CONFEDERATE ARKANSAS: A STUDY IN STATE POLITICS

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Arkansas state politics during the Civil War was influenced by the preceding thirty years and many of the state's problems for which political answers were sought were similar to problems experienced in this period of political development. The war simply magnified and multiplied the problems faced by the state. This thesis is concerned with identifying the political forces in the state and their development, with investigating problems to which political solutions were sought and attempts made to solve these.

Finally, an effort is made to determine the effectiveness of the various political moves made during the terms of Governors Rector and Flanagin.

Research materials included a large number of general accounts and monograms, several articles, and newspapers, a few manuscript collections, the official records of the Union and Confederate armies and all of the state records for the period that were available. The most helpful general accounts were David Y. Thomas' _Arkansas and Its People_ and _Arkansas in War and Reconstruction_ and John Hallum's _Biographical and Pictorial History of Arkansas_. Valuable articles included Farrar Newberry's "Harris Flanagin" (_Arkansas Historical Quarterly_), Jack B. Scrogg's "Arkansas in the Secession Crisis" (_Arkansas Historical Quarterly_), and eyewitness accounts by Alfred Carrigan and Jesse Cyport in the _Publications of the Arkansas Historical Association_.

The most helpful and most used materials were the state records, particularly the legislative records, which are available, primarily in manuscript, for the entire period and the Arkansas Gazette also available for the entire period except for the period that it was suspended. The Kie Oldham Collection (MSS) available at the Arkansas History Commission also provided valuable material.

Initial consideration is given to the development of a political machine and the forces countering it which culminated in the election of the insurgent Henry M. Rector to the governorship. Following Rector's election the development of political control by the convention is considered. This period was dramatized by the secession of Arkansas and the convention functioning in as an executive and legislative body until its termination. Next the politics and problems of Henry Rector's abbreviated term are discussed. Treated separately, although Rector was more concerned with it, is the civil-military conflict over martial law in the state which, although eased, continued even under the more tolerant Harris Flanagin, until the war's end. The final chapter is concerned with the administration of Harris Flanagin and the state government's increasing ineffectiveness.

This thesis concludes that with a lack of resources and a lack of support from the Confederacy, the Arkansas state government could not and did not provide adequate answers to her many problems and deteriorated into an inept institution by the war's end.
CONFEDERATE ARKANSAS: A STUDY IN STATE POLITICS

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By

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CHAPTER I

THE CONWAY-JOHNSON DYNASTY AND THE
ELECTION OF HENRY RECTOR

To a large extent the geography of Arkansas determined its economic, social, and political development. The state is basically divided into two geographic regions: the southeastern lowlands and the northwestern highlands. Although much of the lowlands was heavily timbered, hindering the cotton planters, the river valley soil was rich, and navigable streams numerous. These streams generally run in a southeasterly direction emptying into the Mississippi. To the northwest lay the Ouachita and Ozark mountain ranges covered with low timber, and not as fertile as the southeastern lowlands.

Property valuation sharply contrasted the two geographic sections, suggesting not only the fertility of the lowland soil, but also the location of Arkansas' slave population. Of the seven leading counties in property valuation all but Pulaski were in the south and all had large slave populations. Phillips County led with real property valued at $8,760,722 and personal property valued at $9,508,465, and was followed by Jefferson, Pulaski, Hempstead, Arkansas, Union and Desha. Washington, the leading northern county, was well down the list with real property valued at $2,877,396 and personal property valued at $2,927,790.1 In total cash value of farms again Phillips County led

with a total of $8,037,268. The five counties with the highest cash value of farms were all southern, had large slave populations and accounted for approximately one-third of the state's total cash value of farms.\textsuperscript{2}

It was in the lowland counties where a majority of the slaves were located and most of the cotton was grown. However, every county had some slaves and all but Benton County produced at least one bale of cotton.\textsuperscript{3} There were six counties, all in the southeast, with larger slave populations than white: Phillips, Chicot, Union, Arkansas, Lafayette and Desha.\textsuperscript{4} However, not many people owned slaves in Arkansas. Out of the state's 57,244 families there were only 11,481 slaveholders; approximately one out of every five families owned slaves. There were few large slaveholders in the state; only sixty-six people owned 100 or more slaves; seven owned 200 or more; one owned 1000 or more. Predictably there were more slaveholders and larger slave holdings in the southern counties of Chicot, Phillips, Desha, Union, Arkansas, Lafayette and Jefferson.\textsuperscript{5}

Large slave populations would indicate the existence of large farms and such was the case in Arkansas. Of the 307 farms in the state with between 500 and 1000 acres, 158 were in the six counties with larger slave populations than white, and of the sixty-nine farms with

\textsuperscript{2}Ibid., II, 6-7.

\textsuperscript{3}Ibid., I, 12-17; II, 6-7.

\textsuperscript{4}Ibid., I, 12-17.

\textsuperscript{5}Ibid., II, 224.
over 1000 acres, forty were in these counties.\textsuperscript{6} It was on these farms that much of Arkansas cotton was raised, with Chicot County in the extreme southern corner of the state leading with an annual production of 40,948 bales followed by Jefferson and Phillips.\textsuperscript{7}

In contrast to the cotton economy of the southern lowlands the highland counties led in the production of tobacco and wool, important money crops of the state, and in most foodstuffs. Izard, Greene and Independence Counties led in the production of tobacco, while Washington, Independence, Carroll, Lawrence and Benton were the leaders in the production of wool. Washington County also led the state in the production of wheat, corn and oats.\textsuperscript{8}

Arkansas was rural in composition, the largest city being Little Rock with but 3727 people. The only other cities with over 1000 population were Camden (2219), Ft. Smith (1530) and Pine Bluff (1396). The absence of cities is reflected in the fact that the eleventh largest city in the state was Spring Hill, Hempstead County, with a population of 401.\textsuperscript{9} Nearly sixty per cent of the state's free population of 324,355 was born outside the state with the majority coming from the rural south.\textsuperscript{10} The rural composition of the state is further reflected in the working force of the state; nearly sixty-nine per cent of the

\textsuperscript{6}Ibid., II, 193, 222.
\textsuperscript{7}Ibid., II, 6-9.
\textsuperscript{8}Ibid.
\textsuperscript{9}Ibid., I, 12-17.
\textsuperscript{10}Ibid., I, 20.
total working force was engaged in farm occupations. There were 48,475 farmers in the state, 8350 farm laborers, 438 planters and 1971 overseers.\textsuperscript{11}

In 1860 industry in the state, although growing, was in its infancy. The value of manufactured goods in the state was $2,880,578, with 518 manufacturing establishments employing 1831 men and 40 women. The state's leading industries were lumber, flour and meal, leather and tin, copper and sheet iron ware. Although Washington led all counties in both the number of manufacturing establishments (74) and annual value of products ($390,904), industry in the state had not established geographic patterns.\textsuperscript{12}

To transport her products to market the state had to rely upon navigable rivers and dirt roads. The southeastern lowlands area was well supplied with navigable streams, but with the exception of White River the northwestern sector had to depend upon inadequate roads. The railroads of the state were of little value for they consisted solely of the 38.5 miles completed on the Memphis and Little Rock Railroad from Memphis to the St. Francis River. Only Oregon with 3.8 miles had fewer miles of railroad than did Arkansas.\textsuperscript{13}

Arkansas suffered a social and political schism due to an economic division as well as the previously discussed geographic division. The northwestern highlands developed in much more equalitarian patterns.

\textsuperscript{11}Ibid., p. 21.
\textsuperscript{12}Ibid., III, 15-22.
\textsuperscript{13}Ibid., IV, 337.
than did the southern lowlands because of these great economic differences within the state.

Out of the cotton growing southeast emerged the planter politician who predictably symbolized very divergent values, mores, motives, and needs from the more independent highland dirt farmers.

The "Conway-Johnson Dynasty" which controlled Arkansas politics during the three decades before the Civil War was supported and perpetuated in office by the planter class of southeast Arkansas. Despite the fact that only a small minority of the southeast population could even be classified as planters the small farmers and laborers offered little opposition to planter domination. The planter politicians had the wealth, time and incentive to keep the yeoman farmers and poor whites in line. Cotton was the common tie, along with a mutual desire to keep their land exclusively white, for the illiterate poor white had little other than his color.

With an economy and social structure so divergent from that of the southeastern lowlands, the small farmers of the hilly northwest habitually offered the only resistance to the planter control of the state. Such differences could only result in a political division of the state. The manifestations of this division were seen each time major decisions were required.

Such decisions were required as Arkansas prepared for statehood. Preparatory to application for admission into the Union, the legislature met in October, 1835 to begin discussion of a bill authorizing the calling of a constitutional convention. An attempt by lowland legislators to distribute representation in the convention to include
slaves as a basis of apportionment was narrowly defeated by northwestern representatives, led by Judge David Walker of Fayetteville. A compromise was devised that allocated twenty-six delegates to the northwest half of the state and twenty-six to the southeast half.\textsuperscript{14}

In the campaign for delegates to the constitutional convention, the major issue was slave representation. When the convention met at Little Rock in January, 1836 this issue was paramount. A plan unsatisfactory to the northwest was proposed by the legislative committee which gave the planter interests eleven senators in the initial distribution of legislators and the highlands only eight.\textsuperscript{15} After much debate the report was returned to a select committee which reported an alternate and supposed compromise plan. The plan called for representation based on free white male inhabitants with reapportionment to be made by the legislature and governor every four years, beginning in 1838. However, the initial distribution gave the south and east a controlling majority in the first legislature. Once in power the southeast could maintain control of state politics since it would control the redistribution.\textsuperscript{16} Despite the opposition of David Walker and twenty-one other northwestern delegates, the plan was adopted by a majority of six.\textsuperscript{17}


\textsuperscript{15}David Y. Thomas, Arkansas and Its People, 4 vols. (New York, 1930), I, 88.

\textsuperscript{16}Ibid., p. 89.

\textsuperscript{17}Jack B. Scroggs, "Arkansas in the Secession Movement," unpublished master's thesis, Department of History, University of Arkansas,
Following Arkansas' admission into the Union in 1836, James S. Conway, owner of a large plantation with over 100 slaves, was elected governor. The planter politicians had gained control of the state government and they began to build a machine. Once in power, machine control was not difficult, partly due to the relationships of several influential families and to the method of nominating candidates for office. Party leaders would meet in the townships and select delegates for the county conventions. At the county conventions candidates for county offices were selected, as were delegates to district and state conventions. The district and state conventions nominated congressional and gubernatorial candidates. Frequently notices of county meetings were sent out late and then to only selected leaders. Due to inadequate means of communication and transportation partisan gatherings could be assured. Caucuses, held before the conventions opened, arranged the chairmanships, picked the candidates, drew up the resolutions, and instructed the chairmen as to which speakers to recognize. After securing the nomination of their men, the party machine would arouse interest in them by organizing barbecues and "speakings." The barbecues, not expensive due to cheap cost of meat, would attract the crowds and the orators were supposed to do the rest. Sometimes opposition candidates would appear and the resulting mud-slinging and jokes were enjoyed by most.

Fayetteville, Arkansas, 1948, p. 11.

19 Thomas, I, 91-92.
To be nominated by such arranged conventions it became necessary to be related to the Conway-Sevier-Johnson family or to be in close alliance with it. This family enjoyed some prominence and influence even before arriving in Arkansas. Thomas Conway, father of the Governors Conway, was James Madison's uncle and his brother was George Washington's brother-in-law. Two of Thomas Conway's sisters married sons of Governor John Sevier of Tennessee and another married Sevier's nephew. Ambrose H. Sevier, later to become United States Senator from Arkansas, was born of this later marriage. Ambrose married the sister of Robert Ward Johnson, another future United States and Confederate States Senator from Arkansas. Johnson's father was Judge Benjamin Johnson who served as an Arkansas territorial and federal judge from 1821 until 1849. Judge Johnson's brother was Richard M. Johnson, Congressman, United States Senator and Vice-President of the United States. 20

Despite his desire to become Arkansas' first governor, James S. Conway apparently was not the man for the job. It was during his administration that the state created two financial disasters, the Real Estate Bank and the State Bank. 21 Following Conway's term, Archibald Yell, Democrat from Fayetteville, served as Governor for one term. Like Conway, Yell asked the legislature to provide Arkansas with schools and internal improvements. However, since the leaders of the state could send their children to private schools and academies and

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20 Hallum, pp. 45-46, 158-159.
21 Ibid., p. 52.
their cotton and other products could be easily shipped to market on one of the many streams in the southeast, they saw little need for schools, railroads or turnpikes.\footnote{Thomas, I, 98.}

In the election of 1844 the Democratic machine suffered a temporary setback. The machine-controlled convention unanimously nominated for Governor Elias N. Conway, brother of former Governor James S. Conway. Of the forty-six counties in the state, only a few delegates from sixteen counties took part in the election. These tactics created such a protest in the Democratic ranks that, rather than risk losing dissident Democrats to the Whigs, a new convention was agreed upon. At the second convention Daniel J. Chapman was nominated but shortly thereafter withdrew from the race. The party leaders, without calling a new convention, placed Thomas S. Drew, a wealthy Lawrence County planter, in nomination as the Democratic gubernatorial candidate. Drew was elected and after four years of mediocrity he was again nominated and elected.\footnote{Ibid., pp. 99-100, 104.} A more significant election than that of Drew was the election of Robert Ward Johnson to Congress. An ideal spokesman for the planter class, Johnson would become the principle pro-southern agitator in the secession crisis. Well educated for his time, having received a Yale law degree, he owned large estates in Jefferson County and was closely connected with the Conways.

Governor Drew had expected the legislature to increase his salary and when it did not he declared that he could not live in Little
Rock on the salary provided, and resigned. To fill the vacancy a special election was held in April, 1849. John Seldon Roane was nominated by the Democratic machine. He defeated the Whig Cyrus W. Wilson by a majority of only eighty-nine out of 6,545 votes cast. A close associate of Roane, at this time, was Henry M. Rector, another relative of the Conway family, who would become Arkansas' first Confederate governor.

Following the war with Mexico, political discussion throughout the nation centered around slavery. Arkansas was no exception. The state Democratic convention of 1848 spoke out for popular sovereignty and stated that any violation of this right was unconstitutional, an insult to the sovereignty of the states and dangerous to national stability. Furthermore, the Mexican War was declared just and necessary. Congressman Robert W. Johnson assumed a militant stand. In a circular to the people of Arkansas he stated that he would vote against the admission of California believing that unless all slavery questions were satisfactorily settled first, the Union should be dissolved. In his message to the legislature, following the passage of the Compromise of 1850, Governor Roane emphasized the importance of state sovereignty and stated that if the fugitive slave law, which was

24 Ibid., I, 105.

25 Hallum, p. 230; Rector and Robert W. Johnson served as Roane's seconds in his duel with Albert Pike.

26 Fay Hampstead, Historical Review of Arkansas, 3 vols. (Chicago, 1911), I, 174-175.

27 Scroggs, p. 20.
being repudiated by the northern states, was repealed, grounds for
secession would exist.\textsuperscript{28} The compromise controversy and the other
major national issues of the 1850's were important in the continuing
regional division in state politics. Northwestern Arkansas supported
compromise measures whereas the planter politicians displayed a
tendency to become involved in the affairs of southern extremists.

The division and unrest in the Democratic ranks reappeared in
the election of 1852. The rapid extinction of the Whig party in
Arkansas created a political void. With such divergent interests in
the state it was inevitable that political opposition to the Democratic
machine would exist. To fill this void insurgent Democrats began to
undertake independent political action. Meeting in Little Rock, the
Democratic convention again selected Elias N. Conway as their guber-
natorial candidate. Opposition Democrats claimed that Conway had been
fraudulently nominated. The opposition alleged that in several counties
a few party leaders had manipulated the nominating conventions which
had elected delegates to the state convention. They maintained that
at least one-fourth of the counties were represented by family proxies,
and that the family clique had violated a pre-convention pledge to
support the nomination of candidates by a majority vote of delegates
representing a majority of all Democratic voters as of the 1848 elec-
tions.\textsuperscript{29}

\textsuperscript{28}Thomas, I, 107.

\textsuperscript{29}Scroggs, p. 33.
Following the convention, Democrats from Benton, Carroll, Madison and Washington Counties met and persuaded General Bryan H. Smithson to run as an independent Democratic candidate. The basic campaign issues were the legality of the Little Rock Convention and internal improvements. Representing planter interests, Conway could not commit himself to an extensive railroad program but instead advocated dirt roads as being less expensive and more beneficial. The opposition labeled him the "dirt roads candidate." Conway's victory margin was less than in any previous machine victory and was purely sectional. Smithson carried most of the northwestern counties while Conway won decisively in the cotton counties.

Elias Conway proved to be an able and honest governor. During his administration progress was made toward resolving the bank situation, although the mess was not completely straightened out until after the Civil War. Progress was also made in internal improvements, primarily in the construction of levies. Several railroad companies were chartered and Arkansas' first few miles of track were laid. In 1853 Conway appointed Robert W. Johnson, rapidly rising to a position of power and prestige in machine politics, to the United States Senate seat vacated by the resignation of Solon Borland.

In his bid for reelection Elias Conway was challenged by the emergence in Arkansas politics of the American, or Know Nothing party.

30 Thomas, I, 108.
31 Scroggs, p. 35.
Comprised of many Whigs and dissatisfied Democrats, the Know Nothing party appeared to have gained considerable strength in the state, claiming as their prominent leaders James Yell, Absalom Fowler and Albert Pike. The Know Nothings attacked with such issues as the Conway-Johnson family machine, the defunct banks and the lack of public schools and roads. The Democrats replied that they had begun all of the demanded reforms and had provided an economical and efficient government. Despite continued dissatisfaction with the political monopoly of the Conway-Johnson dynasty the Democrats won decisively in the 1856 election. The state was too traditionally Democratic to break party ranks. In 1852, the independent Democratic Smithson, backed by insurgent Democrats, ran a strong race, but the new American party, in an attempt to unite the same elements that had supported Smithson, was soundly defeated. When the Conway-Johnson control would be broken it would be done from within Democratic and family ranks.

This break came with the election of 1860.

Prior to the Democratic state convention of 1860 the Arkansas Gazette predicted that R. H. Johnson, brother of Senator Johnson and editor of the True Democrat, would be the Democratic gubernatorial nominee. The Gazette believed that if someone could unite the dissatisfied elements in the state, Democratic control could be broken. When the state convention did meet at Little Rock in April, R. H. Johnson was nominated for governor. However a few irregularities existed

33 Ibid., I. 110.
34 Little Rock Arkansas Gazette, March 17, 1860.
which created further insurgence in the Democratic ranks. The convention had adopted a resolution that a number equal to a majority of the convention votes cast in 1856 should be necessary for nomination. The vote was taken by the number of votes cast in each county. Eight counties were not represented at the 1860 convention and their votes were disregarded in computing the majority. Six counties were represented by proxy and in casting them the president of the convention did not abide by the wishes of the people he thus represented. A resolution requesting him to do so was voted down. Further, the convention refused to adopt a platform before making the nomination. As a result, ten delegates signed a protest against the actions of the convention. 35

The convention platform was basically that Governor Conway's policy would be carried out. The Gazette ridiculed, "What is Governor Conway's policy? . . . Its advocates assume that they are correct in supposing Governor Conway's policy to be Governor Conway's policy, then they boldly assert that Governor Conway's policy must be Governor Conway's policy." 36

Following the adjournment of the convention, a district convention, meeting at Dover to nominate a Congressional candidate for the northern district, repudiated the nomination of Johnson. The Dover Convention asked him not to run and nominated his political enemy, Thomas C. Hindman, for Congress. 37

35 David Y. Thomas, Arkansas in War and Reconstruction (Little Rock, 1926), p. 33.
36 Little Rock Arkansas Gazette, April 14, 1860.
37 Thomas, Arkansas in War and Reconstruction.
Believing the time ripe for a political coup, Henry M. Rector resigned from the Supreme Court, where he had been placed by the Conway-Johnson family machine, and announced his candidacy for governor.

The principal issues in the ensuing campaign were the state debt, banks, the Little Rock Convention, internal improvements and machine politics. Rector's campaign was aimed at the masses. He campaigned for internal improvements, aid to popular education, aid to agriculture, his own form of revenue sharing and the liquidation of the state debt; all without an increase in taxation. Rector's fiscal proposals included a plan whereby railroad companies would assume the state debt in return for the lending of state credit to the companies. This would liquidate the state debt without an increase in taxation and at the same time aid in internal improvements. Rector was not in favor of dealing with the State Bank debt until it came due, and he proposed that stockholders in the Real Estate Bank pay its indebtedness. He also proposed that the state penitentiary be a source of revenue and be converted into a manufactory, but not in competition with home mechanics. The future governor advocated that surplus state revenue be distributed to the counties on a free white basis for the purpose of public education and internal improvements. Referring to the convention that nominated Johnson as an abomination, Rector claimed that without the fraudulent Benton County vote Johnson would not have

38 Little Rock Arkansas Gazette, June 9, 23; July 28, 1860.

39 Ibid., June 9; July 28, 1860.
received a majority.  

Johnson defended his nomination and the legality and honesty of the convention but did admit that the Van Buren County vote was a forgery, done without his knowledge. He insisted, however, that the Benton, Green and Lawrence County votes were proper. On the subject of the state debt Johnson proposed that the state refund the money it had taken from the State Bank and allow the officer in charge of the institution to buy up State Bank bonds which could be done at sixty cents on the dollar. Even with the low tax rate in the state the debt could be paid off at an early date. He advocated that the debt on account of the Real Estate Bank be foreclosed and the stockholders be compelled to pay the obligations. Johnson opposed any state aid for internal improvements until the state debt was paid. He attacked Rector's plan of revenue sharing, claiming it to be unconstitutional. The Gazette agreed, citing a constitutional provision that required appropriations for specific purposes.  

Rector's plan whereby railroad companies would assume the state debt was described as impractical and invisionary. What capitalist, asked the Gazette, would loan money on the credit of a state that will not pay its debts? If Rector were to carry out this plan along with his revenue sharing plan it would be a public calamity lamented the Gazette.  

40 Ibid., June 23; July 28, 1860.  
41 Ibid., June 9, 16; July 28, 1860.  
42 Ibid., June 9, 1860.
During the campaign the machine-controlled True Democrat claimed that Rector was not fit to be governor and was countered by T. C. Hindman's Old Line Democrat which made similar charges against Johnson. Allegedly convinced by its cross town rivals, the Gazette stated that, "We are willing to admit that both have made out their cases well; and so thinking we shall go for neither."\textsuperscript{43}

In the August election the state did not go for the Conway-Johnson machine. Rector was elected governor and T. C. Hindman and E. W. Gantt, anti-machine candidates for Congress, were both elected by solid majorities. The factionalism and division in Arkansas politics apparent since before statehood had finally ripened, but machine control was only temporarily broken.

\textsuperscript{43}Ibid., June 9, 1860.
CHAPTER II

EMERGENCE OF CONVENTION CONTROL

Henry Massie Rector was born May 1, 1816 at Louisville, Kentucky but soon after his birth moved to St. Louis, Missouri. His father died in 1822 and after his mother's remarriage the family moved to Saline County, Missouri, where Henry spent his teenage years hauling wood to his stepfather's salt works. Following two years at school in Louisville, Kentucky, Henry moved to Arkansas in 1835 to look after the land he had inherited, his father having had large estates in Arkansas. For many years Henry had problems over claims to a part of his inheritance near Hot Springs and was never able to establish his title. After his marriage in 1839 Rector served as teller in the State Bank, farmed in Saline County and read law. In 1842 he was appointed United States Marshall and was elected to the state senate in 1848 and again in 1850. In 1854 he opened a law office in Little Rock primarily handling criminal cases. Rector served four years as state surveyor general and was elected to the state legislature in 1855. In what might have been an effort to curb his political ambitions, the Democratic machine elected him to the Supreme Court in 1858.

The new governor was a natural orator, an excellent debator, and possessed superb logic and a rich vocabulary. ¹ In his inaugural

address made before the state legislature only a few days after the election of Lincoln, Governor Rector spoke of a most unprovoked and diabolical warfare that was currently conducted by the fanatical North. The issue that had been created by the North and forced upon the South was either the union without slavery, or slavery without the union. The Federal compact had already been broken by the eleven northern states who had trampled on the Constitution by prohibiting the enforcement of the fugitive slave law. By this action the Union was already dissolved. Coupled with the election of Lincoln no further local justification was needed for secession. If a state were to secede, stated Rector, Arkansas should give sympathetic and active support if the Federal government were to adopt coercive measures. Rector requested that the legislature consider revising the militia code in preparation for what might be ahead.  

The legislature apparently was not overly agitated about secession at this time and carried on with routine business. However many prominent men in the state were stirring up support for and against secession. Congressman T. C. Hindman and E. W. Cantt had come out openly for secession. Prominent among secession opponents were Senator W. K. Sebastian and W. M. Fishback. Fishback reminded the people that they had a Democratic Congress and a number of legal ways to redress grievances. The Gazette urged its readers to give Lincoln

2 Little Rock Arkansas Gazette, November 24, 25, 1860.

3 Ibid., December 1, 1860.

4 David Y. Thomas, Arkansas in War and Reconstruction (Little Rock, 1926), pp. 42-43.
a chance. Colonel Albert Rust, Senate hopeful for the soon to be vacated seat of Robert W. Johnson, denied that a state had the right of secession and predicted a temperate and conservative course for the state.

Despite minority secessionist expressions, the state was generally of unionist sentiment late in 1860. However this secessionist minority was one that included such men as the governor, one of the United States Senators, the two Congressmen and several prominent members of the legislature.

The development of secessionist sentiment followed a predictable pattern. Secessionists in the cotton-growing counties, where the economic and social interests coincided with those of the "fire-eating" slave states, organized mass meetings. Unionists in the northwestern highlands retaliated with demonstrations of their own.

Early in December, Chicot County sent resolutions to the legislature declaring that Lincoln's election should not and would not be tolerated, and urging the legislature to cooperate with the governor and call a convention. Other southern counties soon followed suit. Unionist counties to the northwest met the challenge with their own resolutions condemning secession and urging compromise.

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5. Little Rock Arkansas Gazette, November 17, 1860.
6. Ibid., November 24, 1860.
8. Ibid., p. 196.
Following the secession of South Carolina the secessionists in the state became more aggressive. United States Senator Robert W. Johnson expressed his views in a published letter to Colonel T. B. Craighead. Johnson stated that by March 5, 1861, three to six southern states would have seceded and for the remainder not to follow would be ridiculous. He advised the use of all efforts to obtain justice but if that failed there would be only one choice. Arkansas should not take the first step toward secession but the state could not remain in the union with a fragment of southern states subject to the overwhelming power of the fanatical North. Johnson condemned as submissionists those who advised to wait until the Lincoln government committed an overt act and strongly supported South Carolina in her secession venture.  

In mid-December, Ben T. Duval, of Sebastian County, proposed a bill in the legislature calling for a state convention. In apparent co-ordination with Duval's bill, Governor Rector submitted a special message declaring that the Union was destroyed forever by the madness and fanaticism of the North. The abolition of slavery would economically ruin the state, he declared, and Arkansas' only hope was with the lower South.  

Rector urged an alliance in nine days with a Confederacy of southern states and recommended that Arkansas be put in a state of military readiness.  

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from Washington that the spirit of Congress forbade any reasonable remedy and urged Arkansas to call a convention. In a speech at the state house General James Yell called for immediate secession without regard to any cooperative action among the Southern states.

A resolution, in part drafted by future governor Harris Flanagin, from a Clark County meeting not only recommended a state convention to consider "the momentous questions which now agitate the public mind" but also a southern convention to be composed of delegates from the slave-holding states with powers to do such things as were necessary to protect the South's rights. Even the conservative Gazette conceded that it was necessary to call a convention in order to determine the state's position.

On January 16, 1861 the convention bill became law. Under the law the citizens were to vote either for or against a convention and to elect delegates in the eventuality that the convention was authorized. Each county was authorized as many delegates as they had in the lower house of the legislature. If a majority of those voting were to favor a convention it would be held March 2.

Before the election was held secessionists were able to create a crisis. In November, 1860, sixty artillerymen had been transferred from Kansas to the Little Rock arsenal encountering no opposition or fanfare. But in January, the city of Helena, where secessionist

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12 Ibid., December 29, 1860.
13 Ibid., January 5, 1861.
14 Ibid., January 19, 1861.
sentiment was high, suddenly became concerned over the presence of federal troops at the arsenal and offered the Governor 500 men to capture the arsenal.¹⁵

Rector refused Helena's offer of troops but did assure the city that he would not allow the arsenal to be reinforced nor would he allow any arms therein to be removed or destroyed. The governor informed the arsenal's commandant Captain James Totten that he would allow the arsenal to remain in federal hands until Arkansas seceded or attempts were made to reinforce the arsenal or remove or destroy munitions in the arsenal. Governor Rector demanded that Captain Totten assure him of compliance. Captain Totten's evasive answer precipitated further action from secessionist forces.¹⁶ On the strength of a rumor that the S. H. Tucker was on her way to Little Rock with a large body of federal reinforcements, some 800 to 1000 men from Helena and Jefferson, Phillips, Monroe and Prairie Counties arrived in Little Rock to resist the alleged reinforcements.¹⁷

The residents of Little Rock resented the presence of unauthorized armed troops in their city and requested the governor to put a stop to such activities.¹⁸ Further restraint was requested by Arkansas'

¹⁵Thomas, Arkansas and Its People, I, 121.


¹⁷Rector denied accusations that he had called the volunteers to the city. Little Rock Arkansas Gazette, February 9, 1861.

congressional delegation. In a letter to the governor, Senators Johnson and Sebastian warned him, "The motives which impelled capture of forts in other states do not exist in ours. It is all premature. We implore you prevent attack on arsenal if Totten resists." Representative Hindman wrote Rector, "Don't attack arsenal unless success is certain. Repulse would be disgraceful." Such cautious advice telegraphed February 7, 1861 was received too late for the governor's consideration. On February 6, Governor Rector demanded the surrender of the arsenal and urged Totten's compliance to avoid bloodshed. Captain Totten answered the same day, agreeing to the governor's demands if he and his men would be guaranteed unmolested passage out of the state.

By creating an issue, the secessionists had gained the momentum, but unionists continued to represent the majority of Arkansans. This was reflected in the results of the convention referendum. The vote for a convention carried 27,412 to 15,826 but this did not represent a vote for secession. More significant was the vote for the delegates. A total vote of 33,626 was cast for union men and 17,927 for secessionists. However a Benton County resident claimed that many voted against a convention because they feared political manipulation and that secession would not be put to a vote of the people.

19 R. W. Johnson wrote R. H. Johnson and J. B. Johnson on the same date urging deliberation and no assault on the arsenal. O.R., series 1, I, 641.

20 Journal of the Convention, pp. 479-481.

21 Little Rock Arkansas Gazette, March 9, 1861.
By the time the convention was to meet, seven states had seceded, organized into a confederacy and elected Jefferson Davis President. The convention met in Little Rock in the old State House on March 4, 1861 in a tense and volatile atmosphere. Secessionists were especially active, taunting union men as submissionists and abolitionists and applying pressure on uncommitted delegates, many of whom fell into secessionist ranks. Inside the convention the activities of the crowded galleries and lobbies created a constant fear of violence. 22

The convention's first day revealed a union majority that held up throughout the first session. In the election for convention president, Judge David Walker, unionist from Fayetteville, was elected in an almost purely regional vote over B. C. Totten, secessionist, from Prairie County, 40 to 35. 23

Despite Lincoln's conciliatory inaugural and a union majority, the secessionists launched an aggressive campaign. 24 On the second day of the convention W. P. Grace offered a substitute resolution that a committee of thirteen be appointed to report to the convention an ordinance of secession. Strong opposition forced the withdrawal of the resolution but again on March 7 and 8, James L. Totten and W. W.


23Journal of the Convention, p. 11.

24Cypert reported that the delegates, at their own expense, obtained a telegraphic report of a synopsis of Lincoln's inaugural and that this had a great influence in preventing secession. Jesse N. Cypert, "Secession Convention," Publications of the Arkansas Historical Association, 4 vols. (Fayetteville, 1906), I, 317.
Floyd offered resolutions for secession. Despite the defeat of these the secessionists continued the attack with outside assistance.\textsuperscript{25}

Commissioners A. C. Spain of South Carolina and D. P. Hill of Georgia were received by the convention, invited to take a seat and allowed to present invitations asking Arkansas to join the Confederacy.\textsuperscript{26}

A few days later W. S. Oldham, formerly of Arkansas, joined them as the personal representative of Jefferson Davis. Oldham presented a message from Davis inviting Arkansas to join the Confederacy.\textsuperscript{27}

In a special message to the convention on March 9, Governor Rector urged immediate secession but insisted that the people of the state vote on it. Citing the central issue as slavery, Rector argued that Arkansas' interests lay with the South and she should secede "in peace if possible, if not, let it be in war."\textsuperscript{28}

The unionists finally made a positive move when H. F. Thomason of Crawford County proposed a resolution calling for several constitutional amendments which were subsequently adopted. These called for the alternate selection of the President and Vice-President from slave and free states, the extension of the $36^\circ30'$ line, the denial of Congressional power concerning slavery except to protect it, state enforcement of fugitive slave laws, indemnity by federal government for slaves lost due to northern interference, the denial of the right to vote or

\textsuperscript{25}Carrigan, p. 307; \textit{Journal of the Convention}, pp. 11, 27-35.
\textsuperscript{26}Journal of the Convention, pp. 18-20.
\textsuperscript{27}\textit{Ibid.}, pp. 74-75.
\textsuperscript{28}\textit{Ibid.}, pp. 41-49.
hold offices to Negroes, and the guarantee that these amendments could not be changed without the unanimous consent of the states. 29

After two weeks of constant friction the antagonists were ready for a compromise. When the ardent secessionist B. G. Totten offered a resolution calling for a popular vote on the issue, unionists were agreeable that the people should decide on the question of secession. This compromise called for a referendum to be held August 5 on the question of "cooperation" or "secession." Following the referendum the delegates would then reconvene to carry out the will of the people. 30 The convention adjourned March 21, subject to recall by its president. 31

During the convention unionists had defeated all secessionist attempts to lead Arkansas out of the Union and for the moment Arkansas' place in the Union was safe. Ironically the final blow that sent Arkansas out of the Union came from a most dedicated unionist—Abraham Lincoln. Lincoln's decision to reinforce Sumter and his subsequent call for troops caused even the conservative Gazette to call for separation. Denying the right of secession the Gazette advocated separation by revolution. Arkansas should declare war on the United States and thereby could rightfully seize public lands and monies. 32

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29 Ibid., pp. 51-54.
30 Ibid., pp. 90-91.
31 Ibid., pp. 102, 111.
32 Little Rock Arkansas Gazette, May 4, 1861.
Following Lincoln's call for troops, Governor Rector proceeded as though the state had already seceded. In reply to the troop request the governor informed Simon Cameron that "none will be furnished. The demand is only adding insult to injury. The people of this commonwealth are freemen, not slaves, and will defend to the last extremity their honor, lives, and property against Northern mendacity and usurpation." The following day Rector promised military aid to the Confederacy and a week later approved a Confederate request for the construction of a battery near Helena. In the meantime the governor had sent a company of militia under Colonel Solon Borland to take the federal arsenal at Fort Smith, which was accomplished easily, the fort having been evacuated. Despite persistent Union sentiment in the northwest, David Walker, responding to widespread demands for the convention to reconvene, called the delegates to return to Little Rock on May 6.

The second convention met in Little Rock amid much excitement. "Every nook and corner was occupied. The aisles were full—the galleries crowded . . . . Boys perched upon window sills, and nestled by the chairs of members." The convention wasted little time. A resolutions and ordinances committee was formed and shortly thereafter W. P. Grace, Chairman,

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33 O.R., series 1, I, 685, 687.
34 Ibid., p. 650; Little Rock Arkansas Gazette, April 27, 1861.
36 Bishop, p. 23.
reported the secession ordinance. The ordinance declared the union
between the United States and the State of Arkansas to be forever
dissolved, that all powers heretofore delegated to the United States
were resumed by the state and that Arkansas had all the rights and
powers of a free and independent state.\(^{37}\) Unionist A. W. Dinsmore of
Benton County attempted to amend the ordinance by requiring it to be
submitted to a popular vote. The Dinsmore amendment was tabled by a
vote of 55 to 15.\(^{38}\) A vote was called on the ordinance and the result
took Arkansas out of the Union. The vote was 65 to 5; the five nega-
tive votes were cast by H. H. Bolenger and Isaac Murphy of Madison
County, John Campbell of Searcy County, T. M. Gunter of Washington County
and Samuel Kelley of Pike County. Following Judge Walker's appeal for
unanimity all but Murphy reversed their votes.\(^{39}\) At approximately ten
minutes past four the ordinance was declared adopted by a vote of 69
to 1, and the convention adjourned until the next day.\(^{40}\) Having com-
pleted the work for which it was called the convention did not adjourn
but functioned in a legislative and executive capacity until June.

The second session of the convention was actually the first
legislature of Confederate Arkansas. Members of the convention appar-
ently agreed with the \textit{Gazette} in believing the convention to be above


\(^{38}\) \textit{Tbid.}, pp. 122-123.

\(^{39}\) \textit{Tbid.}, p. 123.

\(^{40}\) \textit{Tbid.}, p. 124.
the constitution and the general assembly. 41

Besides making it consistent with its new federal authority, the convention made a number of changes to the state constitution, disregarding the constitutional method of amending. 42 In the Declaration of Rights the words "free white" were inserted wherever necessary in order to guarantee the basic rights to only those persons. 43 The required minimum size of counties was reduced, the limits on the number of state legislators was raised and the power to elect supreme court judges was removed from the general assembly and vested in the governor. 44 However the governor's commander-in-chief powers were "not to be taken to conflict with any ordinance . . . passed by the convention." 45 The length of Governor Rector's term was affected by an amendment that required a general election to be held in October 1862, for all offices whose election was not provided for in the constitution. The Governor's was not. 46 This provision was overlooked by Rector supporters but it would be brought to their attention in a year. To secure the constitutionality of their legislation the

41 Little Rock Arkansas Gazette, May 4, 1861

42 The constitution required that the legislature propose amendments by a two-thirds vote and that such amendments be voted upon in the first legislative session after the next general election. The Constitution of the State of Arkansas (Little Rock, 1891), notes by U. M. Rose, p. 257.

43 Ibid., pp. 253-254.

44 Ibid., pp. 257, 260.


46 Ibid., p. 263.
convention amended the constitution to the effect that if any ordinances passed by them which were to be in effect for a limited time conflicted with the constitution, the ordinances, not the constitution, would have effect.\(^47\)

Efforts to limit the actions of the convention were met with defeat. Early in the convention J. N. Cypert of White County offered a resolution stating that the convention should not assume legislative powers further than necessary and only in cases growing out of the change of federal relations and military defense. Cypert's resolution was referred to the judiciary committee and died there.\(^48\) Later in the convention a resolution was tabled that would have prevented consideration of local matters that could have been disposed of by other state agencies. A resolution that would prohibit the consideration of matters that could be handled by the newly created military board was ruled out of order.\(^49\)

The convention concerned itself primarily with fiscal and military matters. The major revenue ordinance consolidated as state revenue all money in the state treasury that was received from the sale of seminary, saline, internal improvement and swamp lands and all other public lands in the state and all such money currently in the hands of land offices. For the year 1862 there would be a state tax of one-third per cent on the assessed value of certain property and a supplemental

\(^{47}\)Ibid., p. 262.

\(^{48}\)Journal of the Convention, p. 147.

\(^{49}\)Ibid., pp. 273-274.
tax of one-sixth per cent for 1861. Two million dollars worth of Arkansas war bonds were to be issued in denominations of $5, $10, $20, $50, $100, $200, $300, $400, and $500, with an interest rate of eight per cent per annum to expire on July 1, 1866. An annual appropriation of $160,000 was made in order to pay the interest.  

If funds were not available in the treasury to pay any warrant drawn by the auditor, without bothering the amount set aside for payment of the war bond interest, the treasurer was to issue a treasury warrant at eight per cent.  

Another ordinance required collectors of public revenue not to receive more than two-thirds of the tax due from any person in state bonds, coupons or treasury warrants. At least one-third of the tax had to be paid in coin unless the individual had overdue coupons which could be redeemed for the year that the taxes were due.  

The convention appropriated all United States property in the state but stipulated that any United States money seized would be used to pay any claims that Arkansans might have against the United States.  

The convention passed an ordinance authorizing counties to levy a tax for military defense not to exceed one-fourth per cent of the assessed property value and another appropriating money to advance to volunteers for use in the Confederate Army.  

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50 Ordinances of the State Convention (Little Rock, 1861), pp. 55-60.
51 Ibid., pp. 55-60.
52 Ibid., pp. 69-70.
53 Ibid., pp. 13, 53-55.
54 Ibid., pp. 7, 12.
The two most significant pieces of military legislation created a Military Board and organized a military corps. The Military Board was to consist of the Governor and two advisors who were to be citizens and initially appointed by the convention. The Board was to act and consult together in all matters concerning the military defense of the state. A secretary was to be employed to keep a record of the proceedings and the expenses of the military department in Arkansas. The Board had the power to call out the militia and volunteer forces of the state and draw on the treasury for money allocated to military purposes. The Board had the authority to manage and control all forts, arms and munitions and had the power to organize such military expeditions as the circumstances required. The Military Board could order the trial of general officers by court martial. Any of the three members could call a meeting and a quorum consisted of two. The governor was to be the presiding officer and decisions were governed by a majority. In case of vacancies the governor, the remaining advisor and state auditor were to elect a successor. The Board was to exist until the end of the war and no longer. If the war were to continue after the term of the current governor expired, the advisors were to be elected at the same time the governor was.

The ordinance creating the Military Board also appropriated two million dollars for military purposes out of money not otherwise appropriated in the treasury. Another ordinance passed later in the convention fixed the rank of the members of the Military Board above that of
all military officers in the state.\textsuperscript{55} The ordinance creating the Board obviously amended the governor's powers as commander-in-chief. To protect the constitutionality of its new creation the convention amended the constitution as previously indicated. The convention elected C. C. Danley, an opponent of Rector, and B. C. Totten as the two advisors on the Military Board.\textsuperscript{56}

Danley resigned shortly after his appointment reportedly due to the pressure of private business, but undoubtedly he disagreed with the Board's handling of military affairs.\textsuperscript{57} He was followed by Samuel W. Williams of Little Rock, who resigned in August of 1861 to go into military service. Dr. L. D. Hill of Perry County was chosen to replace Williams. In the fall of 1861 Totten resigned and was replaced in December by Charles W. Board, businessman from Jacksonport. Board and Hill served on the Board until the war terminated.

The ordinance organizing a military corps divided the state into two divisions with a Brigadier-General commanding each and subordinant to a Major-General who was to command the entire corps. However, the employment of an armed force in the service of the state was not authorized unless the Confederacy would not or could not provide for it.\textsuperscript{58}

\textsuperscript{55}Ibid., pp. 20-22, 40-41.
\textsuperscript{56}Journal of the Convention, p. 254.
\textsuperscript{57}Little Rock Arkansas Gazette, June 8, 1861.
\textsuperscript{58}Ordinances of the State Convention, pp. 24-27.
The convention elected James Yell as Major-General and N. B. Pearce and Thomas H. Bradley as Brigadier-Generals. Their choices did nothing to enhance their reputation for judgment. When Bradley, over sixty years old and wealthy, attempted to assume his command the troops refused to have him.\textsuperscript{59} Both Pearce and Yell apparently did what they could to disrupt the transfer of Arkansas troops to the Confederacy.\textsuperscript{60}

The convention apparently did not officially notify Rector of the appointment of the brigadier-generals for he learned of Pearce's appointment from Pearce himself. Obviously piqued over the passage of the ordinance, Rector, in a message to the convention, denied the need of such appointments since the Confederate States Army would be taking over Arkansas' forces shortly. He further objected to the ordinance since it did not limit the tenure of office conferred upon the generals, and he suggested that this was unconstitutional. Rector reminded the convention that all military officers in the state were subordinate to him and all such appointments, according to the constitution, were to be attested by the Secretary of State and signed by the governor.\textsuperscript{61}

An ordinance to prevent the giving of aid and comfort to the enemy defined any United States citizen as an alien enemy of Arkansas. Any person conducting business with alien enemies would be guilty of a high misdemeanor and subject to one to five years in the penitentiary

\textsuperscript{59}Thomas, \textit{Arkansas in War and Reconstruction}, p. 89.

\textsuperscript{60}Ibid., pp. 91-96.

\textsuperscript{61}Journal of the Convention, pp. 232-235.
and a fine equal to the amount received or paid to the enemy. Any suit that was pending in the state in which the enemy was a party was suspended and all sales or contracts for sales to the enemy were declared null and void. The ordinance required those persons indebted to citizens of the United States to pay such indebtedness to the State of Arkansas. However, debts for arms, munitions or provisions were considered valid. This ordinance did not apply to citizens of Kentucky, Delaware, Maryland, North Carolina, Missouri, Arizona, New Mexico, or the Indian Territory. 62

The convention authorized the county courts to raise a home guard whose duty it was to see that the slave population was properly subjugated and peace and order were preserved. The home guard was to be properly armed and have the power to arrest suspicious persons without warrant. 63

The convention passed an ordinance requiring all military and civil state officials to take an oath of allegiance and set the date for them to appear to take the prescribed oath. May 23 was the date the governor was to take his oath but on that day Rector informed the convention that he was "too unwell" to leave his room and asked that he be allowed to take it at his residence. For once the convention accommodated the governor. 64

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62 Ordinances of the State Convention, pp. 62-66.
63 Ibid., pp. 66-68.
64 Journal of the Convention, pp. 322-323.
The governor was invited to present any ideas he had to the convention, which he did. He recommended that all money in the land offices be seized for state use and that all seminary, swamplands and internal improvement funds be retained for state use. The convention did pass an ordinance to this effect. He recommended sending delegates to the Indian Territory to make a treaty with them. The governor explained that in January he had sent Major J. J. Gaines to confer with the chiefs of the Cherokees, Creeks, and Choctaws. The Creeks and Choctaws were found to be fast and enduring friends of the South, but the Cherokees needed assurance and encouragement from the South. Rector recommended that the Indian nations be admitted as states into the Confederacy. \(^6\) Rector reported that since March 27, 1861, $36,954.26 had been spent to purchase arms out of $100,000 so appropriated. The governor reported that there were in the state 10,000 stands of arms and thirty pieces of artillery, generally of small caliber and many unfit for use. The governor recommended expending the remaining amount appropriated for the purchase of arms and that the volunteer forces of the state be called into immediate service. He reported $216,377.42 in specie in the treasury. \(^6\)

Governor Rector, believing the Johnson-family-controlled convention had exceeded its authority, made preparations for calling a session of the legislature in early June. Upon receiving this news the convention adopted a resolution stating that if such a call were to be

\(^6\)Ibid., pp. 155-156.

\(^6\)Ibid., pp. 165-166; Little Rock Arkansas True Democrat, May 16, 1861.
made it would be "in direct antagonism to the will of this convention, as well as in their opinion disastrous to the interests of the people of this state." The Governor was asked not to make such a call and requested to reply to the convention. The Governor replied that he would withhold his proclamation for the present. 67

The convention created four congressional districts and elected five delegates to the Confederate States Provisional Congress. They were R. W. Johnson of Jefferson County, A. H. Garland and Albert Rust of Pulaski County, H. F. Thomason of Crawford County, and W. W. Watkins of Carroll County. Only Johnson was an original secessionist. 68

The convention passed ordinances ratifying the Confederate States Constitution, transferring cases from U.S. District courts to Confederate States courts, dismissing suits pending against those in military service, authorizing Arkansas' delegates to the Confederate Congress to cede to the Confederacy the forts, arsenals and hospitals formerly owned by the United States, and providing relief for indigent families of volunteers. 69

A resolution was offered that upon adjournment the convention form a company of cavalry. When a motion to table the resolution was defeated Alfred H. Carrigan and Jesse N. Cypert explained their opposition to the resolution. They feared that if the resolution were adopted the convention would never adjourn and if it did all the members

69 *Ordinances of the State Convention*, pp. 14, 35-37, 66, 69, 81-82.
would work to be officers. Such clear logic caused the resolution to be withdrawn. 70

The convention's adjournment was anticlimactic. On June 1 seven members, including the President, resigned, possibly believing the convention would never adjourn since a number of resolutions to adjourn had been defeated. George C. Watkins was elected president by acclamation, there being no other nominee. On Monday, June 3, 1861, no quorum being present, the convention adjourned subject to being reconvened by the president, Military Board or Governor if reconvened on or before January 1, 1862, and if not it would stand adjourned without further delay. The convention did not meet again. 71

71 Ibid., pp. 471-473.
CHAPTER III

POLITICS AND PROBLEMS UNDER HENRY RECTOR

Arkansas' first wartime governor, Henry M. Rector, faced a myriad of problems. Martial law, state defense, economic instability, destitution, a hostile press, machine politics and a scarcity of public officials created conditions that plagued his administration. A problem related to state defense was the raising of troops and their subsequent transfer to Confederate service. The governor favored transferring state troops to the Confederate Army, which would save the state the expense of organizing and equipping them, but at the same time he feared that once transferred, the Confederacy would order them East and leave Arkansas defenseless.

Plans for raising and transferring troops were initiated in confusion. Even before the Military Board issued a call for 10,000 volunteers for one year's service, General Pearce, commander of Arkansas' western division, had already issued a call from Fort Smith. Immediately General Ben McCulloch, Confederate commander assigned to defend the Indian Territory, called for the entire military force of the state to volunteer for Confederate service. Governor Rector issued another call on September 5, 1861 which was followed five days later by another from McCulloch. Piqued, Rector protested to the Secretary of War. Rector argued that all calls for troops must come

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1 David Y. Thomas, Arkansas in War and Reconstruction (Little Rock, 1926), pp. 89-90.
from state authorities; therefore McCulloch's calls for volunteers were a violation of state rights. Even Lincoln had asked him for troops.  

The various lengths of service in the different calls added to the confusion as did the fact that almost everyone wanted to be an officer and therefore tried to raise his own company. 

The initial transfer of troops was even more confusing. Dandridge McRae was commissioned by the Confederate states to go to northwest Arkansas and swear in the men under General Pearce's command. However Pearce would not allow McRae to read his orders or swear in the men. After consultation with General William J. Hardee, Confederate Commander of the Upper District of Arkansas, the Military Board authorized the transfer providing the troops had a choice of beginning transferred or mustered out. The Board agreed to furnish arms, munitions and clothing for which the Confederacy was to compensate the state. The transfer met opposition from the state's key military leaders. General Hindman declared that Adjutant General Burgevin and General Yell, who simply told his men to go home, did all they could to defeat the transfer. C. C. Danley, editor of the Gazette, severely criticized Burgevin and the governor blamed Pearce for the confusion. However, the fact that the troops had been in service three to five months and had not received any pay or clothing had much to do with the transfer's failure. Given a choice all but about twenty went home.

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3 Edmund Burgevin to Henry Rector, October 8, 1861, Kie Oldham Collection, Arkansas History Commission, Little Rock.

4 Thomas, pp. 93-96.
The Governor's problems over state defense did not lessen and his critics became more vociferous. Both the True Democrat and the Gazette were quite hostile to Rector. "Justitia," an anonymous member of the Military Board, explained that the True Democrat opposed the Board's handling of military affairs because the Democrat's editor had been defeated by the president of the Board in the last gubernatorial election. Furthermore the Military Board itself had usurped some constitutional rights of the chief executive. The Gazette professed to understand the Military Board's method of decision making. The Board simply selected the longest and most expensive way of accomplishing any given objective. The "authorities of Arkansas" were in violation of the ordinance of the Convention by calling out the militia, lamented the Gazette's editor, and by so doing were in opposition to the wishes of the Confederacy. The calling of the militia was expensive and the militia would be commanded by men not as experienced or talented as Confederate States officers, argued the Gazette.

Due to Danley's criticism of Rector and the Military Board, State Adjutant General Edmund Burgevin took offense at remarks and criticism directed against him by Danley in the Gazette and challenged him to a duel. Although dueling was illegal in Arkansas, Governor Rector delivered the challenge on December 7, 1861. The Gazette explained that Burgevin was simply a tool of Rector's and the real reason for the

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5Little Rock Arkansas Gazette, July 20, 1861.
6Ibid., August 24, 1861.
7Ibid., December 14, 1861.
challenge was not the criticism of Burgevin but the Gazette's attacks on the Military Board of which Rector was President. Danley declined to answer the challenge and the duel was never fought.

In purely civil affairs the governor was hampered by a scarcity of officials. By the end of 1861 about one-half of the civil offices were vacant, the holders having gone to the war. Governor Rector urged all men in the army to resign their civilian posts so that new officials might be selected. He stated that he could not appoint new officials or call an election since the offices were officially not vacant.

The first congressional elections under the Confederacy were held in November 1861. In the first district Felix I. Batson defeated H. F. Thomason; second district Grandison D. Royston won over a field of seven; third district A. H. Garland defeated J. P. Johnson by thirty-two votes; fourth district Thomas B. Hanley defeated James H. Patterson. In the third district Johnson claimed the victory and challenged Garland's right to the seat. The House Committee on

8 Ibid.
9 Thomas, p. 317.
10 Little Rock Arkansas Gazette, August 24, 1861.
11 Little Rock Arkansas True Democrat, December 19, 1861.
12 After the returns had been submitted the clerk of Arkansas County claimed to have discovered an error. He reconvened the canvassing board and sent in the corrected returns which gave Garland 195 instead of 175 and Johnson 135 instead of 73. This meant a plurality of 8 for Johnson in the district. The day the corrected returns were filed Rector issued a certificate of election to Garland based on the first returns and a clerk in the State Department gave a certificate to Johnson. Johnson offered to submit it to the people again but the offer was declined. Thomas, p. 333.
elections examined the three sets of returns from Arkansas County submitted by the two contestants and after several months reported in favor of Garland. It was not until January 1863 that Johnson finally gave up and wrote to the Speaker of the House withdrawing from the contest.\textsuperscript{13} The elected representatives were to begin their two-year term February 18, 1862, and were to replace the temporary delegates, previously elected to the Provisional Congress.\textsuperscript{14} On November 9, 1861, in a joint session, the general assembly elected Confederate States senators. Robert W. Johnson and Charles B. Mitchell were elected on the first ballot.\textsuperscript{15} In a draw to determine the length of their terms Johnson drew a two-year term and Mitchell a six-year term.\textsuperscript{16}

Hoping the legislature could solve some of the state's problems, Governor Rector called a special session of the Thirteenth General Assembly to meet November 4, 1861.\textsuperscript{17} Bradley Bunch was elected Speaker of the House and W. R. Fletcher was elected President of the Senate.\textsuperscript{18} The most important proceedings of this session revolved around state finances and defense. In a letter to the legislature Governor Rector expressed his concern for the lack of protection given the state by the

\textsuperscript{13} Little Rock \textit{Arkansas Gazette}, February 21, 1863.

\textsuperscript{14} Little Rock \textit{Arkansas True Democrat}, December 19, 1861.

\textsuperscript{15} Journal of the Senate of the Special Session of the General Assembly of the State of Arkansas (in manuscript), November 9, 1861.

\textsuperscript{16} Washington Telegraph, March 12, 1862.

\textsuperscript{17} Journal of the Special Session of the House of Representatives (in manuscript), November 4, 1861.

\textsuperscript{18} House Journal, November 4, 1861; Senate Journal, November 4, 1861.
Confederacy. He believed that any protection must come from the state and asked that a joint resolution be passed authorizing the Military Board to purchase arms and take active measures to put the state in a condition of defense.19

A few days later the governor reported to the legislature that he had received notice from General Albert Sidney Johnston to disband troops that had previously been called up but for whom arms were not available. Rector requested that these troops not be disbanded but be kept on state duty due to the insecurity of the northern frontier.20 The following day the Senate adopted a resolution requesting General Johnston to withdraw his order to disband troops.21 On November 14 Secretary of War Judah P. Benjamin replied to the Senate's request. Benjamin stated that the Confederacy would not arm such twelve-month volunteers as long as there were more volunteers for the war's duration than there were arms.22 The legislature then passed a resolution asking the Military Board to authorize the purchase of arms and munitions for those troops and that $25,000 be appropriated for that purpose out of any money in the state treasury not otherwise appropriated.23

A resolution was offered in the House that the House organize itself immediately into a military company and move out to the western frontier

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19House Journal, November 8, 1861.
20Senate Journal, November 11, 1861.
21Ibid., November 12, 1861.
22Ibid., November 14, 1861.
23Acts Passed by the Thirteenth or Special Session of the General Assembly of the State of Arkansas (Little Rock, 1861), p. 83.
to meet the invading enemy. Cooler heads prevailed and the resolution was tabled.\textsuperscript{24} Instead a joint resolution was passed requesting the governor to call out the militia for this purpose.\textsuperscript{25}

In other matters affecting the military an attempt was made to destroy the Military Board, aid was given to volunteers, and the penitentiary's war effort was disclosed. A bill was introduced in both houses that would repeal the ordinance creating the Military Board, but it was defeated when the Senate failed to give its approval.\textsuperscript{26} A report from a joint committee on the penitentiary stated that in eight years the penitentiary would be a source of revenue to the state. In aiding the war effort the penitentiary had produced 3000 suits of clothing for soldiers, 8000 pairs of shoes, 250 wagons, 100 sets of wagon and artillery harnesses, 500 drums, 200 tents, 600 knapsacks and 500 cartridge boxes and at reasonable rates.\textsuperscript{27} Several laws were passed to aid volunteers. A sum of $10,000 in war bonds was appropriated for the relief of sick, wounded, and disabled volunteers to be expended under the governor's direction.\textsuperscript{28} Another law permitted a person held by bond on a criminal charge less than a felony and punishable by fine only to volunteer without a forfeiture of bond at the judge's discretion. Courts were allowed to continue cases wherein material witnesses

\textsuperscript{24}House Journal, November 11, 1861.
\textsuperscript{25}Acts Passed by the Thirteenth or Special Session, p. 83.
\textsuperscript{26}House Journal, November 12, 1861.
\textsuperscript{27}Ibid., November 14, 1861.
\textsuperscript{28}Acts Passed by the Thirteenth or Special Session, p. 48.
were absent due to military service.\(^\text{29}\)

The fear of a slave uprising, common in the South, prompted the passage of another act related to the defense of the state. The law required that any person owning a plantation with slaves must have a white person present on the plantation "to oversee and maintain good order among [the slaves]." Failure to comply with the law would result in a fine of $50 to $100 for each month such plantation was without a white person.\(^\text{30}\)

Fiscal legislation consumed a major portion of the Thirteenth Legislature's time. Several convention ordinances relating to such legislation were repealed. An ordinance requiring tax payers to pay one-third of their taxes in coins or overdue coupons was repealed. Tax collectors were now authorized and required to accept the bonds, treasury notes and warrants of the state as payment of all taxes due. The treasurer was authorized to pay all interests which came due on war bonds from bonds and treasury notes of the Confederate States or any other moneys in the treasury not otherwise appropriated.\(^\text{31}\) The ordinance passed by the convention which authorized the levy of a tax for military and other purposes was repealed.\(^\text{32}\) Showing more compassion for the taxpayers than concern for the fiscal health of the state the legislature eliminated the supplemental tax of one-sixth of one per cent

\(^{29}\)Ibid., pp. 65-67.

\(^{30}\)Ibid., p. 50.

\(^{31}\)Acts Passed by the Thirteenth or Special Session, p. 19.

\(^{32}\)Ibid., p. 30.
that had been levied and assessed for 1861. If this tax had already been collected it was to be returned.\textsuperscript{33}

Another repealed ordinance was one that prohibited the issuing of war bonds or treasury notes of a less denomination than five dollars. Under the new law the treasurer was to issue war bonds or scrip in sums of one, two and three dollars, at the election of the warrant holder. However, bonds or warrants issued in such small denominations were to bear no interest.\textsuperscript{34}

To provide for the payment of the Confederate war tax the legislature passed a law instructing the governor to have all accounts with the Confederate States audited, verified and adjusted and the amount due from the Confederate States ascertained. The governor was to then propose to the proper Confederate States authorities cancellation of so much of the indebtedness as would be equal to the sum of the taxes assessed against the people of the state less ten per cent. Upon the acceptance of such a proposition, and the amount of taxes having been ascertained, the Governor was to cause the taxes less ten per cent to be paid. The balance due the state after payment of taxes was to be paid into the state treasury and set apart as a fund for the redemption of Arkansas war bonds and their accrued interest.\textsuperscript{35}

To facilitate the circulation of Arkansas war bonds and treasury warrants the Thirteenth Legislature passed a law concerning the payment

\textsuperscript{33}\textit{Ibid.}, p. 55.
\textsuperscript{34}\textit{Ibid.}, pp. 78-79.
\textsuperscript{35}\textit{Ibid.}, pp. 41-42.
of debts with such bonds and warrants. If Arkansas war bonds or state scrip were offered in payment of debts but not accepted by creditors such debts were suspended until two years after the war. Commissioners of common school and internal improvement funds were required to accept war bonds or treasury warrants in payment of debts or moneys due such funds. No sales were to be made, or judgments rendered in the circuit courts of the state, or sales under mortgages, deeds of trust, or decrees, executions, or attachments for twelve months without the consent of the parties concerned. All suits were to be continued for twelve months. If any judgment debtor offered war bonds, treasury warrants, treasury notes of Arkansas or Confederates States bonds or notes in satisfaction of a judgment and the judgment creditor refused them at par value, including interest due, then the debt was suspended until a year after the war's end.36

In other matters, a law was passed requiring that no judgment was to be rendered in any court in the state in favor of any party in Mary-
land, Kentucky or Missouri until that party proved that since Arkansas seceded, his preference had been for the government of the Confederacy and that he had not willingly given aid or comfort to the United States government since that time.37

The Legislature passed a large number of local laws, chartered the Arkansas State Telegraph Company, for economy abolished several state offices, and amended an act to aid the Arkansas Institute for

36 Ibid., p. 43.
37 Ibid., p. 47.
The latter act allowed indigent blind persons of the state between six and twenty-six years of age to be admitted to the Institute provided the county judge determined them to be indigent. Each senatorial district was entitled to send one pupil to the school.\textsuperscript{38}

After two weeks of lawmaking, the Special Session of the General Assembly adjourned; but the legislature was soon recalled.

The year 1862 provided additional problems for the state and the Governor. A Union invasion early in the year threatened the state from the northwest and the state faced serious financial problems. By March, Arkansas had spent a half million dollars in specie and gone into debt two million dollars.\textsuperscript{39} Seeking solutions, Governor Rector called another special session of the legislature to meet March 5, 1862.\textsuperscript{40} The \textit{Gazette} condemned the Governor for calling a special session, arguing that many members would not be able to attend and that since the present legislators were elected before the war, they did not represent anything but old party lines.\textsuperscript{41}

The \textit{Gazette}'s attendance predictions were accurate for it was not until March 15, 1862 that the House raised a quorum and it was two days later for the Senate.\textsuperscript{42} Once a quorum was present both the House

\textsuperscript{38} Ibid., p. 61.

\textsuperscript{39} Washington Telegraph, February 26, 1862.

\textsuperscript{40} Journal of the Special Session of the House of Representatives (in manuscript), March 5, 1862.

\textsuperscript{41} Little Rock Arkansas Gazette, March 1, 1862.

\textsuperscript{42} House Journal, March 15, 1862; Journal of the Senate of the Special Session of the General Assembly of the State of Arkansas (in manuscript), March 17, 1862.
and Senate passed a resolution that would limit the session from considering local or private bills. The Senate limited the speaking time to five minutes.\(^43\) The governor's message was read in a secret session and it was unanimously decided not to put the message in the journals.\(^44\)

This session of the legislature, meeting a good deal of the time in secret sessions, was primarily concerned with military matters.

Again the House tried to eliminate the Military Board by passing a resolution asking its members to resign so that it would become extinct. This was passed on the grounds that the Board was an unnecessary expense to the state, it interfered with the Confederate States Army and that it usurped some of the Governor's powers.\(^45\)

The Senate once again refused to concur.\(^46\) The following day the House passed another resolution stating that the resolution asking the Military Board members to resign was in no way meant to cast any reflection upon the Board members' ability or fidelity.\(^47\)

The legislature passed a bill abolishing the militia laws and commissions of militia officers. The bill provided that all persons subject to military duty should be enrolled by civil townships as a basis for a draft. A companion bill appropriated $75,000 to carry into effect the "present military law of this state," meaning of course,

\(^{43}\)House Journal, March 17, 1862; Senate Journal, March 17, 1862.

\(^{44}\)Senate Journal, March 17, 1862.

\(^{45}\)House Journal, March 18, 1862.

\(^{46}\)Senate Journal, March 18, 1862.

\(^{47}\)House Journal, March 19, 1862.
the one just passed. Governor Rector pocket vetoed the new militia law but signed the appropriation bill. Since the old militia law was still the "present military law" the money could be used to support the militia law the Governor favored.

The Governor vetoed a bill to procure arms for soldiers from private citizens. Although the bill required the arms to be valued by a disinterested party and allowed a family to keep one gun, the Governor claimed the bill violated the right to keep and bear arms and the right for just compensation to be awarded when private property was taken for public use. Rector also vetoed an act to repeal an act requiring the residence of some white person on plantations where there were slaves. The veto message contained the typical southern rationale on the benefits for both slave and master and the danger of murder, rape, lawlessness and insurrection if proper suppression were not maintained.

In another military related matter an act was passed supplemental to the act of the last session that provided for the payment of the Confederate war tax. To pay for clothing furnished to Confederate States troops by the state $160,000 was deducted from the tax. An appropriation of $650,000 was made for the balance to be paid in Arkansas Treasury warrants. When the governor requested that the war tax

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48 Washington Telegraph, April 2, 1862.
49 House Journal, March 22, 1862.
50 Ibid., March 21, 1862.
51 Washington Telegraph, March 26, 1862.
be paid in war bonds Secretary of War Randolph replied that the law required coin or treasury notes. 52

Other laws were passed concerning sedition, prohibiting the further sale of public land, pledging public lands for the redemption of bonds and treasury warrants and providing in a small way for indigent families of soldiers. The sedition law made it a misdemeanor to resist a regularly appointed patrol and punished anyone who discouraged volunteering by a three to five year jail sentence. 53

Two bills were passed to alleviate the shortage of grain and to encourage the planting of corn, wheat, and other grains. The planting of cotton was restricted for 1862 to not more than two acres for every hand over fourteen years of age. A violation of this law was a misdemeanor, punishable by a fine of $500 to $5000 and imprisonment in the county jail until the fine was paid. 54 According to the Washington Telegraph, which supported such legislation, most farmers obeyed the law. 55 A petition from several ladies from White County urged the passage of an act preventing the distillation of grain into spiritous liquor. Whether the ladies were concerned over the shortage of grain or the morality of White County residents is not known. The petition

52 Edmund Randolph to Henry Rector, April 19, 1862, Kie Oldham Collection.

53 Washington Telegraph, March 26, 1862.

54 Ibid.

55 Ibid., April 9, 1862; April 23, 1862. Prior to the passage of the law restricting cotton cultivation the Telegraph had urged all planters to do "the patriotic duty of planting largely of breadstuffs." Washington Telegraph, March 12, 1862.
was referred to the Senate Committee on Judiciary, reported back favorably and passed the same day. The House concurred the following day.

After a short but busy session of one week the legislature adjourned on March 22, 1862.

The Union victory at Pea Ridge in March 1862 had serious consequences for the state. Following his defeat at Pea Ridge Major General Earl Van Dorn and his army were ordered east of the Mississippi in an effort to stop Grant. This left Arkansas nearly defenseless.

Even before Van Dorn's exodus, prominent men in the state had been concerned over the lack of protection for the state. The Governor and the legislature had expressed their concern during the November session, and in early March Senator R. W. Johnson urged Arkansas to raise troops but keep them west of the Mississippi. The Gazette's editor endorsed the idea. However even this would create problems, for if the troops were not transferred to the Confederate States Army the state would bear the very large expense of equipping them, an expense they could not afford. Further, the maintenance of two separate military forces in the state would create confusion between state and Confederate commanders. However, if state troops were transferred, the state would lose control of them and could not prevent their removal from the state.

56 Senate Journal, March 17, 1862.
57 House Journal, March 18, 1862.
58 Little Rock Arkansas Gazette, March 1, 1862.
With Van Dorn ordered out of the state and a Union army under General Curtis advancing toward Little Rock, Henry Rector made two serious political errors. He advocated secession from the Confederacy and fled from the capital. In a proclamation of May 5, the Governor called upon all men sixteen years of age and older, capable of bearing arms, to the number of 4500, to volunteer for twelve months. They were to bring their own arms, and Rector threatened a draft if the call were not met. The Governor promised that such troops would not be transferred to the Confederate States Army without their consent and urged men of wealth and leisure to volunteer in order that farmers could stay home and raise food. Suggesting a Western Confederacy, Rector warned that, "If the arteries of the Confederate heart do not permeate beyond the east bank of the Mississippi, let southern Missourians, Arkansians, Texans and the great west know it and prepare for the future." 59

The Governor's suggestion did not go unchallenged. The Washington Telegraph stated that not one man in ten would "patiently hear a proposition to cut loose from our sisters of the South, and attempt so ungrateful and foolish a thing as carving out a destiny." 60 The Clarksville Standard opposed Rector's suggestion and the Jackson Mississippian claimed the Governor to be a small man of little brains, a gubernatorial humbug, weak but noisy, and elected only to defeat the

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59 Journal of the Senate of the regular session of the General Assembly of the state of Arkansas (in manuscript), November 3, 1862.
60 Washington Telegraph, May 11, 1862.
Johnson family.  

Jefferson Davis was concerned over Rector's proclamation and wrote to General Van Dorn suggesting that Van Dorn reply to the Governor. Van Dorn replied that he "had previously thought of replying to Governor Rector, but found upon diligent inquiry that his people indignantly repudiated his pernicious opinions and that he stood almost alone with them." Van Dorn stated that he was surprised at Rector's comments because he had gone to some pain to explain to him the need to leave Arkansas, and Rector had professed to understand and had given his hearty concurrence.  

The Governor's second political blunder within a month was considered by his opponents an even greater outrage than this secession call. Governor Rector had apparently devised a plan that in case of danger the state archives and money would be boarded on a steamboat and transported down the Arkansas to the Mississippi River and up the Red River to the vicinity of Washington, Arkansas. Thus in the event that Little Rock were to be captured the state officials could flee to Washington, bring up the archives and establish the capital there.

Unaware that New Orleans had fallen in April 1862 and that the lower Mississippi was controlled by federals, Rector in early May ordered certain state officials to box their records and place them in

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61 Ibid., May 28, 1862; Little Rock Arkansas Gazette, June 14, 1862.  
62 O.R., series 1, XIII, 831-832.  
63 Little Rock Arkansas True Democrat, September 3, 1862.
a steamer docked near the state house. Rector feared that Curtis' southern advance would result in the capture of the capital and the archives. When the governor directed that his plan to take the archives down the Mississippi be put into effect, the steamer's officers, fearing capture, refused. Rector then ordered the boat to proceed up the Arkansas.

The archives were taken off the boat at Dardenelle and after much difficulty a train of wagons was procured. The records had been hastily packed in rough wooden boxes and weighed fifteen to eighteen thousand pounds. They were hauled in uncovered wagons and were rained on for days as the train spent weeks winding through the mountains over some of the worst roads in the state to the vicinity of Hot Springs. Many of the valuable papers were ruined by the rain and others had to be copied over. An eyewitness complained that after spending thousands of dollars and hauling thousands of pounds over hundreds of miles of rough mountain roads, the state officers were finally located within sixty miles of Little Rock and in a place no more secure. The state officers, except the Supreme Court, who reportedly received no official notice of the move, moved to the Hot Springs area. Some accompanied the archives and some went by horseback with the Governor. The Governor later stated that he conducted the affairs of his office in Hot Springs for only a week and returned to Little Rock May 16. The archives were returned in September 1862. Rector later claimed that the move had saved Little Rock since Curtis

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64 Little Rock Arkansas Gazette, June 28, 1862.
had no reason to take the city since the government was not there. Both the Gazette and the True Democrat professed outrage over the Governor's removal of the archives and himself from Little Rock. The Gazette stated that, "The government is lying around loose and the actions of the Governor are disgraceful." Editor Johnson of the True Democrat lamented that, "the flight of the executive from Little Rock ... left the state without any government whatever," and was so bitter in his public denunciations of Rector that the Governor demanded a retraction. When Johnson refused the chief executive, in violation of existing state laws, sent a challenge. Johnson selected pistols and claimed the right to determine the time and place, but an agreement could not be reached and fortunately the duel never took place.

In the summer of 1862 C. C. Danley of the Gazette and J. P. Johnson of the True Democrat called for a gubernatorial election on the grounds that the current constitution required such an election be held in October. The new constitution adopted by the convention in 1861 provided that certain officials would hold their offices until the expiration of their terms but this did not include the governor, secretary of state, auditor or treasurer. The constitution did provide that "the next general election for officers ... not otherwise provided for shall be held on the first Monday of October, 1862."

65 Ibid., September 6, 1862.
66 Ibid., June 28, 1862.
67 Thomas, pp. 318-319.
Since the Governor was "not otherwise provided for" his term would end in October, argued the Gazette and Washington Telegraph. 69

When the Sheriff of Pulaski County refused to advertise a gubernatorial election Danley and Johnson petitioned the circuit court of the county to issue a writ of mandamus requiring the Sheriff to so advertise. The circuit judge did not think that it was clear that the constitution required such an election, and the case was appealed to the Arkansas Supreme Court. 70 The Supreme Court ruled that under the new constitution the Governor's term would expire in October 1862. 71

The Governor reluctantly issued a proclamation calling for the election and announced his candidacy for re-election. 72 Nominating conventions were not held but the Johnson faction published a "card" recommending Harris Flanagin of Clark County for governor. Colonel Flanagin was then in Tennessee serving with the Second Arkansas Mounted Rifles and did not know of his nomination until the day before the election. 73

In announcing his candidacy Governor Rector issued a circular defending his administration and refuting the Supreme Court ruling. Rector argued that the constitution provided for a four-year gubernatorial term and that he was elected for such a term. The Governor

69 Little Rock Arkansas Gazette, July 12, 1862.
70 Ibid., August 16, 1862.
71 Arkansas Reports (Little Rock, 1889), XXIV, 1-6.
72 Little Rock Arkansas Gazette, September 6, 1862.
73 Thomas, p. 325.
rationalized that if, under the new constitution, the Governor were not accepted and retained for his four-year term, then he was not accepted or retained at all. Thus, reasoned Rector, it would follow that the entire legislature would be in the same situation and the legislative proceedings of the past two years would be null and void. Rector claimed the convention exceeded its authority for it was called to decide upon secession and not to pass ordinances or "dethrone the Government." The circular stated that the constitutional article in question was intended to simply change the time of holding elections from August to October. Rector defended his flight from the capital in May as a move that saved Little Rock from falling into Union hands and praised his efforts in defending the state. Rector lamented that since he did not own a newspaper or own a man who did, he had been "grossly misrepresented to the public; without the means of refutation." 74

The True Democrat blasted the campaign circular and condemned the governor for appealing to the people not to accept the Supreme Court ruling. Rector explained that he was not wanting the people to revolt, as the True Democrat suggested, but to refute the Supreme Court ruling by electing him. 75

The Gazette continued its attack of the previous year by listing several instances when the Governor issued a call for troops immediately after a similar call by Confederate States authorities. This

74 Little Rock Arkansas Gazette, September 6, 1862.
75 Ibid.
created undue expense to the state and was in violation of a convention ordinance.76 A Gazette editorial wondered why Rector took an oath to support the proceedings of the convention if he thought that it assumed powers it was not authorized.77 The Gazette cited Rector's opposition to the Confederate States as "treasonable" and alleged that his administration had spent $3,234,738.96 to September 1862. This excessive amount was due largely to the unnecessary raising of state troops; yet $1,287,712.36 of this total had nothing to do with war expenses. Ordinary government expenses under an honest and practical administration would not have exceeded $200,000, claimed the Gazette. The Governor had created unnecessary positions such as Quartermaster General and Paymaster General at expensive salaries in duplication of jobs that the state treasurer and auditor were to do. The Gazette warned that at the present rate of expenditure if Rector were to be elected for four more years the debt would be ten million dollars.78

Just before the election the Gazette, which had earlier come out for Flanagin, strongly urged the people to vote for him and summed up Henry M. Rector's administration by stating that, "In less than two years the people have, without corresponding advantages, had a debt of over three millions of dollars saddled upon them, by a governor, the effect of whose labors have been against the country, and by a singular coincidence, highly beneficial, in a pecuniary point of view, to

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76 Ibid., September 6, 20, 27, 1862.
77 Ibid., September 13, 1862.
78 Ibid., September 27, 29, 1862.
himself, and his kin, and in a smaller degree, to his few political
friends."79

The result of the election was that Flanagin received 18,189
votes; Rector, 7,419; J.S.H. Rainey, 708. The total votes cast did
not equal one-half of the 1860 total. Contests for membership in the
Fourteenth General Assembly enlisted little interest and few candidates.

Although Rector's farewell address to the General Assembly on
November 13 was largely a defense of his administration, he did make
some specific recommendations. The Governor, after explaining the
abuses of martial law in the state, recommended that a resolution be
passed instructing Arkansas' congressional delegation to take some
action to modify martial law. The legislature responded but the newly
elected Governor returned the resolution.80

Another recommendation pertained to the law to aid indigent
families. The governor explained that the trouble with the existing
law was that it placed the responsibility of levying the taxes for that
purpose on the county courts. The desire to be re-elected prevented
members of the courts from making such a levy. Even if the county
courts were to levy the tax, in counties where there was a need, there
was no one to pay the tax. Rector therefore recommended that a general
system be devised with the revenue to come from state funds.81

79 Ibid., October 4, 1862.
80 Senate Journal, November 3, 1862.
81 Ibid.
The Governor also recommended that the state call in the current inflated issue of money and withdraw all interest-bearing state paper from circulation, and issue instead small change and scrip or treasury warrants bearing no interest. He recommended the usual appropriation for the Institute for the Blind and a small appropriation for repairs on the state house.\(^82\)

Much of Rector's address had to do with an explanation and defense of his administration. In defense of his flight from Little Rock in May, the Governor explained the move and reported that the entire cost of the move was only $3,559.03. He denied that secession was intended in his May 5 proclamation but rather his desire to focus Richmond's attention upon the deplorable condition of the state.\(^83\)

The Governor explained that the exact amount the state owed in Confederate war tax could not be determined, due primarily to inefficiency in the state agencies responsible for the determination. Because of General Hindman's need for money the Governor had paid him the estimated amount. The act of November 1861 appropriating $10,000 for the relief of sick and wounded soldiers also could not be carried out. Rector explained that state agents were prevented from dispersing the funds by Confederate authorities who claimed the disbursement violated existing regulations.\(^84\)

\(^{82}\)Ibid.

\(^{83}\)Ibid.

\(^{84}\)Ibid.
In defense of his fiscal policies Rector stated that he had not received, as required by law, any quarterly reports from the treasurer and believed that such negligence ought to be grounds for removal. He reported that for the two years ending September 30, 1862, the state had expended $2,552,812.83 which created a new debt of $1,477,051.60. The Governor explained that this was actually quite small since the Confederate States owed Arkansas $750,000 for arms, sugar, steamboats and subsistence. In addition to this payment Rector believed the Confederacy would pay the state for its military expense and, since the state's deficit was due to such expense, the debt would be liquidated. 85

Following his farewell address Governor Rector resigned although his term did not expire until November 15. 86 Thomas Fletcher, President of the senate, then became acting governor until Flanagan's inauguration.

85 Ibid.
86 Following his resignation Rector refused an appointment as quartermaster and enlisted as a private in the Confederate Reserve Corps. He died in Little Rock August 12, 1899. Dallas T. Herdon, Centennial History of Arkansas, 3 vols. (Little Rock, 1922), I, 276.
CHAPTER IV

CIVIL-MILITARY CONFLICT OVER MARTIAL LAW

Out of the tumultuous conditions of Arkansas during the governorship of Henry Rector came the establishment of martial law. This created a crisis between many of the state's political leaders and the now more powerful military. The conflict between the two segments continued to some extent throughout the war, but was most acute during the brief Rector term. It caused yet another split in the already division-riddled state.

The first attempt to establish martial law was unsuccessful. Colonel Solon Borland, commander of Confederate forces in upper Arkansas, issued an order on November 29, 1861, stating that no article of subsistence supplies should be exported from the state, or monopolized, for the purpose of speculation or extortion. Such items as meat, bread, salt, potatoes, beans, peas, sugar, coffee, tea, rice, arms, munitions and medicines were included in his order. Persons in violation of or aiding in violation of the order were to be arrested and confined and the articles involved were to be seized and equitably disposed of. Colonel Borland had written the Governor from Pocahontas on November 28 explaining his order. He specifically cited the "Stewart and Bro. of Dos Arc" as engaging in "practices of monopoly,}

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1Little Rock Arkansas Gazette, December 14, 1861.
extortion and exportation from the state." This was hardly popular with the governor or merchants in the area. J. H. Foster of Oil Trough wrote the Governor expressing his concern over Borland's proclamation and asking for a permit to violate it. On December 12, 1861, Rector wrote Judah P. Benjamin, Secretary of War, protesting Colonel Borland's orders and self-proclaimed powers over the civilian populace. The Washington Telegraph denied that Borland had the authority for such actions since the Confederate Congress had not given him any such power and the laws of Arkansas permitted the free sale and exportation of all its products. Borland was not without his defenders. The Gazette approved his order and claimed that the reasons for Borland's order were obvious to anyone of the "least intelligence." Apparently doubting the intelligence of its subscribers the Gazette went on to explain the operation of speculators. Less than a month after Borland's proclamation, Rector issued a proclamation annulling it, at the same time denying Borland's right to issue such an order. In January the War Department officially revoked Borland's

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2 Solon Borland to Henry Rector, November 28, 1861, Kie Oldham Collection, Arkansas History Commission, Little Rock.

3 J. H. Foster to Henry Rector, December 11, 1861, Kie Oldham Collection.

4 Henry Rector to Judah P. Benjamin, December 12, 1861, Kie Oldham Collection.

5 Washington Telegraph, January 22, 1862.

6 Little Rock Arkansas Gazette, December 14, 1861.

7 David Y. Thomas, Arkansas in War and Reconstruction (Little Rock, 1926), p. 357.
order, stating it was unauthorized by law or his superior officer, and relieved Borland. Soon after Borland retired and resumed his private medical practice at Little Rock.

Following the Confederate defeat at Elkhorn in March, 1862, General Van Dorn, Commander of Confederate forces in the state, was ordered east to bolster rebel forces near Corinth for an expected major encounter. With but a few troops Brigadier-General John S. Roane, former Arkansas governor, took over the military command of the state. His situation appeared desperate and the state appeared defenseless. Along with his eight companies of unarmed Arkansas infantry Roane had detained five regiments of Texas Cavalry on their way to Corinth, many of them sick and unarmed. General Curtis had, after his victory at Elkhorn, marched to within thirty miles of Little Rock.

Angry over the withdrawal of Confederate troops from Arkansas, on May 5, 1862, Governor Rector issued his famous proclamation threatening secession. Believing the capital in danger, the Governor and the other executive officers fled from the capital taking the archives with them. Straggling soldiers traveled the countryside robbing the people under the pretense of impressing goods for the Confederacy. The courts were suspended, Confederate money was openly refused or so depreciated as to be nearly worthless, and the short crop of the preceding year and the failure on the uplands of the present one

8 Special Order Number Nine, Department of the Army, January 11, 1862, Kie Oldham Collection.

created conditions for extortion and threatened the poor with starvation.10

Although petitioned by Little Rock citizens to declare martial law, General Roane doubted that he had the authority. However, when given approval by General Beauregard, Roane declared martial law on May 19, 1862 over Little Rock and the surrounding county to a distance of twenty miles. All civil jurisdiction was suspended as was the right to writ of habeas corpus.11

On May 26, 1862, at the solicitation of a number of people in Arkansas, General P.G.T. Beauregard, commander of Confederate forces in the west, assigned Major-General T. C. Hindman to command Confederate forces in Arkansas.12 Upon arriving in Little Rock May 30, 1862 to assume his command, Hindman found "the state of affairs in the Trans-Mississippi District . . . [to be] extremely discouraging."13

To combat the deteriorating situation, as he saw it, Hindman took drastic measures. Of most pressing importance was the defense of the state, and his first action was to provide Arkansas with defenders. Although not authorized to raise troops, Hindman issued a call for forces on the assumption that it was necessary for the defense of the state. At the same time Governor Rector issued a call for state

10 Ibid.


12 O.R., series 1, X, part II, 547.

13 Ibid., XIII, 28-29. Hindman's command was designated the Trans-Mississippi District and included Missouri, Arkansas, the Indian Territory, and Louisiana north of the Red River.
troops that were not to be transferred into the Confederate service.¹⁴ On June 2, Hindman announced that separate military organizations could not exist without dissension and confusion and asked the state authorities to transfer all state troops into his forces. On the same day Rector ordered all Arkansas state troops to be transferred to the Confederate Army.¹⁵

To sustain his army and provide relief to Arkansans, General Hindman instigated several economic controls over the state. On June 2, 1862 prices were fixed on a long list of items which included: flour, $8.00 for 100 pounds; bacon, 25¢ a pound; beef, 10¢ a pound; corn, 75¢ a bushel; corn meal, $1.00 a bushel; chickens, $2.40 a dozen; butter, 20¢ a pound; eggs, 15¢ a dozen; potatoes, $1.00 a bushel; hay and fodder, $1.50 for 100 pounds; lard, 20¢ a pound; pork, 15¢ a pound; turkey, $1.00 each; salt, $15.00 a sack; molasses, 40¢ a gallon; quinine, $10.00 an ounce; morphine, $15.00 an ounce; and opium, $10.00 an ounce. This order also required all persons in the district to accept Confederate notes at par in all business transactions. Violators of the order would be arrested and dealt with as inhumane and disloyal persons. On the same day Hindman issued an order to control the impressing of private property. Private property was not to be impressed without written authority from his headquarters.¹⁶

¹⁴Ibid., p. 31.
¹⁵Little Rock Arkansas Gazette, June 7, 1862.
¹⁶O.R., series 1, XV, 782-783.
The next day General Hindman announced that all cotton in the state would be controlled by his headquarters. Under this order cotton could be burned or moved to prevent capture by the enemy. Each planter was allowed to retain ten pounds for each white person and one pound for each slave to be used for clothing. Persons who "secreted cotton" and refused to point it out, were to be arrested and tried as traitors, as were all who resisted the order.

The culmination of Hindman's control over Arkansas was the declaration of martial law which he approached in three stages. On June 10 Pulaski County was placed under martial law, and Colonel B. F. Danley was appointed Commandant of the Little Rock Post and Provost Marshall of Pulaski County. The Provost Marshall was given the authority to arrest and punish any person who refused to receive Confederate notes at par in business transactions; who asked for or received for any produce, wares, merchandise, drug or commodity, any higher price than those fixed; or who suspended the sale of such items to evade the order. The Provost Marshall was to collect all arms and munitions in the district and arrest all gamblers and vagrants.

Provost Marshall Danley's first order required all merchants within his jurisdiction to keep their stores open from 6:30 a.m. to 7:30 p.m. except Sundays. They were to accept Confederate money as

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17 Little Rock Arkansas Gazette, June 14, 1862.
18 Washington Telegraph, June 18, 1862.
19 Little Rock Arkansas Gazette, June 14, 1862.
20 Washington Telegraph, June 18, 1862.
payment for debts. Maximum prices were established on a long list of items. Those prices which were changes from Hindman's June 2 order included corn (wholesale), $1.00 a bushel; corn (retail), $1.20 a bushel; corn meal, $1.25 a bushel; eggs, 20¢ a dozen; potatoes, $2.00 a bushel; molasses (retail), 50¢ a gallon. All of these changes represented significant increases.

With Little Rock under martial law Hindman next declared martial law over Fort Smith and Van Buren and within an area five miles of them. Major N. B. Pearce was given command of these posts with the power to impress all necessary items. This drew a violent reaction from Albert Pike, Confederate Commander of the Indian Territory. Pike wrote Secretary of War Randolph protesting and declared that if Major Pearce were to impress anything in his district he would arrest him. The confrontation between Pike and Hindman resulted in Pike's arrest and resignation.

During June, 1862 General Hindman received letters and petitions urging him to establish martial law throughout the state. In personal interviews, many prominent citizens requested such a move and the editors of both the Gazette and True Democrat strongly advised it. Hindman later reported that not a single state officer or member of

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21 Little Rock Arkansas Gazette, June 14, 1862.
22 O.R., series 1, XIII, 835-836.
23 Ibid., p. 849.
24 For a detailed account of the Pike-Hindman confrontation see Thomas, Arkansas in War and Reconstruction, pp. 185-188, and O.R., series 1, XIII, 860-869.
Congress indicated a different opinion. With the approval of the Military Board and "in consequence of the virtual abdication of civil authorities" General Hindman declared martial law throughout the state on June 30, 1862. Provost Marshalls were appointed in each county and Colonel B. F. Danley was named Chief Provost Marshall for the state. Hindman claimed that as a result of his order his officials eliminated extortion, restored the credit of Confederate currency, broke up trading with the enemy and destroyed or removed thousands of bales of cotton that traitorous planters were ready to sell to the enemy.

Hindman did admit that "occasional acts of injustice may have been committed, but in the main the greatest good of the greatest number of loyal citizens was promoted." Defending Hindman's orders, the Gazette reported that the General directed the military to aid and cooperate with the civil authorities and the people were made to feel secure. Bands of tories and traitors were broken up, the conscript laws were enforced and an army was quickly put in the field.

As would be expected there was opposition. Hindman said that, "The opposition to martial law never embraced many persons other than tories, speculators, extortioners, and deserters and a few of the smaller politicians, who mistook the clamors of these malcontents for


27 Little Rock Arkansas Gazette, June 13, 1863.
the voice of the people." The Gazette described the opposition as "habitual grumblers" and the cry against martial law by congressmen as the "veriest humbuggery that was ever attempted." Congressmen know, argued the Gazette, that Richmond is under such law and the only people who object to that are "fools, grumblers, and enemies to the country." However, Governor Rector and the Arkansas delegation in Congress protested against the establishment of martial law in Arkansas and received considerable public support.

Opponents of Hindman's tactics were heard in Congress and Congress responded. The House passed a resolution directed to the President asking if it were true that Hindman had seized all the cotton in his district and had placed the district under martial law. Reacting to such pressures, Jefferson Davis replaced Hindman with an old friend and West Point classmate, General Theophilus H. Holmes. Hindman was retained as second in command and appointed Holmes' field commander.

On August 6 the War Department issued an order which stated that military commanders had no authority to suspend the writ of habeas corpus. Martial law, when declared by the President under the act of Congress, did not justify the arbitrary establishment of the price of commodities nor was private property to be impressed unless absolutely

28 O.R., series 1, XIII, 39.
29 Little Rock Arkansas Gazette, June 13, 1863.
30 Thomas, p. 320.
31 O.R., series 4, II, 73.
necessary. Whenever the requisite supplies could be obtained at fair
prices and without hazardous delay, the military authorities were not
to impress.\textsuperscript{32} About a month later the War Department issued General
Order 66 which stated that all proclamations of martial law by general
officers and others assuming a power vested only in the President
were annulled.\textsuperscript{33}

General Holmes did not rescind the declaration of martial law in
Arkansas and took no action on General Order 66. Furthermore he
directed the seizure of all salt works in Arkansas and the Indian
Territory, stating that they would be operated by the Confederacy.\textsuperscript{34}

On October 11, Secretary of War George Randolph wrote Holmes concerning
his failure to comply with the order. The Secretary stated that
he had been informed by reliable sources of the continued enforcement
of martial law in Arkansas, and of arrests and imprisonments. He
stated that the President was confident that all that was necessary
was to call to the General's attention the situation to insure prompt
measures to prevent further occurrences and to punish violators.\textsuperscript{35}

Ten days later President Davis wrote Holmes concerning the same
topic. His language was far from firm and certainly left Holmes room
for interpretation. The President did not instruct Holmes to comply
with his orders and eliminate martial law in Arkansas, but said that

\textsuperscript{32}Ibid., p. 39.
\textsuperscript{33}Ibid., series I, IX, 735-736.
\textsuperscript{34}Little Rock Arkansas Gazette, October 4, 1862; November 1, 1863.
\textsuperscript{35}O.R., series I, XIII, 886.
"as fast and as far as may be consistent . . . dispense with the machinery of a military police over the people." Davis said he had received many complaints, and reflecting upon the vast territory under Holmes' command and the few trained officials there, he could not assume such complaints were without just cause.\(^3^6\)

General Holmes may have believed that he was eliminating martial law as fast and as far as was consistent by not eliminating it at all, but the Governor and the state legislature did not. In his annual message Rector declared that martial law could only be declared by the President and that the Secretary of War had informed him that no such authority had been given by the President, and he disclaimed all knowledge that such a state existed. The abuse was not that martial law existed but that it was proclaimed by those without such authority and administered improperly. Rector denounced price fixing and the interference with personal liberties of loyal citizens. The Governor did not deny that martial law should have been declared nor that it accomplished much good. However its abuses should not be sanctioned into precedents authorizing a repeat performance. He recommended that a joint resolution be passed addressed to Arkansas' Congressional delegation, requesting an act to be passed modifying martial law so as to leave loyal private citizens free in their intercourse, dealings, contracts, properties, and privileges.\(^3^7\)

\(^3^6\) *Ibid.*, series 1, LII, 830-831.

\(^3^7\) *Journal of the Senate for the Fourteenth Session of the General Assembly of the State of Arkansas (in manuscript), November 3, 1862.*
On November 13, 1862 the House adopted a resolution urging the Arkansas delegation in Congress to use their influence "to set aside and annul the illegal military orders now in existence in the Trans-Mississippi District and keep the Military . . . [as far as possible] subordinate to the civil authority." A week later the Senate concurred and the resolution went to the Governor. Newly elected Governor Harris Flanagin returned the resolution stating that the President or his agent had the right by act of Congress to suspend the writ of habeas corpus. He doubted if the resolution would do any good and stated that it was his belief that if there were any orders in conflict with the resolution they would be rescinded.

After a short time in office the Governor apparently changed his mind. In a letter to Jefferson Davis dated February 17, 1863, the Arkansas Congressional delegation stated that they were united with Governor Flanagin in protest against the enforcement of martial law over Arkansas and, except in very special cases, over very restricted limits or localities. After several letters and a personal conference with the President the Arkansas Congressional delegation was successful in disposing of General Hindman and securing the Trans-Mississippi Command for General Kirby Smith. General Holmes was relieved.

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38 Journal of the House of Representatives for 1862 (in manuscript), November 13, 1862.

39 Senate Journal, November 20, 1862.

40 House Journal, November 28, 1862.

41 O.R., series I, XIII, 848.

42 Ibid., pp. 861-863.
of the command of the Trans-Mississippi Department and assigned the District of Arkansas.\textsuperscript{43} The Arkansas delegation had requested that Holmes, whom they described as a faithful and devoted soldier, be assigned under General Smith.\textsuperscript{44}

General Smith proved to be a more popular and acceptable commander than his predecessors. He was more tactful but he continued in effect the existing martial law policies in addition to some new ones.

In the summer of 1863, in an effort to stem inflation, Smith issued an order requiring farmers to sign an affidavit that they would sell their food supplies at 1861 prices.\textsuperscript{45} The following year he directed the purchase, and if necessary impressment, of one-half the cotton in the department to supply the needs of the armies.\textsuperscript{46}

The opposition to martial law continued throughout the war. George C. Watkins of Camden wrote the Governor in February, 1864 discussing steps to be taken to investigate charges against General Holmes' command for allegedly destroying property and robbing private citizens.\textsuperscript{47} However, as the war slowly dragged on resistance to martial law mellowed. Perhaps the people grew accustomed to it, and as the war

\textsuperscript{43}Ibid., series 1, XXII, part II, 803.

\textsuperscript{44}Ibid., series 1, XIII, 863-865. Davis explained to Holmes that since the fall of Arkansas Post there was no need for two commanders west of the Mississippi and since Smith outranked him, Smith would naturally be the overall commander, due to no lack of confidence in Holmes. D.R., series 1, LIII, 849.

\textsuperscript{45}Washington Telegraph, June 17, 1863.

\textsuperscript{46}Ibid., June 15, 1864.

\textsuperscript{47}George C. Watkins to Harris Planagin, February 5, 1864, Kie Oldham Collection.
continued the civil authority of the state grew weaker. Indeed, during the final two years of the war one-half of the state was occupied by Union forces, and the people looked more and more to the military for assistance. With the change in governorship came still another contributing factor in the easing of tensions created by the issue of martial law. Harris Flanagin was himself a soldier, and demonstrated more tolerance and understanding in handling the military's control of martial law in the state.

48 A petition (November 3, 1863) from citizens in Hempstead and Red River Counties and another (November 26, 1863) from Sevier County urged not just the Governor but also General Smith to provide protection against bands of outlaws. Kie Oldham Collection. In the fall of 1864 the legislature passed a resolution that requested the governor and General Smith to inquire into the illegal seizures by the army and other officials of farmers' work stock. Washington Telegraph, October 12, 1864.
HARRIS FLANAGIN AND THE POLITICS OF FUTILITY

Like many of the state's residents the new governor was not a native Arkansan. Harris Flanagin was born in Roadstown, Cumberland County, New Jersey, on November 3, 1817. He attended a country school, teaching in the intervals of his attendance and when about eighteen years old he served as an assistant teacher at a seminary in Clermont, Pennsylvania. Flanagin then moved to Illinois, established a private school at Paoli, studied law and was admitted to the bar in 1838. He moved to Arkansas in 1839, settled and prospered in Greenville, Clark County, and in 1842 moved to Arkadelphia where he resided until his death in 1874.

Flanagin served in the state legislature in 1842 and was elected state senator as a Whig in 1848. As a delegate at the secession convention Flanagin voted with the secessionists but held generally conservative views. He was considered by his peers able, logical, conscientious, and he enjoyed the confidence of all who knew him.¹

At the outbreak of hostilities Flanagin joined the Confederate Army and became Captain of Company E of the Second Regiment of Arkansas Mounted Rifles and at the time of his election had assumed command

¹At the time of the convention Flanagin was practicing law and was a man of some means. He owned seven slaves, seventy acres of improved land, 8,000 acres of unimproved land, three mules, seventy horses and 300 bushels of corn. He had real property valued at $30,000 and personal property valued at $25,000. Ralph Wooster, "The Arkansas Secession Convention," The Arkansas Historical Quarterly, XIII (Summer, 1954), Appendix I.
of the Second Regiment. Handpicked by the Johnson machine Flanagin was informed of his candidacy for governor the day before he was elected.2

In his inaugural address before the Fourteenth General Assembly Governor Flanagin stated that the war was being fought for the maintenance of republican institutions, constitutional rights and slavery. He explained that a country producing tropical goods must have slavery or it would become degraded and contemptible and cited Rome, Greece, Egypt, Jamaica and Haiti as examples. The governor declined to make recommendations to the legislature until he made further investigations but did call to the legislature's attention indigent families of volunteers.3

The fourteenth session saw Thomas Fletcher again elected President of the Senate and John Harrell of Crawford County elected Speaker of the House.4 In a joint session of the legislature R. W. Johnson was re-elected Confederate States Senator on the twelfth ballot, 46 to 42 over A. H. Garland.5 In the election for Secretary of State, State Senator O. H. Oates was elected on the seventh ballot by the General


3Journal of the Senate of the regular session of the General Assembly of the State of Arkansas (in manuscript), November 15, 1862.


5Senate Journal, November 10, 1862.
Assembly. This created a problem since under both the old and new constitutions a member of the legislature could not be so elected. However the Supreme Court held that his term that began in 1860 had been vacated by the convention and he was holding his office by appointment of the convention until his successor was elected. Oates therefore could legitimately hold the office of Secretary of State.

Another problem arose due to the governor's calling for the election of all the state senators. Both the old and new constitution provided for one-half of the senators to be elected every two years and to serve four-year terms. In its decision in the Oates case the Court stated that it was a mistake for the senate to seat all of the newly elected senators for four years and the order that in 1866 one-half should be elected for two years was a violation of the Constitution. The court believed this would lead to confusion but since that question was not before them they refused to make a decision. The confusion was avoided by the result of the war which vacated all seats and made another election unnecessary. In other elections the legislature elected L. B. Cunningham treasurer and gave William R. Miller a vote of confidence by re-electing him for another term as auditor. Miller had written the legislature ten days before his re-election denying

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6Ibid., November 13, 1862.

7Arkansas Reports (Little Rock, 1889), XXIV, 79-91.

8In an effort to correct the error the senate adopted a resolution that required senators to draw to determine who would be up for re-election in two years and who in four years. Senate Journal, December 1, 1862.

9Ibid., November 15, 1862.
Governor Rector's charges that he had not submitted state financial reports as required.  

The Fourteenth General Assembly spent much of its session considering fiscal legislation. Demonstrating its concern over state expenditures the legislature established a commission to investigate how the public money was being spent. The treasurer was asked to provide the legislature with a statement of the amount of gold and silver on hand. State Treasurer Oliver Basham reported that $332,353.43 in specie was on hand in January, 1861 and $58,619.67 was on hand as of October 1, 1862. During the same period $543,711.22 was received and $817,444.98 expended. The largest single expenditure was military, accounting for $155,798.81 of the total. When questioned as to why he had been paid for issuing bonds Basham replied that a convention

\[\text{10 Ibid., November 6, 1862; In a report dated October 10, 1862, Miller wrote Rector that the total receipts of the state for the two years ending September 20, 1862 were $1,075,768.23 and the expenditures for the same period amounted to $2,840,342.95, creating a deficit of $1,764,474.72. Miller reported that due to difficulties in collecting taxes a number of counties had not paid their taxes and could not be expected to in the future. He recommended that taxes not be raised and reported that tax books for the year 1862 had been received from only twenty of the fifty-five counties. This was due to several reasons; mail difficulties, failure in some counties to make assessments, inability to locate capital when it fled Little Rock; and in Benton County the tax collector "absconded with the money collected." Miller reported that Pike, Hempstead and Lafayette Counties had not even settled their revenue for 1861. William Miller to Henry Rector, October 10, 1862, Kie Oldham Collection, Arkansas History Commission, Little Rock.}

\[\text{11 Senate Journal, November 28, 1862; Little Rock Arkansas Gazette, November 29, 1862.}

\[\text{12 House Journal, November 22, 1862.}

\[\text{13 Ibid., November 29, 1862.} \]
ordinance provided such a payment. A senate committee reporting on the subject stated that the ordinance's intent was not to pay the treasurer but to provide funds to pay the cost of expenses incurred by the handling and issuing of bonds. The committee resolved that the amount of $4,000 to $5,000 be refunded and if Basham refused to do so within thirty days, the attorney general should be required to coerce the payment "in the most expeditious manner possible." The resolution passed. 14

In another economy measure, the further issuance of interest bearing war bonds or treasury warrants was prohibited. 15 In an effort to drive out of circulation privately issued currency of small denominations which flooded the country the treasurer was to begin issuing treasury warrants in denominations of 25 cents and 50 cents. Concerning both state finances and relief, the legislature suspended the collection of state taxes. 16

The state's lack of industry was being felt and the legislature responded by passing an act to encourage the manufacture of iron, salt and cotton cards. A total of $300,000 was appropriated and the governor was to lend sums to applicants to be repaid, at 6 per cent in installments extending over six years. 17 The concern for salt prompted the

14 Senate Journal, November 29, 1862.
15 Little Rock Arkansas Gazette, November 29, 1862.
16 Ibid., December 6, 1862.
17 Ibid.; David Y. Thomas, Arkansas in War and Reconstruction (Little Rock, 1926), p. 327. The scarcity of cotton cards was felt early in 1862. They were easily constructed but the lack of wire in the state had caused the price to climb from 60¢ to $2.00 each and would
adoption of a resolution that placed the state's saline lands at the
disposal of the general commanding the Trans-Mississippi District for
the purpose of making salt as long as it did not conflict with individ-
ual interests.\textsuperscript{18}

To provide for the welfare of unfortunates of the state the legis-
lature passed several laws. Acting upon a joint select committee
report which stated that about 10,000 Arkansas volunteers were unable
to support their families due to meager pay, the legislature appro-
priated 1.2 million dollars for their relief.\textsuperscript{19} Another act provided
for the appropriation of internal improvement funds in several count-
ies for the relief of destitute families of volunteers.\textsuperscript{20} Due to
the shortage of breadstuffs in the frontier counties the legislature
appropriated $50,000 for the purchase of 42,000 bushels of corn and
provided for the appointment of an agent to purchase and transport it
to Van Buren, Fort Smith and Greenwood to be sold at cost and carriage
to those who were able to pay and given to those who were not.\textsuperscript{21} An
act supplemental to this appropriated $12,000 to send 12,000 bushels of
corn to Ozark for the same purpose.\textsuperscript{22}

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goose higher. To encourage the manufacture of cloth contests were held
and prizes given to those making the largest quantity. Washington
Telegraph, January 22, 1862.
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\textsuperscript{18} Senate Journal, December 1, 1862. 

\textsuperscript{19} Ibid., November 14, 1862; Little Rock Arkansas Gazette, December 6, 1862.

\textsuperscript{20} Thomas, p. 326.

\textsuperscript{21} Little Rock Arkansas Gazette, November 29, 1862.

\textsuperscript{22} Ibid.
In the area of defense the general assembly passed an act to provide for home defense against insurrection. Under the provisions of the act the Military Board was to subsist any local companies called out for such purposes. Membership in such companies was to be composed of persons not liable to conscription. Legislation concerning the Military Board was initiated but as usual was defeated. The senate defeated a bill that defined the duties of the Board and the house tabled a resolution that would have created a committee to investigate the possibility of abolishing it.

A senate committee on the penitentiary reported that the clothing and discipline were good but the prisoners' health was not, due to improper ventilation of the cells and the lack of adequate vegetables. The committee determined that those in charge of the penitentiary had done a good job and were not to blame for its deficiencies. They were also concerned over the large number of prisoners of war there and offered a resolution, which was adopted by both houses, that would not allow prisoners of war to be imprisoned in the penitentiary. Another act prohibited convicts from laboring on farms outside the penitentiary.

23 Ibid.
24 Senate Journal, November 28, 1862; House Journal, November 13, 1862.
25 Senate Journal, November 19, 1862; House Journal, November 19, 1862. One resolution was even proposed, although apparently nothing came of it, that would have given General Holmes thirty days to get the prisoners of war out of the penitentiary or they would be set at "liberty." House Journal, November 24, 1862.
26 Little Rock Arkansas Gazette, December 6, 1862.
In a patriotic display the legislature gave the state house carpets to military authorities to be used for making blankets and offered the senate and house chambers for use as a hospital.\(^{27}\) Preceding its adjournment the general assembly gave the governor the authority to destroy public property that could not be conveniently removed, when necessary to prevent such property from falling into enemy hands.\(^{28}\) The Fourteenth Legislature adjourned December 1, 1862.

The fear that the Confederacy would not properly defend Arkansas and the belief that the state was contributing more to the war effort than she was receiving did not die with Henry Rector's political retirement. On several occasions Arkansas' congressional delegation wrote to the President concerning this and other military matters. After some difficulty the Arkansas delegation met with Davis and aired their complaints.\(^{29}\) Governor Flanagin wrote Davis concerning similar matters and claimed that forty regiments of Arkansas troops were east of the Mississippi and that large numbers of Arkansas troops had been withdrawn from the state and never replaced. On March 30, 1863 Jefferson Davis replied to the Arkansas delegation complying with several of their requests but stating that it would not only be impossible to refuse to withdraw troops from Arkansas but also send some back to the state. Davis explained that troops stationed west of the Mississippi were about equal in number to the enemy there but those troops east of

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\(^{27}\) Senate Journal, November 25; December 1, 1862.


\(^{29}\) Ibid., series 1, XIII, 861-863.
the Mississippi were far inferior in number to the enemy in the east. In reply to the Governor's statement that forty regiments of Arkansas troops were east of the Mississippi, the President stated that the Adjutant-General's records indicated only twenty-four and he believed that the number of troops from other states sent to Arkansas far exceeded the number of troops withdrawn. The President thought it not wise to encourage the idea of retaining troops in individual states for their own defense for the hope of success lay in a united effort. He explained that the discipline and efficiency of the Confederate armies had been found to be far greater when troops were not near their homes. Davis reassured the Governor that he would do all he could to protect Arkansas.  

Such reassurance satisfied state officials but a few months. In July, 1863, President Davis again wrote the Governor reassuring him that General Smith and the Confederate States had not abandoned Arkansas, that they knew the state's value and were trying to help. In another letter to Flanagin, General Smith restated similar assurances.  

With the military situation looking bleak, General Kirby Smith called upon the Trans-Mississippi governors to meet together in August at Marshall, Texas, "to confer with him on the measures to be taken for the defense of the common cause." Governor Thomas O. Moore of Louisiana,

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30 Ibid., pp. 863-866.
31 Ibid., series 1, XXII, part II, 931.
32 Ibid., p. 919.
F. R. Lubbock of Texas, T. C. Reynolds of Missouri, and Harris Flanagin were present. Little came out of the meeting.33 "Confederate Associations" were recommended for the purpose of "keeping alive the fervid patriotism of the people by meetings at suitable times, frequent informal gatherings and occasional public speeches." Such organizations should disseminate accurate intelligence of current events and attempt to correct and prevent exaggerated or false reports from enemy lines. Committees of Correspondence should keep informed as to the condition of their counties and should maintain "a regular but not burdensome correspondence with the Governor."34 An "Address of the Trans-Mississippi Governors" to their people offered little of value and expressed undue confidence that there was "everything to incite us to renewed efforts, nothing to justify despondency."35

Less than a month later, on September 10, 1863, Little Rock fell to federal forces under General Frederick Steele. In reporting the fall of Little Rock the Washington Telegraph explained that the fall had been expected and was of little importance as far as the South's cause was concerned. The Telegraph stated that it was not the time for depression but for aroused energies.36 Despite its patriotic propagandizing the Telegraph was correct in that the fall of the capital was of little importance to the Confederacy. The surrender of

33 Ibid., 935-936; Washington Telegraph, August 26, 1863.
34 Washington Telegraph, October 7, 1863.
35 Ibid., August 26, 1863.
36 Ibid., September 16, 1863.
Vicksburg in July and the control of the Mississippi River by federals had cut off the Trans-Mississippi District from the Confederacy and made it virtually a separate entity. Arkansas had always been low on the list of Confederate military priorities but with the fall of Little Rock and federal control of the Mississippi, Arkansas was of little consequence to the Richmond government.

Other than the deteriorating military situation Governor Flanagin faced other serious problems for which no solutions were found. The destitution of many families, particularly those of soldiers at war, was a situation that continued throughout the war. The problem did not go unnoticed or unchallenged. Every session of the legislature passed legislation and appropriated some money to aid such persons in need. Not enough money and the inability to reach many destitute families due to federal occupation prevented any satisfactory solution to the problem.

Another problem that the state was unable to solve was the scarcity and inflated prices of many essential items, particularly manufactures. Medicines, cloth, paper, the shortage of which prevented the printing of the proceedings of the general assembly, and cotton and wool cards were in particular need. By mid-1863 homespun was selling at $2.50 a yard and calico, which before the war had sold for 10¢ to 20¢ a yard, was selling for $3 to $5 a yard. Cotton cards, used to disentangle the fibers, sold at 60¢ each before the war and $2

37 Senate Journal, September 29, 1862.
38 Little Rock Arkansas Gazette, June 20, 1863.
each by 1862. However by the middle of 1863 a pair of cotton cards cost $45.00. The scarcity of cloth had prompted the Fourteenth Legislature to encourage the manufacture of cotton cards. The Governor reported in September 1864 that there had been no applications for aid in the manufacture of iron or cotton cards. Inquiries were made which resulted in the conclusion that without imported wire only an inferior article could be produced and that at a high price. However, in August 1864 one factory for the manufacture of cotton and wool cards was operating in Columbia County. The scarcity of labor in the factory prompted the legislature to ask General Smith for a detail of men to keep it operating. The inability to stimulate manufacturing in the state prompted the legislature to direct the Governor to appoint one or more agents to purchase cotton and wool cards, medicines and paper. For this purpose $35,000 in specie was appropriated from funds set aside to pay the interest on the war bonds and from the internal improvement, seminary, saline, common school and swamp land funds. The Governor was given the power to set the prices, determine the quantity of the articles to be purchase and to distribute them. In cases of necessity he was authorized to distribute such articles to families of non-soldiers. An additional sum of $1 million was appropriated to

39Washington Telegraph, January 22, 1862.
40Little Rock Arkansas Gazette, June 20, 1863.
41Journal of the Senate of the special session of the General Assembly of the state of Arkansas (in manuscript); September 24, 1864.
42Journal of the House of Representatives (in manuscript), October 1, 1864.
carry the act into effect. If the Governor deemed it expedient he could use some of the appropriation to purchase cotton and the proceeds of the sale of such cotton were to be used to purchase the machinery and material for the manufacture of said articles. The Governor was empowered, at his discretion, to direct the state to manufacture cards, paper or medicines, to establish prices and to determine disposal. 43

The Governor wasted little time implementing the legislation. Less than a month after its passage Louisiana Governor Henry W. Allen informed Flanagin that he had received his agent, but that it would take about four months to make the machines to manufacture cotton and wool cards. Allen suggested that, in the meantime, Flanagin might try to obtain cards from Memphis where the supply was reportedly large. 44

In what was to be his final attempt to procure needed supplies for the state, Governor Flanagin sent Colonel William H. Etter to Texas with about $40,000 in specie. 45 Etter purchased 320 bales of cotton for the state and 53 for J. D. Thomas of St. Francis County and shipped them to Europe through the commercial house of José San Roman in Matamoras, Mexico. San Roman advanced Etter about $54,000 with which he purchased supplies from Matamoras and Havanna. 46 On May 6,

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43 Washington Telegraph, October 12, 1864.
44 Henry W. Allen to Harris Flanagin, November 7, 1864, Kie Oldham Collection.
45 J. W. McConaughey to Isaac Murphy, August 10, 1865, Kie Oldham Collection.
46 H. Gardes to James Yell, February 5, 1866, Kie Oldham Collection.
1865, Etter shipped to Arkansas from Brownsville, Texas, a long list of items which included medicines, printers ink and paper, 929 dozen cotton cards, 54 dozen wool cards, 4 kegs of soda, 1 bushel of epsom salts, 1 drum of alcohol, 1 drum of potash, 15 cases of assorted merchandise and 20 cases of French brandy at $20 a case. The cards cost $7,789.00 and the total bill was $14,512.61. The state never received the much-needed supplies. After the goods were shipped Colonel Etter died and the Confederacy collapsed. The shipment was captured in Texas by federal troops the last of June, 1865.

Foodstuffs also underwent sharp rises in prices. Flour, which sold for $8.50 to $10 a barrel in the spring of 1861 climbed to $35 to $40 in 1863, but due to a good wheat crop, dropped to $20 to $25 in June, 1863. Pork which sold for 7¢ a pound in May, 1861 went to 20¢ by December, 1862 and was retailing at 40¢ in January, 1863. Other products underwent similar increases: chickens $3 a dozen (1861), to $12 to $15 a dozen (December, 1862); eggs 15¢ a dozen (1861), to $1 a dozen (December, 1862); butter, 25¢ a pound (1861), to 75¢ to $1 a pound (December, 1862). In January, 1863, mocha coffee was sold at $6.80 a pound and Liverpool salt sold at $30 a bushel.

The congressional elections called for November, 1863 received little notice in Arkansas. In a brief editorial the Gazette urged,

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47 Ibid.; Collector of Customs, Brownsville, Texas, to Governor of Arkansas, March 29, 1866, Kie Oldham Collection.

48 Brigadier General E. B. Brown to ?, January 24, 1866, Kie Oldham Collection.

49 Little Rock Arkansas Gazette, May 11, 1861; December 6, 1862; January 3, June 13, 1863.
due to the need for unity, the re-election of the entire slate.\textsuperscript{50}

The election elicited no excitement and in some places much apathy.
The only change in Arkansas' congressional delegation was in the second
district where Rufus K. Garland defeated the incumbent G. D. Royston.
In large portions of the district there was no voting and even in
Hempstead County where both Garland and Royston lived, one township
did not even open the polls.\textsuperscript{51}

Action in the northern half of Arkansas early in 1864 attracted
considerably more attention than the congressional elections. Unionists in the state were stirred into action by Lincoln's amnesty proclamations of December 8, 1863, and his plan for reconstruction. The President offered a full pardon to such "rebels" with certain exceptions, as would take an oath to protect, support and defend the Constitution of the United States and the proclamations of the President and the acts of Congress relating to slaves until modified by Congress or voided by the Supreme Court. Lincoln's reconstruction plan was simple. When a number of loyal voters equal to ten per cent of those who voted in the 1860 election established a loyal government it would be recognized as the true government of the state. However he could not promise that this would be followed by the admission of the state's senators and representatives to Congress.\textsuperscript{52}

\textsuperscript{50Ibid., June 20, 1863.}

\textsuperscript{51Washington Telegraph, November 11, 1863.}

\textsuperscript{52Carl Sandburg, Abraham Lincoln, The War Years, 4 vols. (New York, 1936), II, 483; J. G. Randall, David Donald, The Civil War and Reconstruction (Boston, 1961), p. 552.}
Arkansas wasted little time. A somewhat irregular convention met in January, 1864 to reestablish a loyal government. The convention amended the old constitution to conform generally with Lincoln's wishes, abolished slavery, voided the acts of the 1861 convention and repudiated the Confederate debt. The convention elected Isaac Murphy provisional governor and set the second Monday in March as the day to vote on the amended constitution and elect officers. Governor Flanagin urged General Smith to make some efforts to disrupt the government being established in Little Rock and to try to prevent the people from voting. Despite such entreaties the election was held, the constitution ratified and Isaac Murphy elected Governor without opposition. Murphy was inaugurated April 18, 1864 and the first loyalist legislature met the same month. For the war's final year Arkansas had two state governments.

As one government was being created the other was becoming less and less effective. Concerned, due to the current military situation, that it might be impractical to hold elections at the constitutionally set time or to call the legislature at the time appointed by law, the Governor asked an opinion of the Supreme Court. Justices English and Pike, Justice Compton being absent, furnished him a written opinion. The Court ruled that if it were impractical to call an election or a legislative session at the times prescribed by law more practical

53 Thomas, pp. 396-397.
54 O.R., series 1, XIII, 968-969.
55 Thomas, pp. 397-398.
times could be set.  

To regenerate his faltering regime and attempt to meet the pressing problems at hand Governor Flanagin called a special session of the legislature to meet at Washington on September 22, 1864. Due to the lack of accommodations in Washington, legislators had to be housed in private dwellings; but this was certainly not the worst of their problems. On the opening day neither house had a quorum and on the second day it was apparent that a quorum could not be raised. Again the Supreme Court was asked for a decision. The Court ruled that enemy occupation over part of the state which prevented some solons from attending the session should not be able to destroy a government. The Court set a formula for determining a quorum based on the total number of legislators from outside enemy lines and the number present from within enemy lines. A quorum was then declared in both houses and the session began deliberations. Thomas Fletcher was President of the Senate and J. F. Lowry was elected speaker. To fill the unexpired term of C. B. Mitchell, who died shortly before the legislature met, the general assembly elected A. H. Garland over Albert Pike as Confederate States Senator.

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56 Washington Telegraph, August 10, 1864.  
57 Proclamation of Harris Flanagin, August 9, 1864, Harris Flanagin Papers, Arkansas History Commission, Little Rock.  
58 Washington Telegraph, September 14, 1864.  
60 Senate Journal, September 24, 1864.  
61 Ibid., September 27, 1864.
In his message to the legislature Flanagin damned the United States, explained some of his actions, reported on the condition of the state and made several recommendations. The Governor stated that he had suspended payments under the bill for the relief of families of soldiers. He explained that there was no way to distribute the payments in the areas where it was the most needed and there were only enough funds to last two years. He explained that the requirement for a board to examine all state accounts was interrupted by the move from Little Rock. 62

The Governor reported on military action in the state during the past year and reported on Military Board expenditures. The Board had spent $1,691,609.33, of which $1,548,525.76 was encumbered before he had assumed office. Between his inaugural and September 1, 1864, $143,083.58 had been spent, and $90,663.94 was in the hands of agents unaccounted for. 63

Among the Governor's recommendations to the legislature was one calling for a stiffer penalty for distilling grain into spirits and for the seizure of stills. The Governor explained that existing laws on the subject had not been effective. Courts were held irregularly, many violators escaped without punishment and witnesses were often absent. He stated that some distilleries were willing to pay the fine occasionally rather than forego the immense profits. This illegal use of grain helped inflate its price to an extent that large numbers of

62 Ibid., September 24, 1864.
63 Ibid.
people could not afford it. Further, the use of whiskey by soldiers was a cause of many violent acts, explained Flanagin.  

Other recommendations included provisions to allow Arkansas soldiers to vote in the field, to provide for a session of the legislature when the regular session had not met, to provide for elections when there had been none held at the time appointed by law, and to make appropriations for the government until October, 1866.  

Concerning the state penitentiary which was under federal control, Flanagin recommended that the punishment of crimes heretofore punishable by imprisonment be changed. He suggested substituting for a term in the penitentiary whipping, sitting in the pillory and recommended that crimes like highway robbery, horse-stealing, robbing in dwelling houses, be punishable by death.  

The nature of the legislation passed by the general assembly reflects the situation in the state after three years of war. Much of the legislation dealt with welfare and attempts to stabilize the faltering government.  

Welfare legislation included a law which provided for the establishment of soldiers' homes at Washington, Camden and Monticello to be financed in part by private contributions. The homes were to be temporary stopping places (for no more than one night) for all soldiers in traveling, but not to be hospitals or places to provide

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64Ibid.
65Ibid.
66Ibid.
To provide relief to families of soldiers the general assembly passed an act to provide cotton and wool cards and medicines for families of soldiers and appropriated $200,000 for the purchase of salt for specific destitutes. The salt was to be supplied to deceased soldiers' families and families of those who were serving in the army, within such counties as were or had been overrun by the enemy. The Governor was to employ agents to purchase and distribute the salt, and the county agents were to provide a list of such persons in need. To provide some relief to farmers a resolution was passed instructing the Arkansas Congressional delegation to use their influence to lighten the restrictions on farmers and planters as to the sale of their products.

In an attempt to save the deteriorating state government the legislature enacted several laws, one of which provided for elections in overrun areas. Such elections could be held in military camps where there were present and voting at least ten qualified voters of such district or county. Also, if in any county or precinct there were to assemble at least ten refugees from an overrun county, they could vote.

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67 House Journal, September 29, 1864; Washington Telegraph, October 12, 1864.

68 Senate Journal, October 1, 1864; Washington Telegraph, October 12, 1864.

69 Washington Telegraph, October 12, 1864.

70 House Journal, September 30, 1864; Washington Telegraph, October 5, 1864.
On the Governor's recommendation, the legislature did pass an act changing the penalties and punishments of certain crimes. This act was enacted due to the increased lawlessness in the state and also due to federal control of the state penitentiary. Made punishable by death were over twenty different crimes including burglary, robbery, counterfeiting, forgery, Negro and horse stealing, embezzling public money, perjury, bigamy, kidnapping, incest and a number of other sex crimes. All other crimes formerly punishable by imprisonment were made punishable by whipping or use of the pillory or any other punishment as judge or jury might direct.\textsuperscript{71}

Apparently concerned over when the next session of the legislature might be able to meet, although a law was passed calling the next session for October, 1865, the general assembly made salary appropriations through 1866.\textsuperscript{72}

Perhaps the most reflective piece of legislation passed as far as shedding light on the government's effectiveness was a resolution adopted October 1, 1864. The joint resolution urged the Governor to "use all his exertions to put the Judiciary of the State in full operation," and he was "especially enjoined to exhaust every means in his power to uphold and maintain the supremacy of civil law" and to bring to light and have punished all violators.\textsuperscript{73}

\textsuperscript{71}Senate Journal, October 1, 1864; Washington Telegraph, October 19, 1864. The punishment by whipping was to be upon the bare back "well laid on," but a white man was not to receive more than thirty-nine lashes.

\textsuperscript{72}Washington Telegraph, October 19, 1864.

\textsuperscript{73}House Journal, October 1, 1864; Washington Telegraph, October 19, 1864.
The final session of the legislature of Confederate Arkansas was indicative of a crumbling structure. When the end came six months later, Governor Flanagin was attending another Trans-Mississippi Governor's conference at Marshall, Texas, called by General Smith, Federal military commissioners awaited at Shreveport under a flag of truce for an answer to their surrender demands.\footnote{Washington Telegraph, May 17, 1865. General Smith surrendered the forces west of the Mississippi to General E.R.S. Canby at New Orleans, May 26, 1865.}

On May 22nd, Flanagin asked A. H. Garland to open negotiations with General J. J. Reynolds, federal commander of Arkansas, with hopes of restoring peace and order. Flanagin was concerned over bands of guerrillas forming in pretense of protecting a valid state government. To facilitate the restoration of peace and good order Flanagin believed it important for those persons pardoned to be considered citizens, not criminals, and participate in creating a new state government.

Flanagin proposed that he call the rebel legislature for the purpose of repealing all of its acts hostile to the United States, that Governor Murphy recognize the county officers holding office under the rebel state government and that a convention be called to establish a new state government. He requested that no military force invade southern Arkansas as such an invasion would create much suffering and be militarily unnecessary. The Governor stated his desire to deliver the state archives in person and stood ready to report to Little Rock whenever General Reynolds or the President so desired.\footnote{O.R., series I, XLVIII, part II, 626-630; Harris Flanagin to J. J. Plendenmy, May 19, 1865, Kie Oldham Collection.}
General Reynolds declined to receive Garland or E. C. Boudinot, who accompanied Garland, or allow them to enter federal lines on an official basis. Reynolds did allow them to enter Little Rock and conferred with them as private citizens. He did not agree to Flanagan's desire to call the rebel legislature, to recognize county officials under the rebel government, nor would he consider a convention in which loyals and rebels would meet as equals. The General believed that if such a convention were to be called the result would be to place the state in the hands of those who controlled it before the rebellion. He urged that rebels not be allowed to vote or fully participate in politics for if they were so allowed the state would "in ninety days be politically where she was in 1860." Reynolds agreed that an invasion of southern Arkansas would not be to the benefit of the state, but he would give no assurances. Governor Flanagin was permitted to deliver the archives in person and to retire unmolested to his home in Arkadelphia.\(^76\)

The Confederate state government of Arkansas did not suddenly collapse with Governor Flanagin's last official act, for it had begun its deterioration months before and it now simply dissolved. Arkansas' role in the new southern nation was one that lacked importance and responsibility. To many Richmond officials, Arkansas could only have been considered a liability. Lacking in industry, wealth and manpower the state was ill equipped to meet the challenges of a war that spread quickly within its own boundaries. Without considerable

\(^{76}\)O.R., series 1, XLVIII, part II, 626-630.
support from Richmond, Arkansas was destined to face problems that it
could not hope to solve. State officials tried in vain to find solu-
tions to the state's military and civil problems and to alleviate the
destitution and suffering throughout the war-torn state. Their few
successes were scarcely noticeable amid the insurmountable difficul-
ties. Aside from these difficulties perhaps the saddest of all her
problems was the increasing ineptness of the deteriorating state
government. Facing ever increasing dilemmas the state struggled through
the final war years trying desperately and unsuccessfully to mend the
dissolving fabric of the state government.
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