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# THE STORY OF THE “BALLAD OF TOM DOOLEY”<sup>1</sup>

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James “Sparky” Rucker

Years ago I was performing in Wilkes County, North Carolina. On the program was a friend of mine named Bobby McMillan, a fine folk performer, storyteller, and ballad singer whom I had known since our early performing days up in Cosby, Tennessee, in the cradle of the Great Smoky Mountains. I did my usual stories leading into songs, with a smattering of Civil-War-era songs, and African American ballads such as “Stagolee” thrown in for good measure. After our performances, several of the local teenagers and college-aged folks gathered around to talk and “swap lies.” One of the locals expressed their joy at my songs about “bad men” and mentioned that an old folk legend, “Tom Dooley,” had taken place around those parts and that some of them were “kin” to the characters in the song. I expressed interest and was shortly taken up to the gravesite of Tom Dula and his alleged murder victim, Laura Foster. Then they proceeded to tell me of the local legend that Tom had “not committed the murder,” but that Laura’s cousin, Anne Foster Melton, who had been a rival for the affections of Tom, had given a “death-bed” confession to the murder. There was some talk of a “social disease” as having been another motive for the crime. I began to surmise on the possibilities that Tom had “heroically” given up his life to “protect” Anne. I began to dig around and have come up with the following story.

Thomas C. Dula (pronounced Dooley) was born in 1844 or 1845<sup>2</sup> and grew up in Wilkes County, North Carolina. It was near the town of Elkville (present day Ferguson) on State Route 268 west of Wilkesboro. He served in the Confederate Army in Company “K” of the 42ND North Carolina Infantry Regiment, which was commanded by Colonel George C. Gibbs. The Regiment was in service from 1862

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1. Sparky & Rhonda Rucker CD, “The Mountains Above and the Valleys Below” (TRCD008).

2. The dates differ on his grave footstone and the historical marker.

until the surrender in 1865. Several of the soldiers in the companies in this regiment were given bounties of \$50 for joining the Confederate service,<sup>3</sup> so it can be assumed that Company “K” received this bounty also. This company was one of three that were on detached service as guards for prisoners of war in the Confederate States Military Prisons at Salisbury, North Carolina.<sup>4</sup> They saw action at Newport Barracks, Darbytown Road, and were in the “trenches” at Petersburg.<sup>5</sup>

After the surrender Tom returned home to Wilkes County, North Carolina, where his newfound status as a “War Hero” began to “turn the heads” of all of the local females. When Tom returned, he found that his childhood sweetheart, Anne Foster (born *circa* 1836)<sup>6</sup> had married a local cobbler and farmer named James Melton on June 22, 1859<sup>7</sup>. He proceeded to court her younger cousin, Laura Foster (?–May 28, 1865)<sup>8</sup>, which, according to local legend, gained for Laura the enmity of her cousin Anne. This assignation resulted in the pregnancy of Laura Foster, who began to pressure Tom to marry her. He supposedly agreed to secretly meet her and to take her to Tennessee with him. The last time anyone saw Laura alive was on May 27, 1866.

In July of 1866, Tom Dula, masquerading as “Tom Hall,” arrived in Johnson County, Tennessee, at the door of a man named James W. M. Grayson (1833–1901). Grayson was well known locally as a politically-connected man who had served with distinction in the

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3. Janel B. Hewett, ed., *Supplement to the Official Records of the Union and Confederate Armies* Volume 49, Part II, Serial # 61, 192, 197, 202, 210, 212, 216 (hereafter cited as *SOR*).

4. *Ibid*, 191, 220.

5. *Ibid*, 221.

6. Ronald Vern Jackson, et. al., eds, *North Carolina 1850 Census Index*, (Bountiful, Utah: Accelerated Indexing Systems, Inc., 1976), 101; North Carolina Census 1850 (Wilkes and Yancey Counties), Microfilm 432 640, Blount County Library, Blount County, Tenn., 370. Anne Foster’s birth year extrapolated from the 1850 Census taken November 8, 1850, which states that she was 14 years old.

7. Brent H. Holcomb, Comp., *Marriages of Wilkes County, North Carolina, 1778-1868* (Baltimore: Genealogical Publications Company, Inc., 1993; Reprint for Clearfield Company, Inc. by Genealogical Publications, Inc., 1993, 1998), 133.

8. Some sources say that Laura was Anne’s younger sister. Dates from Laura Foster’s tombstone.

Union Army as Lt. Colonel of the 4<sup>th</sup> Tennessee Volunteer Infantry Regiment, U.S.A.<sup>9</sup> He was one of the Loyal Unionists who met in several meetings called East Tennessee Conventions in unsuccessful hopes of staving off Tennessee's entry into the Confederacy. These conventions were attended by such luminaries as Andrew Johnson, W. G. "Parson" Brownlow, Congressman Horace Maynard, and Thomas A. R. Nelson. One convention was held in Knoxville, Tennessee, on May 30 and 31, 1861, and another was held in Greenville, Tennessee, June 17–20, 1861.<sup>10</sup> These meetings were fraught with fiery speeches proclaiming their "views respecting the evils which have been brought upon our country by those who are endeavoring to destroy our Government under which we as a nation have so wonderfully prospered."<sup>11</sup> All of this thunder was for naught as the State of Tennessee pulled out of the Union, and Confederate authorities hounded several of those East Tennessee Loyalists. Many fled East Tennessee just a step ahead of the Confederate conscript officers. Lt. Colonel James W. M. Grayson was one of these "loyalists" who were "piloted" over the mountain into Louisville, Kentucky, where his regiment, the 4<sup>th</sup> Tennessee, was formed.<sup>12</sup> Grayson had no love for former Confederates.

When Dula, in the guise of "Tom Hall," asked for a job, Grayson relented and hired him on the spot. Dula had stated that he wanted to work just until he could afford a new pair of boots (his being in tatters after his flight over the mountains from Wilkes County, North Carolina), so no one was surprised to find that one morning he had moved on, like so many transient folks were doing during these troubled times of "Reconstruction."

Meanwhile, back in Wilkes County, North Carolina, Laura Foster's shallow grave was soon discovered, and since she had last been seen in the company of Thomas C. Dula, a manhunt ensued. Because Tom had mentioned his intention of taking Laura to Tennessee with

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9. Thomas A. Wigginton, et al, eds, *Tennesseans in the Civil War*, Part 1: Civil War Centennial Commission, 1964, 383, *ibid.*, *TNCW*, Part 2, 514.

10. *Official Records of the Union and Confederate Armies*, Series I, Vol. 52, Part I, Supplement, Serial # 109, 151, 169.

11. *Ibid.*, 170.

12. Daniel Ellis, *Thrilling Adventures of Daniel Ellis* (Johnson City: The Overmountain Press, 1989, Original Copyright 1867 by Harper & Brothers), 28, 62-65; Wigginton, *Tennesseans*, Part I, 383.

him, the dragnet extended into East Tennessee where the authorities arrived at the spread of James Grayson. When they inquired if he knew the whereabouts of Thomas C. Dula and gave a description of Tom, Grayson stated that a man fitting that description named Tom Hall had recently worked for him. Grayson offered to ride with the posse to find the local sheriff. The sheriff was away on official business so Grayson and the posse continued on their own to search for Dula. They soon found him camped at a nearby creek. Grayson took him into custody even though the posse wanted to hang him on the spot. The next day Grayson bound Dula to a horse and personally took him back to Wilkes County to stand trial.

The trial was held in 1868 in nearby Statesville, North Carolina. For his defense attorney Dula had acquired the services of a well-connected lawyer and former Governor of North Carolina named Zebulon Baird Vance (1830–1894).<sup>13</sup> Vance had himself been accused of sedition by the Union authorities, and had just been released from prison on July 6, 1865, just a few days before Dula's capture. Perhaps he took the case because he thought Dula was being railroaded.

Both Tom and Anne Foster Melton had been arrested for the murder of Laura, but Anne was later released. After all of the hoopla of the trial, and even with the presence of luminaries such as Vance, Dula was found "guilty" of the crime and sentenced to be hanged.

The date was set for May 1, 1869 in Statesville. Tom was placed atop his own coffin for the hanging. In his last words he said, "I want everybody to know that I did not harm a single hair on that fair lady's head." The noose was tightened, the coffin kicked out from under him, and Thomas C. Dula swung between "heaven and hell."

Several poems, songs, and broadsides were written about this tragic story. Years later, in 1927, Gilliam Bannon Grayson, a fiddler from Laurel Bloomery, Tennessee<sup>14</sup> who was a descendant of James W. M. Grayson, recorded this family song entitled "Tom Dooley."

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13. Stewart Sifakis, *Who Was Who in the Confederacy* (New York: Facts on File, 1988), 288.

14. Joe Wilson, "Going Down Lee Highway, 1927-1929, recordings by Grayson and Whittier," DU-33033 Liner Notes.

## BALLAD OF TOM DOOLEY<sup>15</sup>

[Chorus]

Hang down your head, Tom Dooley  
Hang down your head and cry  
Killed poor Laura Foster  
You know you're bound to die

You took her on the hillside, as God almighty knows  
You took her on the hillside and there you hid her clothes

You took her by the roadside where you begged to be excused  
You took her by the roadside where there you hid her shoes.

You took her on the hillside to make her your wife  
You took her on the hillside where there you took her life

Take down my old violin and play it as you please  
At this time tomorrow, it'll be no use to me

I dug a grave four feet long, and dug it three feet deep  
And throwed the cold clay o'er and tramped it with my feet

This world and one more, then where do you reckon I'd be?  
If it hadn't been for Grayson, I'd been in Tennessee

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15. As recorded by Grayson and Whittier on the album, *Going Down Lee Highway 1927-29: Recordings by Grayson and Whittier*.