FIRE EATER IN THE BORDERLANDS: THE POLITICAL LIFE OF GUY MORRISON BRYAN, 1847-1891

Ariel Leticia Kelley

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APPROVED:

Richard B. McCaslin, Committee Chair
Andrew Torget, Committee Member
Randolph B. Campbell, Committee Member
Nancy Stockdale, Committee Member
Robert Wooster, Committee Member
Jennifer Jensen Wallach, Chair of the Department of History
Tamara L. Brown, Executive Dean of the College of Liberal Arts and Social Sciences
Victor Prybutok, Dean of the Toulouse Graduate School

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From 1847 to 1891, Guy Morrison Bryan was a prominent Texas politician who influenced many of the policies and events that shaped the state. Raised in his Uncle Stephen F. Austin's shadow, he was a Texas nationalist who felt responsible for promoting the interests of his state, its earliest settlers, and his family. During his nineteen years in the Texas Legislature and two years in the United States House of Representatives, he safeguarded land grants, supported internal improvements and education, and challenged northern hostility towards slavery. Convinced that abolitionists would stop at nothing to destroy the institution and Texas, he led his state's walkout of the National Democratic Convention in 1860 and became a leading proponet of secession. During the Civil War, he served as a staff officer, and his ability to mediate conflicts between local and national leaders propped up the isolated Confederate Trans-Mississippi Department. Finally as Speaker of the House, he helped oust Governor Edmund J. Davis in 1874 and "redeem" the state from Republican rule before convincing President Rutherford B. Hayes to adopt a conciliatory policy towards Texas and the South. Despite the tremendous influence Bryan wielded, scholars have largely ignored his contributions. This dissertation establishes his significance, uses his willingness to transfer national allegiances to consider nationalism--whether Texan, American, or Confederate--in the United States-Mexico Borderlands, and sheds light on neglected subjects like the role of staff officers in the Civil War.

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LIST OF ABBREVIATIONS

Correspondents

WPB	William Pitt Ballinger
GMB	Guy Morrison Bryan
LJB	Laura Jack Bryan
MAB	Moses Austin Bryan
WJB	William Joel Bryan
RBH	Rutherford Birchard Hayes
EMP	Eliza Margaret Perry
EABP	Emily Austin Bryan Perry
JFP	James Franklin Perry
SSP	Stephen Samuel Perry

Archives

DBCAH	Dolph Briscoe Center for American History, University of Texas at Austin.
TSLA	Texas State Library and Archives, Austin

CHAPTER 1

INTRODUCTION

Statesmen such as Sam Houston, Francis R. Lubbock, Oran M. Roberts, and Edmund J. Davis dominate scholarly considerations of the nineteenth century Texas politics, but the contributions of Guy Morrison Bryan warrant similar exploration. From the moment he arrived in the colony established by his uncle, Stephen F. Austin, in 1831, Bryan never ceased promoting the interests of his adopted home and the earliest Anglo and Tejano settlers. He wielded tremendous influence, allowing him to affect numerous events that shaped Texas. After acting as a courier and orderly during the Texas Revolution, he supported annexation and became prominent in the state's Democratic Party. He translated his emerging prestige into a long career of service that included nineteen years in the legislature and a single term in the United States House of Representatives. This allowed him the opportunity to protect the land grants of the old settlers against the encroachment of new arrivals, facilitate internal improvements, and remember the Republic's veterans. Bryan also tried to safeguard the state's most valuable economic resource by challenging northern hostility towards slavery. Convinced that the abolitionists would stop at nothing to destroy the institution and Texas, he led his state's walkout of the 1860 National Democratic Convention and became a leading proponent of secession. During the Civil War, his ability to mediate conflicts between local and national leaders was crucial for propping up the isolated Trans-Mississippi Department of the Confederacy. Finally, as the Speaker of the Texas House, he help oust Governor Davis in 1874 and "redeemed" the state from Republican rule before convincing Pres. Rutherford B. Hayes, his longtime friend, to adopt a conciliatory policy towards Texas and the South. Raised in Austin's shadow, Bryan was

a Texas nationalist to the core and took up his uncle's mantle to secure the family's legacy and ensure the state's prosperity.

Apart from a few encyclopedic articles like the one in the *Handbook of Texas*, only two scholarly pieces of writing examine Bryan specifically. The first is a brief article by George P. Garrison, published a few months after his subject's death in 1901. The text offers a summary of Bryan's life, character, and actions, but it lacks any examination of how he affected the events mentioned or Texas's development in general. Fannie Baker Scholars's 1930 thesis supplies a more analytical interpretation by arguing that Bryan's family influenced his sense of self and his responses to particular situations. Scholars's work, however, was designed as an introduction to the man rather than as an exhaustive, or critical, evaluation. As such, it only mentions Bryan's involvement with numerous issues without fully assessing their importance or relation to the larger development of Texas. The thesis's level of detail also drops off substantially following the Civil War, ignoring much of Bryan's endeavors during the latter part of the nineteenth century. Beyond these studies, Bryan occasionally appears as a supporting character in texts on family members, Hayes, or major events, but none of these effectively highlight his significance. This study of his political life from the 1840s to the1890s fills the void in the historical literature and argues that Bryan was a major player in the issues that transformed Texas during the nineteenth century. His status as an old Texian and devotion to continuing Austin's work made him different from many Texans of the period, because constant migration into the state meant that many of its inhabitants lacked a connection to the area's historical roots. In life, his uncle promoted his colonists' rights and relentlessly bolstered the success of Texas. Bryan carried on that mission, ensuring that Austin's legacy would endure as Texas became a state.[1]

[1] Texas State Historical Association, "Guy Morrison Bryan," *Handbook of Texas Online*, (accessed June 15, 2020) http://www.tshaonline.org/handbook/online/articles/fbram; George P. Garrison, "Guy Morrison Bryan," *Quarterly*

Beyond his own personal significance, Bryan provides a window into neglected topics. The Trans-Mississippi remains understudied in comparison to the Civil War's other theatres, so analyzing Bryan sheds light on how it survived its isolation from the rest of the Confederacy. He equated the success of the nascent southern nation with Texas's future prosperity, and he worked hard to promote cooperation between the region's civil and military leaders. Acting as envoy and peacekeeper, he induced sometimes querulous officials to work together for the common good, and his ability to get Pres. Jefferson Davis to organize the department and provide it with necessities was a testament to his abilities. Remarkably, Bryan accomplished this as a staff officer. A published compendium of Confederate generals and their respective staffs along with a list generated by the United States War Department indicate that approximately 3,700 men served in Confederate staff positions during America's bloodiest war, yet only the South's quartermasters have received attention. A pronounced dearth of analysis exists for other staff members, especially adjutant generals. A handful of edited memoirs and diaries, most notably G. Moxley Sorrel's recollections and Robert E. L. Kirk's biographical sketches for the members of the Army of Northern Virginia, provide the basic details for individual officers, but they do not assess the importance of their actions, contributions to the Confederate war effort, or how their responsibilities compared to their fellows elsewhere. June I. Gow's brief article in the *Journal of*

of the Texas State Historical Association 5 (October 1901): 121-36; Fannie Baker Scholars, "Life and Services of Guy M. Bryan" (Master's Thesis, University of Texas at Austin, 1930), *passim.* For examples of works in which Bryan is only briefly mentioned, see Gregg Cantrell, *Stephen F. Austin: Empresario of Texas* (New Haven: Yale University Press, 1999); Light T. Cummins, *Emily Austin of Texas, 1795-1851* (Fort Worth: Texas Christian University Press, 2009); Hans L. Trefousse, *Rutherford B. Hayes* (New York: Times Book, 2002); Kenneth E. Davison, *The Presidency of Rutherford B. Hayes* (Westport, Connecticut: Greenwood Press, 1972); Ari Hoogenboom, *Rutherford B. Hayes: Warrior and President* (Lawrence: University Press of Kansas, 1995); Robert L. Kerby, *Kirby Smith's Confederacy: The Trans-Mississippi South 1863-1865* (New York: Columbia University Press, 1972); Carl H. Moneyhon, *Texas After the Civil War: The Struggle of Reconstruction* (College Station: Texas A&M University Press, 2004); Patrick G. Williams, *Beyond Redemption: Texas Democrats after Reconstruction* (College Station: Texas A&M University Press, 2007); Richard B. McCaslin, *Fighting Stock: John S. "Rip" Ford of Texas* (Fort Worth: Texas Christian University Press, 2011).

Southern History supplies the only true evaluation of adjutant generals and their assistants' roles. Using the Army of Tennessee as a case study, she asserts that vague military regulations meant that their duties were often defined by their commanders rather than protocol. Assessing Bryan's service, therefore, is a needed addition to this barren field of inquiry.[2]

Finally, Bryan provides an avenue to assess how Texans engaged topics like nationalism and loyalty to national governments. Many scholars stress the fluid nature of identity in the United States-Mexico borderlands, and Bryan certainly reflected Texans' willingness to adopt and discard allegiances as needed. He was always a Texan first, so his commitment to any nation was always contingent on its ability to advance Texas. He supported annexation because of his assumptions that it would stabilize the economy and better protect the state from its Mexican and Indian enemies. But when concerns about the expansion of slavery led the federal government to ignore the state's claims to Santa Fe, he was quick to suggest that Texas resume its status as an independent republic rather than sacrifice its lands to appease abolitionists. As historian Andrew Torget argues, slavery and cotton were intertwined with Texas's fate from the moment that Austin and the Tejanos worked together to foster Anglo immigration. Challenging either of these things threatened their way of life, leading Bryan to question his loyalty to the federal government for the first time during the late 1840s. Mounting conflicts over slavery, the evolution of the nation's political parties, and the federal government's seeming indifference to providing security on the Texas frontier led Bryan to demand disunion even before he finished

[2] Joseph H. Crute Jr., *Confederate Staff Officers, 1861-1865* (Powhatan, Va.: Derwent Books, 1982); United States War Department, *List of Staff Officers of the Confederate Army* (Washington: Government Printing Office, 1891); James L. Nichols, *The Confederate Quartermaster in the Trans-Mississippi* (Austin: University of Texas, 1964); Harold L. Wilson, *Confederate Industry: Manufactures and Quartermasters in the Civil War* (Jackson: University of Mississippi, 2002); G. Moxley Sorrel, *Recollections of a Confederate Staff Officer* (New York: Neale Publishing Company, 1905); Robert E. L. Kirk, *Staff Officers in Gray: A Biographical Register of the Staff Officers in the Army of Northern Virginia* (Chapel Hill: University of North Carolina, 2002); June I. Gow, "Military Administration of the Army of Tennessee," *Journal of Southern History* 40 (May 1974): 183.

his only term in Congress in 1859. He then used his influence to persuade more reluctant men to embrace secession.[3]

Texas nationalism also affected his relationship with the Confederate States of America. Civil War scholars debate the Confederacy's ability to forge a collective identity and bind its citizens to the central government. Pointing to internal divisions and Southerners' emphasis on states' rights, some historians dismiss Confederate nationalism as extremely weak or, in the case of Richard E. Beringer and his associates, claim that it existed "on paper, not in the hearts and minds of would be citizens." Drew Gilpin Faust counters this idea and asserts that nationalism was a process that waxed and waned in response to numerous stimuli, a conclusion supported by authors who point out devotion to the southern nation and its cause late into the war. The rise of the Lost Cause also indicates some level of commitment to the Confederacy, even if it was more of an idealized version. Despite being a states' rights zealot, Bryan clearly had an allegiance to the rebel nation, most likely because he regarded it as the best supporter of Texas, and he worked to promote its success. He backed the Confederacy from its inception until its death, but its failure to defend Texas or secure slavery led him to quickly abandon it after the war's conclusion, and he returned his support, if somewhat grudgingly, to the United States.[4]

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[3] The relationship between a military presence and the loyalty of western residents is well established; see Andrew Cayton, "Separate Interests' and the Nation-State: The Washington Administration and the Origins of Regionalism in the Trans-Appalachian West," *Journal of American History* 79 (June 1992): 36-67; Robert Wooster, *The American Military Frontiers: The United States Army in the West, 1783-1900* (Albuquerque: University of New Mexico Press, 2009), xi-xvi; Walter L. Buenger, *Secession and the Union in Texas* (Austin: University of Texas Press, 1984), 10-11, 16, 46, 68; Ariel Kelley, "'To Do All Things Necessary to Secure Protection': Nueces County, 1845-1871," *Military History of the West* 44 (2015): 28-54; Andrés Reséndez. *Changing National Identities at the Frontier, Texas and New Mexico, 1800-1850* (New York: Cambridge University Press, 2004), 1-14; David J. Weber, *The Mexican Frontier, 1821-1846: The American Southwest Under Mexico* (Albuquerque: University of New Mexico Press, 1982), xi-xxii; Anne F. Hyde, *Empires, Nations, and Families: A New History of the North American West 1800-1860* (Lincoln: University of Nebraska Press, 2011), 200-220.

[4] Richard Beringer et al. *Why the South Lost the Civil War* (Athens: University of Georgia Press, 1986), 64 (quotation), 66-67; Drew Gilpin Faust, *The Creation of Confederate Nationalism* (Baton Rouge: Louisiana State University Press, 1988), 6, 16; Avery O. Craven, The *Growth of Southern Nationalism, 1848 – 1861* (Baton Rouge: Louisiana State University Press, 1953); Paul D. Escott, *After Secession: Jefferson Davis and the Failure of Confederate Nationalism* (Baton Rouge: Louisiana State University Press, 1978); Gary Gallagher, *The Confederate*

Any consideration of Bryan must start with his family, so chapter 2 assesses his childhood and the roots of his Texas nationalism. Born into a family that believed it was destined for greatness, the young man grew up with immense pressure to perform and expand the clan's reputation. His mother's name changed with her marriages, but Emily Austin Bryan Perry never abandoned her Austin identity or devotion to her brother. She fully supported his colonization project, and Bryan grew up listening to news from Texas before his family even set foot on its soil. Moving there solidified Bryan's love of the province, and at just fifteen he rendered the first of many services to it. As the first college-educated son of his family, his mother implored him to follow Austin's path and carry Texas to glory. Bryan believed that he would never equal his idol, but he agreed that someone must become the next Austin and at least guarantee his place in history.

The following chapter showcases Bryan's antebellum political ventures and his efforts to navigate both adulthood and family pressures. As a young man Bryan dreamed of sustaining the Republic through the force of arms, but circumstances never allowed him to see combat. Instead he explored politics, wondering if it would allow him to bolster Texas in the same or perhaps even greater ways. Clashes over land titles showed him that defending the old settlers required more than physical bravery, and he took it upon himself to preserve the interests of the former colonists of Austin, Green Dewitt, and Martin De Leon, combating everything from poor apportionment to bills designed to aid speculators. The turmoil over Santa Fe added an even stronger pull to lead Texas forward. Politics started as an experiment, but it became his chosen field of endeavor by 1850.

War (Cambridge: Harvard University Press, 1997), 17-19, 63-11; Aaron Sheehan-Dean, *Why Confederates Fought: Family and Nation in Civil War Virginia* (Chapel Hill: University of North Carolina Press, 2007).

Chapter 4 discusses Bryan's efforts to safeguard land titles, but it also illustrates how his family influenced his efforts. Their lands lay along the Brazos River and its tributaries, and he promoted improvements, both railroad and water, that might make the area more accessible and boost their land values. In other instances, his mother colored his actions. She promoted education as part of a successful life, so Bryan worked session after session to create a functioning system of public schools. This proved futile, because it was not until Republican-controlled reconstruction that the state established them, yet it still speaks to the mother's influence on her son. Family considerations also underpinned his move to create Texas's first asylums. His sister Eliza Perry suffered from epilepsy, and the disorientation and outbursts after her seizures forced her brothers to consider institutionalizing her. The nearest facility was in New Orleans, so Bryan insisted on creating one in Texas to help families struggling with similar conditions. A thread of sectional hostility also emerges during this period. Bryan would not stand idly by when Northerners castigated the South's character and threatened the peculiar institution, and from his positions in the legislature he introduced resolutions censuring northern actions and Texas politicians like Houston, who Bryan believed had forgotten his duty to their state.

Chapters 5 and 6 focus on Bryan's demand that Texas secede and his experiences in the Confederacy. By the mid-1850s, he was certain that the state was safe from speculators, and he decided to confront the rising tide of sectional strife in Congress, assuming that with a national stage he might end the threats to slavery forever. His experience in Washington quickly ended that hope, and, as he watched the fights over Kansas' admission to the Union, he concluded that the two sections would never agree. That combined with the federal government's reduction of army personnel in the state and refusal to fund ranger regiments, left him certain that there was nothing more to do but secede and seek another nation to bolster Texas. Once Texas was in the

Confederacy, he threw himself into the war effort, excited once more to try and take up arms. His history and skill set, however, led him to become a statesman again, and he worked to maintain positive relations between the entities of the Trans-Mississippi and promote loyalty to the Confederate national government.

Chapter 7 assesses Bryan's postwar experience as he remained out of politics for most of Reconstruction. After being one of the most vocal secessionists, he became a mute show of submission to federal authority. Much like Robert E. Lee, he concluded that the best course to preserve the legacy of his family was to accept defeat and regain his citizenship. For many southerners, the end of the war simply opened a new period of resistance, yet Bryan refused to follow suit. He knew that Texans must accept uncomfortable changes, but he wanted them to conform to national mandates and regain the North's trust. This would return control to white Texans, something he considered vital for shaping the state once more. From his point of view, the Reconstruction experience was on a par with the descriptions provided by William Dunning and his Texas equivalent Charles Ramsdell, who paint the period as a time of white Carpetbagger corruption and rule by ignorant blacks. Nevertheless, Bryan absented himself from the struggle until the early 1870s. Then, tired of the debt and changes imposed by the Davis administration, he returned to the legislature. As Speaker of the House, Bryan supported the Democratic removal of Davis in 1874. He then begged his college friend Hayes to take a kinder approach to the South as president than his predecessors. Hayes's biographers differ on how much Bryan influenced the president, but this study illustrates how the Ohioan's rhetoric shifted and increasingly echoed his southern associate. With Texas safely delivered from the Republicans and white rule redeemed, Bryan ended his public life with three terms in the legislature, completing the last in the 1890s. These years allowed him to promote a few topics close to his heart like pensions for the

Republic's military veterans, but by the end it was more of a final hurrah for a man who had aided Texas through four decades, service which reflected his constant dedication to protecting the Austin family's gift to the United States. In so doing, he became one of the most consistent Texas nationalists in the nineteenth century.

CHAPTER 2

IN HIS UNCLE'S SHADOW

From the moment of his birth, Guy Morrison Bryan entered a world of expectations that shaped his life. The Austin family believed that it was destined for greatness, and successful colonies established in Texas by his mother's brother, Stephen F. Austin, allowed them to shape the turbulent histories of four nations: Mexico, the Republic of Texas, the United States, and the Confederate States of America. During his lifetime, Austin worked tirelessly to protect and promote the interests of the original Anglo settlers and the Tejanos, cementing his legacy as the "Father of Texas." Austin's death deprived them of their greatest advocate, but Bryan's mother, Emily Austin Bryan Perry, believed that her son was meant to carry on his work. Raised in his uncle's long shadow, it was impossible for Bryan to be anything other than a Texian, as early Texas nationalists were often called. The young man doubted his own abilities, yet, when given an opportunity, he championed the interests of the older Anglo settlers and Tejanos just as his uncle had. By the time that he was ready to enter public life, Bryan had assumed Austin's mantle and passion to develop Texas, the family's greatest gift to the United States and the world.[1]

Moses Austin and Mary "Maria" Brown Austin settled in Spanish Louisiana in 1798 with three children: Stephen Fuller Austin, Emily Margaret Austin, and James Elijah "Brown" Austin. They built a beautiful home and developed lead mines at Mine à Brenton. A local merchant and neighbor, James Bryan became a close family friend and business associate. When fifteen-year old Emily returned from boarding school in 1809, she and Bryan, who was twenty, began a relationship, despite the attempts of both of their families to dissuade them. After overcoming the

[1] Light T. Cummins, *Emily Austin of Texas, 1795-1851* (Fort Worth: Texas Christian University Press, 2009); 50-51; Greg Cantrell, *Stephen F. Austin: Empresario of Texas* (New Haven: Yale: 1999); 3, 15-42, 45, 71.

objections, the pair married in 1813. Their union produced four children who survived infancy. Guy Morrison Bryan, named for two of James's uncles, was the third of those children. He was born on January 12, 1821, in Herculaneum, Missouri, joining older brothers William Joel Bryan and Moses Austin Bryan, most often called Joel and Austin, respectively. The next year, Guy became a big brother himself, when their sister Mary Elizabeth Bryan was born.[2]

By the time of Guy's arrival, his parents, grandparents, and uncle, Stephen, were struggling financially. A collection of poor business enterprises and the Panic of 1819 placed severe strain on them, prompting Moses Austin to undertake a venture that changed their lives and forever inked their names upon the annals of history. He traveled to Spanish Texas in 1820 in hopes of settling American families and becoming an extension of the southern cotton empire. Although he was rebuffed initially by local authorities, the Tejanos of San Antonio convinced the governor that Anglo emigration was a boon for the province. Located on the far northern frontier, besieged by the Comanches, and threatened by proximity to the United States, Texas remained one of Spain's weakest possessions. Its tiny non-Indian population struggled to hold the region, so Austin's promise to settle loyal Catholic families and foster economic development was a very enticing prospect. Spain agreed, and Austin returned to Missouri, but he became seriously ill. Because his of eagerness to begin colonizing Texas, he refused to rest and recuperate. Stopping at his daughter's home, he collapsed. He seemed to improve and saw baby Guy for the first time, but then took a turn for the worst and died on June 10, 1821.[3]

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[2] Cummins, *Emily Austin of Texas*, 22-60, 68; Cantrell, *Stephen F. Austin*, 25-30, 36-39; 44-45, 49, 51, 56, 67; Fannie Baker Scholars, "Life and Services of Guy M. Bryan" (Master's Thesis, University of Texas at Austin, 1930), 2-4.

[3] Cummins, *Emily Austin of Texas*, 59-61; David McDonald, *José Antonio Navarro: In Search of the American Dream in Nineteenth-Century Texas* (Denton: Texas State Historical Association, 2010), 52; Randolph B. Campbell: *Gone to Texas: A History of the Lone Star State*, 2nd ed. (New York: Oxford University Press, 2012), 98-102 Andrew Torget, *Seeds of Empire: Cotton, Slavery, and the Transformation of the Texas Borderlands, 1800-1850*, 19-56.

Stephen took charge of the venture after Moses's death and navigated the challenges of Mexico's independence and revolving governments. Mexico initially refused to recognize the Spanish land grant, but Austin traveled to Mexico City to press his case. By 1823, he received permission to settled 300 families in lands between the Colorado and Trinity Rivers. His success led to three additional solo contracts and a joint one with Samuel M. Williams. In payment for his services as an empresario, Austin received an immense amount of land and seemed to be well on the way to economic recovery. Brown eventually joined his brother, leaving their mother with Emily and her husband.[4]

As her siblings labored in Mexican Texas, Emily and her children faced tragedy and hardship. The Bryans' financial base continued to erode after the Panic of 1819, and by 1822 they had mortgaged their home, depending on a loan from James's uncle in Philadelphia to stay afloat. That summer brought more challenges, when James succumbed to yellow fever, dying just days after the birth of his daughter Mary. Without her husband or assistance from her brothers, Emily directly confronted the challenges of caring for her four young children and invalid mother. After selling the Austin home in Herculaneum for cash, she took in a boarder, taught school to local children for a small fee, sewed for the neighborhood's men, and put the slaves and everyone else in the house to work making small goods like bonnets for sale. Through her ingenuity, she kept her family fed and together. When James's uncle offered to cancel the mortgage on the Bryan home in exchange for adopting his namesake, Guy M. Bryan, Emily refused, deeming it more important for the little ones to remain together. Her marriage to local

[4] Scholars, "Life and Services of Guy M. Bryan," 2-5; Cummins, *Emily Austin of Texas*, 62-63, 65-70; Cantrell, *Stephen F. Austin*, 63-202; McDonald, *José Antonio Navarro*, 52-54; Torget, *Seeds of Empire*, 57-97; Campbell, *Gone to Texas*, 98-114.

merchant James Franklin Perry finally ended the family's money troubles, and the Bryan children soon formed a close bond with their stepfather.[5]

Although Guy and his siblings grew up away from their Uncle Stephen, they undoubtedly understood the magnitude of his work in Texas. Emily's biographer Light T. Cummins argues that she was an uncommon woman, whose construction of identity was atypical for the period. Women in the nineteenth century usually developed close ties with the family into which they married, yet Emily unmistakably remained an Austin despite her two marriages. She was devoted to her brother, recognized the significance of his project, and expressed a desire to aid him. Although it would be several years before she could fulfill Stephen's wish that she settle in Texas, her four children undoubtedly heard tales of their uncle and his great labor, a supposition supported by Guy's later vigorous defenses of his uncle and desire to live up to what he believed were Austin family ideals.[6]

In 1831, Bryan finally met the man in whose shadow he would live the rest of his life. Perry resisted his brother-in-law's calls to come to Texas for much of the 1820s, wanting to maintain his business. In 1830, he finally agreed to visit Texas, and, favorably impressed, he yielded. In the summer of 1831, the Perry family nailed up the proverbial "Gone to Texas" sign and departed. Ten-year old Guy spent most of the next three months on a mule, while his parents and three younger siblings—Mary, Stephen Samuel Perry, and Eliza Margaret Perry—rode in the carriage with their parents. By that fall, the family, their slaves, livestock, and extensive supplies had arrived in their new home. Because Emily was pregnant, she, Guy, and the younger children paused in San Felipe de Austin, while James and Joel and the slaves built a home on Chocolate

[5] Cummins, *Emily Austin of Texas*, 61-81; Cantrell, *Stephen F. Austin*, 165-166.

[6] Scholars, "Life and Services of Guy M. Bryan," 6; Cummins, *Emily Austin of Texas*, 26, 50-51, 97, 138; Cantrell, *Stephen F. Austin*, 23, 240-241, 310.

Bayou. Guy's youngest brother, Henry Austin Perry, was born at San Felipe in the fall of 1831. The next year, the family moved to Gulf Prairie and establish Peach Point Plantation outside of Brazoria. Mary's death from cholera marred their first year there, but otherwise it was a happy time as Guy and Stephen went to school and got to know their uncle.[7]

As the family adjusted, conflict mounted between the Mexican government and Texans. Austin became a model Mexican citizen, but most Anglo colonists were lax about conforming to Mexican mandates about learning Spanish and converting to Catholicism. They also avoided the requirement in the *Coahuila y Tejas* constitution that prohibited them from importing slaves by having bondsmen sign indenture contracts for ninety-nine years. This along with how vastly their population outnumbered ethnic Mexicans in the province produced questions about their loyalty and prompted Mexican authorities to end immigration as part of the national government's transition from federalism to centralism. By 1835, these tensions erupted into the first fights of the Texas Revolution.[8]

The Revolution gave the fifteen-year-old Bryan his first opportunity to render service to Texas. Under siege at the Alamo, William B. Travis dispatched a letter pleading for assistance. When a courier arrived in Columbia exhausted, Josiah Bell, with whom Bryan boarded during the school session, tasked him with carrying the missive to Brazoria and thence to Velasco. He eagerly completed this assignment, and his reception in Velasco made him feel like a hero, something he never forgot. His return to school was short-lived, because news of the Alamo's fall prompted his family to flee for the Texas-Louisiana border as part of the Runaway Scrape.

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[7] Cummins, *Emily Austin of Texas*, 93-125, 129; Cantrell, *Stephen F. Austin*, 240; Scholars, "Life and Services of Guy M. Bryan," 7-9; Autobiographical Sketch, Box 2Q453, Guy Morrison Bryan Papers, DBCAH.

[8] Cantrell, *Stephen F. Austin*, 202-348; Cummins, *Emily Austin of Texas*, 123-156; Campbell, *Gone to Texas*, 98-136; Torget, *Seeds of Empire*, 137-178.

His older brothers had already joined the army, so he helped his stepfather transport Emily, the younger children, and the family's slaves to safety. At the San Jacinto River, Perry departed for Sam Houston's army, entrusting their welfare to Guy. While camped at Lynch's Ferry, Guy and his charges learned of the smashing victory at San Jacinto and started for home. The Perry family reunited at San Jacinto, but the teenage Guy refused to join his parents in the journey home, exhibiting a stubbornness and sense of duty that would come to characterize his public life in the future. Consistent with nineteenth century notions of masculinity, he wanted to demonstrate his courage and physically defend Texas. To pacify him, his parents allowed him join Lt. Col. Alexander Somervell's command as an orderly. Ten days later Guy's older brother Austin, who was serving with a different detachment of the army, returned to San Jacinto and kept an eye on his younger sibling. Guy served for a few months, but then he contracted measles and developed pneumonia, forcing him to return to Peach Point.[9]

With the war for independence over, Bryan prepared for college. His mother stressed the importance of education, but the family's financial situation and move to Texas prevented Joel or Austin from pursuing postsecondary studies. During their early twenties, both focused on creating their own plantations and establishing families. Guy became Emily's first college-educated son, so expectations were high for him to achieve greater success. Indeed, his mother argued that he should take over for his Uncle Stephen, who had died in 1836. Guy responded that she expected too much of him. He had few strengths, while his late uncle "had talents of the first order, and I am afraid the *star* of our family has set forever, at least that star will never be in the ascendant again through me." His first few years at Kenyon College in Gambier, Ohio, suggest

[9] Autobiographical Sketch, Box 2Q453, Bryan Papers; Scholars, "Life and Services of Guy M. Bryan," 12-15; Cummings, *Emily Austin of Texas*, 130-136; Campbell, *Gone to Texas*, 136-159.

that he wanted to forget his family's designs, because he led a relatively carefree life. His pal Rutherford B. Hayes, who became a lifelong friend, praised Guy in the privacy of his journal, commending his manner and saying that he would "figure largely in Texan history; he is a true patriot." Yet he could not deny that Guy was a poor scholar. Constant requests for money and justifications for his spending also show Guy's delight at escaping the halls of learning to travel and experience the elite levels of society thanks to his association with Austin. However, his family's expectations remained with him, and over time the tone of his letters shifted. He wrote that he had become "determined to endeavor to become a man worthy of our family," and to that end he was very selective in companions. He also pushed himself to read more of history and other subjects, so that he would be knowledgeable about great events. An even more telling sign of his maturity was the letter he wrote to James F. Perry in 1840. After thanking him for his fatherly guidance, he apologized for his previous spending, worrying that it had unduly burdened his parents. He knew his mother intended to withdraw Eliza and Stephen from boarding school, and he insisted that it was his duty to sacrifice his own education to promote theirs.[10]

Although Bryan struggled with his family's desires for his future, he never lost interest in his beloved Texas. Homesickness plagued the youth. He acknowledged that this sometimes led to childish requests or statements in his letters, but he could not help it. He explained to Joel that "there is no place like home, the Land of our Fathers and home all that is dear to us, cannot be easily eradicated from one's mind." His education was important and he could bear it like a man, but thinking of the "undulating prairies, sweeping out before our eyes for miles and miles over

[10] Eliza had epilepsy, and her removal from school was for medical not monetary reasons; Stephen's removal stemmed from his dislike of schooling. See Cummins, *Emily Austin of Texas*, 182-190, 148-156; Scholars, "Life and Services of Guy M. Bryan," 15-22 (first and third quotations); Diary entry, February 10, 1841, Charles R. Williams, ed., *Diary and Letters of Rutherford Birchard Hayes: Nineteenth President of the United States*, (5 vols.; Columbus: Ohio State Archeological and Historical Society, 1992), 1: 47 (second quotation).

rivers" and the other beauties of the landscape was "enough to make every true Texan heart thrill with pleasure and be anxious to add to the comfort of that country…I wish to return as one who can add to some little to its good, and to its people's happiness," which he realized he could not accomplish without an education. Still, it was difficult when the Texas newspapers arrived in the mail to focus on completing his tasks. He paid close attention to the Republic's woes, and when he learned that Mexico had invaded its former colony in March 1842, he wanted nothing more than to rush to Texas's defense. He graduated shortly afterward and arrived in Texas as the Republic was mustering an expedition in response to Adrián Woll's week-long occupation of San Antonio. Denied the opportunity to take up arms for Texas during the revolution, Bryan was eager to participate, but his parents kept him busy until after the force departed.[11]

His military dreams dashed once again, he struggled to find a meaningful way to aid the family or Texas. His intent when he left college was to read law. Austin had once told Emily that her three oldest sons ought to be trained for occupations that would best benefit the family. He stressed that Joel should become a farmer, Austin a merchant, and Guy a lawyer. To a certain extent, Joel and Austin—who briefly worked as a shopkeeper—had already fulfilled this wish by the time Guy returned from Ohio, and Guy was determined to achieve the role dictated for him by his uncle. William H. Jack agreed to supervise his instruction but soon urged Bryan to desist, because it pained his eyes so much. Abandoning law depressed Bryan, and his doctors suggested that he focus on outdoor recreation. He complied and spent the next few years hunting, fishing, and riding. He also began to help Perry manage Stephen F. Austin's estate, doing well enough that the family turned it over to him. In 1844, they also sent him to Arkansas to attend to matters

[11] Autobiographical Sketch, Box 2Q453, Bryan Papers; Cummins, *Emily Austin of Texas*, 197; Campbell, *Gone to Texas*, 173-180; Scholars, "Life and Services of Guy M. Bryan," 15-23.

relating to James Bryan's estate and to Virginia to handle a dispute over land titles belonging to Emily.[12]

Bryan's travels revealed the debate raging over the annexation of Texas. His experiences at Kenyon had exposed him to the sectionalism that existed over slavery, so the new arguments he encountered were familiar. The Republic had asked to join the Union shortly after independence, but Mexico's threats of war and the conflict over adding another slave area to the United States stalled the effort. When John Tyler assumed the presidency, he tried to secure an annexation treaty, but the Senate refused to ratify it. Savvy leaders like Sam Houston decided to play on anti-British sentiment during his second term as president, hoping that if he pitted the United States and Great Britain against each other, the former would finally annex Texas. Such tactics spurred those in favor of annexation to expand their efforts, but antislavery pundits just as vehemently condemned it. The antagonism against the peculiar institution witnessed by Bryan convinced him that "there is strong deep rooted prejudice in the minds of the Northmen that will I think never be eradicated." Foreshadowing the tensions of the 1850s, he claimed that such sentiments would only strengthen with time and the efforts of the political parties. He hoped the Democrats would pull for Texas but feared that the abolitionists might paralyze them. If that was the case, he advised that the Republic should accept Britain's support.[13]

When James K. Polk won the election in 1844, Tyler took it as a sign that the people supported adding Texas to the fold. Congress soon approved a joint resolution, and Texas met to consider the terms. Once a convention agreed and drafted a state constitution in July 1845, they

[12] Autobiographical Sketch, Box 2Q453, Bryan Papers; Cummins, *Emily Austin of Texas*, 114, 197; Scholars, "Life and Services of Guy M. Bryan," 25-26.

[13] GMB to JFP, September 6, 1844, Folder 1, Box 2N243, Bryan Papers; Campbell, *Gone to Texas*, 178-183; Scholars, "Life and Services of Guy M. Bryan," 26-28.

put annexation to a popular vote. Bryan, who believed that annexation offered the best means of stabilizing and promoting Texas's welfare, wholeheartedly endorsed joining the Union. Using what little influence he had, he was quick to give talks stressing the potential boons of joining the United States, and he also attended some of the mass meetings that formally presented popular demands. One in Brazoria, for instance, called for annexation regardless of Pres. Anson Jones's views. When the ballots indicated an overwhelming majority in favor, Bryan joined the cheering. In later life, he also recalled his emotions when he saw the Republic's flag lowered and the stars and stripes raised in its place. Tears poured from his eyes and, looking around, he saw similar emotions on the faces of those around him. The Texas his uncle had built was no longer an independent republic, but he and the others looked forward to life within the United States.[14]

With the outbreak of the Mexican American War, Bryan failed once again to take up arms to safeguard Texas and struggled with his next steps. He and Stephen joined a Brazoria company as privates and came under John C. "Jack" Hays's leadership, but the boys never saw combat. Stephen contracted a fever and, fearing for his life, Bryan escorted him home, missing the Battle of Monterrey. Because of his mother's influence and his uncle's memory, he was ready to preserve his family's legacy and benefit Texas in any way her could. He was uncertain how he would do this because he still lacked a clear path or occupation, but, if an opportunity presented itself, he was ready to serve Texas and guide it towards a prosperous future just as his uncle had.[15]

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[14] Campbell, *Gone to Texas*, 183-184; Sam W. Haynes, *Unfinished Revolution: The Early American Republic in a British World* (Charlottesville: University of Virginia Press, 2010). 230-250; Autobiographical Sketch, Box 2Q453, Bryan Papers; Scholars, "Life and Services of Guy M. Bryan," 29-31.

[15] Autobiographical Sketch, Box 2Q453, Bryan Papers; Scholars, "Life and Services of Guy M. Bryan," 31.

CHAPTER 3

ENTERING THE "MUDDY SEA" OF POLITICS

In 1847, Guy M. Bryan embarked on a course that shaped the rest of his life. Although groomed by his mother, Emily Austin Bryan Perry, to follow in the footsteps of his uncle, Stephen F. Austin, he had struggled to fulfill her expectations. He graduated from Kenyon College set on reading law, but his poor eyesight forced him to abandon the profession dictated for him by his uncle. Efforts to defend Texas through military service proved equally futile. Lacking an obvious occupation or even a purpose, he took a big chance and ran for a seat in the Texas House of Representatives. Inclined to view his foray into politics as an experiment, he quickly concluded that he had to assume his uncle's mantle and defend the original colonists from conflicts over land titles and Texas from leaders in Washington who demanded that it renounce its claims to Santa Fe. By the time Bryan complete his second term in the legislature, however, he had acquired a reputation as an able statesman and stood poised to assume a significant role in the future development of Texas.

In the summer of 1847, members of the local Democratic Party approached Bryan about running for one of Brazoria County's two seats in the Texas House. The twenty-six-year-old seemed to be an ideal candidate because of his education, relation to the "Father of Texas," and evident interest in politics. At college he had avidly tracked the Republic's progress in the press and even asked Pres. Mirabeau B. Lamar for a copy of his inaugural address to better assess it. He and his classmates also spent hours debating the political issues of the day, a practice he and Rutherford B. Hayes continued in their correspondence after graduation. Back in Texas, Bryan openly declared his support for annexation as his countrymen considered the joint resolution. Despite his obvious fascination with political matters, he was uncertain about seeking a public

office. He deemed his intolerant and overly sensitive nature incompatible with the profession and stressed his reluctance to spend lengthy periods away from his chronically ill mother and little sister Eliza Perry. However, roughly two weeks before the election, he joined the race. Bryan never explained his abrupt about-face, but it is possible that Emily convinced her son to run as they travelled the state together that September. He later explained that she supported all his political endeavors, and a place within the statehouse positioned Bryan to fulfill her desire that he continue her brother's work.[1]

Whatever Bryan's reasons, he insisted on entering politics on his own terms. Austin family biographers argue that the clan believed that they were destined for greatness, so they held themselves to rigid standards of behavior. Bryan was equally fastidious about his reputation. He viewed politics as a "muddy sea," and he refused to wallow in it by trading his principles for power. The representative race was exciting and included "some fighting and a good deal of drinking," which was abetted by many candidates' liberal liquor distribution. Bryan repudiated such practices because they clashed with his teetotaling. His opponents tried to capitalize on this decision by caricaturing Bryan as an aristocrat too snobbish to rub shoulders with the common man. But Bryan persisted with his dry campaign, led the polls on election day, and secured a seat in the Texas House along with family friend Elisha M. Pease. He even boasted that he would have captured more votes had he announced before several of his supporters pledged themselves

[1] Fannie Baker Scholars, "Life and Services of Guy M. Bryan" (Master's Thesis, University of Texas at Austin, 1930), 18, 26-31; Diary entry, January 24, 1842, Charles R. Williams, ed., *Diary and Letters of Rutherford Birchard Hayes: Nineteenth President of the United States* (5 vols.; Columbus: Ohio State Archeological and Historical Society, 1992), 1: 90-91; GMB to RBH, January 21, December 21, 1843, Robert C. Cutner, ed., "Correspondence of Guy M. Bryan and Rutherford B. Hayes: Additional Letters," *Ohio History Journal* 63 (October 1954): 351-352, 354-355; GMB to Mirabeau B. Lamar, August 20, 1830, Box 1909/001-10, Mirabeau Buonaparte Lamar Papers, TSLA; GMB to RBH, January 21, December 21,1843, May 31, July 1, 1844, November 18, 1847, Ernest W. Winkler, ed., "Bryan-Hayes Correspondence I," *Southwestern Historical Quarterly* 25 (October 1921): 106-117; GMB to David G. Burnet, April 29, 1846, Thomas Harrison to GMB, June 16, 1847, GMB to JFP, September 6, 1847, Folder 1, Box 2N243, Guy Morrison Bryan Papers, DBCAH.

to other aspirants. A radiant Bryan expressed pleasure that he had navigated the first test of his character, though he noted many more awaited him. He intended to hold tight to his duty and use constant vigilance to prevent the slime from sticking.[2]

The Second Legislature opened on December 13, 1847, and set to work tackling a slate of issues. Annexed just two years before, Texas still needed to pay its debts and meet the stipulation in the Constitution of 1845 to erect a system of free public schools. It also had to protect public welfare by building a state penitentiary. Bryan took his seat in the House with some trepidation. Although ready to shoulder the responsibilities of his role, he was dubious about the amount of influence he could wield, especially when Speaker James W. Henderson made him chair of the Engrossing Committee. It was a tedious and uninspiring task, and he complained that he spent much of his time verifying that amendments were properly incorporated into bills.[3]

Henderson also assigned Bryan to the Education Committee, a much more gratifying appointment as it directly affected Texas's future. The constitutional framers wanted an intelligent and informed generation to inherit the state, so they set aside lands and a tenth of the annual tax revenue for the maintenance of two universities and a school for each county. Raised to view schooling as necessary for success, Bryan embraced this vision and crafted a bill to establish the desired school system. He then referred the bill to his committee members, whom he considered clever and interested in the task, and they made it more serviceable. Bryan agreed with most of them that the Constitution contained admirable sentiments but allocated insufficient resources. Thus, they wanted to create a specific tax to fund the program, reasoning that the

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[2] GMB to RBH, November 18, 1847, "Bryan-Hayes Correspondence I," 115-117 (quotation); *Civilian and Gazette* (Galveston), November 6, 1847; Scholars, "Life and Services of Guy M. Bryan," 33-36, 16-18; Light T. Cummins, *Emily Austin of Texas, 1795-1851* (Fort Worth: Texas Christian University Press, 2009); 50-51; Greg Cantrell, *Stephen F. Austin: Empresario of Texas* (New Haven: Yale: 1999); 3, 15-42, 45, 71.

[3] Texas Legislature, *House Journal*, 2nd Legislature, Regular Session, 13-14; GMB to Brothers, December 15, 1847, "Letters to Moses Austin Bryan" (Typescript, n.d.), 72-73, Box 2Q453, Bryan Papers.

advantages of a literate population would justify the monetary costs. When the Education Committee submitted the bill and their report, a portion of the legislators argued against the proposed school levy. They proclaimed that it would spawn government tyranny by becoming a precedent to fund other special interest projects. The controversy stalled the bill's progression, but Bryan urged them to resume discussion. After a series of amendments, the House approved the measure, but it later failed in the Senate.[4]

The legislature's inability to produce a functional school system was a constant failing during the antebellum period, but the committee managed to open other avenues for education. Throughout the session they endorsed the incorporation of a plethora of private establishments like the Cherokee Academy in Rusk County and Guadalupe College. None of these institutions met the need for public literacy, but at least they provided the middle and upper classes with options for schooling their children in Texas instead of sending them to the older states of the Union. Bryan and his fellows also helped increase the dissemination of knowledge by promoting booksellers and the Houston Lyceum.[5]

Placement on the Penitentiary Committee excited the junior legislator as well. Bryan was anxious for the Lone Star State to erect a correctional facility to check criminality and promote order. To acquaint himself with the topic, he asked Hayes to send him available information on northern institutions, so he would be primed to act when the House took up the matter. The First Legislature had produced a detailed bill, yet Gov. James P. Henderson did not carry out the plan

[4] For more information on education in Texas from the colonial period through Reconstruction, see Frederick Eby, *The Development of Education in Texas* (New York: Macmillan, 1925); GMB to Brothers, December 15, 1847, "Letters to Moses Austin Bryan," 72-73; *House Journal*, 2nd Leg., Reg. Sess., 106, 170-171, 232-233, 244-246, 337, 422-423, 427, 717-718, 821; H. P. N. Gammel, comp., *The Laws of Texas, 1822–1897* (10 vols.; Austin: Gammel Book Co., 1898), 3:3-425.

[5] *House Journal*, 2nd Leg., Reg. Sess., 207, 332-333, 356, 454-455, 488, 525, 608, 671, 810-811, 839, 889; Gammel, *Laws of Texas*, 3:331-334, 351-353, 368-371, 379-380, 387-388, 402-405, 410-411, 416, 418, 428-429.

because the established penal code made no mention of a state-owned jail. The House remedied the conflict by assigning Bryan and his fellow committee members to update the state statutes and review the act. Because the earlier law contained minutia better left to the discretion of the penitentiary superintendent, they opted to repeal it in favor of a new blueprint that supplied more general guidelines, approved the construction of necessary buildings, and created a commission to select a suitable site. They next revised the penal code to include possible sentences for various crimes. Finally, they created an annual appropriation for the prison's upkeep. Bryan proposed a yearly stipend of ten thousand dollars to guarantee its success, but more penurious representatives insisted that the funds be conditional on the treasury's ability to spare the sum. Both houses approved the committee's actions, and by early 1848 the penitentiary was on a firm footing with an operative board of directors.[6]

As Bryan acclimated to his new role and became more confident, he worried that the legislature might endanger his family and other old settlers by undermining land titles. As a means of attracting new homesteaders, Spain, Mexico, and the Republic had doled out massive amounts of acreage, and now the state was doing the same. The obtuse and conflicting nature of the numerous statutes governing the grants produced copious contesting and overlapping claims. Speculators exploited this confusion to strip grantees of their lands by purchasing certificates. They then located—the process of surveying and laying claim—on titled ground and initiated litigation to oust owners. Stephen F. Austin's former colonies possessed fertile soils and good water access, making them some of the most valuable lands in the state and a potential target for crooks. Bryan wanted the legislature to stop the attacks by quieting titles, a process that would

[6] *House Journal*, 2nd Leg., Reg. Sess., 23, 32, 67, 100, 104, 166-173, 265, 388-392, 499, 914; Gammel, *Laws of Texas*, 3:79-84, 219-232.

determine the rightful owner and thus prevent future challenges. To his horror, he discovered that some members appeared willing to aid speculators. Bills like "an act concerning fraudulent and conditional titles to land derived from the governments of Spain, Mexico, Coahuila and Texas" and "an act to regulate the trial of suits for land" attempted to place the burden of proof on early landowners like his parents rather on the deceitful individuals intent upon defrauding them. In life Austin had championed the rights of his colonists, but with him gone Bryan shouldered this burden. He amended both bills to exempt his uncle's colonies along with those of Green DeWitt. He then ferociously combated substitutes that removed his provisions. In the end, he stymied the measures, but he expected more challenges until the legislature took decisive action to protect the old settlers' titles.[7]

Bryan's dark predictions intensified as the legislature bickered over apportionment. The Constitution of 1845 obligated the Second Legislature to establish the number and geographic allocation of the next session's senators and representatives, so the House dutifully created a nine-member committee to perform the exercise. The panel agreed to have one Senator per 900 electors and one Representative per 1,565 free white citizens. This would reduce the House from sixty-six to sixty-five members, while increasing the Senate by four, to a total of twenty-four, to create a better ratio between the two chambers. They accounted for the diversity of local interests and to the best of their ability avoided placing dissimilar counties into the same districts. Their proffered bill seemed suitable, but political tensions soon derailed it. Some members took issue with increasing the size of the legislature because of the state's massive debt, while others criticized the distribution of representation between the northeastern and southwestern portions of the state. After opponents had proposed amendments and a substitute, the House referred the

[7] *House Journal*, 2nd Leg., Reg. Sess., 168-169, 340, 472, 513, 694-695, 702-703; Gammel, *Laws of Texas*, 3:3-425.

issue to the Committee on Privileges and Elections, which proved unable to agree on an option. In frustration, the speaker created a second Apportionment Committee, but the failure of their substitute forced a third committee to take its turn.[8]

Throughout the debates, Bryan supported the first act, as it best preserved the position of the counties formed from the empresario colonies and the southwest. Populated by Tejanos and longtime Anglo residents, these locales contributed congressmen interested in defending colonial and Republic land grants from newer arrivals. Without this power base, the oldest settlers would be hard pressed to retain their holdings, especially as the region's residents already faced costly lawsuits. The recent struggle over titles implied that northern and eastern representatives favored land-stealing bills, so Bryan decided he must block all the substitutes that buoyed those areas. Allied with legislators from Colorado, Gonzales, Milam, and Goliad counties, he pushed the third apportionment committee to endorse the original bill. The majority overrode him and advocated one of the substitutes. The House followed suit, narrowly approving the act 29-28.[9]

The Senate delayed consideration of the apportionment bill until Gov. George T. Wood threatened to call a special session to settle the matter. Cognizant that no one favored adding to the public debt, the senators used Wood's ultimatum to force through their own act to replace the House proposal. On March 20, 1848, the very last day of the session, they sent it to the lower chamber for approval. Their option increased the number of Senators to twenty-two, reduced the House to forty-eight, and assigned new districts. This dramatic cull of House seats and the new geographical breakdown effectively stripped older and southwestern areas of their power base.

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[8] *House Journal*, 2nd Leg., Reg. Sess., 166-173, 445-447, 517-519, 671-672, 825-825, 828, 890, 897-900, 911, 916, 1017; *Houston Telegraph and Texas Register*, July 20, 1848; GMB to MAB, September 22, 1852, June 17, 1853, GMB to JFP, June 12, 1853, "Letters to Moses Austin Bryan," 86-87, 105-113.

[9] GMB to MAB, June 17, 1853, "Letters to Moses Austin Bryan," 109-113.

For instance, Brazoria County had two representatives and one senator in the current assembly, but in the next session it would have to share a representative with Fort Bend County and a senator with Galveston County. These changes angered Bryan, who expressed his anxiety about land titles and deemed it absurd that his county should pay the largest amount of property taxes in the state while not being entitled to full representation in either house of the legislature. The session's nearing adjournment forced a decision, and, the protests from Bryan and other affected members notwithstanding, the House passed the bill by a vote of 24 to 22 just before midnight.[10]

Bryan found the act so repugnant that he helmed a crusade for its repeal for more than a year after the Second Legislature adjourned. In a letter to the press, he explained the imperiled position of land titles and the relationship between apportionment and safeguarding grants before issuing a graver condemnation: the act was unconstitutional. He asserted that the Senate's bill did not include Harrison and Upshur counties. When the House corrected this oversight, it had violated both chambers' rules, which prohibited editing substitutes. Conflicts required a joint committee of conference to create a compromise. The House's addition in fact transformed it into a new measure that had to be accepted by the Senate, which never reviewed it. Even if one overlooked these technicalities, his chamber still violated protocol by not reading the bill on three separate days or suspending the rule before proceeding to the final vote. Lastly, the act did not go through the Joint Enrolling Committee before the speaker, president of the senate, and governor signed it. The committee ceased operations when the term concluded. If the bill stayed on the books, it set a dangerous precedent for the future.[11]

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[10] *House Journal*, 2nd Leg., Reg. Sess., 445-447, 517-519, 671-672, 821-825, 828-829, 890, 897-900, 911, 916, 1017, 1133-1135; Gammel, *Laws of Texas*, 3:311-5; *Houston Telegraph and Texas Register*, July 20, August 30, 1848.

[11] Ibid.

Bryan's missive spurred several counties to hold public meetings to evaluate the apportionment act and the state of land titles. He aided some of these assemblies by handling their correspondence and airing his reproaches in person. By the fall of 1848, Brazoria, Bastrop, Colorado, Comal, Fort Bend, Gonzales, and Jackson counties denounced the legislature for denying them fair representation and undermining titles. Echoing their vocal representative's logic, Brazoria lambasted the body for recklessly combining disparate regions into districts, stripping their portion of the state of its rightful voice in government, and upholding clearly unconstitutional actions. Colorado residents expanded the critique by railing against the Texas Supreme Court in addition to the legislature. They interpreted the judges' ruling against buyers who bought land from early grantees as a commentary on the validity of the sellers' titles. The only remedy was for Governor Wood to call a special session to amend the districting system and quiet land titles.[12]

Bryan's efforts gained him state-wide recognition, but they bore little fruit. The northern and eastern counties hosted their own meetings to curry favor for the approved apportionment system and ran a news campaign bent on discrediting Bryan's arguments. Charles DeMorse, editor of the Clarksville *Northern Standard,* argued that the first-time legislator and his associated naysayers exaggerated land issues. DeMorse insisted that few of the old settlers were truly in peril, while any individuals who knowingly violated the law deserved the consequences. Citing the much-maligned court cases, he commended judges for negating fraudulent sales because the defendants ignored a Mexican statute that required all grantees to hold their property for a set period before liquidating it. He also dismissed Brazoria's grievances, saying that representation was based on population, not prestige or taxes. He added that the county and the

[12] Ibid.

southwestern portion of the state had held a disproportionate share of power for far too long. Now that the state had finally righted the balance, the region had focused on the bill's supposed unconstitutionality as a ploy to regain their advantage. The act was imperfect, but it hardly warranted the financial burden of a special session. The Second Legislature had floundered for four months to produce the current measure, and it was senseless to expect the same men to create a better one. Bryan tried to refute DeMorse and other critics, but Wood squashed his offensive by siding with the opposition. The governor viewed compromise as unlikely, and he would not sanction an unproductive session in light of the state's debt. He empathized with beleaguered landowners but warned that a hasty law might give credence to duplicitous claims even as it sustained legitimate ones. He declared that prompt and thoughtful action by the Third Legislature to quiet titles would be the best course. Until then, the judiciary must address the conflicts.[13]

Blocked at every turn, Bryan developed a "derangement of mind" that even a visit from his friend Hayes could not lift. After delaying the promised trip to Texas for six years to attend Harvard and open his law practice, Hayes and his uncle, Sardis Birchard, arrived in December 1848. The Bryan-Perry family embraced the Ohioans and did their best to ensure that their guests enjoyed themselves. They organized many diversions, and Hayes's diary chronicles hunting and fishing excursions along with Peach Point dances that lasted until breakfast the next morning. There were forays into Galveston, including several calls to Laura H. Jack, the widow of Guy's former law instructor and his future mother-in-law. The northerners also toured many of the family's properties, where they saw slavery firsthand and Hayes reported witnessing none of the

[13] *Houston Telegraph and Texas Register*, October 5, December 28, 1848, January 18, March 1, 3, 1849; *Northern Standard* (Clarksville), June 2, 1849.

horrors trumpeted by the abolitionist press. For him and his uncle it was a joyous time, but they wondered at Guy's behavior. Sullen and withdrawn, Bryan absented himself from much of the fun, later confessing that he "was in the worst possible state of mind for sociability." He continued to fixate on the unsettled nature of titles and how this endangered Austin's legacy and his family's future. Hayes lent a sympathetic ear and helped him collect documents to defend the family's lands, but Bryan's depression continued throughout their stay.[14]

As Hayes prepared to return home that spring, Bryan and his family set their sights on influencing the Third Legislature. Old Texians from across the state assembled in Houston in March 1849. Chaired by James F. Perry, they reviewed letters and papers documenting the land challenges before assigning Bryan, Perry, and seven others to draft appropriate resolutions. They declared that numerous citizens were in the process of confirming titles to land grants from Spain, Mexico, Coahuila, and Texas. When done correctly by selecting and surveying an unclaimed portion of the public domain, it was a sound process. Dishonest people, however, attempted to locate upon previously titled land, challenging the original claimant and potentially robbing him of his rights. This provoked controversy and "place[d] in doubtful condition the validity of *all* such titles to land in Texas." Without an act to quiet land titles, legitimate owners would be subjected again and again to expensive lawsuits, so they urged Texas voters to shun any candidate for the Third Legislature unless he promised to ensure the passage of such a law. They also called on the state to require new locators rather than present owners to prove their

[14] Diary entry, March 11, 1849, in *Letters and Diary of Rutherford Birchard Hayes*, 1: 266; GMB to RBH, May 13, 1849, "Bryan-Hayes Correspondence, I," 119-120; *Houston Telegraph and Texas Register*, March 3, 1849.

claim to the land in question. If a newcomer failed to do so, his certificate and ability to gain land should both be voided without exception as a penalty.[15]

Bryan then set out to enforce these demands by returning to the statehouse. Early in his first term, he had viewed politics as an experiment rather than a career path, joking that much of his public notoriety came from his lack of profanity, temperance, and short stature. Now, he was determined to fulfill Austin's promise to defend the old colonists. If they were willing, he would gladly speak on their behalf. He toured his district giving speeches and debating his competitors, James H. Bell of Brazoria and Thomas B. Howard of Fort Bend County. Bryan was confident that he could defeat either opponent on the stump, but he was by no means certain that it would be enough to send him back to the legislature. The lands along the Brazos River remained in a "disturbed condition," and he was prepared for defeat. Seemingly appreciative of Bryan's promise to shield them, his constituents gave him a comfortable majority at the polls.[16]

When the Third Legislature assembled, Governor Wood expressed sympathy for the old colonists, enumerated the land problems across the state, and urged the legislature to quiet all titles. In the past year, he said, countless individuals had used fraudulent claims to seize portions of the public domain. The Texas Supreme Court blocked many of these, but more determined plaintiffs appealed to the United States Supreme Court. If the latter upheld their petitions, it would bankrupt the state by draining its biggest resource. Wood further noted that legitimate grants issued as part of the Mexican and Republic efforts to populate the state remained in limbo. Speculators also jeopardized Austin's, DeWitt's and Martín De León's colonies, while the titles

[15] Diary entry, January 13, 1849, in *Letters and Diary of Rutherford Birchard Hayes*, 1: 251; *Houston Telegraph and Texas Register*, March 15, 1849.

[16] GMB to RBH, May 12, 1848 (quotations), May 13, 1849, "Bryan-Hayes Correspondence I," 117-120; Affidavit Certifying Bryan's Election, Folder 1, Box 2N243, Bryan Papers.

issued to settlers in the Fisher-Miller Grant, Mercer Colony, and Peters Colony needed to be confirmed. He had complied with the Second Legislature's call for him to investigate the Fisher-Miller Grant, but he believed that settlers in the latter two were equally entitled to land based on an 1845 ordinance. [17]

Consistent with his promise to defend old titles, Bryan responded to Wood's recommendations in several ways. First, he bolstered the position of inhabitants in De León's colony by pushing the legislature to review their archives. He reported on the discrepancies between these documents and state registers, pushing the House to add the manuscripts to the General Land Office holdings to correct the permanent record. He then labored alongside Senator Pease, Representative Benjamin Franklin of Galveston, and Texas Secretary of State James Webb to create a bill to quiet titles in Austin's, DeWitt's, and De León's colonies for good. Rumors suggested that the eastern members of the legislature were too consumed with other topics to offer much resistance, and he hoped that he could sneak a bill through by introducing it simultaneously in both chambers. Unfortunately, the House was less accommodating than he anticipated. The measure bogged down in the Judiciary Committee, forcing him to motion that the panel review it and report. Once the act belatedly arrived on the House floor, the assembly proposed extensive amendments and substitutes, causing Bryan to predict its failure. He was correct. The House killed it by refusing to pass it to a third reading. Undeterred, he immediately introduced a bill to prevent locations in the same three colonies; this did not supply the settlers with complete immunity but at least it substantially reduced the legal threats to their titles. The strategy worked, and both houses approved the act. With his charges more secure, Bryan capped his response to land challenges by introducing a successful revision

[17] Texas Legislature, *House Journal*, 3rd Legislature, Regular Session, 13-14.

to a bill returning real estate seized by the Republic for taxes and voting for additional measures recognizing the claims of Mercer's and Peters's colonists.[18]

In addition to ameliorating land conflicts, Bryan pushed hard as chair of the Education Committee to secure an effective system of free public schools. Funds remained the biggest obstacle, so he reviewed proposals to sell the school lands or leverage them to acquire a loan. Both suggestions were impracticable. The Constitution of 1845 prohibited disposal of the school lands, and without an amendment the House could not move along that avenue. Similarly, the lands could not be used as capital to secure a loan, nor did the Education Committee feel that it was prudent for the indebted state to obligate itself to another creditor. Bryan and his colleagues did the best they could and offered another plan, but the legislature never approved it. Regardless of this setback, Bryan's committee successfully initiated surveys to determine which lands were set aside to support the two future state universities. Bryan also revived two bills he had submitted to the previous legislature that supplied additional property for a future system's preservation and assisted private institutions by exempting buildings and grounds used for education or religious worship from taxation. Finally, the Third Legislature continued to charter independent entities as a stopgap.[19]

Bryan saw preserving titles and education as vital for Texas's future, but those issues paled in the face of a greater threat: the growing conflict with the federal government over the state's claims to Santa Fe. Upon gaining independence from Mexico in 1836, Texans asserted

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[18] GMB to MAB, Austin, November 24, 25, 1849, "Letters to Moses Austin Bryan," 74-79; *House Journal*, 3rd Leg., Reg. Sess., 412, 417, 430, 472, 536, 547, 654-656, 650, 656-661, 675-679, 680, 684-685, 692, 697, 703, 730, 748, 802-804; Gammel, *Laws of Texas*, 3: 556.

[19] *House Journal*, 3rd Leg., Reg. Sess., 21-22, 353, 175, 197-198, 245, 278-279, 366-367, 447-448, 543, 581, 782-783, 116, 120, 124-125, 128, 130-131, 143, 158, 186, 195, 207-208, 258, 331, 366-367, 401, 422, 438, 474, 484; *House Journal*, 2nd Leg., Reg. Sess., 323-323, 356, 427, 454-445, 525, 608, 801-802; Gammel, *Laws of Texas*, 3:475, 518.

that the Rio Grande marked their southern and western borders. The United States seemingly accepted this demarcation when it annexed the former republic, and Pres. James K. Polk used that boundary to justify invading Mexico. However, actions during the Mexican-American War implied that federal authorities might disregard Texas's right to the entire region. As part of the thrust to capture the Mexican northern frontier, Brig. Gen. Stephen W. Kearny occupied Santa Fe and established a military government to preside over New Mexico until the United States could formally annex the region. The move alarmed Texas Gov. James P. Henderson, but Secretary of State James Buchanan assured him that it was a temporary arrangement that would not interfere with Texas's extension of sovereignty in peacetime.[20]

The conclusion of the Mexican-American War transformed Texas's worries into great indignation. New Mexicans derided the state's supposed ownership of their largest settlement, sneering that the botched Santa Fe Expedition was the closest the Republic ever came to the city. Historically the two neighbors operated as distinct entities, and the presence of a United States consul in Santa Fe after Texas's admission to the Union indicated that authorities in Washington agreed. Intent on self-rule, New Mexicans organized a convention to seek annexation as a state. Because the Treaty of Guadalupe-Hidalgo ceded New Mexico and the rest of the southwest to the United States, this impetus fizzled as quickly as it emerged. Nonetheless, it and the continued operation of the military government outraged Texans, who denounced the presence of another ruling body within their boundaries. Bryan and the rest of the Second Legislature concluded that they had to assert legal jurisdiction over Santa Fe immediately. They created Santa Fe County, authorized its militia, and placed it in the eleventh judicial district. By mid-1848, Spruce M.

[20] Mark J. Stegmaier, *Texas, New Mexico, and the Compromise of 1850: Boundary Dispute and Sectional Crisis* (Kent, Oh.: Kent State University, 1996), 21-25.

Baird departed from Nacogdoches for Santa Fe to formally organize the region under the new laws and preside over the court.[21]

Baird's arrival in Santa Fe on November 10, 1848, shattered any possibility of a smooth transfer of power. New Mexicans retained a deep-seated animosity towards the Texans, whose commitment to racialized slavery was hardly endearing to the mixed-race population. Their press deprecated the state's blustering, promising that any officials sent to Santa Fe could expect less notice than "a passing gust of our dusty winds." Baird observed the situation for two weeks and then presented himself to Bvt. Lt. Col. John M. Washington, military commander of the Ninth Department of the United States Army. After explaining his mission to Washington, Baird brazenly demanded that the federal military government cease operations as his state would use any means necessary to protect its rights. Washington retorted that he would relinquish control of New Mexico only when ordered to do so by federal authorities. Until then, he intended to defend it "at every peril." Under the circumstances, Baird delayed further action and returned to Texas.[22]

Wood was appalled, so he wrote to Polk, demanding an accounting. The president's views vacillated during the few times he wrote about the boundary dispute, but by the end of his term he took a decided stance against Texas. The Wilmot Proviso, an anti-slavery rider attached to the war's appropriation bill, had attempted to bar the peculiar institution from the lands ceded by Mexico. Like most southerners, Polk held a vested interest in encouraging the expansion of slavery, but the divided Congress would never endorse it. Polk's one chance was to get authorization for the creation of a new territory, New Mexico, without a specific mention of

[21] Ibid., 5-8, 17, 19, 21-22, 25-27; James P. Henderson to James Buchanan, January 4, 1847, Folder 12, Box 301-17, Governors' Papers: James P. Henderson, TSLA; Folder 13, Box 301-17, ibid.; Gammel, *Laws of Texas*, 3:20-21, 50, 95.

[22] Stegmaier, *Texas, New Mexico, and the Compromise of 1850*, 31, 33-38 (quotation); *House Journal*, 3rd Leg., Reg. Sess., 14-6, 25-39 (quotation).

slavery. This would, he hoped, encourage an extension of the Missouri Compromise line to the Pacific Ocean, allowing new slave states to emerge. For his plan to work, Polk had to sacrifice Texas's claims. Much of New Mexico's population lived in Santa Fe, and without those residents there were not enough to organize the new territory according to federal regulations. As Polk pressed Congress to act, he ignored Wood's inquiries and directed Washington to continue the military government while not interfering with Texan actions.[23]

Wood's entreaties to Polk's successor, Zachary Taylor, also fell on deaf ears. Although he was a slave-owner, Taylor found the mounting sectional tensions generated by the peculiar institution to be distasteful, and he considered Texans' assertions to be meritless and mere bravado. Upon taking office, he too sought to quiet the rising hostility, but, unlike Polk, he determined to act without Congress. Taylor instructed Bvt. Col. John Munroe, the newly appointed military governor of Santa Fe, to assume strict neutrality on the issue for the time being. The crafty former general then sent agents to California and New Mexico to encourage inhabitants to apply for statehood as soon as possible, warning them to say nothing about slavery until they achieved statehood. The move allowed moderates to sidestep extremists from both North and South and settle expansion without further sectional strife. Statehood for New Mexico also supplied a concrete counterclaim to silence Texas and its southern backers.[24]

As Polk and Taylor maneuvered behind the scenes, their silence exacerbated mounting anxiety in the Lone Star State and pushed its government to consider more forceful measures. Wood grew convinced that neither president intended to uphold Texas's claims, so he urged the Third Legislature to sanction his use of the "whole power and resources of the State" to protect

[23] Stegmaier, *Texas, New Mexico, and the Compromise of 1850*, 26-27, 39-40; *Texas Democrat*, February 3, 1849; *House Journal*, 3rd Leg., Reg. Sess., 14-16.

[24] Stegmaier, *Texas, New Mexico, and the Compromise of 1850*, 41-45, *House Journal*, 3rd Leg., Reg. Sess., 14-16.

its rights. Baird's failure demonstrated that earlier laws were ineffective, and he argued that it was folly to assume that they could legislate a feasible solution. Wood's message divided the legislature. Everyone condemned the federal government's disregard for the state, but most were unwilling to take any step that might provoke a bloody confrontation with the United States Army. After referring the message to a joint committee, the legislators devoted much of their effort to solidifying Texas's sovereignty over the contested geography by breaking the mammoth Santa Fe County into the small, more manageable subsidiaries of Santa Fe, Worth, Presidio, and El Paso counties.[25]

Bryan assented to the administrative revisions, but he wanted more substantive action. Tired of the joint committee dallying, he motioned for them to report, so that the House could respond to Wood's request. The committee acknowledged that the federal government appeared determined to undermine Texas's control of the territory even in the face of irrefutable facts, so it had but two options: "adopt measures to assert and maintain her sovereignty in her own territory, or embrace the degrading alternative of submission to an arbitrary power." Certain that Texans' "chivalry" prevented the latter choice, they proposed mandating that the federal government had to disband the military government on Texas's soil. Should national authorities refuse or establish a territory that included Santa Fe, they authorized Wood to employ all funds in the treasury and the entire state militia to defend Texas's "rightful sovereignty and jurisdiction." Bryan and more radical members applauded the recommendations, but the larger, more conservative portion of the assembly managed to kill the proposal.[26]

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[25] Stegmaier, *Texas, New Mexico, and the Compromise of 1850*, 56-57; *Galveston News*, December 17, 24, 1849, *Colorado Tribune*, December 24, 1849; *National Intelligencer*, January 3, 1850; *House Journal*, 3rd Leg., Reg. Sess., 14-16, 229, 238, 241-242, 244, 246, 254, 257, 333-234, 337, 379, 425, 813-815; Gammel, *Laws of Texas*, 3: 645-646, 462-65, 622-623.

[26] *House Journal*, 3rd Leg., Reg. Sess., 633, 665-66 (quotation), 805-07.

Bryan considered the Santa Fe issue crucial for Texas's success because of its roots in the sectional tensions over slavery. Both pro-slave and anti-slavery forces viewed New Mexico as a litmus test for the peculiar institution's spread into the territories. If Congress recognized Texas's justifications, it opened regions that were traditionally closed to black slavery. On the other hand, if that body refuted the state's claims, it established a political barrier to further expansion of the institution and thus weakened it. Echoing John C. Calhoun, Bryan maintained that the United States Constitution protected property and prevented Congress or the president from dictating its legal form in the territories. That they might disavow Texas's legitimate ownership of Santa Fe because of slavery was unbearable. Therefore, he drafted a series of resolutions challenging the threats to slavery's expansion and calling on the governor to convene a special session to redress any federal infringement on southern rights and institutions. He also joined the call to send Texas delegates to a commercial convention in Nashville. [27]

The Third Legislature adjourned on February 11, 1850, with many issues still unresolved. The sharp divide over employing force to secure New Mexico prevented additional bills from passing, so the best that state leaders could do was hope that federal officials in Santa Fe would respect Gov. Peter H. Bell's commissioner, Robert S. Neighbors, as he organized the four new counties. The legislature also sent a message to anti-slavery advocates with a joint resolution, though it was a milder protest than Bryan's initial measure. Many members were content to wait for the federal government's next move because Congress might yet come to its senses and

[27] For more on New Mexico's history of debt peonage and Indian slavery, see Andrés Reséndez, *The Other Slavery: The Uncovered Story of Indian Enslavement in America* (Boston: Houghton, Mifflin, and Harcourt, 2016); Cummings, *Emily Austin of Texas*, 180-182, 192-197; *House Journal*, 2nd Leg., Reg. Sess., 98, 115-117, 142; Stegmaier, *Texas, New Mexico, and the Compromise of 1850*, 23, 31-32, 43, 53, 66, 119, 126, 147, 170; *Northern Standard*, January 12, 1850; *Colorado Tribune*, December 21, 1850; GMB to George M. Dallas, July 1, 1851, Folder 1, Box 2N243, Bryan Papers; GMB to MAB, November 1, 1851, "Letters to Moses Austin Bryan," 88-91; *House Journal*, 3rd Leg., Reg. Sess., 330, 358-361, 419, 706, 336, 761-764, 781, 789-790.

terminate the territorial government or extended a respectable offer to purchase the disputed land. Bryan and some of the more radical members ultimately followed this path, but not before making one last effort. Advertisements for the Nashville Convention stressed concerted action as the best means of defending slavery and southern rights. In the last days of the session, the Texas legislature passed a resolution calling on state authorities to support the effort. The day after they adjourned, legislators from the western congressional district of Texas met to nominate suitable candidates, with Bryan serving as secretary. They selected four men and agreed to publish the meeting's actions and a call for all statesmen to support the upcoming conference.[28]

Santa Fe was never far from Bryan's mind during the recess. As was their habit, he and Hayes discussed the subject in their correspondence, with the former restating his support for Texas's cause and condemning abolitionists and their allies. Hayes advocated a more practical approach, saying that Texas ought to take the best deal possible and simply sell the land while the North was willing. If the rumors of gold in the contested region proved true, then northerners swarming the area would decide the question as they had in California. One can only imagine Bryan's response at being told to renounce claims to what he believed was part of the Texas his uncle helped build, but Hayes had a point. News from Washington mentioned Sen. Henry Clay's efforts to ease sectional tensions by negotiating a compromise regarding California, and many expected him to address the dispute with Texas as well. The resulting omnibus bill would admit

[28] Southern commercial conventions began in the 1830s in response to the northern industrial revolution. Southerners worried that northern success might come at their expense, so they used these assemblies to promote sectional cooperation and to consider strategies to gain economic independence. As time went on, the press—especially northern publications—derided the assemblies as secessionist recruiting grounds. Bryan's radicalism, support, and attendance at these conferences later in the decade supports that conclusion. Herbert Wender, *Southern Commercial Conventions, 1837-1859* (Baltimore: John Hopkins Press, 1930), 9-11, 171-173, 180-185, 205-208, 228-236; Vicki Vaughn Johnson, *Them Men and the Vision of the Southern Commercial Conventions, 1845-1871* (Columbia: University of Missouri Press, 1992), 15-168; Stegmaier, *Texas, New Mexico, and the Compromise of 1850*, 57-62; *House Journal*, 3rd Leg., Reg. Sess., 330, 336, 376-377, 553-554, 559-560, 562, 609, 630-631, 761-764, 781, 789-790; Gammel, *Laws of Texas*, 3: 531, 609; Randolph B. Campbell, "Texas and the Nashville Convention," *Southwestern Historical Quarterly* 76 (July 1972): 6-7.

California as a free state, while dividing the remaining portion of the Mexican Cession into the territories of Utah and New Mexico. Rather than having the government dictate the territories' slavery status, as it had in the Missouri Compromise, Clay's proposal allowed the inhabitants to choose, thus embracing the principle of popular sovereignty. Clay heeded southerners' demands to protect their property by also proposing a fugitive slave act that obligated federal officials to aid in the return of runaway bondsmen, even if they were in a free state. Next, he responded to northern complaints about the unseemly slave auctions witnessed by visitors to the national capital by proposing a ban on slave trading in Washington, D.C. Finally, his bill offered to purchase the contested land from Texas for an undisclosed sum.[29]

As Clay labored in Washington, tempers flared in Texas's summer heat. Neighbors returned to Austin on June 3, 1850 and published his report five days later. He explained that he had established El Paso County and then proceeded to Santa Fe. During a layover in Doña Ana, orders arrived from Munroe that directed his subordinates "to observe 'rigid non-interference'" and avoid conflict with Texas's judicial authorities. Neighbors took this as a positive sign, and upon arriving in Santa Fe asked Munroe if the army would recognize civil officials elected under his authority. The colonel expressed uncertainty before declaring bluntly that only a direct order from the federal government would disperse the current leadership in Santa Fe. Neighbors then warned that Bell would employ force to assert Texas's jurisdiction, to which Munroe replied that "it would be the proper course for Texas to pursue; there will in that case be no opposition." With the War Department's directive and earlier orders in mind, Neighbors took the commander

[29] The turmoil over Santa Fe also personally affected Bryan by discouraging potential land buyers. James B. Shaw to GMB, June 11, 1850, Folder 1, Box 2N243, Bryan Papers; RBH to GMB, June 6, 1850, *Diary and Letters of Rutherford Birchard Hayes*, 1:309-310; *Texas State Gazette*, January 12, February 16, 23, March 9, 1850; *Northern Standard*, March 2; *Houston Telegraph and Texas Register*, February 21, March 14, 1850; *Star State Patriot*, March 21, 1850; *Western Texan*, February 28, 1850.

at his word, unaware that Munroe was working with Taylor's agent, Lt. Col. George McCall, to negate Texas's claims and muster support for New Mexico's statehood. Within days, he realized his mistake. Backed by McCall, residents insisted on meeting to petition Munroe to convene a constitutional convention. Neighbors lodged a formal complaint against the proposed gathering, deeming it unconstitutional to form a state from within another's domain and offering the joint resolution and the preamble of Texas's 1845 Constitution as evidence of the proper boundary. Munroe dutifully forwarded Neighbor's missive to the adjutant general but also had his personal secretary record the meeting. He issued the call for the constitutional convention three days later. Neighbors wrote to Bell, urging him to send four hundred to eight hundred men to New Mexico to press their state's sovereignty, and then left Santa Fe for Austin.[30]

The obvious participation of federal representatives in the statehood movement fueled hostilities. In the weeks following the publication of Neighbor's account, several counties held public meetings denouncing the national government and calling on Governor Bell to employ military force. Georgia Representative Alexander Stephens's July 1850 letter promising southern support in the event of federal attacks on Texas's forces only increased their vigor. The small turnout at these meetings, however, indicated that the state might be more divided than the vocal minority led people to believe. Exploiting this, Bell delayed any aggressive measures in a bid for a peaceful resolution. He wrote to national leaders asking if Taylor's administration sanctioned Munroe's actions, but, as weeks passed without an answer, he realized he could delay no longer. He sent commissions to potential company officers in preparation for mustering a military force.

[30] Stegmaier, *Texas, New Mexico, and the Compromise of 1850*, 63-81 (quotation); *Texas State Gazette*, June 8, 1850; Robert S. Neighbors to Peter H. Bell, June 4, 1850, Folder 10, Box 301-19, Governors' Papers: Peter H. Bell, TSLA; Neighbors to Bell, January 8, 1850, Folder 5, Box 301-19, ibid.; Neighbors to John Munroe, April 14, 1850, Neighbors to Bell, April 14, 1850, Folder 8, Box 301-19, ibid.

He also convened the legislature in a special session on August 12, 1850, to acquire funding, asking them to consider allocating the public school account to pay for at least two regiments.[31]

As the legislature discussed matters, more bad news arrived in Austin. Millard Fillmore ascended to the presidency after Taylor's death. He, too, delayed in responding to Bell's letters, but finally tasked Secretary of State Daniel Webster with drafting an answer. The famed lawyer walked a fine line as he tried to calm Texans without condemning military actions approved by Taylor. He maintained that Munroe's acquiescence to local demands followed protocol, but it was not a direct threat to Texas. Until Congress approved statehood for New Mexico, the constitution remained inoperable. New Mexicans' desire to create a government did not harm Texas because the boundary was not yet defined. The national government certainly did not intend to deny the rights of Texas, and there was no need for hasty action. The president could not set the boundary, so everyone must wait for Congress, who were working to address the subject. Webster's letter was hardly comforting, considering that word of the failure of Clay's failure had reached Texas at last. Congress had yet to provide a satisfactory solution, and nothing indicated that they would anytime soon. Fillmore's subsequent address on the subject piqued additional aggravation in Texas as it baldly stated the federal government would respect New Mexico's historical claims in the event of Texan aggression.[32]

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[31] *Texas State Gazette*, June 8, July 6, 13, August 3, 1850; *Daily Center-State American*, July 27, 1850; *Northern Standard*, July 6, 1850; *Texas Monument* , July 20, 1850; *Colorado Tribune*, July 5, 1850; *Southern Press*, September 4, 1850; *Daily Union*, August 24, 1850; Proceedings of Meetings of Citizens of Matagorda County, July 1, 1850, Petition of Citizens of Galveston and Brazoria Counties, July 19, 1850, Petition from Citizens of Jackson County, July 19, 1850, Folder 11, Box 301-319, Governors' Papers: Bell; Bell to Spruce M. Baird, June 12, 1850 Proclamation Calling for a Special Session, Bell to Commanders, July 1, 1850, Texas Legislature, *Senate Journal*, 3rd Legislature, 1st Called Session, Appendix: 53-54, 81-83; 175-176; 53-54; Stegmaier, *Texas, New Mexico, and the Compromise of 1850*, 237-243; Alexander Stephens to Editors, July 3, 1850, Folder 1, Box 2N243, Bryan Papers.

[32] Daniel Webster to Bell, August 7, 1850, Folder 12, Box 301-19, Governor's Papers: Bell; *Texas State Gazette*, July 6, August 10, 1850; *Colorado Tribune*, August 30, 1850; *Congressional Globe*, 31st Congress, 1st Session, 1,524-1,525.

The Texas legislature had clear provocation to endorse Bell's requests, but they remained divided on the proper course of action. They created a joint committee to review the information about Santa Fe, but repeated additions swelled the body until Bryan made a sarcastic motion to include every legislator. For days, the two houses wrangled over the passage of a bill authorizing troops. Bryan played an active role in these debates, and he typically sat in the radical camp. In response to proposals to adjourn the session without creating an expedition, Bryan asked if the legislature would do anything at all. He said that recent newspaper articles on a congressional move to purchase the land were rumors, and he described the willingness to surrender before the fighting even occurred as cowardly. He was also the first to point out the true expense of armed belligerence. The school fund was small, and the state treasury lacked the funds necessary to even pay for an extra session. The only way to fund a military force to secure the disputed land was a direct tax, yet repeated efforts to pass one failed.[33]

The legislature fought over measures throughout August, but their bellicosity waned as the month progressed. Fillmore's stern stance amplified concerns that Texas might truly have to endure a bloody contest, and even more radical leaders like Bryan increasingly advocated giving Congress time to offer an honorable peace. The Texas House first reduced the troops authorized from three thousand to two thousand, and Bryan amended this bill to delay their use until after Congress acted, if it was before March 1, 1851. As rumors of Senator James A. Pearce's act to pay Texas ten million dollars for the contested land surfaced, the legislators lost interest in the troop bill and failed to pass another. The last efforts centered on demanding that Bell present any

[33] Texas Legislature, *House Journal*, 3rd Legislature, 1st Called Session, 23, 26, 29-30, 51-52, 69-70, 72-73, 77-78, 80, 83-84, 88-92; *Senate Journal*, 3rd Leg., 1st Called Sess., 21-23; GMB to JFP and EABP, August 13, 1850, Folder 1, Box 2N243, Bryan Papers; *Texas State Gazette*, August 17, 24, September 7, October 9, 1850; *American*, September 2, 1850; *Colorado Tribune*, September 6, 1850; *Northern Standard*, September 7, 1850, *New York Tribune*, September 9, 1850; Stegmaier, *Texas, New Mexico, and the Compromise of 1850*, 244-251.

federal offer to the people and call another legislative session to approve it. The governor vetoed this bill as belittling to his executive power. He intended to involve the people, and it was beyond the scope of the legislature to call a session. This was his power alone. The Senate overrode the bill, but the House accepted Bell's rationale. On September 6, the session ended, and Texans waited.[34]

Back in Washington, Stephen A. Douglas and other advocates of compromise finally succeeded. Breaking the elements of Clay's omnibus bill into its components, they submitted them to the two houses of Congress individually. Texas Senators Thomas J. Rusk and Sam Houston accepted the Pearce bill as the best solution to their state's woes. They threw their weight behind it, and, following success in the Senate, they politicked hard to garner the House's support. The Representatives finally endorsed the bill on September 6 and subsequently passed the remaining portions of the Compromise of 1850. Fillmore signed the successive acts and sent the Pearce bill to Texas for approval. After it arrived on September 9, 1850, Bell called for a public vote and convened a second special session.[35]

Some of the provisions of the agreement were worrisome to Bryan. He opposed the clause allowing Congress to hold five million dollars in reserve until Texas resolved its debt because of the implication that the state could not be trusted. Setting the Texas panhandle's boundary at 103° west longitude and 32° north latitude also brought a free territory far too close

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[34] *Congressional Globe*, 31st Cong., 1st sess., 1524-1525; *Texas State Gazette*, September 7, 14, 1850; *Houston Telegraph and Texas Register*, September 11, 1850; *Colorado Tribune*, September 13, 27, 1850; *House Journal*, 3rd Leg., 1st Called Sess., 69-70, 75, 77-78, 80-81, 83-85, 95, 101, 117, 122-125.

[35] Stegmaier, *Texas, New Mexico, and the Compromise of 1850*, 218, 248-250, 292-293, 295-299; Mary Whatley Clark, *Thomas J. Rusk: Solider, Statesman, Jurist* (Austin: Pemberton Press, 1971), 179; Certified Copy of Sections of an Act to Establish Northern and Western Boundaries of Texas, September 9, 1850, Folder 13, Box 301-19, Governors' Papers: Bell; Texas Legislature, *House Journal*, 3rd Legislature, 2nd Called Session, 8-16; Sean Kelley, "'Mexico in His Head': Slavery and the Texas-Mexico Border, 1840-1860," *Journal of Social History* 37 (Spring 2004): 709-710.

to the large slave populations of eastern Texas. Texans already worried about their bondsmen absconding to Mexico or Indian territory, and the federal government's line made New Mexico another option. Settling the boundary also failed to end the sectional tensions over slavery's expansion. Congress might act in the future to deny the South its rights, and Bryan wanted a constitutional amendment protecting slave owners. His constituents in Brazoria County and residents in Harrison and Washington Counties—the areas with the highest slave populations—rejected the bill with large majorities. Most of the state, however, was satisfied. They did not want to go to war with the federal government. The state also needed money, and the purchase price would extinguish the public debt. The legislature reflected the general population, with all but one Senator and five Representatives, Bryan included, voting to accept the act. Bell signed it on November 25 and immediately sent it to Fillmore, who declared the deal in effect. The long battle over Santa Fe was over.[36]

When Bryan left Austin for Peach Point after the special session closed in 1850, he was a very different man than the young legislator who first entered the statehouse three years earlier. In two terms he had developed into an able politician who protected his neighbors, Texas, and his family's legacy at all costs. Not all of his efforts were successful, as evidenced by the trials of creating a public school system and his disgust with the Compromise of 1850. Still he managed to better guard old land titles and promote order with a developing penitentiary. Politics was no longer an experiment. It was his chosen path, and his success thus far positioned him for greater

[36] Webster to Bell, September 9, 1850, Certified Copy of Sections of an Act to Establish Northern and Western Boundaries of Texas, September 9, 1850, Folder 13, Box 301-19, Governors' Papers: Bell; GMB to EMP, November 21, 1850, Folder 1, Box 2N243, Bryan Papers; *Colorado Tribune*, December 21, 1850; Kelley, "'Mexico in His Head,'" 709-710; *Texas State Gazette*, November 9, 16, 1850, December 7, 14, 1850, January 11, 1851; *House Journal*, 3rd Leg., 2nd Called Sess., 8-16, 20-23-26-27, 29-31, 35-39, 46-47, 87-90; Gammel, *Laws of the State of Texas*, 3:832-833; Webster to Bell, December 17, 1850, Folder 16, Box 301-320, Governors' Papers: Bell; Stegmaier, *Texas, New Mexico, and the Compromise of 1850*, 311-314.

achievements in the legislature and the state's developing Democratic Party that would allow him to continue to promote the best interests of Texas, the great legacy of his family, and the memory of his uncle.

CHAPTER 4

LAND, POLITICS, AND SECURE FOUNDATIONS FOR THE FUTURE

The 1850s were a momentous time in the development of Texas. Blessed with rapid population growth and an abundance of public land, the state grew into an economic powerhouse as its production of cash crops, especially cotton, skyrocketed by the decade's end. The state government endeavored to promote the public wellbeing by creating a lasting series of internal improvements, erecting a public school system, and settling lingering issues from the Republic. As Texas progressed, it also came face to face with the growing sectional strife over slavery that divided the North and South. Guy M. Bryan was a strong force in each of these activities, and over the course of the decade he became a leading voice in defending his beloved Texas from numerous threats even as he established a place for himself in society. Whether building a personal economic base, opposing challenges on the state political stage, or nurturing his family, he never wavered in his commitment to defend Texas, his uncle's legacy, his family, or his own future.

Freed from his political obligations following the Compromise of 1850, Bryan focused on developing his economic prospects. His position in the legislature had generated esteem and respect, but the three dollars per diem paid while the body met fell short of the funds needed to maintain his expected upper-class lifestyle. Many legislators relied on other ventures for the financial stability and leisure to hold public office, and any fiscal woes prompted members like Representative Thomas Harrison of Harris County to resign. Bryan like his colleagues had to establish a firmer financial foundation to support his future politics. His land holdings combined with recent property sales to supply the acreage and capital necessary to create a plantation, and he initially planned to begin sugar production like that at Peach Point and Durazno, where his

brother William Joel Bryan had settled. On a trip to the eastern seaboard Bryan purchased an undisclosed number of slaves in Maryland, apologizing to Rutherford B. Hayes that he could not visit Ohio, because he had to accompany the bondsmen to Texas unless he found a means of shipping them. He also authorized his brother Moses Austin Bryan to use his funds held by the firm of Robert and David G. Mills, the proceeds of a pending land transaction, and up to five thousand dollars in credit to secure additional laborers at the New Orleans slave auction. By the year's end, the Texas legislator had acquired ten slaves and commenced clearing land.[1]

Bryan remained attuned to national and local politics while he worked hard to improve his economic prospects. He detested national authorities' treatment of the Lone Star State during the previous year's compromise, and northern resistance to the new federal fugitive slave act suggested that the South needed more assertive action to safeguard its rights and institutions. As part of his trip east, he called on George M. Dallas. A former vice president and contender for the Democratic Party's 1852 presidential nomination, Dallas joined other northerners like James Buchanan and Lewis Cass in courting southern support. The veteran politician impressed Bryan, who queried him on his views of the respective powers of the states and federal government. He also wanted to know if Dallas would back an amendment barring Congress from legislating on

[1] Janice C. May, "Texas Legislature," *Handbook of Texas Online*, Texas State Historical Association, http://www.tshaonline.org/handbook/online/articles/mkt02 (accessed February 10, 2016); Thomas Harrison to GMB, September 12, 1852, Folder 1, Box 2N243, Guy Morrison Bryan Papers, DBCAH; Texas Legislature, *House Journal*, 4th Legislature, 1st Called Session, 4; Texas County Tax Rolls, 1846-1910, Brazoria County, TSLA; Brazosport Archeological Society, "Durazno Plantation," http://lifeonthebrazosriver.com/Durazno-Plantation.pdf (accessed March 19, 2016); Sean Kelley, *Los Brazos De Dios: A Plantation Society in the Texas Borderlands, 1821-1865* (Baton Rouge: Louisiana State University, 2010), 120; *South-Western American*, September 2, 1850, January 9, 1851; Light T. Cummins, *Emily Austin of Texas, 1781-1851* (Fort Worth: Texas Christian University Press, 2009), 195-96; RBH to Sardis Birchard, March 17, May 13, 1851, Charles R. Wilson, *Diary and Letters of Rutherford Birchard Hayes: Nineteenth President of the United States* (5 vols.; Columbus: Ohio State Archeological and Historical Society, 1992), 1: 351, 356; GMB to RBH, April 25, 1851, Ernest W. Winkler, ed., "Bryan-Hayes Correspondence, II," *Southwestern Historical Quarterly* 25 (January 1922): 199; GMB to MAB, January 27, October 26, November 12, 1851, September 22, 1852, "Letters to Moses Austin Bryan" (Typescript, n.d.), 83-93, Box 2Q453, Guy Morrison Bryan Papers, DBCAH.

slavery or altering the protections of the institution already in the Constitution. Echoing states' rights stalwarts like John C. Calhoun, Dallas responded that the United States was a compact of states rather than a consolidated nation. Zealots like Senator William Seward who thought otherwise threatened to "destroy the equality of its members" as they directed "its energies to the fulfillment of some '*higher law*.'" He claimed that the popularity of abolitionism in the North saddened him, so he favored Bryan's desired amendment, though he carefully avoided explicit wording. He also stressed the difficulty of securing Congress's approval and ratification by three-fourths of the state legislatures. Dallas's evasiveness about the slavery amendment disappointed Bryan, but he otherwise applauded the candidate's answer. He published the missive to increase curiosity among his countrymen and promised to generate sympathy for Dallas within Texas, although the state looked likely to bestow its presidential nomination on Sam Houston.[2]

Politics and financial investments intrigued Bryan and absorbed his attention, but by that summer he likely struggled along with the rest of the family to come to grips with his mother's rapidly declining health. Suffering from what historian Light T. Cummins posits was chronic cadmium poisoning, Emily Austin Bryan Perry routinely experienced fatigue, congestion, and other ailments. By the turn of the year, these symptoms worsened to the extent that her family decided she and daughter Eliza Margaret Perry should seek treatment in Pennsylvania. Sadly, the doctor concluded there was nothing he could do for Emily, so she returned home in July to set her affairs in order. Bryan was absent, campaigning for reelection, but one could assume that he

[2] GMB to Elisha M. Pease, November 21, 1850, GMB to George M. Dallas, July 1, October 8, 1851, Dallas to GMB, July 25 (quotation), September 18, 1851, Folder 1, Box 2N243, Bryan Papers; *Colorado Tribune*, December 21, 1850; *Massachusetts Spy*, October 15, 1851; *Weekly Messenger*, October 15, 1851; *Alexandria Gazette*, October 18, 1851; *North American*, October 20, 1851; *Macon Weekly Telegraph*, October 21, 1851; *New Hampshire Sentinel*, October 30, 1851; *Georgetown Advocate*, October 21, 1851; *South-Western American*, November 15, 1851.

shared the anxiety expressed by Eliza and their youngest brother, Henry Austin Perry, who wrote letters requesting frequent updates on their bedridden mother. Bryan handily won the contest on August 1, but Emily's death two weeks later overshadowed his triumph. In a sorrowful letter to Hayes, he consoled himself by writing that she was resigned to her death after a long period of affliction. She also went to her grave knowing that all her children were respectable, productive members of society. Nonetheless, her passing was a severe blow to Bryan because she always encouraged his political efforts, and without her that aspect of life seemed less worthwhile.[3]

After assisting James F. Perry with probating his mother's estate, a subdued Bryan returned to Austin to attend the Fourth Legislature. He welcomed the body's intellectual debates and probably brightened when his friends attempted to elect him speaker, but many of his actions lacked the vigor of earlier sessions. During previous terms he had introduced numerous bills and strategically used his committee positions to encourage their passage. Now he seemed content to allow others to legislate as he grieved, particularly when fewer contentious topics demanded the assembly's attention in the wake of the boundary settlement. For example, he watched as the Texas House rejected his substitute for yet another bill creating a public school system rather than proposing additional measures or detailed amendments. His work on land titles was equally apathetic. He supplied his typical rejoinder exempting Stephen F. Austin's, Green DeWitt's, and Martín De León's colonies from an act giving preference to all claimants currently inhabiting untitled lands, and he obediently participated on the committee tasked with investigating land titles west of the Nueces River, but he otherwise absented himself from the discussions. Even Andrew J. Hamilton's call for the House to repair a portrait of Austin within their chamber under

[3] Cummins, *Emily Austin of Texas*, 207-216; GMB to RBH, October 31, 1851, "Bryan-Hayes Correspondence, II," 200-01.

Bryan's supervision failed to elicit a response. Most unusual of all, he disappeared without an explanation from the session a few weeks before it adjourned.[4]

Of all the subjects considered by the Fourth Legislature, only three penetrated Bryan's anguish enough to prompt him to take a strong but brief stance. The first centered on the question of indemnifying owners for slaves who were executed for capital crimes. As part of a select committee, Bryan evaluated the petition of John Story, who asked for compensation for a slave hanged by an outraged community. Without a general law, the committee decided not to grant the request, but they pressed the House to craft a bill to address future cases. Arguments arose over the propriety of taxing all Texans to compensate a special group. Bryan's recent slave acquisitions gave him a personal stake in the matter, so he countered opponents by comparing the amount of taxes collected on slaves to the maximum one-thousand-dollar reimbursement allowed by the proposed law. He concluded that "if negroes are taxed as *property*, surely this kind of *property* is entitled to *protection*, especially when that protection is bestowed at the cost of the slaveholder." A majority of the legislature agreed.[5]

Bryan also intervened in talks on Texas's remaining public lands and the funds promised by the federal government in the Compromise of 1850. Some legislators wanted to allocate these resources to attract new settlers and improve the state's infrastructure, but he argued that it was folly to act before Texas addressed its debt. Until that time, he considered the state's lands to be mortgaged and the impending sum beyond their reach. He condemned a plan to create a special office to issue titles to new emigrants. He also voted against an internal improvements bill, in

[4] Cummins, *Emily Austin of Texas*, 215-216; Folder 2, Box 2N247, Bryan Papers; GMB to RBH, October 13, 1851, "Bryan-Hayes Correspondence, II," 200-01; Texas Legislature, *House Journal*, 4th Legislature, Regular Session, 5-10, 88, 150, 227-228, 461-466, 572-574, 694-881; *Texas State Gazette*, December 26, 1851.

[5] *House Journal*, 4th Leg., Reg. Sess., 35, 72, 122, 135, 147, 157, 195; *South-Western American*, December 6, 1851 (quotation, emphasis in the original); H. P. N. Gammel, comp., *The Laws of Texas, 1822–1897* (10 vols.; Austin: Gammel Book Company, 1898), 4: 911-912.

spite of his history of sanctioning companies wanting to construct railroads, build roads, and promote river navigation. He argued that the bill could aid areas like his own Brazoria County, which wanted to improve the Brazos River, yet it might harm the state as whole by encouraging speculation and obligating the state to future improvements. Texas's constitution authorized such appropriations for a total of two years, so corporations would expect future legislatures to offer similar inducements to complete their projects, potentially exacerbating the already large debt. The only topic on which he willingly gave ground was the proposition to release the state's taxes back to the counties for the current year and the next. This allowed localities to undertake repairs on public buildings and construct jails or other installations necessary for civil functions without seriously endangering the state's coffers or demanding the protracted commitments characteristic of larger improvements.[6]

Finally, Bryan exerted himself to memorialize Edward Burleson, a veteran of the Texas Revolution, vice president of the Republic, and friend of Stephen F. Austin. When the news of his demise reached the state capitol on December 26, 1851, the legislature suspended business to organize appropriate funeral arrangements. The committee responsible for these preparations selected Bryan to deliver the eulogy, a natural choice based on his family history and oratorical ability. He took the task to heart, and the next day he delivered a stirring, well-written speech that showcased his own personality even as it lauded Burleson's accomplishments. He positioned the deceased's settlement in Austin's colony within a greater tale of carving civilization out of the Mexican wilderness dominated by "savage" Indians. Turning to the turmoil of 1835-1836, he

[6] *South-Western American*, December 18, 1851, February 4, March 24, 1852; *House Journal*, 4th Leg., Reg. Sess., 144, 435-437, 439, 452, 494, 558-561, 610-611, 661-673; Texas Legislature, *House Journal*, 2nd Legislature, Regular Session, 633-634, 714, 809, 1,027, 1,041; Texas Legislature, *House Journal*, 3rd Legislature, Regular Session, 393, 725-726, 792; Texas Legislature, *House Journal*, 3rd Legislature, 1st Called Session, 50, 76; *House Journal*, 3rd Legislature, 2nd Called Session, 51.

firmly linked Burleson with the 'father of Texas,' noting how the former called on his weakened uncle to enter the field against Mexico and then served alongside him. Devoted to upholding Texas, Bryan profoundly respected those willing to defend it, something circumstances denied him repeatedly. He lavished praise on Burleson's military actions, including his performance at San Jacinto, his time as a bulwark against their troublesome parent nation under the Republic, and his exploits at the Battle of Monterrey. Bryan concluded with a summary of Burleson's statesmanship as a vice-president and state senator, highlighting that he died as he lived: in the service of Texas. To Bryan there was no greater compliment, and he was honored to celebrate a hero of the Revolution.[7]

In January 1852, Bryan and several other legislators attended the Democratic state convention to assist in writing a platform and selecting a presidential candidate, possible electors, and delegates to the national caucus. The press reported a harmonious meeting where most attendees enthusiastically approved the resolutions passed. Many of the latter echoed the national party's rhetoric in scorning a federal bank and federally funded internal improvements, while others reflected the irritation of Bryan and other Texans regarding the Compromise of 1850. They stringently criticized the "compromise acts" as embracing dangerous and vexing questions regarding slavery, and they demanded that Congress heed the states' rights defined in the 1798 Kentucky and Virginia Resolves. They condemned secession but warned that continual interference in the domestic institutions of the states endangered the happiness of the people and challenged the permanency of the Union. Like all other citizens, the United States Constitution entitled Texans to "ample protection of person and property from domestic violence or foreign aggression," and they wanted Congress to recognize their rights rather than bowing to the free-

[7] *House Journal*, 4th Leg., Reg. Sess., 381-394 (quotation); *Texas State Gazette*, January 3, 1852.

soil movement or abolitionists like Charles Sumner and William H. Seward.[8]

After drafting their demands, the Texas convention chose a presidential candidate able to enforce them. Bryan aided the process as part of the nomination committee. As he predicted, the panel and then the larger meeting recommended Sam Houston for chief executive. The decision presented a thorny predicament for Bryan when they also considered making him one of the two at-large electors. The role was a valuable political post, but the Bryan-Perry family steadfastly insisted that Houston betrayed Austin by entering the Republic's first presidential race. Selection as an elector obliged Bryan to campaign and vote for whoever the national party endorsed, which might obligate him to go against his family and champion the man who had defeated his uncle to become the president of the Republic. He tried to remain quiet on the subject despite numerous calls to address the convention, but the appearance of a rival for the position forced his hand. Bryan decided to forego personal feelings and argued to the audience that he was beyond past difficulties with the hero of San Jacinto, citing his acquiescence in the election of Houston as a United States senator by the past legislature. He would do whatever was necessary to support the Democrats. His speech mystified associates who were familiar with the feud, but it convinced the assembly, who awarded him the ticket spot. After the meeting, Bryan kept his word and made overtures to Houston by asking for his side of the infamous story, explaining that he wanted to silence his uncle's friends since he had never personally believed their disparaging remarks. Houston responded with a detailed account of his actions and a glowing description of Austin's deeds, pushing Bryan to conclude that his adversary had been badly maligned. He promised to

[8] *House Journal*, 4th Leg., Reg. Sess., 487; *Houston Telegraph and Texas Register*, January 16, 1852; *Texas State Gazette*, January 17, 1852; *South-Western American*, January 21, 1852; *Weekly Herald*, January 21, 1852 (quotations).

consider Houston a friend in the future.[9]

Whatever Bryan's feelings, the Democratic national convention removed any conflict of interest by selecting Mexican War veteran Franklin Pierce to run against Whig candidate, and Commanding General, Winfield Scott. Texas typically presented a solidly Democratic front, yet Bryan worried that Old Fuss and Feathers' notoriety and military achievements might sway many men's better judgement. Therefore, he set out to loudly praise Pierce. In speeches and a letter to his brother, he somewhat ironically quoted Henry Clay's criticism of military men turned politicians like the Democratic founder Andrew Jackson, stressing that they lacked the skills necessary for public office. Bryan argued that career officer Zachary Taylor brought the nation to the brink of collapse before his death mercifully saved it from destruction. Scott, he declared, would do little better. Pierce, in comparison, served as a governor and congressmen in addition to his brief time shielding the Union. Potential military despotism aside, the New Hampshire native's consistent affirmation of states' rights stalwarts like Calhoun and validation by principal southern leaders like William L. Yancey and Andrew Butler made him a safe choice. Scott, Bryan argued, entertained thoughts of abolishing slavery and had been endorsed by flagrant free-soilers.[10]

Bryan's enmeshment in the presidential campaign eased his depression. He took pride in his rhetorical abilities and felt confident speaking against his Whig counterpart, Judge Benjamin F. Caruthers. The jurist was a good sparring companion, and the two of them travelled the state, stumping for their respective candidates in locations like Lockhart, Seguin, and San Antonio. In

[9] *Weekly Herald*, January 21, 1852; GMB to Sam Houston, March 11, 1851, April 21, July 8, 1853, Houston to GMB, November 5, 1852, Box 2Q454, Bryan Papers; Greg Cantrell, *Stephen F. Austin: Empresario of Texas* (New Haven: Yale University Press, 1999), 353-355.

[10] GMB to MAB, November 1, 1852, "Letters to Moses Austin Bryan," 88-91; *Nacogdoches Chronical*, September 25, 1852; *Texas State Gazette*, September 25, 1852.

these contests, the biased press usually awarded the win to Bryan, arguing for example that "the democracy have just cause to feel proud of their champion on this occasion; we have often heard Mr. Bryan with pleasure in our legislature, but on no occasion have we listened to a more able and eloquent defence [sic] of the principles of our party, than he delivered." The praise pleased him, but his enthusiasm waned as the summer progressed. He observed a disturbing indifference among the Democrats, who took it for granted that they held the state and considered the Whigs a minor threat. Their attitude gradually made his canvass a chore that he completed out of a sense of duty. He scolded that many new settlers were Whigs, and, though some did not poll for Scott, most did. He believed that the Democrats needed to exercise great caution, or they risked being overrun in the future.[11]

His shifting feelings coincided with a renewed interest in strengthening his economic base. Possibly deterred by the large capital investment required for sugar manufacturing, he instead pursued livestock production and bought 4,000 cattle and 150 horses to create his own herds. He also employed his slaves to cut timber and clear a portion of his land in Brazoria County in preparation for establishing a household. He called on Hayes to enlist a couple of northern craftsmen on his behalf before deciding to hire two local men. In exchange for land, these contractors supervised the lumber collection and started work on a three-room house, slave quarters, pens, and other buildings. Bryan looked forward to seeing the changes when he returned from campaigning, and he approved of not needing an overseer while construction

[11] GMB to MAB, September 22, 1852, "Letters to Moses Austin Bryan," 86-87; *South-Western American*, September 22, 29, November 3, 1852; *Nacogdoches Chronical*, September 25, 1852; *Texas State Gazette*, September 25, 1852 (quotation); *Western Texan*, October 14, 1852; *Weekly Journal*, October 22, 29, 1852; GMB to Gentlemen, November 4, 1852, Folder 1, Box 2N243, Bryan Papers; Randolph B. Campbell, "The Whig Party of Texas in the Elections of 1848 and 1852," *Southwestern Historical Quarterly* 73 (July 1969): 17-34.

continued because the carpenters kept his bondsmen at work.[12]

Bryan preferred his business to the chore of electioneering, but he wanted a victory for both Pierce and himself. The population chose electors at the polls just like the candidates they represented, so he exerted himself to the end of the contest. He also extolled his brothers to persuade the inhabitants of Velasco, Brazoria, and Galveston to ballot for him. For instance, he noted that the Whigs at Velasco likely endorsed Scott, but he beseeched Austin to get them to vote for him as an elector even if they selected their own party members for the other three spots. Bryan's hard work paid off, and he attained the coveted position, but in a peculiar twist he then declined to serve. The Texas state constitution barred individuals from holding multiple offices. Whether this included party posts was debatable, but several major newspapers called on Bryan and Bexar County Representative Robert S. Neighbors to follow the lead of Lemuel D. Evans, who resigned his judgeship to act as an elector. Bryan refused to endanger his place in the Texas House because of the possibility of a special session. He claimed that some lawyers had made a business of interfering with old grants, and he shuddered to think of what might happen if he left the legislature. The press lambasted him for his decision, but he justified it by avowing that his first responsibility was the oath he took to protect his local constituents. He faithfully did his part for Pierce, and his absence from the Electoral College did not affect the Democrats as a majority of the electors met, appointed an alternate, and cast their ballots. Bryan's rationale was sensible yet unnecessary. The House never raised the issue and Neighbors finished his term in the Fourth Legislature uncontested.[13]

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[12] Kelley, *Los Brazos De Dios*, 114-120; RBH to Birchard, July 4, 1852, *Diary and Letters of Rutherford B. Hayes*, 1:410; GMB to RBH, August 4, 1852, "Bryan-Hayes Correspondence, II," 201; GMB to MAB, September 22, November 21, 1852, "Letters to Moses Austin Bryan," 86-91.

[13] GMB to MAB, September 22, November 1, 1852, "Letters to Moses Austin Bryan," 86-91; *San Antonio Ledger*, November 18, 1852; *Western Texan*, December 2, 9, 1852; *Texas State Gazette*, December 4, 18, 1852; *South-Western American*, December 15, 1852, January 12, 1853, *House Journal*, 4th Leg., 1st Called Sess., 4-285.

On January 10, 1853, Gov. Peter H. Bell convened an extra legislative session with Bryan ready to resume his active statesmanship. The executive called on the legislators to ameliorate the plight of the settlers on the frontier, where "savage Indians" in conjunction with "renegade Mexicans" threatened lives and property. Federal soldiers dispatched to the area had failed to restore calm, so Bell mustered three ranger companies. He hesitated to adopt this course because the national government appeared loath to fulfill its fiscal responsibility to defend the state and his predecessor George T. Wood had struggled to get compensation for similar forces. Bell did appeal to Washington, asking if they would receive the rangers, but the response was appalling. Pres. Millard Fillmore feigned sympathy, but Secretary of War Charles Conrad responded with a cold shoulder. The skeptical Conrad believed that localities often called for protection to bolster local treasuries rather than public security, so he dismissed Bell's petition, noting that the Comanches were "*unusually quiet*." Even if the situation required additional manpower, it was unlikely that Congress would sanction volunteer troops, who were inefficient and twice as costly as regulars. The same penurious body had already refused to augment the inadequate numbers of the army, so irregular forces were out of the question. Most egregiously, Conrad contended that such units "have the tendency to create hostilities and…endanger the peace of the frontier." Bell told the legislature that Conrad should review the history of Texas before making any audacious presumptions and then moved on to the more important point: he need them to pay for the troops until their national representatives could induce Congress to reimburse the state. Bryan and the rest of the House responded by forming a military affairs committee, drafting an appropriation for the companies, and passing a joint resolution calling on their congressmen to press the matter at the next session.[14]

[14] Charles Conrad to Peter H. Bell, September 30, 1852, Folder 37, Box 301-21, Governors' Papers: Peter Hansborough Bell, TSLA (quotations, emphasis in the original); Robert Wooster, *American Military Frontiers: The*

Although the frontier was the chief issue, Bell took the opportunity to urge the legislature to address other problems within the state, including land disputes. Ambiguities in the law on the Peters Colony generated misunderstandings between settlers and the commissioner assigned to register titles. Bastrop, Fayette, and Lavaca Counties also squabbled with the state, debating the boundaries of Austin's old colonies to secure additional acreage. Further legislation was the best option to end the clashes, and Bryan's experience with the topics guaranteed his appointment to the special committees formed. He set to work studying the Peters Colony, joining the rest of the panel in rebuffing a measure to repeal the current law in favor of producing a complementary bill with more exhaustive provisions. He also labored to protect Austin's legacy by evaluating a bill concerning his uncle's second colonial contract and a joint venture with Samuel M. Williams. His committee recommended the act, and, after its passage, Bryan closed outstanding loopholes with a supplementary bill, his alacrity contrasting sharply with the lackluster performance of the previous term.[15]

Bryan's last major enterprise during the session was facilitating the incorporation of St. Paul's College in Anderson, Texas. Established by Episcopal minister Reverend Charles Gillette in early 1852 on land gifted from the local Masonic lodge, the school supplied secondary and ministerial training for young men and ran a female academy. Much of the institution's early funding came from Gillette and the diocese, but to bolster its prospects he courted wealthy donors, created a board of trustees, and sought a charter from the legislature to confer collegiate degrees and exempt the grounds from taxation. As an Episcopalian and devoted supporter of

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United States Army in the West, 1783-1900 (Albuquerque: University of New Mexico Press, 2009), 121; *House Journal*, 4th Leg., 1st Called Sess., 11-22, 73, 153; Gammel, *Laws of Texas*, 4: 1,297-1,298, 1,323.

[15] *House Journal*, 4th Leg., 1st Called Sess., 33-37, 73-74, 86, 88, 97, 108, 110, 164, 252-254; Gammel, *Laws of Texas*, 4: 1,287-1,288, 1,314-1,315.

education, Bryan respected Gillette's mission, especially in light of the legislature's repeated failures to create a public school system or state university. He agreed to take a seat on the board along with Anson Jones, Peter Gray, and four others, who together drafted a series of bylaws giving the trustees the power to set the curriculum and hire faculty. Bryan then introduced the document in the House as part of a bill incorporating the college, motioning to suspend the rule on its second reading to pass it without further debate.[16]

As the special session completed its business in early February 1853, Bryan attended the inaugural meeting of the Texas State Agricultural Society. With a largely agrarian economy that profited greatly from cash crops like cotton during the antebellum period, Texas stood to benefit from more efficient farming practices, while Bryan's personal investments made him attentive to bettering his prospects. Agricultural societies typically endeavored to increase production by sharing knowledge on tools, seed, animals, and methods. They also warned farmers of market shifts as a vanguard against unscrupulous merchants. A state organization furthered this goal by connecting county associations to expedite the flow of information. After defining their purpose, the assembly selected Ashbel Smith to helm the proceedings and appointed a committee to write a suitable constitution. Bryan lent his expertise as part of the panel, and three days later they presented the proposed statutes for the convention's approval. The meeting adopted them and adjourned with the understanding that members would assist the establishment of local chapters in their counties, which Bryan did as chair of the Brazoria meeting later that year.[17]

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[16] The school eventually grew to one hundred pupils, but, despite its name, it operated more as an academy than a college. It never conferred a degree, and chronic monetary shortages forced its closure in 1856 after several attempts by the board to save it. Dan Ferguson, "St. Paul's College," *Handbook of Texas Online*, http://www.tshaonline.org/handbook/online/articles/kbs49 (accessed February 21, 2016); David C. Dickson to GMB, March 9, 1855, George W. Freeman to GMB, April 14, 1855, Folder 1, Box 2N243, Bryan Papers; Cummins, *Emily Austin of Texas*, 151-152; *Huntsville Item*, March 12, 1853; *House Journal*, 4th Leg., 1st Called Sess., 79, 87, 176; Gammel, *Laws of Texas*, 4: 1,363-1,366.

[17] *Texas State Gazette*, February 12, March 19, October 1, 1853; Kelley, *Los Brazos De Dios*, 137-138, 144-145.

Bryan engaged in politics in Austin through late February when he served as Brazoria County's delegate to the Texas Democratic Convention. His constituents recommended their former representative and current state senator, Elisha M. Pease, for governor. Bryan hailed the proposition. As legislators from the same county, he and Pease had often allied to uphold local interests, and they remained on good terms except for a brief period after Pease's absence from the crucial special sessions that resolved the Texas's boundary troubles. Bryan, therefore, lobbied for Pease's nomination and pushed him to attend the state meeting to strengthen his chances. When the convention sanctioned Pease's nomination, it removed him from his Texas Senate seat and gave Bryan an opportunity to advance and gain additional power. Pease celebrated the idea and insisted that everyone considered him unbeatable in the upcoming representative race. If Bryan announced early, that acclaim would carry over into a bid for the upper chamber and guarantee his victory. Indeed, the people's confidence was so strong that the San Antonio press even postulated that Bryan could take Representative Volney E. Howard's vacated place in Congress. Bryan refused to enter the congressional contest, and, despite the encouragement, he hesitated to enter the state senate race. During the convention, James B. Miller loudly broadcast Bryan's missteps with the Electoral College. Miller also theorized that Bryan wanted to retire from politics, claiming that it was only the threats to his uncle's colonists that had steeled his determination in former contests. At the insistence of his political allies, Bryan undertook a public campaign to defend himself against Miller's critiques.[18]

Bryan attended to family matters until the campaign season commenced that summer. Eliza's health was poor, and the Bryan-Perry family persevered in trying to find a cure for the

[18] *Weekly Journal*, February 4, 1853; GMB to MAB, November 24, 1849, "Letters to Moses Austin Bryan," 74-77; GMB to Pease, n.d., Pease to GMB, n.d., Folder 8, Box 19, Pease, Graham, and Niles Families Papers (AR.A001), Austin History Center, Austin Public Library, Texas; GMB to Pease, January 16, 17, 1853, Folder 1, Box 20, ibid.; Pease to GMB, March 3, 1853, Folder 1, Box 2N243, Bryan Papers; *Texas State Gazette*, April 9, May 7, 1853.

convulsions that had started during her childhood. That spring James F. Perry took her to Biloxi, Mississippi, to see if the water therapy there might alleviate her symptoms. Stephen S. Perry and William Joel Bryan's wife Lavinia accompanied them, but by May the men all needed to return home to supervise their respective plantations. Bryan took their place, because bachelorhood and the lull between political events allowed him more leisure than his brothers and stepfather. His developing farm was also much easier to manage from afar with family oversight and an overseer than the extensive operations at Peach Point, Durazno, and Reterio, a plantation developed by Moses Austin Bryan.[19]

Bryan found his stay in Mississippi to be boring. To pass the time, he underwent Eliza's water treatment, finding its purifying properties suitable for easing his dyspepsia. He also took a spirited part in managing his financial undertakings. He chided his brother Austin for his relaxed attitude toward their business and promised to arrange its affairs better when he resumed life in Texas. In the meantime, he issued ample instructions, such as urging his brother to sell their cattle for at least fifteen dollars per head. He argued that beeves sold in Galveston for that sum, and their stock was superior to any he had seen in that city. He further advised against long-term arrangements, anticipating elevated prices from California's growing demand for meat. In a similar vein, he demanded that Austin brand all his mares and calves, even if it meant keeping his overseer and slaves Sam and Charles out of the fields at peak cotton-picking time. Bryan also directed his manager to supply his slaves with three shirts and two towels and make them bathe every morning to promote their health, and insisted that they take special care that Sam, his favorite bondsman, tended to his leg and exercised it regularly.[20]

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[19] Cummins, *Emily Austin of Texas*, 148-149, 152, 188-189; GMB to MAB, May 8, 1853, "Letters to Moses Austin Bryan," 97.

[20] GMB to MAB, May 11, 27, June 9, 12, 17, 21 1853, "Letters to Moses Austin Bryan," 78-105, 109-115.

Bryan expected to stay in Mississippi until late July, but, as the weeks passed, he asked another family member to replace him. Lavinia departed in early June, leaving him Eliza's sole caregiver. Her condition improved somewhat, but she was unruly after seizures. At these times he struggled to control her behavior, reporting her belligerence towards the physician and the constant coaxing required to accomplish anything. In addition to his trials with his sister, he justified his requests for relief by citing the looming election. During the early summer, he retained the blasé attitude he exhibited after the state convention, but in June he inquired about possible challengers, stating he wanted to return if any emerged, even though his political allies and brothers could handle electioneering without him. Once Miller entered the field, however, Bryan insisted on confronting his foe in person. He was slow to forget Miller's behavior at the convention, and the latter's attempt to ambush Bryan by not declaring his intentions in the Brazoria and Gulf Prairie neighborhoods galvanized his desire to defeat a devious adversary.[21]

Bryan's family yielded and James and Lavinia returned to Biloxi. Until they arrived, he asked Austin, Joel, and Stephen to curry favor across the district by publicizing his views on the old grants, paying Texas's "just" debts, and improving river navigation. He also requested that they collect and distribute his circulars. Henry came to Biloxi on his way home from college, so Bryan embarked for Texas early. Upon landing, he toured Brazoria, Matagorda, Fort Bend, and Wharton counties. His energy won the day, and he trounced Miller in every county, including the doctor's supposedly impregnable base in Fort Bend. Sadly, family tragedy again marred his smashing victory. Epidemic diseases ravaged the Gulf Coast throughout the mid-nineteenth century, and by late summer yellow fever appeared in Galveston, New Orleans, and Biloxi.

[21] GMB to MAB, May 11, 27, June 9, 12, 17, 21 1853, GMB to JFP, June 16, 1853, "Letters to Moses Austin Bryan," 98-115.

Lavinia and Eliza escaped the scourge, but James and Henry both contracted the dreaded virus in September, succumbing to its effects within days of each other.[22]

The loss of his stepfather and brother wounded Bryan deeply, yet he avoided the melancholic listlessness that plagued him after his mother's death by applying himself to personal matters before directing his thoughts to politics. His economic investments supplied a stable constant in his life after the recent heartbreak, and he dropped the reproving tone in his letters to Austin as he proceeded to discuss many of the same themes, including cattle sales, construction, crop production, hiring a new overseer, and purchasing a deceased friend's land and stock to open a second ranch. Trusting his elder brother's experience, he asked about renting additional bondsmen for the planting season from various sources and accepting three slaves as payment for N. S. Rector's debt. The family's suffering also encouraged him to write a treatise to Eliza on cholera precautions and to warn his brothers to avoid the coast at all costs during the on-going yellow fever outbreak. The first frost produced a sigh of relief regarding disease, but the family still had to deal with the effects of James F. Perry's death by reorganizing the management of their various lands. To assist in this process, Bryan urged Stephen to administer his father's will, asked Austin to assume oversight of their uncle's estate, and arranged for District Judge James H. Bell to assist Eliza as she adjusted to her new status as a land owner.[23]

As Bryan prepared to take his place in the upper chamber of the legislature, he deemed land concerns of paramount importance because lawyers and speculators persisted in challenging old grants to make easy profits regardless of his efforts to quiet titles. His future brother-in-law

[22] GMB to MAB, May 27, June 9, 12, 17, 21 1853, GMB to JFP, June 16, 1853, "Letters to Moses Austin Bryan," 98-115; *Texas State Gazette*, July 23, September 12, October 1, 1853; *Lone Star and Texas Ranger*, August 27, 1853.

[23] GMB to MAB, October 16, 22, 29, December 1, 4, 6, 17, GMB to SSP and EP, December 18, 1853, "Letters to Moses Austin Bryan," 118-144; Legal Affidavit made by James Jamison, October 8, 1853, William Little to GMB, November 15, 1853, James H. Bell to GMB, December 14, 1853, Folder 1, Box 2N243, Bryan Papers.

William P. Ballinger, for instance, while employed by Jonas Butler and John B. Jones in their legal firm, engaged in suits that stripped Leonardo Manso and Joaquin Arguelles of their tracts. Masters of land law, Butler and Jones countered the ample evidence the defendants presented by asserting that Manso and Arguelles violated a hazy Mexican law. The court voided the grants, and Butler and Jones sold the acreage to speculator Stephen Powell, who rewarded them with all his future business. Ballinger's biographer John Moretta discusses such cases within the context of declining race relations between Anglos and Tejanos, but Bryan also worried about their effects on his uncle's former colonists and his family. His brothers Austin and Stephen found themselves embroiled in litigation that fall regarding lands they had received as heirs to the estate of Stephen F. Austin, as well as those of each of their parents. Bell told Bryan shortly thereafter that another petitioner intended to file another suit against the family to reclaim a tract supposedly promised to him by Austin himself. Finally, Bryan expected problems as he worked to adjust and collect Brazoria County residents' claims against Mexico and the Republic. In each of these instances, he sought legal advice from Bell and attorneys in the state capital in addition to resolving quarrels outside of the courtroom when possible.[24]

Once the Fifth Legislature opened, Bryan validated his run for office by confronting the partisan allies of the duplicitous land mongers. Both chambers had a barrage of bills designed to ease the burdens of locators at the expense of the current owner, and at one point he complained that seven such bills were making their way through the Senate's channels. He castigated these measures and expressed particularly fervid hatred of three acts put forth by James H. Armstrong of Williamson County. The first of these allowed district attorneys to use paltry information to

[24] John Moretta, *William Pitt Ballinger: Texas Lawyer, Southern Statesman, 1825-1888* (Austin: Texas State Historical Association, 2000), 33-36, 80; Harrison to GMB, November 15, 1853, James H. Bell to GMB, December 14, 1853, Folder 1, Box 2N243, Bryan Papers; GMB to MAB, October 16, 22, 29, December 4, 1853, GMB to SSP and EP, December 18, 1853, "Letters to Moses Austin Bryan," 118-129, 134-135, 142-144.

file suits on forfeited and escheated lands. The second prohibited land office records as evidence in district court cases unless they met unrealistic standards of authenticity. The final and worst proposal gave locators "all of the powers & rights of the state" by placing the burden of proof on the current grantee rather than the new claimants. Bryan labeled the bills as unjust, because they demanded that the legitimate owners supply proof far beyond that required during the colonial era or the Republic. The death of many individuals also left heirs vulnerable because they could not secure the necessary affidavits from the original grantee or neighbors. Bryan hypothesized that if the acts passed, few of the colonists or their descendants would retain their lands.[25]

Bryan used several tactics to block Armstrong and his associates. By allying with his roommates, Representatives Henry Thorp of Matagorda County and Horace Cone of Brazoria County, he ensured that neither house approved a bill abusive to the former colonists without serious opposition. He also drafted a bill quieting land titles once and for all, hoping to capitalize on the presence of Alexander Horton and other old settlers lobbying in the capital to expedite the process. Lastly, he suggested that Bell write an article on the matter to publicize dangers embodied in the acts. Bryan's initial exertions came to naught, and he gloomily reported that he expected a protracted battle. His bill languished in the judiciary committee as the possibility of a transcontinental railroad diverted the Senate's attention. Reflecting the Austin family's propensity to feel beleaguered by unseen enemies, he stated that the lawyers wanted him to fail, and his disadvantageous committee assignments kept him from exercising any actual power. Even the Senate's rejection of Armstrong's proposals gave little comfort because the determined legislator parried with another forfeiture bill. As the session progressed, however, Bryan grew

[25] GMB to MAB, October 16, 22, 29, December 4, 17, "Letters to Moses Austin Bryan," 118-141 (quotations); Texas Legislature, *Senate Journal*, 5th Legislature, Reg. Session, 33, 38-40, 47, 54, 67, 70-71, 82, 84, 88-90, 92-93, 116-118, 125, 127, 130-132, 141-142, 155.

more confident and requested that his brother send him several certificates so he could patent the lands. He was certain some of the objectionable bills would pass the Senate by narrow votes, but he believed in Thorp and Cone's ability to stifle them in the House. He also reasoned that passing any of the forfeiture acts required tacit recognition of the colonists' claims or his uncle's contracts. More fights loomed, but at least his designation as a second-class Senator in the reorganized chamber meant that he would be a bastion against the lawyers and speculators for the next four years instead of just two.[26]

Bryan devoted much of his attention to land issues, but discussion of the transcontinental railroad engaged him as well. Arguments that Texas could serve as a gateway to California periodically circulated in the state, and congressional approval for three surveys to determine the best route for the railroad intensified the longing. During a layover in New Orleans on the way to Biloxi, Bryan encountered United States Senator Thomas J. Rusk and three northern men on the way to Texas to evaluate a path through El Paso. Regardless of his party's denouncement of federally funded internal improvements, Rusk followed the lead of other western Democrats in drawing on the national treasury to aid his state. In 1852, he backed a river and harbor act over the objections of Senator Houston and Representative Howard, because the measure included a $50,000 appropriation to clear the Red River's raft. He also line-edited the bill to allocate $5,500 to survey the major coastal ports and the San Antonio, Trinity, and Colorado rivers, and he kept close tabs on the progress of those projects. Sectional tensions foiled early attempts to create a transcontinental railroad, but the newly approved surveys boded well. Rusk refused to pass on an opportunity to run the line through Texas, so he travelled the country to tempt potential investors

[26] GMB to MAB, October 16, 22, 29, December 4, 17, "Letters to Moses Austin Bryan," 118-141 (quotations); *Senate Journal*, 5th Leg., Reg. Sess., 33, 38-40, 47, 54, 67, 70-71, 82, 84, 88-90, 92-93, 116-118, 125, 127, 130-132, 141-142, 155.

and impress on them the benefits of a route through the Lone Star State. He also supplied Bryan with an update and asked him to convince the legislature to join the scheme. According to Rusk, northerners like Horace Greeley and his friends increasingly embraced the Texas path, and the state could strengthen its appeal by building a part of the road using one million acres of public land. He was certain that Bryan's "well recited influence in the state" enabled him to push the matter, and by doing so he would "gain honor to yourself and confer incalculable benefits upon Texas, as well as the Country at large."[27]

Rusk's logic paralleled the advice of Bryan's mentor, Alexander Somervell, and the later calls of governors Bell and Pease. Bryan and Somervell had remained close after their service in the Texas Revolution, and the former brigadier general supplied fatherly advice and an old colonist's views on a leviathan topic to his orphaned friend. Somervell eschewed government involvement in business, but in this instance, it was the only way to reap the possible rewards. A railroad terminating in Galveston would increase trade, encourage settlement, and better connect the region to the rest of the nation. Moreover, a company with Texans as majority stockholders allowed for close supervision. Bell and Pease used similar rationales before calling for a single company to build one branch to run through the state. Of the glut of companies chartered by the legislature, only the Buffalo Bayou, Brazos, and Colorado Railway ever laid a significant amount of track. Rather than tie up more public lands to incentivize these ventures, Bell and Pease asked

[27] Howard R. Lamar, *Texas Crossings: The Lone Star State and the American Far West, 1836-1986* (Austin: University of Texas Press, 1991), 4-6; William H. Goetzmann, *Army Exploration in the American West, 1803-1863* (New Haven: Yale University Press, 1959), 262-304; *Corpus Christi Star*, January 29, February 3, April 21, June 2, 1849; GMB to MAB, May 8, 1853, "Letters to Moses Austin Bryan," 97; Robert Wooster and Ariel Kelley, "'Nothing but Rascally White People': George B. McClellan Returns to Texas, 1852-1853," *Southwestern Historical Quarterly* 117 (July 2013): 43-45; *Congressional Globe*, 32nd Congress, 1st Session, 1,986, 1,994, 2,013, 2,329, Appendix: 983, 1,016, 1,147, 1,167; Peter H. Bell to Thomas J. Rusk, November 10, 1852, Folder 39, Box 301-19, Governors' Papers: Bell; Rusk to Peter H. Bell, March 14, 1853, Folder 43, Box 301-22, ibid.; Peter H. Bell to Rusk, November 26, 1853, Folder 51, Box 301-22, ibid.; Rusk to GMB, August 8, 1853, Folder 1, Box 2N243, Bryan Papers (quotations).

the legislature to reject extensions of earlier agreements and use the freed acreage, along with the school fund, to attract more reputable firms to apply for the contract.[28]

Bryan and the rest of the Senate ignored the pronouncements against incorporating additional organizations but otherwise ascribed to the governors' philosophy. They reviewed a bill to buy railroad bonds with the school fund. Ever the champion of education, Bryan might have balked at the move, but he recognized that the school fund was well short of the amount needed to implement the envisioned schools. The plan assisted the state's development and the dividends on the stock afforded a convenient means of rapidly growing the education account. The semantics of the original bill troubled Bryan, who wanted some protection for the fund and for his uncle's settlers, so he proffered two substitutes that precluded extending the charters of ineffective companies and exempted titled lands from the railroad reserve. After several tussles the Senate adopted the second substitute, but qualms over disbursing the schools' resources defeated it on its third reading. Undaunted, Bryan introduced a bill supplementary to an older state statute that donated public lands to encourage railroad construction, and his fellow senators quickly approved it.[29]

Although Bryan expressed significant support for what became the Mississippi and Pacific Railroad Act, two sticking points emerged that undermined his goodwill towards the project. The first came from Rusk's original recommendation that the road run north of the thirty-second parallel of latitude, from the state's eastern border to El Paso. Bryan reasoned that since most of Texas's population lived below that geographic demarcation, the rails ought to be

[28] Alexander Somervell to GMB, December 9, 1853, Folder 1, Box 2N243, Bryan Papers; *Senate Journal*, 5th Leg., Reg. Sess., pt. 1: 13-18, pt. 2: 16-19.

[29] *Senate Journal*, 5th Leg., Reg. Sess., 145, pt. 1:183-185, pt. 2:51-52, 59, 62, 70, 83-84, 86-90, 92, 101, 104-109, 114-125, 127, 134-137, 152, 173, 177-178, 180-181, 198, 218-219, 225-226, 230, 241, 248, 253, 265. Today the 32nd parallel of latitude is the boundary that runs east to west between New Mexico and Texas.

farther south, especially since the contractor received twenty sections of land per mile of track laid from a thirty-mile reserve on either side of the roadbed. After multiple debates, the Senate agreed, but they refused to budge on Bryan's other misgiving. The bill lacked a provision for a terminus on the Gulf of Mexico because the legislators understandably believed the route would intersect with other lines to continue into the North or East. As a coastal resident, Bryan expected the railroad to have branches that connected inland areas with the sea to expedite commerce. If nothing else, he wanted the legislature to guarantee equivalent land grants to companies willing to link tidal areas with the main road. Unable to sway his colleagues, he refused to participate in the act's final vote. After its passage, Bryan remarked reproachfully that "never in the history of legislation has so important an act been passed through a body so hastily & so heedlessly as was this. The US bank is nothing to what this will be, if it becomes the 'highway of the world' & with its 10,240,000 acres of land Texas legislation & the institution of Slavery are both endangered…men forgot whom they represented & were blinded with the name of the *Pacific* road." His views aside, the House and the governor approved it, and Pease sent out advertisements for companies' bids.[30]

The results of the railroad considerations irked Bryan, but the January 1854 Texas Democratic Convention brought satisfying results to another of his trepidations. Meeting during an off year, the assembly planned to have a stronger party organization before the next major election. Few people agreed with Bryan's anxiety about the Whigs two years before, but the rise of the nativist, anti-Catholic American Party, or Know-Nothing Party, presented a more forceful foe that gave Democrats pause. Composed of members of the faltering Whig Party and Texans

[30] Rusk to GMB, August 8, 1853, Folder 1, Box 2N243, Bryan Papers; GMB to MAB, December 1, 4, 6, 17 (quotation), 1853, "Letters to Moses Austin Bryan," 130-141; *Senate Journal*, 5th Leg., Reg. Sess., pt. 1:145, pt. 2:180-181, 218-219, 253; Pease to Clark, January 25, 1854, Folder 2, Box 301-23, Governors' Papers: Elisha Marshal Pease, TSLA; Pease to Clark, February 17, 1854, Folder 3, Box 301-23, ibid.

fearful of foreign influences, like possibly the anti-slavery Mexican and German communities, the Know-Nothings promised to vote for Protestant, natural-born Americans and advocated that Congress increase the residency requirement for naturalization from five years to twenty-one. The secrecy of their operations foiled attempts to gauge their strength, and baffled Democrats turned to perfecting a party system to combat them. Their convention established a centralized body with permanent officers and a twenty-five-seat committee responsible for coordinating local efforts before and during elections. They also agreed to assemble in Huntsville in March 1855 to nominate candidates for governor, lieutenant governor, and national representatives. As he did at every Democratic gathering, Bryan participated in the assembly's deliberations, and he unsurprisingly landed on the state executive committee. As someone who once demanded that the Democrats wake up and unite, he must have been gratified with the meeting's outcome.[31]

The Fifth Legislature adjourned on February 13, 1854, and Bryan returned to Peach Point to attend to personal matters before accompanying Eliza to New York that summer for another diagnostic and treatment cycle. During that spring he assessed his plantation, managed deposits at the Mills's credit firm, and brokered lending arrangements. His periodic land and cattle sales gave him more liquid assets than many Texans who held their wealth in real estate and slaves, so he lent sums to friends and neighbors like Judge Bell, John A. Wharton, Edward H. Cushing, and Rueben R. Brown. He also alleviated concerns about the Bryan-Perry family's landholdings by querying Pease about possible underhanded sales of their property in Austin or Bastrop counties. Pease turned to Comptroller James B. Shaw, who reported that there was no record of any

[31] *Texas State Gazette*, January 17, 1854; Roger A. Griffin, "American Party," *Handbook of Texas Online*, https://tshaonline.org/handbook/online/articles/waa01 (accessed March 31, 2016); Ralph A. Wooster, "An Analysis of the Texas Know Nothings," *Southwestern Historical Quarterly* 70 (January 1967): 414-423; Ralph A. Wooster, *The People in Power: Courthouse and Statehouse in the Lower South, 1850-1860* (Knoxville: University of Tennessee Press, 1969).

transactions and promised to notify the family if one appeared. Finally, Bryan gave serious thought to the future. The recent tragedies reminded him of his own mortality, so he took action to solidify his legacy and that of his kin. During the latter part of her life, his mother sought a biographer to chronicle her brother's exploits, and Bryan's new will intended to carry on that mission in the event of his untimely demise by designating five thousand dollars of his estate to hire Bell to complete the task. The Judge's recent encomium of James F. Perry's life in the newspaper suggested that he possessed the necessary skill and sensitivity to produce a worthy commemorative. Along with the portraits that Bryan commissioned for the new Texas Capitol, a published biography would ensure that Stephen F. Austin remained in the forefront of Texans' memories of the past.[32]

Informed by Pease that the Gadsden Purchase would probably bring the transcontinental line through Texas and that there was nothing that required a special session that year, Bryan set off for the northeast in June. Eliza's debilitating seizures persisted, and in January he learned of a doctor outside of Brooklyn, New York, that specialized in "womb disease." His friend William Baker of Houston reported that the physician had cured his wife of an extended illness, and he deduced from talks between his spouse and Eliza that she had a similar ailment. The doctor's reputation, restrained use of medication, and apparent success charmed the family, and Bryan's bachelorhood again made him the best choice to act as Eliza's companion and chaperon. Several fits slowed the journey and made it a tedious affair, but a stay in Manhattan eased her symptoms and elevated her mood as Bryan distracted her with dressmaking and new reading materials.

[32] James H. Bell to GMB, December 14, 1853, January 16, April 17, 1854, John A. Wharton to GMB, January 8, 1854, Edward H. Cushing to GMB, March 8, 1854, Robert Mills to GMB, March 9, 1854, Mills to MAB, March 14, 1854, Reuben R. Brown to GMB, March 18, 1854, Elisha M. Pease to GMB, April 20, 1854, James F. Johnson to GMB, April 22, 1856, Folder 1, Box 2N243, Bryan Papers; GMB to MAB, August 13, 1854, "Letters to Moses Austin Bryan," 153-159; *Texas State Gazette*, May 17, 1856.

Relocating to Brooklyn, they settled for a lengthy stay. The first month of treatment did little to reduce the young woman's convulsions, but Bryan reserved judgement for the moment, content to allow the physician time to work.[33]

Watching over Eliza was difficult for Bryan. Like many caregivers, he felt drained and frustrated by the process. Her seizures produced delirium that sometimes made her violent or child-like, forcing him to act as a combination of mother, father, and brother to the twenty-six-year-old woman. He feared leaving her alone, which frequently confined them to their quarters and denied him opportunities to sightsee or go calling as he had on previous trips. At times he complained bitterly about the ordeal, telling his brother Austin that nobody but God understood his tribulations. His family assumed that he had a pleasant time exploring New York City and visiting acquaintances, but his time away from Texas was unpalatable. It was also costly, and he mused about loaning Eliza two thousand dollars to cover her expenses, over a thousand more than he typically expended traveling on his own, and about drawing on Stephen's funds. He felt comfortable enough to share his state of mind with Austin, but he implored him to refrain from telling Stephen his thoughts. Stephen and his wife Sara had nursed Eliza at Peach Point since their parents' deaths, and Bryan suspected that his grumbling would aggravate them or cause them to mistrust him or his commitment to his half-siblings. He loved Eliza and would weather the "trials with a stout heart, tho neither she nor others can know what I have to bear" because of his conscience, sense of duty, and affection for her. Nonetheless, he looked forward to the end of such responsibilities.[34]

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[33] Pease to GMB, April 20, 1854, William Baker to GMB, January 27, 1854 (quotation), Folder 1, Box 2N243, Bryan Papers; GMB to MAB, June 28, July 13, July 27, August 13, 1854, "Letters to Moses Austin Bryan," 145-159.

[34] GMB to MAB, June 28 (quotation), July 13, July 27, August 13, 1854, in "Letters to Moses Austin Bryan," 145-159.

Bryan's feelings were understandable, but his sense of isolation was a bit overstated. In September, he traveled to Ohio to meet Brown's wife Jane, who graciously offered to assist him with Eliza. Hayes met them there, and the two men enjoyed a trip to their old stomping grounds at Kenyon College, visited friends, and toured the state by rail. Upon his return to Brooklyn, he took advantage of Jane's presence and the increasingly predictable cycle of Eliza's attacks to venture into nearby cities on his sister's better days. During these forays, he abetted the family's scheme to proliferate commerce on the Brazos River by scouting merchants who might ship their goods directly to the river mouth. He also gleaned troubling tidings on the transcontinental railroad. The obvious fraud committed with several companies' stocks made it almost impossible to secure investors to back their securities. He expected the situation would become worse, which diminished the likelihood of attaining the desired route through Texas. Even more disconcerting were the negative reports about the corporation controlled by former secretary of the treasury Robert J. Walker and ex-Georgia congressman T. Butler King. Rumors indicated that the business was penniless and unable to entice honest shareholders. The company was the apparent forerunner for the Mississippi and Pacific Railroad contract, so Bryan relayed these concerns to Pease, urging him to reject their bid. He argued that "King, Walker & Co will speculate to their advantage if they can & not care a fig for Texas." Talking with King increased his alarm, and he stressed that Texas ought to have nothing to do with the cash-strapped opportunists.[35]

Bryan pursued these diversions when he could, but Eliza occupied much of his time. After a few months of treatment, the Brooklyn physician's predictions of complete remission

[35] GMB to MAB, July 13, July 27, August 13 (quotation), 15, September 4, November 17, in "Letters to Moses Austin Bryan," 150-163, 176-179; Pease to GMB, December 9, 2854, Folder 1, Box 2N243, Bryan Papers.

rang hollow, and Bryan considered leaving for Texas. He desperately wanted freedom from his current situation, but he worried about exposing his fragile sister to the diseases again plaguing the Gulf Coast and much of the South. He decided to wait for the safety of winter and contacted another specialist in New York City, despite misgivings that it was futile. The doctor confirmed his suspicions by issuing a conclusive diagnosis of epilepsy. The condition was incurable, so he broached the uncomfortable topic of institutionalization because of Eliza's disorientation and behavior after attacks. After a weighty deliberation, Bryan shunned the idea. He refused to place his sister in an asylum, and, if it had to be done, that choice belonged to Stephen and the others. Confident in his decision, he and Eliza returned to Texas in December.[36]

Bryan detested his experiences in New York, but he judged that the time and money spent were beneficial. It supplied a definitive conclusion and ameliorated his concerns regarding duty. He maintained that "*I* shall feel I have done mine, & shall hereafter look back to my past [actions] as a tribute due mother, father, Eliza & the rest of the family & myself." He expected the rest of his siblings to adopt a similar stance, but, as he recuperated in Galveston from a January operation on his bladder, he learned that Stephen—possibly affected by Bryan's attitude towards caring for Eliza—questioned his loyalty to the family. The supposition offended Bryan, because he believed that his recent efforts demonstrated fidelity in a way nothing else could. He persisted in writing to Stephen and advising him on the family's land troubles, but his younger brother's coolness continued through the year, likely encouraging Bryan's settlement on his own property that summer. Following his mother's death, Bryan had gone through the motions of establishing his own household, but until then he resided at Peach Point during legislative breaks.

[36] GMB to SSP, September 9, October 6, 1854, GMB to MAB and WJB, September 24, 1854, GMB to MAB, October 11, November 17, 1854, GMB to WJB, October 25, 1854, "Letters to Moses Austin Bryan," 164-179.

At least Eliza appeared to harbor no ill will towards him, because he reported that she wrote to him as usual.[37]

Bryan focused on his health, business, and politics rather than dwell on his brother's attitude. His recovery from surgery was slow, and, with his bladder or complications from the procedure still troubling him in February 1855, he travelled to New Orleans and Biloxi, where he paid to have the graves of his stepfather and brother enclosed. As he improved, he passed along information regarding the family's ongoing litigation over land titles, and he asked Austin to collect on a loan to pay his taxes, the levies on the Bryan brothers' trust, and those due on the property Eliza inherited from their mother, though he mentioned that Stephen could attend to their sister's finances if he wished. Tired of his financial dependence on creditors, he rejected additional livestock purchases to better live within his means and decided to maintain his current landholdings at least until the equity grew.[38]

Predictably, state politics captivated Bryan as the year progressed. Although spared the inconvenience of campaigning until his Senate term expired in 1856, he and the rest of the Texas Democrats had to confront the strengthening hold of the Know-Nothings. In December 1854, the American Party swept San Antonio's municipal elections, an unexpected feat considering the city's large Tejano and German populations. To parry the thrust, Democratic leaders initiated plans to mobilize their party, but their Huntsville convention was an abject failure. Brazoria County inhabitants selected Bryan to represent them, but few other counties sent their allotted delegates and notables like Pease shunned the meeting. The governor pointed out that the poor

[37] GMB to MAB and WJB, September 24, 1854, GMB to MAB, January 8, 19, 27, March 17, 1855, "Letters to Moses Austin Bryan," 166-168, 180-181, 184-188, 193-194.

[38] GMB to MAB and SSP, January 30, 1855, GMB to WJB, February 17, 1855, GMB to MAB, January 27, 1855, in "Letters to Moses Austin Bryan," 186-192.

turnout made the assembly's nominations worthless, and he expected few threats to reelection, especially with Bryan there to buttress him. With the struggles besetting the party, the summer canvass was essential to retaining Democratic dominance, but the misdirection that earned the American Party its nickname proved difficult to combat. Know-Nothing candidates refused to reveal their true affiliation in public and sometimes leveled false accusations at their competitors in an attempt to confuse voters. For instance, Democrat Matthias Ward protested when Lemuel D. Evans—the American Party candidate for the eastern district's United States Representative—denounced him as a Know-Nothing, a charge he ineffectively fought. Bryan founded himself the target of another subterfuge. In deference to Bell, he ignored suggestions to run for the western district's congressional seat. Nonetheless, the Know-Nothings bandied his name about to weaken the former governor's appeal. They also said that Bryan supported the nativist party. At times he approved of changes in naturalization laws, yet this was not enough to shift his Democratic leanings. Regardless, the contention was convincing enough to prompt Bexar County politician James C. Wilson to question his friend's supposed change in political allegiances.[39]

Internal dissent held the potential to derail the Democrats. Pease faced criticism over his decisions regarding the Mississippi and Pacific Railroad contract. Walker and King bought the charter of the Texas Western Railway and conditionally attained the rights to several of the other contenders for the transcontinental line, creating a near monopoly. As a result, they submitted the only bid for the Texas project. Pease agreed with Bryan's negative assessment of the two men and decided to spurn their offer. The emergence of several prominent Texans who endorsed the

[39] Griffin, "American Party;" Dickson to GMB, March 9, 1855, Pease to GMB, April 2, 1855, Matthias Ward to GMB, September 24, 1855, James C. Wilson to GMB, June 8, September 16, 1855, Folder 1, Box 2N243, Bryan Papers; GMB to MAB, December 2, 1855, "Letters to Moses Austin Bryan," 200-201.

company, however, changed his mind because of the potential political repercussions. Pease did grant the charter, but it became apparent that few Texans really controlled the corporation. The dubious securities provided for the required $300,000 bond gave the governor a good chance to disassociate the state, so he nullified the agreement and advertised for new bids. Pease's action concerned Lt. Gov. David C. Dickson, who decided to oppose the incumbent governor rather than remain his running mate. The Know-Nothings endorsed Dickson, but he argued that he was still a committed Democrat. Whatever his party allegiance, Bryan demanded an accounting for Dickson's betrayal. Pease's influence among American Party members and the public's general support for his stand against Walker and King's corruption won the day at the polls in 1855, but Democrats like Ward were less unsuccessful at stifling their opponents.[40]

Houston's vocal opposition to the Kansas-Nebraska Act, combined with his obvious dissatisfaction with the national Democratic Party, seemed to make the American Party an even greater threat to Texas Democrats. The Missouri Compromise barred slavery's expansion into the Louisiana Purchase above the 36°30' parallel, but Stephen A. Douglas proposed repealing it as part of the Kansas-Nebraska Act to organize two territories. Rather than dictate their slavery status, he intended to have their first legislatures decide under popular sovereignty. Slaveowners, including those in Texas, supported the bill because it would open additional land for slavery. This strengthened the institution and offered a chance to right the balance of states in the United States Senate. To their horror, Houston denounced the bill. In a two-day speech, he condemned the act for removing Indian tribes from millions of acres to open the ground for white settlement.

[40] Hayes confided to Bryan that every northerner supported Pease's rejection of the "moonshine railroad company." RBH to GMB, January 22, 1855, *Diary and Letters of Rutherford B. Hayes*, 1: 477-478; S. S. McKay, "Texas and the Southern Pacific Railroad, 1845–1860, " *Southwestern Historical Quarterly* 35 (July 1931): 1-27; George C. Werner, "Mississippi and Pacific Railroad," *Handbook of Texas Online*, https://tshaonline.org/handbook/online/articles/eqm05 (accessed March 31, 2016); Pease to GMB, December 9, 1854, April 2, 1855, Dickson to GMB, March 9, August 20, 1855, Folder 1, Box 2N243, Bryan Papers.

He also criticized repealing the Missouri Compromise, denouncing proslavery zealots who insisted that slavery must expand to all territories. He argued that those demands would be "fatal to the future harmony and well-being of the country," and he urged southerners not to agitate needlessly, because the future of the Union might depend on the proposed act. The *Richmond Enquirer* berated Houston, saying "nothing can justify this treachery; nor can anything save the traitor from the deep damnation which such treason may merit." Bryan and the Texas Senate agreed and passed a series of resolutions that censured Houston for voting against the Kansas-Nebraska Act. Houston's diminishing status in the Democratic Party led him briefly to support the American Party, which further convinced Bryan that the group was a danger to Texas.[41]

Several Know-Nothings attained seats in the Sixth Legislature, and Bryan considered their influence unsettling. The American Party senators introduced a joint resolution that urged Texas's congressmen to persuade their respective chambers to denounce territorial governments that allowed immigrants to vote, prohibit aliens and naturalized peoples from owning land, and extend the residency requirement before conferring citizenship to twenty-one years. The entire State Affairs Committee, including Bryan, denounced the partisan proposal. The panel offered a substitute, but Bryan condemned it as well because of its focus on the national government. He deemed citizenship, voting, land matters, and the regulation of foreigners to be the domain of the states. Any attempt by Congress to control them equated to the usurpation of Texas's sovereignty. The fallout from the Compromise of 1850, hostilities towards the federal Fugitive Slave Act, and the turmoil brewing over Kanas already endangered states' rights to an unprecedented degree. In the present climate, Bryan refused to divest Texas of what he believed

[41] Randolph B. Campbell, *Sam Houston and the American Southwest*, 3rd ed. (New York: Pearson, 2006), 158-169 (first quotation); *Richmond Enquirer*, February 10, 1854 (second quotation); *Senate Journal*, 6th Legislature, Regular Session, 347, 250, 308, 419, 437; *Texas State Gazette*, January 19, 1856.

to be its just powers by granting Congress control of these topics. Alluding to Kansas, he asserted that when an area possessed a sufficient population to allow "the Federal government to erect it into a territory, it is the duty of Congress to comply with its wish, and it is improper to take from the territorial government, the power to regulate suffrage within it." Attacking foreigners also ignored the fact "that the principles of our Constitution strictly construed and its spirit fairly acted upon, are a guarantee that civil and religious liberty will have a resting place where the oppressed of all nations can flee from persecution, and our own people continue to possess a Government that extends equal and exact justice to all, and affords full and complete protection to their most sacred and inalienable rights."[42]

In addition to the nativism issue with the Know-Nothings, Bryan worried over other issues debated by the legislature. Land difficulties persisted, and once again he commented on the multitude of "land-stealing bills" in missives to his brothers. He introduced another act to quiet titles in Austin's and DeWitt's colonies. The private land claims committee supplied an acceptable substitute, and after a series of amendments the Senate agreed. Bryan worried about his shadowy enemies and whether the House would agree to the bill, yet he felt more confident about achieving a resolution than during other sessions. Benjamin Tarver, John Sayles, and William Gaines--Brazoria County's newest representative--promised to help, and he believed them capable of persuading their colleagues. After a few minor amendments, both chambers approved Bryan's measure, finally securing his uncle's colonies. The only remaining point of contention involved an act allowing for investigation of titles, but, although it passed that term,

[42] *Senate Journal*, 6th Leg., Reg. Sess., 347 (quotations), 250, 308, 419, 437; *Texas State Gazette*, January 19, 1856.

the next session repealed it.[43]

With land titles finally settled, Bryan shifted to internal improvements. Pease's address to the legislature highlighted the state's tribulations regarding the Mississippi and Pacific Railroad. He explained his rationale regarding Walker and King's bid before suggesting that the assembly amend the existing statute. He reasoned that few American companies could complete more than fifty miles of track per year, so it was unrealistic to require twice that amount within the state. The contract should further integrate changes he wanted made to all charters that were approved by the legislature. Up to this point, they had paid little heed to the plethora of incorporations they sanctioned, allowing for indolence from numerous improvement businesses. In the future, he demanded that the legislature not incorporate companies wanting to build along already designated lines unless they repealed any previous agreements or charters. He also stipulated that for him to approve future charters or extensions to prior pacts, the firms must demonstrate that their route served an obvious purpose, that they held adequate funds to commence work, and that they agreed to meet with state officials annually to verify their progress. Lastly, he urged the legislature to abandon the practice of creating railroad reserves that greatly depleted the public lands and adopt a system of taxation to fund all types of internal improvements.[44]

Bryan's response indicated a split in allegiance between bolstering Pease and fulfilling his family's wishes to promote commerce and development in the Brazos River valley. The Senate repeated the pattern of the previous term by ignoring the governor's admonitions as they authorized new undertakings, granted extra time to complete projects, and committed the state's

[43] GMB to MAB, November 22, December 9, 13, 17, 20, 1855, "Letters to Moses Austin Bryan," 196-197 (quotation), 202-206, 208-210; *Senate Journal*, 6th Leg., Reg. Sess., 63, 164, 177-179, 187, 212; *Senate Journal*, 6th Legislature, Adjourned Session, 250, 253.

[44] *Senate Journal*, 6th Leg., Adj. Sess., 18-32.

financial reserves. Pease vetoed many of these measures, underscoring his resolve to see his qualifications met. At times Bryan backed the executive by voting against the incorporations or sustaining his vetoes, yet he lent his support to firms seeking to expand into his home area. His opposition to state-sponsored internal improvements had shifted dramatically away from his dismissals following the Compromise of 1850, and so his approval was more in line with his evolving views that acknowledged the benefits of an expansive rail system like that of Ohio. Thus, he used his position as chair of the Education Committee to foster railroad growth even as he occasionally endorsed Pease's desires. The committee considered a bill reviving his old scheme to invest the school fund in railroads. Rather than buy securities, this iteration proposed creating an account to loan sums at six percent interest to railroads. Bryan and the rest of the panel justified the move in spite of the protests of opponents who maintained that the money was already in interest-bearing federal bonds by citing the higher interest rate (six versus five percent). They noted that the fund was too small to provide for free public schools, and that the legislature was struggling to devise a system after Pease called the one adopted the previous term ineffectual. Bryan reasoned that his scheme would generate more revenue for schools and was a safe gamble since a company's entire roadway would serve as its collateral. The Senate continued to vacillate, but the debate clearly showed Bryan's firm backing for both improvements and education.[45]

As the session progressed, Bryan became irritated by the delay in finishing business. He complained to Austin that "too many *smart* men" felt the need to showcase their skills through elaborate oratory on the floor. As it was, debates on major topics like the state debt seemed to

[45] *Senate Journal*, 6th Leg., Reg. Sess., 14-17, 54, 92, 151-154, 181, 186, 201-211, 230, 248, 256, 329-330, 368-369, 373-376, 436, 463, 511; GMB to MAB, September 4, 1854, "Letters to Moses Austin Bryan," 162-163; RBH to GMB, July 11, November 18, 1855, *Diary and Letters of Rutherford B. Hayes*, 1:487-488, 492-494; Tutor Fay to GMB, April 26, 1853, Folder 1, Box 2N243, Bryan Papers.

never end, even though there was an obvious solution. Tired of complaints from the Republic's many creditors, Congress augmented the boundary settlement to rapidly silence the obligations. The Lone Star State had received ten million dollars in five percent bonds for its relinquished territory, with half held in reserve until it addressed its arrears. Under the new guidelines, the federal government paid the debt and surrendered the balance in three percent bonds. If Texas accepted, it stood to lose roughly $500,000-$750,000 in interest, but it eliminated its financial burdens and gained access to funds otherwise beyond its reach. Pease applauded the option and, hoping to strengthen its appeal, submitted it to the people for consideration. Despite the scanty turnout and repudiation of the vote, he still wanted the legislature to approve the change. Bryan felt "*dislike*" for the proposition, but he found state attempts to rectify the problem unsatisfactory as well. His own constituents acceded, and he wanted to sustain Pease, so, even with misgivings, he agreed, which led others to yield. The Senate took two days to concur, but by December 28 the House still refused to take up the matter, postponing it until February 15, 1856—eleven days after the session closed. Members of both chambers decided to call for an adjourned session to garner additional time. Bryan opposed the dallying but lost. Pease assented without objection, because the legislature's approval of the debt bill would give the state enough money to cover the cost for the extra session.[46]

The Texas Democratic Convention in January 1856 exacerbated the legislative delays as many legislators put aside their work to attend. Bryan represented Brazoria County along with Gaines and Thomas D. Cayce. Whatever his gaffes in the past, the invitation to deliver one of the opening speeches reflected his prominence within the party. With the necessary topics aired, the

[46] GMB to MAB, January 8, December 2, 3, 20, 28, 1855, "Letters to Moses Austin Bryan," 180-181, 200-204, 208-213 (first quotation, emphasis in the original); GMB to Pease, June 21, 1856, Folder 4, Box 21, Pease, Graham, and Niles Families Papers (second quotation, emphasis in the original); *Senate Journal*, 6th Leg., Reg. Sess., 8-13, 298-300, 364, 501, 531-532; *Texas State Gazette*, January 26, 1856.

Democrats again adopted their 1852 platform, because its substance addressed the prevailing angst over slavery's expansion into the territories and congressional collusion with the free-soil movement. Nominations were a more consuming process, and the delegates demanded that any candidate selected demonstrate firm commitment to the party and Texas by denouncing any possible president or vice president who did not adopt a policy of non-intervention in Kansas or uphold slavery. After selecting men to challenge the Know-Nothings for attorney general, treasurer, and comptroller, the Democrats named presidential electors and delegates to the national caucus. Bryan's strong support of his party and passionate response to threats against slavery met the required criteria, and with a two-vote margin he landed a position as a delegate to Cincinnati along with Williamson S. Oldham, Jacob Waelder, and Hamilton P. Bee. The trip to Ohio gave him the opportunity to see his old friends like Hayes, but he also judged the position very important. He believed the eyes of the country were fixed on the national convention. The northern-based Republican Party's resistance to slavery placed the nation at a crossroads, necessitating a strong Democrat to uphold the rights of all and save the Union.[47]

The national convention's selection of compromise candidate James Buchanan, a dough-faced Pennsylvanian, in the face of amplifying sectional strife indicated that some good will towards the South existed above the Mason-Dixon Line, but Bryan noticed the burgeoning strength of the Republicans and returned to Texas with grave apprehensions. Throughout the decade he had exhibited a marked distrust of northern aggression towards slavery, denouncing it and even alluding to secession as a possible solution. Stopping in Brazoria on his way back to Austin, he informed a crowd that a portion of the northern population respected the Constitution,

[47] GMB to MAB, January 12, 1855, "Letters to Moses Austin Bryan," 182-183; *Texas State Gazette*, January 19, 26, 1856; *Houston Telegraph and Texas Register*, February 6, 1856; *Daily Union*, February 8, 1856; George Jones to GMB, May 19, 1856, ; GMB to SSP, May 24, 1856, Folder 2, Box 2N243, Bryan Papers; RBH to GMB, April 16, 1856, *Diary and Letters of Rutherford B. Hayes*, 1: 496-497.

yet John C. Frémont of the new Republican Party was likely to carry some of those states anyway. Texas should guard themselves against the evils of a possible "Black Republican" win. No southerner, he stressed, could remain neutral in the coming contest when that menacing party had declared war on southern institutions. Back in the legislature, he built on these views by submitting a joint resolution requiring the governor to convene a special session in the event of a Republican victory. His fellow senators narrowly approved the document 16-14, implicitly accepting its harsh declaration that they had not "concealed from themselves, nor would they conceal from others, that the dissolution of the American Union may, in a certain event, be portended" and that "the election of the candidates for the Black Republican party [sic], upon the issues tendered, preludes the destruction of our Constitution, and the degradation of the South." In another secessionist bombast, Bryan avowed that if the Republicans triumphed, "our affection for the American Union will be an affection of the past." Just a few years earlier, the legislature had rejected Bryan's radicalism in the wake of the Compromise of 1850, but as tensions mounted over the violence in Kansas, some aligned with Bryan's conviction that "the South is fully aroused, and they know they would be better off without the North."[48]

Sectional discord intensified Bryan's response to federal injustice of any kind towards his state, provoking a change of heart towards the congressional offer to erase Texas's public debt. During the regular session he grudgingly agreed to the proposal out of respect for Pease and his constituents, but he now dubbed the plan intolerable. Rather than accept Texas's designations

[48] *Democrat and Planter*, July 8, 1856; *Texas State Times*, August 16, 20 (final quotation), 1856; *Texas State Gazette*, August 2, 16, 1856; *Charleston Courier*, September 2, 1856; *Senate Journal*, 6th Leg., Adj. Sess., 147, 239 (first, second, and third quotations), 284, 286. Bryan's correspondence with Hayes included periodic allusions to secession such as his statement in 1851, after Charles Sumner's election as a Massachusetts senator, that "the North will soon apply the feather that will break the Camel's back. Indeed, indeed, the free-states do not understand the state of things at the South—the Union is in more danger than they believe." See GMB to RBH, April 25, 1851 (preceding quotation), January 1, 1857, "Bryan-Hayes Correspondence, II" 199, 217.

about whom to pay and how much, Congress, according to Bryan, had adopted a course that slighted creditors and stiffed the state. He declared that Texas had already suffered humiliation from that entity, which "extend[ed] the purse in one hand, as she grasp[ed] the sword in the other." Nonetheless, the state had agreed to the first boundary settlement "for the sake of peace and the love she bore to that Union." It was too much to ask Texas to cheerfully consent to more blows when the North was already seeking to deprive it of property rights. Bryan introduced a joint resolution that proclaimed the federal government to be in violation of their concord with Texas and called on Congress to repeal the act.[49]

After targeting the rapacious federal government and the nefarious Republicans, Bryan took a stand to defend Texas from its own failings. The railroad impetus remained strong in the legislature, so Walker and King saw an opportunity to salvage what they could from the Texas Western Railway. They asked the legislators to alter the corporation's initial charter to extend the time permitted to complete work and change its name to the Southern Atlantic and Pacific Railroad Company. Most of the Senate saw little wrong with the request and passed a bill that seemingly met all of Pease's other strictures. The governor saw through the deception and vetoed the act, calling the amended charter inconsistent with other extensions and unduly preferential. He again voiced strong opposition to the practice of establishing railroad reservations. The Internal Improvements Committee recommended overruling Pease's objection because the company had begun construction in good faith before he nullified their compact. All they wanted was to finish the proposed track. While it did lie on the desired transcontinental line, possibly deterring other businesses from seeking the Mississippi and Pacific Railroad contract, no other group applied, and the Senate struggled to rewrite the Mississippi and Pacific bill. Allowing any

[49] *Senate Journal*, 6th Leg., Adj. Sess., 389-391, 397.

conglomerate to build saved the state money and accomplished the same purpose. Bryan refused to accept King and Walker, so he asked Pease to enumerate his grievances in detail. The governor responded that companies should have their headquarters within Texas, Walker and King could lay less than ten miles of track in the time allowed, conflicts from competing charters created confusion, and the 11,000,000 acres granted in the new incorporation brought the total amount of public land promised to these ventures to 43,000,000 acres. Bryan laid the information before the Senate, but the Internal Improvements Committee responded by denouncing Pease as prejudiced and more demanding of the Texas Western than other railroads. Bryan attempted to stall the vote with a call of the Senate, but that body overturned the veto by a vote of 20 to 10.[50]

Moving beyond his endeavors to protect Texas from detrimental forces, Bryan used his last energies during his Senate term for matters of personal significance. Consistent with calls by reformers like Dorothea Dix to create institutions to grapple with matters of public health, his experiences with Eliza impressed on him the struggles of caring for loved ones with psychological illnesses. He never intended to institutionalize his little sister, but he sympathized with other families. The closest asylum was in New Orleans, a distance that precluded easy placement or visiting the afflicted. Following his stay in Mississippi, he had submitted a bill to create a lunatic hospital, but the Fourth Legislature ignored it. During this session, however, he eagerly responded to Pease's call for humanitarian action by furnishing a series of bills that set aside land to create and maintain an institution and provide a yearly appropriation for upkeep. The Education Committee supplied a substitute for the first, and as chair Bryan personally advocated that the Senate pass it, asking "which of us can tell at what time some one of his own family may not be deprived of reason—a wife, a child, a *sister*, a brother, or a dear friend may

[50] Ibid., 14-18, 86-88, 99, 121, 160, 206-207, 211; *Texas State Times*, September 13, 1856.

be, when least expected, become a raving lunatic…the government is responsible to the people for its omission, as well as its commissions, it must take care of its citizens. This society demands—it was for this our government was instituted." He admonished them to fulfill their obligation to the people and approve the measure without a dissenting vote. The Senate complied, suspending the rule twice to pass it. The next two initiatives followed a few days later.[51]

Finally, Bryan promoted an act and supplemental bill supporting river improvements with land donations and state funds. Since the 1840s, his family had sought to enhance the navigation of the Brazos River to stimulate commerce and increase the value of lands along the watercourse and its tributaries. They took an active role in county and regional meetings that worked for a private solution, and Bryan's brother Austin even purchased a dredging boat to deepen the river channel. As part of his decade-long tenure in the legislature, Bryan personally buttressed these efforts by advocating river development in addition to railroads, supporting the incorporation of canal and dredging companies, and passing a bill that granted the federal government permission to construct lighthouses and other improvements on the Texas coast. Another legislator introduced the newest river bill during the Fifth Legislature, but the slow grind of the Senate delayed full consideration until the Sixth Legislature. Tired of the delay, Bryan called attention to the subject by motioning for his chamber to take up the bill and the later supplement. All the while, he kept his siblings informed, realizing that they needed to act quickly to capitalize on any monies provided by the state. The final act set aside $300,000 for river enhancement with the stipulation that locales match the sums provided and that no river receive more than $50,000

[51] *House Journal*, 4th Leg., 1st Called Sess., 202; *Senate Journal*, 6th Leg., Reg. Sess., 17-18; *Senate Journal*, 6th Leg., Adj. Sess., 12-13, 200-201, 279, 294 (quotation, author's emphasis added), 336.

from the state. Within a month of the session's close, inhabitants of the Brazos River valley held a meeting and began taking subscriptions to fund their portion, a testament to Bryan's actions and a major step in achieving his family's desires.[52]

After six years of tiresome struggle, Bryan could look back on numerous achievements. His fledgling farm now boasted twelve slaves and a profitable cotton and livestock crop that paid handsome dividends. He had also done his best to safeguard and assist his family, despite the trials that some of these responsibilities generated. His uncle's colonists were safe, and the state seemed well on its way to improvements to its infrastructure, especially once he pragmatically endorsed federally sponsored projects. However, trouble still loomed on the horizon with the cloud of sectional strife over slavery. As Bryan's status within the Democratic Party increased, he used the platform to challenge the perceived threat to Texas's most fiercely defended institution, a conflict that increased in ferocity with each passing year. He abandoned thoughts of retirement and prepared to combat the threat in the larger arena of the United States Congress. A national stage now seemed the best place for him to continue defending Texas, shepherding it towards a glorious future.

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[52] *House Journal*, 2nd Leg., Reg. Sess., 500, 809; *House Journal*, 3rd Legislature, Reg. Session, 372, 374, 384, 393, 414, 460, 656, 709, 726, 742, 756, 790, 792; *House Journal*, 3rd Legislature, 1st Called Session, 76; *House Journal*, 3rd Legislature, 2nd Called Session, 51; *House Journal*, 4th Leg., Reg. Sess., 558-561, 610-611, 661-664; *House Journal*, 4th Leg., 1st Called Sess., 255-256; *Senate Journal*, 5th Leg., Reg. Sess., pt. 2:48, 133-134, 152, 174, 192, 260; *Senate Journal*, 6th Leg., Reg. Sess., 242, 319-323, 328, 361-364, 414-415; *Senate Journal*, 6th Leg., Adj. Sess., 90, 207, 300; GMB to MAB, June 12, 17, 1853, August 13, 15, November 17, 1854, December 20, 1855, April 30, 1856, July 26, 1856, "Letters to Moses Austin Bryan," 106-113, 153-161, 176-79, 208-210, 219-221, 224; Bryan to Hayes, May 13, 1849, Ernest W. Winkler, ed., "Bryan-Hayes Correspondence, I," *Southwestern Historical Quarterly* 25 (October 1921): 119-120; Alexander Somervell to GMB, December 9, 1853, Cushing to GMB, March 8, 1854, Folder 1, Box 2N243, Bryan Papers; Thomas A. Mosby and James H. Bell to GMB, May 2, 1856, Cushing to GMB, August 4, 1856, Folder 2, ibid.; *Houston Telegraph and Texas Register*, August 24, 1848, December 24, 1856; *Democrat and Planter*, July 8, 1856; *Washington American*, August 27, 1856; *Texas State Gazette*, October 11, November 8, 1856; *Galveston Weekly News*, October 21, 28 1856.

CHAPTER 5

SUICIDE, SECESSION, AND CONGRESS

After a decade in the Texas Legislature, Guy M. Bryan deemed his state secure from within and turned to combatting what he believed to be a more dangerous foe. Since the conflict over Santa Fe, he believed that northern politicians intended to sacrifice the rights of Texas and the South to halt slavery's expansion. The rise of the free-soil Republican Party and the bloody struggle for Kansas confirmed his suspicions and prompted him to run for the United States House of Representatives in 1857. Washington, he believed, offered a better forum to protect his fellow Texans and end the conflict over slavery. Once in Congress, however, the volatile tussle over Kansas's statehood convinced him that the North would never sustain southern rights and the futility of further compromise. More galling, the constant sectional bickering prevented the national government from fulfilling its duty to protect Texas's extensive frontier. By the conclusion of his term, Bryan argued that secession was the only option to avoid subjugation by the federal government, and by 1860 he was ready to lead Texas from the Union.

Many Texans jubilantly greeted Bryan's decision to seek national office. During the 1853 and 1855 elections, his political allies had urged him to run for the western representative seat, but he ardently refused to leave the Texas legislature because of the persistent turmoil over land titles and the fallout of the Mississippi and Pacific Railroad Act. By the end of his Texas Senate term in 1856, these dangers paled in comparison to the threat of the "Black Republican" Party, and Bryan was ready to safeguard his constituents on the national stage by ensuring the South's hold on Kansas, demanding a new gag rule to end congressional efforts to interfere with the

peculiar institution, and acquiring a constitutional amendment to protect slavery once and for all.[1]

Several Texas newspapers editors backed his course by advertising his candidacy and emphasizing the difficulty of defeating him. Edward H. Cushing of the *Houston Telegraph*, for instance, stressed Bryan's worthiness and posited that the incumbent Peter H. Bell faced a crippling rout at the Texas Democratic Party convention if he abandoned his retirement plans and tried to retain his seat. Bryan's typical political base in the west and former empresario colonies agreed. Local Democratic meetings in Brazoria, Fort Bend, Colorado, Matagorda, Bastrop, Wharton, Caldwell, McLennan, Brown, and Bexar counties all endorsed him for Congress and directed their delegates to vote for him. In justifying their backing, they echoed similar refrains about his dedication, ability, and character, calling him "a good democrat and true Southeron [sic]," "an earnest and zealous friend of the South," and "a man with a faithful adherence to the doctrines of States Rights." Wharton County went further by touting his Texas Senate resolution demanding a special legislative session in the event of Republican John C. Frémont's presidential triumph in 1856 as an example of Bryan's determination to "sustain the South in the present crisis" over slavery.[2]

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[1] *Galveston Weekly News*, November 11, 1856; *Central Texian*, December 3, 1856; *Telegraph and Texas Register*, December 24, 1856.

[2] *Texas State Gazette*, May 7, 1853, November 29, 1856, February 28 (second and third quotations), March 7, 14 (final quotation), 1857; *Texas Ranger*, March 24, 1855; *Houston Telegraph and Texas Register*, November 3, December 24, 1856, February 18, 28, March 4, 11 (first quotation), 25, August 12, 1857; RBH to GMB, January 2, 22, 1855, Charles R. Williams, ed., *Diary and Letters of Rutherford Birchard Hayes: Nineteenth President of the United States* (5 vols.; Columbus: Ohio State Archeological and Historical Society, 1992), 1:476-478, 510-511; *Central Texian*, November 5, December 3, 1856; *Galveston Weekly News*, November 11, 1856, February 24, 1857; *Democrat and Planter*, November 18, 1856; *Cherokee Sentinel*, December 6, 1856; *Southern Intelligencer*, November 19, 1856; March 25, April 1, 15, 22, 1857; *Ledger and Texan*, March 14, 1857, GMB to RBH, January 1, 1857, Ernest W. Winkler, ed., "Bryan-Hayes Correspondence, II," *Southwestern Historical Quarterly*, 25 (January 1922): 217-220; William A. Martin to GMB, October 8, 1856, Elisha M. Pease to GMB, October 17, 1856, Edward H. Cushing to GMB, December 12, 1856, Folder 3, Box 2N243, Bryan Papers, DBCAH.

No one doubted Bryan's commitment to states' rights, so his opponents resorted to more petty criticisms to undermine his nomination. Ignorant of his romance with Laura H. Jack, some disparaged his bachelorhood at age thirty-six, suggesting that the social delights of Washington were more alluring than congressional work. Another taunted his short stature by comparing him to Napoleon Bonaparte before his defeat at Waterloo. Bryan's allies found this amusing, noting that Napoleon "was less than Mr. Bryan, and, of course, he also, was 'unfinished, sent before his time into the breathing world scarce half made up.'" Even defamation by Galveston's *Civilian and Gazette* did little to undermine his position, though he seethed in private at the accusations. The paper backed fellow Democrat Mark M. Potter and claimed that Bryan's frequent business trips into the state's interior were a guise to cover his efforts to garner political support. In comparison, Potter remained at home, content to await his party's decision. Political dishonesty was a serious charge, and Bryan's friends rushed to his defense, stating that he avoided the county conclaves. They also rebutted Potter's vaunted absence from politicking, pointing out that Galveston was home to both the United States District Court and Texas Supreme Court sessions. In the end, such slights failed to harm Bryan's reputation, and the *Texas State Times* conceded that "he is almost too much of a gentleman to send to such a demoralizing place as Washington city; the people, however, seem to think that his tried integrity may save him from official corruption." The state convention agreed and placed him on a robust states' rights ticket featuring Hardin R. Runnels for governor, Francis R. Lubbock for lieutenant governor, and John H. Reagan for representative of the eastern congressional district.[3]

[3] *Ledger and Texan*, January 22, 1857 (first quotation); *Texas State Gazette*, March 14, May 16, 23, 1857; *Civilian and Gazette*, April 2, May 5, 1857; *Democrat and Planter*, April 28, 1857; *Texas State Times*, April 11, 1857 (second quotation); RBH to GMB, May 3, 1857, *Diary and Letters of Rutherford B. Hayes*, 1: 516-517; *Ledger and Texan*, May 9, 1857; *Southerner*, May 9, 20, 1857; *Houston Telegraph and Texas Register*, May 13, 1857.

Bryan flung himself into canvassing, though it appeared superfluous initially. As the campaign season opened, he was the sole contestant in the western district's race, and the diminishing influence of the American (Know-Nothing) Party dramatically reduced its challenge to the Democrats' state-wide dominance. Nonetheless, Bryan was determined to bolster his party and, more importantly, trounce Sam Houston, who was running as an independent gubernatorial candidate. Many Democrats viewed the victor of San Jacinto's fleeting flirtation with Know-Nothingism as base treachery, but even worse was his vote against the Kansas-Nebraska Act, which repealed the Missouri Compromise and allowed the migration of slavery into formerly barred western territories. For extreme proslavery advocates like Bryan, the equation was simple: expansion was essential for the institution's future vitality and anyone who opposed it was Texas's enemy. Were the state to elect Houston, it could "fearfully increase the agitation of the slavery question" by implying that Texans sanctioned his appalling ballot and accepted the free-soilers swarming in Kansas.[4]

Bryan also expected Houston to muster a candidate for the western representative race out of sheer spite. The Bryan-Perry family held a long-standing grudge against Houston because he allegedly betrayed Stephen F. Austin by entering the Republic's first presidential election. In 1852, Bryan had initiated a brief truce when he was selected as an elector at the same Texas

[4] GMB to Pease, May 17, 30, 1857, Folder 5, Box 23, Pease, Graham, and Niles Families Papers (AR.A001), Austin History Center, Austin Public Library, Texas; GMB to RBH, June 15, 1857, Ernest W. Winkler, ed., "Bryan-Hayes Correspondence, III," *Southwestern Historical Quarterly* 25 (April 1922): 275-277; *Houston Telegraph and Texas Register*, May 27, July 22, 29, August 5, 1857; *Civilian and Gazette*, June 2, 23, August 4, 1857; *Ledger and Texan*, June 6, 1857; *Washington American*, June 2, 1857; GMB to Sam Houston, March 11, July 8, 1852, April 21, July 10, August 20, 1853, Houston to GMB, November 15, 1852, August 3, 1853, Box 2Q453, Bryan Papers; Pease to GMB, May 29, June 17, 1857, William R. Scurry to GMB, June 18, 1857, J. W. Harris to GMB, July 25, 1857, Folder 3, Box 2N243, Bryan Papers; James L. Haley, *Sam Houston* (Norman: University of Oklahoma Press, 2002), 342-48; *Texas State Gazette*, June 6, June 20 (quotations), August 15, 1857; *Democrat and Planter*, June 17, 1857; RBH to GMB, July 10, 1857, *Diary and Letters of Rutherford B. Hayes*, 1: 519; *New York Tribune*, August 17, 1857; *Daily Commercial Register*, August 18, 1857; *Southern Intelligencer*, October 7, 1857; *Daily Union*, October 24, 1857; Texas State Historical Association, *Texas State Almanac Online*, http://texas almanac.com/topics/elections/elections-texas-governors-845%E2% 80% 932010 (accessed November 29, 2016).

Democratic convention that nominated Houston for president of the United States. The reconciliation soured quickly after the aging Houston repeatedly requested copies of their correspondence, driving the suspicious Bryan to question his motives. The old war hero reciprocated with a pointed inquiry about why Bryan agreed to become his elector in light of the long-standing family enmity. The two parried thrusts in the following years as Bryan repeatedly castigated Houston's actions in the United States Senate. When Know-Nothing William E. Howth declared against him in 1857, Bryan blamed Houston and worked hard to whip both adversaries with numerous public addresses that highlighted the menaces to slavery, the vexing outcome of the national compromises Houston had backed, and his abandonment of Texas and the South while in Congress. Bryan's efforts, in conjunction with those of the larger party, led to impressive success. He polled over 15,801 votes more than Howth, while Runnels, Lubbock, and Reagan defeated their rivals by over five thousand votes apiece.[5]

In late 1857, Bryan departed for Washington bent on a grand crusade against the North. A disciple of John C. Calhoun's philosophy that Congress did not have the authority to regulate slavery, he abhorred federal efforts to curb the institution's expansion. He believed that it was time to force the issue, and he had already decided that "as sure as the sun rises and sets if the North does not stop the agitation of the slavery question, this Union will be dissolved." The South, warned Bryan, must establish beyond doubt that states alone had jurisdiction over the peculiar institution. Turning to fellow fire-eater Louis T. Wigfall, he gathered information on the Kentucky and Virginia Resolves, the nullification crisis, and other states' rights battles to craft an argument against Congress for its repeated breaches of state sovereignty. He also stressed that the body must accept the return of the 1830s gag rule on anti-slavery petitions or the time for

[5] Ibid.

secession had come. Bryan valued the history and guiding principles of the United States, but he refused to allow the federal government to cripple what he saw to be his state's economic future or subjugate it, as he believed it had with the Compromise of 1850. Without significant changes in federal policy, he anticipated that Texas and the South would hoist their own banner.[6]

Bryan expected to make a forceful start as a congressman, but he struggled to overcome an unforeseen hurdle. His time in the Texas legislature had accustomed him to a considerable workload, but the complex undertakings of a national representative bewildered him. Upon his arrival, he found a huge stack of missives that demanded his attention, a pile that grew daily as a flood of additional applications showered his desk. His supporters sought patronage through ambassadorships, postmaster and customs officer appointments, and commissions to the military academies at West Point and Annapolis. He also sifted through numerous requests for indemnity and personal claims to reach more pressing communications from governors Elisha M. Pease and Runnels. He complained to Laura that "the life of a public man is a slavish one." Even with the aid of a clerk, there was no respite from the massive burden, a fact that he explained to her by describing his typical day. In the mornings he attended to urgent matters for the Committee on Agriculture and the Committee on Unfinished Business. He then participated in congressional deliberations from noon until at least 5:00 p.m., traded favors during evening social events, and tackled the business on his desk until the wee hours of the morning. To write his loved ones, he resorted to skipping church, foregoing sleep, and stealing time when he was supposed to be listening to the increasingly tedious House debates. He wanted to confront the great questions

[6] GMB to RBH, January 1, 1857, "Bryan-Hayes Correspondence, II," 217-220 (quotation); RBH to GMB, January 24, 1857, *Diary and Letters of Rutherford B. Hayes*, 1: 510-511; GMB to MAB, January 20, 1858, "Letters to Moses Austin Bryan" (Typescript, n.d.), 239-240, Box 2Q453, Guy Morrison Bryan Papers, DBCAH; GMB to LJB, January 19, 30, 1858, Folder 5, Box 2N245, ibid.; Louis T. Wigfall to GMB, October 8, 1858, Folder 3, Box 2N243, ibid.

plaguing the United States and deliver speeches that drew admiration from Laura, his family, and the rest of the nation, but drudgery diminished his influence. Ironically, he wished "that I were less a slave. I am almost to the extent of negroes in [the] sugar house," an assignment considered one of the hardest allotted to bondsmen.[7]

Bryan's predicament was a sore one, because Congress wrangled over Kansas's statehood. The Kansas-Nebraska Act of 1854 established two new territories in the center of the nation and ignited a war within Kansas. Control over the lower territory dictated the geographic limits of the peculiar institution, and both pro-slave and free-soil advocates doggedly sought to control it under popular sovereignty. Violence ensued after the fraudulent 1855 territorial election and the rise of two contesting governments. National authorities quelled the bloodshed by dispatching the army, but the crisis escalated further when both sides appealed for statehood and submitted a constitution. Congress now had the unenviable task of deciding between the two, and sectional firebrands geared up for a fight.[8]

From the start, the South's campaign for Kansas in Congress was an arduous one. The

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[7] *Houston Telegraph and Texas Register*, February 10, May 26, 1858; *Civilian and Gazette*, April 13, 1858; *Ledger and Texan*, April 17, 1858; GMB to MAB, December 27, 1857, "Letters to Moses Austin Bryan," 231-232; Isaac Dennis to GMB, August 24, 1857, G. H. Lynder to GMB, August 28, 1857, Thomas G. Masterson to GMB, September 17, 1857, Pease to GMB, September 23, 1857, G. W. Latimer to GMB, October 6, 1857, A. M. Lewis to GMB, October 10, 1857, James H. Bell to GMB, October 14, 1857, Isaac Toucey to GMB, October 16, 1857, Thomas H. Stibbling to GMB, November 1, 1857, Henry E. McCulloch to GMB, November 12, 1857, Endorsement by Quartermaster Gen. Thomas Jesup, December 24, 1857, Folder 3, Box 2N243, Bryan Papers; P. Wiley to GMB, January 4, 1858, J. M. Bryan to GMB, January 5, 1858, David G. Burnet to GMB, January 10, 1858, Richard M. Hubbard to GMB, January 19, 1858, Swante M. Swenson to GMB, January 22, 1858, James Petty to GMB, January 27, 1858, J. H. Wagon to GMB, February 5, 1858, John Underwood to GMB, February 5, 1858; T. S. Anderson et al. to James P. Henderson, John H. Reagan, and GMB, n.d., F. Barnard to GMB, February 16, 1858, Norvill Cobb to GMB, February 17, 25, 1858, H. S. Upshire to Henry A. Wise, March 19, 1858, Thomas F. McKinney to GMB, March 22, June 5, 1858, J. A. Brewerly to GMB, April 14, 1858, Horatio King to GMB, April 24, May 24, 1858, M. L. Smith to GMB, April 25, 1858, Coke to GMB, June 7, 1858, Folder 4, Box 2N243, ibid.; GMB to LJB, January 25, February 13, 28, March 16, April 3, May 5 (quotation), Folder 5, Box 2N245, ibid.

[8] For the army's controversial activities in Kansas, see Tony R. Mullis, *Peacekeeping on the Plains: Army Operations in Bleeding Kansas* (Columbia: University of Missouri Press, 2004); James M. McPherson, *Battle Cry of Freedom: The Civil War Era* (New York: Oxford University Press, 1988), 121-130, 145-169; *Congressional Globe*, 35th Congress, 1st Session, Appendix, 4-5.

Democrats held a majority in both chambers, but if many of their northern colleagues crossed party lines it would erode their base in the House. Tales of carnage, allegations of corruption, and Pres. James Buchanan's decision to endorse the Lecompton Constitution without submitting it to the territory's people all weakened the proslavery government's legitimacy. Therefore, Bryan asserted that only concerted action and vigilance would win the day, and he joined Democrats John A. Quitman of Mississippi, Thomas S. Bocock of Virginia, and Laurence M. Keitt of South Carolina as they strategized. He contended that they had to remain vigilant while the House was in session and do their duty regardless of the cost. Unlike their free-soil antagonists, the South did not have the manpower to take shifts in the proceedings that sometimes stretched to sixteen hours or more. On such occasions, Bryan ruefully gave up his meals and joined the others as they napped at their desks between votes.[9]

The fight over Kansas occupied Congress for nearly three months, and as it dragged on Bryan grew tired of the all-consuming topic. There was no inspiring oratory, and he huffed that the entire conversation consisted of "nothing but snide remarks" that turned into heated brawls. None of these altercations reached the level of the famed clash between Preston S. Brooks and Charles Sumner, but Bryan reported several exchanges, including one where he received a blow to the head and a kick. He concluded that "we are two people the North & South. I am afraid that we cannot long be one people. I am more & more convinced of this." He had looked forward to a good battle, but now it seemed pointless, and he excused his silence in Congress by saying that his tasks prevented him from composing an adequate speech.[10]

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[9] "Congress Profiles: 35th Congress," History, Art & Archives: United States House of Representatives, http://history.house.gov/Congressional-Overview/Profiles/35th/ (accessed December 12, 2016); GMB to LJB, December 27, 1857, January 13, 25, February 3, 5 (first quotation), 6 (second quotation), March 6, 8, 1858, Folder 5, Box 2N245, Bryan Papers.

[10] GMB to LJB, January 30, 1858, February 5 (first quotation), 15, March 16, 1858, Folder 5, Box 2N245, Bryan Papers; GMB to LJB, May 5, 1858, Folder 6, Box 2N245; United States Congress, *House Journal*, 35th Congress, 1st

The emergence of a compromise measure, which he believed would endanger slavery in Kansas, intensified Bryan's disgust. He anticipated a solution of this sort and denounced it loudly, promising to vote against it. He argued that the South must remain true to its values if it wanted to survive, even if that mandated dissolution of the Union. When Senate moderates tendered the bill, he, Quitman, and the other radicals drafted a letter to their senators detailing their objections. The strategy failed, and the act passed with Texas's Houston and James P. Henderson lending their support. Responding to objections from the House, a joint committee of conference produced a document more favorable to Kansas as a slave state. The proffered legislation allowed immediate statehood if the territory's residents endorsed the Lecompton Constitution or an acceptable substitute. It also demanded a population of 93,420 verified by a legally conducted census to become a free state but halved the necessary habitants and removed the census requirement if the state endorsed slavery. Concerned about the growing Republican influence in the North, Buchanan wanted the bill to succeed and approached Bryan. The Texan initially resisted the president's efforts, calling even the more moderate conference committee bill "a *compromise & surrender of the principles* of the South." However, he eventually acquiesced because most of the southern representatives were unwilling to entertain secession at this point. Both Quitman and Alexander Stephens of Georgia had rushed to aid Texas in the past, so to maintain sectional unity Bryan felt compelled to vote "aye" after voicing his objections and presenting the Texas legislature's joint resolutions opposing a free Kansas.[11]

Session, 270-283, 343-349, 446-448, 515-516; United States Congress, *Congressional Globe*, 35th Cong., 1st Sess., 596-606, 621-622, 679, 1,037, 1,075-1,077, 1,103-1,110; *Houston Telegraph and Texas Register*, April 17, 1858.

[11] Quitman as interim governor of Mississippi had formed a company, marched across the Sabine River, and assisted refugees of the Runaway Scrape during the Texas Revolution, while Stephens worked to convince Pres. Zachary Taylor to accept Texas' claims to Santa Fe, published a letter avowing aid from the rest of the South if the federal government used force to hold the city, and was an ally in Bryan's efforts to secure a regiment of rangers for the frontier. Thomas W. Cutrer, "QUITMAN, JOHN ANTHONY," (accessed June 15, 2020) http://www.tshaonline.org/handbook/online/articles/fqu07; GMB to LJB, January 13, March 6, 8, 25, 1858, Folder 5, Box 2N245, Bryan Papers; GMB to LJB, April 3, 22, 24 (quotation), May 2, 5, 7, 20, 1858, Folder 6, Box 2N245; GMB TO MAB,

Beyond what he viewed as the South's loathsome retreat, Bryan disparaged the Kansas debacle because it detracted from his efforts to better Texas. As part of a pet scheme to bolster his family's land prices and trade access, Bryan had spent substantial effort in the Texas legislature chartering companies that promised to better the state's waterways. Dredging and other operations were expensive, so he attempted to use his tenure in Congress to follow the example of other Texans like Sen. Thomas J. Rusk, who transferred the cost to the federal government in 1852 by backing the River and Harbor Act, which led to clearing the Red River Raft and surveying several Texas rivers and harbors. Bryan in turn presented a petition to fund a survey of the mouth of the Brazos River, Matagorda Pass, Aransas Pass, and the Brazos Santiago harbor. He urged the Commerce Committee also to investigate the possibility of installing lighthouses at the opening of several bays and rivers and requested that the Military Affairs Committee create fortifications at Passo Cavallo, San Luis Pass, and the Brazos River. He rounded out his efforts by drawing attention to House Report 550, which provided appropriations for lighthouses, boats, and buoys, inserted an amendment to include coastal towns in Texas, and supported its passage. Texans praised these successes, but Bryan grumbled that he would achieve more if Congress ceased its territorial bickering.[12]

Kansas also hampered Bryan's efforts to confront the dangers on the Lone Star State's frontier. Texas possessed an extensive borderland that overlapped with the territories of the Comanches, Apaches, and other tribes. During the Republic period, residents clashed with the

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January 20, May 6, "Letters to Moses Austin Bryan," 239-40, 247-48; *Congressional Globe*, 35th Cong., 1st Sess., 1,330-1,368, 1,371-1,389, 1,435-1,438, 1,544-1,545, 1,564, 1,589, 1,627, 1,765-1,770, 1,779-1,781, 1,806-1,810, 1,857-1,867, 1,880, 1,900-1,901, 1,914; *House Journal*, 35th Cong., 1st Sess., 585-588, 674-686, 691-695; 709-710, 712-723; *Houston Telegraph and Texas Register*, April 17, May 26, 1858.

[12] Robert Wooster and Ariel Kelley, "'Nothing but rascally white people': George B. McClellan Returns to Texas, 1852-1853," *Southwestern Historical Quarterly* 117 (July 2013): 26-46; GMB to LJB, January 25, 1858, Folder 5, Box 2N245, Bryan Papers; *House Journal*, 35th Cong. 1st Sess., 269, 369, 430, 462, 506-507, 568, 622, 925, 1,017, 1,120; *Congressional Globe*, 35th Cong., 1st Sess., 1,147, 2,219; *Civilian and Gazette*, March 30, 1858.

Indians repeatedly, and after annexation they expected the federal government to shield them. Army officials placed Texas in the Eighth Military District in 1848, and a series of department commanders attempted to secure the state by establishing a double line of forts on the southern and western frontiers. The 150 miles that typically separated the posts, their small garrison size, and Congress's refusal to authorize substantive numbers of mounted troops reduced the system's effectiveness. Furthermore, within a few short years the War Department began to syphon off significant numbers of regulars to respond to the First Sioux War, the bloodshed in Kansas, and Brigham Young's rebellion in Utah, dropping the proportion of the army in Texas from 31.4 percent in 1853 to 14.9 percent in 1859. Rumors also indicated that Secretary of War John B. Floyd intended to transfer the remaining mounted unit, Col. Albert S. Johnston's Second Cavalry, in his bid to assert national sovereignty over the Mormons. Bryan and his constituents criticized these moves, because the changes coincided with an upsurge in Indian raids in western Texas. Governors Pease and Runnels appealed to Department Commander Bvt. Maj. Gen. David E. Twiggs for assistance, but he responded that his hands were tied. He insisted that Congress must expand the army to defend the frontier properly. If they refused to sanction more regulars, then he favored mustering a regiment or two of mounted volunteers for up to two years of service. He even supplied a template for the bill. As the state's western representative, Bryan led the charge to persuade Congress to heed the general's advice.[13]

[13] Raphael P. Thian, comp., *Notes Illustrating the Military Geography of the United States 1813-1880* (1881; rpt. Austin: University of Texas Press, 1979), 48; Robert Wooster, *The American Military Frontiers: The United States Army in the West, 1783-1900* (Albuquerque: University of New Mexico Press, 2009), 135-136, 144-148; David E. Twiggs to Pease, August 20, 29, 1857, Pease to John H. Reagan and GMB, November 3, 1857, McCulloch to GMB, November 12, 1857, A.C. Hyde to GMB, November 19, 1857, Samuel Cooper to GMB, December 17, 1857, Hardin R. Runnels to GMB, December 23, 1857, Robert S. Neighbors to Runnels, December 3, 1857, H. W. Cook to GMB, December 27, 1857, Folder 3, Box 2N243, Bryan Papers; William Bowen to Runnels, January 4, 1858, William W. McNeil to George Erath, January 1, 1858, A. Nelson to Erath, January 4, 5, 1858, McCulloch to GMB, January 10, 24, 1858, Runnels to GMB and Reagan, January 11, 1858, Neighbors to GMB, February 27, 1858, Folder 4, Box 2N243, ibid.; *Texas State Gazette*, May 1, 1858; *Civilian and Gazette*, June 15, 1858.

Bryan believed that Texas's request was a simple one that the federal government could easily grant, so he fumed when Kansas produced turmoil yet again. He presented appeals from his governors, resolutions from his legislature, Twiggs's correspondence, Buchanan's message to Congress, and the annual report of the Secretary of War to explain Texas's need. He proposed House Report 313, which authorized an irregular regiment for the Lone Star State and allowed the president to create four others to aid the army's efforts to control the frontier and combat the Mormons. Problems emerged almost at once, because a minority of the Military Affairs Committee demanded that all proposed units be regulars rather than volunteers. Such sentiments stemmed from a long-standing dispute over whether the standing army or militia were the best and cheapest means of defending the Union. The debate had raged in nearly every peacetime Congress, so there was little for Bryan to fear until sectionalism merged with the larger question. Abolitionists like Republican Owen Lovejoy of Illinois already looked askance at Buchanan's endorsement of the Lecompton Constitution, and he hypothesized that the rationale for new units of any variety was merely a smokescreen to send troops to Kansas and coerce its acceptance of slavery. Buchanan and earlier presidents used the army as a *posse comitatus* or police force to intervene in civil affairs, and Lovejoy believed more soldiers intensified the likelihood of further abuse.[14]

The changing nature of the deliberations on the regiment bill angered Bryan. He presented obvious proof of Texas's needs, yet Lovejoy and other northerners refused to grant the protection due his state. Believing that theories about Buchanan's motives were not justification

[14] *Report of the Commissioner of Indian Affairs, 1857*, Senate Executive Document 11, 35th Congress, 1st Session, Serial 920; *House Journal*, 35th Cong., 1st sess., 157, 212, 430, 526-529; *Congressional Globe*, 35th Cong., 1st Sess., 878, 956, 969-972, 1,007-1,009, 1,039-1,042, 1,072-1,075, 1,165-1,175; *States*, January 23, February 10, 1858; *Civilian and Gazette*, February 9, March 30, 1858; United States Congress, *Senate Journal*, 35th Congress, 1st Session, 272-274, 284, 287, 307-308, 316, 322, 568, 649-720.

for denying Texans their rights, Bryan took the floor to urge his colleagues to see the true issue. He reminded them of the evidence he had presented earlier and produced additional reports he solicited from frontier residents to demonstrate that the Indians had savagely murdered at least twenty-eight people, stolen livestock, and destroyed property. Surely, he cried, the national government bore responsibility for the safety of its citizens. He condemned the emphasis on Kansas and Utah, complaining that Secretary Floyd expected to transfer more of his state's insufficient defenders to confront Young. Texas residents specifically asked for ranger units because they were acquainted with Indian fighting, could be organized quickly, and would not serve outside of their state. Above all, the Texan stressed the compact he and his countrymen had made when they accepted annexation. Echoing generations of borderlands inhabitants who saw the army as the most visible agency of the government, Bryan argued that it was Washington's duty to defend Texans, and their continued loyalty depended on the federal government fulfilling its obligation. The threat provoked Republican John F. Farnsworth of Illinois, who suggested creating the regiment only if Texas agreed to stay in the Union, but Quitman and Democrat John H. Savage of Tennessee intervened to forestall similar comments and the bill finally passed. Near the close of the session, the House also agreed to an appropriation for the regiment, but the Senate delayed action on the funding bill until the next term, blunting the effectiveness of Bryan's exertions.[15]

Bryan's antipathy for congressional service deepened as his personal affairs soured. Just before his election, he and his oldest brother William Joel Bryan suffered a financial setback

[15] For additional information on the army and loyalty of westerners see Wooster, *American Military Frontiers*; Andrew Cayton, "'Separate Interests' and the Nation-State: The Washington Administration and the Origins of Regionalism in the Trans-Appalachian West," *Journal of American History* 79 (June 1992): 36-67; *Congressional Globe*, 35th Cong., 1st Sess., 1,174-1,176, 1,177-1,189, 1,181, 1,185-1,186, 1,458; *House Journal*, 35th Cong., 1st Sess., 585-588, 983-985; Anderson to GMB, March 20, 1858, Folder 4, Box 2N243, Bryan Papers; *Texas State Gazette*, May 1, 1858; RBH to GMB, April 5, 1858, *Diary and Letters of Rutherford B. Hayes*, 1: 523-524.

when a speculative venture collapsed. Joel felt the blow keenly, but Guy brushed it off and urged his brother to stop lamenting their failure. Their best course was to pay their debts as soon as possible, and he charged Joel with compiling a list of their financial obligations as he left for Washington. Within weeks of the term's start, the elder Bryan's misery-laden letters arrived, indicating that the situation was much more severe. Twisting Guy's status as a public figure to his advantage, their creditor M. L. Smith demanded immediate redress and seized a portion of their cattle pastured on his land. Normally, the Bryans could rely on land sales for liquid capital, but the Panic of 1857 depressed the market and caused other lenders to call in the Bryan-Perry family's loans. The two brothers faced a bleak reality, and, because he remained chained in Congress, Guy could do little to avert it. As he glumly told Moses Austin Bryan, he might spare himself if he dissolved the partnership, but he refused to allow Joel to weather the storm alone and could lose $30,000.[16]

Joel's negative attitude dismayed Guy even more, because he once again found himself misunderstood by those whom he loved most. His oldest sibling placed the blame for the disaster squarely on Guy's shoulders, hinting that he needed to spend less time courting glory and more on caring for his kin. The accusations wounded him terribly, and he bitterly remarked that as a public servant "I have paid & will pay dearly for the '*honors*' I bring '*to the family.*'" He also refused to accept culpability, telling Austin—who promptly passed it on to their elder brother—that the scheme was farfetched from the beginning, but there was no reasoning with Joel. He was determined, so Guy joined in hope of saving him from suffering. His commitment hurt him far more than Joel understood, especially when the latter moaned instead of working to improve the

[16] GMB to MAB, October 6, December 27, 1857, January 4, 10, 15, 20, February 8, 15, March 9, May 6, 1858, "Letters to Moses Austin Bryan," 228-229, 231-248; WJB to MAB, March 23, 1858, Folder 4, Box 2N243, Bryan Papers; GMB to LJB, January 22, 25, February 13, 15, 17, 23, 24, March 6, 8, Folder 5, Box 2N245, ibid.; GMB to LJB, May 8, June 4, Folder 6, Box 2N245, ibid.; WPB to GMB, February 14, 1858, Folder 1, Box 2N247, ibid.

situation. Even when Austin and Joel's wife Lavinia interceded, relations between the two brothers remained strained throughout the session, and during one particularly low point, Guy confessed to Laura that he considered seeking solace in the examples of Anson Jones and Thomas J. Rusk—two of Texas's famous suicides.[17]

An amorous misstep combined with his financial struggles to worsen Bryan distress and anxiety to leave for home. Smitten as he was with Laura, he found their separation odious, yet he took comfort in knowing that it was a temporary arrangement. They had already overcome the objections of Laura's family and looked forward to married life. Once he came to terms with his changing material circumstances, however, he worried that he might lose her forever. Laura was accustomed to a lifestyle that he was no longer certain that he could provide. At first, he inquired offhandedly if she could cherish a poor man, but over time he enumerated the true extent of his burdens and offered to release her from their engagement in the very missive he contemplated suicide. He believed she deserved better, but his proposal insulted Laura, who regarded it as a terrible slight to her honor. In a stinging retort, she rebuked his assumption that her love depended on his income. Aghast at her anger and thankful for her devotion, Bryan repudiated his ill-conceived words and used copious amounts of paper apologizing. He promised to return to her as soon as possible, but it looked like it would be a long delay as Congress threatened to extend the session while they wrangled over Kansas.[18]

The federal legislature adjourned for its annual recess in mid-June 1858, freeing Bryan to

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[17] GMB to MAB, October 6, December 27 (quotation), 1857, January 4, 10, 15, 20, February 8, 15, March 9, May 6, 1858, "Letters to Moses Austin Bryan," 228-229, 231-248; WJB to MAB, March 23, 1858, Folder 4, Box 2N243, Bryan Papers; GMB to LJB, January 22, 25, February 13, 15, 17, 23, 24, March 6, 8, Folder 5, Box 2N245, ibid.; GMB to LJB, May 8, June 4, Folder 6, Box 2N245; WPB to GMB, February 14, 1858, Folder 1, Box 2N247, ibid.; Cleburne Huston, *Towering Texan: A Biograph of Thomas J. Rusk*)Waco: Texian Press, 1971), 162-169.

[18] GMB to LJB, January 22, 25, February 13, 15, 17, 23, 24, March 6, 8, Folder 5, Box 2N245, Bryan Papers; GMB to LJB, May 8, June 4, Folder 6, Box 2N245, ibid.; WPB to GMB, February 14, 1858, Folder 1, Box 2N247, ibid.; WPB to GMB, February 14, 1858, Folder 1, Box 2N247, ibid.

attend to his private affairs. After short excursions to New York and New England to obtain a much-needed loan, he hurried back to Galveston to see Laura. The reunion erased any lingering acrimony, and the joyous couple agreed to wed in October. Bryan yearned to remain with her for the rest of the summer, but their future depended on his departure to craft a recovery strategy for Joel and himself. He discovered that their losses were less grave than supposed, and he supplied some immediate relief by leveraging the proceeds of recent livestock sales and the new loan into a more accommodating agreement with Smith. He next worked towards a long-term solution by courting buyers for several of their land tracts. By the fall, the two brothers achieved a firmer economic footing, made headway in eroding their debts, and started to repair their relationship.[19]

Although Bryan appreciated his accomplishments during the congressional intermission, he remained downcast for much of his summer. His travels to the Bryan-Perry family's various land holdings kept him from his darling, and he feared provoking another misunderstanding during his absence. He also fretted that Laura might fall victim to the annual outbreak of yellow fever. His fiancée admonished him to remain calm and complete the necessary work. She agreed to move inland to escape the scourge, assuring him that preparations for their impending nuptials kept her cheerful despite the isolation. Bryan was less patient, and his loneliness even caused him to urge hastening their wedding. Laura was in no rush after the earlier trials and wanted to complete her trousseau, but Bryan insisted until William P. Ballinger and Thomas M. Jack, his future brothers-in-law, intervened. Ballinger chastised Bryan for his poor treatment of Laura during his previous legislative session before reminding him that it was the bride's right to name the date. If he carried on, he risked a poor start to his union. More stringently still, Ballinger and

[19] Smith to Brother, November 22, 1858, Charles Fordham to GMB, August 18, 1858, Folder 4, Box 2N243, Bryan Papers; GMB to LJB, July 4, 10, 27, August 4, 7, 13, 31, September 5, 20, 23, 27, October 13, 14, 15, 17, 1858, LJB to GMB, September 5, 1858, MAB to GMB, December 25, 1858, Folder 6, Box 2N245, ibid.; *Houston Telegraph and Texas Register*, October 27, 1858.

Jack stated that under no circumstance should Laura risk her health by returning to the disease-plagued coast prematurely. Jack's family was stricken with the fever, and Ballinger threatened to send Laura back in a straitjacket if she left her inland haven. Both men suggested that Bryan divert himself with politics with Ballinger, an ardent Whig and unionist, glibly commenting that surely secession was a strong enough amusement. Jack seconded the remark, adding that Bryan ought to "exercise his mind on *Dis*union," because he was undoubtedly the "most successful *pro-slavery* [advocate] from extent."[20]

Bryan had ample opportunity to heed Ballinger and Jack's advice. During his business travels, his constituents often sounded him out on the proceedings of his first session. Many wanted a more developed account of the Kansas compromise and a reasoning for his vote. Bryan obliged with a public letter, underscoring that he only grudgingly agreed to the measure. He decried the weak position the South occupied in the federal government, stressing that Texas had to unite with its sister states to avoid further strong-arming. More pointedly, he contended that the Union was no longer the safe harbor of yore. He wanted Texans to prepare themselves for a life beyond its confines, so he bolstered his written sentiments with public addresses in several locations.[21]

Bryan also responded to queries regarding the frontier when a crowd massed below his hotel window in San Antonio. Located just beyond the borders of Comancheria, they wanted a federally funded force to guard them, and they demanded an accounting for its continued absence. The overtaxed army appeared incapable of shielding them, and Governor Runnels had

[20] GMB to LJB, July 4, 10, 27, August 4, 7, 13, September 5, 1858, LJB to GMB, September 7, 1858, Folder 6, Box 2N245, Bryan Papers; Jack to LJB, 1858, Folder 4, Box 2N243, ibid.; WPB to GMB, February 14, 1858, Folder 1, Box 2N245, ibid.

[21] Jack to LJB, 1858, Folder 4, Box 2N243, Bryan Papers; GMB to LJB, August 13, 31, September 5, 1858, Folder 6, Box 2N245, ibid.; *Houston Telegraph and Texas Register*, August 18, September 1, 1858; *Texas State Gazette*, September 4, 1858.

delayed mustering state-authorized ranger units until the late spring in hopes of foisting the cost upon Washington by gaining national consent. Bryan soothed the audience, explaining that he and Reagan had persuaded the House to authorize a regiment and grant the president the ability to form two others if needed. The measure cleared the Senate, so the only remaining obstacle had been the passage of an appropriation bill to fund the troops. The lower chamber passed that, and Bryan had extracted promises of support from Democratic senators in preparation for the upper chamber's vote. He argued that Houston deserved the censure for the bill's failure. Henderson lay dying as the term closed, so Houston alone could speak for Texas. His silence betrayed the state yet again, because he did not demand action on the bill during the session's final day. This was especially galling, because Bryan avowed that Sen. Jefferson Davis of Mississippi intended to press for the appropriation in absence of the Lone Star State's delegation but deferred to Houston when he entered the hall.[22]

Houston bristled when he learned of Bryan's slander, and the two adversaries confronted each other again at Hempstead in early September 1858. Houston took the floor first to deplore Bryan's criticism and radicalism, arguing that both sections exaggerated the great questions and divisions generated by events from the Missouri Compromise through "bleeding Kansas." He denounced men like Sen. Stephen A. Douglas and presidents Franklin Pierce and Buchanan, who meddled shamelessly and exacerbated tensions. He ended by lambasting extremists, saying that fire-eater William L. Yancey of Alabama and his ilk, implicitly including Bryan, belonged in the madhouse. After opening with the disingenuous claim that duty to the people rather than personal quarrels motivated his actions, Bryan assailed each of Houston's points. He recast the historical context in an even darker light before declaring "that the South must consider its

[22] *Texas State Gazette*, September 4, 1858; September 11, 1858.

position and decide on its ultimatum." He believed "the Union could not and should not continue to exist, after the majority of States had determined to make it a settled policy to violate the most vital conditions of the contract of confederation." Bryan's fiery rhetoric captivated the assembly, who sent him back to Laura in buoyant spirits by crowning him the victor over his long-time foe.[23]

Following his wedding, Bryan readied for his second and last session in Congress. In early December 1858, the House resumed work on several topics lingering from the earlier term, among which was the proposed impeachment of United States District Judge John C. Watrous. The jurist arrived in Texas during the Republic, served briefly as Pres. Mirabeau B. Lamar's Attorney General, and obtained the district judgeship after annexation. Since he ascended to the post, Watrous had been embroiled in allegations of land speculation, title fraud, and corruption. In 1848, the Texas legislature responded to claims that he verified fake certificates by demanding his resignation, but Watrous ignored the rebuke. Texans next appealed to Congress in 1851, but that body formally refused to reprimand him. His opponents tried again by submitting evidence of his acquisition of a falsified Mexican eleven-league grant and his use of the courts to protect that investment. A House committee reviewed these petitions and recommended impeachment during the Thirty-Fourth Congress, but the rest of the members never voted on the report, passing it to the next assembly. Texans once more requested a full investigation of the judge's conduct, and Bryan encouraged action by submitting another set of resolutions from the legislature. Wanting to dispose of the subject once and for all, the House launched a massive inquiry that collected evidence, interviewed witnesses, and questioned Watrous. The tasked committee completed their work near the end of the previous session, but the House again

[23] *Texas State Gazette*, September 4, 1858; *States*, September 7, 1858 (quotation).

delayed a decision until the second term to allow the representatives to review the colossal amount of information.[24]

Once Congress reconvened, the House contemplated the propriety of impeachment for Watrous. The discussion was discordant from the start because the committee split and reported two contradictory recommendations. The primary allegations stressed that Watrous along with several other men purchased a Mexican eleven-league grant that had been stolen from its original designee. Cognizant of the battles over land titles raging within the state, the judge used his office to illegally transfer the challenge to his title to the United States Circuit Court in New Orleans to ensure a favorable ruling. The two committee factions each detailed their positions, debating the relative merits of the evidence. Reagan was convinced of Watrous's guilt and believed that he had to be removed from the bench. He intervened repeatedly in the deliberations before making a speech so long that he overran his time and had to distribute his final remarks in print. Many of his objections to the judge centered on the purportedly sham power of attorney used by Stephen F. Austin's business partner Samuel M. Williams to acquire three eleven-league grants from Jose Maria de Aguirre, Raphael de Aguirre, and Tomas de la Vega. Swayed by dubious witnesses, the New Orleans court validated the power of attorney, but de la Vega refuted its authenticity, and Elphias Spencer, a tenant forced to vacate the land after Watrous's acquisition, argued that they had hoodwinked the court. Reagan averred that the judge knew of

[24] Harwood P. Hinton, "John Charles Watrous," in *The Handbook of Texas Online*, https://tshaonline.org/handbook/online/articles/fwa71 (accessed December 12, 2016); Natalie, Ornish, "Simon Mussina," in *The Handbook of Texas Online*, https://tshaonline.org/handbook/online/articles/fmu21 (accessed December 12, 2016); Harriet Smither, ed., "Diary of Adolphus Sterne," *Southwestern Historical Quarterly* 30 (April 1927): 312; Leroy P. Graf, "Colonizing Projects South of the Nueces, 1820-1845," *Southwestern Historical Quarterly* 50 (April 1947): 431-448; United States Congress, *House Journal*, 35th Congress, 2nd Session, 81, 404; WPB to GMB, January 11, 1858, Folder 1, Box 2N247, Bryan Papers; *Congressional Globe*, 35th Cong., 1st Sess., 2,167-2,169, 2,195, 2,659, 2,719-2,720, 2,774-2,775, 2,850-2,851, 2,853, 2,908-2,910; *Congressional Globe*, 35th Cong., 2nd Sess., 12.

the fraud and abused the power of his office to protect his personal interests.[25]

Bryan avoided the early melee over Watrous. He satisfied his civil commitment by presenting the state's memorandum and asked the other representatives to act, but otherwise he shunned the topic publicly. He expected the committee to endorse impeachment, but he was content to await their verdict. His silence aggravated Watrous's friends and enemies alike, and both groups urged him to join their crusade. Reagan, Isaac Paschal, James Love, J. W. Harris, and other Texans coming to testify or lobby insisted on meeting with him to push their position, while others drafted missives in favor of the judge. Bryan found this exceedingly annoying, especially as he had weightier subjects like Kansas and the ranger regiment to confront. He refused to intervene and asserted "both sides blame me, *because* I will not be used by either." He noted "it is hard to do right, but as God is my judge I will never do envoy for friend or for office. So far I retained my own respect & my motives love of truth. I will never lose it."[26]

As the second session took up the issue, Bryan suddenly entered the discussion as he sought to protect an even more meaningful obligation than his aloof commitment to truth. Reagan and Watrous's other accusers pegged their reproaches to Williams's power of attorney and inadvertently threatened the honor of the "father of Texas." Charging that Williams swindled the de Aguirres and de la Vega obliquely implicated Stephen F. Austin in the plot, because Williams was acting on his authority. Bryan was immensely protective of his family's reputation, and he could not allow such accusations to go unchallenged. Equally significant, Joel's plantation sat on one of the grants acquired by Williams, and earlier in the decade Bryan testified

[25] *Congressional Globe*, 35th Cong., 2nd sess., Appendix, 47-54; *Congressional Globe*, 35th Cong., 2nd Sess., 12-44; Roger N. Conger, "The Tomás de la Vega Eleven-League Grant on the Brazos," *Southwestern Historical Quarterly* 61 (January 1958): 372-79; Robert T. Pritchett, "Impeachment Proceedings in Congress Against John Charles Watrous of Texas, 1851-1861" (Master's Thesis, University of Texas at Austin, 1925), 21-49, 71-184.

[26] GMB to LJB, March 8, 1858, Folder 5, Box 2N245, Bryan Papers; GMB to LJB, May 8 (quotation), 10, 20, June 4, 14, 1858, Folder 6, ibid.; SSP to GMB, December 13, 1858, Folder 4, Box 2N243, ibid.

at the very circuit court proceeding that authenticated the crucial document. During the intermission, he and his brothers combed his uncle's papers, and Bryan returned to Washington armed with records to exonerate Austin. Interjecting during Rep. Henry Chapman's arguments, Bryan stated "By the authority of him who went into the wilderness and there founded a nation, and left to that nation a spotless reputation, he, Stephen F. Austin, was the purchaser of the three eleven-league grants, the sale of which has here been impeached." He claimed that he had evidence showing the procurement's legality was beyond doubt. Reagan immediately asked him to lay the papers before the House, but Bryan waited a few days before delivering an oration that quoted letters from Austin to his brother-in-law James F. Perry and Williams.[27]

Bryan's strong speech blindsided Reagan and other detractors, and it was a pivotal factor in the House's vote against impeachment. The correspondence indicated that Austin believed he acted in accordance with all existing legal codes, and it bolstered the New Orleans court's ruling regarding the power of attorney. Finally, it absolved Watrous, because the legality of the first acquisition determined the tenor of the judge's later purchase and belied his supposed abuse of power. Reagan refused to back down so easily. He pointed out that it was hard to refute a relative of the esteemed Austin but declared that the empresario's motives were not on trial and that Williams may have acted without his partner's knowledge. He also attacked Bryan's delay in presenting the evidence when it should have been given to the committee or the House before the last day of discussion, a tactic likely to discourage rebuttal. Finally, he reminded Bryan that it was his duty to respond to the wants of his state. With his own reputation and conduct under assault, Bryan answered Reagan that the committee knew of the documents, yet never requested

[27] GMB to MAB, December 27, 1857, March 9, 1858, "Letters to Moses Austin Bryan," 231-232, 245-246; *Congressional Globe*, 35th Cong., 2nd sess., 17, 27-30, 85-92; Pritchett, "Impeachment Proceedings in Congress Against John Charles Watrous," 184-185; *Houston Telegraph and Texas Register*, December 29, 1858, January 5, 1859; *Galveston Weekly News*, January 5, 1859.

them. Regarding the delay, he explained that it was not his intent to stall until the last day. He could not obtain the floor at an earlier time. Moreover, he expected discussion to continue, so he assumed that there was plenty of time to review the documents. He ended by referencing the joint resolution Reagan touted. It called for an investigation, but it did not ask the representatives to act on their personal views of Watrous's guilt. Bryan refused to allow an innocent man to be unjustly maligned, but he would happily follow the directive of the Texas legislature by voting for impeachment as a Senate trial would fulfill its request for an inquiry. After a few additional remarks, the House ended its deliberation and passed a resolution saying that they lacked enough evidence to impeach Watrous. True to his word, Bryan joined Reagan in voting against it.[28]

With the Watrous issue settled, Bryan devoted the rest of his efforts in that session to safeguarding Texas's frontier. Indian depredations continued, and Governor Runnels wanted reimbursement from the federal government for the mounted ranger companies he mustered in the absence of the earlier authorized regiment. Bryan furnished the House with information related to Texas's Indian troubles, requested reparations, and attempted several times to amend the annual army appropriation bill on behalf of his state. For instance, he asked for $184,554.50 or as large as sum as necessary to compensate Texas for protecting the frontier prior to January 1859. When informed that his motion was out of order, Bryan responded that the Committee on Military Affairs had already reported in favor of his bill listing an identical sum for a congruent purpose. He expected the War Department to pay the sum, so he added it to the appropriation. The chair sustained the out of order call, and the amendment failed.[29]

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[28] Pritchett, "Impeachment Proceedings in Congress against John Charles Watrous," 184-189; *Congressional Globe*, 35th Cong., 2nd sess., 85-92, 96; *Houston Telegraph*, December 29, 1858, January 5, 1859; *Galveston Weekly News*, January 5, 1859.

[29] Runnels to GMB, December 7, Folder 4, Box 2N243, Bryan Papers; Erath to Runnels, January 10, 13, 1859, Runnels to M. Ward, Reagan, and GMB, February 5, 1859, Folder 5, Box 2N243, ibid.; GMB to LJB, August 30,

Stephens assisted his colleague by inserting the missing appropriation for the earlier sanctioned regiments, but critics dissented, declaring that there was no cause requiring their organization. William Smith, a Democrat from Virginia, built on their objections by claiming that no "war" existed on American soil. Bryan queried what Smith meant by "war," noting that Texas's frontier certainly lacked peace. Smith responded that it stemmed from white frontiersmen provoking the Indians. Bryan retorted that such comments were unbecoming for a representative from a state without a frontier and asked for a million dollars to pay the regiments. He once more proclaimed that Texas's annexation obligated the federal government to defend the state. Citing Jones's last annual address as president of the Republic of Texas, he alleged that his state was in harmony with the tribes and in good standing with Mexico and England in 1845, so it was under no pressure to accept annexation. Texas did not need the United States to succeed, but it accepted American sovereignty with the understanding that the federal government would use its powers and resources to care for its people. They gave up their fortifications, customs houses, and more, yet they now faced murder and destruction of property without any recourse. "Allegiance and protection are reciprocal," he declared, adding "We are a free people. We know our rights; and if necessary, we will assert them without the Union as we defend them with in it. While we are of the Union, we will regard the Union; but never, if you continue to exclude us from all protection of the Government will we, or can we love it."[30]

The implications in Bryan's speech infuriated Republicans David Kilgore of Indiana and Amos P. Granger of New York. Kilgore asked Bryan where Texans would go if they ceased their commune with the Union. Bryan retorted, "Where we once stood—under the lone star; and when

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31, September 5, 1858, Folder 6, Box 2N245, ibid.; *Houston Telegraph*, December 22, 1858; *Congressional Globe*, 35th Cong., 2nd sess., 1,163-1,164; *House Journal*, 35th Cong., 2nd Sess., 109, 118.

[30] *Congressional Globe*, 35th Cong., 2nd Sess., 1,164-1,166 (quotation).

we go we will take the whole of the Gulf States, if not the whole South." Kilgore responded to this bluster by suggesting that Texas return the ten million dollars bestowed on it by the federal government. Granger then motioned to reduce the apportionment to ten dollars, because such a "proud, powerful, sovereign State like Texas" did not need assistance defending itself "against a few ragged, straggling border Indians." And yet, he continued, Texans had repeatedly asked for rangers and now sought appropriations in advance of their muster. Concluding his mockery, he claimed that "if Texans were half as brave there as here [in the House], there would be not a Camanche [sic] within five days run of the frontier of that State." He withdrew his amendment, and the House rejected the proposed amendments as well as Bryan's final effort to authorize Secretary of War Floyd to compensate Texas from the national treasury without a specific appropriation.[31]

The House's rejection of his army bill alterations garnered Bryan's resentment, but their efforts to excise Texas from the Indian Bureau appropriations bill unleashed a previously unseen fury. He and the other members of the Indian Affairs Committee crafted their budget and presented it to the House. During the amendment phase, Lovejoy motioned to strike the $15,000 allocation to purchase presents for the tribes and the sections that compensated interpreters and Indian agents in Texas. Congress authorized these expenditures annually, so Bryan questioned the motive behind their removal. He also denounced the erasure of a $25,000 appropriation that purchased livestock and tools for the Indians on Texas's two reservations. He reiterated that when Texas joined the Union, the national government promised to protect its frontier. The typical method was to concentrate the Indians on reservations, to which the Texas legislature had agreed in 1854. The settled Indians could not feed themselves without assistance, and without

[31] *Congressional Globe*, 35th Cong. 2nd Sess., 1,166-1,167 (quotations); 1,551.

succor they would join the marauding bands plaguing the frontiersmen. He railed that the state already received poor protection from Washington that sapped its affection for the Union. All that Texas residents asked was for the defense the government pledged at annexation.[32]

Reacting to the menace in the Texan's impassioned appeal, Ohio Republican Joshua R. Giddings, a fiery abolitionist, proposed repealing the joint resolution through which Texas had joined the Union. He stated that Bryan had blustered enough, stressing that if he earnestly desired disunion, he should submit a bill. Giddings promised his support and dismissed the southern secessionist fulminates often employed to browbeat concessions, saying "these threats have lost their effect either upon gentlemen in this Hall or upon the country. We have no fears; we are not horrified; we are not alarmed at the threats of a dissolution of this Union." Bryan snapped that Texans were willing to part with the nation if they must. All they asked was the protection due any state in the country and agreed to when their sovereign republic forged its compact with the United States. Giddings scoffed and responded that the federal government had already done more than enough for Texas. It paid its debt and conquered the territory Texas supposedly sold for the sum. Bryan countered the insults, arguing that when the United States annexed Texas, it acknowledged its boundaries and used them to justify the war with Mexico. The state then sold its territory to the federal government and paid its debts from the proceeds. Texas owed nothing to Washington, and, if the federal government persisted in reneging on its vows, then the state would deem their mutual contract void. Indeed, if this was the desired result, he advocated that the House accept Lovejoy's amendments. The quicker that Texas and federal government understood one another, he asserted, the sooner the state could resume shielding

[32] *Congressional Globe*, 35th Cong., 2nd Sess., 248-249; *House Journal*, 35th Cong., 2nd Sess., 51-53, 188, 621; *Secretary of War, Annual Report, 1852*, Senate Ex. Doc. 1, 32nd Cong., 2nd Sess., Ser. 659, p. 15; *Secretary of War, Annual Report, 1856*, Senate Ex.Doc. 5, 34th Cong., 3rd Sess., Ser. 876, p. 4; Robert M. Utley, *The Indian Frontier of the American West, 1846-1890* (Albuquerque: University of New Mexico Press, 1984), 56.

itself. Giddings abandoned the dispute, and the press reported that Bryan allowed "sober second thought [to] have its play, and wisely concluded to stay in the Union for a time at least" after the House rejected Giddings's proposal, Lovejoy's amendments, and other propositions to alter the state's Indian system.[33]

With the conclusion of the Thirty-Fifth Congress in March 1859, Bryan retired from public office. During his time in Washington, he had earned the esteem of his constituents. One supporter even paid him the ultimate compliment, declaring that "elevation spoils some men, while it leaves him…ten times more of a man than before." Bryan seemed poised for greater acclaim, so his announcement that he was not seeking reelection appeared odd. In later years, he attributed his choice to Laura's concern that that the gaiety of the national capitol might distract her from her feminine duties. In truth, it was the ultimate way to appease his bride. At multiple points during their courtship, Laura had insisted that politicians' lives were incompatible with domestic happiness. Bryan had misgivings, but after their grievous misunderstanding he was willing to sacrifice his aspirations. The change was easier because his experience in Congress left him contemptuous of the federal government. The conflict over slavery festered without any realistic hope of resolution by the bickering sections, and the recent brawl over Kansas's admittance epitomized the inability of legislative compromises to sustain the demands of states' rights stalwarts. By late 1858, he decided that there was nothing to be gained by retaining his seat in Congress, especially when Republican representatives undercut the very foundation of Texas's compact with the federal government. The fight over the army and Indian appropriations

[33] A later Senate amendment moving Texas' Indian reservations west of the Pecos caused Bryan further angst, but the House shot the suggestion down at once. Bryan also endeavored unsuccessfully to return the Indian Office to the War Department to ensure better communication and action, while also preventing federally armed Indians from entering Texas territory without consent. *Congressional Globe*, 35th Cong., 2nd Sess., 244-250 (first quotation), 1,046-1,047, 1,171; *Southern Intelligencer*, February 2, 1859; *Houston Telegraph*, February 16, 1859 (second quotation).

bills the following session settled his final doubts.[34]

Bryan's retirement shocked some of his voters, and they took every opportunity to pressure him into returning. In February 1859, rumors suggested that he was reconsidering his choice and the *Houston Telegraph* proudly asserted that "the state rights Democracy will be pleased with the determination of Mr. Bryan. There is no man in congress whose brief career has commanded more of their respect and confidence." When he restated his intentions, less tactful supporters suggested submitting his name to the Texas Democratic Convention regardless of his wishes. Even fellow representatives like Democrat Muscoe R. H. Garnett of Virginia expressed their sadness, saying that the South would "miss one of its truest defenders." Garnett worried that without Bryan it would be difficult to maintain sectional unity because many southern members of Congress forgot that whenever there was a "lull in the storm that fanaticism wages against our property & institution," it was their role "to preserve such a control over general legislation as will prevent the more insidious forms of attack and oppression, masked under fiscal measures." Bryan, Garnett stressed, understood this and never hesitated to rally the South against northern antagonists.[35]

Although Bryan eschewed formal officeholding, he promised to "battle for the principles of his party" when needed. After a few months of visiting family, checking on his cattle, and selling land to better his finances, he returned to the civic sphere to combat the emerging Union Democrats. Dubbed the Opposition, the Union Democrats were a coalition of former Whigs, Know-Nothings, and Democrats who worked together to counter the influence of states' rights

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[34] *Telegraph and Texas Register*, May 4, 1859; *Southern Intelligencer*, September 1, 1858; GMB to MAB, January 29, 1859, John A. Wharton to GMB, February 29, 1859, Folder 5, Box 2N243, Bryan Papers; GMB to LJB, Folder 6, Box 2N245, ibid.; Autobiographical Sketch, Box 2Q453, ibid.

[35] *Telegraph and Texas Register*, February 16, 1859 (first quotation); Muscoe R. H. Garnett to GMB, September 15, 1859, Folder 5, Box 2N243, Bryan Papers (remaining quotations).

zealots. Horrified at the ease with which radicals preached disunion, they wanted to elect men who promoted moderation and unionism, and much of their campaign centered on discrediting known secessionists. Bryan's notoriety and outspokenness made him a prime target, and the Opposition used the Watrous case against him. As editor of the *Southern Intelligencer*, George W. Paschal covered the case extensively, and he disparaged Bryan for exonerating Watrous. He argued that Bryan "is always doing 'duty,'" and "searching among the private memorabilia of his uncle for doubtful evidence" rather than protecting his constituents. He and other editors also posited that Bryan supported Watrous in retaliation for Reagan's refusal to second his threat to carry "all of the Gulf States out of the Union." They argued that Reagan had sensibly repudiated sectionalism and upheld the nation, but Bryan insisted the congressional record note that Reagan and Texans who supported him were "fanatics." Bryan only backed down after a potential duel, because, as Paschal snidely noted, he discovered that he and Reagan were not well matched. To Union Democrats, Bryan was an extremist whose corruption had destroyed his political career, so Texans should shun him and his allies in favor of reasonable and true men.[36]

Bryan refused to sit idle with the Democracy under assault. In a speech given on Independence Day in 1859, he countered their sentiments and attacked their leading candidate, Houston. The "concession & compromise" of Houston and other moderates, he argued, "had only invited and would continue to invite aggression from the abolitionists of the North." The national Democratic Party was the last party to span the sections, and he contended that "should it be destroyed the Union would go with it." The growing dominance of the "Black Republicans" above the Mason-Dixon Line marginalized northern Democrats, so the South must have states'

[36] *Southern Intelligencer*, January 5, 19, March 3, 9, 30, April 6, May 4, 11, 25, 1859; *Houston Telegraph and Texas Register*, May 4, 1859; *Colorado Citizen*, April 23, 1859; *Campaign Chronicle*, June 28, July 19, 1859; *Civilian and Gazette*, July 12, 1859; *San Antonio Texan*, July 23, 1859.

rights men to save the party from destruction. Houston, Bryan asserted, had sacrificed his section and failed his state while in the Senate. He purposely ignored the ranger regiment appropriation because he loved "the Indian over the white man" and did not want "his pet Indians chastised." Bryan contended that Houston was unworthy of the governor's chair, and Texas needed better men to lead it if it hoped to preserve the sacred compact between the states and the national government.[37]

Despite the efforts of Bryan, Runnels, and other radicals, many of the candidates backed by the Union Democrats obtained office. Scholars posit that this reversal, especially Houston's election, reflected changing sentiments in Texas. Two years earlier, frustrations over Kansas had propelled extremists into office, but as the violence in the territory cooled so did Texans' anger and support for secessionist bombasts. Combined with the inability of Runnels to counter Indian attacks on the frontier or court supporters from the massive influx of new settlers, it was not surprising that Houston triumphed in 1859. Bryan conceded that he expected Houston's victory, but he attributed it to a misguided Democratic press and voter apathy rather than unionism. He grumbled that editors prejudiced their audience by lauding the former general's historic feats. This blunted any criticism that came later, no matter how damning. He complained that "it was asking too much of the people to go with the press" one moment and "swallow contradictory" evidence the next. Even more worrisome, formerly strong Democrats like his friend Thomas Harrison seemed indifferent and accepted Houston's leadership with minimal complaint. By no means a Union Democrat, Harrison informed Bryan that he accepted Houston because he had a dignified air and the aptitude to meet the state's present needs. Houston's actions in Washington

[37] Walter L. Buenger, *Secession and the Union in Texas* (Austin: University of Texas Press, 1984), 119-177; Unknown to the Editors of the Galveston News, "Letters to Moses Austin Bryan," 258-263 (quotations).

were loathsome, but at least he was better than Runnels. The latter spouted better political ideals, but his vulgarity, pettiness, and lack of intelligence limited his appeal. A rebuke from Bryan did little to change his views, though Harrison admitted that secession was likely inevitable.[38]

The success of the Opposition encouraged Bryan to assume a more active role in politics. Convinced that the Union was "trembling to the core" and that Texas was in terrible hands, he remarked to Rutherford B. Hayes that "at times the old passion is strong within me." It pained him to leave Laura and his son William J. Bryan, who was born in January 1860, but he set his sights on attending the national Democratic Convention in Charleston. He believed that if the Democrats could stay united and select a candidate who defended slavery in the territories, the nation could stave off secession. However, many northerners in the party supported Stephen A. Douglas, whose adherence to the doctrine of popular sovereignty was unacceptable to most southerners after the violence of "bleeding Kansas" and John Brown's failed slave insurrection. Bryan argued that he and other strong proslavery men had to be there to defend their section. Galveston County agreed and sent him to the state conference, where he served as vice president and used his expertise with frontier affairs to help draft resolutions demanding protection for western Texas. He was then selected to go to Charleston with Francis R. Lubbock, Fletcher S. Stockdale, Elkanah B. Greer, Hardin H. Runnels, Thomas P. Ochiltree, William H. Parsons, Josiah F. Crosby, M. M. Covey, and R. Ward.[39]

Bryan and other fire-eaters arrived in Charleston sent on thwarting Douglas's nomination and adopting a platform that expressly protected slavery in the territories. Under the leadership

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[38] Dale Baum, *The Shattering of Texas Unionism: Politics in the Lone Star State During the Civil War Era* (Baton Rouge: Louisiana State University Press, 1998), 7-13; Buenger, *Secession and the Union in Texas*, 119-177; Thomas Harrison to GMB, October 22, 1859, February 6, 1860, Folder 5, Box 2N243, Bryan Papers.

[39] *Clarksville Standard*, May 5, 19, 1860.

of Yancey, Alabama's state convention had ordered its delegates to leave if the more numerous northerners refused to honor southern demands. Bryan and his family supported the tactic and as chairman of the Texas delegation he was in a prime position to act. When Douglas's supporters succeeded in passing a moderate platform that endorsed popular sovereignty, the Alabamans, Texans, and delegates from six other southern states exited the convention. Before he departed, Bryan addressed the assembly. He lamented the disparities between the North and the South that he first discovered in college but stressed that at least there was one Democratic Party to unite them. The future of the party, he stated, "depends upon your action, when you leave here." He urged them not to "give aid and comfort to the black republican host" by selecting a candidate unacceptable to the South. He asked the delegates from the North to see the South as "equals in this confederacy" or openly acknowledge their incompatibility so the two halves of the party could separate like Abraham and Lot. A letter signed by all the members of the Texas delegation reiterated the demand for a proslavery platform, endorsed the decision in *Dred Scott v. Sanford*, and added that Congress must respect the rights of all citizens.[40]

The walkout split the Democratic Party. Without the fire-eaters and their allies, the Charleston convention was unable to nominate a candidate for president. After fifty-seven ballots, they adjourned on May 3 and agreed to meet in Baltimore in June 18, hoping that cooler heads might prevail. The second convention, however, was as turbulent as the first. Many of the bolters traveled to Maryland to resume their seats but discovered that some of their states had created alternative delegations willing to support Douglas. The convention tried to compromise by seating a combination of the new and former representatives, but Bryan and other radicals

[40] *Clarksville Standard*, May 19, 1860, McPherson, *Battle Cry of Freedom*, 214-216; GMB to LJB, April 13, 15, 1860, Folder 7, Box 2N245, Bryan Papers.

refused to allow the substitutes. Bryan even drafted a note to the South Carolinians asking if they would join the protest. Eventually, the Lower South stormed out once more, but this time many of the delegates from the Upper South and a smattering of proslavery northerners joined them. The remaining representatives nominated Douglas, while Bryan and the rest held a separate meeting and endorsed Kentuckian and current Vice President John C. Breckenridge and a proslavery platform.[41]

Although Bryan fought hard for Breckenridge's nomination, he was far less active during the campaign than in previous elections. He astutely realized that the Democrats' division and emergence of the splinter Constitutional Union Party had increased the likelihood of Abraham Lincoln's victory. Unsurprisingly, he spent much of the summer with his wife and infant son and only gave a few speeches around Galveston. Each of these talks invariably presented his case for secession, even as he lauded Breckenridge. Bryan depicted electing the Kentuckian as the only way to protect slave property and the South's constitutional rights, and he painted a dismal picture of a "Black Republican" triumph. Aided by the hysteria of the Texas Terror, a series of mysterious fires caused by faulty matches that Texans attributed to a slave revolt, he reminded his listeners of the violence employed by abolitionists like Brown before hinting at the horrors that Lincoln and his henchmen might unleash. Because the Republicans refuted the *Dred Scott* ruling and denied that the Constitution recognized slaves as property, "their professions to the South *now*, of moderation and conservatism" were "the cunning of the serpent." While historian Walter L. Buenger maintains that few people in the Lone Star State saw the election of 1860 as "a referendum on the future of the Union," for Bryan it was the final act before the inevitable

[41] McPherson, *Battle Cry of Freedom*, 216; *Daily National Intelligencer*, June 23, 1860; *Richmond Whig*, June 26, 1860; *Constitution*, June 26, 1860, *Daily Delta*, June 5, 1860.

break with the United States. [42]

As October 1860 waned, reports indicated that Lincoln's election was inescapable, and more Texans began to think seriously about secession. Keen to open dialogue on the topic, the *Houston Telegraph* solicited opinions from public figures and published them for its readers. In the name of fairness, the editor dutifully reached out to unionists like Pease, James H. Bell, and David G. Burnet, but most of his correspondents were secessionists like Bryan, Lubbock, and Stockdale. In the same issue that Lubbock called for a state secession convention, Bryan used his position as an old settler to offer a forceful appeal for disunion. After echoing the typical fears about Lincoln and abolitionists like Seward, he called on all Texans to demonstrate the same courage they had in 1835. Bryan asserted that Republicans intended to centralize power so they could finally destroy slavery. He stressed that Mexico had done the same when it overthrew the Constitution of 1824. Rather than submit to a tyrannical government, Texans fought bravely for their freedom and institutions. If they now acquiesced to "Black Republican" rule, it would negate the sacrifice of Austin and other revolutionaries. Texas's spirit and that of the South, he claimed, "would be broken and their love of country destroyed; for when they once make up their minds to submit to degradation, their self-respect and independence of character will be gone forever." Disunion, he asserted, was the only honorable way to proceed.[43]

Secessionism swept the state by November, and the Bryan brothers took a lead role in pushing Texas to sever ties with the federal government. On the 14th, Galveston County held a

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[42] Pease, James H. Bell, and Mark Potter were contacted but did not respond; *Houston Telegraph and Texas Register*, December 4, 1860; *Dallas Herald*, December 5, 1860; *Houston Telegraph and Texas Register*, November 6, 1860; *Civilian and Gazette*, September 20, 24, 1860; *State Gazette*, October 20, 1860.

[43] Bryan was one of many contacted by the *Telegraph and Texas Register*, including Reagan, Lubbock, Stockdale, David G. Burnet, A. M. Lewis, John Henry Brown, Peter W. Gray, Pendleton Murrah, Ashbel Smith, and George W. Smythe—all of whom responded and, except for Smythe, endorsed secession. *Houston Telegraph and Texas Register*, November 6, December 4, 1860; *Dallas Herald*, December 5, 1860; *Civilian and Gazette*, September 20, 24, 1860; *State Gazette*, October 20, 1860.

huge public meeting that evaluated the merits of disunion. After addresses by local unionists and fire-eaters, they tasked Bryan, his brother-in-law Thomas M. Jack, and twenty-two others to draft resolutions expressing their support for leaving the Union. They declared that the North had violated the Constitution and the joint resolution; that Texas could not accept Republican rule without a loss of self-respect, and that Texas—in an ironic parroting of Houston—"would prefer restoration to that independence that she once enjoyed, to ignominy ensuing from section dictation.'" They ended with a call for Governor Houston to convene the legislature and a plea for every county in the state to second their demand. Three days later, Bryan's older brothers served as vice presidents of the Brazoria County convention that issued similar resolutions.[44]

Despite the calls of Galveston, Brazoria, Washington, and numerous other counties, Houston refused to convene the legislature. He was unwilling to give up on the United States, and he took advantage of his position as governor to try and thwart the fire-eaters. By Texas law, only the legislature could call a secession convention, and only the governor could open the legislature. In stalling, he hoped reason might turn Texans away from their present course. As the weeks lengthened and the rest of the Lower South set dates for their conventions, however, his constituents lost patience and determined to act without him. Many counties proposed holding a special election in January 1861 to select delegates to a state convention. Bryan promoted this course as Galveston County's corresponding secretary. He criticized Houston's stonewalling, noting that most of the southern governors had allowed their states to use lawful means to decide on secession. Houston's silence justified action, and Bryan urged the people to go through with the proposed election and convention. Confronted with this pressure, Houston finally called the

[44] Buenger, *Secession and the Union in Texas*, 119-177; *Civilian and Gazette*, November 17, 20, 1860; *Houston Telegraph and Texas Register*, November 27, 1860 (quotations).

legislature and demanded that any action on secession be submitted to the people. The legislature endorsed the Secession Convention, which overwhelmingly approved an ordinance of secession 166 to 8. On February 23, 1861, a majority of the voters endorsed secession, and in March Texas officially joined the Confederate States of America.[45]

As Texans furled the stars and stripes, Bryan could look back on over a decade of public service. Since the crisis over Santa Fe, he had decried abolitionism and portended the demise of the United States, but until Lincoln's election Texans were reluctant to take that fateful step. Much like the secession commissioners described by Charles Dew in *Apostles of Disunion*, Bryan worked energetically to prove that secession was the best course for Texas and the South, but the road to disunion was not easy. After repeatedly denouncing the Republican Party in the Texas legislature, he moved to Congress, where the fights over Kansas and defending the Texas frontier convinced him that the federal government would never sustain the rights of his state. He declared then and there that Texas would seek independence and take the whole of the Gulf South with her, and thanks largely to his efforts that prophecy came true in 1861. In a moment of reflection to his wife, he said it best, asserting that "I have pursued one course all the time & now those who condemned me see that I was right." That one course was to protect what he believed to be the interests of Texas and his family's legacy, which compelled Bryan as a Texas nationalist to lead the way in joining the new Confederacy. [46]

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[45] Baum, *The Shattering of Texas Unionism*, 7-13, Buenger, *Secession and the Union in Texas*, 119-177; Walter Buenger, "Secession," *Handbook of Texas Online*, https://tshaonline.org/handbook/ online/articles/mgs02 (accessed February 9, 2020); *Galveston Weekly News*, December 18, 1860; *Clarksville Standard*, December 22, 1860; *Texas State Gazette*, January 12, 1861.

[46] Charles Dew, *Apostles of Disunion: Southern Secessionism and the Causes of the Civil War* (Charlottesville: University of Virginia Press, 2001), 1-21; GMB to LJB, November 19, 1860, Folder 7, Box 2N245, Bryan Papers (quote).

CHAPTER 6

PATRIOT, STATESMAN, STAFF OFFICER

When Texas seceded and joined the Confederate States of America, Guy M. Bryan expected to fade into quiet retirement, but the Civil War forced him to remain in the public arena and defend the Lone Star State again. He declined a proffered seat in the Confederate Congress to take up arms, never dreaming when he donned his uniform that it would make him a statesman once more. Nominally, Bryan served as a staff officer under multiple commanders, but his duties rarely aligned with those described in military manuals. Rather than copy orders or maintain records, Bryan spent the war promoting cooperation between Pres. Jefferson Davis and civil and military officials of the Trans-Mississippi Department. His earnest commitment and political abilities allowed him to temper the most irascible leaders, ensuring the creation and success of vital war measures like the Cotton Bureau. Whether labeled as a patriot, a statesman, or a staff officer, Bryan strengthened the Trans-Mississippi and allowed it to function semi-autonomously throughout the war.

As Texas completed its transition to the Confederacy, Bryan tried to exit public life and focus on his family. His son Willie was just over a year old, and Laura was pregnant with their second child. He had sacrificed time with them to battle the “Black Republicans” and save the state from Abraham Lincoln, but now he looked forward to sweet moments with his wife and children. He was content to allow others to lead in his stead, though he knew he could easily secure a prominent position in the nascent Confederate government. As he told his wife, “if I were to play demagogue, I could make a great deal of capital out of my same & consistent course.” Among most white southerners, secession vindicated his radicalism and silenced his critics, but politics had lost their appeal. He curried favor for other aspirants but spurned similar

efforts on his behalf. Bryan expected war to begin soon, yet he refused to consider civic positions even after news of the surrender of Fort Sumter arrived. In May 1861, several Galvestonians urged him to represent their district in the Confederate House of Representatives, because they wanted the country to have strong leadership as it fought for independence. Bryan thanked them for recognizing his loyalty to Texas and Southern interests, but he insisted that "my place is at home & not one of comparative safety" in Richmond. If the Federals invaded the Lone Star State, it was his duty to protect it and his family, a sentiment that suggested to the editor of the *Houston Telegraph* that Bryan was "a better patriot than office seeker."[1]

Although Bryan rejected political positions, he strongly considered joining the military. Lincoln implemented a blockade of the Confederacy after Fort Sumter fell, and Bryan and other coastal residents worried that Galveston or the Brazos River mouth might become points for a Yankee invasion. With the Confederate government preoccupied with Virginia, Texans had to organize their own defenses. Bryan advocated that he and his brothers convince their counties to form volunteer units. He did his best to attend the recruitment meetings in Brazoria, Wharton, and Galveston counties, and he wistfully talked of enlisting himself. Despite having served in the Texas Revolution and Mexican-American War, he had never 'seen the elephant' and gone into battle. To him there was no greater sacrifice and expression of nationalism, but he noted sadly that the companies wanted young men like his nephews James "Perry" Bryan and Stephen F. Bryan. Most recruits were between eighteen and thirty, and at forty years of age he seemed to be a poor candidate. A friend suggested that he go to Virginia if he really wished to enroll, but he

[1] GMB to LJB, November 17, 1860 (first quotation), Folder 7, Box 2N245, Guy Morrison Bryan Papers, DBCAH; J. J. Hooper to GMB, March 26, 1861, D. C. Proctor to GMB, April 9 1861, Edward Clark to GMB, April, 30 1861, Oran M. Roberts to GMB, May 24, 1861, GMB to Gentlemen, May 11, 1861 (second quotation), Folder 6, Box 2N243, ibid.; *Galveston Weekly News*, April 30 1861; *Times-Picayune*, May 18, 1861; *Houston Telegraph and Texas Register*, May 22, 1861 (final quotation).

had his family to think about. His son Willie was ill and seemed to worsen whenever his papa was away. For now, he contented himself with living vicariously through his nephews. He gave them a copy of the *Army Regulations for the Confederate States*, telling them to study it closely and be good soldiers. He also worked with Moses Austin Bryan's wife Cora to gather arms for the troops, donated one hundred dollars for Galveston's fortifications, contributed to the fund for the city's widows and orphans, and acted as bond agent to secure finances for the Confederate war effort.[2]

As the summer progressed and worries about the blockade increased, Bryan decided to enlist in a local company as a private despite his age. He believed that the Union navy would not arrive until later that fall, but he wanted to be prepared when they did. Historian Charles Grear argues that local attachments determined where Texans served. Those with family or friends in other regions of the Confederacy tended to serve outside of the Trans-Mississippi, especially during the first part of the conflict when the Lone Star State appeared safe. Longtime Texas residents like Bryan, however, preferred to stay closer to home, because their loved ones resided there. For Bryan this was even more important, because identity and his family's legacy were tied to Texas. It was not enough for others to defend it; he must participate in the war as well.[3]

Bryan's tenure as a soldier began during September 1861 when his unit mustered into Confederate service as part of the Thirteenth Texas Infantry. The regiment was destined to spend the entire war garrisoning the coast, but he quickly progressed to a different role. The head of the

[2] GMB to MAB, June 17, August 3, 1861, Folder 2, Box 2N245, Bryan Papers; Cora Bryan to GMB, August 21, 1861, MAB and GMB to James P. Cole, August 21, 1861, Folder 6, Box 2N243, ibid.; *Houston Telegraph and Texas Register*, July 24, 1861.

[3] Charles Grear, *Why Texans Fought in the Civil War* (College Station: Texas A&M University Press, 2010); 1-98; Fannie Baker Scholars, "Life and Services of Guy M. Bryan," (Master's Thesis, University of Texas at Austin, 1930), 88-110; GMB to MAB, August 3, 13, 1861, Folder 2, Box 2N245, Bryan Papers; Autobiographical Sketch, Box 2Q453, ibid.

District of Texas, Brig. Gen. Pierre O. Hébert, appointed Bryan as his aide-de-camp and used him to help organize his command. Bryan's reputation, political skills, and familiarity with the civil leaders of Texas made him an asset for Hébert, who needed to persuade Gov. Edward Clark to transfer control of the state's troops to the Confederacy. Clark worried about the defense of Texas's coast and frontier, so he hesitated to comply with Hébert's requests. Bryan petitioned Clark on the general's behalf and, and after a meeting with the governor, the reluctant official agreed to place nearly four thousand troops under Hébert. Clark also granted Hébert permission to raise additional forces to safeguard Galveston and Brazoria, showing that Bryan considered the interests of his family even as he aided the Confederacy. Bryan's ability to garner practical concessions from civilian leaders, even as he promoted his personal agenda, pleased Hébert and encouraged him to continue employing the private as an aide.[4]

Despite his military commitment, newly elected Gov. Francis R. Lubbock selected Bryan as a delegate to a Planters' Convention in Memphis. During the antebellum period, he had endorsed similar commercial conventions as the best way to promote cooperative action between the southern states. Lubbock believed the meeting was important for promoting the Confederacy's political and economic independence, and he wanted Bryan to attend because he deftly handled disputes. Bryan respectfully declined, though it left Texas without a delegate, because personal circumstances prevented him from leaving his post. The crew of the U.S.S. *Santee*, a Federal blockader, captured and burned a Confederate vessel in Galveston's harbor

[4] David Park, "Thirteenth Texas Infantry," *Handbook of Texas Online*, http://www.tshaonline.org/handbook/online/articles/qkt18 (accessed January 11, 2014); United States National Park Service, "Soldiers and Sailors Database," http://www.nps.gov/civilwar/soldiers-and-sailors-database.htm (accessed January 11, 2014); Passes and Special Orders, October 1, 1861, Folder 6, Box 2N243, Bryan Papers; United States Department of War, *War of the Rebellion: A Compilation of the Official Records of the Union and Confederate Armies*, 128 vols. (Washington, D.C.: Government Printing Office, 1880-1901) Series I, Volume 4, 110-111 [hereafter cited as *OR* with all references to series I unless otherwise indicated]; United States Bureau of the Census, Eighth Census of the United States, 1860, Schedule 1 (Free Inhabitants), Brazoria County, Texas (Record Group 29, National Archives and Records Administration, Washington, D.C.); Eighth Census, 1860, Schedule I, Galveston County.

earlier that month, and Hébert struggled to create adequate coastal and frontier defenses. Bryan also wanted to relocate his wife and children further inland. Because of Laura's ill health after the birth of their daughter Emily, he wanted them to remain close enough for frequent visits. He opted to settle them first in Pleasant Bayou, about thirty miles from Galveston, but, as the Federal presence off Galveston strengthened, Bryan heeded the wishes of his in-laws and moved them to Waco. [5]

With his family safe, Bryan turned to the tedious task of compiling data on manpower and weapons in the state, a task assigned to him by Hébert. Thousands of Texans volunteered during 1861 and the Confederacy's first conscription act encouraged others to join after April 1862. Lubbock proudly crowed in his memoirs that fifteen new regiments formed in a matter of months, but his enthusiasm was tempered by the limited number of arms available to equip them. Guns purchased in Europe slowly filtered through the blockade or arrived via Mexico, but they were insufficient to meet the immediate need. In hopes of finding local caches, Hébert ordered Bryan to reach out to the counties. Responses like the one from Chief Justice David S. Cooke of Williamson County noted "the disheartening low" numbers of serviceable guns, while other local leaders reported that any supplies they had were distributed to volunteers before they proceeded to camps of instruction. Bryan's largely futile efforts demonstrated that Hébert had to look to Richmond for arms.[6]

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[5] Francis R. Lubbock to GMB, November 29, 1861, Folder 6, Box 2N243, Bryan Papers; GMB to Lubbock, December 10, 1861, Folder 7, Box 301-29, Texas Governors' Papers: Francis R. Lubbock, TSLA; *Daily Dispatch*, February 27, 1862, March 4, 1862; Francis R. Lubbock, *Six Decades in Texas or Memoirs of Francis Richard Lubbock Governor of Texas in War Time, 1861-1863*, edited by C. W. Raines (Austin: Ben C. Jones & Company, 1900), 344-348; GMB to MAB, August 3, 1861, Folder 2, Box 2N245, Bryan Papers.

[6] Robert L. Kerby, *Kirby Smith's Confederacy: The Trans-Mississippi South 1863-1865* (New York: Columbia University Press, 1972), 57; Lubbock, *Six Decades in Texas*, 379-380; William Melton to GMB, March 10, 1862, David S. Cooke to GMB, March 10, 1862 (quotation), D. A. Owen to GMB, March 11, 1862, Lincoln Rogers to GMB, March 31, 1862, G. D. Gay to GMB, March 31, 1862, Folder 7, Box 2N243, Bryan Papers.

On April 19, 1862, Hébert sent Bryan on the first of three trips to the Confederate capital. He ordered his aide to apprise Davis of the tightening blockade and worsening conditions of the Trans-Mississippi. The central government had yet to establish a department structure west of the river and had drained the region's manpower to combat Maj. Gen. Ulysses S. Grant's advances in Tennessee and Mississippi, leaving Texas guarded by small forces likely to succumb to enemy assaults. A Confederate reverse at Pea Ridge, Arkansas, further diminished morale, and the fall of New Orleans to the Federals suggested that the far western states might lose contact with the rest of the Confederacy. Bryan took an even darker view, contending that Yankees already held the river and had cut off the Trans-Mississippi, even though the Confederates retained control of Vicksburg. The region's leaders demanded that national authorities devote more attention to their theatre, and it was Bryan's task to convince them to do so. Lubbock backed Bryan's mission and wrote unofficially to Davis. He assured the president of Texans' loyalty before emphasizing the dismal state of the far western region. He urged Davis to trust Bryan and listen to his appeals for assistance.[7]

Bryan equated the success of the Confederacy with Texas's future prosperity, so he executed his orders vigorously. He reached Richmond in May 1862 and communicated with Texas's congressmen before securing an audience with Davis. During his meeting with the president, he echoed Lubbock's comments about the citizenry's devotion to their new country before cautioning him that national indifference would lead to disenchantment just as it had when the United States failed to defend Texas. In addition to supplying arms, Bryan proposed

[7] The Confederate States to Guy M. Bryan, n.d., Passes and Orders, April 19, 1862, Folder 7, Box 2N243, Bryan Papers; GMB to MAB, June 20, 1862, Folder 2, Box 2N245, ibid.; Lubbock, *Six Decades in Texas*, 388-389; James M. McPherson, *Battle Cry of Freedom* (New York: Oxford University Press, 1988), 392-427. Gov. Henry M. Rector of Arkansas even threatened that his state might join Missouri in leaving the Confederacy in favor of forming their own government. Ralph A. Wooster, *Texas and Texans in the Civil War* (Austin: Eakin Press, 1995), 99-100.

merging the Trans-Mississippi into a single department with a general at its head and subordinate officers for each state. Once sufficiently equipped, they could efficiently safeguard the region, especially if the War Department refrained from transferring Texas's soldiers to other theaters. According to his biographers, the bristly Davis was notoriously difficult to work with, but Bryan impressed him by presenting a clear plan and taking the initiative to meet with legislators when he arrived. The president immediately agreed to the suggested departmental structure. He also instructed Bryan to meet with the region's executives and report their demands so that he could respond appropriately. Davis needed the support of the far western governors, and he calculated that Bryan's political savvy and willingness to do whatever was necessary to protect the region would pacify them.[8]

Bryan left Virginia in early June 1862 to complete his assignment. He met with Hébert in Houston to discuss recent developments and obtained a pass to move about the region at will. He then proceeded to Austin to converse with Lubbock. Davis's stance and plans to create a Trans-Mississippi Department from Texas, Louisiana, Arkansas, Missouri, the Indian Territory, and the Arizona Territory pleased the governor, and he was overjoyed to learn that Maj. Gen. John B. Magruder would take charge of the District of Texas once the Peninsula Campaign was decided. Lubbock's opinion of the cautious Hébert had soured, and he deemed the imperious commander incompetent and ill-suited for his post. Slightly mollified, the governor readily agreed to Bryan's plans for a convention in Marshall, Texas, on July 20 and furnished letters to the other executives

[8] William J. Cooper, Jr. *Jefferson Davis and the Civil War Era* (Baton Rouge: Louisiana State University Press, 2008), 3-5, 15-16, 28, 38-40, 44, 47-48, 57, 79-80, 81, 85-86, 97; Herman Hattaway and Richard E. Beringer, *Jefferson Davis, Confederate President* (Lawrence: University Press of Kansas, 2002), 2, 5, 21-22, 78, 99-100, 103-104, 302, 362, 365, 437-440; *OR,* Vol. 53: 804-05; Davis to GMB, June 2, 1862, The Confederate States to Guy M. Bryan, n.d., M. L. Bruth to Captain of the *Golden Age*, Order to Allow Guy M. Bryan Through the Mississippi Region, June 18, 1862, Special Orders to the Quartermaster, June 19, 1862, Folder 7, Box 2N243, Bryan Papers; Autobiographical Sketch, Box 2Q453, ibid.; *Houston Telegraph and Texas Register*, June 18, July 30, 1862.

to aid his efforts. Bryan journeyed to see governors Thomas O. Moore of Louisiana and Henry M. Rector of Arkansas at their respective state capitals and corresponded with Missouri Gov. Claiborne F. Jackson, who was in exile in northern Texas after fleeing from the Union army.[9]

Bryan, Lubbock, and Jackson met at Marshall in July 1862, while Rector sent a proxy representative as he addressed Federal military operations in his state. Conditions in Louisiana prevented Moore's presences as well. Once assembled, Bryan restated Davis's sympathies, continued to urge support for the central government, and assisted the other men as they drafted documents espousing their problems and desires. They requested that Davis appoint a commander with authority over the entire area to direct military affairs, establish a branch of the treasury to provide funds and regulate the economy, and send arms and munitions for more adequate protection. Lubbock also crafted private communications to Texas's congressmen and Davis suggesting that they question Bryan further, because he knew the conditions of the department from his travels. Bryan promised to promote the proposals and departed for Richmond with the assembly's sincerest thanks. He had accomplished the important goal of restoring the isolated governors' confidence in the national government, and they knew that he would do his best to advocate for them. Lubbock even offered Bryan reimbursement for his travel expenditures, although his son later maintained that Bryan was never compensated by the Confederacy.[10]

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[9] The Confederate Territory of Arizona included modern day Arizona and New Mexico. Davis to GMB, June 2, 1862, The Confederate States to Guy M. Bryan, n.d., Bruth to Captain of the *Golden Age*, Order to Allow Guy M. Bryan Through the Mississippi Region, June 18, 1862, Special Orders to the Quartermaster, June 19, 1862, Folder 7, Box 2N243, Bryan Papers; Autobiographical Sketch, Box 2Q453, ibid.; *Houston Telegraph and Texas Register*, June 18, July 30, 1862.

[10] Lubbock, *Six Decades in Texas*, 390-395; Wooster, *Texas and Texans in the Civil War*, 100; Autobiographical Sketch, Box 2Q453, Bryan Papers; The Confederate States to Guy M. Bryan, n.d., Lubbock to GMB, July 30, 1862, Executive Department Statement for July 30, 1862, Folder 7, Box 2N243, ibid.

The results of Bryan's return trip proved that the far western governors' trust was well-founded. Davis penned a response in September 1862 after reading the documents and speaking to Bryan. He acknowledged his delay in attending to the region, citing the Union invasions of Virginia for the indifference. He anticipated many of their requests and noted that arms were on the way even as he wrote. He was unsure if a treasury branch was legally possible, but he issued funds regardless. He also dispatched new commanders and staff, including Lt. Gen. Theophilus H. Holmes to lead the organizing department. Davis's endorsement of nearly all the governors' demands demonstrated the fruits of Bryan's efforts, and the latter went still further to support his state. Gen. Robert E. Lee had transferred several regiments from Texas in June, and he made a similar request as he prepared to invade Maryland. Bryan argued to Davis that the Lone Star State could not properly defend itself if it relinquished more men. The president therefore denied Lee's application and indicated privately that he would not relocate additional Texas soldiers at that time.[11]

Bryan's success indicated to Davis that he was more valuable than his position as a mere aide implied. On September 20, 1862, he promoted Bryan to major and assigned him to Holmes's staff as an assistant adjutant general. He informed Holmes that the Texan's "high character and general knowledge of the western country" was an asset he should employ when working with civil officials. He also believed Bryan might prove effective at organizing troops or managing resources. Such tasks were beyond the scope of the adjutant general's office—something Davis as a West Point graduate and former secretary of war likely knew—but Bryan's abilities allowed him to shoulder duties beyond the prescribed role of his position.[12]

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[11] *OR*, Vol. 9: 719, Vol. 13: 879; GMB to Lubbock, August 26, 1862, Folder 7, Box 2N243, Bryan Papers; Scholars, "Life and Services of Guy M. Bryan," 115-116.

[12] Confederate States of America War Department Document, Davis to Holmes, September 25, 1862, ibid. (quotation), Folder 7, Box 2N243, Bryan Papers; *OR*, Vol. 53: 829; Confederate States of American War

Bryan had mixed feelings about his promotion. His new rank earned him esteem and positioned him to better influence the workings of the department, but it also separated him from his family. Under Hébert, he secured leave to visit Laura and the children quite often, especially while they were in Pleasant Bayou. Even after they moved to Waco, he still managed occasional calls as he traveled on the general's behalf. The new department headquarters was in Little Rock, so he expected to spend long periods away from them, and, like many Civil War soldiers, for him that separation was painful. He constantly told Laura to remember him to the children, concerned that at their young ages that they would forget their father. He even wrote his son Willie a letter explaining why his mother loved him differently than his "papa." Laura found the missive both sweet and painful. She read Willie some of it, but she put it away until he was able to understand it. Bryan had to content himself with his "sweet memories" of them, but he was "exceedingly anxious to see them" again.[13]

Bryan's absence also forced Laura to assume management of many of their financial and business endeavors. He issued extensive directions by letter and told her to rely on the advice and assistance of his brothers or William P. Ballinger, his brother-in-law. Nonetheless, Laura remained responsible for maintaining records on their lands to pay the rising taxes, managing the slaves that were not entrusted to Moses Austin Bryan, and developing some home industry that at least partially offset the shortages caused by the Union blockade. As historians Drew Gilpin Faust and Angela Boswell point out, southern women responded to these challenges. They often relied as Laura did on male relatives and instructions from their husbands during the first part of

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Department, *Regulations for the Army of the Confederate States, and for the Quartermasters and Pay Departments* (Revised edition; New Orleans: Bloomfield and Steele, 1861), 63-64.

[13] LJB to GMB, August 2, October 23, December 25, 1864, January 1, 8, 21, 22, 1865, GMB to LJB, February 20, June 2, October 26, 1862, January 12, 1865, Folder 7, Box 2N245, Bryan Papers; Richard Lowe, "Warriors, Husbands, and Fathers: Confederate Soldiers and Their Families," in *The Fate of Texas: The Civil War and the Lone Star State*, ed. Charles Grear (Fayetteville: University of Arkansas Press, 2008), 25-36.

the war, but, as the conflict progressed, they became more confident. Laura strove to be a good agent for Bryan and remarked on her successes. She was particularly proud that she, her slaves, and her mother carded enough cotton thread to knit him socks, make blankets, and weave him and his body servant clothes.[14]

Holmes followed Davis's guidance and assigned his new staff officer to oversee the movement of troops in his jurisdiction. In October 1862, Bryan traveled to Marshall to assess Maj. Gen. Henry H. Sibley's brigade and prepare it for deployment to Virginia. Per Holmes's instructions, he was to replenish the ranks with conscripts and then dismount and disarm the men before sending them by rail. Bryan called on Sibley for information about the brigade, but the general politely refused to comply. The War Department had ordered Sibley to remain behind while his troops proceeded to the eastern theater, so it was not surprising that he refused to assist in the stripping of his command. Bryan decided to visit the district commander. Magruder had not arrived yet, so Bryan called on Hébert and Lubbock in Houston. Upon his arrival, he learned that he had a new chore. The War Department wanted information on Sibley's botched invasion of New Mexico, so Holmes forwarded the inquiry to Hébert before realizing that the disgraced Sibley outranked him. Holmes rectified his mistake by having his staff officer look into it. Bryan tried to complete the task, but he contracted typhoid pneumonia on the way back to Marshall and was forced to stop in Huntsville. He notified his superiors and retired to his sick bed.[15]

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[14] LJB to GMB, August 2, October 23, December 25, 1864, January 1, 8, 21, 22, 1865, GMB to LJB, February 20, June 2, October 26, 1862, January 12, 1865, Folder 7, Box 2N245, Bryan Papers; Angela Boswell, "The Civil War and the Lives of Texas Women," *The Fate of Texas: The Civil War and the Lone Star State*, ed. Charles Grear (Fayetteville: University of Arkansas Press, 2008), 69-82; Angela Boswell, *Her Act and Deed: Women's Lives in a Rural Southern County, 1837-1873* (College Station: Texas A&M University Press, 2001), 92-105; Drew Gilpin Faust, *Mothers of Invention: Women of the Slaveholding South in the Civil War* (Chapel Hill: University of North Carolina Press, 1996).

[15] *OR*: 13: 889, 15: 832-833, 843; Autobiographical Sketch, Box 2Q453, Bryan Papers; *Houston Telegraph and Texas Register*, October 31, 1862; Scholars, "Life and Services of Guy M. Bryan," 117-118.

Bryan nearly died from his illness and spent several months recuperating from it and attacks of rheumatism. Under the watchful eyes of Laura and two slaves, he slowly improved, but it was weeks before he was strong enough to leave his bed. Each of his brothers took it in turns to visit, and it cheered Bryan to spend time with them. He was especially pleased that he and Stephen S. Perry could put aside past disputes and talk about school days and childhood memories. Bryan's convalescence in Huntsville also allowed him to mend relations with Sam Houston. The same physician ministered to both men and mentioned to Bryan that the dying Houston needed brandy for medicinal purposes. Bryan send his old nemesis a bottle, for which Houston thanked him profusely. The two men then exchanged "kindly messages" until Bryan was healthy enough to depart for Waco in early 1863. That was their last interaction because Houston died a few months later.[16]

Bryan's family tried to speed his recovery by limiting his exposure to political and military news. Ballinger reminded Laura that her husband must avoid excitement. He urged her to distract him, hide newspapers, and delay giving him correspondence from public figures, lest he overexert himself. Bryan, however, would have none of it. As soon as he was well enough to hold a pen, he tried to attend to the needs of his state, especially since friends like Lubbock kept him abreast of conditions in the Trans-Mississippi. After wishing him a speedy return to health and tendering his thanks for the improved relations with Richmond, the Texas governor reported rumors that the War Department intended to transfer additional Texas troops. Bryan tried to ease Texans' concerns by writing to the state legislature in February 1863. He recounted his previous efforts to secure effective management of the department and Davis's promises. He trusted the

[16] GMB to MAB, December 28, 1862, January 9, 1863, Folder 2, Box 2N245, Bryan Papers; Autobiographical Sketch, Box 2Q453, ibid.

president but noted that the war demanded sacrifices, so he encouraged the legislature to adopt additional measures to strengthen Texas's defenses. Such actions provided a measure of comfort as the body contemplated the next year of the conflict, and some Texans encouraged Bryan to run for governor. With Lubbock joining the army, the state needed a head with a long history of defending them. Bryan disliked the idea, arguing that "I *have* not sought *reputation for myself*, but the part of *usefulness*." His position as a staff officer allowed him to protect the people better than if he was stuck in Austin.[17]

By early 1863, conditions in the Trans-Mississippi had rapidly deteriorated. Domestic production offset some of the effects of the blockade and the inflation of Confederate currency, but soldiers and civilians increasingly faced shortages of clothing, food, and other necessities. Many areas still lacked adequate defenses, and the limited access to arms and dwindling number of troops in the department offered few prospects for ending the trend. Military reverses also substantially reduced Confederate territory. Arizona was a lost dream, while Missouri was only an exiled civil government. Eastern Louisiana fell with New Orleans, and Texas no longer controlled its westernmost points. Civilian dissent grew as the draft expanded and the economy worsened, and soldiers deserted in greater numbers than ever before. Bryan had assumed that a unified department with a single head would rectify problems in the Trans-Mississippi, but the seemingly ineffective Holmes struggled to turn the tide. Davis looked to Bryan, claiming that his skill and devotion could ease the dilemma, but the major's illness precluded that. Fearful of

[17] WPB to LJB, November 16, 1862, Folder 1, Box 2N247, Bryan Papers; GMB to MAB, May 25, 1863, Folder 2, Box 2N245, ibid.; Lubbock to GMB, November 19, 1862, GMB to Good Sirs, February 8, 1863, Folder 7, Box 2N243, Bryan Papers; ibid.; *Houston Telegraph and Texas Register*, January 16, February 16, 1863.

losing the area entirely, Davis finally replaced Holmes with Lt. Gen. Edmund Kirby Smith in March 1863.[18]

Bryan intended to resume active duty in April, but tragedy struck his family. He noted that Waco was experiencing higher levels of sickness than it had in the past. His slave Sam contracted the measles and it soon spread to both of Bryan's children. Three-year-old Willie's immune system was strong enough to fight off the deadly virus, but his infant daughter Emily developed pneumonia. For weeks he hoped that his sweet baby would recover. When she died, he and Laura were devastated, and he postponed reporting to the department headquarters to comfort his grieving wife. As Bryan explained to his brother Austin, he was thankful that he could remain with Laura, so they could support each other through the worst of their pain.[19]

Bryan finally returned to military service in May and reported to the new departmental headquarters at Shreveport, Louisiana. Kirby Smith greeted him warmly and informed the major of his duties. Although still classified as an assistant adjutant general, Bryan discovered that he would stay in the general's quarters and work out of his office as a confidential advisor. Smith wanted to employ Bryan's expertise and esteem with Davis to confront the "herculanean task" of bettering the Trans-Mississippi, but transforming him into an advisor went far beyond the role indicated in the regulations. It effectively removed him from the adjutant general's authority and provoked a jealous dispute with Bryan's fellow officers. Col. Samuel S. Anderson was the other assistant adjutant general on Smith's staff, and he questioned why he performed most of the administrative work. His complaints were somewhat overstated, because Bryan periodically dispatched orders to field commanders and handled correspondence on sensitive subjects. In

[18] Kerby, *Kirby Smith's Confederacy*, 12, 14-16, 29-30, 53-54, 56, 58-61, 68-70, 73-76, 97-100, 105-112, 118-119; Autobiographical Sketch, Box 2Q453, Bryan Papers; *OR*, Vol.22, Pt. 2: 807-808.

[19] GMB to MAB Undated, April 3, 20, May 25, 1863, Folder 2, Box 2N245, Bryan Papers.

spite of this, the aggrieved Anderson threatened to write to Kirby Smith, who was absent from headquarters, unless Bryan completed his fair share. The major was unsure if he could divulge his assignment, but he was compelled to counter Anderson's criticisms. He approached Brig. Gen. William R. Boggs, the adjutant general, for clarification on his position and contacted Smith, expressing his astonishment at the heated feelings. Bryan insisted that he wanted nothing more than to maintain harmonious relations with Anderson and Boggs, and he wondered if he should revert to his former role or transfer to the field to ease the conflict. Kirby Smith rejected the major's propositions and pacified Anderson by having Bryan present his orders. Historian June I. Gow argues that commanders could employ their staff as they saw fit, but, as Bryan's experience suggests, such discussions were not always without criticism.[20]

By July 1863, Smith faced even worse challenges. The Federals' capture of Vicksburg isolated his department from the rest of the Confederacy. Davis acknowledged that the river's loss limited communication and necessitated that the far west prosecute the war as best it could without help from its sister states. He granted Smith full control of martial matters and urged him to increase domestic manufacturing and trade through Mexico. He also warned Smith that he now faced both military and political problems. Southerners routinely questioned Confederate policies, a fact Davis knew all too well, and without access to their national leaders the people of the Trans-Mississippi would look to the commanding general. Davis therefore encouraged General Smith to befriend and work closely with the governors in his department to mitigate potential dissent. Secretary of War James Seddon expanded on those ideas, indicating that Smith

[20] Kerby, *Kirby Smith's Confederacy*, 1 (quotation); Autobiographical Sketch, Box 2Q453, Bryan Papers; *OR*, Vol. 22, Pt. 2: 846, 999; Vol. 26, Pt. 2: 16, 97, 106, 174, 182, 195, 200, 202, 240, 312-313; GMB to William R. Boggs, December 14, 1863, Boggs to GMB, December 14, 1863, GMB to Edmund Kirby Smith, December 15, 1863, Folder 7, Box 2N243, Bryan Papers; June I. Gow, "Military Administration of the Army of Tennessee," *Journal of Southern History* 40 (May 1974): 183.

could “exercise powers of civil authority” in addition to his military leadership, though what these were remained ambiguous.[21]

With the two missives in hand, department commander Smith embarked on the difficult task of turning the Trans-Mississippi into a self-sustaining entity. In General Orders No. 1, he assumed control of all armies and officers west of the river, including those appointed and directed by authorities in Richmond. He also adopted what he candidly described as “extraordinary powers” to establish an independent branch of the War Department with pay, ordinance, subsistence, and other bureaus. The seceding states retained the United States’s tradition of placing the War Department under civilian direction, so Smith’s control of this miniature version violated recognized custom and protocol. He hoped that the president would understand that it was indispensable, and he pledged that he would exercise caution and good judgment. Time was a luxury he lacked, however, so he plowed on in the absence of official permission.[22]

Although he embraced an extended role, Kirby Smith believed there were limits to his authority and that he must secure the support of civilian officials. Therefore, he called for a second Marshall conference on August 15, 1863. Days before the convention met, Seddon counseled Smith to rely on influential citizens to assist him. Although the letter likely did not reach him in time, the general clearly had a similar plan in mind. Having helmed the original meeting and deeply engaged in the politics of the Lone Star State, Bryan was familiar with many of the Texas delegates, including Lubbock, governor-elect Pendleton Murrah, and Sen. Williamson S. Oldham. Hence, he not only accompanied his commander to the event but also

[21] *OR*, Vol. 22, Pt. 2: 925-927, 952-953 (quotation); Kerby, *Kirby Smith’s Confederacy*, 136-140.

[22] *OR*, Vol. 22, Pt. 2: 948-949.

participated as a representative of Texas. In this position, he directly engaged civilians and took part in the debates and decision-making processes. At the opening of the second Marshall convention, Smith presented the directives from Davis and Seddon and asked the attendees to consider how much power they authorized him to wield. He also requested that they assess each state's condition and manpower, the temperament of the people, their choice of an ambassador to France and Mexico, and means of acquiring more arms. Bryan's past experiences prepared him for many of the topics evaluated, though how much he networked for his commander is unknown. Regardless, results indicated the body's confidence in Smith. Officially the general held only the powers of any other top officer, but the delegates accepted that circumstances demanded that he effectively assume the authority of the president and his subordinates regarding the interests of the department. They also agreed to his use of civil authority if it stayed within existing laws governing such officials and did not interfere with the governors' jurisdiction. Finally, they allowed General Smith to use cotton owned by the central government as currency to obtain military supplies. In recognizing his leadership, they placed him on a firm footing that allowed him to proceed with the war.[23]

His authority confirmed, Kirby Smith returned his attention to the poorly equipped armies. The Trans-Mississippi suffered from shortages of weapons, medicine, food, and other staples long before Vicksburg's surrender, so the separation from the rest of the Confederacy intensified an already poor situation. Building on the governors' concession that he could employ cotton to alleviate scarcities despite national restrictions on export, Kirby Smith implemented what he dubbed the Cotton Bureau to centralize and oversee the cotton trade within the region. Some inventory already existed because of an early program with which Bryan had briefly

[23] *OR*, Vol. 53: 892-894, Vol. 22, Pt. 2: 952-953, 999-1010.

assisted that exchanged a portion of farmers' crops for bonds. Under the new agency, civilian agents working for the Confederacy sold that cotton for guns, quinine, and the like, and then purchased more to carry on the cycle. Limited funds and a dearth of treasury notes precluded paying market prices, but Smith surmised that farmers would accept Confederate bonds out of patriotism or fear of impressment.[24]

By October 1863, Davis and Seddon learned of Kirby Smith's actions and crafted their responses. The general's willingness to work with the governors struck a favorable chord, and both accepted the assembly's resolutions even though it possessed no legal authority. Seddon reported that the president could not fulfill the request for a Trans-Mississippi branch of the treasury because of the impracticality of procuring the necessary equipment, but he would send scrip through Cuba and Mexico whenever possible. The two national leaders also endorsed the new War Department branch, and Seddon hastened to add that his remark on "civilian authority" related only to General Smith's assumption of that entity's responsibilities. On the other hand, he denied Smith's petition to appoint officers because it infringed on the president's rights. He also questioned the Cotton Bureau, which he felt current Confederate laws did not sanction. Recognizing his ignorance of the region and the demand for supplies, he refrained from ordering Smith to desist, but he recommended a name change and having an established officer like a quartermaster run it.[25]

Smith proceeded with his plan in light of the tacit approval. He instituted the department Cotton Bureau under Lt. Col. William A. Broadwell, then began developing state sub-agencies like the one designed to oversee Arizona, New Mexico, and Texas that operated only in the latter

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[24] Kerby, *Kirby Smith's Confederacy*, 138; *Telegraph and Texas Register*, July 24, 1861.

[25] *OR*, Vol. 22, Pt. 2: 952-953; Joseph H. Parks, *General Edmund Kirby Smith, C.S.A.* (Baton Rouge: Louisiana State University Press, 1954), 224-228, 244-250.

area because of territorial losses. The Lone Star State already had a thriving trade with Mexico, and both civilian and military leaders promoted it. Lubbock, for instance, tried to bring in war materials, but speculators hindered the effort. Magruder as the district commander was equally determined to counter shortages and used government wagons for transport, detaching troops to guard them as they moved along the poor inland roads. Limited Union penetration into the state prevented the agricultural disruption suffered elsewhere in Smith's domain, and he wanted to capitalize on the potential Texas held. Initial attempts to organize the entity floundered when multiple people declined to head it despite promises of a lieutenant colonel's rank and pay. In October, Peter W. Gray offered to take the job. Smith eagerly accepted and sent his trusted subordinate and confidant, Bryan, to Houston to help Gray get started. Gray later quit because he objected to serving under Broadwell. Smith promised to remove Broadwell and even leave the post vacant, but Gray still refused to direct the Texas sub-agency.[26]

Stymied, General Smith authorized Bryan to establish the Texas bureau as best he could. The major discussed possible candidates with Ballinger before naming William J. Hutchings to lead the enterprise. Having jointly created the Houston Cotton Compress company, Hutchings was familiar with the industry. He was also acceptable to Kirby Smith, who originally envisioned him as a junior member of the bureau. James Sorely and George Ball became his assistants, and Ballinger became the entity's attorney. Its personnel matters settled, the Texas office opened for business in December. Bryan notified Smith and Magruder, then started the process of transferring contract negotiations and transport arrangements to the new bureau. To Magruder he also sent a copy of Special Orders No. 198, which demanded military involvement cease and told

[26] *OR*, Vol. 26, Pt. 2: 437-438; Kerby, *Kirby Smith's Confederacy*, 168-170; Kirby Smith to Peter W. Gray, October 13, 1863, Kirby Smith to GMB, November 1, 1863, Folder 7, Box 2N243, Bryan Papers.

him to contact Hutchings regarding the amendment of open agreements and the disposition of any supply of cotton he had. Magruder continued after the Major's communications but stopped once Smith rebuked him. Bryan then returned to Shreveport, where his success prompted his commander to give him control of the department office. Bryan asked to be excused, saying that he had tried throughout his life to maintain an irreproachable name and reputation. Since no man could hold the position and retain the support of the people, he asserted that someone with commercial talents and less scruples was better suited for the job. Smith relented, and Broadwell kept the position.[27]

Kirby Smith's innovation reaped handsome rewards for his command. By summer 1864 the department bureau procured more than $30,000,000 worth of supplies and credit, much of which came from the Federals' thirst for cotton. The Confederacy technically prohibited trade with the enemy, and Broadwell's agents routinely claimed they only negotiated with disaffected citizens. Regardless, cotton flowed across the Mississippi into Union-controlled New Orleans in exchange for food and medicine; the Yankees pragmatically refused to trade arms. By February 1864, the high level of traffic across the river and elsewhere prompted the Confederacy to revise its policy and adopt laws regulating the intercourse. Smith did not learn of the shift until later and carried on with his apparently illegal course of action.[28]

The Cotton Bureau's success remained contingent on ready access to cotton. Broadwell quickly exhausted Treasury Department stores, and his agents received tepid responses when they attempted to purchase more. Impressment and the passage of the national tax-in-kind that

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[27] Scholars, "Life and Services of Guy M. Bryan," 123-124; Special Orders No. 179, November 9, 1863, GMB to C. Allen, November 17, 1863, Special Orders No. 198, December 3, 1863, GMB to John B. Magruder, November 21, 1863, GMB to Magruder, December 3, 1863, GMB to Hutchings, December 3, 1863, Folder 7, Box 2N243, Bryan Papers;; Autobiographical Sketch, Box 2Q453, ibid.; *OR*, Vol. 34, Pt. 2: 830-836; Paul D. Casdorph, *Prince John Magruder: His Life and Campaigns* (New York: Wiley and Sons, 1996), 246.

[28] Kerby, *Kirby Smith's Confederacy*, 161-162.

required farmers to give up ten percent of their crops and livestock or risk confiscation created pervasive opposition. Edward H. Cushing of the *Houston Telegraph* informed Bryan that the people hated such measures because of the "widespread fear of starvation." The bonds that farmers received for their crops were nearly worthless, especially for the cash-poor population. Smith's call for them to trade half their crop for more bonds thus had a very minimal effect until impressment threats presented a choice between bonds or nothing.[29]

Texas presented an even greater challenge to both the Cotton Bureau and the larger war effort. Lubbock championed the Confederate government throughout his term, after which he went to Richmond and joined Davis's staff as an aide-de-camp, but his successor Murrah had a distinctly different temperament. He criticized Davis's "dictatorial powers" and planned to save his state from his excess, though he publicly proclaimed allegiance to Richmond and the good of the entire Confederacy. As soon as he entered office, he immediately worked to counter the most detrimental measures: conscription and Smith's control of the cotton trade. An 1863 law declared militias eligible for national conscription, but Governor Murrah pushed a bill through the Texas legislature that exempted units serving under his authority. As historian David P. Smith has explained, Texas alone of the rebel states confronted problems along the Indian frontier, but the central government considered this of little importance. Determined to protect his state, Murrah tendered the services of his state troops to Magruder but only if they did not cross the Sabine River. Magruder decline to accept the men under any other condition than the national law, provoking a heated dispute. Smith needed men in Louisiana and gnashed his teeth over the situation. The issue was infuriating enough, and Magruder's combative attitude only increased

[29] Order from the Assistant Quartermasters Regarding the Tax in Kind, February 6, 1864, Folder 1, Box 2N244, Bryan Papers; Edward H. Cushing to GMB, December 24, 1863, Folder 7, Box 2N243, Bryan Papers.

Murrah's recalcitrant stance.[30]

In contrast to earlier quarrels between civil and military officials, Kirby Smith decided to negotiate with Governor Murrah directly rather than use Bryan as an intermediary. Despite his regard for the general, Bryan was a Texas nationalist and had tired of watching the Confederacy weaken his state. He wholeheartedly concurred with Murrah's response to conscription and wrote to him that he should "retain a strong state force not to go out of its limits." Despite a warning from Ballinger, Bryan also complained to Murrah about Magruder's "arrogation of civil power" and "the recklessness & oppression with which impressments have been made." He claimed that all the states' rights men denounced the "military despotism," and they wanted Murrah to have a force to protect the state and civil power. Bryan's bias contradicted Smith's goals, so the general met with the governor alone. Murrah ignored Smith, but criticism from the press eventually prompted him to relent, and he asked the legislature to revise the earlier law.[31]

Murrah's move to undermine the Cotton Bureau further aggravated Smith, who believed they endangered his department. The governor understood the limitations of the agency, and he opened a state variant under Ebenezer B. Nichols to take advantage of the shortcomings. He proffered state funds rather than largely worthless Confederate bonds at a higher price for half of a farmer's or speculator's yield. He then used state resources to transport the entire crop to the Rio Grande, where the state claimed its part to purchase arms and other supplies and the owner did what he wished with his share. Higher prices and the possibility of selling their crops in

[30] John Moretta, "Pendleton Murrah and States Rights in Civil War Texas," *Civil War History* 45 (June 1999): 128-131 (quotation); David P. Smith, *Frontier Defense in the Civil War: Texas' Rangers and Rebels* (College Station: Texas A&M University Press, 1992), xii-xiv.

[31] Magruder to GMB, March 20, 1864, Magruder to GMB, April 3, 1864, Folder 1, Box 2N244, Bryan Papers; Moretta, "Pendleton Murrah," 131-136 (quotations). Bryan's communications with Magruder remained affable, so the general remained ignorant of his ill feelings and even offered Bryan a position on his staff in March 1864 that he declined.

Mexico provided such a compelling alternative that Broadwell's agents failed to secure much cotton in the state. Keen to avoid more trouble as he negotiated the troop issue, General Smith wrote a cordial letter to Murrah explaining that he had instructed his men "not to molest any cotton which the State authorities might wish to use for purposes of defense." The difference in price, however, "effectively prevented [the Cotton Bureau] from acquiring sufficient cotton to meet the military necessities of the Department or use as the basis of exchange abroad." Smith clearly believed that Murrah's operation endangered the Confederacy and needed to stop or at least offer equivalent prices.[32]

Polite entreaties having failed, Kirby Smith sent Bryan, now a colonel, to persuade the obstinate civil official. Bryan clearly sympathized with the governor regarding troops, but he still valued the Confederacy as the means of safeguarding Texas. Therefore, he did his best to show how Murrah's actions hindered the larger war effort. He traveled to Houston and conferred with Hutchins on the Bureau's handicap and then called on Nichols repeatedly to show him the problem presented by the state agency. He also wrote Murrah multiple times to counter the assertion that his actions did not hinder Smith's efforts. By April 1864, he, Hutchins, and Nichols reached an agreement that the state would not buy more cotton and forwarded it to Murrah for review. The governor promised to abide by it if Kirby Smith agreed to honor all existing contracts and Thomas J. Devine was allowed to present his views in person. Bryan told Murrah that his commander would agree without realizing that the governor had already bought up nearly the entire supply of Texas cotton. As Hutchins noted weeks later, Bryan undoubtedly

[32] Moretta, "Pendleton Murrah, 136-144; Copy of Confederate Laws, February 4, 1864, Folder 1, Box 2N244, Bryan Papers; Kirby Smith to Pendleton Murrah, March 6, 1864, Folder 98, Box 2014/022-3, Texas Governors' Papers: Pendleton Murrah, TSLA (quotations).

achieved the best he could, yet little changed.[33]

As Bryan and Devine approached Shreveport, they discovered that Kirby Smith was in the field in pursuit of retreating Union forces. In March 1864, Maj. Gen. Nathaniel P. Banks attempted to capture Shreveport and invade Texas by moving up the Red River. Low water slowed his gunboats, and his land forces eventually took an inland road that separated them from the ships' protective fire. On April 8, he encountered Confederate forces under Maj. Gen. Richard Taylor near Mansfield, Louisiana, where the Federals suffered a crushing defeat. Banks barely fended off additional Confederate attacks at Pleasant Hill before escaping. The second prong of the assault under Maj. Gen. Frederick Steele was supposed to move against Shreveport from the north. After slowing near Camden, Arkansas, he continued southward until Confederate forces under Brig. Gen. John S. Marmaduke forced his retreat to Camden on April 18. Banks wanted Steele to join him for another move towards Shreveport, but Steele needed supplies and continued his retreat to Union-held territory. Smith believed Steele was a greater threat than Banks and moved to stop him. On April 29, he joined his other forces and attempted to bag Steele before he could construct pontoon bridges to cross the rain-swollen Saline River. Bryan and Devine arrived during the Battle of Jenkins Ferry, and the former finally got his wish to see combat. After Brig. Gen. Thomas N. Waul was wounded, Bryan rallied the brigade as the Yankees vigorously counterattacked. By the end of the afternoon the Federals crossed the river,

[33] Commission, February 17, 1864, Kirby Smith to GMB, March 16, 1864, GMB to Hutchings, March 16, April 2, 1864, E. B. Nichols to Murrah, March 19, 1864, GMB to Smith, April 2, 1864,GMB to Murrah, April 2, 3, 1864, Folder 1, Box 2N244, Bryan Papers; Murrah to GMB, April 2, 4,1864, Volume 1, 239-242, 266-267, Box 2014/022-5, Governors' Papers: Murrah.

burned the bridges, and evaded Smith, but Bryan's efforts earned him praise from Waul and Smith.[34]

Following the battle, Kirby Smith spoke to Devine about Murrah and then had Bryan come to his tent and share his pallet. Once they were settled, Smith ordered the Colonel to travel to Richmond to speak with Davis, Seddon, Inspector General Samuel Cooper, and the Texas congressmen. The recent disputes with Murrah and the failure to capture Steele indicated to General Smith that he needed even greater control over the affairs of the Trans-Mississippi. He longed to remove troublesome subordinates like Magruder and Taylor, who questioned Smith's use of the Cotton Bureau and pursuit of Steele. He and Gray, the leader of the newly established treasury branch, wanted more concrete and stringent laws to ensure that Confederate interests superseded those of state leaders, and they had drafted potential laws to be submitted to the national legislature. Bryan requested that a substitute carry out the mission to Richmond. His third child Laura was only a few months old, and if he were captured there was no way to know how long he would be away from his family. Smith sternly asserted that only he could fulfill the mission. Bryan already held Davis's esteem, increasing the likelihood that the commander-in-chief would grant him an audience and respond favorably. Other national leaders familiar with Bryan would also be more likely to assist him or support the bills he carried because of his established reputation and record of patriotism. After hearing such arguments, Bryan finally assented.[35]

Bryan arrived in Richmond in June 1864 after a treacherous journey during which he was

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[34] Kerby, *Kirby Smith's Confederacy*, 283-321; William A. Broadwell to WPB, May 9, 1864, Folder 1, Box 2N244, Bryan Papers; Autobiographical Sketch, Box 2Q453, Bryan Papers; GMB to LJB, May 1, 1864, Folder 7, Box 2N245, Bryan Papers.

[35] Autobiographical Sketch, Box 2Q453, Bryan Papers; Special Orders 113, May 9, 1864, Kirby Smith to GMB, May 7, 1864, Folder 1, Box 2N244, Bryan Papers; *OR*, Vol. 34, Pt. 3: 821-822.

nearly captured by a Union gunboat as he and his guide crossed the Mississippi River in the dead of night. Davis as expected agreed to meet with Bryan, noting that the officer more than merited his respect. He listened attentively to news of Jenkin's Ferry and Smith's other woes, then arranged audiences with Seddon, Cooper, and the Texas delegation. Smith's faith in Bryan paid dividends, because Davis and Seddon again affirmed that he could wield any authority he needed to govern his domain under existing laws or those subsequently passed by Congress. To reduce confusion, they forwarded the newest laws and formally appointed Smith head of his regional War Department rather than name an assistant secretary. They pointed out that the president was not always at liberty to grant Kirby Smith's requests, but they encouraged him to pass along new ones for consideration as issues arose. Rumors from Congress also indicated that the bills Bryan brought might pass, though the sluggish law-making process produced nothing before he departed. Finally, Bryan achieved limited success with the personnel issue. Smith instructed Bryan to say little about Magruder for the present, so the emissary focused his attention on Taylor's alleged shortcomings and Smith's desire to create two new major generals to rank above more bothersome subordinates. Davis eventually promoted his brother-in-law Taylor to lieutenant general and transferred him east to Alabama to appease Smith, but Seddon squashed the other proposals. He pointed out that Smith lacked the men for such a division structure and the president flatly refused to sanction unnecessary officers. If current commanders were incompetent or querulous, Seddon advised sending a report with appropriate documentation for Davis to review.[36]

[36] Autobiographical Sketch, Box 2Q453, Bryan Papers; Kirby Smith to GMB, May 7, 1864, Folder 1, Box 2N244, Bryan Papers; Jeffery Prushankin, *A Crisis in Confederate Command: Edmund Kirby Smith, Richard Taylor, and the Army of the Trans-Mississippi* (Baton Rouge: Louisiana State University Press, 2005), 154-183; *OR*, Vol. 34, Pt. 1: 477-478, Vol. 34, Pt. 3: 821-822, Vol. 34, Pt. 4: 671-674, Vol. 41, Pt. 2: 1,066.

As Bryan lobbied on Kirby Smith's behalf, he got another surprise. Davis's biographers frequently mention that he was impatient and hard to impress, yet after each of his interactions with Bryan he commended the soldier for his skill and patriotism. He wanted someone well-informed on the Trans-Mississippi close at hand, so he tendered Bryan a place on his personal staff as an aide. Bryan was flattered, and politicians including Senator Oldham urged him to accept. Since the beginning of the war, Bryan maintained that his place was working for the good of his family, neighbors, and state. His record reflected that belief, and he always contended that he could better serve Texas by working for Smith. Therefore, he rejected the president's proposition, advising him to ask Lubbock, who readily accept the proffered appointment.[37]

In mid-July 1864, Bryan finally reached Shreveport after again travelling the length of the Confederacy and dodging many Union patrols. He reported to a highly satisfied commander, who lauded him once again for his efforts. Kirby Smith allowed Bryan a brief rest, during which time he wrote to Murrah about his recent trip. He was fairly pleased with what he had achieved in Richmond, but Bryan believed the national government remained largely unaware of the needs of the people and states in the Trans-Mississippi. Thus, he pushed Murrah to write to the Texas representatives in Congress and possibly convene another governors' convention to address the problem. He then departed for Houston, to check on the Cotton Bureau, and thence to Waco to visit his family, pending further orders.[38]

Bryan's concern for Texas encouraged Murrah to offer him a new role. A new law allowed the Trans-Mississippi governors to have representatives at department headquarters, and

[37] GMB to Jefferson Davis, June 6, 1864, Folder 1, Box 2N244, Bryan Papers; Autobiographical Sketch, Box 2Q453, Bryan Papers; Cooper, *Jefferson Davis and the Civil War Era*, 3-5, 15-16, 28, 38-40, 44, 47-48, 57, 79-80, 81, 85-86, 97.

[38] Autobiographical Sketch, Box 2Q453, Bryan Papers; GMB to Murrah, August 7, 1864, Special Orders, August 25, 1864, Samuel S. Anderson to GMB, August 27, 1864, Folder 1, Box 2N244, ibid.

Murrah wanted to appoint Bryan. Kirby Smith did not want to relinquish his staff officer, claiming "your services officially and your services as a friend I have always acknowledged & I will ever remember them." In his present position, Smith could confer with Bryan without any hesitation, but the general could not exercise such liberalities with Murrah's representative. Bryan was willing to resign in order to take the job, but Smith decided that if he took a place on the military court, he could hold the two positions concurrently. The general then graciously notified Murrrah that "no selection you could have made would have been more agreeable than that of Col. Bryan."[39]

Throughout the war, Bryan remained hopeful that Texas and the Confederacy would triumph, but by January 1865 the realities of a Union victory had become apparent. He told Laura then that "I see but little hope for our unhappy country," because of the Confederacy's recent losses. Maj. Gen. William T. Sherman's policy of hard war had shattered Georgia, and if he continued it through the Carolinas it would damage Lee's ability to hold Petersburg and Richmond. Confederate losses at Franklin and Nashville also rendered the Army of Tennessee completely ineffective. It was only a matter of time before Davis pulled more troops from the Trans-Mississippi, further weakening its defenses. Laura chided her husband, telling him to have faith in the nation's soldiers. She believed that they were up to the task, but, if not, she was prepared accept the defeat of the Confederacy. She wanted Texas to make a separate stand and become a republic again, but at worse they could relocate to Mexico.[40]

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[39] Thomas McKinney to GMB, September 8, 1864, James W. Throckmorton to GMB, September 4, 1864, Act Issued May 28, 1864, Kirby Smith to GMB, November 1, 1864 (first quotation), Commission as Representative of the State, December 5, 1864, Folder 1, Box 2N244, Bryan Papers; GMB to Murrah, December 16, 1864, January 3, 1865, Kirby Smith to Murrah, April 21, 1865 (second quotation), Folder 101, Box 2014/022-4, Governors' Papers: Murrah; Murrah to GMB, January 25, 1865, Box 2014/022-5, Governor's Papers: Murrah; *Dallas Herald*, March 2, 1865.

[40] GMB to LJB, January 8, 12 (quotation), 13, 1865; LJB to GMB, January 1, 8, 13, 21, 1865, Folder 7, Box 2N245, Bryan Papers.

Bryan's fears were so great that he considered returning to the Texas legislature or even running for governor. Murrah was suffering from tuberculosis, and many expected him to give up his office after one term. Bryan wanted his state to have strong, effective leaders, especially if Davis siphoned more of Texas's manpower. He had spurned officeholding in deference to Laura, but it seemed imperative that he take office to save his state. Laura strongly warned him against returning to Austin, saying "don't think of politics. *It's not time*. Texas will float or sink with the Confederacy & our men must look to independence & nothing else." Moreover, Bryan did better with higher leaders rather than the rabble currently in the legislature, and his relationship with Kirby Smith gave him more influence than any governor. Despite the council of his wife, Bryan continued to think of running for governor until the press received a letter from Charles S. West, suggesting that Bryan favored abandoning the Confederacy and securing a separate peace for Texas. His political allies divided over whether he could weather the fallout, so Bryan withdrew from the race.[41]

In April, Bryan, Kirby Smith, and the rest of the Trans-Mississippi Department learned of Gen. Robert E. Lee's capitulation at Appomattox and Gen. Joseph E. Johnston's surrender of the Army of Tennessee. The *Houston Telegraph* posited that the people's will was unbroken and that they could easily continue the war. General Smith, however, was less certain and called Murrah, Gov. Henry W. Allen of Louisiana, Gov. Harris Flanagin of Arkansas, and Gov. Thomas C. Reynolds of Missouri for yet another convention at Marshall. His health failing, Murrah never made it to the meeting and vested Bryan with his powers. With the major Confederate armies disarmed, the Union could use all its resources to subdue the Trans-Mississippi Department, so

[41] LJB to GMB, August 2, October 23, December 25, 1864, January 1, 8, 21, 22, 1865, GMB to LJB, February 20, June 2, October 26, 1862, January 12, 1865, Folder 7, Box 2N245, Bryan Papers.

the assembly devoted their efforts to securing the best surrender terms possible. Their resolutions asked that the Union restore all officers and men to full citizenship in the United States; that no one be prosecuted for crimes committed during the war; that anyone attempting to leave the reunited nation be allowed to do so; that the current state governments would remain operational with a small armed force as police; and that the army be allowed to disband without the formal shame of surrender and parole. Smith presented the terms to Lt. John T. Sprague, Chief of Staff for Maj. Gen. John Pope, on May 13, 1865. Sprague said he could not sign a document that in any way legitimized the Confederacy, but he added that any soldiers who went home without a parole would not be penalized. He then returned to Pope, who decided to wait rather than use force. The various elements of Kirby Smith's command soon disintegrated, and his subordinates and the states began making their own arrangements. Brig. Gen. Sterling Price eventually opened negations with Union Maj. Gen. Edward R. S. Canby, and Smith formally laid down his arms on June 2, 1865. Twenty-three days later, the last Confederate general in the Trans-Mississippi, Brig. Gen. Stand Waite, capitulated.[42]

Bryan had attempted to retire from politics at the end of the 1850s, but the outbreak of the Civil War inspired him to continue protecting his state by joining the military. He intended to be assigned to guard the coast, but his background and abilities resulted in his appointment as an aide and then an assistant adjutant general. Per regulations, adjutant generals and their assistants acted as administrators who answered mail, forwarded orders, and kept records, yet Bryan rarely performed these duties. Instead, he became a liaison between the Trans-Mississippi civil and military leadership and authorities in Richmond, where he influenced the organization of the

[42] *Houston Telegraph and Texas Register*, May 22, 1865; *New York Tribune*, June 12, 1865; *OR*, Vol. 48, Pt. 1: 137-139, 186-190; Kerby, *Kirby Smith's Confederacy*, 417-420; Casdorph, *Prince John Magruder*, 295; Bradley R. Clampitt, *The Confederate Heartland: Military and Civilian Morale in the Western Confederacy* (Baton Rouge: Louisiana State University Press, 2011), *passim*.

department. The survival of the Trans-Mississippi required the cooperation of numerous leaders, and Bryan's charm, devotion, and tenacity compelled the governors, military commanders, and the president to worked together, allowing the region to hang on even after the Federals severed it from the rest of the Confederacy. He never expected to be a statesman when he donned his uniform, but Bryan's political actions were vital to the survival of the Confederacy's western most theater. With his department surrendered, and the war over, he and other Texans wondered what the resumption of federal authority would bring.[43]

[43] *Regulations for the Army of the Confederate States*, 63-64; Gow, "Military Administration of the Army of Tennessee," 183; Joseph H. Crute Jr., *Confederate Staff Officers, 1861-1865* (Powhatan, Va.: Derwent Books, 1982); United States War Department, *List of Staff Officers of the Confederate Army* (Washington: Government Printing Office, 1891); James L. Nichols, *The Confederate Quartermaster in the Trans-Mississippi* (Austin: University of Texas, 1964); Harold L. Wilson, *Confederate Industry: Manufactures and Quartermasters in the Civil War* (Jackson: University of Mississippi, 2002); G. Moxley Sorrel, *Recollections of a Confederate Staff Officer* (New York: Neale Publishing Company, 1905); Robert E. L. Kirk, *Staff Officers in Gray: A Biographical Register of the Staff Officers in the Army of Northern Virginia* (Chapel Hill: University of North Carolina, 2002).

CHAPTER 7

RETURN TO THE UNION

Although Guy M. Bryan was a slaveowner and had been one of the most vocal proponents of secession, he abandoned the Confederate States of America as soon as the Civil War ended. Many Texans resisted the resumption of federal authority, but Bryan worked energetically to reclaim his United States citizenship and demonstrate his loyalty to the Union. The Confederacy failed to protect his state or safeguard slavery, and he believed that it was in Texans' best interests to accept their situation. He intended to lead by example and eschewed politics, despite bristling at the changes wrought by Congressional Reconstruction. When conservative whites called on him to defend them from Edmund J. Davis's administration, he returned to the statehouse, participated in ousting the governor, and help "redeem" his state from Republican rule. He also used his friendship with Pres. Rutherford B. Hayes to obtain more favorable treatment for Texas and the South, eventually allowing them to negate most of the effects of Reconstruction. On the surface, Bryan's actions mirrored those of many former Confederates. However, as a Texas nationalist to the core, Bryan's motives focused on bolstering his state, remembering Texas's glorious past, and ensuring his family's legacy.

By early 1865, the Confederacy's future was bleak, and Bryan contemplated life in a reunited America. No one knew what treatment awaited the rebel states and their inhabitants, but he was certain the South faced a difficult ordeal. Unaware of the Thirteenth Amendment, he held on to a faint hope that a semblance of slavery might survive the war, and he even contemplated exchanging land for some of the approximately 51,000 refugee slaves in the state, but Bryan also prepared himself for the possibility that the peculiar institution was gone forever. Confronted with these prospects and fearful of Yankee domination, his wife Laura proposed immigrating to

another country. She expected the Federals to insist on southerners' subservience, and she did not want to see her husband and son become "serfs where they were born to lead." She was not alone in considering this path, because scholars estimate that approximately 10,000 former Confederates moved to Mexico, Brazil, and other nations after the war. Some endeavored to replicate their antebellum lifestyles by settling in Brazil, which did not abolish slavery until 1888. Others sought an escape from treason charges, a chance to resurrect the Confederacy, or a way to avoid the demands of Reconstruction. In many cases this was a temporary exile, and, when the challenges passed, they returned to the United States. Some of Bryan's associates pursued this course, including Lt. Gen. Edmund Kirby Smith and former governors Edward Clark and Pendleton Murrah, who all fled to Mexico after the Trans-Mississippi capitulated. Bryan, however, refused to forsake Texas. He had spent his life protecting it and his family's legacy there, and he could not turn his back on it. As he wrote, "*no one* is more *devoted to Texas*, nor is more identified with its past and present than myself." Whatever happened, he would face the challenges ahead as a citizen of the Lone Star State, unless forced to do otherwise.[1]

Having decided to remain in Texas, Bryan posited that quick action might save the state from the worst sanctions. Murrah agreed and sent Bryan's brother-in-law William P. Ballinger and Ashbel Smith to meet with Federal military leaders in New Orleans before General Smith

[1] Dale Baum, "Slaves Taken to Texas for Safekeeping During the Civil War," in *The Fate of Texas: The Civil War and the Lone Star State*, ed. Charles D. Grear (Fayetteville: University of Arkansas Press, 2008), 83-88; LJB to GMB, January 8, 13 (first quotation), 1865, Folder 7, Box 2N245, Guy Morrison Bryan Papers, DBCAH; GMB to MAB, February 25 (second quotation), June 3, 1865, Folder 2, Box 2N245, ibid. For information on Confederates who settled in Mexico and Brazil, see Andrew F. Rolle, *The Lost Cause: the Confederate Exodus to Mexico* (Norman: University of Oklahoma Press, 1965); Todd W. Wahlstrom, *The Southern Exodus to Mexico: Migration Across the Borderlands after the American Civil War* (Lincoln: University of Nebraska Press, 2015); Cyrus B. Dawsey et al., *The Confederados: Old South Immigrants in Brazil* (Tuscaloosa: The University of Alabama Press, 1998); Lawrence F. Hill, "The Confederate Exodus to Latin America, I," *Southwestern Historical Quarterly* 35 (October 1935): 100-134; Lawrence F. Hill, "The Confederate Exodus to Latin America, II," *Southwestern Historical Quarterly* 35 (January 1936): 161-199; Lawrence F. Hill, "The Confederate Exodus to Latin America, III," *Southwestern Historical Quarterly* 35 (April 1936): 309-326.

surrendered. The two envoys' object was to circumvent Pres. Andrew Johnson's apparent plans for civil government, prevent military occupation of Texas, and retain white control over black labor. Many southerners considered Johnson a turncoat, because he had opposed disunion, remained in Congress after Tennessee seceded, and became Abraham Lincoln's running mate during the 1864 election. With those credentials, Texans expected a direct appeal to earn nothing but scorn. As Ballinger declared, Johnson "no doubt w[oul]d tell us we were all traitors who were to be punished and admonish us in advance of our fate." On the other hand, a favorable relationship with the army and rapid readmission to the Union might blunt the president's supposed vitriol.[2]

Ballinger and Ashbel Smith departed for New Orleans on May 27, 1865, aboard the U.S.S. *Antona*. When they arrived, Maj. Gen. Edward R. S. Canby listened politely as they asserted that occupation was unnecessary. Texans had already accepted defeat and returned home peacefully. Secessionists like Bryan no longer led the people, and Ballinger contended that most were "ready in sincerest faith to return to their relations with the gov't of the U.S." The upcoming August election would quickly restore civil authority to areas where it had dissolved, and he was quite certain that his fellow Texans would select leaders who supported the federal government, especially if they were required to swear fidelity before voting. Unfortunately for the Texans, such appeals were useless, because Canby and his immediate superior Maj. Gen. Philip H. Sheridan informed them that occupation was unavoidable. Confederate support for the French-installed Maximillian I of Mexico worried Lt. Gen. Ulysses S. Grant. Convinced that it might extended the rebellion, he commanded Sheridan and roughly 52,000 troops to hold the

[2] GMB to MAB, June 2, 1865, Folder 2, Box 2N245, Bryan Papers; William Pitt Ballinger Diary, May 17, 1865 (quotation), Box 2Q422, William Pitt Ballinger Papers, DBCAH; John A. Moretta, *William Pitt Ballinger: Texas Lawyer, Southern Statesman, 1825-1888* (Austin: Texas State Historical Association, 2000), 167-172.

state as a show of force to France. Canby explained that the soldiers were not there as a sign of malice or unfriendliness towards Texas. They were simply there to preserve order, something he expected the population to appreciate in the face of the rumored lawlessness caused by the collapse of civil leadership.[3]

Despite this setback, the meeting indicated to the Texans that the federal government might make some concessions. Turning to their secondary goal, Ballinger and Ashbel Smith claimed that Texas produced more cotton than any other state, before expounding on the fragility of the state's economy. Cultivation required constant supervision, so the loss of just a few weeks labor would equal catastrophe for the year's crop. If the federal government freed the slaves and allowed them to roam at will, it would ruin the state. Ballinger wanted an assurance that Washington would limit the freedmen's mobility. This time the generals proved more amenable. They promised the army would promote and uphold labor agreements. Canby went further, saying that there might be some commotion immediately after emancipation, but it would die down quickly. Blacks, he emphasized, would not be permitted to follow the army or remain idle. Indeed, one of the major chores of the new Bureau of Refugees, Freedmen, and Abandoned

[3] Ballinger Diary, May 17-27, 1865, (quotation); Moretta, *William Pitt Ballinger*, 1170-172; Paul Hutton, *Phil Sheridan and His Army* (Lincoln: University of Nebraska, 1985), 20-22. Bryan is an excellent example of a Texan who felt defeated at the war's end, especially since he went through the process of applying for pardon. Historians, however, debate the extent that Texans accepted defeat. Relying on the accounts of army personnel, Barry Crouch and William Richter posit that Texans resisted Reconstruction because they were never conquered militarily. Brad R. Clampitt concurs, asserting that many western soldiers went home without the opportunity to face defeat. In contrast, Carl H. Moneyhon writes that many Texans did feel the sting of defeat but resisted because prominent leaders wanted to maintain the racial status quo. See Barry Crouch, *The Freedmen's Bureau and Black Texans* (Austin: University of Texas Press, 1992), 12, William Richter, *The Army in Texas During Reconstruction, 1865-1870* (College Station: Texas A&M University, 1987), 3-31; Bradley R. Clampitt, "The Break Up: The Collapse of Confederate Trans-Mississippi Army in Texas," *Southwestern Historical Quarterly* 108 (April 2005): 499-534; Carl H. Moneyhon, *Texas After the Civil War: The Struggle of Reconstruction* (College Station: Texas A&M University Press, 2004), 3-28.

Lands was to negotiate and enforce labor contracts as part of aiding the South's transition to a wage economy.[4]

Bryan wanted to build on this slight victory by holding a convention to swear allegiance to the United States and apply for immediate readmission. Such a public display of loyalty might soften northern anger and allow white Texans to retain control of the state's government. This counsel was consistent with Bryan's political style, but one thing was different: he no longer intended to take the lead. Instead, the former secessionist decided to tread the same path as Gen. Robert E. Lee. Historian Richard B. McCaslin argues that Lee lived his life in George Washington's shadow. Because of his love for the revolutionary war hero, Lee abhorred disunion and the destruction of the nation, yet he went on to lead the Army of Northern Virginia when his and Washington's state seceded. Once the war concluded and the Old Dominion was back in the Union, Lee turned away from the Confederacy, sought a pardon, and promoted reconciliation. Bryan was a vastly different man than Lee, but he agreed that protecting his family's legacy now depended on the Union. He stressed that he no longer possessed political aspirations, and in later years he told Rutherford B. Hayes, "I have kept as quiet and unobtrusive as it were possible for anyone to be since the surrender of this side of the Miss. I have done so not from any craven spirit, but from a sincere desire to set a good example and to facilitate reconstruction and the proper submission to the powers that be." Stepping out of the spotlight was his attempt to do as Lee did and lead by example.[5]

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[4] For more on the Freedmen's Bureau in Texas, see Crouch, *The Freedmen's Bureau and Black Texans*; Moretta, *William Pitt Ballinger*, 170-172; Richter, *The Army in Texas During Reconstruction*, 32-64.

[5] GMB TO MAB, June 2, 1865, Folder 2, Box 2n245, Bryan Papers; Richard B. McCaslin, *Lee in the Shadow of Washington* (Baton Rouge: Louisiana State University Press, 2001), 1-12, 193-196; GMB to RBH, May 18, 1867, Ernest W. Winkler, ed., "Bryan-Hayes Correspondence, III," *Southwestern Historical Quarterly* 25 (April 1922): 290-293 (quotation).

Beyond his pragmatism, if he were to reflect, supporting the Confederacy ultimately had undermined both Texas and him. Bryan had spent his one term in the United States Congress criticizing the federal government for not protecting his state's frontiers. The War Department's withdrawal of troops to combat violence in Kansas and Utah contributed to residents' angst about Indian attacks and Mexican raids, but joining the Confederacy did little to alleviate these problems. Historian David P. Smith maintains that Texas's frontiers were better protected during the Civil War than in the antebellum period, but Bryan and other Texans clearly disagreed. With Pres. Jefferson Davis and other Confederate leaders focused on holding Virginia, Texans were forced to create their own companies to guard the frontier against the Indians or incursions from Mexico, but many of these were drafted into Confederate service and were subject to transfers based on national needs. Even more galling for Bryan was the Confederacy's inability to defend the Texas coast, because it constantly transferred the state's troops across the Mississippi River. He resided in Galveston, so it was torturous to see his home threatened by blockaders and then fall into Yankee hands. The Confederates retook the port city, but Federals, who launched four separate invasions, held portions of the coast from Brownsville to Galveston at various points throughout the war. Had the Confederacy not drained their manpower and appointed competent commanders less willing to abandon the coast, the state might have avoided this fate. Historian Walter L. Buenger argues that many Texans accepted an alliance with the Confederacy because it provided a safer alternative than becoming an independent nation again. However, the inability of the Confederacy to support the Trans-Mississippi eroded the allegiance of Bryan and many other Texans as the war progressed.[6]

[6] Walter L. Buenger, *Secession and the Union in Texas* (Austin: University of Texas Press, 1984), 171-173; David P. Smith, *Frontier Defense in the Civil War: Texas' Rangers and Rebels* (College Station: Texas A&M University Press, 1992), xii-iv; Glen S. Ely, *Where the West Begins: Debating Texas Identity* (Lubbock: Texas Tech University Press, 2011), 40-51. For more about the defense of the Rio Grande frontier and the Texas coast before and during

His time in the Confederacy hurt Bryan personally as well. Like most Civil War soldiers, he was forced to sacrifice time with his family to promote the larger cause. His position in the Trans-Mississippi allowed him to visit more frequently, but he still struggled with being away from his loved ones. He and Laura had been married just over three years when the Confederates fired on Fort Sumter, and they lamented spending their best years apart. Bryan's protracted absences also took him away from his young children. His son William "Willie" was a year old when he enlisted, and his daughter Emily was born soon after. Because of their age, he worried that they might forget him. Echoing countless fathers in uniform, he asked his wife to speak of him often to their babies. Emily's death in 1863 was a stark reminder of how precious time was, and the birth of his third child Laura (Lollie) in 1864 intensified his longing to return home. His wife kept him apprised of the children's doings and typically reported positive news to bolster his morale, but her sadness was evident late 1864 when she remarked that he had missed most of Lollie's life. One can only imagine Bryan's pain a few months later, when she noted that their baby girl was saying "daddy" even though she did not know what the word meant. Even when it was clear that Willie remembered his father and even named a pet "Guy" in his honor, these tidings were bittersweet for Bryan. He did not enjoy reading about his son growing up and grappled with how to be a parent from afar. This led him to ponder if he should do as his grandfather, uncle, and mother had done and draft a missive about his expectations for his eldest child. Another time, he wrote a complex note that tried to explain his love for Willie and why that affection was different from that he had for his mother. Laura softly chided her spouse to that their son was too young for such things, leaving Bryan struggling with how to influence him

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the Civil War, see Jerry D. Thompson, *Cortina: Defending the Mexican Name in Texas* (College Station: Texas A&M University, 2007); Richard B. McCaslin, *Fighting Stock: John S. "Rip" Ford of Texas* (Fort Worth: Texas Christian University Press, 2011); Stephen A. Townsend, *The Yankee Invasion of Texas* (College Station: Texas A&M University Press, 2006).

and show his affection in his letters. He made these sacrifices to help the Confederacy achieve independence, but with its surrender one wonders if he thought it had been worth the cost.[7]

The arrival of Maj. Gen. Gordon Granger and Provisional Governor Andrew J. "Jack" Hamilton brought a clearer picture of Presidential Reconstruction. On June 19, 1865, Granger landed in Galveston and announced the emancipation of the Lone Star State's slaves. Three days later Hamilton assumed control of the state and explained the president's expectations. In contrast to the gloomy predictions made by Bryan and Ballinger, the much-maligned Johnson imposed minimal strictures on the seceding states, preferring to emulate Lincoln's efforts to rapidly restore the Union. All he asked was for each state to draft a new constitution expunging any mention of the Confederacy and accepting the outcomes of the war. He also granted most southerners, including Texans, amnesty unless they had attended the military academies, given up their commission or government position to secede, held a rank above colonel in the Confederate Army, or possessed over $20,000 in property. In theory, this barred those who served in the upper echelons of the rebel military and government from participating in the constitutional convention, yet even these men were could regain their citizenship if they appealed for a presidential pardon. For Texans who expected retribution, this was a welcome relief, and Bryan was eager to follow the president's instructions.[8]

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[7] LJB to GMB, August 2, October 23, December 25, 1864, January 1, 8, 21, 22, 1865, GMB to LJB, February 20, June 2, October 26, 1862, January 12, 1865, Folder 7, Box 2N245, Bryan Papers; Richard Lowe, "Warriors, Husbands, and Fathers: Confederate Soldiers and Their Families," in *The Fate of Texas: The Civil War and the Lone Star State*, ed. Charles Grear (Fayetteville: University of Arkansas Press, 2008), 25-36. Willie also insisted on "writing" to his father, because of a sweet event with his mother. Laura held her son's hand and traced out what he wanted to tell his father, including it along with her usual letter. Afterwards, the child was so happy with the accomplishment that he asked to write his father often, and Laura confessed to her husband that she expected to grow tired of it very soon.

[8] Randolph B. Campbell, *Gone to Texas: A History of the Lone Star State*, 2nd ed. (New York: Oxford University Press, 2012), 266-270; Moneyhon, *Texas After the Civil War*, 3-28; Carl H. Moneyhon, *Edmund J. Davis: Civil War General, Republican Leader, Reconstruction Governor* (Fort Worth: Texas Christian University Press, 2010), 73-78.

On July 15, Bryan started the process of securing a presidential pardon for himself and his brothers. Despite the Johnson's mild treatment of the South, Granger's arrival led to rumors that the federal government might punish Texans by seizing their lands and distributing them to the recently emancipated slaves. Governor Hamilton tried to squash these stories with a public proclamation, but some freedmen continued to speak of it. The Bryan-Perry family also worried that Washington might seize the state's public lands as reimbursement for unpaid federal taxes during Texas's time in the Confederacy, depriving the state of its greatest resource and only means of promoting settlement and development. Bryan maintained that United States citizenship and clear demonstrations of obedience might safeguard Texans, so he was eager to secure his family's pardons. Neither Moses Austin Bryan or William Joel Bryan served in the military, and he and Stephen S. Perry never rose above the rank of colonel, so they met all qualifications for amnesty except for Johnson's exclusion of people who had $20,000 or more in property. Their extensive landholdings forced them to appeal to the president.[9]

Guy's pardon application offers further proof of his submission to federal authority. In the campaign for secession, he had taken pride in his extremist views, but now he recast his actions to highlight how they protected Texas. After glossing over his Confederate service, he discussed his role as Governor Murrah's agent and its importance for defending the Lone Star State. He conceded that he was a "States Rights Democrat" who had believed in the South's ability to secede, because both Texas and the United States threw off their oppressive parent nations. In comparison, he argued that the break with the United States was never intended to be permanent or provoke violence. It was a means of demonstrating the South's unity and

[9] Moneyhon, *Edmund J. Davis*, 75-77; Moneyhon, *Texas After the Civil War*, 21-28; GMB to MAB, July 25, 1865, SSP to GMB, August 3, 1865, Folder 2, Box 2N345, Bryan Papers; GMB to Andrew Johnson, July 15, 1865, Folder 2, Box 2N244, ibid.

unwillingness to stomach the "inequality and dishonor" imposed on in by the politically stronger North. He claimed that secession was supposed to show the dangers besetting the Union, allowing them to institute policies "honorable to both sections and which would secure its permanency and harmony" going forward. Instead the sectional dispute dissolved into armed conflict. Bryan contended that he was not defending his opinions or his participation in the Civil War, and he merely wanted to state his convictions, before emphasizing that "I consider the war the settlement of the question of separate Independence for the Southern States." He also denounced the possibility of reviving the Confederacy, saying that anyone who valued the peace and happiness of the nation would never consider it. The fight was over, and he looked forward to the sections' reunion, the "enjoyment of rights of property," and "faithful citizenship." He closed by saying that he was a landowner, because of his inheritance from the founder of Texas. He wanted to keep his lands, because it was his sole means to support his family and pay his prewar debts. It also stood as a memorial of his services to Texas, "which has always been my own ardent desire to serve."[10]

In addition to his formal application and oath of loyalty, Bryan wrote to Johnson a month later to press his case. He reminded the president that they had served together in Congress, and he was confident that Johnson had favorable memories of him. He then expanded on his need for a pardon under the property exclusion, although he was now unsure if it still applied since Texas's falling land values made his property nearly worthless. This distressed him because he struggled to support his family. Bryan professed that he had desired the success of the South, but he now recognized that it was utterly defeated. His only wish now was to be a faithful, obedient,

[10] GMB to Johnson, July 15, 1865, Folder 2, Box 2N244, Bryan Papers.

and quiet citizen, something he assumed Johnson expected of him and all Texans.[11]

Although both of Bryan's petitions were sincere, he worried that they might not be enough to sway Johnson, so he requested that several other political figures intercede on his behalf. One of the first he asked was Hayes. The old schoolmates had not communicated since Bryan's letter explaining Texas's motivations for secession, but Hayes continued to think of his friend during the Civil War. In an 1862 journal entry, for example, he lamented Bryan's service in the rebel army, even as he praised his character and moral fiber. Thus, when Bryan appealed for help, Hayes was quick to lend his support, especially since his service as a brevet major general of volunteers and recent election to the United States House of Representatives intensified his political weight. On August 30, 1865, he wrote to Johnson, urging him to grant the pardon. He asserted that Bryan was "an upright and truthful man" who would uphold his oaths "faithfully and in the right spirit." In the months after, he worked to secure clemency for Bryan's three brothers as well, rejecting offers to pay him for his assistance.[12]

In addition to Hayes, Bryan implored several prominent Texas Unionists to support him. Having served with many of them in the Texas legislature or backed their political campaigns in the past, he hoped they might remember their mutual history and respond favorably. Provisional Governor Hamilton welded the most influence, but Bryan also contracted Elisha M. Pease and John Hancock. Pease—a family friend, Brazoria neighbor, and former governor—responded, telling Bryan that he had shown his letter to their mutual friend and Secretary of State James H. Bell. He also discussed the matter with Hamilton and was confident that the executive would

[11] GMB to Johnson, August 25, 1865, Folder 2, Box 2N244, Bryan Papers.

[12] RBH to GMB, February 15, 1866, "Bryan-Hayes Correspondence, III," 288; RBH to Johnson, August 30, 1865, Paul H. Bergeron et al., eds., *The Papers of Andrew Johnson,* 15 vols. (Knoxville: University of Tennessee Press, 1989), 8: 680.

endorse Bryan's pardon, though it might take time as the governor was preoccupied appointing officials to administer the state's government.[13]

Bryan also relied on Ballinger, his brother-in-law. The Galveston-based attorney was eager to secure his own pardon, claiming that he had "no rights and was not my own master" without it. Governor Hamilton remembered Ballinger's staunch antebellum unionism, so he immediately endorsed his application and offered to pay the lawyer's way to Washington, so he could lobby Johnson in person. After learning of his success with Hamilton, several prominent Galvestonians approached Ballinger about handling their cases. Hamilton signed these requests before Ballinger and Bryan departed for the nation's capital. Ballinger's influence extended beyond Hamilton, because another of his brothers-in-law was Justice Samuel F. Miller of the United States Supreme Court. The outspoken Miller was so popular in Lincoln's administration that he was approved by the Senate within minutes of his 1862 nomination. Despite the war, the two remained close friends and Miller readily endorsed the pardons that Ballinger carried.[14]

Johnson agreed to Bryan's pardon on September 14, 1865, making it one of the first he approved from Texas. A review of his application file testifies to Bryan influence and Ballinger's abilities. In addition to Hayes and Hamilton, Hancock, James Devine, and Miller all supported his pardon. Ballinger, possibly with some help from Hayes, also secured clemency for most of his other clients in the following months, including Bryan's brothers. The relieved members of the Bryan-Perry family each gifted Ballinger a plot of land as a thank you for his assistance, and by the end of 1866 all of them had sworn additional loyalty oaths, completed the remaining

[13] Elisha M. Pease to GMB, August 10, 1865, Folder 2, Box 2N244, Bryan Papers; GMB to MAB, July 25, September 2, 1865, Folder 2, Box 2N245, ibid.

[14] Moretta, *William Pitt Ballinger*, 176-179; Ballinger Diary, July 28 (quotation), August 8, 1865; WPB to GMB, June 17, 1865, Folder 1, Box 2N247, Bryan Papers; GMB to MAB, July 25, November 19, 26, 1865, SSP to GMB, August 3, 1865, Folder 2, Box 2N245, ibid.

requirements, and regained their citizenship.[15]

Bryan received his pardon in time to attend the 1866 Constitutional Convention for Texas, but he went as a spectator rather than a delegate. This event was the forum for completing Johnson's plan for restoration, and all participants were required to swear the loyalty oath and have obtained amnesty via the general proclamation or a presidential pardon. Bryan met the criteria, and, had he desired, he likely could have represented Galveston County. His fervent support for disunion was not a barrier because Oran M. Roberts, who had been the president of the Texas Secession Convention, represented his county at the conclave. Efforts by the state's future Radical Republicans to oust the fire-eaters failed, as did an attempt to eject men who had not received their pardons. Bryan's choice to remain on the sidelines reflected his deference to his oath and the federal government.[16]

The 1866 Constitutional Convention proved to be very contentious. Governor Hamilton had delayed convening it despite immense pressure from Johnson and conservative whites to complete reconstruction quickly. Confronted with the lawlessness of Texas and the poor treatment of Unionists and freedmen, he had focused on reopening the state's courts and reestablishing local government. He also worried that about the growing influence of the Conservative Unionists. This group combined men like James W. Throckmorton, who had been one of only eight men to vote against disunion at the Secession Convention before fighting for the Confederacy, and Hancock, a Unionist who disagreed with Republican plans to enfranchise blacks. These two men spoke to Texans who wished to avoid dramatic changes, especially since

[15] United States Department of War, Case Files of Applications from Former Confederate for Presidential Pardons, 1865-1867 (Record Group 94. National Archives, Washington, D.C.).

[16] GMB to MAB, December 30, 1865, Folder 2, Box 2N245, Bryan Papers; Moneyhon, *Edmund J. Davis*, 78-82; Moneyhon, *Texas After the Civil War*, 41-48; Campbell, *Gone to Texas*, 270-271.

word of Johnson's growing rift with Congress had reached the state. If the president triumphed, they saw little need to adopt sweeping alterations to race relations or the electorate. Such sentiments frustrated Hamilton, who believed that it was vital for Texans to rescind their ordinance of secession, disavow Confederate debt, ratify the Thirteenth Amendment, and grant African Americans civil rights to demonstrate acceptance of the war's results. By waiting, he hoped to have time to construct a coalition to counter Throckmorton and his supporters. In November 1865, Hamilton finally called for a February 1866 convention and set January 8 as the election day for delegates.[17]

Hamilton's dallying allowed the Conservative Unionists to dominate the convention. Throckmorton and Hancock effectively crushed motions by Edmund J. Davis, Isaiah Paschal, and other radicals to oust the former Confederates. The assembled delegates next clashed over repealing the ordinance of secession. Conservatives like Throckmorton maintained that the war's end effectively nullified the ordinance, so it was unnecessary, but the radicals wanted a clear expression that disunion was unethical and that the ordinance was void *ab inito*, meaning that it never existed to begin with. Declaring the ordinance *ab inito* could undermine every legal procedure that came after, including marriages, probate rulings, and land titles. That, plus the unwillingness of men like Roberts to denounce secession, prompted conservatives to reject it. They repealed the ordinance and abandoned the right to secede, but they never expressly said secession was wrong. This was immediately followed by exempting wartime state and Confederate officials from prosecution and legalizing all government acts and proceedings that did not conflict with the United States Constitution. Aside from repudiating Confederate debt,

[17] Moneyhon, *Texas After the Civil War*, 21-45; Moneyhon, *Edmund J. Davis*, 76-77; Campbell, *Gone to Texas*, 270-271.

the rest of Hamilton's demands met a similar fate. They recognized the Thirteenth Amendment rather than ratifying it, and then expressly denied African Americans the right to hold offices, excluded them from the general school fund, and banned their intermarriage with whites. Davis and the radicals then proposed dividing the state in hopes of forcing concessions or securing one part of Texas that was loyal to the federal government, but that failed as well.[18]

With a new constitution written, Texans elected Throckmorton as governor. By the time he took office in August, it was evident that Congress and many northerners disagreed with Johnson's lenient approach to Reconstruction, because the national legislature had passed first the Civil Rights Act of 1866 and then the Fourteenth Amendment. Both granted citizenship to all men born or naturalized in the United States regardless of race, while the later also prohibited people from holding a public office if they had sworn to uphold the national constitution and then supported the Confederacy. In this climate, Throckmorton understood that Texas was under intense scrutiny, so his first address to the state legislature cautioned them to avoid anything that might create an impression of disloyalty. At the same time, he wanted to balance the needs and preferences of the white population, so he maintained that the state should forgo ratification of both amendments. There was no need to address the Thirteenth Amendment, he said, because enough states had already ratified it. The Fourteenth Amendment, he asserted, conflicted with the wishes of the people. He also advocated creating laws to regulate African-American labor, even if it antagonized the North. By and large the legislature did as Throckmorton asked. They ignored the amendments and constructed Black Codes that apprenticed African-American youth to white masters, granted employers the right to set codes of conduct, allowed corporal

[18] Moneyhon, *Texas After the Civil War*, 21-47; Moneyhon, *Edmund J. Davis*, 81-86; Campbell, *Gone to Texas*, 270-271.

punishment to guarantee workers' compliance, and permitted landowners to retrieve runaways. The legislature also barred African Americans from voting, serving on juries, and testifying in cases against whites, but guaranteed them basic property rights and personal security. Finally, the most conservative members succeeded in selecting Roberts and fellow secessionist David G. Burnet to represent them in the United States Senate.[19]

Bryan's reaction to the convention, Throckmorton's administration, and the Eleventh Legislature is unknown, but an examination of his correspondence suggests that it was probably mixed. Despite completing Johnson's requirements for rejoining the Union, gossip indicated that Congress still might seize former Confederates' lands and redistribute them to the freedmen. Bryan worried about this especially since the national government was slow to answer southern petitions for re-entry. From his desk in the House of Representatives, Hayes calmed his friend, saying that there was no need for concern. If Texas's new constitution met requirements and the population sent Union men to represent them, Congress would readmit the state and seat its delegates. The Eleventh Legislature's decision to ignore the Thirteenth Amendment and send Roberts and Burnet to the Senate, however, ran contrary to that advice and endangered the state, so it is unlikely that Bryan endorsed it. Ignoring the Thirteenth Amendment also contrasted with his apparent acceptance that slavery was over, and that he, his brothers, and the rest of Texas must acknowledge it. Other letters indicate support for the rest of the convention and the legislature's efforts. Bryan never apologized for secession, repeating several times that he had done what he thought was right. He also spent his early political career untangling the jumbled laws caused by the changing flags over Texas, so he knew that undermining laws and court

[19] Moneyhon, *Texas After the Civil War*, 47-68; Richter, *The Army in Texas During Reconstruction*, 11-76; Campbell, *Gone to Texas*, 270-272.

rulings, regardless of intent, held the potential for more confusion. In either instance, it is doubtful that he backed *ab initio*. It was also evident that Bryan preferred a more reserved approach to African-American rights and Reconstruction. He often commented on the disparities between African Americans and whites, going so far as to write that "God stamped them [African Americans] different." Reflecting rhetoric used by Conservative Unionists, he mentioned elevating the African Americans but stated firmly that they would not and should not ever be politically or socially equal to whites. Finally, his letters denounced efforts to split the state, implicitly suggesting that it would destroy the Texas that Stephen F. Austin built.[20]

As 1866 progressed, Hayes warned Bryan not to trust President Johnson or assume that Reconstruction was over. Northerners were angry because the South had sent men like Roberts, Burnet, and even Confederate Vice President Alexander Stephens of Georgia to represent them in Congress. When combined with the Black Codes' reduction of the freedmen to pseudo-slaves, it was enough to push many to complain that North won the war but risked losing the peace if Johnson remained in charge. They increasingly supported the Radical Republicans, and Hayes revealed Congress's blueprint to disenfranchise the old officeholders in the South and demand African-American rights. With remarkable prescience, he warned Bryan that if Republicans won the 1866 midterm elections "*this plan contains the best terms you will get, and they should be promptly accepted.*" Hayes wanted his friend to give the Fourteenth Amendment "a fair hearing," because "if we succeed you must adopt if you regard your own welfare." Johnson's power was "a mere snap—a flash in the pan," and it would not last.[21]

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[20] RBH to GMB, February 15, October 1, 1866, GMB to RBH, May 18, 1867, January 1, 1869 (quotation), "Bryan-Hayes Correspondence, III," 288-293, 296-298; GMB to MAB, July 25, December 30, 1865, June 2, 1868, Folder 2, Box 2N245, Bryan Papers; Moneyhon, *Texas After the Civil War*, 40.

[21] Moneyhon, *Edmund J. Davis*, 95-96; RBH to GMB, October 1, 1866, "Bryan-Hayes Correspondence, III," 288-290 (quotation).

Hayes's prediction proved correct when his party swept the polls. This allowed the Republicans to wrest control from Johnson and pass the Reconstruction Acts of 1867 over the president's vetoes. The bills declared the governments in ten of the former Confederate states to be provisional until they rewrote their constitutions to include universal male suffrage and ratified the Fourteenth Amendment. To avoid a repeat of conventions like Texas's 1866 debacle, they required all voters to swear that they had never held taken an oath to uphold the Constitution and then supported the Confederacy. Until the states met these mandates, Congress divided the South into five military districts, so that the army could register voters, oversee elections, and protect southern Republicans of both races. When Johnson interfered and fired Secretary of War Edwin M. Stanton, Congress impeached and tried him for violating the newly created Tenure of Office Act, effectively silencing him.[22]

Congress allowed the South to retain its elected officials as long as they worked toward the new mandates, but Governor Throckmorton soon clashed with the army. He believed that Johnson had restored state's rights and civil authority, so he refused to recognize the military's oversight when Texas became part of the Fifth Military District along with Louisiana. Sheridan commanded the entire district, but his subordinate Maj. Gen. Charles Griffin oversaw operations in Texas. Griffin was appalled by the treatment of Unionists and freedmen, but, when he asked Throckmorton for assistance, the latter rebuffed him, saying that his constituents did not support the provisions of the Fourteenth Amendment. Griffin queried Sheridan if it was possible to dismiss the problematic executive, but, while he waited for confirmation from Washington, he took matters into his own hands and issued a series of orders to safeguard both groups from the

[22] Moneyhon, *Texas After the Civil War*, 69-70; Moneyhon, *Edmund J. Davis*, 96-86; Eric Foner, *Reconstruction, 1863-1877* (New York: Harper and Row, 1988), 176-281; Campbell, *Gone to Texas*, 272-279.

retribution of belligerent whites. He allowed the military to intervene in civil court cases where the judge or jury demonstrated a clear bias, allowing the army to retry the cases if necessary. He also decreed that jurors must swear the test oath before serving and that African Americans be allowed to participate. Throckmorton complained profusely, claiming the demands so limited jury pools that many courts could not field a full panel and would be forced to close. Griffin doubted these claims, saying that there were plenty of men who could swear the required oath, so the struggles were a product of officials not bothering to register all eligible men. To remedy this and enroll qualified voters, Griffin selected loyal men and freedmen whenever possible for the registration boards. When Grant verified that the military had the power to cashier troublesome officials, Griffin dismissed Throckmorton on July 30, 1867, and Pease replaced him eight days later.[23]

Congressional Reconstruction allowed the nascent state Republican Party to take control in Texas. Disgusted by the Convention of 1866 and Throckmorton's administration, Hamilton, Pease, and other unionists traveled to Washington to lobby Congress for military intervention. After the passage of the Reconstruction Acts, they returned to the state to organize a new party and explicitly tied themselves to the national Republican Party. Adopting much of the national platform, the state party argued that African-American participation was vital for securing a loyal government in the future, and to entice them the party promised access to public schools and a homestead act that did not discriminate based on race. Bell's introduction of the Union League aided these efforts by explaining their new rights to African Americans, organizing voters, and contributing to the election of the first black officeholders. In a similar vein, the Republicans

[23] Richter, *The Army in Texas During Reconstruction,* 79-118; Moneyhon, *Texas After the Civil War,* 69-86; Campbell, *Gone to Texas*, 272-279.

attracted Unionists by promising to remove former Confederates from offices. Working in tandem with Pease, Griffin and his successor Maj. Gen. Joseph J. Reynolds agreed to dismiss some officials, but this was never as sweeping at the Republicans wanted. Finding men who were loyal was difficult, especially at the city and county levels. As a result, the army often retained an official, regardless of his background, that was willing to support their efforts and practice able leadership. Because of these limitations, Republican control was never absolute, but it was enough to ensure their party's leadership, allow African-American political participation, and call a new Constitutional Convention in 1868.[24]

As the Republicans solidified control over Texas, Bryan focused on his personal affairs. His pardon application underscored his financial struggles after the war, and it was imperative for him to rebuild his economic base to care for his growing family. All the remaining Bryan and Perry siblings owned substantial numbers of slaves in 1861—Stephen: 65, Joel: 40, Guy: 13, and Austin: 10—so the demise of the peculiar institution greatly reduced their wealth. Possibly protected by their production of sugar and other cash crops, Stephen and Joel managed to do well enough once they secured labor contracts with some of their former bondsmen. Guy and Austin, on the other hand, took years to recover. The pair invested heavily in livestock production, but when the Confederacy collapsed local sales dipped and neither had the labor to undertake the long drives used by famed Texas cattlemen like Charles Goodnight. To make matters worse, they had depended on a continual cycle of loans during the antebellum period. Because so much of their wealth was tied up in land, slaves, and animals, they borrowed heavily to have ready access to cash. Frequent cattle and land sales allowed them to pay their notes and then take on others,

[24] Moneyhon, *Civil War in Texas*, 69-87; Moneyhon, *Edmund J. Davis*, 95-133; Richter, *The Army in Texas During Reconstruction*, 79-186; Campbell, *Gone to Texas*, 275-279.

but in the postwar period this was no longer sustainable. Reports about southern mistreatment of northerners aiding Reconstruction deterred would-be buyers, even though Guy worked with local and state emigration societies to try and promote settlement. The drop in land values—a decrease of 14 percent from 1860-1870—greatly diminished profits even when he could sell a tract. By 1867, he confessed that he had to take out new loans just to cover his daily expenses. He was lucky that his creditors were flexible, but he lamented that Austin's hounded him mercilessly. The death of a Philadelphia uncle helped somewhat, because the three Bryan brothers received an inheritance of $400 apiece, but it was not enough to pay their debts. As Guy wrote, he was "poor & retired & almost forgotten by the world, I can scarcely support those who depend on me."[25]

Negotiating contracts with many of his former slaves aided Bryan's financial recovery. Immediately after emancipation, Sam stated that he wanted to work for his former master. Bryan insisted that he meet with the local provost marshal to be sure, but Sam remained firm. He and his wife Alicia subsequently worked for Bryan for years and received land as compensation for their labor. Similar deals enticed Mary, Aleck, Pinky, Pinky's husband Ephraim, and a freedman named Ralph who was the former slave of a neighbor. When Pinky and Ephraim were ready to move on after a few years, Bryan gave them a fifty-acre plot that had a small house on it along with some hogs, cows, a horse, and a mule. He offered the same to Flora, who was working for a Brazoria County landowner, and her sons if they would take jobs on either his Galveston or

[25] United States Bureau of the Census, Eighth Census of the United States, 1860, Schedule 2, Slave Inhabitants, Brazoria County, Galveston County (Record Group 29, National Archives, Washington, D.C.); Joseph C. G. Kennedy, comp., *Agriculture of the United States in 1860* (Washington: Government Printing Office, 1864), 295; Francis A Walker, comp., *The Statistics of The Wealth and Industry of the United States* (Washington: Government Printing Office, 1872), 250-261; Campbell, *Gone to Texas*, 295-297; GMB to MAB, March 5 (quotation), April 19, 1867, June 2, October 1, 1868, Folder 2, Box 2N245; RBH to GMB, February 15, 1866, "Bryan-Hayes Correspondence, III," 288; William Baker to GMB, May 11, 1865, L. W. Groce to GMB, May 20, 1866, Folder 2, Box 2N244, Bryan Papers. Eliza Perry died from epilepsy complications during the war.

Waco properties. He also rented some of his lands to another freedmen in exchange for repairs.[26]

With the help of Sam and the others, Bryan managed to create a new farm at Bay Lake, located on the mainland ten miles from Galveston. There he experimented with growing a wide variety of vegetables and fruits like corn, cabbages, beets, potatoes, and cantaloupe that he sold to city residents. These crops did not pay very well, so he added sea island cotton into the mix and raised merino sheep in addition to pigs, cattle, and horses. By the late 1860s, he was able to expand his operations to his Wharton planation and several of his other land tracts, though the weather and insect infestations occasionally destroyed his fields. The move to Bay Lake also allowed him to offer his Galveston home to renters and reduce expenses. The move along with his retirement permitted Laura and him to drop any pretenses or displays of status, so they wore old clothes at home. Frugality was important since their family continued to grow when Hally was born in January 1868. By the end of 1869, Bryan was relieved to say that he had paid his debts, but he noted that his estate did not produce much wealth.[27]

Beyond the fiscal benefits, Bay Lake's isolation temporarily allowed Bryan to escape "the noise of the political battle" raging in Texas. When Congress assumed control of Reconstruction, he briefly considered working with the army, thinking that "circumstances might allow me to serve the Govt, the people of Texas and be of benefit or rather aid to them if *they knew my character*." He asked Hayes for letters of introduction to Sheridan and Griffin to further this goal but then decided against using them. Their interference in civil affairs led him to

[26] GMB to MAB, October 26, December 30, 1865, September 25, October 17, November 8, 1868, Folder 2, Box 2N245; Flora to Master, January 28, 1866, Folder 2, Box 2N244, Bryan Papers.

[27] GMB to LJB, November 12, 1867, Folder 7, Box 2N245, Bryan Papers; GMB to MAB, October 26, 1865, March 5, 1867, April 19, June 2, August 22, September 18, October 1, 1868, November 8, 1869, Folder 2, Box 2N245, ibid.; Robert Mills to GMB, April 23, 1867, Folder 2, Box 2N244, ibid. Bryan was also admitted to the bar in 1866, but there is no evidence that he ever practiced law after gaining his credentials. See Petition for Admittance to the Bar, Folder 2, Box 2N244, Bryan Papers.

complain about military rule. He also questioned the Radical Republicans emphasis on black voting and officeholding. Bryan deemed the freedmen too ignorant and unqualified to participate in politics. They could be manipulated by "designing white men," who took pleasure in "deceiving them and exasperating against their former masters." If Congress did not confiscate his lands, an African-American jury or legislature might. He observed that while few white Texans had supported giving civil rights to African Americans, they sustained them now that statutes existed. He posited that most of the populace felt the same, so he asked Hayes why the Radical Republicans tried to sow discord between the races. All he and other Texans wanted was stable government because "the people are ruined, they need and pray for peace." The Republicans, he claimed, did not feel the same. He stressed to Hayes that his views were not those of "a discontented and refractory rebel, but as one knowing something of politics and statesmanship and the history of nations, and the principles of our own govt." If only the North would accept this, perhaps they might see "that the powers that be, have greatly erred."[28]

Although Bryan preferred to avoid politics, he tried to get Hayes to use his position in Congress to advocate leniency for the South. The two men had always expressed vastly different ideas about government, but as a testament to their friendship they never quarreled over it. When Bryan mused that his pal did not appreciate his letters of complaint about Reconstruction, Hayes replied that he liked Bryan's frankness. This resulted in a series of letters that refuted Texans' assumed hostility to federal policies. In each of these, Bryan stressed that he and other Texans were loyal, but state and national Republicans mistreated them. He maintained that whites wanted to be reconstructed in good faith, and they submitted to all demands placed on them.

[28] GMB to RBH, May 18, 1867, "Bryan-Hayes Correspondence, III," 290-293 (quotations); Thomas Howard to GMB, July 29, 1867, Folder 2, Box 2N244, Bryan Papers.

They were "at the feet of the North" and pleading for "magnanimity and justice," yet instead they were placed at the mercy of the military and blacks, whom he deemed unequal to whites. It humbled him to say so, and he asked what he could do to convince Hayes. He sighed, "rebellion is a great crime" and the South now knew it, but so did the Founding Fathers in 1776. The key difference was "they succeeded; we failed. Is failure a *crime* in the eye of the liberal, refined and educated?" Hayes, Bryan knew, was not like that, so he hoped that he would "raise your voice on behalf of right, humanity, justice, and statesmanship." Hayes's mother was an Austin, and he knew that the people of the North and the South were the same. Just as he made peace between the sectional fraternities in college, he could do the same for the nation. If nothing else, Bryan argued, "the South is worth cultivating by the American statesman" with ambitions.[29]

Despite his wish for the section's reconciliation, Bryan could never expand his view of "the people" to include African-Americans. Like many of his fellow conservative white southerners, he was willing to accept the end of legalized slavery, but he refused to tolerate northerners who demanded that the former Confederates turn over the reins of state and local governments to a new class of office-holders. Bryan's anger expanded as he grew more exasperated with Republican rule. He critiqued national leaders like George F. Noyes, Columbus Delano, and the Commanding General of the Army, William T. Sherman, who waved the bloody shirt to "keep alive feelings of hate, and the desire for acts, which the people of the South regard as *oppressive* and *undeserved*." Because of those tactics, Bryan insisted that they fraudulently controlled Texas and other former Confederate states, showcasing corruption akin to Tammy Hall. He argued that "*despotism* is the favorite cherished agent" of the party; for an example, one

[29] GMB to RBH, May 18, June 24, 1867 (quotations), January 1, 1869, "Bryan-Hayes Correspondence, III," 290-298.

needed to look no further than Edmund J. Davis's administration. In spite of growing fissures in the Texas Republican Party, they had approved a new constitution in 1869 and elected Davis as governor. The state's white population criticized his administration heavily, especially his creation of a biracial police force and militia than answered only to him, the use of martial law to suppress lawlessness, and his centralization of power. They also condemned their ballooning tax bills that were necessary to fund the police and the new public schools. Bryan was disgusted with the condition of Texas; while it was better than other southern states, it still was impoverished and enslaved.[30]

Although Bryan refused to run for office, give public addresses, or attend political meetings, he developed a more avid interest in the state's leadership by the end of the 1860s. In preparation for the presidential election and 1869 Constitutional Convention, Texas Democrats hosted a summer meeting in 1868 to strategize. Bryan encouraged his brother Austin, who did participate, to focus on the state offices. It was doubtful that the nation would elect a Democratic president after Johnson, and Bryan doubted that Grant's election would worsen their lot. It was possible that life might improve if, as he suspected, the war hero proved to be a national rather than partisan president. Unless the general lacked common sense, Bryan expected him to try to repair relations between the sections, so that the South could recuperate. Grant might also abandon earlier policies Bryan deemed as madness and federal insistence that blacks receive a modicum of protection. In the meantime, the Democrats should get their best men to control the state and pass as many conservative laws as possible based on the political climate and state constitution. Qualified suffrage was the best they could expect in regard to African Americans,

[30] GMB to RBH, August 29, 1871 (first quotation), December 15, 1871 (second quotation), Ernest W. Winkler, ed., "Bryan-Hayes Correspondence, IV," *Southwestern Historical Quarterly* 26 (July 1922): 60-62, 64-65; Campbell, *Gone to Texas*, 272-283; Moneyhon, *Edmund J. Davis*, 113-200; Moneyhon, *Texas After the Civil War*, 87-170.

but they might counter more excessive measures. Bryan also stated that they needed to save passion for another time. Calm and rational action was more important, especially since they were also representing their wives and children.[31]

Despite Bryan's renewed interest in politics, his health prevented him from doing more than offering advice. By April 1871, he was financially stable enough to seek treatment in the northern United States and Canada. Leaving the younger children with his mother-in-law in Galveston, he, Laura, and Willie took the next few months to visit some of his wife's family and enjoy various hot springs in hopes of alleviating the rheumatism that had plagued him since he contracted typhoid pneumonia during the war. At the end of the summer, Laura returned home so Willie could start school. Bryan then visited Hayes at the governor's mansion in Ohio and Sardis Birchard, Hayes's uncle, before joining the Ballingers in St. Catharines, Ontario. Ballinger had contracted yellow fever during the 1867 epidemic, and he continued to be weak and sick. Finally, Bryan proceeded to New York to try a course of electroshock therapy.[32]

His treatments, aside from the New York ordeal, produced little improvement, so Bryan spent a substantive part of his trip working on other projects. His primary goal was to secure a railroad job, which would allow him to better support his family and to finally regain his former level of wealth. Hayes and Birchard assisted his efforts by writing letters of introduction on his behalf and trying to arrange meetings, but none of these produced fruitful results. His attempts to further his brother Austin's pet scheme of building a rail line that terminated at the Brazos River mouth met a similar fate, as did his efforts to encourage migration. Before he left Texas,

[31] GMB to MAB, June 2, November 8, 1868, November 12, 1872, Folder 2, Box 2N245, Bryan Papers; GMB to LJB, July 28, 1871, Folder 7, Box 2N245, ibid.; MAB to GMB, October 12, 1868, Folder 2, Box 2N244, ibid.

[32] GMB to LJB, July 28, 31, August 20, September 6, 11, 20, 24, 25, 26, 29, 1871, LJB to GMB, July 29, September 17, 24, 27, October 30, 1871, n.d., Folder 7, Box 2N245, Bryan Papers; GMB to MAB, October 28, 1870, April 15, 1871, Folder 2, Box 2N245, ibid..

Governor Davis asked him to use his influence during his journey to help the state recruit new settlers. Bryan detested Davis, but this aided both him and his state, so he tried his best.[33]

Bryan returned to Texas and one of the worst periods of his life. Laura gave birth to a healthy, twelve-pound baby boy they named Guy M. Bryan Jr., on December 17, 1871. She fell ill after the delivery, but she seemed to be improving by the end of the month. On New Year's Day, she tried to walk from her bed to the sofa but collapsed, called for her husband, and died. Her death devastated Bryan. For twelve years, she had been the center of his personal world, and now she was gone. He never got over her loss or remarried, and he confessed to Hayes, Birchard, and Austin that he wished he could join her. He only refrained because of his children, who at the ages of ten, eight, six, and newborn needed their father. The family settled with the Ballingers, so that his sister-in-law and mother-in-law could help raise the little ones. Bryan did his best to cope, but his sadness worsened when Guy Jr. fell ill that summer and Hally sustained a kick to the face from a horse. Both children recovered but it was an anxious time for the grieving father, who himself contracted dysentery.[34]

As Bryan dealt with these challenges, he wished for an occupation to distract him. When his parents, brother Henry, and daughter Emily died, his public duties had allowed him to detach from his feelings for a time. In retirement he had fewer responsibilities, and during this stressful time his mental health deteriorated. Thoughts of suicide plagued him throughout much of 1872, especially as his physical health declined. He yearned to reunite with Laura, even though killing

[33] GMB to MAB, March 30, April 19, May 20, 1869, April 15, 17, August 20, 28, 1871, December 23, 1872, Folder 2, Box 2N245, Bryan Papers; GMB to LJB, September 24, 25, 1871, Folder 7, Box 2N245, ibid.; RBH to GMB, August 3, 1871, GMB to Birchard, August 31, September 18, 1871, "Bryan-Hayes Correspondence, IV," 58-59, 62-63; Galusha Grow to GMB, March 12, 1872, Edmund J. Davis to GMB, March 6, 1871, Lemuel D. Evans to GMB, March 8, 1871, James A. Benson to GMB, September 9, 1871, Folder 2, Box 2N2454, Bryan Papers.

[34] Autobiographical Sketch, Box 2Q453, Bryan Papers; GMB to MAB, June 3, July 9, 1872, Folder 2, Box 2N245, Bryan Papers; RBH to GMB, January 20, 1872, Sardis Birchard to GMB, January 22, 1872, GMB to Birchard, April 12, 1872, GMB to RBH, April 13, October 9, December 29, 1872, "Bryan-Hayes Correspondence, VI," 66-70.

himself contradicted his moral and spiritual beliefs. The only thing that stopped him was the thought of hurting his children. It was his duty to protect them, so he wanted a useful occupation both to better provide for them and ease his pain.[35]

Politics was the most obvious choice, so Bryan gradually eased back into public life. After rumors surfaced that the Texas capital might relocate to Houston, he wrote several articles for the *Galveston News* under various pennames that fall. He did not want to see the government moved from his uncle's namesake city, so he exerted himself to show the location's virtues and history. He was proud of his efforts, saying that they had good effect and would influence views on the topic for months to come. He also paid close attention to the 1872 elections, because he wanted Texans to elect what he perceived to be an honest legislature. If the Democrats controlled the Texas Senate, they would prevent the state's division and reverse the abuses of Davis's administration, including the school tax and the police and militia acts, and the requirement that people vote at the county seats. He even joked that if he had known that his health was going to improve so much by November, he would have "cultivated" a nomination from Galveston or Brazoria County. He was certain that he could do some good in the legislature.[36]

Bryan got his chance to return to the statehouse in 1873 after his predictions about the 1872 election proved correct. Democrats dominated the Thirteenth Legislature and "redeemed" the state by reversing many of the polices passed by the previous legislature. They abolished the state police and prevented Davis from using the militia to enforce martial law. They then dismantled the centralized public school system by transferring management to the counties and cutting state support. They also repealed the 1870 "enabling" act that allowed the governor to

[35] GMB to MAB, June 3, July 9, November 12, Folder 2, Box 2N245, Bryan Papers.

[36] GMB to MAB, November 12, 26, December 23, 1872, Folder 2, Box 2N245, Bryan Papers.

appoint district attorneys, county and local officials, and mayors and aldermen of incorporated cities. They then targeted Republican political control by prohibiting the governor, secretary of state, and attorney general from serving as a returning board that could reject ballots in counties threatened with fraud or violence. Finally, they took advantage of a constitutional requirement for the legislature to reapportion representation after the 1870 census information was available. After gerrymandering the districts to destroy or isolate Republican strongholds, a new bill required elections to be held in 1873, even though most Senators and the entire House would not finish their terms until 1874.[37]

When the 1873 election was announced, Bryan agreed to run for the Texas legislature. He argued that his little ones had claims on him and that his health was always precarious, but it was his duty to help his state. He had always protected it, and now it was time to do so again. He intended to run for the Senate, but Galveston's political elite preferred to run their own men. They encouraged him to run for the House, saying that he would strengthen their ticket. Bryan waivered, thinking that he might secure a nomination from Brazoria County instead. When their delegation could not reach a consensus, he agreed to run for the House. His worries that he might not survive the contest proved groundless, and he campaigned for the better part of two months before being elected in December.[38]

The Democrats triumphed in the 1873 elections and elected Richard Coke as governor, but "redeeming" the executive branch proved more difficult than expected. Republicans challenged the legitimacy of the election because the 1869 Constitution required that voting be

[37] Moneyhon, *Edmund J. Davis*, 155-224; Patrick G. Williams, *Beyond Redemption: Texas Democrats After Reconstruction* (College Station: Texas A&M University Press, 2007), 1-35.

[38] Autobiographical sketch; GMB to MAB, October 22, 1873, Folder 2, Box 2N245, Bryan Papers; GMB to RBH, September 15, 1873, Ernest W. Winkler, ed., "Bryan-Hayes Correspondence, V," *Southwestern Historical Quarterly* 26 (October 1922): 150-151.

held at the county seats and continue for four days, but the Democrats' 1873 law had transferred the polls back to the precincts and allowed for just one day of voting. The Republicans admitted that the Thirteenth Legislature had the right to change the location, but their alteration to the length was unconstitutional and thus invalidated the election. Democrats retorted that the 1869 Constitution only required four days because of the inconvenience of having to travel the county seat. Moving the voting to the precincts meant there was no need to maintain the polls for multiple days. The arrest of Joseph (or Jose) Rodriguez in Houston for casting multiple ballots allowed Republicans to take the issue before the Texas Supreme Court. They argued that Rodriguez could not be held responsible for violating a law that was unconstitutional, while the Democrats insisted that if the legislature could change the polling place then it was implied that they could change the length of time as well. The Republican-dominated Court used a semicolon in the disputed clause to sustain their party on January 4, 1874, but the Democrats decided to seize office anyway. They would convene the Fourteenth Legislature on schedule, inaugurate Coke, and present the nation with a de facto, functioning, and popularly elected state government.[39]

As the Democrats prepared to execute their plan, they faced resistance from Davis. The governor understood that his bid for reelection was unlikely to succeed, so he accepted the outcome when the returns named Coke the victor. However, when *ex parte Rodriguez* nullified the election, he was honor-bound to enforce it. He refused to relinquish office and suggested that President Grant and Congress review the matter. He also informed Texans that he would never recognize a legislature that assembled in the manner proposed by the Democrats. He called out

[39] Williams, *Beyond Redemption*, 15-35; Moneyhon, *Edmund J. Davis*, 217-223; Moneyhon, *Texas After the Civil War*, 188-205.

the state's biracial militia to enforce order in Austin and then appealed to United States Army in San Antonio for troops to stop the organization of the Fourteenth Legislature. This was a ploy by Davis to avoid bloodshed, something he tried to suppress during his administration. Texans were unlikely to use violence against army regulars, but they might attack the militia, especially black guardsmen. But for army leaders to act, they needed orders from Grant. Davis telegraphed him on January 11, 1874, while Texas's congressmen and senators urged the president to aid their cause. Under pressure from the northerners who were tired of reconstruction, he refused to intervene, saying that the dispute did not meet the criteria for federal intervention. Davis's final tactic was to hold office until April. According to the 1869 Constitution, the governor was to hold office for four years from the point of his inauguration, which for Davis was April 28, 1870. The Democrats disagreed, saying he had held the executive office from the moment Reynolds named him governor in January 1870.[40]

Austin was bubbling with excitement when Bryan, Coke, and the rest of the Democratic elect arrived. According to John S. "RIP" Ford, many African Americans had traveled to the capital to support Davis, while the Democrats readied themselves to combat any "revolutionary measures" that he might employ. Coke also wired for John H. Reagan to assist him. When the former congressman arrived, Coke sent him to Davis. Reagan explained to the recalcitrant executive that the people held him responsible for the state's poor conditions and would blame him for any fighting that occurred. He also noted that if such a clash occurred, Davis would die.

[40] Williams, *Beyond Redemption*, 24-35; Moneyhon, *Edmund J. Davis*, 217-223; Moneyhon, *Texas After the Civil War*, 188-205.

Reagan urged him to stand aside and let the Fourteenth Legislature assemble, but the governor refused.[41]

When it became clear that Grant would not interfere, the Democrats agreed to convene the legislature on January 13, 1874. They acquired the keys to the legislative halls, assembled, and elected John Ireland as President Pro Tem of the Senate and Bryan to be Speaker of the House. Bryan accompanied the joint committee sent to inform Davis that they were ready to receive communications, but he again refused to acknowledge the body and appealed once more to Grant. By this point, the Capitol swarmed with people intent on supporting the factions, and state Adjutant General Frank L. Britton barricaded the ground floor and lined its entrances with armed guards. The House asked Davis for the official ballots, but, when he refused again, Bryan sent a representative to explain that the House had certified copies of the returns and enough evidence to inaugurate Coke and Lt. Gov. Richard B. Hubbard without them. Davis accepted this and allowed Bryan's representative to take the returns. The legislature inaugurated Coke on the evening of January 15.[42]

As soon as he assumed power, Coke retired to a makeshift office and placed Henry E. McCulloch, a tough Texas Ranger and former Confederate officer, in command of the Travis Rifles and told him to take control of the Capitol and grounds. The next morning, Coke sent for Bryan. He said that McCulloch was ill and unable to perform his tasks. In his stead he appointed Bryan because the Capitol and the government had to be protected. Spying McCulloch in the corner, Bryan asked if he could serve, but he replied that he ought to be in bed and only his sense

[41] John S. Ford, "Memoirs" (7 vols.; Typescript, n.d.), 7: 1,241-1,272, Box 2-23/848, John Salmon Ford Papers, TSLA; Williams, *Beyond Redemption*, 24-35; Moneyhon, *Edmund J. Davis*, 217-223; Moneyhon, *Texas After the Civil War*, 188-205.

[42] Autobiographical Sketch; Ford, "Memoirs," 7: 1,241-1,272; GMB to RBH, February 1, 1874, "Bryan-Hayes Correspondence, V," 151-152.

of duty kept him standing. Bryan agreed to do as Coke asked and returned to the House. On his way there, he saw William N. Hardeman and asked that he find his cousin William P. "Gotch" Hardeman and Ford and bring them to the House chamber. When the doorkeeper admitted them, Bryan stepped down from the speaker's platform and appointed the trio as assistant sergeants at arms. He explained that his place was in the House, and that he wanted them to secure the grounds, underscoring that they must avoid violence at all cost "for if one drop [of blood] is shed—God only knows the consequences and the end." With the legitimacy of Coke's administration in doubt, they could not risk giving federal forces a reason to aid Davis. As military veterans, Ford and Gotch Hardeman were able commanders, and Bryan told them to assume control of the Travis Rifles, but order the group to remove their uniforms. If they needed more men or resources, they had only to ask. The men performed their duties as instructed and managed to keep the peace. Bryan expressed his thanks after Davis finally surrendered the executive office on January 19.[43]

With what became known as the Coke-Davis Imbroglio over, Bryan and the Fourteenth Legislature settled down to business. The previous body had already done much to "redeem" the state, but the Democrats continued to erode Republican control by attacking sitting judges and restricting African-American voting. As speaker, Bryan did vote on bills, but he spent most of his time facilitating business and mediating conflicts. Only in a few instances did he openly seek to define policy. In May 1873, Bryan and seventy-five others had founded the Texas Veterans Association to recognize and remember the Old Three Hundred and men who fought for Texas before annexation. Some of these Texians had fallen on hard times, so he worked with Pease and Franklin Johnston to write House Bill 252, which granted pensions to Texas veterans who

[43] Ford, "Memoirs," 7: 1,241-1,272; Autobiographical Sketch; McCaslin, *Fighting Stock,* 222-224.

participated in the Revolution or Republic military engagements. He did not introduce it, but he kept an eye on its progress through the legislature. He also did his best to kill a measure calling for another constitutional convention. Bryan believed that it would injure the state to conduct one so soon after deposing Davis, especially as Louisiana continued to live under military control. The Democrats needed to show that they could abide by the guidelines in the present document until after the next presidential election. The House narrowly engrossed the bill, and he was confident that it would not pass on the final vote, especially as the Senate defeated a similar act by a vote of 17 to 10. His success proved short-lived because the legislature's second session scheduled the new convention for August 1875.[44]

Bryan's most controversial effort involved the International-Great Northern Railroad. In 1870 and 1871, the legislature agreed to pay railroad companies $10,000 or more in state bonds for every mile of track completed. These had been bipartisan efforts, with the Democrats often showing stronger support than the Republicans. In November 1871, the International completed fifty-two miles of track and asked the state to issue bonds for fifty miles. Because many Texans believed that the policy had become too generous to the railroads and wanted the legislature to repeal the laws granting the subsidies, Comptroller Albert A. Bledsoe refused to countersign them, igniting a legal conflict that lasted through three legislative sessions. The Thirteenth Legislature had been unable to find a solution, leaving its successor to deal with the topic. By 1873, neither party could openly endorse paying subsidies, but it was even more problematic for the Democrats, who had stressed the exorbitant cost of Davis's administration in their

[44] Williams, *Beyond Redemption*, 36-118; , L. W. Kemp, "Texas Veterans Association," *Handbook of Texas Online* (accessed June 15, 2020) http://www.tshaonline.org/handbook/online/articles/vot01; O. W. McManus to GMB, June 3, 1874, GMB to MAB, February 26, June 9, 1874, Folder 2, Box 2N245, Bryan Papers; Texas Legislature, *House Journal*, 14th Legislature, Regular Session, 3; Texas Legislature, *House Journal*, 15th Legislature, 2nd Regular Session, 3, 4, 450, 662.

campaigns. This divided the Democrats into camps, with some demanding repudiation and others arguing that it was a poor policy but not paying the debt would stymie all future improvements. The Fourteenth Legislature tried to pass several different compromise bills that paid bonds for the first portion of the road before substituting smaller sums or public lands for the rest. By 1875, the International was almost bankrupt, so it was imperative that the second session of the Fourteenth Legislature hammer out a solution.[45]

Aside from the debacle with the Mississippi and Pacific Railroad, Bryan had supported internal improvements and assistance to railroad companies. How the International fared would also determine the future of the railroad his brother wanted to help trade along the Brazos River. Bryan threw his support behind a compromise bill that offered roughly half of the original sum, allowing it to narrowly pass the House. Coke vetoed the bill, forcing the legislature to allocate public land instead. Despite the compromise's eventual failure, the *Daily Democrat Statesmen* blasted Bryan for his role. The editor claimed that his actions were inexcusable and part of a long list of arbitrary and petty decisions, adding that the "delicacy of members is all that has kept down a wholesale arraignment of the Speaker and his unjust rulings." Beyond the International issue, the members allegedly noticed this trend in "all questions in which he feels any very great interest." Such attacks wounded Bryan, who insisted on presenting the angry article to the House because it asserted that many of the representatives agreed with *Statesmen's* criticism. He did not want to remain as Speaker if the others did not respect him, and he asked for them to formally vote. Sixty-two legislators expressed their support, while just fourteen dissented. That matter settled, Bryan remained Speaker until the end of his term, but then refused to run for reelection

[45] Williams, *Beyond Redemption*, 89-118; *House Journal*, 14th Leg., Reg. Sess., 264, 266, 336, 355, 436, 478, 490, 502, 520, 527, 532, 536, 649.

or consider suggestions that he campaign for the United States House of Representatives. His experience in both places had been thankless, and he was not interested in returning.[46]

Although Bryan intended to retire from public office once again, he still tried to influence national politics through Hayes. His appeals to aid the South had not diminished when Hayes retired from Congress and became the governor of Ohio. He argued that Hayes had liberated himself from party politics, and therefore was in a prime position to reform public policy. He claimed that the conditions of Texas and the South were a noble cause. His state's "recuperative powers" had done much to ameliorate the residents' trials, and their good sense had allowed them to avoid the present plight of Louisiana and South Carolina. Still, the North distrusted the Texans, and Hayes could change that. Bryan argued that the two friends' political views had never been closer, commenting that Hayes's emphasis on eradicating corruption and promoting local government recalled his views on states' rights, which obviously was now shorn of the threat of secession or nullification.[47]

Bryan also tried to convince Hayes not to believe the northern press, which he contended constantly vilified white southerners and exaggerated the abuses against African Americans. He stressed that neither he nor other southerners wanted slavery to return. He dismissed the Republican claims that Texas and other states of the former Confederacy degraded African Americans as merely party politics designed to promote hate and solidarity against the South. How could the nation become whole again if the South was always viewed in this way? Instead, he argued that limited African-American participation was accepted, and that Texas had done its

[46] Williams, *Beyond Redemption*, 89-118; Texas Legislature, *House Journal*, 14th Legislature., 2nd Regular Session, 3 (quotations), 4, 450, 662; *House Journal*, 14th Leg., Reg. Sess., 264, 266, 336, 355, 436, 478, 490, 502, 520, 527, 532, 536, 649.

[47] GMB to RBH, July 1, September 15, 1873, "Bryan-Hayes Correspondence, V," 149-151.

best to elevate the race, even though many white Texans believed African-American officeholders were inept and querulous. He added that he wanted Texas exempt from the stories of the Ku Klux Klan, which greatly sullied the state's reputation and hindered its ability to recover from the war. Historians have documented the widespread use of violence and other Klan activities in the state, but Bryan, consistent with his inability to understand the trials faced by African Americans or the discrimination of white conservatives like himself, claimed that the organization did not exist in Texas.[48]

By 1874, political groups began mentioning Hayes's name in conjunction with the 1876 presidential race, and Bryan was keen to ensure his nomination. His principles, reputation, and loyalty to the Democratic Party prevented the Texan from voting for his friend, but in a strange twist he publicly promoted his nomination by the Republican Party. According to Bryan, if a Republican must occupy the White House, then Hayes was the best choice. His character was above reproach, and he would be friendlier to Texas and the South than Grant or Abraham Lincoln. He even argued that Hayes might be able to do as James Monroe had done and usher in an "era of good feelings" between the sections. He coached Hayes to avoid "bloody shirt" tactics and extend a conciliatory hand to the South in all his public speeches, including his inaugural address as governor in 1875. He also wrote to Republican leaders like Anthony B. Norton, encouraging him to consider Hayes's merits, ideas for civil service reform, and strong Republican credentials. Bryan wrote to newspapers and published letters that touted Hayes, encouraging Texans to give him fair consideration. According the *Galveston News* this was an odd tactic. Bryan's friendship with Hayes weakened his recommendation somewhat, but the

[48] GMB to RBH, August 29, 1871, "Bryan-Hayes Correspondence, IV," 60-62; GMB to RBH, January 8, 1875, "Bryan-Hayes Correspondence, V," 155-157.

paper conceded that he was a rare man if such a staunch Democrat could acknowledge his virtues and support his nomination. Bryan's efforts were successful. The Texas delegation to the national Republican Convention endorsed Hayes, and he obtained the nomination.[49]

The election of 1876 is arguably one of the most controversial contests in United States history. Allegations of fraud in Louisiana, Florida, and South Carolina—the three states that still had Republican governments—caused uncertainty about whether Hayes or Democrat Samuel Tilden won the race. For months, the national government tried to decide the winner. As Hayes waited, Bryan offered different pieces of advice, saying that if Tilden was the true winner then it was best to stand aside. He also posited that maybe Hayes and Tilden, if he was as honest as he seemed, might count the returns from those states themselves and agree to abide by the result. Hayes rejected these plans as he waited for a bipartisan committee to render its decision. His allies eventually brokered a compromise with moderate southern Democrats, who agreed not to block his election if he withdrew the remaining federal troops from the South and ended Reconstruction. With that settled, Bryan's friend became president.[50]

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[49] GMB to RBH, June 24, October 18, December 13, 1875, "Bryan-Hayes Correspondence, V," 157-162; GMB to RBH, February 4, March 24, April 18, 1876, RBH to GMB, December 22, 1875, February 10, April 2, 23, 1876, Ernest W. Winkler, ed., "Bryan-Hayes Correspondence, VI," , *Southwestern Historical Quarterly* 26 (January 1923), 234-239; GMB to RBH, May 1876, June 8, 17, 19, 27, July 20, August 18, September 4, 26, November 19, 1876, RBH to GMB, May 7, June 18, 25, 27, July 8, 10, 25, September 20, October 24, November 23, 1876, GMB to Norton, April 18, 1876, GMB Opinion of RBH, n.d., RBH Letter of Acceptance, n.d., Ernest W. Winkler, ed., "Bryan-Hayes Correspondence, VII," *Southwestern Historical Quarterly* 26 (April 1923): 281-305, 308-312; ibid., 282-283; *Galveston News*, May 11, June 17, 1876; *Cincinnati Commercial*, July 10, 1876.

[50] C. Vann Woodward, *Reunion and Reaction: The Compromise of 1877 and the End of Reconstruction* (Boston: Little and Brown, 1966), 25, 243-244; Foner, *Reconstruction*, 510, 566-80; Ari Hoogenboom, *Rutherford B. Hayes: Warrior and President* (Lawrence: University Press of Kansas, 1995), 274-295; Ari Hoogenboom, *The Presidency of Rutherford B. Hayes* (Lawrence: University Press of Kansas, 1995), 25-50; Hans L. Trefousse, *Rutherford B. Hayes* (New York: Times Books, 2002), 65-84; GMB to RBH, December 19, 1876, "Bryan-Hayes Correspondence, VII," 312-314; GMB to RBH, December 30, 1876, Ernest W. Winkler, ed., "Bryan-Hayes Correspondence, VIII," *Southwestern Historical Quarterly* 27 (July 1923): 52-53. For more on the election of 1876, see Michael F. Holt, *By One Vote: The Disputed Presidential Election of 1876* (Lawrence: University Press of Kansas, 2008); Roy Morris, Jr., *Fraud of the Century: Rutherford B. Hayes, Samuel Tilden, and the Stolen Election of 1876* (New York: Simon & Schuster, 2003); William H. Rehnquist, *Centennial Crisis: the Disputed Election of 1876* (New York: Alfred A. Knopf, 2004); Paul L. Haworth, *The Hayes-Tilden Disputed Presidential Election of 1876* (Cleveland: Borrow

President Hayes adopted a very conciliatory policy towards the South, which poses questions about Bryan's influence. Historian Ari Hoogenboom discounts it, claiming that pragmatism guided Hayes far more than Bryan's badgering. He argues that Hayes typically ignored Bryan's tirades about southern mistreatment, preferring his own counsel when it came to political decisions. Hoogenboom also stresses that Hayes had few options when he took office. Beyond his promise in the Compromise of 1877, he could not continue Reconstruction because the North was weary of the topic. Troops were the only way to sustain Republican governments in Louisiana and South Carolina, but the North would not stomach recommitting the army. Even more important, House Democrats threatened the military. Angry at the army's interference in the election of 1876 and recent use as a *posse comitatus* to settle labor disputes, they blocked the appropriations bill, forcing the regulars to go without pay. Were Hayes to use the army to sustain the Republican governors, Democrats would starve it. It was only after Hayes allowed 'redeemer' governments to take charge in South Carolina and Louisiana and agreed to a bill restricting the army's use in civil affairs that some Democrats finally accepted the funding bill.[51]

Practical considerations certainly factored into Hayes's decision making, but his political rhetoric increasingly echoed Bryan's language, suggesting that the latter had more of an impact than previous scholars have recognized. In 1874, Hayes contended that his and Bryan's views were closer than they had ever been. They would even vote on the same ticket if it were not for his assumption that his friend wanted slavery to return. Bryan quickly countered such views, and the next year Hayes forwarded him one of his speeches. He insisted on defending the political

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Brothers, 1906); Keith I. Polakoff, *The Politics of Inertia: the Election of 1876 and the End of Reconstruction* (Baton Rouge: Louisiana State University Press, 1973).

[51] Hoogenboom, *Rutherford B. Hayes*, 266, 304-308, 310, 312, 315-318, 352, 361, 373-377, 474-475, 500, 535, 539, 588, 592; Hoogenboom, *The Presidency of Rutherford B. Hayes*, 51-78; Trefousse, *Rutherford B. Hayes*, 85-111; Robert Wooster, *American Military Histories: United States Army in the West, 1783-1900* (Albuquerque: University of New Mexico Press, 2009), 240-243.

rights of African Americans, but he pointed out that he had included something about Texas because of their friendship, and he advocated allowing the South to tend its own affairs, especially if its leaders exhibited moderation and common sense as Bryan described. Hayes's letter accepting the Republican nomination made this even clearer. In it, he promised to execute his duties for the benefit of all people and stressed that the South needed attention and sympathy from the entire nation. He claimed that the section's "first necessity is an intelligent and honest administration," which would ensure peace by enforcing all constitutional rights. Continuing, he emphasized that the need to reconcile the North and South, and that "the welfare of the South, alike with every other part of this country, depends upon the attractions it can offer labor and immigration, and to capitol." With recognition of the Constitution and its protections by the South, he wanted to promote the "efforts of the people of those States to obtain for themselves the blessings of honest and capable local government," which he would advocate if elected.[52]

When Hayes took office, Bryan continued to influence his friend. He told advised to quickly settle the contested states by recognizing the "redeemer" governments and went to Washington as Hayes sent delegations to South Carolina and Louisiana to negotiate the transfer of power. Bryan both immediately after and in his recollections maintained that he had done much to help his friend address this issue in a fashion consistent with his own views about race and the importance of an honest government. Back in Texas, he continued to bolster Hayes in the media and as part of the House Federal Relations Committee in the Sixteenth Legislature. Such a stance led the press to suggest that Bryan ran the Republican political machine in Texas.[53]

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[52] RBH to GMB, January 2, July 27, 1875, "Bryan-Hayes Correspondence, V," 154-155, 159; RBH to GMB, May 7, June 25, July 8, 1876, RBH Letter of Acceptance, n.d. (quotations), "Bryan-Hayes Correspondence, VII," 283-284, 291, 294-297.

[53] GMB to RBH, March 3, 7, 13, 1877, "Bryan-Hayes Correspondence, VIII," 58-62; Autobiographical Sketch; GMB to MAB, April 22, 1877, Folder 3, Box 2N245, Bryan Papers.

Bryan's last major political contributions to Texas were as a member of the Sixteenth Legislature. He was convinced that he could do some good for the state by returning to Austin. In what he recalled as his busiest session ever, he served on ten committees: Commerce and Manufacturers (Chair), Federal Relations, Finance (Chair), Private Land Claims, Public Buildings and Grounds, Public Health, Vital Statistics and History of Texas, Revised Civil Code, Sale of University Lands, and Towns and City Corporations. Although so many responsibilities limited his time to compose and pass bills, he was able to promote a handful of measures that showcased his passions. The first was another pension bill for veterans of the Texas Revolution and the Republic era, which provided land grants in recognition of their services. He also shepherded through an act that amended quarantine requirements in Galveston to reduce the annual spread of yellow fever. Finally, he supported an Act for the Better Protection of Harbors and Ports. For the last three decades, Bryan and his brothers had tried to improve the navigation of Texas's waterways and harbors—especially along the Brazos River—to provide better trade access between their family's lands and the coast. By the late 1870s, Austin had acquired a dredging boat to deepen and widen the river. The family also dreamed of turning the mouth of the Brazos River into a major commercial center. If the state aided this effort, it would aid the family and many others immensely by increasing their land values. It might also tempt the national government to complete the project. As he learned during the 1850s, it was easier to get the federal government to support projects already in progress, especially if the state agreed to assume some of the cost. His support of the state bill, unsurprisingly, coincided with his appeals to United States Representative John H. Reagan and Senators Richard Coke and Samuel B. Maxey to push for federally funded improvements.[54]

[54] Texas Legislature, *House Journal*, 16th Legislature, Regular Session, 84, 90, 121, 130, 149, 151, 154, 158, 164, 205, 206, 209, 228-229, 231, 239, 240-246, 252, 259-261, 281, 283, 288, 305, 331, 360, 369-370, 392, 400-429,

After the Sixteenth Legislature's close, Bryan tried once more to retire, but his county insisted on sending him back when Benjamin R. Plumley died in 1887. Never one to shirk his duty, he represented them for two more sessions, but these lacked the vigor of the past. Instead his terms were a final hurrah for a man whose services to Texas spanned four decades. After seeing the state through every sectional crisis of the 1850s, leading them from the Union, and attempting to protect them during the war, Bryan felt compelled to guide them back into the graces of the federal government. His tactics, however, were far less dramatic than those of the past. Rather than take the stage and exhort them to action, he preferred to stand as a mute show of loyalty and submission, convinced that it was the best way to win favor with their federal masters. When Congress and the army allowed Radical Republicans to seize control of Reconstruction, Bryan avoided the violence that characterized many Texans' demonstrations of frustration. He resisted the lure of the public spotlight as long as he could, but when conservative whites called on him, he stepped up to help oust Governor Davis and free the state from the changes his administration had brought. In a similar vein, he beseeched his friend Hayes to heal the white South and restore local government, leading to a much more lenient policy toward his section. Bryan lived to serve and protect the people of Texas, and his last public efforts clearly showed that.

435-436, 441, 445, 483, 487, 499-500, 512, 525-526, 536, 547, 584, 590-599, 687, 703, 718, 739, 770, 775, 781-782, 808, 844, 880, 972, 1,000-1,015, 1,022, 1,049, 1,070, 1,082-1,083, 1,159, 1,165, 1,189, 1,248, 1,273, 1,284, 1,340, 1,356; *House Journal*, 16th Legislature, 1st Called Session, 59, 83, 126, 221-222, 288, 292, 339; John H. Reagan to GMB, March 13, 1876, John Hancock to GMB, April 17 1876, ibid.; James H. Bell to GMB, March 20, April 11, 1878, Folder 2, 2N244, Bryan Papers; GMB to MAB, December 23, 1872, October 22, 1873, Folder 2, Box 2N245, ibid.

CHAPTER 8

TEXIAN TWILIGHT

When Guy M. Bryan left politics in 1891, he could look back on forty-four years of service to Texas. Raised in the shadow of his uncle, Stephen F. Austin, he developed a strong sense of Texas nationalism that drove him to defend his vision of the state in any way he could. His mother pressured him to take up his uncle's work to ensure the legacy of both it and their family. He had resisted, certain that he could never achieve the success of his idol. His first foray into politics was little more than a ploy to buy time as he figured how to best do as his mother commanded. Little did he know that this step would define him for the rest of his life. In the legislature, his skill allowed him to wield tremendous influence and safeguard the old settlers, both Anglo and Tejano, against threats to their land and rights. It also gave him a platform to counter threats to slavery that might destroy the very economic foundation of Texas. Every new position provided additional opportunities to protect and guide the state, and his drive to safeguard his interpretation of what it should be, his family, and his uncle's memory never wavered.

Bryan's influence allowed him to shape the transformative events from the 1840s onward. He began with Texas's claims to Santa Fe and the Compromise of 1850, moving on to the sectional tensions of the antebellum period. His anger at northern attacks on slavery made him one of the foremost fire-eaters in the borderlands and pushed him to become a congressman. He never hesitated to criticize attempts to limit slavery or suppress southerners' rights. When compromise failed and the federal government abandoned his state's frontiers in the late 1850s, he accepted secession as the only option and worked tirelessly to convince more reticent men to embrace it. As a Confederate staff officer during the Civil War, his skills propped up the Trans-

Mississippi Department by encouraging cooperation between national and local authorities, civil and military, helping them to survive isolation from the rest of the Confederacy. Finally, Bryan saved his state from what he considered another tyrannical government by ousting the Radical Republicans and convincing Pres. Rutherford B. Hayes, his longtime friend, to allow white southern home rule. Although fairly benevolent in his treatment of loyal former slaves, he did much to restore white political supremacy in Texas. Interspersed with the major events, Bryan shaped Texas in other powerful ways. He participated in the creation of the state penitentiary, quieted titles and preserved land grants, promoted public education, and secured pensions for veterans of the Texas Revolution and the Republic of Texas.

Despite his contributions, history and historians have forgotten him. Too often he appears only as a side character or footnote in someone else's story, but he deserves more. His actions strengthened Texas's political foundation, shaped early statehood, and influenced how people experienced the challenges of the 1800s, and they offer scholars new perspectives on well-known stories. By espousing ideals of nationalism—whether Texas, American, or Confederate—Bryan reveals how many early borderland residents defined their identities and loyalty to national governments, and, as an old settler, he offers a perspective that was often lost among the sea of new arrivals from the Lower South. His Civil War service also sheds light on neglected fields of inquiry, like how the true role of staff officers evolved in the conflict. Bryan was not the "father or Texas" and would never consider himself Austin's equal. Nonetheless, he remained devoted to the continued development of his uncle's legacy and the preservation of his memory and that of his comrades. At the time of his death in June 1901, he was serving as president of the Texas Veterans Association and first vice-president of the Texas State Historical Association. His

services deserve the same respect and consideration as the man in whose shadow he lived and worked. [1]

[1] George P. Garrison, "Guy Morrison Bryan," *Quarterly of the Texas State Historical Association* 5 (October 1901): 135.

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