


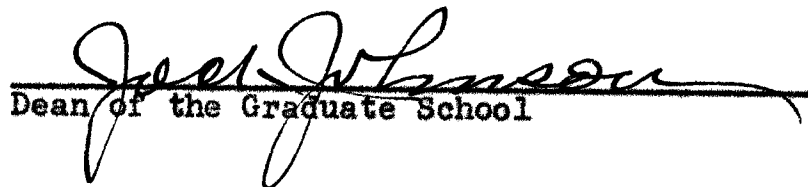
UNIONISM IN TEXAS: 1860-1867

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UNIONISM IN TEXAS: 1860-1867

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## CHAPTER I

### PRELUDE TO SECESSION:

#### FORCES OF DIVISION

The secession of Texas from the Union in 1861 was the result of a carefully engineered design on the part of certain of the state's leaders who had calculated the value of the Union and concluded that state and personal ambitions could best be realized in a separate Southern Confederacy. No attempt was made in 1861 to carry on serious debate on the question of secession, nor was there an attempt made to gain unity of action on the part of the South as a whole, for the leaders of the secessionists were determined to work so rapidly as to undermine any efforts the unionists might make to preserve the Union.

In Texas, the last state election prior to the Civil War resulted in the placing of a strong advocate of unionism in the governor's chair. Nevertheless, the advocates of disunion, upon the election of the "Black Republican," Abraham Lincoln, to the presidency, proceeded to call a state convention to decide the question of secession from or loyalty to the Union. The convention adopted an ordinance of secession, and placed it before the people for their approval or rejection. Although the ordinance was accepted, some

historians have contended that the manner in which the votes were reported and counted leaves room for one to doubt that Texans really desired to sever their ties with the Union. One account of the voting in Double Bayou precinct of Chambers County records the following incident:

Out of twenty-two votes cast, the total number of votes in the precinct, there was but one for secession, and it was cast by a Frenchman, a gunsmith by trade; yet when the returns were published there were but nineteen Union votes in all of Chambers County, the rest being, of course, for secession. It is quite certain that the sentiment of the rest of the county, as well as that of East Texas, judging from the expressions of individuals in general, was about the same as it was in Double Bayou.<sup>1</sup>

The actual movement of Texas from loyalty to secession covers comparatively few years. From 1846 until 1854, when the controversy over the Kansas-Nebraska act awoke Texans to the imminent danger of the Northern abolitionists' opposition to slavery, more interest was manifested in local affairs than in national controversies. After 1854, however, Texans began to align themselves either for or against the Union. Sectionalism had at last found its way into the state, and eventually this sectionalism was to lead to secession and war.

The institution of slavery was both a cause and a characteristic of that sectionalism. From the time of the first

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<sup>1</sup> Agnes Paschal McNeir, "Did Texas Secede," Texas Historical Association Quarterly, V (October, 1901), 169.

Anglo-American settlement, slavery in some form had seemed essential to the development of Texas. The proximity of Texas to the slave states of the lower South, and the geography of the eastern sections of the state drew her into close relationship with Southern institutions. Some 90 per cent of the white immigrants to Texas had come from the old South.<sup>2</sup> The land was a wilderness upon which single laborers made little or no impression, so that even Austin, who was personally opposed to slavery, recognized the need and bowed to the necessity.<sup>3</sup> Slavery, therefore, rooted itself firmly in the populous eastern and southeastern counties where conditions were practically identical with those found in the older slave states.<sup>4</sup>

Although the Mexican government abolished slavery in 1829, Texas was made exempt from the decree. Later slavery was fully protected by the constitution of the Republic. In this constitution provisions were made that all who were slaves at the close of the revolution would remain slaves, Congress was forbidden to prohibit immigrants from bringing slaves into the state, and no one was permitted to free his slaves without the consent of Congress. In addition, free

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<sup>2</sup>R. N. Richardson, Texas the Lone Star State, p. 241.

<sup>3</sup>Eugene C. Barker, "African Slave Trade in Texas," The Quarterly of the Texas State Historical Association, VI (October, 1902), 150.

<sup>4</sup>C. W. Ramsdell, Reconstruction in Texas, p. 11.

Negroes were forbidden residence in the state, and the African slave trade, except with the United States, was declared piracy.<sup>5</sup> In 1837, the North opposed the annexation of Texas to the Union because of the existence of slavery in that Republic. It was not until nine years later that enough of the people of the United States, "realized," as G. P. Garrison said, "the supreme importance of acquiring Texas to turn the scale in favor of accepting her, slavery and all."<sup>6</sup>

The rapid expansion of agriculture in the decade following the admission of Texas into the Union created a demand for more slaves. Slavery and cotton cultivation were extended together, and importations of Negroes became heavier as the price of cotton increased. In 1860, the census revealed 182,566 slaves whose total value amounted to a little over a hundred million dollars. The value of the slave property was, then, about 20 per cent greater than the value of the farmland of Texas.<sup>7</sup>

A large part of the people, however, had no direct interest in slavery. Large plantations with a hundred or more Negroes did not gain the foothold in Texas that they had held

<sup>5</sup> Anna Irene Sandbo, "Beginnings of the Secession Movement in Texas," The Southwestern Historical Quarterly, XVIII (July, 1914), 43.

<sup>6</sup> G. P. Garrison, Texas, A Contest of Civilization, p. 261.

<sup>7</sup> Richardson, op. cit., p. 220.

in the old South. In the earlier days, one Negro family was more often the rule than a crew of fifty slaves.<sup>8</sup> Even by the late fifties there were not many slaves on the frontier, which included a fringe of counties extending from north to south across the center of the state. In the northern counties most of the people had recently come from Tennessee, Kentucky and states north of the Ohio and did not own many slaves.<sup>9</sup>

From the earliest period of German colonization in southwest Texas, few of the Germans were slave owners. In 1846, only a few of the many German families who were settled in the territory between the Brazos and the Colorado were plantation owners and possessors of slaves. A storekeeper in San Antonio stated in 1856 that he knew of only twelve German slave owners in Texas. Ten of these had unwilling bought housemaids to relieve their wives, and two owned four field hands each.<sup>10</sup> The region was very near the Mexican border, making it too convenient for runaway slaves to escape into Mexico. It was also a long distance from a market, making the cultivation of cotton unprofitable.

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<sup>8</sup> Abigail Curlee, "The History of a Texas Slave Plantation, 1861-1863," The Southwestern Historical Quarterly, XXVI (October, 1922), 88.

<sup>9</sup> R. W. Richardson and C. C. Rister, The Greater Southwest, p. 259.

<sup>10</sup> Gilbert G. Benjamin, The Germans in Texas, p. 94.



The land was more suited to grazing, and Negroes could not be trusted looking after herds at a long distance from an overseer.

Thus, by 1860, there were only 21,878 slave owners in the state of Texas, only 2, 163 of whom owned twenty slaves or more each. Only about 10 per cent of the slave holders operated on a large enough extent to come within the planter class, however, their influence was far out of proportion to their numbers. Almost all of the planters were leaders in their community and many held positions of state-wide influence in politics and economics.<sup>11</sup>

Although slavery as an institution was growing rapidly in the state, Texans, before 1854, had little time to spend thinking about the slavery controversy which was going on in the national legislature. Local affairs were more important to the Texans, and there were many local problems for him to consider. The Indians were raiding on the frontier, the Mexicans in the southern counties were inciting Negroes to conspiracy, the boundary dispute and the payment of the state debt had to be tended to, and there were internal improvements and natural resources to be developed. When the Texan did find time to take part in the slavery controversy, however, he usually took his stand with the South in defense of the institution. The county convention of the democratic

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Richardson, op. cit., p. 220.

party which met in Galveston on January 31, 1843, set forth the theory, for instance, that any legislative interference on the part of the Federal government with the domestic policy of the citizens of the United States living in any of the territories would not be in the true spirit and meaning of "needful rules and regulations," and hence would be unconstitutional, and that all acquired territory belonged to the states of the Union for their common use and benefit.<sup>12</sup>

Another clue to the division of public opinion in the state concerning the slavery controversy before 1850 may be gained from examining the position taken by the Texas representatives in the national government on sectional issues. Sam Houston and Thomas J. Rusk were both elected to the Senate in 1846. Rusk voted with the other Southern members on issues involving sectional interests, but Houston, though jealous for the rights of Texas, was a strong Union man. Sam Houston is so closely identified with the whole movement that the story of his life becomes, in fact, a part of the secession movement in Texas from 1848 to 1861. Houston was a slaveholder and accepted the institution as a part of the social system of the South, yet he objected strenuously to the extension of slavery. As a Senator he allied himself with the Union Democracy of Jackson in opposition to Calhoun and the other Southern leaders.

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<sup>12</sup>Sandbo, "Beginnings of the Secession Movement in Texas," loc. cit., p. 44.

In 1848, Houston was called upon to give public voice to his views on the extension of slavery when the Oregon Territorial bill was introduced with a provision prohibiting slavery in that territory. Houston voted for the bill, declaring that he knew neither North nor South; he knew only the Constitution and the Union.<sup>13</sup> His speech in voting for the bill angered and excited most of the journalists of the South, but no word of disapproval came from Texas. Instead, he was commended by at least one newspaper, the Nacogdoches Times, for his able speech and for the applause he had received from the galleries.<sup>14</sup> On July 3, 1850, Houston revealed his hostility to the state rights philosophy in a speech on the right of Texas to Santa Fe, in which he defined his idea of sovereignty in the following words:

The sovereign power of this Union is shared by every free man, its embodiment passing through the States from the people; a portion of it is centered in the Federal Constitution, and thereby that becomes the Supreme law of the land and is the only embodiment of sovereignty.<sup>15</sup>

In that same year Houston voted for the admission of California as a free state, and for the abolition of the slave trade in the District of Columbia, but no protest was

<sup>13</sup>William Cary Crane, Life and Select Literary Remains of Sam Houston of Texas, p. 201.

<sup>14</sup>Sandbo, "Beginnings of the Secession Movement in Texas," loc. cit., p. 47.

<sup>15</sup>Crane, op. cit., p. 387.

made in Texas at that time. He was, however, severely criticized by his Southern colleagues in the legislature.

Texans first began to ~~take a real interest~~ in the controversy in 1854, as a result of the agitation over the Kansas-Nebraska bill. Houston took an active part against the measure, opposing it on the grounds that a repeal of the Missouri Compromise would shake the faith of the people in the nation. In speaking of the Missouri Compromise, Houston declared:

They have a veneration for that compromise. They have a respect and reverence for it, from its antiquity and the associations connected with it, and repeated references to it seem to suggest that it marked the boundaries of free and slave territory.<sup>16</sup>

Houston maintained that if the measure were adopted, it would not secure the territories of Kansas and Nebraska for the South, nor would it preserve the union of the states nor halt the agitation in the North, but that its effect on the government would be to destroy the nation.<sup>17</sup>

For his stand, Houston was accused by the Democratic press of being an abolitionist, and of betraying the state and the institutions of the South. The Texas Legislature in 1855 adopted the following resolution censuring Houston by a vote of seventy-five to three:

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<sup>16</sup>The Congressional Globe, 1st session, 33rd Congress, Appendix, p. 340.

<sup>17</sup>Ibid., pp. 339-342.

Be it resolved by the legislature of the State of Texas, that the legislature approves the course of Thomas J. Rusk, in voting for the Kansas-Nebraska Act, and disapproves the course of Sam Houston, in voting against it. <sup>18</sup>

On the following November 23, 1855, Houston delivered an address before the legislature defending his vote with the argument that Texas, in accepting the resolutions of annexation, had recognized the Missouri Compromise, thus he was compelled to vote to maintain that compromise. <sup>19</sup>

Houston was not the only Texas politician condemned for Unionist sympathies. A few months later Lorenzo Sherwood was rejected by the state Democratic convention of 1856 because of a speech he had delivered in the house of representatives a short time before. Mr. Sherwood had asserted that slavery was an evil in the abstract, although the institution was the best that could be devised for the co-existence of the two races. For such a radical view his constituents demanded his resignation from the house, and his colleagues repudiated him. <sup>20</sup>

Texans were finally awakening to the reality of the North's opposition to slavery, and most of the leading newspapers of the state began reprinting articles from leading Southern newspapers pointing out the dangers of the attack

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✓ <sup>18</sup>Sandbo, "Beginnings of the Secession Movement in Texas," loc. cit., p. 48.

<sup>19</sup>Ibid., p. 53.

<sup>20</sup>Ibid., p. 54.

by the abolitionists on the basic Southern institutions. The Texas editors hesitated to make a definite stand on either side in their comments, however, due to the division of opinion of the reading public on the issue.<sup>21</sup>

Thus during the decade preceding the Civil War there was a growing uneasiness about slavery in Texas. As more and more slaves ran away vigilance committees became common, and the freedom to express opinions antagonistic to slavery was seriously curtailed both by social and physical force.

One of the chief instruments in suppressing free expression of anti-slavery sentiment, and in changing the attitude of liberal Texans toward slavery, was the Knights of the Golden Circle. The organization was supposedly formed to protect Southern rights, but its real purpose was to bring about the secession of the Southern states from the Union, with the establishment of a great Southern slave empire as the final goal. In a pamphlet circulated in Austin in October of 1860 the purposes of the organization were outlined as follows:

The K G C constitutes a powerful military organization, as a nucleus around which to hang such political considerations as will, if well managed, lead to the disenthralment of the cotton states

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<sup>21</sup>

Ibid., p. 48.

from the oppressive majority of the manufacturing and commercial interests of the North.<sup>22</sup>

The activities of the organization were carried on at the local level by lodges, or "castles" as they were called, and were usually confined to the forming of vigilance committees for the purpose of convincing local abolitionists that the Southern attitude was the most tenable if not the most logical.

Although there had been no widespread realization of the issues in 1848 when Sam Houston had voted for the creation of the Territory of Oregon without slavery, a few of the leaders of the Democratic party in the state were maintaining that neither Congress nor a territorial government had the right to abolish slavery in any territory. Thus as early as 1848 the Democratic party in Texas had begun the division into two distinct factions which was to culminate in a complete break-up of the party after the violent sectional disagreement over the Kansas-Nebraska bill in 1854. Houston was supported in his vote against that bill by the Whigs, by independent Democrats, and by all who predicted disastrous results from the agitation of the slavery question.

The state rights faction in the state, under the leadership of such men as Ashbel Smith and Louis T. Wigfall,

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<sup>22</sup> Anna Irene Sandbo, "The First Session of the Secession Convention of Texas," The Southwestern Historical Quarterly, XVIII (October, 1914), 174.

seized control of the Democratic party in 1857, leaving the unionists with no real political organization. The campaign for the governorship in that year was very bitter, with the state rights group supporting Hardin R. Runnels in opposition to Sam Houston. The Democratic press stressed the personalities of the two men in the race, reviewing and condemning Houston's entire record as a United States Senator and accusing him of aiding the abolitionists in their fight against slavery. Houston's supporters were insufficient to win for him the governor's office, and Runnels, an extreme state rights man, opened his administration with a speech in which he openly advocated secession as the remedy if the trouble in Kansas were not settled in a manner satisfactory to the South. In his inauguration speech he said, in part:

. . . Should this proposition be decided in the negative, I do not hesitate to believe that the determination of Texas will be taken to assume the guardianship of her own destinies and bid adieu to a connection no longer consistent with the rights, dignity, and honor of an equal and independent state.<sup>23</sup>

Two years of political upheaval followed, with some of the radical Democrats agitating in favor of purchasing Cuba and of re-opening the African slave trade. The Democratic party as a whole became more aggressive and moved toward the extreme pro-slavery position of their compatriots across the Mississippi. One influential Democratic party leader in the



state, Judge T. J. Chambers, went so far as to advocate withdrawal from the Union in case the Federal government should try to embarrass, delay, or defeat the admission of Kansas as a member of the Union on any pretext referring to slavery.<sup>24</sup>

John H. Reagan was the spokesman for the milder element of the state rights group in 1857. Soon after he entered Congress in that year he was forced to take a stand on the questions of slavery and sectionalism. In a speech in the House of Representatives, he said:

I repudiate all sectional heresies. I repudiate **everything that is not national. . . . I denounce fanaticism in the South with the same distinctness that I denounce the fanaticism of abolitionism in the North. They are both heresies. They are alike dangerous to . . . the mission of the great and glorious Republic.**<sup>25</sup>

This speech was not well received by the newspapers which had supported him in the election, and many editors went so far as to say of his chances of re-election in 1859 that "he won't run 'cause he can't win." He accepted the challenge, and in a speech made while seeking re-election declared, "I will resist sectionalism and revolution and fraud and force and wrong alike faithfully, whether they come from the North or the South."<sup>26</sup>

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<sup>24</sup> Sandbo, "Beginnings of the Secession Movement in Texas," loc. cit., p. 58.

<sup>25</sup> McGraw, op. cit., p. 192.

<sup>26</sup> Ibid., p. 193.

The radical state rights Democrats, however, continued their agitation of the slavery question by pressing for the reopening of the slave trade. An editorial in the Austin State Gazette, in 1856, stated that laws interfering with the freedom of the slave trade were wrong, and that the law of supply and demand should control every phase of commerce. The editorial went on to say: "Indeed we would urge the importation of Negroes from Africa and it would not only improve their physical conditions, but add to their happiness, while at the same time subserving the purpose of civilization in our own country."<sup>27</sup>

The De Witt county convention, which had met for the purpose of electing delegates to the state Democratic convention, took a strong stand against the slave trade, however. In a series of resolutions the convention declared the slave trade to be piracy, and forbade its delegates to vote for any such measure. The sentiment against reopening the African slave trade was very general in the Guadalupe valley, and the Galveston delegates were likewise instructed to vote against "the adoption of any and all platforms tending to reopen the African slave trade."<sup>28</sup>

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<sup>27</sup> Sandbo, "Beginnings of the Secession Movement in Texas," loc. cit., pp. 59-60.

<sup>28</sup> Ibid., p. 61.

The state rights faction became even more violent in the gubernatorial campaign of 1859, in which the issue became even more distinctly one of union or disunion. The regular Democrats met in convention in Houston on May 2, 1859. This convention adopted a platform which declared the Dred Scott decision to be a true exposition of the Constitution, that the territorial legislatures had no right to exclude slavery from a territory; and that Cuba should be procured at the earliest possible time. A resolution favoring the reopening of the African slave trade was voted down by a vote of two hundred twenty-eight to eighty-one, while a resolution condemning the measure was tabled by a unanimous vote.<sup>29</sup> H. R. Bunnels was nominated for a second term as governor by this convention, alienating such conservative Unionists as James W. Throckmorton, Ex-Governor Pease, and Ben H. Epperson from the ranks of the Democratic party.

The Unionist forces had no distinct party organization, but Houston was nominated by acclamation at a public meeting at Brenham as the Unionist candidate for the governorship. Houston accepted the nomination in a letter in which he declared himself a National Democrat and announced that the Constitution and the Union embraced the principles by

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<sup>29</sup>  
Ibid., p. 63.

which he would be governed if elected. He further promised protection to the frontier, protested against the reopening of the African slave trade, extolled the Federal Union, and denounced his opponents.<sup>30</sup>

As it was the last chance that the minorities, the Unionists and the mild state rights people, had to gain audiences with any degree of open mindedness, the election of 1859 was an extremely important one. Thus Houston threw ✓ into the campaign all the strength and appeal of his personality and skill as a campaigner, soon placing the regular Democrats on the defensive. The people of the northwestern counties blamed Runnels for their lack of protection from Indian depredations, thus they were ready for a change in the state administration. Too, the failure of the state rights men at the Democratic convention to condemn the reopening of the African slave trade weighed heavily on the minds of many conservative thinking men, as did the many speeches made by the state rights leaders advocating secession as an avenue for expressing the state's sovereignty. The state rights leaders had moved a little too fast for the majority of the voters, and they found themselves on the losing side in 1859. Houston was elected ✓ governor with 36,327 votes against Runnels' 27,900. <sup>31</sup>

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<sup>30</sup>  
Ibid.

<sup>31</sup> Claude Elliott, Leathercoat, p. 43.

Houston had defeated his opponent by nearly nine thousand votes. Further proof that the election was a victory for the Unionists may be found in the congressional elections of that year. John H. Reagan, a conservative Democrat and an avowed enemy of sectionalism, was elected to Congress from East Texas over W. B. Ochiltree, one of the most extreme advocates of the state rights position. A. J. Hamilton, another opponent of secession, was sent to Congress from the western district.

In his inaugural address Houston spoke mostly of local matters, but in reference to the sectional controversy he said that he hoped the Federal government would soon show a positive intention in preserving the Constitution and the Union. He advised strongly against heated controversies that could accomplish nothing but further aggravation of the division. In concluding his remarks on sectionalism he said: "Texas will maintain the Constitution and stand by the Union. It is all that can save us as a Nation. Destroy it and anarchy awaits us."<sup>32</sup>

"The election is over," wrote J. W. Throckmorton, a staunch supporter of Houston, to John H. Reagan, "the battle is fought and won. The enemy are routed horse, foot, and

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<sup>32</sup> Sandbo, "Beginnings of the Secession Movement in Texas," loc. cit., p. 69.

dragoons. The slave trade faction must go under."<sup>33</sup> The Unionists, however, had no party organization, and Houston's task was to be a difficult one. (The regular Democrats, the state rights faction, had retained control of the legislature, and the leaders of the group were determined that Texas should secede no matter what Houston or the federal government should do.

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<sup>33</sup> Elliott, op. cit., p. 43.

## CHAPTER II

### SECESSIONIST TRIUMPHANT

The bitter animosity stirred up between the two opposing factions in the state election of 1859 still prejudiced the minds of the people of Texas as plans got underway for the election of a new president for the nation. The state-righters were in such complete control of the state convention of the Democratic party that they were able to expel those who held Unionist views, such as W. W. Leland of Karnes County, who was expelled on the charge of having abolitionist sentiments.<sup>1</sup> The platform adopted by this convention was, as a result, an expression of the views of the state-rights faction. In becoming a member of the Union, the platform maintained, Texas had parted with no part of her sovereignty, but had merely changed the agent through whom that sovereignty should be exercised. Texas possessed the power to annul the compact, and would prepare to do so if her rights were endangered by the election of a sectional president.<sup>2</sup> Secessionist sentiment had found its way into

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<sup>1</sup>Anna Irene Sandbo, "Beginnings of the Secession Movement in Texas," The Southwestern Historical Quarterly, XVIII (July, 1914), 73.

<sup>2</sup>Ernest W. Winkler, Platforms of Political Parties in Texas, p. 82.

the platform of the Democratic party in Texas through the will of the state-rights faction of that party. On the question of slavery in the territories the platform was worded thus:

. . . it is the right of every citizen to take his property. . . , including slaves, into the common territory belonging equally to all of the States of the confederacy, and to have it protected there under the Federal Constitution. Neither Congress, nor a territorial legislature, nor any human power has any authority, either directly or indirectly, to impair those sacred rights, and they, having been affirmed by the Supreme Court of the United States in the Dred Scott case, we declare that it is the duty of the Federal government, the common agent of all the states, to establish such government and to enact such laws for the territories, and to change the same from time to time, as may be necessary to insure the protection and preservation of those rights, and to prevent any infringement of the same. The affirmation of this principle of the duty of Congress to simply protect the rights of property is in no wise in conflict with the heretofore established and still recognized principles of the Democratic party, that Congress does not possess the power to legislate<sup>3</sup> slavery into the territories or exclude it therefrom.<sup>3</sup>

The Galveston convention sent H. R. Runnels, F. R. Lubbock, Guy M. Bryan, R. B. Hubbard and Tom Ochiltree to the National Democratic Convention in Charleston. When this convention met, there was almost disagreement upon the national platform. Stephen A. Douglas, leader of the northern Democrats, insisted on a platform endorsing his theory of popular sovereignty in the territories. Upon the adoption of such a platform, the Texas delegates, along with

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<sup>3</sup>  
Ibid.



those from seven other Southern states, withdrew, and the convention was adjourned to meet two months later, on June 3, 1860, at Baltimore. A second schism at the new site resulted in Southern Democrats electing as their nominee John C. Breckenridge, while the regular Democrats proceeded to nominate Stephen A. Douglas. These two men were displeasing to moderates in both sections of the country, however, and the Unionists organized a Constitutional Union party with John Bell as their nominee. The Republicans chose as their standard-bearer a moderate, Abraham Lincoln.

As events were then shaping up in Texas, the hopes for peace and continued existence in the Union were becoming less possible with every passing day. The Galveston platform of the Democratic party had made it clear that a large element of the party would resist, by secession, control of the national government by a sectional party. With this clear-cut statement of policy from their enemies, the Unionists began frantically to line up their forces for a great struggle within the state. In like manner, the secessionists began to organize. The tension created by the efforts of these two factions was brought to a climax in the reaction following a series of fires in North Texas during the first few weeks of July.

On a Sunday afternoon, July 8, 1860, a fire started in some rubbish on the outside of Messrs. W. W. Peak and Brothers'

store in Dallas. The flames spread rapidly, and in less than two hours every building on the western and northern sides of the square was destroyed. At about half past three o'clock on the same afternoon, a fire was discovered on the southwest corner of the square in Denton. The loss at Denton that afternoon was estimated at over eighty thousand dollars. Other towns in which mysterious fires occurred on the same afternoon were Pilot Point, Ladonia, Milford, Mill-<sup>4</sup>wood, Jefferson, Austin, and Waxahachie.

The arrest of suspects led to the detection of a plot to perpetrate such acts on a still larger scale. According to a letter from Dr. Pryor of the Dallas Herald to the Austin State Gazette, the plot had been conceived by certain abolition preachers who had been expelled from the area in the latter part of 1859.<sup>5</sup> The Democratic press, ever alert to forming public opinion in favor of secession, played up these events to their fullest potential. The Union press, however, warned the people that the plot was based more upon false accusations and rumors than upon fact. The Union press denounced vehemently the setting up of vigilance committees and other organizations which placed

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<sup>4</sup>William W. White, "The Texas Slave Insurrection of 1860," The Southwestern Historical Quarterly, LII (January, 1949), 261.

<sup>5</sup>Ibid., p. 262.

justice in the hands of the mob. A strongly Unionist paper, The Southern Intelligencer, made the position of the conservatives clear:

. . . Let us be understood at once. We are for the Constitution, the Union, and the enforcement of the laws; and we are against all Higher-Lawism, mobbery, and vigilance committee usurpations. 6

While the Democratic press was attempting to convince the people that the election of Lincoln would be just cause for secession, Houston was making an attempt to reconcile Texans to the possibility of a Republican victory. In September, in a speech at a mass Union meeting in Austin, he said:

But if, through disunion in the ranks of those opposed to Mr. Lincoln, he should be elected, we have no excuse for dissolving the Union. The Union is worth more than Mr. Lincoln, and, if the battle is to be fought for the Constitution, let us fight it in the Union and for the sake of the Union. With a majority of the people in favor of the Constitution, shall we desert the government and leave it in the hands of a minority? A new obligation will be imposed upon us, to guard the Constitution and to see that no infraction of it is attempted or permitted. If Mr. Lincoln administers the government in accordance with the Constitution, our rights must be respected. If he does not, the Constitution provides a remedy.<sup>7</sup>

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<sup>6</sup>The Southern Intelligencer, September 5, 1860, as cited in Anna Irene Sandbo, "The First Session of the Secession Convention of Texas," The Southwestern Historical Quarterly, XVIII (October, 1914), 165.

<sup>7</sup>Amelia W. Williams and Eugene C. Barker (editors), The Writings of Sam Houston, VIII, 156.

Secession, to Houston, meant the loss of all rights which Texas might possess within the Union. He believed that secession would be a tragic failure, resulting only in the complete loss of state sovereignty. Earlier in the year his loyalty to the Constitution had almost won for him the nomination of the Unionist party for the presidency, and this same loyalty led him to support the man to whom he had lost the nomination. Houston's stand on secession, however, did not alienate him from all support in Texas, for there were strong elements in the state who were in favor of maintaining Texas' position in the Union. The German element in southwest Texas and the frontiersmen in the northern counties were especially opposed to secession.

In spite of this strong anti-secessionist support, the Unionist party was placed on the defensive in the campaign. Although Breckenridge supporters made public statements to the effect that they did not consider the election of a sectional president just cause for secession, there was a general impression that the Democrats would push for secession if they were defeated at the polls. The Unionist campaigners considered it their first objective, then, to unite all loyal citizens to defeat the Breckenridge ticket. The conservative Unionists, however, lacked an efficient organization, and many loyal citizens voted for Breckenridge because of the fear that division of the votes of the south would result in the election of Lincoln.

Lincoln's victory momentarily shocked the newspapers of Texas into speechlessness. In announcing the outcome of the election, the November 14 edition of the Dallas Herald merely stated:

The whole of the Northern States have gone almost en masse for the sectional candidate, Lincoln. We have no time nor space this week to comment upon this result, but will refer the reader to the dispatches themselves for the sickening details. <sup>8</sup>

The Lincoln-Hamlin ticket of the Republican party did not receive any votes in Texas, and the candidate of the Regular Democrats, Douglas, received only 410. Bell, the Unionist candidate, received 15, 463 votes, but the Southern Democrat, Breckenridge, carried the state with 47,548 votes.<sup>9</sup>

The election of Lincoln drew the issues more sharply. ✓

The Democrats came out openly for secession, while the Unionists became more vehement in their plea for submission. The argument of the Unionists was the same as that put forth by them before the election--that the election of Lincoln, although unfortunate, did not warrant secession, and that the South could better protect its interests in the Union than out of it. Sam Houston wrote, "Mr. Lincoln

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Ralph W. Steen, "Texas Newspapers and Lincoln," The Southwestern Historical Quarterly, LI (January, 1948), 200.

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R. N. Richardson, Texas the Lone Star State, p. 245.

has been constitutionally elected, and, much as I deprecate his success, no alternative is left me but to yield to the Constitution."<sup>10</sup> In answer to confused citizens he counseled patience, proclaiming his faith in the Union -- "So long as the Constitution is maintained by Federal authority and Texas is not made the victim of a Federal wrong, I am for the Union as it is."<sup>11</sup>

Judge J. H. Reagan, then in Congress, recommended a convention of the Southern states to present to the free states such propositions as would renew the original guarantees of the Constitution in favor of the slave states.<sup>12</sup>

The conservatives lost ground steadily, however, while the secessionists were at work on their plans to take the state out of the Union and into a Southern confederacy. In less than a week after the election the South Carolina Legislature called for a state convention to meet on December 17, and a similar move was going on simultaneously in Texas.

With the victory of the Republican party a reality, Governor Houston was almost immediately besieged with petitions to convene the legislature into special session,

<sup>10</sup>Ibid.

<sup>11</sup>Sandbo, "The First Session of the Secession Convention of Texas," loc. cit., p. 171.

<sup>12</sup>Ibid., p. 172.

or to call for a convention of the people. He refused to take either step, giving as his reasons that the situation did not demand the reconvening of the legislature, and that the finances of the state were in such a condition as to require the utmost economy.<sup>13</sup>

The secessionists were forced to take special steps to take Texas along the path blazed by South Carolina. Meeting in the office of the Attorney General on December 3, a group of the leading secessionists drafted a proclamation calling for the election of delegates to a state convention for the purpose of considering secession.<sup>14</sup> Judge James H. Bell, in a speech in Austin, promptly opposed this move, asserting that only the governor could summon a convention. Judge Oran M. Roberts, however, defended the right of the people to call a convention, regardless of the governor. Roberts carried the argument even further, however, asserting that a state might secede from the Union if the compact by which it was joined were broken by the other states or by the general government.<sup>15</sup>

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<sup>13</sup>Ibid.

<sup>14</sup>Edward R. Maher, Jr., "Sam Houston and Secession," The Southwestern Historical Quarterly, LV (April, 1952), 453.

<sup>15</sup>Dudley G. Wooten, "The President's Annual Address: The Life and Services of Oran Milo Roberts," The Quarterly of the Texas State Historical Association, II (July, 1898), 13.

Houston had anticipated this move on the part of the secessionists, and on November 28 he had issued a call for a meeting of the Southern states in convention. In doing this he was acting upon authority given him by the Joint Resolutions of 1858 which provided that:

the Governor of this state is hereby authorized to order an election for 7 delegates whenever the Executive or a majority of the slaveholding states shall express the opinion that such a convention is necessary to preserve the equal rights of such states in the Union. 16

The address which had been issued on the third by the leading secessionists had called upon the voters of each district to select at an election on January 8, under orders of the various chief justices, two delegates to a state convention. The convention was then to assemble on January 28. The committee explained to the people why they felt it necessary to call this extra-legal convention. They felt that the sovereign will of the people could best be expressed by a convention; that neither the governor nor the legislature was authorized under the Constitution to call such a convention, though the people had a right to do so. 17

Governor Houston, in a last vain attempt to defeat the efforts of the secessionists, issued a call on December 17

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<sup>16</sup> Williams and Barker, op. cit., pp. 208-209.

<sup>17</sup> Ernest W. Winkler, Editor, Journal of the Secession Convention of Texas, p. 10.



for an extra session of the legislature to meet on January 21, just one week before the scheduled meeting of the special convention. In the proclamation calling for this extra session, Houston recognized the "great excitement existing in the public mind, arising from. . . our relations with the Federal Government," and stated that:

. . . the executive desires that such measures should be adopted as will secure a free expression of the popular will through the ballot box, upon the questions at issue, involving their peace, interest, security and happiness, and the action of the whole people be made known in relation to the Course which it may be proper and necessary for Texas, as one of the States of the Union, as guaranteed by the Federal Constitution. 18

In his message to the special session of the Legislature, January 21, 1861, Houston expressed his hope that the Legislature recognize the supremacy of the people, stating that:

. . . should the Legislature in its wisdom deem it necessary to call a convention of delegates fresh from the people, the Executive would not oppose the same, but he would suggest that the people be the tribunal of the last resort, and that no action be considered final until it has been submitted to them. 19 ✓

The Legislature disregarded Houston, however, and, as soon as the convention assembled on January 28, worked very ✓ closely with that body. The convention was recognized by the Legislature by a joint resolution on February 4, the

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Williams and Barker, op. cit., pp. 220-221.

19  
Ibid., p. 250.

only requirement imposed being that the convention should submit its decision to a vote of the people. Houston, in his recognition of the convention, added an important reservation:

. . . with a protest against the assumption of any powers, on the part of said convention beyond the reference of the question for a longer connection of Texas with the Union. 20

This modification of the approval laid the foundation for his subsequent contention that the delegates were authorized only to vote on the question of secession and had no authority to join Texas to a confederacy.

The legislature also repealed the joint resolutions of 1858 under which Houston had called for a convention of the Southern states. Houston's attempt to organize this Southern Convention had alarmed the secessionist leaders in the other states of the South. When J. M. Calhoun of Alabama appeared in Austin to urge secession, Houston was still technically awaiting a reply to his proposal for a convention. Houston warned the commissioner that Alabama could expect no help from Texas if her actions led her into conflict with the Federal government. Instead he indicated that Texas might be re-established as an independent republic to "tread the wine press alone."<sup>21</sup>

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<sup>20</sup>  
Ibid., p. 258.

<sup>21</sup>  
Ibid., p. 229.

Calhoun immediately went to Judge R. T. Wheeler with his fears that Texas would not join with her sister states in secession and formation of a Southern Confederacy. Judge Wheeler assured Calhoun, however, that there were enough votes in east and southeast Texas to withstand Houston. Wheeler had subsequently used all of his influence to persuade the legislature to recognize the convention, for he knew that some counties had held no elections, and in others a minority had voted. The Southern Intelligencer asserted that the delegates had been elected by only a third of the voters.<sup>22</sup> More alarming was the report that the northern counties were making plans to form a new state and apply for admission to the Union.<sup>23</sup>

One of Houston's staunch supporters, James W. Throckmorton, was accused of having a leading part in this plan for dismembering the state. Collin County, under the influence of Throckmorton, had been slow in putting convention candidates in the field. When it had become certain that the convention would meet, however, both sides had placed its candidates before the people. George W. Barnett was the nominee of the secession group, while Throckmorton led the anti-secession party. During the election a pamphlet had been circulated

<sup>22</sup> Maher, "Sam Houston and Secession," loc. cit., p. 454.

<sup>23</sup> Ibid.

in Collin and Denton counties setting forth a plan to create a small state out of the northern counties. This document, dated January 15, 1861, read as follows:

Whereas the political movements in the State of Texas indicate that the obligations that bind us to the Federal Government by the Constitution of the United States are about to be abrogated by a State Convention; and whereas should said state convention so far disregard the wishes of the Conservative Union men of the State of Texas, and especially the northern portion of the state, as to declare the State of Texas out of the Union without submitting their action to the people of Texas for ratification at the ballot box; and whereas should the state convention act so as to disregard the anticipated action of the southern convention, therefore, we resolve, as a Dernier Resort, to make an effort to unite a sufficient number of the northern counties of Texas into a state, and make application at the proper time for admission into the Union. <sup>24</sup>

Although there is no proof that Throckmorton had any connection with this scheme, he did oppose secession and demanded that the action of the convention have the sanction of the voters before it became effective. Throckmorton also led the Unionists in the attempt to get the Legislature to ignore the convention. On January 22 he introduced a bill in the Senate calling for the election of delegates to a general convention of the people of Texas. This bill never emerged from the Committee on State Affairs. <sup>25</sup> The resolution calling for recognition of the convention also met with

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<sup>24</sup> Claude Elliott, Leathercoat, The Life History of a Texas Patriot, p. 49.

<sup>25</sup> Ibid., p. 50.

Throckmorton's opposition in the Senate. Senators Throckmorton, Paschal, Rains, Hart and Townes attempted to defeat it by forcing a substitute calling for a convention of the Southern states. This proposition was tabled by a vote of twenty to ten.<sup>26</sup> The efforts of this small group of Unionists to impede the secession movement, then, met with failure, and the convention was free to go about its work immediately.

After electing Oran Milo Roberts president, the convention at once began consideration of the main issue before it. On the second day a resolution was passed providing that "without determining now the manner in which the result should be effected, it is the deliberate sense of this convention that the state of Texas should separately secede from the Federal Union."<sup>27</sup> On January 30, an ordinance of secession was presented to the convention, and debate for the next two days was concerned with the question of whether the secession ordinance should be made effective from date of passage, or be submitted to the people for ratification. On the evening of January 31 the convention decided that the ordinance should be ratified by the people before becoming

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Ibid., p. 51.

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Ernest W. Winkler, Editor, op. cit., p. 25.

effective, and that the votes of the delegates on the secession ordinance be taken at high noon on the following day, February 28 1.

The high state officials, including Governor Houston, the lieutenant governor, and the judges of the Supreme and district courts were seated on the platform with the officials of the convention at the appointed time for taking the vote. The delegates had agreed to vote merely by "aye" or "nay," but a few of the delegates could not keep from explanation of their vote. Thomas Hughes, Johnson of Lamar, Johnson of Titus, and A. P. Shuford of Wood County voted "nay" without comment, but when called upon for his vote, J. W. Throckmorton arose and said: "In view of the responsibility, in the presence of God and my country--and unawed by the wild spirit of revolution around me, I vote 'no.'"<sup>29</sup>

His comment was followed by both applause and jeers from the gallery. Throckmorton rose from his seat and exclaimed: "Mr. President, when the rabble hiss, well may patriots tremble."<sup>30</sup> Before the close of the roll call two other

<sup>28</sup>  
Elliott, op. cit., p. 53.

<sup>29</sup>  
Ibid., p. 54.

<sup>30</sup>  
Sandbo, "First Session of the Secession Convention of Texas," loc. cit., p. 53.

delegates, L. H. Williams and George W. Wright of Lamar County, voted "no," making the final vote one hundred sixty-six "eyes" to seven "nays."<sup>31</sup>

In the session that afternoon an ordinance was passed providing for an election to be held on February 23 for the ratification or rejection of the ordinance of secession. The manner of voting was to be by ballot "for secession" or "against secession."<sup>32</sup> On February 2, the convention presented an address to the people setting forth the reasons for its actions: the controlling majority in the Northern states was hostile to Texas and the other Southern states and was keeping them from common territory; the disloyalty of the North had allowed outlaws to war upon the Southern citizens and their property; the Federal government had failed to protect the frontier from savages; a number of states had violated the fugitive slave law; a sectional party of the North had been sowing seeds of discord; by the combined sectional vote of the seventeen Northern states this sectional party had elected to the presidency and vice-presidency two men whose chief claim to those positions was their approval of the action of the Northern radicals; and

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<sup>31</sup>  
Elliott, op. cit., p. 55.

<sup>32</sup>  
Sandbo, "First Session of the Secession Convention of Texas," loc. cit., p. 192.

since six Southern states had already seceded there was no other course for Texas but secession or isolation.<sup>33</sup> Seven delegates were then elected to represent Texas in the Montgomery Convention of Southern States. John H. Reagan, Louis T. Wigfall, John Hemphill, T. N. Waul, John Gregg, W. S. Oldham, and William B. Ochiltree were chosen.<sup>34</sup> These men were sent to Alabama with no definite instructions, since secession in Texas was still not a legal fact; the ordinance of secession had yet to be ratified by the people.

The Convention then adjourned on February 5, to meet again on March 2. The Legislature adjourned also, to reconvene on March 18. In his last speech as presiding officer of the Convention, Judge O. M. Roberts said:

Let us go home and appeal to them (the people of Texas) to sustain our action by their votes; and when we reassemble on the 2nd of March let us bring back with us the voice of a united people; in favor of an immediate action to sustain the rights of the people of Texas and of the South at all hazards, and to the last extremity.<sup>35</sup>

The Unionists were left with one last chance to halt the secession movement; they could prevent the ratification

<sup>33</sup> Elliott, op. cit., p. 55.

<sup>34</sup> Sandbo, "First Session of the Secession Convention of Texas," loc. cit., p. 194.

<sup>35</sup> Winkler, Editor, op. cit., p. 85.



of the ordinance by the people. Before leaving Austin to campaign against ratification, therefore, the anti-secessionists in the legislature drew up an address to the people of Texas setting forth the Unionists doctrine. In this address these men acknowledged that the Northern states were hostile toward slavery, and that the election of Lincoln made the provision of additional protection for the institution of slavery necessary. They did not, however, feel that because of these grievances they should consider the Union as an "accursed Union." Instead, these men preferred to be remembered as men who:

. . . even under the present circumstances cherished and dared to confess, gratitude and veneration for the free and parental government framed by our fathers, rather than to be classed with those who deserted it in the day of gloom and danger without making a single effort to adapt it to a change of circumstances, so that it might continue to be in the future, as it has been in the past, the government of a great and united people. <sup>36</sup>

The address further contended that the people had been deceived by the secessionist leaders and that secession could only result in a civil war and the extinction of slavery.

For their bitter stand against secession, the authors of this address were accused of attempting to bring on a

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<sup>36</sup>  
Elliott, op. cit., p. 56.

civil war in Texas, with slave holder against non-slave holder. This attack upon their doctrine did not deter them from their objectives, for after a speech in defense of the Address by Throckmorton in Austin, on February 9, they went to their respective districts to campaign against ratification.

While the secession convention was still in session, John Reagan had made a last attempt to convert Houston to the secessionist's viewpoint. Houston made himself clear to Reagan immediately by declaring, "You know I am a Union man and opposed to secession."<sup>37</sup> Reagan approached Houston then with the argument that the sectional trouble had reached the point where individual opinions might have to yield to the necessities of the state. In reply to that argument, Houston said, "the firing of the first gun will sound the knell of slavery."<sup>38</sup> Reagan continued the discussion with the argument that there would be no war, due to commercial interests of the North and East and of support to the Confederacy from Europe. Reagan said of Houston's reply:

His reply to me was that the passions and prejudices of the North would provoke them to disregard these material interests; that Great Britain had been for forty years working to stimulate

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<sup>37</sup> John Henninger Reagan, Memoirs, p. 105.

<sup>38</sup> Ibid.

sectional hostility between the North and South, looking to the disruption of the Union; that she desired this because of her jealousy of the great Republic, and because a war with us would enable her to build up her cotton planting interests in India; and that the people of France were still more opposed to our system of government, and war here would give that nation time to strengthen its cotton planting interests in Algeria. 39

Just before the election, Houston, in a speech from the balcony of the Tremont Hotel in Galveston, warned the secessionists again: "You may, after the sacrifice of countless millions of treasure and hundreds of thousands of lives, as a bare possibility win southern independence, if God be not against you, but I doubt it."<sup>40</sup>

The people of Texas ignored the warnings of Houston, however, and approved the action of the Convention by a vote of 46,129 to 14,697. Ten counties in the vicinity of Austin showed strong anti-secession majorities, a fact which might be attributed to the large German population and to the strong Union newspapers. The influence of J. W. Throckmorton was strong enough to carry eight counties against secession in northern Texas where settlers lived who had migrated from the northern and border states.<sup>41</sup> Nevertheless, the

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39  
Ibid., p. 105.

40  
Maher, "Sam Houston and Secession," loc. cit., p. 456.

41  
Newton and Gambrell, Texas Yesterday and Today, p. 230.

slaveholding counties were able to amass a large majority of the votes, and the Unionists had failed in this last attempt to gain the confidence of the people of Texas. There was some contention about the vote, with charges of fraud and intimidation directed at secessionists, but these charges have not been sufficiently documented to be accepted as fact.<sup>42</sup>

The convention reassembled on March 2, to count the votes. On that same day, the seven delegates to the Convention at Montgomery took their seats in the Congress of the Confederate States, though, as Houston later pointed out, they had no information at that time as to the withdrawal of Texas from the Union.<sup>43</sup> On the fifth of March, the state convention passed an ordinance ratifying the Constitution of the provisional government of the Confederate States, and instructed its delegates to apply for the admission of Texas. Houston notified the convention that he did not recognize it as a convention of the people of Texas, since the legitimate function of the body had been fulfilled with the adoption of the Ordinance of Secession.<sup>44</sup> In reply, the convention passed the following resolution:

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<sup>42</sup> Richardson, op. cit., pp. 248-249.

<sup>43</sup> Williams and Barker, op. cit., p. 268.

<sup>44</sup> Ibid., p. 266.

Resolved that this Convention do now declare that it not only had power to pass and submit the ordinance of secession, but that also it possesses and will exercise the right, on behalf of the people of Texas, to do whatever may be incidental to the same. . . and that it will as speedily as practicable consummate the connection of Texas with the provisional government of The Confederate States of America. . . . 45

With this statement of power as a basis for the right, the convention passed an ordinance requiring all state officers to take an oath of allegiance to the Confederacy.<sup>46</sup> When presented with the ordinance on March 14, Governor Houston gave it back to the messenger, George W. Chilton, with the declaration that he did not consider the actions of the convention binding upon him.<sup>47</sup> Houston was declared deposed from his office and Edward Clark, the Lieutenant-Governor, was installed in his place. In an address to the people, Houston made his protest, "I solemnly protest against the act of its (the convention's) members who are bound by no oath themselves, in declaring my office vacant, because I refuse to appear before it and take the oath prescribed."<sup>48</sup> He then appealed to the Legislature, but that body confirmed

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<sup>45</sup> Winkler, Editor, op. cit., p. 119.

<sup>46</sup> Ibid., p. 146.

<sup>47</sup> Ibid., p. 179.

<sup>48</sup> Williams and Barker, op. cit., p. 278.

the action of the convention. Houston was ordered to vacate the Governor's Mansion immediately. On the night of March 19, while he and a few friends were packing his household goods in preparation for the move, a messenger brought news that a group of his friends were armed and ready to reinstate him as governor. He refused to accept their aid for fear that Texas would become involved in an internal civil war.<sup>49</sup> In his address to the people on March 16 he made himself clear on this point:

I love Texas too well to bring civil strife and bloodshed upon her. To avert this calamity, I shall make no endeavor to maintain my authority as Chief Executive of this State, except by the peaceful exercise of my functions. 50

Houston could have taken advantage of a much larger force than his friends in Austin in keeping his office if he had so wished. Prior to the meeting of the second session of the Secession Convention, Houston had written the commander of the Federal troops in Texas, Major General David E. Twiggs, in San Antonio, asking him:

. . . If on demand for the possession by the State Executive, you are authorized, or would it be conformable to your sense of duty to place in the possession of the authorities of the State, the forts, arms, munitions, and property of the Federal Government, on the order of the Executive, to an officer of the State empowered to receive and receipt for the same. 51

<sup>49</sup> Ibid., p. 293.

<sup>50</sup> Ibid., p. 277.

<sup>51</sup> Ibid., p. 285.

The Committee of Safety set up by the convention also approached General Twiggs, and, without the knowledge of Houston, the Federal troops and property were surrendered to the convention.<sup>52</sup> Houston's attempt at gaining control of the Federal troops was evidently known in Washington, for after the new administration of Lincoln had determined to maintain the Union by force, General Scott sent orders to Colonel Waite, who had taken over the command from Twiggs very soon after the surrender, to form an entrenched camp at Indianola and to offer assistance to Houston. Lincoln wrote a letter to Houston offering him five thousand troops with which to coerce Texas. This letter was delivered to Houston by George Giddings, a confidential messenger. When the letter arrived, Houston called four of his personal friends, J. W. Throckmorton, Ben Epperson, David Culberson and Colonel Rogers, to meet him in the private mansion. These men advised him not to accept Lincoln's offer, as it would mean civil war in Texas. Houston threw the letter into the fire, and said, "Gentlemen, I told you I would follow your advice, and I will. But if I were ten years younger I would not."<sup>53</sup>

On March 29, 1861, Houston addressed a communication to Colonel Waite in which he said:

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<sup>52</sup> Ibid., p. 286.

<sup>53</sup> Elliott, op. cit., p. 60.

. . . I have received intelligence that you have received, or will soon receive, orders to concentrate United States troops at Indianola . . . to sustain me in the exercise of my official functions. Allow me most respectfully to decline any such assistance from the United States government. <sup>54</sup>

The convention had in the meantime ratified the Constitution of the Confederacy, and on March 26, it adjourned. Secession was an accomplished fact; the Unionists in Texas had lost their battle, and the secessionists were triumphant.

While General Houston was on his way to his home at Cedar Point, he was called upon to make speeches in towns along the way. He firmly refused to accept the invitations, until in Brenham some "hot-blooded" secessionists declared that he should not speak. This aroused Houston, and he made a speech, on March 31, in Brenham in which he sought to justify his action in opposing the convention and refusing to take the oath of allegiance to the Confederacy. "The Vox Populi is not always the Voice of God," he declared, "for when . . . selfish political leaders . . . still the voice of reason, then on every hand can be heard the popular cry of 'Crucify him, crucify him.'" <sup>55</sup> He repeated the warnings that he had

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<sup>54</sup> The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies, Series I, Vol. I, p. 551.

<sup>55</sup> Williams and Barker, op. cit., p. 295.



made so many times, but this time his words had about them the ring of prophecy. "The die has been cast by your secession leaders," he said, "whom you have permitted to sow and broadcast the seeds of secession, and you must ere long reap the fearful harvest of conspiracy and revolution."<sup>56</sup>

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<sup>56</sup>  
Ibid., p. 299.

### CHAPTER III

#### UNIONISTS IN REBELLION, 1861-1865

Texans approved the ordinance of secession by a vote of about three to one, but the decision was by no means unanimous. The unionists declared almost immediately that the elections had not been fairly administered and insisted that the majority of the people were against secession.

Recent settlers on the frontier from such border states as Tennessee, Kentucky, Illinois, Missouri and Kansas remained loyal to the Union, and many expressed their willingness to go to any length to keep from being forced to fight against the government to which they still held allegiance. Two other large elements in Texas opposed secession and remained loyal during the war, the Germans in central Texas, and the Mexicans in the counties bordering the Rio Grande.

When war did come, after the fall of Fort Sumter in April of 1861, many of these unionists who had opposed the secession movement felt they were going into war unjustly, not because of oppression from the national government, but because of oppression from the state government. While most of the disaffected showed their feeling by refusing to fight for, or to give active support to, the Confederacy, some

organized themselves into parties or leagues for giving aid to the Union, injury to the Confederacy, and self-protection to themselves.<sup>1</sup> This loyal element did not decrease as the war continued, but was increased as a result of certain laws passed by the Confederate Congress, by conflict between state and Confederate authorities over the enforcement of these laws, by the hardships of war, and in 1863, by war weariness and the apparent hopelessness of a Confederate victory.<sup>2</sup>

The most unpopular of the Confederate laws was the first conscription act, passed in April, 1862. This act provided for the enrollment of all white males in the Confederacy between the ages of eighteen and thirty-five, placing them at the disposal of the president for the duration of the war. Those who remained loyal in sentiment to the Union resented being forced to fight against Federal troops, while a clause in the act allowing those who could afford it to send a substitute alienated the less wealthy whites. When the exemption law, providing for the exemption of one white man for each twenty slaves, was passed, the disaffected immediately took up the cry that the war was a "rich man's war and a poor man's fight."<sup>3</sup>

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<sup>1</sup>Georgia Lee Tatum, Disloyalty in the Confederacy, p. 3.

<sup>2</sup>Ibid.

<sup>3</sup>Ibid., p. 14.

Those who were in opposition to the Confederate state authorities in Texas had excellent leadership during the early years of the war, though most of the active unionists were driven out of the state by 1863. The loyalists were encouraged by the actions of such men as Edmund J. Davis, who recruited a regiment of Texas unionists in Mexico; A. J. Hamilton, who fled to Washington and was made a brigadier general and later military governor of Texas; John L. Haynes, who became a colonel in the Second Texas Regiment organized at Matamoras; and James P. Newcomb, the editor of the Alamo Express, who was driven out of his office by the Knights of the Golden Circle and forced to spend the war years as an exile. Sam Houston, though giving "lip service" to the Confederacy, made several attempts to find support for his scheme to overthrow the illegal Texas regime, and gave comfort to the loyalists by opposing martial law, conscription, and the administration of "Little Jeffy" Davis.

The representatives of the northern frontier counties, though most of them had been opposed to secession, went along with the Confederacy after secession became an accomplished fact. The Dallas Herald announced this shift in sympathy in its issue for March 27, 1861:

We are pleased to learn that Dr. Throckmorton is slowly learning 'the steps,' and bids fair to become a good

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<sup>4</sup>Claude Elliott, "Union Sentiment in Texas, 1861-1865," The Southwestern Historical Quarterly, L (April, 1947), 452. ✓

secessionist. Henry of Grayson, Lewellin of Collin, and Whitmore of Harrison, all of them intense Union-anti-secession men have taken the bitter pill which they worried down rather than lose their per diem and mileage. <sup>5</sup>

The first plot to dismember Texas in case of secession had been popular in these counties during the election of delegates to the secession convention. After secession became a reality, there were frequent hints of unionist opposition, in spite of the fact that most of those who had been leading unionists during secession subsequently embraced the Confederacy. Illustrative of this continuing union sentiment was an affray known as the "battle on North Travis Street" which occurred in Sherman, the county seat of Grayson in the spring of 1861. An extremely high-tempered unionist of Grayson county, said to be very loud-mouthed, informed several of his acquaintances that he would slap the face of any secessionist. Evidently his bragging was audible to some who were not his friends, for a Confederate from Collin county, who happened to be in town, sent word that he was a secessionist, and would be happy to wait for the man to come slap him. Along with his friends, the unionist came out on Travis street, calling for the secessionist to come to him, which he did. The battle was short, and when it ended the unionist and his two friends were dead! <sup>6</sup>

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<sup>5</sup>Dallas Herald, March 27, 1861, as cited in Elliott, Leathercoat, the Life History of a Texas Patriot, p. 63.

<sup>6</sup>Mattie Davis Lucas and Mita Holsapple Hall, A History of Grayson County, Texas, p. 112.

Not all of the unionists in Sherman had been taken care of by this "bettle" by any means, for a union sympathizer tore down the Confederate flag which had been raised over the court house. Any further attempts at this sacrilege were warded off, however, by a prominent attorney who seated himself near the flagpole with a rifle across his knees, daring anyone to haul the flag down again.<sup>7</sup>

The war fever of the people had begun to subside in early 1862, after a year of war, and the Confederacy was forced to pass a conscript law to induce men into the army. This law was particularly offensive to the men along the northern frontier of Texas, for they felt that it was their first duty to remain at home and protect their families against the Indians. Thomas Barrett, a prominent citizen of Cooke county, has left this impression of the reaction of people in his section to the conscript law:

In riding through the country, I called at a steam mill and found about a dozen men; the mill was not running, so we had a good chance to talk. Some one named the conscript law; its effect was like a spark lighting on powder; all was in a blaze of opposition as deep and fierce as it was possible for it to exist in the human mind was plainly manifested.

After much talk and hard things being said, one man, who seemed to be a leader, boldly declared he was ready to head a company to resist the conscript law.<sup>8</sup>

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<sup>7</sup>Ibid.

<sup>8</sup>Thomas Barrett, "The Great Hanging at Gainesville, Cooke County, Texas," October, 1862, typewritten manuscript, p. 1.

For some time after the passage of the conscript law the loyal Confederates along the frontier suspected that the unionists were making plans. "For some time afterwards," wrote Barrett, "there was strong and mysterious things said which were not understood by the great mass of people. I heard them and others heard them; we could form no idea what could be up."<sup>9</sup>

There was some basis for this suspicion, for in the eastern part of the county, in the "cross timbers," there were many whose sympathies were with the northern cause. These unionists had formed a secret organization with all of the mysterious trappings such as signs, passwords, secret meeting-places, and differing degrees and orders. This "Peace Party," or "Union Loyal League," as it was variously called, was made up of those who retained loyalty to the Union, and those who were dissatisfied with the war, though really loyal to neither side. A prospective member was first sworn to maintain secrecy, and, if found worthy, was entrusted with three degrees. The first degree obligated the new member to avenge an attack on a fellow member; the second degree pledged him to steal and destroy Confederate possessions; and the third and last degree pledge him to support a movement to re-establish the Union. The two primary motives of the

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<sup>9</sup>  
Ibid.

organization were to resist the draft and to keep up a spy system for the Northern army.<sup>10</sup>

Although the exact time and place of the organization of the league is not known, most of the enlistments came after September 1, 1861. Most of the members were true unionists who had supported Throckmorton and Houston during the meetings of the secession convention, and all economic and social classes of the community--clergymen, professional men, and farmers--were represented. These men did not consider themselves traitors, but felt that they were the loyal supporters of the true government.

An organization such as this could not be concealed for long from the authorities. Several incidents occurred in late summer of 1862 which increased the suspicions of the Confederates in the area. Some wondered why they could hear war news frequently before it was in the newspapers. They found out later that the unionists had a regular mail service to and from the Kansas Jayhawkers.<sup>11</sup> Others had even better reason to suspect the existence of an underground organization. One of the loyal Confederates, whose home was near one of the regular meeting places of the unionists, went to Rock Creek one Sunday afternoon to go in swimming. He found quite a group

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<sup>10</sup>  
Elliott, "Union Sentiment in Texas, 1861-1865," loc. cit., p. 454.

<sup>11</sup>  
Barrett, op. cit., p. 2.



of men already in bathing, but he, not being the shy type, joined them without hesitation. These men were members of the League, and, knowing his sympathies, ducked him under the water several times. After he had dressed, the men threw him in again, exclaiming, "Old man Roff sent his half-witted boy down here to spy on us, but reckon he won't send him back again."<sup>12</sup>

The existence of the League was revealed to the carrier of the mails between Gainesville and Denton by a drunk member of the organization. The member told the mail carrier enough about the organization to arouse his curiosity, so that by the time he had reached Denton county next day he had come to the conclusion that Gainesville might actually be in some danger. He reported what he had heard to a military officer in Denton, who immediately informed the military in Gainesville about the incident. The mail carrier, upon his return to Gainesville, was sent to be initiated into the League, and to find out what he could about the organization. He took the first degree, but refused to take the oath required for the second.<sup>13</sup>

The plot was completely uncovered when Newton Chance, a Confederate soldier home on furlough, was approached by an

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<sup>12</sup> Joe T. Roff, A Brief History of Early Days in North Texas and the Indian Territory, p. 6.

<sup>13</sup> Barrett, op. cit., p. 3.

officer of the league in a Gainesville hotel and asked to become a member of the order. In the course of the conversation, Chance had intimated that it looked to him as though the South were going to lose, and that he was getting tired of the war. Childs, the unionist, then asked the soldier his opinion of the war in general, to which Chance replied, "if you had been where I have been and seen and heard what I have, you would not be pleased yourself."<sup>14</sup> Childs was thrown completely off guard, and revealed to Chance that he was an officer in the Union Loyal League. He suggested that Chance become a member, stating that they had a strong organization and would be glad to accept him at their next regular meeting the following night. Chance agreed that the organization was the very thing to settle the issues of the time in the best manner possible, and promised to be at the meeting along with his brother, who was also tired of war.

The League met the next day, and the two men were put through the first two degrees of membership. The brothers then questioned their initiator until they found out much about the intentions and membership of the organization. They did not learn the most secret information, but they learned enough to know that if the plans of the League were

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<sup>14</sup>  
Ibid.

carried out it would mean devastation and ruin to the Confederate cause in the county.

The brothers separated, taking different routes back to Gainesville, and met at military headquarters in Gainesville. When they had finished their report General Hudson sent out orders for the militia in Cooke county to report at Gainesville armed and equipped for service early the next morning. Wise, Denton and Grayson counties were asked to send one company each, and one company was requested from Fort Washita.

That night squads of men were sent out over the county to watch the homes of the men who had been revealed as being leaders in the League. They were to be kept from making their escape that night, and were to be arrested as soon as it was light the next morning. Some twenty were arrested the first morning, and in the next thirteen days one-hundred fifty more were imprisoned.<sup>15</sup> Not all of the men imprisoned had any connection with the organization, however, for any able bodied man who failed to report for militia duty and could not give a satisfactory reason was thrown into prison with the others. In one case, one of the squads told a farmer that he must go along with them to help round up the unionists. He hesitated, because he had no gun, but to refuse would have cast suspicion on himself, so he accompanied the squad. When

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<sup>15</sup>  
Ibid., p. 4.

the group reached the prison the soldiers, seeing this man had no gun, ordered him to go in with the prisoners. He had no choice but to go into the prison, where he remained until he was freed two days later with the help of one of the jurors chosen to try the prisoners.<sup>16</sup>

In the meantime, rumors were spreading like wildfire over the frontier counties. Armies of unionists were reported to be planning to fight their way northward, burning homes and killing men, women and children along the way.<sup>17</sup> To ward off this army, squads of men were detailed to different parts of the area, and a double line of sentinels were placed around the town of Gainesville.

Five men were selected at a meeting in Gainesville to choose a jury to try the prisoners. The committee selected twelve men, and instructed them to go into a fair examination of the men, bringing witnesses and accused face to face. The jury met the next day, organized, and passed an order that a majority should rule. The leaders of the organization were tried first. Childs, the first tried, was found guilty and condemned to die. Six others followed, and were given the same penalty. By this time there were some eight hundred or a thousand armed men in the town threatening to take all of the prisoners out of jail and hang them without benefit

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<sup>16</sup>  
Ibid., p. 5.

<sup>17</sup>  
Ibid., pp. 15,16.

of trial. The pressure of this mob was so great that the eighth man tried, though found to have been only slightly involved with the League, was also given the death penalty. At that point, two of the jurors, disgusted with the blood-thirsty mob, refused to serve on the jury any longer unless a provision for two-thirds rule were adopted. The provision was adopted, and for the time being the prisoners could expect a fair trial.<sup>18</sup> By Saturday afternoon, all of the prisoners had been tried, and the decision had been made to turn some over to military authorities to be dealt with, and the rest were to be turned loose. The jury, feeling that public opinion should have time to moderate before that decision was announced, adjourned to meet again the next Saturday. The crowd soon learned of the decision, however, and demanded that some twenty men whom they considered leaders in the organization be delivered to the mob to be hanged. The leader of the mob asked for a list of the prisoners. The jury gave him the list, he looked it over, and read the names of the men he wanted to the clerk. He named only fourteen, but as he rose from his seat he said, "I reckon that will satisfy them."<sup>19</sup>

Two representatives of the mob went to the prison, called the fourteen men out, and informed them that they would be

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<sup>18</sup> Ibid., pp. 15, 16.

<sup>19</sup> Ibid., p. 20.

hanged the next day. After this usurpation of authority, there was a move in the jury to free all of the prisoners the next Saturday. An order was passed to that effect, and the jury again adjourned to meet the next Saturday morning.

During the week the excitement seemed to moderate, and some of the more open-minded citizens were hoping for a calm and sensible treatment of the prisoners. About the middle of the week, however, a Gainesville youth was shot and killed while hunting deer on Hickory Creek. His companion escaped and reported the news. Runners were sent out at once and a small posse set out to bring in the body. Another posse was organized under Colonel William Young to search for the killers. The country on the east side of the creek was brushy, and before they knew what was happening Colonel Young's group ran into an ambush. Young was the only one killed before the attacking force fled through the brush and disappeared.<sup>20</sup> Two men had been killed in one day by this group hiding out in the brush, and no one seemed to have any idea how many men were in the group, nor how far they would go before the excitement died down.

The mob in Gainesville was boiling over with excitement. "The fight has commenced," they cried, "and every one we turn

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<sup>20</sup>

Roff, op. cit., p. 9.

loose is adding that much to the strength of the clan." Others would swear with an oath, "We will clean them up to-night."<sup>21</sup> The mob assumed that the two men had been murdered by members of the Union Loyal League, and a rumor was current throughout the county that the murderers had mistaken Dickson, the Gainesville boy, for Jim Pate, Colonel Young's overseer, whom the members of the League hated. Garrison, one of the few leaders of the League who had not been arrested, added to the suspicion by leaving the country soon after the murder of the two men.

On Saturday morning, two of the moderate jurors were absent when the jury met again, and in their places were men who would follow the dictates of the mob. The first act of the jury was to reconsider the decision which had been made the previous week to set the prisoners free. This decision was immediately rejected, and all of the prisoners were again placed on trial. Some nineteen men were condemned to be hung in the course of the day, and the remainder, about fifty or sixty, were set free.<sup>22</sup>

The following Sunday saw the death of the Union Loyal League as an active organization in Cooke County with the hanging of these nineteen men. Forty-two unionists were

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<sup>21</sup> Barrett, op. cit., pp. 24-25.

<sup>22</sup> Ibid., pp. 25-26.

killed during the course of three weeks, forty of whom were hanged and two of whom were killed when they broke from their guards. There were still members of the League at large, however, and there was some opposition from this group for the remainder of the war, though nothing on so large a scale as had been the Union Loyal League.

Only a short time after the trials, four other men under suspicion, including three renegades from Kansas, were hanged by a posse headed by Jim Young, a son of Colonel Young. Another victim of Young's posse was a man by the name of Welch, who was suspected of being the man who fired the shot that killed Colonel Young. He was a member of Garrison's company and had left the county after the killing of Young. He was apprehended near the Arkansas line and brought back to Gainesville where he was hanged.

Many unionists left the county after the trials, as did many men of moderate opinions, so that the county was drained of some of its most able business men and political leaders. Even the men who served on the jury were lost in the turmoil of suspicion, accusation, and war, for after the conflict only a few people in the county could even remember who had served on the jury, and most of the jurors had left the county and were living in other parts of the state. The jurors had

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<sup>23</sup>  
Ibid., pp. 28, 29.



to leave to escape being killed by one of the factions, for those who had upheld the hangings were in danger from the unionists, and those who had tried to halt the hangings were in danger from the Confederates.

In Wise, Grayson and Denton counties a more sane course was taken toward the Union Loyal League than in Cooke county. General Hudson ordered Captain John Hale, commandant at Decatur, county seat of Wise, to arrest Peace Party members. A trial commission of fifty men, presided over by Reverend William Bellamy, a Methodist preacher, was formed. Five unionists were convicted and hanged in Wise county, and several others were sentenced to serve in the Confederate army. The loyal Confederates, in the campaign to exterminate the unionists in Grayson county, arrested about forty men. These men were condemned to die without trial, but J. W. Throckmorton used his influence to have the men given the benefit of trial. His plea was that the blood of the victims would stain the hands of the people unless the guilt of the men was first ascertained by due process of law. A subsequent court investigation found all but one of the men innocent.<sup>24</sup>

After these executions the unionists in North Texas remained comparatively quiet, but beneath the surface their attachment to the Union kept them in opposition to the rule

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<sup>24</sup>Elliott, Leathercoat, p. 75.

of the Confederacy, and led them to resist Confederate laws in every way possible. One year after the suppression of the Union Loyal League in Cooke county, General E. Kirby reported that affairs around Bonham, in Fannin county, had reached the point that "the question is whether they or we shall control."<sup>25</sup> Many soldiers in the northern district would "take to the brush" when transferred to another part of the state, and in October of 1863, several companies of state troops refused to go over into Louisiana, "even to scout."<sup>26</sup> In that year about two thousand deserters fortified themselves near the Red River, and defied the Confederate authorities. Some four hundred of these deserters encamped in three camps about thirty miles from Bonham. This group, made up of deserters, discontented rebel civilians, unionists and desperados, picketed every road in that area so well that no man, woman or child could approach without their knowledge.<sup>27</sup>

General McCulloch received many letters pleading for troops with which to arrest these deserters, but troops were

<sup>25</sup> The War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies, Series I, Vol. XXVI, Part II, p. 285.

<sup>26</sup> Ibid., p. 362.

<sup>27</sup> Ibid., pp. 330, 331, 344.

scarce, and the ones sent could not be depended on not to join the deserters. In the latter part of October, Henry Boren, one of the leaders of the deserters, proposed to the Confederate military authorities that he and his men would return to duty if they would be given frontier duty.

McCulloch consented, but refused to allow them to elect their own officers.<sup>28</sup> On November 9, three hundred deserters came out of the brush and reported in a body to the Confederate authorities in Bonham. On that same day, McCulloch instructed his troops to "make a clean sweep" of the camps of the deserters, since it was necessary that they be "broken up at all hazards."<sup>29</sup> On November 28, General Webb ordered that the homes of the men who had not yet reported be searched. If the men could not be found the women were to be deprived of all arms, ammunition, meat and other provisions, and told that the provisions would be kept by the military authorities until the men surrendered.<sup>30</sup>

These measures did not succeed in halting desertion, for in February of 1864, H. E. McCulloch wrote Lieutenant General E. Kirby Smith, in command of the Trans-Mississippi Department, that the situation was almost out of hand. He warned that

<sup>28</sup>  
Ibid., p. 352.

<sup>29</sup>  
Ibid., pp. 393, 394, 398.

<sup>30</sup>  
Ibid., pp. 455, 456.

north Texas would soon be lost to the Confederacy if troops were not sent to his support immediately. Disloyalty was widespread among the civilians, and his troops were not free from it, so he proposed that a court be established at Bonham to try and execute some of the disloyal soldiers and send some of the civilian unionists "to some safe place in heavy irons."<sup>31</sup>

Desertion continued at a rapid pace, however, for the remainder of the war. The number of desertions increased as the war drew to a close, but many of the soldiers who deserted after the summer of 1864 deserted not because they had any love for the Union, but because they realized the futility of continuing the war.<sup>32</sup>

The southern border of Texas, like the northern, was a center of unionist activities. The Mexicans in these border counties refused to take the oath of allegiance to the Confederacy, and some went so far as to announce their "intention of taking service with the North should Mr. Lincoln send an invading force to the Rio Grande."<sup>33</sup> Attempts to force the Mexicans to take the oath only led to armed resistance and

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<sup>31</sup>  
Ibid., Series I, Vol. XXXIV, p. 945.

<sup>32</sup>  
Tatum, op. cit., p. 53.

<sup>33</sup>  
Ibid., p. 45.

slaughter. Several of the Mexican unionists were killed while resisting the administration of the oath by Captain Nolan of Fort Ringgold. After this massacre, many of the Mexicans deserted their ranches and fled across the river, where they found support among the Mexicans in the state of Guerrero, Mexico. They formed an organization pledged to go into the service of the United States when Texas was invaded by northern armies, and to plunder Confederate property in Texas. The existence of this group made it necessary that a large military force remain at Fort Ringgold to protect Confederate citizens and property.<sup>34</sup>

The Mexicans also gave trouble at Fort Brown. Here the Confederate authorities attempted to maintain neutrality with the Mexicans, and as late as October, 1861, Hamilton P. Bee reported that the Mexican inhabitants on the American side of the river were quiet, but not to be trusted. He was certain that if Fort Brown were occupied by a Federal force that some two or three thousand Mexicans would immediately enlist as guerrilla troops on the Federal side. He considered the Mexican guerrillas "a large and efficient force of a race embittered against us by real or imaginary wrongs."<sup>35</sup>

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<sup>34</sup> Official Records, Series I, Vol. IV., p. 132.

<sup>35</sup> Ibid., p. 119.

In December of 1861 the situation had become completely chaotic. There were only two companies of Confederate infantry at Brownsville, and one of these was composed wholly of Mexicans. Fourteen of these had already deserted, and the rest could easily have been corrupted with a few dollars and a little whiskey. Five members of the other company, composed mostly of foreigners, had also deserted and crossed into Mexico, and the remainder were not any further above temptation than were the Mexicans.<sup>36</sup>

Most of the deserters went into Tamaulipas to take part in the revolution then underway in that Mexican state. The Mexican citizens of Texas could get more pay, live in better conditions, and fight with more enthusiasm for their cause in the revolutionary army in Tamaulipas than in the Confederate service. A Fort Brown officer described the reasons for their discontent when he wrote:

the condition of the troops is such that I must candidly confess I am not greatly surprised at their yielding to inducements offered by parties on the other side of the river. The most of them are but scantily clothed, and they have received no pay; and they know the state of the government credit quite as well as I do myself. 37

Refugee unionists from other parts of Texas making their way into Mexico added to the problems of the Confederate authorities in the border counties. These emigres had become

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<sup>36</sup> Ibid., pp. 152-153.

<sup>37</sup> Ibid., p. 165.

so numerous by March of 1862 that McCulloch issued an order instructing his troops to keep anyone not friendly to the Confederacy from crossing the river, and to force even those who could prove their friendly sentiment to present satisfactory evidence that they were not leaving just to avoid the draft.<sup>38</sup> A few weeks later, on May 5, the United States consul at Matamoras wrote to Secretary Seward that:

the crowds of refugees from Texas do not diminish in the least, although it is very difficult, owing to the strict watch kept upon their movements, for them to get out. Many are arrested; some are hung; others are taken and pressed into the service. . . . throughout the counties bordering on the Rio Grande there exists a perfect reign of terror.<sup>39</sup>

In that month, martial law was declared in Cameron, Hidalgo, and Starr counties. A. N. Mills, appointed provost marshal of the area, immediately began arresting anyone connected in any way with unionism. Later that month, Colonel Lockett, at Brownsville, seemed to think that the Confederate forces were well on their way toward getting rid of the "reprobates who have lived under a government they secretly detested."<sup>40</sup> However, Charles Hunter, writing from the United States steamer Montgomery off the Rio Grande in

<sup>38</sup>  
Ibid., Vol. IX, pp. 704-706.

<sup>39</sup>  
Ibid., pp. 684, 685.

<sup>40</sup>  
Elliott, "Union Sentiment in Texas," loc. cit., pp. 461, 462.

June, 1862, stated that the refugees were still coming, in groups of two and three each day. "They flee for their lives," he said, "leaving everything." One Texas soldier on board the ship had left Texas on a six-day leave to go into Mexico to collect a debt. He showed his pass to Hunter, stating his intention to remain as he exclaimed, "Thank God, I am under the dear old flag again!" Hunter reported that there were some forty unionists aboard the Montgomery and some eighty others on board the Kensington, and that there still was a large number of loyal men left in the state who desired only arms and protection to organize themselves and drive out the secessionists.<sup>41</sup>

On October 30, 1862, the United States consul at Matamoras was informed that within the month a boat would be sent to take such unionists refugees who would register in a Texas regiment to New Orleans. The expedition could not be sent, however, for the Confederacy gained control of all of the satisfactory ports.<sup>42</sup>

In 1863 an arrangement was completed between Hamilton P. Bee and Don Albino Lopez, governor of Tamaulipas. Both sides agreed to require passports for anyone crossing the

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<sup>41</sup>

Official Records, Series I, Vol. XV, p. 522.

<sup>42</sup>

Ibid., pp. 588, 618.



river, and watch stations were to be set up by both the Mexicans and the Confederates. The unionists were not completely cut off from their avenue of escape into Mexico, but the Confederate authorities could not make any violent protests to the Mexican government for fear of disturbing the peaceful relations between the two powers. Very little, then, was done about apprehending the unionists and deserters who made their way across the Rio Grande into Mexico during the remaining years of the war.<sup>43</sup>

In November of 1863, however, the Confederate authorities had to appeal to the governor of Tamaulipas for help in suppressing a rebellion in a company of Mexicans in the Confederate service near Brownsville. Vidal, the commander of the company, had been in contact with Federal blockaders off the mouth of the Rio Grande, and had plotted with them to capture Brownsville. Some three hundred citizens of the city were issued arms from the arsenal at Fort Brown, and with the combined forces of the Confederate troops, the three hundred civilians, and the force sent by the Mexican governor, the mutiny was broken up. When Federal troops, under General Nathaniel P. Banks, appeared, however, not a one of the three hundred armed citizens stood loyal to the Confederacy. Dye, the mayor of Brownsville, and Judge

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<sup>43</sup>  
Ibid., p. 993.

Bigelow Palmer, both of whom had been ardent advocates of the Confederate cause, took the Federal oath without hesitation.<sup>44</sup>

Although a large number of the unionists in San Antonio during the war were refugees on their way into Mexico, there was a large per cent of the native population of that area who favored the Union. As early as March, 1861, the widespread union sentiment had been evident to Federal troops in the vicinity. Colonel C. A. Waite wrote to his superior on April 1 that the plan of the unionists in San Antonio was to effect a peaceable change in the views of the people of Texas through the press and the ballot box. He had been impressed with the tremendous strength of the loyalists, and expressed the belief that "a few thousand dollars expended on the press would revolutionize sentiment in Texas."<sup>45</sup>

There was a strong unionist newspaper in San Antonio at that time, the Weekly Alamo Express, edited by James P. Newcomb. In April of 1861 Newcomb, making no effort to keep unionist activities a secret, printed a notice in his paper announcing a public meeting to be held on the Main Plaza on Tuesday night, April 9. All who were in favor of preserving the Federal government from destruction were invited to hear

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<sup>44</sup> Elliott, "Union Sentiment in Texas," loc. cit., p. 462.

<sup>45</sup> Official Records, Series I, Vol. I, p. 550.

General Robert Taylor speak on the "Reconstruction of the Union." After the meeting, the more loyal unionists gathered at Judge Paschal's home where they listened to his address advocating loyalty to the Union. In reporting the meeting to his readers, Newcomb wrote: "So ended a glorious night. We have given the Reconstruction ball a roll. Let it be kept rolling over the state until all opposition is crushed out."<sup>46</sup> In the same issue, Newcomb described the Confederacy as being "conceived in sin, shapen in iniquity, and born out of due time, because it was rushed into the world with indecent haste expressly to prevent the people from beholding its deformities." Soon afterward, members of the Knights of the Golden Circle broke into his office, destroyed his equipment, and forced him to leave Texas.<sup>47</sup>

In March of 1862, Confederates in San Antonio were again reminded that there were unionists in their midst when they found placards written in German posted in prominent places in the city, advocating a widespread rebellion on the part of the unionists. On the placard was this message:

German brothers, are your eyes not opened yet? After the rich took every picayune away from you, and the paper is worth only one-half what you so hard earned, now that you have nothing left, now they go about and

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<sup>46</sup>  
Elliott, "Union Sentiment in Texas," loc. cit., pp. 456-457.

<sup>47</sup>  
Ibid.

sell you. . . . We are always ready. . . . You will always stay the God damn Dutchman. . . . Do away with that nuisance, and inform everybody the revolution is broke out. 48

Early in March, McCulloch had told Major Samuel Boyer Davis that he had discovered a considerable under-current of unionist activity throughout the area. He did not seem to believe the movement very strong, however, yet he did express the fear that it might eventually develop into a real threat to the Confederate cause. Unionists in the vicinity of San Antonio, he pointed out, celebrated every defeat of the Confederate forces, shouting "we have gained a victory." The most effective weapon the unionists had, however, was their ability to discredit Confederate currency. McCulloch complained that men with arms and supplies for sale asked the Confederates twice as much for these arms in Confederate currency than was asked in American money, and that the merchants refused to do business with Confederate forces on credit. McCulloch believed these business men to be in connection with Federal forces, for he warned Major Davis that "if the enemy should land in force on the coast, or invade us on the north, it will be necessary to take charge of these men in some way."<sup>49</sup> In April, the currency

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Official Records, Series I, Vol. IX., p. 705.

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Ibid., pp. 701-702.

situation had become so menacing that a mass meeting of Confederates in San Antonio agreed to take strenuous action against any person who made an attempt to depreciate Confederate money. Any individual found guilty was to be considered disloyal, and his name was published in newspapers throughout the state.<sup>50</sup>

The Germans in San Antonio and the surrounding counties had been opposed to secession from the very first, and most of the predominantly German counties in southwest and central Texas defeated the ordinance of secession in February of 1861.

After secession was accomplished, many loyal Germans attempted to secure positions of prominence in the service of the Confederate state government in their counties, in order to undermine the plans of the Confederacy. J. W. Sansom, a moderate unionist in Gillespie county, applied immediately after the war began for the position of enrolling officer for Gillespie and surrounding counties. Secessionists in Fredericksburg, however, informed the adjutant general at Austin that Sansom had declared, "I will be. . . if I ever fight against the Federal government."<sup>51</sup> Jacob Keuchler, an even more ardent unionist, finally received the appointment, and immediately set about sabotaging the Confederate

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Elliott, "Union Sentiment in Texas," loc. cit., p. 458.

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Ibid., p. 463.

war effort. He gave no notice of his appointment, he did not establish an enrollment office, and he enrolled only those men whom he knew to be loyal to the United States in the frontier companies. He was finally relieved of his position, but not until after he had done irreparable harm to the Confederate cause.<sup>52</sup>

In June of 1861, the Germans in south-central Texas formed a league, the Union Loyal League, for the protection of those who held unionist sympathies. Twenty men, representing the different communities of Germans in the area, met together and formed the party. They declared that their intention was to prevent strife between Union and Confederate partisans, and to take such peaceable actions as would prevent the forced enlistment of Union sympathizers in the Confederate army.<sup>53</sup> The League attempted to carry on its activities in secret until the unionists were forced to abandon their neutrality by the declaration of martial law in Texas in March, 1862. This declaration required all alien males over sixteen years of age to take an oath of allegiance to the state of Texas and to the Confederacy. Soon after this declaration, some five hundred German unionists met on Bear Creek in Gillespie county and organized into three companies in order to

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<sup>52</sup>

Ibid.

<sup>53</sup> Don H. Biggers, German Pioneers in Texas, p. 57.

enforce the neutrality of the German settlements in the Civil War. Fritz Tegner was chosen major, and an "advisory board" was appointed to direct the policy of the League.<sup>54</sup>

Governor Lubbock sent Captain James M. Duff to force the Germans to disband, for he considered the actions of the League openly hostile to the Confederacy. Duff arrived on May 30, and immediately declared himself provost marshal of Gillespie county. He gave the citizens six days in which to report to him and take the oath of allegiance. The governor issued a decree that all persons who refused to take the oath would be given thirty days in which to leave the state. Major Tegner called called a meeting of the advisory board of the Union Loyal League, and upon the advice of this board issued an order disbanding the three companies. Duff met with more opposition among the people of the county, however, for the Confederates in the county had few supplies for sale, and the Germans would not sell any of their supplies for paper money. Unionists also refused to give evidence or testimony against members of the League. Of this lack of cooperation, Duff wrote:

I have found beyond a doubt that the few citizens of the place who were friendly to this government did not possess the moral courage to give information to the Provost Marshal of the sayings and doings of those who were unfriendly. 55

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<sup>54</sup> Ibid.

<sup>55</sup> Official Records, Series II, Vol. IV, p. 786.

Duff found enough evidence, however, to place under arrest several prominent men of the county, such as Sheriff Braubach, F. W. Dobbler--a prominent groceryman, F. Lochre, a merchant, and Captain Keuchler, the former enrolling officer. Keuchler escaped, but the others were sent to the guardhouse in San Antonio. Duff returned to San Antonio on June 21, assured that his expedition had been a success, and that no more trouble would come from the Germans.

Although the three companies of the League had been disbanded, the ardent unionists realized that they must choose between service in the Confederate army, or emigration into Mexico. On August 1, Major Tegner met with these determined unionists on Turtle Creek, in Kerr county. Some eighty men were at the meeting, and under the command of Tegner sixty-one of these men left on the afternoon of August 1 on their way to Mexico.<sup>56</sup>

Captain Duff had left San Antonio on the morning of July 19, and had made camp near Fredericksburg on the Pedernales River. He again issued his proclamation calling for all German settlers to come to his headquarters and take the oath of allegiance, but few complied. Duff sent out two parties with wagons to bring in the families of the men who fled to the hills to avoid taking the oath, and these women and

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<sup>56</sup> Biggers, op. cit., p. 58.



children were imprisoned in Fredericksburg. His troops carried on a reign of terror in Gillespie and surrounding counties during the month of July, and when Duff heard about Tegener's plans to leave the state he ordered Lieutenant C. D. McRae to intercept and arrest the unionists.

On the morning of August 3, McRae left camp on the Pedernales with some ninety-four men and a German guide from Fredericksburg. On the morning of the sixth, the group struck the trail of a party of horsemen, numbering, as they supposed, from sixty to a hundred men. They pursued the trail of the Germans in a southwesterly direction for four consecutive days, and on the evening of the ninth, at about three o'clock, the advance guard sighted Tegener's camp on the headwaters of the western fork of the Nueces River.<sup>57</sup>

From the time Tegener's men had started on their way to Mexico until they made camp on the ninth in this open space near the Nueces, they had drifted leisurely. They could have been across the Rio Grande long before if they had been fleeing in fear.

McRae camped in a canyon about two and one-half miles from the Germans, and then went forward with four of his officers to make a careful reconnaissance of the unionists'

position. He returned after two hours, and prepared to attack at daylight the next morning. At ten o'clock that night McRae moved his men to within three hundred yards of the German's camp, where he divided his command into two equal divisions. One of the divisions was placed on the right of the enemy, in the edge of a dense cedar brake about fifty yards from the camp, and the other was stationed about forty yards on the left of the camp, in another cedar brake. The men were ordered to lay low until he gave the signal with a pistol shot, then they were to charge in and finish the combat at close range.<sup>58</sup>

Tegener's men had noted the presence of strange soldiers in the vicinity just before sundown, but had decided to stay in camp that night anyway. Double sentinels were placed about the camp, however, and the place was prepared for an attack. About an hour before dawn one of these sentinels discovered the Confederate company on the right of the camp and was shot. A sentinel approached McRae's party on the left at about the same time and met the same fate. Firing broke out and continued for several minutes, but McRae ordered his men to hold their fire until daylight.

The moment it became light enough to see, McRae gave the order to attack, and the two parties met in combat at

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the edge of the German camp. The Germans were soon smothered under the converging fire of McRae's rifles at close range, and were dispersed through the cedars. McRae lost two men, while Tegener had nineteen killed and ten wounded. These ten were executed an hour later by one of McRae's lieutenants. The surviving Germans fled, scattering in all directions through the dense cedar brakes. These men were pursued by McRae's men, but only one detachment was overtaken. This small party was overtaken and ambushed by Lieutenant Hemsley as they were trying to cross the Rio Grande a day or so later. Seven of them were killed, and few of the original sixty-one Germans made their way into Mexico.

In all, the Germans lost thirty-six men, eighty-three horses, thirty-three rifles, thirteen pistols, all of their camp equipage, and ten days' provisions for one hundred men.<sup>59</sup> The dead Germans were left for scavengers to tear and eat the flesh, and it was not until three years later that the bones were gathered up by the friends and relatives and buried at Comfort--with a monument inscribed with the words Treue der  
<sup>60</sup>  
Union.

Duff's expedition did not stop disaffection among the Germans in Texas, however, for in November of 1862, A. J. Bell,

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<sup>59</sup> Ibid.

<sup>60</sup> Biggers, op. cit., p. 61.

the enrolling officer in Austin county, reported to the superintendent of conscripts at Austin that the Germans in that county were evading the conscription law and were holding secret meetings in which they planned resistance to the Confederacy. Bell reported a week later that Austin and adjoining counties were in a state of open rebellion against the Confederacy, and that the meetings of unionists were being held daily in defiance of state military authorities.<sup>61</sup>

On December 23, a draft was issued in Texas in response to the Governor's proclamation calling for men. At Industry, in Austin county, a number of the German unionists were drafted, but they refused to be sworn into the state service. These loyalists did not appear on the day appointed for them to be sworn in, but only to assault the enrolling captain and drive him away from the station with sticks and iron bars.<sup>62</sup>

On December 31, the unionists met at Shelby Prairie, in the northern part of Austin county, to formulate a plan of action to resist the draft. About six hundred men representing Austin, Washington, Fayette, Lavaca and Colorado counties, were present. Each of the counties represented was organized

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Official Records, Series I, Vol. XV, p. 887.

62

Ibid., p. 926.

into "beats," and the chairman appointed one man from each "beat" to organize the men in the "beat" into companies of infantry and cavalry. The unionists in each "beat" were to keep a picket guard mounted and armed, and were to be ready to communicate information to the officers in command at short notice. Every speaker at the meeting urged the loyal men to resist the Confederate government and to refuse to go into the services of the Confederate or the state government.

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A similar meeting was held on January 4, 1863, at Biegel's settlement in Fayette county. The one hundred twenty unionists drew up a letter to Brigadier General W. G. Webb declaring their intentions. They refused to take the oath prescribed by the Confederacy and state further that

the past has already taught us how regardlessly the Government and the County authorities have treated the families of those who have taken the field. We have been told that they would be cared for, and what, up to this time, has been done? They were furnished with small sums of paper money which is almost worthless and which has been refused by men for whose sake this war and its calamities were organized. 64

Rumors were circulating in the area that the Germans were concentrating at Frelsburg; that the Negroes were to be freed, and that Jack Hamilton, a prominent unionist, was in the area stirring up the loyalists. A German blacksmith

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Ibid., p. 929.

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Ibid.

was caught making spearheads, and the Confederates were certain that an insurrection was inevitable.<sup>65</sup>

On January 5, special orders were issued from Confederate headquarters directing Lieutenant-Colonel Peter Hardeman to take his regiment to Alleyton, send out parties of men over the area, disarm the German unionists, and enforce the draft and conscription act.<sup>66</sup> A few days later Major George T. Madis was sent to La Grange with twenty-five men; Lieutenant R. H. Stone was sent with the same number to Bellville community; and several companies and a piece of light artillery were sent to Colorado county to aid in the suppression of about eight hundred Germans who had gathered there to resist the Confederacy.<sup>67</sup>

The leading unionists were soon apprehended and turned over to the civil authorities, and in a matter of weeks John B. Magruder informed the governor that the situation was encouraging, and that a better state of feeling existed. Governor Lubbock visited the area, and made speeches in many of the centers of unionist activity, pleading for support of the Confederacy and appealing to the unionists' love for their state for cooperation. This visit of Governor Lubbock's, coupled with a Confederate victory at Galveston, caused the Germans to lose their determination to resist conscription,

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<sup>65</sup> Ibid., p. 927.

<sup>66</sup> Ibid., p. 931.

<sup>67</sup> Ibid., p. 936.

and to comply with the laws of the Confederacy. In the latter part of January, the adjutant general in the area reported that the rebellion had been completely broken up.<sup>68</sup>

Although this organized resistance was broken up with a show of force, quite a few individuals, not wishing to go into the army for one reason or another, developed the "conscript limps" for the remainder of the war. In March of 1865, a Confederate sympathizer in Fayette county, appalled at the number of able-bodied young men who had never been in the army, asked the editor of a Galveston paper why such a situation was allowed to exist. He insisted that if the conscript bureau could not send the men to the front, that the enrolling officers should be dismissed and sent to the front.<sup>69</sup>

All during the war the governor continued to receive petitions requesting exemption from service from these centers of unionist activity. Some typical reasons given for the request were:

I cannot respond without personal sacrifice; I'm a wagoner; I'm a very useful man; I make spinning jennies; I'm a wheelwright; I own a corn mill; I'm the only druggist and the community is "tolerable sick;" I'm a poor man; our wives can't take corn to the mill; I'm a saltmaker; need another policeman; short-sighted; our young men are accustomed to riding horseback and therefore dread the infantry. 70

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Ibid., pp. 955-966.

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Elliott, "Union Sentiment in Texas," loc. cit., p. 475.

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Ibid., p. 476.

While these individuals were looking to Austin for relief from the fear of conscription, the leading unionists over the state looked to Austin for encouragement in resistance to the Confederacy. Travis county unionists held their first public meeting at Buass Hall in Austin on the night of February 9, 1861, for the purpose of mapping the campaign against the adoption of the ordinance of secession. The ordinance was defeated in Travis county by a vote of almost four to one, but many of the Travis unionists conformed to the decision of the majority of Texans and went into the Confederate service after secession became an accomplished fact. Many of them, however, went into hiding in the hills above Austin, where they either remained for the duration of the war, or made their way, through Mexico, into the Federal service.

Some of the more prominent pre-secession unionists, like Judge G. W. Paschal, and A. J. Hamilton, were allowed to remain in the city and carry on their business as usual for the first few months of the war. As the war continued, however, the Confederates became even more bitter against the Union, and their intolerance of those who professed unionism finally forced the unionist leaders to either leave the city or submit to insults, or perhaps arrest. A. J. Hamilton remained in hiding in the hills above Austin until 1862, when he left for the United States by way of Mexico. At



Washington he was made brigadier general and military governor of Texas, and in the late summer of 1863 he went to New Orleans to wait for an opportunity to assume that position. On January 1, 1864, he issued an "Address to the People of Texas," in which he pointed out that the Southern secessionists had deceived the people of Texas, and that the war was useless.<sup>71</sup>

Although there were many strong individual unionists in Austin, evidently no attempt was made to form a strong organization for resistance. Unionists from Travis county were associated with the German Union Loyal League, and there were many Germans in the county who attended the meetings of unionists in surrounding counties. Many able-bodied young unionists who had not made their sympathies well known managed to acquire positions in the various state offices<sup>72</sup> as employees, where they remained throughout the war.

By the close of 1864, the people of Texas were becoming indifferent to the war, no matter what their opinions had been during the fiery days of secession. In the spring of 1865, the army in Texas was touched by this feeling of indifference, and soldiers from the Rio Grande to the Red River were leaving their posts with no intention of returning. Four hundred troops at Galveston attempted to desert, and though

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<sup>71</sup>  
Ibid., p. 451.

<sup>72</sup>  
Ibid., p. 468.

the wholesale desertion was averted none of the troops in that area could be relied upon by their officers. These soldiers were not deserting because of any love they might have felt for the Union, they were deserting because they felt it useless to continue the struggle. "We are whipped," they said, and slipped away at the first opportunity.<sup>73</sup>

As this feeling of gloom and uncertainty settled over the state, the Tenth Legislature was called into extraordinary session on October 29, 1864. Brigadier General H. E. McCulloch had just reported that the enemy was planning to move into northern Texas and, combining with the unionists in that area, set up a base of operations for overcoming the remainder of Texas. The capitol was overcome with fear, and many of the representatives began to whisper in cloakrooms and secluded chambers that the time might be ripe for a reconstruction of the Union.

Loyal Confederates, hearing these whisperings and rumors, determined to halt any move to disrupt the Confederacy. Edward R. Hord introduced a series of resolutions into the Senate denouncing any move which might be made to bring about reconstruction. The resolutions declared

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<sup>73</sup>  
Official Records, Series I, Vol. XLVIII, Part II, pp. 1313-1314.

vehemently that Texas was determined to fight to the "last ditch."<sup>74</sup>

Senator J. W. Throckmorton attempted to block the Hord resolutions, for fear that discussion of such an issue might create widespread feeling that the confederate cause was already lost. He offered a substitute which declared that it was not within the power of a state to make either peace or war, and that the power to reconstruct the Union belonged to the Confederate government. The substitute was rejected, and the Legislature adopted the Hord resolutions by a vote of twelve to ten.<sup>75</sup>

Within six weeks after General Lee surrendered on April 9, 1865, Texas had become a scene of disorder, confusion and anarchy. The governors of Texas, Louisiana, and Arkansas met in Marshall, Texas, to consider suitable terms of surrender, but the condition of the army in Texas left the governors with no bargaining power, for the troops were leaving the army as quickly as possible with no thought of defending the state against the Federal army. All the troops knew the end had come and they had become unmanageable.<sup>76</sup> The troops swarmed over Houston, where there had been an

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<sup>74</sup> Elliott, "Union Sentiment in Texas," loc. cit., p. 476.

<sup>75</sup> Ibid.

<sup>76</sup> Charles W. Ramsdell, Reconstruction in Texas, p. 33.

attempt to concentrate them for an expected Federal attack on Galveston, then scattered over the state or fled to Mexico. On June 2, General Smith signed the Canby-Buckner convention aboard a United States ship of war at Galveston and the last vestige of Confederate military authority vanished. On June 19, General Gordon Granger arrived and assumed command of the state.

## CHAPTER IV

### UNIONISTS DIVIDED

The great majority of Texans were willing to admit in 1865 that slavery was an institution of the past, and that they had failed to make good their withdrawal from the Union, but they were not prepared to face the tremendous changes in the social and political organization of their state which was to follow in the wake of the war. After four years of war, in which only a minority of their number had actively worked against the cause for which so many of them had dedicated their lives, Texans were suddenly required to denounce their ideas of state sovereignty and submit to a peace dictated by the government which had been considered the only real danger to that sovereignty.

Few Texans realized the issues at stake as well as did John H. Reagan, a former unionist who had served the Confederate government during the war. Reagan spent several months immediately after the war in a northern prison camp, where he sensed the anger and resentment of the northern people and eventually came to realize that if the South were to avoid severe treatment there would have to be sweeping social and political changes in that area. He attempted to put his

conviction before the people of his state in a letter written from the Federal prison camp:

I know that those who look to the past only, with its sacrifices and losses of principles believed it to be true. . . may say why talk of liberty now, and of equality in the Union? The answer is, that having attempted to secure and preserve these by appeal to the God of battle, we failed, and they now, so far as it relates to our political restoration, belong to the dead past, . . . we are required to look to the living present and to the future. If it be thought hard to surrender so much, it must be remembered that such is the fate of war, . . . by the appeal to arms, . . . we stake not only what the government exacts, but all our rights and property on the result. Wisdom requires us to accept the decision of battle upon the issue involved, and to be thankful that no more has been demanded by the conquerors. . . .<sup>1</sup>

Texans began to look again to the political leaders of the state to solve these new problems for them, but the political leaders who had presented such logical and attractive answers in 1861 were not to be found, for many had left the state to avoid expected punishment, nor were those who remained to be trusted. The state government ceased to function with the flight of the high officials of state, and the victorious unionists, backed by the military authorities, took charge.

On June 17, two days before the arrival of General Gordon Granger with his eighteen hundred men in Texas, A. J. Hamilton was appointed provisional governor of Texas by President Andrew Johnson. Governor Hamilton did not recognize the

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<sup>1</sup>William McGraw, Professional Politicians, p. 205.

local officers who had served under the Confederacy, so he had to appoint a new staff throughout the state as rapidly as his unionist advisers could recommend suitable men for the various positions. Although most of the unionists in Texas had rejoiced at the appointment of Hamilton as provisional governor, some, such as James W. Throckmorton, could see in Hamilton's speeches no hint that he intended to reconcile the factions within the state, or to restore order in the administration of civil government. Throckmorton attempted to advise Governor Hamilton, but found him determined to reorganize the state government even more than was required by President Johnson. Writing to a political friend in North Texas, Throckmorton described his feelings after surveying the situation in Austin under Hamilton:

I assure you that I felt very much like I had fallen, if not among thieves, among a sorry set of patriots who were forgetting the great sufferings which our country had endured. My heart bled to contemplate the miserable picture, that after four years of such great trouble, when the people had expiated in sorrow and in blood, and endured the most terrible and unrelenting tyranny and oppression as atonement for their folly, instead of a liberal, wise, and manly policy the government was to be re-inaugurated in a spirit of petty malice and to fall into the hands of a set of servile creatures. 2

Throckmorton, and other unionists, recommended that Hamilton call a constitutional convention as early as

possible, for delay would result only in reaction and election of secessionists. President Johnson, by the proclamation of June 17, 1865, had ordered the registration of voters and required the provisional governors to call a convention of loyal citizens to amend the constitutions of the Southern states. Governor Hamilton established a board of registration in each county to administer the oath of amnesty for those who sought registration as voters, and the order for an election of delegates for a state convention was withheld until the results of the registration were known. Hamilton did not consider the time ripe for calling a convention, for some Texans still talked of gradual emancipation and of compensation for the loss of slaves. To dispel these views, he issued an address to the people of the state on September 11, in which he warned the people against the press and politicians who were "still trying to mislead them by the same deadly doctrines."<sup>3</sup> He promised that the convention would be called as soon as a majority of the people had taken the oath of amnesty, and had given serious consideration to the measures necessary for restoration.

By November 15 a majority of the voters of Texas had qualified, and a proclamation was issued calling for the

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<sup>3</sup> Charles W. Ramsdell, Reconstruction in Texas, p. 63.



election of delegates on January 8, 1866, for a convention to be held in Austin on February 7.

The election was not lively, for, as Throckmorton told a friend, "the people have been muzzled, and they dare not express their sentiments. They feel no interest in the matter. They think we go there simply to register the edicts of our masters."<sup>4</sup> Party lines were still extant, however, though the secessionists were quiet. The unionists in many sections formed Union associations and were taking a very partisan attitude toward the election. The Loyal Union Association, organized in Galveston on the same day that Hamilton had arrived in Texas, pledged itself to "vote for no man for office who had ever by free acts of his own tried to overthrow the government, but to support Union men always."<sup>5</sup> A similar organization in Bexar county held that unionists must be ever on guard to keep the secessionists from again gaining power, for the struggle, "not of arms but of principles," was to be fought over again.<sup>6</sup>

When the convention assembled at Austin, a strong minority of the delegates were unionists, a few were aggressive secessionists, and a majority considered themselves merely conservative. The most prominent moderate was James W.

<sup>4</sup>Elliott, op. cit., p. 103.

<sup>5</sup>Ramsdell, op. cit., p. 65.

<sup>6</sup>Ibid.

Throckmorton, the representative of Collin and Grayson counties. Although Throckmorton had been one of the leaders of the unionist party during the secession controversy, such radical unionists as Hamilton and Albert Latimer attacked him during the election as being "unsound" on the matter of reconstruction, since he had prominently expressed himself as being opposed to all changes in the constitution "except those required of a degraded and fallen people."<sup>7</sup>

Four candidates were proposed for the presidency of the convention: Throckmorton, conservative unionist; A. H. Latimer, extreme unionist; Hardin R. Runnels, extreme secessionist; and William Taylor, moderate secessionist. On the first ballot, Latimer received twenty-four votes, Throckmorton twenty-two, and Runnels and Taylor eleven each. Both secessionist candidates then gave their support to Throckmorton, and he was elected on the second ballot by a forty-one to twenty-four vote. Thus on the very first action of the convention the unionists had divided their vote, a move which was to divide the convention into two factions, the moderates, or conservatives, and the radical unionists.

The realignment was not merely one of immediate convenience, for the two factions were divided on principle as well as personalities. The radicals demanded that the secession

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<sup>7</sup> Elliott, op. cit., p. 105.

ordinance be declared null and void from the beginning, that the laws and acts of the government of Texas in aid of the rebellion be proclaimed inoperative ab initio, that the war debt of Texas be declared invalid, that the thirteenth amendment to the Federal Constitution be ratified, and that suffrage be granted to the freeman. The conservative unionist-secessionist coalition held that secession was null only as a result of the outcome of the war, that certain acts and debts incurred by the Texas government during the war should be considered valid, that the amnesty oath had entailed recognition of the thirteenth amendment, and that the Negroes were fit by neither temperament nor training to assume the obligations of suffrage so soon after their emancipation.<sup>8</sup>

On the third day, the radical unionists introduced a resolution to appoint a committee to inform the governor that the convention was organized and "ready to take the constitutional oath." The secessionists argued that the delegates were not acting as officers of the United States, and were not required to take such an oath. The radicals declared that since the convention had been called by the authority of the United States to frame a state constitution in accord with the laws of the United States that the delegates were acting as officials of that government. The moderates offered

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<sup>8</sup>  
Ibid., p. 108.

an amendment exempting those who had already taken the amnesty oath. By a vote of forty-one to thirty-nine the amendment was adopted and the resolution passed. Although the vote on this resolution revealed the new alignment into conservatives and radicals, many important conservative unionists supported the original resolution, as introduced by I. A. Paschal, in order to show the North that the South was willing to renew its allegiance to the Federal government. When the original resolution was offered again two days later it was passed with only eleven irreconcilable secessionists in opposition.<sup>9</sup>

On February 13, the realignment was again strengthened when Albert Latimer, of Red River county, introduced an ordinance declaring secession null and void ab initio. This represented the view of the radical unionists that the right of secession had never existed, but the conservative unionists and the secessionists insisted that secession existed as a right until the war made it null and void. The moderates presented from committee a majority report calling for a substitute ordinance declaring the constitution of the United States the supreme law of that land, and that the secession ordinance was "annulled and of no further effect."<sup>10</sup> A minority report from the committee on the condition of the state, which had recommended the above substitution, recommended, however,

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<sup>9</sup>Ramsdell, op. cit., p. 91.

<sup>10</sup>Ibid., p. 95.

that an ab initio clause be added. The majority report came up for discussion on March 9, and Hardin Hart, representing the radicals, moved that the minority report be substituted for the majority report. On Monday, March 12, however, the majority report passed by a narrow margin of forty-three to thirty-seven.<sup>11</sup>

The most important subject facing the convention was the status of the Negro. All of the delegates agreed that the thirteenth amendment had abolished slavery, and most of them were of the opinion that the freedmen should be secure in person and property. The division of opinion came over the civil rights of the Negro. The majority in the convention were willing to admit Negro testimony in the courts in any case involving any Negro's person or property, but the radical unionists insisted that Negro testimony be admitted to the courts in all cases under the same rules that governed the testimony of the whites.<sup>12</sup> An ordinance, which became Article VIII of the Constitution, was finally passed which stated that Negroes were to be protected in their rights of person and property; to have the right to sue and be sued, to contract and be contracted with, to acquire and transmit property; and all criminal prosecutions against them were to

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<sup>11</sup>  
Ibid., p. 96.

<sup>12</sup>  
Ibid., p. 99.

be conducted in the same manner and with the same penalties as in the case of whites. They were allowed to testify orally in any case, civil or criminal, involving the right of, injury to, or crime against, any of their own race in person or property, under the same rules of evidence applicable to the whites; and the legislature was enabled to authorize them to act as witnesses in all other cases under prescribed regulations.<sup>13</sup>

Negro suffrage found little favor with either faction. Only E. Degener, an extreme radical unionist, advocated unrestricted suffrage, for few who did not actually oppose it would openly advocate it. Although Degener argued that Texas, by including the Negro in the basis of representation, would increase her political power in the nation, the exceptions to universal manhood suffrage carried in the Constitution of 1845, "Indians not taxed, Africans and descendants of Africans," were not amended.<sup>14</sup>

Repudiation of the state debt caused a long and angry debate between the two factions, though there was not so much opposition from the conservative unionists as had been expected. The convention did not hesitate in repudiating the war debt, but the ordinance reported by the committee

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<sup>13</sup>H. P. N. Gammel, The Laws of Texas, Vol. V, p. 881.

<sup>14</sup>S. S. McKay, Seven Decades of the Texas Constitution, of 1876, p. 14.

on finance repudiated the entire civil debt incurred between January 28, 1861, and August 5, 1865. Although the majority of conservative delegates in the convention approved this measure, the conservative press in the state attacked it bitterly, condemning it as being an act of bad faith, neither expected nor required by the Federal government.<sup>15</sup>

At the last meeting, the convention passed by a vote of thirty-one to seventeen an ordinance providing for a possible division of the state. Throckmorton and other conservative unionists and the secessionists favored division, for no one who had ever supported the Confederacy could hope to achieve the support of unionists in any campaign for state office. The Union sentiment in the west had been very strong during the war, whereas in the north and east it had been comparatively weak, thus the moderates could advance themselves further politically in areas where unionism had been weakest. In regard to the political expediency of division Throckmorton wrote his friend, B. H. Epperson:

One thing is well worth our consideration--a division of the state when the convention meets or at least laying the ground work for it. Western Texas with the foreign element there now and that to come will unquestionably make this section purely radical. Think of this--keep it to yourself. With

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<sup>15</sup>  
Ibid., p. 12.

a new state east of the Brazos our section will have the votes. 16

The ordinances concerning secession, the freedmen, and the debt were regarded as final, but the amendments to the constitution were to be voted upon at the first general election for state, district, and county officers, which was fixed for June. The new state government was to be inaugurated in the following August. Party leaders in the convention had met before the convention adjourned and had chosen candidates for state office in party caucuses. The radicals had attempted to form a Unionist party with candidates pleasing to both radical and conservative unionists, but they could not agree, and the radicals ultimately named a full ticket headed by E. M. Pease and Ben H. Epperson. Then the conservative unionists and secessionists agreed upon J. W. Throckmorton and George W. Jones as conservative candidates. By April 2, the date of adjournment, the two parties which had been discernible from the first had become two distinct organizations, and as radicals and conservatives they were ready to do battle for public support in the coming June elections.<sup>17</sup>

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<sup>16</sup>  
Elliott, op. cit., p. 113.

<sup>17</sup>  
Ramsdell, op. cit., p. 106.



The radicals, bitter at their defeat in the convention, determined to defeat the conservatives in the 1866 election. The moderates, they charged, were unwilling to abide by the actual outcome of the war, and their real object was to accomplish indirectly what the war had failed to accomplish directly. The conservatives, on the other hand, charged the radicals with aligning themselves with the ultra-radical element in Congress to re-establish military rule over the South and enforce political equality between whites and the Negroes.<sup>18</sup> The conservatives were called rebels because of their hostility to the Civil Rights and Freedmen's Bureau Acts, while the radicals were accused of being disunionists because of their support of the element in the national Congress which desired delay in restoration in order to further Republican ambitions.

Throckmorton outlined the platform of the conservatives in a speech at Gainesville on May 12, in which he declared:

I stand before you today as a representative of the conservative loyal men of this state, who believes the reconstruction policy of Andrew Johnson the best that has been presented; who believes in the sincerity of the people of Texas; . . . who does not believe that the negro is fit to be entrusted with the suffrage, qualified or otherwise; and who is opposed to the division of the present school fund with the freed children.<sup>19</sup>

Though this platform was reactionary, radical sentiment was so unpopular in Texas that the conservatives won the

<sup>18</sup>  
McKay, op. cit., p. 14.

<sup>19</sup>  
Elliott, op. cit., p.128.

election by a large majority. Throckmorton was given 49,277 votes to Pease's 12,168. The amendments to the constitution were ratified at the same time by 28,119 to 23,400 votes.<sup>20</sup> The platform and the work of the conservatives had received the commendation of the people.

The Eleventh Legislature assembled at Austin on August 6, counted the votes for governor, and Throckmorton was declared duly elected. On August 9, the executive was inaugurated, and on August 20, President Johnson issued a proclamation declaring the insurrection in Texas to be at an end, and that peace, order, tranquility, and civil authority existed throughout the whole of the United States.<sup>21</sup> Governor Throckmorton considered the President's peace proclamation as legally terminating the war, and establishing completely the civil government over the military authority, but he was destined to spend his entire term as governor in attempting to gain recognition of this supremacy.

In order to secure a favorable opinion of his administration among Northerners, he attempted to impress upon the law enforcement officials throughout the state the necessity of quick execution of the law, and of speedy and impartial justice through prompt court action. He stressed the importance of impartiality, declaring that ex-Confederates,

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<sup>20</sup> Ramsdell, op. cit., p. 112.

<sup>21</sup> Ibid., p. 113.

Union men, and Negroes be treated fairly and indiscriminately by the police and by the courts. "It is a high duty devolving upon every citizen," he said, "to see that the laws are enforced and vindicated. We must not allow our own citizens to violate them; if we do, the result will be the quartering of troops among us. . . ."<sup>22</sup>

In spite of Throckmorton's statements and warnings, lawlessness increased in the state, and charges of discrimination against unionists and freedmen accumulated daily in the Freedman's Bureau and in military headquarters. Many of the Texans who claimed discrimination before the law because of their unionist sympathies were in reality secessionists grasping at any means to secure their freedom. A characteristic case of this sort is the "Carpenter and Lindley Case." Lindley, a violent secessionist, was threatened with arrest for horse theft in Bell county, and fearing the testimony of two citizens of that county named Duncan and Daws, he procured their arrest by the military on the ground that they had persecuted him and hanged his son during the war because of his Union sentiments. He did away with their opportunity to refute his charge by shooting them while they were on their way to prison. A military court acquitted both Lindley and the officer in charge of the soldiers who

had arrested the two men, but later Lindley was arrested by civil authorities and jailed at Belton. Lindley demanded a military guard, but, backed by promises of the citizens, Throckmorton guaranteed that Lindley was safe. Unfortunately, however, a mob broke into the jail and hanged him. His death was political capital to the radicals, while the failure of the citizens of Bell county to uphold Throckmorton's promise of safety for Lindley weakened the governor in his efforts to subordinate the military authority to the civil government.<sup>23</sup>

Although many of the reported instances of persecution of unionists were fabrications, the Negroes were actually treated outrageously in many parts of the state. A group of citizens in Caldwell county reported to the Freedmen's Bureau that a "reign of terror is being inaugurated among freedmen," that the freedmen were not receiving their fair share of the crop when they had gone into partnership with whites, and that they were frequently chased, shot at, and persecuted. In reporting on the condition of the freedman to the Joint Committee on Reconstruction, Brigadier General W. E. Strong accused Texans of attempting to conceal from the Negro the fact that he was free, and that two thirds of the Negroes whom he interviewed had not received one cent of wages since

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<sup>23</sup> Ramsdell, op. cit., p. 132.

gaining their freedom.<sup>24</sup> Throckmorton ordered a full investigation of the situation, but the civil authority had little control over the actions of the former rebels who were determined to keep the Negro in his place.

On February 9, Throckmorton sent an inquiry to the civil officers of the state in regard to the treatment of Union men and freedmen. The reports of the civil officers declared that unionists, Negroes, and secessionists were treated impartially by the courts, but the reports which reached General Sheridan at the same time influenced him to inform Throckmorton that "there are more casualties occurring from outrages perpetrated upon Union men and freedmen in the interior of the state than occurs from Indian depredations on the frontier."<sup>25</sup> In his annual report to the war department, Sheridan emphasized the reports that the freedmen and unionists were not being treated fairly as a basis for his contention that troops were still needed.<sup>26</sup>

The conservative unionists saw their last hopes for perpetuating supremacy of the civil authority in the state

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<sup>24</sup> Report of the Joint Committee on Reconstruction, I Session, 39 Congress, Part IV, pp. 35-37.

<sup>25</sup> Elliott, op. cit., p. 159.

<sup>26</sup> Ibid.

government with the passage of the First Reconstruction Act, March 2, 1867. With the passage of this act, the relationship between the governor and the military authority was restored to that existing immediately after the close of the war. The act declared that no legal state government existed in the South; that the South be divided into five military districts, Texas and Louisiana constituting the fifth; and that the President should appoint an army official to the command of each district.

The state government, then, was again only a "provisional" one. Only by adoption of a constitution "in accordance with the Constitution of the United States," and by ratification of the Fourteenth Amendment, could the state be restored to the Union.<sup>27</sup>

General Phil H. Sheridan, commander of the Department of the Gulf, was made commander of the Fifth Military District, and General Charles Griffin was appointed commander of the Sub-District of Texas. Throckmorton hastily assured Sheridan that the state government would cooperate in every way necessary with the military authorities, and asked for conference with him as soon as possible. He then wrote to Griffin again advocating a conference of the military and civil authorities charged with administering the affairs

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<sup>27</sup> Fleming, Documentary History of Reconstruction, Vol. I, p. 401.

of Texas. No conference was called, however, and Sheridan pointed out that since General Griffin was in charge of Texas, Throckmorton should deal directly with him.

Griffin put Throckmorton to the test almost immediately by calling for the wholesale pardon of two hundred twenty-nine Negroes then confined in Huntsville penitentiary. Throckmorton refused to comply with the order issued by General Oakes at Austin, stating:

I most respectfully submit that my duty as chief executive of this state, having in charge the due enforcement of the law and the well being of every class and color, precludes the in- 28 discriminate action on my part that is desired.

Throckmorton's refusal to grant this wholesale pardon led Griffin to inform Sheridan that none of the civil officers of Texas were trustworthy, that Throckmorton was guilty of neglect in punishment of offenses against unionists and freedmen, and that he should be removed from office as quickly as possible. 29 Judge C. Caldwell, a radical, was recommended to take Throckmorton's place. Sheridan forwarded Griffin's letter to Grant, but the President advised against removal of Throckmorton until Congress made it clear that the military possessed the authority. 30

28  
Elliott, op. cit., p. 173.

29  
Ramsdell, op. cit., p. 150.

30  
Ibid., p. 151.

Authority for such action was granted in the second supplementary Reconstruction Act which became law on July 19, 1867. Full powers of removal and appointment were placed in the hands of the military commanders by the act, and on July 30, General Sheridan brought to an end the conservative unionists' control of the civil authority in the state by the following order:

A careful consideration of the reports of Brevet Major General Charles Griffin, U. S. Army, shows that J. W. Throckmorton, Governor of Texas, is an impediment to the reconstruction of that state under the law; he is therefore removed from that office. E. M. Pease is hereby appointed Governor of Texas in place of J. W. Throckmorton, removed. He will be obeyed and respected accordingly. 31

The removal of Throckmorton established the supremacy of military authority over the civil government in Texas, and began the rule of the Radical Republicans in the state. The failure of the conservatives to maintain control of the state government forced the unionists to either go along with the radicals, or to join the secessionists in the restoration of the Democratic party.

The problems leading to secession had drawn party lines sharply into two factions in Texas, secessionists and unionists. These two parties held fairly close to the same alignment during the war, although the unionists were disorganized

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and totally in subjection to the secessionists. After the war, however, there developed a third party, the radical unionists, who were more kin to the Republican party in the North than to the old Unionist party in the South. This new alignment, then, forced the moderates to make the decision for the Radical Republican or the Democratic party. For the next seven years the radicals ruled Texas. In 1874, however, the former secessionists and the unionists were finally successful in forming a coalition, and a one-party rule was instituted which was to last well into the next century.

The study of unionism in Texas during the era of the Civil War is revealing as a study of the abuse of minority rights during a period of intense emotionalism in politics. Loyal Confederates were willing to put to use any means available to enforce conformity of opinion and unanimous support of the Southern cause. A few political thinkers, however, could see that such a cause was doomed to failure and attempted to halt the state and the South from the pursuit of this phantasy of independence and separate economy. Such men could see both the advantages of continued existence within the Union and the futility of pitting the meager resources of the South against the growing industrial might of the North. These men gained little for their labor except deprivation of their rights, forced emigration, confiscation of their property, or, in some cases, death.

Even less attention was given to the ideas of these moderate men after the war. Although conservative unionists were able to elect one of their number to the governorship in Texas, the radicals were able to counteract their move with the help of their fellow radicals in the National Congress who passed a series of acts over the President's veto placing the civil governments again under the control of a military commander. For the next seven years these radicals made futile efforts to graft liberal ideas on to a conservative people.

Though the motives of some of these radicals were sound and even commendable as viewed from the vantage point of a century of progress, a people who had just fought a bitter war to protect the status quo could not accept in such a short time what Western Civilization had required centuries to evolve. The ambitious aims of the radicals, including social and political equality for all men, have not yet been achieved, but the Civil War and Reconstruction era proved to many men that these ambitions cannot be achieved by coercion from a powerful central government. Reform can only take place gradually with progressive changes in the ideas and practices of each succeeding generation.

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