

MAJ. ORREN RANDOLPH SMITH DESIGNER OF STARS AND BARS

THE REUNION DID CREDIT TO ITSELF

To Major Orren Smith, To North Carolina And To
Louisburg In Its Decision in Richmond, June 1-3

- 1861-1865.
- Roll of honor for the Tar-Heels.
- North Carolina gave to the Confederacy, The Stars and Bars.
- With a population of 115,000 (military age) She furnished 127,000 troops.
- Lost 40,375 of her brave sons, double the loss of any other State, with 5,000 to spare.
- First at Bethel;
- Foremost at Gettysburg,
- Furthest at Chicamauga,
- The last at Appomattox,
- "God bless North Carolina."
- R. E. Lee.

To the United Confederate Veterans, in convention assembled, at Richmond, Va., June 1-3, 1915:

Comrades—Your committee, appointed by Special Order No. 30, September 14, 1914, in accordance with resolutions passed at the Jacksonville Reunion, "to investigate the designing of the 'Stars and Bars' Flag of the Confederacy," have, as therein directed, made a most thorough and exhaustive examination of the whole matter—it gave all possible publicity—and your committee beg leave to submit the following report:

The Hon. Wm. Porcher Miles, for the Committee on Flag and Seal of the Confederacy, made report to the Provisional Congress of the Confederate States, March 4, 1861; with this report was submitted the selected design. Mr. Miles reported "that something was conceded by the committee to what seemed a strong desire to retain, at least a suggestion of the Stars and Stripes." The design so submitted by the committee, and subsequently approved by the Congress, was, however, so suggestive of the old "Stars and Stripes" that it was practically the same, except the bars, "Red, White and Red," were substituted for the thirteen stripes.

The report brings out the fact which, for the truth of history, should be ever remembered, that the Southern people earnestly and devotedly loved the Union; that they seceded therefrom with deep regret when forced to do so to maintain their rights as a free people; and this attachment was so strong that the Congressional Committee was obliged to recommend a flag closely resembling "Old Glory," which had ever been cherished by the Southern people.

The decision of the Flag Committee evidently eliminated all other designs and limited them in their selection to the most practicable of the designs, which "assimilated to the United States Flag." There is not a word in the said report which justifies the statement of a local newspaper in saying, "The Flag of the Confederate States was the work of the committee appointed by Congress—none of the designs sent by individuals as models having been thought suitable." The committee says "that, the mass of models of designs were, more or less, copied from or assimilated to the United States Flag," and they reported a design almost the same as the United States Flag—a design practically like what is claimed to have been submitted by two of our comrades. Why should the committee attempt to design a flag when it thus had the model of the flag decided on in their possession? Moreover, the report to Congress does not claim that the committee designed, but only submitted a model.

Two claimants have filed their claims with your committee, and submitted evidence which each honestly believes substantiates the claim made, to wit: Maj. Orren Randolph Smith, of Louisburg, N. C., presented by his devoted daughter, Miss Jessica R. Smith. Mr. Nicola Marshall (in 1861), of

Marion, Ala., since 1873 a resident of Louisville, Ky., submitted by his wife and afterwards, with her consent, enlarged and added to by Mrs. Chappell Cory, of Birmingham, Ala.

There has been some evidence of State rivalry being injected into this contention. Your committee deprecates this. It has eliminated such in forming judgment, and desired only to ascertain the truth.

Your committee desires to state that it has no intention of doubting, or in the slightest degree impugning, the veracity of either claimant, or of those testifying. It believes each is endeavoring to tell the truth. But memory, after the lapse of fifty years, is most unreliable. It respects the claimants' veracity, even if it is forced to doubt the reliability of the memory of either.

To reach the truth the claimants' personal statements should therefore be corroborated by additional testimony.

The testimony submitted will be considered from three standpoints, which your committee thinks exhaustive:

First. That of contemporaneous or local opinion of the facts. On this point both claimants submit testimony, of more or less strength, that it was the belief in 1861 of persons residing in the immediate vicinity of the residence of the claimants that each of said claimants had submitted the chosen design. The evidence is so even, and the point of so little value, in view of other evidence, that we need not follow it up further.

Second. That of the direct evidence of parties, other than the claimants, as to such designing and submission thereof to the Flag Committee of the Confederate Congress. There is no evidence whatever submitted to show that any person, except Mr. Marshall himself, ever saw his design, or knew it was submitted to the Congressional Committee. Even were it proven, as stated in evidence, as the belief of some of the witnesses, submitted by Mrs. Cory, that Mr. Marshall made a design for Mrs. Lockett, and that she gave said design to Governor Moore, Governor of Alabama, this would not warrant any assumption that Governor Moore gave it to the Confederate Congressional Committee, for this Committee was one of a Congress with whose duties the Governor of Alabama had nothing whatever to do.

On the part of Major Smith, the lady who made his model, and for parties who each saw her making it, testify that it was the design of Major Smith which was so made, and that it was sent to the Confederate authorities at Montgomery, and adopted as the "Stars and Bars Flag." Mrs. Cory states that she does not deny that Major Smith submitted a design.

Besides this, nine parties testify as to a flag-raising, in Louisburg, N. C., on March 18, 1861, before North Carolina had seceded, which Mrs. Cory also states she does not deny.

The bearing of this flag-raising on this contention is, that the flag so raised is sworn to by the maker of the model, sent to Montgomery, and by one who saw her making both, as an exact copy, except to the size, of the model flag she made for Major Smith, and which had been adopted by Congress as the "Stars and Bars."

The evidence on this second point overwhelmingly favors the claim of Major Smith.

Third. That of statements personally made, by the claimants. No evidence is submitted which throws a shadow of doubt on the accuracy of Major Smith's memory, and much is given as to high character. But very important evidence is submitted impeaching the recollections of Mr. Marshall. In his affidavit Mr. Marshall also claims to have designed



MAJ. ORREN RANDOLPH SMITH

Who was the designer of the Stars and Bars and to whom the credit was given in Richmond at the Reunion June 1-3, 1915.

the Confederate uniform, as well as the flag. But our gallant comrade, Major Lamar Fontaine, of Lyons, Miss., submits an affidavit, accompanying the same with photographs, giving such circumstantial and most plausible details, as to add to the conviction of its reliability, that he gave to the Confederate Committee on "Uniform" a model; that this was the uniform of the Russian Koski Cosacks Regiments, who were the body-guard of Prince Gortschakoff. This uniform Major Fontaine wore when a member of said command, during the siege of Sevastopol, and that was adopted as the basis for the Confederate uniform.

If Mr. Marshall's memory fails as to designing the uniform, it is not unlikely that it has also failed him as to designing the flag. Therefore, we cannot place that reliance, which we otherwise would upon his statement, based on a memory which is thus proved unreliable.

The evidence of this point alone, without regard to No 2, above, is convincing as to Major Smith's claim.

Reviewing the evidence, it is shown that in the place of residence of each claimant, the people gave each of said claimants the credit of designing the flag. This is very natural. Many historical truths, and many historical myths, are supported by like beliefs.

Evidence is presented of the lady who made Major Smith's model, and others who saw her at work, making the same. The evidence shows that the flag was Major Smith's design—that it was sent to Montgomery, and it was the same as the "Stars and Bars" adopted by the Confederate Congress.

The claimants for Mr. Marshall voluntarily state that they do not



STARS AND BARS.

This is the Stars and Bars, so dearly loved by every Confederate Veteran and which was designed by Maj. Smith.

A NUMBER OF ARTICLES OF INTEREST

Concerning The Making Of The Stars And Bars And Establishing Major Orren Smith's Contention

deny that Major Smith sent a model to Montgomery.

There is no evidence to show, that anyone testifying, saw Mr. Marshall's model, or of their own knowledge knew that such was made, or that it was handed to the Confederate Congressional Committee. If it was handed to Governor Moore, of Alabama, it by no means indicates that it ever reached, or even was intended for, the Congressional Committee.

The memory of Major Smith stands unchallenged, while that of Mr. Marshall is undoubtedly incorrect, as to his recollection of designing the uniform, and is not therefore inapt to be as to designing the flag.

Your committee is not, from the evidence before it, convinced that Mr. Marshall ever submitted a design for the flag. The evidence does show that Major Smith did submit a design, which is admitted by Mr. Cory.

Your Committee is convinced that Major Smith did submit a design. As the design which the Congressional Committee submitted, with its report, which was adopted, as the evidence most clearly shows, to be the same as Major Smith's design, it is reasonable to conclude that Major Smith submitted the design of the "Stars and Bars Flag" of the Confederate States.

Your Committee would therefore report, after a most careful consideration, and thorough investigation, that the honor of having designed the first flag of the Confederate States, known as the "Stars and Bars," is due and should be awarded, by the United Confederate Veterans, to MAJOR ORREN RANDOLPH SMITH, LATE OF LOUISBURG, NORTH CAROLINA.

Your Committee beg to transmit herewith the entire evidence submitted to it, which it fears is too lengthy for publication in our minutes, but it appears, as Exhibits, a brief synopsis thereof.

Respectfully submitted,
(Signed) C. Irvine Walker, Chairman,
Thomas Green, Sr.,
Jno. P. Hickman, Secretary.

Exhibit I.
Claim of Miss Jessica R. Smith, as to her father, Major Orren Randolph Smith, having designed the Stars and Bars Flag of the Southern Confederacy:

Generals C. Irvine Walker, John P. Hickman and Thomas Green, Sr., Committee U. C. V.

Gentlemen—I respectfully submit this, my claim, that the honor of designing the Stars and Bars flag of the Southern Confederacy, is due to my father, Major Orren Randolph Smith, of Louisburg, Franklin county, North Carolina. Evidence proving this claim is herewith submitted.

First. Major O. R. Smith, during his life, clearly claimed the honor and described in detail its conception, what it stood for and how made. His high character and truthfulness is evident in Exhibits 10, 11, 19.

For Major Smith's Statement see Exhibit 1.

Second. The model for the flag, which model was sent to the Confederate Congress, at Montgomery, Alabama, was designed by Major O. R. Smith and made, under his direction, by Mrs. Catherine Rebecca Winborne. She testifies as to making this model and that said model was sent to the Confederate Congress, at Montgomery, Alabama. See Exhibit 2.

Mrs. Sue Jasper Sugg testifies she saw Mrs. Winborne making the flag for Major Smith, which he had designed to be sent as a model for the Confederate flag, to Montgomery, and also the large flag of the same design, which was raised at Louisburg. See Exhibit 3.

Testimony as to the veracity of both

the above affiants are appended to said affidavits.

Mrs. J. A. Jones, Mrs. Emma Spencer and Mr. Adam Ball gave affidavits bearing the same testimony as Mrs. Winborne and Mrs. Sugg. See Exhibits 4, 5, 6.

Third. The local opinion in and around Louisburg, N. C., was very decided and general that Major O. R. Smith designed the Stars and Bars Flag. Contemporary evidence of a fact generally believed is very apt to be correct. The existence of general belief in Major Smith's having designed the Stars and Bars Flag is shown in the affidavits of Exhibits 7, 8, 9, 10, 11, 12, 13, 14, 17, 18.

Fourth. Major O. R. Smith also had a large flag made by Mrs. Winborne, such flag being a duplicate of the model she had previously made, and was sent to Montgomery and was adopted as the Confederate Stars and Bars Flag. In evidence of this see her affidavit. Exhibit 2, and that of Mrs. Sue Jasper Sugg's, Exhibit 3.

There are quite a number of affidavits, testifying to this flag-raising. They prove that a flag which Mrs. Winborne and Mrs. Sugg (see Exhibits 2 and 3) say was exactly like the model sent to the Confederate Congress by Major Smith, was raised in Louisburg.

They generally prove, in addition to the fact that the Stars and Bars Flag was raised in Louisburg, North Carolina, March 18th, 1861, that the flag raised was the Confederate flag, and was believed to have been designed by Major O. R. Smith. See Exhibits 2, 3, 5, 6, 9, 13, 14, 15, 16.

As corroborative of my claim, I submit the report of a Committee of the North Carolina Confederate Veterans' Association. They have carefully reviewed the testimony in substantiating my claim and make an unanimous report in favor of the claim that my father, Major O. R. Smith, designed the Stars and Bars flag of the Confederacy. See Exhibits 19.

The North Carolina Division of the United Daughters of the Confederacy also adopted unanimously the report of Mrs. Fannie Ransom Williams, which she read at Tarboro, N. C., Historical Evening, October, 1913. See Exhibit 20.

All of which is respectfully submitted, and I trust that the evidence submitted will fully substantiate the claim I make in honor of my dear old father's memory, that he, Major Orren Randolph Smith, should be awarded the distinction of having designed the Stars and Bars Flag of the Confederacy.

Sincerely yours,
(Signed) Jessica Randolph Smith

Brief Synopsis of Evidence Submitted. Smith Exhibit 1. Affidavit of Major Orren R. Smith describing his designing the flag.

Smith Exhibit 10. Action of Board of Commissioners of Franklin county, North Carolina, September, 1914.

Smith Exhibit No 11. Action of Commissioners of the Town of Louisburg, N. C., September 4, 1914.

Smith Exhibit 19. Report of Committee of North Carolina Division U. C. V., by Walter Clark, W. P. Wood and J. Bryan Grimes.

The above three exhibits, in addition to others, bear witness to the high character of Major O. R. Smith.

Smith Exhibit 2. Affidavit of Mrs. Catherine Rebecca Winborne that she made the model for Major Smith, and knows that it was sent to Confederate authorities at Montgomery, and that the flag adopted and known as the Stars and Bars was the same as that made for Major Smith.

Smith Exhibit 3. Affidavit of Mrs. Sue Jasper Sugg that she saw Mrs. C. R. Winborne making the model flag for Major Smith.

Smith Exhibit 4. Affidavit of Mrs. Mollie S. Jones.

(Continued on Page Two.)