THE POLITICAL AND CONGRESSIONAL CAREER
OF JOHN HANCOCK 1865-1885

THESIS

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

For the Degree of

MASTER OF ARTS

By

W. Daniel Hancock, B.A.
Denton, Texas
May 1996
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John Hancock was a Texas Unionist. After the Civil War, he became an opponent of the Radical Republicans. He was elected to Congress in 1871 and had some success working on issues important to Texas. As the state was redeemed from Radical Republican rule, Hancock was increasingly attacked for his Unionism. This led to a tough fight for renomination in 1874, and losses in races for the U.S. Senate and renomination in 1876. He was an unsuccessful congressional candidate in 1878, but was elected again in 1882. By then his political influence had waned and he did not seek renomination in 1884. Hancock had the potential to be a major political leader, but lingering resentment to his Unionism hampered his political career.
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INTRODUCTION

The time after the end of the Civil War was an uncertain one for political leaders and would-be political leaders in Texas. Citizens held a variety of views on Reconstruction policy. These views were often influenced by the divisiveness of the war itself. For Texans who had decided not to support the Confederacy, the war had been a hell they would not soon forget. They felt they had been wronged and that those wrongs should be redressed. Those who had supported the Confederacy came to view its opponents as traitors. The freeing of the slaves and the question of their political status made political discourse even more contentious. These factors made choosing a strategy to win widespread political support during and after Reconstruction difficult.¹

A variety of factions competed for political power in Reconstruction Texas. The situation became even more confused after the imposition of Congressional Reconstruction in 1867. In 1868, the Fourteenth Amendment was ratified. Section three of the amendment stated that legislative, executive, and judicial officeholders who had taken an oath to support the U.S. Constitution and who had later taken part in the rebellion were prohibited from holding civil or military office. These criteria
were incorporated into the Congressional Reconstruction Act of 1867 as guidelines to determine who should be disfranchised. Far more important than the relatively low numbers of voters disfranchised was the fact that most of the prewar leaders in Texas had supported secession. They were temporarily eliminated as candidates for political office in Texas, as were Confederate military and civil office holders. Many of these men had participated in politics under the lenient terms of presidential Reconstruction.²

This initial leadership vacuum left an opening for the Republicans who had become a force because of the enfranchisement of the freedmen. They contended with another group, the Conservative Unionists, for control of the state. Conservative Unionists were viewed as an alternative to the Radical Republicans by ex-Rebels and secessionists who did not have enough political strength to be certain of electing their own. The most politically successful of the Conservative Unionists were the conditional Unionists, those who had been Unionists before the war, but who had supported the Confederacy after secession. Their prewar loyalty to the Union did not qualify them as true Unionists in the eyes of the North or even in the eyes of many Southerners. Some examples are David G. Burnet, who served as president of the Texas Republic and James Throckmorton, who served as governor
from 1866 to 1867 and who later served in Congress. This group, along with those who had supported secession all along, would form the core of post-Reconstruction political leadership in Texas.

The unconditional Unionists, those who remained loyal after the war began, were more controversial in the South. Most prominent of these was Sam Houston. His death in 1863 left other lesser known figures to carry the banner of Unionism. One of these men, John Hancock (no relation to the author), is the subject of this thesis. Hancock, was a Unionist who remained so throughout the war. This study covers the Reconstruction political career of Hancock, his efforts to position himself politically as an alternative to the Radical Republicans, his struggle to remain acceptable with the ex-Rebels once they had redeemed the state from Radical rule, and his efforts at a political comeback after he was driven from office because of his Unionism. Hancock emerged as a postwar political leader and served in Congress from 1871 to 1877 and from 1883 to 1885. He tried to gain appropriations for his state and district and to take stands that would be popular with his constituents. He was, to some extent, successful, but lingering resentment of his Unionism hampered his political career.
CHAPTER I

THE SEARCH FOR POLITICAL VIABILITY

On 9 December 1870 a convention made up of Democrats and moderate Republicans met in Seguin, Texas, to nominate a candidate for Congress for the Fourth District. The district encompassed southern, western, and parts of central Texas. The convention picked Unionist John Hancock as its candidate. This nomination would be the first step in Hancock's election to the House of Representatives. It was also the culmination of his postwar attempts to position himself as a middle-of-the-road alternative to unreconstructed Rebels and Radical Republicans. This strategy would gain him only temporary success. Despite his efforts in Congress to work on national and state issues, resentment toward his Unionism became the main source of opposition to him.¹

John Hancock was born in 1824, and grew up on a farm in northern Alabama. After being admitted to the Alabama bar in 1846, Hancock moved to Austin in 1847. He began a law practice that was soon successful enough to enable him to enter into a partnership with Andrew Jackson Hamilton, a prominent Texas lawyer and politician. Hancock was appointed judge of the Second Judicial District in
the spring of 1851 by Governor Peter H. Bell. He won
election to a full term later that year over two opponents.
At age 26, Hancock was the youngest man yet to be elected
to the Texas judiciary. While on the bench, he earned
a reputation for giving sound legal opinions, for promptness
in conducting the business of the court, and for being
industrious and thorough in legal research.²

Hancock began his political career in the period after
statehood and prior to the Civil War. At that time,
politics in Texas was dominated by the Democratic Party.
It was challenged, in the mid-1850s, by the American Party,
nicknamed the Know Nothings. Members of the Know Nothings
were former Whigs and others disenchanted with the
Democratic establishment in the state. By the end of the
decade, the Know Nothing movement had run its course in
Texas. The remnants of the party and others united behind
the gubernatorial campaigns of Sam Houston in 1857 and
in 1859. This coalition of opponents to the Texas
Democratic Party was victorious in 1859, but was less
successful in 1860 in support of Constitutional Unionist
John Bell for president and in efforts to defeat the
secession referendum in 1861. After the war, the Democrats
and former Whigs and Know Nothings remained, but choosing
political allegiances was made more complicated by the
questions of Reconstruction.³
Hancock became an adherent to this loose pre-war Whig-Know Nothing-Unionist-Houston coalition after the demise of the Know Nothing Party in the late 1850s. He had been a nominal Democrat in the early part of the decade, but became alienated by the increasing secessionist element of the party. Based partly on principle and partly on opportunism, Hancock sought higher office in the midst of the challenge to Democratic rule in Texas by the Know Nothings. On 23 June 1855 he resigned as judge to announce as a candidate for Congress in the western district of Texas. Hancock, in a broadside announcing his candidacy, declared himself to be a Democrat, but noted that the party had abandoned its traditional principles. In this broadside, he also stated that he favored the Union, slavery, and frontier security for Texas. In this race, Hancock was supported by the Know Nothings and became their de facto candidate. This support proved to be a mixed blessing because the threat of the Know Nothings caused the Democratic Party to unify and build a strong state organization for the first time. This Democratic resurgence made Hancock's affiliation with the Know Nothings a liability, and he eventually sought to downplay his ties with the party. Hancock was also unfortunate to run against Governor Peter H. Bell. The popular Bell had deep roots in Texas. He had made many friends during the early settlement of the state and during the days of the Texas
Republic. Hancock may have also appeared to be disloyal by running against the man who had appointed him as a judge. All these factors led to his defeat. Bell polled 14,379 votes to Hancock's 9,496.  

After the election, Hancock married Susan E. Richardson. She was a native Texan and was the granddaughter of Asa Brigham, the first treasury secretary of the Republic of Texas. They had a son, Edwin, in 1856. He also began practicing law again and formed a new partnership with Charles S. West. Hancock still remained active in politics and in the Know Nothing Party. He served on the platform committee at its state convention in 1856. After the demise of the Know Nothing movement, Hancock and other Know Nothings supported Sam Houston for governor in 1857 and 1859 on an independent ticket. Hancock also maintained correspondence with Sam Houston on the Know Nothing party, politics, and other subjects. Hancock was close enough to the legendary Texan to be a confidant in Houston's plan to organize an army invade Mexico in order to establish a protectorate. This plan was eventually shelved because of the secession controversy.  

Hancock, by 1860, had achieved success in the legal profession. His investments, real property holdings, and slave holdings placed him in the top 2 percent of wealthiest Texans. He was also a respected member of his community and a prospect for elected office. But the tide
of secession was running high in Texas. The chasm between anti- and pro-secessionists would forever alter the course of the careers of Hancock and his contemporaries.\(^6\)

Hancock had first supported the Know Nothings partially because of his concern about the increasing support for secession within the Democratic Party. He and other former Know Nothings supported the Constitutional Union Party and its candidate, John Bell of Tennessee, for president in 1860. Hancock campaigned for the ticket and remained an active Unionist after Lincoln's election. Hancock was elected to the state legislature in December 1860. He also signed his name to an anti-secession address published in the Austin Southern Intelligencier. He actively campaigned against the secession ordinance as well. When it was approved by the voters, Hancock forfeited his seat in the legislature rather than take an oath of allegiance to the Confederacy.\(^7\)

After Fort Sumter was attacked on 12 April 1861 Hancock assumed a lower profile. He wrote to advise his friend Edward R. Burleson that the best strategy was to "stand aloof for the present." Hancock advised Burleson to wait for the proper time to take action, but not to "become compromised in any way with the revolutionists." Hancock, for the most part, followed his own advice during the early part of the conflict. However, one source claims that Hancock violated his stated aloofness when he acted as
a go-between for Governor Houston and a representative from President Abraham Lincoln on an offer by the president to give Houston command of federal troops to keep Texas in the Union. Hancock met with Lincoln's representative and escorted him to meet with Houston to make the offer. It was reluctantly refused by the governor. 

Hancock continued his law practice during the early part of the war. According to Rip Ford, a Confederate officer, Hancock would state that he was a Union man to potential clients and give them the chance to withdraw their offer for his services. Refusing to practice in the Confederate courts or to recognize in any way their legitimacy, Hancock did use his legal skills to free persons imprisoned by Confederate authorities. He was the attorney for defendants imprisoned and denied the right of habeas corpus by Confederate military authorities in ex parte Frank Coupland and ex parte Richard Peebles. Peebles and others had been imprisoned because they were suspected of being part of a group that had printed an anti-Confederate brochure. Coupland was accused of being a Confederate army deserter. In the Coupland case, the Texas Supreme Court upheld the Confederate authorities, but one justice dissented, challenging the right of the government to use troops to enforce measures of questionable constitutionality. In the Peebles case, the court overruled
the suspension of habeas corpus and ordered the release of the imprisoned men.⁹

Both cases represented a rebuke of the Confederate military government. This made Hancock unpopular with some Confederates in Austin. Confederate morale had suffered because of a series of defeats at New Orleans, Vicksburg, Gettysburg, and Chattanooga. Brownsville had also fallen to the federals. There were rumors of an invasion from Brownsville or from Louisiana via the Red River. The draft was unpopular, and there were complaints about enrolling officers making deals. All this led to a crackdown by Confederate authorities in Texas. As a result, Hancock, in early 1864 after threats to kill or conscript him, left his wife and son behind in Austin and departed for Matamoros, Mexico. This was the first stop in his journey north. On 19 February 1864 the Dallas Herald reported him as having left Austin.¹⁰

Hancock described his flight in a speech made in 1876 to the Texas legislature. He told how he first went to Brownsville, Texas. Brownsville had been surrendered to the Confederates in the early months of the war. Its location on the border made it a weak point in the federal blockade because Confederates were shipping cotton by placing their vessels under Mexican registry. The threat of British naval intervention inhibited the U.S. Navy from stopping supposedly neutral ships. This situation
eventually led to the capture of Brownsville by federal forces in late 1863. The city was eventually recaptured by the Confederates in the summer of 1864, long after Hancock had left. Hancock, in his speech to the legislature, described the feeling of "exaltation" that he felt when he stood under the American flag. Hancock said that when he was in Brownsville, he spoke to the federal officers and soldiers and told them how the people had been "drawn in" to the secession fervor. From there, Hancock traveled to New Orleans and then to New York, where he met with President Lincoln. Hancock said he spent some time in the North, but eventually tired of it and returned to New Orleans, which was under Union control.11

Beginning 28 November 1864 Hancock kept a diary while in New Orleans. Hancock, while in the city, spent his time practicing law, assisting other Texas refugees to settle disputes with the military authorities, helping to organize a military unit of Texas Unionists, lobbying the state legislature, and planning various business enterprises. Other entries showed that Hancock followed the progress of the war and expressed happiness at Union victories. Frequently, he expressed his grief at being separated from his wife and child.12

Hancock also hinted at his opposition to black suffrage. On 29 November 1864 he attended a rally in New Orleans celebrating the re-election of Lincoln. He wrote in his
diary that the many blacks in attendance were happier to attend the event itself than they were for the reason of the celebration. In the same entry he noted how all the speakers had acknowledged that the "Negro" would soon become an educated and useful member of society. Hancock expressed wonderment at how things had changed. He noted that expressing that view or supporting Lincoln for president would have been considered a crime in the South a few years earlier. Later, describing another rally celebrating the Emancipation Proclamation, Hancock wrote that the "Negroes" deserved compassion, but that the "venal and base" demagogues who were using them merited "disgust" and "contempt." On 17 May 1865 he expressed gratification that a rally in favor of granting the franchise to the freedmen had, in his words, been "a failure."

Though a Unionist, Hancock was still a Southerner. He expressed consternation at a group that started singing "John Brown's Body" at a Unionist meeting he attended. Hancock concluded the entry with a disdainful, "Ye gods!!!" At the same time, he expressed fear of intolerance by Rebels towards Unionists. But Hancock also expressed grief at the assassination of Lincoln. He feared that it would lead to violence against Rebels by Unionists and federal soldiers. Conversely, after learning of the capture of Jefferson Davis, he feared that Davis would be executed and that it would lead to bitterness among Rebels towards
Unionists. On 29 April 1865 Hancock wrote that he had advocated a general amnesty and free pardon during a meeting with a Union general. Yet two weeks later, less than a month before his return to Texas, Hancock's observance of the bitterness displayed among captured Rebel soldiers led him to question his belief in leniency.

In early June 1865 Hancock sailed to Galveston on the Federal gunboat Antonia. One account of his arrival in Galveston stated that he was compelled to seek safety behind federal breastworks because of his strong Unionist views. He first publicly expressed an opinion on Reconstruction to the editor of the Houston Telegraph shortly after arriving in Texas. Hancock told the newspaperman that quiet submission and willing support of the federal authorities would restore civil government as it was in 1860. A group of citizens in Houston nominated Hancock for governor shortly after his return. Hancock declined in a letter stating that the current condition was not such that people were ready to elect officers. He also re-emphasized that submission to federal rule was the quickest route to readmission. In the letter, he recognized the authority of his former law partner, Andrew Jackson Hamilton, who had been appointed provisional governor of Texas. Upon reaching Austin, Hancock was chosen by Union general Gordon Granger to take control of all Texas government property and to organize a military force for
that purpose. By that time, as Hancock noted in his diary, most of such property had already been taken by Confederate deserters who had not been paid for their military service.\textsuperscript{15}

President Andrew Johnson announced an amnesty and pardon on 29 May 1865 for participants in the rebellion. It applied to everyone except high Confederate officials and to those who had held property valued at more than $20,000 in 1860. All that was required for restoration of full civil rights was the signing of a loyalty oath to the U.S. government. Soon the Southern states began to organize civil governments. On 15 November 1865 Provisional Governor Hamilton called for the election of delegates to a convention to draft a new constitution for Texas. Hancock was elected as a delegate from Travis County. He defeated fellow Unionist and former Governor Elisha M. Pease. In the contest, he painted Pease as a Radical Republican. During the campaign, Hancock, in a San Antonio speech, reached out to the defeated Rebels by praising Confederate military leaders. More importantly, he stated that he favored giving suffrage to blacks when he would favor giving it to mules. It was Hancock's first public statement on the status of the freedmen, and it was an indication of the political course he would take through Reconstruction.\textsuperscript{16}

The delegates elected to the 1866 constitutional convention were a mixture of former secessionists, Radicals,
and Unionists. Hancock drafted a compromise at the convention that allowed it to survive a dispute over the oath required by the delegates. Another controversy arose over the status of the secession ordinance. The question was whether to repeal the ordinance or to declare it void ab-initio (i.e., void from inception). If it were simply repealed, the implication was that it had been legal at one time. This seemingly trivial issue had revived the passions of the war as it was debated in Southern state constitutional conventions. Hancock had initially proposed a compromise stating that the ordinance was "in legal contemplation" void because it had been a revolutionary measure and that it was "subject to the general principles of revolution." In short, according to Hancock's compromise, the war had decided the status of the ordinance. Hancock eventually sided with the Radical members of the convention in supporting the view that the ordinance be declared null ab-initio. The convention eventually passed a motion that the ordinance be repealed rather than be declared null by a fifty-five to twenty-one vote. After the result, Hancock urged that the ab-initio supporters bolt and form a new convention, and he attended a minority caucus of ab-initio supporters. The meeting included noted Radicals such as Edmund J. Davis, Edward Degener, James W. Flanagan and Albert L. Latimer. Davis, a lawyer, had served as a district judge in the lower Rio Grande valley
before the war and had reached the rank of brigadier general in the Union army. The German-born Degener was a Unionist who had been imprisoned by Confederate authorities and whose two sons had been killed by Confederate partisans. He had started a grocery business in San Antonio after the war. Latimer, a delegate to the Convention of 1836 in the Congress of the Republic of Texas, had deep Texas roots. Flanagan, a friend of Sam Houston, had served in both houses of the Texas legislature prior to the war. All, like Hancock, had opposed secession. This caucus decided not to bolt the convention.

Hancock chaired the Committee on General Provisions, which drafted the section that granted partial civil rights to the freed slaves. The 1866 convention produced a mixed result. The document created by the convention would eventually not pass muster when Congressional Reconstruction was implemented over President Johnson's veto. The convention had not even ratified the 13th Amendment. Another of its major shortcomings was that it did not grant suffrage or equal civil rights to blacks. But a constitution had been drafted, and Hancock was praised by some as the great compromiser of the convention.17

Hancock had anticipated a political movement in opposition to the Radicals in an entry in his diary dated 17 May 1865. He wrote, "Opposition to . . . ultra measures of the Radical party will build up an opposition that will
likely gain the ascendancy." Hancock sought to align himself with such a movement and remained active in politics after the convention adjourned. In April, he attended a Conservative Union meeting that nominated James W. Throckmorton as a candidate for governor. In May, he was in Washington, D.C., as a member of a delegation that had been selected by the constitutional convention to deliver to President Andrew Johnson copies of the ordinances passed by the convention. On 4 May Hancock addressed the president and declared that a constitution had been drafted that met the president's standards. In a lengthy address, he noted that the secession ordinance had been declared null and void, Confederate debts had been repudiated, and that the freedman had been granted legal rights and protection. He also praised the president's Reconstruction program. In July, Hancock made a speech in San Antonio on behalf of Throckmorton. On 25 July Hancock was elected at a convention in Navasota, Texas, to be a delegate to the National Union Convention in Philadelphia. The purpose of the convention was to rally Northern and Southern support for the Reconstruction policies of Andrew Johnson and to possibly form a new political party to oppose Radical Reconstruction. The convention did little more than to issue a statement of principles and to express its support for Andrew Johnson. The convention's final report included a declaration that slavery was forever abolished and the
Confederate war debts were invalid. The report also stated that the franchise question was a state issue. The National Union movement was unsuccessful in its goal to defeat the Radicals. They won large majorities in Congress in the 1866 elections.\(^1\)

On 25 June 1866 Throckmorton was elected governor by a wide margin over Unionist Elisha M. Pease. One of the first tasks before the new legislature when it met that August was to elect two U.S. senators. Several newspaper articles claimed certainty that Hancock would be chosen as one of the senators. However, when the vote was taken on 21 August 1866, loyalty to the Confederacy became an issue and David Burnet, former president of the Republic of Texas, was elected over Hancock by a vote of sixty-five to forty-four. Burnet had been a conditional Unionist. A former secessionist, Oran M. Roberts, won the other seat.

Hancock's stand during the war had been one of the causes of his defeat. The election aroused suspicion that Hancock had been defeated because of his ability to take an oath, required by a Congressional act, that he had not aided in the rebellion — an oath that the two victorious candidates could not truthfully take. As a result, they were never seated. Governor Throckmorton wrote, in a letter to a friend, that he believed Hancock was defeated because of his Unionism. Others attributed his defeat to his "flirtations" with the Radicals over the \(\text{ab-initio}\) issue.
at the constitutional convention. The 1866 senate contest would not be the last time that Hancock's support for the Union would hurt him politically.¹⁹

Throckmorton's tenure as governor would prove to be stormy and brief. It was made so by his resistance to the Congressional Reconstruction Act approved over Johnson's veto. Throckmorton resented the law and skillfully obstructed efforts to implement it. This led to his eventual removal from office by Fifth Military District Commander General Philip Sheridan because of Throckmorton's opposition "in spirit" to Reconstruction measures and his continuing conflicts with military officials.²⁰

After Throckmorton was removed as governor, Hancock made the status of the freedman the focus of many of his political statements. There are, in addition to his diary and the "mule" speech, other indicators of Hancock's attitudes towards the freedman. In 1855, he had endorsed slavery in announcing his candidacy for Congress. But to have done otherwise would have been suicidal to his prospects of winning, especially since he had owned as many as twenty-one slaves. In 1866, he had entered into a partnership with Morgan Hamilton and Elisha M. Pease to form the Texas Immigration and Land Agency to attract foreigners to settle in Texas. There was a racist motive behind the formation of some of these agencies. Some were formed by disaffected whites who were convinced that blacks
would never work to their capacity. They hoped that the agencies would attract what the partners believed was higher-class white labor from foreign countries. Most of these ventures met with little success because they were motivated by the hopes of some Southerners that the plantation system could be restored. But, European immigrants did not relish taking the place of slaves on the plantation. As a result, there were fewer foreign-born residents in the South in 1870 than there had been in 1860.  

After emancipation, many slave holders, not understanding the value of newly acquired freedom, were surprised when their slaves deserted them. Many slave owners thought they had been good masters and that they had the loyalty of their slaves. They were not prepared for the attitudes expressed by their former slaves. Hancock may have fallen into this category. A letter to Provisional Governor Hamilton by a former slave reports that she had seen Hancock become upset because all his former slaves, including his cook, were leaving him.  

Under the Congressional Reconstruction plan, a new constitution would have to be approved that would guarantee black suffrage before Texas could be restored to its former status in the Union. In accordance with the plan, a new round of voter registration, in which blacks as well as qualified whites would be registered, was held. Some Texans were alarmed at the large number of blacks being registered
in relation to whites. John Hancock addressed these concerns when he wrote General Winfield Scott Hancock, who had succeeded General Philip Sheridan as commander of the Fifth Military District. Hancock complained to the general that, under Sheridan, registrars had been instructed to disfranchise all state officials and that blacks had been registered without any question to their qualifications. Hancock complained to the general that Sheridan's order went beyond the intent of the Reconstruction Acts, and he asked the general to reopen the registration for a fairer count. General Hancock complied with the request, but the additional registration did little to change the makeup of the electorate.

John Hancock was named to the state executive committee of the Conservative Union Party in 1868. He used this position to speak out against the Radicals and to express a variety of opinions on the status of blacks. In a letter to a newspaper editor, he called Congressional Reconstruction unconstitutional and a usurpation of power. He said that it served to "debase and degrade in a political sense" white men of the South. He warned against "Negro domination" and of a bloody conflict between the races. However, in the same letter, he expressed sympathy for the freedmen and vowed that he would do anything to improve their condition and give them "every right consistent with their station in life." He said that he wanted to protect
them from the "machinations of the demagogue and the office seekers who are bringing swift ruin upon them." Hancock was eventually named chairman of the Conservative Unionists. In an address dated 19 May 1868 which announced a state convention, Hancock wrote, "Every man who is opposed to the social equality of the Negro should work for the success of the Conservative Party." Later that summer, in a letter to a friend, Hancock expressed the view that blacks should not be excluded from the ballot box solely on the grounds of their color. He concluded that the black suffrage question was a states-rights issue.24

Many of Hancock's sentiments would be, of course, unacceptable by today's standards. But, at the time, they represented a middle-of-the-road view when compared to the views of the Radicals or die-hard secessionists. His warnings against Negro domination of the state represented the views of many white Texans at the time. Some political calculation by Hancock may have been involved. The majority of the state had favored secession, and Hancock may have been trying to broaden his base of Unionist political support by denouncing Radicals and blacks to attract the votes of former Rebels.

Hancock also was a participant in the national political process. He attended the 1868 Democratic National Convention in New York City as an alternate delegate. A newspaper writer quoted him as bringing cheering news
of Democratic prospects that fall when he returned to Texas. He was also named an elector at large in support of the Democratic ticket headed by Horatio Seymour.  

In accordance with Congressional Reconstruction, a convention to draft a state constitution was held in the summer of 1868. The convention, after five months and two sessions, finally produced a document that guaranteed suffrage to black Texans. An election was scheduled that fall to ratify the new constitution and to elect a governor. Hancock was mentioned as a potential candidate, but he restricted his political activity to supporting ratification of the constitution and the candidacy of his former law partner, moderate Republican Andrew Jackson Hamilton, for governor. Texas Democrats had made a strategic decision not to field a candidate and to back Hamilton over the more Radical Edmund J. Davis, who had been president of the constitutional convention. Hancock and William M. Walton wrote Ashbel Smith and concluded in the letter that "in fighting the battle [against the Radicals] we must work through moderate Republicans." On 30 November 1869 the constitution was ratified by the voters, but Hamilton lost narrowly to Davis. Many Democrats did not vote because they were not pleased with the constitution or the choice between Hamilton and Davis.  

Davis would prove to be one of the most maligned figures in Texas politics. Only recently has his term
in office been reconsidered and placed in a more positive light as part of a re-evaluation of the Reconstruction era by historians. The traditional view was articulated by William A. Dunning. The "Dunningite" view was that Reconstruction was proceeding in the Southern states under feelings of good will. This good will was destroyed by the Radicals' forcing of full black citizenship on a conquered Southern society. This too-much-too-soon institution of black suffrage and civil rights measures under Congressional Reconstruction caused resentment among Southerners that thwarted true Reconstruction. These accounts have almost become folk myths, complete with visions of corrupt carpetbaggers, incompetent black legislators, and patronage empires built on such agencies as the Freedman's Bureau — all accomplished under the iron hand of military rule.  

More recent scholarship has revealed that many of the elected governments under Congressional Reconstruction were not dominated by carpetbaggers. These governments attempted to address problems and sometimes made progress while being no more or less corrupt than many Northern state governments or ante-bellum Southern state governments. Blacks were under-represented at the constitutional conventions and in the state legislatures. Those who did serve were far from being incompetent. Agencies such as Freedman's Bureau, while not wholly successful, attempted
to improve the situation of blacks and did make some
progress, particularly in the field of education. They
attempted to do this while often being harassed by white
Southerners. They were often the only source of justice
for blacks. The military exercised some political
influence. But it was, particularly in a state as large
as Texas, inadequately staffed to provide safety to
Unionists, blacks, Republicans, and authorities trying
to implement Reconstruction measures. 28

Some of the blame for the failure of Reconstruction
can be placed at the feet of unreconstructed Rebels who
after the war fought against black suffrage, civil rights,
and even the ending of the institution of slavery itself.
In this struggle, many Conservative Unionists were their
allies. The institution of black codes by this group bore
a haunting resemblance to slavery, and those laws were
crucial in bringing down presidential reconstruction after
reports of these infamous codes were published in
influential Northern newspapers. President Andrew Johnson
can be blamed as well. He had been too lenient with his
Reconstruction policy and too inflexible to compromise
with Congress over the issue. Historian John Hope Franklin,
an early revisionist, aptly nicknamed Johnson's lenient
terms and the governments created under them as
"Reconstruction Confederate style" because they allowed
the Southern states to reorganize themselves much as they
had been before the war. This led to their downfall under the Congressional Reconstruction Act of 1867. Also responsible were some Northern Republicans who eventually abandoned their efforts to enforce equal civil rights on the South.  

Hancock, under the Dunningite interpretation, appears heroic because he was a consistent opponent of the Radicals, viewed unfavorably in traditional Reconstruction studies. In the revisionist view, he is yet another obstructionist against the implementation of black suffrage and civil rights — slightly better than the most unreconstructed rebel. But if Hancock had fallen short as a statesman, he had been more successful as a politician. His decision to be a Conservative Unionist — to favor the Union and to oppose Radical Reconstruction — gave him his best chance to remain politically viable. He was precluded from joining the former rebel camp because of his actions during the war. As a Republican, he probably would not have fared better than Hamilton, Pease, or Davis. He also would have been branded as a "scalawag." Yet as a Conservative Unionist, he was still suspect among ex-Rebels. His Know Nothing background also led some to consider him to be a less-than-pure Democrat.  

The triumph of Congress over the president on the issue of Reconstruction also led to the decline of the Conservative Union movement. Despite backing the losing
side, Hancock had maintained his political viability. He was acceptable to Unionists because of his loyalty during the war. Secessionists tolerated him as the lesser of two evils when compared to the Radical Republicans led by Governor Davis. The governor, though he would propose and implement necessary reforms, would inspire staunch opposition. Opponents of the Radicals were not yet strong enough to be assured of winning elections on their own. Their desire to defeat the Radicals would lead them to support middle-of-the-road men such as Hancock as candidates under the Democratic banner.

Hancock had done a skillful job of making himself available to lead an anti-Radical coalition, but he had also put himself in a position to be used as a front by unreconstructed Confederates in their struggle to prevent true Reconstruction. They could discard Hancock and other like-minded individuals at their discretion. Hancock never publicly discussed this issue, but he may have been aware of it. He had made observations about the bitterness of ex-Rebels in his diary. On 5 May 1865 Hancock wrote in his diary that a friend told him that a man named Flournoy had said there was no way Hancock could live in Texas again. To this, Hancock wrote, "Well, I can die there and some will live far less tolerant to him and Confederates than I might be." But Hancock had also gained the support of other ex-Rebels and had sought presidential pardons
on their behalf. In a letter to Edward R. Burleson in 1866, Hancock had expressed gratification that his candidacy for senator was being supported by Confederate veteran Nathan G. Shelley. Hancock may have known that he was possibly being used, but he may not have anticipated how intense and how long lasting the rebel bitterness towards Unionists would be. He may have believed he could overcome it by being an opponent of Radical Reconstruction and by becoming effective enough as an office holder to cause those who held grudges against him for his Unionism to toss aside their prejudices. That would prove to be a difficult task.31
CHAPTER I NOTES


4. Brown, "Annals," vols. 5-6, chapter 17: 9-10; John Hancock, "To the Voters of the Second Congressional District, 23 June 1855," Broadsides Collection, Eugene C. Barker Texas History Center, University of Texas at Austin; Sister Paul of the Cross McGrath, "Political Nativism in Texas" (Ph.D. diss., Catholic University, 1930), 81-2; Texas State Gazette, (Austin) 18 July 1855; Litha Crews, "The Know Nothing Party in Texas" (master's thesis, University of Texas, 1925), 96; Wooster, "Texas Know Nothings," 415; Billy D. Ledbetter, "Confederate Texas: A Political Study 1861-5" (master's thesis, University of North Texas, 1969), 2; John L. Moore, ed., Congressional


8. James A. Irby, "Confederate Austin" (master's thesis, University of Texas at Austin, 1953), 48; John Hancock to Edward R. Burleson, 4 April 1861, Edward C. Burleson Papers, Eugene C. Barker Texas History Center, University of Texas at Austin; Sam Houston Dixon, Romance and Tragedy of Texas History (Houston, Texas: Texas Historical Publishing Co, 1924), 307-10.


10. Stephen B. Oates, "John S. 'Rip' Ford, Prudent Cavalryman, C.S.A.," Southwestern Historical Quarterly, 64 (January 1961) 296; Ledbetter, "Confederate Texas," 53; Brown, "Annals," vols. 7-8, chapter 23: 21; Haynes, "Unionism," 15-6; Kerby, Kirby Smith, 276-9; Marten, Texas Divided, 71. Marten erroneously describes Hancock as remaining in Austin until fall 1864. There were numerous reasons for Hancock to leave Austin in early 1864. On 17 February 1864, the Confederate Congress passed a new conscription law which made Hancock eligible for the draft. Rumors of an invasion of Texas were fueled by a move by the Union up the Red River in Louisiana in early March. All evidence points to Hancock leaving in early to
mid-February before the passage of the conscription law and the beginning of the Red River campaign although he may have anticipated further crackdowns by Confederate authorities and attempts to conscript him.


12. John Hancock, "Diary," Texas State Archives, Austin, Texas. For Hancock's successful efforts to prevent the military authorities from confiscating a friend's house, see entries for 18 December through 21 December 1864. For his efforts to lobby the legislature to pass a bill to charter a canal company, see entries for 1-7, 9-10, 1213, 15, 18, 25, 26, 30 January; 3, 7, 17 February; 20-1, 23-4, 29 March 1865. His comments on the progress of the war and his expressions of sorrow at separation from his family begin on 30 November and 6 December 1864 respectively and continue throughout the document.

13. Ibid., 29 November 1864, 24 January, 17 May 1865.

14. Ibid., 18, 24 February 1865; 19, 22, 29 April 1865; 15, 18 May 1865.


of Texas" (Ph.D. dissertation, Texas Tech University, 1976), 85n; Dan T. Carter, When the War Was Over, the Failure of Self Reconstruction in the South 1865-7 (Baton Rouge, Louisiana: Louisiana State University Press, 1985), 68-9; Webb, Handbook of Texas, 1:467-70, 482, 608-9; 2:34.


20. Owens, "Presidential Reconstruction," 172-3; Richter, Army in Texas, 94-6, 112; Moneyhon, Republicanism, 67-9; John P. Carrier, "A Political History of Texas During the Reconstruction, 1865-74" (Ph.D diss., Vanderbilt University, 1971), 160-2; Barry A. Crouch, "Unmanacled Texas Reconstruction, A Twenty Year Perspective," Southwestern Historical Quarterly 93 (January 1990), 283.


22. Foner, Reconstruction, 10-1, 71-2, 79; Elizabeth Reynolds to Andrew Jackson Hamilton, 29 January 1866, Andrew Jackson Hamilton's Governor's Records, Texas State Archives, Austin Texas.


24. Dallas Herald, 1, 2, 8 February 1868; John Hancock, "Address to the Conservative Executive Committee," 19 May 1868, Broadsides Collection; John Hancock to Edward R. Burleson Jr., 11 June 1868, Burleson Papers; Carrier, "Political History," 238.
25. *Dallas Herald*, 15 August 1868,


31. Richter, *Army in Texas*, 74; Hancock, Diary," 5, 10, 14, 17, 27 May; 1 June 1865; Hancock to Edward R. Burleson, 19 June 1866, Burleson Papers; Webb, *Handbook of Texas*, 1:613. The man who said that there was no way Hancock could ever live in Texas is probably George M. Flournoy, a lawyer who practiced in Austin prior to the war and who became a prominent secessionist and a Confederate officer.
In the time following the end of the Civil War, John Hancock had established his credentials as an opponent of the Radical Republicans in Texas. Their ascendancy to power set the stage for men like Hancock to be nominated for office as opponents of Radical-backed candidates. Reaction to Republican rule in Texas united the various anti-Radical factions behind candidates like Hancock in races where straight-out Democrats were not assured of defeating the Radical candidates.

Opposition was quick in forming to Governor Edmund J. Davis. In early 1870 his program was approved by the Republican-controlled legislature. It included a series of acts that increased the governor's power. He was given control of a new state militia and police force. The measure creating the State Police passed the State Senate by only a 15-14 vote. Many Texans feared and disliked this bill. Some sources implicate John Hancock and James W. Throckmorton in a scheme to offer Senator William A. Saylor money to change his vote. The deal reportedly failed when the intermediary in the deal turned out to be a detective Davis had hired to spy on the legislature. If
Hancock had actually participated in the bribe, it did not hurt him politically because many conservative Texans disliked the prospect of a Radical state police and state militia.¹

Legislators also gave the governor control of the registration of voters and the power to appoint the governing bodies of towns. These broad appointive powers enabled him to appoint 8,538 persons, ranging from Supreme Court Justice to town alderman. This made him a virtual dictator in the eyes of some. Davis and the legislature also raised taxes. The high rates created dissent and anger among the people, but the tax increases may have been necessary. Public education was woefully underfunded in the state. In addition, an act that postponed the regular fall election for congressman from November 1870 until November 1872 created more anger among the governor's opponents.²

Some of Davis' actions, particularly the formation of the State Police and militia, may have been justified by conditions in Texas at the time. The state, in many respects, had been a lawless place since the end of the war. Many blacks and Unionists had been murdered. In 1870, according to United States census figures, Texas led the nation in homicides. Texas Freedman's Bureau records show that there were approximately 1,000 murders of blacks by whites between 1865 and 1868. The records
also show that there were an additional 1,524 acts of violence against blacks in that same period. Blacks were sometimes murdered for talking back to a white man. The Freedman's Bureau itself was the subject of hostility among the locals. Bureau agents were threatened with violence and sometimes killed. Many white Texans fought the ascendancy of the blacks, and violence became a major factor in crushing black aspirations. The State Police would inspire the hatred of many Texans at the time, but it has been placed in a more favorable light by recent historians and has been credited with suppressing the Ku Klux Klan in the state.3

But Davis' actions were viewed as high-handed by conservatives, and they helped to unify his opponents. They railed against the high taxes and the alleged misuse of power by Davis. It is very possible that the cries of high taxes and dictatorship masked the real reason for opposing Davis and the Radicals: opposition to Reconstruction measures such as suffrage and equal rights for blacks. At any rate, high taxes would become the rallying cry for Davis' opponents. For various reasons, many opponents of the Radicals were drawn to the Democratic party. In 1869 the Democrats had not been confident of their ability to defeat the Radicals on their own, and had supported moderate Republican Andrew Jackson Hamilton for governor against Davis. Now, the party was moving
towards nominating "straight out" Democrats. But the fusion strategy continued in some congressional districts where a pure Democrat was not assured of victory. 4

Republicans were strong in the Fourth District which included Hancock's residence in Travis County. A fusion convention, made up of Democrats and moderate Republicans, was held at Seguin on 9 December 1870. The Democrats had a majority and nominated Hancock as a candidate for Congress. Hancock was informed of his nomination by letter and replied in a letter written on 29 December. He neither accepted nor declined the nomination. Instead, he called for the officials of the Seguin Convention to assemble again in Austin when the state Democratic convention was in session. At that point, Hancock said if he were again nominated, he would "manfully fight" on behalf of his supporters. The bulk of Hancock's letter was yet another denunciation of the Radicals. He accused them of administering the Reconstruction laws with the "wicked purpose of bringing the elective franchise into contempt." He also accused the Radicals of using what he called "threadbare pretexts of intimidation [of blacks] by loyal men [Conservative Unionists], Ku Klux Klan, and other stereotyped party cries" as a rationale to invalidate election results and to declare Radical candidates the winners. He said that the election law, the State Police, and militia laws created a combined "iniquity, such as
a free people have rarely had imposed on them." He called the Radicals' postponement of the election an effort to "suppress, silence, and defeat the expression of the popular voice." While Hancock did not accept the nomination, the letter was designed for public consumption, and its content left little doubt of his intentions.\(^5\)

Editors of Republican papers recognized this and began to criticize Hancock. On 28 December 1870 the Republican Austin Daily State Journal cited a speech that Hancock had made in San Antonio in June 1866. In that speech Hancock had said, "when mules shall be permitted to vote, the Negro can." The paper also claimed that Hancock had described Germans as being "not quite so low as the Negro and to some extent white men." To top it off, the story referred to him as "ex-Brigadier General John," a reference to rumors that Hancock had accepted a Union commission during the war. Hancock had never accepted a commission because none had been offered. But there was more to the story. In June 1864, Edmund J. Davis, then an officer in the Union army, had received news that Generals Edward R. S. Canby and Francis J. Herron had recommended that Hancock be appointed brigadier general in command of Texas volunteers. Davis wrote a letter to General William H. Emory in which he said he could not understand why he should have to take orders from Hancock, "an untried citizen of no military experience." Hancock was never granted the
commission. It is not clear whether Hancock was aware of the plan to grant him a commission or of Davis' intervention, but Hancock's diary entries show that he frequently consulted with military commanders in New Orleans, so it may not be mere coincidence that Hancock became a political opponent of Davis after the war. However, there were ample political differences between the two men.6

The State Journal writer also questioned what Hancock's political affiliations actually were. He noted that Hancock did not call himself a Democrat and that he dodged the issue of Negro suffrage. These charges had some validity because Hancock in the 1850s and early 1860s had been part of movements to challenge the dominance of the Texas Democratic party. Hancock had initially opposed black suffrage, but had supported the 1869 constitution that granted it. The writer also chided a rival Austin paper with Democratic leanings for not embracing Hancock as its candidate. On 11 January The State Journal published an editorial critical of a letter Hancock had written to the San Antonio Herald. In the letter, Hancock had denounced the Republican party in power in Texas. The State Journal editorial writer responded by writing, "the time has passed when politicians can ride into office upon denunciations of their opponents."7
The Democrats met in Austin on 24 January 1871, and nominated a full slate of candidates for Congress, including Hancock in the Fourth District. Governor Davis had originally scheduled the election for November 1872, for the stated purpose of making the state and federal elections coincide. But popular outcry forced the governor on 24 May 1871 to call for a special election to be held that October. The Republicans were contesting all the congressional seats in Texas. Hancock's opponent was Congressman Edward Degener of San Antonio, who had been elected in 1869 by a narrow margin. Degener, like Hancock, was a Unionist who had remained in Texas during the war. After the war, Degener had sided with the Radicals and was the only delegate at the 1866 constitutional convention to favor absolute black suffrage. Degener was described by Congressman John C. Conner, a member of the Democratic slate, as being honest, as having a lot of "hard fisted sense," and as being "personally worthy of respect." But, Conner said, politically Degener was a "dangerous lunatic" who will believe every "Ku Klux ghost story" told him. The last part of Conner's statement was in reference to the belief of some that the Radicals exaggerated Ku Klux Klan intimidation for political purposes. Hancock had previously expressed the same view in his letter responding to his nomination by the Seguin convention.
Opponents of the Radicals emphasized the tax issue, but it may have been a front for the opposition of the concept of Radical Reconstruction itself. Throughout the year so-called taxpayers' conventions had been held at the local level. On 5 August prominent citizens of Austin — including Hancock's brother, George, former governor Elisha M. Pease, and Morgan Hamilton — issued a call for the delegates elected at the local level to assemble in Austin on 22 September for a statewide taxpayers' convention. A committee at the convention produced a report that showed that the property tax per $100 valuation had increased from 15 cents in 1865 to $2.17\frac{1}{2}$ in 1871. This report mirrored the results Hancock had reached when he made an earlier inquiry to the Texas comptroller requesting figures comparing the increase in the rate of taxes assessed and collected in 1860, 1867 and 1870. Hancock had then publicized the sharp tax rate increase in letters he had written to Texas newspapers.\(^9\)

In addition to taxes, frontier defense was also an issue because western parts of the state were still vulnerable to Indian attacks. These areas were in the Fourth Congressional District. A Degener supporter wrote the Democratic Statesman, claiming that Degener supported a $1,000 bounty to be paid for each Indian scalp. The editor of the paper dismissed this as a political gimmick. He replied by saying that despite the bounty proposal,
Degener was in favor of the "Quaker" policy of frontier defense practiced by the Grant Administration. This was in reference to the policy of placing the Indians on reservations under the supervision of religious orders, an idea first proposed to President Grant by the Quakers in 1869. This was a practice that was considered by some to be the equivalent of pacifism, particularly in the West where some newspaper editors advocated outright genocide against the Indians.  

Despite these issues, the campaign predominatly took the low road. Degener supporters circulated a Know Nothing campaign document that Hancock had authored in 1856. Hancock supporters charged that Degener, despite being a Unionist during the war, had made money off the Confederacy by selling lead to manufacture arms. Hancock partisans erroneously contrasted that to how Hancock had "carried out in good faith his Union sentiments" by serving as a brigadier general. Also representative of the tone of the campaign was a list published in the Democratic Statesman titled "10 Reasons Why Degener Should Not Be Voted For." The listed reasons included that he was "good for nothing . . . less than zero . . . an atheist" and an advocate of "freelovism[sic] and women's suffrage." The list concluded with the statement that Degener knows as much about being a congressman "as the devil does about holy water."
Republicans made various charges of impropriety against Hancock. Superintendent of Public Instruction Jacob C. DeGress, a Davis appointee, accused Hancock of valuing his property far below what it was worth to reduce his tax. DeGress said similar conduct by the rich was why the poor had to pay such high taxes. This charge was repeated in a scathing editorial in the San Antonio Express. The writer accused Hancock of hypocrisy because he continually harped about high taxes, but at the same time he understated the value of his farm, his lots in Austin, and his cattle. The writer sarcastically dubbed him "the poor man's friend." The same editorial said that Hancock was using the tax issue to avoid talking about other issues such as states rights and secession where he would lose votes when he took a specific stand.  

The editorial writer made another charge that Hancock changed his views to suit the prevailing political winds. He listed Hancock's varied political identities:

We have heard of the Judge as the moralist, the military hero, the rampant Know Nothing, the warm Confederate, the Union refugee, the colonel of colored troops, the practical miscegenationist, the unwilling candidate, hesitating to drink the bitter cup of secession candidacy, the maligner of Germans, and insulter of Negroes.

Governor Davis also repeated the same theme. In a speech in Galveston, the governor denounced the entire Democratic ticket in sequence. When he reached Hancock's name, Davis said, "And there is John Hancock — it ought to be
weathercock. He is on every side and has been since 1866.\textsuperscript{13}

Another \textit{Express} editorial titled "Hancock's Political Funeral" also criticized him. The writer explained Hancock's denial that he had made derogatory comments about Germans in 1866 by saying, "that he does not know what he did say, owing to his being drunk at the time." He also repeated a rumor that Hancock had fathered two black daughters who had been educated in the North at the candidate's expense.\textsuperscript{14}

The Fourth Congressional District encompassed an area running from Central Texas, south to the Rio Grande, and all the way west to El Paso. In late summer, Hancock began his campaign. On 10 and 12 August 1871 he spoke in Fredericksburg and Blanco respectively. From there, he embarked on a tour of the western counties. Hancock and the Democratic ticket were helped by the \textit{Austin Daily Democratic Statesman}, which under authorization of the state Democratic Party had begun publication in July. The \textit{Democratic Statesman} and the \textit{San Antonio Herald} helped to counter the influence of the \textit{Daily State Journal}, the official organ of the Republican administration.\textsuperscript{15}

In August, Hancock criticized the compulsory feature of the Radical public school law. He declared it was against common right and a plain usurpation by the government of the natural rights of parents in relation
to their children. He also spoke at a rally and barbecue held at Barton Springs in Austin. A newspaper writer estimated the attendance at 6,000 people. He described the reaction to his speech as "overwhelming and convincing to both black and white who heard it." 16

On 26 August Hancock and Degener debated in San Antonio on the steps of the Menger Hotel. At that meeting, Hancock defended himself from the charges that he had made anti-German statements. He apparently gave a good account of himself because Degener did not invite Hancock for another debate when Degener spoke in Austin on 2 September. Degener also did not respond to the Democratic Statesman's invitation to speak with Hancock during Hancock's September speaking tour. Hancock spoke in Bastrop, Serbin, LaGrange, Columbus, Halletsville, Victoria, Indianola, Clinton and Gonzales before concluding in Seguin. 17

The feeling of newspaper writers was that Hancock was ahead. Galveston Daily News writers reported, "the election of Hancock in this [fourth] district is looked upon as certain if the votes are counted right" and that "even the Radicals concede Hancock's election." The one question mark was the possibility of chicanery in the counting of the vote. Many Texans doubted the fairness of the 1869 gubernatorial election in which Davis had defeated Andrew Jackson Hamilton. Democrats anticipated fraud, and Hancock
suggested that there be a second "private box" in every county for holding duplicates of all Democratic votes.¹⁸

On 6 September Hancock wrote Degener a letter requesting that he join him in asking Governor Davis to appoint men of both parties as registrars and as county election officials. Hancock wrote that there was considerable apprehension that the votes would not be "fairly counted." He asked Degener to sign the letter so Hancock could deliver it to the governor. Degener replied by letter that he could not sign the letter because it would imply that Davis had the intention of using improper means to secure Degener's election. He also stated he was not familiar with Davis' appointees so he could not judge whether Hancock's allegations were true or not. Degener concluded by expressing confidence Davis would correct any injustices committed. He gave Hancock permission to use his letter if he wished. Hancock then wrote the governor and again asked that he appoint some Democrats to the election boards. Davis wrote to Hancock on 22 September, and said that he had instructed election officials to provide all the safeguards either party could ask to "secure fairness of the election." Davis had been given broad appointive powers, and the fact that all of the election officials were his appointees still created some uncertainty as to the outcome of the election. In fairness to the Republicans, some of the election measures implemented
by the governor were in response to efforts to keep blacks away from the polls. 19

When the votes were counted, it seemed apparent that Hancock would win by a margin sufficient enough to be safe from manipulation of the vote count. Hancock had majorities in all but seven of the thirty-eight counties in the district. He won Bell County by 1,006 votes and had majorities of over four-hundred votes in three other counties. The initial vote was Hancock, 17,010; Degener, 12,636. The election canvassers did not accept the returns from Bee, Brown, Concho, Fayette and Starr counties, so the adjusted vote total was Hancock, 15,022; Degener, 11,152. Statewide, the Democrats had a majority of 24,279 out of 125,812 votes cast. The initial returns showed that all four Democratic congressional candidates had won, but enough votes were thrown out in the Third District to elect the Republican candidate. 20

Still, there was some doubt about whether Hancock would be issued an election certificate. On 26 October Hancock wrote a letter to Governor Davis requesting that he either be given his certificate or a written response explaining why it had not been issued. The certificate was finally issued in late November. 21

Hancock then left for Washington. His credentials were presented to the House of Representatives on 4 December, and he was assigned to the Committee on
Revolutionary Claims. Two weeks later, he introduced a bill to urge the president to select a site in Austin to build a federal courthouse and post office. Hancock, like many other congressman, sought to gain appropriations for his district and state. Some of the projects that interested him were forts in Texas for frontier defense and a telegraph line linking them, the deepening of Galveston Harbor, and federal buildings in Austin and San Antonio. Indian policy and military appropriations were also important to him, particularly funds for providing additional soldiers for the western frontier of Texas. He introduced a bill on 19 February 1872 that called for the president to appoint commissioners to inquire into Indian depredations on the frontier of Texas. On 28 March Hancock was part of a delegation that met with President Grant to discuss the issue of Mexican depredations on the frontier.22

On 2 March Hancock argued with Radical William T. Clark (R-Texas). Clark was giving a speech on education policy in which he accused the Democrats of not funding public schools in Texas. These charges had some validity because the Republican governments in Texas and in other Southern states had inherited empty treasuries from their predecessors. The Radical government in Texas had begun a public school system where none had existed before. Clark explained how the Republicans were forced to levy
taxes to fund the schools. This, Clark claimed, caused
the Democrats to win a temporary triumph in Texas by
denouncing the Republicans as "carpetbaggers" and "niggers,"
and native Unionists as "scalawags." This, Clark said,
going on while the schools went unfunded. 23

Clark defended Governor Davis from an indictment against
him. Hancock interrupted and asked permission to have
the clerk read some relevant telegrams. Clark said that
Hancock could have them read after he was through. Clark,
whose election was being challenged by House Democrats,
then accused Hancock of being behind a movement to take
him off the floor. Clark said, "I know the rottenness
and wretchedness, the red blooded villainy of the Democracy
in Texas very well." He said that he had seen it put to
him "with shotguns and that he knew when and where to
respond to it." Hancock asked Clark "what he meant by
his allusion." Clark then accused Hancock of not having
the honesty or courage to stand up himself and object to
Clark speaking a few days earlier because, as Clark charged,
Hancock had put up somebody else to do it. Hancock then
questioned whether Clark's language was in order and said
Clark's charge was "utterly false" and "that there was
not one word of truth in it." After being warned by the
speaker, Clark apologized for anything he said that was
not in order. Hancock replied defiantly, "I have no apology
for saying what I have." 24
Clark resumed and continued to defend Davis and attacked members of the Taxpayers' Convention in Texas as "being blistered with treason" and having hands "red with the blood of Union men." After Clark had a short discussion with another member, Hancock rose and listed names of prominent Texans who had been delegates to the Taxpayer's Convention. He first mentioned Andrew Jackson Hamilton, his former law partner. Hancock said that during the war, Hamilton "exhibited a prowess and valor and heroism that would have done him honor in the days of Bruce." This was a bit of an exaggeration because Hamilton had seen little action during the war even though he had accepted a Union commission as a brigadier general. Hamilton, said Hancock, had never faltered in his devotion to the United States. Hancock then listed former governors James Throckmorton and Elisha M. Pease, Senator Morgan Hamilton (R-Texas), and others as examples to disprove what he called Clark's "aspersions." Clark picked up the gauntlet again later when he accused Hancock of not listing Klansmen attending the convention. This skirmish with Clark, a Radical Republican, probably served to help Hancock enhance his reputation as an opponent of the Radicals. A few months later, the House voted to award Clark's disputed seat to Democrat Dewitt Clinton Giddings, a future opponent of Hancock.25
On 15 April Hancock's Indian-depredation commission bill was approved. It called for the appointment of commissioners to investigate Indian depredations in Texas and report back to the president. Ten dollars a day plus traveling expenses were appropriated for the commissioners, along with $6,000 to pay for the investigation. That same day, Hancock fought to increase the amount given to Texas in a rivers and harbors appropriation bill. The effort began after Clark had offered an amendment to change the wording on a $16,000 appropriation for dredging Galveston Harbor. Hancock took the floor and noted that the engineers' report on the subject had recommended an appropriation of $135,000. The $16,000 appropriation, Hancock said, was not for the purpose of accomplishing the work that the engineers had recommended. He argued that the amendment be defeated because "it would just be $16,000 thrown away." The House voted against Clark's amendment.

Hancock then cited a letter from the Army Corps of Engineers that recommended a $125,000 appropriation. He then offered an amendment allocating that amount to create a channel in Galveston Bay. He argued that Texas should be entitled to more than $16,000 out of a $4.9 million appropriation for river and harbor improvement. Hancock noted that $800,000 had been appropriated to Michigan alone. He recognized that the Michigan improvements were "necessary
and ought to be made," but added that they were no more important than the interests of Texas. Hancock pointed out that the commerce of at least a million people passed through the Galveston area and that the project had been approved by the engineers. Another member made a short speech against Hancock's amendment and a vote was taken. Hancock's amendment was defeated by an eighty-three to forty-three vote. Although Hancock had lost on this issue, he, along with others, had addressed a concern voiced by Southern representatives that the South was getting shortchanged on appropriation bills.  

Another motive for Hancock's opposition to Clark's appropriation was to prevent the Republican from getting credit for securing funds for his district. Democrats in the House were already challenging Clark's election. Republican papers in Texas criticized Hancock for opposing the $16,000 appropriation for improvements in Galveston harbor. The Dallas Herald came to his defense and said that if Hancock opposed the legislation it was because "there was a snake in it, and put in there for the benefit of little Clark or some of his special friends. We will underwrite for Hancock."  

Hancock was up for election in 1872. It was also a presidential election year, which offered a glimmer of hope for the Democrats. Republican President Ulysses S. Grant's performance in office had disappointed many
Republicans. His presidential style had been a mixture of mediocrity, ignorance, and ineptitude. His first term had been scandal-ridden. This led to a split in the Republican Party between Grant supporters and a group of reform-minded dissenters who became known as the Liberal Republicans. There was talk of a coalition of Liberals, independents, and Democrats to oppose Grant. A similar coalition had gained power in Missouri in 1870. On 24 January 1872 the Missouri Liberal Republicans held a meeting in Jefferson City, Missouri, in which they called for a national Liberal convention to be held in Cincinnati on 1 May 1872. As the Liberal movement gained momentum, Democrats pondered whether to support the Liberal nominee or to nominate their own ticket. Hancock expressed his view in several letters and was criticized by the Galveston Daily News for contradicting himself on the issue.29

The first letter, dated 11 April 1872, was to Colonel J. W. Stell of Gonzales. It was written before the convention in Cincinnati had nominated a candidate. In that letter, Hancock said that it was a foregone conclusion that the Republicans would nominate Grant and that Grant's defeat was "the first object to be accomplished." He also said that in order achieve that goal, citizens should put aside "partisan hate, ambitious and selfish motives, or want of practical statesmanship." Hancock concluded by hinting that the Democrats should consider supporting the
nominee of the Cincinnati convention. At the time of Hancock's letter to Stell, New York Tribune editor Horace Greeley was a dark horse contender for the nomination.30

After Greeley's surprise sixth ballot nomination on 3 May 1872 in Cincinnati, Hancock wrote to William M. Walton of Austin on 5 May. The letter was published in the Austin Daily Democratic Statesman. Hancock wrote that the nomination was received with "a sort of stupefied astonishment." He concluded that the convention had nominated a "pronounced Republican ticket" and described it as the product of delegates who had been "selfish, narrow-minded and uncompromisingly hostile to the Democracy." Hancock wrote that he would have accepted a compromise choice such as Supreme Court Justice David Davis. Hancock had also expressed support for Justice Davis in a letter he had written to Benjamin Epperson before Greeley had been nominated. Hancock's expression of astonishment at Greeley's nomination mirrored the views of many political observers. It had been a somewhat bizarre choice because Greeley did not represent the tenets of the Liberal Republicans and he was seen as a supporter of Radical Republicanism by Democrats.31

Hancock believed that Greeley would only continue the policies of Grant. He wrote that Greeley

might be more economical and honest, put better men in office, and displace thieves when detected but in principle it would be a continuance of the
same party avowing substantially the same principles interpreted and carried out by the same party and mainly by the same persons now in power.

Hancock also wrote that the change would be a temporary advantage to the Democrats, but that it would place them "in a hopeless position four years from this time." He advocated that the Democrats hold a separate nominating convention, "adopt a liberal platform," and nominate their own candidate rather than back Greeley.32

Writers for the Galveston Daily News used the letters to Stell and Walton to accuse Hancock of "glaring contradictions." In response, a Dallas Herald writer wrote that Hancock had "acted like a wise and honest representative of the people and they will sustain him."

After the Democrats had decided to support Greeley, the Galveston Daily News on July 31, listed Hancock as supporting Greeley. If nothing else, the letter controversy represented another chapter in Hancock's history of seeking alternatives to the Democratic establishment in Texas. But, his reaction to Greeley's nomination was also consistent with that of others who had looked to the Liberals as an alternative to Grantism and had been disappointed with the choice of Greeley. Prominent Democrats such as 1864 presidential nominee George B. McClellan and future Speaker of the House Michael Kerr (D-Indiana) expressed similar sentiments. Hancock and
others eventually decided to support Greeley after he had been also nominated by the Democrats at their national convention in Baltimore. One rationale is that they were faced with the choice of possible victory with Greeley or certain defeat without him. Hancock even spoke at a Democratic meeting for Greeley supporters at Manor on 14 September 1872. At that meeting he urged a crowd of 1,000 to accept "the great reform movement."33

This controversy did little to hurt Hancock, and he was in good shape politically. In his abbreviated first term, he had denounced the Radicals and had sought and gained some appropriations for Texas. Hancock spoke at a Democratic barbecue in Austin in late July. At that meeting, he said that he hoped that the Texas Legislature would remove the "petty tyrant" Davis and place Andrew Jackson Hamilton where he legally belonged. A few weeks later, Hancock was re-nominated for Congress in the Fourth District without opposition. Hancock's likely re-election had been made even more likely by the enactment of an amnesty bill that had been passed by Congress. This restored the right to vote to virtually all of the remaining Southerners who had been disfranchised. Ironically, Hancock had written Walton and had said that the passage of such a bill was unlikely in this session of Congress. In the letter, he advised everyone wishing relief to apply by petition. He said "it was the duty of every man to place
himself, if possible, in a position to serve the country if called upon."

In November, Greeley, after waging an inept campaign, was trounced. Hancock was elected over Republican W. O. Hutchinson, a lesser figure in Radical politics, by a vote of 18,172 to 11,281, a greater margin than he had won by in 1871. The restoration of voting rights to virtually all former Confederates reduced the threat of Republican votes to Democratic candidates in the general elections in Texas. But it also posed a future threat to men such as Hancock. In the 1872 elections, the character of the Democratic congressional delegation had changed. The number of former secessionists and Confederate veterans elected throughout the South increased sharply. In Texas, five of the six members elected were Confederate veterans, Hancock being the sole exception. The 1872 elections also increased the Democratic control of the state and decreased the power of the Radical Republicans and Governor Davis. This Democratic resurgence made the nomination of middle-of-the-road candidates like Hancock less necessary. Hancock had tried to gain acceptance by denouncing the Radicals and working on issues of interest to Texas. But many former rebels and secessionists were still bitter over his Unionism during the war. During Reconstruction, fewer than 200,000 men throughout the South had actually been disfranchised and disqualified from holding office.
That number had been gradually reduced by the presidential pardons, congressional pardons, and congressional amnesty acts. After the passage of the General Amnesty Act in 1872, only a few hundred remained. Also, the Southerner's fear of Northern reaction to ex-rebels being elected to political office was fading. This fear had made ex-rebels hesitant to be candidates. Now, many Confederate veterans and former secessionists came to see Unionists like Hancock as transitional political figures whose time had come to an end. They would elect delegates to nominating conventions who reflected their views. As a result, 1872 was the last year that Hancock would have an easy contest for re-nomination.
CHAPTER II NOTES


4. Moneyhon, Republicanism, 152-3, 162; Foner, Reconstruction, 376.

5. Moneyhon, Republicanism, 153; William C. Nunn, Texas Under the Carpetbaggers (Austin, Texas: University of Texas Press, 1962), 98; John Hancock to James W. Young, John Ireland, William M. Young and Joseph Lee, 29 December 1870, Broadsides Collection, Barker Texas History Center, University of Texas at Austin.

6. Austin Daily State Journal, 28 December 1870; Ronald N. Gray, "Edmund J. Davis: Radical Republican and Reconstruction Governor of Texas," (Ph.D. diss., Texas Tech University, 1976), 62; John Hancock, "Diary" Texas State Archives, Austin, Texas. Entries show that he met with Union officers more than thirty times while in New Orleans.


9. Frank Brown, "The Annals of Travis County and the City of Austin From the Earliest Days to the Close of 1875," Texas State Archives, Austin Texas, vols. 11-12, chapter 30, 47-8; Wallace, Turmoil, 215-6; Dallas Herald, 15 July 1871.


13. "Judge Hancock's Painful Position" Broadsides Collection; Speech by Edmund J. Davis, undated newspaper clipping, 1871, Edmund J. Davis Governor's Papers, Texas State Archives, Austin Texas.


16. Austin Daily Democratic Statesman, 22 August 1871; Dallas Herald, 2 September 1871.


18. Galveston Daily News, 3 September, 26 September 1871; Nunn, Texas Under the Carpetbaggers, 100.

19. Austin Daily Democratic Statesman, 26 September 1871; John Hancock to Edmund J. Davis, 6 September 1871, Davis Governor's Records.

21. John Hancock to Edmund J. Davis, 26 October 1871, Davis Governor's Records; *Dallas Herald*, 18, 25 November 1871.


27. Ibid., 2446-7; Siep, *The South*, 225-6.


31. *Austin Daily Democratic Statesman*, 14 May 1872; John Hancock to Benjamin Epperson, 3 March 1872; Benjamin Epperson Papers, Barker Texas History Center, University of Texas at Austin; Gillette, "Election of 1872," 1315-6; Gillette, *Retreat From Reconstruction*, 62. Downey, "Horace Greeley," 744, 746-7. Various theories have been advanced to explain Greeley's nomination ranging from corrupt political insiders outmaneuvering the reformers to a consensus among the delegates that Greeley had a better chance of defeating Grant than the other candidates in contention for the nomination. See Richard A. Gerber, "The Liberal Republicans in Historiographical Perspective." *Journal of American History* 62 (June 1975): 40-73.


34. *Dallas Herald*, 9 March, 1 June, 1, 14 August 1872.

CHAPTER III

HOLDING ON

After his re-election in 1872, John Hancock appeared to have finally reaped the benefits of his adroit political maneuvering. In the span of less than two years he had been nominated and elected to Congress twice. In both races, he had been nominated with little opposition. For Hancock, it may have seemed to him that the toughest political struggles were behind him and that he could go about the business of representing his district and state in Washington. But, he would soon be under attack for his actions in Congress. Many of these attacks were motivated by hard feelings towards his Unionism.

John and Susan Hancock left Austin for Washington, D.C., on 25 November 1872. A lame-duck session preceded the seating of the new Congress. Hancock had been assigned to the Committee on Revolutionary Claims, "a dumping ground for lesser lights," but he took this interim assignment seriously. On 25 January 1873 a claim by the heirs of Captain John Davis, a Revolutionary War officer, was brought before the House. Captain Davis had been awarded half pay from his muster out of the service in 1783 until his death in 1827. The bill authorized payment of the half
pay due him plus six percent interest. The total claim was $24,816.¹

Representative George Willard (R-Michigan) questioned the right of heirs to a claim that an ancestor had chosen not to accept. He said Congress was getting away from the practice of paying such claims. Hancock, who had adjudicated the claim in committee, pointed out that there were numerous precedents for parties being entitled to six percent annual interest for a debt by the federal government not paid after 1793. Hancock also noted that it was clear that the claimants were actually the heirs of Captain Davis and added

unless the heirs of the revolutionary soldiers are to be considered proper subjects for compensation, then there is no use in having a Committee on Revolutionary Pensions and Claims, nor any reason why such business should be brought before this House in any form whatever, for probably without a single exception, there is no one but heirs to claim these arrears.

Hancock concluded by stating that all precedents indicated that this was a just claim that should be allowed by the House.²

Representative Joseph R. Hawley (R-Connecticut) asked Hancock why Davis had not claimed his pay. Hancock replied that Davis was a man "in easy circumstances" who did not need the money. He noted that a great many "revolutionists" did not ask for their pay or pension. Willard countered that Hancock's argument that the committee was pointless
if bills such as those presented by Davis’ heirs could not be passed was "a hardly sufficient basis" to decide the fate of the claim. Despite Hancock’s research and arguments, the claim was laid aside without further action. Hancock, before the session ended, proposed a bill authorizing the building of a frontier telegraph line connecting military outposts with San Antonio. The bill would eventually be approved and it was the first step in creating a network of lines that would help to remove the Indian threat from the Texas frontier. Despite this, it was a small section of a large appropriations bill that caused Hancock to be criticized in Texas. The section in question provided retroactive increases in congressional pay and traveling expenses. This provision became known as the "back pay" bill and was a small part of a bill that had passed the House by a vote of 180 to 131. All members of the Texas delegation voted in favor.

After the end of the session, John and Susan Hancock returned to Austin in late March 1873. Congress would not be in session again until December. This gave Hancock time to mend fences on the pay-raise vote, which had been the source of criticism in Texas by some state legislators and Texas government officials. It led him to defend his vote before the Texas legislature. Hancock spoke on Saturday night, 26 April 1873. His speech was made in
the manner of a legal brief, with point-by-point analysis and rebuttal of charges.5

Hancock first noted that the U.S. Constitution gave Congress the power to set the salary for its members. Hancock said that the raise, regardless of its merits, was a legitimate exercise of that power. He then attacked newspaper writers who had called the pay provision the "back pay steal." Hancock called them the "unscrupulous writers for the sensational press." He described them as "the vulgar minded whose chief reliance is opprobrious epithets." They, said Hancock, "add nothing to gain a correct understanding of principles or to determine a wise and just policy."6

Hancock then made his next point. He noted that since setting pay rates for members was a legitimate function of Congress, the only question was "whether the compensation voted was unreasonable or not." He first responded to criticism of the retroactivity of the raise. He explained that every previous raise had been retroactive. He said that Congressional pay raises had been passed by men of "the most exalted intellect, unsullied patriotism and integrity." He listed Henry Clay, Silas Wright, Sam Houston and Thomas J. Rusk as examples, and he noted that raises had been approved by presidents George Washington, James Monroe, Franklin Pierce and Andrew Johnson.7
Hancock then rebutted the objections to the last-minute passage of the pay act by saying that timing "cannot change the essence of its merits or demerits." He even argued that the end of a session may have been a better time to pass the raise. He reasoned that before the session very few members knew what it would cost to live a year in the capital. Hancock said they were equally unable to place a value on the "wear and tear of body and brain rendered in the constant honest and energetic discharge of their duties as members of Congress." Hancock even compared the timing of the raise to the deferred charges of a doctor or lawyer.  

Hancock concluded that the real question was whether members of Congress had knowingly taken advantage of the power given to them to appropriate "a large and exorbitant sum of money" far in excess of the value of their services. He pointed out that pay was not increased from $5,000 to $7,500, but that the increase was $2,500 less traveling expenses and other allowances for postage and other expenses. This, he said, amounted to a raise of $375 for members of the Texas delegation after all deductions from the $2500 were made.  

Hancock's next step was to justify the raise. He asserted that he would have been willing to support a higher figure than $7,500. Hancock said he supported pay that
was worthy of

a representative of an intelligent, liberal and just minded constituency who appreciate the character, capacity, intelligence, energy and fidelity necessary to discharge the duties of the position.

Hancock then depicted the temptations faced by a member "with an empty purse, ill supplied family and children growing up without proper educational advantages." Hancock said members with modest incomes were vulnerable to the silent and "too often resistless [sic] appeals" made by "the plundering lobbyists that swarm around Congress . . . seeking at every turn to rob and plunder the people." He said that the pay increase would end the "notoriously insufficient" pay excuse that was made for members during the Credit Mobilier investigation. Hancock also argued that inadequate compensation kept poor men or men with large families from becoming members of Congress or from remaining there long enough to gain influence. 10

Finally, Hancock warned against the possibility of "turning the legislative branch of the government to a monied[sic] kind of codfish aristocracy" as modeled by the English system. As support, he cited men he knew who were asked to run for Congress in Texas but declined because of finances. Hancock concluded by asking that the legislators consider his opinions and the reasons for them before judging him. 11
It is likely that these were sincere arguments by Hancock because he was already a wealthy man. Later he would oppose the election of Samuel Cox as Speaker of the House because Cox had returned his back pay and had voted against the raise. The pay-raise vote may not have damaged him politically because the initial criticism came mainly from the Republican ranks. An *Austin Daily Democratic Statesman* writer questioned why Hancock should even have to respond to the attacks made on him and stated, "we regret that he has to defend his official conduct against the attacks of Gaines, Ruby and Company," in reference to two prominent black Republican legislators. As a lawyer, Hancock had done a skillful job of defending his position. Still, the question was not put to rest. The pay-raise issue gave those who disliked Hancock because of his Unionism another excuse to oppose him.12

Another example of arguments by Hancock opponents appeared in an editorial in the *Waco Examiner*. It was in response to an editorial in the *Austin Daily Democratic Statesman*. The Austin writer had praised Hancock and said that if he continued in the future as he had in the past, he would deserve the highest office the Democracy of Texas had to bestow on him. The *Examiner* writer disagreed sharply and presented a chronology of Hancock's past political affiliations. He described Hancock as first being a "raving shirt-tearing Know Nothing" and then being in succession
"a so-called Democrat, a milk and cider Union man, an anti-Southern rights man, a Republican, and a Liberal Republican." The writer used this litany to question Hancock's right to be considered "a Simon pure Democrat."

On 20 July the Democratic Statesman responded in another editorial defending Hancock. The writer contended that the Examiner was motivated to attack Hancock because the paper was supporting Richard Coke for governor. He concluded that the Examiner now considered Hancock a potential rival for the nomination even though, according to the Statesman, Hancock had denied having any interest.13

Hancock, after his speech, was relatively silent on politics and spent the summer in Austin engaging in a variety of civic activities. He served on the board of the County Agriculture and Mechanical and Bloodstock Association, a group that sold memberships in the form of shares and met monthly for the purpose of planning an annual fair. He also participated in a movement to dam the Colorado River below Austin. When Hancock returned to Washington in the fall, he received good news. On 5 December 1873 he was assigned to the important House Appropriations Committee.14

In early 1874, Hancock played a role in a famous event in Texas history, the Coke-Davis Imbroglio. In 1873, the Texas Legislature had passed a law regulating elections. The first statewide election under that law was on 2
December 1873. In that election, Governor Edmund J. Davis had been defeated by Democrat Richard Coke by a two-to-one margin. Shortly thereafter, Republicans began to raise questions about the constitutionality of the election. They brought a fictitious action solely to get the Texas Supreme Court to examine the question. Republicans had set this up in advance by arranging for a Houston man named Joseph Rodriguez to vote twice in the election so he could be arrested, creating grounds for a suit if the election results were unfavorable. After the election, his case was brought before the Texas Supreme Court on a writ of habeas corpus. The Republican-appointed court then declared the 1873 election law unconstitutional in the case ex parte Rodriguez. This case became known as the Semicolon Case because the court had used the placement of a semicolon in section six, article three, of the Texas Constitution as a rationale for its ruling. The section in question covered elections.

Davis used the Rodriguez ruling as a pretext to remain in office and to prevent newly elected officials from taking office. On 12 January 1874 he issued a proclamation declaring his intentions and citing the court decision as his reason. The legislature assembled against his wishes and Davis called on President Ulysses S. Grant for help in the form of federal troops. Newspapers reported that on the same day, Hancock and his colleague DeWitt Clinton
Giddings visited the president, presented him with copies of the Texas Constitution and the 1873 election law, and explained to him the history of the dispute. Grant listened and said that the proper time to declare the election law unconstitutional would have been before the election. He gave assurances that he would not give military aid to Davis. In 1876, in a letter to the Galveston Daily News, Hancock claimed that he and Giddings had made an appointment to meet with the president, but that Giddings had not kept the appointment and that Hancock had gone alone. Later, Senator James W. Flanagan (R-Texas) called on Grant and argued in favor of supporting Davis, but the president noted that Davis had signed the election law, had been a candidate under it, and had been beaten under it. Grant concluded that it was time for Davis to get out of the way. Grant then sent Davis a telegram in which he reiterated what he had told Flanagan. Davis remained in office for five more days. He finally left after a series of armed standoffs in the capitol building and after again being rebuffed by President Grant after a second request for federal troops. The effort by Hancock to persuade Grant added to his credentials as an opponent of the Radicals in Texas, but they were credentials, that as Radical influence declined, had diminishing importance in Texas.¹⁵
More important to Texas was Indian policy. Hancock focused on it in his second term. It was an issue important to the state of Texas and to his district. Hancock's Fourth District included parts of western Texas where Indian depredations were still a threat. On 4 February 1874 Hancock introduced an amendment to increase the appropriation for recruiting and troop transportation on the frontier from $105,000 to $175,000. Hancock argued that the larger amount was recommended by Secretary of War William Belknap. He cited testimony by the secretary and generals who had toured the frontier and had concluded that it was not adequately protected. Hancock then stated that property damage from Indian incursions during the last six months in his district alone had been more than the $70,000 increase in appropriations that he proposed. He then made a plea in response to other members who had argued against the increase on the grounds of economy. He said,

I cannot regard with favor this line of policy which seeks retrenchment and economy at the expense of the lives and property of the people. Not only is property stolen there, but women and children are carried off, and men are butchered and left to bleach on the plains of this country.

Hancock accused Representative William A. Wheeler (R-New York) of seeking, through his proposed budget cuts, to rob frontier Texans of what little protection they had.
Wheeler argued that during the Civil War, Texas had supplied troops to the Confederacy and had taken care of its Indians. Hancock replied, "Texas will undertake to do it today for half the money expended there, if permitted to do so." Wheeler added that the current level of U.S. troops in Texas or bordering Texas plus the population of Texas should be adequate for Indian protection. Under this scenario, Wheeler concluded that "Texas ought to get along as well as she did during the war." Hancock then questioned the accuracy of Wheeler's figures on troop levels in Texas. Hancock explained how Texas had twice sought to put up its own troops for frontier defense, but had been thwarted by the Republican government in the state. The debate continued, and Hancock's figure of $175,000 was eventually adopted. Continuing on the same theme, Hancock introduced a bill on 16 February to ascertain losses caused by Indian depredations on the frontier of Texas.

On 12 March 1874 Hancock was appointed to a joint House-Senate committee to accompany the body of Senator Charles Sumner (R-Massachusetts) to his burial place in Boston. Hancock had not been in sympathy with the abolitionist and had opposed the Civil Rights Bill that Sumner had championed, but it was a role Hancock assumed as an emerging member of the Democratic leadership in the House. Hancock drew no criticism in Texas for this seemingly controversial role. An editorial writer for
the *Austin Daily Statesman* took a conciliatory tone towards the late senator. He urged that Texans not raise past disagreements with Sumner's views after his death. He wrote, "Let us remember his virtues, and forget his errors."

Hancock, when he returned, was again working on the Indian depredation issue. He made a successful motion on 23 March to suspend the rules in order to appropriate $36,000 of unused Indian appropriations. The funds were used to relocate Kickapoo and other Indian tribes that were roving the U.S.-Mexico border.\(^\text{18}\)

The same day, Hancock made a speech outlining his views on Indian policy. He began with a description of the current state of the Indians. Hancock said that over the last twenty-five years the Indians had lost three-fourths of their territory. Hancock noted that this was territory that the Indian had "roamed over at will, seeking from its forests and its rivers and its lakes the game and the fish upon which he subsisted." Hancock commented that little was left and that if the Indians were turned loose, they would not be able to subsist for more than six months. If, he observed, "we fail to feed him, we drive him into desperation," which would lead to war and the eventual extermination of the native Americans.\(^\text{19}\)

Hancock concluded that it was cheaper to feed the Indian in conjunction with a policy to put him
in such a state of subordination, such a condition of absolute control and subjugation to authority, that he will realize the full advantages that may result from his temporary support in preparing him, by making him acquainted with the arts of civilization to become self-sustaining.

He then said that efforts by the Anglo-Saxon to civilize the Indians had been a failure and that the only option was subjugation. He explained that he did not want "to make him a hewer of wood and a bearer of burdens for the benefits of the superior race," but that he sought to place him under government control "for his own advancement and preservation."  

Hancock then used Mexico as an example of successful civilization of the Indian, citing the number of Indians, including Benito Juarez, who had advanced into the upper classes. He credited this to the system of peonage, governmental control and the influence of the Catholic Church and its missions. Hancock noted that similar missions established among North American Indians had failed because "our Indians were not under proper control."  

Hancock made the case that just feeding the Indians was not enough because Indian depredations occurred where sufficient money had been appropriated to provide for them. He also noted that Indian depredations occurred even when the Indians lived in places "where the climate is salubrious and pleasant and the soil is productive." He then outlined a plan in which a cordon of military posts south of the
Red River would be formed and linked by telegraph lines. This would enable troops to intercept raiding parties who would "be dealt with as outlaws and enemies" after they passed a certain boundary. Hancock said that this policy would keep the Indians on the reservation.  

Hancock explained that after the Indians had been "localized," they would be placed under the control of agencies to supervise them, direct their labor, and compensate them with food and supplies. Hancock proposed dividing the Indian land into 640-acre sections that would be governed by representatives of the Quaker Society of Friends under government authority. He said this would begin after the tribal organizations of the Indians had been broken down and they had been freed "from the domination of their chiefs." This, Hancock said, "is a necessary step in their civilization."  

Hancock, because of the location of his district, was the most outspoken member of the Texas delegation on Indian policy. His views seem harsh by today's standards, but at that time they were more lenient than the ultimate solution advocated by some: extermination. They were similar to what was called at that time the "Peace Policy." This view was outlined in a report submitted on 8 January 1868 by the Peace Commission, a diverse group of reformers, religious leaders, and government and military officials. The "Peace Policy" would be the U. S. government's plan
toward the Indians for the remainder of the century.

Grant's Secretary of the Interior, Columbus Delano, summarized it in 1873. He noted that the goal was to keep the Indians on reservations where they were isolated from contact with frontier settlements. There, according to Hancock, they would be taught the arts of agriculture and other pursuits of civilization with the aid of Christian organizations in cooperation with the federal government. These religious organizations would also seek to instill Christian religious values into the Indians. This "humane" treatment would be combined with severe measures to punish them for any violations.²⁴

However, Hancock and others recognized that the weak link in the Peace Policy was the administration and the provisioning of the Indians on the reservations. The Indian service had proved to be a lucrative field for politicians and spoilsmen. Hancock, in the conclusion of his speech, said his plan would place the bands within territorial boundaries. This, he claimed, would be indispensable to "an honest and faithful" administration of the Indian Office. He was critical of the past practices of the office and of what he termed its "robberies and iniquities." He called the corruption in the Indian Office "more dark and damning than anywhere else in the whole machinery of the government." Incidences of corruption among Indian agents would cause many to advocate moving the Indian
administration to the War Department. Hancock, in early 1876, would submit a bill to make that change.\(^{25}\)

Hancock also advocated honoring agreements made with the Indians. On 9 May he offered amendments to pay two groups of the Pottawatomie Indians money that was owed them by the U.S. government. It was approved. On 26 May the Indian depredation bill that Hancock had introduced was also adopted. It provided funding for a commission to inquire into Indian and Mexican depredations in Texas during 1873.\(^{26}\)

Congress adjourned on 22 June and Hancock returned to Austin on 3 July. He had expressed views in the House that were apparently popular back home and had won appropriations for Texas. Despite this, he was facing a difficult fight for nomination at the district convention on 19 August in Brenham. Even after his efforts on Indian issues, he had been criticized by a San Antonio newspaper for his "alleged inactivity and disregard to the interests of Western Texas." He was also still being criticized for his vote on the congressional pay raise. This, coupled with secessionists' opposition to his wartime Unionism, created a strong anti-Hancock coalition. There was also another factor. Texas had gained two congressional districts as a result of the 1870 census. On 2 May 1874 the Texas Legislature approved a redistricting plan. Hancock was now in the Fifth Congressional District.
It was not the all-western district he had previously represented. Now it included Galveston, Houston, and counties of the coastal plains represented by Giddings, who was contesting the nomination. It also contained counties represented by State Senator Seth Shepard, another contender for the nomination. Both men had supported the Confederacy, although Giddings, like Hancock, had opposed secession. There is no concrete evidence of any plot to redistrict Hancock out of Congress, although the possibility of such a plot exists. Supporters of Shepard and Giddings, may have made efforts to draft favorable districts for their men. This was also the first post-war redistricting after the defeat of the Texas Radicals. They had attempted to draw districts that would elect Republicans and as an unintended result they had created a district favorable for Hancock. Under the Democrats, drawing a favorable district for Hancock was not a major consideration when the legislature drew the district lines. In addition, the redistricting bill passed only a few months before the nominating convention, giving Hancock and his supporters little time to work the new counties.27

The opposition to him was a combination of reaction to his vote on the "back pay" bill and lingering resentment of his Unionism. Criticism of his vote on the pay raise was a little hollow because the same criticism was not being made with the same intensity of Giddings who had
also voted for it. Still, there was ample support for Hancock in the new district, and he had his supporters in the press. A writer for the Democratic Statesman praised him in an editorial:

He has made for himself a national reputation. He is generally regarded as one of the strongest men in Congress and many of his party outside the state have been using his name in connection with the next nomination for the Vice Presidency.

A writer for the Dallas Herald said that "he had won his way in Congress to a position of great usefulness" on matters affecting the Indian and Mexican frontiers, and concluded that "to dispense with his services now and send a new man would be a misfortune."\(^{28}\)

On 24 July Hancock spoke at Brenham, where 3,000 people assembled to the tune of "Dixie" and marched to the fairgrounds to hear him defend his vote on the "back pay" bill. He justified his vote for the pay raise by pointing out that it was part of a large bill. He concluded by saying he was not afraid of his vote on the bill. Hancock also criticized high taxes and tariffs and advocated a tariff for revenue only. He commented that Democrats would have been better off in 1872 if they had put their own candidate in the field rather than backing Greeley.\(^{29}\)

In late July, Hancock was interviewed by the editor of the Austin Democratic Statesman. Hancock was asked what the federal government should do to prevent Indian and Mexican depredations. Hancock restated the views
expressed in his Indian policy speech before the House and took a very hawkish view towards Mexican depredations. He said, "they afford ample cause for war with Mexico."

Hancock also addressed the problem of Mexican debts owed to U.S. citizens. He recognized that Mexico was in a "greatly enfeebled" condition and thought the U.S. should assume the payment of Mexican debt to U.S. citizens. This, Hancock said, could be done by taking territory from the Mexican states of Coahuila, Chihuahua and Sonora as payment if necessary.  

Democratic Party conventions were held at the county level to elect delegates to the district convention. Most of the remaining western counties in the district had elected pro-Hancock delegations. By 12 August Hancock had the unanimous support of five western counties. A writer for the Austin Daily Democratic Statesman was optimistic and predicted that Hancock would win by a large majority.

Hancock was nominated at the convention by Joseph D. Sayers of Bastrop County, a Confederate veteran who would later serve as governor. Hancock drew sixty-one votes on the first ballot, Giddings had thirty-three, and most of the remainder were divided between Hunt and Quinan. A two-thirds majority, 116 votes, was needed to be nominated. During the balloting, Hancock would maintain a bloc of votes against various candidates that were put
up by the opposition. Hancock's vote total ranged between fifty-eight and seventy-six for the first fifteen ballots. Giddings' name was withdrawn on the sixteenth ballot. At that point, Hancock had seventy-three votes and was still forty-three short of the two-thirds majority. His totals stayed in the seventies and eighties on successive ballots and reached eighty-five on the twenty-eighth ballot.  

The deadlock was such that Chairman Mordella S. Munson asked that he receive no votes after forty-five delegates had voted for him on the thirty-seventh ballot. He said the votes "embarrassed him while he was acting as chairman." Seth Shepard led Hancock on ballots forty through forty-two. Both candidates tied with ninety-one and seventy-four votes each on the forty-sixth and forty-seventh ballots. Hancock and Shepard were then called to address the convention. Hancock took this opportunity again to defend his vote on the "back pay" bill and told the delegates that the newspapers had deceived them by not publishing the whole bill. He said that not one in twenty had actually read the bill. Hancock also said that if he had the federal treasury in his hands, he would empty it out to relieve the people of the South.

Shepard used his speech to announce his withdrawal as a candidate, but he still continued to receive significant support. Hancock's total reached 105 votes
on the fifty-first ballot. This was his highest total yet, but he was still eleven votes short. On the next two ballots his total dropped to ninety-seven, but rose again to 103 votes. After the fifty-third ballot, a Colonel Booth of Burleson County asked that Hancock's nomination be made unanimous. Cries of "No! No!" rang out in the hall.34

Lesser known men, Ben T. Harris and B. H. Bassett, were nominated in a last-ditch effort by the anti-Hancock forces to prevent his nomination. Bassett received ninety votes to Hancock's ninety-one of the fifty-fourth ballot, but his support faded on the next vote. Hancock's total rose to ninety-eight on the fifty-sixth ballot. Another motion was made to make his nomination unanimous. It was met again with more cries of "No! No!" On the next ballot, the fifty-seventh, Hancock's vote finally reached a two-thirds majority. He received 120.5 votes, four-and-one-half votes more than necessary.35

The bitter nomination fight reflected Hancock's fragile hold on the new district. He was renominated by a coalition of Unionists, former Confederates who had put the war behind them, and others who recognized Hancock's ability. Hancock's supporters had been more organized and more tenacious than the opposition and the various candidates they put forth to challenge him. A pro-Hancock newspaper
took an optimistic view in an editorial: "It cannot be said that he was pushed through without due reflection."³⁶

Another factor was that the removal of Edmund J. Davis as governor of Texas marked the end of Reconstruction in the state and made the nomination of Hancock and other middle-of-the-road candidates as an appeasement to the Radicals unnecessary. As a result, many ex-Confederates ran for office in 1874. In 1873, ex-rebel Richard Coke had been elected governor of Texas. This trend of returning former Confederates to political office in Texas and throughout the South put Unionist incumbents such as Hancock in jeopardy. A newspaper quoted Representative Lucius Q. C. Lamar (D-Mississippi) as saying that Hancock "was unquestionably the head of the Southern delegation" in Congress. Hancock, despite his growing national reputation, would face a tough struggle in Texas to retain his seat in Congress. His Unionism was still resented by many of his constituents.³⁷
CHAPTER III NOTES


3. Ibid.


7. Austin Daily Democratic Statesman, 30 April 1873.

8. Ibid.

9. Ibid.

10. Ibid.

11. Ibid.


14. Ibid., 3 September 1873; Mary Starr Barkely, A History of Travis County and Austin 1839-99 (Waco, Texas: Texian Press, 1963), 111; Congressional Record, 43d Cong., 1st sess., 1873, 2, pt. 1:74. Note: The Congressional Globe became the Congressional Record in 1873 beginning with the Forty-third Congress.
15. William C. Nunn, *Texas Under the Carpetbaggers* (Austin, Texas: University of Texas Press, 1962), 119-32; Frank Brown, "Annals of Travis and the City of Austin From the Earliest Days Until the Close of 1875," Texas State Archives, Austin, Texas, vols. 11-12, chapter 33:7; Galveston Daily News, 29 November 1876; George E. Shelley, "The Semicolon Court of Texas," *Southwestern Historical Quarterly* 48 (1945): 450-68. The wording of section six, article three, of the Texas Constitution was "All elections for State, District, and County officers shall be held at the county seats of the several counties, until otherwise provided by law; and the polls shall be opened for four days, from 8 o'clock, A.M. until 4 o'clock P.M. of each day." The 1873 election law made each precinct an election district and made state elections one day with the polls open from eight in the morning until six in the evening. The argument for the unconstitutionality of this act was that the semicolon in section six, article three, of the Texas Constitution separated the four-day voting period from the phrase "until otherwise provided by law" and made it not subject to legislative change.


17. Ibid., 1168, 1172, 1529.


20. Ibid.

21. Ibid.

22. Ibid.

23. Ibid.


31. Ibid., 12 August 1874.


33. Ibid.

34. Ibid.

35. Ibid., 20, 21 August 1874. Hunt, Quinan, Harris and Bassett are not listed in *The Handbook of Texas*, leading to the conclusion that none of these men approached the stature of Hancock, Giddings, and Shepard.


CHAPTER IV

FRUSTRATED AMBITION

John Hancock's tough fight to be renominated served notice to him that bitterness towards his Unionism was not fading away. It was still a threat to his political survival. He had made a reputation as an effective opponent of the Radicals, but they had been vanquished. Opposition to Radical Reconstruction had been an emotional issue and Hancock had used it to further his political career. It also had somewhat negated another emotional issue: his Unionism. The demise of Radical Reconstruction took away an issue that had counterbalanced criticism of his Unionism.

After the Fifth District convention had adjourned, Hancock had two years to work on holding his seat. Yet, at the same time he was struggling for political survival, others were pushing him for higher office.

Hancock was unopposed in the general election, but he campaigned anyway, more as an appeal to his own party for support in future contests. On 26 September 1874 Hancock spoke in Lampasas and again defended his vote on the Congressional pay raise. On 14 October in Galveston, he tried to revive the Radical issue by criticizing former Governor Edmund J. Davis for misrepresenting conditions
in Texas to the rest of the nation. Davis, in a letter, had described Texas as a violent and lawless place where political murders were committed. Hancock called Davis' letter "fearful slander." He said Davis exaggerated conditions in Texas to give the Republicans cause to overthrow elected state governments in Texas and other Southern states using the pretext that they were not giving adequate protection to blacks.¹

In the same speech, Hancock said Republicans in Congress were delaying action on the Civil Rights Bill because they were afraid to go before the country with the measure until after the election. Hancock called the bill contrary to the principles upon which the government was framed, and said passage of the bill would increase the power of the Radicals and keep the people of the South "forever chained down." Hancock predicted that after the election, the Republicans would make every effort to whip into the public mind the idea that the "weak race" in the South needed protection.²

Hancock was also outspoken on the issue of a third term for Grant. He responded to a survey by the New York Herald by saying, "the Democracy of Texas is against a third term for any man, and if Washington were to come among us again like another Lazarus he would not get the compliment of nomination." The newspaper printed that
Hancock's views were in agreement with the rest of the Texas delegation in Congress. ³

In November, Hancock received 3,526 votes; 97.3 percent of the total. The Democrats won all the Texas congressional seats easily. It was also a nationwide sweep for the party in which they went from a thirty percent minority in the House to a sixty percent majority. Hancock returned to Washington for the fall session of Congress and resumed his work on Indian policy and frontier defense. On 14 December he introduced a bill which called for a study to ascertain the amount of money spent by the state of Texas in repelling hostile incursions from 1870 to 1874. ⁴

In addition to controlling hostile Indians, Hancock also believed that the U.S. government should honor past treaties with peaceful tribes. In early 1875 Hancock argued in favor of claims owed to the Choctaws for land and property taken from them in Mississippi. Hancock noted that an 1830 treaty provided that the U.S. government pay the tribe money raised from the sale of their lands plus damages for loss of livestock. The tribe also claimed compensation for the failure of the U.S. government to pay for their move to Arkansas. The total amount, Hancock said, was "some four or five million dollars." He then explained that an 1855 treaty provided that the tribe submit its claims before the Senate for arbitration. Hancock pointed out that the Senate had not taken action on the
claim until 9 March 1859. Hancock then said the Senate had agreed to a claim of $2.9 million and approved payment of $500,000 to the tribe, of which, only $250,000 had been actually paid. Hancock added that there had been no legislation on the subject since.\(^5\)

Hancock said the question before the House was "whether the claim should be paid or not." Representative Robert Hale (R-Maine) argued that it was invalid because it was an old claim and that the House had been excluded from determining the rights of the Choctaws in the 1855 treaty. Hancock questioned Hale whether the House had actually considered the treaty prior to 1855. Hancock then argued that no rights of the House had been taken away by the Senate. He concluded there were no legal or constitutional reasons why the U.S. "should not have entered into this treaty through the action of the Senate."\(^6\)

Hancock then stated the question as being one of whether the government was bound to carry out the terms of the treaty with the Choctaws. He said:

If the award of the Senate constitutes an arbitration, then it is one which not only have we not met, but which we have put off the definite determination of by resorting to every artifice [sic] that special pleading could devise. It is true that the sum awarded may be a large one. But the amount of property we have received and acquired from these Indians is certainly far beyond in value the amount now proposed to be paid to them.

Hancock pointed out that virtually nothing had been paid to the Indians and he expressed support for a measure
proposed by Representative James A. Garfield (R-Ohio) that the claim be paid in bonds. Debate continued and the issue was put aside with no resolution.  

Hancock was able to win appropriations of $300,000 to remove Indians from Fort Sill, Oklahoma, and $58,000 for additional construction of the frontier telegraph line which he had proposed earlier. This line linked a network of forts, posts, and subposts. It would prove to be effective in helping to remove the Indian threat in parts of West Texas. Hancock was also gaining a reputation outside of Texas. A correspondent of the New York Herald mused on Hancock's future political career and wrote, "there would be singular appositiveness in crowning the beginning of each of the two successive centuries in American history with the name of John Hancock."  

Hancock returned to Austin in March 1875 and spent much of the year involved in various civic activities. On 10 April former provisional governor of Texas Andrew Jackson Hamilton died. The funeral service was held inside the state capitol building. Hancock and Nathan G. Shelley delivered eulogies to him. Hamilton and Hancock had disagreed about Reconstruction, but Hancock had spoken favorably of his former partner on the House floor and had supported him for governor in 1869. Hamilton, in turn, had supported Hancock for Congress in 1871.
In the same month Hancock, along with Charles West and Alexander Terrell, looked at land for a fairgrounds and racetrack. The land was "across Shoal Creek" in Travis County and the party ended the day without deciding what land to buy. On 11 June Hancock wrote his friend Edward R. Burleson and urged him to accept a nomination as a delegate to a convention to draft a new constitution for Texas. Burleson agreed and he was nominated and elected as a delegate from Hays County. In July, Hancock was appointed as a commissioner to visit the Osage Indians. In November, he spoke along with Governor Richard Coke at the capitol in support of ratification of the new constitution.¹⁰

That fall, Hancock was again being mentioned for higher office. On 13 November the Dallas Herald reported that John Hancock was being prominently spoken of as a candidate for the U.S. Senate. He was also being mentioned as a dark horse candidate for Speaker of the House. A writer for The Philadelphia Times wrote, "Hancock has some pretensions" about the speakership. Other accounts described him as a compromise candidate if a deadlock developed between the front-runners. The Philadelphia writer predicted that if Hancock and other Southern candidates divided the Southern vote, it would damage the hopes of Representative Samuel J. Randall (D-Pennsylvania). This would allow some other man to become speaker. The
writer's prediction proved to be accurate because Representative Michael C. Kerr (D-Indiana) was elected speaker. Hancock voted for Kerr.  

On 20 December Hancock was promoted from the Appropriations Committee to the important House Ways and Means Committee. On 28 December he wrote Burleson and discussed senatorial politics. In January 1876, he introduced another Indian depredations bill, legislation to transfer jurisdiction of Indian affairs from the Interior Department to the War Department, and a bill to construct federal buildings in Austin. In February, he introduced bills to provide for military fortifications on Galveston Island and to facilitate construction of a coast tap railroad through Texas. Much of this legislative flurry may have been influenced by the upcoming election for senator.  

A bill on the buffalo gave Hancock another opportunity to address the Indian issue. During the 1870s, the demand for buffalo hides and meat had led to the increased hunting of the buffalo for profit. This coupled with more efficient methods of hunting the buffalo greatly decreased its numbers. An estimated 6.3 million of the animals were killed in an area from western Kansas south to Texas. Reports of the slaughter of the buffalo had shocked people in the East. As a result, legislation to stop the slaughter was first introduced in Congress in 1871. In 1874, near
the end of the session, a bill actually passed both the House and the Senate, but died when President Grant exercised the pocket veto by not acting on the bill before Congress adjourned.13

On 23 February 1876 the House was debating another bill to prevent the slaughter of the buffalo. Near the end of the debate, Hancock rose and said he was "thoroughly convinced of the impolicy [sic] of this whole bill." He asked that members not look at the bill with "humanitarian sentimentality," but instead look at it as a "practical question." Hancock began by noting that under current federal Indian policy, "the sooner we get rid of the buffalo entirely the better it will be for the Indian and the white man too." He then explained that the buffalo had little value as a domestic animal since attempts to domesticate them had been unsuccessful. He noted that they took up as much room and consumed as much "provender" as cattle, horses and other domestic animals.14

Hancock then argued that as long as Indians were permitted to roam the plains, the difficulty of civilizing them would remain. He said that when the Indian goes on his "habitual hunt" of the buffalo, "he engages in other sports such as murdering the frontier settlers and robbing them of their property." He then restated his policy of placing the Indians under control and providing for them in order to reduce the incentive to pursue the buffalo.
He gave this description of the "nomadic" Indian:

They have no appreciation of the moral duties which we recognize as being in every citizen of the country, but pursue the habits of nature and their custom of taking whatever is within reach.15

Some members were shocked by Hancock's opinion. Representative Greenbury L. Fort (R-Illinois), who, in 1871, had authored the first legislation to protect the buffalo, took Hancock's argument to its logical conclusion. He asked why it wouldn't not be advisable to destroy "all means of support he [the Indian] gets from nature in order to reduce him to civilization." Fort described Hancock's policy as "civilization by starvation."

Still others advocated a harsher policy than Hancock, and questioned whether the Indian could actually be "civilized." At the conclusion of his speech, Fort yielded to Hancock's Texas colleague, John Reagan, who challenged Hancock to cite examples of successful efforts in inducing the Indian to cultivate the soil or engage in "industrial pursuits." Hancock cited the Choctaw and Chickasaw tribes. Reagan acknowledged their achievements, but noted that the great mass of Indians were still living the nomadic life. Hancock then cited Benito Juarez as an example of a civilized Indian. Reagan dismissed Juarez as an unfair example and made a brief statement in support of the bill.16

After more debate, Hancock moved that the bill and its amendments be laid aside. A vote was taken, and
Hancock's motion was defeated fifty-nine to fifty-six. Rep. William Mutchler (D-Pennsylvania) demanded tellers, and Hancock and Fort were appointed to round up more members to vote. Another vote was taken, and Hancock's motion again failed seventy-five to sixty-three. There were votes on amendments, and then the bill was passed 104 to 36. Despite their Draconian nature, Hancock's views of the buffalo and the Indian represented those of many in his district, particularly those living in the western portions threatened by Indian depredations. Newspapers in Texas were, for the most part, silent on the issue. Buffalo hunting had become an industry in the state, and Fort Worth had become a shipping point for hides. Hancock's views also echoed those expressed by Interior Secretary Columbus Delano in 1871. General Philip Sheridan had also argued before the Texas Legislature in favor of extermination of the buffalo. Sheridan said it would deny the Indians their "commissary" and that "an army losing its base of supplies is placed at a great disadvantage."\(^{17}\)

Hancock's stands on Indian policy and the buffalo did nothing to diminish his senatorial hopes, but the Unionism issue was another matter. The fact that his opponents in the upcoming contest, Governor Richard Coke and Texas Supreme Court Justice John Ireland, were former Confederates helped to move the issue to the forefront. Despite this, Hancock had a strong base of support. On 18 March the
Dallas Herald published a list of newspapers supporting each candidate. Hancock and Coke each had the support of ten newspapers while seven supported Ireland. Four supported Fletcher S. Stockdale and one supported west Texas Congressman Gustave Schleicher. The pro-Hancock Dallas Herald said of the campaign, "we will watch that little game with considerable interest. It is unnecessary to intimate to John Hancock there is an opening for him."

The Herald also cited Hancock's national reputation as recognized by an editorial writer for the New York Tribune who had written that Texas would do well to send John Hancock to the Senate. Writers for the Baltimore Gazette and the New York Sun also praised Hancock. This Northern support was used by Hancock opponents to discredit him by linking it to his Unionism. A writer for the Mexia Ledger wrote:

John Hancock may represent some Democrats in Texas, but he can never represent the great heart of the party. The recollection of his attempted exploits with a corps de' Afrique is too green on our memories for that.

This editorial paragraph restated a recurring charge that Hancock had organized a regiment of black soldiers to invade Texas.18

The charge was evidently based on reports of Hancock's efforts in New Orleans to organize a unit and newspaper reports of the Battle of Palmito Ranch, a battle that took place near Brownsville a month after Lee's surrender at
Appomattox. The article had identified a unit of white Texans that fought there as being organized by John Hancock. An Indiana regiment of black troops took part in the same battle. Accounts of the battle from newspapers were sketchy, and Hancock opponents probably used them to link him with the black regiment. This was politically damaging in Texas at that time. The same article reported erroneously that Hancock's son had been captured by the Confederates. Edwin Hancock would have been eight or nine years old on the date of the battle. Actually, two of his nephews had been captured and released by the Confederates.19

This was a difficult issue for Hancock because he had helped to organize a unit of white Texans while he was exiled in New Orleans. He attempted to defuse the issue by writing a letter to James B. Simpson which was published in Texas newspapers. In the letter, Hancock skirted the issue by denying that he had asked for, or had been offered, command of federal troops "to invade Texas by way of the Rio Grande or any other route." He also claimed that he had advised against an invasion of Texas. The remainder of Hancock's letter was a forceful restatement of his opposition to secession and a denunciation of secessionists. Hancock accused them of now seeking "position and self aggrandizement" at the expense of those that they had pressed "to the front of battle." Hancock said these foot
soldiers were now "living out wretched lives of destitution and want" while his secessionist opponents had avoided peril in the war.²⁰

Hancock's opponents used the endorsements of him by Eastern newspapers to make the charge that Hancock was the candidate of Eastern and railroad interests. An editorial in the Austin Daily Democratic Statesman, which had supported Hancock in his congressional races, said there was a railroad ring operating in Austin for the purpose of making John Hancock senator. The writer referred to the Dallas Herald, which supported Hancock, as an organ of the Texas and Pacific Railroad. The Dallas Commercial made similar charges about a ring in Washington seeking to "thrust Hancock upon the people of Texas." The editorial concluded: "the Texas Pacific is not strong enough to make senators for Texas yet."²¹

Support Hancock received from Eastern papers allowed his critics to again raise the Unionism issue. However, the charge that the Texas and Pacific supported Hancock, and was using its influence to make him senator, was a new one. Hancock had a history of involvement in railroad movements dating back to 1853 when he had been part of a group that submitted a bid to construct a railroad to run from Memphis or New Orleans through Texas to El Paso. His voting record in Congress on legislation favorable to the Texas and Pacific was mixed. On March 3, he voted
no on a motion to suspend the rules and allow a bill titled, "An Act to Incorporate the Texas and Pacific Railroad and to Aid in the Construction of the Road, and for other purposes" to be considered. The vote was 89-79 in favor, but that was less than the two-thirds majority required. On 22 February 1875 another motion to suspend the rules on the same bill was rejected 126-117 with Hancock, this time, voting in favor. In addition, Hancock had voted against a bill to prohibit subsidies to private corporations, but the vote on this bill had divided along sectional lines with only nine Northern Democrats and Republicans out of 173 Northern members voting against it. The rest of the votes opposing it came from Southerners. In all these votes, Hancock had voted in concurrence with his Texas colleagues. Hancock had also opposed Samuel J. Randall for Speaker of the House. Randall had been supported by Pennsylvania Railroad president, Tom Scott, the organizer of the Texas and Pacific effort.²²

However, as evidenced by newspaper editorials, the real objection to John Hancock was his Unionism. An Austin Daily Democratic Statesman writer argued that it was no longer necessary to appease the Radicals, and to "conciliate Blaine, Morton and their bloody shirt fellows" by electing candidates such as Hancock. An editorial in the same paper
asked this question:

How often, in order to demonstrate our fidelity to this Union, must we swing into the pearly gates of the New Jerusalem of Radical patriotism, holding on to John Hancock's fugacious coat-tails? Must we tote Hancock as a big banner forever?

The same editorial called for the election of Richard Coke as a demonstration that "an able and true secessionist and rebel can be the ablest and truest of Unionists."

The 11 April 1876 edition of the Democratic Statesman had an editorial that claimed that Coke "is a representative Texan and Hancock is not, and the North knows it." 23

Newspapers supporting Hancock cited his record in Congress and his approval among Northerners. A writer for the Dallas Herald wrote, "Next to [Lucius Q. C.] Lamar, no man exceeds Hancock in the influence at Washington City . . . No man would be acceptable to the Northern Democracy, no man will do more for Texas." An expansion of the Northern acceptability argument was made in a 22 April editorial in the same paper. The writer said Republicans James G. Blaine, Oliver Morton, and Roscoe Conkling would attack the South in order to provoke an "exhibition of Southern temper." Their purpose was to revive the sectional issue to offset potential Republican losses in the upcoming election. The writer argued that it was necessary to send Southern men of "accepted fidelity" to the Union, such as Hancock, to Washington to foil this strategy. Another argument used by Hancock supporters
was that Coke, who would begin his second term as governor a week before the vote for senator, had violated the faith of the people who had re-elected him as governor by becoming a senatorial candidate.\(^{24}\)

As the date for the vote approached, Hancock's war record was again raised on the pages of opposing newspapers. An editorial writer for the Marshall Herald argued that Hancock had been "sufficiently honored" and that it was time to send more representative men who could "conscientiously defend their heroism and unquestioned patriotism." A Dallas Herald writer countered by claiming the real reason the Marshall paper was not supporting Hancock was that he did not fight for the South and "because he was not a hot-headed fire eating secessionist." A writer for the Clarksville paper pleaded, "For the sake of our fallen heroes, do not elect John Hancock to the Senate." Another writer for the Houston Age wrote that Hancock was "a little short of being a Benedict Arnold." On 29 April A Dallas Herald writer again responded:

If the highest adherence to principle, amid the more appalling dangers that ever surrounded man, if a deathless devotion to the Union merits the charge of treason the Age hurls at Hancock . . . then he is guilty.

Another editorial in the same issue added, "Most of the war on Hancock now is made by men who did none of it when muskets went begging. They want the biggest and reddest flag to wave in front of the Northern bull."\(^{25}\)
Hancock said he had not planned to actively campaign for senator. On 18 April he wrote to Colonel John D. Elliot who, on behalf of himself and others, had asked Hancock to come to Austin to campaign for senator. Elliot explained in his letter to Hancock that other candidates were campaigning and that it was putting Hancock at a disadvantage. Hancock replied, "It is a disadvantage I feel my duty to submit to" because it was not right to abandon one position to seek another. Hancock concluded that he would not compromise his self respect by "entering into an electioneering scramble."  

A few weeks later, Hancock changed his mind. He said he had received a telegram from supporters calling for him to come to Austin to defend his war record. He also said his colleague in the Texas congressional delegation, Gustave Schleicher had advised him, "You should go and go at once, it is your duty to do so." According to Hancock, Representatives Joseph C. S. Blackburn (D-Kentucky), Hiester Clymer (D-Pennsylvania), and Senator Lucius Q. C. Lamar (D-Mississippi) also advised that he go to Austin to answer the charges. According to Hancock, Lamar told him that it was his duty to respond because the Texas senatorial contest had assumed national importance and would affect the presidential contest. Lamar, according to Hancock, told him: "It is your duty to go; your duty to your friends, and it is a duty you owe yourself."
Hancock returned to Austin and spoke before the legislature on Saturday night, 29 April, a week before the vote for senator. His main argument was the national importance of the election, but he first responded to old and new charges that had been made against him. Hancock again defended his vote on the congressional "salary grab" bill. He then responded to various charges that had been floating around the capital. They involved Hancock's actions towards ex-Confederate president Jefferson Davis. Opponents charged that Hancock had not stood up to Republican James G. Blaine when the Maine congressman had made a speech in the House denouncing Davis. Hancock said he understood Blaine's methods and told the members that the Republican leader had set a trap for someone to engage in discussion of the war. Hancock explained that there had been an understanding among House Democrats that only Northern men would reply to Blaine's attack. This was to avoid supplying material for another Republican "bloody shirt" campaign in the national election.28

Hancock described how the plan went awry when then Representative Ben Hill (D-Georgia) made a speech defending Davis and was, as Hancock said, "goaded by the artful Blaine and his exasperating interrogatories" into making a "passionate rejoinder that now constitutes one of the principle campaign documents of the Republican Party."

In March 1876 the Democratic Party had appointed Hancock
to a group to stump New Hampshire for the national party. He now told the members that while in New Hampshire, he had seen Republicans distribute "by the thousands and in the hands of every voter" documents containing perversions of Hill's and Virginia Democratic Congressman John R. Tucker's speeches.29

Hancock then responded to another charge that he had been discourteous to the ex-Confederate president when Davis had visited Austin in the spring of 1875. Hancock did not have a high opinion of Davis. He had expressed this sentiment in his diary he kept while exiled in New Orleans. But Hancock argued that he, as some charged, had not meant to be rude to Davis by failing to meet with him. Hancock said he made several attempts to call on Davis which had been unsuccessful. He explained that they had simply missed connections with each other.30

Hancock then defended his Unionism. He told how in January of 1861, he had stood in the Legislature appealing that they not take the fatal step of secession which he called "an act of insanity." He described the "spirit of lawlessness and murder" that followed as parties took the law into their own hands to "gratify their feelings of hate and to take property." He said, "men were murdered for their opinions." He told how he had once escaped an assassination attempt because the river had risen and he had taken another route home while his assassins waited
in vain. From there, Hancock told of his flight to Mexico, his trip north, his return to New Orleans, and finally his return to Texas. He said that former rebels had asked him for protection and that he had gained a pardon for current Lieutenant Governor Richard Hubbard from President Andrew Johnson.  

Hancock next sought to convince his audience of the national importance of the election. He read to the members articles from Texas newspapers attacking him because of his Unionism and asked them if they sympathized with the language or sentiments of the articles. He asked, "Had I understood there was an attempt at dictation [of a senator] on the part of the Northern press?" He explained that Northern papers were simply responding to the sentiment expressed in Texas in speeches and newspaper articles. That sentiment was that the presidential election was going to turn upon the merits of the war. That, Hancock concluded, made the contest one of national attention which was something that Hancock said he had no control over.  

Hancock then turned his attention to his rival Coke. He said he did not expect the governor to be in this contest. He admitted that Coke had the right to be a candidate because there was no constitutional ban on it. But Hancock cited a provision, that had been proposed at the last constitutional convention, prohibiting the governor from seeking another office during his term. He then made
arguments in favor of such a provision, citing the possibility that some would make the charge of "bargain" if Coke was elected and Lieutenant Governor Hubbard succeeded him.33

Hancock concluded by again raising the issue of the national importance of the Legislature's vote and its effect on the presidential election. He emphasized that it was necessary to elect a Unionist to insure a Democratic victory in the presidential election. He predicted dire consequences if the Democrats lost. He said to the members, "if you are defeated in this contest your sun is set as a Democratic party for the remainder of this generation." He finished his two-and-one-half hour speech by saying that he was a candidate because someone had "thrust into the canvass an interest that is . . . wicked, murderous and criminal to the best interests of the South."34

Coke, who had listened to Hancock's speech, then spoke briefly. He said that he had not sought the office, but that he would respond to any demand from the people of Texas for his services. Coke said Hancock's war record was a dead issue, but said that he (Coke) did not want to be ostracized because he had been a Confederate. He then contrasted Hancock's portrayal of the miseries wartime Unionists faced with the experiences of those who had fought for the South. He made references to Robert E. Lee, Stonewall Jackson, and to soldiers, according to Coke,
who had suffered and died for a cause they believed in. The governor then cited his military service for the Confederacy as a captain in Virginia, Arkansas, and Louisiana.\(^{35}\)

Coke then called for the members to select a representative man. He said that Lamar and others who had determined that it was necessary for Judge Hancock to be elected senator to save the Union were interfering with the rights of Texas. He called for the people to say: "Gentleman, stand aside, this is a matter of our own, it is our business and we can attend to it." He concluded by saying that he had not intended to speak at all until Hancock, in his speech, had called the Houston Telegraph a "Coke organ." The governor humbly stated that he had never been fortunate to have any organ and said the he submitted his name in deference to the desires and the will of the members. Coke's short speech was interrupted nine times by cheers and applause.\(^{36}\)

Three days later on 2 May 1876 the legislature cast the first ballot for senator. The vote was Coke forty-seven, Ireland thirty-nine, Hancock thirty-one, and Stockdale five. Sixty-two votes were needed for a majority. On the second ballot, Coke's total rose to forty-nine. Ireland and Hancock dropped two votes each to thirty-seven and twenty-nine respectively. Coke gained another three votes while Ireland and Hancock lost one vote each on the
third ballot. The totals were fifty-two to thirty-six and twenty-eight respectively. Hancock and Stockdale's names were withdrawn after the ballot. On the fourth ballot, Coke defeated Ireland sixty-eight to forty-nine with two votes remaining firm with Hancock.\textsuperscript{37}

Hancock's lengthy speech may have served as a catharsis, but it probably did nothing to help his chances of being elected senator. It was, as was his style, a point-by-point legal argument. The prominence of the Unionism issue may have made the contest a foregone conclusion. Some claim that Hancock even had other motives. After the election, an \textit{Austin Daily Democratic Statesman} writer wrote that Hancock's speech before the Legislature had been made for consumption in the North to increase his chances to be "the tail end of a soft Democratic ticket" or "the favorite of the Radicals in this congressional district."\textsuperscript{38}

Hancock supporters had countered attacks on his Unionism by making the argument that conditions in the country still made it necessary for Texas and the South to continue sending committed Unionists like Hancock to Washington. The political climate in Texas as represented by the tone of the debate in the senatorial contest indicated that the need to appease the Northerners had passed. Hancock had originally been nominated for Congress by a coalition of moderate former Confederates, Conservative Unionists, and moderate Republicans to combat the Radicals in Texas.
Now that the Radicals had been defeated, many thought the need for middle-of-the-road men such as Hancock had also passed.
CHAPTER IV NOTES

1. Dallas Herald, 26 September 1874, 17 October 1874.
2. Dallas Herald, 17 October 1874.
3. Ibid., 31 October 1874.


6. Ibid.

7. Ibid.


10. Austin Daily Democratic Statesman, 16 April 1875, 23 June 1875, 20 August 1875, 25 November 1875; John Hancock to Edward R. Burleson, 11 June 1875, Edward R. Burleson Papers, Eugene C. Barker History Center, University of Texas; Dallas Herald, 31 July 1875.

11. Dallas Herald, 13 November 1875, 4 December 1875; Congressional Record, 44th Cong., 1st sess., 1875, 4, pt. 1:666-7.


15. Ibid.

16. Ibid.


18. *Dallas Herald*, 16 January 1876, 4, 11, 18 March 1876, 1 April 1876.


20. Hancock, "Diary," 18, 31 January; 2, 6 February 1865; Hancock to James B. Simpson, 29 February 1876, *Dallas Herald*, 25 March 1876.


23. *Austin Daily Democratic Statesman*, 6 April 1876, 11 April 1876.


25. Ibid., 29 April 1876; *Galveston Daily News*, 27 April 1876.


28. Ibid., 3, 10 May 1876.
29. Ibid., 10 May 1876; *Dallas Herald*, 18 March 1876.

30. *Galveston Daily News*, 10 May 1876; Hancock, "Diary." For Hancock's efforts to recruit volunteers for a military unit, see 27, 30 January; 1, 2, 24, 27 February; 2, 16, 17, 18, 24, 30, 31 March 1865.


32. Ibid.

33. Ibid.

34. Ibid.; *Austin Daily Democratic Statesman*, 7 May 1876.


36. Ibid.

37. Ibid., 3 May 1876, 4 May 1876; *Austin Daily Democratic Statesman*, 3 May 1876.

CHAPTER V

LAME DUCK

John Hancock, after the vote for senator, faced another difficult and ultimately unsuccessful fight for renomination. During the remainder of his term, he would face more criticism that he had not defended the South in Congress. Hancock, no doubt disappointed at not being renominated, probably looked on serving as a lame duck with little enthusiasm. But, during this time, he would witness a near breakdown of the U.S. system of government and would work with others to resolve the electoral dispute that had caused it. In the process, he would again part company with many Southerners in Congress and again leave himself open to charges that he did not represent the South in Congress.

Hancock returned to Washington, D.C., soon after the vote for senator. On 9 June, he had a debate with fellow Texan and fellow lawyer John Reagan on an issue that interested them both: the status of Spanish and Mexican land grants. Disputes over these grants in Texas had been the backbone of Hancock's law practice. Between 1824 and 1835, the Mexican government had issued a total of over 3,700 grants for 16 million acres. The bill before the
House sought to recognize grants involving 2.5 million acres and 23,000 claims in New Mexico.¹

These grants had been recognized by the Treaty of Guadelupe Hidalgo. An 1854 act of Congress created the office of Surveyor General of New Mexico to research the validity of grants and submit them to Congress for confirmation. Reagan and Hancock disagreed on whether the opinion of the surveyor general carried any weight in the decision of Congress to confirm grants. Reagan said that the surveyor general lacked judicial power. Hancock replied, "I suppose if the surveyor general had been called a judge, my colleague would have recognized him as a judicial officer." Reagan said sarcastically that he appreciated Hancock's suggestion that Reagan may not know what a judge is. Reagan then argued that the surveyor general does not have "the power to vest or divest any title" and therefore "lacks judicial authority."²

Hancock then cited the 1854 law defining the power of the surveyor general. He noted that the surveyor general must act, under the instructions given by the Secretary of the Interior, to "ascertain the origin, nature, character, and extent to all lands" — Hancock repeated, "To ascertain their origin and nature. Mark that language" — "under the laws, usages, and customs of Spain and Mexico." Hancock asked, "How can he do that unless he passes upon the laws of Spain and Mexico?" Hancock
cited other parts of the 1854 law giving the surveyor general the judicial power to "issue notices, summon witnesses, administer oaths," and perform other tasks necessary to report on claims and titles originating from Mexico and Spain. Hancock paused to point out that "critical research" was needed to determine grades of titles extending over a two-hundred-year period. He finished by reading the remainder of the provision, which listed other judicial duties the surveyor general was authorized to perform.3

Reagan noted that most of the titles involved conflicts between different parties for the title. Hancock then chided Reagan. He noted that his fellow Texan had not had a pleasant experience as a lawyer with Mexican titles. Hancock commented, "For the last quarter of a century he [Reagan] has been fighting them and, so far as I know he has never whipped once." Hancock added that it now seemed that Reagan "had nerved [sic] himself up for a fresh encounter with the determination of whipping something if he could not whip the Mexican titles at home." Reagan said that he had no objection to Hancock "indulging in humor" if it "was not at the expense of the truth."

Reagan said he had fought these claims "because of the enormous amount of fraud" involved with them. Hancock, in his reply, recognized his efforts, but suggested that he take on foes more worthy of his ability "than the poor
Mexicans." Reagan responded, "It was never against the Mexican that I fought; it was against those who practiced fraud in the name of the Mexican." Hancock countered by saying,

> I will not pursue the subject, for if I shall go a little further I might let out family secrets; a great many exist with which my colleague and myself were not immediately connected, but in which we were witnesses. I know this, that whenever the Mexican, the Indian or the Mongolian race, like every other foreigner, come in contact with the Yankee, they come out second best.

Debate continued, but no resolution was reached on the bill. Hancock was more accurate than Reagan in his description of the surveyor general's authority. It was consistent with the wording of the 1854 law and with past practices.  

It is not clear whether Hancock's beliefs on this issue were motivated by concern for the original grant holders, the interests of speculators who now held title to many of those grants, or by a desire to resolve the issue. Land speculators in New Mexico had, by various methods, obtained large land holdings by acquiring title to grants from or over the original landholders. The New Mexico land issue was a legal quagmire. It involved interpretation of Spanish laws, Mexican laws, U.S. treaties, and congressional acts. Also involved were overlapping and vague boundaries, conflicting and inconsistent rulings by courts, fraud, and chicanery by public officials and
attorneys interested in land speculation. As a result, Congress procrastinated on confirming grants recommended by the surveyor general. Finally, in 1891, Congress created the Court of Private Land Claims to adjudicate disputed land claims. But its rulings, for the most part, favored newcomers over original land owners because it based its decisions on previous surveyor general opinions. The court's jurisdiction also did not include questionable claims that had already been confirmed. It also worked to the advantage of those who could afford legal representation, or who were lawyers themselves. In the process, many legitimate Spanish and Mexican grants were thrown out. The issue was not put to rest for the remainder of the century and well into the next. According to some, it has still not been settled fairly.\(^5\)

On 6 June 1876 Hancock argued against reducing the size of the army, and on 23 June he offered an amendment to continue funding for the frontier telegraph line that he had helped to pass in his second term. His Texas colleagues Reagan, Roger Q. Mills, and James W. Throckmorton joined him in supporting the measure, and it was adopted. Congress met well into the summer and finally adjourned on 15 August 1876. On the last day of the session, Hancock offered an amendment calling for a House committee of three to be appointed along with a similar Senate committee to notify the president that Congress had adjourned. Hancock,
now a veteran member, was appointed to the committee along with James A. Garfield (R-Ohio) and Representative Augustus A. Hardenburgh (D-New Jersey). The committee notified the president and reported back, and Congress was officially adjourned.  

While Hancock had been in Washington debating esoteric legal issues concerning land law, he was in political trouble at home. His renomination was uncertain. The Austin Daily Democratic Statesman, a past supporter, now opposed him. The paper had supported Richard Coke for senator. It now ran excerpts from anti-Hancock papers such as the Round Rock Headlight. The Headlight editorial raised Hancock's past affiliation with the "Know Nothings" in the 1850s. The writer questioned Hancock's devotion to the Democrats. He commented that Hancock took as "great satisfaction in the death by mobs of Dutch, Irish and Scotch as he now takes in the success of Democratic principles."

Hancock continued to have the support of the Dallas Herald, which editorialized that "Texas has never had a more able representative in the lower House of Congress." Hancock even received lukewarm support from an unexpected source, the Mexia Ledger. The Ledger during the Senate contest had run an editorial that compared Hancock to Benedict Arnold. A Ledger editorial writer admitted that he had not been fond of Hancock's past career, but he now argued for returning him to Congress on the grounds that
his removal would risk weakening the Democrats in the fall election.\(^8\)

Hancock was in Washington when the Fifth Congressional District Convention met. His future law partner, Nathan G. Shelley, and present law partner, Charles West, represented him at the convention in Austin. Shelley had served in the Confederate army and had supported Hancock for senator in 1866. In addition to 1874 rivals Seth Shepard and DeWitt Clinton Giddings, Hancock's nomination was also being contested by George P. Finlay. Finlay was a Confederate veteran, an attorney, and a former state senator. A newspaper report on the eve of the convention stated that Hancock's friends "are masters of the situation and by persistency it is conceded he will win." Another prediction in the same paper a few days later listed Hancock's first ballot total as ninety votes. It gave Shepard seventy-three, Finlay thirty-seven, and Giddings twenty-one. A two-thirds majority, 170 votes, was needed for the nomination. Another newspaper writer listed Hancock's first ballot vote at 133. After that, he wrote, "comes uncertainty."\(^9\)

The voting began on August 16, 1876. The first ballot vote was Hancock, 129.5, and Shepard, 121. There was little change on ballots two through ten. At first, it seemed as though a repeat of the 1874 convention was possible. At that time, Hancock's supporters had maintained a strong
and consistent bloc of votes while opponents brought forth various candidates to challenge him. After many indecisive ballots, Hancock's opponents had eventually given up and had conceded the nomination to him.\footnote{10}

Now the Hancock opponents showed more strength. On the twelfth ballot, Shepard gained a majority of the delegates, but not the necessary two-thirds majority. A headline in the Galveston Daily News described the strategy of Hancock opponents as being "Anyone to beat Hancock." After the twelfth ballot, Shepard withdrew and Finlay was nominated in his place. The delegate making the Finlay nominating speech made reference to a deal made at the 1874 convention in which the Galveston delegation had agreed to support Hancock with the understanding that he would not run in 1876. The vote on the thirteenth ballot was Finlay 127.5, Hancock 117.5. There was little change in ballots thirteen through sixteen. After the eighteenth ballot, the convention adjourned until the next day.\footnote{11}

The voting continued the next day. Ballots nineteen through forty-one were indecisive. A delegate named Triplett of San Saba made a speech challenging the right of the Northern people and papers to tell Texans whom they should elect. Finlay and Hancock supporters held separate meetings. That night, Shelley asked that all Hancock delegates meet outside the hall. The various meetings did nothing to break the deadlock.\footnote{12}
Seth Shepard was nominated again prior to the seventy-fifth ballot and garnered 147.2 votes to Hancock's 97.8. Shelley then made a speech in which he praised Hancock as second only to (Mirabeau B.) Lamar in working on the issue of Indian depredations. West also made a speech on Hancock's behalf, and a man named Braegerhoff said he spoke for 7,000 Germans in his support of Hancock. But, it was all for naught. By the ninetieth ballot the vote was Shepard 112, Hancock 81 and George F. Moore 51. Moore also was a Confederate veteran and had served as on the Texas Supreme Court under the Confederacy. He had been removed from the court by General Phillip Sheridan. Sheridan described him as an impediment to Reconstruction in the state. ¹³

After the ninety-second ballot, the Hancock and Shepard camps reached an agreement in which both competitors would withdraw in favor of Giddings. Each side was equally adamant in opposition to the other, and Giddings became a compromise choice to end the standoff. On the next ballot, Hancock's floor leaders withdrew his name and nominated Giddings. Shepard then seconded the nomination and moved that Giddings be nominated by acclamation. Giddings was then nominated. ¹⁴

Republicans and papers favorable to Hancock denounced the Democrats' failure to nominate him. A writer for the Dallas Herald wrote that Hancock's defeat was the "Radicals'
gain and Democratic loss." He predicted that the Republicans would use Hancock's defeat to fortify their assertions "that the South hates the Union" and that its hatred is shown by "sacrificing one of its ablest and best congressman because of his devotion to the old flag."
The writer noted that this view did not represent that of delegates at the convention, but that is how it would look to the papers of the North. A writer for the Austin Daily Democratic Statesman responded in an editorial by saying that he conceded Hancock's fitness, ability, and patriotism, but added, "We will never admit that his right to office and honors is therefore perpetual . . . because he was a Unionist and Giddings and Coke were rebels."15

As a result of Hancock's defeat, a coalition of Republicans and disappointed Hancock supporters backed George "Wash" Jones, who was running against Giddings on the Republican ticket. The Austin Daily Democratic Statesman ran an item in mid-October stating that prominent Hancock supporters in Austin were now supporting Jones. A week later, recognizing the growing support for Jones, the same paper reiterated a previous charge that Jones was a pawn for former Governor Edmund J. Davis.16

Hancock made a few non-political speeches, but he remained silent on the contest even after Giddings, in a speech, assailed him for having failed as a Southern Union Democrat to keep his promise to defend the South
against the attacks of the Radical partisans in Congress. Colonel George Flournoy, of Galveston, also attacked Hancock. Flournoy claimed that Hancock had been elected to Congress for the sole purpose of mollifying the North. Hancock, Flournoy said, had been rejected because he did not defend the Southern people against the attacks of Blaine, Morton, and others who "were heaping calumny and slander and falsehood upon them on the floor of Congress."¹⁷

The results of the election gave ample evidence of the defection of Hancock supporters from the Democratic ticket. Giddings won only fifty-four percent of the vote against Jones, whose total was buoyed by the votes of alienated Hancock supporters. The vote was Giddings, 15,286, and Jones, 13,277. Giddings polled fewer votes than Hancock had when he had opposition in 1871 and 1872, while Jones garnered more votes than the Republican candidates who had opposed Hancock in those same years.¹⁸

After the election Hancock, in a published letter, answered the charges made against him by Flournoy and Giddings. He began by questioning why he had been made an issue in the election, noting that his "merits or demerits" did not help the people decide between Giddings and Jones. Hancock pointed out how his friends at the convention had supported Giddings' nomination and how Giddings had spoken approvingly of him until Giddings reached Galveston, where, Hancock wrote, "it had become
popular with some of the would be leaders . . . to abuse and say spiteful things about me."

Hancock admitted that while in Congress he had not done as much as he had wanted to for Galveston, but reasoned that it "ought not to excite the enmity [sic]" of the leaders of the city. Hancock compared the criticism of him to the secession fervor and called the secessionists "artful designing and ambitious demagogues." Hancock said they had "conspired to move the public mind by falsehood and misrepresentation to passion and prejudice" until the people "displaced, for a time, from their confidence men more worthy than himself." Hancock stated that he ought to have been allowed to remain silent and that time would tell whether his defeat reflected the will of the people. He wrote that he had served only when the "people have manifested a desire to him to do so," but that it now seemed that falsehood and misrepresentation were being used to prevent any such desire.

Hancock then responded to the charge that he had not stood up for the South in Congress. He wrote that in relations with other members, he had shown the "demeanor and deportment towards them" that he thought would best enable him to accomplish things for his constituents. He conceded it was right for the people to judge whether he had defended Texas and the South from slander in Congress. But, he added, attacks on individuals should
be analyzed to determine the purpose of those making the attacks. Hancock said these attacks were a "common expedient" used by demagogues of both the North and South to rekindle prejudices of the people by reviving dead issues. He explained that discussion on such topics would lead to a discussion on the merits of secession and the war, a discussion that would not help the Democratic cause.

Hancock then restated that he had opposed secession, but recognized the sincerity of those who had favored it. He wrote "the good and truly patriotic . . . retain no personal emnities [sic], when the issue should be settled and passed into history." Hancock cited, as an example, his resumption of his law partnership after the war with Charles S. West, who had served in the Confederate army. Hancock said they both did this without a recognizable change "in our mutual feelings of friendship, respect and confidence." This was a feeling, Hancock said, which had "been reciprocated by many zealous secessionists." Hancock said that it had been his "pleasure" to alleviate the distress of the people caused by the war and that no one could say that he had not used the influence of his position to achieve that result. But, he reasoned, since he had been opposed to secession, no reasonable man could have expected him "to become its advocate or defender in Congress." Hancock wrote that he, as much as any man in the state, had been "abused and wantonly misrepresented"
by those with "malicious and selfish motives." He concluded by writing,

I have not before this deemed it necessary to make any defense. But, on this occasion, the attacks are so extraordinarily monstrous in their moral deformities when their accuracy is tested by the public records of the country... in my retirement, now soon to occur, from all political position, I have the satisfaction of knowing that I have never been afraid to tell the people the truth and abide by their ultimate judgement.19

Hancock was back in Washington in December to finish the session. He was able to obtain an appropriation of $50,000 for fortifications in Galveston, but normal legislative matters would be overshadowed by the efforts to resolve the 1876 presidential election. The vote had, at first, seemed to favor Democrat Samuel J. Tilden over Republican Rutherford B. Hayes. But Republicans had been quick to dispute the electoral votes of Louisiana, Florida, and South Carolina which had apparently gone to Tilden. Democrats, in turn, claimed one vote from Oregon because a Republican elector had been a federal office holder, a violation of the Constitution. The claims and counter claims by each party made the electoral vote Tilden 184, Hayes 165, with twenty votes in dispute.20

The U.S. Constitution stated that the returns must be sent to Congress and be opened in the presence of the House and the Senate by the President of the Senate, but it did not stipulate who should count them. At that time, the Republicans controlled the Senate and the Democrats...
controlled the House. Eventually a plan was approved after negotiations between members of both houses. On 25 January 1877 the Senate passed the proposal that created an electoral commission made up of five senators, five House members, and five senior Supreme Court justices.21

On the same day, the House considered the bill and members spoke for and against it. Hancock would eventually vote for the commission, but he used the debate to outline a constitutional solution other than the commission and to examine the electoral process in Louisiana. He began his speech by citing provisions in the U.S. Constitution outlining the procedure for electing a president. He noted that the selection of electors was left to the states with limitations imposed by the Constitution and that Congress had the right to inquire into possible violations of the Constitution by the states. He added that regardless of the outcome of the vote on the electoral commission, Congress still had that right.22

Hancock then turned to the contested state of Louisiana. The state had a history of political disorder since the end of the war. After the 1876 election, the state returning board had thrown out enough votes to make Hayes the winner in Louisiana. The Louisiana Democrats, who had been equally guilty because they had kept blacks away from the polls, had submitted a separate count which declared Tilden the winner.23
Hancock argued that the Louisiana election law that created a state returning board violated both the U.S. and Louisiana constitutions because it gave the returning board unauthorized judicial power. He called the law "a treacherous duplicity" because it gave "a pretense of fairness" while "intending to defraud." He argued that the board had initially been bipartisan, but that it had no provisions to continue its bipartisan nature. Hancock summarized his objections to the returning board by saying, "the act is tyrannical because it entrusts arbitrary power to five men" who were not elected and who had no checks against their abuse of power. Hancock, in reference to the board's actions certifying Republican Stephen B. Packard as the winner in the gubernatorial election, said the board had already fraudulently imposed a governor on Louisiana and now sought to make a president of the United States.24

Hancock then cited provisions of the Louisiana Constitution that listed the officers in the state that had judicial power. Hancock argued that the 1872 law that created the returning board was "null and void" if it conferred judicial power. It could be constitutional only if it had the function of simply "compiling the votes." Hancock then inferred that the board, by throwing out votes, had exercised judicial power and that the original vote total, which favored Tilden, was a product of a process in which Louisiana election law had been followed. Hancock
cited the election law provisions and said of them, "They were sufficient and they were fair" and that there was no "good motive" involved in "their abrogation by the act of 1872" that had created the returning board. Hancock concluded that the original returns, which had favored Tilden, should be the ones considered.  

Hancock then returned to the election provisions of the U.S. Constitution. He said that the "President of the Senate, in the presence of the Senate and the House of Representatives, shall open all the certificates and the votes shall then be counted." He noted that the President of the Senate had the power only to open the certificates, not to cast judgment on their worthiness. He noted that with the extra certificates from the disputed states there were forty-two certificates before the Congress. There were only thirty-eight states so Hancock said that under the constitution there is no right "to stop short of counting all of the certificates." He concluded that Congress had the sole right to determine which certificates were valid. He commented that if Congress failed to do so, it "would be a humiliating reflection on the patriotism and statesmanship on the members."  

Hancock was praised by a Dallas Herald writer for having the foresight to predict that the "hopes of the Democracy" would hinge upon Louisiana. The writer complimented him
for his "clear logic" in the speech. After the arguments of Hancock and others, the House voted, 191 to 86, to approve the Electoral Commission Bill. Hancock voted in favor. Democrats had been hopeful that the commission would be favorable to them until, just prior to the vote on the Commission Bill, Supreme Court Justice David Davis was elected to the Senate by the Illinois Legislature. He was disqualified as a member of the commission and was replaced by Justice Joseph Bradley. Davis had been thought to be the decisive vote for the Democrats. Bradley's vote was less certain.  

The electoral vote count began on 1 February 1877 in the House. The count proceeded without challenge until it reached Florida, the first of the contested states. The question went to the Electoral Commission. The commission members voted eight-to-seven on 8 February to award Florida's electoral votes to Hayes. The Senate voted to approve the Electoral Commission's report. The House voted 168 to 103 to reject the report. Hancock voted with the majority, but it was futile because the Electoral Commission bill stated that the decisions of the commission could be overturned only by a majority vote of both houses of Congress. This caused some Democrats, who because of Bradley's decisive vote now sensed what the final outcome would be, to threaten not to accept the results. Hancock was not a member of this group.
Congress again resumed counting the votes of the states until it reached Louisiana. The question went to the commission which again voted eight-to-seven to award its votes to Hayes. The House again voted to reject the decision and Hancock again voted with the Democratic majority. The remaining "irreconcilables" resorted to filibusters and motions to adjourn to slow the vote count. Some made baseless challenges to Hayes electors in Michigan and Nevada. Hancock did not support these frivolous challenges, but he did vote to reject the disputed Republican elector in Oregon. The House vote rejecting the Oregon elector was again futile because the Republican Senate voted to uphold the commission's decision.²⁹

Toward the end of the vote count, the exaggerated threat of some Democrats not to accept the commission's results led to the famous "Wormley Bargain" named after a building in which the agreement was allegedly made. In this bargain, Republicans made pledges to placate some Southern Democrats. Later, in testimony before a Congressional committee, Major E. A. "Ned" Burke of Louisiana, the man who had instigated the filibuster which had led to the bargain, would say that it had all been "a bluff game." By this point Hancock had committed himself and had little time for such ruses. Never once did he vote to sustain this or earlier filibusters. Scholars have long since recognized the insignificance of the Wormley House Bargain, and there
is some debate on the importance of any other bargains other than those that resulted in the creation of the Electoral Commission.\textsuperscript{30}

Not only did Hancock not join in the filibusters, but he even worked with Republicans and many Democrats to combat them. Hancock voted no or did not vote when Democrats disenchanted with the inevitable outcome of the Commission's deliberations made dilatory motions to adjourn. Hancock also abstained on challenges to electors other than the ones initially sent to the Commission. Near the end of the vote count, die-hard Tilden supporters raised frivolous challenges to Republican electors in Pennsylvania and Rhode Island. Hancock abstained on the Pennsylvania vote while the rest of the Texas delegation voted with the Democratic majority to reject an elector from the Keystone state. It was another empty gesture. The Rhode Island challenge was defeated by a voice vote in the House.\textsuperscript{31}

South Carolina's votes were awarded to Hayes by another eight-to-seven vote, and the House voted on 28 February to reject the decision 190 to 72. Hancock voted with the majority, but voted against last-gasp challenges by Democratic die-hards of electors in Vermont and Wisconsin. He helped the Republicans and some Democrats to combat more dilatory motions repeatedly made by the remaining "irreconcilable" Democrats to reconsider the last vote.
Eventually, the 185 to 184 electoral count in favor of Hayes was certified.\textsuperscript{32}

Much as the historical interpretation of the Reconstruction era has evolved, so has interpretation of the "Crisis of 1877." It has been the subject of various theories by historians. The old tale was that the deadlock led to the creation of the Electoral Commission whose eight-to-seven party line votes on the disputed states so angered Democrats that they began a filibuster and threatened another civil war over the outcome of the election. This grave threat was averted at the last minute by the Wormley deal made between Southern Democrats and Republicans. The Republicans abandoned their claims on the governorships of South Carolina and Louisiana in exchange for the seating of Hayes as president. This was hailed as the end of Reconstruction.\textsuperscript{33}

C. Vann Woodward in his book \textit{Reunion and Reaction} argued that the "Wormley" bargain was inconsequential and the real "Compromise of 1877" was the result of semi-secret negotiations between Republicans and a group of Southern Democrats, many former Whigs, who represented the emerging business and economic interests of the New South. As a result of these negotiations, Hayes was seated in exchange for the withdrawal of troops from the disputed states, home rule for the South, the appointment of a Southerner as Postmaster General, aid for the Texas and Pacific
Railroad, and aid for other internal improvements in the South.  

Later historians cast doubt whether there had actually been a compromise at all other than the creation of the Electoral Commission. Hayes' triumph is attributed to the fact that the Republicans held more "high cards" than the Democrats. They controlled the presidency, the army and the navy, the Senate, and the Supreme Court. The also had the legitimacy of having saved the Union. Democrats, in contrast, had only control of the House of Representatives and the threat of armed conflict, a threat which had been met with general ridicule when it had been made by Kentucky newspaper editor Henry Watterson. Another factor was that the Republicans simply out organized and outwitted the leaderless Democrats who, James A. Garfield said, "were without a policy or a leader . . . full of passion and want to do something desperate" but who "hardly know how to get at it."  

The issue of the existence and nature of the "Compromise of 1877" is still unresolved, but the fact is that a group of Southern Democrats made the election of Hayes as president possible. John Hancock was a member of this key group of moderates that had been courted by Republican leaders. For whatever reasons, Hancock and other like-minded Southern Democrats decided to support or to acquiesce in the election of Hayes. In Hancock's case,
a variety of factors may have influenced his decision. It might have been that the hot-headed threats of another civil war if Tilden was not seated had alienated him from the Tilden cause because it reminded him of the secessionist fervor he had so despised. The legal-minded Hancock may have recognized that he and others were bound by the results of the Commission because it had been legitimately created by the legislative process. To renege on the agreement would be dishonorable. Perhaps, under the bargain theory, Hancock may have been successfully persuaded by the Republicans not to prevent the election of Hayes. His name was mentioned by Republican operatives as being influential. If Hancock had been renominated and re-elected, he may have taken a different course because of the pressure of having to fight again for renomination.36

The few remaining days of the session were anti-climactic. Hancock successfully introduced a motion to suspend the rules and to appropriate $1,300 to pay Congressional pages. He also voted in favor of various appropriations bills. On 3 March 1877 the House finally adjourned and John Hancock's initial stint in Congress came to an end.37
CHAPTER V NOTES


3. Congressional Record, 44th Cong., 2d sess., 1876, 4, pt. 4:3731-4, 3737.


8. Dallas Herald, 29 July 1876, 19 August 1876.


11. Ibid.

12. Ibid., 18 August 1876.

13. Ibid; Austin Daily Democratic Statesman, 19 August 1876; Webb, Handbook of Texas, 2:229.


15. Austin Daily Democratic Statesman, 29 August 1876; Dallas Herald, 16 September 1876.


19. Lynch, Bench and Bar, 430-5; Galveston Daily News, 29 November 1876.


25. Ibid.


33. Allan Peskin, "Was There a Compromise of 1877?" Journal of American History 60 (June 1973) 63-4

34. Ibid.; Woodward, Reunion and Reaction, 7-8; Polakoff, Politics of Inertia, Preface.

35. Peskin, "Was There a Compromise?" 72-3.

36. Woodward, Reunion and Reaction, 22, 31, 205, 222.

CHAPTER VI

TOO LITTLE, TOO LATE

It seemed that John Hancock's defeat in 1876 and his actions during the "Crisis of 1877" would bring an end to his political career, but he still had a loyal core of supporters. Hancock would be an unsuccessful candidate for Congress in 1878, but in 1882, he would again be elected to Congress. In those and other political races, his Unionism was still an issue, although it had become a less important factor as time passed. In 1882, Hancock was a reluctant candidate, and he would be frustrated in attempts to regain the influence that he gained during his first three terms in Congress.

John Hancock was criticized by some Texas newspapers for his actions during the 1877 electoral controversy. A writer for the Castroville Era wrote that many of Hancock's friends would be "pained at his extraordinary vigor" in confirming frauds perpetrated by the "infamous" returning boards of the South. The writer cited an exchange that purportedly took place, in the heat of the electoral dispute, between Hancock and another congressman. The unidentified congressman, according to the writer, had proclaimed, "When fraud is law, filibustering is
patriotism." To this, Hancock reportedly replied, "Traitors never practice patriotism." The writer concluded that Hancock thought those who fought for the Confederacy were traitors. He posed this question to his readers: "How do you like these words, Texas?" A writer for the Dallas Herald, a paper that had been friendly to Hancock, commented, "It is sad that John Hancock has sided with the Republican Party."¹

But Hancock was praised, along with other Southern conservatives, by a writer for the National Republican. There were rumors that Hancock would be appointed to a cabinet post in the Hayes administration, but it never materialized. His role in the "Crisis of 1877" and the praise that he had received for it in the North added more fuel to the criticism that he had not represented the South while in Congress. To a large extent, this criticism was an extension of the criticism of his actions during the fight for secession in Texas and during the Civil War.²

John Hancock had stated, in a written response to the attacks of DeWitt Clinton Giddings and George Flournoy in 1876, that he would retire from politics at the completion of his term. At first, he seemed intent on keeping his promise. In early 1878, a newspaper writer observed that despite Hancock's silence on politics, he was not dead though one might conclude that "he sleepeth." Hancock broke his political silence in April 1878 when
he gave a speech in Georgetown on monetary and fiscal policy. In the speech, he noted that he had favored financing the national debt at three percent on forty to fifty-year bonds. This, he said, would pass some of the burden of the debt on to the next generation which, according to Hancock, would have an increased ability to pay off the bonds. He denounced the ruinous rate of local taxation and said that people would never overcome it as long as they remained subject to the control of cliques and conventions. He then listed his achievements as a congressman, including improvements in Galveston harbor, the establishment of a permanent military headquarters in San Antonio, the frontier telegraph line, and his Indian containment policy. But he concluded by stating he was not a candidate for any position.  

Though he had denied he was a candidate, Hancock's advocacy of a limited soft-money policy was evidence that he was aware of a change in the political wind. The Greenback Party had gained support in Texas. By the spring of 1878, the party had 144 clubs in Texas. The Greenback state platform was similar to the 1876 national platform. The 1876 platform had advocated the issuance of greenbacks as full legal tender and the use of them to pay off federal treasury notes and bonds. The party also favored a tariff for revenue only, a free school system, and curbing the power of railroads. The Greenback candidate in the Fifth
Congressional District was George "Wash" Jones who had run a strong race against Giddings in 1876, thanks in part to the votes of Hancock supporters angry that he had not been renominated. A writer for the Austin Daily Democratic Statesman called the Greenbacks "extreme inflationists," but described Jones as a formidable challenge to the Democrats in the district.  

Hancock, acting increasingly like a candidate for Congress in the Fifth District, spoke in Galveston on 16 and 17 May 1878. In those speeches, he advocated expenditures for improving Galveston Harbor. He and Jones both spoke at the LaGrange Stock Fair on 21 May. Jones declared that both the Republican and Democratic parties were dead and that nominating conventions acted in the interest of office holders. Hancock responded that the Democratic party was alive and had work before it, and that conventions made mistakes, but it was safer to follow them rather then the leanings of unscrupulous individuals.

Hancock's main competition for the Democratic nomination in the Fifth District was, his old nemesis, Seth Shepard. Writers for the Austin Daily Democratic Statesman actively promoted Hancock's cause. The 2 July edition had an article that stated that Hancock was the only man who could defeat Jones. The writer stated that Shepard, a Confederate veteran, would be defeated because he would lose the votes of the Germans because most of them had supported the Union.
Another writer for the same paper wrote that Hancock was "head and shoulders, as an intellectual man, above all competitors." Reports from the county conventions were favorable to his cause. A writer for the *Austin Daily Democratic Statesman* reported in July that Fayette and Galveston counties had elected delegations favorable to Hancock.6

The Fifth District Convention met on 7 August 1878 in Brenham. On the first ballot, Hancock polled 137.5 votes to Shepard's 117.5. Hancock gained votes on each successive ballot until on the sixth ballot, his total reached 153, only nineteen votes short of the required two-thirds majority. Shepard withdrew as a candidate after the sixth ballot, but some of his supporters from Burleson, Milam, Lee, and Washington counties yelled, "Hurrah for Jones, Hancock never!" Shepard's representatives appealed to his supporters to acquiesce to the will of the convention. Hancock gave a speech to the convention and was given a respectful hearing. He said that the feelings of the Shepard supporters were understandable. More attempts were made to quiet the malcontents with some success, but others resisted motions to make Hancock's nomination unanimous. The convention finally adjourned with Hancock as the nominee, but his nomination had not been unanimous. A writer for the *Galveston Daily News*
called the behavior of the disgruntled Shepard delegates "utterly disgraceful."\(^7\)

The Republican Party did not field a ticket, which led some Democrats to charge that the Greenback Party was "a catspaw" for the Republicans. Ironically, in 1876, Jones, a Confederate veteran, had won the votes of Hancock supporters who had been disappointed that Hancock had not been renominated. A writer for the *Galveston Daily News* noted that Jones had been a candidate in 1876 because of his indignation that Hancock had not been renominated. Now, in a reverse from 1876, Jones was receiving support from disappointed Shepard backers.\(^8\)

On the surface, economic policy was a major issue of the campaign. Hancock had not made monetary policy a focus while he was in Congress, but he was basically a hard-money advocate. In early 1876, he had introduced a bill that would require the U.S. Treasury to accumulate $100 million in gold and apply it to a like amount of greenbacks, of which $60 million would be destroyed and the remaining $40 million retained as a reserve. But, in April 1878, Hancock had advocated issuing long-term bonds to finance the national debt. This plan would serve to increase the money supply, though not as much as advocated by the Greenbackers. This apparent waffling by Hancock was neutralized by charges that Jones was a political opportunist who had also changed his mind on the monetary
issue. A writer for a German newspaper noted that Hancock was the choice among Germans because of his sound approach on the finance question, his liberal views, and his steadfast opposition to secession. The writer noted how Hancock remained true to his views and compared them to Jones' shifting views. In early October, Hancock stated that he disagreed with Jones' view that Congress had the power to issue greenbacks.9

It is not clear whether the election results were affected more by Democratic defections caused by Hancock's Unionism and by Shepard's defeat, or by the monetary issue. But the party split had been a major factor. The vote was very close and it was a week before it was apparent that Jones had defeated Hancock. The final result was Jones, 21,095, and Hancock, 19,721. Hancock lost Bastrop County, Jones' home, by 1,716 votes. In Washington County, Shepard's home, he lost by 1,800 votes. Those two counties proved to be decisive because they offset a 2,216 vote margin by Hancock in Galveston County.10

Newspaper writers attributed Hancock's defeat to the Unionism issue. A writer for the San Antonio News wrote that the cause was "sorehead and secessionist" Democrats. A Brown County Banner reporter wrote that in Brown County it was, in ninety-nine out of one hundred cases, Hancock's Unionism that caused voters to go for Jones. A writer for the anti-Hancock Round Rock Headlight advised that
in the future Democrats should avoid nominating men like
Hancock and instead nominate only the "soundest Democratic
timber to be found" so that if they should meet defeat,
they would do so with "proper colors flying."\textsuperscript{11}

In late 1879, Hancock was again being mentioned as
a candidate for political office. On 24 December 1879,
a writer for the \textit{Austin Daily Democratic Statesman} wrote
that he would like to see Hancock in his old congressional
seat. A few days later, a writer for the \textit{Waco Telephone}
advocated an independent Hancock candidacy for governor.

In early 1880, the \textit{Galveston Daily News} reported that
prominent men in Williamson County who had opposed Hancock
in 1878 had admitted that their opposition had been
"impolitic," and that they now sought to "repair their
error."\textsuperscript{12}

In the spring of 1880, Hancock was selected as a
delegate from Travis County to attend the Democratic State
Convention in Galveston. The convention met on 20 April
1880 to select delegates to the national convention in
Cincinnati. At the convention, Hancock, John Ireland,
Richard B. Hubbard, and James S. Throckmorton were nominated
to be at-large delegates to the national convention. All,
except Hancock, had been Confederate veterans. Hubbard
gave a speech in favor of the slate, in which he praised
Hancock who had obtained a presidential pardon for him
in 1866. At the conclusion of Hubbard's speech, a motion
was made to suspend the rules and elect the slate as a whole. Cries of "no, no, no!" rang out in the hall. The motion failed and additional candidates were nominated to be at-large delegates.\(^1\)

In the debate, Hancock's war record was again attacked. Delegate F. I. Holt asked the convention:

Where was John Hancock when the loud artillery was heard yelling through the land and when the South had resolved itself into a confederacy and called upon its ranks into battle?

Holt answered his own question by noting that Hancock had not joined the Confederate Army and had not served under "the banner we all loved so well." Holt's speech was met with applause and cheers. He drew even louder cheers when he concluded by stating that when former Confederates are known to be true Democrats, "we should honor them."\(^1\)

The vote was taken for the four at-large delegates and Hancock was defeated. He was the only member of the original slate to meet that fate. The next day, individual congressional district delegations elected delegates to attend the national convention. Hancock was chosen after two ballots as a delegate from the Fifth Congressional District. At the national convention in Cincinnati, Hancock was a supporter of Senator Thomas F. Bayard (D-Delaware) for president, and he voted for him on the first ballot before switching to eventual nominee Winfield Scott Hancock on later ballots.\(^1\)
Perhaps discouraged by the events at the state convention, Hancock did not seek the nomination in the Fifth Congressional District in 1880. It went to his rival Seth Shepard. Hancock gave a speech in Austin in mid-October in support of the Democratic ticket. In the speech, Hancock said that he thought that Shepard's friends had caused Hancock's defeat in 1878, and that Shepard's support for him had been "lukewarm." But, he added, "they are now sick and sore of this" and that they would not behave the same way if they had another chance. Hancock then concluded that "two wrongs don't make a right" and urged his friends to support Shepard. Despite Hancock's efforts, Shepard was defeated by Jones, though he lost by an even narrower margin than Hancock had in 1878.16

There was more evidence of support for Hancock for political office as the 1882 elections approached. A correspondent for the Galveston Daily News in late 1881 wrote that Hancock would "make the best governor we have had since the war." In early 1882, a writer for the Gainesville Register expressed similar sentiments, and another writer for the Austin Daily Statesman noted that it was good to see that the opposition to Hancock was dying out. On 6 April 1882 Hancock was less optimistic about his political prospects. He told a Dallas Herald writer:

My political career in Texas has ended. I had the misfortune to be a Union Democrat. The managers of
politics in this state mean to retire any man whose attitude in the war reflected upon their failure.

But, in the same interview, Hancock noted that a majority of people in the state were dissatisfied with the "controlling faction" of the Democratic Party.17

Despite this criticism of party leaders, Hancock was elected as a delegate to the Democratic State Convention in Galveston. At the convention, he was elected president of the convention. He presided over the nomination of John Ireland for governor. After the convention, he was again mentioned as a candidate for Congress. Texas, after the 1880 reapportionment, now had eleven congressional districts. Hancock was now in the Tenth District which contained Travis, Bastrop, and Bexar counties. In addition, it included counties of the Hill Country and of West Texas. Most of the new district had previously been represented by Gustave Schleicher who had died in 1879. He had been succeeded by Christopher C. Upson of San Antonio who had been re-elected in 1880. Upson, a Confederate veteran, was a declared candidate in the Tenth District. Another potential rival for Hancock, George "Wash" Jones was running for governor as a Greenback.18

Hancock did not actively campaign for the nomination and gave little evidence that he desired it. He was in Europe when the convention met. But on 8 August 1882, The Galveston Daily News reported that it was rumored that
Hancock had consented to be a candidate. Controversy clouded the impending convention because Upson supporters claimed that Hancock supporters had reneged on deals made at the state convention. One was that Williamson County delegates had agreed to support Upson for Congress in exchange for the Bexar County delegation's support of their candidate for the Texas Court of Appeals. Another purported deal was that Hancock had been elected president of the state convention through the influence of Upson seconds with the understanding that Hancock would not be a candidate for Congress.19

The Tenth District convention was scheduled to meet in Austin on 25 August 1882. By 23 August, all the delegations had arrived in the city. According to a report in the Austin Daily Statesman, delegates supporting Upson had discovered that Hancock already had a majority. They then bolted the convention. Upson, before leaving Austin, read a letter that he claimed Hancock had written on 20 May 1882. In the letter, Hancock had declared he was not a candidate for Congress. The convention opened on 25 August with only the Hancock delegates in attendance. Delegations from Bandera, Bexar, Blanco, Concho, Crockett, Edwards, Kinney, Llano, Medina, Runnels, and Uvalde counties were absent. The convention formed committees to confer with the absent delegates, but they were twice refused by the Upson supporters who said they would return to the
convention only if Hancock was not a candidate. The next day, Hancock was nominated by acclamation. On 3 September 1882, Hancock cabled his acceptance from Europe.\textsuperscript{20}

The events of the convention created another split in the party similar to the one that had defeated Hancock in 1878 and Shepard in 1880. Upson supporters talked of running Upson as an independent candidate or of holding new county conventions and supporting any man to best Hancock. The pro-Upson \textit{San Antonio Light} published an anti-Hancock editorial which restated the charges that Hancock supporters had reneged on agreements made at the state convention. The writer pointed out that delegates from western counties had supported Hancock for president of the state convention based on a pledge by one of Hancock's supporters that Hancock would not be a candidate for Congress. The writer added that Hancock's law partner Charles West had been nominated as a candidate for associate justice of the Texas Supreme Court on the same pledge. The editorial writer concluded by reviving an old charge that Hancock, during the war, had organized a brigade of black soldiers to invade Texas.\textsuperscript{21}

It is possible that Hancock supporters had made ad-hoc deals at the convention, but deals of that sort are often forgotten or denied. Rarely does the breaking of them inspire great rancor unless there is an underlying factor such as, in this case, Hancock's Unionism. This
dispute led to another split in the party. This split would have likely defeated Hancock, as it had in 1878, if the opposing candidate had not been former Governor Edmund J. Davis, one of the most hated political figures in the state. Hancock returned from Europe to campaign and gave a speech in San Antonio on 4 October 1882. In his speech he described the Republicans as the party of Hamilton and the Democrats as the party of Jefferson. But it was his comments on free trade that set the tone for the campaign. He criticized protective tariffs in general, and the protective tariff on wool specifically. He noted that a suit he had bought in Scotland for fourteen dollars cost thirty-four dollars in the United States after the duties were imposed. This difference, said Hancock, "goes not to the laborer but to the pampered capitalist." Hancock added that wool growers in Texas had been deluded into thinking the tariff was to their advantage.²²

The tariff issue became the main issue of the campaign. There were some negative reactions to Hancock's free-trade stand. A writer for the San Antonio Express called Hancock's views on the tariff "very crude and fallacious." There were also reports of an alliance between wool growers and Republicans to fund speakers to follow Hancock on the campaign trail. Other papers reported that Upson had aligned himself with the sheepmen. But other papers praised Hancock for his stand. A writer for the Galveston Daily
News called for the other Texas congressmen to campaign for Hancock so he would not be left alone "to fight the battle for Democratic principles." A writer for the Bastrop Advertiser cited Hancock's stand as more "evidence of the honesty of the man." 23

Despite the emphasis on the tariff issue, Hancock's opponents again made attempts to raise the issue of Hancock's conduct during the war. A writer for the San Antonio Light had first mentioned the rumor that Hancock had commanded black troops during the war as a sidebar to an editorial denouncing Hancock supporters for reneging on political deals at the state convention. The Mexia Ledger published a charge that Hancock had been a colonel in a unit of black soldiers. George "Wash" Jones, now the Greenback candidate for governor, requested to meet with Hancock and Senator Richard Coke so that Hancock could explain, according to Jones, "why he contemplated raising a nigger brigade to kill us Southerners." In earlier years, these tactics might have been effective, but voting for Davis was probably more than many anti-Unionist Hancock opponents could stomach. 24

The election of 1882 was a sweep for the Democrats nationwide and in Texas as well. Hancock defeated Davis by a vote of 16,098 to 9,783. Congress was not scheduled to meet until December 1883. During this time, there was speculation about Hancock being a compromise candidate
for Speaker of the House. This was mostly wishful thinking by editors favorable to Hancock, but it may have served to convince Hancock that he could regain the influence that he had during his last tenure in Congress. However, his hopes were soon dashed. There was a dispute in the Texas delegation on whether Hancock or Roger Q. Mills should be named as a member of the important House Ways and Means Committee. Hancock had served on the committee during his last term in the House, but Mills had more current seniority. Mills, a Confederate veteran, also had the support of Senator Samuel B. Maxey (D-Texas), another Confederate veteran. Maxey wrote in a letter, "Mills is entitled to the place and in every way is a better and more representative man than Hancock." Mills was eventually named to the committee, and Hancock was named to the Appropriations Committee.

This slight began what would be a very inauspicious start for Hancock's congressional comeback. In early 1884, he fell ill with what a newspaper writer called erysipelas. He remained in Austin for several months. On 9 January 1884, Representative James B. Throckmorton introduced a motion that was passed to grant Hancock a leave of absence because of his illness. For a month, Hancock had Throckmorton introduce legislation for him.

While he recuperated in Austin, Hancock gave an interview to a Galveston Daily News reporter who described
Hancock as not yet strong enough to be about much. In the interview, Hancock gave his opinion on a wide variety of subjects including the fencing verse free range controversy. In the summer and fall of 1883, a conflict between landless cattlemen and landed cattlemen who fenced the range to establish permanent ranches developed. In the process, some of the ranchers building fences limited access to public lands, land owned by other landholders, and water sources. Some even fenced off roads. This led to the clipping of fences by the free range cattlemen. This dispute led to a few outbreaks of violence. An article in the Cleburne Chronicle wrote that the struggle was between owners of immense quantities of land and owners of immense herds of cattle. The writer noted that the land owners were only seeking protection of their property, and that the landless cattlemen were seeking to retain something they had wrongfully taken from public and private lands. State Senator Alexander W. Terrell offered a bill to the Texas Legislature to set guidelines for range use. In short, his bill required that herd owners be required to own or lease a certain amount of land for each animal they owned. This was an effort to stop the abuse of free grass range practices in which herds grazed on public and private lands without cost to the owner. It was this practice that led to the fencing of the range by landowners. Also under Terrell's bill, the landowner's were prohibited
from surrounding public land, land owned by others, and
table sources with fences unless an easement was provided.
Terrell's bill was defeated by the free range forces in
the legislature. Hancock criticized the legislature for
defeating the Terrell land bill, and he criticized Governor
John Ireland for not exercising strong enough leadership
to combat the fence cutting crisis. He said, "a stronger
man in the executive" would not have permitted "the growth
of the terrible disease" of fence cutting.27

Hancock's comments proved to be controversial. A writer
for the Dallas Herald reported charges that Hancock had
displayed ingratitude towards Governor Ireland whom the
writer contended had been responsible for making Hancock
president of the 1882 state convention. The same writer
reported that Hancock favored the Terrell bill because
it would make it easier for Hancock to sell off large bodies
of his land holdings. Hancock's statements about the defeat
of the Terrell bill also angered members of the state
senate. A member introduced a resolution stating that
Hancock was neglecting his duties in Washington and calling
for him to return to the capital. Hancock had said, of
the Terrell Bill, that he had hoped that the legislature
had "the sense and patriotism to pass it." An unidentified
senator from north Texas responded by saying that in his
county, Hancock was not considered an expert in
patriotism.28
The *Dallas Herald* reported on 7 February 1884 that Hancock had left very suddenly for Washington, D.C. The writer added, "It is high time he went." At the same time, the date for the Tenth District convention was approaching. Hancock was now forced to consider the renomination contest even though he had served very little during the session. There was speculation that Hancock would not be a candidate. An article in the *Austin Daily Statesman* on 23 April 1884 dismissed these rumors, but in early May, a writer for the same paper was far less certain. Another *Daily Statesman* writer reported on 23 May that Upson was actively campaigning in the district and would win by default if Hancock did not announce his candidacy. On 1 June, the *Daily Statesman* reported that Hancock was in the race "in earnest." He wrote that the news was greeted enthusiastically. But, a few days later, Hancock supporters were disappointed when Hancock announced his withdrawal in a letter to the *Daily Statesman*. He said that neglected individual affairs and "family afflictions" had made it "inconvenient and unpleasant to be absent from home."29

The reasons Hancock gave were legitimate. In addition to his illness, it had been difficult to manage his law practice after Charles West, his partner, had been elected to the Texas Supreme Court. There were additional reasons for his decision. It was probably difficult for Hancock to start again as a back-bencher after he had been
a leader in his previous terms in Congress. Mills, Reagan, and others who had originally been Hancock's juniors had now passed him in seniority. Even without that factor, his influence was reduced in a delegation that had been enlarged to eleven members. He probably had not had a burning desire to return to Congress because he had not actively sought the nomination in 1882. Ill health did nothing to improve his outlook. In addition, he faced yet another tough fight for renomination, a fight made more difficult by his absenteeism in Congress and his criticisms of the party establishment.  

Hancock worked hard in his last year in the House despite again being a lame duck. He was, probably because of his previous experience as a member of Congress and the Appropriations Committee, appointed as a member of various conference committees that ironed out differences between House and Senate versions of appropriation bills. During the summer of 1884, he served as a conferee on appropriations bills for pensions, and for funding the operations of the legislative, executive, and judicial branches of the government. It was a thankless task because Hancock and his colleagues made compromises with the Senate conferees only to see the compromise version of the bill defeated. However, he saw each bill to its final passage. He served as a conferee three times on the appropriations
for funding the three branches of the government before both houses agreed to it.  

In the second session, Hancock performed similar duty on the same two appropriation bills and on the fortification bill. On 6 January 1885 during debate on the pension bill, Hancock expressed concern that the pension roll was growing to "enormous proportions." He cited statistics that showed the government was now spending more annually on pensions than it had from 1840 to 1850. He added that it was difficult to say when the spending increases would stop, particularly "when it is looked upon as powerful lever by many members of the House to secure a succession to their seats upon this floor." Despite his concern, Hancock suggested only minor changes to the pension bill.  

He took a far more active role on the fortification bill. On 28 February 1885, the House began debate on the Fortification Appropriations Bill. Hancock made two proposals. One called for $955,000 to research construction of higher caliber artillery pieces. This was an alternative to a proposed $7,000,000 appropriation for actual construction of the higher caliber guns. The other was to make the caliber of the guns of the army and the navy uniform. Up to that point, the navy used odd calibers and the army even. Hancock yielded some of his time to Representative William Rosecrans (D-California), a former Union general, who spoke in favor of Hancock's proposal
to fund research and tests of the twelve-inch guns worked before actually building them.\textsuperscript{33}

Hancock then engaged in an extended, and often acrimonious debate with Ezekial A. Ellis (D-Louisiana), who favored the appropriation of the $7,000,000 that the military had requested to build the guns. Ellis called Hancock's proposals "imbecile, brainless, and nonsensical." Hancock replied that under Ellis' proposal not one reliable gun would be produced, but that a very large amount of money would be spent over the next five years. Hancock noted that the high-caliber guns were still in the experimental stage and cited unsuccessful tests of them. Hancock was successful in defeating Ellis' attempts to amend Hancock's proposal, but was ultimately unsuccessful when Representative Thomas Reed (R-Maine), who had called any expenditure to build the guns a waste, offered an amendment to delete all funding, including Hancock's provisions, from the bill. Reed's motion passed by a 76 to 51 vote.\textsuperscript{34}

Hancock again served as a conferee on the Legislative Appropriation Bill and the Pension Appropriation Bill, and he again saw these bills to their final passage. On 3 March 1885, the last day of the session, Congress was still working on the $60 million Fortification Bill. A revised version had been passed by the House, but it differed from the Senate version. Hancock was appointed
again as a conferee. He and his colleagues reached an agreement with the Senate and returned the same evening. Hancock introduced the House-Senate conference committee report and it was adopted. That night, in one of the final votes of his congressional career, Hancock voted yes on a bill to give former President Ulysses S. Grant a pension. It was a vote symbolic of Hancock's political career because he broke with the Texas delegation and most House Democrats by voting in favor. Of the Texas delegation, only Hancock and Thomas P. Ochiltree voted in favor of the pension. The bill passed, and on that note, the congressional career of John Hancock came to an end.

Hancock's stature during his fourth term was reduced from what it had been during his third term. Had he chosen to fight for renomination in 1884, there were other reasons besides Unionism for his opposition to raise. He had offended supporters of important political figures. In addition to his criticism of the legislature and Governor Ireland's leadership during the fence cutting crisis, Hancock had also made critical remarks about former Governor Oran M. Roberts. Hancock, in an 1882 interview, had said that Roberts, while serving on the Texas Supreme Court, had become "an affliction to his colleagues on the bench" and that they "made him governor to get him out of the way." These barbs at party leaders may have been evidence that Hancock had little concern for his political future.
Opposition to his Unionism actually had decreased somewhat as evidenced by his election as a delegate to party conventions in 1880 and 1882, and his election as president of the state convention in 1882. But it still was a factor. After his re-election in 1872, he always had stiff competition in his efforts to be nominated and renominated as a candidate for Congress. The gradual reduction of bad feelings, because of his actions during the war, had been too little and had come too late to save his political career.  

Hancock remained on the political scene for the remainder of the decade, but his role as a major political figure in Texas had ended. He sought a U. S. Senate seat in 1886. He campaigned actively, but he was not a serious contender. He also participated in the anti-prohibition movement in Texas, and the effort to make Austin the permanent site for the University of Texas. He continued his successful law practice until he was the victim of a mentally debilitating illness. Newspaper accounts are vague on what type of illness it was, but it was possibly a stroke or a rapid onset of dementia. He was stricken sometime in 1891. His wife, Susan, and his son, Edwin, were granted a court order declaring him mentally incompetent so they could manage his estate. He lingered in a reduced mental state for two years before he died on 19 July 1893. A writer for the Austin Daily Statesman
described Hancock, in his final two years, as having a "weary storm tossed mind that has been a blank for many a weary month." 37

Hancock's congressional career ended in 1885, but his tenure as an important political figure ended in 1877, a year that many historians mark as the end of Reconstruction. Hancock, after the war and in his first three terms, had been a transitional political figure that had bridged the gap from the beginning of Reconstruction to redemption. His Unionism, which had initially been an asset, became a liability once the need to appease the North and the Radicals had passed. Hancock was on the verge of becoming a national figure in 1876, but the need of many Texans to redeem their state caused the defeat of Hancock and other middle-of-the-road candidates by former secessionists. John Hancock's record of gaining appropriations for Texas, his efforts on Indian policy, and his emergence as a national figure were not enough to overcome lingering resentment of his Unionism by many Texans. After his defeat in 1876, this resentment faded somewhat, but it was too little and too late for Hancock to recapture his political influence. Had Hancock acquiesced in 1861 and supported the Confederacy like so many of his contemporaries had, or if he had served in Congress during a less contentious era, he might have been a major Congressional leader.
CHAPTER VI NOTES

1. Dallas Herald, 3, 10 March 1877.


5. Galveston Daily News, 1, 21, 22 May 1878; Austin Daily Democratic Statesman, 5, 30 May 1878.

6. Austin Daily Democratic Statesman, 2 June, 2, 6 July 1878.


8. Ibid., 14 August, 3 November 1878.


11. Austin Daily Democratic Statesman, 27, 28 November, 6 December 1878.

12. Ibid., 24, 26 December 1878, 9 January 1880.


14. Ibid.

16. Austin Daily Statesman, 20 October, 21 November 1880. Note: In 1880, the Austin Daily Democratic Statesman was renamed the Austin Daily Statesman.

17. Austin Daily Statesman, 3 November 1881, 1 February 1882; Dallas Herald, 6 April 1882.


29. Austin Daily Statesman, 23 April, 11, 23 May, 1, 3 June 1884.


33. Ibid., pt. 3:2306-11.

34. Ibid., pt. 3:2313-4, 2318-20, 2322-4.


36. Dallas Herald, 6 April 1882.

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