THE RISE AND FALL OF THE TEXAS RADICALS
1867-1883

APPROVED:

Graduate Committee:

Major Professor

Minor Professor

Committee Member

Committee Member

Chairman of the Department of History

Dean of the Graduate School

The purpose of this monograph is to study the early Texas Republican party within the framework of well-known political party functions, i.e., to provide political leadership, recruit governmental personnel, generate public policy, and propagate ideology. The primary sources of data are the state Republican leaders' correspondence, official public documents, diaries and memoirs, and contemporary newspapers, imprints, and books. In addition, biographical information on over 250 early Texas Republicans is utilized. Thesis organization generally is chronological, commencing with the 1884 national Republican defeat. Thesis Chapters I through VI examine, respectively, party leadership, the founding of the party, its factions, program, rule and demise.

Certain generalizations about the state’s reconstruction Republican party appear valid. The Texas Republican party owed its origin to prewar Unionism reinforced by the war, and represented for the majority of its leadership the last of many vehicles utilized for Unionist expression. Although congressional reconstruction swept into the Texas political
arena black leaders and carpetbaggers, their role continued to be one of collaboration, not control.

The ideological concerns of the Texas Republican party varied little from the founding of the state party in 1867 until 1883. By any standard, they represented a consistency of political belief hardly excelled by earlier or later Texas political factions. The party platforms and Radical speeches and letters reveal a concern with suppression of violence, protection of civil rights, free public schools, the encouragement of internal improvements, and state aid for the inducement of immigration.

Though some Radicals favored social equality, few openly declared themselves for it; most Republicans, black and white, avoided the issue. It is more than a little doubtful that Texas Radicals, on the whole, believed in racial equality, but their attitude toward the Negro was vastly different from that of most white Texans. They believed in the freedman's ability to progress, as well as to labor. Although Radicals were unable to alter the racial attitude of the majority of Texans, a noticeable improvement in the Negro's legal condition occurred under the Republican regime.

Seeking to institute their program, Texas Republicans devised the Constitution of 1869. Then, they sought increased police control to fill the vacuum created by the withdrawal of United States forces. Believing themselves confronted with a choice between a rule of prejudice, bias, and local
despotism, or a powerful government able to bring uniform security and freedom, they chose the latter.

In surprisingly many areas the Radicals were considerably in advance of their times. The Texas public school system founded in 1871, provided for the first time opportunity for free education to all the state's children, in a graded system, with certified teachers. With the end of Radical rule, the public education system in Texas took a sharp turn downward.

The primary weakness of the Radicals was their inability to generate broadly based political support. Continuation of Radical political power depended upon one or more highly unlikely circumstances: continued congressional support for Radical government in the South, disfranchisement of a large number of white Texans, a division of Texas into two or more states, adoption by the white majority of a new attitude regarding race, the winning of popular support by a highly unpopular state administration, or a rapid heavy influx of northern and foreign immigrants into Texas.
THE RISE AND FALL OF THE TEXAS RADICALS
1867-1883

DISSERTATION

Presented to the Graduate Council of the
North Texas State University in Partial
Fulfillment of the Requirements

For the Degree of

DOCTOR OF PHILOSOPHY

By

James A. Baggett, B. S., M. Ed.
Denton, Texas
May, 1972
# TABLE OF CONTENTS

<table>
<thead>
<tr>
<th>List</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>LIST OF TABLES</td>
<td>iv</td>
</tr>
<tr>
<td>LIST OF ILLUSTRATIONS</td>
<td>v</td>
</tr>
<tr>
<td>Chapter</td>
<td></td>
</tr>
<tr>
<td>I. ORIGINS OF THE TEXAS REPUBLICAN PARTY</td>
<td>1</td>
</tr>
<tr>
<td>II. BIRTH OF THE TEXAS REPUBLICAN PARTY</td>
<td>38</td>
</tr>
<tr>
<td>III. SCHISM IN TEXAS REPUBLICAN PARTY</td>
<td>71</td>
</tr>
<tr>
<td>IV. TEXAS REPUBLICANS AND THE SPECIAL LEGISLATIVE SESSION OF 1870</td>
<td>112</td>
</tr>
<tr>
<td>V. RADICAL INNOVATION AND THE OPPOSITION</td>
<td>153</td>
</tr>
<tr>
<td>VI. THE DECLINING DECADE, 1873-1883</td>
<td>184</td>
</tr>
<tr>
<td>CONCLUSION</td>
<td>211</td>
</tr>
<tr>
<td>BIBLIOGRAPHY</td>
<td>218</td>
</tr>
</tbody>
</table>
LIST OF TABLES

<table>
<thead>
<tr>
<th>Table</th>
<th>Description</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>I.</td>
<td>Examples of Texas Whigs and Know Nothings Who Became Republicans, 1865-1877</td>
<td>8</td>
</tr>
<tr>
<td>II.</td>
<td>Examples of Texas Constitutional Unionists Who Became Republicans, 1865-1877</td>
<td>15</td>
</tr>
<tr>
<td>III.</td>
<td>Examples of Texas Wartime Unionists Who Became Republicans, 1865-1877</td>
<td>26</td>
</tr>
<tr>
<td>IV.</td>
<td>Examples of Texas German Unionists Who Became Republicans, 1865-1877</td>
<td>30</td>
</tr>
<tr>
<td>V.</td>
<td>Examples of Texans In The Union Army, 1861-1865, Who Became Republicans, 1865-1876</td>
<td>35</td>
</tr>
<tr>
<td>VI.</td>
<td>Examples of Negro Republicans in Texas, 1867-1876</td>
<td>84</td>
</tr>
<tr>
<td>VII.</td>
<td>Examples of Carpetbaggers In The Texas Republican Party, 1865-1877</td>
<td>86</td>
</tr>
<tr>
<td>VIII.</td>
<td>Examples of Confederates Who Became Republicans, 1865-1877</td>
<td>89</td>
</tr>
<tr>
<td>IX.</td>
<td>Examples of Republican Newspapers, 1865-1877</td>
<td>166</td>
</tr>
<tr>
<td>Figure</td>
<td>Page</td>
<td></td>
</tr>
<tr>
<td>--------</td>
<td>------</td>
<td></td>
</tr>
<tr>
<td>1. Comparison of Counties Voting a Higher Percentage than the State as a Whole (22.4%) in 1861, against Secession with Counties in which Republican Vote exceeds by 10% Negro Population in 1872 Election</td>
<td>23</td>
<td></td>
</tr>
</tbody>
</table>
CHAPTER I

ORIGINS OF THE TEXAS REPUBLICAN PARTY

Conspicuous amidst the gallery of portraits in the Texas capitol rotunda are those of the state's three Republican governors: Andrew J. Hamilton, Elisha M. Pease, and Edmund J. Davis. Aside from the fact that these three men served the Lone Star State during most of the Reconstruction era, several other factors come to mind when viewing their portraits. For one thing, the Texas careers of the trio extended back into early statehood; in the 1850's, they were, respectively: Congressman Hamilton, Governor Pease, and Judge Davis. In a sense, Hamilton, Pease, and Davis were representative of those Unionists who founded the Texas Republican party in the 1865-1867 period. Pease typified that class of wartime Unionists which despite Confederate harassment steadfastly remained in Texas during the conflict. Hamilton epitomized hundreds of refugees who chose exile; and Davis symbolized the over two thousand Texans who fought with the Union army.\(^1\) The portraits hang as a reminder that the

post-Civil War Republican party owed its origin to prewar Unionism reinforced by the war.

The Texas Republican party represented for the majority of its leadership the last of many vehicles utilized for Unionist expression. Unquestionably, the party leadership from 1865 until the death of E. J. Davis in 1883 belonged to


Technically, the state party was founded in July, 1867. The first state Republican convention commenced July 4, 1867 at Houston after several local meetings of Unionists in the spring of 1867. Austin Southern Intelligencer, May 2, 1867; Flake's Daily Galveston Bulletin, May 5, 1867; Flake's Semi Weekly Galveston Bulletin, May 25, June 5, 12, and July 10, 1867.
long time Texans with Whig, Know Nothing, Constitutional Unionist, or anti-secessionist backgrounds—each a manifestation of Unionism. Contrary to popular misconception, carpetbag influence in the state remained minimal, demonstrated little potency before 1870, and never threatened party control.\(^3\) Statistically, black Republicans outnumbered white Republicans after 1867, but Negro domination was impossible; the highest political position achieved by a Texas Negro was state senator and only three blacks attained that office.\(^4\)

A substantial number of newcomers to Texas during the first decade of statehood were Whigs who exhibited their Whiggery by supporting the nominees of the national party, fielding gubernatorial candidates in 1851 and 1853, and ad-

\(^3\) Based on an extensive search of biographical data this writer was able to locate fewer than five carpetbaggers serving on the thirty man Republican State Executive Committee during the entire period of national Reconstruction, 1865-1877. The Executive Committee lists utilized are located in *Proceedings of the Republican State Convention Assembled at Austin, August 12, 1868* (Austin, 1868), p. 2; and Ernest W. Winkler, *Platforms of Political Parties in Texas* (Austin, 1916), pp. 119, 121, 143, 157, 179.

\(^4\) A few Negroes held local offices of responsibility in predominately black counties during and following Reconstruction. At the state level nine Negroes served in the ninety-man Constitutional Convention of 1868-1869, eleven were legislators in the one hundred and twenty-man legislature of 1870; thereafter, the number of Negro legislators diminished. Not a single Negro occupied an important executive or judicial post in Texas during the Reconstruction period. See John Mason Brewer, *Negro Legislators of Texas* (Dallas, 1935), pp. 125-128 for a list of past Negro legislators.
vocating a policy of "union, internal improvements, disbursement of public revenue for education, and amendment of the state constitution to permit the chartering of banks." Note-worthy is the fact that these same policies later were advocated by Texas Republicans. It is impossible to ascertain, however, the exact relationship of the Texas Whig party to subsequent political parties—such as the Know Nothing, Constitutional Unionist, and Republican—largely because of incomplete membership records of that party. Nevertheless, a study of Whig biographical data indicates that many affiliated with later Unionist parties, including the Republican.

Questions, however, confront any researcher who would offer broad generalizations based on this fact; even a casual check of a list of Texas Whigs reveals politicians who favored secession in 1861 and allied themselves with the lost cause. Nonetheless, one cannot avoid noticing the emphasis by some Republicans upon their former association with the Whig party and its national leaders.

5 Webbe, editor, Handbook of Texas, II, 893.

6 For a list of Whigs based on newspaper sources see Randolph Campbell, "The Whig Party of Texas in the Elections of 1848 and 1852," Southwestern Historical Quarterly, LXII (July, 1969), 30-33. Campbell says, "For the state as a whole, it was possible to identify with reasonable precision only eighty-nine of the men who served for the party in conventions, campaign efforts, and so on, in 1848 and/or 1852."
Quite a few older Republicans, several of whom presided as judges, had been Whigs in the early 1850's. (See Table I.) In studying biographical material of early Texas Republicans, one finds such lines as: "brought up at the feet of old Henry Clay, the Gamaliel at whose footstool... he learned wisdom"; or, "an admirer of Henry Clay, whom he had often heard speak and in whose policy of government he believed"; or, "among his list of friends was Henry Clay." One later Republican was reputed to have been "early drawn into politics as a Whig"; another "upon coming to Texas... was a conservative Whig"; and still another was "a firm and consistent Whig until the final disruption of that party." Unequivocally, A. B. Norton, publisher of the Fort Worth Whig Chief, richly deserves the distinction of being remembered as the most extreme Whig of this select group, by virtue of his oath during the election of 1844, wherein he swore "before God and man" that he "would neither shave nor have his hair cut until Clay was elected president." Proving to be a man of his word, when he died in 1893 "his hair and beard were yet untrimmed."  


8Oliver Knight, Fort Worth: Outpost On The Trinity (Norman, Oklahoma, 1953), pp. 46-47.
From the embers of the Whig party, destroyed nationally in the agitation inflamed by the slavery issue, the American or Know Nothing party emerged in Texas. Know Nothing membership from 1854 to 1857 was the most evident manifestation in the state of Unionism and nationalism, as well as nativism, particularly after the party abandoned "all secrecy... passwords, and signs." Future Republicans, James W. Flanagan, Robert H. Taylor, John F. Gordon, Lemuel D. Evans, J. L. McCall, William H. Johnson, James P. Newcomb, and A. J. Hamilton, all at one time or another, championed Know Nothingism. According to Newcomb's biographer, the San Antonio editor of the Alamo Star supported the party "on the conviction that only the American party could protect the country from the subversive forces that threatened the Union." Newcomb believed, under such circumstances as prevailed in 1861, that only a


militant party, such as the American party, could operate successfully as a counterrevolutionary force to undermine the pro-secessionist Knights of the Golden Circle. Hamilton's biographer attributes the attorney's "temporary association" with the Know Nothing party to its Unionism rather than to its "narrow nativism and intolerant religious bigotry." Assuredly, many of the Whigs and American party members held serious Unionist convictions; their stand in 1860-1861 reflected that conviction.

A sampling of known Whigs and American party members, who later aligned themselves with the Republican party, is presented in Table I, along with each man's county of residency in the 1850's, his Republican party activities, his membership in Reconstruction constitutional conventions, his legislative service, and one additional position which he occupied. While no implication is intended that either the Whig party or the Know Nothing party was a forerunner of the Republican party in Texas, it is suggested that much of the philosophy and some of the membership was identical.

12 The Knights of the Golden Circle was a secret society dedicated to Texas' withdrawal from the Union. See James P. Newcomb, History of Secession Times in Texas, and Travels in Mexico (San Francisco, 1863), p. 6.

13 Waller, Colossal Hamilton, p. 12.
<table>
<thead>
<tr>
<th>Name</th>
<th>County</th>
<th>Whig</th>
<th>KN</th>
<th>Del Rep Conv Natl</th>
<th>Rep Conv Ex Com St Res Com</th>
<th>Del Const Conv 1866</th>
<th>1868 Mem</th>
<th>State Legislature 11th</th>
<th>12th</th>
<th>13th</th>
<th>Other Positions*</th>
</tr>
</thead>
<tbody>
<tr>
<td>J. P. Newcomb</td>
<td>Bexar</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>Sec of State</td>
</tr>
<tr>
<td>M. Priest</td>
<td>Cherokee</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>District Judge</td>
</tr>
<tr>
<td>Robert H. Taylor</td>
<td>Fannin</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>St Comptroller</td>
</tr>
<tr>
<td>I. B. McFarland</td>
<td>Fayette</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>District Judge</td>
</tr>
<tr>
<td>C. C. Binkley</td>
<td>Grayson</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>District Judge</td>
</tr>
<tr>
<td>John F. Gordon</td>
<td>Guadalupe</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Sheriff</td>
</tr>
<tr>
<td>Lemuel D. Evans</td>
<td>Harrison</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Supr Crt Judge</td>
</tr>
<tr>
<td>S. D. Wood</td>
<td>Harrison</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Rep Editor</td>
</tr>
<tr>
<td>A. B. Norton</td>
<td>Henderson</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>District Judge</td>
</tr>
<tr>
<td>L. W. Cooper</td>
<td>Houston</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>District Judge</td>
</tr>
<tr>
<td>Hardin Hart</td>
<td>Hunt</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>District Judge</td>
</tr>
<tr>
<td>J. L. McCall</td>
<td>McLennan</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>District Atty</td>
</tr>
<tr>
<td>N. H. Davis</td>
<td>Montgomery</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>District Judge</td>
</tr>
<tr>
<td>Amos Morrill</td>
<td>Red River</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Supr Crt Judge</td>
</tr>
<tr>
<td>J. W. Flanagan</td>
<td>Rusk</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>U S Senator</td>
</tr>
<tr>
<td>W. H. Johnson</td>
<td>Titus</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>County Clerk</td>
</tr>
<tr>
<td>A. J. Hamilton</td>
<td>Travis</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Governor</td>
</tr>
<tr>
<td>W. C. Phillips</td>
<td>Travis</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Sec of State</td>
</tr>
<tr>
<td>George C. Rives</td>
<td>Travis</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>St Comptroller</td>
</tr>
<tr>
<td>Reading Black</td>
<td>Uvalde</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Co ULOfA Head**</td>
</tr>
<tr>
<td>Alfred King</td>
<td>Walker</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>County Judge</td>
</tr>
</tbody>
</table>

* Most of these men occupied more than one official position during Reconstruction.

** Union League of America
By 1858 a preponderance of the Know Nothings had returned to the Democratic camp. These political backsliders, in the company of faithful Democratic sponsors, received "forgiveness" and a warm welcome back into the party fold at its annual state convention. Yet, in the secession crisis most did not abandon their Unionism. In fact, many were active in the ranks of the Constitutional Union party of 1860. Lamenting the loss of the state's Democratic party to the secessionist faction, Unionists pledged their support to Sam Houston in a last ditch effort to prevent the withdrawal of Texas from the Union. "The truth," wrote E. M. Pease, "is that the present organization of our party is

14Campbell, "The Whig Party of Texas," pp. 30-33; Wooster, "An Analysis of The Texas Know Nothings," pp. 420-421; Proceedings of the Republican State Convention, 1868, pp. 18, 87; Aldrich, Houston County, Texas, p. 142; Austin Daily State Journal, July 15, 1870; Moore, Reading W. Black, p. 27; Biographical Encyclopaedia of Texas, p. 101; Somers, "James P. Newcomb," p. 451; Waller, Colossal Hamilton, p. 12; Winkler, Platforms of Political Parties in Texas, pp. 71, 95, 117-121, 140-143, 154-157, 176-179; Flake's Semi Weekly Galveston Bulletin, July 10, 1867; Proceedings of the Republican State Convention, 1868, pp. 2-6; Daily Austin Republican, May 18, 19, 1869; Houston Union, June 9, 1869; Corpus Christi Nueces Valley, June 1, 8, 1872; Austin Daily State Journal, July 19, 20, 1873; Houston Daily Telegraph, January 13-15, 1876; Paul Casdorph, A History of the Republican Party in Texas (Austin, 1965), pp. 249-250; Texas Almanac and Emigrants Guide (Galveston, 1867-1873); (1867), pp. 182-183; (1868), 220-224; (1869), 182, 186, 190-204, 222; (1870), 225; (1871), 219, 230, 233, 236, 245; (1872), 117, 200; (1873), 57-58, 223-225; Members of the Legislature of the State of Texas from 1846 to 1939 (Austin, 1939), pp. 57-76; Austin Southern Intelligencer, Austin 11, September 8, 1865; Webb, editor, Handbook of Texas, I, 187; Election Register, 1866-1870, Texas State Archives, Austin, Texas.

controlled by persons . . . who are really desirous of effecting a dissolution of the Union," and Houston's "known opposition to all disunion measures makes him . . . acceptable."16

In April, 1860, two seemingly unrelated meetings of Unionists occurred. On April 21 an assemblage of Houston's followers met at the Battle Ground of San Jacinto to commemorate an important anniversary and to commend to the nation Sam Houston for the presidency.17 Less than one week later, a group representing the newly created Constitutional Union party met in the Tyler Courthouse to nominate delegates to that party's national convention.18 A. M. Gentry, a most active participant at the San Jacinto assembly, was one of four delegates representing Texas at the National Constitutional Union Convention commencing May 9 at Baltimore. The other three Texas delegates, A. B. Norton, Benjamin H. Epperson, and Lemuel D. Evans, completed the quartet of two Whigs, a Know Nothing, and a Union Democrat. Norton placed Governor Houston's name in nomination for the presidency, and


17 Winkler, Platforms of Political Parties in Texas, pp. 85-87.

18 Marshall Texas Republican, May 12, 1860.
although on the first roll call the old General received the second highest vote, he lost on the next ballot to Senator John Bell of Tennessee. Despite his defeat, Houston recalcitrantly balked at withdrawing from the multi-party presidential race; finally, however, on August 18 he withdrew, thereafter supporting the Bell-Everett ticket.

Events of 1860 prove the importance of the role assumed by postwar Republicans during that earlier period. In the state-wide election of August 8 for three state executive officers, the Constitutional Unionists campaigned for a ticket of John D. McAdoo as attorney general, George W. Smyth as comptroller, and James Shaw as treasurer. A victory by candidates favoring secession in that election may offer a partial explanation for the strong Constitutional Unionist stance of three important Union Democrats—Houston, Hamilton, and Pease—during the ensuing month. Upon Congressman Hamilton's return in July from the nation's capital, he pledged support for the regular national Democratic party's

19 Winkler, Platforms of Political Parties in Texas, pp. 85, 87; Smyrl, "Unionism in Texas, 1856-1861," p. 177; Knight, Fort Worth, p. 47; Rupert N. Richardson, Texas: The Lone Star State (Englewood, New Jersey, 1943), p. 244.

20 Ernest W. Winkler, editor, Journal of the Secessionist Convention of Texas, 1861 (Austin, 1912), p. 7; Ernest W. Winkler, Checklist of Texas Imprints, 1846-1860 (Austin, 1949), p. 259. After 1850 the governor, lieutenant governor, and land commissioner were elected in odd-numbered years and the attorney-general, comptroller, and treasurer were elected in even-numbered years. See Winkler, Platforms of Political Parties in Texas, p. 22.
candidate, Stephen A. Douglas, and Pease joined him in doing so. Shortly after the announcement by Houston of his withdrawal from the presidential race, Hamilton affiliated himself with the Constitutional Unionists, and along with others, including his brother Morgan C. Hamilton, George W. Paschal, W. C. Phillips, S. M. Swenson, and George R. Scott, signed a petition requesting E. M. Pease to allow his name to be used as a presidential elector. As it turned out, Pease was not chosen as an elector; instead, he was selected as chairman of a newly created party executive committee whose other members were A. J. Hamilton, W. C. Phillips, and John Hancock. To dramatize the importance of the presidential election, the committee issued an "Address . . . To The People of Texas" on September 18, claiming that the party represented the sole hope for saving the Union.

Appalled at Unionist apathy, the Travis County Union Club organized on September 3, electing John M. Swisher president, and William P. DeNormandie secretary. The record indicates that this club, by far the strongest such local Unionist club in Texas, convened weekly during September

---

21 Waller, Colossal Hamilton, pp. 25-26; Political and Personal Friends to E. M. Pease, August 30, 1860, Elisha Marshall Pease Papers, Austin Public Library, Austin, Texas.

22 Address of the Union Executive Committee To The People of Texas (Austin, 1860), pp. 1-4, imprint in Elisha Marshall Pease Papers, Austin Public Library, Austin, Texas.
and October. To bolster the party, Houston spoke on September 22 to a mass meeting of "friends of the Union, from Travis and Neighboring counties." On one occasion, local attorney George R. Scott addressed the rally; other sessions or demonstrations were planned and supervised by John L. Haynes, George H. Gray, and Amos Morrill.  

Out of the hundreds of state-wide campaigners, the most active were Governor Houston, A. J. Hamilton, Lemuel Evans, and George W. Paschal. Others electioneered in their locales. Young men, such as A. J. Evans of Waco, J. P. Newcomb of San Antonio, and Webster Flanagan of Rusk County, addressed rallies in their areas of the state. Reports of meetings too numerous to mention were carried in the Austin Southern Intelligencer and the San Antonio Alamo Express. Unfortunately for the Union party, its organized effort came too late: the state vote was Breckenridge 47,561 and Bell

---

23Austin Southern Intelligencer, September 5, October 10, 1860; Winkler, Texas Imprints, 1846-1860, pp. 253, 265-266; Friends of the Union, September 12, 1860 (Austin, 1860), imprint in Elisha Marshall Pease Papers, Austin Public Library, Austin, Texas.

24Austin Southern Intelligencer, October 10, 1860.


26The Austin Southern Intelligencer, October 10, 1860 issue contains notice of several meetings. Editor A. B. Norton advised his readers to form Union clubs and send "the names of your officers," but most of the fall issues are unavailable.
Although a vote for Breckenridge was not necessarily a vote for secession, it reflected that tendency.

Insofar as Republican origins are concerned, the important fact is that the top administrative positions during both the Hamilton and Pease administrations were occupied by former Constitutional Unionists. And while they later filled a somewhat lower echelon of positions in the Davis administration, most of these men remained Republicans and served in state or local government. Even then, the two United States Senators, a Congressman, two judges of the three-man Texas Supreme Court, the state Secretary of State, and numerous district judges were one-time Constitutional Unionists. As Table II indicates, the organization of the Constitutional Union party provided the nucleus for the Texas Republican party's creation in the 1865-1868 period. Examples are given of Constitutional Unionists, along with each man's county of residency in the 1850's, his Republican party activities, his membership in Reconstruction constitutional conventions, his legislative service, and one additional position which he occupied.

For the great majority, the most severe contest between Unionism and secessionism occurred during the period November 8, 1860 to February 12, 1861, subsequent to the national presidential election and prior to the state-wide secession vote. During those months the issue was less disguised by

---

27 Richardson, Texas: The Lone Star State, p. 248.
<table>
<thead>
<tr>
<th>Name</th>
<th>County</th>
<th>Del Rep Conv Nat'l St</th>
<th>Mem St Ex Res Com</th>
<th>Del Const Conv 1866</th>
<th>Member State Legislature 11th</th>
<th>Other Positions</th>
</tr>
</thead>
<tbody>
<tr>
<td>D. J. Baldwin</td>
<td>Austin</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>District Judge</td>
</tr>
<tr>
<td>J. P. Newcomb</td>
<td>Bexar</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>Sec of State</td>
</tr>
<tr>
<td>T. H. Mundine</td>
<td>Burleson</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>County Judge</td>
</tr>
<tr>
<td>Thomas Baker</td>
<td>Caldwell</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>County Judge</td>
</tr>
<tr>
<td>Lemuel D. Evans</td>
<td>Harrison</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td>Supr Crt Judge</td>
</tr>
<tr>
<td>G. W. Whitmore</td>
<td>Harrison</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>Congressman.</td>
</tr>
<tr>
<td>A. B. Norton</td>
<td>Henderson</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>District Judge</td>
</tr>
<tr>
<td>A. J. Evans</td>
<td>McLennan</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>District Judge</td>
</tr>
<tr>
<td>J. W. Flanagan</td>
<td>Rusk</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td>U S Senator</td>
</tr>
<tr>
<td>Webster Flanagan</td>
<td>Rusk</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>County Judge</td>
</tr>
<tr>
<td>John L. Haynes</td>
<td>Starr</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>Customs Coll</td>
</tr>
<tr>
<td>John T. Allen</td>
<td>Travis</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>St Treasurer</td>
</tr>
<tr>
<td>Wm. DeNormandie</td>
<td>Travis</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>Supr Crt Clerk</td>
</tr>
<tr>
<td>George H. Gray</td>
<td>Travis</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>County Judge</td>
</tr>
<tr>
<td>A. J. Hamilton</td>
<td>Travis</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td>Governor</td>
</tr>
<tr>
<td>M. C. Hamilton</td>
<td>Travis</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>U S Senator</td>
</tr>
<tr>
<td>Amos Morrill</td>
<td>Travis</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>Supr Crt Judge</td>
</tr>
<tr>
<td>Swante Palm</td>
<td>Travis</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>Postmaster</td>
</tr>
<tr>
<td>G. W. Paschal</td>
<td>Travis</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>Supr Crt Repar</td>
</tr>
<tr>
<td>E. M. Pease</td>
<td>Travis</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>Governor</td>
</tr>
<tr>
<td>W. C. Phillips</td>
<td>Travis</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>Sec of State</td>
</tr>
<tr>
<td>W. D. Price</td>
<td>Travis</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>Bankruptcy Com</td>
</tr>
<tr>
<td>George R. Scott</td>
<td>Travis</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>District Judge</td>
</tr>
<tr>
<td>James Shaw</td>
<td>Travis</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>St Comptroller</td>
</tr>
<tr>
<td>E. B. Turner</td>
<td>Travis</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>Atty General</td>
</tr>
<tr>
<td>John D. McAdoo</td>
<td>Washington</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>Supr Crt Judge</td>
</tr>
</tbody>
</table>
party allegiance and local problems; instead, it was a question of national loyalty waged at the precinct level. To compel conformity to their secessionist sentiment, the recently formed state rights Knights of the Golden Circle practiced a combination of violence and social ostracism.

"Unionism was beginning for the first time," says Frank Smyrl, "to be equated with treason." Under such circumstances, only the very strong-minded continued the struggle to keep Texas in the Union.

28 Austin Southern Intelligencer, August 5, October 10, 1860, August 11, September 8, 1865; Marshall Texas Republican May 12, 1860; Smyrl, "Unionism in Texas, 1856-1861," pp. 177, 182; Winkler, Texas Imprints, 1846-1860, pp. 253, 259, 265-266; Proceedings of the Republican State Convention, 1864, p. 106; Winkler, Platforms of Political Parties in Texas, pp. 85-87, 117-121, 140-143, 154-157, 176-179; Galveston Flake's Semi Weekly Bulletin, July 10, 1867; Proceedings of the Republican State Convention, 1868, pp. 2-6; Daily Austin Republican, May 18, 19, 1869; Houston Union, June 9, 1869; Corpus Christi Nueces Valley, June 1, 8, 1872; Austin Daily State Journal, June 19, July 20, 1873; Houston Daily Telegraph, January 13-15, 1876; Casdorph, Republican Party in Texas, pp. 249-250; Texas Almanac, 1868, pp. 220-224; (1869), 182, 186, 190-204, 222, 228; (1870), 217, 225; (1871), 219, 230, 233, 236, 245; (1873), 223; Webb, editor, Handbook of Texas, I, 606-609, 760, II, 901; Membership of the Legislature of Texas, pp. 57-76; Lelia Clark Wynn, "A History of the Civil Courts in Texas," LX (July, 1956), 17, 21; Frank Brown, "Annals of Travis County and the City of Austin, from the earliest times to the close of 1875," (1868), p. 32; Election Register, 1866-1870, Texas State Archives, Austin, Texas.

29 Smyrl, "Unionism in Texas, 1856-1861," p. 185. For an indication of the great contrast in the voting pattern within an individual county, see J. Lee and Lillian J. Stambaugh, A History of Collin County, Texas (Austin, 1958), p. 64; and Leonie Rummel Weyand and Houston Wade, An Early History of Fayette County (LaGrange, Texas, 1936), p. 245.

30 Newcomb, Secession Times in Texas, p. 7

Nonetheless, the Unionists campaigned vigorously in some areas, particularly where they received less than a volatile reception, first against the calling of a state convention and then against secession. Travis County was sorely divided over the issue, but the vigorous Unionist leadership in that area convinced the majority that secession, at least at that time, was unwise. Union demonstrations and mass meetings continued until the secession vote, and conclaves were held thereafter both in the state capital and in the surrounding anti-secessionist German counties.\footnote{A petition circulated in the North Texas counties, composed largely of small farmers of upper southern and midwestern origin, advocated secession from the state in the event Texas withdrew from the Union.} 

Unionists extraordinarily active during this period were the legislators and newspapermen. Representatives M. L.

Armstrong, John L. Haynes, and Robert H. Taylor mailed circulars to their constituencies defending their unpopular Unionist positions. Editors J. P. Newcomb of the San Antonio Alamo Express, A. B. Norton of the Austin Southern Intelligencer, Fred W. Miner of the Paris Press, Ferdinand Flake of the Galveston Die Union, Theodore Hertzberg of the San Antonio Texas State Zeitung, E. W. Kinnon of the Belton Independent, and E. J. Foster of the Sherman Patriot propagated the dangers of secession. Finally, mobs destroyed the Newcomb and Flake presses; Hertzberg, Norton, and Newcomb fled into exile; and Foster was murdered. After the war, Newcomb, Miner, Norton, and Flake published Republican newspapers, and Hertzberg became a leading Republican spokesman in the German community.

34 Winkler, Texas Imprints, 1846-1860, p. 251; Ernest W. Winkler, Checklist of Texas Imprints, 1861-1876 (Austin, 1963), p. 21; John L. Haynes, Address to the People of Starr County (Austin, n.d.), an imprint in the John L. Haynes Papers, University of Texas Archives, Austin, Texas.

Although the secession movement was revolutionary (over one-third of the counties were not represented in the Secession Convention), the Legislature's vote approving the independently called convention left little doubt of its popularity: only five senators and nine representatives disapproved. Two weeks later, the Secession Convention voted its approval of a secession ordinance by a vote of 166 to 8; a referendum was set for February 23 to decide the fate of the enactment.\(^{36}\) Dramatizing the solemnity of rebellion, the Unionist legislators and delegates on February 6 issued an "Address to the People of Texas," entreatiing Texans to reject secession. The list was signed by four senators, fourteen representatives, and six delegates.\(^{37}\) Over half of those lawmakers are easily identifiable as postwar Republican leaders. (See Table III for their role during Reconstruction.)

\(^{36}\) Tatum, Georgia Lee, Disloyalty In The Confederacy (Chapel Hill, 1934), pp. 11-12; Smyrl, "Unionism in Texas, 1856-1861," p. 189; American Annual Cyclopaedia and Register of Important Events, 1861 (New York, 1862), p. 688.

As is apparent from the vote, 46,129 for withdrawal from the Union and 14,697 against, popular sentiment clearly lay with the secessionists. Analysis indicates that the preponderance of the Unionist vote came from two areas: North Texas, with a high percentage of small farmers and a low ratio of slaves, and Central Texas, with a high proportion of Germans who owned virtually no slaves. In addition, a scattering of counties in central and eastern Texas voted a higher percentage against secession than did the state as a whole (22.4 per cent).

Actually, the socioeconomic basis for the 1861 political division had existed since statehood, emerging partially from differences in the geographical environment of Texas. Those counties of northern Texas, where cotton was relatively unimportant, encompassed few slaves, exhibited greater crop diversification, and contained smaller landholdings. Moreover, their chief sources of population had stemmed from the border and midwestern states, and insofar as wealth was concerned, the possessions of the populace were paltry; consequently, there developed no great economic class contrast.

---

38 Winkler, editor, Journal of the Secessionist Convention, pp. 90.

39 Ibid., pp. 88-90.

Almost all were prairie farmers, somewhat resentful of the "planter" classes to the south, who maintained a stranglehold on state politics. Unquestionably, the prairie farmers' anger was stirred by the "planter law" of 1858, in which a "planter" dominated legislature allowed a settler to preempt 160 acres of the public domain for each three slaves which he owned. In brief, the North Texas farmer believed the planter to be overrepresented in, not sufficiently taxed by, and highly subsidized through state government.

Several factors alienated the German settlers, who flocked to Central Texas during the 1848 revolutionary era, from the mainstream of the Deep South-oriented political world which they found in Texas. Considering the liberal idealism of numerous German leaders, it is not surprising that they clashed with their Anglo neighbors over such issues as slavery, Sunday laws, and temperance legislation. An 1854 Texas State Convention of Germans at San Antonio declared slavery "an evil, the abolition of which is a requirement of democratic principles." Granted, the convention recommended that abolition be left to the individual states, but the mere pronouncement of abolitionist sentiment triggered turbidity in the Anglo community. So disconcerting were the abolitionist

---

editorials of Adolf Douai in the San Antonio Zeitung that he was compelled to leave Texas for the North, where he soon became a leader in the creation of the Republican party. Most Germans acquiesced in condoning slavery as a temporary labor system, but they believed the peculiar institution morally indefensible. To say the least, slave ownership was not prestigious in the German community, nor was it accounted evidence of success.  

Doubtless, a correlation existed between the Unionist vote in 1861 and the persistence of white Republicanism in some sections of the state during Reconstruction. A comparison of those counties registering a higher percentage against secession than the state as a whole (22.4 per cent), with those counties where Republican votes in 1872 exceeded by over ten per cent the Negro population, lucidly illustrates the lasting effects of prewar Unionism. Figure 1 suggests that with the exception of the Rio Grande area vote (controlled at that time almost entirely by Anglo leaders), the Unionist vote of 1861 and the white Republican vote in 1872 broadly followed the same pattern. Moreover, since little carpetbag

---

44 Pornell, The Galveston Era, pp. 151-152; Meinig, Imperial Texas, pp. 53-54.
45 The statistics utilized in Figure 1 are derived from the secession vote in Winkler, editor, Journal of the Secession Convention of Texas, pp. 88-90; and for the white Republican votes in 1872, this writer is indebted to Allen W. Trelease, "Who Were the Scalawags?" Journal of Southern History, XXIX (November, 1963), 459.
COUNTIES VOTING A HIGHER PERCENTAGE THAN THE STATE AS A WHOLE (22.4%) IN 1861 AGAINST SECESSION

COUNTIES IN WHICH REPUBLICAN VOTE EXCEEDS BY 10% NEGRO POPULATION IN 1872 ELECTION
leadership was available at the local level, the blacks, providing the necessary votes for the Republican dominated Constitutional Convention of 1868-1869 and for the Davis regime, were led by old-time Texas Unionists.

On the heels of the secession vote, Unionists began organizing Union Leagues with the intention of winning the August, 1861 election for the governorship and the legislature. Thus, they would have "secession undone, the State re-revolutionized through the peaceful means of the ballot box." Two factors, however, paralyzed further organization: a requirement that public officials take a loyalty oath to the Confederacy, and the firing upon Fort Sumter.

Consequently, Unionists were forced to re-evaluate their position. Many, such as State Senator James W. Throckmorton, reluctantly bowed to the "new order"; others, however, refused to show obeisance. Some (notably those beyond conscription age) simply endeavored to divorce themselves from public life. A few from every part of the state fled: W. W. Mills of El Paso, Reading Black of Uvalde, Wesley Ogden of Bexar, J. W. Talbot of Williamson, Thomas H. Duval of Travis, I. B. McFarland of Fayette, C. B. Sabin of Harris, S. W. Summer of Grayson, L. D. Evans of Harrison. Most of these fugitives crossed over into Mexico or sailed to New Orleans in the wake

46 Newcomb, Secession Times in Texas, pp. 9-10.
of its capture by the Union; some trekked to California; others sought asylum in Missouri; many simply returned to their northern home states.47

At the close of the war, these refugees returned to their adopted state and most resumed the public careers they had abandoned during the rebellion. Table III lists examples of refugees and other wartime Unionists who were not, insofar as can be ascertained, Constitutional Unionist party members in 1860. This is not meant to preclude, however, the eventuality that some of these men might well have belonged to the Constitutional Unionist party in 1860. Be that as it may, the correlation between the Unionism of these men and their later Republicanism appears evident.

Sundry manifestations of resistance continued in those areas having a heavy Union vote in February, 1861. Sentiment in Sherman forced secessionists to guard the new Confederate flag atop the courthouse, to prevent its being replaced by the "Stars and Stripes."48 More drastic measures were taken


<table>
<thead>
<tr>
<th>Name</th>
<th>County</th>
<th>Del Rep Conv Natl St</th>
<th>Mem St Ex Res Com</th>
<th>Del Const Conv 1866</th>
<th>1868</th>
<th>Member State Legislature 11th 12th 13th</th>
<th>Other Positions</th>
</tr>
</thead>
<tbody>
<tr>
<td>R. R. Paebles</td>
<td>Austin</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td>Customs Coll</td>
</tr>
<tr>
<td>Wesley Ogden</td>
<td>Bexar</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td>Supr Crt Judge</td>
</tr>
<tr>
<td>Thomas Strobing</td>
<td>Bexar</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>District Judge</td>
</tr>
<tr>
<td>M. Priest</td>
<td>Cherokee</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td>District Judge</td>
</tr>
<tr>
<td>A. L. Darnell</td>
<td>Collin</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>Rep Editor</td>
</tr>
<tr>
<td>J. W. Thomas</td>
<td>Collin</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>Postmaster</td>
</tr>
<tr>
<td>W. W. Mills</td>
<td>El Paso</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>Customs Coll</td>
</tr>
<tr>
<td>B. G. Shields</td>
<td>Falls</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>Customs Coll</td>
</tr>
<tr>
<td>Robert H. Taylor</td>
<td>Fannin</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>St Comptroller</td>
</tr>
<tr>
<td>I. E. McFarland</td>
<td>Fayette</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>District Judge</td>
</tr>
<tr>
<td>C. C. Binkley</td>
<td>Grayson</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>District Judge</td>
</tr>
<tr>
<td>A. M. Bryant</td>
<td>Grayson</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>County Judge</td>
</tr>
<tr>
<td>F. W. Summer</td>
<td>Grayson</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>IRS Assessor</td>
</tr>
<tr>
<td>C. B. Sabin</td>
<td>Harris</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>District Judge</td>
</tr>
<tr>
<td>S. D. Wood</td>
<td>Harrison</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>Rep Editor</td>
</tr>
<tr>
<td>L. W. Cooper</td>
<td>Houston</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>District Judge II</td>
</tr>
<tr>
<td>A. T. Monroe</td>
<td>Houston</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>Supv Ed Dist II</td>
</tr>
<tr>
<td>Hardin Hart</td>
<td>Hunt</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>District Judge</td>
</tr>
<tr>
<td>P. W. Miner</td>
<td>Lamar</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>Rep Editor</td>
</tr>
<tr>
<td>Richard Pettersen</td>
<td>Lamar</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>District Atty</td>
</tr>
<tr>
<td>C. C. Caldwell</td>
<td>Marion</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>Supr Crt Judge</td>
</tr>
<tr>
<td>Don Campbell</td>
<td>Marion</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>County Judge</td>
</tr>
<tr>
<td>A. H. Latimer</td>
<td>Red River</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>Supr Crt Judge</td>
</tr>
<tr>
<td>Wm. Alexander</td>
<td>Travis</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>Atty General</td>
</tr>
<tr>
<td>Thomas H. Duval</td>
<td>Travis</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>U S Judge</td>
</tr>
<tr>
<td>J. W. Talbot</td>
<td>Williamson</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>Supv Ed Dist XI</td>
</tr>
</tbody>
</table>
in Cooke County: sixty-five members of the "Peace Party," a short-lived organization dedicated to Unionism and resistance to Confederate conscription, met their deaths while swinging from the hangman's noose. 50 Even mass executions, however,


50 Thomas Barrett, The Great Hanging at Gainesville, Cooke County, Texas, October, A. D. 1862 (Gainesville, 1885); Webb, editor, Handbook of Texas, II, 348; Claude Elliott, Leathercoat: The Life of James W. Throckmorton (San Antonio, 1938), p. 74; Landrum, Grayson County, p. 66.
did not discourage hundreds of Unionists, deserters, and draft dodgers from hiding along the Red River.  

In several counties where the German population was in the majority, there was open resistance to Confederate demands. In Blanco County according to one witness, "As long as they only evaded the Confederate service, they met with more or less sympathy." But unwilling to precipitate personal or community reprisals, most Germans served the Confederacy. However, as later events revealed, the true sentiment of the German community was exemplified by those in the minority who refused allegiance to the Confederate government or to its army. German Unionists printed peace pamphlets, circulated petitions encouraging draft evasion, organized Union Leagues, and evaded the draft by fleeing to Mexico, hiding in the woods, taking to the brush, or disguising themselves in female apparel. Further, they tampered with Confederate mail, refused to take the Confederate loyalty oath, and in countless other ways frustrated the state's will to commandeer them for the war effort.

---


53Lonn, Foreigners in the Confederacy, pp. 424, 431; Webb, editor, Handbook of Texas, I, 684; Corrie Pattison Haskew,
Close examination reveals that the German wartime resistance leaders subsequently became Republican politicians and civil servants; in these ranks were Edward Degener and Reinhart Hilderbrand, imprisoned for Unionist activity; Theodore Hertzberg and Jacob Kuechler, forced into Mexican exile; Fritz Tegener, "Union League" leader, seriously wounded by Confederate troops; Robert Zapp, who according to a Confederate official committed "treasonable acts"; and Adolph Zoeller, Henry C. Lochte, and Phillip Branback, who fought as officers in the Union army. Their relationship, together with that of other Germans to the Texas Republican party, can be found in Table IV. Note that several German Republicans served in Texas legislative bodies.


54 Haskew, Austin and Waller Counties, p. 117; San Antonio Daily Express, April 30, 1893, clipping in the Jacob Kuechler Papers; Williams and Sansom, Massacre On The Nueces River, p. 36; Elliott, "Union Sentiment in Texas, 1861-1865," p. 471; Weyand and Wade, Fayette County, p. 256; Ransleben, Comfort in Texas, p. 81; Webb, editor, Handbook of Texas, I, 482; Muster Rolls of the First and Second Cavalry in the Union Army, Texas State Archives, Austin, Texas.
<table>
<thead>
<tr>
<th>Name</th>
<th>County</th>
<th>Del Rep Conv</th>
<th>Mem St</th>
<th>Del Const Conv</th>
<th>Member State Legislature</th>
<th>Other Positions</th>
</tr>
</thead>
<tbody>
<tr>
<td>R. Hilderbrand</td>
<td>Austin</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td>County Assessor</td>
</tr>
<tr>
<td>Theo Goldbeck</td>
<td>Bexar</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td>District Clerk</td>
</tr>
<tr>
<td>Theo Kertzberg</td>
<td>Bexar</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td>Immigration Agent</td>
</tr>
<tr>
<td>C. N. Riote</td>
<td>Bexar</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>Rep Editor</td>
</tr>
<tr>
<td>A. Siemering</td>
<td>Bexar</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>San Antonio Mayor</td>
</tr>
<tr>
<td>Wm. Thielepape</td>
<td>Bexar</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>Voter Registrar</td>
</tr>
<tr>
<td>F. Schlickum</td>
<td>Cameron</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td>Postmaster</td>
</tr>
<tr>
<td>R. P. Tendick</td>
<td>Colorado</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
</tr>
<tr>
<td>Dan Murchison</td>
<td>Comal</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>Lt Col St Guard</td>
</tr>
<tr>
<td>F. E. Grothous</td>
<td>DeWitt</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>County Judge</td>
</tr>
<tr>
<td>H. Teichmueller</td>
<td>Fayette</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td>Supt Co Schools</td>
</tr>
<tr>
<td>Robert Zapp</td>
<td>Fayette</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td>Rep Editor</td>
</tr>
<tr>
<td>Ferdinand Flake</td>
<td>Galveston</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>Land Comr</td>
</tr>
<tr>
<td>Jacob Kuechler</td>
<td>Gillespie</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td>Immigration Comr</td>
</tr>
<tr>
<td>Fritz Tegener</td>
<td>Gillespie</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td>Congressman</td>
</tr>
<tr>
<td>J. Reinhart</td>
<td>Grimes</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>Paris Mayor</td>
</tr>
<tr>
<td>Gustav Leeffler</td>
<td>Harris</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>Groesbeck Mayor</td>
</tr>
<tr>
<td>Edward Degener</td>
<td>Kendall</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td>Clarksville Mayor</td>
</tr>
<tr>
<td>G. O. Greiner</td>
<td>Lamar</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td>County Judge</td>
</tr>
<tr>
<td>N. M. Shoemaker</td>
<td>Lavaca</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>B. F. Youngkin</td>
<td>Lavaca</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Adolph Zadeck</td>
<td>Limestone</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Francis Kettner</td>
<td>Mason</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>C. F. Greiner</td>
<td>Red River</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Julius Schuetze</td>
<td>Travis</td>
<td>X</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>J. J. Lieb</td>
<td>Washington</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
The political effects of the war in the German counties almost immediately became apparent. Although the Germans had adhered to the Democratic party in the mid-1850's, particularly because of the anti-foreigner stance of the Know-Nothing, they allied with other Unionists to elect Sam Houston governor in 1859. Opposed to secession in 1861 and still smarting from the blows of their wartime treatment, during Reconstruction "the Germans joined the Republican party en masse." 56

Democrat politicians in Comal, a prewar Democratic community, soon felt the political repercussions of the war. Upon his return to New Braunfels, Frederick J. Waelder, a German Democrat, "was received with cat calls and burned in

55 Ibid.; Webb, Handbook of Texas, I, 609, 975; II, 580; Chabot, Makers of San Antonio, pp. 380-381, 399, 404; Paul D. Casdorph, "Texas Delegations to Republican National Conventions, 1860-1896," unpublished master's thesis, Department of History, University of Texas, 1961, p. 216-217; F. Lotto, Fayette County, pp. 303-304; Fornell, The Galveston Era, pp. 150-151; Moore, Reading Black, p. 18; Casdorph, Republican Party in Texas, pp. 249-250; Winkler, Platforms of Political Parties in Texas, pp. 95, 117-121, 140-143, 154-157, 176-179; Blake's Semi Weekly Galveston Bulletin, July 10, 1867; Proceedings of the Republican State Convention, 1868, pp. 2-5; Daily Austin Republican, May 18, 19, 1869; Houston Union, June 9, 1869; Corpus Christi Nueces Valley, June 1, 8, 1872; Austin Daily State Journal, July 19, 20, 1873; Houston Daily Telegraph, January 13-15, 1876; Texas Almanac, (1867), pp. 182-187; 203-204; (1868), 220-224; (1869), 182, 186, 190-204, 222, 228; (1870), 217, 225; (1871), 219, 230, 233, 236, 245; (1872), 119, 200; (1873), 22, 57-58, 104, 223; Membership of the Legislature of Texas, pp. 57-76; Election Register, 1866-1870, Texas State Archives, Austin, Texas.

effigy." In July, 1866, J. J. Groos, a Civil War county official, stated that at one time he "could have had any office in the county; but now... [he] could not have the position of a constable." 57

Some 2,132 white Texans and 47 black Texans, soldiering in the Union army during the Civil War, composed another group which occupied a significant place in the early Republican party. 58 The highest rank attained by a Texan in the Union army was brigadier general; two men received this honor: A. J. Hamilton, appointed by President Lincoln in 1863 as military governor of Texas; and Edmund J. Davis, a former district judge in the Rio Grande Valley, who left the state in May, 1862. One Texan, former State Representative John L. Haynes of Starr County, received the rank of colonel. 59


59 Waller, Colossal Hamilton, pp. 51-55; Smyrl, "Texans in the Union Army, 1861-1865," p. 239.
Actually, General Hamilton's duties were civil—planning the restoration of a loyal government in Texas—rather than military. Indeed, at times his activities seemed purely political; in 1864, for example, he campaigned in the North for Lincoln's reelection. On the other hand, General Davis raised the primary group of Texas Union soldiers—the First Texas Cavalry—which from a view of the muster roll, seemingly numbered about three Mexicans and two Germans for every Anglo. These troops, which for most of the war were stationed in New Orleans, saw action in Louisiana and along the Rio Grande.

In addition to the Texas Cavalry Volunteers under Davis and Haynes, a number of Texans served in Union units from California to Virginia. Martin Hart, one of four senators who voted against approval of the Secession Convention, raised a Hunt County company ostensibly to fight "Yankees," but instead, they proceeded to Missouri where they joined the Union army. These same men later fought in Arkansas. Evidently, Hart's troops were not the only North Texas boys who fought for the Stars and Stripes; the 1880 Grayson

60. Waller, Colossal Hamilton, pp. 54-55.


62. Landrum, Grayson County, pp. 70-71.
County census lists the names of over 450 persons who received Civil War pensions from the United States Government. Many, of course, came to the county after the war, but others were descendants "of some thoroughly established pioneer families."63

Certainly, the camaraderie of those three years in the Union army continued into a later period. Upon company disbandments in 1865, some of the more capable veterans were rewarded with federal or state positions. A number of them regularly attended Republican state conventions in the 1860's, 1870's and 1880's; in a few cases, they served on important party committees and were delegates to the party's national convention. Veterans organized the Texas branch of the Grand Army of the Republic and continued to hold state-wide meetings into the 1880's.64 In 1870 the group appeared in Austin to help celebrate the inauguration of Governor Davis.65 Table V demonstrates that these men and other Texas Union veterans were not without considerable influence in the Republican party.

63 Ibid., pp. 69-70.
65 Galveston Daily News, April 29, 1870.
### TABLE V: EXAMPLES OF TEXANS IN THE UNION ARMY, 1861-1865, WHO BECAME REPUBLICANS, 1865-1876

<table>
<thead>
<tr>
<th>Name</th>
<th>Rank</th>
<th>Del Rep Conv Natl St</th>
<th>Del Rep Conv Ex Com</th>
<th>Del Rep Conv Res Comm</th>
<th>Del Const Conv 1866</th>
<th>Del Const Conv 1868</th>
<th>Member State Legislature 11th</th>
<th>Member State Legislature 12th</th>
<th>Member State Legislature 13th</th>
<th>Other Positions</th>
</tr>
</thead>
<tbody>
<tr>
<td>E. J. Davis</td>
<td>Brig Gen</td>
<td>X X</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td>Governor</td>
</tr>
<tr>
<td>A. J. Hamilton</td>
<td>Brig Gen</td>
<td>X X</td>
<td>x</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Governor</td>
</tr>
<tr>
<td>J. L. Haynes</td>
<td>Colonel</td>
<td>X X</td>
<td>x</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Customs Coll</td>
</tr>
<tr>
<td>G. W. Paschal</td>
<td>Lt Col</td>
<td>X</td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Supr Crt Repr</td>
</tr>
<tr>
<td>Jesse Stancil</td>
<td>Lt Col</td>
<td>X</td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>A. H. Longley</td>
<td>Major</td>
<td>X X</td>
<td>x</td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Rep Editor</td>
</tr>
<tr>
<td>F. L. Britton</td>
<td>Captain</td>
<td>X</td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Adj General</td>
</tr>
<tr>
<td>Phil Branbach</td>
<td>Captain</td>
<td>X</td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>IRS Collector</td>
</tr>
<tr>
<td>W. E. Oakes</td>
<td>Captain</td>
<td>X</td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>County Judge</td>
</tr>
<tr>
<td>J. W. Sansom</td>
<td>Captain</td>
<td>X</td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Postmaster</td>
</tr>
<tr>
<td>F. A. Vaughn</td>
<td>Captain</td>
<td>X</td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Customs Coll</td>
</tr>
<tr>
<td>C. W. Winn</td>
<td>Captain</td>
<td>X</td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Rep Editor</td>
</tr>
<tr>
<td>Adolph Zoeller</td>
<td>Captain</td>
<td>X</td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Supv Ed Dist XI</td>
</tr>
<tr>
<td>H. C. Hunt</td>
<td>1st Lt</td>
<td>X</td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Rep Editor</td>
</tr>
<tr>
<td>H. C. Lochte</td>
<td>1st Lt</td>
<td>X</td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Postmaster</td>
</tr>
<tr>
<td>Wm. D. Price</td>
<td>1st Lt</td>
<td>X</td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Bankruptcy Comr</td>
</tr>
<tr>
<td>W. J. Locke</td>
<td>2nd Lt</td>
<td>X X</td>
<td></td>
<td>x</td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Andrew Downing</td>
<td>Sergeant</td>
<td>X</td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Postmaster</td>
</tr>
<tr>
<td>F. L. Cleaves</td>
<td>?</td>
<td>X</td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>IRS Collector</td>
</tr>
<tr>
<td>James Henderson</td>
<td>?</td>
<td>X</td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>IRS Assessor</td>
</tr>
<tr>
<td>Oscar Hunsaker</td>
<td>?</td>
<td>X</td>
<td></td>
<td>x</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>St Union L Sec</td>
</tr>
</tbody>
</table>
Thus, an examination of Texas Unionism discredits past allegations that the early state Republican politicians were wanting in sincerity, experience, or regional awareness. Charges that these men were simply opportunists, making political fodder out of postwar depressed conditions, appear totally unwarrantable. On the contrary, these Unionists, who provided the indigenous foundation for the Texas Republican party, had proven the measure of their convictions prior to Reconstruction. Nor did they lack political or governmental experience. Numbered among the sampling used in this monograph were ex-state executives, congressmen, federal judges, Texas Supreme Court judges, several district and county judges, onetime members of the Legislature, and numerous state and local officials. Consideration of the previous careers of these early Republicans (commonly referred

66 Muster Roll of the First and Second Cavalry; Webb, Handbook of Texas, I, 759; Casdorph, "Texas Delegations," pp. 149-150; Casdorph, Republican Party in Texas, pp. 7, 249-250; Brewer, Negro Legislators of Texas, p. 56; Winkler, Platforms of Political Parties in Texas, pp. 95, 117-121, 140-143, 154-157, 176-179; Flake's Semi Weekly Galveston Bulletin, July 10, 1867; Proceedings of the Republican State Convention, 1868, pp. 2-6; Daily Austin Republican, May 18, 19, 1869; Houston Union, June 9, 1869; Corpus Christi Nueces Valley, June 18, 1872; Austin Daily State Journal, July 19, 20, 1873; Houston Daily Telegraph, January 13-15, 1876; Texas Almanac, (1867), 182-183, 203-204; (1868), 220-224; (1869), 182, 186, 190-204, 222, 228; (1870), 217, 225; (1871), 219, 230, 233, 236, 245; (1872), 119, 200; (1873), 22, 57-58, 104, 223; Membership of the Legislature of Texas, pp. 57-76; Election Register, 1866-1870; Wynn, "Civil Courts in Texas," pp. 17-21; Constitution of Union League of the State of Texas ("n.p.", 1867), p. 7.
to as Radicals) suggests quite strongly that such men would not quickly step back into the political shadows and fade away during Reconstruction.

In the Elisha Marshall Pease Papers, Austin Public Library, Austin, Texas; Austin Southern Intelligencer; E. J. Davis to J. P. Newcomb, October 6, 1869, James P. Newcomb Papers, University of Texas Archives, Austin, Texas; James Henderson to E. M. Pease, January 9, 1867, Elisha Marshall Pease Papers, Austin Public Library, Austin, Texas.
CHAPTER II

BIRTH OF THE TEXAS REPUBLICAN PARTY

Events of the summer of 1865 graphically demonstrate that Civil War Texans were far from being unstintingly unanimous in their loyalty to the Confederacy. In the heart of Central Texas New Braunfels Germans awoke on July 4 to the thunderous roar of cannon shots, and a short time later witnessed an Independence Day parade through their streets while a gigantic Union flag was being unfurled.¹ A few days later, San Antonio Negroes dramatically proclaimed their freedom by joining in a procession to hoist "a Yankee flag on the Alamo."² While at Sherman in North Texas a few overzealous Unionists moved to punish a local Confederate official for wartime acts.³ In August Edward Degener led a contingent of three hundred German Unionists to the site of the Battle of the Nueces River to gather the "bleached bones" of their youths who three years earlier had failed in a bid to escape Confederate conscription. Shrouded in saddened

¹Haas, History of New Braunfels and Comal County, p. 197.
²Brownsville Ranchero, July 28, 1865.
³Landrum, Grayson County, p. 70.
silence this somber cortege, assisted by a detachment of federal troops, collected the remains which were interred in a mass grave at Comfort, Texas, beneath the simple inscription, Treue Der Union. 4

Hundreds of Texas Unionist refugees embarked on the voyage home under the promise that United States troops would guarantee their lives and property. 5 Some came to reclaim federal government posts; others returned to assist in establishing a loyal provisional government; all journeyed to see their old homes and friends. 6 The First Texas Volunteer Cavalry (Union) under General Edmund J. Davis, a onetime Rio Grande Valley judge, sailed from New Orleans for its final assignment: to aid in the restoration of a loyal state government. A few weeks later, the blue-clad Texans were mustered out with the admonition not "to indulge in feelings of hate or revenge." 7

Four days after his July 21 arrival at Galveston in the company of several prominent Texas refugees, newly appointed Provisional Governor Hamilton issued a proclamation stating

4Hansleben, Comfort in Texas, pp. 93, 125.

5War of the Rebellion, Series 1, XLVIII, Part 2, 1031-1033.

6Brownsville Ranchero, June 20, 1865; Lynch, The Bench and Bar of Texas, p. 163; Houston Daily Telegraph, July 13, 1865.

7Undated newspaper clipping entitled, "Address of Colonel Haynes to 1st Regiment Texas Cavalry Vol., Camp Concepcion, Oct. 31st 1865," found in John L. Haynes Papers.
that prior to any election "suitable persons" would be appointed to the numerous county offices; that a constitutional convention would be convened as soon as "practicable"; and that Negroes were "not only free," but would be protected "in their freedom" by the government. Finally, he warned Texans that if the Negro was "treated as less than a freeman" by the impending state convention, Texas congressmen would "seek in vain admission to the halls of Congress." Meanwhile, he urged an early caucus of Unionists in Austin to apprise him of the state's condition.

Governor Hamilton, following his consultation with loyalist leaders in Austin, promulgated a series of proclamations. On August 19 he spelled out regulations for a forthcoming election of delegates to a constitutional convention. Following the appointment of judicial personnel, he issued an order on September 8 restoring the state judicial system. Among other provisions, this order required attorneys to take the amnesty oath before practicing law, and insisted that Negroes "be considered as on an equality with white men in respect to the punishment of crime." On November 15 Hamilton

8 Executive Record Book No. 281, in the Executive Records of Governor Hamilton, Texas State Archives, Austin, Texas. Hamilton had received word that planters were organizing to prevent the hiring of any Negro who had left his former master. See Hamilton to Andrew Johnson, July 24, 1865, Hamilton Papers, University of Texas Archives, Austin, Texas.

9 Executive Record Book No. 281, pp. 28-30; Brown, "Annals of Travis County," (1865), p. 34.

set the dates for the coming election of delegates as January 8, 1866, and the convening of the Convention as February 7. Then, on November 17 the governor deemed it necessary, because of a misunderstanding by some Texas blacks, to inform the freedmen that the United States government owned "no land in Texas," and that none would be "taken from white people" to give them. After being notified by his newly appointed county chief justices (county judges) of continued violence in the state, Hamilton authorized them on November 18 to appoint a police force composed of dependable citizens.

Hamilton, along with other Texas Unionists, warily contended that former secessionists should not be armed with political power. Union Leagues, which began appearing around the state, advocated that the people "vote for no man ..., who had ever by free acts of his own tried to overthrow the government." Registration of hotel guests, as enumerated in the Austin newspapers, indicate that a large number of Unionists (including many office seekers) accepted Governor Hamilton's invitation to visit with him. Hamilton also received a

---

15 See the available issues of Austin Southern Intelligencer for the months of July, August, and September, 1865, and Ramsdell, Reconstruction in Texas, pp. 58-59.
massive amount of correspondence concerning patronage; some in the form of petitions from "loyal citizens" requesting the appointment of certain county officers based upon their prior Union record. 16

Two longtime North Texas Unionists, James W. Throckmorton and B. H. Epperson, who with the advent of the war had supported the Confederacy, now sought to control Hamilton's appointments. Throckmorton and Epperson, probably the most influential politicians in their area of the state at that time, urged the Governor to retain temporarily all local officials and to immediately call for the election of delegates to a constitutional convention which would proceed to meet the necessary requirements for Texas' readmission to the Union. 17

Appraised from Hamilton's perspective, such hasty action seemed administratively and politically inappropriate. Indeed, for Hamilton to appoint his enemies and those he considered enemies of the nation to office would have been a disavowal of his wartime Unionism as well as politically suicidal. 18

Among the earliest appointees of Hamilton were those of his official family: Texas Supreme Court Judge James H. Bell as secretary of state; Austin attorney William Alexander as

---

16 Shook, "Federal Occupation of Texas, 1865-1870," pp. 159-160; Winkler, Checklist of Texas Imprints, 1861-1876, p. 231.
18 Ramsdell, Reconstruction in Texas, p. 63; Waller, Colossal Hamilton, pp. 55-56.
attorney-general; A. H. Latimer, a Red River County signer of the Texas Declaration of Independence, as state comptroller; and Sam Harris and Joseph Spence, both of Austin, for the respective posts of treasurer and commissioner of the general land office. Former governor Pease accepted chairmanship of a three man commission "to investigate . . . the condition of the State Treasury," and Morgan Hamilton, the governor's brother, accepted an assignment "to proceed to England" and claim United States bonds which belonged to Texas. 19

A roster comparison of Civil War county officials with Hamilton appointees in August and September of 1865 reveals that the Governor appointed local Union men where available. 20 One local historian describes the new Unionist Bell county commissioners as "men who theretofore stood well in our county though inconspicuous." 21 In some counties there was a clean sweep of all county officeholders; in other locales where capable Unionists either were difficult to find or non-existent, secessionists reputed to have "accepted the situation honestly" found their services in demand. 22

---


20 See lists of Hamilton appointees published in Austin Southern Intelligencer, August 11 and September 11, 1865, and list of 1864 county officers published in Texas Almanac (1865), pp. 45-47.

21 Tyler, History of Bell County, Texas, pp. 247-248.

22 Boethel, History of Lavaca County, p. 86.
The fledgling Texas Unionist group accurately was dubbed the "Hamilton-Pease party." Both Elisha M. Pease and Andrew J. Hamilton, each with a patron in Andrew Johnson's cabinet, merited consideration for the office of Provisional Governor of Texas. Secretary of Navy Gideon Welles recommended his old New England friend Pease, but, in the end, the President yielded to the preference of Secretary of War Edwin M. Stanton and appointed Hamilton. Pease warmly welcomed the returning Texas Congressman upon his Austin arrival to assume his post as the Lone Star State's chief executive, and the former governor became his old friend's closest advisor during the dire days of early Reconstruction. At that time many Texas leaders, reluctant to approach Hamilton directly, frequently sought patronage, endorsements for presidential pardons, or other behests through Pease.

During much of 1865-1866 Pease maintained daily contact with the onetime Union general whose hands now held the reins of state government, and it was his faithful counselor whom Hamilton favored for the governorship in the first postwar

23 Austin Southern Intelligencer, May 17, 1866; Elliott, Leathercoat; The Life of James W. Throckmorton, pp. 23-24.


general election. After Pease's defeat their personal and political friendship remained strong, and upon Pease's appointment by the military in 1867 as Provisional Governor, he named Hamilton to the Texas Supreme Court. While Pease generally appeared more moderate in outlook than Hamilton and was less subject to outbursts of so-called radicalism, a comparison of their stands on specific issues at any given time reveals practically no divergence of opinion.

It hardly seems an exaggeration to declare that the "Austin clique" under the leadership of Hamilton and Pease completely dominated Texas Republican policy prior to the fall of 1869. Aiding and advising the twosome were several prominent neighbors. Noteworthy among the group was Amos Morrill, Hamilton's former law partner and a fellow wartime refugee in New Orleans. Morrill and Pease came from similar backgrounds, both being descendants of old New England families, and for a period during the years 1865-1867, while his family temporarily was residing in the North, Pease moved from his Wood Lawn estate and boarded at the Morrill home. Politically active during the administrations of both Hamilton and Pease, Morrill received appointment as chief justice of the Texas Supreme Court in 1868.

---

26E. M. Pease to Carrie Pease, March 2, April 28, 1866, Elisha Marshall Pease Papers, Austin Public Library.

The perennial attorney-general, William Alexander, occupied that important post for all but a few months under all three Texas Republican administrations. Alexander was also the first president of the Texas Loyal Union League (1865-1866), an organization originally dedicated to Unionist protection and control, and subsequently to Negro suffrage. Erroneously branded a carpetbagger by some historians, Alexander was reputed by Pease to have been "a practicing Lawyer in Texas for upwards of twenty years . . . . a thorough Radical, one of the best educated men in the State . . . with few equals in his profession." 28

Morgan C. Hamilton, upon his return from England in 1866, wielded considerable influence in party affairs. The governor's brother, a onetime Austin merchant and an office-holder in Texas government during the days of the Republic, received the post of state comptroller in 1867 and in 1870 was elected to the United States Senate. 29

A politician of considerably greater stature than his lack of a state office would seem to indicate was former state

28 Webb, editor, Handbook of Texas, I, 27; II, 88; Barkley, History of Travis County, p. 304; E. M. Pease to General Charles Griffin, July 22, 1867, Elisha Marshall Pease Papers, Austin Public Library.

29 Webb, editor, Handbook of Texas, I, 760; Brown, "Annals of Travis County," (1865), p. 73; Executive Record Book No. 283, p. 36; Morgan C. Hamilton to A. J. Hamilton, Andrew Jackson Hamilton Papers, University of Texas Archives, Austin, Texas.
legislator and onetime colonel in the Union army, John L. Haynes. Haynes, a postwar resident of Austin, where he served as district collector of internal revenue, occupied an important niche in the Republican inner circle. He succeeded Alexander as president of the state's Loyal Union League, and was elected the first chairman of the state Republican executive committee in 1867.30

Among other Austinians closely associated with the Hamilton-Pease administrations were former Texas Supreme Court Justice James H. Bell, whom Hamilton appointed Secretary of State in 1865 and whose office was often the scene of early Radical meetings; Judge E. B. Turner, a member of General Hamilton's wartime staff, who became attorney-general in 1868; Dr. Beriah Graham, superintendent of the state lunatic asylum, who later served as state treasurer from 1872-1874; local attorney Joseph Spence, whom Elisha Pease appointed commissioner of the general land office; plus many other local figures of lesser political significance who actively helped formulate state and party policy.31


For the Austin Unionists their few months of triumph in the fall of 1865 were all too brief. The January, 1866, election for seats in the forthcoming constitutional convention, which allowed a candidate to run in any district, revealed quite clearly that most Texans still were unwilling to repudiate their former secessionist leaders. A substantial majority of those elected had supported secession, and when they assembled in February most were eager to institute only such adjustments as were absolutely essential to regain Texas admittance to the Union.\(^\text{32}\)

Although gravely disappointed with the composition of the convention, Governor Hamilton proceeded on February 10 to prescribe what he believed to be minimal requirements for restoration. The lawmakers must, the Governor contended, explicitly express the illegality of secession, willingly recognize the nation's right to abolish slavery, and forthrightly void the state debt incurred in supporting the unlawful rebellion. Moreover, Hamilton reiterated his previous warning that any attempt to deprive the freedmen "of the actual fruits of liberty . . . would meet with resistance from the Congress of the United States." Finally, he advised the granting of full civil rights to the Negro, which should ultimately include the regulation of voter qualifications in the future "by rules of universal application."\(^\text{33}\)

\(^{32}\)Galveston \textit{Flake's Daily Bulletin}, February 14, 1866.

\(^{33}\)Executive Record Book No. 281, pp. 161-169.
The fate of Hamilton's proposals was fairly well predetermined by the January convention election, where these issues were fought out at the district level. Nonetheless, the convention, bringing together the state's leading Unionist Radicals for an extended period, proved of vital importance to the adherents of the Hamilton-Pease faction, and should be considered a major step toward the initial formation of the Texas Republican party. The twenty-three so-called Radicals united around two major issues: the ab initio ordinance, which would have declared secession void from the beginning; and full civil rights for the freedmen, including the right to testify in cases involving blacks or whites.

In addition, a majority of the Radicals favored an ordinance allowing the legislature to divide Texas into two states, and a small minority advocated immediate qualified Negro suffrage.

34 Delegates who attended the Radical caucus are listed in Winkler, Platforms of Political Parties in Texas, p. 95 as follows: Albert H. Latimer of Red River; I. A. Paschal and Edward Degener of Bexar; X. B. Saunders of Bell; A. P. McCormick of Brazos; F. J. Parker and J. B. Thomas of Cameron; G. C. Benge of Cherokee; Daniel Murchison of Comal; W. P. Bacon of El Paso; B. G. Shields of Falls; Robert H. Taylor of Fannin; Humbleton Ledbetter ofayette; L. B. Camp of Goliad; Hardin Hart of Hunt; W. M. Varnell of Jackson; M. L. Armstrong and A. Smith of Lamar; S. M. Young of Llano; James E. Ranck of Mason; J. W. Flanagan of Rusk; Edmund J. Davis of Webb; A. P. Shuford of Wood.

Radical warnings concerning congressional retribution failed to faze the Conservative-dominated convention. It acknowledged only that slavery had been destroyed "by force of arms," and the convention obdurately neglected to guarantee Texas freedmen any but the most elementary rights: "the right to contract and be contracted with; to sue and be sued; to acquire, hold, and transmit property," and to testify in cases involving Negroes. Convention strategy appears to have been simply to table numerous matters for deliberation at a later date by another legislative body, seeking by this adroit sidestepping of issues to avoid erecting any unnecessary barriers to readmission. However, the Conservatives did rally to protect themselves and their political future by adopting laws excluding from punishment all those who acts were committee under Confederate authority, and strove to avoid carpetbag influence by establishing a five year residential requirement for future legislators.

Shortly before adjournment Radicals, who had been caucusing regularly during the session, extended to A. J. Hamilton their nomination for governor in the approaching


June general election. The former Union general declined the honor, however, and two weeks later the Radicals named a slate headed by ex-governor Pease, who himself believed that he lacked even the most remote chance of being elected. In their platform Radical Unionists branded secession unconditionally illegal and declared that the "unnecessary and unhappy war" had brought "suppression" and "poverty." Furthermore, they condemned those who would "pursue such a course in the future as . . . would justify what . . . had been done in the past," and affirmed their readiness to "fully recognize the supremacy of the Constitution of the United States, and of the laws made in pursuance thereof." The Conservative party, controlled by secessionists but containing a number of "soft Unionists," nominated for governor James W. Throckmorton, the chairman of the constitutional convention. Emphatically endorsing the policies of President

Ramsdell, Reconstruction in Texas, p. 108; Elliott, Leathercoat; The Life of James W. Throckmorton, pp. 119-120; Winkler, Platforms of Political Parties in Texas, p. 95; E. M. Pease to Carrie Pease, May 8, 1866, Elisha Marshall Pease Papers, Austin Public Library. The original nominees of the Radical caucus (B. H. Epperson and William E. Jones declined their nominations) were as follows: Governor, E. M. Pease of Travis; Lieutenant Governor, B. H. Epperson of Red River; Attorney-General, C. C. Binkley of Grayson; Comptroller, James Shaw of Burleson; Treasurer, Sam Harris of Travis; Commissioner of the General Land Office, F. M. White of Jackson; and Judges of the Texas Supreme Court, William E. Jones of Bexar, James H. Bell of Williamson, C. C. Caldwell of Grimes, William Stedman of Rusk, and William H. Johnson of Lamar.

Winkler, Platforms of Political Parties in Texas, pp. 96-97.
Johnson, Conservatives condemned the Radical wing of the national Republican party, and professed opposition to the "inconsiderate elevation of the negro to political equality." 

Although the June, 1866, election results never were really dubitable, the accompanying verbal sparring did provide ample opportunity for cementing political factions and for airing some important issues such as qualified Negro suffrage and support for the education of black children out of the available state school fund. In courting public support, Pease kept the tone of his speeches moderate. Nonetheless, he announced himself as favoring the vote for all blacks who could read and write and for state support from the available school fund for the education of Negro children. Contrariwise, Throckmorton publicly announced his opposition to Negro suffrage "qualified or otherwise" and his opposition to sharing the school fund with Negro children.

---


41 Eugene C. Bartholomew Diary, June 10, 1866, Eugene C. Bartholomew Papers, Austin Public Library, Austin, Texas; Austin Southern Intelligencer (Extra), May 1, 1866; Elliott, Leathercoat: The Life of James W. Throckmorton, p. 129; John H. Potts to E. M. Pease, July 7, 1866, Elisha Marshall Pease Papers, Austin Public Library.

42 Dallas Weekly Herald, June 16, 1866.
Seemingly, the Texas political alignment had altered remarkably little since 1861, fewer than a thousand votes marked the difference between the vote against secession and the vote received by Pease in 1866. The conservative Throckmorton received 49,277 votes to 12,168 for Pease. An even worse disaster, insofar as the Radicals were concerned, was the election of a conservative legislature composed almost entirely of former secessionists. The House membership numbered only five avowed Republicans and the Senate only two.\(^4\)

With mounting trepidation the Radicals viewed the spiraling of events: political defeat, persecution, and patronage to the rebels. Increasingly, they came to envision their future as dismal indeed. One legislator who had opposed secession in 1861, L. B. Camp, believed the new lawmakers "incapable of meting out justice by reason of their unpardonable prejudice."\(^4\)

Reports soon appeared of Union men leaving the state, others selling out in preparation for an exodus, while still others stated that they could remain in their locales only with the protection of federal troops. One military commander stationed in Central Texas forecast

\(^4\)E. M. Pease to Carrie Pease, June 22, 1866, Elisha Marshall Pease Papers, Austin Public Library; Ramsdell, Reconstruction in Texas, pp. 112, 114; American Annual Cyclopaedia (1866), p. 742.

\(^4\)L. B. Camp to E. M. Pease, July 8, 1866, Elisha Marshall Pease Papers, Austin Public Library.
that it probably would be necessary to retain federal troops in the state five more years for the protection of Unionists.\(^4^5\) Morgan Hamilton, recently returned from England, contended after observing six months of Unionist persecution that "stealing was the only crime ... for which a known Rebel could be punished."\(^4^6\) Some Texas Radicals sincerely believed a resurgence of Civil War, under President Johnson’s leadership of a secessionist-copperhead faction, a distinct possibility. Other Radicals complained of patronage and federal contracts awarded secessionists who only a few months earlier had been in rebellion against the Union. Particularly irrational and grating to Austin Radicals was the State Department’s selection of the State Gazette, edited by Jefferson Davis’ former private secretary, as one of the Texas newspapers authorized to publish the laws and treaties of the United States.\(^4^7\)


\(^4^6\) William Alexander to E. M. Pease, July 17, 1866, Elisha Marshall Pease Papers, Austin Public Library; M. C. Hamilton to A. J. Hamilton, January 8, 1867, Andrew Jackson Hamilton Papers, University of Texas Archives, Austin, Texas.

\(^4^7\) E. J. Davis to E. M. Pease, July 14, 1866; T. H. Duval to E. M. Pease, August 9, 1866; William Alexander to E. M. Pease, September 6, 1866; John L. Haynes to E. M. Pease, November 27, 1866, Elisha Marshall Pease Papers, Austin Public Library.
The Radicals pondered numerous solutions for their dilemma, all of which seemingly required congressional action. Indeed, from the outset, Texas Radical leaders had believed it within congressional prerogative to determine Reconstruction policy, and Governor Hamilton had written President Johnson that he hoped "Congress when it meets will give such early indications of what it expected of the people of the south."  

General E. J. Davis, recently defeated for the state senate and denied a regular army appointment by President Johnson because his politics "stood in the way with that gentleman," advocated an immediate Radical movement for division of Texas along a line up the Brazos River to a point just west of Austin and due north to the Red River. He was convinced that creation of a loyal state in southwestern Texas would afford refuge to the overwhelming majority of Texas Unionists. Davis urged E. M. Pease, visiting at that time in Hartford, Connecticut, to attend the next session of Congress convening in December, 1866, and reminded him "that a very qualified right of suffrage for the negroes will not be of much service to them or to us."  

---

48 Galveston Flake's Weekly Bulletin, April 17, 1867; A. J. Hamilton to Andrew Johnson, November 24, 1865, Executive Record Book No. 281, pp. 133.  

49 William Alexander to E. M. Pease, July 17, 1866; E. J. Davis to E. M. Pease, July 14, November 24, 1866, Elisha Marshall Pease Papers, Austin Public Library.
It is quite likely that by the fall of 1866 Elisha M. Pease firmly adhered to the necessity of complete Negro suffrage. Pease, much impressed with the freedman's progress since emancipation (particularly his ability to learn), now felt that "without the ballot, the colored man would not enjoy his full civil rights during . . . that generation." Other Texas Radicals, while "prejudiced in favor of the white race," considered Negro suffrage essential in order to prevent the reenslavement of the Negro race; some Radicals simply accepted the fact that Unionists and Negroes were "natural allies . . . so long as the passions and prejudices aroused by the rebellion lingers in the hearts of the secessionists." With the electoral defeats of 1866, insofar as the Radicals were concerned, Washington—not Austin—was the center of their attention. Actually, a number of Texas Radicals had visited the nation's capital prior to their ignominious defeat and had returned bearing inauspicious accounts of President Johnson. Judge George W. Paschal, then engaged in the extremely lucrative Washington pardon brokerage business, reported that Johnson sought copperhead and secessionist

50 E. M. Pease to Carrie Pease, March 30, 1866, Elisha Marshall Pease Papers, Austin Public Library; Speech Delivered By Hon. E. M. Pease at Turner Hall, Galveston, Texas, July 12, 1880, Galveston Republican County Committee, 1880, p. 23.

support and regarded Radicals as disunionists.\textsuperscript{52} E. M. Pease in conversations with President Johnson and his old friend Gideon Welles in the winter of 1865-1866 warned them that federal protection would be required for Unionists to remain in Texas, but apparently the talks had little impact upon either confidant.\textsuperscript{53}

A second wave of Texas Radicals visited the North during the fall of 1866 to attend the Convention of Southern Loyalists assembling in Philadelphia on September 3. Among the Austin delegates were convention vice president E. M. Pease; resolutions committee chairman A. J. Hamilton; and G. W. Paschal; all of whom actively agitated for congressional reconstruction. Other Texas delegates were Captain A. J. Bennett and Judge J. H. Bell from Galveston; Judge C. B. Sabin and Judge D. J. Baldwin from Houston; and General E. J. Davis and John McLane of Corpus Christi. Subsequent to the Philadelphia convention's dissolution over the issue of Negro suffrage, a policy favored by the above mentioned delegates, many of the Texas Radicals descended upon Washington where they strenuously lobbied against the policies of President Johnson.\textsuperscript{54} The old secessionist O. M. Roberts, in his

\textsuperscript{52}E. M. Pease to Carrie Pease, January 20, 1866; George W. Paschal to E. M. Pease, February 26, 1866, Elisha Marshall Pease Papers, Austin Public Library; Waller, Colossal Hamilton, p. 79.

\textsuperscript{53}Beale, editor, Diary of Gideon Welles, II, 316, 568.

Washington conversations with Pease and Hamilton, found them equally radical, equally desirous that the southern states "be placed in the hands and under the control of loyal Southern men, without respect to color."55

Meanwhile, the conservative Texas legislators of 1866, in session from August to November, after electing two former Confederate supporters, O. M. Roberts and David G. Burnet, to the United States Senate, adopted several laws restricting the rights of Negroes, whom they defined as those persons having "one-eighth, or a greater portion of African blood."56 Notwithstanding a warning by Radical legislator Reading Black of Uvalde that "the people of the North intend to make . . . the vote a test of loyalty," the House, by a vote of seventy to five, and the Senate, with only one dissenting vote, refused to ratify the Fourteenth Amendment which was characterized as being "impolitic, unwise, and unjust." Then, the Legislature proceeded to pass "An Act Regulating Contracts for Labor."57 A few provisions of


56 Ramsdell, Reconstruction in Texas, p. 116; Gammel, editor, Laws of Texas, V, 988.

that legislation disclose the Legislature's answer to the
"Negro question."

All labor contracts shall be made with the heads of families; they shall embrace the labor of all the family . . . . They shall not be allowed to leave their place of employment . . . unless by consent of their employers. And it is the duty of this class of laborers to be especially civil and polite to their employer, his family and guests . . . .

All protests by the opposition that such laws would bring the wrath of a militant Congress were ignored. The Legislature continued passing legislation to create "devoted African." Any whites who were displeased with such laws were prevented from interfering under "An Act to provide for the punishment of persons tampering with, persuading or enticing away, harboring, feeding or secreting laborers or apprentices, under contract of service to other persons."

Further restricting the legal rights of blacks, the 1866 Legislature stated that no one "other than white men" could "serve on juries, hold office, or vote in any election."

A renewed public plea by former Confederate Postmaster General John H. Reagan that limited Negro suffrage be permitted fell on deaf ears. Negroes were allowed to testify only in cases "against a person who is a person of color; or where the offense" was "charged to have been committed against the

59 Ibid., V, 998-999.  60 Ibid., V, 1049-1050.
person or property of a person of color." And Negroes, who owned little or no property, were permitted to operate their schools with only those taxes "collected from Africans or persons of African descent." 62

In a ploy to stem any black political significance, the Legislature instituted a system not even allowed prior to the Civil War: the black population was to be discounted in the apportionment of representation in the legislature.

... and the whole number of representatives shall at the several periods of making such enumeration, as fixed by the Legislature and apportioned among counties, cities and towns according to the number of white population in each ... .63

Other than providing Negroes minimal rights, the secessionist-dominated body accorded the blacks, who composed one-fourth of the Texas population, very little. The Legislature did require railroad companies to attach a special car for accommodating blacks, and allowed the Board of Managers of the Lunatic Asylum to purchase land for the benefit of insane Negroes.

Radicals believed the legislation of 1866 a "fraud" whereby secessionists "pretended to abolish slavery . . . but passed . . . laws to render freedom to nullity."65 Doubtless,

63 Ibid., V, 863. 64 Ibid., V, 1015, 1125.
65 The Navasota Examiner and Grimes County Review, March 4, 1943, Biographical File of Edmund Jackson Davis, University of Texas Archives, Austin, Texas.
the laws present rather convincing proof that the lawmakers intended to reenslave the freedmen by legislative enactment. The Texas Almanac for 1867 embodies a collection of reports by Texas legislators describing conditions in their districts, and this issue of the Almanac is a revealing documentation of planter prejudices. As the Legislature primarily represented that thirty per cent of affluent Texans who had lost slaves, it reflected planter class views. Embittered planters charged that the freedmen were responsible for the state's economic difficulties because they refused to maintain their prewar work level.66

Fortunately, for the Negro, legislation enacted as a consequence of the prevailing attitude of conservative lawmakers was to be of short duration. By midsummer of 1866 Texas Radicals recognized the tremendous importance of the coming November congressional elections. Immediately upon learning of Radical triumphs in the northern states, Texas Radicals began anticipating possible evolution in the state's legal and political outlook.67 Even the military responded to the electoral repudiation of Johnsonian policy. In early


67 J. L. Haynes to E. M. Pease, October 1, 1866; Sam Earl to E. M. Pease, December 25, 1866; E. J. Davis to E. M. Pease, November 24, 1866, Elisha Marshall Pease Papers, Austin Public Library.
January, 1867, General Kiddoo, the assistant commissioner of the Freedmen's Bureau for Texas and former advocate of a somewhat conservative attitude toward race relations and the prevailing labor system, issued an order nullifying that portion of the Texas "black codes" dealing with labor contracts. Following his January investigation of the state prison at Huntsville, Captain William H. Sinclair, a Freedmen's Bureau inspector for Texas, issued a statistical report of crimes which had resulted in incarceration, sentences assigned, racial composition and home counties of the convicts. Captain Sinclair's investigation uncovered gross discrimination against the Negro before the bar of criminal justice. Soon after promulgation of the incriminatory report, several black inmates received pardons or a reduction of sentence.

Congress soon after convening assumed control of Reconstruction from President Johnson and initiated its own program. In the aftermath, Texas became a part of the Fifth Military District, whose commander, General Philip H. Sheridan, promptly announced that all governmental divisions in Texas, both local and state, were provisional only and "subject to be abolished, modified, controlled, or superseded." Under the congressional plan of Reconstruction Texas could

---

70 American Annual Cyclopaedia (1867), p. 114.
be admitted to the Union only after the election of a constitutional convention by an electorate composed of white and black males, excluding those ex-Confederates disfranchised by Congress or the Fourteenth Amendment. Subsequently, a majority of the electorate voting had to ratify the new constitution prior to its submission to Congress; and if the constitution met congressional approval, then the full rights of statehood would be restored.71

Unquestionably, the conservatives, and indeed most Texans, viewed the new legislation as a Radical attempt to demote them to a condition of territorial vassalage, but Texas Republicans interpreted the Reconstruction acts from an altogether different frame of reference. What to conservatives seemed an injustice, appeared to Texas Radicals as a just and wise policy. Elisha M. Fease, twelve years afterwards, summed up the Radical position regarding the reconstruction laws:

They meant to test the question, whether the government which had suppressed the rebellion could carry out, in good faith, the promises it had made to those who had aided and encouraged that government in the South. They meant to test the question, whether the government had the power to make citizens of the four million of slaves who had been emancipated as a result of the rebellion. They meant to test the question whether these freedmen were to live ... without taking any part in the operations of the government. They were meant to test the question, whether these freedmen

should be educated and raised to a condition that they could become useful to themselves and aid in sustaining the government in the future.\textsuperscript{72}

After the Negro received the suffrage, there was little question that in Texas, as elsewhere in the South, his vote would be utilized. Conservative action since 1865 certainly did not commend that party to the blacks. While it is more than a little doubtful that Texas Radicals believed in racial equality, at least as the term is understood today, their attitude toward the Negro was vastly different from that of most Texans. The Radicals believed in the freedmen's ability to progress, as well as to labor. Furthermore, they were willing to join ranks with him for mutual protection.\textsuperscript{73}

The local Unionist leagues, the newly organized Negro churches, and the Freedmen's Bureau schools (many of which were taught by young abolitionists) provided the foundation for the Texas division of the Union League of America whose headquarters were located in New York City. The avowed purpose of the secret society in Texas was "to maintain the Constitution . . . to thwart the designs of traitors and disloyalists; and to protect, strength, and defend all loyal men, without regard to sect, condition or party."\textsuperscript{74} Doubtless,

\textsuperscript{72}Speech By E. E. Pease, July 12, 1880, p. 4.

\textsuperscript{73}Galveston Flage's Daily Bulletin, February 13, 1866; undated newspaper clipping written by John L. Haynes, John L. Haynes Papers; T. Z. Duval to E. E. Pease, October 18, 1866, Elisha Marshall Pease Papers, Austin Public Library.

\textsuperscript{74}Constitution of Union League of the State of Texas (n.p., 1867), p. 1.
Radical Unionists believed this objective best could be achieved by Republican rule in Texas.

John L. Haynes, Grand President of the Texas council, headed a group of nine officers including six white Unionists and three Negroes, whose titles read like a list of local lodge potentates. In addition, Haynes received support from a five-man executive committee, members of which resided in Austin, site of the council's annual meeting on the first Monday in January. During the spring of 1867 local subordinate councils, varying in membership from two followers to over a thousand, sprang up throughout Texas, from the East Texas piney woods to the Uvalde County frontier.\(^75\)

Local Union League councils, upon payment of a five dollar fee to the treasurer of the state council, received a charter, blanks for monthly reports regarding "location, membership, officers, and such other particulars as . . . deemed important," and member handbooks containing a simple ritual for meetings and membership qualifications: "All loyal citizens of the age of eighteen years . . . and aliens who . . . declared their intention to become citizens."\(^76\)

\(^{75}\)Ibid., pp. 2, 4, 7; Nunn, Texas Under The Carpetbaggers, p. 15; Ramsdell, Reconstruction in Texas, p. 166; Webb, editor, Handbook of Texas, i, 167.

\(^{76}\)Constitution of Union League of the State of Texas, pp. 3–4.
One conservative Texan commented: "the meetings were held with closed doors, and members only were admitted . . . and white and colored met at the same time in the same room."\(^77\)

In general, local councils were organized by long time Texas Unionists, but there were exceptions. Among those Negroes who traveled the state circuit establishing Union League councils were Richard Allen and C. W. Bryant of Houston, and George T. Ruby of Galveston, an employee of the Freedmen's Bureau.\(^78\) Several other Bureau officers, including future state treasurer George W. Honey, future state superintendent of public instruction E. M. Wheelock, and future district judge Joseph Welch, also engaged in the founding of local councils.\(^79\) In addition, the national headquarters commissioned Carl Schutze, a Prussian born young man, to found councils in the predominately German counties of Central Texas.\(^80\)

\(^77\) Brown, "Annals of Travis County," (1867), pp. 4-5.

\(^78\) G. T. Ruby to J. P. Newcomb, July 1, 1869; Thomas H. Stribling to Whom it may concern, April 18, 1867, a letter of authorization for Richard Allen "to establish councils of the Union League of America throughout Texas" in James Pearson Newcomb Papers.

\(^79\) Joseph Welch to J. P. Newcomb, September 11, 1869, James Pearson Newcomb Papers. Not all of the Bureau officials by any means supported Negro suffrage. E. C. Bartholomew stated in April, 1866 that he was "down on Negro suffrage," and in October, 1869, described himself as being "opposed to Negro suffrage at all times and everywhere." See Eugene C. Bartholomew Diary, April 12, 1866 and October 1, 1869, Eugene C. Bartholomew Papers, Austin Public Library, Austin, Texas.

\(^80\) Proceedings of the Republican State Convention, 1884, p. 104.
The granting of suffrage for Texas blacks triggered attacks by the clandestine Ku Klux Klan, which avowed as its purpose: "... the protection of white women and of property."\(^1\) Ambiguity between actual law enforcement priorities and the Klan's stated objective is glaringly evident in available statistics which reveal that crimes of violence (many of which were Klan-inspired), rather than of rape and property damage, threatened the society.\(^2\) Contrary to much contemporary opinion, Texas' high crime rate was not an outgrowth of black lawlessness; with the exception of breaking labor contracts, which many blacks considered another form of slavery, the freedmen committed comparatively few crimes.\(^3\)

Admitting that some crime accompanied frontier conditions, Radicals, nonetheless, felt most of the postwar violence was merely an eruption of the festered sore of secession.\(^4\) Suppression of civil liberties and acts of terror

\(^1\)Dugas, "A Social and Economic History of Texas In The Civil War and Reconstruction Periods," p. 357.

\(^2\)Report of the State Attorney General For The Years, 1868-1869 (Austin, 1870), p. 50. Only ten rapes and twenty-six robberies were reported, compared with one hundred and seventy-three murders for the year 1868. Forty-two counties out of one hundred and twenty-seven reported.


\(^4\)Winkler, Platforms of Political Parties in Texas, p. 102.
against Texas Unionists had been commonplace; residual vestiges from the demoralizing embers of defeat intensified crimes of violence.

Determination of political motivation is never a simple matter, but if the Texas Radicals are allowed to present their own partisan-tinged objective, as revealed in their correspondence not only with congressional Radicals but between each other as well, then the desire for personal safety was a primal factor in the founding of the Texas Republican party. Reluctantly for some, readily for others, Negro suffrage was accepted as the only possible avenue for the Unionists to gain necessary political power.

Simultaneous with the formation of local Union Leagues in the spring of 1867 were Republican sponsored mass meetings. On April 18, the executive committee of the Union Party residing in Austin, which had been created by the Radical caucus of 1866, joined with an executive committee of "colored fellow citizens" in a call for a mass meeting of Travis County Republicans. The stated purpose for the mass meeting was to lay the groundwork for organizing "the Republican Union Party throughout the State preparatory to the registry and election of delegates" to a state Recon-

struction Convention. Convening in the state capitol on May 27, they issued a call for the first state convention of the Texas Republican party to be held in Houston on July 4, 1867.\(^8^6\)

The Conservative press mockingly branded the Independence Day convention the "Radico Congo," but E. M. Pease, who had attended Texas political conventions for the past twenty years, confided to his daughter that "the proceedings were conducted in good order, and the speeches both of the white and colored delegates were fully equal to those I ever heard in any convention I ever attended in the state."\(^8^7\) The hastily called convention did not represent all Texas Republicans, nor did it claim that merit,\(^8^8\) but delegates from the twenty-seven counties represented espoused a policy "fairly moderate in tone," calling for support of Congressional Reconstruction, free schools, and free homesteads to all "without distinction of race or color."\(^8^9\)

Although the first state Republican convention did not convene until July 4, 1867, considerably prior to that time

\(^8^6\)Austin Southern Intelligencer, April 18, 1867; Galveston Flake's Weekly Bulletin, May 5, 1867.

\(^8^7\)E. M. Pease to Carrie Pease, July 11, 1867, Elisha Marshall Pease Papers, Austin Public Library.

\(^8^8\)Austin Weekly Republican, May 27, 1868.

\(^8^9\)Ramsdell, Reconstruction in Texas, p. 166; Winkler, Platforms of Political Parties in Texas, pp. 101-102.
most Texas Unionists identified with the national Republican party. If a political party may be said to exist when a group demonstrates characteristics thereof, i.e., political leadership, recruitment of personnel, generation of public policy, and the propagation of ideology, then the Texas Radical contingent of 1865-1866, with its roster almost exclusively composed of prewar Texas Unionists, indisputably deserves designation as a political party.
CHAPTER III

SCHISM IN TEXAS REPUBLICAN PARTY

E. M. Pease's return in 1867 from his northern sojourn signaled the real beginning of congressional reconstruction in Texas, even as A. J. Hamilton's 1865 Galveston arrival had heralded the dawn of presidential reconstruction in the state. Secretary of the Navy Gideon Welles had "no doubt" that Pease, although "not cognizant" of the fact, had been summoned home for the sole purpose of replacing Governor James W. Throckmorton. \(^1\) Actually, Pease, less naive than his old friend imagined, stood ready, but seemed yet uncertain of his coming appointment. He expressed the belief, however, that if Congress sustained the military commanders in the South, and he felt they would, that Texas Republicans would be able to reorganize the state and place "its government in the hands of loyal men." \(^2\) Shortly afterwards Congress adopted the third reconstruction act which specifically


\(^2\) E. M. Pease to Carrie Pease, July 11, 1867, Elisha Marshall Pease Papers, Austin Public Library.
empowered district military commanders freely to remove and appoint local and state officeholders.\(^3\)

General Charles Griffin, aided by Pease, compiled a list of potential officeholders to ranking state posts, and on August 3 the former governor received a telegram from the headquarters of the Fifth Military District, announcing his own appointment as replacement for Throckmorton whom the New Orleans command considered "an impediment to the reconstruction" of Texas. Marking the occasion that night, over six hundred Austin Unionists marched in a torchlight procession to the Amos Morrill home where Pease was residing.\(^4\)

Throckmorton's removal, foreseen for some months, seemed unavoidable. It was extremely unlikely that any action on his part, short of complete reversal in political policy and change of state and local government personnel, could have prevented dismissal. Even some conservatives reluctantly conceded that under Throckmorton's administration "the old Confederates exercised the power of political control as they had done of old."\(^5\) It simply was futile.


\(^4\)E. M. Pease to Charles Griffin, July 22, 1867; E. M. Pease to Carrie Pease, August 3, 1867, Elisha Marshall Pease Papers, Austin Public Library.

Radicals believed, to attempt reconstruction under leadership utilized to further "rebel patronage," and even if Throckmorton would enforce the letter of the Reconstruction laws, they felt him personally incapable of carrying out the spirit of the new legislation. 6

Texas Unionists, now far better organized to execute a political coup, readily assumed the task. Although the Radicals were dependent upon the military, General Griffin relied almost exclusively upon their judgment. Before the end of August he issued an order forbidding racial discrimination in intrastate transportation. He further replaced ranking state executives with a quartet of new Republican officers: Attorney-General William Alexander, Treasurer John T. Allen, Comptroller Morgan C. Hamilton, and Commissioner of the General Land Office Joseph Spence. In addition to these administrators, Griffin quickly named new judges to the state supreme court and replaced several district judges. 7

Regarding local appointees, both Griffin and Pease frequently received letters and petitions of recommendation from Republicans, Union League members, Freedmen's Bureau


7 Ramsdell, Reconstruction in Texas, pp. 172-173; Austin State Gazette, August 31, 1867; Austin Weekly Republican, October 2, 1867; Executive Record Book No. 283, pp. 31, 35, 57-65.
agents, and military post commanders. In a few cases, army officers or recently mustered out veterans sought and obtained public offices. General Griffin was not wholly unprepared for his task, for in April, 1867 a seventy-six county compilation of Texas Unionists was completed by the Freedmen's Bureau, cataloging such information as prior federal service, race, occupation, and wartime record. Fate, however, briefly delayed the reconstructing of "loyal" local governments; the yellow fever epidemic of 1867 hit the army and Bureau colony in Galveston rather hard, claiming General Charles Griffin among its victims. Nonetheless, his replacement, General J. J. Reynolds, soon proceeded to fill town and county positions, and all told, before the end of 1867 officeholders changed in over one-half of the counties.

Most probably there occurred an expeditious attempt to remove conservative officials prior to General Winfield S. Hancock's arrival to replace the reassigned General Phillip Sheridan as commander of the Fifth Military District. Pease contended that President Johnson transferred Sheridan

---


9 Ramsdell, Reconstruction in Texas, pp. 174-175; Eugene C. Bartholomew Diary, August 10, September 15, 1867, Eugene C. Bartholomew Papers.
because he candidly supported the congressional reconstruction
laws, and subsequently selected Hancick, a Democrat, "to frit-
ter away and destroy the effects of those laws." Under such
circumstances, it hardly was surprising that Texas Conserva-
tives welcomed Hancock with open arms; they expected great
things from the General, possibly even the removal of Gover-
nor Pease. 10

From the outset, disagreements arose between Hancock
and Pease, largely springing from the General's assumption
that "peace and quiet" reigned in the land, and Pease's con-
trariwise opinion that the state was overrun "with criminals
and that it was impossible for civil authorities to arrest
and punish them." Particularly grating to the Governor
was Hancock's unwillingness to have a military tribunal try
the murderer of Reading Black, a Republican who shortly
before his death had organized a local Union League chapter
in Uvalde. 11 Hancock's tenure, however, was of a short

10 Speech Delivered by E. M. Pease, July 12, 1880, p. 4; E. M. Pease to Carrie Pease, January 25, 1868, Elisea
Marshall Pease Papers, Austin Public Library; Eugene C.
Bartholomew Diary, October 15, 1867, Eugene C. Bartholomew
Papers; Shook, "Federal Occupation of Texas, 1865-1870,"
p. 348; Lelia M. Fatte, History of Milam County, Texas
(San Antonio, 1955), p. 65; Heusinger, A Chronology of
Events in San Antonio, p. 32; Texas Almanac (1868), pp.
222-224; I. T. Taylor, The Cavalcade of Jackson County
(San Antonio, 1938), p. 294.

11 Speech Delivered by E. M. Pease, July 12, 1880, p. 10;
American Annual Cyclopaedia (1868), pp. 727-728; Moore,
Reading W. Black, pp. 31-32; Reading Black to J. P. Newcomb,
September 28, 1867, James Pearson Newcomb Papers.
duration; in March, 1868, because of disagreements with General Grant, he requested and received a transfer.  

During the fall of 1867 General Hancock was not the only thorn in Pease's side, for almost immediately after the governor's appointment, friction slowed the Radical political machine. Some Texas Republicans would have preferred the leadership of E. J. Davis or Morgan Hamilton, believing Pease much too conservative an individual to handle the revolutionary situation. They had tired of the party's domination by the Austin clique, who seemingly received all the "loaves and fishes." Moreover, differences even more basic than patronage seethed within Pease's official family between the Governor and some of his oldest and closest friends. Leading the revolt were two old Austin bachelors, Comptroller Morgan Hamilton and Attorney-General William Alexander, who advocated strict adherence to the ab initio doctrine, that all legislation adopted in the state since March 1, 1861 was "null and void," since Congress had recognized no legitimate legislature in Texas subsequent to that date. 


13 T. H. Duval to A. J. Hamilton, August 9, 1867, Andrew Jackson Hamilton Papers, University of Texas Archives; Austin Daily Republican, December 12, 1868; Ramsdell, Reconstruction in Texas, pp. 176-177.
Public awareness of the rift in Radical solidarity came when Comptroller Hamilton refused issuance of salary warrants to certain state officers under the Eleventh Legislature's appropriations bill, and upon application for an attorney-general's opinion, Alexander ruled that the Comptroller's action was proper. Even so, the Pease-appointed Supreme Court shortly thereafter overruled the two administrators, and the Governor, with General Reynold's approval, issued a proclamation stating that all Texas laws passed after March 1, 1861, remained valid "except so far as they are null and void by reason of their being repugnant to the Constitution and laws of the United States, and except so far as they have been abolished, modified, controlled, or suspended . . . by the commanding general of the Fifth Military District or by his authority." 14

Attorney-General Alexander immediately resigned, but Morgan Hamilton continued as comptroller, while openly opposing the position of the administration and utilizing some employees of his office—Chief Clerk George C. Rives, Warrant Clerk H. C. Hunt, and Clerk Jericho Taylor—to propagate the ab initio position. Hamilton, his clerks, and Alexander successfully sought the endorsement of Austin's Union League, which declared itself in favor of ab initio

and pledged "not to vote for any man for the constitutional convention, entertaining the Pease, Bell and Morrill heresy."  

Thus, when the Travis County Republican Club nominated A. J. Hamilton, at that time serving on the state's anti-ab initio supreme court, the ultra Radicals bolted, adjourned to the Alexander home nearby, and named A. J.'s brother Morgan as their candidate. Later, however, Morgan Hamilton, esteeming his chances of election more favorable in neighboring Bastrop County, yielded to his younger brother in Travis County.  

General Hancock ordered the election be held February 14-15, 1868, with the electorate deciding simultaneously.

---

15 *Austin State Gazette*, October 19, December 20, 1867. The beliefs of the Austin League, according to the *State Gazette* of December 20, 1867, were that "all legislation in Texas, since secession... was null and void, all judgments and decrees of courts, and all official acts, etc.; that the statutes of limitation ceased to run from the same date; that all, who were disfranchised temporarily by the Congress, should be permanently so by the new constitution of the state; and that the list should be increased by adding all, who voted for the ordinance of secession, who belonged to the Sons of the South, and other vigilante committees, all who maltreated freedmen after Lincoln's Proclamation... that slavery ceased to exist after Lincoln's Proclamation—and that the state of Texas should be divided."

whether Texas would at that time have a reconstruction convention and, if so, who would be the delegates. Voter registration had continued since April, 1867, under restrictive terms imposed by General Sheridan, prohibiting registration of applicants who held prewar public office and who during wartime had served in any state office from governor to cemetery sexton, or who had been "in the Confederate service, military, naval, or civil," or who had given "aid and comfort to those engaged in hostility to the United States." Nonetheless, on January 11 Hancock reversed the Sheridan interpretation of the voter registration clauses in the reconstruction acts by instructing registrars to "look to the laws, and to the laws alone" in registering voters. Some applicants denied registration appealed to the Hancock headquarters and secured a reversal of the registrar's decision. However, the Hancock interpretative decision came too late to materially affect the election results.

It is nearly impossible to ascertain how many Texas whites temporarily became disfranchised. Out of an estimated 80,000 white voters previously eligible, only 56,678

17 Ramsdell, Reconstruction in Texas, p. 195.
18 American Annual Cyclopaedia (1868), pp. 728-729.
19 Ibid.
had been registered by February, 1868. Most of the remainder likely had not even applied; some were indifferent, still others believed participation would be an exercise in futility. In any event, even the highest estimates of Texas disfranchisement have not exceeded 12,000 voters. The Republicans frankly admitted their intention to disqualify a sufficient number of whites to allow a Unionist-Negro coalition victory.

By the fall of 1867, Conservatives had concocted a scheme for preventing the assembling of a reconstruction convention. No opaqueness veiled the Conservative press's propagated strategy; voter registration, vote abstention. Delay could thereby be achieved through Congress' stipulation that in order to hold a constitutional convention one-half of those registering must vote. However, Congress soon adopted further legislation permitting reconstruction conventions, provided a majority of those voting favored it. This caused Democrats to hastily summon a January statewide meeting in Houston, where they denounced "negro supremacy," and called upon the people to cast their votes against

---

20 Austin Republican, November 27, 1867; E. M. Pease to Carrie Pease, August 3, 1867, Elisha Marshall Pease Papers, Austin Public Library; Ramsdell, Reconstruction in Texas, p. 196; Richardson, Texas: The Lone Star State, p. 275; William A. Russ, Jr., "Radical Disfranchisement in Texas, 1867-1870," Southwestern Historical Quarterly, XXXVIII (July, 1934), pp. 45-46.
a constitutional convention, and to cast an affirmative vote
"at the same time for the election of delegates to the con-
vention on the basis of creating a constitution without negro
suffrage." 21

The new congressional action, coupled with the bedlam
created by fluctuating party strategy, accentuated the con-
fusion of an already despondent Conservative electorate;
consequently, most Conservatives remained at home during the
February election, thereby guaranteeing a Radical victory.
A total of 43,142 voted for the convention and 11,246 against,
with only eight or nine Democrats being elected to the ninety-
man convention delegation. 22

This election, the first in which Texas Negroes voted,
swept into the political arena two groups who previously had
filled primarily spectator roles in political Reconstruction:
the black leaders and the carpetbaggers. Although most Texas
Negroes voted for longtime Unionist delegates, several pre-
dominately black counties between the Brazos and Trinity
rivers cast their ballots for members of their own race or
carpetbaggers closely associated with the Union League. All

21 American Annual Cyclopaedia (1868), p. 729; Shook,
"Federal Occupation of Texas, 1863-1870," pp. 343-344;
Ramsdell, Reconstruction in Texas, p. 194; Winkler, editor,
Platforms of Political Parties in Texas, p. 106.

22 American Annual Cyclopaedia (1868), p. 729; E. M.
Pease to Carrie Pease, February 14, 1868, Elisha Marshall
Pease Papers, Austin Public Library.
told, five or six carpetbaggers and nine Negroes were elected.23

Insofar as black leadership during Texas Reconstruction is concerned, at least half probably were native Texans or had lived in Texas prior to the Civil War. Two Republican Negroes of some repute were sons of renowned white Texas leaders, who had provided their black sons with a northern education: Austin teacher William H. Holland, son of one-time Texas Secretary of State Bird Holland; and Galveston stevedore contractor Norris Wright Cuney, son of Confederate General Phil Cuney.24

Several Negro ministers became party leaders; among others were Matthew Gaines, who served in the state senate from 1870-1874; "Shock" Roberts, the founder of Wiley College in Marshall, Texas; and Frank Green, usually referred to as "Parson" Green, a well-known Negro stump speaker from Colorado County.25 A number of others were educators:


24Clarence R. Wharton, History of Fort Bend County (San Antonio, 1939), p. 177; Proceedings of the Republican State Convention, 1884, pp. 103-104; Brewer, Negro Legislators of Texas, p. 73.

William Reynolds, a teacher at Hempstead; James H. Washington, principal of a Negro school at Navasota; and George T. Ruby, a school inspector for the Freedmen's Bureau, who by 1868 headed the Texas Union League. A few engaged in business for themselves: Richard Nelson, a Galveston businessman; Richard Allen, a Houston contractor and bridge builder; and Robert Kerr, a barber in San Antonio. A sampling of Negro leaders aligning themselves with the Republican party is presented in Table VI, along with each man's county of residency, his Republican party activities, his membership in Texas constitutional conventions, 1868 and 1875, his legislative service, and one additional position, where the information is available.

Almost all of the carpetbag politicians were former Union officers who had been stationed in Texas after the Civil War, mostly with the Freedmen's Bureau. Some remained in the state because they liked the climate, found living expenses lower, had relatives in the state, or had married a Texas girl. A few carpetbaggers came to engage in businesses such as banking, livestock, and lumbering:

---


<table>
<thead>
<tr>
<th>Name</th>
<th>County</th>
<th>Del Rep Conv Natl List</th>
<th>Dem St Ex Res Com Com</th>
<th>Del Const Conv 1866-1875</th>
<th>Member State Legislature 12th-14th</th>
<th>Other Positions</th>
</tr>
</thead>
<tbody>
<tr>
<td>J. J. Hamilton</td>
<td>Bastrop</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>Rep Editor</td>
</tr>
<tr>
<td>Robert Kerr</td>
<td>Bastrop</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>Election Judge</td>
</tr>
<tr>
<td>John Mitchell</td>
<td>Burleson</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>Sheriff</td>
</tr>
<tr>
<td>B. F. Williams</td>
<td>Colorado</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>County Atty</td>
</tr>
<tr>
<td>W. M. Burton</td>
<td>Fort Bend</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>Customs Insp</td>
</tr>
<tr>
<td>W. A. Price</td>
<td>Fort Bend</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>Pres St UCoA</td>
</tr>
<tr>
<td>N. W. Cune</td>
<td>Galveston</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>Customs Insp</td>
</tr>
<tr>
<td>G. T. Ruby</td>
<td>Galveston</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>J. H. Washington</td>
<td>Galveston</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Thomas Back</td>
<td>Grimes</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>Customs Coll</td>
</tr>
<tr>
<td>Richard Allen</td>
<td>Harris</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>Chm St ULoA</td>
</tr>
<tr>
<td>C. W. Bryant</td>
<td>Harris</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>David Abner</td>
<td>Harrison</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Edmund Brown</td>
<td>Harrison</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Will Johnson</td>
<td>Harrison</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Mitchell Kendall</td>
<td>Harrison</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Henry Moore</td>
<td>Harrison</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Meshack Roberts</td>
<td>Harrison</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Shep Mullins</td>
<td>McLinnan</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>J. McWashington</td>
<td>Montgomery</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Silas Cotton</td>
<td>Robertson</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>W. H. Holland</td>
<td>Waller</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Wm. Reynolds</td>
<td>Waller</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>Matthew Gaines</td>
<td>Washington</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>B. O. Watrous</td>
<td>Washington</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
<tr>
<td>A. W. Wilder</td>
<td>Washington</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
</tr>
</tbody>
</table>
minister the gospel; and as railroad company employees, or employees of the federal government.\textsuperscript{29} No evidence has been presented that carpetbaggers arrived seeking public office. Nonetheless, because of the circumstances of the time and the employment in which many of them engaged, political opportunity often knocked. Table VII lists a few of the

\begin{itemize}
\end{itemize}
<table>
<thead>
<tr>
<th>Name</th>
<th>County</th>
<th>Del Rep Conv</th>
<th>Del Rep Natl St</th>
<th>Del Rep Ex Com</th>
<th>Del Rep Res Com</th>
<th>Del Const Conv 1866</th>
<th>Del Const Conv 1868</th>
<th>Member State Legislature 11th</th>
<th>Member State Legislature 12th</th>
<th>Member State Legislature 13th</th>
<th>Other Positions</th>
</tr>
</thead>
<tbody>
<tr>
<td>J. C. Bigger</td>
<td>Dallas</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>District Atty</td>
</tr>
<tr>
<td>A. J. Fountain</td>
<td>El Paso</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>District Judge</td>
</tr>
<tr>
<td>S. E. Newcomb</td>
<td>El Paso</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Congressman</td>
</tr>
<tr>
<td>Wm. T. Clark</td>
<td>Galveston</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>St Treasurer</td>
</tr>
<tr>
<td>George W. Honey</td>
<td>Galveston</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td>Voter Registrar</td>
</tr>
<tr>
<td>W. H. Small</td>
<td>Galveston</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>IRS Collector</td>
</tr>
<tr>
<td>B. R. Plimley</td>
<td>Galveston</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>District Atty</td>
</tr>
<tr>
<td>R. K. Smith</td>
<td>Galveston</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Jefferson Mayor</td>
</tr>
<tr>
<td>A. G. Walley</td>
<td>Marion</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Chief Officer</td>
</tr>
<tr>
<td>George W. Smith</td>
<td>Marion</td>
<td>X</td>
<td></td>
<td></td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Cameron Mayor</td>
</tr>
<tr>
<td>B. L. Arnold</td>
<td>Milam</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>IRS Collector</td>
</tr>
<tr>
<td>Ira Evans</td>
<td>Nueces</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Corpus Christ Mayor</td>
</tr>
<tr>
<td>Nelson Plato</td>
<td>Nueces</td>
<td>X</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Adj Supt</td>
</tr>
<tr>
<td>E. C. Bartholomew</td>
<td>Travis</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>St Ed Supt</td>
</tr>
<tr>
<td>James Davidson</td>
<td>Travis</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>District Judge</td>
</tr>
<tr>
<td>J. C. DeCress</td>
<td>Travis</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>Supr Ct Judge</td>
</tr>
<tr>
<td>J. F. Richardson</td>
<td>Travis</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>St Ed Supt</td>
</tr>
<tr>
<td>Moses E. Walker</td>
<td>Travis</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>District Judge</td>
</tr>
<tr>
<td>E. M. Wheelock</td>
<td>Travis</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>District Judge</td>
</tr>
<tr>
<td>T. C. Barden</td>
<td>Victoria</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>District Judge</td>
</tr>
<tr>
<td>William Billings</td>
<td>Victoria</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>District Judge</td>
</tr>
<tr>
<td>Carl Schutze</td>
<td>Washington</td>
<td>X</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>District Atty</td>
</tr>
</tbody>
</table>
more prominent Texas carpetbaggers and examples of their political and governmental activities.

Another group of Republicans meriting mention were the ex-Rebel soldiers, at least six of whom served as delegates to the reconstruction convention. A surprising number of Radical leaders were ex-Confederates. Practically all of them had been Unionists prior to the war. Some were minors when war erupted; however, a few such as Thomas P. Ochiltree and William M. Chambers marched in the forefront of the secession movement.

Among the prominent Republicans who soldiered in the Confederate army were Captain A. M. Cochran, who served under General John B. Magruder; Major Thomas P. Ochiltree, formerly of Hoods' Texas Brigade; John B. Rector, once with Terry's Texas Rangers; Lieutenant August Siemering, who rode with Duff's Partisan Rangers; and Confederate Generals William H. Parsons and John D. McAdoo, Colonels Robert H. Taylor, Webster Planagan, and William Croft, Major X. B.  

Saunders, and Captains James R. Burnett and Stillwell H. Russell. All of these and many other Republicans who had aided the Confederate cause soon had their political disabilities removed by special congressional action. Table VIII depicts the activities of a few ex-Confederates in the Republican party and in Texas government during the Reconstruction era.

The meeting of the Texas reconstruction convention was set for June 1, 1868, but meanwhile Texans for the first time participated in the national Republican convention proceedings. Looking ahead the 1867 state Republican convention had elected a delegation fairly representative of the party's power structure. Of the ten delegates, at least three had served in the Union army, one was of German descent, one was a Negro, and one was a carpetbagger. Apparently, the Texas delegation partici-

<table>
<thead>
<tr>
<th>Name</th>
<th>County</th>
<th>Del Rep Conv Natl St</th>
<th>Del Rep Conv Ex Res Com</th>
<th>Del Const Conv 1866 1868</th>
<th>Member State Legislature 11th 12th 13th</th>
<th>Other Position</th>
</tr>
</thead>
<tbody>
<tr>
<td>J. P. Osterhaut</td>
<td>Austin</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>District Judge</td>
</tr>
<tr>
<td>X. B. Saunders</td>
<td>Bell</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>District Judge</td>
</tr>
<tr>
<td>Alex E. Sweet</td>
<td>Bexar</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>Rep Editor</td>
</tr>
<tr>
<td>A. P. McCormick</td>
<td>Brazoria</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td>District Judge</td>
</tr>
<tr>
<td>William Chambers</td>
<td>Chambers</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td>Postmaster</td>
</tr>
<tr>
<td>J. W. Thomas</td>
<td>Collins</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td>IRS Collector</td>
</tr>
<tr>
<td>A. M. Cockran</td>
<td>Dallas</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td>District Atty</td>
</tr>
<tr>
<td>James P. Hauge</td>
<td>El Paso</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>District Judge</td>
</tr>
<tr>
<td>Robert H. Taylor</td>
<td>Panain</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>National Banker</td>
</tr>
<tr>
<td>M. V. McMahen</td>
<td>Galveston</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>Immigration Commissioner</td>
</tr>
<tr>
<td>Thos. P. Ochiltree</td>
<td>Galveston</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>Immigration Act</td>
</tr>
<tr>
<td>W. H. Parson</td>
<td>Harris</td>
<td>X</td>
<td></td>
<td>X</td>
<td>X</td>
<td>Rep Editor</td>
</tr>
<tr>
<td>J. G. Tracy</td>
<td>Harris</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>District Atty</td>
</tr>
<tr>
<td>S. H. Russell</td>
<td>Harrison</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>District Judge</td>
</tr>
<tr>
<td>J. R. Burnett</td>
<td>Houston</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>District Judge</td>
</tr>
<tr>
<td>A. J. Evans</td>
<td>McLennan</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>District Judge</td>
</tr>
<tr>
<td>J. L. McCall</td>
<td>McLennan</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>District Atty</td>
</tr>
<tr>
<td>William Croft</td>
<td>Navarro</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>County Judge</td>
</tr>
<tr>
<td>Webster Planagan</td>
<td>Rusk</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>X</td>
<td>County Judge</td>
</tr>
<tr>
<td>August B. Palm</td>
<td>Travis</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>Comptroller Ck</td>
</tr>
<tr>
<td>John B. Rector</td>
<td>Travis</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>District Judge</td>
</tr>
<tr>
<td>George C. Rives</td>
<td>Travis</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>Act Comptroller</td>
</tr>
<tr>
<td>S. A. Hackworth</td>
<td>Washington</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>County Judge</td>
</tr>
<tr>
<td>Joseph Lancaster</td>
<td>Washington</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>St Librarian</td>
</tr>
<tr>
<td>John D. McAdoo</td>
<td>Washington</td>
<td>X</td>
<td></td>
<td>X</td>
<td></td>
<td>Supr Crt Judge</td>
</tr>
</tbody>
</table>
pated little in the Republican proceedings other than voting.\textsuperscript{33} A. J. Hamilton cast the votes of Texas for Ulysses S. Grant, who easily won on the first ballot.

When their favorite for vice president, Henry Wilson, failed to receive a promising vote on the first roll call, most Texas delegates supported Benjamin Wade of Ohio until the sixth and final ballot when they voted for the majority candidate, Schuyler Colfax. Then prior to adjournment, A. J. Hamilton was named to the Republican national committee, as Texas' member for the next four years.\textsuperscript{34}

\begin{itemize}
  \item \textsuperscript{32} Ibid.; Winkler, Platforms of Political Parties in Texas, pp. 117-121, 140-143, 154-157, 176-179; Proceedings of the Republican State Convention, 1868, pp. 2-6; Austin Republican, May 18, 19, 1869; Houston Union, June 9, 1869; Corpus Christi Nueces Valley, June 1, 8, 1872, Austin Daily State Journal, July 19, 20, 1873; Houston Daily Telegraph, January 13-15, 1876, Texas Almanac (1868), pp. 220-224; (1869), pp. 182, 186, 190-204, 222, 228; (1870), pp. 217, 225; (1871), pp. 219, 230, 233, 236, 245; (1872), p. 200; (1873), pp. 22, 223; Membership of the Legislature of Texas pp. 57-76.

  \item \textsuperscript{33} Casdorph, Republican Party in Texas, pp. 5-8, 249. Ten delegates cast the twelve votes of Texas: Delegates A. J. Hamilton, George W. Paschal, C. N. Riotte, Oscar F. Hunsacker, W. E. Horne, G. T. Ruby, Robert K. Smith, A. H. Longley, S. D. Wood and Byron Porter. In addition to attending the 1868 Chicago convention, the Union veterans in the delegation represented Texas at the Soldiers and Sailors Convention, which met in the same city one day prior to the national Republican convention.

  \item \textsuperscript{34} Proceedings of the National Union Republican Convention of 1868 (Chicago, 1868), pp. 95, 119-134.
\end{itemize}
Meanwhile, Governor Pease, who favored Grant's nomination but could not attend the national convention, busily laid the groundwork for the June 1 commencement of the state's reconstruction convention. Addressing the delegates on June 3, Pease emphasized the prevailing violence in the state and suggested several constitutional provisions upon which Texas Republicans could agree: granting to all, on an equal basis, full civil rights, homesteads from the public domain, and free public schools; laws to encourage immigration; and internal improvements. Moreover, he advised temporary disfranchisement of enough ex-Confederates to guarantee rule by those or proven loyalty to the United States.

Beyond these recommendations, however, he reached areas of disagreement among Republicans. Pease felt it wise and necessary to declare only those laws null and void which were "repugnant to the Constitution and laws of the United States." He opposed the division of Texas into two or more states, contending any efforts for division would delay the state's readmission, and if dismemberment occurred he doubted

35 E. M. Pease to Carrie Pease, June 1, 2, 4, 1868, Elisha Marshall Pease Papers, Austin Public Library.

36 Executive Record Book No. 283, pp. 249-256; Message of His Excellency, Elisha M. Pease, Governor of Texas, To The Constitutional Convention, June 2, 1868 (Austin, 1868), pp. 3-6.
the financial ability of the separate states adequately to support public education and other needed reforms.\(^{36}\)

The spreading schism within the state's Republican party surfaced when E. J. Davis, backed by Morgan Hamilton and other ab initio supporters, defeated Supreme Court Judge Colbert Caldwell, who had been endorsed by A. J. Hamilton, an anti- ab initio judge on that tribunal.\(^{37}\) Nonetheless, factional lines were not yet so tightly drawn that ultra radicals could anticipate controlling the convention. Many, doubtless, voted for Davis because of the estimable opinion they held for the man's courage, forthright honesty and constancy of conviction.

Opposing secession, Judge Davis had distributed a circular among citizens of his Rio Grande district stating his motives for refusing to take a Confederate oath, and then he had proceeded to raise a "loyal Texans" regiment. In August, 1865, Davis left the armed services and settled with his family in Corpus Christi, where he resumed the practice of law. Shortly afterwards, he waged successfully and ably a lengthy and hard fought suit against the Rio Grande Railroad. Elected to the Conservative-controlled Constitutional Convention of 1866, he argued for ab initio, that all legis-

\(^{36}\) Executive Record Book No. 283, pp. 249-256; Message of His Excellency, Elisha M. Pease, Governor of Texas, To The Constitutional Convention, June 2, 1868 (Austin, 1868), pp. 3-6.

\(^{37}\) Ramsdell, Reconstruction in Texas, p. 201.
lative acts passed during the rebellion were void, and advocated Negro suffrage, an extreme view in light of the racial attitude of the majority. Defeated for the state senate in June, 1866, and denied a regular army commission by President Johnson, Davis continued his law practice. In 1866 General Griffin offered him a seat on the Texas Supreme Court. However, upon Griffin's death in mid-September, the appointment plum was presented to A. J. Hamilton. In the months thereafter, Pease and Davis ended their personal and political friendship.

Convention delegates regularly assembled from nine a.m. to noon each day and again from three to five p.m. just prior to afternoon committee meetings, further supplementing these conclaves with evening caucuses. Seemingly, however, little was accomplished during the first session, June 1 to August 31. Almost immediately the ab initio issue and the division question severed the convention into warring factions.

---


39 William Alexander to E. M. Pease, July 17, 1866; E. J. Davis to E. M. Pease, July 14, November 24, 1866; E. M. Pease to Charles Griffin, July 22, 1867; A. J. Hamilton to E. M. Pease, October 28, 1867; Elisha Marshall Pease Papers, Austin Public Library; Executive Record Book No. 283, p. 66.

40 Jacob Kuechler to Mrs. Jacob Kuechler, June 29, July 2, 1868; Jacob Kuechler, University of Texas Archives, Austin, Texas; Ramsdell, Reconstruction in Texas, pp. 206-208.
rayed on the ab initio-divisionist side were convention president E. J. Davis, Morgan Hamilton, lawyers A. J. Evans of Waco and G. W. Whitmore of Tyler, J. P. Newcomb, editor of the San Antonio Express, German delegates Edward Degener and Jacob Kuechler, the carpetbaggers, and the Negro delegates. The opposing faction was represented ably by three presiding state supreme court judges, presently representing their home counties in the convention: A. J. Hamilton of Travis, Colbert Caldwell of Marion, and Livingston Lindsay of Fayette. The prominent Flanagans of Rusk, J. W. and his son Webster, opposed ab initio, as did F. A. Vaughn of Guadalupe, Judge A. P. McCormick of Brazoria, and A. J. Hamilton’s future son-in-law W. W. Mills of El Paso. Predictably, in addition to the anti-ab initio Republicans, the seven Conservatives led by Samuel D. Evans of Titus opposed ab initio. Certain members of the anti-ab initio coalition, however, such as the Flanagans and L. D. Evans of East Texas, favored state division. This further confused party lines.\footnote{Ramsdell, \textit{Reconstruction in Texas}, pp. 296-298; Jacob Kuechler to Mrs. Jacob Kuechler, June 29, July 2, 1868, Jacob Kuechler Papers; \textit{Journal of the Reconstruction Convention of the State of Texas, First Session} (Austin, 1870), pp. 53, 120, 128; \textit{Austin Republican}, June 27, 30, 1868.}

Notwithstanding convention dissensions, Republicans proceeded with a planned August 12 state political convention in Austin to endorse the national party’s candidates and platform. In observance an estimated 3000 citizens marched down
the main street, and an afternoon barbecue attracted 1500 
whites and 5000 blacks. The convention also occasioned the 
organization of the state's Grand Army of the Republic for 
"all honorably discharged soldiers, sailors, or marines, who 
fought in the war for the suppression of the rebellion."42

The Republican convention strove to ignore the growing 
rift in the party. To encourage state-wide participation in 
the formation of party policy, Governor Pease, a Travis 
County delegate, offered a resolution appointing a seventeen 
man executive committee composed of one member from each 
judicial district, whose duty would be to aid in the for-
mation of Republican clubs and discover means of increasing 
circulation of the party's newspapers. However, when the 
platform committee failed to endorse ab initio, E. J. Davis 
offered a pro-ab initio minority report, signed by three 
members of the committee, recommending that wartime railroad 
payments to the school fund be declared "null, and should 
not be regarded in making settlements with said railroads."
When it appeared the minority report would be rejected, Davis 
and several of his supporters withdrew from the convention.
Two days later the Davis faction assembled and elected a state 
executive committee in opposition to the regulars.43

42Casdorph, Republican Party in Texas; Austin Republican, 
August 13, 1868; Austin State Gazette, August 15, 1868.
43Proceedings of the Republican State Convention, 1868, 
pp. 9-11; Winkler, Platforms of Political Parties in Texas, 
pp. 113-116; San Antonio Express, August 21, 1868; Casdorph, 
Republican Party in Texas, p. 11.
Less than a week afterwards, the constitutional convention once again considered the ab initio issue; but this time, in light of their convention defeat, the E. J. Davis faction had faint hope for the adoption of strict ab initio, and the moderate position prevailed 45 to 28. Once ab initio plummeted to defeat, ultra Radicals mobilized all their strength in a giant thrust supporting division of Texas. First, they were heartened when some members of the Hamilton faction and a few Democrats joined them in their effort. Added encouragement came from Washington, where a few Radical Congressmen, envisioning the creation of additional Republican states, had introduced legislation supporting division of Texas. After the consumption of considerable time and energy, however, a narrow majority, awaiting congressional action, voted to delay steps toward division. Nevertheless, diverse state groups, for a variety of motives, continued to press for division, and before the end of the year public meetings supporting dismemberment occurred in eastern and western Texas.

---

44 Journal of the Reconstruction Convention, p. 53.
46 Journal of the Reconstruction Convention, pp. 409-411.
47 John James to Delegates of the Constitutional Convention, October 7, 1868, found in James Pearson Newcomb Papers; Waller, Colossal Hamilton, p. 115; Weekly Harrison Flag, December 24, 1868; M. C. Hamilton to J. P. Newcomb, James Pearson Newcomb Papers.
Conspicuous for its failure to cause even a ripple of Republican factional dissension during the first session was the issue of violence in the state. The committee on lawlessness and violence concluded that postwar violence in the state was largely an outgrowth of the "Rebellion" with its aftermath of intolerance toward unionists and freedmen. After hearing the disturbing report, the convention commissioned M. C. Hamilton and Colbert Caldwell to proceed to Washington and "lay before Congress the conditions of lawlessness and violence." They also requested Congress send a committee "to enquire into the condition of the State."

Events of the fall of 1868 seemingly proved such action judicious. Of the three Marion County convention delegates, carpetbagger George W. Smith met death at the hands of a Jefferson mob, delegate Colbert Caldwell fled for his life.

---

48 Letter of the President of Constitutional Convention of Texas, Report of Special Committee on Lawlessness and Violence in Texas (Austin, 1868), p. 1; American Annual Cyclopædia (1869), pp. 729-730. The three sources utilized by the committee were district court records from forty reporting counties, Freedmen's Bureau records from sixty counties, and sworn statements of individual witnesses. The statistics were fragmented and the interpretation largely was subjective. Sufficient reliable documentation is unavailable which could prove or disprove Republican assumption that the greatest percentage of Texas murders were politically motivated. However, in view of the intimate relationship, at that time, of politics, labor, and race relations, their assumption should not be wholly discounted.

and the third, A. Grigsby, was compelled to resign. And Freedmen's Bureau agents were assassinated in Dallas and Boston, Texas. 50

In addition to the report on violence, other measures adopted during the first session reflected the composition of the convention. Copies of two Republican newspapers, the Austin Republican and the San Antonio Express, which represented the separate wings of the party and which were owned partially by various convention members, were purchased for the distribution of the delegates to their constituents. Five hundred copies of the Frei Presse, owned by the publishers of the Express, were subscribed for the delegates representing German counties. 51

In deference also to Texas Germans, who observed Sunday in a joyful manner, the convention repealed blue laws passed by the Tenth and Eleventh Legislatures. A third measure granted up to 320 acres of public land to Texas veterans of the Union army. Finally, the convention petitioned Congress

---

50 Speech Delivered by E. M. Pease, July 12, 1880, pp. 10-11; Waller, Colossal Hamilton, pp. 115-116; Eugene C. Bartholomew Diary, October 13, December 16, 1868, Eugene C. Bartholomew Papers.

51 Ramsdell, Reconstruction in Texas, p. 205; Jacob Kuechler to Mrs. Jacob Kuechler, June 6, 1868, Jacob Kuechler Papers.
to remove the disabilities of some two hundred Republicans who had been disfranchised by reconstruction laws.\textsuperscript{52}

Following convention adjournment August 31, Republican attention focused on the approaching November presidential election. Although Texas, along with her sister states not yet reconstructed under the congressional plan, would take no part in the election, state Republicans were well aware that stripped of support at the national level, their tenure would be brief. The Grant triumph over Seymour assured the party federal patronage as well as continued enforcement of the reconstruction acts.

Shortly after the election, delegates reassembled in December to complete the constitution, but Republican party unity at the national level and resulting benefits to the state party evidently had little soothing effect upon Texas Republicans, who continued to bicker over \textit{ab initio} and state division. Debate on the latter issue monopolized most of the second session. Radicals, confident of their majority on the divisionist issue, in the end triumphed over anti-divisionist filibusters and a series of walkouts designed to break the quorum. Finally, a six man commission—E. J. Davis and J. W. Flanagan representing the state at large; G. W. Whitmore

\textsuperscript{52}Gammel, editor, \textit{The Laws of Texas}, VI, 41, 45; \textit{Journal of the Reconstruction Convention, First Session}, pp. 845-847, 925-939.
representing North Texas; J. R. Burnett representing East Texas; M. C. Hamilton representing Central Texas; and W. M. Varnell representing West Texas—was elected and instructed to report to Congress the reasons necessitating a division of the state. 53

Suffrage, another great wedge separating the two factions, had been broached too late for consideration during the first session, but now emerged as a major area of conflict. Moderates, once favoring widespread ex-Confederate disfranchisement to guarantee Unionist control, fearing a growing Radical-Negro coalition, reversed themselves and opposed state disqualification of ex-rebels. A. J. Hamilton, aided by increasing moderate Republican optimism following the Grant victory, rallied all the resources at his command to see his faction's view ultimately prevail. 54

A closing chaotic convention scene witnessed walkouts, fist fights, and a further Radical defeat, as they were unable to prevent the convention's setting a July date for the general election. Twenty-two protesting members of the Davis faction, which by now appeared to be a coalition of

52 Ramsdell, Reconstruction in Texas, p. 249.

54 Austin Republican, December 2, 1863; American Annual Cyclopaedia (1868), p. 732; San Antonio Herald, November 10, 1869; newspaper clipping dated October 31, 1869, signed by John L. Haynes, John L. Haynes Papers; Gammel, editor, The Laws of Texas, VII, 415-416; Houston Telegraph, February 25, 1869. Haynes contended in a number of newspaper articles that "the final split in the Republican ranks grew mainly out of the question of suffrage."
divisionists, ab initio defenders, Negroes, carpetbaggers, and Germans, refused to sign the constitution. Still, forty-five delegates, representing a substantial majority of those present during the final weeks of the convention, signed the finished document.55

Judging from the convention journal and contemporary newspaper accounts, it seems certain that three issues—ab initio, state division, and suffrage—consumed more time than all other matters combined. It would be unwise, however, to conclude that nothing of importance received attention aside from decisions regarding those issues. Convention committees wrote constitutional provisions granting Negro citizens full civil and political equality, providing for establishment of “a uniform system of public free schools,” and instituting structural changes which greatly centralized the machinery of Texas government.56

Radicals, claiming that the new constitution spelled the ultimate death of the Texas Republican party, pinned


their hopes upon the divisionist delegation to Washington. In addition to the convention appointed delegates, other Radical leaders made the trek, hoping to convince the Grant administration of their cause's justice. Moderates, unwilling to allow the Radical version to go unchallenged, sent an eleven man delegation also composed of Republicans from different parts of the state. The best known of the Moderate delegation, however, were residents of Austin: A. J. Hamilton, James H. Bell, John L. Haynes, and George W. Paschal. Upon arrival in Washington, each faction presented a memorial to Congress reflecting its position in the constitutional convention.57

The Moderate position prevailed at Washington in all but one respect, that of wanting to set July, 1869, for the forthcoming election. Congress adjourned in April, leaving to the President authority to set the date for general elections in Virginia, Mississippi, and Texas.58

57 Waller, Colossal Hamilton, p. 123; Farrow, "The Rise of the Democrats," pp. 14-15; American Annual Cyclopaedia (1869), p. 674; Casdorph, Republican Entry in Texas, p. 12; Austin Republican, March 16, 1869. Radical delegates journeying to Washington, in addition to the convention elected divisionist delegation, were Newcomb and Degener of San Antonio; R. H. Taylor, an ex-Confederate colonel from Bonham; and two Negroes, George Ruby of Galveston and C. W. Bryant of Houston. Moderates other than Hamilton, Bell, Haynes, and Paschal were Colbert Caldwell and Donald Campbell of Jefferson, M. L. Armstrong and Frederick Summer of Grayson, and A. Buffington and Alexander Rossy.

58 American Annual Cyclopaedia (1869), p. 674.
Moderates had little cause for complaint, at least for the
time being their position was recognized by the adminis-
tration. Moreover, in the case of Texas vs. White, argued
before the United States Supreme Court by Moderate delegate
George W. Paschal, the ab initio doctrine experienced a
fatal blow.59 Furthermore, federal patronage from the Grant
administration flowed to the Moderate faction. For example,
Chairman John L. Haynes was named to the state's most luc-
crative post, Collector of Customs at Galveston; A. H. Longley,
editor of the Moderate faction's primary organ, the Austin
Republican, received the federal revenue collector's post in
the district surrounding Austin; and Frederick W. Summer, one
of the Moderate delegates to Washington, was appointed asses-
sor of revenue of the Northern District of Texas.60

Confident of an approaching electoral triumph, A. J.
Hamilton announced his gubernatorial candidacy from Wash-
ton, and soon he was campaigning in Texas. On April 20, the
state Republican executive committee met in Austin where,
despite the absence of a number of members, they voted
against holding a state nominating convention, and endorsed
Hamilton for governor.61

59William W. Pierson, "Texas vs. White," Southwestern
Historical Quarterly, XVIII (April, 1915), 341-367.
60Waller, Colossal Hamilton, pp. 124-125.
61Ibid., p. 126; Winkler, Platforms of Political Parties in
Texas, p. 117; Ramsdell, Reconstruction in Texas, pp. 263-269.
Meanwhile, A. J.'s brother Morgan and E. J. Davis actively supported a Radical convention, planned for May 10 in Galveston. The poorly-attended convention's only really significant act, however, was the calling of a June 7 convention in Houston.\textsuperscript{62} Doubtless, the primary purpose of the Houston meeting was to nominate for governor the Radical wing's recognized leader, E. J. Davis, thereby legitimizing his candidacy and inviting attention to the fact that only a few individuals, the "Austin ring," had proposed A. J. Hamilton. Candidates also were nominated for other state posts: J. W. Flanagan of Rusk, lieutenant governor; W. Frank Carter of Parker, comptroller; Jacob Kuechler of Fexar, commissioner of the general land office; and W. D. Price of Travis, state treasurer. However, slate changes were necessitated when Carter and Price, absent from the convention, later declined the honors extended to them, and subsequently were replaced by longtime Dallasite A. Bledsoe for comptroller and carpetbag Methodist minister George W. Honey for treasurer. J. G. Tracy, publisher of the \textit{Houston Union} and Davis campaign manager, recently converted to the Republican party, headed a newly appointed eighteen member executive committee. The Houston platform reflected a changed attitude on the part of

\textsuperscript{62}E. J. Davis to J. P. Newcomb, April 2, 1869; M. C. Hamilton to J. P. Newcomb, April 30, May 14, 1869, James Pearson Newcomb Papers; Winkler, \textit{Platforms of Political Parties in Texas}, pp. 117-119.
most Radicals: that the constitution represented the best possible at the time, that its adoption was certain and therefore they must adjust to prevailing circumstances. Much to the chagrin of many Moderates and Radicals alike, including M. C. Hamilton, the platform failed to raise the ab initio and state division issues.63

The subdued position served a twofold purpose: the reconciliation of wavering Moderates, and indication to the Grant administration of Radical willingness to unite the Texas party. Some Moderates deserted Hamilton, and a number of high ranking federal employees forwarded a petition to Washington, endorsing the Davis ticket and condemning the Hamilton ticket as being supported primarily by Democrats. Then, much to the consternation of Moderates, President Grant, despite a special visit from Governor Pease urging him to do otherwise, at the request of national Republican leaders postponed the Texas election until November 30.64

63Winkler, Platforms of Political Parties in Texas, pp. 119-121; Proceedings of the Republican State Convention, 1864, pp. 102-103; George T. Ruby to J. P. Newcomb, May 16, 1869; T. W. McDonald to J. P. Newcomb, August 23, 1869; George C. Rives to J. P. Newcomb, June 11, 18, 19, July 26, 28, July 26, 1869; M. C. Hamilton to J. P. Newcomb, June 26, 28, July 25, 1869; E. J. Davis to J. P. Newcomb, October 10, 1869, James Pearson Newcomb Papers; William Sinclair to Eugene C. Bartholomew, June 15, December 17, 1869, Eugene C. Bartholomew Papers.

64Ramsdell, Reconstruction in Texas, pp. 275-276; American Annual Cyclopaedia (1869), p. 674; Newspaper clipping printing letter from Federal Employees of Texas to Benjamin F. Butler, July 8, 1869, found in John L. Haynes Papers.
Shortly afterwards numerous federal officeholders—postmasters, customs officials, judicial officers, and revenue collectors—associated with the Hamilton faction stepped aside for Davis supporters. One of the first political casualties was Hamilton's son-in-law, W. W. Mills, customs collector at El Paso, who was replaced by D. C. Marsh, a Galveston carpet-bagger. Also feeling the blow of the political axe were Moderate party chairman John L. Haynes, Galveston customs collector, supplanted by Davis supporter, Nathan Patten, and A. H. Longley, editor of the Austin Republican, replaced as assessor of internal revenue in the Austin area by W. B. Moore, a former editor of the Radical San Antonio Express. Morgan Hamilton's friend Swante Palm was awarded the Austin postmastership; and the new postmaster at Houston was none other than the Davis campaign manager, J. G. Tracy.65

General Reynolds, who previously had supported the position of the Moderates, soon began removing that faction's local officeholders. A. J. Hamilton contended that Reynolds' break with the Moderates came after the general was denied the promise of a senate seat. On the other hand, Reynolds, still distrusted by many Radicals, claimed that he came to favor the Radicals because of a Moderate-Democratic coalition.

65 D. C. Marsh to J. P. Newcomb, August 25, 1869; J. G. Tracy to J. P. Newcomb, September 27, 1869; M. C. Hamilton to J. P. Newcomb, September 25, 1869; E. J. Davis to J. P. Newcomb, October 6, 1869, James Pearson Newcomb Papers; Waller, Colossal Hamilton, pp. 99, 128-129; Austin Republican, September 27, 28, 1869.
and because of Hamilton and Pease's refusal to seek reconciliation with Davis and unite the party. Possibly both arguments contained an element of truth: in addition, it seems likely that General Reynolds could not resist the party line laid down by his old friend President Grant.

During the final weeks of the campaign, bitterness accelerated: each side hurled charges, met countercharges, and demanded retractions. Radicals reported an attempted blackmail of the San Antonio and El Paso Mail Company by A. J. Hamilton and his son-in-law W. W. Mills. Democrats who supported Hamilton, ostensibly because of his liberal suffrage stand in the Constitutional Convention, accused General Davis of Civil War plunder, a charge expeditiously and fervently denied by Chairman of the Moderate Republican Executive Committee John L. Haynes, who had served under General Davis. Haynes, in turn, demanded certain retractions by the opposition press. Radical Executive Committee Chairman


J. G. Tracy circulated a subscription list for all officeholders, threatening replacement of those who did not contribute. 68 Then, on the last day of September, Governor Pease resigned because of a letter from J. J. Reynolds to President Grant, denouncing the Moderates for opposing Republican party unity and being in league with the Democrats. 69

General Reynolds enhanced Radical chances with his control of the election machinery. It appears that in the more populous areas Reynolds appointed Radicals as registrars, and in some counties where they were unavailable, he appointed military officers. For example, Newcomb presided over registration in San Antonio; Tracy in Houston; J. P. Richardson, a future Radical Judge, headed the board in Austin; William E. Parker, a Radical convention vice president at the June convention, supervised the Galveston registrars; and at least one military officer served on the registration boards of sixty-four counties. Moreover, Reynolds' orders authorized the three man registration boards to "select two white and two colored persons to

68 J. G. Tracy to A. Siemering, August 25, 1869, James Pearson Newcomb Papers.
challenge the right of any to be registered . . . who, in the opinion of the persons challenging" was disqualified.\textsuperscript{70}

During October Republicans held district political conventions to nominate candidates for the state legislature, and to prevent members opposing each other in the general election and splitting the party's vote. Radicals were able to capture control of these conventions, thus forcing Hamilton supporters to run as independents. Some district conventions simply approved Davis candidates previously endorsed by the Union League.\textsuperscript{71}

Electioneering continued until the last day of the election which was held over a four day period, and, in some instances, Democrats and Moderate Republicans at the eleventh hour publicly joined hands, hoping to defeat the Radicals.\textsuperscript{72}

\textsuperscript{70}American Annual Cyclopaedia (1869), pp. 676-678; Shook, "Federal Occupation of Texas, 1865-1870," pp. 399-405; Eugene C. Bartholomew Diary, November 23, 1869, Eugene C. Bartholomew Papers; James N. Fink to Major General James Carleton, November 26, 1869; C. E. Moran to J. P. Newcomb, November 12, 1869, James Pearson Newcomb Papers; Nunn, Texas Under The Carpetbaggers, pp. 16-19; General Order No. 179, in a list of county registrars.

\textsuperscript{71}Gibson, Albert Jennings Fountain, pp. 55-56; E. J. Davis to J. P. Newcomb, October 16, 1869; Frank Britton to Editor of San Antonio Express, October 20, 1869; D. C. Marsh to J. P. Newcomb, November 9, 1869; Ira H. Evans to J. P. Newcomb, November 15, 1869, James Pearson Newcomb Papers; William Sinclair to Eugene C. Bartholomew, November 3, 1869, Eugene C. Bartholomew Papers.

\textsuperscript{72}Eugene C. Bartholomew Diary, October 2, 1869, Eugene C. Bartholomew Papers.
The constitution was ratified by a substantial margin, 72,366 to 4,928. However, the Moderates had been outfoxed at the political game by their opposition; as a result, they failed to elect a single state executive, and elected only about one-third as many legislators as the Radicals. Of the four Texas congressional seats, Radicals won three: First District, G. W. Whitmore; Third District, W. T. Clarke; and Fourth District, Edward Degener. The Second District seat, representing North Texas, went to John C. Conner, a Union soldier who ran as a Democrat, with the support of J. W. Throckmorton.73

Moderates made a last ditch effort by petitioning Congress "to order an investigation of the irregularities and frauds ... allowed in the late election." Only twelve men, however, signed the petition; a majority of Republicans wanted to reunite the party, or simply rushed to the Radical fold pleading forgiveness and inviting patronage. According to Morgan Hamilton, even his brother A. J. was willing to make peace with his opposition. Most Moderates finally accepted the Radicals as the Texas

Republican party, and a number eventually were given state or federal appointments. 74

74 "Republican Consultation, Austin, Texas, January 18, 1870," imprint in Elisha Marshall Pease Papers, Austin Public Library; E. M. Wheelock to J. P. Newcomb, February 19, March 27, 1870; M. C. Hamilton to J. P. Newcomb, James Pearson Newcomb Papers; A. Bledsoe to E. J. Davis, February 22, 1870, A. Bledsoe Papers, Texas State Archives, Austin, Texas.
CHAPTER IV

TEXAS REPUBLICANS AND THE SPECIAL LEGISLATIVE SESSION OF 1870

In January, 1870 General J. J. Reynolds, commander of Union troops in Texas, acting for President U. S. Grant, appointed the November elected executives to the provisional government. Then he called a legislative session for February, which speedily ratified the Fourteenth and Fifteenth Amendments, and elected two United States senators: Morgan Hamilton of Austin, and J. Winwright Flanagan of Henderson. Hence on March 30, 1870, Texas was readmitted to the Union; its senators and representatives received, its provisional status terminated, and its constitution accepted. Immediately, newly elected Governor E. J. Davis, leader of the Radical faction of the Republican party, called a special session of the Twelfth Legislature.

In many respects the legislative body assembled in Austin on April 26, 1870 was most extraordinary. The multi-party legislature contained a small Radical Republican majority in each house opposed by an aggressive Conservative-

---

1 Executive Record Book No. 284, in the Executive Records of Governor Davis. Texas State Archives, Austin, Texas, p. 1.
2 Ibid., p. 108.
Democratic coalition; yet at times divisions within the Radical ranks greatly strengthened the minority group, and strong party discipline often was imperative in order to secure passage of administration measures. In the Senate, Radicals accounted for seventeen seats (three or four of whom would on occasion desert the party position). In opposition were seven Conservatives plus six Democrats, who usually voted as a bloc. In the lower house, the Radical bloc numbered fifty, the Conservative Republicans nineteen, and the Democrats twenty-one.3

A survey of the House members present conducted by the Daily State Journal, indicated party allegiance as follows: thirty-three Radicals, twenty-six Republicans, seventeen Democrats, ten Conservatives, one Whig, and one Independent. It was reported in good humor that there were eleven blacks and seventy-three "haughty Caucasians." There were twenty-three planters and farmers, nineteen lawyers, ten merchants, and nine physicians, the majority being of southern birth. By no stretch of the imagination could it have been accurately labeled a carpetbag legislature. Out of the eighty-eight members present, seventy-three had resided in Texas

---

from ten to thirty-four years, four from five to ten years, and only eleven had moved to Texas since the war. House member ages ranged from twenty-three to sixty-six, with the average age being thirty-nine. Religious preference spanned the spiritual spectrum: Deist, Universalist, Quaker, Spiritualist. But, with the exception of Catholics, the membership of the legislature was representative of Texas religious sentiment of that day: Methodists 17, Baptists 12, Presbyterians 9, Episcopalians 7, and Christians 4. Twenty-eight of the legislators listed under religion, none.

At noon April 26, 1870, the Twelfth Legislature was called to order. Presiding in the House was Ira H. Evans, an ex-Union major who had served as a United States Internal Revenue collector in West Texas for the past two years. Elected Speaker in the February provisional legislature, Evans continued to serve in that capacity. Immediately, the representatives were sworn in five districts at a time, taking the oath as prescribed by Congress when readmitting Texas to the Union. Each representative swore he never had taken an oath for state or federal office and afterwards

4Austin Daily State Journal, May 26, 1870.
6Webb, editor, The Handbook of Texas, I, 575.
7Galveston Daily News, April 27, 1870; J. J. Reynolds to E. J. Davis, April 10, 1870, E. J. Davis, Executive Letters of 1870-1874, Texas State Archives.
fought against the nation, or "given aid" to the nation's "enemies." Or, if he had "engaged in insurrection," he had had his disqualification for office removed by an Act of Congress. After this, Speaker Evans named an inauguration committee whose membership had been determined previously in a Radical caucus.

8Gammel, editor, The Laws of Texas, VI, 11-12. Eight seats in the House and two in the Senate were contested under the federal reconstruction laws. Five representatives were found to be ineligible; after a committee hearing, Senators H. R. Latimer and E. L. Dohoney were seated. See McKay, "Texas Under the Regime of E. J. Davis," p. 105; Members of the Legislature, p. 66; San Antonio Express, May 10, 1870; Galveston Daily News, June 3, 4, July 10, 1870; Senate Journal, First Session, Twelfth Legislature of the State of Texas (Austin, 1870), pp. 176-179. That the seating of legislators was not completely a partisan struggle can be seen in the case of Radical Representative J. P. Butler, whose salary was withheld by Comptroller Bledsoe because in addition to serving in the legislature Butler was Collector of Customs for the port of Brazos de Santiago. It was determined by a House committee, however, that upon receipt of his federal commission Butler had rendered a letter of resignation to the Secretary of the Treasury. Thus, the committee recommended the seating of Representative Butler. See Galveston Daily News, June 4, 9, 10, 1870; pp. 331-332, 500-501; M. C. Hamilton to J. P. Newcomb, June 26, 1870, James Pearson Newcomb Papers.

9Galveston Daily News, April 27, 1870. There were several indications that such matters as committee assignments, the appointment of the legislature officers, and the positions to be taken on individual bills were predetermined by Radical caucus. See Eugene C. Bartholomew Diary April 26, 1870, Eugene C. Bartholomew Papers; A. M. Gibson, The Life and Death of Colonel Albert Jennings Fountain (Norman, Oklahoma, 1965), p. 65; House Journal Amended Containing Official Report Of The Debates and Proceedings Of The Twelfth Legislature Of The State Of Texas (Austin, 1870), pp. 64-66; Galveston Daily News, May 15, 1870. According to A. M. Gibson, using the Albert Jennings Fountain Papers as his source, Governor Davis "rented a suite for his legislative high command at the Avenue Hotel, and Fountain and other leading Radicals met there each night to draft bills, confer with the
James P. Newcomb, Provisional Secretary of State, called the Senate to order, as the Lieutenant Governor, J. Winwright Flanagan, had been elected to the United States Senate. First came the election of a presiding officer. Although some three or four Radicals had been mentioned for the post, apparently the struggle had been worked out in caucus. For, one Radical prominently discussed for the position, Albert J. Fountain of El Paso, nominated Judge Don Campbell of Jefferson; no opposition was offered. Senator Campbell, a native of Alabama and a resident of Texas since 1858, opposed secession, but during the war was able to live safely among rebels in East Texas. His radical views, however, after Appomattox endangered his life, and he left Texas for some months. Upon his return in 1869, he was elected to the constitutional convention, replacing Delegate G. W. Smith, who had been murdered by a Jefferson mob.

On April 28, just prior to the inaugural ceremony, the House adopted a very symbolic resolution: "that the Sergeant-at-Arms be instructed to provide the American eagle over the chair of the Speaker of the House of Representatives, with the motto, 'E Pluribus Unum,' which had been removed by un-house leadership and plan strategy for moving the legis-lation once introduced."

10 Galveston Daily News, April 27, 28, 1870.

17 Webb, editor, Handbook of Texas, I, 286; Austin Daily State Journal, April 29, 1870.
lawful legislation during the late rebellion."\(^{12}\) Shortly before noon that sunny morning came the inauguration of Texas' only elected Republican governor. Preceded by a band, the procession up the steps of the Capitol included the legislative committee chairmen, the Governor, General J. J. Reynolds and his staff, and other state and local dignitaries. In retinue followed still another band, local firemen in bright uniforms, and a large group of Austin citizens.\(^{13}\)

The procession, plus the other lawmakers, crowded into the House chamber. Following a brief prayer, E. J. Davis took the oath of office, swearing he had never been involved in any way with a duel and had never fought for, aided, assisted, or held any office under a government hostile to the United States.\(^{14}\) Surveying Texas history, the Governor spoke of the "second annexation of Texas," a state vastly different from that of the first annexation, which brought not only its "single star," but its "thousands of slaves"; consequently, he appealed for a new departure in politics rather than one based on issues of the past.\(^{15}\)

\(^{12}\) *House Journal, First Session (1870)*, p. 13

\(^{13}\) *Galveston Daily News*, April 29, 1870; *Austin Daily State Journal*, April 29, 1870; Eugene C. Bartholomew Diary, April 28, 1870, Eugene C. Bartholomew Papers.

\(^{14}\) *Executive Record Book No. 284*, p. 2; *Galveston Daily News*, April 29, 1870; *Austin Daily State Journal*, April 29, 1870; Eugene C. Bartholomew Diary, April 28, 1870, Eugene C. Bartholomew Papers.

\(^{15}\) *House Journal, First Session (1870)*, pp. 14, 16; *San Antonio Daily Express*, May 1, 1870.
Following Governor Davis' address, the crowd attended a barbecue prepared by the veterans of the First Texas Cavalry (Union) on the Capitol grounds. More speeches were followed by dinner at two o'clock, with "three long tables" filled with food. In deference to some, no liquor was allowed, and Negro leaders waited until all the whites had been served. That afternoon a one-page extra of the Daily Republican appeared on the streets of the town embodying the Governor's speech.

While the inaugural address had mentioned only general principles, the special legislative message the following day spelled out to the members why they had been summoned to Austin. First in importance to the Governor was the restoration of law and order, and second was the need of establishing a free public school system. Then, lamenting the lack of federal aid for Texas frontier defense, he declared that the state must take action; and, in closing, he advocated cautious encouragement of internal improvements.

Following the days primarily consumed by the inauguration and the Governor's messages, the Legislature returned to the business of self-organization. Senators drew for term of office. The Sergeant-at-Arms marked ten marbles

16Galveston Daily News, April 29, 1870.
17Austin Daily Republican (Extra), April 28, 1870.
with the number two, ten with four, and ten with six; placed
them in a small container, gave them a shake, and had a page
draw a marble for each senator to determine the years he
would serve. Committee assignments were approved and rules
were adopted, which included provisions for a two-thirds quo-
rum, and the power for fewer members to "send the Sergeant-
at-Arms, or any other person or persons, for any and all
absent members." This was in accordance with a provision
in the Constitution of 1869, which also empowered each house
to "punish members for disorderly conduct."

Relative harmony reigned in the passage of the Legis-
lature's first bill: that providing for its own mileage and
per diem pay. Many of the House members were enjoying their
newly found role. Only sixteen had served previously in a
legislative body. According to one reporter's estimate, the House spent $9000 in a week-long debate on the question
of having a chaplain. Although the majority favored having
a chaplain, a determined minority, which included those op-
posed to any mixture of religion and state, tried every con-

---

22Ibid., VI, p. 175; Senate Journal, First Session (1870),
pp. 65-69.
23Austin Daily State Journal, April 26, 1870.
ceivable parliamentary maneuver to defeat the motion. Radical Representative George H. Slaughter offered a ludicrous amendment to the original resolution, which would have required the minister to "pray without ceasing from 8 a.m. to 12 p.m. and from 2 p.m. to 6 p.m." Refusing to retire gracefully after the defeat of his proposal, Representative Slaughter chose to counterattack by seeking the adoption of a resolution instructing the clerk "to procure from some minister a printed prayer, republican in form, which shall be read every morning for the benefit of the House . . ." His rhetoric, although amusing, proved to be to no avail, since the House, as had already the Senate, elected a chaplain. 24

Incontestably, the most important issue decided in the first two weeks of the legislative session regarded Governor Davis' nominee, Joseph W. Talbot, for Superintendent of Public Instruction. 25 No less source than the Conservative Republican Galveston Flake's Daily Bulletin praised Governor Davis for the nomination of such a stable individual, and its Austin reporter described Talbot as "moderate, slow and sensible." 26 However, when Talbot refused to take a public stand for seg-

25Executive Record Book No. 87, p. 134; Senate Journal, First Session (1870), p. 82.
27Ibid., May 7, 1870, May 13, 1870.
regated schools, some leaders became disturbed. He expressed the position of the administration as not wanting "to see white or black named in any law whatsoever." After two weeks' consideration and after four Radicals joined the ranks of the opposition, Talbot's nomination was rejected, reportedly "because that gentleman would not clearly and irrevocably define his position on the question of mixed schools." Democratic Senator M. H. Bowers of Austin had led the opposition, but had Radical ranks not split, the nomination could have been approved quickly.

28 Ibid., May 13, 1870. Most probably what the Governor wanted in school policy was flexibility, with no binding restrictions for or against mixed schools. He, no doubt, was watching the situation in a neighboring state. On May 11 the official organ of the Administration published a letter by T. W. Conway, Superintendent of Education for Louisiana, in which he justified integrated schools on the grounds that one-third of the blacks were of mixed blood, some "white as Queen Victoria," and, furthermore, he stated it was "high time that oppression of any class because of color . . . should die out and be buried." Accordingly, a few days later, an unsuccessful attempt was made to integrate two New Orleans public schools. That Governor Davis was undeniably opposed to any policy designating separate schools can be seen from his veto July 7 of "An Act to incorporate the Leon County Colored Manual Labor School." In the veto message, he recommended that the word "colored" be removed wherever it occurred in the bill.


30 San Antonio Daily Express, May 15, 20, 1870. According to Galveston Flake's Daily Bulletin, May 10, 1870, even the state's Union League then meeting in Austin was divided on the question of integrated schools. The newly elected president of the League, J. P. Newcomb, however, did favor school integration. See Thomas G. Baker to J. P. Newcomb, June 20, 1870, James Pearson Newcomb Papers.
After some Radicals deserted the administration on the Talbot appointment, the party initiated daily caucuses. The Austin Daily State Journal printed a lengthy editorial on May 13 entitled, "The Necessity of United Republican Action—Party Discipline," and that night a protracted caucus bent every effort "in gathering all wavering adherents into the fold." Finally, to guarantee strong party cohesion, the Governor refused (much to the consternation of many legislators and their supporters) to release his list of appointees to state office. The San Antonio Daily Express reported, "Republican Backbone Growing Stiff"—"The militia bill . . . will be a test."

Indubitably, E. J. Davis intended law enforcement to be the test of his Administration. Throughout the postwar period he had advocated strict law enforcement and protection of civil rights, by the military if necessary; moreover, he had given the topic priority in both his inaugural and legislative messages.

31 San Antonio Daily Express, May 15, 1870.


33 Galveston Daily News, June 7, 1870. The failure of Senator B. J. Pridgen to support the administration probably cost his son an appointment to West Point. See E. J. Davis to Edward Degener, May 21, 23, 1870, Executive Record Book No. 87, pp. 47, 49.

34 San Antonio Daily Express, May 17, 1870.
Governor Davis had received a flood of mail requesting better law enforcement and the guarantee of civil rights. From Fairfield, Texas, came word of the murder of a black, threats to kill negroes attending meetings of the Republican party, and news that the sheriff was the local marshall of the Ku Klux Klan. A Folk County Judge complained of outrages committed on "loyal" men in that county and urged prompt adoption of remedial measures to handle the exigencies of the time. Miles Lourance solicited the Governor's aid in the apprehension and punishment of his son's murderers who had escaped from local authorities.

General Reynolds reported to the Governor that Klan desperadoes had killed a number of black teamsters in the Nacagdoches area. Davis immediately requested that army troops deal with the violence in East Texas until he was able to push the Militia Bill and other law enforcement measures through the legislature. From Beaumont, Judge Seymour White notified the Governor that it was impossible

35 James King to E. J. Davis, April 10, 1870, Executive Letters of 1870-1874.
36 John R. Johnson to E. J. Davis, April 12, 1870, Executive Letters of 1870-1874.
37 Miles A. Lourance to E. J. Davis, April 12, 1870, Executive Letters of 1870-1874.
39 Executive Record Book No. 87, pp. 118-119.
to hold court in his district because of the powder keg conditions in and around the proceedings.\textsuperscript{40}

Three Victoria citizens reported that a freedman arrested for theft was "tortured all night," that men were "permitted to enter ... the jail to tantalize and threaten the accused," and that the prisoner was taken from the jail by a deputy and abused by a mob, all with the clear knowledge of the sheriff.\textsuperscript{41} The Governor's office received a petition from colored citizens in Indianola, asking Davis to set aside a local ordinance which forbade them to yell in church.\textsuperscript{42} And word came that a newly elected Negro sheriff was refused bond in Richmond, thereby preventing him from qualifying for that office.\textsuperscript{43}

Senator Theodore Hertzberg of Monroe introduced a militia bill on May 6 and moved that for its first reading it be read by caption and then referred to the Committee on Militia. Immediately, the Democrats sought a complete reading of the lengthy bill before it was assigned to committee. Thwarted

\textsuperscript{40}Seymour White to E. J. Davis, May 9, 1870, Executive Record Book No. 87, pp. 144-145.

\textsuperscript{41}I. W. Fry to E. J. Davis, May 9, 1870; J. M. Morse and Charles H. Porter to E. J. Davis, May 10, 1870, Executive Record Book No. 87, pp. 120, 133-134.

\textsuperscript{42}Allen Harris to E. J. Davis, May 14, 1870, Executive Letters of 1870-1874.

\textsuperscript{43}Shade Croome to E. J. Davis, June 4, 1870, Executive Record Book No. 87, p. 157.
in this attempt, the Democrats turned their attention to their main tactic to defeat the bill, a resolution that it be sent to the Committee on State Affairs, where the bill could be prevented from ever reaching the floor. 44 Democratic Senator J. P. Douglas, ex-Confederate and editor of the Tyler Reporter, argued that, before the passage of any militia bill, the Committee on State Affairs should investigate the necessity of such a bill. 45 Bearing the banner for passage of the militia bill and declaring that except during Reconstruction all states had possessed a militia, Senator W. H. Parsons vehemently argued that past United States history attested that a militia was not a force of oppression. 46

For days a Conservative-Democratic coalition continued to call for additional study regarding lawlessness in Texas. 47 Finally, the investigation issue was settled when sixty-two year old Senator M. Priest of Cherokee County presented a resolution, adopted fourteen to ten, directing that such a study be undertaken by Secretary of State J. P. Newcomb. 48

44 Debates and Proceedings (1870), pp. 1-3; for membership of the committees see Senate Committees of The Twelfth Legislature, First Session (Austin, 1870), p. 5.


Senator Bowers sought to convince the senators that it would be an injustice to impose extra work on the young Secretary, but his arguments were unpersuasive. The maneuver for an additional study did delay, however, final passage of the bill for a month.

Meanwhile a militia bill was nearing passage in the House. A leading proponent, Representative George H. Slaughter, lambasted the Democrats for ceaselessly belaboring the bill as "unconstitutional," particularly in light of the fact that these same men had "spent the best days and years of their existence in the most gigantic rebellion which history records to overthrow and destroy the Constitution." Protest ing delay, he contended there were only two questions to be answered: Is the bill needed? And does the Legislature have the authority? Speaker Evans closed the debate on May 20 by urging the bill's passage "in the name of the thousands of widows and orphans, who have been made such by the Ku Klux of Texas, in behalf of law and order, in the interest of humanity . . ." Evan's poignant entreaty merited an extended, loud ovation from the floor and gallery. Debate was closed. Nevertheless, in a blind bid for attention, Representative W. E. Hughes of Weatherford sprang to his feet, declaring his

---

50 Austin Daily State Journal, May 24, 1870.
51 Ibid.
52 Ibid., May 25, 1870.
intention of going home, if not allowed to speak once again against the bill. Ruled out of order by the Speaker, he gathered up his papers and hat and, after walking around the chamber once, returned to his seat, much to the amusement of observers. The vote was taken: fifty-three ayes and twenty-two nayes. The fight for the bill was over in the House.

An apparent scheme to divide the Radical party was instigated by the Democrats in late May when a Grand State Ball was suggested. Conscious of a need for more social life in the Capital, Radicals recklessly snatchéd the bait, establishing a Ball Committee which set the location of the gala (the House chambers), the number of tickets (at least six hundred), the type of entertainment, and choice of food and "drinkables." Soon the Ball Committee extended an invitation to all senators and representatives except the blacks; and, as Democrats had anticipated, their pride was wounded. Black spokesman, Representative Richard Allen, stated that "when their votes were wanted they were sure not to be forgotten..." With the exception of Negro legislators and Governor Davis, almost every prominent individual in Austin attended the Ball. Some one hundred and fifty ladies were danced and eyed appreciably by three hundred men. The state's First

---

53 San Antonio Daily Express, May 24, 1870, May 20, 1870.
54 Austin Daily State Journal, July 9, 1870.
Lady, Mrs. E. J. Davis, attended and danced until after one o'clock. Reportedly, illness prevented the Governor's attendance, but Davis later explained that he had recognized the machinations of the Democrats to divide further the Republican party. As he viewed it, the Republicans would have been damned by the Democratic press for pushing social equality if the blacks had attended the Ball; instead, they were criticized for not caring about the freedmen and only desiring their votes.

The Grand Ball incident may have discouraged a few black votes, but it is doubtful that it changed the actions of any Negro lawmakers. They were fully aware that outside the Republican party there was no place for them politically, and they looked to the Radicals for the very protection of life. Senator Matthew Gaines, former slave, and, at that time, a minister in Washington County, on June 11 spoke for the blacks of Texas in defense of the militia bill. As recent as the previous night, Gaines, guarded by five men, had slept in Senate President Don Campbell's office in the Capital because of a widespread report that he had been marked for assassination. Senator Gaines confessed opposition to Texas' readmission in 1870 because "a majority of the citizens . . . were not reconstructed," and they

55 Galveston Daily News, June 7, 1870.
56 Austin Daily State Journal, July 19, 1870.
57 Galveston Daily News, June 18, 1870.
"could not recognize . . . a man of . . . color being equal before the law . . . having the right to the ballot . . . " and the right "to enter a school house." Protesting long-winded arguments based on ancient history, he called for legislation "under the new condition of affairs." 58

Senator B. J. Fridgen, a Conservative Republican from Dewitt and an opponent of the militia bill, minimized the purported assassination, and in a rambling argument, he stated Texas did not have to create a militia. Moreover, he condemned his own party for the use of caucus in controlling party votes. 59 Senator G. T. Ruby of Galveston (the other Negro in the upper house), a well-educated mulatto originally from the North, was irritated by the "caustic expressions," relating to Senator Gaines. Furthermore, he defended the militia bill as necessary for the revolutionary day in which they were living. 60

On June 15 Senate Bill No. 33, "An Act to provide for the enrollment of the militia, the organization and discipline of the State Guards, and for public defense," was


59 Debates and Proceedings (1870), pp. 84-86; Webb, editor, Handbook of Texas, II, 411.

reported and read the second time. Then two substitutes were offered: one by Senator A. J. Fountain of El Paso, which had the support of the administration, and one by Senator J. Webster Flanagan of Henderson. Both were ordered printed. 61

Rush County Senator Flanagan was drifting further and further away from the administration; possibly he never had been wholly devoted to the ideals of the party. He and his father, then United States Senator, J. Winwright Flanagan, were closely tied to the railroad and plantation interests of East Texas. Both had opposed secession, yet had supported the Confederacy: "Web" with service, and the elderly Flanagan with supplies. 62 Senator Flanagan's substitute bill would have weakened considerably the Governor's appointment power in organizing the militia, and would have prevented his declaring martial law without a local request. 63

61 Debates and Proceedings (1870), pp. 61-64.

62 Webb, editor, Handbook of Texas, I, 608-609; For comments regarding J. Winwright Flanagan support of the railroad interests, see Edward Degener to J. P. Newcomb, April 13, 1870; M. C. Hamilton to J. P. Newcomb, June 13, 1870, James Pearson Newcomb Papers; Galveston Daily News, June 18, 1870.

63 Farrow, "The Rise of The Democrats to Power in Texas, 1872-1876," p. 28; Senate Journal, First Session (1870), 211-227. In seeking support for his bill, Flanagan used a different, perhaps more honest, argument than any of the other senators. His words revealed quite clearly his motivation in opposing the Administration backed proposal. After claiming concern over the possible loss of habeas corpus and the instituting of military law, he said: "And would not the passage of said law destroy and virtually ruin the planting interest in the state? We fear it would; ... our newly enfranchised citizens, or a very large majority of them, would belong to the standing army, and would have but little time ... for farming interest."
By mid-June, Secretary of State Newcomb was ready with his data on the "number of murders in each county during the past two years"; and his communication, presenting a county-by-county computation from those reporting, was delivered to the Senate. Whirling into action, Senator Bower immediately challenged the validity of the information and demanded the Senate have "the correspondence in full on which his report" was based. Without opposition the Senate granted Bower's request. Subsequently, a large number of senators spoke for or against the substitute bill presented by Webster Flanagan. Senator Ruby struck a responsive chord by reminding the Senate that a large number of questions concerning internal improvements could not be considered until dispensing with the militia bill.

Ultimately, the fate of the militia bill hinged on one or two votes. Interest intensified and on June 20 the House adjourned to hear the Senate speeches. Senate President Don Campbell of Jefferson opened the debate for the administration bill by reviewing the origins of Texas unrest and lawlessness. He traced it to the acceptance of violence during the war when "thousands of loyal men" were killed "or driven from their homes," to the rebel legislature of 1866, which ignored "the

---

64 Debates and Proceedings (1870), pp. 91-94; Senate Journal, First Session (1870), pp. 231-241.
65 Debates and Proceedings (1870), pp. 94-105
rights of the newly emancipated citizen," and to the "softness of the course of President Johnson.\textsuperscript{67}

Following Campbell's speech, Senator Bowers spoke for three hours and ably defended the Democratic position, arguing from a seemingly endless number of federal and state law cases. Senator A. J. Fountain of El Paso summed up much of what was being verbalized with a quotation from Talleyrand: "Words are used to conceal ideas."\textsuperscript{69} In his use of authorities Senator Parsons was typical. Imbued with formidable vocal stamina, he quoted from General Longstreet, President Washington, Chief Justice Roger Taney, Shakespeare, the New York Telegraph, the New York World, the New York Herald, the Nation, Roman history and law, and numerous federal law cases.\textsuperscript{70}

One of the most striking sights during the lengthy speeches was the Governor's wife, Elizabeth Davis, flanked by other members of her sex, "working the floor" of the Senate and encouraging "lukewarm Republicans" to hold the line.\textsuperscript{71} Since her marriage to Judge Davis in 1858, she had faithfully followed her husband's course, which seemed born of her own convictions.\textsuperscript{72}

\textsuperscript{67}Debates and Proceedings (1870), p. 113.
\textsuperscript{68}Galveston Daily News, June 21, 1870.
\textsuperscript{69}Debates and Proceedings (1870), p. 131.
\textsuperscript{70}Ibid., pp. 138-154. \textsuperscript{71}Galveston Daily News, June 21, 1870.
\textsuperscript{72}Pearl C. Jackson, Texas Governor's Wives (Austin, 1915), p. 73.
On June 21 the House once again adjourned early to attend the Senate debate. Also present on the Senate floor were members of the executive branch, including the Governor and Mrs. Davis and her "female lobby staff." Amidst heated passions, it became obvious that neither chamber would accomplish much until the militia bill struggle was terminated. Quickly, the critical vote came on the Flanagan substitute: fifteen against and fourteen in favor. One reporter commented: "Mills and Pettit sold out to female charms." Next, came the vote on the administration-backed Fountain militia bill, but in order to thwart the will of the majority, some twelve senators fled the Senate chamber and entered another room, locking the door behind them. This same tactic had been tried against the Speaker of the House earlier in the month, and had resulted in seven members being arrested and placed in the charge of the Sergeant-at-Arms.

73 Galveston Daily News, June 22, 1870.
74 Senate Journal, First Session (1870), p. 248.
75 Galveston Daily News, June 22, 1870.
76 Senate Journal, First Session (1870), pp. 248, 252; Gibson, Albert Jennings Fountain, pp. 69-70. According to Gibson: "Private detectives employed by Governor Davis to watch the movement and learn the thinking and plans of the coalition senators had reported insurgent Republicans E. L. Alford and Webster Flanagan were meeting each night in Alford's rooms with ten Democratic senators . . . . The intelligence brought to Governor Davis by his private detectives, which he passed on to Fountain, included a word on the plan to be followed by the insurgents . . . thus breaking the quorum and paralyzing senate action."
77 Galveston Daily News, June 5, 22, 1870.
moved that the Chair order the Sergeant-at-Arms to bring back those senators breaking the quorum. Though this was done, the senators still did not appear. Finally, Campbell had to "empower by warrant three assistant sergeants-at-arms to rescue the principal Sergeant-at-Arms," who was being detained by the twelve senators. Dramatizing the seriousness of the walkout, President Campbell notified the senators being led in that they were under senate arrest for their conspiracy to break the quorum. Four senators, nonetheless, were excused to provide the necessary two-thirds for senate voting. Then the administration-sponsored militia bill carried by a vote of fifteen to five. In addition, a committee of five was appointed to investigate the walkout.78

In the wake of three weeks denial of voting privileges, seven senators regained full senatorial status after taking an oath prescribed by the discipline committee that they had not intended "to break a quorum and prevent the enactment of laws and the reorganization of the State," but the Senate expelled E. L. Alford for his action in forcefully spurning the instructions of the Sergeant-at-Arms to return to the Senate chamber. In late July, the senators withdrew Alford's expulsion by a vote of fifteen to twelve.80

78 Senate Journal, First Session (1870), pp. 248, 252, 263; Gibson, Albert Jennings Fountain, p. 70; Eugene C. Bartholomew Diary, June 21, 1870, Eugene C. Bartholomew Papers.
79 Senate Journal, First Session (1870), p. 283.
80 Ibid., pp. 283, 486-487, 496-497.
In its final form, the Militia Act, as passed by the Legislature, included a military reserve obligation for males from ages eighteen to forty-five with certain exemptions including preachers, teachers, judges, and anyone willing to purchase exemption for fifteen dollars. In addition to a Reserve Militia, the law provided for a voluntary State Guard. When the Legislature was not in session, it empowered the Governor to proclaim martial law, suspend civil law in designated counties; direct the state forces through his commander (the adjutant general), and "in whole or in part" charge the expense of the necessary state action "upon the people of the county or counties" where civil law had disintegrated. 

The Governor's power reached its zenith during the next two weeks. Before the end of June, the Legislature had passed the so-called "enabling act" which allowed the Governor to fill vacancies of local offices until the next election. And the Senate passed a State Police Act and sent it to the House, where it was approved immediately. One chief, four captains, eight lieutenants, twenty sergeants, and one hundred and twenty-five privates were authorized by the act. In addition, the act greatly centralized law enforcement in the state since it subjected local sheriffs, marshals, deputies, and constables to state supervision and made the district judge responsible for reporting to the Governor "all combi-

Gammel, editor, The Laws of Texas, VI, 185-190; American Annual Cyclopaedia, X, 716.
nations for disturbance of the public peace within his district too strong for suppression by the local civil authorities."\textsuperscript{82} Adjutant General James Davidson, who served simultaneously as Quartermaster-General, Commissary-General, Chief of Ordinance, and Inspector General, was also named Chief of State Police. Forging ahead in admirable haste, Davidson began commissioning officers and selecting men.\textsuperscript{83}

Next, the Voter Registration Act was passed, requiring a state-appointed registrar in each county and providing for the registrar's salary by the imposition of a twenty-five cent registration fee. To help ensure honesty, the act further provided a penalty for violation of the Election Code by any registrar of up to a $1000 fine or as much as seven years imprisonment.\textsuperscript{84} Allegations that this law would bring Radical control over all future election results appeared unjustified in light of Radical defeats in 1871 and 1872. Another important act created thirty-five judicial districts, which required the judge in each to hold three sessions annually in each county of his district.\textsuperscript{85}

\textsuperscript{82}Gammel, editor, \textit{The Laws of Texas}, VI, 191-195; Senate Journal, First Session (1870), pp. 278-279; American Annual Cyclopaedia, X, 717.

\textsuperscript{83}American Annual Cyclopaedia, X, 716; Executive Record Book No. 284, pp. 199-200; Farrow, "The Rise of The Democrats to Power in Texas, 1872-1876," p. 31.

\textsuperscript{84}Gammel, editor, \textit{The Laws of Texas}, VI, 198-205.

Mid-summer brought the first well-organized statewide opposition to the E. J. Davis regime, spearheaded by ex-governors Throckmorton, Hamilton, and Pease. At numerous private meetings in June Democratic legislators and Hamilton Republicans considered plans to defeat the Governor's law enforcement program. Meetings of the really prominent figures, however, did not start until July when United States Senator Winwright Flanagan, who with his son strongly supported railroad interests, and former Governor A. J. Hamilton arrived.

The initial meeting of these men and several leading legislators occurred on July 9, and a few days later Hamilton addressed a large assemblage for two and one-half hours in the House of Representatives chambers (often used for public meetings). He criticized the Militia and Police acts and others adopted by the Twelfth Legislature. Finally, the anti-administration leaders issued a "Petition of the People of Texas to Congress to Guarantee to the People a Republican Form of Government."

86 Nunn, Texas Under The Carpetbaggers, p. 33.
87 Austin Daily State Journal, June 11, 1870.
88 Galveston Daily News, July 6, 1870, July 8, 1870; Austin Daily State Journal, August 4, 1870.
89 Ramsdell, Reconstruction in Texas, p. 304; Waller, Colossal Hamilton, p. 132; Eugene C. Bartholomew Diary, July 23, 1870, Eugene C. Bartholomew Papers.
Beginning in late July, the Radicals suffered in regard to railroad legislation the severest threat to party unity of the session. Texas Republicans during Congressional Reconstruction had opposed land grants as wasteful nearsightedness. To withstand the give-away of the public domain, they had been able to force an abandonment of the sixteen-section land grants program by a constitutional provision in 1869. Confronted, however, with growing demands for financial aid, many legislators yielded. Governor Davis, after a personal investigation in April of Texas past public works experience, urged caution in railroad subsidizing. "The absolute necessity for State aid (beyond a liberal charter and the right-of-way)," he stated, "is not apparent to me as a necessity. . . ." In the event aid was given, he recommended it be limited to a Red River to Rio Grande line. Lack of moderation, the Governor forecast, would produce one of two evils: state bankruptcy or a constitutional amendment giving much of the public domain to railroad companies.

91 Senate Journal, First Session (1870), pp. 18-19; Jacob Kuechler to E. J. Davis, April 10, 1870, Executive Letters of 1870-1874; Galveston Flake's Daily Bulletin, May 7, 1870.
Early in the session there was little action regarding railroads. According to one reporter: "The railroad men are girding up their loins for the onslaught shortly to be made by them en masse upon our legislators . . . ."93 Doubtless, the "overlapping ownership," united the lobbyists in their efforts to influence the Legislature.94 Moreover, pressure was placed on the Administration by national Republican leaders, particularly for preferential treatment regarding the Houston and Texas Central, a northern owned corporation. Jackson S. Schultz, President of the National Loyal League, wrote Davis it would be beneficial to Texas "to secure the interest and favours of such influential parties . . . ."95 In response to a letter imploring legislative consideration for the Central from W. E. Dodge of New York City and endorsed by notables Charles Sumner, George S. Boutwell, Schuyler Colfax, and H. Hamlin, Governor Davis replied: "Whatever is reasonable and fair to the State as well to the corporation they will have . . . ." Further, Davis said the company was already in debt to the school fund; and that it could, but probably would not be, sold by the state for nonpayment of the debt.96 Nonetheless, he was in regular

93 Galveston Daily News, June 4, 1870.


95 E. J. Davis to W. E. Dodge, June 22, 1870, Executive Record Book No. 87, p. 194.

96 Ibid., pp. 195-196.
communication with Congressman Benjamin F. Butler and Vice President Schuyler Colfax, inquiring what action was being taken in the Congress regarding interstate railroad construction affecting Texas. He hoped Texas could maintain its constitutional land policy, and yet obtain federal railroad legislation beneficial to the state.97

In June the United States Senate passed the Southern Pacific Bill, chartering a railroad from Marshall, Texas, to San Diego, California. Soon after, the Legislature passed "An Act to expedite the construction of the Southern Pacific Railroad." Nevertheless, Governor Davis promptly vetoed the bill, as indeed he had warned he would.98 Several features caused his objection: it failed to forfeit land grants in renewing the old charter; it provided $16,000 a mile for "completed as well as uncompleted line"; bonds were "payable in gold," rather than in federal currency.99 Sentiment, however, favored the bill, and after a failure to override in the

---

97 E. J. Davis to Benjamin F. Butler, May 31, 1870; Benjamin Butler to E. J. Davis, June 3, 1870; E. J. Davis to Benjamin Butler, June 3, 1870; E. J. Davis to Schuyler Colfax, June 29, 1870; Schuyler Colfax to E. J. Davis, June 29, 1870; Benjamin Butler to E. J. Davis, July 6, 1870; E. J. Davis to Benjamin Butler, July 7, 1870; Executive Record Book No. 87, pp. 153, 154, 155, 197, 198, 204.

98 E. J. Davis to Don Campbell, President of the Senate, July 18, 1870; E. J. Davis to Benjamin Butler, July 7, 1870; Executive Record Book No. 87, pp. 204, 215-218.

House by three votes, a rewritten bill was adopted and allowed by Davis to become law.\textsuperscript{100}

Out of some fifty-two railroad bills presented for incorporation, only a few were passed. Of all the railroad subsidy bills only the International Railroad Act, which chartered a railway running southwesterly from Jefferson to Laredo, received the Governor's signature.\textsuperscript{101} The law granted thirty-year eight per cent interest bearing bonds on \$10,000 for each mile of track on the condition that the company construct fifty miles in eighteen months, seventy-five miles each additional year east of San Antonio, and forty miles each year west of the Alamo City to the border. A mortgage on the road itself provided security for the bonds.\textsuperscript{102}

On August 1 a Joint Committee on Adjournment recommended ending the session on the fifteenth, and the report was adopted. Thereafter followed a mad rush. Major emphasis shifted from railroad legislation, and the two houses began holding an additional session each evening and adopted motions to call the roll and allow each legislator "to call up one bill or resolution."\textsuperscript{103} Besides many local bills, several impor-

\textsuperscript{100}Ramsdell, Reconstruction in Texas, p. 300; American Annual Cyclopaedia, X, 718.

\textsuperscript{101}Ibid.


\textsuperscript{103}Senate Journal, First Session (1870), pp. 498, 524; House Journal, First Session (1870), p. 552.
tant laws passed during those fifteen days. Most important were those dealing with frontier defense, homesteads, public printing, education, elections, and taxes.

During 1870 northern and western Texas were witnessing frequent Indian raids from nomadic tribes. Aware of the problem, no issue received more united support from the lawmakers than frontier defense. In June an act authorizing Governor Davis to organize twenty Ranger Companies was passed, and on August 5 an act providing for sale of bonds to support the Rangers was adopted. 104

A Homestead Act became law which provided one-hundred and sixty acres of land to each family head or eighty acres for a single male over twenty-one years of age, if he would "select, locate or occupy" the land for three consecutive years and pay all title fees. 105 Also accepted was a Homestead Exemption Act, which prohibited forced sale for debts of up to two hundred acres in the county or a town lot valued up to $5000. 106 While these acts received bipartisan support, the Public Printing Act constituted one of the most


105 Gammel, editor, The Laws of Texas, VI, 242, 244; American Annual Cyclopaedia, X, 716.

106 Senate Journal, First Session (1870), p. 318; Gammel, editor, The Laws of Texas, VI, 301; American Annual Cyclopaedia, X, 717.
partisan measures of the session. It provided for an official state journal to be selected by a joint vote of the legislature at the beginning of each session. Beyond this, it allowed the Governor to select one newspaper in each judicial district to publish the county and judicial proceedings. Another partisan act was a new election law setting November, 1872, as the next general election date. Its stated objective was to synchronize national and state elections; it was not, however, simply a matter of fortuitous coincidence that it also happened to extend for one year the terms of the current representatives.

For two months, the education issue had attracted scant attention outside of committee. Finally, a Joint Committee, after some difficulty, reached the following conclusions: legislation should avoid enforcing either segregated or integrated schools; each county should constitute a district; and the state should employ a superintendent to advise and aid county school boards. These recommendations, plus county authority to levy a one per cent tax for school construction, constituted the education bill of 1870.

107 Gammel, editor, The Laws of Texas, VI, 244-249.
Although the value of taxable property in Texas had risen greatly and the value of manufactured goods had nearly doubled since the Civil War, the state still was dependent upon a revenue system referred to by Comptroller Bledsoe as "a haphazard kind of begging." Business interests largely were escaping taxation. Only one Texas railroad company paid in excess of $1000 in taxes for 1869, and stage coach companies, the few banks, insurance companies, and other incorporated companies contributed little, if any, revenue. To help remedy the deplorable state financial situation, two tax laws passed the final day of the session: "An Act to levy taxes," and "An Act for the assessment and collection of taxes." The latter provided that justices of the peace serve as tax assessors and collectors. The "Act to levy taxes" required a property tax "of one-third of one per centum" due the first of January each year, a head tax of one dollar annually for each male, a two per cent corporation tax on gross receipts, and a special occupation tax on whiskey salesmen, operators of various amusements, and a few other select jobs considered non-productive to society.

110 Gammel, editor, The Laws of Texas, VI, 373-374, 378-407; Miller, A Financial History of Texas, p. 17; A. Bledsoe to E. J. Davis, April 7, July 18, 1870, A. Bledsoe Papers; Texas State Archives, Austin, Texas; A. Bledsoe to E. J. Davis, April 20, 1870, Executive Letters of 1870-1874; E. J. Davis to Legislature, July 19, 1870, Executive Record Book No. 87, p. 213; Senate Journal, First Session (1870), pp. 384-385, 490-491; Dugas, "A Social and Economic History of Texas in the Civil War and Reconstruction Periods," pp. 615-616. The Dugas dissertation refutes the myth that Texas was suffering an economic depression during the late 1860's and early 1870's.
Thus, ended the special 1870 legislative session. Incontrovertibly, it was one of the most controversial and dramatic sessions Austin ever witnessed. Remaining meetings of the Twelfth Legislature in 1870 largely would refine the basic program of 1870.

Strict party discipline had brought the Radicals such sundry returns as ideological fulfillment, party patronage, and personal protection. But, it had its cost. Increasingly, the price paid was intraparty warfare, which speedily split the victorious 1869 coalition into three or four distinct factions. 111

An administration wing, by far the most numerous faction, embraced almost all state and local officeholders. In addition, it could generally count upon the Union League, led by its president, James P. Newcomb, and State Senator George Ruby. Furthermore, the Davis team usually commanded a legislative majority on issues other than railroad legislation, and it maintained full backing of five of the seven executive department heads.

A small, but impressively vociferous group, constituted the Morgan Hamilton clique. Its most important members included Hamilton's friends within the state bureaucracy,

mainly clerks ensconced in the comptroller's office, and those Texas federal employees indebted to the senator for their appointments. Once in Washington, the old bachelor, a man of many moods, soon became disillusioned with the Texas Radicals. Never completely reconciled to the party's shift of position in 1869, he continued working for a division of Texas; and resentful of advice from Austin, Hamilton shrugged off administration suggestions regarding federal appointees and other matters. 112

In a series of letters to J. P. Newcomb, March to September of 1870, Hamilton expressed displeasure with the caliber and breed of Davis-selected officeholders, and with what he considered the governor's lack of leadership in not convincing the party to resist all subsidy bills. His scathing denunciations included a battery of well aimed accusations at party legislators for selling out to the railroad interests, for passing an unconstitutional and unworkable militia act, and for adopting an appropriations bill which would be "posterity's burden." 113

112 Morgan C. Hamilton to J. P. Newcomb, June 17, 1870; Edward Degener to J. P. Newcomb, June 21, 1870; E. J. Davis to J. P. Newcomb, March 13, 1871, James Pearson Newcomb Papers; E. J. Davis and J. G. Tracy to M. C. Hamilton, June 25, 1870, Executive Record Book No. 87, p. 196; E. J. Davis to A. T. Ackerman, December 6, 1870, Executive Record Book No. 79, pp. 69-70.

113 Morgan Hamilton to J. P. Newcomb, June 26, July 2, 4, 17, September 8, 1870, James Pearson Newcomb Papers.
Predictably, Senator Hamilton's open opposition to the Davis administration, together with his unbridled damnation of the Twelfth Legislature, brought swift retaliation. Seeking retribution, the legislature on August 8, 1870, resolved that during the February provisional session it had been without authority to elect Hamilton for a partial term of one year and a full six year term; therefore, it called for a new senatorial election at its next session. Thus, when the legislature convened in January, 1871, Radicals rewarded a past political ally, General J. J. Reynolds, still stationed in Texas, by electing him to fill Hamilton's position. However, the United States Senate, despite Reynolds's known friendship with President Grant, robbed the Texas Radicals of their revenge, by refusing to seat the general on the grounds that Hamilton had been legally elected in February, 1870 to both a short and long term.

During 1870-1871 Hamilton maintained close contact with State Comptroller A. Bledsoe, who had retained in his depart-

ment several co-workers and friends of former comptroller, Hamilton. These bureaucrats bristled at Governor Davis' investigation of their department and his accusations that they were charging personal fees for work performed in connection with that office. Comptroller Bledsoe and State Treasurer George W. Honey registered immediate resistance against the governor's attempt to operate the multi-executive state government as a cabinet system. Elected in their own right, the administrators resented what they regarded as interference in their departments. On the other hand, Governor Davis fumed when Bledsoe and Honey presumed to interpret the constitutionality of certain legislative acts and executive actions. On more than one occasion, they obstinately refused


117 E. J. Davis to A. Bledsoe, December 14, 1870; A. Bledsoe to E. J. Davis, December 12, 1870, January 1, May 7, 1872, A. Bledsoe Papers; E. J. Davis to William Alexander, August 16, 1870, Executive Record Book No. 87, p. 264; E. J. Davis to A. Bledsoe, February 14, 1871, Executive Record Book No. 79, p. 203; William Fleming to J. P. Newcomb, November 19, 1870, James Pearson Newcomb Papers; Galveston Daily News, June 7, 1870; Miller, A Financial History of Texas, pp. 164, 194; Ramsdell, Reconstruction in Texas, pp. 304-305; Nunn, Texas Under The Carpetbaggers, p. 172.
to request the opinion of Attorney-General William Alexander, whom they branded a tool of the governor.\textsuperscript{118}

Often challenging the administration was the railroad subsidy faction, or Flanagan wing, represented in Washington by Senator J. W. Flanagan, and guided in the state legislature by the senator's son, Webster Flanagan. This faction, aided by the federal patronage influence of Senator Flanagan and the railroad interests, received the support of legislators who broke with the governor only over the issues of railroad aid and public lands. Although Governor Davis never completely broke with the Flanagans, political expediency was apparently the sole magnetic force preventing a total breach.\textsuperscript{119}

Addressing a joint session of the legislature in 1871, Governor Davis recommended that Texas economize and halt any additional aid to railroads.\textsuperscript{120} For a number of reasons,

\textsuperscript{118}A. Bledsoe and George W. Honey to E. J. Davis, August 31, September 1, 1870; A. Bledsoe to E. J. Davis, December 5, 1870; January 16, March 13, September 15, December 13, 30, 1871, A. Bledsoe Papers; Galveston Daily News, June 10, 1870; San Antonio Daily Herald, September 7, 1870; House Journal, First Session (1870), pp. 500-501.

\textsuperscript{119}Edward Degener to J. P. Newcomb, April 13, 1870; M. C. Hamilton to J. P. Newcomb, June 13, 1870; W. T. Clark to J. P. Newcomb, July 26, 1870; J. W. Flanagan to J. P. Newcomb, January 18, 1873; Casdorph, The Republican Party in Texas, pp. 25-26.

\textsuperscript{120}Traxler, "The Texas and Pacific Railroad Land Grants," p. 366.
Texas railroad bonds were not commanding attractive prices. Southern securities, in general, were yielding low rates of interest; railroad bonds were being attacked by the conservative press; and the Franco-Prussian War, which started in August, 1870, temporarily curtailed European railroad investment in the United States.  

Nonetheless, the Flanagan faction, joined by a majority of Democrats in the 1871 legislative session, overrode Governor Davis' veto and granted $6,000,000 in subsidy to the Southern Pacific and Transcontinental Railroad. Then, they proposed a constitutional amendment, adopted by the people in November, 1872, which permitted the substitution of land grants for state internal improvement bonds.  

Finally, there emerged the Honey-Moore-Hall faction composed of disgruntled politicians—including State Treasurer George W. Honey, W. B. Moore, a carpetbagger once associated with the San Antonio Express, and Thomas Hall of Anderson County—who had quarreled with Governor Davis and Secretary of State Newcomb over personal and political matters. This

---

121 Austin Daily State Journal, August 16, 1870; S. M. Swenson to E. J. Davis, August 29, 1870, Executive Record Book No. 87, pp. 231-232.

small, but vigorous clique, traveled widely seeking to wrest local Union League support from Newcomb by allying themselves with Negro preachers and politicians and by organizing rival League chapters, and, by this means, attempting to control district Republican conventions. But the "disorganizing schemes" of the dissenting trio eventually forced Newcomb to appoint George Lawrence, a Galveston customs collector, with "national authority" from the League's New York headquarters to reorganize many of the local councils. Before the end of 1871, Newcomb, reelected state president of the League in September, had gained control of the loosely knit organization.\textsuperscript{123}

In addition to these discernible factions, there were Radicals who had honest doubts concerning the advisability of certain 1870 legislative enactments, particularly the enabling act, which they believed unconstitutional. They sought its repeal in May, 1871, but were overruled by a Radical caucus. When Speaker Ira Evans, who had from the beginning protested the enabling act, refused to let the caucus vote have a binding effect upon him and vigorously de-

\textsuperscript{123} H. C. Hunt to J. P. Newcomb, June 25, August 14, 1871; C. Carson to J. P. Newcomb, June 28, 1871; G. T. Ruby to J. P. Newcomb, June 29, 1871; E. Pettit to J. P. Newcomb, July 5, 1871; J. G. Tracy to J. P. Newcomb, June 26, 1871; A. G. Malloy, August 15, 1871; W. M. Waddell to J. P. Newcomb, August 14, 1871; S. H. Russell to J. P. Newcomb, September 2, 1871, J. G. DeGress to J. P. Newcomb, September 28, 1871, James Pearson Newcomb Papers.
nounced it, Radicals replaced him as speaker with W. H. Sinclair, a Galveston carpetbagger, formerly with the Freedmen's Bureau.  

Notwithstanding the friction between the administration and the state's two senators, the troublesome Bledsoe and Honey, the temporary disruption of the League, and the removal of Speaker Evans, it is inaccurate to assume that on the whole the Radical party was losing strength. Many of the so-called Moderate Republicans accepted positions in the Davis administration, and the Radical press, now state subsidized, was never stronger. Then in February, 1871, John L. Haynes, chairman of the Moderate Republican party since 1867, advised his executive committee to disband and accept Radical J. G. Tracy as the legitimate committee chairman in Texas. Moreover, contrary to frequent assumptions, Radical voting strength did not diminish in 1870-1872, but remained stable.  


CHAPTER V

RADICAL INNOVATION AND THE OPPOSITION

The Texas Radical Republicans initiated during 1871 a two-year program of extensive change. Especially significant, controversial, and innovative were attempts to institute centralized law enforcement, a statewide free public school system, state subsidy to select newspapers for public printing, and the Immigration Bureau.

Several factors convinced Radicals they had valid reasons to commence centralized law enforcement. Criminals could cross a county line and frequently be immune from the peril of prosecution, while outlaw bands and community prejudice oftentimes became so overpowering that performance of duty by local officers became almost impossible. Indeed, in some areas, the murder of an "uppity black" or Radical was considered "not much of an offense, that in fact it was rather a good thing."¹ Radical correspondence revealed mob intimidation of courts, murders or threatened assassinations

of local officials, the tyranny or impotence of local sheriffs, harassment of blacks, and the impossibility of holding fair elections without police protection. Radical opinion certainly was not impartial, but the fact that Texas led the nation in murders and violent crimes could be established.²

Armed with a militia for emergencies, a state police to aid local sheriffs, and legal restrictions against the carrying of guns, Radicals believed Texas could have law and order. Such was the aim of the law enforcement legislation adopted by the 1870 special legislative session. Additional 1871 enactments tightened the gun control law, increased the meager salaries of state policemen, and upgraded ranks within the force.³ Also, state police chief James Davidson and his overworked clerical staff (one secretary) received quarters

²James King to E. J. Davis, April 10, 1870; John R. Johnson to E. J. Davis, April 12, 1870, Executive Letters of 1870-1874; Seymour White to E. J. Davis, May 9, 1870; I. W. Fry to E. J. Davis, May 9, 1870; J. M. Morse and Charles Porter to E. J. Davis, May 10, 1870; Shade Croome to E. J. Davis, June 4, 1870, Executive Record Book No. 87, pp. 120, 133-134, 144-145, 157; E. J. Davis to J. R. Burns, February 10, 1871, Executive Record Book No. 79, p. 200; Colbert Caldwell to J. P. Newcomb, August 26, 1871; A. M. Bryant to J. P. Newcomb, August 24, 1871, James Pearson Newcomb Papers; Galveston Daily News, June 30, 1870.

outside the crowded capitol when the panic-stricken legislators discovered that Davidson had established the department's munition depository in the capitol basement. Hastily, the legislators passed a joint resolution "authorizing the Adjutant General of the State to procure a suitable building in the city for the use of his department, and to remove the power and explosive ammunition in the basement of the capitol."^4

Measured by arrests and convictions, the state police force, whatever its abuses, proved a most efficient agency. Certainly, some actions of Adjutant General Davidson were questionable, others were inexcusable; nonetheless, he did prove to be an "organizer of ability and merit."^5 By the end of 1870, Davidson had compiled a report from county sheriffs indicating Texas had almost 2,800 fugitives from justice, and the newly organized state police speedily had apprehended nearly 1,000 of those criminals,^6 charging 109 with murder and

---


130 with assault with intent to murder. In 1871 state police arrests numbered 3,602 and the following year 1,204.

Even so, the most searing epithets hurled at the administration stemmed from use of its police power. Mainly, this criticism fell into three categories: the caliber of police appointees, the expense of the department, and over-reaction by Davis in declaring martial law.  

Adjutant General Davidson, in his annual report for 1870, confessed his difficulty in "securing the services of reliable, energetic and efficient men," who also displayed "courage and nerve," and he reported that he already had purged the force of some objectionable officers. Some of these policemen had been dismissed upon advice from Republican officials. At the same time, however, the force contained officers who demonstrated both bravery and restraint, several of whom later served in the Texas Rangers.

---


At no time was it the low caliber of state policemen that most triggered public resentment, but rather that they served under an administration unpopular with a majority of whites. Even more repugnant to most white Texans was the presence of Negroes on the force. The public animosity did not arise from any direct Radical planning to recruit Negro policemen, or their large numbers on the force (an estimated forty per cent), or even the behavior of a few policemen, but from a general unwillingness to accept even one black as a law enforcement officer.  

Allegations that the state police program reflected great extravagance seem unreasonable. In its first thirty months of operation, the force cost Texas $408,274.12, or an average of $163,309.64 annually. During the period, hundreds of fugitives were apprehended, 2,029 persons were charged with felonies, even more with minor offenses; while the average cost, even if calculating felonies alone, amounted to less than $70 per person accused.

Additional charges were aimed at the Davis administration regarding the governor's declaring martial law on three

---


11 Journal of the Senate of Texas, Thirteenth Legislature of Texas (Austin, 1873), p. 40. The figured costs per crime are those of this writer, based on the statistics given.
occasions in 1871. Whatever else may be said concerning these events, a number of similarities appear in each disorder: Negro citizens lost their lives, local law officers appeared incapable or unwilling to punish the guilty party, and the initial community response to the state police was stubborn resistance. Hill County citizens arrested the state policemen, and in a Walker County courtroom two policemen were wounded when local citizens smuggled guns to accused murderers.

Governor Davis was undoubtedly swayed somewhat by letters from local Republicans, but the fact remains that the situation in those communities reached explosive proportions and appeared to be worsening. Politically, the declarations of martial law intensified opposition to the Radicals, but it lost them very few supporters while the administration protected areas of black voters where open oppression was occurring.

Second to police action in attracting antagonism to the Davis administration was the newly formed free public school
system, which opened its first term in September, 1871. The legislature had adjourned in 1870, without allocating necessary school operating funds, but in the spring of 1871, it appropriated $504,500, which supplemented an estimated annual local school tax revenue of $2,250,000.15

Shortly afterwards, the legislature confirmed as Superintendent of Public Instruction Colonel Jacob C. DeGress, a young Prussian born Union army officer, whom E. J. Davis had known since the Red River campaign of 1864.16 Following the Civil War, DeGress had served as assistant commissioner of the Freedmen's Bureau in the Eastern District of Texas. In this position he spent much of his time establishing schools before being transferred to Houston, where he retired from the army in 1870. In many ways, he seemed ideally suited for his new appointment in the Davis administration; he spoke German, a valuable asset in the Texas of the 1870's, and due to his Bureau experience, he understood many of the problems of Negro education. Furthermore, DeGress realized the tremendous task confronting him in a state where he admitted

15 American Annual Cyclopaedia (1870), p. 718; (1871), 737; (1872), p. 754; E. J. Davis to James W. Ivey, August 13, 1870, Executive Record Book No. 79, p. 75; E. J. Davis to Gustav Loeffler, August 31, 1870, Executive Record Book No. 87, p. 329; Second Annual Report of the Superintendent of Public Instruction of Texas for the Year 1872 (Austin, 1873), p. 5; Texas Almanac (1873), p. 24.

"public schools had never been known and where the great mass of the white population was decidedly opposed to them."17

In the fall of 1871 the legislature divided the state's educational system into twelve districts, each headed by a salaried district supervisor.18 Of these supervisors, at least eight were Republican politicians, and many principals and trustees were faithful party members. Such appointees Radicals believed not only to be in the party's best interest, but for the good of the school system as well. DeGress advised one supervisor that when appointing school directors he should "select good men, sound Republicans, as Democrats as a class are opposed to the free school."19 These Radical educators did not always strictly separate their pedagogical work from their political tasks, nor would later Democratic educators of the post Reconstruction era. No evidence has appeared, however, indicating that the schools were being utilized as a partisan training ground.20


18 Texas Almanac (1873), p. 22; Second Annual Report of the Superintendent of Public Instruction of Texas for the Year 1872, pp. 51-57; Thomas, "Colonel J. C. DeGress."

19 Texas Almanac (1873), p. 22; Thomas, "Colonel J. C. DeGress."

20 James Walker to J. P. Newcomb, August 2, 1871; Stanley Welsh, September 6, 1871; Alexander E. Sweet to Major Stanley Welsh, James P. Newcomb Papers; Thomas, "Colonel J. C. DeGress."
During the first year's operation, public schools numbered 2,067, with a faculty of 2,625; of the state's 228,355 school age youths, 127,672 received some instruction, with 81,653 being in regular daily attendance, at an annual cost per pupil enrolled of $9.23. The entire annual cost amounted to $1,222,221, the state's share being $482,753, and counties paying $739,468.

For the first time, Texas provided opportunity for free education to all its children, in a graded system, with certified teachers. Judged by national norms, the program was not radical, in fact, it was quite similar to a system the state subsequently adopted. But, at that time, many Texans considered the school system oppressive, with the main objections being the centralization of its control; its compulsory school attendance requirement; the fact that many of the teachers and some of the school officials were "strangers to Texas"; the system's attempt to educate the Negro; and the system's expense to taxpayers. Beyond this, some minorities were dissatisfied with a requirement that classes be conducted.


in English with the exception of two hours per day, and some opposition came from Catholics along the Rio Grande who resented any control of education by the state.23

Another Radical innovation encountering widespread condemnation was the state subsidy paid select Radical newspapers for publishing state and district legal notices. Prior to 1871, a few of the state's Republican newspapers, including the Galveston Flake's Bulletin, the San Antonio Express, and the Houston Union, had received government funds, primarily from publishing the laws of the United States and other types of federal printing.24 The Express and the Austin Republican in 1868-1869 also secured some printing business from the Reconstruction Convention.25 Most Republican newspapers, however, relied entirely upon private subscription and advertisement.

A majority of the state's Republican newspapers survived only a few months, yet some spanned a five to ten year period; nearly all published only weekly, as did a preponderance of all Texas newspapers. In 1868, of the state's seventy-three newspapers, eight printed daily, and four of these were located

23 Alexander Sweet to J. P. Newcomb, March 1, 1872; Thomas M. Paschal to J. P. Newcomb, September 11, 1872, James Pearson Newcomb Papers.


25 Ramsdell, Reconstruction in Texas, p. 205.
in Galveston; four years later, twelve published daily. Only four Republican newspapers—Flake’s Bulletin, the San Antonio Express, the Houston Union, and the State Journal—from 1865 to 1877 ever published a daily. 26

Unquestionably, the most widely circulated Republican newspaper in the state subsequent to the war was Galveston’s Flake’s Bulletin; due to its conservative editorial policy, however, the party largely disavowed it by 1867. During the period of congressional reconstruction, two newspapers vied to be the party’s chief organ, the San Antonio Express, which became the Radical journal, and the Austin Republican, which became the Moderate mouthpiece. 27

Also during those years, 1867-1869, J. G. Tracy, a belated Republican party convert and former publisher of the Houston Telegraph, commenced publishing the Houston Union, which procured federal printing business. 28 Then, following the 1869 Radical victory, Tracy, who became state printer, and his Houston associate, E. H. Quick, joined hands with two rather reluctant partners, James P. Newcomb and August


Siemerling, publishers of the San Antonio Express. The rather turbulent partnership of Tracy, Siemerling, and Company employed as editor of the Austin Daily State Journal, E. M. Wheelock, a prewar abolitionist and Unitarian minister, who had served with the Freedman's Bureau in Texas and later became Pease's Superintendent of Public Instruction. The Journal monopolized state printing; served as the official press for the twenty-seventh judicial district, composed of Travis, Hays, and Bastrop counties; printed federal materials; and became the official Radical Republican organ.

Several new party newspapers sprang up in 1870-1872, expecting to take advantage of the Public Printing Act. Some newspapers started as pet projects of local Republican clubs, while others represented partnerships of a few party members. Most, however, were founded by individual entrepreneur-politicians.

For consideration of his newspaper as an official

29 James G. Tracy to J. P. Newcomb, August 13, 1870; August 13, 1870; April 8, 27, 1872; A. Siemering to J. P. Newcomb, May 12, June 17, 1871; February 27, March 11, 17, May 24, 1872; E. H. Quick to J. P. Newcomb, December 13, 1872, James Pearson Newcomb Papers; Edwin M. Wheelock, The Life Hereafter (Fort Worth, 1935), with a Biographical Note by Charles Kassel, pp. 103, Edwin Miller Wheelock Papers, Austin Public Library, Austin, Texas; Webb, editor, Handbook of Texas, II, 892.


31 Texas Almanac (1871), p. 236; (1872), pp. 209-210; (1873), pp. 57-58; A. Siemering to J. P. Newcomb, August 15, 1870; J. S. Stewart to J. P. Newcomb, September 16, 1870; J. B. Williamson to J. P. Newcomb, December 21, 1870; F. P. Wood to J. P. Newcomb, July 11, 1871; Richard Peterson to J. P. Newcomb,
district journal, the publisher forwarded to the governor for perusal his previous weeks editions. Most probably, the primary factors weighed in the governor's selection consisted of the political affiliation of publisher and editor, their editorial policy, and the quality of the press.  

A less controversial Radical program, the Immigration Bureau, an institution recommended by the governor in his April, 1870 legislative message, got under way in 1871. The state, Davis had suggested, should collect and publish statistics informing prospective immigrants of Texas' homestead policy, soil, living costs, the state's products, and means of transportation. In addition, he desired, if possible, state loans for immigrants unable to pay Texas bound transit costs. To institute the program, Davis advocated creation of a bureau headed by a superintendent, with four traveling commissioners, two in the United States and two in Europe.  

Proceeding on the assumption of the agency's establishment, the governor in the summer of 1870 appointed Gustav

---

32 E. J. Davis to P. S. Cleaves, J. E. Wheeler and others, February 4, 1871, Executive Letters of 1870-1874.  
33 Senate Journal, First Session (1870), pp. 19-20; E. J. Davis to Ernst Hober, December 2, 1870, Executive Record Book No. 79, p. 56; Webb, editor, Handbook of Texas, I, 565.
<table>
<thead>
<tr>
<th>Names of Newspapers</th>
<th>Place of Publication</th>
<th>Year Founded</th>
<th>Names of Publishers</th>
</tr>
</thead>
<tbody>
<tr>
<td>Flake's Bulletin</td>
<td>Galveston</td>
<td>1865</td>
<td>Ferdinand Flake</td>
</tr>
<tr>
<td>Waco Register</td>
<td>Waco</td>
<td>1865</td>
<td>W. R. Chase</td>
</tr>
<tr>
<td>San Antonio Express</td>
<td>San Antonio</td>
<td>1865</td>
<td>August Siemering, J. P. Newcomb</td>
</tr>
<tr>
<td>Freie Presse</td>
<td>San Antonio</td>
<td>1866</td>
<td>August Siemering</td>
</tr>
<tr>
<td>Texas Ranger</td>
<td>Navasota</td>
<td>1865</td>
<td>Joseph Lancaster</td>
</tr>
<tr>
<td>Paris Press</td>
<td>Paris</td>
<td>1865</td>
<td>F. W. Miner</td>
</tr>
<tr>
<td>Messenger</td>
<td>McKinney</td>
<td>1865</td>
<td>J. W. Thomas</td>
</tr>
<tr>
<td>National Index</td>
<td>Tyler</td>
<td>1867</td>
<td>S. D. Wood, H. C. Hunt</td>
</tr>
<tr>
<td>Guard</td>
<td>Goliad</td>
<td>1866</td>
<td>R. W. Davis</td>
</tr>
<tr>
<td>Vindicator</td>
<td>Paris</td>
<td>1868</td>
<td>Richard Peterson</td>
</tr>
<tr>
<td>Austin Republican</td>
<td>Austin</td>
<td>1867</td>
<td>Morgan C. Hamilton, A. H. Longley</td>
</tr>
<tr>
<td>Union</td>
<td>Houston</td>
<td>1868</td>
<td>J. G. Tracy, E. H. Quick</td>
</tr>
<tr>
<td>Jefferson Radical</td>
<td>Jefferson</td>
<td>1869</td>
<td>E. W. Garland</td>
</tr>
<tr>
<td>State Journal</td>
<td>Austin</td>
<td>1869</td>
<td>J. G. Tracy, August Siemering</td>
</tr>
<tr>
<td>Nueces Valley</td>
<td>Corpus Christi</td>
<td>1869</td>
<td>Nelson Flato, M. H. Godden</td>
</tr>
<tr>
<td>Union Republican</td>
<td>Huntsville</td>
<td>1869</td>
<td>William Understock</td>
</tr>
<tr>
<td>Patriot</td>
<td>Sherman</td>
<td>1870</td>
<td>A. L. Darrell</td>
</tr>
<tr>
<td>Standard</td>
<td>Galveston</td>
<td>1871</td>
<td>G. T. Ruby</td>
</tr>
</tbody>
</table>
Loeffler, a Texas German, as superintendent of the Immigration Bureau.  

Loeffler believed that Texas could "secure a vast immigration from the North and Northeastern States," whereby the state would "secure Republicans" and farmers, who were "versed in all the modern improvements in agriculture." Then, once the war between Germany and France ended, he predicted, there would be a European "exodue such as has not been witnessed," with a definite possibility that "many could be secured for Texas."  

Establishing his headquarters in Galveston, Loeffler within weeks had arranged for 500 Germans to settle in the Lone Star State. Much to his dismay, however, the legislature failed in 1870 to create the Bureau, as authorized by Article XI of the 1869 Constitution. Governor Davis, not discouraged, assured Loeffer that the lawmakers upon meeting in 1871 would "provide an efficient immigration system."  

---

34 Texas Almanac (1867), p. 193; (1869), p. 175; (1870), p. 200; (1871), 235; (1872), pp. 209-210; (1873), pp. 57-58; Memorial and Biographical History of McLennan, Falls, Bell, and Coryell Counties, Texas, p. 121; Neville, The Red River Valley Then and Now, pp. 160-161; Casdorph, "Texas Delegations to Republican National Conventions, 1860-1896," p. 213; Casdorph, Republican Party in Texas, p. 27; Richard Denny Parker, Historical Recollections of Robertson County, Texas (Salado, Texas, 1955), p. 75; Stambaugh, Collin County, Texas, p. 157; Webb, editor, Handbook of Texas, II, 18, 275, 609.

35 Nunn, Texas Under the Carpetbaggers, p. 259.

36 Gustav Loeffler to E. J. Davis, August 8, 1870, Executive Record Book No. 87, pp. 326-328.

37 Austin Daily State Journal, October 15, 1870.

38 E. J. Davis to Gustav Loeffler, August 31, 1870, Executive Record Book No. 87, p. 329.
As Davis anticipated, "An Act to Organize the Bureau of Immigration" was adopted in May, 1871. The Act provided for a superintendent who would, in turn, appoint with the governor's approval, four commissioners: one each for the southern and northern United States, one for England, and another for the continent. Four Radical politicians accepted Loeffler's appointment: J. H. Lippard of Hill County, who operated along the Mississippi and Ohio rivers; ex-Confederal General William H. Parsons of Harris County, who established his office in New York City; John T. McAdam of Washington County, who moved to Manchester; and Theodore Hertzberg of Bexar County, who began work at Bremen on the continent.

Within a year, each immigration agent had contributed toward the furthering of immigration to Texas. In the states of Missouri, Kansas, Iowa, Kentucky, and Indiana, Lippard formed settler aggregations which prepared for migration. One of these groups by 1872 had established itself in Robertson County. In the same year Parsons settled a colony of northerners in Montgomery County and another in northeastern Texas, and a third, "mostly composed of Englishmen," journeyed enroute. Hertzberg saw over one hundred immigrants embark from Alsace and Lorraine to West Texas; and McAdam, in England,

---

39 Gammel, editor, The Laws of Texas, VI, 1029-1030.

"sent over three hundred persons to Texas, mostly farmers, and many men of means."41

The overall influence of the Immigration Bureau, however, compared with the thousands entering Texas, remained minimal. The four immigration agents found it difficult to compete with private corporations from other states and territories who could offer better information and inducements, such as local immigrant aid associations waiting to assist settlers in their new environment.42 And, much to the chagrin of Radicals, immigrants in great numbers arrived in Texas from other southern states. Radicals least preferred southern immigrants, who generally brought their Democratic party affiliation and their hostile attitude toward Negro suffrage.43

There is little doubt that while these programs—state police, public education, subsidized printing, and the Immigration Bureau—did not create many new political antagonists, they did crystalize existing political opposition. An organized effort to resist the Radical innovations, the Taxpayers' Convention, assembled in Austin shortly before the fall 1871 congressional election. In the summer, a group of Austin citizens, including Republicans Pease, R. N. Lane, and the Hamilton brothers, and Democrats George Hancock and M. H.

42 Ibid., pp. 4-6.
43 Nunn, Texas Under The Carpetbaggers, p. 256.
Bowers—announced a September convention of taxpayers to take place at the capitol. Their request that taxpayers organize county conventions to draft resolutions and select delegates met a ready response from Democrats, who hoped to utilize the state meeting for political advantage. Indeed, when the convention assembled, it was apparent that the ninety-five counties represented had delegated mostly Democrats and ex-Confederates.\footnote{Austin Democratic Statesman, August 12, 1871; Webb, editor, Handbook of Texas, II, 714; Eugene C. Bartholomew Diary, September 22, 23, 25, 1871, Eugene C. Bartholomew Papers.} The few Republicans present were almost entirely of the so-called "Austin Ring"; nonetheless, to give the meeting a nonpartisan appearance, Pease was elected chairman.\footnote{Webb, editor, Handbook of Texas, II, 714; Thomas, "Colonel J. C. DeGress,"}

Three committees were appointed: a "general business" committee of twenty-one members; a committee on statistics, headed by A. J. Hamilton; and a committee of seven to consult with the governor and the legislature.\footnote{Webb, editor, Handbook of Texas, II, 714; Winkler, Platforms of Political Parties in Texas, pp. 128-140.} Apparently, the latter committee had little work, as neither the governor nor the Radical dominated legislature had any intention of recognizing what they considered an extralegal, if not illegal, affair. The other two committees, however, submitted elaborate reports and resolutions charging the governor with
"violation of the constitution in enforcing the police, militia, enabling and other oppressive laws," and denouncing him for "subversion of the law in declaring martial law." By far the most concrete resolution adopted recommended noncompliance with the one per cent ad valorem tax, which the legislature had authorized local school districts to collect for building construction and maintenance. In brief, the tax resistance plan advocated that taxpayers make application for court injunctions restraining county sheriffs from collecting the supposedly "unconstitutional" tax.  

Considering the meeting revolutionary in character, reminiscent of the secession convention, and purely political in its aims, Governor Davis refused to recognize the Taxpayers' Convention, and he informed President Grant of a possibly perilous situation. In reply, President Grant advised the exercising of restraint, except in event of the convention "counseling resistance to law or the committal of any overt act" of rebellion, in which case, Grant recommended martial law.  

As a counteroffensive measure to the Taxpayers' Convention, Republicans rallied on Saturday night, September 23, at

---

47 Winkler, Platforms of Political Parties in Texas, pp. 128-140. For a detailed explanation of school tax resistance strategy in Travis County, see Austin Tri-Weekly Statesman, May 14, 1872.

48 Austin Tri-Weekly Statesman, September 26, 1871.
Buaas Hall, their Austin headquarters, where a few days previously a large party banner had been torn down presumably by the Democrats. There, while they listened to speeches by Radical politicians, a bullet whizzed by the governor, as he sat on the platform, striking a hall door behind him. 49

Leaving the meeting shortly afterwards, Davis and Colbert Caldwell, a former Pease ally now serving as a district judge, led a group, including many blacks, up to the capitol, scene of the Taxpayers' Convention earlier that evening. Davis, reported the Democratic Statesman, reminded the marchers that "in ancient times, it was the custom of the people to purify their temples when defiled by burning and sprinkling incense round about the same." Since they had no incense, he suggested that they march around the capitol singing some of the "glorious hymns of freedom"; whereupon, the group proceeded to march in procession singing "John Brown's Soul Is Marching On," followed by "Rally Round The Flag, Boys." Stopping shortly after midnight, they returned to their homes. 50

During the days following the Taxpayers' Convention, Radicals and Democrats campaigned zealously for victory in the coming congressional election, October 3-6. The election promised to be the first real test of strength between the

49Austin Daily State Journal, September 22, 27, 1871.
50Austin Tri-Weekly Statesman, September 26, 1871.
two antagonists since the 1869 election. Although the Democrats had shown signs of full recovery in winning several seats in a special November, 1870 election to fill legislator vacancies, Radicals brushed off the success, ascribing it to the intimidation of black voters. 51

By 1871 Texas Democrats largely had abandoned the conservative label, or ideas of fusion with Moderate Republicans. 52 Meeting at Austin in January, 1871, they thoroughly reorganized their party and proclaimed "abiding confidence in ... the national Democratic party." Subsequent district party conventions nominated a full slate of congressional candidates, and in July an official party newspaper, the Austin Democratic Statesman, commenced publication. 53

Republicans began an active campaign during the summer, with some infighting for congressional nominations. At Bonham, A. M. Bryant collected the second district nomination by acclamation, despite his ill health and the fact he would have to depend upon others for active campaigning against

51 Ramsdell, Reconstruction in Texas, p. 310; M. Priest to E. J. Davis, December 4, 1870, Executive Record Book No. 79, pp. 121-122; Austin Daily State Journal, December 17, 18, 1870.

52 Austin Republican, December 24, 1870; American Cyclopaedia (1871), p. 735.

Congressman John C. Conner. The other district nominations, at one stage or another, however, appeared to be contested. J. P. Newcomb aspired to be the Republican choice in the fourth district, but failure to sound out sufficient support, particularly in the German community, caused him to halt his cautious campaign. In the end, Newcomb, as well as John L. Haynes, that district's Moderate candidate in 1869, endorsed Congressman Edward Degener for reelection.

Congressman W. T. Clark, who invested heavily in his campaign for renomination, was challenged in the third district by Galveston Republican candidates, L. Stevenson and Richard Nelson, a Negro businessman originally from Key West. Clark seemed reasonably confident of renomination only after a bitter struggle at the local convention in the island city. The chaotic assembly elected as district delegates, George T. Ruby, and Norris Wright Cuney, both pledged to Clark; this precipitated the subsequent bolting of Stevenson supporters and the ejection of Nelson and company. Ruby felt the party

54 William H. Fleming to J. P. Newcomb, July 17, 1871; A. M. Bryant to J. P. Newcomb, July 17, 1871, James Pearson Newcomb Papers.

55 S. G. Newton to J. P. Newcomb, August 9, 1871; A. Siemerling to J. P. Newcomb, August 9, 1871; N. Patten to J. P. Newcomb, August 21, 1871, James Pearson Newcomb Papers; Brownsville Weekly Ranchero and Republican, September 19, 1871.

strengthened by the loss of "some of the deadwood," but Clark, still concerned, mailed an urgent plea to Austin, causing Governor Davis to send J. C. DeGress and C. B. Owsley, a State Journal newspaper, into the area to canvass for the congressman's renomination. The congressman's ultimate victory at the Houston district convention had proven an expensive experience, costing the Galveston banker, according to his reckoning, nearly $7,000.  

Finally, in the first district there was evidence that the Honey-Moore-Hall wing made its influence felt. At the Rusk convention, G. W. Whitmore won renomination with the aid of state legislators Matthew Gaines and George Slaughter, who were supporting that faction. Both benefactors hoped to see Newcomb removed as Union League president.  

With the nominations completed, Republicans immediately turned to the task of defeating Democrats. Seemingly, they were most concerned about the probable intimidation of voters, particularly blacks; an attempt by Democrats in some black belt counties to capture the Negro vote; and the dearth of campaign funds.  

---

57 G. T. Ruby to J. P. Newcomb, August 4, 1871; W. T. Clark to J. P. Newcomb, July 21, August 9, 1871, James Pearson Newcomb Papers; Eugene C. Bartholomew Diary, July 21, 1871, Eugene C. Bartholomew Papers.  

58 W. M. Waddell to J. P. Newcomb, August 14, 1871, James Pearson Newcomb Papers.  

59 R. H. Taylor to J. P. Newcomb, July 18, 1871; A. M. Bryant to J. P. Newcomb, August 24, 1871; William Lewis to A. Schutze,
expressed concern over the loss of substantial Mexican-American support, which they largely ascribed to the party's failure to place members of that ethnic group in office. Moving to prevent voter intimidation and fraud, Governor Davis issued a proclamation prohibiting groups from congregating about the polls during registration and the election, stating that within two miles of the county seat alcoholic beverages could neither be sold nor given away for the four day election period, and forbidding the carrying of deadly weapons during election time. Eager to achieve complete compliance, Davis assumed direct command of both state and local law enforcement officers. In addition, the governor appointed special policemen to patrol polls during the twenty-four day period of registration and election. Charges that such action came solely to guarantee Radical victory or was totally unnecessary appear unwarranted, in view of the election results and the amount of fraud and intimidation occurring despite stringent precautions.


60 S. B. Newcomb to J. P. Newcomb, June 21, July 11, 1871; James Fisk to J. P. Newcomb, September 1, 1871; J. P. Hague to J. P. Newcomb, September 22, 1871, James Pearson Newcomb Papers; Brown, "Annals of Travis County" (1871), p. 52.

61 American Annual Cyclopaedia (1871), pp. 735-736.

62 Ibid.
To raise campaign funds, the state executive committee assessed each Republican officeholder five per cent of his annual salary. Assessment blanks were mailed from Newcomb's office, and most of the officeholders subscribed, either willingly or under pressure; a few federal employees, however, refused. While most of the campaign money remained in the congressional district, fund raisers were expected to render a strict accounting. 63

Before the electioneering ended, Republicans had achieved greater unity than they had enjoyed in years, as factionists of all shades joined hands to campaign for victory. 64 They ran a respectable race in three districts (Bryant was badly beaten), but they lost all of their congressional seats. The election only proved that the Radical vote had remained stable, while the Democratic electorate greatly expanded, aided by increased Deep South immigration, mounting white voter registration, and a revitalized Democratic party. 65

There remained some hope of Congressman Clark retaining his seat when the State Board of Election officers—Davis, Newcomb, and Alexander—rejected the votes of several counties

63 Eugene C. Bartholomew Diary, August 11, 1871, Eugene C. Bartholomew Papers; M. B. Walker to J. P. Newcomb, August 5, 21, 1871; Fred W. Summer to J. P. Newcomb, August 31, 1871; A. J. Evans to J. P. Newcomb, September 11, 1871, James Pearson Newcomb Papers.

64 Brown, "Annals of Travis County" (1871), p. 52.

65 American Annual Cyclopaedia (1871), p. 736.
in the third district because of alleged fraud and irregularities. Governor Davis reluctantly issued a certificate of election to Clark, which "left the result of the election an open question to be decided upon evidence, by Congress." A House committee, however, after lengthy hearings rejected the claim of Clark and seated the Democratic candidate, D. C. Giddings.

Democrats had further reason to rejoice due to certain embarrassing incidents within the Radical administration during 1872. Evidence indicates that Democrats and some dissatisfied Republicans from the Morgan Hamilton clique attempted to destroy the administration by court harassment. In January, 1872, Davis, Newcomb, and Albert J. Fountain, still the Radical leader in the state senate, experienced federal grand jury indictment. Davis was charged with illegally declaring martial law in Limestone County without seeking legislative concurrence, Newcomb was accused of drunken disrespect of a United States commissioner, while Fountain faced an array of counts, including forgery, fraud, and conspiracy. All three defendants, after weeks of time consumed, were judged not guilty. Even

---

67 Ramsdell, Reconstruction in Texas, p. 310.
68 Gibson, Albert Jennings Fountain, p. 84.
the anti-administration Flake's Bulletin commented that the trial of the El Paso senator "conclusively proved the entire innocence of Fountain. Any other conclusion would prove the corruption of the judiciary, the perjury of jurors, and the incapacity and stupidity of the prosecutors." 69

Later in the year, Davis once again was indicted, this time along with his fellow State Board of Election officers, Attorney General Alexander and Secretary of State Newcomb. The indictments were all interrelated, in one way or another, with the disputed 1871 Clark-Giddings election. It seems reasonably certain that the Morgan Hamilton clique was instrumental in furthering the proceedings. Ultimately, President Grant, following the advice of leading Radicals, including Senator J. W. Flanagan, and despite the objections of Hamilton, removed District Attorney C. T. Garland, replacing him with A. J. Evans, an eminently qualified but more sympathetic prosecutor. Shortly thereafter, Davis was acquitted along with Alexander, who actually had opposed issuance of the election certificate to Clark, and the Newcomb case was dismissed. 70

Nevertheless, gleeful Democrats were able to relish the so-called "treasury muddle" incident of 1872, which resulted in George W. Honey's removal from office. For once, Davis

---


70 Austin Democratic Statesman, February 6, June 15, 1872; Nunn, Texas Under The Carpetbaggers, p. 104; Procter, Not Without Honor, p. 199; E. J. Davis to J. P. Newcomb, November 4, 1871, James Pearson Newcomb Papers.
and Bledsoe, who seemingly never concurred, finally agreed upon one matter: something was wrong in the treasury department. For some months, the comptroller had complained to Davis of certain fiscal irregularities. Finally, the governor decided to act, basing his move upon evidence which indicated that Honey and J. H. Burns, the state treasurer's chief clerk and brother-in-law, were appropriating public funds for private purposes. 71

Davis believed an opportunity to correct the treasury abuse had arrived when Honey departed Austin to visit the North, leaving in charge Burns, assisted by a pay clerk who was a sister of the treasurer. After allowing ample time, the governor announced that Treasurer Honey had left the state without giving proper notification, and that furthermore, Honey had assigned as guardian of the state treasury, J. H. Burns, an unbonded employee. Proclaiming the position of treasurer vacant, the governor appointed a committee to inventory the records, count the funds, then turn the office over to Dr. Beriah Graham, a local physician, whom Davis named state treasurer. 72

Burns, however, stubbornly refused to surrender the safes' combinations; instead, he wired Honey. Neither would

---

71 A. Bledsoe to E. J. Davis, September 20, December 28, 1871, A. Bledsoe Papers; Austin Daily State Journal, August 12, 1871; Nunn, Texas Under The Carpetbaggers, p. 105; Brown, "Annals of Travis County" (1872), pp. 41, 46.

72 Brown, "Annals of Travis County" (1872), pp. 41-42, 47; American Annual Cyclopaedia (1872), p. 705.
the state treasurer upon his early June arrival relinquish
his records until ordered to do so by a Travis County grand
jury. Meanwhile, the committee found that the treasurer
had "been loaning the funds to various parties, while at the
same time refusing to cash warrants when presented at the
counter, on plea of no money." As a result of the investi-
gation, Honey, with the two clerks who completed his staff,
was removed from office, and the state treasurer was indicted
for misappropriating public funds.

But surprisingly, Honey was acquitted; partially, per-
haps, because most of the missing state funds really were
deposited in an Austin bank. However questionable (and ille-
gal) the procedure, many citizens remained convinced that the
practice in which the treasurer had indulged was quite common
among state treasurers who were required to make large bonds.
Furthermore, Honey's local religious and humanitarian endeav-
ors stood him in good stead with the Austin jury. Ultimately,
Honey also recovered his position as state treasurer, when
the State Supreme Court ruled in October, 1873, that the only
grounds for expulsion from office, as stated in the Texas

73 Brown, "Annals of Travis County" (1872), pp. 42-45.
74 Austin Daily State Journal, July 2, 1872; Brown, "Annals
of Travis County" (1873), p. 51.
75 Brown, "Annals of Travis County" (1872), pp. 49, 51;
Austin Democratic Statesman, October 17, 1872; E. M. Pease to
Julie Pease, June 7, 1874, Elisha Marshall Pease Papers,
Austin Public Library.
Constitution, were conviction of a crime or being found guilty on an impeachment charge. 76

Even more damaging to the Davis administration than the "treasury muddle" was the discovery in November, 1872, that Adjutant General James Davidson had a shortage in his department exceeding $34,000. Earlier, Davidson had resigned to run for the state senate, after receiving the twenty-eighth district's Republican nomination. Soon he was replaced by Frank Britton, Davis' brother-in-law, who had served as the governor's private secretary since January, 1870. 77 Then, shortly after his defeat by N. G. Shelley, an Austin Democrat, Davidson mysteriously left the state. Within a month, it was revealed that the former adjutant general was $34,434.67 "behind in his accounts," and that his property had been attached by the court as payment. Davidson never returned to Texas; he later was reportedly residing in Belgium. 78

Not any of these troublesome events of 1872, however, compare with the importance to Republicans of that year's

---

76 Brown, "Annals of Travis County" (1872), pp. 51-53; Eugene C. Bartholomew Diary, October 21, 1873, Eugene C. Bartholomew Papers.

77 Webb, editor, Handbook of Texas, I, 468; Singletary, "The Texas Militia During Reconstruction," p. 31; Austin Democratic Statesman, October 17, November 16, 1872; Eugene C. Bartholomew Diary, November 19, 1872, Eugene C. Bartholomew Papers.

78 Webb, editor, Handbook of Texas, I, 468; Austin Democratic Statesman, November 21, December 19, 28, 31, 1872; February 25, 1873.
election. For the first time in twelve years, the state voted in the national presidential election. In addition, the controversial, often despised, members of the Twelfth Legislature were up for reelection, along with officials at the county and city levels. Moreover, the congressional election in the four districts, with the addition of two seats at large, took place. The election of 1872 obviously was the key to the future for Texas Radical Republicans.
Numerous forces—national, state and local—menaced Texas Radicals in the election year of 1872, forces which ultimately would destroy the Republican party's political significance in the state. Particularly threatening to the Radicals was the national Liberal Republican movement, emerging from dissatisfaction with widespread governmental corruption, disenchantment with feeble efforts at needed civil service reform, general disillusionment with Reconstruction policy, and a desire for political retaliation by those whom the Grant administration had alienated. Starting in Missouri, where moderate Republicans (many of whom were German-American) joined hands with Democrats, the movement rapidly spread to other states, eventually presenting the possibility of a national fusion ticket. Such an arrangement appeared to have been the hope of Missouri Liberals, who called for a national convention at Cincinnati on May 1, 1872.\footnote{William A. Dunning, Reconstruction, Political and Economic, 1865-1877 (New York, 1907), pp. 190-198; George H. Mayer, The Republican Party, 1854-1964 (New York, 1964), pp. 179-183; American Annual Cyclopaedia (1870), p. 520.}

The so-called "Austin clique" assumed responsibility for promoting the Liberal Republican party in Texas. Organizing
political movements came as no novel experience to a group
who had been instrumental in founding the Constitutional
Union party (1860), the state's Republican party (1867), and
who only recently had staged the Taxpayers' Convention (1871).
Republicans issuing the state convention call included former
governors Pease and Hamilton; the present comptroller, Bled-
soe; former commissioner of the general land office, Joseph
Spence, and one of his former clerks, A. J. Harrell.²

Meeting on April 6, 1872, in an outdoors rally on Austin's
Congress Avenue, the state's Liberal Republican convention
attracted an impressive crowd, mostly spectators. First, they
elected E. M. Pease chairman, then proceeded to endorse "the
resolution adopted by the Liberal State Convention of Missouri,"
and finally, they selected a list of delegates to the party's
forthcoming national convention.³ Although some sources have
indicated that the delegation "was a combination Conservative
Republican-Democratic one," actually, at least thirteen, prob-
ably more, of the eighteen delegates were Republicans. The
Austin Tri-Weekly Gazette contended that "all the delegates
to the Cincinnati meeting from Texas have been leaders in the
radical party." Among others, the delegation included six
leaders from Austin, four from the state's German community,
and Louis Cardin, a leader in the Mexican-American community

²Austin Democratic Statesman, March 26, 1872; Texas
Almanac (1869), p. 183.

of El Paso. Conspicuously missing, however, was inclusion of any Negro delegates.\(^4\)

Texas Democrats appeared quite willing to use the Liberal movement in helping overthrow the Grant administration. Meeting at Corsicana on June 18, they praised "that patriotic movement of the Liberal Republicans lately assembled in convention at Cincinnati." Furthermore, the Democrats promised to follow the lead of the national party "under whatever leadership it may direct." Which, of course, meant supporting the presidential candidate of the Liberal Republicans, Horace Greeley, whom the national Democratic Convention endorsed on July 9.\(^5\)

The Liberal Republican movement caused Radicals to be particularly concerned about Texas Germans, many of whom closely identified with Missouri German reformers such as Senator Carl Schurz. Following the lead of Ferdinand Flake of Galveston, Hans Teichmueller of Fayette County, and Julius Berends of San Antonio, many Texas Germans supported the Liberals. Greeley Clubs emerged throughout Central Texas. In

---


some communities, especially San Antonio, long standing differences among ethnic minorities were utilized to woo Germans from their postwar Radical allegiance. 6

Others in the Radical coalition also caused concern; Mexican Americans were proving to be part-time Republicans, part-time Democrats. Increasingly, the Republican goal of maintaining control of county governments from El Paso to Brownsville became hopeless, largely because Mexican-Americans had not been adequately rewarded for the number of votes yielded. Furthermore, many of their priests, opposing the state's public schools, urged parishioners to support the Democrats; and the Republicans also bore the burden of the state's failure to solve the Salt War problem in El Paso. In addition, the violence and corruption accompanying each election threatened the entire electoral process in the border counties. 7 Democrats also had carved inroads into the black community by the expediencies of recruiting several Negro

6 Alexander E. Sweet to J. P. Newcomb, July 12, August 13, 19, November 19, 23, 25, December 8, 15, 1872; January 1, 1873; S. G. Newton to J. P. Newcomb, July 15, 1872; Godfrid Lieck to J. P. Newcomb, January 6, 1873; A. I. Lockwood to J. P. Newcomb, April 27, 1872; James N. Fisk to J. P. Newcomb, April 28, 1872; J. R. Burns to J. P. Newcomb, April 17, 1872; I. G. Burns to J. P. Newcomb, April 17, 1872, James Pearson Newcomb Papers; Casdorph, Republican Party in Texas, p. 249.

7 J. P. Hague to J. P. Newcomb, July 23, September 28, October 2, November 11, 12, 1872; A. J. Fountain to J. P. Newcomb, September 28, 1872; S. B. Newcomb to J. P. Newcomb, October 18, 1872; J. K. McCreary to J. P. Newcomb, October 23, 1872, James Pearson Newcomb Papers; American Annual Cyclopaedia (1872), p. 767; Casdorph, Republican Party in Texas, p. 32.
politicians, enticing a few Negro voters, bribing some, and intimidating others not to vote. Political problems which arose stemmed largely from intraparty rivalry between white and black Republican aspirants for office. Often ignored in the patronage, Texas blacks, however, were more likely to remain home than vote Democratic.

Laboring under the cloud of the previous year's defeat, the Republican convention which assembled in Houston May 15-17, busied itself with the selection of presidential electors, the nomination of two candidates for congressmen at large, the appointment of national convention delegates, and the writing of a platform. Particular emphasis was placed upon party unity; newly elected delegates, candidates, and electors represented all segments of the Radical party. Moderate Radicals, Judges L. D. Evans and A. B. Norton, were chosen as candidates for congressmen at large, while the majority of the Philadelphia-bound delegates were close Davis supporters.

The convention condemned Democrats for being prejudiced "against the equal rights of men and against popular education."

---


and praised the Radical party for furthering the "idea of the political equality of all men" and "education of all the children of Texas." Finally, the assembly endorsed Ulysses S. Grant for reelection, and instructed the national delegates to support Grant for President and Governor Davis for Vice President.  

In Philadelphia Grant, of course, easily won the renomination for the presidency; but Davis, little known outside of the Lone Star State, received only the votes of Texas delegates. Governor Davis, who did not attend the national convention at Philadelphia, was, however, appointed Texas national committeeman for the next four years.  

Republicans, including everyone from Governor Davis and party chairman Tracy, who made extensive political tours, to poor Negro stump speakers, campaigned vigorously. Chances of success, however, appeared almost hopeless from the beginning. Election results furnished verification: Grant, who easily won the presidency, carried only 26 of the 136 Texas counties, with 47,426 votes to Greeley's 66,455. All six Democratic 

---


11 Casdorph, Republican Party in Texas, pp. 24-25.

12 Austin Democratic Statesman, September 21, 1872; J. C. DeGress to J. P. Newcomb, September 10, 13, 1872; Edward T. Handle to J. P. Newcomb, September 11, 1872; J. G. Shurmack to J. P. Newcomb, October 30, 1872; R. F. Campbell to J. P. Newcomb, October 29, 1872; J. G. Tracy to J. P. Newcomb, October 8, 1872; James Pearson Newcomb Papers; E. M. Pease to Julie
congressional candidates, two of whom ran unopposed, were elected, the Democrats captured control of both houses of the legislature, and triumphed in a preponderance of the numerous local elections. About the only bright spot in the political sky for Texas Radicals was Grant’s reelection, along with a few county and town victories. They retained thirteen of thirty Texas senate seats, eleven of which were holdovers, but only one of six new House members were Republicans. A noticeable difference occurred in the German membership; those of the Twelfth Legislature mostly had been Republicans, now almost all were Democrats.\footnote{American Annual Cyclopaedia (1872), p. 767; Eugene C. Bartholomew Diary, December 22, 1872, Eugene C. Bartholomew Papers; Richardson, Texas: The Lone Star State, p. 283; W. Dean Burnham, Presidential Ballots, 1836-1892 (Baltimore, 9155), p. 765; Casdorph, Republican Party in Texas, pp. 28, 35; Barr, “Texas Politics, 1875-1906,” p. 14; Brewer, Negro Legislators of Texas, pp. 126-127; David G. McComb, Houston, The Bayou City (Austin, 1969), pp. 73, 81; Members of the Legislature of the State of Texas from 1846 to 1939, pp. 57-78.}

Obviously, major changes would occur with the meeting of the Thirteenth Legislature in January, 1873. Some Democrats discussed the possibility of impeaching Governor Davis, but others feared conceivable federal intervention. Besides, it seemed extremely improbable that they could secure the necessary votes for conviction in the State Senate.\footnote{E. M. Pease to Julie Pease, January 12, 1873, Elisha Marshall Pease Papers, Austin Public Library; Ramsdell, Reconstruction in Texas, p. 313; Nunn, Texas Under The Carpetbaggers, p.114; McKay, “Texas Under The Regime of E. J. Davis,” p. 140.}
moreover, appeared before the legislature in a conciliatory mood, devoting much of his message to the possible solutions of the state's financial problems. Bidding to save free public schools, he expressed a willingness to countenance some modification in the system. He mentioned the possibility of modifying the election law. Regarding the state police, however, he expressed the belief that their services could not "yet be dispensed with."\textsuperscript{15}

Democrats, nonetheless, demonstrated little inclination to compromise, seeing no political necessity for concession. First on the agenda came repeal of the public printing act, next abolition of the State Police and modification of the militia act, then decentralization of the school system, and curtailment of the governor's appointive powers. Finally, the election law was changed so as to permit one-day elections and precinct voting, and the next election was set for the first Tuesday in December, 1873. In addition to repealing laws, the lawmakers also sought by impeachment proceedings to overturn the Radical judiciary; twelve of thirty-five judges were tried by the State Senate, but less than half of these were convicted.\textsuperscript{16}

\textsuperscript{15}Journal of the House of Representatives of Texas, 13th Legislature (Austin, 1873), pp. 17-41.

Once the Thirteenth Legislature adjourned, the parties began preparations for the upcoming general election, being the first gubernatorial election in four years. Yearning to salvage something from a four-year Republican administration, Radicals met in Dallas on August 18, two weeks before Democrats met in Austin. They condemned the Thirteenth Legislature, praised the Davis administration, and nominated a compromise ticket of ultra and moderate Radicals, headed by E. J. Davis. R. H. Taylor, an 1860 Unionist who later became a Confederate Colonel, received the nomination for lieutenant governor. Naturally, Bledsoe and Honey were replaced; J. W. Thomas was the nominee for state comptroller, and A. T. Monroe for state treasurer. Once again Jacob Kuechler was nominated for commissioner of the general land office, but J. C. DeGress was dropped, reportedly because some believed "him a heavier weight than the party could carry." Instead, A. B. Norton was nominated for superintendent of public instruction. The ticket did not contain a single carpetbagger or Negro. However, G. T. Ruby was named chairman of the state executive committee. Factors common to all candidates were their long residency in Texas, their Unionism in 1860, and their recent support of the regular Republican party.¹⁷

¹⁷Austin Democratic Statesman August 18, 1873; Eugene C. Bartholomew Diary, August 20, 22, 1873; Eugene C. Bartholomew Papers; Winkler, Platforms of Political Parties in Texas, pp. 141, 154-157; Webb, editor, Handbook of Texas, I, 469, 975; II, 288-289, 716; Stambaugh, A History of Collin County, Texas, pp. 103, 105; Aldrich, The History of Houston County, Texas,
In view of election results during the past two years, Republicans could at best only hope to make a respectable showing in the gubernatorial election and increase their legislative membership. But such was not to be the case. Despite vigorous campaigning by Republicans, who were fighting for their political lives, Richard Coke, the Democratic gubernatorial candidate, received 85,549 votes to Davis' 42,663, and Republicans were overwhelmed in battles for seats in the legislature. Only one new Republican was elected to the Texas Senate, W. M. Burton, a Negro from Fort Bend County, who joined two Republican holdovers. Ten Republicans, six blacks and four whites, won election to the House.18

A few die-hard Radicals, however, believed they could postpone the seemingly inevitable through litigation. In an effort to test the constitutionality of the 1873 election law, an arrangement was made for the arrest of Joseph Rodriguez, a resident of Harris County, on the grounds that he had voted twice.19 Hoping to see the election abrogated,
longtime administration foe A. J. Hamilton, recently defeated Republican candidate in a close election for the State Senate, agreed to defend Rodriguez by arguing that the election was illegal. Doubtless, there could not have been a more logical choice than Hamilton, who just happened to be the author of the disputed constitutional provision which provided that "all elections . . . shall be held at the county seats of the several counties, until otherwise provided by law; and the polls shall be opened for four days . . . ." 20

Ex-governor Hamilton argued that the election law of 1873, providing for precincts voting, contained an unconstitutional clause which "provided that all elections in the State shall be held for one day only at each election . . . ." Contending that the semicolon in the constitutional provision distinctly separated what the legislators could and could not change, he asked the outgoing Texas Supreme Court to declare the law unconstitutional. 21

---


In a lengthy statement, Supreme Court Justices Wesley Ogden, Moses B. Walker, and J. D. McAdoo, all Davis appointees, accepted the interpretation advocated by Hamilton that the legislature could change the place for voting in the election, but not the number of days polls were to be open. Subsequently, the case against Rodriguez was dismissed, the election law declared unconstitutional, and the election results pronounced void.22 One week later, Governor Davis issued a proclamation stating that candidates elected should "not attempt to assume the position they claim unless by further action of adequate authority, such election hereafter be validated." That same day, Senator Flanagan approached President Grant with a plea to support Davis. However, Grant refused and reminded Flanagan that Texas Radicals, including Davis, had not questioned the constitutionality of the law until after the election. Immediately, Senator Flanagan wired Austin, advising against continued opposition, and simultaneously, Grant telegraphed the governor "to yield to the verdict of the people as expressed by their ballots."23

Certainly, the Democrats had no intention of abiding by the court's decision, but a small group of men in the


23 American Annual Cyclopaedia (1873), pp. 739-740; Austin Daily Statesman, January 13, 1874; Brown, "Annals of Travis County" (1874), pp. 7-9; Gibson, Albert Jennings Fountain, p. 87; Ford, Rip Ford's Texas, pp. 418-419.
administration continued encouraging Davis to back the court's position. Radicals held out for nearly a week. Davis made one final plea to Grant which was denied, and then he surrendered his office.

Thus, Republican political dominance in Texas terminated at all levels. It would be erroneous, however, to assume that the Radicals fled the state, or even that they retreated from public life. In a sampling of the party elite, it was found that less than ten per cent of the men left the state. Of those leaving, a few figured prominently in the development of the New Mexico Territory, several accepted federal employment in other locales, some newspapermen simply resumed their


25 The sampling of over 250 Radical leaders is based on a list of party leaders found in Winkler, Platforms of Political Parties in Texas, pp. 119-121, 140-143, 154-157, and Radical state officials, legislators and newspaper publishers listed in the Texas Almanac (1871), pp. 219-220, 238-239, 242-243, 245; (1872), pp. 209-210; (1872), pp. 57-58; 223-225; and Galveston Flake's Daily Bulletin, May 4, 1870. Then the lists were checked for biographical data from Webb, editor, The Handbook of Texas; Johnson, A History of Texas and Texans; Biographical Encyclopaedia of Texas; Biographical Directory of the American Congress, 1774-1951; Brewer, Negro Legislators of Texas; Austin Daily State Journal, July-August, 1870; Biographical File of the University of Texas Archives, Austin, Texas; and numerous other biographical collections and local histories, and letters to J. P. Newcomb in James Pearson Newcomb Papers.
journalistic profession in other states, and a few preachers, such as George W. Honey and E. M. Wheelock, reestablished their ministries in other sections. 26

During the post-Reconstruction period, Republican voting strength diminished very little in Texas; nonetheless, it was impossible for the Radicals to keep pace with the return of the Democrats to the polls. Democratic ranks swelled noticeably as a result of the heavy influx of settlers from the Deep South. Thus, while the actual number of Radical voters remained stable, the Republican percentage plummeted during the post-Reconstruction decade from one-half to one-third that of the Democrats. On the other hand, several local areas continued to elect Radical Republicans to office. 27

From 1870-1874 Radicals had dominated the state Republican party's executive committee, formulated the state platform, controlled the choice of candidates, and represented Texas at the 1872 national Republican convention. They


unabatedly continued to hold the reins of party control
during the post-Reconstruction decade. Subsequent to the
restoration of Democratic control, Davis maintained a law
practice in Austin, specializing in Mexican titles and
Spanish land grants, where he continued his leadership of
the Texas Republican Party. 28

With few perceptible changes, the same executive com-
mittee held sway from 1873 to 1883. In the spring of 1875
a group of officeholder appointees of senators Flanagan and
Hamilton endeavored to break the Davis-Newcomb party control.
Led by United States Marshall Purnell, whose removal had
been sought for years by Davis, DeGress, Tracy, and Newcomb,
the aggregation petitioned Galveston Customs Collector B. G.
Shields to act as chairman of the state Republican executive
committee, replacing G. T. Ruby, who had returned to New Or-
leans. The officeholders' clique, which also included a num-
ber of Austin Republicans resentful of Davis' control of the
local party, hoped to hold a semi-official convention of a
few select Republicans for the express purpose of choosing a
new state executive committee. 29

28 Brown, "Annals of Travis County" (1874), p. 65; E. J.
Davis to J. P. Newcomb, August 29, 1874, James Pearson Newcomb
Papers; Winkler, Checklist of Texas Imprints, II, 604; Austin
Tribune, March 1, 1940; McKay, "Texas Under The Regime of
E. J. Davis," p. 164.

29 Winkler, Platforms of the Political Parties in Texas,
pp. 179, 197, 214.
To facilitate dispatch of notices in connection with the clandestine meeting, Corsicana Postmaster Adolph Zodeck posted announcements to the "elect," but Davis, uncovering the scheme, asked Newcomb to print the notice in the San Antonio Express and forward copies to all the state's Republican newspapers, in order to guarantee widespread notice of the meeting. In addition, Davis requested that Newcomb write letters informing Republicans in neighboring counties around Hempstead in Waller County where the meeting was to take place. Consequently, the many Davis supporters attending the Hempstead meeting frustrated and disarmed the small officeholder faction by electing E. J. Davis chairman of the state executive committee.  

In 1878 another intraparty struggle developed between Davis and A. B. Norton, United States Marshall at Dallas, over whether the Republican party would present a slate of candidates for state office. Davis, together with a majority of the executive committee, advocated the Republican party support the Greenback party, in order to defeat the Democrats. Therefore, they counseled against holding a state Republican convention. Vehemently protesting the majority decision,

---

30 W. T. Clark to J. P. Newcomb, February 19, 1872; J. C. DeGress to J. P. Newcomb, November 16, 1872; E. J. Davis to J. P. Newcomb, April 10, 22, 25, 27, 28, 30, May 4, 1875; John L. Haynes to J. P. Newcomb, June 10, 1875, James Pearson Newcomb Papers; Morris Mayer to A. J. Hamilton, July 28, 1873, Andrew Jackson Hamilton Papers, University of Texas Archives; Texas State Register (Galveston, 1876), p. 76; Barr, "Texas Politics, 1876-1906," pp. 209-210; Casdorph, Republican Party in Texas, p. 35; Webb, editor, Handbook of Texas, II, 313.
Norton and his officeholder faction, strengthened by the support of several Republican bankers who opposed Greenbacker policy, met in convention at Dallas and nominated a full slate of candidates. A. B. Norton (to no one's great surprise) headed the slate as the gubernatorial candidate, and Richard Allen, a Houston Negro, accepted the lieutenant governor nomination. Crippled by E. J. Davis' opposition, the Norton ticket lagged a poor third, gathering 24,000 less votes than the Republican candidate, William J. Chambers had polled in 1876. Relative harmony was restored in 1880, when the small faction reunited with the Davis wing in a cooperative effort to support the national Republican party. 31

From 1874 to 1883 most of the convention officers and members of the committee on platform and resolution were longtime Radicals. Examination of the state party platforms reveals little mutability in party ideology during the decade. The party remained basically concerned with Reconstruction issues. The Constitution of 1876, many provisions of which the fourteen Republican constitutional convention delegates had opposed, was condemned because it failed "to secure an efficient system of free public schools," forbade "proper

aid and encouragement of immigration," and remanded "to the future the same political issues which involved the country in the late Civil War." Republicans requested the federal government to enforce "Ku Klux and other protective laws," especially against school burners. Moreover, they reminded the state of the readmission provision "that no citizen be deprived of an edication." Thus, just as during the Davis administration, the main ideological preoccupations of the party continued to focus upon free public schools, protection of voting rights, suppression of violence, the encouragement of internal improvements, and state financial aid for the inducement of immigration.  

The Davis Radicals totally dominated the delegation to the national convention in 1876 and 1880. At least eleven of the sixteen delegates to the 1876 convention, and ten out of sixteen delegates in 1880 had been state officials during the Davis regime.  Although the delegation split in 1876 over its choice for the best nominee for their party,


33Winkler, Platforms of the Political Parties in Texas, pp. 176, 195; Texas Almanac (1871), pp. 219-220, 238-239, 242-245; (1873), 223-225.
an analysis of the roll calls reveals a majority voted for Senator Oliver P. Morton of Indiana up until the sixth ballot. At that point, the votes shifted, and on the seventh and final ballot all but one of the Texas delegates cast their votes for Rutherford B. Hayes, on the advice of A. B. Morton, an old Ohio classmate of Hayes. Except for Hayes' nomination, the most consequential result of the 1876 convention for Texas Republicans was the naming of E. J. Davis as the state's national committeeman.

The 1880 state convention, favoring the nomination of former President U. S. Grant, guaranteed full support for Grant by instructing the Texas delegation to vote as a unit. The deadlocked convention in Chicago, however, was forced to nominate a compromise candidate, James A. Garfield of Ohio. Edmund J. Davis was one of the nominees for Vice President, but he considered his chances slim and had Norris Cuney withdraw his name. Attracting the most attention of any Texan Webster Flanagan in his "What are we here for?" speech during

---


the debate on civil service declared:

Mr. President, Texas has had quite enough of the civil service. During the last four years, sir, out of 1,400 officers appointed by the President of the United States, 140 represented the Republican Party. We are not here, sir, for the purpose of providing offices for the Democracy... After we have won the race, as we will, we will give those who are entitled to positions office. What are we here for...

Flanagan's statement may have been an exaggeration, but its tenor was incontrovertible. While President Hayes had retained many old Radicals, as vacancies occurred and new federal jobs were created, the appointments sometimes were distributed without regard to politics, or among Texas Democrats through the influence of Guy Bryan, Democratic Speaker of the Texas Legislature, and an old classmate of Hayes and Norton. Or, often the political plums went to conservative Republicans such as E. M. Pease, who became Galveston Customs Collector. However, Hayes' efforts to erect a strong conservative Republican party in Texas by wooing away Democrats was a total failure. Later, Texas Radicals encountered disappointment in the appointments of Garfield, but recouped their losses upon Garfield's death, when patronage in Texas once again shifted to the Davis faction.

The customs service provided the largest source of federal patronage on the Gulf Coast and along the Rio Grande.

---

36 Quoted in Casdorph, Republican Party in Texas, p. 42.

37 M. C. Hamilton to Mary Hamilton, March 4, 1877, Andrew Jackson Hamilton Papers, University of Texas Archives.
Norris W. Cuney, leading Negro politician in Galveston after the departure of G. T. Ruby, was inspector of customs on the island city. At Brownsville John L. Haynes, a former Texas colonel in the Union Army, was collector, and ex-Chief Justice Wesley Ogden was a collector at San Antonio. During the Arthur administration, Nelson Plato, a close friend of E. J. Davis, was appointed collector at Corpus Christi. 38

Radicals completely dominated the federal judiciary in Texas. Those who served as judges were Amos Morrill, Thomas Duval, and Andrew P. McCormick. United States marshalls were Lemuel D. Evans, S. H. Russell, and A. B. Norton, and district attorneys, who were known to have identified with the Radicals, were F. W. Miner and J. C. Bigger. 39

Many Radical leaders held postmaster positions in the decade following the Davis administration. Former Congressman William T. Clark was postmaster at Galveston prior to accepting a position with the Internal Revenue Department in Washington, D. C. Carpetbagger William Billings, leader

E. J. Davis to J. P. Newcomb, May 9, July 7, 24, 30, 1877; April 6, 1878; March 8, May 4, 1881; T. Griffith to E. J. Davis, August 10, 1879, James Pearson Newcomb Papers; E. M. Pease to Carrie Pease Graham, February 20, 1879; Webb, editor, Handbook of Texas, II, 351.

38 Official Register (1881), I, 203-204; (1883), I, 213; Webb, editor, Handbook of Texas, I, 446; Casdorph, Republican Party in Texas, p. 27; Stambaugh, Lower Rio Grande Valley, p. 137.

39 Official Register (1879), I, 437-439; (1883), I, 704.
of Victoria Republicans, became postmaster of that city. Senator J. W. Flanagan served as postmaster at Longview until shortly before his death. Two Radical editors in North Texas held postmaster positions; A. L. Darnall at Sherman from 1877 until the early 1880's, and J. W. Thomas at McKinney from 1874 to 1887. Former judges A. M. Cochran, C. B. Sabin, J. D. McAdoo, and J. P. Osterhout served respectively at Dallas, Galveston, Marshall, and Belton. Many other Radicals and their families had control of the postal service in smaller communities. Two of the largest post offices in the state went to Radicals as a result of renewed Radical influence in the federal administration in 1881; former Secretary of State James P. Newcomb was named postmaster at San Antonio, and ex-Superintendent of Public Instruction Jacob C. DeGress was appointed Austin postmaster.  

In summation, federal patronage peaked for the Texas Radicals during Grant's first administration; thereafter, the President appointed very few Davis supporters.

---


41 J. G. Tracy to J. P. Newcomb, May 13, 1874; Boulds Baker to J. P. Newcomb, September 26, 1874; E. J. Davis to J. P. Newcomb, July 9, August 15, 1876; W. T. Cox to J. P. Newcomb, July 29, 1876, James Pearson Newcomb Papers.
Hayes, it appears, listened mostly to his old Democrat friend Guy Bryan and the Texas conservative Republicans. For example, he was afraid of offending conservatives by appointing Davis to office, although he believed that Davis' "honesty and capacity and Union record" were "strong claims." While it would be difficult to prove Hayes actually relieved Radicals from their positions; nevertheless, his policy of filling vacant positions with Democrats and conservative Republicans did not aid the Radical cause. Possibly, Garfield intended to treat Radicals somewhat better than Hayes, but his death in 1881 left his position unclear. A revitalization occurred for the Texas Radicals under Chester A. Arthur, with the Radicals receiving many of the better federal jobs in Texas. President Arthur was prepared to offer Davis a position as governor of Washington Territory; however, Davis died before the appointment could be formalized.

During the post-Reconstruction decade the possibility of the Radicals regaining control of state government was exceedingly remote; nevertheless, several Republican strongholds remained in the state. An analysis of the vote in the presidential elections of 1876, 1880, and 1884, indicates that over


43 Lizzie Davis to J. P. Newcomb, October 25, 1881, James Pearson Newcomb Papers; Barr, "Texas Politics, 1876-1906," p. 213.
thirty counties went Republican in at least one of these elections. Republicans carried twenty-eight counties in 1876, twenty-three in 1880, and nineteen in 1884. The Republican vote was located along the so-called "Black Belt," between the Brazos and Colorado rivers in Central Texas, to the southwest of Austin in a number of German counties, in a few counties along the Rio Grande, and in a small number of counties of far East Texas. 44

Negroes, due to their heavy concentration, were able to elect a number of their race to the Legislature for twenty years after Reconstruction. The Fourteenth Legislature contained seven Negroes, six representatives and one senator. The senator, W. M. Burton, represented Fort Bend until 1883. The Fifteenth Legislature had only four Negroes; their number increased to eight in 1879, declined to five in 1881, and thereafter, from one to three Negroes served in the House until 1897. 45

In Fort Bend County, where the black-white ratio was four to one, Negroes, in coalition with a white faction known as the Woodpeckers, who "were almost all long residents of the county, some of them ex-Confederate soldiers," continued to be


45 Casdorph, Republican Party in Texas, pp. 35, 53; Brewer, Negro Legislators of Texas, pp. 126-128.
politically active in the mid-1880's. Fort Bend County had three Negro county commissioners, a Negro county clerk and treasurer, and in each precinct, there was a Negro justice of the peace. The Negro-Woodpecker coalition disintegrated in the late 1880's, when a group of white Democrats, the Jaybirds, exiled a number of black leaders. 46

With the aid of Negro voters, Republicans controlled Harrison County until 1880, when a Democratic district judge refused to allow county officials to count the vote. Instead, he appointed a committee, who "took possession of the election returns . . . and gave certificates of election to the Democratic candidates." Negroes were elected to county offices in Wharton County until the organization of the White Man's Union Association in 1880 forced their resignation from county offices. And, despite persecution and intimidation, Negroes continued to vote and elect some local officials in Robertson County as late as the 1890's. 47

In the larger towns Radicals continued to win elections after 1874. During the period under study, Radicals were elected to the city council in Galveston, Austin, San Antonio, Corpus Christi, Marshall, Houston and El Paso. Two Radicals

46 Casdorph, Republican Party in Texas, pp. 53-54; Wharton, Fort Bend County, pp. 184, 201-204; Sonnichsen, I'll Die Before I'll Run, p. 234.

were mayors of Austin in the late 1870's and early 1880's, carpetbagger Jacob C. DeGress was mayor from 1877 to 1880, and W. A. Saylor, a former state senator, served two terms as mayor, 1880-1881 and 1883-1884. Frank L. Britton, state Adjutant-General from 1872 to 1874, was the Austin city attorney in the post-Reconstruction days. Alexander Sweet, J. P. Newcomb's righthand man in San Antonio, and later nationally known for his Texas Siftings, was elected city attorney of the Alamo City in 1879, and James P. Hague, who studied law in the office of E. J. Davis, and was District Attorney of the El Paso district, became city attorney of El Paso in 1880, and later won election to the city council.

Three carpetbagger mayors, who gained the confidence of their community, were B. I. Arnold of Cameron, William Billings of Victoria, and Nelson Plato of Corpus Christi. Arnold was elected mayor after he concluded an appointment as sheriff. William Billings, elected mayor for several terms in the 1870's and 1880's, was described by Victor Rose—hardly a pro-Radical witness—as having done "more for the improvement of the city than any of Victoria's chief executives."

Mary A. Sutherland, a contemporary of Corpus Christi Mayor

48 Berr, "Texas Politics, 1876-1906," pp. 13-14; Webb, editor, Handbook of Texas, I, 219, 482; Barkley, Travis County and Austin, pp. 347-348; Eugene C. Bartholomew Diary, November 1, 1875; Eugene C. Bartholomew Papers.

Nelson Plato, recorded in her book, published by the Corpus Christi Daughters of the Confederacy: "1875 - Colonel Plato takes up the reins again and metes out justice to the breakers of the law." 50

One Radical, who held no public office after Reconstruction, was Edmund J. Davis, who died at Austin in 1883. To honor the deceased governor, the legislature adjourned and state dignitaries attended the funeral, where the "Austin Grays" stood as the military honor guard while the Radical Unionist was buried in a plot surrounded by the graves of Confederate heroes. On that site, the summit of the Texas State Cemetery, Davis' brother, an Austin businessman, placed the cemetery's tallest, most conspicuous structure. The tombstone is one of the few testimonials that Edmund Jackson Davis ever lived; but, with his death, an era ended in the Texas Republican party's history. 51

50 Batte, Milam County, p. 66; Ross, History of Victoria, p. 65; Sutherland, Corpus Christi, p. 73.

CONCLUSION

The closing of this study with 1883 seems appropriate; one man, E. J. Davis, remained in control of the party until his death in 1883, and few changes were wrought in the executive committee prior to that time. Doubtless, party divisions occurred between officeholders and non-officeholders in 1875 and 1878; but even so, the rifts were of an impermanent nature and were not formulated along racial lines. That is to say, the "Lily-white" movement emerged as a major factor in Texas only subsequent to the death of Davis. Furthermore, closing the study with 1883 seems particularly proper in view of the fact that the election of Grover Cleveland, a Democratic president in 1884, destroyed Republican patronage in Texas for the ensuing four-year period.

In retrospect certain generalizations about the state's reconstruction Republican party appear valid. The Texas Republican party owed its origin to prewar Unionism reinforced by the war, and represented for the majority of its leadership the last of many vehicles utilized for Unionist expression. An examination of Texas Unionism discredits past allegations that the early state Republican politicians were wanting in sincerity, experience, or regional awareness. Charges that these men were simply opportunists making political fodder out of postwar depressed conditions appear totally unwarrantable. On the
contrary, these Unionists who provided the indigenous foundation for the Texas Republican party had proven the measure of their convictions prior to Reconstruction. Many future Republicans championed Whiggery and Know-Nothingism, manifestations of Unionism in Texas during the 1850's. Events of 1860-1864 also proved the importance of the role played by postwar Republicans during that earlier period. Constitutional Unionists of 1860 occupied top administrative positions during both the Hamilton and Pease administrations. Moreover, close examination reveals that Texas German wartime resistance leaders subsequently became Republican politicians and civil servants. Finally, some 2,179 Texans who served in the Union army during the Civil War composed another group which occupied a significant place in the state's early Republican party. Although congressional reconstruction swept into the Texas political arena black leaders and carpetbaggers, who previously had filled primarily spectator roles, their threat to southern Unionist leadership of the party remained minimal. Their role continued to be one of collaboration, not control.

It is also undoubtedly true that a correlation existed between the North Texas Unionist vote in 1861 and the persistence of white Republicanism in that section during Reconstruction. However, the heaviest Republican vote was concentrated along the so-called "Black Belt," between the Brazos and Colorado rivers in Central Texas, to the southwest of Austin in a number of German counties, in a few counties along the Rio
Grande, and in a small number of counties of far East Texas. Statistically, black Republicans outnumbered white Republicans after 1867, probably three to one, but the myth of possible Negro domination is indefensible; the highest political position achieved by a Texas Negro was that of state senator, attained by three blacks. A sprinkling of Negroes served in the legislatures 1870-1895, and held local offices of responsibility in predominantly black counties during and following Reconstruction. But, not a single Negro occupied an important executive or judicial post in Texas during the period.

The ideological concerns of the Texas Republican party varied little from the founding of the state party in 1867 until 1883. By any standard, they represented a consistency of political belief hardly excelled by earlier or later Texas political factions. The party platforms and Radical speeches and letters reveal a concern with suppression of violence, protection of civil rights, free public schools, the encouragement of internal improvements, and state aid for the inducement of immigration.

Though some Radicals favored social equality, few openly declared themselves for it; most Republicans, black and white, avoided the issue. It is more than a little doubtful that Texas Radicals, on the whole, believed in racial equality, but their attitude toward the Negro was vastly different from that of most white Texans. Radicals were divided on whether schools should be integrated or segregated; even among some black
leaders there remained questions concerning the advisability of mixed schools. Nonetheless, the Radicals believed in the freedman's ability to progress, as well as to labor. As early as 1866 they supported Negro suffrage and inclusion of support for the education of black children out of the available school fund. Although Radicals were unable to alter the racial attitude of the majority of Texans, a noticeable improvement in the Negroes' legal condition occurred under the Republican regime. Laws relating to race adopted by the secessionist-dominated legislature and those passed by the Radicals bear no resemblance.

Seeking to institute their program, Texas Republicans devised the Constitution of 1869, granting Negro citizens full civil and political equality, providing for establishment of "a uniform system of public free schools," and initiating structural changes which greatly centralized the machinery of Texas government. Then, Radicals sought increased police control to fill the vacuum created by the withdrawal of United States forces. Believing themselves confronted with a choice between a rule of prejudice, bias, and local despotism, or a powerful government able to bring uniform security and freedom, the Radicals chose the latter. In so doing, they vested Governor Davis with, what seemed to Conservatives, enormous power, yet, these men believed they had lived through a continuous revolution since 1861, and all information available
to them indicated the need to take extraordinary action. The state police force, created in 1870, whatever its abuses, proved a most efficient agency.

The Texas public school system founded in 1871, provided for the first time opportunity for free education to all Texas children, in a graded system, with certified teachers. With the end of Radical rule, the public education system in Texas took a sharp turn downward. Partially to blame were the changes made by the Constitution of 1875. A very strong minority in the Constitutional Convention opposed the maintenance of any state public school system. After bitter debate, in which moderate Democrats and the few Republican delegates defended a system of free education, the lawmakers reached a compromise, which drastically weakened the Texas school system.

In surprisingly many areas the Radicals were considerably in advance of their times; that they failed was no more a condemnation of the party than of the generation in which they lived. Unquestionably, state expenditures and taxation pyramided under the Davis administration; but, with few exceptions, the debt incurred financed non-partisan programs in education, law enforcement, internal improvement, and frontier defense. Allegations of financial fraud against the Radicals have also been disproportionately exaggerated. With one exception, Adjutant General Davidson, no evidence has come to light that they ever benefited from swindle. Moreover, Radicals had
limits on their loyalty to party; often they implored party members to live within the legal provisions for their office. On occasion, they opposed national Republican leaders regarding public grants or favors to railroad companies.

The primary weakness of the Radicals was their inability to generate broadly based political support. They had forged a coalition of minority groups: white Unionists in northern Texas, newly enfranchised Negroes in eastern and central Texas, a belt of Germans from Galveston to San Antonio, and Mexican-Americans on the Rio Grande. But intraparty warfare split the coalition into three or four distinct factions: an administration wing of state and local officeholders; the Senator Morgan Hamilton clique centered in Austin and composed primarily of federal employees; the railroad subsidy faction led by Senator J. W. Flanagan and his son Webster Flanagan; and the Union League divisionist faction who sought to wrest League support from the administration.

Numerous forces emerged to curtail the Radical vote-getting power among the state's minorities. The Liberal Republican party cost Radicals the support of some Germans who closely identified with the Missouri movement. The Mexican-American vote diminished because they had not been adequately rewarded for their electoral support and many of their priests voiced opposition to the newly formed public school system. And the Democrats carved inroads into the black community by the expediencies of recruiting several Negro speakers, enticing
some black voters, bribing a few, while intimidating others not to vote. Yet the downfall of the Radicals came more from growing Democratic strength than Republican losses. The Democratic electorate greatly expanded, aided by increased Deep South immigration, mounting white voter registration, and a revitalized Democratic party.

The rule of the Radical party in Texas was brief. The Davis administration lasted for four years, 1870-1874, during which time the party controlled the legislature for only the first three years. Continuation of Radical political power depended upon one or more highly unlikely circumstances: continued congressional support for Radical government in the South, disfranchisement of a large number of white Texans, a division of Texas into two or more states, adoption by the white majority of a new attitude regarding race, the winning of popular support by a highly unpopular state administration, or a rapid heavy influx of northern and foreign immigrants into Texas. Surely it was not surprising that the Radicals failed to develop sufficient political support; indeed, it was almost inevitable.
BIBLIOGRAPHY

Primary Sources

Manuscripts


(Bartholomew), Eugene C. Bartholomew Papers, Austin Public Library, Austin, Texas.

(Bell), James H. Bell Papers, 1849-1908, University of Texas Archives, Austin, Texas.

(Black), Reading Black Papers, 1852-1934, University of Texas Archives, Austin, Texas.

(Bledsoe), A. Bledsoe Papers, Texas State Archives, Austin, Texas.

(Brown), Frank Brown, "Annals of Travis County and the City of Austin from the earliest times to the close of 1875," University of Texas Archives, Austin, Texas.

(Brown), John Henry Brown Papers, 1860-1873, University of Texas Archives, Austin, Texas.

Coke-Davis Imbroglio, Volumes of Miscellaneous Correspondence concerning, Texas State Archives, Austin, Texas.

(Davis), Edmund Jackson Davis Papers, Governors' Correspondence, Texas State Archives, Austin, Texas.

(Epperson), Benjamin Holland Epperson Papers, 1836-1878, University of Texas Archives, Austin, Texas.

Executive Record Books, Governor's Messages and Proclamations, Numbers 79, 87, 281, 282, 283, 284, Texas State Archives, Austin, Texas.

(Ford), John Salmon Ford Papers, 1836-1892, University of Texas Archives, Austin, Texas.
(Garfield), James Abram Garfield Papers, Presidential Papers, Library of Congress, Washington, D. C.

(Grant), Ulysses Simpson Grant Papers, Presidential Papers, Library of Congress, Washington, D. C.

(Hamilton), Andrew Jackson Hamilton Papers, University of Texas Archives, Austin, Texas.

(Hamilton), Andrew Jackson Hamilton Papers, Governors' Correspondence, Texas State Archives, Austin, Texas.

(Hayes), Rutherford Birchard Hayes Papers, Presidential Papers, Library of Congress, Washington, D. C.

(Haynes), John L. Haynes Papers, 1846-1945, University of Texas Archives, Austin, Texas.

(Honey), George W. Honey Papers, State Treasurers' Correspondence, Texas State Archives, Austin, Texas.

(Johnson), Andrew Johnson Papers, Presidential Papers, Library of Congress, Washington, D. C.

(Kleibier), Joseph Kleibier Papers, 1860-1877, University of Texas Archives, Austin, Texas.

(Kuechler), Jacob Kuechler Papers, 1846-1907, University of Texas Archives, Austin, Texas.

Manuscript Returns of the Eighth, Ninth, and Tenth Census, 1860, 1870, and 1880, National Archives, Washington, D. C.

Martial Law in Freestone and Limestone Counties, Correspondence relating to, 1871, Texas State Archives, Austin, Texas.

Martial Law in Walker County, Correspondence relating to, 1871, Texas State Archives, Austin, Texas.

(McRae), Thaddeus McRae Papers, 1880, University of Texas Archives, Austin, Texas.

(Mills), William Wallace Mills Papers, 1856-1922, University of Texas Archives, Austin, Texas.

(Newcomb), James Pearson Newcomb Papers, 1839-1941, University of Texas Archives, Austin, Texas.

(Sease), Elisha Marshall Sease Papers, Austin Public Library, Austin, Texas.
(Pease), Elisha Marshall Pease Papers, Governors' Correspondence, Texas State Archives, Austin, Texas.

State Comptroller, Correspondence of, 1869-1874, Texas State Archives, Austin, Texas.

State Police, Reserve Militia and State Guard, Correspondence of, 1870-1873, Texas State Archives, Austin, Texas.

(Thomas), Ann Raney Thomas Papers, Texas State Archives, Austin, Texas.

(Throckmorton), James Webb Throckmorton Papers, University of Texas Archives, Austin, Texas.

(Throckmorton), James Webb Throckmorton Papers, Governors' Correspondence, Texas State Archives, Austin, Texas.

(Tunstall), Warrick Tunstall Papers, 1773-1872, University of Texas Archives, Austin, Texas.

(Wheelock), Edwin Miller Wheelock Papers, Austin Public Library, Austin, Texas.

Public Documents

Adjutant General's Reports, 1870-1881, Texas State Archives, Austin, Texas.

Annual Report of the Comptroller of Public Accounts of the State of Texas, from September 1, 1870 to August 31, 1871, Austin, J. G. Tracy, State Printer, 1872.

Annual Report of the Comptroller of Public Accounts of the State of Texas from September 1, 1871 to August 31, 1872, Austin, James P. Newcomb and Company, 1873.


Annual Reports of the Superintendent of the Bureau of Immigration of the State of Texas, 1871, 1872, Austin, Texas, James P. Newcomb and Company, 1872, 1873.

Annual Report of the Superintendent of the Bureau of Immigration of the State of Texas, 1873, Austin, Texas, Cardwell and Walker Printers, 1874.

Bexar County Records, 1716-1937, 9 vols., typescript, University of Texas Archives, Austin, Texas.
Congressional Globe, 42nd Congress, Second Session.

Constitution of the State of Texas, 1869, Austin, Texas, J. G. Tracy, State Printer, 1871.

Election Returns, Office of Secretary of State, Austin, Texas.


Journal of the Senate of Texas, 11th Legislature, First Session, Austin, Texas, Gazette Office, 1866.

Journal of the 11th Legislature of Texas, Austin, Texas, Tracy, Siemering and Company, 1866.

Journal of the Reconstruction Convention of the State of Texas, Austin, Texas, Tracy, Siemering and Company, 1870.

Journal of the 12th Legislature of Texas, Austin, Texas, Tracy, Siemering and Company, 1870, 1871.

Journal of the 13th Legislature of Texas, Austin, Texas, John Cardwell, Printer, 1873.

Members of the Legislature of the State of Texas from 1846 to 1939, Austin, Texas, n. p., 1939.

Moreland, Sinclair, editor, Governors' Messages, Coke to Ross, 1874-1891, 2 Vols., Austin, Texas, A. C. Baldwin and Sons Printers, 1916.

Muster Rolls of First and Second Texas Cavalry in the Union Army, Texas State Archives, Austin, Texas.


Report of the State Attorney General For The Years 1868-1869, Austin, Texas, Tracy, Siemering and Company, 1870.

Report of the State Attorney General For The Year 1872, Austin, Texas, James P. Newcomb and Company, 1873.
Report of the Secretary of State of the State of Texas for the Year 1872, Austin, Texas, James P. Newcomb and Company, 1873.

Report of the State Treasurer from July 1 to December 31, 1872, Austin, Texas, James P. Newcomb and Company, 1873.


Second Annual Report of the Superintendent of Public Instruction of the State of Texas for the Year 1872, Austin, Texas, James P. Newcomb and Company, 1873.

Senate Committees of the Twelfth Legislature, First Session, Austin, Texas, Tracy, Siemering and Company, 1870.


Texas Supreme Court Reports, Vols. 30-39, St. Louis, Gilbert Book Company, 1882.


Report of the Joint Select Committee to Inquire into the Condition of Affairs in the Late Insurrectionary States Made to the Two Houses of Congress, February 19, 1872, Senate Report 41, part 1, 42nd Congress, 2nd Session, 1872.


Diaries, Memoirs


Grant, Ulysses Simpson, Personal Memoirs, 2 vols., New York, Charles L. Webster, 1892.


Contemporary Works


Brown, John Henry, History of Texas from 1685 to 1892, 2 vols., St. Louis, L. E. Daniell, 1892.

Haltom, Richard W., History and Description of Nacogdoches County, Nacogdoches, Texas, Richard W. Haltom, 1880.


Memorial and Biographical History of Johnson and Hill Counties, Texas, Chicago, Lewis Publishing Company, 1893.


Pilgrim, Thomas, Texas Legal Directory, Austin, Democratic Statesman Office, 1877.

Proceedings of the Republican State Convention Assembled at Austin, August 12, 1868, Austin, Daily Republican, 1868.

Proceedings of the Republican State Convention Held at Fort Worth, Texas, April 29 and 30 and May 1, 1884, Austin, Swendell Printing House, 1884.


Speech Delivered by Hon. E. M. Pease at Turner Hall, Galveston, Texas, July 12, 1880, Galveston, Republican County Committee, 1880.

State Convention of Colored Men of Texas, Proceedings, Houston, Smallwood and Gray Printers, 1883.

Sutherland, Mary A., The Story of Corpus Christi, Houston, Rein and Sons Company, 1916.


Thrall, Homer S., A History of Texas From Earliest Settlement to the Year 1876, New York, University Publishing Company, 1876.
Newspapers

Austin Daily State Journal, 1870-1874.
Austin Weekly State Journal, 1870-1874.
Austin Statesman, 1871-1883.
Brownsville Ranchero, 1865-1867.
Corpus Christi Nueces Valley, 1870-1874.
Dallas Daily Times Herald, 1865-1883.
Dallas, Norton's Union Intelligencer, 1871-1883.
Galveston Freeman's Press, 1868.
Jefferson Radical, 1868-1871.
Marshall Texas Republican, 1865-1869.
San Antonio Express, 1865-1883.
San Antonio Herald, 1865-1873, 1875, 1878.
San Antonio Weekly Herald, 1865-1874.
Waco Daily Examiner, 1872-1883.
Waco Weekly Examiner and Patron, 1875-1878.

Secondary Works

Histories and Monographs


Knight, Oliver, Fort Worth: Outpost On The Trinity, Norman, Oklahoma, University of Oklahoma Press, 1953.

Landrum, Graham and Allan Smith, Grayson County, Fort Worth, Historical Publishers, 1967.


Lonn, Ella, Desertion During The Civil War, Chapel Hill, University of North Carolina Press, 1936.

Lonn, Ella, Foreigners in the Confederacy, Chapel Hill, University of North Carolina Press, 1940.


McKay, Seth S., Making the Texas Constitution of 1876, Columbus, Ohio, T. J. Hier Printing Company, 1924.

McKay, Seth S., Seven Decades of the Texas Constitution of 1876, Lubbock, Texas, S. S. McKay, 1942.

Meinig, D. W., Imperial Texas, Austin, University of Texas Press, 1969.


Saint-Romain, Lillian S., *Western Falls County, Texas*, Austin, Texas State Historical Association, 1951.


_______________, *Ten Texas Feuds*, Albuquerque, New Mexico, University of New Mexico Press, 1957.


Special References


Members of the Legislature of the State of Texas from 1846 to 1929, Austin, n. p., 1939.


The University of Texas Archives, A Guide to the Historical Manuscripts Collections in the University of Texas Library, compiled and edited by Chester W. Kielman, Austin, University of Texas Press, 1967.


Winkler, Ernest W., Platforms of Political Parties in Texas, Austin, University of Texas Press, 1915.


Biographies

DeShields, James T., They Sat in High Place: The Presidents and Governors of Texas, San Antonio, The Naylor Company, 1940.


Hare, Maud Cuney, Norris Wright Cuney, A Tribute of the Black People, Austin, Steck-Vaughn Company, 1968.


Huson, Hobart, District Judges of Refugio County, Refugio, Refugio Timely Remarks, 1941.

Kittrell, Norman G., Governors Who Have Been and Other Public Men of Texas, Houston, Dealy Aday-Elgin Company, 1921.


Rister, Carl Coke, Border Command: General Phil Sheridan in the West, Norman, University of Oklahoma Press, 1944.

Wallace, Ernest, Charles DeMorse, Pioneer Editor and Statesman, Lubbock, Texas Tech College Press, 1943.


Articles


Ewing, Floyd, "Origins of Unionist Sentiment on the West Texas Frontier," West Texas Historical Annual Yearbook, XXXII (October, 1956), 21-29.


McKay, Seth S., "Some Attitudes of West Texas Delegates to the Constitutional Convention of 1875," West Texas Historical Association Yearbook, V (June, 1929), 100-114.


Miller, Edward T., "The State Finances of Texas During the Reconstruction," Southwestern Historical Quarterly, XIV (October, 1910), 87-112.


Newcomb, Henrietta, "A Texas Veteran and His Newspaper," Texas History Teacher's Bulletin, XIII (October, 1925), 20-123.


Ramsdell, Charles W., "Texas from the Fall of the Confederacy to the Beginning of Reconstruction," Southwestern Historical Quarterly, XI (January, 1908), 199-219.

"Record of Engagement With Hostile Indians in Texas, 1868 to 1882," West Texas Historical Association Year Book, IX (October, 1933), 101-118.

Rister, Carl C., "Outlaws and Vigilantes of the Southern Plains, 1865-1885," Mississippi Valley Historical Review, XIX (March, 1933), 537-554.


Smith, Ralph, "The Cooperative Movement in Texas, 1870-1900," Southwestern Historical Quarterly, XLIV (July, 1940), 33-34.


Smyrl, Frank H., "Texans in the Union Army, 1861-1865," Southwestern Historical Quarterly, LXV (October, 1861), 234-250.


Winkler, Ernest W., "The Bryan-Hayes Correspondence," XIV, Southwestern Historical Quarterly, XXIII (January, 1925), 236-246.


Unpublished Materials


