-bound to honest behavior, you will read the first provision of the legacy for all here, please."

Furney knew he took his life in his hands. He knew he could be arrested and imprisoned should his actions become known, but he also saw the truth in what John Knox Bender had said. He had often felt especially blessed in his life, as if looked over by a guardian angel. He felt God had smiled on him in many ways, and he was thankful. Why would a man like Kennedy, known to dislike blacks and to hate free blacks in particular, offer an apprenticeship to him? Who had purchased his freedom? How could he be so fortunate to receive books almost every month from a lady he'd not seen in years? Now, standing by this bedside, he realized why.

He took the pages of the legacy from Phil, and read, without flaw or pause, the entire first paragraph.

Phil, looked at Furney, as he finished reading, then spoke for all in the room. "Good God! No one must know of this! We all just broke every one of the literacy statutes!"

John Knox ignored Phil's outburst, and, looking at Furney, he merely said, "I am very proud at this moment. I am extremely pleased and proud to hear you read that. You have indeed learned well." He continued to smile at Furney for a moment, then he turned to Brice. Again, his voice seemed a bit stronger. "Brice. Now you will please read the second provision."

Phil then repeated himself, "Oh my God, Father!"

John Knox continued. "Before you start, let me state for all present, that the same Quaker lady had many black students before she left, including young Brice here. Further, only a few years ago, Brice and I worked together on many evenings in his cabin, to teach his several children to read from the scriptures." There was no reason for Brice to deny anything, at that point. He took the legacy, and read without flaw the second paragraph.

Then John Knox spoke again. "My sons, you are each hereby bound by this legacy, and your mother will take your oath before God, and write it in these pages just below mine and the others this evening before you leave. In these troubled times, I do not know the right of it, but I likewise decided to take this oath from these two men here, our distant cousins. These free Negroes will benefit, and their families will benefit from this legacy and my will. I believe that

you will benefit from their knowledge of this legacy and their participation in it. In these troubled times, I wanted their commitment to this oath also.”

Here John Knox paused once again, to draw strength to himself. After a few moments he continued. “I need tell none of you that we will soon pass through some dark days in this country. The damned Yankees won’t stop until we are bankrupt in the South, and most of the slave states are all but in rebellion even now. Many in the Carolina legislature want to nullify every law passed by those idiots in Washington. The Northern states want to take our chattel away without a fare-thee-well, and if that happens, it will lead to conflict. War may come soon to us here in New Bern, and I fear our port city will be an important target in those days. Our family, like many, will struggle to survive.”

Here John Knox paused, as if gathering his strength. Then he spoke, loudly, almost in a shout! “But survive we will, by God! We will fight for our lives and our family just like Martin Bender and Dunker Tim fought for theirs, and we will survive, just as they did! You men are brothers and cousins to each other; no, you are rightly brothers. You will fight together when the time comes, and you will help each other—no matter what may come. This legacy demands it. You may very well die fighting side by side, but fight you will. Some of you will survive these dark times, and so I make this legacy an absolute requirement on each of you. That is how our family will survive. This legacy binds you, because we are family, you see. You men are all brothers as this legacy shows, and you will all need each other. You shall each swear to act in accordance with that vow, as brothers, and by God, you will survive! This family will survive!”

There was silence for a few moments, as the white men looked into the eyes of the black men they had known all their lives. Each knew the others in that room to be serious men, substantive men, men of business, leaders in their own community. These were men, both black and white, who could be counted on. Still, these black men and white men were merely business associates at that point and not friends in any real sense. In those days they certainly did not socialize together, and while they might occasionally joke with each other when doing business together, nothing more had ever been contemplated.

John Knox was correct in his assessment however. Those years in the 1850s were the height of the antebellum South. Grand balls were held in plantation houses across the Carolinas, and King Cotton seemed to bring more wealth each year to the planter class. John Knox Bender had invested wisely, and only he and Bryan knew the real wealth of the family, most of which lay in off-shore investments. The Bender sons were minor members of that planter class, even though they held relatively few slaves compared to large plantation owners in the area. The Foscues, for example, held over 125 slaves on their large plantation north of Pollocksville, and the Banks family held over 200. Of course, the aristocrats

gleaned all the benefits from the cotton wealth each year in those distant times, while the slaves did most of the work.

Still, storm clouds were indeed rising over this nation, this land of the free. As more states out west joined the Union in the 1840s and 1850s, there was continuing debate about extending slavery into those new states, because all Southerners believed that the U.S. Senate should have an equal number of free states and slave states. All in the South feared that, should more non-slave states join the Union, they might control the damned federal congress, and would ultimately out-vote the slave-holding states on the issue of slavery. Many in New Bern, like John Knox Bender, thought that a revolution, a civil war, might someday erupt between the Northern states and the Southern states on the issue of respect of property rights. Indeed, everything seemed to be uncertain in 1854.

Brice and Furney, however, were freemen—and each had a fine business. Either could have purchased slaves themselves, had they wished to. Though these two black businessmen owned none, a significant number of free black men in New Bern did own slaves. Brice was married to a free black woman from Haiti, and unknown to those present at the deathbed that night, Furney had “jumped de broom” with a slave woman on the Mallard Plantation along the north bank of the Trent River only seven months earlier. No children had yet come from that union, and when they did, they would be considered “property” of the Mallard family since that family owned the mother. The thought of someone owning his children tore at Furney’s heart, but of course, no slave marriage was recognized by law.

John Knox looked at the blacks that stood beside him. “Brice, by my will, you and Furney will each receive fifty acres of farmland along the Trent River near New Bern. It is land our family inherited from Captain Brice. It is high, fast land, good for planting, and stands along the Trent River beside the Mallard Plantation just across from New Bern. My other properties go to my wife for her life, or directly to my sons here, evenly divided. Still, I require that you two honor this oath, as I require of my own sons. In return for that land, you two will be required to honor and abide by this legacy. Will you do so? Will you sign on to honor this oath?”

After a moment, both Brice and Furney spoke together. “Yes suh.” Furnery, then spoke for them both. “Thank you Mr. John. Yo’s a Godly man, and we’s shor’ nuf thanks you!”

All five men—three white and two black—took the oath that night. All were duly signed and registered under the Bender Legacy, by Emeline Brice Bender, as had been all of the Bender men of the generations before. Thus did those men pledge to face their future as brothers; thus did the Bender family

legacy continue for another generation.

After the oath, they talked for a time about the literacy provisions. Furney, they believed, had never married, so teaching black children to read was not an issue for him, at least as far as anyone knew. Further, Brice confirmed that his children were all currently reading the Good Book, so after some discussion the literacy provision did not concern the men a great deal. The deed, illegal as it was, had already been done.

However, Jake asked another substantive question, as it turned out the last question of the evening. “Father. Who was this Uncle Dunker Tim mentioned here? Do you know anything of him?”

John Knox merely smiled, and said, “I do indeed, Son. I do indeed! Emeline will provide you with the rather extensive notes from Martin Bender and his son John. Those pages, almost 200 of them, are now well over a hundred years old, and I urge each of you to read them. They will explain most of it. For now, I’ll just ask, a simple question.” Here John Knox turned back to his three sons. “Do you boys remember the bedtime stories I used to tell you?”

The question surprised almost everyone in the room; Emeline however merely smiled. Jake, again, was the first to ask, “Father, what does that have to do with this legacy?”

John Knox now smiled openly. “Remember the story about some soldiers tying up a dishonest man in front of a pirate cannon down near Wilmington along the Cape Fear River? Remember the story about women killing the Tuscarora Indians during the attack on Brice’s Garrison? Or the story I made up about our great-grandfather killing that horrid pirate, Blackbeard?”

The three sons all nodded in the affirmative. John Knox merely smiled and said, “Let’s just say for now, that those are more than merely bedtime stories, I fact, those stories are true. I do hope you enjoy your reading!”

Bryan, certainly the most learned of the five men by that bedside, kept a diary, and from those pages we can glean a true sense of the mood in the room that evening when the Bender Legacy was shared with those men, the three brothers and two free blacks. His deepest thoughts are shared in that source, and the history of this time is served well by the preservation of that text, along with the other family legends. While the most obvious prejudices and perspectives of those distant days are encapsulated there, so are Bryan Bender’s deepest thoughts. In understanding the mood of Southerners in those years, these notes are a treasure beyond measure.

I was aghast at that moment by the deathbed of my Father, horrified at the thought that our Father, that firebrand with the quick temper and the hand ever ready to strike at his children for any infraction of the rules, he of all people, having

broken the law! He had clearly ignored the slave codes and taught black children to read, no matter that some were children of free blacks. The law applied just the same, and many a Quaker of late, has been fined exorbitant sums just for giving a book to a black. He has put himself, these black men, and all of us at risk in this infernal action—and I fear we have not heard the end of this. Dark times are certainly coming, and I fear our family will, indeed, have to struggle to survive!

– Bryan Bender’s diary, March 16, 1854

John Knox Bender died six days later, on March 23, 1854. His will did, indeed, divide all his property as he had described it to his family. His slaves all remained the property of his wife until her death, and thus remained with the plantation managed by Phil Bender for a few more years. For that work, Phil received a manager’s salary in addition to the same share of the profits that Emeline and the other sons received.

His three sons, his many friends, his slaves, and the two black freemen, Brice and Furney Bryant, all came to his funeral on the Bender Plantation along Mill Creek near Pollocksville. He was an honored man, and all felt sorrow at his passing.

John Knox had been wise to specify this disbursement of his holdings, as no family quarrels arose at his death. He was also wise in one other important particular. He saw a war coming, a war that not all could foresee, and he planned accordingly. In fact, the world of Emeline, Phil, Bryan, and Jake, as well as all other Americans would end rather abruptly only a few years after his death.

At 4:30 AM in the pre-dawn darkness of a Friday morning, April 12, 1861, Confederate cannon fired on Fort Sumter in the harbor at Charleston.

Civil War had begun in the Carolinas.