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FEDERAL OCCUPATION AND ADMINISTRATION OF
TEXAS, 1865-1870

DISSERTATION

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CHAPTER I

ATTITUDES ON FEDERAL OCCUPATION

Interpretations of the Reconstruction period have been less numerous than those seeking to explain the causes of the Civil War. Though historiographers find fewer dominant schools to which writers on Reconstruction can be assigned, the period is no less important. It has been only within the past twenty years that Reconstruction revisionists have successfully challenged the traditional stereotypes of carpetbagger, military tyrant, and ignorant Negro legislator. Such simple patterns as those depicting white Southerners as victims of a Radical Republican-dominated military conspiracy to "Africanize" the southern social structure are now recognized as reflections of effete social concepts. Reconstruction was more complex than that. Recent research reveals differences of opinion and motive among military commanders, Negro leaders, southern unionists, and carpetbaggers, as well as beneficial results of military occupation and a complexity in local southern politics. These variations are now, belatedly, drawing the attention of state and local historians.¹

¹Bernard A. Weisberger, "The Dark and Bloody Ground of Reconstruction Historiography," Journal of Southern History,

The traditional attitude on Texas Reconstruction furnishes an example of the South at large. Excerpted from a number of works, the following commentary demonstrates the long-held positions on general topics such as Negro rule, carpetbagger influence, and the detrimental effect of Radical legislation. Phraseology such as "the dark days of Reconstruction," a "complete system of tyranny and oppression . . . conducted by military satraps," "dark and stormy days, full of bitterness and humiliation for the people," and "awful epoch of radical persecution in Texas" are found in publications extending for nearly a century after the late 1860's.² Until the last few years the impression was left that "until the writing of the negro constitutions in 1867-1868, the Southerners in general thought little of violence . . . the charges by the radicals of a new rebellion were mostly political buncombe."

XXV(November, 1959), 428-433; T. Harry Williams, "An Analysis of Some Reconstruction Attitudes," Journal of Southern History, XII(February, 1946), 472-474. For general remarks on the fallacies of Reconstruction mythology see Kenneth M. Stampp, The Era of Reconstruction, 1865-1877, (New York, 1966), pp. 3-23; also J. G. Randall and David Donald, The Civil War and Reconstruction(Boston, 1961), pp. 622-629. Edgar P. Sneed has the most recent and comprehensive treatment in "A Historiography of Reconstruction in Texas; Some Myths and Problems," Southwestern Historical Quarterly, LXXII(April, 1969), 435-448.

²James T. DeShields, They Sat in High Places: The Presidents and Governors of Texas(San Antonio, 1940), p. 253; E. M. Loughery, War and Reconstruction, (Austin, 1914), pp. 30, 32.

As late as 1947, carpetbag teachers were held responsible for post-war lawlessness and discontent among Texas Negroes. Respected members of the historical profession, at least in Texas, were until recently satisfied with newspaper editorials, personal interpretations of state statutes, and the works of of like-minded senior colleagues as sources adequate to expound on the "obnoxious acts of the Twelfth Legislature" or the "exaggerated and colored" reports of disloyalty.³

Though revision of such long held opinions has been successful on the national level, and in other states, little has appeared to challenge Texas traditionalism. Forrest G. Wood made an important contribution to the question of disfranchisement in which Texas is mentioned, and, among other biographers, Fawn Brodie has declined to accept the myth of a Negro-carpetbag government in Texas.⁴ But specific

³William A. Russ, Jr., "Was There Danger of a Second Civil War During Reconstruction?" Mississippi Valley Historical Review, XXV (June, 1938), 58; John Robert Adkins, "The Public Career of Andrew Jackson Hamilton," unpublished master's thesis, Department of History, University of Texas, Austin, Texas, 1947, p. 119; Ernest Wallace, "The Services of Charles DeMorse in the Constitutional Convention of 1875," West Texas Historical Yearbook, XV (October, 1939), 128-129; Claude Elliot, "The Freedmen's Bureau in Texas," Southwestern Historical Quarterly, LVI (July, 1952), 21.

⁴Forrest G. Wood, "On Revising Reconstruction History: Negro Suffrage, White Disfranchisement, and Common Sense," Journal of Negro History, LI (April, 1966), 98-113; Fawn M. Brodie, Thaddeus Stevens: Scourge of the South (New York, 1959), p. 373.

studies based on a wider range of source material are rare.

The role of Federal occupation troops during the five-year period following the war was selected as the theme for this investigation. More specific than the whole spectrum of Texas Reconstruction, it is a topic with a peculiar historiography. By both contemporaries of Reconstruction and historians of a century later, similar assertions are made. A one-time governor of the state remarked, "I am not disposed to write of the times when Texas was writhing under the heel of military desposition and vultures were preying upon her vitals." Another contemporary related that the "reconstruction legislation transferred . . . all political control . . . to the Federal military authorities, the ignorant negro and the carpet-bagger . . . [and Texas found itself] in the iron grasp of the military, reinforced by the ignorant negro."⁵

These impressions were left unchallenged by trained as well as lay historians. An example of the first is Marion H. Farrow's Troublesome Times in Texas in which reputable sources were consulted but preconceived notions prevented accuracy. In this work it is stated that May, 1865, marked

⁵Francis R. Lubbock, Six Decades in Texas (Austin, 1900), p. 604; W. D. Wood, Reminiscences of Reconstruction in Texas (San Marcos, 1902), pp. 9-10. The latter work, typical of the genre, makes substantive errors such as considering General J. J. Reynolds as the only commander of the Fifth Military District (p. 12).

the initiation of the Fifth Military District; otherwise sound documentation often does not coincide with the text. Some excuse might be made for an earlier work, Dudley Wooten's history, in which the author states "soldiers were quartered over nearly all portions of the state where there were negroes . . ." or James T. DeShields who speaks of "that lawless and corrupt system of military despotism." Less adamant but still inaccurate suggestions are found in Julian A. C. Chandler's work, in which all southern states are described as "completely under military rule." The most recent edition of a widely used textbook in Texas government carries a paragraph in which Federal troops are shown as "not inclined to submit to civil authority . . . [while] military rule was established."⁶

The problem presented by all such conclusions is one of relative judgment. Even recent doctoral level graduate research, while demonstrating a good deal more objectivity than previously, preserves some of the half-truths when military occupation officers are accused of "always" taking prisoners from civil courts or describing Texas after the Reconstruction Acts as subject to no constitution but "the will of the

⁶Dudley Wooten, editor, A Comprehensive History of Texas 1685 to 1897, 2 vols. (Dallas, 1898), II, 170; Marion H. Farrow, Troublesome Times in Texas (San Antonio, 1957), pp. 1, 9; DeShields, High Places, p. 268; Julian A. C. Chandler, editor, The South in the Building of the Nation, 10 vols. (Richmond, 1901), III, 421; Stuart A. MacCorkle and Dick Smith, Texas Government (New York, 1968), p. 16.

Commanding General of the Fifth Military District."⁷

It is no paradox for the revisionist historian to expose the myths created by half-truths concerning the responsibility and actions of Federal military occupation. It is instead his obligation to test the evidence against previous interpretations, and in this case, to reveal the more significant paradox of a military force too few in numbers, too divided on purpose, and so generally concerned with the obligation to operate under law as to preclude the very revolution so often attributed to occupation.

Evaluation of military occupation of Texas following the Civil War conforms to patterns similar to those concerned with the causes of the war. There appears to have been a deterioration in objectivity—occasioned by political and social forces—by the early twentieth century. James Ford Rhodes, for example, makes no such exaggerations as those who succeeded him. He reported 4,722 troops in some thirty-seven posts in Texas, but, like historians of the 1960's, emphasized that most of these troops were dedicated to frontier defense.

⁷John Conger McGraw, "The Texas Constitution of 1866," unpublished doctoral dissertation, Department of History, Texas Technological College, Lubbock, Texas, 1960, pp. 242-243, 255.

Rhodes, though a nationalist on the issues of war causation, was typical of his school in finding fault with the Reconstruction. He noted that "military government at the South may be described as possessing all powers and no responsibilities." Still, he concluded that no military despotism was practiced on the South, that freedom of speech and press were preserved. As late as 1924 William A. Ganoë made a defense of the military while adhering to his own generation's distrust of Radical Republicans. Reconstruction, according to Ganoë, was "the Army's Dark Ages," and its evils were the product of "a severe Congress" desiring to "support the 'carpetbagger'." He regrets the United States Army was forced to punish Southerners who "whipped negroes" or compelled to require southern courts to accept black testimony.⁸

The moderation with which scholars at the turn of the century viewed the role of the Federal military is exemplified by John W. Burgess who found that army officers "did not, as a rule, sympathize with the radical movements of the Republicans in Congress"; northern troops had little interest in the Negro, uniformed or not, and occupation troops often voted with southern Democrats. More positive was A. H. Carpenter's

⁸James Ford Rhodes, History of the United States from the Compromise of 1850, 8 vols. (New York, 1920), VI, 76, 189; William A. Ganoë, The History of the United States Army (New York, 1924), 299, 301.

work in 1900. Here is found an unusual attitude to which historians have recently returned. Carpenter concludes that "orders of the commanders in relation to the conditions and problems which they were intended to solve . . . seem to be eminently just and wise." Military occupation did have positive effects in law enforcement, licensing, legislation, and judicial proceedings, and historians of Black America never abandoned Carpenter's position. E. Franklin Frazier's remark that "the imposition of military rule upon the South . . . was a genuine attempt to establish democracy there" has gained credence.⁹ To test this more positive approach to military occupation of Texas is the purpose of this study.

Numerous appeals have been made for evaluating the conclusions and opinions regarding local Reconstruction. The need, according to W. R. Brock, is a "further stage in

⁹ John W. Burgess, Reconstruction and the Constitution, 1866-1876 (New York, 1902), pp. 247-248; A. H. Carpenter, "Military Government of Southern Territory, 1861-1865," Annual Report of the American Historical Association, 1900, I, 493-497; E. Franklin Frazier, The Negro in the United States (New York, 1949), p. 133. For a discussion of the army's role as first a politically vulnerable and then victorious faction in national controversy see Harold M. Hyman, "Johnson, Stanton and Grant: A Reconstruction of the Army's Role in the Events Leading to Impeachment," American Historical Review, LXVI (October, 1960), 99-100. Herbert Aptheker, in The Negro in the Civil War (New York, 1938), p. 45, supplies a Marxian interpretation of the army's failure as a social reform agent; whatever the degree of assistance the military was willing to give in the "heroic fight of the negro people . . . was chiefly defeated as a result of the shameful betrayal by the industrial and financial bourgeoisie of the North."

exploring Reconstruction history below the national level . . . [which is] exhaustively covered." Harold M. Hyman's "two army" theory, since it pertains especially to Texas, invites application as does his request for a more detailed study of the conduct of army officers as local administrators.¹⁰

Empirical research by two students of Reconstruction historiography supports the appeal for local testing of traditional and revisionist theory. Textbook surveys indicate the tenacity of the stereotype carpetbagger, scalawag, corrupt Negro, and military dictator. Texas, it appears from a lengthy evaluation of southern textbook content, suffers less than other of the ex-Confederate states. Still, Texas readers are oversupplied with traditional viewpoints.¹¹

¹⁰W. R. Brock, An American Crisis, Congress and Reconstruction, 1865-1867 (New York, 1966), ix; Harold M. Hyman, in Charles Crowe, editor, The Age of Civil War and Reconstruction, 1830-1900 (Homewood, Illinois, 1966), pp. 385-386, 395.

¹¹Mark M. Krug, "On Rewriting the Story of Reconstruction in the United States History Textbooks," Journal of Negro History, XLVI (July, 1961), 133-153; Thomas B. Bailey, Jr., "Historical Interpretation of the Reconstruction Era in United States History as Reflected in Southern State Required Secondary Level Textbooks of State Histories," unpublished doctoral dissertation, School of Education, University of New Mexico, Albuquerque, New Mexico, 1967, pp. 3-4, 438-439; Sneed, in "Historiography of Reconstruction in Texas," proves the need for revision; however he omitted as hardly worthy of comment the poorly balanced work of T. R. Fehrenback, Lone Star, A History of Texas and the Texans (New York, 1968). Little significant revisionism appears in Rupert N. Richardson, Ernest Wallace and Adrian N. Anderson, Texas, The Lone Star State (Englewood Cliffs, 1970).

The scope of this study is limited to Federal military occupation during the five years from 1865 to 1870. Only the interior counties, where a dense Negro population required the exercise of political and social responsibilities, will be considered in detail. A line from Wise through Bosque, Travis, Wilson, Karnes, and Goliad Counties to the coastal town of Corpus Christi would roughly separate interior from frontier posts.¹²

During the initial stage of this five years, a massive Federal army pushed into Texas only to be reduced by the fall of 1865 to a strength precluding adequate law enforcement and social-political reform. The military commanders in charge of the numerous posts, and their superiors, were theoretically limited by orders, but considerable latitude was often required in interpreting orders. This was especially true of general grade officers, several of whom were charged during the period with the Reconstruction of Texas.

Actions of Fifth Military District and local commanders during the period 1867-1870 offer an opportunity to weigh the evidence presented by traditional and revisionist historians. It is useful to abandon the common political chronology of gubernatorial administrations, elections, and

¹²Report of 49th Sub-District at Fort Griffin, 1868, Bureau of Refugees, Freedmen and Abandoned Lands, Correspondence, Texas, Record Group 105, National Archives (hereafter cited as R.G. 105, N.A.); W. C. Nunn, Texas Under the Carpet-baggers (Austin, 1962), pp. 136-137, 147, 199.

conventions, and instead concentrate on biographical data, personal motives, previous records, and daily conduct of as many military personnel as is feasible.

In compiling notes from the voluminous records of the Fifth Military District and Freedmen's Bureau in Texas, it was necessary to be highly selective. From the thousands of post and bureau agency reports it is possible to deal with several topics bearing on the duties and behavior of Federal troops and to sample the communications from a reasonably wide and representative cross section of communities in what has been defined as the interior. As opposed to most published interpretations, the reports of military officers have been used both extensively and with a preconceived sense of reliability. This reliability can be supported by theory and empirical evidence. Subordinate officers, particularly on controversial issues, habitually conform to moderation in filing reports. With careers at stake, and prevailing opinions along the chain of command unclear, exaggeration brought only adverse attention and perhaps thwarted ambition.

Still another reason for reliance on military reports, outside their being primary in nature, is the scarcity of contemporary literature on Texas Reconstruction. The Texas press was, because of the preponderance of conservative papers, biased. National periodicals carried less on Texas

conditions than on other ex-Confederate states, and publishers issued few diaries and memoirs.¹³

Military and Freedmen's Bureau reports, the bulk of which have heretofore been neglected, constitute therefore the richest source of information on social, economical, and political affairs in Texas during Reconstruction. Subsequent citations from these documents represent an attempt to synthesize conclusions based on topical and geographical sampling from these abundant archival holdings.

¹³William S. McFeely in an unpublished doctoral dissertation, Department of History, Yale University, New Haven, Connecticut, 1966, titled "Freedmen's Bureau: A Study in Betrayal," concludes (p. 366) that President Johnson constantly threatened career officers with discharge; this, according to McFeely, was the Commander-in-Chief's method of "defeating progressive programs for the freedmen." That less literature was produced on Texas Reconstruction is a conclusion by Anne Barber Harris, "The South as Seen by Travelers, 1865-1880," unpublished doctoral dissertation, Department of History, University of North Carolina, Chapel Hill, North Carolina, 1967. Most contemporary sources in national periodicals of the nineteenth century focus on the decades of the 1840's and 1880's; a survey of thirty-three such periodicals shows little on Texas Reconstruction. Jennie W. Floyd, "Annotated Bibliography on Texas Found in American Periodicals Before 1900," unpublished master's thesis, Department of English, Southern Methodist University, Dallas, Texas, 1933. The unreliability of Texas newspapers was admitted by conservative J. W. Throckmorton in a letter to B. H. Epperson, November 20, 1866, Epperson Papers, University of Texas Archives, Austin, Texas (hereafter cited as Epperson Papers).

CHAPTER II

COLLAPSE OF CONFEDERATE TEXAS

During the first few months of 1865 Federal authorities formulated plans for Texas Reconstruction, but until July they were unable to concentrate an invasion force. Reports in January from Federal officers at Brazos Santiago indicated that General J. E. Slaughter's Confederate forces intended to exert no major effort to extend their position from Brownsville, and it was rumored that Confederate deserters were to be returned under an arrangement with Maximilian. Brigadier General William S. Pile reported that the lower Rio Grande valley was of prime strategic importance and that it could best be secured by moving from Matagorda Bay to San Antonio and then South.¹

Confederate forces at Brownsville were demoralized but numerous enough and sufficiently supported by artillery to discourage a Federal attack. Inevitable defeat of this last major Confederate force in Texas was not taken into

¹Report of General William A. Pile, Brazos Santiago, January 12, 1865, War of the Rebellion; A Compilation of the Official Records of the Union and Confederate Armies, 130 vols. (Washington, 1880-1901), Series I, Vol. 48, part 1, 494-495 (hereafter cited as O.R.).

consideration by leading officials who believed that "the European powers [were] . . . ready to recognize Texas independence." General Joseph O. Shelby, commanding all Confederate cavalry west of the Mississippi, and his subordinates still hoped for some set of circumstances which would prolong the war. A certain Houston inventor had even promised "a machine for blowing up the blockading fleet off Galveston."²

From January to April preliminary attempts were made to end the war in Texas. S. S. Brown, a former schoolmate of General Lew Wallace, visited Baltimore in January, 1865, as a Texas refugee. It was Brown's opinion that Confederate forces in West Texas would be willing to surrender on condition that a joint United States-Confederate attack be staged against Maximilian. Thomas H. Duval, who served as a state judge before the war and held a federal judgeship during Reconstruction, appealed jointly with John Hancock, another Texas unionist, to Confederate officials to capitulate. Their recommendation was rejected, and Duval then provided Lew Wallace with full information on Matamoros and promised general assistance in a mission to Texas.

²Colonel R. B. Jones, Brazos Santiago to Lt. Colonel George B. Drake, February 28, 1865, O.R., I, 48, 1, 1005; B. W. Gray to B. H. Epperson, January 21, 1865, Epperson Papers; Captain S. M. Eaton to Lt. Colonel C. T. Christensen, February 10, 1865, O.R., I, 48, 1, 800.

A round of discussions between Wallace, Lincoln, and Grant resulted in Wallace's assignment "to inspect the conditions of military affairs" in West Texas. In early March, Wallace and E. J. Davis conferred with Slaughter and Colonel John S. Ford who commanded Confederate troops at Brownsville. Wallace advised Slaughter on March 17, that "somebody must 'break the ice' on your side, as I have on mine" and recommended that Ford accompany Slaughter to Galveston where appeals would be drafted to General E. Kirby Smith, Confederate commander of the Trans-Mississippi, to accept terms of surrender.³

After numerous delays, General E. B. Brown, commander at Brazos Santiago, reported some measure of success. Slaughter and Ford were divided on the issues of surrender and war with Mexico. Ford was prepared to support a joint operation in favor of Juarez and the Liberals, but Slaughter remained firmly committed to the Imperialists. Brown's hope that this division would lead to a surrender was as unfounded as his report that Jefferson Davis had attended a "meeting of the

³Irving McKee, "Ben Hur" Wallace, The Life of General Lew Wallace (Berkeley, 1947), pp. 91-95; Kathryn Abbey Hanna, "The Role of the South in the French Intervention in Mexico," Journal of Southern History, XX (February, 1954), 16-18; Thomas Howard Duval, "Diaries, 1857-1897," typescript, University of Texas Archives, Austin, Texas, pp. 145, 152; John Salmon Ford, Rip Ford's Texas, edited by Stephen B. Gates (Austin, 1963), pp. 388-389; Lew Wallace to General J. E. Slaughter, March 17, 1865, O.R., I, 48, 2, 458-459.

arch-traitors . . . at Austin on March 18, 1865." Agreements were reached between Wallace, Ford and Slaughter, but Confederate General J. G. Walker, Slaughter's superior, refused to consider any such proposals as were made by Wallace and his Confederate sympathizers. Walker's reply included a reprimand for Slaughter and Ford as well as the statement that Texas was "bound to our brethren of the Cis-Mississippi States by stronger ties than mere State obligations." There was an "identity of political and social institutions, a common ancestry, a common cause, and . . . common sufferings and injuries . . . [These] have cemented a nationality not to be torn assunder by . . . insidious proposals for a separate accomodation."⁴

Wallace replied to Walker's lengthy missive by reminding the Confederate that surrender proposals should have been forwarded to Walker's superior, Kirby Smith, for whom they were intended. Slaughter and Ford also received communications from Wallace who informed them that Walker's letter was "childish and discourteous." It failed to acknowledge that no reasonable counter-proposal had been made. Wallace remarked, "I simply propose Texas leave the Confederacy as

⁴John S. Ford to General Lew Wallace, March 19, 1865, O.R., I, 48, 2, 459; Report of General E. B. Brown, Brazos Santiago, March 23, 1865, O.R., I, 48, 2, 564-565; Walker-Wallace Correspondence, O.R., I, 48, 2, 460-462; Stephen B. Oates, "John S. 'Rip' Ford, Prudent Cavalryman, C. S. A.," Southwestern Historical Quarterly, LXIV (January, 1961), 313.

she left the Union, separately." Nothing bound Texas to the Confederacy but slavery, and that was dead. "We armed it over a year ago, and now you are doing the same thing. Apropos, once a soldier, never more a slave." Wallace's report to Grant on the failure of his mission to Texas placed blame on Walker. He "belongs to the Radicals, from whom nothing is to be hoped. . . . Unlike Slaughter and Ford he is not a citizen of Texas, and hence has not the same interest in her welfare."⁵

The failure of Lew Wallace's mission resulted in another attempt to persuade Confederate leaders west of the river that no purpose could be served by continuing hostilities. Grant advised John Pope, whose headquarters were then in St. Louis, that Kirby Smith should be offered the terms accepted by Lee. Since Joe Johnston had begun talks with Sherman, Grant could see no obstacle remaining to Smith's capitulation. Pope was instructed, however, to expect an immediate effort to move against Texas, and E. R. S. Canby received instructions to organize an expedition against Galveston. Pope was told to expect 2,500 teams in Little Rock to support a build-up of troops necessary for a Texas invasion in June.⁶

⁵Wallace correspondence to Slaughter and Grant, O.R., I 48, 2, 457-458, 462-463.

⁶Grant to Pope, April 17, 1865, O.R., I, 48, 2, 110.

Grant's suggestions were implemented by Colonel John T. Sprague who conferred with Kirby Smith during the first week of May at Alexandria, Louisiana. However, the conference produced "nothing of consequence." Smith recommended to Sprague that a conciliatory policy be adopted since the "opposite course would . . . rekindle the flames of civil war." Peace efforts were not successful and reports to Grant were discouraging; Missouri and Arkansas units were still organized and an exodus to Mexico was imminent.⁷

These preliminary conversations were pursued by Federal officers who had gained some information on the military and economic conditions in Texas through the efforts of a certain "scout," C. S. Bell. Bell's spy mission resulted in an account covering the period January to April, 1865. He departed Little Rock under orders from General J. J. Reynolds, current commander in Arkansas who two years later would be in charge of Texas Reconstruction. Capture, escape, and recapture only delayed his return and final report. Bell estimated there were 58,650 Confederate effectives in the Trans-Mississippi. A full count was given of arms, ammunition, and factories in Houston, Galveston, Marion, and Cherokee

⁷Pope to Grant, May 6, 1865, Presidential Papers, Ulysses Simpson Grant (Washington, 1965) (hereafter cited as Grant Papers); Sheridan to Grant, May 27, 1865, Grant Papers; William A. Albough, Tyler, Texas C. S. A. (Harrisburg, 1958), pp. 209-210.

Counties. Troop strength and unit designations were also provided Reynolds by General F. J. Herron with whom Bell left his report in May, 1865. Supposed activities of Jefferson Davis were included in Bell's account:

I do not think Jeff Davis has yet reached the west side of the river, but it is almost certain that he will attempt to do so [He] will cross at or near Catfish Point, or in Cypress or Choctaw Bend If Jeff Davis reaches the west side of the river he will fight to the bitter end.

Bell believed that "the people of the entire Trans-Mississippi . . . preferred an alliance with a foreign power to a return to old ties."⁸

Smith's refusal of the terms offered by Pope initiated a discussion of an alternative to surrender. A series of conferences, the last of which took place in Marshall, Texas, disclosed a serious difference of opinion between Confederate civil and military authorities; these differences involved more than the question of whether surrender or continued resistance was the better course. General

⁸C. S. Bell appears in numerous local histories. He is described, without reference to this early activity, as a man of "unsavory reputation" along with other police officers serving under Governor E. J. Davis. See Day, Douglas, Rose, and Sonnichsen in bibliography; also Nunn, Texas Under Carpetbaggers, p. 48; General F. J. Herron, Baton Rouge, to General J. J. Reynolds, May 11, 1865, O.R., I, 48, 2, 397-403. A survey of East Texas munitions and material sites is also found in a report of B. W. Musgrove, May 30, 1865, O.R., I, 48, 2, 673-674.

Joseph O. Shelby, elements of whose command finally marched to Mexico, appealed, as had Wade Hampton, for a sufficient exodus to ultimately reestablish Confederate or French-Mexican authority over Texas. It appears, however, that a number of Shelby's men were more sympathetic to Juarez than Maximilian.⁹

Shelby's expedition ultimately proceeded, some 500 strong, from Marshall to Corsicana, Waco, Austin, San Antonio, and Piedras Negras. In addition to Shelby, Governors Murrah, Clark, and Allen, Generals Smith and Magruder, and several Texas cotton agents were escorted to Mexico. Three pieces of artillery, forty wagons of Enfields from the Tyler arsenal, and a considerable amount of cotton were removed from Texas. Maximilian's generous colonization offer included an intention, demonstrating the Emperor's fear of the migrating Confederates, to scatter the immigrants through the interior of Mexico, and there was a rapid deterioration of relations. General John B. Magruder acted as colonial land agent, and he was disillusioned to learn that even though slaves were permitted the immigrants, Maximilian did not intend to restrict land titles to ex-Confederates. Colonization permits were cancelled

⁹William R. Geise, "Missouri's Confederate Capitol in Marshall, Texas," Southwestern Historical Quarterly, LXVI (October, 1962), 205; John N. Edwards, Shelby and His Men: The War in the West (Cincinnati, 1867), pp. 516-517, 532-541; Edwin Adams Davis, Fallen Guidon: The Forgotten Saga of General Joe Shelby's Confederate Command, The Brigade That Never Surrendered and Its Expedition to Mexico (Santa Fe, 1962), pp. 43, 68; Lloyd Lewis, Sherman, Fighting Prophet (New York, 1932), p. 537.

in the spring of 1866; some Confederates left Mexico, and others remained as aliens under the Juarez regime. Still others left Texas for California, Brazil, and British Honduras.¹⁰

According to Kirby Smith, "complete disorganization of the rebel forces throughout the department[of Texas] commenced about the 20th day of May." Disorder, pillage, and general break-down of military discipline followed. Colonel Ashbel Smith, conferring with E. R. S. Canby in New Orleans, testified that Texas troops refused to obey orders and looted government supplies in Houston. Between the Nueces River and the Rio Grande "small parties of Colonel Ford's men . . . roamed as highwaymen . . . robbing rebels and unionists alike." Food stores were stolen at Dallas, Mt. Pleasant, Clarksville, Tyler, Rusk, Marshall, Jefferson, and Bonham; one commissary officer recorded total losses of

¹⁰General treatments are found in Lawrence F. Hill, "The Confederate Exodus to Latin America," Southwestern Historical Quarterly, XXXIX (July, 1935), 100-326; Louis Martin Sears, "A Confederate Diplomat at the Court of Napoleon III," American Historical Review, XXVI (January, 1921), 255-281; Nash F. Burger and John K. Bettersworth, South of Appomatox (New York, 1959), p. 64; Albough, Tyler, pp. 218-219; Sheridan to Grant, July 14, 1865, O.R., I, 48, 2, 1027; Hanna, "Role of the South," pp. 18-20; Edwards, Shelby, pp. 543-545; W. C. Nunn, Escape from Reconstruction (Fort Worth, 1956), provides lists of Texans who migrated to the Carlotta Colony and a discussion of its failure.

28,000 bushels of corn, 418,000 pounds of flour, 9,000 bushels of wheat, 66,000 pounds of bacon, 19,000 pounds of salt, and 1,238,000 pounds of sugar. Looting, according to information provided by a Federal prisoner at Tyler, was symptomatic of a general loss of ideological commitment on the part of Confederate soldiers, many of whom had long been on "French furlough."¹¹

The general break-up of Texas cavalry units followed a May conference at Hempstead, Texas, at which Kirby Smith made efforts to maintain discipline. An earlier appeal at Galveston had similarly ineffective results. Vandals looted the state treasury in Austin, and ex-Governor Francis R. Lubbock advised burning the old Tremont Hotel in Galveston rather than surrender it to Federals. Confederate courts closed, dismissing all cases pending. W. H. Redman, a young Federal officer, wrote that "the people [in Texas] are living without any law and Christianity is not known. We did not see one man out of a hundred that did not carry

¹¹ Sheridan to Rawlins, June 5, 1965, O.R., I, 48, 2, 775; American Annual Cyclopedia and Register of Important Events (New York, 1865), VIII, 730 (hereafter cited as Annual Cyclopedia).

a revolver or some weapon of defense."¹²

The collapse of the military was part of the pattern of lawlessness which had plagued Confederate officials in Texas in late 1864 and continued to influence every major political and military issue during Reconstruction and for two decades thereafter. Conditions in December, 1864, were such that Confederate Captain B. E. Benten at Bonham issued orders designed to counteract widespread robbery and murder. All officers were instructed to inspect passes and furloughs and ordered further that "should any party be found in the brush or banded together to resist the lawful authorities they will be fired upon at once and shot, as long as they resist. . . ." Any citizens offering assistance to Confederate deserters were to be prosecuted.¹³

Confederate, Federal, and state forces were helpless, on most occasions, to suppress lawlessness. B. W. Gray, Judge of the Eighth District prior to the end of the war, gave orders to the sheriff of Lamar County to put his jurisdiction in order, but roving bands of deserters and

¹²General coverage of collapse is found in Rupert N. Richardson, Texas, The Lone Star State (New York, 1943), p. 266; Charles W. Ramsdell, Reconstruction in Texas (New York, 1943), pp. 27-51; Stephen B. Oates, Confederate Cavalry West of the Gulf (San Antonio, 1938), p. 185; Newlin Randolph, "Judge William Pinckney Hill Aids the Confederate War Effort," Southwestern Historical Quarterly, LXVIII (July, 1964), 28; W. H. Redman to Friends, November 26, 1865, William Henry Redman Papers, University of Virginia Library, Charlottesville, Virginia (hereafter cited as Redman Papers).

¹³O.R., I, 48, 1, 1310-1311.

outlaws continued to rob and threaten the citizens of the district. Gray contended that some of the criminals held Confederate commissions, and he advised that "a military force would soon restore peace and quiet."¹⁴

Final surrender conferences were mere formalities in view of the state of anarchy in May, 1865. Specific provisions of a surrender document were drafted during the last days of May. E. Kirby Smith and Canby agreed on terms concerning paroles, inventory and transfer of Confederate property, except side arms and private horses and baggage, and transportation for Confederate troops. Canby assigned General E. J. Davis to complete the surrender details on May 27. Smith was instructed that Texas prisoners might be parolled at Galveston to avoid "a long and tiresome march through the country" to the mouth of the Red River where Federal forces were concentrated for an invasion of the state.¹⁵

¹⁴B. W. Gray, Mount Pleasant, to General Herron, Shreveport, June 22, 1865, O.R., I, 48, 2, 9681.

¹⁵Terms of the surrender are found in O.R., I, 48, 2, 600; General E. R. S. Canby, to General E. Kirby Smith, May 27, 1865, O. R., I, 48, 2, 620-621; General E. J. Davis to E. K. Smith, May 31, 1865, O.R., I, 48, 2, 693.

Occupation of Texas required approximately a month. In the meantime, naval units patrolled along the coast, and troops were massed in Louisiana. On May 27, 4,000 Federals were dispatched up the Red River with several gunboat escorts. Admiral A. K. Thatcher found the fort at Matagorda deserted and assigned the gunboat Virginia to patrol that section of the coast. At Forts Mannahasset and Griffin, commanding Sabine Pass, Confederates had spiked their guns and disbanded. A United States flag flew over the pass, but no Federal troops were available to occupy the forts.¹⁶

Within two weeks it was clear to Federal officers that the surrender terms had been violated. General Philip H. Sheridan, commanding the Department of the Gulf, reported to superiors in Washington that "there is nothing practical in the surrender of the Texas troops. . . . Slaughter sold his artillery to the Imperialists." This discovery so angered Sheridan that his entire Texas strategy was conditioned by the impression that "the Kirby Smith and General Canby surrender was for the most part a swindle on the part of Kirby Smith and company." Sheridan related to Grant that "everything on wheels" had been moved to Mexico along with

¹⁶O.R., I, 48, 2, 620; Admiral H. K. Thatcher to General E. R. S. Canby, May 31, 1865, O.R., I, 48, 2, 692-693.

2,000 rebels. The property, he stated, "will be given up only when we go and take it." Furthermore, "French officers . . . [were] saucy and insulting." Grant relayed Sheridan's dispatches to Stanton, agreed with his subordinate's appraisal of the surrender, and began to reveal the details of a Texas invasion plan which was roughly outlined before the Confederate surrender.¹⁷

Had ex-Confederate officials been aware of the impact on Sheridan and Grant of the failure of the rebel high command to implement the surrender terms, they would likely have been more realistic in their appeals for an immediate return to civil government. Ashbel Smith and W. P. Ballinger, peace commissioners to Canby, asked on May 30 for a "prompt and satisfactory restoration of the relations of Texas with the United States." They contended that no Confederate officer was responsible for the failure to implement the convention terms; troops had left their units before any restrictions could be placed on their movements, and paroles were therefore impossible. Texans, according to the commissioners, were prepared "in sincere good faith" to

¹⁷ Sheridan to Rawlins, June 12, 1865, O.R., I, 48, 2, 858; Sheridan to Rawlins, June 12, 1865, Grant Papers; Sheridan to Grant, June 28, 1865, O.R., I, 48, 2, 1015; Grant to Stanton, July 22, 1865, Grant Papers.

return to "normal relations." Smith and Ballinger claimed that "the machinery of civil government in the State is complete, its authority intact. It possesses all the means of preserving order. It is ready to obey. . . ." They warned of "immense evils" connected with an "dislocation of the labor of the State" and reminded Canby that "more cotton is planted in Texas than in all other States." In a separate communication Ballinger spoke of "unnecessary exercise of military government in the civil affairs of the State" and a "brief period which must elapse until a New State Govt. can be regularly . . . obtained." O. M. Roberts, secessionist politician and Confederate colonel, also provided an argument for immediate restoration of Texas in an exposition commencing with a discourse on Roman history,¹⁸

In retrospect, such justifications as these by old residents of Texas such as Dr. Ashbel Smith appear naive following such a bitterly fought war. However, Smith and Ballinger probably represented the vast majority of Texans

¹⁸ Ashbel Smith and W. P. Ballinger, to General E. R. S. Canby, May 29, 1865, O.R., I, 48, 2, 648-649; W. P. Ballinger to E. R. S. Canby, May 30, 1865, Ashbel Smith Papers, University of Texas Archives, Austin, Texas (hereafter cited as Smith Papers). Ballinger came to Texas from Kentucky in 1843. He practiced law in Galveston, served as U. S. Attorney in Texas in 1850 as a Whig. An appointment by E. J. Davis to the Supreme Court was declined by Ballinger who was later a member of the 1875 Constitutional Convention. James D. Lynch, Bench and Bar of Texas (St. Louis, 1885), pp. 412-414; Wooten, History of Texas, II, 131.

who had been less impressed by the immediate effects of war than other Confederates. Then too, the emerging Johnson program would not be incompatible with their position. Had it not been for congressional reconstruction after 1867 their recommendations would have very nearly served as the framework for restoration. The significant fact is that men of affairs in Texas were either so accustomed to lawlessness or so uninformed of the conditions then prevailing as to contend that general order was maintained in 1865 by a "complete" system of state government.¹⁹

In addition to misunderstanding and general anarchy, the physical, economic, and demographic characteristics of Texas at the close of the Civil War were significant elements in an understanding of the difficulties encountered by Federal occupation troops. The size of the state was, first of all, beyond the imagination of the Federal officials. Problems of transportation and communications created by its geographical extent were compounded by the fact that the population was rural and sparsely settled except in a few centers of concentration.

¹⁹Smith had been in Texas since 1837. His background included extensive medical education, service in the army of the Republic of Texas, diplomatic assignments, and Confederate service in and outside Texas. The Handbook of Texas, edited by Walter Prescott Webb, 2 vols. (Austin, 1952), II, 620-621 (hereafter cited as Handbook).

In 1870 the total population of Texas was approximately 818,579; of these 564,700 were white. The vast majority of Texas had a population density of 3.1 per square mile making it the most sparsely settled of all the Confederate states. Galveston and San Antonio had 14,000 and 12,000 inhabitants respectively; 9,000 lived in Houston, 4,000 in Austin, 4,000 in Jefferson. Harrison, Rusk, and Washington Counties had the largest population from 1856 to 1870. In East Texas approximately one-third of the population was colored; 200,000 Negroes and 400,000 whites lived in that section.²⁰

Only East Texas was comparable to the Old South. In West Texas and South Texas some 20,000 Germans and a like number of Texans of Mexican descent complicated the simple but potentially hazardous ethnic relations of East Texas. North Texas had been largely settled by Peter's Colony immigrants from Illinois and Indiana. Collin, Dallas, Ellis, and Grayson Counties then had somewhat less, or at least a different variety of lawlessness than East and Southeast Texas.²¹

²⁰ Seth Shepard McKay, "Social Conditions in Texas in the Eighteen Seventies," West Texas Historical Association Yearbook, XIV (October, 1938), 32-35; New York Times, November 8, 1874; Texas Almanac (Dallas, 1966), pp. 122-124.

²¹ McKay, "Social Conditions," p. 32.

The population statistics of 1870 were swollen by a large immigration from east of the Mississippi. During the war many slaves were sent to Texas for safety, and after 1865 thousands of whites arrived. The attraction of post-war migration included general dislocation of war refugees, the hope for prosperity based on cotton and cattle, and Confederate disqualification from homesteading on federal lands, a handicap not present in Texas owing to the retention of its public lands upon achieving statehood. This migration is significant because it pushed the white majority higher than previously, because it introduced what has often been considered lawless elements—in reality Texas already had its share of these—and finally because it renders many arguments concerning carpetbag rule irrelevant or at least so complicates the issue that the term has little meaning.²²

Population increased from 1850 to 1870 by over 600,000; from 212,592 to 818,579. Urbanization, by no means dominant, increased by 100 per cent.²³ These figures provide a

²² E. Merton Coulter, The South During Reconstruction, 1865-1877 (Baton Rouge, 1947), pp. 185-186; Mary Elizabeth Massey, Refugee Life in the Confederacy (Baton Rouge, 1964), pp. 90-94, 123-124, 267-268; New York Times, June 1, 1865; William Saunders, Through the Light Continent or the United States in 1877-1878 (London, 1879), pp. 62-65; J. Mason Brewer, Negro Legislators of Texas (Dallas, 1935), p. 16; Foster B. Zincke, Last Winter in the United States (London, 1868), p. 94.

²³ Texas Almanac (Dallas, 1966), pp. 122-124.

framework for issues faced by military officers serving in the larger towns versus those with responsibilities in rural villages. Unionists resided in greater numbers in the towns; this however resulted in serious conflicts, not a pacific military administration. In the rural settlements racial bias, fear, and resentment made law enforcement and reform virtually impossible.

At the outbreak of the war there were 275,000 Negro slaves in Texas. An additional 125,000 entered the state during the conflict, and at its conclusion many of these freedmen were anxious to return to their homes in the east. In 1865, concentrations of freedmen were found along the Sabine, Neches, Trinity, Brazos, and Colorado Rivers with few north of Waco and Austin. A constant migration from these river valleys was misinterpreted as aimless wandering induced by emancipation. Those freedmen remaining in Texas worked on shares, generally one-third, of the crop. Many laborers and most of the planters preferred this system which was later adopted by the Freedmen's Bureau after wages proved an unworkable substitute. Where wages were paid just after the war—in the lumber, grain growing, and grazing counties—freedmen earned \$14.00 a month and freedwomen \$10.00. A rapid adaptation made by freedmen to wage earning soon worked to the disadvantage of white workers who at first benefited by the release of Negro slaves. This fact

accounts, to some degree, for the strong racial currents in Texas Reconstruction.²⁴

Reports concerning general economic activity in Texas following the war provide conflicting evidence as to the degree of prosperity and opportunity. It has become accepted theory that the Texas economy, certainly as compared to the other Confederate states, developed rapidly after the war and from a generally sound basis. Texas, with less population, ranked third in cotton production with most of that grown in the northeast section of the state. Some northern news accounts of 1865 indicated that Texas suffered little from the war and that specie circulated abundantly. The number of small farms increased, and this development is credited by students of southern agriculture as compounding anti-Negro feelings.²⁵ Optimism

²⁴Report of the Joint Committee on Reconstruction, House Executive Documents, 39th Congress, 1st Session, No. 30 (Washington, 1868), IV, 38 (hereafter cited as R.J.C.). Report of the Secretary of War, House Executive Documents, 40th Congress, 2nd Session, No. 1, p. 684; James V. Reese, "The Worker in Texas, 1821-1876," unpublished doctoral dissertation, Department of History, University of Texas, Austin, Texas, 1964, pp. 98-100; Ramsdell in Reconstruction in Texas, p. 71, emphasizes the aimless movement of Negroes and their propensity to steal, newspapers serving as his major source of information.

²⁵Eugene Lerner, "Southern Output and Agriculture Income, 1860-1880," Agricultural History, 33(July, 1959), 117-125; Theodore Saloutos, "Southern Agriculture and the Problem of Readjustment," Agricultural History, 30(April, 1956), 59-62; New York Times, September 18, 1865.

was less apparent by early 1866. One New York Times correspondent, a long-time resident of San Antonio, wrote that a severe drought had handicapped agriculture, prices were inflated and were quoted in both paper and specie. The same correspondents explained the frequently encountered optimism about the state's future as propaganda. Since a major source of income before the war had been army expenditures it was now necessary to attract settlers. The only element of truth in the glowing accounts of prosperity was a fairly agreeable climate. Although Texans were anxious to see northern money arrive, as might be expected, they made life difficult for the migrant; even government employees complained of the actions taken by agencies which paid their salaries.²⁶

The state of agricultural production was described by an anonymous correspondent, "Lunar Caustic," of the Galveston Daily News. Reporting from Concrete, Texas, this observer declared that planting was doomed and that livestock grazing would succeed to cropping. Buildings and fields were in general disrepair, the boll weevil and grasshopper had arrived, and the livestock business was depressed due to lawlessness along the trails; cattle were too wild

²⁶New York Times, February 11, 1966.

to eat domestic feed and the horses too wild to sell. On the other hand, railroading had begun to show promise.²⁷ Military occupation would greatly assist this latter enterprise.

Samuel Lee Evan's study of post-war agriculture indicates that new farm technology, which forced uncomfortable adjustments on the Texas economy, has been a neglected factor. In another connection small farmers suffered. One military officer reported to the Joint Committee on Reconstruction that while there was no scarcity of food in Texas following the war, the "poor whites" could not purchase it. Speculation among wealthy planters forced debtors to seek assistance from Federal troops; it was hoped that occupation forces would require speculators to sell their corn to prevent starvation. Even under these conditions some commercial enterprise apparently flourished. Lieutenant W. H. Redman told his mother by letter that "northern men are daily coming into the State and going into business,"²⁸

²⁷Galveston Daily News, August 16, 1866; Annual Cyclo-
pedia, VII, 713-714; Thomas Roger Underwood in "A History of
The Texas Central Railway Company," unpublished master's
thesis, Department of History, Southwest Texas State College,
San Marcos, Texas, 1966, concludes that no military reasons
existed for Texas post-war decline.

²⁸Samuel Lee Evans, "Texas Agriculture, 1865-1880,"
unpublished master's thesis, Department of History, Univer-
sity of Texas, Austin, Texas, 1955, contains a general treat-
ment of postwar farming. R.J.C., IV, 38; W. H. Redman to
Mother, December 26, 1865, Redman Papers.

Sampling public opinion is difficult at best, but some post-war patterns indicate that restoration of Texas under any but Texan auspices would have been difficult. One example was the consideration by some influential persons of the possibility of bringing Ashbel Smith to office as governor. Charles De Morse, editor of the Clarksville Standard and former colonel of the 29th Texas Cavalry, proposed a state convention be held immediately after the surrender to insure that a "modified form of slavery" be established before the arrival of large numbers of Federal troops. De Morse believed a five-year, gradual emancipation might be accepted if processes were quickly provided. He opposed President Andrew Johnson's appointment of Texas unionist A. J. Hamilton as governor and maintained that Texas had never really left the union. Thus no major constitutional changes were required. Colonel De Morse bitterly criticized the rejection of Senators Burnett and Roberts and claimed that no qualified Texans were available for office who had not served the Confederacy. The Negro, he said, was "already free."²⁹

²⁹William L. Craven to Ashbel Smith, May 24, 1865, Smith Papers; Ernest Wallace, Charles DeMorse, Pioneer Editor and Statesman (Lubbock, 1943), pp. 151-152, 157-161.

Hostility shown Federal forces in the interior was in part a legacy from Confederate regulations. Ramsdell contended that the "regulations and exactions which the Confederacy had been obliged to impose" prepared Texans to demonstrate "little regret for the passing of that government." L. Tuffly Ellis, a careful student of the Texas cotton industry, concludes that southern management of that commodity created hard feelings which were compounded by Federal occupation. An article in the La Grange New Era Extra of November 15, 1865, confirmed this position. After a lengthy indictment of the Freedmen's Bureau, the reporter explained that "provost marshals with bayonets ready to execute their often presumptuous behests" were unwelcome in Texas. "I had supposed . . . we had had enough of martial law and provost marshals in the time of the Confederacy to wish that sort of thing never again to curse the land."³⁰

Ben C. Truman, a confidant of President Johnson, wrote of general public sentiment in Texas in 1866 in a manner which presaged later difficulties. He guessed that of 14,000 inhabitants in Galveston, 2,000 were murderers. Texans, he said, "shoot cross-eyed men and red-headed

³⁰ Ramsdell, Reconstruction, p. 66; conversation with L. Tuffly Ellis, Washington, July 23, 1969; J. R. Burns in New Era Extra, La Grange, November 15, 1865, in Governors' Correspondence, Andrew Jackson Hamilton Papers, Record Group 307, Texas State Archives, Austin, Texas (hereafter cited as Hamilton Papers).

women at sight . . . look daggers at intellectual people" and kill Germans, Mexicans, and beat their wives. Conditions were worse than Vicksburg or San Francisco, both cities which he considered extraordinarily lawless. An earlier article in the New York Times informed northerners that there was little love for Jefferson Davis in Texas and less for Lincoln. Texans were disenchanted with their Confederate affiliation, but this was no guarantee of unionism. Instead it demonstrated a revival of the old anti-annexation sentiment in favor of an independent republic. Hatred for Mexicans, however, might make feasible any scheme to unite Texas and the United States through a war with Maximilian's empire.³¹

What remained in 1865 of pre-war unionist sympathies is easily misunderstood. Unionism was scattered, so ethnically diverse, and so antagonistic to Negro rights that any hope that these elements could provide a base for social reconstruction was bound to be frustrated. Along the northwestern frontier, i.e., in Lamar, Fannin, Grayson, Collin, Cooke, Denton, Montague, Wise, Jack, and Young Counties, a significant vote had been cast against secession. Here was located some weak abolitionist support and a stronger

³¹New York Times, April 4, 1865; February 19, 1866.

unionist movement, but wartime bitterness worked to reverse much of this opinion. Unionist activity had been particularly strong in Grayson, Denton, Collin, Cook, and Wise Counties, where perhaps 1,000 Texans aligned with the "Conspiracy of the Peace Party." In this area the term "clan" was applied to unionists who opposed the Knights of the Golden Circle. Forty persons were hanged by Confederates in 1862 for this treasonable activity. The clan of North Texas had definite connections with a Federal plan to invade the state, and after the arrival of Federal troops efforts were made to arrest those who had participated in the 1862 executions.³²

Central Texas and the lower Rio Grande valley were also centers of unionist strength. Since both of these, as well as the northern concentration, were on the frontier, unionism and the regions of greatest freedmen density were far separated. This assumes of course, that had the two elements been combined, military occupation would have been more effective as a reform process. The assumption was

³² Floyd Ewing, "Origins of Unionist Sentiment on the West Texas Frontier," West Texas Historical Yearbook, XXXII (October, 1956), 21-29; Sam Acheson and Julie Ann Hudson O'Connell, George Washington Diamond's Account of the Great Hanging at Gainesville (Austin, 1963), is an excellent account of the peace movement. Rupert Norval Richardson, The Frontier of Northwest Texas 1846 to 1876 (Glendale, 1963), pp. 243-244; John Dale Rateliff, "Unionists of Texas," unpublished master's thesis, Department of History, East Texas State College, Commerce, Texas, 1960, pp. 62-64; J. Lee Stambough and Lilian J. Stambough, A History of Collin County (Austin, 1958), pp. 66-69.

recognized as false as early as 1866 when a full history of the German settlements in Texas appeared in the New York Times. Northern readers were warned not to expect Texas unionists to lend support to political reforms which included the Negro.³³

Neither human nor physical factors existed which could have effectively supported Radical Republican, Texas unionist, or military aspirations to modify substantially Texas society. Fortunately the shortage of reform resources was not calculated, and efforts were made to implement a democratic experiment. A naive explanation for the presence of West Texas unionism was offered by the Jefferson Radical: "something in the pure air and broad prairies of the West . . . makes men noble, true, fearless and free." There was enough "pure air" to support the unionists of Austin in 1860 when the United States flag was flown, and only reluctantly lowered, on Hancock Corner and to sustain Thomas Duval, E. B. Turner, A. J. Hamilton, E. M. Pease, and James H. Bell in their "Home Guard" drills. There was too little, however, to underwrite a broad reform movement in 1865

³³ Allen W. Trelease, "Who Were the Scalawags?" Journal of Southern History, XXIX (November, 1963), 456-458; New York Times, March 25, 1866; Terry G. Jordan has successfully challenged the idea that unionism and anti-slavery sentiment were complimentary attitudes among the Texas Germans in German Seed in Texas Soil (Austin, 1966).

when that identical flag was raised on the same corner in the state's capitol.³⁴

One additional factor contributed to the muddled state of affairs in Texas at the end of the war. The frontier, once the province of the Federal army, had, under the Confederacy, receded 100 miles, and the old posts were abandoned after the Twiggs surrender in February, 1861. Combined, these factors led one Bureau agent to comment prophetically that Texas was demoralized, lawless, and resistant to any efforts made by his agency. Without at least a half dozen troopers his work at Sterling was impossible since even freedmen doubted his intentions unless soldiers were present to enforce them.³⁵

³⁴Jefferson Radical, August 11, 1869; Rateliff, "Texas Unionists," p. 34.

³⁵Notes in the M. L. Crimmins Collection, University of Texas Archives, Austin, Texas, p. 1 (hereafter cited as Crimmins Collection); C. Carter, Jr. to General Kiddoo, June 21, 1866, R.G. 105, N.A.

CHAPTER III

INVASION AND OCCUPATION

From May through June, 1865, Texas was part of the temporary Division of the Southwest under the command of Philip Henry Sheridan. In July the Department of the Gulf, comprising Texas, Louisiana, Mississippi, and Florida, supplanted the former organization. Prior to Kirby Smith's surrender, Federal operations called for massing 80,000 troops to invade Texas from Arkansas and Louisiana. On the last day of May, Sheridan had received news of Smith's surrender, but the invasion of Texas was still considered necessary.¹ The reasons for this decision were: the supposed flight of Jefferson Davis to Texas, the possibility of renewed Confederate hostilities, a threat resulting from French occupation of Mexico, and a Federal obligation to protect Texas unionists and freedmen.

This stage of occupation has been explored by Professor Harold Hyman who posits the theory that Grant organized two

¹Report of the Secretary of War, House Executive Documents, 39th Congress, 2nd Session, No. 1 (Washington, 1867), pp. 45-46, 49-50; O.R., I, 48, 1, 647. McGraw's comment in "The Texas Constitution of 1866," p. 14, stating that "Federal military forces were completely unprepared for the sudden end of resistance in the Trans-Mississippi region" would be difficult to support.

armies immediately after the war. Frontier troops were ordered to the Mexican border to "impress the French adventurers" and provide defense against the Indians. This army, according to Hyman, "never became a political issue," and Congress therefore allowed Johnson to exercise control over its activity. As far as Texas is concerned some refinement of this aspect of the theory is required by the fact that frontier defense was a political issue and the fact that Fifth Military District commanders bore responsibilities for both this frontier force and the army of the interior.²

According to Hyman, the occupation forces of the interior expected Johnson to support them; he refused. Impeachment of the President, consequently, related to the army and the defection of its officers to Congress. By 1868 this second force constituted the "congressional army." This facet of Hyman's theory is more plausible and appears supportable by Texas developments.³

Of the justifications for invading Texas, the capture of Jefferson Davis appears, in retrospect, to be the least significant. It was, however, an important consideration in May, 1865. The rumor that Wade Hampton planned to escape

²Hyman, "Johnson, Stanton and Grant," pp. 86-87.

³Ibid.

to Texas and provide the Confederate President an escort was only one piece of intelligence available to Federal officers. General F. J. Herron reported to Banks at New Orleans on May 9, 1865, that "good rebel sources on the west side of the river" had informed him that Davis was in Shreveport. A cavalry force was assigned to patrol the Baton Rouge area as a precaution. Banks and other officers expected Davis to cross into Mexico from Texas as C. S. Bell had forecast. Bank's communications to officers under his jurisdiction announced a \$100,000 reward for Davis. He further recommended to his subordinates that they depend on Mexican leader Benito Juarez for cooperation in intercepting the Confederate leader since "any measures resulting in the capture of Davis would doubtless be approved by our government."⁴

Philip Sheridan and other ranking officers had reason to believe the rebellion had not ended, even in principle, since Confederates violated the terms of the Texas surrender. Professor Ramsdell, always anxious to emphasize Sheridan's hostility for Texas, contended that no justification existed for the general's remark that "Texas has not yet suffered from the war and . . . requires some intimidation."⁵

⁴Burger, South of Appomatox, p. 238; General F. J. Herron to General N. P. Banks, May 9, 1865, O.R., I, 48, 2, 364-365; General N. P. Banks to General Brown, May 10, 1865, O.R., I, 48, 381-382; Duval, Diaries, May 13, 1865.

⁵Ramsdell, Reconstruction in Texas, p. 40; O.R., I, 48, 1, 647; House Executive Documents, 39th Congress, 2nd Session, No. 1, p. 45.

From Sheridan's point of view, however, continued rebellion and resistance to Federal authority was proven by reports like that from Ben C. Truman who prophesized as late as February, 1866, that the war would be continued from Mexico. General David S. Stanley, who spent the months from July to December, 1865, in Texas, felt strongly that since Texas had not technically surrendered her citizens never acknowledged defeat.⁶

Letters from James W. Throckmorton to Benjamin A. Epperson indicate little desire in 1865 to return to Union affiliation. On February 3, Throckmorton recommended that Texans sell their lives "dearly" if no compromise could be reached for European recognition of Texas. The major issues to be negotiated even at this late date were slavery, commercial privileges, and dependency on a European power which would grant favorable terms. Throckmorton was certain that Lincoln would "demand confiscation[of slaves]and heavy taxation I do not believe he cares for a restoration of the government." Six weeks later Throckmorton amended his position. On March 19, 1865, he informed Epperson that he

⁶New York Times, February 19, 1866; R.J.C., IV, 39.

opposed dependency on Europe and preferred independence for Texas. To support this position Throckmorton referred to the "peculiar" connection of Texas to the other states. But without foreign assistance, Throckmorton predicted defeat.⁷

Continued active rebellion was reported by William J. Davis, a Confederate deserter, in May, 1865. Davis allegedly had evidence which demonstrated that Henry McCulloch was organizing a "battalion of Confederate troops to range in the direction of New Mexico." McCulloch's recruiting camps were located at Gainsville and Fort Belknap where he had attracted all manner of men, including some of Quantrill's and Anderson's bushwackers.⁸ The activity of Thomas Jefferson Devine, who in 1861 served as commissioner receiving Federal property after the Twiggs surrender, Confederate judge, and twice-indicted exile to Mexico, was also representative of the threat of continued rebellion. Devine joined the Southern Rights Association of San Antonio. These "Sons of the South," organized in May, 1865, vowed to establish resistance units in every Texas county. This activity was no

⁷J. W. Throckmorton to B. H. Epperson, February 3, 1865; March 19, 1865, Epperson Papers.

⁸O.R., I, 48, 2, 375.

handicap to Devine in the long run; after "redemption" he took a seat on the Texas Supreme Court.⁹

Even among some Texans who had been counted as unionists there was by May, 1865, a determination for continued resistance. William L. Callender, editor of the Frankfort Commonwealth from 1850 to 1856, is a case in point. Callender established a reputation as a Whig unionist in Kentucky, and this attitude followed him to South Texas. He settled near Mission Valley, Texas, in 1856 and later conducted a successful law practice in Victoria. Though local history preserves his unionist leanings, Callender, like many other southern Whigs, developed a firm commitment to the Confederacy. On May 13, 1865, this previously staunch unionist participated in a meeting at Victoria where, by resolution, it was declared that patriotic citizens would foster "no union, fellowship or connection with the United States."¹⁰

Thomas Duval recommended to Canby on May 29 that he dispatch troops to occupy Austin, Galveston, and San Antonio

⁹Mary Owen Meredith, "The Life and Work of Thomas Jefferson Devine," unpublished master's thesis, Department of History, University of Texas, Austin, Texas, 1930, pp. 71-72; Handbook, II, 495.

¹⁰Frankfort Commonwealth, March 26, 1850; November 25, 1856; Robert W. Shook, "William Larabee Callender," Texas Bar Journal, XXVI (January, 1963), 33-34, 83-86; Correspondence and clippings, William L. Callender Papers, Callender House, Victoria, Texas.

at the earliest possible date. Both Duval and Thomas H. Stribling, another unionist, were convinced this was "the only way to avert dangers" connected with continued resistance to federal law. Reaction to the alarm voiced by Duval was apparent in orders issued by Sheridan to Granger in June. Granger was admonished to expedite his arrival in Texas where "there is not a very wholesome state of affairs The Governor, all the soldiers, and the people generally are disposed to be ugly."¹¹

Sheridan became convinced of a resistance plot among ex-Confederate officers when, in August, 1865, E. Kirby Smith arrived secretly in New Orleans. Smith, according to Sheridan, met with Beauregard at the latter's home and conspired on the issue of Mexican migration. Sheridan reported to Grant that "there appears to be a freemasonry among all rebels in New Orleans." They had offered the Imperialist, Mejia, 10,000 men, according to information gathered by Sheridan. His opinion was that "if France means to support Maximilian, she will do it with rebels. . . ." ¹²

Indeed, the motive which for a time united all civil and military factions involved in post-war invasion of Texas

¹¹ Duval, Diaries, May 29, 1865; Sheridan to Grant, June 10, 1865; O.R., I, 48, 2, 841.

¹² Sheridan to Grant, August 18, 1865, O.R. I, 48, 2, 1192.

was the need to counter the threat posed by French occupation of Mexico. This consensus among Federal officers after the Confederate surrender followed an attempt in January, 1865, by Francis P. Blair to arrange an armistice with the Confederate States in order to organize a United States-Confederate force to drive the French from Mexico.¹³ Evidence does not support a contemporary view which described concern over Mexican affairs as nothing more than a ruse to justify a continual state of emergency, military occupation, and interference with civil judicial procedures.¹⁴

Information reaching New Orleans in June, 1865, revealed details of the "Lone Star" project. A "camp of instruction . . . [was] established at Monterrey. An officer formerly in the rebel service [was] . . . engaged in raising a regiment of Texans for service with the Loyalists", and Texans were

¹³Randall, Civil War and Reconstruction, p. 649; James Morton Callahan, The Diplomatic History of the Southern Confederacy (Springfield, Massachusetts), pp. 256-257. The Confederate Congress under rules suspension in the House entertained a resolution disclaiming any sympathy with the Mexican monarchy and proclaiming the need to unite "with those most interested in the vindication of the principles of the Monroe Doctrine;" this contingent on recognition of Southern Independence. Edward McPherson, The Political History of the United States of America During the Great Rebellion (Washington, 1865), pp. 617-618.

¹⁴"Diary of Edward Bates," edited by Howard K. Beale, Annual Report of the American Historical Association, 1930, IV, 523.

described as "in favor of an uprising . . . at least assisting the [Empire] against its enemies, particularly the United States."¹⁵ Captured documents belonging to Slaughter were appraised by General E. B. Brown as proving that "the former relations of the rebels with the government of Maximilian were of a very friendly character."¹⁶

Full records on Confederate trade with and through Mexico were not available to United States officers, and Kirby Smith's activity in this regard was probably independent of the government at Richmond. However, there is no doubt that significant quantities of lead, sulphur, copper, powder, and nitrates were exchanged. Sibley was supplied from stores located in Monterrey, and the Confederacy depended on Mexico as a source of European commodities. Consequently, the economy of the northern states of Mexico depended to a large extent on Confederate trade.¹⁷

Federal plans to dislodge Maximilian hinged largely on internal Mexican affairs. After the middle of April, 1865, United States military commanders were aware of developments which augured well for the demise of the French intervention.

¹⁵A. H. Canedo to General P. J. Osterhaus, June 4, 1865, O.R., I, 48, 2, 771.

¹⁶Report of General E. B. Brown, June 7, 1865, O.R., I, 48, 2, 771. A full study of migration to Mexico by Confederate leaders and the possible consequences is found in Senate Executive Documents, 39th Congress, 1st Session, No. 8 (Washington, 1866), pp. 1-44.

¹⁷William Diamond, "Imports of the Confederate Government from Europe and Mexico," Journal of Southern History, VI (November, 1940), 497-502.

On April 1, Juan Cortina had announced his active resistance to Maximilian. From a force of 350 his Liberal Army had grown to 1,200, making raids into Matamoros possible. Until United States troops were available, however, no major attack on Imperialist strongholds was feasible since Confederate obligations to Maximilian included active pressure on Cortina.¹⁸

Juarez and Certoria were dependable United States allies according to General F. J. Herron who reported to Banks in early May that the forces under these Liberal leaders numbered approximately 2,000. Herron's previous experiences at Brownsville were sufficient to convince him that the troops of Juarez and Certoria were more trustworthy than American soldiers should Davis attempt a renewal of hostilities from Mexico. General Frederick Steele, writing from Brazos Santiago, went even further, recommending the use of ex-Confederate forces in early summer, 1865. "The rebels [according to Steele] would like to be sure of being on the winning side, and if they could be pardoned for past offenses, I think they would join the Liberals, believing it is the popular side in the United States."¹⁹

¹⁸ M. Dolan to General S. A. Hurlburt, April 16, 1865, O.R., I, 48, 2, 106.

¹⁹ General F. J. Herron to General N. P. Banks, May 9, 1865, O.R., I, 48, 2, 365; General F. Steele to Sheridan, June 10, 1865, O.R., I, 48, 2, 841-842.

The reliability of Mexican Liberals was debatable, however, and some field commanders were not convinced that confidence in that faction was justified. General Godfrey Weitzel concluded that neither party had "a very creditable reputation for honesty," and his experience on the South Texas border was sufficient to support his skepticism. The Imperialist Tomas Mejia offered Weitzel Matamoros for \$200,000 in a proposal fouled by the arrival on the Rio Grande of 280 Austrian reinforcements.²⁰

Philip Sheridan's personal attitudes on the threat posed by French troops in Mexico were, in view of his command position and close relationship with Grant, important determinants. Sheridan's reports influenced both Grant and civilian officials who, while they did not agree on his solution to the issue, were supplied with a point of departure in the decision making process. It was Sheridan's belief that "the occupation of Mexico [was]. . . part of the rebellion; and believing the contest in our country was for the vindication of republicanism, I did not think that vindication would be complete until Maximilian was compelled to leave."²¹ Such

²⁰Jesse Ames Marshall, editor, Private and Official Correspondence of General Benjamin F. Butler, 5 vols. (Norwood, Massachusetts, 1917), V, 671; Sheridan to Grant, December 15, 1865, O.R., I, 48, 2, 1259.

²¹O.R., I, 48, 1, 1242; 2, 307, 626; House Executive Documents, 39th Congress, 2nd session, No. 1, p. 47. Though concerned by the threat of the approach of a grandson of Marshall Ney and 2,000 troops in July, 1865, Sheridan was convinced that Mexican "natives and soldiers are with us." Sheridan to Rawlins, June 6, 1865, O.R., I, 48, 2, 1053.

a fundamental position as this contributes little toward a "two army thesis;" Sheridan's actions were motivated by a unity of purpose. His western policies may have been less politically evocative, but they were inextricably bound up with his general attitudes on the causes of the war and the responsibilities created by its conclusion.

Sheridan's communications to Grant and other superiors prove clearly how adamant he was on the Mexican issue. Writing to General J. A. Rawlins, Grant's chief of staff, in June, 1865, the commander of the Division of the Southwest linked the violation of the Texas surrender terms and the French intervention. Texas troops, according to Sheridan, had disbanded intentionally "to avoid surrender and parole I have always believed that Maximilian's advent into Mexico was a part of the rebellion." In the same month Sheridan informed Grant that the French were anxious to provoke the United States, but that Cortina held the roads around Matamoros. With ammunition, Federal policies could be pursued with Liberal aid. Cortina had captured large amounts of rebel cotton, and as governor of Tamaulipas his permission to enter that state was decisive. Murrah, Walker, and Shelby were located at Monterrey in league with the Imperialists who boasted an exaggerated force of 10,000.²²

²²Sheridan to Rawlins, June 4, 1865, O.R., I, 48, 2, 727; Sheridan to Grant, July 10, 1865, O.R., I, 48, 2, 1068.

On the 21st of July Sheridan visited the lower Rio Grande to ascertain for himself the best American policy. He reported to Grant two days before his departure that French and Austrian troops had arrived at Vera Cruz with more being raised in Europe for reinforcement. A dispatch of the 19th gave Grant the news that Sheridan had limited grain shipments to Matamoros, a course intended to "cause much embarrassment." Mejia, in Sheridan's view, was subject to being quietly "carried out of Matamoros and turned over to Cortina," and reconnaissance was assigned to test the theory.²³

An agent from Cortina reached New Orleans in the first week of August. "Franco-Mexico rebels," Sheridan told Grant, held Matamoros and Monterrey, but Liberals dominated most other areas. Sheridan planned a trip to San Antonio within two weeks to organize a cavalry expedition to Laredo and Fort Duncan. He now saw Juarez as "stupid" for refusing to take advantage of the growing strength of the Liberal party. Subsequent reports in October and November indicated this judgment to be premature. On October 20 Cortina attacked Matamoros and found there 800-900 ex-Confederates waiting for the outcome of the Liberal attack before committing themselves to the Imperialist cause, which appeared doomed

²³ Sheridan to Grant, July 18; July 19, 1865, O.R., I, 48, 2, 1092.

throughout northeast Mexico. Maximilian's weakness was obvious, and Sheridan calculated that nine-tenths of the population opposed the Austrian. The Emperor had resorted to forced financial contributions. With Fort Duncan as a staging point and 6,000 cavalrymen for service, the collapse of the monarchy could be assured, and the standing agreement between certain southerners and Louis Napoleon would be broken.²⁴

Convinced that deliberate action would force French and Austrian troops from Mexico, Sheridan continued to supply Grant with evidence to support his contention. On November 20, Sheridan emphasized that the Imperial press continually abused the United States. President Johnson, for example, was described as "the murderer of Mrs. Surratt." Mexican officials arrested American soldiers in Matamoros, and Weitzel received insults from French officers. These circumstances excited United States troops, and discharged colored units, in particular, were anxious to join the Liberal Mexicans. Sheridan met these affronts with a declaration to Mexican officials that apologies would no longer be accepted. Nine months later his determination was even more pronounced.

²⁴Sheridan to Grant, August 18; October 25; November 5, 1865, O.R., I, 48, 2, 1192, 1252-1253.

In August, 1866, Sheridan informed Grant that 500 small arms were available to the Mexican Liberals.²⁵

By late summer, 1865, Sheridan's forces in Texas were in process of discharge. Any plans he hoped to implement were impaired by this fact and by opposition from authorities in Washington who had decided in June to force French withdrawal by less direct means than those contemplated by Sheridan. Grant selected John M. Scofield for a secret assignment which involved a year's leave of absence from the army. The mission required the recruiting of Union and Confederate veterans, securing for them Mexican commissions, and organizing an army to support the Liberal cause. An American loan was proposed to finance the project, and Sheridan was informed in late July of Scofield's orders. Meantime, however, Secretary of State William Seward, opposed to any direct military action against French forces in Mexico, successfully applied pressure to modify the Scofield mission. The American loan proved unfeasible, and Scofield departed for France instead of Mexico. After a year and a half of negotiation, calculated to convince Napoleon of United States intolerance of the French intrusion

²⁵Sheridan to Grant, November 20, 1865, O.R., I, 48, 2 1257; Sheridan to Grant, August 2, 1866, Phillip H. Sheridan Papers, Manuscripts Division, Library of Congress, Washington (hereafter cited as Sheridan Papers). Juarez received 30,000 muskets from Sheridan in early 1866. Frederic Bancroft, The Life of William Henry Seward, 2 vols., (New York, 1900), II, 439.

in American affairs, Seward's scheme proved successful. It was the ability of the United States Army to maintain logistic support of troops over great distances, however, and not Schofield's astute diplomacy, which worked Seward's will on the French ruler.²⁶

Grant's position, during the summer of 1865, on the Mexican question demonstrates a support of Sheridan which never diminished except when civilian authority overruled his sympathy. In several messages to Johnson in June and July, Grant clarified his position. Monarchical government supported by bayonets, the history of Confederate trade with Mexico, evidence of French insult, and rebel exodus were presented as proof that the late rebellion would never be completely extinguished until Maximilian was forced from the throne. A combination of suggestions including direct military assistance, supplying of arms, and the Scofield mission reached Johnson above Grant's signature.²⁷ It was Grant's contention that "we owe it to ourselves to maintain the Monroe Doctrine," and this was possible by allocating Confederate property and equipment from discharged volunteer units to supply

²⁶ John M. Schofield, Forty-Six Years in the Army (New York, 1897), pp. 378-383; R. Ernest Dupuy, Men of West Point (New York, 1951), pp. 87-90.

²⁷ Grant to Johnson, June 19; July 15, 1865, O.R., I, 48, 2, 923-924; 1080-1081.

Scofield's proposed army. "Better to go to war now . . . [said Grant] than to have in prospect a greater war." The "trade of an empire will be lost for our commerce and America . . . will be scoffed and laughed at by their adjoining neighbors" Grant informed Johnson. The French should be given notice to withdraw and arms and officers should be offered to the Liberals to preclude embarrassment and insure economic disadvantage.²⁸

Grant assured Sheridan that his appeals to Johnson were well received, and further that the entire nation agreed with their firm policy. Seward's preference for diplomacy delayed what Grant believed to be a preferable course of direct action, and a pending Congressional debate further handicapped military orders. Grant, however, promised Sheridan that the latter's dispatches on Mexican affairs received sympathetic attention from Stanton and the President.²⁹

Though he may have agreed with Sheridan and Grant on the desirability of direct action, Stanton was forced to consider the issue from a different perspective than the military officers. French representatives in Washington complained of Liberal violations of avowed United States neutrality. Specifically,

²⁸Grant to Johnson, September 1, 1865, Grant Papers; Scofield, Forty Years, pp. 380-381.

²⁹Grant to Sheridan, October 22, 1865, Grant Papers.

it was charged that Cortina crossed, with permission, into the United States to recruit Negroes for the Liberal army. In answer to these accusations Grant defended the border command by reminding Stanton that Comte de Montholon, the French spokesman, had failed to consider that Confederates had habitually passed back and forth across the international boundary to assist the Imperialists. Grant disavowed any knowledge of Cortina's recruiting, but revealed his Liberal sympathy by insisting there was no legal prohibition on migration to Mexico.³⁰

During late 1865, and into February, 1866, Grant's ardor for forceful action cooled. In December, Sheridan received confirmation of the President's continued support of the Liberal cause, but with more caution than before; Grant advised Sheridan to visit the Rio Grande theater to ascertain exact conditions. On January 5, Bagdad was captured by a "party of filibusters and union soldiers." The action required an explanation to Stanton, and Sheridan received orders to withdraw all troops from the Mexican side of the river and to determine damages in anticipation of subsequent claims.³¹

³⁰Grant to Stanton, November 6, 1865, O.R., I, 48, 2, 1253-1254.

³¹Grant to Sheridan, December 19, 1865; January 25, 1866; Grant to Stanton, February 16, 1866, Grant Papers.

This modification of Grant's support of Sheridan's Mexican policy was the result, partially at least, of political developments in Washington. Johnson plotted to discourage Grant's growing accumulation of popular and political strength. The President proposed to the army chief that his services as a diplomat would facilitate settlement of the Mexican question. Grant recognized the assignment as a "plot to get rid of him," according to General Sherman who advised the President that Grant's refusal was not negotiable. Sherman convinced Johnson that the chief executive "could not afford to quarrel with Grant at [that] time." Johnson conceded, and the scheme to transfer Grant, which complemented the design against Stanton, failed to isolate the Radical Republicans from their army supporters.³²

The military attitude on the Mexican issue fell victim to the less direct and more astute moves of William H. Seward. During the war Lincoln and the Secretary of State discussed implications of the French invasion, but made no commitments. Seward was never convinced of the effectiveness of military action to remove Maximilian. He feared that overt hostility would create popular support for Napoleon III and in turn reinforce the French and Austrian position in

³² Grant to Stanton, October 27, 1866, Grant Papers; Lewis, Sherman, pp. 588-589; William T. Sherman, Memoirs, 2 vols. (New York, 1892), II, 415; Hyman, "Johnson, Stanton and Grant," p. 94.

Mexico. The Secretary also faced, as the military did not, the problem of explaining away material aid reaching the Liberals from the American side. It was not enough for Grant and Sheridan to argue the history of Confederate liaison with Mexico. Seward's responsibility was to manuever around the immediate complaints of Montholon, who in October, 1865, protested Cortina's recruiting in Brownsville where uniformed Liberals and captured Imperialist vessels reflected unfavorably on American neutrality. Under these conditions Seward was willing to concede much more than the military, and it was his suggestion that Maximilian's regime be recognized in exchange for French withdrawal.³³

Thus, conflict between military and civilian solutions to foreign intervention in Mexico was connected, if less directly than the race issue and political reconstruction, to the factious character of national politics. Sheridan had no success in convincing Seward to prohibit rebel migration to Mexico even though Grant exercised his authority in favor of Sheridan by ordering that no American citizen could legally migrate from the South to Mexico without the latter's permission. In an attempt to avoid war with France,

³³Ulysses Simpson Grant, Personal Memoirs, 2 vols. (New York, 1892), II, 545-546; Bancroft, Seward, II, 433-434; Montholon to William H. Seward, O.R., I, 48, 2, 1241; Dexter Perkins, The Monroe Doctrine, 1826-1827 (Baltimore, 1933), pp. 524, 533.

Seward disapproved Grant's assignment of Scofield, a position which found the Secretary in opposition to the press and popular opinion as well as the military. Scofield's mission to France successfully removed the general from the scene, and allowed Seward time to await what to him appeared inevitable, a collapse of the French experiment.³⁴

Seward's tactics were successful.³⁵ In January, 1867, Sheridan sent Grant a decoded message from Napoleon to his chief military commander in Mexico. The orders were: "do not compel the Emperor to abdicate but do not delay the departure of the troops." In May, word reached Washington via Sheridan's headquarters that Maximilian and his generals were prisoners. Sheridan informed his superior on June 29, 1867, that Maximilian had been condemned to death and executed ten days earlier. "If this is true[remarked Sheridan] it is but the end of the rebellion which had its commencement in this country and its tragic termination in Mexico."³⁶

³⁴Carl Coke Rister, Border Command: General Phil Sheridan in the West (Norman, 1844), p. 20; J. Fred Rippy, The United States and Mexico (New York, 1926), pp. 268-269, 277. Seward was not entirely isolated in his pacific attitude. Carl Schurz, for example, supported the Secretary's position. Carl Schurz, Reminiscences, 1829-1863, 2 vols. (New York, 1907), II, 301-302.

³⁵For a discussion of the causes of French withdrawal see Lynn M. Case, French Opinion on the United States and Mexico, 1860-1867 (New York, 1936), pp. 402-403.

³⁶Sheridan to Grant, January 12; May 27; June 29, 1867, Grant Papers.

In the meantime, while diplomacy precluded military action in Mexican affairs, the army made plans for a large-scale invasion of Texas. To supplement forces assigned on the Mexican border, additional troops were required to compel and then enforce a surrender of Confederate Texas, protect unionists and freedmen, and guarantee order. These invasion plans were conceived before the Canby-Smith Convention and were modified after the Texas surrender. John Pope, commanding the Military Division of the Missouri, initiated a Texas invasion strategy in suggestions to General J. J. Reynolds who commanded the Department of Arkansas. On April 20, 1865, Pope explained that one of his staff officers expected to meet with Kirby Smith at the mouth of the Red River and offer terms to the Confederate. Pope intended to inform Smith that:

By retaining a hostile position he forced a concentration of troops upon Texas, terms . . . [would] be dictated of a very different character and only after forcible occupation of Texas with all the suffering and horror which attend the march of large armies and extensive military operations.

Should Smith refuse—and he did—alternate plans were available. Fifty thousand troops were considered sufficient to accomplish a tactical advantage by securing Marshall, Texas.³⁷

³⁷ John Pope to J. J. Reynolds, April 20, 1865, O.R., I, 48, 2, 138-140.

Smith's forces, Pope reported to Grant, consisted of 60,000 troops in Arkansas, Louisiana, and Texas. The Confederates were strung out on a line from Clarksville, on the left, to Alexandria, on the right. Their communication and supply lines ran through Shreveport to Marshall. Pope proposed to move three columns from Arkansas across the Red River and into Texas northeast of Clarksville. Strong demonstrations at Camden and Fulton would allow the Federals to penetrate the Confederate left flank to Marshall. Indian cavalry, about 4,500 in number, would cross above Preston and sweep the Northeast Texas countryside for cattle to supply the siege of Marshall where the Confederates were expected to offer resistance. From Marshall, Pope expected to push to Washington-on-the-Brazos by way of Henderson, Rusk, Crockett, Madison, and Huntsville. Then Galveston, Houston, and Austin would be vulnerable. Pope expected his troops to live off the land and with "western men, accustomed to make long and rapid marches . . . without grumbling," he was convinced of victory if the invasion were delayed until early June when crops were up and rivers down.³⁸

Although seriously considered, Pope's plan was ultimately abandoned in favor of less coordinated moves. Reynold's opposition to an invasion from Arkansas on East Texas

³⁸ John Pope to Grant, April 8, 1865, O.R., I, 48, 2, 50-52.

probably had an effect on the decision to abandon the plan, and Pope subsequently agreed that Reynolds should remain in Arkansas. Reynolds did promise Pope cooperation, since he was particularly concerned about Confederate property moved from his jurisdiction into Texas. In fact, he received through Pope an opportunity to command the forces being organized for the Texas invasion. Pope, relaying Grant's offer of the command, commented to Reynolds:

I cannot undertake to advise you about it, but am inclined to believe that you will find in the reconstruction of civil government in the State of Arkansas . . . a field better suited to your inclinations than a mere overrunning of Texas.³⁹

Two and one-half years later Reynolds accepted command of Texas, a post he held until 1871.

Subsequent to the surrender, Federals pushed into Texas from the east and south. On the eastern border, two columns, totaling 9,500 troops, assembled; one at Alexandria, Louisiana, under Major General George A. Custer and another at Shreveport under Major General Wesley Merritt. Additional assignments to Major Generals F. J. Herron (whose task it was to secure the Red River and the towns of Marshall and Jefferson), Frederick Steele (ordered to move up the Rio Grande), and

³⁹John Pope to J. J. Reynolds, May 19, 1865, O.R., I. 2, 507; Powell Clayton, The Aftermath of the Civil War in Arkansas (New York, 1915), p. 109; J. J. Reynolds to John Pope, April 14, 1865, O.R., I, 48, 2, pp. 94-95.

J. A. Mower (whose troops were to land at Galveston) completed the invasion tactics. Major General Gordon Granger was for a time in charge of the entire Texas operation.⁴⁰ Merritt⁴¹ and Herron⁴² represented officers whose war records, personal connections, and post-war experiences suggest new interpretations of the traditional military figure.

⁴⁰O.R., I, 48, 1, 297-302; I, 48, 2, 1063. An outline of invasion plans are found in Sheridan to Rawlins, June 2, 1865; Sheridan to Grant, June 8, 1865, Grant Papers. The Division of West Louisiana was discontinued after the successful march on Jefferson and Marshall, but these towns continued to be administered from Shreveport, Dallas Herald, March 3, 1866.

⁴¹Merritt served with Custer and Sheridan at Five Forks. Pre-war Texas service and friendships developed at West Point as well as in four years of war all figured in the assignment of officers to Texas after 1865. Merritt commanded at Shreveport, the 1st Louisiana, 2nd Illinois, 2nd New Jersey, 18th New York, 10th Illinois, and 3rd Michigan Cavalry Regiments. His column reached San Antonio on August 1, 1865, after a 425 mile trek. Special Orders 8, Military Division of Southwest, June 13, 1865, O.R., I, 48, 2, 866; Dupuy, Men of West Point, p. 79; Harry Willcox Pfanz, "Soldiering in the South During the Reconstruction Period, 1865-1877," unpublished doctoral dissertation, Department of History, Ohio State University, Columbus, Ohio, 1958, p. 177.

⁴²Herron boasted an excellent combat record including numerous decorations. His resignation in June, 1865, is important, for he settled in Louisiana as a businessman who received less consideration than natives because of his desire to reconcile himself to the viewpoints of southerners. Francis B. Heitman, Historical Register and Dictionary of the United States Army, 2 vols. (Washington, 1903), I, 526; Whitelaw Reid, After the Civil War, edited by C. Vann Woodward (New York, 1965), pp. 451-452.

Dispatches within Sheridan's command and communications with Washington indicate the progress of the columns, the difficulty of organizing the occupation force, and Sheridan's personal views on the necessity of invasion. Troops available for the incursion from Louisiana left something to be desired in terms of quality. Pope informed Grant that Reynolds, who decided to remain as occupation commander of Arkansas rather than assume responsibility for the drive into Texas, had pledged assistance to Sheridan. His men, however, were described as the "refuse of Canby's old command," and Grant was appreciative of this difficulty. On June 3, he admitted to Sheridan that additional cavalry units would be required and promised to provide them from eastern reserves. Grant also outlined his intentions, which coincided with Sheridan's; "the whole State should be scoured to pick up Kirby Smith's men and the arms carried home by them." A long occupation was contemplated for Merritt and Custer.⁴³

Concrete proposals for eastern and southern penetrations of the state demonstrated some ambivalence in Sheridan's attitude in regard to the degree of potential danger from Mexico. In a detailed report of troop strength in mid-June, Sheridan listed Merritt's column (4,000), v Custer's column

⁴³Pope to Grant, May 19, 1865, O.R., I, 48, 2, 504-505; Grant to Sheridan, June 3, 1865, O.R., I, 48, 2, 743.

(4,000 cavalry), two divisions of a corps under Granger (7,000), two divisions under Steele, and other units of the XXV Corps covering the coast from Brownsville to northeast Texas. He suggested, for economy's sake, that the IV Corps, which was assigned finally, be held in reserve unless a Mexican threat developed. Notwithstanding Pope's earlier description, Sheridan was quite satisfied with the units preparing to invade Texas from Louisiana; "Merritt's column of cavalry is said to be the finest which has marched during the war," and Custer's was equally reliable.⁴⁴ The last evaluation was soon proven erroneous.

The columns destined for the march from East Texas to the interior were handicapped at the outset. Granger recommended to Sheridan's executive officer on July 7 that Custer's column be halted at Hempstead to take advantage of forage and rail facilities at that point. Custer's proposed march to Houston was discouraged as detrimental to the logistical support necessary for cavalry units. Three days later, Sheridan reported to Granger, in Galveston, that Merritt's column had left Louisiana but Custer's was delayed for want of horses, nails, and shoes. However, Granger's recommendation to detain the Custer column was temporarily rejected when

⁴⁴Sheridan to Rawlins, June 13, 1865, O.R., I, 48, 2, 865-866; Sheridan to Granger, June 29, 1865, O.R., I, 48, 2, 1026.

Sheridan proposed that his cavalry should ride first to Houston and then, as conditions dictated, to San Antonio. Sheridan's attitude at this point on the function of occupation forces was important as compared to the wide powers later exercised:

I do not want either Custer's or Merritt's commands disturbed. . . . I am not in favor of distributing troops in an eternity of small places, each commanded by some petty officer who will put on more airs than a major general . . . and who, instead of being a benefit, is an injury and a source of constant irritation.⁴⁵

Though it was hardly representative of the Federal columns assigned to occupy Texas—or perhaps because of that fact—Custer's command deserves special treatment. Sheridan requested the young West Pointer to assume command of the 6th Indiana, 1st Iowa, 5th Illinois, 12th Illinois, and 2nd Wisconsin Cavalry Regiments being organized as a field unit at Alexandria in June, 1865. After six weeks of preparation Custer ordered a march from Louisiana into Texas.⁴⁶

⁴⁵Granger to Forsyth, July 7, 1865, O.R., I, 48, 2, 1063; Sheridan to Granger, July 10, 1865, O.R., I, 48, 2, 1068.

⁴⁶Special Orders 13, Headquarters, Military Division of Southwest, June 8, 1865, O.R., I, 48, 2, 917; Jay Monghan, The Life of General George Armstrong Custer (Boston, 1959), p. 258.

Custer's activity in Texas reflected his youth, lack of experience, antipathy to volunteer units, and personal habits which suited him better to cadet life than field service, especially occupation duties. A combination of Custer's personality traits and reluctance of volunteer units to remain in service after Lee's surrender created from the outset a poor command situation. Difficulties commenced when, at an inspection by one of Sheridan's staff officers, the 3rd Michigan intentionally appeared "out of uniform" and inexcuseably undisciplined. The unit apparently mutinied with one-half of the old 4th Cavalry. Flogging and shaved heads accomplished little, and Custer's reputation suffered.⁴⁷ Nor did the young general's "sense of humor" endear him to his brother officers. Custer passed through Bastrop, Texas, ahead of his column and informed the mayor there of a certain Colonel Browne of his command who would soon arrive at Bastrop and that the officer was fluent in German. Browne spoke no German, and, after listening to a formal speech welcoming him, admitted there had been a

⁴⁷Monaghan, Custer, pp. 257-258; New York Times, March 5, 1866. A general treatment of Custer in Texas is found in D. A. Kinsley, Favor the Bold, Custer the Indian Fighter, 2 vols. (New York, 1968), II, 2; Pfanz, "Soldiering," p. 173.

misunderstanding about his linguistic abilities.⁴⁸

Both Sheridan and Grant soon realized that Custer's selection was an error. While it is true that accounts of volunteers may not be the most reliable source of information on the general's qualifications, too much evidence exists to discount them completely. One enlisted soldier described Custer as a "fop and dandy" whose egotism and cruelty made him unfit for command. Specific charges stressed excessive flogging. The killing of a "runty calf worth about one dollar" earned guilty soldiers shaved heads and forty lashes at Hempstead. The informer claimed such punishment was contrary to army regulations.⁴⁹ A surgeon in the 1st Iowa recorded that Custer publicly announced his Wisconsin and Iowa regiments inferior. The general denied ambulances to medical personnel and instead put them to personal use, and it is true that Mrs. Custer traveled in a specially outfitted ambulance. These and other charges were brought to the attention of Grant who informed Sheridan in December, 1865:

⁴⁸Thomas Sydenham Cogley, History of the Seventh Indiana Cavalry Volunteers (Laporte, Indiana, 1876), p. 18.

⁴⁹Cogley, Seventh Indiana Cavalry, pp. 163-164, 176-177; James E. Sefton, The United States Army and Reconstruction, 1865-1877 (Baton Rouge, 1967), p. 49.

"There is great complaint of cruelty against General Custer. If there are grounds for these complaints relieve him from duty."⁵⁰ This communication may have been a factor in Custer's subsequent and mysterious departure from Texas.

Custer's column did, as Granger suggested, stop at Hempstead to establish a semi-permanent camp. The journey through East Texas had been made as comfortable as possible for "Lady Custer," a title bestowed by a saddler who wove the compliment in yellow silk on Mrs. Custer's canteen. Traveling in her converted ambulance, she recorded her impressions of Texans whom she and her father found, because of the practice of branding horses, uncivilized.⁵¹

The camp at Hempstead was large. Custer's division numbered about 4,000 cavalrymen, and the general's situation was not uncomfortable. His father and brother arrived to serve as forage agent and aide. An inspection tour by Sheridan proved that complaints of Custer's behavior had not yet cost him the support of the commanding general. Sheridan found the camp and troops in excellent order, recommended Custer for promotion to regular major general—his rank was

⁵⁰Charles H. Lothrop, A History of the First Regiment Iowa Cavalry (Lyons, Iowa, 1890), pp. 256-297; Grant to Sheridan, December 1, 1865, Grant Papers.

⁵¹Elizabeth B. Custer, Tenting on the Plains or General Custer in Kansas and Texas (New York, 1887), pp. 119, 211.

brevet in the volunteer service-- and ordered him to proceed to Austin. During his Hempstead bivouac, the young general stayed close to camp where he "practiced on the horn" while his dogs howled. He also spent considerable time reading since, according to Elizabeth Custer, the countryside was too wild and lawless for riding.⁵²

In early November, 1865, the Custer column reached Austin, and the general's family settled down, with satisfactory accommodations, in the Blind Asylum, designated by Governor Hamilton for their use. Horse racing and occasional trips to San Antonio consumed Custer's time in the capital. His sponsorship of the race track at Austin where he often bet on horses was, according to his officers, detrimental to troop discipline. On January 31, 1866, Custer's commission in the volunteer service expired, and Sheridan's recommendation was not approved. He reverted therefore to the grade of captain and prepared to report to the 5th Cavalry stationed in the East.⁵³

The orders under which Custer was transferred were described as "strange" by an officer in Austin, and the

⁵²Ibid., pp. 152, 189; Monghan, Custer, pp. 260-262.

⁵³A. C. Greene, "The Durable Society: Austin in Reconstruction," Southwestern Historical Quarterly, LXXXII (April, 1969), 495; Monghan, Custer, pp. 263-264; Lothrop, First Iowa Cavalry, p. 297.

general's departure from the capital was indeed unusual. A relay of horses ordered by Custer to carry him and Mrs. Custer to Brenham was replaced at the last minute by a wagon; this is presented in one source as a demonstration by enlisted men of their contempt for their commander.⁵⁴

Custer's actions in 1866 suggest that deeper issues may have led to or developed out of loss of command in Texas. A combination of events by August, 1866, produced defection from the political position of his superior, Sheridan. Custer announced his opposition to the "slave vote" and argued that if the Republican Party were forced to depend on the Negro vote it was destined to fail. He aligned himself against the Radicals and more stringent reconstruction legislation, endorsed the National Union platform at Detroit, served as a delegate to the Philadelphia Convention of August 14, and accompanied President Johnson on his "swing around the circle."⁵⁵

A second theater of operations was opened along the Gulf Coast where several years earlier Confederates repulsed

⁵⁴Lothrop, First Iowa Cavalry, p. 296. At Brenham, where Custer boarded a train with his relatives, Mrs. Custer was insulted to hear ex-Confederates make disparaging remarks about Federal troops; the comments were ignored however by the General and his staff who considered the rabble as "unworthy of the steel." Custer, Tenting, pp. 266-267.

⁵⁵Monaghan, Custer, pp. 268, 270-271. Custer's post-Texas career is found in Lonnie J. White, "Winter Campaigning with Sheridan and Custer," Journal of the West, VI (January, 1967), 68-98, as well as the standard biographies cited above.

invasion. Regiments from several army corps received orders to occupy Brazos Santiago, Corpus Christi, and Indianola. These units were transported from Virginia, Tennessee, Alabama, and Mississippi. The IV Corps alone, landing at Indianola, numbered approximately 10,000, swelling the total troops committed to the Texas occupation to about 52,000. The initial stage of these operations was under the command of Generals Canby, Mower, and Steele.⁵⁶ The purpose of their long water and land expedition was to occupy the major centers of San Antonio and Austin as well as sites up the Rio Grande.⁵⁷

E. R. S. Canby, who commanded the Gulf sector before Sheridan's assignment, was responsible for West Louisiana and East Texas thereafter. Canby's reputation suffered from his connection with the Smith surrender arrangement, but there is some evidence that even before that time he had lost the confidence of Grant. On May 18, 1865, Canby received orders to suspend his proposed assault on Galveston. Grant informed him that Frederick Steele, with 6,000 troops, was ordered to supplement Federal forces already located on the Rio Grande.

⁵⁶ House Executive Documents, 39th Congress, 1st Session, No. 1, pp. 28, 75; House Executive Documents, 39th Congress, 2nd Session, No. 1, pp. 45-46; Pfanz, "Soldiering," p. 161. Mower's career paralleled that of other officers who, after heavy fighting in their volunteer or brevet grade, were mustered out of the service to join regular units at far lesser ranks. Heitman, Register, I, 733.

⁵⁷ Gideon Wells, Diary of Gideon Welles, 3 vols. (New York, 1911), I, 390-391, 443.

Steele's expedition was subject to Sheridan's command. Canby replied, stating that he would give Steele only general orders pending Sheridan's arrival, but warned Grant that "Steele's expedition will absorb everything that is seaworthy."⁵⁸

Grant informed Sheridan on May 28 that Canby had received Kirby Smith's surrender and was instructed to dispatch troops to the Rio Grande without waiting for the arrival of reinforcements. Sheridan was told: "You had better proceed to carry out the convention and garrison Texas and Louisiana as soon as it can be done."⁵⁹

Sheridan's reply was prompt. On the 29th he advised Grant—Sheridan was still in Cairo at this point—that the IV Corps would be better suited for occupation service. A remark concerning the XXV Corps indicated that these predominately Negro regiments were destined for coastal and frontier duties.⁶⁰ Apparently Sheridan believed that the

⁵⁸ Grant to Canby, May 18, 1865, O.R., I, 48, 2, 486-487; Canby to Grant, May 31, 1865, O.R., I, 48, 2, 691, 692.

⁵⁹ Grant to Sheridan, May 28, 1865, O.R., I, 48, 2, 639.

⁶⁰ Sheridan to Grant, May 29, 1865, O.R., I, 48, 2, 647. Major General Godfrey Weitzel was authorized to utilize the XXV Corps in putting pressure on Maximilian. Negro units were used elsewhere, but this corps was intentionally assigned border duty. Weitzel like most other ranking officers reverted to lower grade, major of engineers, in 1866. Brit Allan Storey, "An Army Officer in Texas, 1866-1867," Southwestern Historical Quarterly, LXXII, (October, 1968), 245.

need for "some intimidation" in Texas would best be accomplished by white troops, a thesis supported by subsequent developments.

Gordon Granger, who supervised for a time the entire Gulf operation, placed Frederick Steele in charge of forces at Corpus Christi and Indianola as well as the Rio Grande posts. Steele's responsibility was to press toward Roma and occupy Reynosa and Rio Grande City while policing the entire region against the exodus of contraband Confederate property to Mexico.⁶¹ This constituted the initial stage of coastal invasion. Mass troop movement to interior locations slowed down or halted short of the desired goals of Austin, San Antonio, and other points, with discharge of volunteers largely accounting for the inertia. Some units did reach Victoria, San Antonio, and Austin from the coast but only after command shifts and extended and uncomfortable bivouacing along the Gulf. On the other hand, Galveston and Houston units began immediately on arrival to exercise what little authority was granted them under Granger's administration.

Granger assumed personal charge of the operation initiated at Galveston. A New Yorker, he graduated from

⁶¹Granger to Steele, June 19, 1865, O.R., I, 48, 2, 930; Frederick Steele, a New Yorker and West Point graduate began Civil War duty as a major; two brevets for gallantry and meritorius service took him to major general by March, 1865. Heitman, Register, I, 918.

West Point in 1841 and served in infantry and cavalry units from 1845 to 1861 when he rose to colonel of the 2nd Michigan Cavalry. His major generalcy in the volunteers dated to 1862. He subsequently left the volunteer service in 1866, reverting to a regular colonelcy in the 25th Infantry. Like a number of other Federal commanders in Texas, Granger's Civil War service was extensive, with Chickamauga, Mobile, Chattanooga, and other engagements to his credit.⁶² It was his responsibility to establish federal authority along the coast with units of the IV and XXV Corps. By June 19 he had arrived in Galveston, reported "the country . . . swarming with thieves and robbers . . . running stock and every other class of movable property into Mexico," and commenced his formidable task of restoring order, issuing parole information, receiving Confederate property, and attending to the needs of freedmen.⁶³

Granger's problems were enormous. In a compact, densely populated area their solution would have been difficult; in a state characterized by great distances between settlements still predominantly primitive, his reputation is enhanced by even a small degree of success. Discharge of volunteer units,

⁶² Register of Graduates and Former Cadets, United States Military Academy (New York, 1946), p. 140; William Trayne Amann, editor, Personnel of the Civil War, 2 vols. (New York, 1961), II, 6; Heitman, Register, I, 469.

⁶³ O.R., I, 48, 1, 297-302; I, 48, 2, 927-928, 976, 1169-1170.

lack of unanimity within the officer corps on Reconstruction issues, and precedents set by Johnson for increasingly recalcitrant Texans would make the military effort appear fruitless until it could be viewed in the perspective afforded by a century.

CHAPTER IV

INITIAL MILITARY OBLIGATIONS

The immediate task of Federal occupation was that of concluding hostilities. To insure the peace, armed Confederate troops were theoretically subjected to historical precedence, standing regulations, orders regarding paroles for combatants, and confiscation of public property including military equipment. In the ex-Confederate states, additional and peculiar adjustments were necessary adjuncts to the mere cessation of armed conflict: protection of Negroes and unionists, cotton confiscation, and the restoration of civil government.

It was estimated in May, 1865, that 38,000 Confederates would be paroled in the Trans-Mississippi following the war, and the possibility of as many as 100,000 was considered. The administration of paroles proved impossible since Texas Confederate units disbanded with no intention of reporting for such an admission of defeat. On June 17, 1865, Granger assumed command of Texas and ordered that all passes be signed by officers of the Military Division of the Southwest Headquarters, District of Texas. Two days later, civilian and military officers of the Confederacy in Texas were informed that they should report to Houston, Indianola, Lavaca, Matagorda, Galveston, Bonham, San Antonio, Marshall, or

Brownsville for official parole. They were expected to deliver all Confederate property in their possession or make a full statement as to its location. Those not complying were subject to military arrest.¹

Orders concerning paroles were impractical.² Major F. W. Emery reported to Colonel John H. Kelly, in Millican, Texas, on June 28, 1865, that administering such releases to ex-Confederates was simply unfeasible. Instead, officers in the field would have to deal with pardoning of individuals as they saw fit. Emery told Kelly to offer the presidential oath of May 29, 1865, to all whites who applied, keeping one copy and giving a second to the applicant. Reports were due on the first and fifteenth of each month on the total pardons. Those not eligible for presidential pardon under Johnson's amnesty proclamation were informed they should apply in person

¹O.R., I, 48, 2, 692, 910, 929, 1047. General Orders 6, Northern Division of Louisiana, July 15, 1865, applied to Confederates in Indian Territory. They were expected to receive paroles at Fort Smith or Marshall, Texas, O.R., I, 48, 2, 1102.

²Paroles were still an issue in the fall of 1867. General Orders 34 of that year required all subject to earlier parole orders and lately returned from exile to report to the nearest Federal commander within thirty days. This was of course not Granger's responsibility, but General Joseph A. Mower, who commanded the Fifth Military District at that time. The process was similar to the earlier paroles; two copies, one for the file and one for the parolee, were completed by the officer responsible. House Executive Documents, 40th Congress, 2nd Session, No. 342, pp. 160-161.

to the President. However, the military, according to Emery, could not decide who was or was not "excepted from clemency granted in the proclamation." Only the Houston and Galveston headquarters were authorized to approve clemency applications from civilians.³ Such procedures represented generous treatment of ex-Confederates and was occasioned, if for no other reason, by the physical problem of apprehending all Texans who had served during the war. The only serious attempt, it would appear, to check carefully the qualifications of applicants for pardon was the requirement that civilian officers of the Confederacy report to major headquarters where questions could be more vigorous. Although this laxity was unavoidable under the circumstances, it played its role in bringing resistance to more complicated and stringent procedures in subsequent years.

The period between the arrival of Federal troops and the inauguration of civil authority under A. J. Hamilton, Johnson's appointee to the governorship of Texas, was critical. Granger's chief problem--the unsolved one which plagued all subsequent commanders--was that of preserving law and order in a frontier society accustomed to lawlessness. The difficulties of this task was compounded by the immediate exigencies of military

³Major F. W. Emery to Colonel John H. Kelly, June 28, 1865, O. R., I, 48, 2, 1017-1018.

and civil collapse. Operating from the military concentration in the Galveston-Houston area into the interior, Granger's troops were inadequate in number to provide even basic police functions.⁴

One of Granger's first orders after arriving in Galveston described the widespread lawlessness within his jurisdiction, and he requested 300 cavalrymen for Steele farther down the coast. On June 22, orders were published for the 23rd Iowa Volunteers, sending that unit to Houston by boat from Galveston; the Iowans then traveled by rail to Alleyton and marched to Columbus to establish order and to protect public and private property. The same functions were prescribed for the 114th Ohio Volunteers who traveled by one of the few trains in Texas to Millican.⁵

On June 30, Granger invited refugees to return to Texas. He promised federal protection and denied permission for the organization of home guards, a perfectly understandable and legal prohibition. Granger announced in the same orders that most neighborhoods were so infested by outlaws that whole communities would be held responsible for lawless acts; he

⁴Nunn, Texas Under the Carpetbaggers, p. 5.

⁵Special Orders 2, June 22, 1865, Headquarters District of Texas, O.R., I, 48, 2, 969.

then suggested that the influence of local inhabitants could best correct the prevailing conditions of lawlessness.⁶

Since local intelligence proved more effective than inadequately manned, uniformed forays into the interior, Granger resorted to reconnaissance by disguise. In July, 1865, he sent a spy, Edward Downs, on several missions to substantiate what was already suspected regarding the degree of lawlessness. Downs spent many hours in the saddle moving up and down the Colorado River valley where he encountered numerous bands of outlaws who robbed "loyal and disloyal alike." On one such trip in September, he traveled 400 miles searching for organized Confederate units. He discovered forty men in United States Cavalry uniforms and armed with regulation weapons; they were in reality ex-Confederates whom he joined for self-protection. Downs learned that these brigands managed to leave the impression that they were Federals under orders, and he became well enough acquainted with their habits that a detachment of troops from Columbus was able to apprehend and arrest them.⁷

⁶General Orders 5, June 30, 1865, Headquarters Military Division Southwest, O.R., I, 48, 2, 1030-1032.

⁷Edward C. Downs, editor, Four Years a Scout and Spy (Zanesville, Ohio, 1866), pp. 381-385.

Violations of federal orders by former officers and enlisted men of the Confederate army were so numerous that General C. C. Andrews, district commander in Houston, was authorized by Galveston headquarters to vindicate the authority of the United States. He received orders in early July that "those persons highest in position or influence should be held first to a rigid accountability . . . [and, if necessary, held] in close confinement." The major complaint was refusal to conform to federal regulations regarding property. His orders read further: "Examples are needed at once, and the higher the position of the offender the more decisive the example." Andrews, however, obeyed the qualifications of the instructions: "do not by acts compel the military forces to proceed summarily."⁸

Andrew Jackson Hamilton, a Texas unionist and Johnson's appointee as governor, returned to Texas from Washington via New Orleans in July, 1865. Sheridan and Hamilton discussed the governor's needs, and Granger received instructions to provide the state's new Chief Executive with an escort to Austin and further to "furnish him with what he may require" to restore the state to the union.⁹

⁸O.R., I, 48, 2, 1065.

⁹Sheridan to Granger, July 10, 1865, O.R., I, 48, 2, 1069.

Hamilton's arrival in Austin was preceded by Federal soldiers of Merritt's command. Austin had been for a time under the protection of Captain G. R. Freeman and, with Granger's approval, some thirty men including ex-Confederate soldiers. The state capital was a focal point of unionist activity before the war, and at 5:00 p. m., July 25, a United States flag was raised at Hancock's Corner where it had flown prior to secession. Merritt set up headquarters in the Governor's Mansion, and George W. Paschal, E. B. Turner, and George and John Hancock presided over political restoration. Units of the 6th Cavalry, 1st Iowa, and 7th and 12th Indiana Cavalry Regiments camped on Shoal Creek. The 6th continued to occupy the city after the volunteer units were mustered out in early 1866. At that time the original campsite behind the Capitol was abandoned for a tent city west of town. Federal surgeons established a hospital in the Neill-Cochran home, buried their dead in the backyard, and Federal soldiers patrolled the "bull pen," a 150 foot square stockade, west of the square where they confined lawbreakers.¹⁰

¹⁰Greene, "Durable Society," pp. 493-494; Mary Starr Barkley, History of Travis County and Austin, 1839-1899 (Waco, 1963), pp. 95-97; McGraw, "Constitution of 1866," p. 14; For the background on John Hancock see Wooten, History of Texas, II, 563; Lynch, Bench and Bar, pp. 422-423, and Ernest Wallace, Texas in Turmoil, 1849-1875 (Austin, 1965), p. 71.

The inauguration of civil government brought little relief from lawlessness. Citizens of Texana in Jackson County requested protection in August from desperadoes who traveled in bands of thirty to forty. In response, Brigadier General Joseph Conrad, commanding the 2nd Division of the IV Corps at Camp Irwin, dispatched troops from Indianola up the Navidad River. Conrad's suggestion was followed by an order from General David S. Stanley, corps commander, who proposed a regiment for Texana, by steamer if possible, to restore order, protect property, and arrest jayhawkers. In this and numerous other cases, military orders specified that Governor Hamilton's agents should be shown respect and provided all possible assistance.¹¹

The new civil government owed a debt to military interest in the collection and preservation of the public records of the state. Though some were destroyed or lost (such as the documents relating to the Federal surrender in Texas in 1861), most were salvaged and preserved. In early June, 1865, Brigadier General G. F. Ginnis, commander of United States forces at Camden, Arkansas, sent a party to Gilmer, Texas, to locate land records for his federal land district. A

¹¹General Joseph Conrad to Captain Andrew Stewart, August 19, 1865, O.R., I, 48, 2, 1194; General David S. Stanley to General Joseph Conrad, August 21, 1865, O.R., I, 48, 2, 1198-1199.

former custodian of the documents accompanied the expedition to Gilmer where the records had been stored by Confederate officials.¹²

M. F. Mott, the last Confederate States District Clerk for Eastern Texas, received orders dated June 21, 1865, from the adjutant general's headquarters in Galveston, to proceed, with transportation furnished by the quartermaster department, to Galveston. Texans were notified in General Orders No. 11, July 22, 1865, to surrender all books, papers, records, and state archival materials to Governor Hamilton or his agents. John Hancock, Hamilton's pre-war law partner, was Granger's representative in Austin, and under Hancock's supervision public records of the state and nation were collected. Granger was particularly interested in guaranteeing the safety of documents belonging to the general land office, state archives, and executive department. Hancock's instructions were to designate agents to receive the property and to organize whatever forces he deemed necessary prior to the arrival of Federal troops in the capital. Special Orders on July 4, 1865, required all "rebel maps, charts, sketches, tracings, surveys, and reports" be deposited at Headquarters of the Division of the Southwest in New Orleans. The sub-

¹² General G. F. McGinnis to Colonel John Levering, June 19, 1865, O.R., I, 48, 2, 834-835.

sequent arrest of William H. Dial for destruction of public records in Galveston indicates that both the military and civilian officers in the state were serious about edicts relating to such records. D. J. Baldwin, United States District Attorney at Galveston, initiated this action in July, 1869. General E. R. S. Canby complied with its enforcement, demonstrating that even after the initiation of congressional reconstruction military officers were to some degree complementing, not dictating civil affairs.¹³

The terms of the Texas surrender required that all government property, United States and Confederate, be delivered to Federal officers. As was the case with paroles, property recovery was jeopardized by the exodus to Mexico and unauthorized disbanding of Texas units. Reports concerning illegal property negotiations between Brazos Santiago and New Orleans predated the surrender. Colonel R. B. Jones, at the Texas post, promised a military official in the Louisiana headquarters that "irregular and illicit travel. . . permitted via [his post] from New Orleans . . . will not be repeated." Following the capitulation, Grant gave Sheridan permission to demand return of the property taken by

¹³ Major F. W. Emery to M. F. Mott, June 21, 1865, O.R., I, 48, 2, 113-114; Granger to John Hancock, June 29, 1865, O.R., I, 48, 2, 1026-1027; Special Orders 26, July 4, 1865, Headquarters Military Division Southwest, O.R., I, 48, 2, 1046; D. J. Baldwin to Canby, July 8, 1869, United States District Court, Letter Books, Record Group 21, Federal Records Center, Fort Worth, Texas (hereafter cited as R.G. 21).

Confederates to Matamoros, but advised him not to use force. Sheridan in turn instructed Granger to relay Grant's message to Steele asking for a report on his success. General Steele's compliance, dated June 28, 1865, was addressed to General Tomas Mejia. The Mexican officer was apprised of the terms of the Smith-Canby agreement and requested to surrender all Confederate property received after May 26, 1865.¹⁴

Sheridan's assessment of the difficulty in recovering the property—"we will get it only when we go and take it"—was accurate, but with Seward's emphasis on diplomacy and Grant's order to refrain from coercion, Steele's demands were perfunctory.

The Federals achieved some success in recovering Confederate property in East Texas. J. J. Busby, a major in the Southern service and officer in charge of the Confederate depot at Mound Prairie, Anderson County, made a full report of the machinery, tools, and materials previously under his supervision. Most of the property at this depot, described as the "best in the South," had been carried off by a mob; but Busby and his wife, who lived near the factory

¹⁴Colonel R. B. Jones to Lieutenant George B. Drake, February 28, 1865, O.R., I, 48, 2, 1006; Grant to Sheridan, June 15, 1865, O.R., I, 48, 2, 889; Sheridan to Granger, June 16, 1865, O.R., I, 48, 2, 902; Steele to General Tomas Mejia, June 28, 1865, O.R., I, 48, 2, 1037.

retained the deeds to the real estate, and reliable citizens at Rusk received instructions by telegraph in early June to protect what remained until United States agents arrived.¹⁵

In Marshall, Texas, a powder works and arsenal had produced most of the musket caps, small arms, and artillery ammunition used in the Trans-Mississippi. During the first week of June, an infantry regiment and two squads of cavalry relieved city officials there who had guarded what property remained after pillage by Confederate troops on their way to Mexico. Captain J. J. Williamson, ordnance officer for the Department of the Gulf, proposed, in mid-June, to transport Confederate property in Marshall to Louisiana via the Shreveport-Marshall railway.¹⁶

The 37th Illinois Volunteers were under orders after July 11 to proceed to Sabine City to take possession of Confederate property there, and Captain O. H. Howard, chief signal officer for the Military Division of the Southwest, arrived in Galveston later in the month to receive captured communications equipment and to confer with Granger

¹⁵J. J. Bisby to General F. J. Herron, June 11, 1865; General F. J. Herron to Lt. Colonel C. T. Christensen, June 13, 1865, O.R., I, 48, 2, 966-967.

¹⁶General F. J. Herron to Lt. Colonel C. T. Christensen, June 16, 1865, O.R., I, 48, 2, 903; Captain J. J. Williamson to Captain J. W. Todd, June 16, 1865, O.R., I, 48, 2, 965-966.

on his signal requirements. At about the same time, other Confederate property of a very different nature was sent to Washington; Major H. R. Putnam delivered all captured Confederate and United States flags from the district to the Adjutant General.¹⁷

Locating property was one problem; maintaining it another. Captain Seymour Howell complained that ordnance in the forts along the coast needed special attention. Inexperienced troops under his command were neglectful, and preventing serious damage from lack of care required constant supervision. One officer, an ordnance sergeant, and fifty men used the Texas Central Railroad running north of Houston to collect and ship ordnance items to Howell's depot. This and other special details made full reports of Confederate property taken by July 30, at Galveston, Millican, Navasota, and other posts.¹⁸

Federal responsibilities relating to property included the protection of private effects as well as confiscation of Confederate property. The actions of two Federal officers

¹⁷O.R., I, 48, 2, 1072; Special Orders 21, June 29, 1865, Headquarters Military Division of Southwest, O.R., I, 48, 2, 1026; Special Orders 176, July 2, 1865, O.R., I, 48, 2, 1040.

¹⁸Captain Seymour Howell to Major F. W. Emery, July 20, 1865, O.R., I, 48, 2, 1107-1108. Detailed accounts of captured ordnance are found in O.R., I, 48, 2, 133-135.

suggests that occupation forces did not enjoy unlimited privileges of confiscation. Indeed, personal property was better protected after military invasion. Lieutenant John F. Rector investigated the case of R. T. Darwin of Brazos County who claimed, after the arrival of Federal troops, that the Confederate government had illegally seized seventy head of beef cattle. Through Lieutenant Rector, the Texan unsuccessfully applied to the Secretary of State, John H. Bell, for restitution. Another case demonstrating the weakness of traditional positions on Federal irresponsibility involved Major L. W. Stevenson, Bureau officer at Columbus, whose request for permission to seize Confederate horses was denied by Austin military authorities who thought it hardly worth the almost certain and unpopular reaction.¹⁹

Perhaps the most disappointing failure in the area of property restoration in Texas developed after an investigation into Federal equipment seized by Confederates at San Antonio in 1861. In March of that year, General D. E. Twiggs surrendered to a nineteen-member Committee of Public Safety. Six years later, E. B. Turner, United States

¹⁹Lieutenant John F. Rector to J. H. Bell, October 10, 1865, Hamilton Papers; Major L. W. Stevenson to Lieutenant C. A. Vernon, n. d., R.G. 105, N.A.

District Attorney in Austin, informed Sheridan that an order was required to open the case and impound the records of the committee. Turner advised that the entire procedure be conducted with utmost caution because he expected that "when the suit is filed it will make some noise." Among other reasons for his emphasis on discretion was the fact that the current Secretary of State had been a member of the committee in question. Turner's investigation revealed no existing documents relating to the committee's treasonable activity.²⁰

Confederate property of greatest importance was cotton. United States policy on the cotton issue brought civilian and military authority into conflict before the end of the war. Lincoln's position was flexible, allowing some exchange of money or weapons for the commodity, but military officers were less liberal. Bank's campaign of 1863 was to some degree the result of interest in the product, and Texans had little difficulty sending cotton to Mexico both for profit and to escape Confederate confiscation. Several citizens of the North were subjected to investigation during

²⁰ Ramsdell, Reconstruction in Texas, pp. 17-18; E. B. Turner to Sheridan, April 5, 1867, United States Army Continental Commands, 1821-1920, Fifth Military District, Correspondence, Record Group 393, National Archives (hereafter cited as R.G. 393, N.A.).

the Forty-First Congress, for complicity in the war-time cotton-arms enterprise.²¹

When hostilities ceased, special attention was given to the location of cotton and the best method of transporting it north. The testimony of B. W. Musgrove of Wood County on May 30, 1865, disclosed the connection between cotton and continued resistance. Musgrove set out for New Orleans in early May. He was delayed at Shreveport and learned of the shipment to the interior of Texas of large amounts of cotton and sugar. General Simon Buckner and his brother controlled the movement of the cotton, some of which was transferred to private hands thus precluding confiscation by Federal authorities. Buckner distributed, according to Musgrove, French specie among his troops and promised good pay to those who would serve as escort to Mexico. Disappointed at the refusal of his men to continue their service (some Confederates proposed to surrender and deliver Buckner to

²¹Thomas H. O'Conner, "Lincoln and the Cotton Trade," Civil War History, VII (March, 1961), 33-35; Ludwell H. Johnson, Red River Campaign: Politics and Cotton in the Civil War (Baltimore, 1958), pp. 285ff; Confederate States Court, Western District of Texas, Case 3095, Record Group 21, Federal Records Center, Fort Worth, Texas (hereafter cited as R.G. 21, F.R.C.), provides an example of procedures of shipping private cotton to Mexico; Senate Reports, 41st Congress, 3rd Session, No. 377 (Washington, 1871), pp. 1-18.

the enemy) Buckner moved down the river destroying some records of the Trans-Mississippi prior to departure.²²

Most orders and suggestions concerning cotton emphasized the need to expedite its sale and movement rather than its confiscation. Grant encouraged Canby on May 28 to ship all captured cotton to the north without delay, to offer no interference with the sale of private supplies, and to cease searching for Confederate cotton in his district. The reason for such discretion is clear. Treasury agents were responsible for most cotton transactions, and as soon as they arrived in a military district, commanders surrendered authority.²³

Sheridan's cotton policy did not deviate from that of his superior. In June, 1865, he ordered all officers in Texas to encourage the movement of the commodity but to

²²Statement of B. W. Musgrove, May 30, 1865, O.R., I, 48, 2, 673-674. Buckner's career as unionist, neutralist, Confederate officer, and respondent in an indictment for treason in Kentucky is found in Albert Feldman, "The Strange Case of Simon Bolivar Buckner," Civil War History, V (June, 1959), 199-204.

²³Grant to Canby, May 28, 1865, O.R., I, 48, 2, 640; Lt. Colonel C. T. Christensen to General N. P. Banks, May 29, 1865, O.R., I, 48, 2, 650; Carpenter, "Military Government," p. 479. General H. G. Wright's correspondence with Hamilton on cotton indicates that officer to have given up virtually all perogatives. H. G. Wright to Hamilton, January 9, 1866, Hamilton Papers. All Confederate records relating to cotton were ordered preserved and deposited with the Treasury Department in 1869. George W. Boutwell, Secretary of Treasury to Levi Jones, District Clerk, Galveston, September 30, 1869, U. S. District Courts, Letter Books, R.G. 21, F.R.C.

exercise care in "looking up Confederate cotton . . . [and not to] employ military authority in any way that might embarrass the public service or impede the shipment of cotton in private hands." Granger's General Order No. 5, June 19, implemented Sheridan's policy; Texans were to surrender all Confederate cotton to treasury officials for transport and sale in New Orleans. Owners were permitted to accompany their private shipments, but there was some confusion in discriminating between public and private ownership. A number of Texans claimed the Confederate government had assumed possession of their cotton but had made no payments. H. C. Warmoth, general agent of the United States Treasury for Texas, made final determination on the issue. Warmoth's subordinates arrived about one month after the Granger order, and some bribery was perhaps involved in the operation.²⁴

Early in July, violations of orders involving cotton became so common that military units undertook their enforcement, treasury agents not yet being present or being powerless without support. Granger dispatched "2 strong veteran companies of infantry" to Sabine City where illegal transactions were most common, and Houston served as a

²⁴O.R., O, 48, 2, 713-714, 929; Charles W. Ramsdell, "Texas from the Fall of the Confederacy to the Beginning of Reconstruction," Southwestern Historical Quarterly, XI (January, 1908), 211-214.

detention center for violators. "Examples [said Granger] are needed at once and the higher the position of the offender the more decisive the example."²⁵

Sheridan was correct in believing that cotton searches and confiscations would result in conflict between civilians, treasury agents, and military officers under instruction to support those agents.²⁶ R. L. Robertson, described by an obviously biased but contemporary informant, visited Paris, Texas, in December, 1865. "Calling himself a treasury agent" he began designating cotton for federal seizure and was indicted by grand jury in B. W. Gray's Eighth District Court. The post commander at Jefferson, Captain Jones, refused to permit Robertson's arrest by the county sheriff. Judge Gray then summoned the "whole posse comitatus of Marion County," which comprised 300 men armed with shotguns to challenge Jones' 100 troopers. Robertson, under these conditions, was arrested, but rescued from the courthouse by a regiment of cavalry sent from Marshall. Judge Gray considered this action outrageous, even under occupation conditions, and subsequently refused to hold court,

²⁵Sheridan ordered the force equipped with twenty day's rations and sixty rounds of ammunition to insure that several thousand bales of cotton stored there were shipped. Sheridan to Granger, July 7, 1865, O.R., I, 48, 1062, 1072.

²⁶Grant to Stanton, June 19, 1865, O.R., I, 48, 2, 924; Sheridan to Rawlins, August 7, 1865, O.R., I, 48, 2, 1168.

claiming his jurisdiction had been superseded.²⁷

Two conclusions should have been obvious from the Robertson case. One, if Captain Jones had commanded a force large enough or committed sufficiently, no arrest could have been made. Too few troops (with orders and attitudes as they were) required reinforcement after local authorities gained the initiative. Finally, military action, though tactically successful, compounded civilian hostility. As in most other instances of this kind, it is clear that the initial action, if deemed justified, should have been more forceful or, if not desirable, should never have been undertaken.

Indeed, other officers responsible for seizing or shipping cotton also complained of insufficient support to accomplish their duties. Captain Sam C. Sloan, at Millican, reminded Major S. H. Lothrop at Galveston, that his post, aside from Houston, was the most critical location in Texas insofar as cotton handling was concerned. To delay and inspect shipments at the rail point, Sloan calculated that an additional officer and twenty men were required. At another railhead on the same line, the Bureau agent at

²⁷E. L. Dohoney, "Arrest of R. L. Robertson in 1865," Southwestern Historical Quarterly, XII (April, 1909), 317-339.

Hempstead reported he was forced to post a guard at the depot. The Houston and Texas Central Railroad officials had refused to obey his order to hold all cotton shipments until cleared by local authorities.²⁸

Few of the responsibilities of the Federal military could have been carried out with existing judicial facilities. Federal district courts were for several reasons not utilized as might be supposed. First of all, Bureau agents already possessed considerable judicial authority with functions that often paralleled the state or national court system. Furthermore, even had they been well staffed and fully functional in 1865, federal courts were too few in number, too narrow in jurisdiction, and too inconveniently located to effectively pursue the unusual problems created by Southern defeat. In November, 1865, General H. G. Wright requested a United States District court be established in the northeast section of the state. Cases, according to Wright, were constantly arising "which called] for prompt adjustment." The general remarked that they "involved nice points of law I have not the means for properly deciding . . . even if I considered myself authorized." Sheridan requested, in the same month,

²⁸ Captain Sam C. Sloan to Major S. H. Lathrop, December 21, 1866, R.G. 393, N.A.; John M Archer to Headquarters, Galveston, December 26, 1866, R.G. 105, N.A.

that federal district courts be given special attention by Washington authorities.²⁹

United States courts in Texas were for the several years of military Reconstruction plagued by fundamental weaknesses which precluded meaningful assistance to officers in charge of Texas affairs. Federal courts began operating in May, 1866, with Judge John C. Watrous' return to Texas. His Galveston and Brownsville sessions were dedicated mostly to railroad cases and pre-war issues; Watrous' was the only admiralty court west of New Orleans. The judge was sixty-nine years old and in poor health by 1869, and there were 159 civil cases on his docket plus a long list of cases remaining from his pre-war docket. These latter cases were exceptionally difficult since many documents had been lost. Judge Thomas Duval, District Judge for West Texas, was too occupied to assist Watrous in his East Texas division. These conditions were outlined in a petition of twenty-six members of the Galveston Federal Bar in November, 1869. The attorneys, representing mostly ex-Confederates but supported by unionists, urged Lyman Trumbull to take immediate action since state courts were impotent. Record books kept by federal marshalls indicate court activity to have been little

²⁹House Executive Documents, 39th Congress, 2nd Session, No. 61 (Washington, 1867), pp. 1-2.

concerned with Reconstruction issues which were reserved for Bureau and military commissions. The correspondence of Levi Jones, District Clerk for the East Texas Court, reveals his lack of experience, a shortage of judicial manuals, and irregular sessions resulting from delays in appointments.³⁰

Duval's court at Austin commenced on May 7, 1866, when he and other officers of the bar took prescribed oaths, and unionists such as Hancock and Pease were accepted as attorneys. Minutes reveal that problems of organization, selection of grand and petit juries, naturalization, violation of cotton regulations, and postal crimes were much more prevalent than cases directly connected with political, economic, or social reconstruction. Civil or military actions against Confederate officials were of minor importance. One exception should be noted: the lengthy and emotional indictment of Thomas J. Devine, former Confederate judge and emigre to Mexico. Devine pleaded not guilty to the most notable indictment in civilian courts against a Texas official. The ex-Confederate claimed the indictment for

³⁰Wallace Hawkins, The Case of John C. Watrous, U. S. Judge for Texas: A Political Study of High Crimes and Misdemeanors (Dallas, 1950), pp. 57-58, 61; William Pickney Hill, et. al. to Lyman Trumbull, November 29, 1869, United States District Courts; Letter Books, R.G. 21, F.R.C.; Levi Jones to Edmond Jordan, February 28, March 30, 1867, United States District Courts, Letter Books, R.G. 21, F.R.C.; United States District Courts, Marshal's Fee Books, 1867-1887, R.G. 21, F.R.C.

treason invalid as a result of his presidential pardon. After his return from Mexico, Devine was placed under \$5,000 bond and jailed in New Orleans; he received a final judgment and pardon in June, 1867.³¹

Leniency seems to have been the rule for rebels, though Sheridan might have desired otherwise. In a message to the Secretary of War in September, 1865, the general expressed the hope that Slaughter would be arrested and tried by a military commission on his return from Mexico. He proposed the same fate for all those who violated the surrender convention.³² However, neither civil nor military indictments were pursued in any significant number against former Confederate officials.

³¹United States District Courts, Minutes, 1866-1877, R.G. 21, F.R.C.; A judgment against R. N. Lane by Duval suggests Duval to have exercised his authority without unusual severity. Lane failed to pay the 3 per cent tax on cotton; he was fined \$65.30 and paid court costs of \$52.10. U.S. vs. Andrew Jackson Aycock, et. al., United States District Courts, Minutes, R.G. 21, F.R.C. Another concern of post war federal courts in Texas was the strength and prevalence of the "whisky ring power." D. J. Baldwin, U. S. District Attorney, Galveston to E. R. Hoar, U. S. Attorney General, March 18, 1869, United States District Courts, Letter Books, R.G. 21, F.R.C. Meredith, "Thomas Jefferson Devine," pp. 73-78; Devine's indictment is found in Box 88189, R.G. 21, F.R.C.

³²Sheridan to Stanton, September 21, 1865, O.R., I, 48, 2, 1196.

Another immediate necessity under Granger's administration was that of establishing taxation authority. Contrary to traditional complaints of high taxes and government profligacy during the Radical Republican administrations after 1870, the military era has escaped criticism, at least by careful researchers. Except for a shortage of revenue stamps which inconvenienced businessmen for a short time, the transition to new state and national tax collection was without serious consequence. Most tax collectors apparently fulfilled their duties without major obstacles. S. D. Wood, of the Fourth Revenue District, announced in the Jefferson Radical the time of his arrival and the items subject to levy: income, carriages, silverplate, gold watches, and other special items. Lieutenant W. H. Redman observed in February, 1866, that Livingston citizens were required to remit for 1861, and he remarked: it "hurts the Rebbbs to pay taxes for the time of the Rebellion, but they have to do[it] and let them growl as much as they please It pleases me to see the Government striking so earnestly at the purse of these Southern Rebels."³³

³³Allan C. Ashcraft, "Texas: 1860-1866. The Lone Star State in the Civil War," unpublished doctoral dissertation, Department of History, Columbia University, New York, New York, 1960, pp. 284-285; Jefferson Radical, September 18, 1869; W. H. Redman to Mother, February 13, 1866, Redman Papers.

Redman was over-zealous, however. Federal taxes collected after the war, though they did include a three cents per pound levy on cotton, were not oppressive nor were the state taxes (income, business property, and poll), which were often successfully evaded or inadequately enforced. An order in May, 1867, cancelled all wartime Texas taxes; assessors and collectors were instructed to confine their work to the year 1867 and after.³⁴

Guarantees for freedmen and unionists were also an early concern of the occupying authorities. One of Granger's first actions, upon his arrival in Galveston, was to announce to Texans that all slaves were free and should enjoy "absolute equality of personal rights and rights of property." He advised Negroes "to remain quietly at their present homes and work for wages" and informed them they would "not be allowed to collect at military posts" or "be supported in idleness." An inspection tour by Generals Strong and Gregory, and the Bureau's Inspector General, Colonel Jacob DeGress, initiated federal programs for Negroes in the fall of 1865, long before sufficient agents were present to assume the numerous and nearly impossible tasks

³⁴E. T. Miller, "The State Finances of Texas During the Reconstruction," Southwestern Historical Quarterly, XIV (October, 1910), 95-99; House Executive Documents, 40th Congress, 2nd Session, No. 342, pp. 206-207.

of caring for the needs of the freedmen. Gregory, during the period of first contact with Texas Negroes, toured East Texas announcing the end of slavery and encouraging faithful work at mass meetings in which he combined instructions with religious services.³⁵

The conclusion of the initial phase of occupation was announced by Sheridan on July 1, 1865. Basic orders were by that date distributed, slaves declared free, arms and public property ostensibly surrendered, all acts since secession declared illegitimate, and home guard units denied. Refugees were returning to their homes, and the state of Texas was preparing for the inauguration of civil government. Sheridan's major concern at this time was the Rio Grande section, and he was still convinced that Merritt and Custer's columns would solve all issues along the border when those troops completed their trek across Texas.³⁶ Reconstruction, however, would prove more complicated than Sheridan expected.

³⁵General Orders 3, June 19, 1865, O.R., I, 48, 2, 929; Walter Lynwood Fleming, Documentary History of Reconstruction, 2 vols. (Cleveland, 1907), I, 336; General W. E. Strong to the Joint Committee, R.J.C., IV, 36.

³⁶Sheridan to Grant, July 1, 1865, O.R., I, 48, 2, 1035-1036.

CHAPTER V

LOGISTICS OF INVASION AND OCCUPATION

With the first military occupation order, it became clear that serious, and for the most part, insoluble logistical problems made Texas Reconstruction, regardless of motive, at best a necessary experiment rather than a final answer to questions posed by the conclusion of hostilities. The geographic extent of Texas presented serious difficulties to Federal occupation. Sheridan was one of few who came to the Southwest with prior knowledge of the size of the state and the often unexpectedly severe weather conditions and frequent droughts which made forage scarce. Most military and civilian officials knew little of distances, place locations, and coastline conditions in Texas. Discussion of Indianola as a suitable invasion port proved this, as did the ever-present difficulty of securing light steamers to cross sand bars blocking coastal bays. A table of mileage between towns and forts compiled especially for military use in 1868 shows well over half the distances as estimates only. Nearly every function of the military

during occupation was conditioned by uncommon distances. For example, to Grant's order to convene a Texas constitutional convention in 1868, General Robert C. Buchanan replied that he did "not think the orders[would]. . . reach the remote counties in season." Election results often required a month for tabulation for this reason,¹ and all attempts to protect freedmen, encourage unionists, and apprehend outlaws were complicated by the extensive area of military jurisdiction.

Distances within the state were equaled by those separating it from points in Virginia and Louisiana where troops assembled for water passage to Texas. The men of the IV Corps were reluctant to ship from Virginia, and one member of the 7th Illinois found himself in chains as a result. Many in Weitzel's XXV Corps were more hesitant. Mutiny broke out among the 1st and 2nd Colored Cavalry Regiments as a result of rumors that Negroes were being transported to raise cotton in the South. Persuasion and coercion were effective, however. The 2nd Regiment was disarmed and thirty-one men confined in irons.

The 6th Cavalry vessels plying from Virginia to Indianola

¹Welles, *Diary*, I, 390-391, 443; "Descriptive Book of Texas," 1868, RC 108, N.A.; General Robert C. Buchanan to Grant, May 5, 1868, Grant Papers.

encountered storms off Cape Hatteras resulting in orders that horses and mules be thrown overboard. Complaints from the troops modified the orders, and animals were shot before being abandoned to the sea. All the wagon mules and two-thirds of the horses were disposed of, however, and the 6th reached Indianola with their few mounts assigned to supply wagons.²

It required four days to load the XXV Corps and its equipment on eighteen ships at Hampton Roads. Three of the lighters were reserved for horses and mules, and the convoy's plan was to rendezvous in Mobile Bay during June 6-9. Coal and water proved to be critical items, but the vessels began arriving at Brazos Santiago on June 12. Disembarkation was delayed until June 21 due to scarcity of small steamers.³

New Orleans was the major port of departure for Texas. Orders to units of the IV Corps in July, 1865, illustrate life on board ship. Each soldier had three days' cooked rations. Because of the danger of fire during the voyage, cooking was prohibited, and officers assumed responsibility of enforcing the ban. A senior officer was detailed to

²Pfanz, "Soldiering," pp. 162-165; George H. French, compiler, Indianola Scrapbook (Victoria, Texas, 1936), pp. 45-48.

³O.R., I, 48, 2, 1140-1141. A description of the voyage from Virginia to Texas is found in Oliver Willcox Norton, Army Letters, 1861-1865 (Chicago, 1903), pp. 261-263.

insure that hot water from the ship's boiler reached the galley for coffee. Orders warned that upon reaching Texas

officers of every grade will be held strictly responsible that there are no depredations of any kind committed on the citizens. . . . All soldiers who violate this order will be subjected to . . . punishment . . . for pillaging and plundering. All officers will read the paragraphs from 851-879, Revised Army Regulations, and will be governed thereby. . . .⁴

Sergeant Larson of the 4th Cavalry objected to his accommodations on board a "common river steamboat": "It looked very much as if Uncle Sam thought that now as the great Civil War ended he had soldiers enough and it would not make much difference if that old boat went to the bottom of the Gulf with 700 to 800 of them." With baggage on board, only two feet separated the first deck from the water. Larson later attributed to good luck the fact that no storm appeared to drown all aboard and that the only real loss was baggage washed over the side. Even such vessels as Larson found dangerous were in demand, however. Sheridan complained to Granger in July that "delay in boats getting back here from the coast of Texas . . . is ruinous. I think that some of the quartermasters' [actions] are inexcusable."⁵

⁴O.R., I, 48, 2, 1047-1048.

⁵James Larson, Sergeant Larson, 4th Cavalry (San Antonio, 1935), p. 315; Sheridan to Granger, July 6, 1865, O.R., I, 48, 2, 1052-1053.

The transportation problem which caused Sheridan most concern was the inadequate number of small steamers (lighters) available to work the shallow waters of the Texas coast. Five vessels suitable for service on the Rio Grande scarcely filled the need. On June 5, 1865, Sheridan ordered his chief quartermaster to "secure, by seizure or otherwise, all steamers and other vessels that are suitable for the navigation of the Red River and the coast of Texas," but even this emergency measure failed to suffice. In a plea for additional ships, Sheridan, informed the Quartermaster General, M. C. Meigs, that the "non arrival[of light-draft steamers] here has been of the most serious consequence." He referred to the practice of commandeering as objectionable "since it brings heavy expense upon the government."⁶

Meigs was able to offer Sheridan little relief. He advised the commander at New Orleans that a number of specially selected vessels were assigned to the convoy which transferred the XXV Corps to Texas. The Tamaulipas

⁶Colonel S. B. Holabird to Lt. Colonel J. Schuyler, June 3, 1865, O.R., I, 48, 2, 744; Sheridan to Chief Quartermaster, Department of Gulf, June 5, 1865, O.R., I, 48, 2, 776; Sheridan to Quartermaster General, June 14, 1865, O.R., I, 48, 2, 876. Transports were required to return to New Orleans for coal and water, a further complication, and with the discharge of over 40,000 volunteers in late 1865 the coastal convoy problem was compounded. House Executive Documents, 39th Congress, 2nd Session, No. 44, p. 46.

was a ship purchased for Texas occupation and was equipped with an iron stern wheel. Meigs apologized for the shortage, but explained that very few vessels "fitted for the Texas coast[were] in existence" since there had been little construction for river service. "No great nation ever before put such a transport fleet on the ocean. It has been a great and costly effort." Some relief, however, was reported in a soldier's letter to relatives. Lighters at Brazos Santiago, the Bonita, Dos Amigos, and others were obtained from Liberal Mexican forces. The ships once ran cotton for the Confederacy, but in 1865, with Mexican crews, they served the United States.⁷ Indeed, it was the capacity of the American military machine, regardless of Sheridan's complaints, to transport and then supply tens of thousands of men over such distances that impressed Napoleon III and contributed to his decision to withdraw from Mexico.⁸

Wharf and depot facilities were also major problems. At Indianola a shortage of materials delayed repair of the old docks for over a month. However, the Lavaca wharf was in service by July 19, and troops originally destined for Indianola were rerouted up the Lavaca Bay. Postponement of operations at Indianola brought an assistant inspector

⁷Meigs to Sheridan, June 17, 1865, O.R., I, 48, 2, 908; Norton, Letters, pp. 61-65.

⁸Dupuy, Men of West Point, p. 90.

general, Lieutenant Colonel Joseph C. Palfrey, from Galveston to Matagorda Bay with instructions to expedite the construction of docking, storage, and rail facilities at that port. Docks at Brazos Santiago caused less delay and were included in the general construction program for that area.⁹

Once on shore, troops depended on the few existing railroads to reach interior assignments. Confederates had destroyed some tracks along the coast and used the material for fortifications, but the following lines (with their mileage) were available: Harrisburg to Alleyton (80), Houston to Millican (80), Hempstead to Brenham (21), Galveston to Houston (50), Houston to Columbus (50), Houston to Orange (111), Sabine Pass to Beaumont (25), Port Lavaca to Victoria (28), Indianola to Junction (15), Marshall to the state line (27), and Jefferson to the state line (5). Some of these roads needed repair or rebuilding before they could be used, but in the main, it was this network that served the occupation force throughout Reconstruction.¹⁰

⁹O.R., I, 48, 2, 744, 1033, 1093.

¹⁰Robert C. Black III, The Railroads of the Confederacy (Chapel Hill, 1952), p. 299. For the condition, location, and designation of the railroads in Texas during the 1860's see Charles S. Potts, Railroad Transportation in Texas (Austin, 1909), pp. 27-34; James P. Baughman, "The Evolution of Rail, Water Systems of Transportation in the Gulf Southwest, 1836-1890," Journal of Southern History, XXXIV (August, 1968), 365-372; Ziegler, Wave of the Gulf, pp. 137-141; "Descriptive Book of Texas, 1868," R.G. 108, N.A.

Railroad construction, details of which are found in subsequent pages, was one positive contribution of military occupation. It was accomplished with the labor of Federal troops and by government contract. Sheridan ordered, for example, a railroad to be rebuilt from Brazos Santiago to Boca Chica; only cross ties were needed, all the other materials being available in South Texas. Stanton's disapproval of the contract caused Sheridan to remark that it "seems like a want of reflection or a suggestion on the part of some old man who was in the Mexican War when we got along without it. The sooner these people die off the better it will be for the public economy."¹¹

Once repaired or rebuilt, Texas railroads left much to be desired in comfort and efficiency. The road west of Lavaca must have been the worst. R. H. Williams was told, when he inquired about the train's arrival, that "it might be the next day, or the day after that or the day after that. You've just got to wait at the hotel 'till she comes in." When it did arrive, the station master, conductor, and engineer began drinking and yelling to the passengers: "the Railroad's drunk! Hooray! The Railroad's on a tight."

¹¹Sheridan to Rawlins, August 5, 1865, O.R., I, 48, 2, 1165.

Still, Williams got aboard and the conductor, a black lieutenant, took the train west on rails that were bent and "ties[that] were hardly within hailing distance of each other." Two miles out of Lavaca the engineer discovered that the boiler was empty. That problem solved, the engine left the cars about twelve miles west of Lavaca. An East Texas planter then threatened the conductor who ran after the engine. It was the same train that Sergeant Larson rode. He said, years later, that soldiers often had to get off and walk across the prairie toward Victoria while the engineer swore, "although . . . not . . . too loudly."¹²

There was some shortage of horses among the units initially landed along the coast, although those entering from Louisiana were better equipped. Several communications to and from Washington established supply sources. Mounts were available in the east—where mustering-out was under way— or by making use of horses left over from discharged volunteer units in Texas. Both Grant and Sheridan demonstrated a keen desire to reduce expenditures.¹³ This precluded buying horses locally, and in the long run

¹²R. H. Williams, With the Border Ruffians, Memoirs of the Far West, 1852-1868 (London, 1907), pp. 456-457; Larson, Sergeant Larson, p. 315.

¹³O.R., I, 48, 2, 1110, 1198, 1256.

discouraged successful fulfillment of such responsibilities as law enforcement and freedmen protection in a region where distances required cavalry units.

The shortage of horses degraded the cavalry to "ground pounders" or train passengers. Lieutenant Kramer of the 6th Cavalry rode that memorable iron horse from Indianola and Lavaca to Victoria. In eight hours he traveled twenty-eight miles while his troopers chased rabbits along the way then jumped back on board. Ten days after reaching Victoria, Kramer's unit reached San Antonio, 110 miles to the northwest. Of 289 men assigned to his command, he lost ten during the trip from New Orleans: five deserted, two were discharged, one drowned, one died of cholera, and one simply disappeared.¹⁴

Marches into the interior proceeded under detailed orders. The 1st Brigade, 3rd Division of the IV Corps received marching instructions on August 7, 1865, as the unit left Green Lake for San Antonio. Thirty wagons were provided; four for headquarters use, one for each regiment, thirteen for carrying rations for several days, and six as ambulances and medical supply vehicles. Each soldier's haversack contained food for three days, and officers instructed their

¹⁴Storey, "Army Officer in Texas," p. 248.

troops not to enter homes except under orders. Regimental commanders posted guards at each home along the route of march until their units had passed. Pillaging was forbidden and all supplies were purchased by voucher. The springs at the head of the San Antonio River was the destination of the 1st Brigade, one regiment of which camped at San Pedro Springs closer to the town of San Antonio. Assistance, according to the orders, would be provided by Judge George W. Paschal, John French, and other unionists. Once established, a field officer, fifty men, and the wagons were ordered back to the coast.¹⁵

Those cavalry units from Louisiana already in San Antonio were dependent on supplies and transportation facilities provided by the coastal command. General David S. Stanley, commanding the Central District of Texas at Victoria, promised Wesley Merritt in August that as soon as one of his divisions reached San Antonio from the south Merritt's cavalry could draw supplies from Stanley's stores. To fulfill this obligation, James Dawson of San Antonio submitted the lowest bid for contract hauling—\$3.75 per hundred pounds. The order of march for the typical brigade was forty minutes on the road and twenty resting, with 100 to 200 yards between

¹⁵Major M. P. Bestow to General A. Willich, August 7, 1865, Q.R., I, 48, 2, 1169.

regiments. Regimental and company commanders were expected to assume responsibility for any destruction of private property.¹⁶ Complaints from citizens along the line of march were investigated and formal reports filed at several echelons of command as well as with civilian officers.

From the vantage point of the average soldier, Texas was inhospitable. Water for units arriving through East Texas was no serious problem, but those landing along the coast found it in short supply. Water and coal for the transport ships forced unforeseen delays. The 116th Colored Infantry, for example, arrived at Brazos Santiago on June 13, 1865. It was rerouted to Aransas Pass then back to sea two days later. Its supplies exhausted, the unit returned to Galveston and finally reached Brazos Santiago on the twenty-second; two more days on board and the troops disembarked on June 24. Fresh drinking water was a luxury for troops along the southern coast of Texas. William Lyon recorded that there was "nothing but warm water to drink" at Green Lake, but that was more than troops had when landing at Indianola, Lyon kept "cold coffee without sugar in[his] canteen and drank that." Farther south there were no lakes, and condensers,

¹⁶David S. Stanley to Wesley Merritt, August 6, 1865, O.R., I, 48, 2, 1168; General Orders 1, September 10, 1865, O.R., I, 48, 2, 1223-1224.

the same as used aboard ship, supplied fresh water from brine. There were two condensers in operation at Brazos Santiago in June, 1865, but the product was not sufficient to supply the 6,000 troops. To supplement the output of the machines, soldiers rolled water barrels nine miles from the Rio Grande. Oliver Norton supplied this information and said further: "It don't rain here, or we might get rain water. . . . We have to drink the Rio Grande mud."¹⁷

Food was less critical, but some items were scarce enough to illicit complaints. As early as May, 1865, all cattle on Padre Island had been slaughtered, and troops at Brazos Santiago had therefore been without fresh meat for some time. Again, the East Texas columns fared better. Sheridan reported in June that those units were in excellent condition, but he was apprehensive about the IV Corps, hoping that supplies could be purchased in Texas where beef was sold for four cents per pound. However, fresh beef was not readily available in some sections of "cow country." In an order sending 50,000 rations to San Antonio from Columbus in July, 1865, even the salt meat ration was reduced to one-fourth.¹⁸

¹⁷O.R., I, 48, 2, 1005, 1142-1143; Lyon, Reminiscences, p. 224; Norton, Letters, pp. 61-65.

¹⁸O.R., I, 48, 2, 564, 1024-1025, 1082.

Federal troopers like Lyon contended that "no army since the war began[had]. . . been so miserably supplied." He found there was little to eat "except that we have much excellent fresh beef. . . . This, with coffee and steamed hardtack, is our bill of fare--no vegetables." He remarked that: "Our crackers are so old that the worms have taken up their abode in them, but we rap them on the table and nearly all fall out. They are also musty and mouldy, and are not very appetizing." Lieutenant W. H. Redman was more fortunate, but then he was stationed at Hempstead on the Texas Central Railroad which delivered vegetables to the commissariat. Officers bought "condensed milk, tomatoes in the can, peaches canned, potatoes, onions and beans by weight."¹⁹

Ranking officers were conscious of the food shortage. Granger advised Steele to purchase supplies locally when possible but warned the Rio Grande commander to be particularly careful of fraudulent contracts, making only short term agreements or purchasing in the open market. Sheridan summed up the supply difficulties, telling Grant that his entire command was provisioned out of the New Orleans depot; Alabama,

¹⁹Lyon, Reminiscences, pp. 223, 225, 228; W. H. Redman to sister, August 31, 1865, Redman Papers.

Florida, Arkansas, and Texas posts fell within this supply district. The distances involved resulted in damages as well as shortages. Captain George W. Crossman in Austin listed an inventory of spoiled commodities which illustrates a wide variety of foodstuffs: cheese, oysters, peas, tomatoes, sardines, flour, dried apples, vinegar, hard bread, codfish, mackerel, crackers, herring, and lima beans. He was particularly concerned about the shortage of box stoves without which the officers and their families expected an uncomfortable winter in tents exposed to "the northers which are now becoming frequent." Crossman salvaged his supply of bad pork; the barrels, he said, "have been opened, the pork . . . scraped and pared and after resalting . . . carefully packed."²⁰

Cavalry units faced additional difficulties in procuring forage and adequate clothing. Granger, inquiring of headquarters in July, 1865, as to the progress of the East Texas columns, admitted that animal feed would be less abundant than originally supposed. Labor for cutting forage, and tools too, were scarce. Lieutenant Redman remarked in one of his many letters: "the people . . . do not like to sell me corn to fee my horses for the money . . . which I have

²⁰O.R., I, 48, 2, 930; Sheridan to Grant, April 22, 1867, Grant Papers; Report of Captain George Crossman, October 2, 1869, R.G. 393, N.A.

furnished me to pay them." Redman stated, even though "they do not like to have Yankees about them . . . I will . . . make them come to terms[and]. . . will not suffer nor tolerate any of their insults."²¹ Federals also found their clothing objectionable. Texture and tailoring were poor, and no style change occurred in the Civil War issues until 1874. There was a lack of uniformity in the uniforms provided and most of them were from surplus quartermaster inventory.²²

Armies are seldom free from the threat or prevalence of disease, and Federal troops occupying Texas after the Civil War were no exception. Yellow fever was the principle killer. Ramsdell contended that the epidemic of 1867 did not stop the work of "purifying the state." However, every segment of society was affected by the malady, at least in the southern portion of the state. General officers, such as Hancock, relocated their headquarters, elections were postponed, civilians and soldiers died in considerable numbers, and Federal troops in some places were left without uniforms after obeying orders to burn all clothing. "Where patients could not get proper nursing[according to one Houston commentator]they died like sheep." The same reporter concluded

²¹Granger to Colonel C. G. Sawlette, July 2, 1865; *O.R.*, I, 48, 2, 1041; W. H. Redman to Mother, February 13, 1866, Redman Papers.

²²Pfanz, "Soldiering," pp. 310-313.

that Federal soldiers, camp followers, and carpetbaggers had never been exposed to yellow fever, and their death rate was therefore greater than native Texans. One Houston gravedigger was charged with the task of burying soldiers. He informed a Federal colonel that he enjoyed the duty, and took pains to mix Negro and white victims of yellow fever to confuse northern relatives who might want to disinter the bodies for reburial at home.²³

The origin of the 1867 yellow fever epidemic was widely discussed. Sheridan supposed it arrived in New Orleans from Indianola when an officer of the 4th Cavalry returned to headquarters. One local historian, on the other hand, contends it arrived in Texas from New Orleans. The most reliable information is that the disease reached Indianola in May, 1867, via schooner from Vera Cruz; it was transmitted by guards in the Texas port to troops in camp. Mortality among those infected finally reached 50 per cent, and at least 9,000 lives were lost in Texas. The Houston garrison with a total of seventy-one victims lost twenty-five. A separate ship

²³Ramsdell, Reconstruction in Texas, p. 175; Mower to Grant, September 19, 1869, Grant Papers; Mower to Grant, September 27, 1867, Grant Papers; Lt. C. A. Demsey to Lt. C. E. Morse, November 11, 1867, R. G. 393, N.A.; S. O. Young, True Stories of Old Houston and Houstonians (Galveston, 1913), pp. 151, 210.

probably introduced the disease to New Orleans from Havana.²⁴

Epidemic conditions prevailed during July and August, 1867. Lieutenant A. B. Bonnafor at Indianola was unable to convince Texans there to practice sanitation in what he called a "filthy" town; they refused to pay a tax to improve health conditions. Bonnafor asked for permission to place his men on light outside town and to force payment of a levy. He reported to superiors in Galveston that local physicians argued about whether or not the prevailing malady was in fact yellow fever. By late August, major relocations of troops occurred all along the Texas coast.²⁵

Mortality from yellow fever seriously affected political and military functions. General Charles Griffin's optimistic note to Governor E. M. Pease on August 2, 1867, that "yellow fever is epidemic[but]. . . so mild a character that I do not think a day's visit to this place would be imprudent" was premature. A month later Griffin himself was dead. Sheridan listed for Grant in late August the names of Colonel Abert, Lieutenant Kirkman's wife, Colonel Howell, and General Mower as victims. The latter two recovered; the others,

²⁴Sheridan to Grant, July 1, 1867, Grant Papers; Hobart Huson, *Refugio*, 2 vols. (Woodsboro, Texas, 1953), II, 127; Pfanz, "Soldiering," pp. 321-323.

²⁵Lt. A. B. Bonnafor, to Lt. A. H. Taylor, June 30, 1867, R.G. 393, N.A.; Sheridan to Grant, August 6, 26, 27, 1867, Grant Papers.

along with additional members of the staff, died of the disease. Sheridan's "cipher technician" also died, and the general resorted to long, hand-written communications to Grant. Grant also received Griffin's request to remain in Galveston, in order to complete his duties there during the epidemic before relieving Sheridan as the commander of the Fifth Military District. Griffin's administration was complicated with the death of one military physician and the incapacity of another; civilian doctors were unable to treat Griffin's men because of their primary responsibility for civilians. During the epidemic, Grant demonstrated the greatest concern for the Texas occupation troops, and Griffin was forced to spend long hours at a wide range of activities including a special plea that commissioned victims of yellow fever be provided with metallic coffins since the dead had left too little money to defer expenses of burial.²⁶

Hospitals in which Federal troops received medical attention seem, at Fort Brown and Ringgold Barracks at least, to have

²⁶Griffin to Pease, August 2, 1867, Governors' Correspondence, Elisha Marshall Pease, Record Group 307, Executive Record Book 283, p. 15. Texas State Archives (hereafter cited as R. B. 283). Sheridan to Grant, August 23, September 3, 1867; Griffin to Major Leet, September 11, 1867; Grant to Griffin, August 25, 1867, Grant Papers.

been as adequate as could be expected. A careful student of military medical facilities during Reconstruction describes them as the "best in[the]South." A contemporary, Colonel R. B. Jones, was also favorably impressed. At Brazos Santiago, hospital facilities consisted of a two-story administration building, kitchen, dining room, store room, steward's room, and surgeon's office. Each regiment had a laundry and guard house. The buildings were "well-ventilated and commodious" with spacious verandas. A. H. Newton's experience led him to a different conclusion, however. He reported the hospital at Brownsville as inadequate. Negro soldiers there were "treated as if they had been brutes," and ten died each day.²⁷

The files of the adjutant general in New Orleans and Austin were filled with routine descriptions of the hazards of occupation that resulted from illness. Captain George W. Crossman, at Helena, forwarded copies of his morning report to show, during August, 1869, that an average of ten men met sick call each day of a total post complement of sixty-one. The officer had no quinine, epsom salts, castor oil,

²⁷Pfanz, "Soldiering," pp. 273-274; Colonel R. B. Jones to Lt. Colonel George B. Drake, February 28, 1865, O.R., I, 48, 2, 1005; A. H. Newton, Out of the Briars; An Autobiography and Sketch of the Twenty-Ninth Regiment, Connecticut Volunteers (Philadelphia, 1910), p. 82.

liver oil, alcohol, brandy, or chloroform in his stores.

A surgeon at Jefferson, J. C. Whitehead, requested permission to rent that town's hotel for \$50,00 per month and to convert it to a twenty-five-bed hospital.

Civilian hostility abated when the military could offer assistance during crises. A petition from residents of Eagle Lake to Major E. N. Harris pleaded for a Federal edict to require J. P. Vandever to cooperate in the campaign against yellow fever. All the local residents except Vandever agreed to cooperate toward checking the disease among freedmen living along the Colorado River near that settlement. His refusal caused Texans to resort to Federal coercion.²⁸

A wide range of maladies struck the occupation forces. In Jefferson, Texas, 101 of 401 men present for duty were diagnosed as victims of venereal disease. Weitzel's Corps, stretched out 350 miles from Indianola to the Rio Grande, was decimated by "bone-break fever and . . . chronic diarrhea;" he reported that all his officers were sick in August, 1865. With no vegetables available to his men, 2,500 cases of scurvy weakened his force, and he complained:

²⁸ Captain George W. Crossman, to Assistant Adjutant General, Austin, August 28, 1869; J. C. Whitehead to Lt. E. T. Ryan, n. d., FMD, Correspondence, R.G. 393, N.A.; Petition to Major E. N. Harris from Citizens of Eagle Lake, R.G. 105, N.A.

"I have talked, written, entreated, and supplicated, but as yet have received no vegetables." Since the local inhabitants were "too lazy" to plant, Weitzel secured seeds, and his "whole command began . . . planting their own gardens." These remarks were directed to Weitzel's friend, Benjamin F. Butler, and included the observation that "the country here is flat and sandy without any trees. No amusement or pastimes. Dull as can be. . . ." Mrs. Weitzel did however, said the general, appreciate the bust of Butler sent to Texas as a gift.²⁹

Cholera struck down many troopers at San Antonio, but those on outpost duty like Sergeant Larson (who served temporarily at La Grange) were less exposed and escaped. Crowding and constant exposure to the weather contributed to illness, as at Camp Placedo where, according to Asbury Kerwood, "such a sudden transfer to the far South" was a major cause of disease. Dr. Collinge, surgeon of an Indiana regiment, died at Placedo leaving the men to rely on fans and handkerchiefs shipped from New Orleans to alleviate their suffering. Colonel James Shaw, at Indianola, realized the value in isolation as a disease preventative. Cholera reached epidemic proportions there in September, 1866, when his unit suffered 50 per cent mortality. His solution was to discharge and transport troops out of Texas in small groups.

²⁹Pfanz, "Soldiering," p. 342; Marshall, Correspondence of Benjamin F. Butler, II, 670-671.

Colonel Lyon's Wisconsin regiment remained near the coast at Green Lake. One-third of his men were generally unfit for duty, and their commander sent his "last \$10 to New Orleans for quinine. . . the only thing to break up the fevers." Lyon's unit improved with change of season, but he concluded that the "principal reason for the improvement . . . [was] that the doctors [were] . . . unable to get any medicine." Like Lyon, Custer's wife praised quinine as a panacea; it was sent, according to "Lady Custer," to Texas by the barrel and consumed in large amounts.³⁰

Peacetime soldiers are burdened with administrative duties often abbreviated during combat conditions. The variety of administrative tasks, and the strictness with which they were enforced during Texas Reconstruction, indicates that officers particularly had more to do than ravage, insult, or interfere with political and social customs in the state. Reporting and accounting by occupation troops was governed by the ever-present chain of command. In July, 1865, when massive invasion was still in progress, Texas was divided into the following districts: West Louisiana (including Northeast

³⁰Larson, Sergeant Larson, p. 321; Asbury L. Kerwood, Annals of the 57th Regiment Indiana Volunteers (Dayton, Ohio, 1868), pp. 317-318; Colonel James Shaw Jr. to Colonel C. M. Whittesay, September 10, 1866, R.G. 393, N.A.; Lyon, Reminiscences, pp. 229-230; Custer, Tenting on the Plains, p. 195.

Texas with headquarters at Alexandria), East Texas (east of the Brazos and Navasota Rivers headquartered at Houston), Central Texas (between the Eastern District and the Nueces River with temporary headquarters at Victoria) and West Texas (Nueces River to the Rio Grande with Brownsville as headquarters).³¹

The bulk of correspondence from military posts to district headquarters did not reflect spectacular actions to apprehend criminals, supervise elections, and force social reform—Bureau agents report more of this—but simply routine requests for money, supplies, books, stationery, forms, and blank record books. Money for local use was difficult to obtain, and Sheridan admitted to Grant: "I am very much embarrassed for want of funds." On Monday of each week post commanders forwarded detailed reports on regimental needs and command problems. Colonel Levi C. Bootes at Tyler, for example, complained that his work load was too heavy to effectively fulfill his military and Bureau duties, and he requested an additional clerical officer. The "Report of Persons and Articles Hired" was submitted once a month, and it was scrutinized by economy-minded staff officers. Lieutenant Colonel D. L. Montgomery discovered this when one of

³¹General Orders 4, Headquarters Louisiana and Texas, July 20, 1865, O.R., I, 48, 2, 1094-1095.

his reports was returned to Tyler for lack of detail; the purpose for which a horse and buggy were hired had been omitted.³²

The vast majority of Federal occupation officers had little experience in civil administration; this was true of military and civilian agents of the Bureau as well as post commanders. Louis W. Stevenson, one Bureau agent, requested a complete file of all orders, circulars, and Congressional Acts to guide him, and Lieutenant William Rock at Richmond asked for a copy of Sayles' Treatise for reference when he sat as a justice of the peace; he received instead Oldham and White's Digest as superior to Sayles. At the end of each month Bureau agents compiled statistics on criminal action, civil action, schools, crops, treatment of freedmen, office hours, number of support troops available, and the administration of state laws within their jurisdiction. The form for these data was seven pages in length with printed

³² Sheridan to Grant, April, 1867, Grant Papers; Circular 23, Galveston, June 21, 1867, House Executive Documents, 40th Congress, 2nd Session, No 342, p. 204; Colonel Levi C. Bootes to Lt. J. T. Kirkman, July 12, 1867; Lt. Charles Carretson to Lt. Colonel D. L. Montgomery, July 18, 1867, R.G. 105, N.A. A list of monthly administrative supplies for a regiment included 10 quires of paper, 100 envelopes, 3 quarts ink, 26 steel pens, 2 bottles of mucilage and 6 dozen sticks of sealing wax, all of which amounted to only \$9.45 but were in "scant supply." Report of General James H. Carleton, R.G. 393, N.A.

questions and space for replies. The Jefferson Radical reassured Texans that military government, in September, 1869, was subject to state law, and this appears to have been the case judging by the military reporting procedure. Statutes required periodic reports by county treasurers and assessors-collectors, and these were "strictly compiled with" by Federal officers. Since military careers often depended on efficiency, this occupation era may have been one of the most accurate reporting periods in state administrative history. In addition to purely administrative details, there were innumerable and petty military board actions such as the Board of Survey investigation in Tyler, February, 1870, when a forty-three-gallon barrel of vinegar was found to contain only forty gallons.³³

Housing was a knotty problem for military and Bureau personnel. Colonel D. C. Montgomery, Bureau agent at Tyler in March, 1867, rented an office for \$15.00 per month from his personal funds. He expected to negotiate a contract for office space and stationery but found it difficult to convince Texans to accept the standard provisions of government contracts—\$20.00 paper for \$15.00 specie. Captain R. R. Chaffee also had rent difficulties. He needed \$10.00 per officer per month while enlisted men camped in the courthouse

³³Louis W. Stevenson to Lt. J. P. Richardson, April 1, 1868; Lt. William Rock, to Lt. J. P. Richardson, April 16, 1866, R.G. 105, N.A.; General Orders 5 appearing in Jefferson Radical, September 18, 1869; Captain R. R. Chaffee to Captain W. A. Rafferty, February 28, 1870, R.G. 393, N.A.

in Corsicana, where they were "tolerable comfortable"; stable rent was too high, but Chaffee was "unable to get it for less." In San Antonio housing was very scarce, and officers were allowed only \$9.00 per month for that purpose.³⁴ Evidence of this sort suggests that occupation paid its own way and involved very little forced billeting.

Enlisted men generally lived in tents except for some semi-permanent camps like the one at Lavaca where troops built wooden quarters. At Jeffersonm soldiers used floored, two-man tents with board sides and stoves or fireplaces. Even the officers at this post were required to remain in camp; if married, a large hospital tent was provided, if not, two of the standard, walled tents were allocated to each officer. Captain James Biddle, at Brenham, finally located an acceptable camp site one mile northeast of the courthouse which proved superior to an earlier situation where bad water and a Negro settlement, in a "dirty and filthy state," disgusted the troops. Rent, he said, was \$25.00 per month for officers and worth twice that amount. Sanitary conditions in tent camps were poor. At Ringgold

³⁴Lt. Colonel D. L. Montgomery to Lt J. T. Kirkman, March 25, 1867, R.G. 105, N.A.; Captain R. R. Chaffee to Colonel H. Clay Wood, February 3, 1870, R.G. 393, N.A.; Pfanz, "Soldiering," p. 266.

Barracks the post surgeon recorded that so many latrine pits had been dug that the stench became unbearable. Fort Brown officers experimented with dirt-filled, chemically treated boxes which were placed under the barracks and periodically removed and cleaned.³⁵

Lieutenant Redman's situation at Hempstead was perhaps better than average for an officer in the field. As company commander he had a wall tent as headquarters, "a shanty 8 X 12 feet . . . to put boxes and Government property in and a nice large cook house." He had a "good cook and a colored servant, employed to take care of[his]. . . horses, which [were] two in number . . . Charley and Gabe."³⁶

Disease, poor food, exposure, and inadequate housing took their toll of occupation forces. Those hundreds who died were carefully listed in a Roll of Honor in which cemeteries were located and enlisted personnel accounted for by rank and unit. There were burial grounds in Tyler, Corpus Christi, Houston, Jasper, Hempstead, Galveston, Indianola, Victoria, Green Lake, Port Lavaca, Brownsville, Edinburg, and Roma. The identification of graves, according

³⁵Kerwood, Annals of the 57th Indiana, p. 318. A report on housing expenditures in Texas, 1865-1870, appears in House Executive Documents, 42nd Congress, 2nd Session, No. 124, pp. 1-3; Pfanz, "Soldiering," pp. 259-260, 269, 279-280; Captain James Biddle to Captain Charles E. Morse, n.d., R.G. 393, N.A.

³⁶W. H. Redman to Sister, August 31, 1865; to Mother, February 1, 1866, Redman Papers.

to quartermaster records, posed "no difficulty," but it was "not considered advisable to disinter . . . to a central cemetery." Colored troops were listed separately. Disinterment did perhaps occur at Victoria where thirty-two troopers were buried on a prominent corner near the railroad depot. Folklore has it that Federals were buried there with bottles, containing personal data; the bodies were removed about 1870.³⁷

Observations and impressions of Federal occupation soldiers in Texas varied in few respects—though in quantity they are rare—from those of other armies in the South. Federal troops, volunteers in particular, were conscious of being held to an unpopular task at the end of the war, and this caused bitterness. Their remarks on Reconstruction and disappointment in continued service are considered later, but the other aspect of reflection, the physical problems of camping in a place so far from home, illuminates social conditions in Texas during the late 1860's. To enlisted men the army paid \$16.00 per month, increased from \$13.00, when the war ended. That was average enlisted pay during

³⁷ Approximately 500 enlisted graves are identified in Roll of Honor, Names of Soldiers Who Died in Defense of the American Union Interred in . . . Texas (Washington, 1966), pp. 1-35; clipping, undated Victoria Advocate, notes of Sidney Weisiger, Victoria, Texas, and McNamara Museum, Victoria, Texas.

during Reconstruction until 1871 when privates' pay returned to \$13.00. That sum, in greenbacks, was often discounted 40 per cent. Lieutenant Redman earned \$175.00 per month after a deduction of \$6.00 in taxes. This was sufficient to promise his brother "to bring a span of horses home." Redman's expenses included \$30.00 per month room and board, \$2.25 per bushel of corn, 20 cents for a pound of bacon, and \$10.00 a day for fodder. Some of these were apparently personal and other company expenditures.³⁸

Hardships of Texas camp life varied from one region to another. Colonel Lyon complained that, while stationed at Green Lake on the coastal prairie, he had "to sleep on the ground for the reason that there[was]. . . not a pole nor a board within ten miles to build a bunk." Private Hartpence who worked on the railroad from Lavaca to Victoria objected to his nearly impossible duty of constructing bridges with rotten rail ties for lack of good timber; further, he said, the troops "got no benefit from it." Civil projects of this sort brought some extra pay to soldiers; "mechanics"

³⁸Jack Donald Foner, "The United States Soldier Between Two Wars: Army Life and Reforms, 1865-1898," unpublished doctoral dissertation, Department of History, Columbia University, New York City, New York, 1968, pp. 38-39, 43; Jay Monaghan, The Book of The American West (New York, 1963), p. 199; W. H. Redman to Mother, February 13, 1866; to Brother, March 15, 1866, Redman Papers.

received 35 cents per day, but ten days was required before the stipend took effect.³⁹

Miscellaneous grievances included discrimination in commissioning procedures. Though twenty-five per cent of the officers were technically promoted from the ranks only about half the prescribed quota was filled in that way. Discipline during peacetime troubled some. One commander at Marshall, Texas, demanded neat dress, blackened boots, and the arrest of troops who returned to camp drunk. Company inspection each morning caused Lieutenant Redman to comment that: "The old bugle hurrys[sic] up the boys occasionally, but they do not care to obey its calls as in times of active service." If Redman's letters are representative, the scarcity of postage stamps, cash, and mail from home were the most frequent laments.⁴⁰

Texas was an exotic and forbidding land to Yankee soldiers. Oliver Norton wrote to his sister: the "Gulf is full of sharks and the fierce monsters have been following us since we left Mobile. Yesterday we caught one about

³⁹Lyon, *Reminiscences*, p. 224; William R. Hartpence, *History of the Fifty-First Indiana Veteran Volunteer Infantry* (Cincinnati, 1894), p. 337; Foner, "The United States Soldier," p. 42.

⁴⁰Foner, "The United States Soldier," p. 172; Pfanz, "Soldiering," p. 431; W. H. Redman to Sister, January 21, 1866, Redman Papers.

thirteen feet long, and raised him out of the water, but he straightened the hook and got away." Mosquitos plagued troops along the coast. Colonel Lyon's men at Green Lake had no mosquito bars and suffered from the swarms of biting insects. The officer reported to his wife that sleep was possible only during the day "so the men dance all night. They have an old fiddle, and half a dozen fiddlers take turns on the instrument, and a hundred at a time break it down in regular stag dance style on the prairie by the hour." Asked whether it disturbed the commander, who had a mosquito net, they were told "to wade in and enjoy themselves." In confidence to his spouse Lyon admitted, they "kept me awake for hours."⁴¹

Sergeant Newton recorded, after returning home, that his journey across the Gulf was hazardous. Many were sea sick and one trooper, spitting up blood, cried "New York, New York!" The ship's condenser was functioning, but a good deal of salt remained after sea water was converted. Once on shore, fleas and mosquitos fed on the hide of the troopers who received enough water for 5,000 but who numbered twice that figure. The deficit was made up at ten cents per canteen, bought from Mexicans who hauled water from the Rio Grande. These

⁴¹Norton, Letters, p. 266; Lyon, Reminiscences, pp. 226-227.

were Weitzel's troops, and he soon ordered them ten miles inland to White Ranch, ten miles south of Brazos. There fresh water was more plentiful, but several soldiers drowned in the river while satisfying their thirst. Another twenty-mile march to Brownsville was rough, several dying on the way. Norton accurately wrote later that there prevailed a general feeling of disappointment in being subjected to such conditions after fighting hard and successfully in the East. "Home-fever spread more rapidly than army fever." Norton's white comrades, he said, fared better than black soldiers. Their "lighter" was a schooner which drew nineteen feet of water; the water of Brazos Santiago however was nine feet deep. A landing was carried out without casualties, and Norton then found that "Brazos has not much to recommend it as a pleasant place to garrison but we shall build barracks and . . . enjoy ourselves."⁴²

Up the coast, Private Hartpence and members of the 51st Indiana marched from the port of Indianola to Green Lake. "To describe[the country, he said,] would beggar the English language." They drank water, "vile stuff," from cow ponds and still had their "sea-legs" so that some could hardly walk. It was "hot enough to 'roast a nigger'," and then the

⁴²Newton, Out of the Briars, pp. 78-83; Norton, Letters, pp. 263-264.

temperature would fall to near zero, according to Hartpence. Sunstroke was common and so were swollen tongues, causing some to "lick the dew off the grass." At Green Lake, few details were assigned since orderlies, in view of threatening complaints, were afraid to draft duty squads. Still troopers made wine and "splendid pies and cobblers" from the wild grapes growing on the shores of Green Lake, and moss from giant oaks provided bedding. Hartpence encountered in Texas a few health seekers convinced of the merits of a much touted, salubrious climate and "balmy air of tropical cities." They never came a second time however. The "lawless disregard for human life in . . . that God-forsaken region" discouraged them and Hartpence. The "language and habits of the people[were]. . . strange and repulsive." And the customs were strange: "little boys of 8 or 10 years would lasso a horse or a cow. . . . It's born in them." Along the route to Victoria, north of Green Lake, "bur-grass the size of a beet seed penetrated[the] . . . thickest ponchos." Fleas, tarantulas, centipedes, and the "deadly scorpion" abounded. The only known antidote for the latter was whiskey, but one trooper consumed too much of the panacea and expired during "delirium tremens."⁴³

⁴³Hartpence, History of the Fifty-First Indiana, pp. 329-335.

Private Hartpence retained his sense of humor revealed in his reflections on one coastal settlement:

A very exciting incident in town [Victoria], occurred one day, the particulars of which interested a member of the Fifty-First, but whose name must be suppressed. He was a German; and in his search for something to eat, had dropped into a restaurant, where he soon got into a dispute with a French gentleman who ground hash for the establishment, and who attempted to convert our comrade into wurst, but got badly worsted himself. The gentleman from the west side of the Rhine stabbed the Teuton with a billet of wood, and retired to the backyard, to cool off, satisfied with his accomplishment. Not so he of the jaw-breaking dialect, who rushed out frantically with a cheese-knife as long as a saber. . . . France made a sorte but Bavaria caught him on the flank . . . slicing his cotton uniform into convenient strips for a kite-tail. Then, leaving word with the proprietor, to get a basket and sweep the Frenchman up, he took the shortest cut for camp.⁴⁴

Less humorous was Hartpence's impression of his destination. He found Victoria "very forbidding" and described the buildings there as "rough, unpainted [and] isolated [with] broken-down doors and dingy rooms . . . there was [a] most harmonious correspondence between these and its greasy, disgusting inhabitants." The houses, "consisted of poles for walls, roof and chimney of sticks, plastered over, inside and out with a sort of white pasty clay . . . the gables of some had boards that were hauled over 100 miles." However,

⁴⁴Ibid., pp. 338-339.

the Yankee believed the inhabitants "in these close, filthy quarters . . . covered with vermin" had somehow learned "to spend their lives cheerfully." He concluded that "if cleanliness be akin to godliness, these people would not come in as forty-second cousins to divinity." His description of local geography was fairly accurate: the town "fronting upon a small sluggish stream . . . recedes from the ragged shore, and occupies the acclivity and crest of a broad mound, that attains an elevation of perhaps fifteen or twenty feet." Distances, however, escaped the newcomer to Texas when he remarked that "to the southeast the eye rests on the low, blue outlines of the bluffs or ridges rising to the north of Galveston, about fifty miles away."⁴⁵

Colonel Lyon, commander of a Wisconsin regiment that covered the same ground as that referred to by Hartpence, remained on the coast from July to September, 1865. He landed at Lavaca and his regiment at Indianola. From that port his troops, without water, marched twenty miles—in one night—to Lavaca. The colonel found Lavaca "a very nice little town" with a "good hotel," but his trip west to Green Lake was another matter. "Everything except the climate is damnable"; the coast was one "vast, level plain, perfectly

⁴⁵Ibid., pp. 336-337.

naked, without a tree or shrub, covered with a thin growth of coarse grass which affords pasturage to thousands of cattle and horses in a semi-wild state." He saw "snakes, scorpions, tarantulas, centipedes, and almost every venomous and loathsome reptile . . . , and the streams [were] infested with alligators," one of which his troops killed and measured as eighteen feet long.⁴⁶

Farther east, Lieutenant Redman was both amazed and disgusted with Texas:

It is a curiosity [he wrote to his sister.] I saw one gang of wild horses . . . running frightfully across the prairies. There are cattle in abundance—thousands of head run wild. . . . The citizens of this section [Southeast Texas] are ignorant beyond my expectations. They show very little loyalty to the U. S. Government and will not deal in greenbacks.

He found no church in Livingston and wrote to his mother that he "had to lie in his tent for most of Easter Sunday."⁴⁷

Three hundred miles across East Texas in eighteen days made trooper Thomas Cogley a reluctant expert on that section of Texas. His regiment proceeded from Alexandria to Hempstead with only three hours sleep a night. The 7th Indiana,

⁴⁶Lyon, Reminiscences, pp. 221-222.

⁴⁷W. H. Redman to Sister, April 1, 1866; to Mother, August 31, 1866, Redman Papers.

part of what Cogley called the "Army of Observation," left Alexandria August 8, 1865, after a dress parade. His recollections trace the route through East Texas to Hempstead where he arrived on August 25. Campsites during the Texas portion of the trek included Bevil's Ferry in Newton County, Faris Mills on Cow Creek (where Cogley pitched his tent under a nest of yellow jackets), Jasper, Swartwoutz's Ferry on the Trinity River (a site dubbed "Camp Rattlesnake" to commemorate the killing of "several dozen" of the reptiles), and Montgomery. Cold Springs, Waverly, Danville, and Cypress City were on the route, and only the first two villages satisfied Cogley as "pretty towns." Cogley's unit built bridges over the Sabine and Neches Rivers. The 7th left Hempstead for Austin on October 30, 1865. Temporary bivouacs were made at Brenham and Bastrop, and on November 4, 1865, a permanent camp established at Seiders Springs two and one-half miles north of Austin. Cogley's chief grievance in the "very mean State" of Texas was the constant attack of insects. The "pine woods . . . [were] alive with bugs . . . that could bite, scratch, sting, and gnaw . . . all at the same time." He suffered a chronic rash and wore out a uniform during the march to Hempstead.⁴⁸

⁴⁸Cogley, History of the 7th Indiana, pp. 167-175.

In permanent camps, Federal troops found limited opportunities for recreation. In the larger towns gambling was the chief pastime. Lieutenant Darwin G. Fenno made so many enemies at the Galveston faro and twenty-one tables that the chief of police complained to the Headquarters of Fifth Military District. Captain Eugene Carter had more success. After losing \$800.00 at Clarksville, he identified himself as a detective and recovered \$500.00 before returning to camp. Some troopers hunted sea shells at Indianola, but in Corpus Christi they simply lounged in the barber shops and stores. San Antonio provided cock fights, concerts, church, and a look at "Jeff Davis' Camels."⁴⁹

Large as the state was, Texas duty proved the "small world" axiom valid for Colonel Lyon. He wrote his wife when arriving at Lavaca that he had learned of the whereabouts of an old friend: "I hear of Judge Irvin, our Judge when I commenced practice, living some thirty miles from here on our road to Austin." Plans to see the old jurist never materialized, and it was doubtful that Irvin would have been hospitable. He was a die-hard secessionist who left Virginia in the 1830's under sponsorship of Andrew Jackson to take up a Federal judgeship in Wisconsin Territory; he

⁴⁹Pfanz, "Soldiering," pp. 210-213, 435.

discovered the region politically uncomfortable when northern sentiment forced statehood. In 1853, Irvin settled in Texas, where for many years he lived in exile refusing even to answer letters concerning his extensive mineral lands in Wisconsin. He would likely have given Lyon the same impression of Federal occupation that he expressed to a friend in 1867: "if you can imagine the most dirty, filthy, and lousy despotism that was ever inaugurated, then you have an idea of the effect of the military rule."⁵⁰

All things considered, Texas proved at least novel to troopers like Lieutenant Redman who advised his mother to send one of his brothers to visit the state: "You could not yourself imagine the value of such an experience to a boy of his age. . . . I have every means at my command to care for him without cost." Redman then provided details for a journey by steamboat and rail from Cairo, Illinois to Houston. To preserve his memories of the region he sent home a "large box with two Texas Saddles in it."⁵¹

⁵⁰Lyon, Reminiscences, p. 224; Robert W. Shook, "The Odyssey of David Irvin," East Texas Historical Journal, IV (October, 1966), 116-127; David Irvin, Prices Creek, to J. G. Knapp, Mineral Point, Wisconsin, September, 1867, Callender Collection, Victoria, Texas.

⁵¹W. H. Redman to Mother, December 9, 1865; to Mother, February 1, 1866, Redman Papers.

Compared to the hardships and inconveniences suffered in other southern states, Federals on occupation duty in Texas fared no worse and perhaps better than soldiers who found little adventure in interior garrison life. Indeed, one survey of conditions throughout the ex-Confederate states reveals one advantage to Texas duty—a more agreeable climate.⁵²

⁵²Foner, "The United States Soldier," pp. 32-78.

CHAPTER VI

MILITARY OCCUPATION AND PRESIDENTIAL RECONSTRUCTION

Four Texas governors were ultimately involved in the effort to cope with the problems of Reconstruction. None was particularly successful, and, while each was unique enough to warrant consideration, essentially the same problems plagued each administration from 1865 to 1870. Military commanders—except for Bureau officers—exercised little authority during the first twenty-four months of Reconstruction. When Congress subsequently passed the several Reconstruction Acts in the spring and summer of 1867 and Sheridan removed the "Johnson" chief executive, J. W. Throckmorton, conditions changed and military occupation became more effective. Whether it was even possible to cope with the numerous issues in Texas, whether real military authority came too late, or whether military authority was intrinsically abusive and hindered restoration are questions which justify a brief examination of the Hamilton and Throckmorton administrations.

Andrew Jackson Hamilton arrived in Texas from Alabama in 1815, took up the practice of law in La Grange, and served in the Texas House during 1851-1853. His political

commitments were flexible. In 1852 he was a Texas elector on the Whig ticket, but the Know Nothing movement repelled him and Hamilton shifted to the Democratic Party. He was a Buchanan elector in 1856. Three years later Hamilton sat in the United States Congress as an Independent and retained his seat as an anti-secessionist when Texas left the Union. Lincoln gave the Unionist recognition in 1862 with appointment as military governor of Texas, and in 1865 Johnson sent "Jack" Hamilton to restore Texas to the Union. Discussions of Hamilton's qualities by Johnson advisors reveal that Lincoln's appointment was probably an important factor in the 1865 decision. On June 15, 1865, Johnson's cabinet considered Hamilton's request to be continued as governor of Texas-in-exile. Gideon Welles recognized the applicant as a genuine loyalist but questioned his "sincerity." According to the Secretary, "he had been a profound talker, but his profoundness and capability, and I may add, his sincerity had sometimes appeared to me questionable. I mentioned Governor Pease as a loyal and reliable man of sound judgement." Welles' remarks appear paradoxical for Pease would later be the Radical choice. The Secretary and the former Texas governor were, however, old friends. General David Stanley's reaction to Hamilton's appointment reflected qualified

acceptance. Stanley preferred John Hancock to Hamilton who was "almost a genius" but drank to excess.¹

Hamilton's civil administration commenced in August, 1865, and military commanders in Texas received explicit instructions regarding their authority, which remained virtually unchanged until the acts of 1867. Officers of the army were "enjoined to abstain from . . . in any way hindering, impeding or discouraging the loyal people from the organization of a State government. . . ." ² This Presidential Order of August, 1865, was an extension of an earlier edict on April 29, 1865, which appeared as General Order 63 of May 29. Limits of military authority included a responsibility to "relieve all loyal citizens . . . to encourage them to return to peaceful pursuits[and] giving the agents of the Treasury Department assistance." Troops did receive, however, a vague admonition to preserve order at the "expense of the inhabitants." These and other orders invalidate the charge that state "government[under Hamilton]remained in the hands of the Military commanders."³

¹DeShields, They Sat in High Places, p. 269; Handbook, II, 759-760; Gideon Welles, Diary of Gideon Welles, 3 vols. (New York, 1911), II, 315-316; R.J.C., IV, 42.

²James D. Richardson, compiler, Messages and Papers of the Presidents, 11 vols. (Washington, 1904), VI, 321-322.

³O.R., I, 48, 2, 650; DeShields, They Sat in High Places, pp. 254-255.

Governor Hamilton's first duty, to register voters for an election of delegates to a constitutional convention, was fulfilled with no interference from Federal military forces. Johnson's proclamation of June 17, 1865, insured Hamilton a free hand and restricted military activity to assisting the provisional governor. Texans desiring to register met with boards convened once a week in each county by the county judges. The boards heard cases as presented by applicants and witnessed the signing of registration forms. A Galveston unionist complained that the procedure was too liberal since not one in his district was rejected. Those subject to Johnson's exemptions from general amnesty were instructed to make personal appeals, and this provision encouraged A. W. Terrill to leave Mexico and relinquish a French commission to accept the invitation when he learned of the President's "liberal policy." Union soldiers on the other hand, had some difficulty in registering.⁴

Hamilton's initial proclamation on November 15, 1865,

⁴Ashcraft, "Texas 1860-1866," pp. 269-271; Governors' Correspondence, Executive Record Book, 281, pp. 24-25, R.G. 307, Texas State Archives, Austin, Texas (hereafter cited as R.B. 281); McGraw, "Constitution 1866," p. 48. Alexander Watkins Terrell was commander of the 34th Texas Regiment and accepted a commission under Maximilian. After 1875 he sat in the state legislature for sixteen years. Handbook, II, 725.

established January 8, 1866, as the date for election of delegates to a constitutional convention to meet on February 7. Major debates and decisions over the legality of secession, Negro emancipation, and debt repudiation consumed the time of the convention which was controlled by moderates. The only mention of legislation directly involving Federal troops was a proposal by Colonel Robert H. Taylor of Fannin County, a delegate whose background included South Carolina birth, anti-secessionism, and effective recruiting and fighting under the Southern banner. Taylor proposed to encourage immigration to Texas by granting eighty acres of land to thirty members of the 1st Iowa Cavalry Regiment. The completed constitution was ratified by a narrow popular vote in June in an election which also produced a new state government. The quiescence of the Federal military is reflected in the absence of significant debates on its presence and authority. Further, authorities and contemporaries record no military interference during the election campaign of June when J. W. Throckmorton defeated E. M. Pease for the governorship.⁵

⁵Richardson, Lone Star State, pp. 212-214; Handbook, I, 398-399, 401; McGraw, "Constitution, 1866," pp. 85-86; Ramsdell, Reconstruction in Texas, pp. 108-112.

"Jack" Hamilton's administration lasted approximately a year, and it was a precursor—in terms of the issues which involved the military-- of the three to follow. On the question of frontier defense, a problem which became more serious during his successor's term, Hamilton appealed directly to Washington for aid when Sheridan denied him additional troops.⁶ Sheridan and his successors have been accused by contemporaries and historians of neglecting the frontier in favor of interior political reform. But evidence indicates less neglect than has been charged. Indeed, during Hamilton's administration the chief question concerning the presence of Federal troops was their scarcity. The governor reported to Johnson in August, 1865, that crime was his major anxiety, and that the victims of lawlessness were mainly Negroes and unionists: "This condition of things could only be remedied by military authority . . . but in a very large majority of counties no military force is present." Hamilton complimented Sheridan who offered assistance and commended Granger too, for his support of civil processes. Johnson was probably not pleased to hear that Hamilton supported a permanent Freedmen's Bureau— one with full staffs in every Texas county to handle registration and tax collection. The governor also requested additional Federal

⁶Ramsdell, Reconstruction in Texas, p. 84.

courts since Duval and Watrous, both unpopular unionists, were unable even to begin the work of adjudicating the cases pending in Texas.⁷

Sheridan also received pleas from Hamilton concerning lawlessness. In February, the governor asked that sufficient troops be retained in Texas to preserve order, and though Sheridan promised to relay the request to Johnson, the general replied that three regiments of cavalry had been mustered out since receipt of Hamilton's letters. Sheridan proposed to delay further discharges until the President made a decision on Hamilton's request and suggested a "few colored troops[for]. . . San Antonio and Austin." Under these conditions it is understandable why F. M. McFarland complained of Hamilton's inability to punish the murderers of three discharged United States soldiers in Panola County, in the spring of 1866. Letters like McFarland's— which was endorsed by a military officer— began reaching Sheridan's headquarters in 1867 when it was clear that the governor's office was impotent to provide the courts, jails, and armed force required to prevent lawlessness.⁸

⁷A. J. Hamilton to Andrew Johnson, August 30, 1865, R.B. 281, pp. 40-44.

⁸Sheridan to Hamilton, February 5, 1866, Hamilton Papers; F. M. McFarland to Sheridan, March 30, 1867, Sheridan Papers.

By September, 1865, Hamilton was convinced that civil authority was inadequate, and he turned to frequent but unsuccessful requests for the military to assume additional law enforcement responsibility. General H. G. Wright, who received such requests after replacing Granger, demonstrated little interest in the subject. Wright outlined the military's lawful position: Bureau agents had jurisdiction in cases of lawlessness where freedmen were involved; all others, except when involving troops, were subject to civil authority. The cavalry, said Wright, was under Sheridan's direct command leaving him no alternative but to reject any suggestion to correct what he hoped were "exaggerated reports" by the governor.⁹

Hamilton's dilemma was that of recognizing a need for additional force to protect the freedmen—he supported their full emancipation and rights in court—while at the same time being conscience-bound to follow the state laws of 1860 which denied Negroes their recently won, or potentially won, privileges. This quandry explains why, though he "became aware that the jurisdiction of the provisional civil courts

⁹Ramsdell, Reconstruction in Texas, pp. 78, 80; General H. G. Wright to Hamilton, October 10, 1865, Hamilton Papers.

were being gradually usurped by military authority," Hamilton sought additional troop support.¹⁰

Hamilton's statement of apprehension on the issue of freedmen's rights reached Johnson in early August; "I fear a majority . . . seem to be disposed to vent upon the poor negro all the bitterness which they feel towards the Government for making him free. . . ." This impression, plus the fact that Texans in remote areas had not yet accepted emancipation, was the reason for Hamilton's suggestion that the Bureau become a "permanent" institution. General Wright received manifestations of Hamilton's concern for freedmen in September when the governor asked that military forces move "constantly" through the country to protect the Negro. According to Hamilton, Sheridan had promised such protection and had preferred such tactics, rather than permanent camps, to better provide forage for cavalry units. Wright learned that the civil authorities were not dependable and the governor was powerless to apprehend criminals but was at the same time appreciative of the "great care which has characterized the conduct of all military officers from

¹⁰Ramsdell, Reconstruction in Texas, p. 60; Nunn, Texas Under the Carpetbaggers, p. 3.

General Sheridan down to the lowest ranks in Texas."¹¹

In the same communication, which preceded Wright's remarks about "exaggerated reports," Hamilton informed the Texas commander: "I do not. . . regard the Provisional Govt. of the State as having superceded military authority. My view of the political condition of Texas is this. There is not constitutional State Govt." Slavery, according to Hamilton, still existed and freedmen were subjected to cruelty which only military courts could prevent. In the north east section of the state "slave owners[were]. . . defiant" and openly practiced slavery "in the most cruel manner forcing their late slaves to obedience." But even these facts did not justify for Hamilton a complete cession of authority to the military. He asked General C. C. Andrews, for example, to release William F. Crews of Brazoria. Crews was arrested for killing a Negro, and Hamilton believed his remission to civil authority would be taken as evidence by

¹¹Adkins, "Hamilton," p. 78; Hamilton to Wright, September 27, 1865, R.B. 281, pp. 72-73.

Texans in that area of the good will of occupation troops.¹²

Hamilton's confusion over bases of authority was duplicated by officers like the Assistant Adjutant General of the Central District Headquarters who ordered field commanders in that jurisdiction in August, 1865, to cooperate with the provisional governor and his appointed subordinates while at the same time recognizing that civil authority did not extend to issues where the United States was a party. Furthermore, officers were to support Bureau agents or, if none were present, assume Bureau responsibilities such as determining fair contracts for freedmen. Officers were instructed to issue vouchers for all supplies (requiring loyalty proof for payment), bring all outlaws before military commissions, and protect all peaceful citizens. The qualifications to these orders, however, made the local commanders' task virtually impossible. When not on duty, enlisted men were denied

¹²Hamilton to Wright, September 27, 1865, R.B. 281, pp. 27, 74. Hamilton's report on the freedmen's situation was echoed by a Bureau agent and surgeon who testified that few contracts had been made by December, that grand juries were unreliable, and that a conspiracy of planters existed in Angelina County. Rumors, in the absence of newspapers, governed public opinion, and they included a declaration of war by England on the United States, the postponement of emancipation until Christmas, and the sale of freedmen to Cubans. A certain lawyer, Busby, held slaves in Tyler County, expecting compensation. S. J. W. Mintzer to E. M. Gregory, December 1, 1865, R.G. 105, N.A.

ammunition and required to stack arms to demonstrate: "We are sent to Texas to restore civil law not to rob and maltreat citizens The control of our own soldiers is deemed a paramount duty." Troops of the Central District, if they violated prohibitions against "maurading," were exiled to the coast, an apparently well-recognized punishment, by orders from the commanding general.¹³

Hamilton's administration gave little cause for ex-Confederates to fear discrimination. David G. Burnett was optimistic enough to visit Washington arguing for Jefferson Davis' release. He based his reasoning on his own generous treatment of Santa Anna and the curious conclusion that Davis had been forced to accept the tasks of Confederate President. Confederate soldiers returning to Texas in 1865 appear to have been under no ban on celebrations and demonstrations supporting the "lost cause."¹⁴ Exceptions to this general rule were Texans who fell under Johnson's thirteenth exemption category (those with property assets of \$20,000), and most

¹³ Colonel Andrew Stewart, to General T. J. Wood, August 6, 1865, O.R., I, 48, 2, 1169-1170.

¹⁴ R. M. Collins, Chapters from the Unwritten History of the War Between the States (St. Louis, 1893), pp. 330-331; Jonathan T. Dorris, Pardon and Amnesty under Lincoln and Johnson (Chapel Hill, 1953), pp. 286-287.

Confederates in the state who required special pardon were in this class. Then too, some ex-Confederates were wanted for questioning. For instance, Hamilton issued a general warrant to any army officer to assist his agent, I. M. Blackwell, in apprehending Napoleon B. Pearce, one-time member of the Confederate Military Board, who might provide information on large sums of state money.¹⁵

Hamilton's unionist reputation and sympathy led to numerous applications for appointments to state offices from other unionists and Union veterans. D. W. Steele, for example, requested the post of district attorney. He was a New Hampshire-born teacher and graduate of Middlebury College who settled in Texas in 1857. Jasper County citizens drove him from his home during the secession crisis, and Steele desired to return to his home. A veteran of Federal service, A. C. Cunningham, applied for a post-master's job at Victoria after news from a friend that Hamilton would look with favor on his qualifications.¹⁶ Union service, good education, and

¹⁵ J. T. Dorris, "Pardon Seekers and Brokers: A Sequel of Appomatox," Journal of Southern History, I, (August, 1935), 291; R.B. 281, pp. 33-34.

¹⁶ D. W. Steele to Hamilton, n.d.; A. G. Cunningham to Hamilton, April 8, 1866, Hamilton Papers.

professional experience characterized the scores of applications reaching Hamilton. Some of these attributes disappeared in later requests to Throckmorton but reappeared during Pease's administration.

Johnson's policies gave ex-Confederates in Texas a degree of confidence which later complicated Congressional Reconstruction. Initial "fear and timidity," according to one contemporary, gave way to the feeling that no drastic strategies would disrupt state politics and social arrangements.¹⁷

Presidential proclamations in April and August, 1866, made it clear that the military's role would be limited to supplementary assistance to provisional governors as long as Johnson controlled the process. Both of these decrees caused confusion among commanders throughout the South, and in Texas the latter proclamation made civilians suspicious of the military presence and more hostile toward freedmen and unionists.¹⁸

Hamilton became increasingly aware that Johnson's generosity toward ex-Confederates and the President's reluctance to utilize military authority made the governor's task in

¹⁷Wood, Reminiscences, pp. 5-6.

¹⁸Hyman, "Johnson, Stanton and Grant," p. 91; Lieutenant S. H. Lincoln to Lieutenant Charles Garretson, October 2, 1867, R.G. 393, N.A.

Texas most difficult. Even the Fourteenth Amendment, according to Hamilton, would never guarantee Texas as a loyal state, and the governor declined to offer himself as a candidate for chief executive in 1866. He was certain after less than a year as provisional governor that a "slave oligarchy" was engaged in driving a wedge between Johnson and Congress, a situation which forecast uncertainty for the next governor of Texas.¹⁹

The election of June, 1866, brought to the governorship James Webb Throckmorton whose administration reflected the policies of Johnson and a reversal of the Hamilton posture. Throckmorton's inauguration was attended by several occupation officers whose relationship with the newly elected civil administration was outlined in Johnson's message of August 20, 1866, in which the insurrection was declared at an end and military government defined as purely adjunctive.²⁰ Judgment of the military's role from the inauguration to the implementation of the Reconstruction Acts, eight months later, requires examination of Throckmorton's personal positions and actions on the issues of

¹⁹John Pressly Carrier, "Constitutional Change in Texas During the Reconstruction, 1865-1866," unpublished master's thesis, Department of History, North Texas State University, Denton, Texas, 1967, pp. 40-42.

²⁰Richardson, Messages and Papers, VI, 310-313.

lawlessness, freedmen, and military authority. In short, the question is posed whether or not this period was in reality "a mongrel of civil and military rule"²¹ with the governor "hampered in his work of restoration by having his authority shared by the military commanders and by the Freedmen's Bureau"²² or whether Throckmorton, by disposition and action, unconsciously aided the Radical Republican cause and invited his own dismissal in the summer of 1867. One fact is certain; at the outset of the governor's tenure all military officers received positive orders to transfer allegiance from the provisional to the newly elected government.²³

Throckmorton's reputation as a former unionist demonstrates how inaccurate it was to necessarily connect a propensity to oppose secession with attitudes and actions designed to champion freedmen or employ Federal troops to insure their post-war civil rights. When Lincoln, in 1861, offered Sam Houston 70,000 troops to guarantee Texas against secession, Throckmorton had joined Benjamin H. Epperson, George W. Pascal,

²¹Miller, "State Finances," p. 87.

²²Seth Shepard McKay, Making the Texas Constitution of 1876 (Philadelphia, 1942), p. 13.

²³An order by General Wright to all district, post, and detachment commanders required cooperation and respect for Throckmorton. Dallas Herald, September 1, 1866.

and David B. Culberson in advising Houston to accept the proposal.²⁴ However, Throckmorton's correspondence with Epperson during 1865 and 1866, had it been available, should have prepared any military commander in Texas to expect less than full cooperation from the governor as far as employment of Federal troops toward modifying the political or social structure of the state was concerned.

During the fall and winter preceding his election, Throckmorton was highly critical of the Hamilton regime. In August, 1865, in a letter marked "Private," he criticized Hamilton's inaugural speech for its implications on Negro suffrage and jury service. Throckmorton was so "disgusted" at this time that he thought of withdrawing from public life. A missive of twelve pages to the same recipient in January, 1866, connected the evils of immigration and miscegenation: "I wish to see no Yankee in my neighborhood-- I desire no foreigners of any class" in Texas. Throckmorton conceived a mixture of Dutch, Scotch, and Irish as "Yankee weakness" and prophesized that if such a mixture occurred in Texas it would result in "a graft on the rich mahogany of the Negro." Four months later Epperson received news that the "single naked issue" in Texas was the question of

²⁴Rateliff, "Unionists of Texas," pp. 27-28.

supporting the President or Radicals who advocated "social and political equality with the negro." In December, five months after his inauguration, Throckmorton was still convinced that the only course for the North was to "just leave us alone," repealing oaths and adopting universal pardons, with complete abandonment of interference with Texas Negroes. This done, the state could raise 20,000 men for foreign service; any other course would make "zealous patriots" out of otherwise unconcerned Texans.²⁵

Throckmorton's direct communications with authorities in Washington, a habit which made him no friends among occupation commanders, began soon after inauguration. He was a close friend of Johnson, and details which could have been better managed in conjunction with Federal officers in Texas were referred to Benjamin H. Epperson, O. M. Roberts, and David G. Burnet, the latter two being Texas' unrecognized senators. Citizens' claims, for example, against Federal troops at Indianola for unpaid rent and property destruction reached Washington rather than District Headquarters in Texas.²⁶

²⁵J. W. Throckmorton to B. H. Epperson, August 6, 27, 1865; January 21, 1866; May 30, 1866; December 10, 1866, Epperson Papers.

²⁶McGraw, "Constitution 1866," p. 253; J. W. Throckmorton to Roberts, Burnett and Epperson, December 20, 1866, Epperson Papers.

In the same month, December, 1866, General Heintzelman opened a separate channel of communication when he informed Benjamin Wade that he had been singled out by Texas civil authorities for especially "annoying treatment" before his release from duty as commander of that department.²⁷ The breach thus opened between Texas civil and military officers continued until Congress redefined the ambiguous role of the military in the spring and summer of 1867.

Applications for state positions reaching the governor's office in late 1866 and early 1867 were of a different character than those filed during Hamilton's administration, and the absence of Federal service as a qualification substantiates one historian's remark that "under the plan of President Johnson the old Confederates exercised the power of political control as they had done of old." Still many applicants for appointment emphasized their education and experience as did A. G. Brown who produced an impressive list of character witnesses, his tenure on the faculty at the University of North Carolina and his role as teacher of

²⁷ Heintzelman to Wade, December 23, 1866, Benjamin F. Wade Papers, Manuscripts Division, Library of Congress, Washington (hereafter cited as Wade Papers).

Throckmorton's son, Hugh, at McKenzie College at Clarksville, Texas. W. S. Atkinson asked for the post of State Geologist or State Engineer, and his recommendations were gathered from many states. A statistical survey of applications after August, 1866, would very likely, when matched against appointments, prove that Confederate service counted for much more in Throckmorton's mind than Hamilton's; personal contacts—Throckmorton's brother was in the endorsement business—also appear significant.²⁸

Much of the constitutional and statutory law produced during Presidential Reconstruction served as justification in Texas for the Radical attack which produced greater influence for the occupation forces by the spring of 1867, the beginning of the second phase of Throckmorton's tenure. Very little direct military influence appears during the sessions of the "Johnson" legislature, but several resolutions do appear in the proceedings of the Senate in which strong objections were expressed to the stationing of Federal troops in interior posts. Frontier defense was, of course, another matter. Some senators condemned the military and

²⁸ Wood, Reminiscences, pp. 7-8; A. G. Brown to Throckmorton, December 29, 1866; Williamson G. Atkinson to Throckmorton, March 25, 1867, Throckmorton Papers. Conclusions regarding the character of applications were gleaned from the Hamilton and Throckmorton correspondence, R.B. 281, 282.

the northern press for creating the "false" impression that disloyalty was a prevailing characteristic of post-war Texas; the legislature assured the President that rumors to this effect were inaccurate and that Texas was penitent, loyal, and reliable.²⁹

Executive relationship with Federal troops during the months from August, 1866 to April, 1867, provides better opportunities to judge the degree to which cooperation prevailed between state and national authority (as exercised through military commanders) than does legislative activity. The governor's responsibilities in the areas of lawlessness, freedmen's rights, political restoration, and direct personal confrontation with individual commanders illustrate two problems: first, the continuing and increasing state of lawlessness and bitter reactions to emancipation; second, the accumulation of evidence that Throckmorton, though a unionist earlier, had no intention of pursuing political, social, or economic reforms which gained support in the national legislature in 1866 and 1867. The governor, and most Texans, felt secure under Johnson's tutelage to effect minimal adjustments and staunchly deny the military a role in those adjustments.

²⁹Journal of the Senate of the State Of Texas, Eleventh Legislature, August 15, 16, 1866, pp. 25, 32.

Governor Throckmorton's position on lawlessness and the degree to which it might be reduced by military action was more closely akin to that of Gideon Welles than A. J. Hamilton or E. M. Pease. Still, in August, 1866, as Throckmorton began his administration, Welles listened to Pease's opinions on conditions in Texas. The secretary considered the Texan "earnest and honest" but rejected the ex-governor's estimate of the necessity to utilize military authority. Pease told Welles that five-sixths of the citizens of Texas were hostile to the Union, and there was no toleration of unionists in the state. Only Federal troops could protect life and property since local enforcement was immobilized by the prevalence of ex-Confederate sentiment. Welles objected to federal action as not "practical and consistent with our system of government." It would be better for the one-sixth minority to remain passive and wager their future on opportunities to gradually "modify public opinion."³⁰

It has been customary to defend Throckmorton's efforts to restore order and cooperate with military officers. During the spring and summer of 1866, according to Ramsdell, lawlessness abated, and, after the August inauguration, the governor exercised every effort to coordinate peace-keeping

³⁰Welles, Diary, II, 568.

agencies. One of Throckmorton's biographers produces some evidence to support this view. In February, 1867, sheriffs received an executive plea for more diligent law enforcement, and county judges began to compile reports on the treatment of unionists and freedmen.³¹ Whether this action was perfunctory, resultant of a shift in political power in Washington, or a sincere endeavor are questions partially answered by Throckmorton's preconceived notions on the significance of the Confederate defeat as stated in personal correspondence.

A convincing amount of evidence later appeared—compiled by state and Federal officers—which makes doubtful any significant reduction of lawlessness in 1866 and 1867. What reduction may have occurred, as a result of the belief that Johnson would not impose more restrictions on the South, was only temporary. Natural propensity to settle differences outside the law, race hatred, and repulsion for Yankees re-appeared when crime went unpunished, and Congressional

³¹Ramsdell, Reconstruction in Texas, pp. 126-127; Claude Elliot, Leathercoat: The Life of James W. Throckmorton (San Antonio, 1938), pp. 147, 149. The decline in lawlessness, if one occurred in 1866, was quite abrupt. Custer reported to Zachariah Chandler in January, 1866, that Negroes were still bought and sold in Texas, and that displaying the United States flag was banned in some northern counties. Coulter, South During Reconstruction, p. 117.

Reconstruction compounded resentment for the military presence. What is certain is that military officers in Texas during the presidential period had a restricted role, except for Bureau agents, and were in fact harrassed themselves by officers of the Throckmorton administration. General Heintzelman complained in late 1866 to Benjamin Wade that he had received a civil summons issued by Judge John Ireland but had refused to accept it. Wade learned from this officer, who was acquainted with pre-war Texas, that lynching of unionists was not uncommon and the position of Federal officers was very tenuous. Heintzelman said that commanders would be constantly "annoyed" and union men and freedmen in constant danger without the aggressive commitment of Federal soldiers. Heintzelman wrote to Wade as a politician, but the general had just been relieved from duty in Texas, which partially qualified his resort to non-military channels.³² This was, in any event, common practice for officers as well as civilians who became active with the polarization in 1867 on Conservative-Radical issues.

Two facts made Throckmorton's relations with military Bureau agents critical: the governor's position on Negro rights and the limited authority of the agents who

³²Heintzelman to Wade, December 21, 23, 1866, Wade Papers. War Department orders dated January, 1866, forbade trial of military personnel, acting under orders, by civil courts. Pfanz, "Soldiering," p. 493.

enjoyed prerogatives denied ordinary post commanders until the spring of 1867. Freedmen's Bureau legislation in 1866 created the only effective military force during Texas Presidential Reconstruction, but even that was minimized by lack of zeal, scarcity of troops, and inadequate civilian cooperation.

Difficulties, of an official nature, between Bureau officers and the Throckmorton administration began with the Eleventh Legislature's resolution censuring General Joseph B. Kiddoo for a letter in which he "reflect[ed]. . . so wrongfully and injuriously upon . . . [Texans] as persecutors and murderers of freedmen." Kiddoo's response was a letter to Throckmorton in which he stated that the official report alluded to by the legislature "should never have been made public—it was not written in the interests of any political party—it is not my intention to use my position as an Army officer to further the interests of any political party." However, he assured the governor that not only was the report a true reflection of conditions in Texas, it was "not half the truth" of testimony reaching Bureau headquarters concerning abuse of freedmen.³³

On the same day that he defended himself from legislative censure, Kiddoo informed Throckmorton of the details of the

³³ Senate Journal, Eleventh Legislature, pp. 99-100; General J. B. Kiddoo to Governor, September 13, 1866, Adjutant General's Office, Texas, Correspondence, 1838-1869, typescript, University of Texas Archives (hereafter cited as A.G.T.).

arrest of a Brenham newspaper editor who had criticized the Bureau's activities. While he promised to refrain from overstepping his authority, Kiddoo claimed to have made the arrest on grounds of "military power delegated to me by the Act of Congress creating the Bureau." The army, according to the Commissioner, had the power to protect itself from such "violent and vulgar abuse as heaped" upon it by the editor.³⁴ In this particular instance, Federal officers took action "to protect" the army, but a perusal of editorial remarks by the numerous conservative papers, and military counteraction, suggests that such cases were rare. The authority alluded to by Kiddoo was a potential, seldom exercised power implied in General Orders 100, a long-standing guide for occupation troops.

Another controversy at the outset of Throckmorton's tenure was that surrounding the arrest of Bureau officials. Heintzelman, who was personally acquainted with the problem of being subjected to civil writs, received news in September, 1866, that W. Longworth, Bureau agent at Seguin, had been charged, in his official capacity, with violations of state

³⁴Kiddoo to Governor, September 13, 1866, A.G.T.

law. General George C. Getty at Galveston asked for military assistance in obtaining the release of his subordinate in Seguin from all charges and bonds.³⁵

By October, 1866, criticism appeared in and out of the state concerning certain provisions of the Constitution and legislative enactments which either denied or drastically restricted freedmen's rights. Throckmorton answered these charges and counter-attacked, accusing the agency of unfair "fines and punishments so often inflicted by the . . . Freedmen's Bureau." The governor made it clear to Kiddoo that military interference with civilian processes was contrary to the intent of the new regime. Indeed, an incident at Matagorda in which a Bureau officer removed a Negro from the sheriff's custody led Throckmorton to ask the general to state his interpretation of the extent of Bureau authority.³⁶ In January, 1867, Kiddoo defended military interference in the case of a freedman, Dick Perkins, who had been taken from

³⁵General George C. Getty to Heintzelman, September 29, 1866, R.G. 393, N.A.

³⁶Throckmorton Address to Legislature, October 31, 1866, Governor's Correspondence, Throckmorton Papers, Record Group 307, Texas State Archives, Austin, Texas (hereafter cited as Throckmorton Papers); Ramsdell, Reconstruction in Texas, p. 130.

civil authorities in Houston. Perkins, charged with a felony, had received less than due process, and Kiddoo intended to submit the case to a Federal court under provisions of the Civil Rights Act.³⁷

These instances of friction between Kiddoo and Throckmorton are easily distorted. In the main, Kiddoo cooperated to the fullest and at times appears to have made special efforts to convince the governor of his loyalty to the state administration. Throckmorton received formal congratulations from Kiddoo on the occasion of the inauguration in August, 1866. The President's declaration of "peace within the State" and restoration of "civil rule to its appropriate functions" was entirely proper, according to Kiddoo, who requested the governor's assistance to "promote the good of all freedmen, planters, State, and United States" interests. In January, Kiddoo assured Throckmorton that the governor's fear of Negroes "drilling" in the state was unfounded. There was no danger; the blacks were "prompted by the well-known propensity . . . for display that are the result of playfulness and a martial spirit. . . and it is not intended for any beligerent purpose."³⁸ Except for differences in political allegiance and commitments, there appears to have been no

³⁷General J. B. Kiddoo to Throckmorton, January 3, 1867, A.G.T.

³⁸Kiddoo to Throckmorton, August 23, 1866, Throckmorton Papers; Kiddoo to Throckmorton, January 3, 1867, A.G.T.

great difference between Yankee officers and Texas Conservatives on the matter of racial predispositions.

Kiddoo fulfilled his obligations to freedmen, however, to the date of his reassignment. On January 17, 1867, he brought to Throckmorton's attention the conditions under which Negroes were confined at Wharton. They were "chained together . . . [and] their situation [he said] was really painful . . . suffering during the recent cold weather was severe." Two weeks later Kiddoo recommended Dr. Meritzer, a member of the general's staff, to Throckmorton as Texas' representative to the Paris Exhibition. Meritzer, according to Kiddoo, was well informed on Texas resources and would do justice to the region's potential. The same letter contained a statement of Kiddoo's appreciation to the governor for his cooperation and a farewell on the occasion of his transfer from Texas.³⁹

Notwithstanding such cordiality, a number of instances illuminate the Throckmorton regime's poor relationship with the Bureau. The controversy between Harrison County Judge O. Hendrick and Captain Charles F. Rand at Marshall demonstrates how the civil and military authority developed mutual distrust, and with some justification on both sides.

³⁹Kiddoo to Throckmorton, January 17, 31, 1867, Throckmorton Papers.

Rand was conscientious in his duties regarding Negro orphans. The county judge, after placing six freedmen on county welfare, complained to Throckmorton that the expense of such arrangements—and Rand's insistence that much more be done—had made his position very difficult. The significant portion of Hendrick's message to the governor was the admission that he had no idea of whether Rand's authority was limited to his county or not.⁴⁰ This lack of understanding as to the Bureau's jurisdiction probably contributed in a major way to suspicion and hostility.

Captain Rand's reply to Judge Hendrick's inquiry on previous reports by the officer relative to shootings and inadequate care for paupers indicated that some local Bureau officials were more conscientious than politic: "I do not feel authorized to make any . . . report to either His Excellency the Governor of Texas or his Honor the County Judge. . . . My reports are made directly to the Commanding General." Rand, quoting federal law, reminded Hendricks that counties would be held responsible for welfare; if funds were not available, taxes should be increased. Hendrick forwarded the captain's comments to the governor "to show in what estimate

⁴⁰O. Hendrick to Throckmorton, March 15, 18, 1867, Throckmorton Papers.

he holds the civil authority. This individual seems to think Governor Hamilton's proclamations are law."⁴¹ Mutual distrust of this sort increased in time, foretelling difficulties for Throckmorton when the military subsequently gained strength under the congressional program of reconstruction.

In addition to the innumerable local clashes typified by the Rand-Hendrick episode, several state issues figured in the progressive alienation of the civil and military officers in Texas during Throckmorton's administration. One contemporary southerner made reference to the state prison controversy in typical style:

The Bureau became the negro's protector in crime, as when its officials demanded at one time of Governor Throckmorton of Texas, pardon and release of two hundred and twenty-seven negroes from the penitentiary, some of whom had been confined for burglary, arson, rape, murder.⁴²

The issue was actually more complicated. General William H. Sinclair, Inspector for the Texas Bureau, visited the state prison in early 1867. A full report of his investigation of

⁴¹Captain Charles F. Rand to County Judge, Harrison County, March 21, 1867; O. Hendrick to Throckmorton, March 25, 1867, Throckmorton Papers.

⁴²Myrta Avary, Dixie After the War (New York, 1906), p. 215

crimes, sentences, and the racial and geographical origins of convicts reached Galveston headquarters in February. Sinclair was convinced that three-fourths of the Negro convicts deserved pardons. His contention was based on such sentences as a freedwoman sentenced to two years confinement for the theft of \$1.00 in cash; Nelson Winters, seventeen years old, sentenced to ninety-nine years by a jury which, according to Sinclair, was more concerned with the Negro and Indian ancestry of the defendant than the charge of murder; Amanda Walker, freedwoman and mother of five young children, sentenced to three months for theft of a counterpane; freedman and freedwoman, each with children, sentenced to confinement until a \$100 fine was paid for cohabitation in ignorance of the law. Sinclair reported on 209 such cases involving mostly Negroes many of whom were subsequently pardoned or given reduced sentences. Other sentences revealed by the officer included theft of a \$3.00 halter-three years; theft of \$5.00 cash- two years; theft of chickens worth \$20.00- two years; theft of a steer valued at \$6.00- two years. Sinclair found many such offenses commensurate with jail rather than prison terms and so reported.⁴³ What the inspector encountered

⁴³ William H. Sinclair to Lt. J. T. Kirkman, February 26, 1867, R.G. 105, N.A.; House Executive Documents, 40th Congress, 2nd Session, No. 342, p. 177; Special Orders 192, November 21, 1867; General Orders from the Headquarters, Fifth Military District (Civil Affairs) 1867-1868. F. C. Ainsworth, compiler, R.G. 393, N.A. (hereafter cited as G.O.); R.E. 283, pp. 259, 261, 283, 367.

were sentences natural to a state which had not undergone penal reforms common to the North a generation earlier. His error was not in making a judgment as to the injustice he discovered but in expecting military authority to accomplish what social forces were unwilling to accept. This was, in essence, the tragedy of the experiment of Reconstruction.

Sinclair's allegations regarding unjust sentencing of the majority of cases investigated were rejected by Throckmorton, who, according to Professor Ramsdell, disproved the Federal officer's charge. Support for the governor has characterized the episode, but it has been based more on emotion than evidence. Fehrenback contends that Throckmorton's grievances against General Charles Griffin, commanding Texas after December, 1867, grew out of Sinclair's work as a "Bureau official, passing through . . . [whol] interviewed this group. . . . He did not investigate." Elliot also concentrates on this affair which was in reality only one of several factors involved in Throckmorton's dismissal. A better defense for the governor would be his record of numerous individual pardons of Negro convicts, which resulted from petitions by county judges and local citizens.⁴⁴ His refusal in March,

⁴⁴Ramsdell, Reconstruction in Texas, p. 151; Fehrenback, Lone Star, p. 403; Elliot, Leathercoat, pp. 172-173; R.B. 282.

1867, to meet Griffin's request for general pardons is significant only in the context of other events and practices which alienated Federal officers of the Fifth Military District.

Before Throckmorton refused Griffin's request for pardons, the governor received news of pending legislation in congress which would drastically affect his relationship with the military command. Ashbel Smith described the "National Militia Bill" to Throckmorton as an "exclusive, stringent, and gigantic[measure] placing all the armed power of the country in the hands of radicals, and negroes exclusively."⁴⁵ A Federal lieutenant reflected, in early April, that the First Reconstruction Act: "has somewhat disconcerted the unreconstructed rebels here in Texas." He was convinced that six months of martial law would make them "tamer," and in most sections it was absolutely necessary since conditions in the interior of the state were little improved except where Federal troops were on duty.⁴⁶

Lieutenant Kramer's remarks were essentially accurate in so far as Throckmorton's reaction was concerned. In contrast to the strong personal feelings recorded in his letters to Epperson, the governor, seeing his position as a

⁴⁵Ashbel Smith to Throckmorton, February 10, 1867, Throckmorton Papers.

⁴⁶Storey, "An Army Officer in Texas," p. 250.

Johnson supporter threatened, made overtures to Sheridan in New Orleans. In reply to the governor's request for an interview to consider the new legislation and its effect on state government, Sheridan replied simply that civil authorities in Texas "can only assist the reorganization of the State by strongly supporting the Military commander," General Charles Griffin, who could supply the governor with the details of the Congressional plan.⁴⁷

Throckmorton followed Sheridan's advice and opened conciliatory conversations with Griffin in Galveston. Griffin received a long letter in early April requesting instructions on the state's reorganization. Throckmorton had obviously read carefully the Reconstruction Acts; he quoted from them and the Fourteenth Amendment in his letter which posed the question of how best to fill vacant state and local offices and proceed with elections. Reconciliation was clearly his goal, but his relationship with the military and with Radicals had deteriorated to such a degree that his removal was inevitable. Griffin's reply to the governor's request for instructions shows this to have been the case: "I am exceedingly anxious not to go out of the State for Registrars," Griffin remarked, and he asked Throckmorton to compile a list of all persons who were

⁴⁷P. H. Sheridan to Throckmorton, March 29, 1967, Throckmorton Papers.

eligible, "irrespective of color," to serve. Griffin said he was committed to the execution of national law and the extension to all qualified voters the right to participate in Reconstruction. "If the citizens accept the situation, come forward, and yield a cheerful obedience, there can be no trouble." In another communication a few days later Griffin informed Throckmorton that "when such a favorable disposition becomes both sincere and prevalent in Texas, the work of Reconstruction will present no feature of embarrassment or difficulty."⁴⁸

Too much evidence to the contrary had been accumulated by the spring of 1867 to expect that Federal commanders would accept the sincerity of Throckmorton's new position. His "relations with the military had been unsatisfactory from the start" according to Elliott, who discounted or over-looked the governor's relations with Wright and Heintzelman and instead chose to concentrate on Griffin's administration. Throckmorton's biographer sees the governor as a member of an "in-between group," hated by Radicals and Conservatives alike. The first group certainly found weakness in his recommendations to the legislature on the issues of Negro

⁴⁸Griffin to Throckmorton, April 4, 1867; Throckmorton Papers; Throckmorton to Griffin, April 8, 1867, R.G. 393, N.A.; Griffin to Throckmorton, April 11, 1867, Throckmorton Papers.

marriage, fire-arm licensing, and other questions such as freedmen suffrage and the Thirteenth and Fourteenth Amendments.⁴⁹ In retrospect, it is apparent that Throckmorton's tenure represented a transition period when neither the role of the military authorities nor civil officials was well defined, a reflection of similar lack of clarity on the national level.

Two of the first commanders in Texas under the "Johnson" program were much more cooperative than is generally recorded and consequently gave Throckmorton a false impression of his position. General H. G. Wright, for example, wrote to the Governor in August, 1866, implying agreement with Throckmorton's several requests for reduction of occupation troops. Wright promised to forward a request, dated August 17, on the "Subject of the discontinuance of the interior garrisons," and related: "I am looking for some change of policy."⁵⁰ Heintzelman, who replaced Wright, commanded from headquarters in San Antonio. He received numerous

⁴⁹Elliott, Leathercraft, pp. 147, 160-167.

⁵⁰General H. G. Wright to Throckmorton, August 21, 1866, Throckmorton Papers.

letters from Throckmorton in which the governor elaborated on Johnson's proclamation of August, 1866, and the effect of that decree as far as military authority was concerned. In one such message Throckmorton took a strong position on the need for court martial of Captain Spaulding, commander at Victoria, whose colored troops had killed a "loyal German." This case finally reached Sheridan's attention, and Spaulding was removed. Another incident in the same town in which black troops were allegedly harrassing a white merchant brought the response that Heintzelman had no jurisdiction and that Throckmorton must communicate with Bureau officials in Galveston.⁵¹ Other exchanges like these demonstrate variation in policies of Federal commanders, lack of coordination between regular military and Bureau officers, and subsequent historical oversimplification of the civil-military relationship.

When General Charles Griffin assumed command of Federal military forces in Texas in December, 1866, Throckmorton's position began to erode. Heintzelman recommended his successor to the governor as a man who would be "disposed to aid . . . in the defense and protection of the frontier," an issue which was central to military and political

⁵¹Heintzelman to Throckmorton, September 12, 1866, Throckmorton Papers. Throckmorton to Heintzelman, September 25, 1866, R.G. 393, N.A. McGraw, "Constitution 1866," p. 246 identifies Heintzelman as the only officer in Texas who agreed with Throckmorton that civil courts should be granted precedence over military commissions.

controversy in Texas, but failed to warn the governor of Griffin's reluctance to accept civilian dictation.⁵²

A series of confrontations commenced with Griffin's assumption of command. On December 22, 1866, Throckmorton sent to the general a list of precedents designed to convince Griffin of the superiority of civil over military authority. Citations were made to Attorney General Henry Stanbery's position on the function of the military and Sheridan's acceptance of Johnson's proclamation of August, 1866, which Throckmorton interpreted as according supercedence of civil over military authority. An account of Heintzelman's decision to deliver two Negro soldiers to civil courts was included. Throckmorton's argument was intended to persuade Griffin that Captain Craig, who was under indictment by grand jury in Seguin, must be remanded to civil authority. Craig was accused of meddling—he actively supported a Bureau agent in Seguin—in civilian affairs and destroying documents which proved his guilt. Griffin's reception of the governor's attempt to define the military's responsibilities was demonstrated in the Craig case; the

⁵² Heintzelman to Throckmorton, December, 1866, Throckmorton Papers.

captain was released from civilian arrest and bond and escorted to San Antonio.⁵³

Several months after taking command, Griffin received a petition from citizens in Parker and Jack counties which convinced him that Throckmorton's leadership was irresponsible. Unionist refugees who had returned to these counties claimed that mob action and arrest by ex-Confederate officials left them helpless. Their crime was apparently unionism. Griffin informed Throckmorton that "such grave charges of maladministration if false, should be disproved without delay, if true, the remedy must be swift and effectual." A later decision by General J. J. Reynolds in October, 1867, vindicated Griffin's position; indictments against Henry J. Thompson and Alvey J. Thompson were dismissed and marked "not executed by order of the commander of the District of Texas."⁵⁴

Despite evidence of deterioration of civil-military relations, however, the governor commended Griffin, in

⁵³Throckmorton to Griffin, December 22, 1866, R.G. 393, N.A.

⁵⁴Petition to Griffin from Veal Station, Parker County, April 16, 1867, A.G.T.; Griffin to Throckmorton, April 26, 1867, Throckmorton Papers; House Executive Documents, 40th Congress, 2nd Session, No. 342, p. 207.

January, 1867, for his "prompt attention given the subject" of Captain Bradford's irresponsibility as commander of troops in Victoria; Throckmorton felt the military had demonstrated its good faith. Griffin in turn sent his thanks to the governor in February for his message to Judge Beaumont of Calhoun County where civil action was required to apprehend the murderer of a Private Hargus. In April however, Griffin attacked Throckmorton in a letter concerning the murder of United States troops by two citizens of Caldwell County, a certain Happler and his son, whom Throckmorton had defended. Griffin told the governor that he had conferred with a military officer at Prairie Lea and determined the killers were not, as Throckmorton had declared, "gentlemen of the highest responsibility." Firing on Federal soldiers was acceptable under no conditions, and Griffin warned Throckmorton to take immediate action: "otherwise the strictest military surveillance will be observed."⁵⁵ At about the same time Griffin became aware that Throckmorton had advised local authorities in such a manner that the general's order on jury composition was bound to be violated.⁵⁶

⁵⁵Throckmorton to Griffin, January 1, 1867, R.G. 393, N.A.; Griffin to Throckmorton, February 5, 1867, Throckmorton Papers; Griffin to Throckmorton, April 23, 1867, A.G.T.

⁵⁶Ramsdell, Reconstruction in Texas, p. 15.

Correspondence between Throckmorton and Sheridan was less frequent, but a similar pattern exists. In November, 1866, the general received documents relating to a murder allegedly committed by Negro troops in which the governor called for "interposition to the end that those parties responsible may be brought to trial." The most serious issue, however, between Throckmorton and Sheridan during the period before the Reconstruction Acts was that of frontier defense. Sheridan sharply criticized the governor for publishing a notice in the Waco Valley Register in October, 1866, calling for volunteers to fill frontier companies. Not only was this contrary to military instructions from Washington but unnecessary. Sheridan claimed: "I have ordered to the frontier double the number of men the legislature thought necessary."⁵⁷

Throckmorton's defenders are numerous. De Shields contends that "by the beginning of 1867 the State Government of Texas under Throckmorton's able direction was on a stable basis; and this happy condition would have continued and improved, but for the activities of the mischief-making

⁵⁷Throckmorton to Sheridan, November 8, 1866; Sheridan to Throckmorton, November 11, 1866, Throckmorton Papers. Sheridan had informed Throckmorton a week before the November 11 message that 470 additional men were in route from New York to join the 4th and 6th Cavalry Regiments, bringing the total frontier forces to 2,000. Sheridan to Throckmorton, November 3, 1866, Throckmorton Papers.

radical Republicans in Congress." Using Wooten as a chief source, Nunn characterized Throckmorton's administration as essentially well-intentioned and fully accepted by most Texans; the latter conclusion is very likely accurate. Another student leaves the impression that Bureau and military officers had no good reason for their hostility toward Throckmorton. They "tended to act in such a way as to facilitate the Congressional overthrow of the civil government."⁵⁸ These defenses are too generalized, neglecting Throckmorton's predispositions, varying attitudes of Texas commanders, and the record of union and freedmen atrocities.

The military did, of course, on occasion give Throckmorton cause for reproof. As Sheridan himself had predicted, a few local commanders played the role of martinet. One example was Captain Smith, in charge of the post at Brenham. Smith pledged to Sheriff C. R. Breedlove that soldiers would not be allowed to enter the town. Shortly thereafter, Smith presented Breedlove with a "General Order" stating that Texas was still under martial law and that the President's program had failed. Under this "General Order" civilians patrols were forbidden, the carrying of arms prohibited,

⁵⁸ De Shields, They Sat in High Places, p. 267; Nunn, Texas Under the Carpetbaggers, pp. 7-8; Carrier, "Constitutional Change," pp. 51, 71.

and military force placed at the disposal of the Bureau agent to suppress increasing abuse of Negroes.⁵⁹ Portions of this order, if indeed it was published, were beyond the prerogatives of a post commander; that is, if the sheriff's report of its contents were accurate.

That facet of Throckmorton's behavior which very likely most alienated and embarrassed military commanders in Texas was the governor's practice of violating the "chain of command" so ingrained in army personnel. Appealing "over the heads" of state commanders was a tactic admitted by even Throckmorton's most ardent defenders. In March, 1867, the governor asked for a conference with Sheridan, bypassing Griffin; he then appealed to Johnson, in April, on the issue of jury oaths, circumventing both Griffin and Sheridan. In June, Johnson received complaints about judicial redistricting in Texas, and from time to time Throckmorton attempted to bring national pressure to bear on Sheridan's frontier policy as well as on specific problems such as the burning of Brenham, Texas.⁶⁰ It appears in

⁵⁹C. R. Breedlove to Throckmorton, September 26, 1866, Throckmorton Papers.

⁶⁰Elliott, Leathercoat, p. 172; Ramsdell, Reconstruction in Texas, pp. 128, 137, 149-150, 157, 161; Paul Casdorff, A History of the Republican Party in Texas 1865-1965 (Austin, 1965), p. 4.

retrospect that the attitudes and actions of Texas civil officers under Presidential Reconstruction, while perhaps approved by the majority of white Texans, contributed to the growth of Radical Republican strength in Washington. Military presence in 1865 and 1866 was, in numbers of troops and exercise of authority, not dictatorial beyond necessity and did not create a "mongrel rule." Indeed, had the military role been more definite and more active prior to 1867, the advent of Congressional Reconstruction might well have been less a shock to Texas civil leadership.

CHAPTER VII

RECONSTRUCTION AND TROOP DISTRIBUTION

Conditions on the national and state level combined in the defeat of Presidential Reconstruction in Texas. Throckmorton's predisposition on the issue of Negro suffrage and his alienation of Griffin and Sheridan were prime factors in his removal, which coincided with increased authority for military commanders. The governor's dismissal, however justified, compounded hostility toward the military, which commenced the increasingly difficult task of implementing congressional legislation designed to guarantee Texas loyalists and freedmen a part in the state's reformation.

The belief that "had Congress kept hands off, Texas would have been fully restored in a short while to . . . [a] condition of real peace"¹ results from a neglect of national political facts, continued lawlessness, and conditions in Texas which belied Johnson's declaration that peace prevailed and state government was capable of maintaining law and order.

¹Ramsdell, Reconstruction in Texas, p. 141.

Testimony to the Joint Committee on Reconstruction included the observations of a number of army officers stationed in Texas. The committee, often dismissed as an unqualified tool of the Radical Republican faction, was in fact supported initially by Moderates. However poorly balanced, the testimony taken on the state of affairs in Texas during 1865-1866 was significant, whether as evidence feeding the preconceptions of die-hard Radicals or influencing undecided Moderates.² Military officers as well as civilians, who answered questions posed by the committee, supplied impressions of a lawless state where freedmen and unionists required federal protection.

Major General David S. Stanley had commanded in the Central District, between the Brazos and Nueces Rivers. It was his contention that a large force would be required for a period of five years to protect loyalists. Ex-slave owners were expecting compensation, according to Stanley, and murder

²Randall and Donald, Civil War and Reconstruction, p. 576; Stamp, Era of Reconstruction, p. 73; Ramsdell, Reconstruction in Texas, p. 69. The evolution of the Joint Committee on Reconstruction began in March, 1863, when the American Freedmen's Inquiry Commission was created in the War Department. After regular reports to Sumner and Stanton on freedmen conditions, it gave way to the Senate Committee on Emancipation, a forerunner of the Joint Committee. John C. Sproat, "Blueprint for Radical Reconstruction," Journal of Southern History, XXII (February, 1957), 34, 41.

was common. He forecast a return of rebels to political power and recommended only the West Texas Germans as reliable unionists. At Gonzales, Stanley encountered Confederate uniforms, and at other interior locations well-armed residents demonstrated little respect for Federal military authority. Almost universal opposition, even among loyalists, was reported on the issue of Negro suffrage and education.³

Another ranking officer, General W. E. Strong, toured the area between the Trinity and Neches Rivers, in 1865, speaking to freedmen and planters. Along the coast he found loyalty and order; in the interior only the patrols of Colonel DeGress, Provost Marshall at Houston, guaranteed wages which would otherwise never have been paid freedmen under contract. Negroes were reportedly in virtual slavery in the region between the Neches and Sabine as far north as Henderson. Strong recommended a "Sherman March" through

³R. J. C., IV, 39-43. Stanley had seen considerable service in Texas prior to the war. A short biographical sketch appears in clippings from the Army and Navy Courier in Crimmins Collection. The Dallas Herald, March 31, 1866, overlooked this fact and described Stanley's testimony as the product of too little association with Texans and too much with army officers and men like "Stevens, Sumner and Co." The Herald condemned Stanley for his remarks about the insolence of Texas women, but assured its readers that Johnson and Grant would not take his remarks seriously. Stanley's testimony is generally used in secondary works to illustrate the impact of military opinion on the Committee. Robert Selph Henry, The Story of Reconstruction (New York, 1951), p. 86.

the section to discourage such activity as the wearing of Confederate uniforms—including insignia of rank—and the carrying of excess arms.⁴

Lieutenant Wilson Miller, with headquarters in Corpus Christi, reported to the committee that prosperous Texans in his jurisdiction were loyal, but that a noticeable deterioration from immediate post-war cooperation to hostility was apparent among returning soldiers. English and New England settlers along the Nueces River were loyal but vulnerable to discrimination and violence without Federal troops. Freedmen without the Bureau agents were helpless. Whites, said the officer, held the Negro responsible for the Confederate defeat. Miller commanded colored troops and found them, and Texas freedmen, well-disciplined and trustworthy.⁵

Major General George A. Custer reported his observations in Texas which were made during the months from September, 1865, to February, 1866. He discovered the residents to be at first submissive and then, learning of

⁴R.J.C., IV, 35-39. Lieutenant Redman was in charge of the escort provided for Strong who was Inspector General on Howard's Bureau staff. Redman recorded the tour was conducted November 15-26, 1865, through the counties of Harris, Waller, Montgomery, Trinity, Polk, and Liberty. W. H. Redman to Friends, November 26, 1865, Redman Papers. Strong's record is found in Heitman, Register, D, 933.

⁵R.J.C., IV, 43-46.

the policy of leniency, defiant. Unionists were abused and murder was prevalent. Discharged Confederate leaders were again in positions of political power, and one officer of the Constitutional Convention especially offended Custer when he appeared in a Confederate uniform. The major problem in Texas, according to the general, was delay and indecision; disloyalty would have been discredited and loyalty would have become a mark of social prestige if occupation policy had been implemented more consistently. As it was, many Texans were willing to join France or Britain in a war against the United States. Without the Bureau, white hostility to Negro education would prevent the establishment of colored schools, in which freedmen were more interested than in suffrage.⁶

In northeast Texas Lt. Colonel H. S. Hall, stationed at Marshall, determined that military presence was necessary to protect loyalists and freedmen who, without such security, would be worse off than before the war. Hall detailed accounts of disloyalty, intimidation, and murder in Marshall and Jefferson and in Navarro, Smith, Rusk, Upshur, Cherokee, and Panola Counties where unionists were ostracized and

⁶Custer believed that Texas expected property confiscation, abridgement of political rights, and even execution of rebel leaders at the end of the war. R.J.C., IV, 72-78.

defenseless without Federal troops. He attributed part of the difficulty to General E. R. S. Canby, whose jurisdiction extended from Louisiana into East Texas; Canby discouraged the use of military tribunals. After conversations with Texas politicians, Hall concluded they were anxious for quick recognition in Washington, an event which they frankly admitted would allow for a political alliance with the Northwest. This coalition, they expected, would restore the strength lost in 1861. Colonel Hall testified that the territory between Marshall and Crockett was without law and order. He was reassigned in January, 1866, leaving Captain Bishop in Marshall with two companies of the 8th Illinois Regiment, a force too small to prevent what Hall considered semi-slavery in Rusk and Cherokee Counties.⁷

Another witness to conditions in Texas was Brevet Major General Christopher C. Andrews. He visited Beaumont, Liberty, Brenham, Columbus, Austin, and San Antonio from his headquarters in Houston in the summer of 1866. It was his opinion that the reestablishment of slavery was imminent and that contact between Federal soldiers and local residents would ease tensions through fraternization.⁸

⁷ Ibid., 46-50.

⁸ Ibid., 124-125.

A different perspective was offered by a thirteen-year resident of the state, ex-Confederate officer Caleb B. Forshey, who claimed that no Negroes were held as slaves, that blacks earned higher wages than whites, and that where no military or Bureau officers were present conditions were peaceful. Military force, according to this former superintendent of the Texas Military Institute, was unnecessary and "pernicious everywhere, and without exception excited the feeling it was intended to prevent." Forshey's studies, he maintained, proved Negro racial inferiority, amorality, and the fact that the race prospered better in slavery since it was only in that condition that social responsibility could be enforced. He was convinced that freedmen were unreliable witnesses and therefore rejected their service in judicial proceedings; "none of them were unionists during the war but had flocked to federal armies simply to 'try something new—to be free'."⁹

One unionist, John T. Allen, summarized his opinions based on experience of ten years. The old secessionists still held Negroes in bondage hoping for compensation. Without Federal troops, his fellow loyalists, and freedmen too, were in grave danger; only by silencing the rebel press and

⁹Ibid., 129-132.

politicians could unionists enjoy their political rights. Lack of communication facilities, numerous murders (admitted by the governor to Allen), and the natural prejudice of jurors required direct intervention by Bureau officers. Loyalists were numerous but unevenly distributed in the state; most lived in larger towns and even there many unionists were reportedly leaving the state in view of the rewards accorded to ex-Confederates. Negroes, said Allen, were politically aware, knew who their supporters were, and would, if given an opportunity, vote for unionists.¹⁰

A correspondent of the New York Times, Benjamin C. Truman, visited Galveston, Austin, and Hempstead. He estimated loyal Germans at 54,000; 8,000 more unionists were Norwegians. Truman's observations of the 1866 Constitutional Convention gave him little concern. He admitted that two-thirds of that body had previous Confederate affiliation, but only eleven members were "real malicious rebels." Thirty-nine of the eighty-nine delegates were described as loyalists, and seven favored Negro suffrage, according to Truman. Ex-Confederate generals he interviewed were for the most part dedicated to law, order, and peace. Because of marauders in the northern section of the state, Truman recommended Federal forces be assigned to that area. He found unionists the most

¹⁰ Ibid., 86-92.

difficult to interview because of their extreme bitterness and predicted that Throckmorton would win the pending election for governor. Truman believed that in some counties the Negro demonstrated a higher degree of literacy than whites. Loyalists, paradoxically, were more reluctant than secessionists to abolish slavery since the former expected compensation.¹¹

Sheridan's remarks to the committee supported the Radical position that Texas was not yet prepared for readmission. He testified that many state officers had been elected on vaunted Confederate records. The general's objection to the Johnson policy in Texas is revealed in his words; "It was a difficult situation . . . rendered more so by the apparently open sympathy of the President with the functionaries above alluded to."¹²

Opposed to the testimony given the Joint Committee are the conclusions of authors who describe conditions in the state in 1866 as "on a stable basis. The courts were in orderly operation and, in spite of frequent military encroachment, the civil power was more securely established

¹¹Ibid., 136-140. For Truman's attack on those who depicted the South as rebellious and unprepared for readmission see Randall and Donald, Civil War and Reconstruction, p. 563; Stamp, Era of Reconstruction, pp. 73-74.

¹²House Executive Documents, 40th Congress, 2nd Session, No. 1, p. 369.

than at any time since secession." The situation, according to this viewpoint, was "rapidly growing better when . . . the Southern States were suddenly reduced once more to the basis of provisional governments and put completely under military rule."¹³ However, the committee reports, taken with those from other states, did contribute to the growing feeling that lawlessness, abuse of freedmen, and political attitudes in Texas were of such nature that some form of supervision more stringent than Johnson's was necessary.¹⁴

Whatever their political or social predispositions, members of the committee and others who read such reports on conditions in Texas could hardly be less than disappointed that the war's successful conclusion had accomplished so little. Colonel Hall's testimony concerning a freedwoman, Lucy Grimes, is a case in point. She was stripped and beaten in December, 1865, by two well-known men, Anderson and Simpson, because her mistress, Mrs. Grimes, ordered Lucy to whip a Negro child for stealing. Lucy refused, and Mrs.

¹³Chandler, The South During Reconstruction, III, 421; Wortham, Texas, V, 17.

¹⁴Rhodes saw lawlessness in the South as a major source of Radical propaganda; Custer's remarks on Texas, read by Senator George H. Williams of Oregon were particularly influential. Rhodes, History of the United States, V, 1, 41, 126, 136. Stanton was impressed by news of attacks on Federal soldiers and the desecration of military cemeteries. Benjamin Thomas and Harold M. Hyman, Stanton: Life and Times (New York, 1962), p. 449.

Grimes discussed the Negress' obstinacy with Anderson and Simpson who disciplined the freedwoman; the county judge refused to issue a warrant on Negro testimony. Another freedwoman in Hall's jurisdiction was shot in the back of the head by a white resident for using "impudent" language. Military authorities fined the criminal \$100. Nothing more could be done under state law, and that was all the military was authorized to apply. Hall also related the case of the son and son-in-law of Hugh Ingraham, who beat a freedman to death in Navarro County. General Canby refused to convene a military commission to punish this crime.¹⁵

Military officers with few exceptions reported widespread abuse of freedmen. The effect of such testimony on politicians and public opinion in the North was well understood by John H. Reagan who advised Texans, in an oft-quoted message, to provide for Negro rights in order to avert a strict, military occupation.¹⁶ Johnson, too, received communications regarding Texas freedmen. Mrs. L. E. Potts of Paris, Texas, wrote in July, 1866, that she looked to

¹⁵R.J.C., IV, 46-48.

¹⁶Benjamin H. Good, "John Hennigan Regan," unpublished doctoral dissertation, Department of History, University of Texas, Austin, Texas, 1932, pp. 300-303; Ernest Wallace and David Vigness, Documents of Texas History (Austin, 1963), pp. 201-202.

him for protection "as the father of our beloved country." Former masters in her county were attempting to "persecute [Negroes] back into slavery . . . [and it was] not considered a crime [there] to kill a negro." Mrs. Potts told the President: "I am a woman from your own state . . . as a Tennessee woman I am proud of you." However, she advised the Chief Executive to send a "few soldiers here just for a while, to let rebels know that they have been whipped." Her properties, during exile after 1861, were either destroyed or confiscated by Confederate officials. This particular letter made its way from the President's secretary to Generals Howard, Kiddoo, Grant, and Sheridan; some troops did reach Lamar County as a result of Mrs. Potts' petition.¹⁷

Throckmorton's position on the Fourteenth Amendment was another factor in proving Texas unprepared for re-admission. Texas was second only to Tennessee in considering the measure, which the governor described as "impolitic, unwise and unjust." Using the minority report of the Joint Committee, a Texas Legislative Committee on Federal Relations determined that the state, unrecognized in Congress,

¹⁷House Executive Documents, 39th Congress, 2nd Session, No. 61, pp. 2-3.

should reject the Amendment which would transfer political power from whites to Negroes in a poor trade of representation for black enfranchisement.¹⁸

Certain sections of the Texas Constitution of 1866 worked to strengthen the national and state Radical Republican factions who favored increased military activity. Those provisions which appeared most detrimental to the development of Negro rights were a revenue scheme which doubled freedmen's taxes; jury service for whites only; child welfare expenditures, limited to whites; a "stay law" provision which delayed collection of debts thus making it difficult for freedmen to collect unpaid wages; segregation of the races on railroads. These were provisions singled out by opponents of the constitution as creating a "modified form of peonage."¹⁹ They were measures natural to a convention in which so few delegates favored Negro suffrage and only two even recognized the presence of Federal troops in a positive fashion. It was a constitution, according to a moderate and careful student of

¹⁸ Joseph B. James, "Southern Reaction to the Proposal of the Fourteenth Amendment," Journal of Southern History, XXII (November, 1956), 483-485; Journal of the Senate of Texas, Eleventh Legislature, October 22, 1866, pp. 417-423. Ashbel Smith and Throckmorton shared Johnson's view of the Amendment, but both Texans recognized that its rejection would bring the end of civil government in the state. McGraw, "Constitution of 1866," p. 226.

¹⁹ James Shenton, editor, The Reconstruction (New York, 1963), pp. 132-134.

the subject, which manifested the "climax" of Johnson's policy and "helped accomplish the ruin of Texas for several decades."²⁰ Execution of several of these provisions were denied later when Griffin received sufficient authority in the summer of 1867.

Radicals in Texas designated a score of laws, passed by the Eleventh Legislature, as reminiscent of the Confederate period. Hamilton at first agreed with Granger that all laws enacted during the period of the rebellion were invalid. Practical considerations, however soon forced him to attempt execution of all measures not contrary to the United States Constitution and Statutes, a decision reached without military interference.²¹ A joint resolution of the Eleventh Legislature, requesting the federal government to remove troops stationed at interior garrisons, combined with apprenticeship and vagrancy codes discriminating against freedmen, illustrated the irony of history. The latter made the first impossible, given the circumstances of national politics. The Texas apprenticeship law provided that a person be bound out for training until married or twenty-one years of age; justices of the peace were empowered to enforce such contracts by

²⁰ Ramsdell, Reconstruction in Texas, pp. 86-87; McGraw, "Constitution of 1866," pp. 51-88, 263.

²¹ Shenton, The Reconstruction, p. 134; McGraw, "Constitution of 1866," p. 148.

apprehending and returning violators. Throckmorton defended this measure to Griffin, saying it was patterned after a Massachusetts law. A labor code, which Griffin later nullified, was also passed covering entire families whose wages might be reduced for delinquency or damage. Voting, office-holding, jury duty, and anti-miscegenation ordinances which discriminated on the basis of race also antagonized Radicals and some of their military supporters.²²

Reports and opinions on Texas conditions may have been less than objective but not so inaccurate as to give credence to the conclusion that

Never, perhaps, was punitive legislation founded upon a more distorted array of evidence, upon a worse misrepresentation as to facts . . . in the case of no state had there been an honest effort to gain an impartial knowledge of the whole truth, certainly not in Texas.²³

Whatever its cause or origin, lawlessness in Texas impressed northerners. Many travelers saw the South as repentant, but that was insufficient proof of loyalty. The North's victory, strength, and political and social aspirations demanded

²²Shenton; The Reconstruction, p. 134; McGraw, "Constitution of 1866," p. 228; House Executive Documents, 40th Congress, 2nd Session, No. 342, 204; John Thomas Hill, Jr., "The Negro in Texas During Reconstruction," unpublished master's thesis, Department of History, Texas Christian University, Fort Worth, Texas, 1965, pp. 32-37.

²³Ramsdell, Reconstruction in Texas, p. 148. Coulter in South During Reconstruction, p. 118, implies, using remarks of an army officer, James S. Brisbin, that the military, fearing personnel reductions, was alarmed by the prospects of peace in the South.

recognition. O. M. Roberts indirectly admitted this when he recorded that the question most often asked him was whether northern men were safe in Texas. Perhaps few northerners were sincerely interested in the freedmen, but Thad Steven's biographer concludes that evidence from Texas convinced Radical leaders that Negroes were worse off in that state than any other. And the issue of law and order in Texas was at least peripheral to several congressional debates.²⁴

Properly evaluated, the experience and conclusions drawn by Reagan and Roberts should have convinced Texas political leadership that certain compromises with Northern opinion were necessary. Rutherford B. Hayes expressed the opinion to Guy M. Bryan, as early as October, 1866, that the Congressional Plan as then formulated represented "the best terms you will ever get." The North, he said, was unified and Southern Democrats were ill-advised to expect assistance from the northern wing of the party. Hayes attempted to allay the fear of Texans by estimating that no disfranchisement would occur, only disqualification of rebels from office.

²⁴Anne Barber Harris, "The South as Seen by Travelers, 1865-1880," unpublished doctoral dissertation, Department of History, University of North Carolina, Chapel Hill, North Carolina, 1967, pp. 29-30; O. M. Roberts, "The Experiences of an Unrecognized Senator," Southwestern Historical Quarterly, XIII (October, 1908), 138; Fawn M. Brodie, Thaddeus Stevens (New York, 1959), p. 235; Congressional Globe, 40th Congress, 2nd Session, pt. 1, pp. 379, 342, 632, 653; pt. 2, pp. 839, 1067, 1072; pt. 5, p. 4506.

This, he guessed, would probably affect no one under twenty-eight years of age.²⁵ But the advice was ignored and information from committee testimony, congressional debates, travelers' letters to the President, military commanders and Radicals in the House and Senate led directly to legislation empowering the military in Texas to assume wider responsibilities.²⁶

Throughout the period of Presidential Reconstruction only the officers of the Freedmen's Bureau operated under definite national legislation which established clear authority for the military.²⁷ The ambiguous situation for ordinary post commanders was clarified by the several Reconstruction Acts of 1867. In March an "Act . . . for . . . more efficient Government of the Rebel states" transferred

²⁵ Charles Richard Williams, editor, Diary and Letters of Rutherford Birchard Hayes, 5 vols. (Columbus, Ohio, 1924), III, 32. The Grant Papers indicate a significant increase in correspondence to Congressional Radicals in May and June, 1866, on the issue of suffrage, lawlessness, and freedmen conditions.

²⁶ Chandler, The South During Reconstruction, III, 420-421. Reluctance to heed the advice of those in a position to know the northern mind was the result of an emotional reaction to the possibility that military reconstruction would bring political and social equality to the Negro. Galveston Tri-Weekly News, March 16, 1870; Williams, "Analysis of Reconstruction Attitudes," pp. 476-478.

²⁷ Ramsdell, Reconstruction in Texas, p. 140.

jurisdiction from the federal executive to the legislative branch and established responsibilities for military officers in Texas from that date until March, 1870. In general, the law created military jurisdiction (Texas and Louisiana comprising the Fifth Military District) and vested wide powers in the district commanders thereof:

When in his judgement it may be necessary for the trial of offenders, he shall have power to organize military . . . tribunals . . . and all interference . . . of State authority with the exercise of the military authority . . . shall be null and void.

District commanders were obliged to review all tribunal decisions, and only the President could approve death sentences handed down by such bodies. The act provided disfranchisement only under the Fourteenth Amendment, i.e., of those who had once held offices requiring a constitutional oath and subsequently aided in rebellion.²⁸

A supplementary act on March 23, 1867, further clarified registration of voters for delegates to new state constitutional conventions, laid down explicit rules and dates for registration and balloting, and extended local military authority to three-member county boards of registration.²⁹ A third enactment in July further delineated the military authority, making Texas "subject in all respects to the military commanders . . . and to the paramount authority of

²⁸ United States Statutes at Large, XIV, 428-429(1867).

²⁹ Ibid., XV, 2-14.

Congress. . . ." Full power to remove civil officers was conferred on district commanders, and a new registration procedure outlined:

the oath required [that for federal officers of March 2, 1865]. . . shall not be conclusive on such question [that of registration], and no person shall be registered unless such board shall decide that he is entitled . . . and no person shall be disqualified as a member of any board . . . by reason of race or color . . . the true intent and meaning of the oath . . . is that no person who has been a member of the legislature of any State, or who has held any executive or judicial office in any State, whether he has taken an oath to support the Constitution of the United States or not . . . [shall be qualified for registration].

Terminology of this act was a matter of debate among military and civil officers in Texas, but the law provided the words: "executive or judicial office in any State . . . shall be construed to include all civil offices created by law for the administration of any general law of the State, or the administration of justice." Executive pardon was declared insufficient release from liability.³⁰

The framework for military government was established only after compromise between Senate factions dedicated to a plan of appointed civilian governors with dictatorial powers (Sumner presented this plan) and opponents of military rule (Fessenden was of this persuasion). Reorganization under

³⁰ Ibid., 14-15.

the supervision of five Federal generals was a settlement supported by Moderates who saw such a plan as less productive of radical change in southern society. The commanders, first to be assigned by the General of the Army, were finally appointed by the President.³¹

The Jefferson Radical interpreted the legislation by posing the question:

How can safety be secured to all, regardless of color or politics? Only by the substitution of government for anarchy. The reconstruction acts recognize the prevailing anarchy in the rebel States, and have established a temporary military government to aid in speedily securing permanent and efficient civil government. . . . Hence, military tribunals are organized for the prompt administration of . . . justice. . . . The turbulent can be reached in no other way.³²

Less was intended in the national legislature than has been supposed by those who interpret the role of the military as one of drastic social and political reform. Under the Reconstruction Acts the military was primarily concerned with an effort to bring order and efficient civil administration to Texas. But for the need to guarantee the same protection to blacks as well as whites, the effort would have brought

³¹ Rhodes, History of the United States, VI, 130; Brock, American Crisis, pp. 206-207.

³² Jefferson Radical, August 11, 1869.

little of the long-remembered and much exaggerated adverse impact of military government.

Reconstruction after 1867 burdened military officers in Texas with responsibilities so foreign to their experience that they were forced to rely on what already existed in United States military regulations and tradition as a guide for general decision-making. Such a guide existed in General Orders 100 (April 24, 1863), a document which had evolved over a period of nearly twenty years. General Winfield Scott's invasion of Mexico forced the question of military jurisdiction over civilians in a conquered territory. Against Polk's wishes the general issued General Orders 20, intended to bring order out of the chaos created by Texas troops and other volunteer troops who practiced revenge, robbery, and murder in Mexico. Under General Orders 20, military and civilian authorities in Mexico cooperated, using military tribunals, to guarantee some degree of social order. The success of Scott's 1847 order was demonstrated by later adoptions: Halleck applied the order's essential provisions in 1861 in Missouri; it was formalized in 1863 for general army use; World War I occupation forces utilized its principles in Europe.³³

³³Ralph H. Gabriel, "American Experience with Military Government," American Historical Review, XLIX (July, 1944), 633-637; Kenneth E. St. Clair, "Military Justice in North Carolina, 1865: A Microcosm of Reconstruction," Civil War History, XI (September, 1965), 341-342; Frank Freidel, "General Orders 100 and Military Government," Mississippi Valley Historical Review, XXXII (March, 1946), 542-543, 555.

By 1865, career army officers were acquainted with Scott's concept of "customs of war" and preferred that more general rationale for interference with civil processes than the then current "state suicide" theory. The evolution of General Orders 20 supplied occupation officers a concept of "higher law" without necessarily being allied with Congressional Radicals.³⁴ Scott's General Order of 1847 was formalized as a manual for officers in 1863 under the direction of Francis Lieber, an exiled European with sons in both the Union and Confederate Armies, who adamantly opposed Johnson personally and as President (Lieber considered him a rebellious drunkard).³⁵

It is against the major provisions of General Orders 100 that military conduct in Texas from 1867 to 1870 should be judged. The document represents that which was known to officers with training and experience. Knowledge of these articles very likely accounts for the confusion of occupation commanders during Presidential Reconstruction and, after 1867 when they were free to apply them, must have guided officers in circumstances not covered by more specific regulations and published orders. If this be true, these essential provisions of General Orders 100 serve as a framework for

³⁴St. Clair, "Military Justice," p. 342.

³⁵Brodie, Stevens, p. 331; Gabriel, "Military Government," pp. 637-638.

determining the degree to which military government in Texas was arbitrary, abusive, and spontaneous:

Military jurisdiction is of two kinds: Statute [court martial] and . . . common law of war [by military commission depending on local custom] . . . martial law does not cease during hostile occupation, except by special proclamation . . . or treaty of peace. . . .³⁶

Since presidential proclamations, and earlier a peace treaty, fulfilled the last quoted of these general concepts, martial law was prohibited before the bulk of Federal troops arrived to occupy Texas. However, parole and property violations of the surrender terms and widespread lawlessness in Texas focused attention on other aspects of General Orders 100:

parole designates the pledge of individual good faith . . . breaking the parole is punished with death . . . accurate lists . . . of the paroled persons must be kept by the belligerents . . . the capitulator has no right to demolish, destroy, or injure the works, arms, stores, or ammunition in his possession . . . armed or unarmed resistance by citizens of the United States against the lawful movement of their troops is levying war against the United States and is therefore treason . . . war-rebels are persons within an occupied territory who rise in arms against the occupying or conquering army . . . if captured, they may suffer death, whether they rise singly, in small or large bands. . . they are not prisoners of war. . . .³⁷

³⁶O.R., III, 148-149.

³⁷Ibid., 157, 160-162, 164.

Knowledgeable in these well-distributed interpretations of military authority, Sheridan and his subordinates could not possibly have been satisfied with implementation of the surrender terms for Texas. And increasing lawlessness was to them more than a civil responsibility. With General Orders 100 codified in manual form, commanders so disposed could justify more jurisdiction than Johnson's program allowed them even before the Reconstruction Acts. Limitations to this jurisdiction, however, were numerous:

marital law in a hostile country consists in the suspension by the occupying military authority of the criminal and civil law . . . commanders[s] may proclaim that the administration of all civil and penal law shall continue either wholly or in part [but]. . . military oppression is not martial law; it is the abuse of the power which law confers . . . those who administer it are to be strictly guided by the principles of justice, honor, and humanity—virtues adorning a soldier . . . private property can be seized only by way of military necessity . . . receipts to be given which serve the spoliated owner to obtain indemnity . . . the law of war . . . disclaims all extortions and other transactions for individual gain . . . offenses to the contrary will be severely punished . . . robbery, pillage or sacking, rape, wounding, maiming or killing [are condemned and any] soldier [or] officer in the act of committing such violence . . . may be lawfully killed on the spot by [a] superior . . . a victorious army appropriates all public money . . . the property belonging to churches, to hospitals or other establishments of an exclusively charitable character . . . is not to be considered public property. . . .38

³⁸Ibid., 148-153.

These representative guidelines are reflected in the First Reconstruction Act³⁹ and constituted standards against which military government in Texas was administered. Occupation policy and action is best judged on this basis. This conclusion appears valid for two reasons; the Milligan decision forced many officers into alliance with Congress for purposes of self-protection,⁴⁰ and then Texan commanders received advice from J. P. Boyd, legal counsel on the Fifth Military District staff, to disregard the President's position on Reconstruction in favor of the Acts of 1867 as natural consequences of Lee's surrender and Congress' constitutional prerogatives on treaties.⁴¹ Concrete evidence of the impact of these factors is General Orders 4, January 16, 1869, in which post commanders in Texas were vested with justice of the peace authority under Texas law--except where it conflicted with national statutes--and local constables, marshals, and sheriffs were ordered to obey and execute warrants under that authority.⁴²

³⁹Documents of American History, edited by Henry Steele Commanger, 2 vols. (New York, 1958), II, 30-31.

⁴⁰Hyman, "Johnson, Stanton and Grant," p. 90.

⁴¹M. C. Hamilton to Reynolds; Reynolds to Mower, November 1867, Governors' Correspondence, Elisha M. Pease Papers, Record Group 307, Texas State Archives, Austin, Texas (hereafter cited as Pease Papers).

⁴²Crimmins Collection, "Reconstruction Period," pp. 1-3.

All national and district regulations and policies were contingent on the availability of troops to implement such authority. Testimony to the Joint Committee indicated that during Presidential Reconstruction demobilization had taken precedence over military consolidation in Texas. Stanley recommended 5,000 soldiers be stationed in the state along lines of communication. They would be granted general police duty and would constitute nothing extraordinary, at least in terms of numbers, since there had been approximately 4,000 troops in Texas prior to the war. This was suggested after the 52,000 occupation troops had been reduced, through the discharge of volunteers, to less than 5,000 by the time of Stanley's report. Colonel Hall told the Joint Committee that there were in Texas two companies at Marshall, two regiments in Galveston and a small garrison at Houston.⁴³ In July, 1866, General Wright complained of far too few troops, especially in the northeast section where lawlessness went unpunished. He described his Texas command: "troops . . . are already widely distributed, generally in one-company posts, and in some instances in detachments of four or five men, with large commands at San Antonio and Austin. . . ." Hall recommended that cavalry replace infantry units. He saw the

⁴³R.J.C., IV, 43, 50; House Executive Documents, 39th Congress, 1st Session, No. 1, pp. 74-75; House Executive Documents, 39th Congress, 2nd Session, No. 61, pp. 1-4.

need for at least eight companies of the 4th Cavalry in the northeast but recognized the political issue involved: "This recommendation is made, of course, on the supposition that the present policy of maintaining garrisons in the interior of the State is to be continued."⁴⁴

At the beginning of 1867 there were approximately 4,745 troops, 1,630 horses, and four pieces of artillery in Texas. One hundred sixteen of these troops were staff personnel; 3,361 were infantry; 1,354 cavalry, and 160 artillerymen. Manning priority had been given to occupation of posts along the Rio Grande and Forts Chadbourne, Clark, Inge, McIntosh, Mason, and Richardson.⁴⁵

Most traditional complaints regarding Congressional Reconstruction concentrate in the period after 1867 when increased jurisdiction and responsibilities focused attention on the military. While some works imply a military build-up in 1867 comparable to the short-lived occupation force, in reality no more than 4,800 troops were stationed in Texas from 1867-1870. In 1867, 3,769 (in sixty-eight companies) occupied thirty-seven posts. Of this total 2,339 were on

⁴⁴House Executive Documents, 39th Congress, 2nd Session, No. 61, p. 4.

⁴⁵"Weekly Station and Effective Force Report of Troops in Texas, January, 1867," R.G. 393, N.A.; Handbook, I, 622, 627, 628-631; F. A. Shannon, The Organization and Administration of the Union Army, 2 vols. (Cleveland, 1928), II, 272-273; Heitman, Register, II, 602-611.

frontier station(thirty-seven companies in sixteen locations). This left 1,430 in thirty-one companies for twenty-one interior garrisons. Official reports for 1868 show a total of 4,550 troops; 3,116 in eighteen frontier posts, 1,434 in thirteen interior camps. This was reduced in 1869 to 3,650 of which 2,152 were on the frontier and 1,498 in fourteen interior locations. By 1870 only 435 troopers manned the four remaining interior posts and 3,937 were assigned to thirteen frontier forts.⁴⁶

In the ex-Confederate States the number of Federal occupation troops was small on a per-capita basis; excluding Texas and West Virginia, there was one soldier for every 708 civilians. "Actual direct military contact with an individual was more of a myth than a reality."⁴⁷ The ratio was higher in Texas, but distances were greater; one trooper

⁴⁶House Executive Documents, 40th Congress, 2nd Session, No. 1, pp. 470-473; House Executive Documents, 40th Congress, 3rd Session, No. 1, pp. 766-767; House Executive Documents, 41st Congress, 2nd Session, No. 1, pt. 2, pp. 170-171; House Executive Documents, 41st Congress, 3rd Session, No. 90, pp. 76-77. A general outline of posts occupied after 1865 can be found in Carl Coke Rister, The Southwestern Frontier, 1865-1881 (Cleveland, 1928), pp. 50-70. Texas newspapers carried detailed accounts of troop assignments; the Dallas Herald announced, for example, on March 28, 1868, that a general relocation had occurred which left Mt. Pleasant, Cotton Gin, Waco, Woodville, Hempstead, Brenham, Centreville, Houston, Seguin, Weatherford, Helena, and Refugio without troops.

⁴⁷In 1867 there were approximately 14,000 officers and men in the South excluding Texas; two years later the number was 6,000. Pfanz, "Soldiering," pp. 17-18.

for each 600 Texans would be a conservative estimate, and where population was dense (East and South Texas), interior garrisons were small. While total occupation statistics are reliable, the presence of company units is misleading—and this may be essential to the "myth" of oppressive occupation. Official maximum company strength was 100, but fifty to sixty soldiers was a better estimate. By 1870, company strength in the South was often thirty-five.⁴⁸

The following table gives the location of interior posts, regiments represented (omitting the number of companies), and the official strengths of each garrison during 1867-1870:

TABLE I
TROOP DISTRIBUTION, 1867-1870⁴⁹

Year	Post	Regiment	Strength
1867	Tyler	26 Infantry	182
	Austin	6 Cavalry-"H"	108
	Galveston	17 Infantry-"H"	104
	Mt. Pleasant	6 Cavalry	104
	San Antonio	35 Infantry-"H"	87
	Hempstead	17 Infantry	80
	Nacogdoches	26 Infantry	80
	Houston	17 Infantry	80
	Seguin	35 Infantry	61
	Brenham	17 Infantry	55
	Waco	26 Infantry	53
	Centreville	26 Infantry	53
	Victoria	35 Infantry	53
	Weatherford	35 Infantry	50
	Lockhart	26 Infantry	48

⁴⁸Heitman, Register, II, 601, 605; Pfanz, "Soldiering," p. 13.

TABLE I--Continued

Year	Post	Regiment	Strength
1867	Roundtop	17 Infantry	48
	Sherman	6 Cavalry	45
	Green Lake	35 Infantry	44
	Goliad	35 Infantry	42
	Woodville	17 Infantry	29
	Refugio	35 Infantry	23
	1868	Marshall	15 Infantry-"H"
Austin		4 Cavalry	
		6 Cavalry	
		17 Infantry	208
San Antonio		35 Infantry	116
Galveston		17 Infantry	100
Woodland		26 Infantry	75
Belton		17 Infantry	62
Jefferson		15 Infantry	59
Lake Trinidad		4 Cavalry	58
Indianola		35 Infantry	58
Brenham		17 Infantry	52
Dallas		17 Infantry	45
Pilot Grove		6 Cavalry	35
Sulphur Springs		6 Cavalry	32
1869	Jefferson	4 Cavalry	380
		6 Cavalry	
		11 Infantry	
	Galveston	10 Infantry	173
		11 Infantry	
	Austin	4 Cavalry	170
		6 Cavalry	
	Corpus Christi	4 Cavalry	115
	Greenville	10 Infantry	
		6 Cavalry	106
	San Antonio	11 Infantry	
		4 Cavalry	105
	Brenham	10 Infantry	
	Tyler	11 Infantry	77
	Bryan	6 Cavalry	66
	Helena	11 Infantry	65
	Columbus	10 Infantry	61
	Waco	11 Infantry	54
Nacogdoches	6 Cavalry	50	
Livingston	6 Cavalry	42	
	6 Cavalry	34	

TABLE I--Continued

Year	Post	Regiment	Strength
1870	San Antonio	4 Cavalry	
		10 Infantry-"H"	151
	Jefferson	11 Infantry	104
	Waco	11 Infantry	94
	Austin	10 Infantry	87

The above statistics omit a large number of northern white volunteer regiments organized as the IV and XIII Corps during the initial invasion. The following regiments were present in Texas between June and December, 1865 (several were not mustered out until May, 1866): Illinois Infantry Regiments 9, 24, 30, 32, 40, 51, and 57; Iowa Infantry Regiments 29 and 34; the 8th Regiment of Kansas Infantry; Kentucky Infantry Regiments 21, 23, and 28; Battery "A", Kentucky Artillery; 4th and 7th Batteries of Massachusetts Artillery; the 3rd and 4th Michigan Infantry Regiments; 15th and 30th Missouri Infantry Regiments; the 13th, 26th, 41st, 49th, 51st, 64th, 65th, 71st, 77th, and 125th Ohio Infantry Regiments. Pennsylvania contributed the 77th Infantry

⁴⁹"H" indicates a regimental headquarters. An extended table, incorporating frontier posts, would show that most headquarters throughout the period were located at some distance from interior garrisons. It can be assumed that interior posts were considered temporary detachments. House Executive Documents, 40th Congress, 2nd Session, No. 1, pp. 470-473; House Executive Documents, 40th Congress, 3rd Session, No. 1, 766-767; House Executive Documents, 41st Congress, 2nd Session, No. 1, pt. 2, pp. 170-171; House Executive Documents, 41st Congress, 3rd Session, No. 90, pp. 76-77

Regiment, Wisconsin the 27th and 28th Infantry Regiments and, Vermont the 7th Infantry Regiment. Initial invasion, then, was accomplished by volunteer troops except for Batteries "D" and "M" of the 1st United States Artillery plus regular cavalry regiments invading the state from Louisiana. Volunteer regiments reached Texas via New Orleans from either Nashville or Mobile.⁵⁰

Discharge of the above units so reduced the occupation army that local post commanders could carry out their responsibilities only with extraordinary work assignments for their available troops. The commander at Jefferson complained that he was unable to adequately guard thirty-seven citizens who had been arrested, and his guards were so often tempted by bribes that an officer was assigned to supervise that function. Steamers arriving at Jefferson were unloaded by fatigue details, leaving too few men for railroad escort duty which was required due to frequent attack by desperadoes.⁵¹

Replacements were scarce. Volunteers were anxious to return to their homes, and those selected for retention were reluctant soldiers. Lieutenant Redman commented to his mother: "I do not like it and would not today accept a commission

⁵⁰Frederick H. Dyer, A Compendium of the war of the Rebellion, 3 vols. (New York, 1959), I, 252-255, 452-455, 567-569; III, 1054-1697.

⁵¹Lt. Colonel Buell to Lt. L. V. Caziac, n.d., R.G. 393, N.A.

in the regular army if offered to me. I am anxious to know how it would seem to be free once more." Redman had progressed from first lieutenant to captain in six months, but the prospect of further service was no more attractive to him than to First Sergeant Larson of the 4th Cavalry who was encouraged by two captains and a general to extend his enlistment. Larson's record was such that General Hatch appealed to him on several occasions to reenlist. Even the promise of a commission did not move him, for Larson was convinced-- and Hatch admitted-- that West Point graduates monopolized the field which was virtually closed to enlisted men.⁵²

Those who did accept assignments in regular units were often less than fully qualified. Lieutenant Kramer of the 6th Cavalry described his recently promoted commander, Colonel James Oakes, as a man fully conscious of the poor caliber of his brother officers who were first "put to hard training" before assignment in an effort to reduce the numerous court martials in the officer corps. Sergeant Larson's experience with enlisted replacements caused him to label them "hard cases" left over from demobilized volunteer

⁵²W. H. Redman to Mother, April 1, 1866, Redman Papers; Larson, Sergeant Larson, pp. 323-326.

units. His fellow first sergeants, whose job it was to train recruits, found it difficult to make good soldiers out of "drunks and thieves."⁵³

More serious than the problem of training new recruits and veterans from volunteer regiments was the difficulty of keeping men present for duty; desertion was widespread in the occupation forces. In 1866 alone, 14,068 were reported absent without leave, and by 1871 one-third of the force had deserted. Just how much of the abuse suffered and celebrated by southerners occurred at the hands of deserters will never be known, but this element was certainly responsible to some degree for a rising crime rate and general disorder attributed to the military at large.⁵⁴ A major cause of desertion was the belief that the government had violated its enlistment contract. Lyon recalled that his "men[felt] outraged and wronged because they[were]sent[to Texas]while so many thousands who rendered less service[were]being sent home." The colonel told his wife:

The law under which we volunteered declares that we shall be discharged as soon as the war is over . . . [it is]pretty rough treatment for the men who have breasted the tide of war for four long years . . . there does not exist the least necessity for our services.⁵⁵

⁵³Storey, "Army Officer," p. 250; Larson, Sergeant Larson, pp. 319-322.

⁵⁴Foner, "U. S. Soldier," pp. 17-18; North, Five Years in Texas, p. 189; Ramsdell, Reconstruction in Texas, p. 83.

⁵⁵Lyon, Reminiscences, pp. 222, 226, 229.

Federal soldiers found little justification for the sacrifices of camp life in Texas. Following the sacrifices of war-time service, few were enthusiastic about civil reforms. Colonel Lyon believed:

The people of the South have all returned to their allegiance and in good faith are endeavoring to restore civil government. There is no earthly use for an army here. . . . The regular army and the colored troops are ample for all the purposes that an army is required for.

Sergeant Larson was a regular but only slightly less confused about the army's presence in Texas. We "had been rushed to Texas as soon as there was nothing more to do in the other states, and it looked very much like there was still something to be settled, although we did not then know what."⁵⁶

Hardships and temptation compounded the loss of esprit de corps. Lyon's Wisconsin regiment was thoroughly disheartened after the march to Lavaca from Indianola (without water) and the Green Lake trek. Lt. Colonel S. D. Sturgis announced another cause of desertion in a letter to Throckmorton in which the officer accused Texans of encouraging Federals to desert: "There is hardly a non-commissioned officer in my Regt. who is not familiar with the devices used by that class [Texas planters] to seduce the soldiers from the service."⁵⁷

⁵⁶Ibid., p. 226; Larson, Sergeant Larson, p. 317.

⁵⁷Lyon, Reminiscences, p. 221; Lt. Colonel S. D. Sturgis to Throckmorton, January 6, 1867, A.G.T.

The same complaints that led individual troopers to desert at times erupted in mutiny. Reluctance to leave eastern posts has been noted elsewhere, and the same unwillingness was reflected on the Texas coast. Some members of the IV Corps had been in service since 1861, and at least one regiment was assigned to that larger unit because of the record of its commander, David S. Stanley, to instill discipline. The 31st Indiana, however, mutinied off Indianola assuming control of its transport vessel. Colonel Thomas E. Rose of the 77th Pennsylvania (whose alleged infamy as commander of troops at Victoria is recorded by several historians of South Texas) disarmed the Indiana volunteers and restored order.⁵⁸

Lieutenant Redman, serving in the Houston area, wrote his brother that "one company("F") of our Regiment has been dismounted and Disarmed for attempting to mutiny." Sergeant Larson was assigned as a senior non-commissioned officer to suppress rebellion in the 4th Cavalry, though he felt the troopers "really had some right to complain" since their enlistments were extended beyond the "three years or end of the war"; they were also fearful that a war with Mexico might result in further extension of service. One regiment's

⁵⁸Clippings from The Army and Navy Courier, February, 1927, Crimmins Collection.

anxiety regarding a Mexican war resulted in mutinuous declarations that Sheridan was a "glory seeker" and Stanley was campaigning for the governorship of Texas. A camp at Green Lake was the focal point of this insubordination which included effigies of the two general officers riding donkeys.⁵⁹

The cavalry's record of desertion reflected less malcontent in that branch. Of 118 deserters from the 9th Cavalry during the period 1866-1877, nine were apprehended; the 15th Infantry lost 336 to desertion, but only sixty-five were returned to their units. Rewards were offered for information on the whereabouts of deserters, and one account of an expedition to capture a single soldier who left his unit proves the futility of the exercise in a state like Texas. A sergeant and three troopers left Livingston in April, 1869, with orders to arrest a deserter whose trail led them to the Angelina River where they lost his signs. The patrol then rode to Jasper where they discovered some encouraging evidence. But the horses were too worn by that time to go any further, and the search was given up.⁶⁰

⁵⁹W. H. Redman to Brother, March 15, 1866, Redman Papers; Larson, Sergeant Larson, pp. 317-318; Pfanz, "Soldiering," pp. 206-207.

⁶⁰Pfanz, "Soldiering," pp. 435-455. Sheriffs received descriptions and promises of \$30 reward for assistance in apprehending deserters. Major General James H. Carleton to Sheriff, Burnett County, May 15, 1869, R.G. 393, N.A.

Discontent over terms of enlistments was alleviated with the muster-out process of late 1865, but the national enthusiasm for army reductions caused serious logistical problems and handicapped military occupation. Sheridan's estimate in August, 1865, that 21,000 colored and 24,000 white troops would remain in Texas was grossly exaggerated. Discharges were well above the figure he anticipated by October when the IV Corps was reduced by 3,000.⁶¹

Rapidity of mustering out depended on available transportation. Mobile and New Orleans were discharge centers for Federal volunteers in Texas, unless they desired to remain in the state. In some cases discharged soldiers who intended to return to their homes in the North were without transportation even to the Texas coast. Trooper Newton took passage to New Orleans via Galveston where he was well-treated though the port was recognized as a town where "Secessionists and Rebels . . . had about as much use for Negro soldiers as the Devil has for Holy Water."⁶²

⁶¹Grant concluded as early as July, 1865, that Texas had more cavalry than necessary. He recommended discharge at Sheridan's discretion allowing those to be mustered out in the South who wished to remain there. Grant to Sheridan, July 30, 1865; Sheridan to Colonel T. M. Vincent, August 8, 1865; Sheridan to Grant, October 7, 1865, O.R., I, 48, 2, 1133, 1171, 1237-1238.

⁶²Sheridan to Rawlins, October 19, 1865; R. W. Emery to General C. C. Andrews, June 23, 1865, O.R., I, 48, 2, 978-979; 1242; Colonel John Oakes to Headquarters, May 13, 1867, R.G. 393, N.A.; Newton, Out of the Briars, p. 85.

Northern public opinion at the outset of Reconstruction in Texas was decidedly anti-militaristic, and congress reflected this sentiment in the general army reduction of 1865 and reorganization of 1866.⁶³ At the end of the war there were 1,000,000 troops in volunteer units. By August, 1865, 640,000 completed their tours of duty, and 100,000 were released each month beginning in September. In January, 1866, 123,356 volunteers remained, but that figure was reduced to 11,043 (black and white) by May. The entire army numbered 50,000 in 1867, a figure equal to Sheridan's invasion force of 1865. Reductions in strength caused most officers in brevet rank to revert to their permanent grades, and some degree of efficiency was lost in the process.⁶⁴

Negro troops were discharged with special consideration as to their place of recruitment and their future assignments. All colored members of the XXV Corps recruited in the North were discharged during September, 1865; preference for

⁶³ Leonard D. White, The Republican Era 1869-1901 (New York, 1958), pp. 134-135. A survey of politicians' attitudes on army reduction is found in Arthur A. Ekirch, Jr., The Civilian and the Military (New York, 1956), pp. 112-113 and Peyton Ellsworth Cook, "Military Policy of the United States, 1865-1898," unpublished master's thesis, Department of History, University of Texas, Austin, Texas, 1963, pp. 1-30. Foner, "U. S. Soldier," p. 185, quotes the contemporary feeling that a respectable American would as soon "volunteer for the penitentiary" as the army.

⁶⁴ R. Ernest Dupuy, Military Heritage of America (New York, 1956), p. 310; Pfanz, "Soldiering," pp. 10-11; Frederick Whittaker, "General George A. Custer," Galaxy, XXII (September, 1876), 367.

retention appears to have been given to Negroes enlisted in the South. Most of those retained were destined for frontier service which means that the occupation of interior Texas communities by black troops of the XXV Corps was limited to late 1865 and early 1866.⁶⁵

Several questions are implicit in any discussion of the deployment of Negro troops during Reconstruction: how many were there? How long and where were they stationed? What was their record as occupation soldiers? How did Texans and white Federal troops judge their capacity as men and soldiers?

Of the 165 Negro regiments serving in 1865, only two were state units; few of the total were cavalry men. After the XXV Corps was reorganized in early 1866, a consolidation occurred, and the six remaining Negro regiments were assigned to regular army units. These were the 9th and 10th Cavalry, 38th, 39th, 40th, and 41st Infantry. These units later combined to form the 24th and 25th Infantry Regiments with frontier assignments.⁶⁶ In June, 1865, there were 856 colored officers and 26,253 enlisted Negro soldiers in Texas. This

⁶⁵Sheridan to Rawlins, September 30, 1865, O.R., I, 48, 2, 1235; New York Times, August 11, 1865. The XXV Corps, created in December, 1864, and discontinued in January, 1866, was the largest Negro unit ever employed by the United States Army. L. D. Reddick, "The Negro Policy of the United States Army, 1775-1945," Journal of Negro History, XXXIV (January, 1949), p. 17.

⁶⁶Reddick, "Negro Policy," p. 18; Pfanz, "Soldiering," p. 159.

constituted half of Sheridan's invasion force, but most belonged to the XXV Corps with duty along the Rio Grande. From December, 1865, to June, 1867, the numbers were reduced from 530 officers and 13,366 men to 19 officers, 626 men.⁶⁷

Twenty-five colored regiments were assigned to Weitzel's West Texas invasion command; only one of these, the 5th Massachusetts Cavalry (Colored) was a state regiment. The remaining were regular infantry units excepting the 1st and 2nd United States Colored Cavalry. These were veteran troops most of whom had served in the seige of Petersburg, occupation of Richmond, and pursuit and surrender of Lee in Virginia. One Negro regiment, the 5th Massachusetts, however, did occupy Clarksville, Red River County, until discharged in October, 1865.⁶⁸

Good leadership was difficult to procure for colored regiments. White officers were carefully selected, but one of two types seem to have emerged from the screening process, incompetents or impractical idealists, neither of whom could utilize black soldiers to the optimum in occupation duties. Recruiting and training non-commissioned officers for colored

⁶⁷"The Negro in the Military Service of the United States, 1639-1886," Microcopy T-823, pp. 3685, 3735, 3783, 3789, 3804, 3805, National Archives, Washington (hereafter cited as "Negro in Military Service").

⁶⁸Dyer, Compendium, III, 403-405, 1720-1740, 1240.

regiments for duty in the Southwest proved difficult even before the Texas invasion, and draftees and substitutes were pressed into these positions.⁶⁹

With some notable exceptions, the Federal officer corps and enlisted ranks displayed little respect for the ability of colored troops to satisfactorily perform occupation duties. It was Grant's opinion, stated to Johnson in December, 1865, that black troops demoralized ex-slaves, and their camps were a "resort for freedmen;" white soldiers, on the other hand would "excite no opposition," so fewer were required to defend themselves. However, Grant admitted to Stanton that Negro troops were less concerned about extended enlistments than their white volunteer counterparts who were so discontent that their service was of little value. Still, he insisted that Sheridan assign his colored troops to the Rio Grande.⁷⁰

Halleck was particularly unhappy with the XXV Corps which was "reported to be poorly officered and in bad discipline and altogether unfitted for the military occupation. . . ." He felt it should be sent, as it was finally, to the Rio Grande, and Sheridan believed New Mexico was a better theatre for Negro troops than interior Texas communities. These

⁶⁹ Frederick M. Binder, "Pennsylvania Negro Regiments in the Civil War," Journal of Negro History, XXXVIII (October, 1952), 401; Pfanz, "Soldiering," pp. 155-157; C. W. Foster to E. R. S. Canby, January 30, 1865, "Negro in Military Service."

⁷⁰ Grant to Johnson, December 18, 1865; Grant to Stanton, May 16, 1866, "Negro in Military Service," pp. 3733, 3782; Grant to Sheridan, March 29, 1866, Grant Papers.

attitudes were apparently common among ranking officers.⁷¹

There was dissent, however. Weitzel, well acquainted with the behavior of black troops at Petersburg and Richmond, and commander of the XXV Corps in Texas, complained to his old friend, Benjamin Butler, that a bias against Negro troops was not founded on first hand knowledge. Lieutenant Wilson Miller was associated with colored units for two years before his assignment to Corpus Christi where Negroes proved themselves equal to or superior to white occupation troops; they were less inclined to breaches of discipline, according to Miller.⁷²

Numerous remarks recorded by Negro and white troops illustrate a low regard for colored soldiers by white Federals. Sergeant Newton, a Connecticut Negro, claimed that a certain "Captain Clark ought to have been with the Greys instead of the Blues, he had so little use for the colored troops." Clark was subsequently arrested for maltreatment of black soldiers.⁷³ Lieutenant Redman admitted to his sister, a

⁷¹H. W. Halleck to Stanton, April 28, 1865, "Negro in Military Service;" Sheridan to Grant, October 21, 1865, Q.R., I, 48, 2, 1235; John William Ulrich, "The Northern Military Mind in Regard to Reconstruction, 1865-1872: The Attitudes of Ten Leading Union Generals," unpublished doctoral dissertation, Department of History, Ohio State University, Columbus, Ohio, 1959, p. 11.

⁷²Marshall, Correspondence of General Butler, V, 584-586; R.J.C., IV, 45.

⁷³Newton, Out of the Briars, p. 82.

strong dislike for Negroes in and out of the service:

I cannot see why you are down on President Johnson. His policy of restoring the Union is perfectly correct. . . . As regards Negro suffrage, I shall always protest against it. I would never grace the polls with my presence when the Negro was allowed to vote, nor would any other man who had due respect for the white race. . . . I am no Republican man now. . . . This is a White Man's Country and God grant it may ever remain so. If anybody says that the negro fought to save the country, I would ask if sensible men in the proper time oppose with all their might, the original establishment of a Negro Soldiery. . . . [Redman blamed] fanatics of the North [who would]. . . . someday claim that the Negro had earned his right to vote by fighting in our Army. . . . [these were] devilish cowards who have been preaching their fanaticism during the last four years in the North.⁷⁴ . . . My mind is to colonize the colored race.⁷⁴

Lieutenant Norton of the 8th Regiment Colored Troops spoke of his black aide with what was perhaps a usual degree of condescension: "Mr. Brown is at present employed as a polisher of metal (cleans the sword) and an artist (handles the boot brush). . . . [and is] black as the ace of spades." Norton's attitude was not malicious however, and his promotion from white enlisted ranks to a Negro troop command was welcomed.⁷⁵ Enough evidence exists to conclude that Negro occupation troops were probably no better nor worse than their white comrades, and their war record, as reported

⁷⁴ W. H. Redman to Sister, November 5, 1865, Redman Papers.

⁷⁵ Norton, Letters, pp. 268-269.

by Generals Weitzel, Wright, and Steele—all of whom commanded Texas occupation forces—was excellent.⁷⁶

White Federals on occupation duty were often involved in demonstrations of hostility for the black soldier or the racial and political implications of his wearing the uniform. General Merritt, who had spoken of his intentions of offering himself as a candidate for political office in Texas, discovered that his troops would "rather have the vote of one loyal Texan than the votes of ten abolitionists" whom Merritt supposedly represented. Tom Delany, an ex-Federal soldier and stable keeper in Houston, was remembered by an old resident of that city as a union veteran, who like "nine-tenths" of his colleagues, fought for the flag, not to free Negroes, and who vented his race hate on hired, black mule drivers. A Bureau officer in Wharton reported in February, 1867, that six white soldiers there robbed Negroes, and Charles Murry, discharged from an Illinois regiment, assisted other union veterans at Liberty in an ax-beating of a freedman. White soldiers on duty in Austin in September, 1876, used force to eject Negroes from a military

⁷⁶Objective summaries and conclusions concerning Negro troop behavior can be found in "Negro in Military Service," pp. 3995-4141; Foner, "U. S. Soldier," pp. 310-302; Vera Lea Dugas, "A Social and Economic History of Texas in the Civil War and Reconstruction Periods," unpublished doctoral dissertation, Department of History, University of Texas, Austin, Texas, 1963, pp. 365-378; H. Henderson Donald, The Negro Freedman . . . After Emancipation (New York, 1952), pp. 193-194; Thomas W. Higginson, Army Life in a Black Regiment (Boston, 1870), pp. 243-263.

ball given to celebrate Governor Pease's inauguration; this occurred after Texas Radicals had fought over the issue of an invitation.⁷⁷

Hostility was natural for the vast majority of Texas civilians in reaction to the brief but graphic presence of Negro Federal troops, who symbolized defeat and social disintegration. The conservative press continually complained about the presence of armed blacks. The Dallas Herald reported satirically in September, 1866:

We charge Major General Sheridan nothing . . . for advising him that we have no earthly use for these [colored] troops [who] steal out of camps and become an annoyance in the kitchens. . . . Better send them off to Utah. Brigham's loyalty requires correcting.

In time, hostility generated by the brief period of black occupation would become a central theme in historical works, serving as justification for Ku Klux Klan activity.

⁷⁷New York Times, March 5, 1866; Young, True Stories of Old Houston, p. 100; J. D. Whitten to Throckmorton, February 13, 1867, Throckmorton Papers; A. H. Mayer to General A. Doubleday, June 27, 1868, R.G. 105, N.A.; J. W. Throckmorton to B. H. Epperson, September 5, 1867, Epperson Papers.

Indeed, vigilantism is often described as a salutary attempt to counter the guns and uniformed authority of Negro soldiers and a successful effort toward helping "the negro to realize his unimportance."⁷⁸

⁷⁸A contemporary source demonstrating the point is an editorial in Dallas Herald, September 22, 1866. A typical secondary source, from which the quotation is taken, is Seth Shepard McKay, "Texas Under the Regime of E. J. Davis," unpublished master's thesis, Department of History, University of Texas, Austin, Texas, 1919, pp. 3, 57-58, 70. Less exaggerated but relevant is Ramsdell, Reconstruction in Texas, p. 188.

CHAPTER VIII

THE MILITARY AND THE FREEDMEN'S BUREAU

Federal officers assigned to Texas as agents of the Freedmen's Bureau performed their duties under legislation which clearly established their authority to "control . . . subjects relating to refugees and freedmen from rebel states" as well as to administer confiscated lands. Since sequestered property was rare in Texas, the agency's major concern was the Negro and his new status as freedman.¹ Activities of the Bureau produced the most specific and emotional criticisms of military administration because local agents of the Bureau touched the vital source of discontent over military presence—the freedmen. Objections to military endorsement of Negro rights is typified by a Dallas Herald comment of 1866 in which Radical Republican enthusiasm for social revolution was identified as the primary motive of the Bureau agent: "the freedmen and their evil genius the Freedmen's Bureau are a failure. The first can be improved by means of State legislation, the latter by leaving the Southern country."²

¹U. S. Statutes at Large, XIII, 502 (1865).

²Dallas Herald, October 6, 1866.

Texas was perhaps the most hostile of the ex-Confederate states in regard to Bureau action. Bureau Commissioner General Oliver O. Howard apparently recognized this fact in special instructions to his agents who were cautioned to "Promote mutual good will among blacks and whites" using a "spirit of fairness[and]. . . charity."³ These orders have been overlooked by some Texas historians who describe the Bureau as an agency which "victimized its charges and worked to the detriment of the workers' dependability." The Bureau's accomplishments were "rather disappointing," according to one account, showing "avowed partiality for the Negro and a disdain for the interests of the white man." The basic source of these judgments was the belief that freedmen were "debased," prone to crime, and overprotected by the Bureau.⁴

There were five Bureau sub-commissioners for Texas during 1865-1869: Generals E. M. Gregory (appointed September 21, 1865); Joseph B. Kiddoo (April 2, 1866); Charles Griffin (January 24, 1867); Joseph J. Reynolds (September 21, 1867);

³John and LaWanda Cox, "General O. O. Howard and the 'Misrepresented Bureau'," Journal of Southern History, XIX (November, 1953), 5.

⁴The general impression left by some Texas historians is one of Bureau failure and irresponsibility. Bureau reports from local communities figure less in this conclusion than newspapers and secondary sources. Nunn, Texas Under the Carpetbaggers, pp. 5, 55, 135-136, 245-246; Ernest Wallace, Texas in Turmoil 1849-1875 (Austin, 1965), p. 159; Richardson, Lone Star State, p. 273.

Edward R. S. Canby (January 18, 1869); and Joseph J. Reynolds (April 8, 1869).⁵ Bureau activity began with Gregory's arrival on September 21, 1865, but little was accomplished until winter. The sub-commissioner established headquarters in the Galveston Customs House and issued orders in October instructing freedmen not to expect land distribution. The following month he undertook an extensive tour through East Texas, after which he issued optimistic reports on the discipline and the disposition to learn which he found among Texas freedmen.⁶

Gregory was poorly received in Texas. His army record was commendable, however, and his general demeanor was described as courageous and ethical. But it was impossible for him to fulfill his responsibility and at the same time enjoy popularity among most Texans. A controversy with the Galveston Daily News and David G. Burnett brought Gregory's

⁵George R. Bentley, A History of the Freedmen's Bureau (Philadelphia, 1955), p. 216. Bureau headquarters moved from Galveston to Austin in November, 1867. "Officers of the Texas Bureau," R.G. 105, N.A.

⁶Elliot, "Freedmen's Bureau," pp. 2-5; Gregory tried to convince the 25,000 freedmen he addressed that Christmas would bring no land distribution. He admitted rumors of insurrection, but he told Howard if such occurred it would be the work of whites not Negroes. Letters Sent 1865-1867, pp. 37-38, 65-70, R.G. 105, N.A. Bureau activity in Texas was carefully followed by the northern press. Ben C. Truman painted a bright picture of freedmen conditions in the New York Times, February 19, 1866, after Gregory's tour. This initial impression, later shown to be erroneous, may have contributed to loss of faith in the Bureau.

reassignment for lack of "amenity of manner," and "Texans accepted his departure with pleasure."⁷

During Gregory's tenure, eighteen sub-assistant commissioners were assigned to the Texas communities of Houston, Marshall, Victoria, Austin, Brenham, Columbia, Hempstead, Anderson, Courtney, Woodville, Leona, and Indianola, and in Wharton and Wilson, and other counties.⁸ General Kiddoo, Gregory's replacement, reorganized the Texas Bureau, relied more on civil courts and concentrated on educational efforts. He encouraged freedmen to honor labor contracts and imposed fines on Negroes and whites who violated the contract system. On occasion, Kiddoo found himself "powerless to get justice for the freedmen," however, and he was forced to resort to Bureau tribunals in the place of state courts.⁹

An account of Griffin's administration as Bureau chief listed fourteen civilians on duty when he assumed office. Most of these were stationed along the coast, and none was more than 180 miles from the Gulf. About one-third of the state and one-half of its population were thus directly affected.

⁷R.J.C., IV, 43; Elliot, "Freedmen's Bureau," pp. 2-5, 10; Bentley, Freedmen's Bureau, p. 60; Handbook, I, 734. Burnet charged Gregory with "intolerable acts of aggression." Hill, "Negro in Texas," pp. 26-27.

⁸Elliot, "Freedmen's Bureau," pp. 2-5.

⁹Ibid., pp. 11-12; Bentley, Freedmen's Bureau, pp. 149-158; House Executive Documents 1, 40th Congress, 2nd Session, No. 1, pp. 683-685.

By May, 1867, there were fifty-seven assistant sub-commissioners' districts staffed by sixty-nine agents, thirty-eight of whom were military officers. Griffin's work was confined to the area between the Guadalupe and Neches Rivers north to the state boundary. Assuming office in 1867, he found many freedmen renting land; the majority took wages, but some preferred to share crops. Negro men earned \$14.00 per month, specie, and women \$10.00.¹⁰

Administration of abandoned or confiscated properties was a major responsibility of Howard's organization, but Bureau agents in Texas had few such properties under their supervision. Bureau funds were therefore reduced since fines rather than real estate would be its principal source of revenue. After 1868 no lands in Texas remained under Bureau management; 710 acres and three town lots were restored in that year. This was in contrast to confiscation of property in other ex-Confederate states: Virginia(12,000 acres); South Carolina(85,000); Georgia(40,000); North

¹⁰House Executive Documents, 40th Congress, 2nd Session, No. 1, pp. 683-685.

Carolina(4,000); Tennessee(27,000); Louisiana(3,000); Arkansas(37,000), and Florida(100).¹¹

The maximum number of Bureau agents was reached in 1868. In the following table are given the location of the sub-assistant commissioners' headquarters and the counties for which they were responsible. Again, Texas distances made the military's task virtually impossible given the variety of responsibilities and local hostility to the Bureau's presence.

The Texas Bureau was organized as quasi-independent, but it was a military structure in terms of discipline and reporting procedures. Agents were responsible to Howard and departmental commanders, with less opportunity of fraud and corruption than has been assumed. The commissioner was insistent that the War Department assign officers of good reputation to Bureau posts. His words to Kiddoo in August, 1866, bear testimony to Howard's attitude: "You

¹¹Ibid., p. 622; House Executive Documents, 40th Congress, 3rd Session, No. 1, p. 1017; Bentley, Freedmen's Bureau, p. 74. A standardized work on the Bureau holds that no land in Texas was categorized as abandoned or confiscated. Paul S. Pierce, The Freedmen's Bureau(Iowa City, 1904), p. 129. In reality there was some property confiscated in Austin and San Antonio. Space in Austin buildings was used to house refugees, and the Brazos Manufacturing Company in Roberson County was seized in September, 1867; it was returned to its owners in February, 1868. Boxes 23, 24, R.G. 105, N.A.; J. L. Randall to Lt. J. T. Kirkman, September 30, 1867; Special Orders 10, February 21, 1868, R.G. 105, N.A.

TABLE II
FREEDMEN'S BUREAU POSTS IN 1868¹²

Agency Headquarters	Counties in District	Agency Headquarters	Counties in District
Beaumont	Jefferson, Orange	Huntsville	Walker, Madison, Polk (west of Trinity R.)
Liberty	Liberty, Chambers	Bryan City	Brazos, Grimes, Burleson (east of Caldwell Road)
Galveston	Galveston	Brenham	Washington
Columbia	Brazoria	Bastrop	Bastrop, Burleson (west on Caldwell Road), Rayette (west of Round Top-La Grange Road)
Wharton	Wharton, Matagorda	Lockhart	Caldwell, Hays (south of Union Creek)
Indianola	Calhoun, Jackson (south of Texana)	Sequin	Guadalupe, Wilson, Gonzales
Goliad	Goliad, Bee, Live Oak	San Antonio	Bexar, Comal, Medina, Atascosa, Bandera, Kendall
Jasper	Jasper, Newton	Sterling	Robertson, Milam
Woodville	Tyler, Hardin, Polk (east of Trinity R.)	Centreville	Leon
Crockett	Houston, Trinity	Austin	Travis, Williamson, Hays, Blanco, Burnet
Houston	Harris, Montgomery	Tyler	Smith, Henderson, Wood, Van Zandt, Cherokee (north of Busk)
Richmond	Fort Bend	Palestine	Anderson
Hempstead	Austin	Paris	Lamar, Fannin
Columbus	Colorado, Fayette (east of Round Top-La Grange Road)	Boston	Bowie
Hallettsville	Lavaca, Jackson (north of Texana)		
Clinton	De Witt, Karnes, Victoria		
San Augustine	San Augustine, Shelby, Sabine		
Kaufman	Kaufman, Hunt		

TABLE II--Continued

Agency Headquarters	Counties in District	Agency Headquarters	Counties in District
Camp Wilson	Shackleford, Jones, Knox Stephens, Eastland, Calliham, Greer, Throckmorton, Young, Baylor, Haskell, Taylor, Wichita, Wilbarger, Hardeman Dallas, Tarrant, Ellis, Johnson Grayson, Collin, Cook, Denton Uvalde, Kinney, Dimmitt, Maverick, Zavalla, Frio Wells, Encinal, Duval, Zapata, McMullen, La Salle Parker, Palo Pinto, Hood Commanche, Erath, Hood Kerr, Gillespie, Edwards, Kimball Refugio	Fort Mason Waco Cotton Gin Marshall Buffalo Springs Corpus Christi Rio Grande City Nacogdoches Brownsville Clarksville Mt. Pleasant	Mason, Llano, Menard, Concho, McCulloch, San Saba, Brown, Coleman, Runnels McLennan, Coryell, Bell, Falls, Bosque, Hamilton, Lampasas Freestone, Navarro, Limestone Harrison, Marion, Rusk, Panola, Upshur Clay, Montague, Jack, Wise Nueces, San Patricio Starr, Hidalgo Nacogdoches, Angelina, Cherokee (north of Rusk) Cameron Red River Titus, Hopkins, Davis

12" Index of Freedmen's Bureau Posts for February 1, 1868," R.G. 105, N.A.

know this Bureau must be pure enough to withstand all sorts of accusations."¹³ The ratio of civilian to military agents remained roughly the same throughout the Bureau's existence, from one-third to one-half. Location and peculiar duties dictated the assignment of troops to assist Bureau duties. The Galveston agent had four companies in 1867. There were fifteen companies at the Brownsville headquarters but less relief work for the agent there. Most sub-commissioners had access to less than a company of uniformed troops.¹⁴

Staff assignments were primarily military. The following Bureau officers were on duty in February, 1867: General Charles Griffin(Assistant Commissioner); Colonel W. H. Sinclair(Inspector); Lieutenant Charles Garretson(Assistant Quartermaster); Colonel George Taylor(Surgeon); E. M. Wheelock(Superintendent of Schools); D. T. Allen(Assistant Superintendent of Schools); A. M. Sperry(Traveling Agent).¹⁵

¹³Cox, "Howard and the Bureau," pp. 429-431. Howard appears to have been strongly motivated by religious ideals, and for that he was characterized by Johnson and Welles as a fanatic. Ulrich, "Military Mind," pp. 104-105.

¹⁴"Roster of Officers and Civilians on Duty in the Bureau RFAL, July 10, 1867; January 1, 1868, R.G. 105, N.A.

¹⁵Ibid., February 1, 1867.

Supervision of the Bureau's activities passed from an independent assistant commissioner in 1867 to the commander of the Department of Texas, and ranking officers connected with the Texas Bureau seem possessed of good credentials. Edgar M. Gregory's war record dated to 1861, and included brevets for gallantry as commander of the 91st Pennsylvania Infantry; Meade recommended him for Bureau duty.¹⁶ Joseph Barr Kiddoo had also served since the beginning of the war in a Pennsylvania regiment, but he progressed from private to brevet brigadier general in four years. His field record as a colonel of colored troops during the Petersburg seige was reputable.¹⁷

Texans found at least one officer acceptable as Bureau commissioner. The Dallas Herald expected that Major General George W. Getty would succeed Kiddoo—instead of Griffin—and the paper recommended Getty as an "old soldier" who would enjoy a "favorable reception in Texas." Getty's army career dated to 1840 when he served under Sheridan. The Herald stated that Getty, as a native of Washington, D. C., would "probably be inclined to treat kindly the Southern people."¹⁸

¹⁶Heitman, Register, I, 477; Elliot, "Freedmen's Bureau," pp. 2-3.

¹⁷Heitman, Register, I, 596; Binder, "Pennsylvania Negro Regiments," p. 411.

¹⁸Dallas Herald, March 3, 1866.

Colonel Jacob C. De Gress was an example of what was perhaps more common than heretofore recorded-- military personnel on Bureau duty who were accepted, and even respected, following Reconstruction. De Gress was a Prussian assigned to the East Texas Bureau. His prior service was in the Army of the Tennessee, and in September, 1866, De Gress was discharged. He continued his Bureau work as a civilian in Houston and returned to uniform as a first lieutenant in the 9th Cavalry in 1867. After three years he retired to accept the post of State Superintendent of Public Education. De Gress was elected mayor of Austin in 1877 and held that post until 1880. Before his death in 1894, De Gress was postmaster, Republican Party leader, and GAR officer in Austin. All of these positions followed unsuccessful attempts on his life as a Bureau officer and "true friend of the black people."¹⁹

Despite the general high quality of ranking officials, it was difficult to fill Bureau positions with efficient subordinate agents. McFeely contends that the entire apparatus in Texas declined after Gregory's reassignment. Howard found it increasingly difficult to attract "men of zeal" because Johnson refused to allow officers to serve in their brevet ranks--an advantage not denied to ordinary post

¹⁹Handbook, I, 482, 483. De Gress' early unpopularity and sympathy for the freedmen were reported by Strong. R.J.C., IV, 37.

commanders.²⁰ Assignments to Bureau duty appears, judging by numerous requests for transfer to regular units, to have placed military personnel outside normal channels of promotion. Howard recognized the consequences of this and other disadvantages in numerous reports concerning the problems of personnel. He was never satisfied with either the number or quality of men available, and Gregory supplied his superior with reason for dissatisfaction in admitting that "very bad men have imposed themselves into the Bureau. They need to be watched. . . ." Enlisted men detached for Bureau support duty also gave the commissioner reason for concern. Reynolds announced in April, 1868, that he had been forced to reassign soldiers whose discipline had deteriorated when they were relieved from normal regimental duties; he also felt some Bureau agents to be operating beyond their authority. In this particular message, Reynolds, who was not enthusiastic about the army's role as social reformer, attempted to convince Howard that the best that could be expected was a gradual change in "public sentiment"

²⁰McFeely, "Freedmen's Bureau," pp. 364, 367. Gregory did appear to have a working agreement with Wright in the fall of 1865 by which five officers from each Texas district were selected who could "be depended upon for doing justice and were qualified" for Bureau duties. Gregory to Howard, September 21, 1865, R.G. 105, N.A.

as the Texas population increased. Bureau pressures, he implied, only increased hostility and lawlessness.²¹

While the Texas Bureau was theoretically operated under military procedure, supervision of agents was hampered by the civilian status of many of its representatives. The Bureau agent at Richmond, Lieutenant W. H. Rock, remained as Howard's representative after discharge from the army because ex-military personnel acting as Bureau agents received pay superior to a non-veteran in the agency's employ.²² An exceptional spirit of cooperation, devotion to duty, and tolerance was required of civilian agents and staff officers who expected to implement effectively the Bureau's goals, and such combinations did on occasion exist. Arthur B. Homer, sub-commissioner at Columbia was an example of a capable "agent by accident." In letters to Lieutenant J. P. Richardson,

²¹House Executive Documents, 41st Congress, 3rd Session, No. 1, pt. 2, pp. 313-318; Gregory to Howard, October 11, 1866; Reynolds to Howard, April 14, 1868, R.G. 105, N.A. Hancock had replaced Sheridan by this time and was much less cooperative. He gave every indication of limiting the Bureau's authority and reminded Howard that evidence was available to prove the commissioner's agents often overstepped their jurisdiction. Hancock to Howard, February 14, 1868, House Executive Documents, 40th Congress, 3rd Session, No. 1, pp. 259-260.

²²The career of William H. Rock as military officer, local Bureau agent, and election registrar in Ft. Bend County illustrates the difficulty of finding personnel and perhaps demonstrates why local administrators, so often encountered by residents, became unpopular and why, by design or accident, overstepped their authority. Rock's letters are found in R.G. 105, Box 43, N.A.; Registration Book D, p. 57, R.G. 393, N.A.

in the Austin headquarters, Homer admitted to the officer— they were both former residents of Cambridge, Massachusetts— that it was only because of a business failure that he accepted his appointment at Columbia. The exchange of letters between Homer and Richardson— in which lengthy, detailed questions were posed to the officer— prove how effective a proper combination of staff officer and field agent might be. Richardson answered all queries concerning labor contracts and reporting procedures by careful reference to existing orders.²³

Other reasons for the difficulty in filling Bureau posts was the fear of adverse civil action and insufficient support from regular military officers. W. Longworth, an agent in Seguin, complained to Bureau headquarters in Galveston that twenty-five warrants and two bonds, totaling \$2,000, had suspended his operations. Speaking of Heintzleman, Longworth told Galveston authorities: "The Genl. has declined interference. What shall I do? I will be ground to powder." Kiddoo was finally successful in restoring Longworth's authority under military protection, but Heintzleman showed little interest in the case, telling the Bureau chief that no additional troops were needed to guarantee Longworth's independence.²⁴ Reynolds, two years after the Longworth

²³ Arthur B. Homer to Lt. H. P. Richardson, January 20, 1868, R.G. 105, N.A.

²⁴ W. Longworth to W. H. Sinclair, September 18, 19, 1866, R.G. 393, N.A.

episode, instructed agents at Crockett and Bastrop to appear in civil courts, where suits were pending against them, and demand release by authority of congressional legislation of July 16, 1866, which prohibited civil suits against officers of the army serving in the Bureau.²⁵

Rapid demobilization in 1865 and 1866 made it impossible to fill all vacancies hence many Bureau agencies existed in name only. Gregory informed Howard, in early 1866, that this fact, plus the vastness of the state, left many sections without commissioners.²⁶ Those agents who did manage to establish headquarters spent their first few weeks organizing. Indeed, the majority of letters from local Bureau officers to staff personnel were routine. Complaints of too few personnel, requests for stationery and blank vouchers, requests for funds, and tedious reporting probably consumed more time than dramatic crusades for Negro schools and social justice. Agents were required to submit reports on monthly rent, length of leases, repair costs to to offices, private and Bureau schools, and actions taken in the performance of their general duties. When these reports were not properly executed, a Bureau agent like Lieutenant Colonel D. L. Montgomery in Tyler received criticism, quotations from

²⁵J. J. Reynolds to Fred W. Reinhard, May 28, 1868; Reynolds to William H. Norton, November 4, 1868, R.G. 105, N.A.

²⁶Gregory to Howard, January 31, 1866, R.G. 105, N.A.

the Bureau manual, and sample pages to guide resubmission.²⁷

Prevailing attitudes on the capacity of the freedmen were determining factors in the failure of the Bureau to meet its objectives.²⁸ Traditional explanations of the Bureau and military efforts to improve the freedmen's lot focus on the Negroes' incapacity for higher cultural attainment and their propensity for crime, immorality, drunkenness, and reluctance to work. Evidence gathered by travelers in the South seemed to support the theory of inherent idleness, and northern opinion was not yet prepared, socially or scientifically, to accept a more advanced position.²⁹

The entire spectrum of white reaction to emancipation was such that Bureau's goals were destined to limited fulfillment. J. M. Goldberg, an officer of the New York State Colonization Society, advised General Doubleday in Galveston to consider the organization's terms of free passage for

²⁷Boxes 43 and 44, R.G. 105, N.A., covering representative posts in 1866 and 1867, provide proof of the preponderance of administrative detail over the reform activity of the Bureau.

²⁸General Howard's role in the failure of the Bureau is provided in William S. McFeely, Yankee Stepfather: General O. O. Howard and the Freedmen (New Haven, 1968).

²⁹William Hepworth Dixon, White Conquest, 2 vols. (London, 1876), I, 340-346; Harris, "South as Seen by Travellers," pp. 155, 160; Rhodes, History of the United States, VI, 147-156. One student sees in the Negro's lack of reliability as a wage earner an incentive to adopt new production techniques. Raymond Elliott White, "The History of the Texas Cotton Ginning Industry 1822-1957," unpublished master's thesis, Department of History, University of Texas, Austin, Texas, 1957, pp. 45-46.

Negro families to Liberia. Ten acres of land and six months rations were calculated as sufficient to attract freedmen to the old program of African migration. Mrs. Custer's remarks on Texas freedmen—she quoted examples of federal scepticism in regard to Negro intelligence—demonstrates no crusading zeal for colored rights. Even active Methodists who participated in Reconstruction developed a degree of hostility toward southern Negroes.³⁰ The primary interest of northerners may have been economic rather than social. In June, 1866, Harpers Weekly proposed that southern land be distributed to force higher wages. Two years later, however, the same journal recommended all control over southern labor be withdrawn so that cotton would again contribute to national prosperity.³¹

Some Federal officers proved themselves well informed and realistic on freedmen expectations. Gregory replied to Benjamin G. Harris of Panola County, who made numerous charges of Negro misbehavior, in a manner calculated to

³⁰ J. M. Goldberg to General A. Doubleday, February 18, 1867, R.G. 105; Custer, Tenting On the Plains, pp. 210-211; Ralph E. Morrow, "The Methodist Episcopal Church, The South and Reconstruction, 1865-1880," unpublished doctoral dissertation, Department of History, University of Indiana, Bloomington, Indiana, 1954, pp. 185-187.

³¹ Richard W. Griffin, "Problems of the Southern Cotton Planters After the Civil War," Georgia Historical Quarterly, XXXIX (June, 1955), 114. Economic opportunities were numerous for northern business. One uniform manufacturer offered to sell Texas Negro militiamen a "Wide Awake" uniform, a cape and cap for \$1.00, half the price of his competitors. C. Aufinger to Pease, November 28, 1868, Pease Papers.

insure a peaceful transition. He advised Harris to remember that planters as well as freedmen were marked by the effects of servitude; impatience was common to both groups particularly blacks who were constantly cheated as wage-earners.

Treat your laborers with liberality and on a basis of justice. Give them a chance to secure themselves from fraud and inequality before the law . . . not with any attempts at serfdom under a new form, and permit them to run without a load the race of life.³²

Reynolds also demonstrated clear insight in his reports to Howard. The Texas commander was well acquainted with the impact of slavery on the white and Negro mind. He saw that labor difficulties, lawlessness, and atrocities were products of old institutions which would be modified only over a long period of time. Some officers like Lieutenant Wilson Miller were more positive on Negro qualities: "you come below what is called the educated class . . . of whites, the most intelligent class you will find is the negro" since he best understood his community and was anxious to improve it.³³ But this position was too unusual among Texans and Federal troops to guarantee Bureau success. It was a rare man who, like J. K. Holland, could admit that his succession in the

³²E. M. Gregory to Benjamin G. Harris, January 20, 1866, R.G. 105, N.A.

³³Reynolds to Howard, November 20, 1867, R.G. 105, N.A.; R.J.C., IV, 45.

Texas legislature in 1868 by his ex-slave, Tom, was a better alternative than some white colleagues.³⁴

Federal officers and enlisted men were not in agreement on the potential of the freedmen, but more conclusive was the hostility manifest in Texans. With emancipation, the Negro no longer represented an investment, and cruelty "so long . . . festering . . . in the poor whites" erupted into race hate and outrages most common among former non-slave owners.³⁵ The "normal balance of society" was a chief concern for Texans, hence the Bureau and its military officers symbolized social revolution. O. M. Roberts boasted that only moral restraint precluded Federal officers and soldiers from being massacred, "negroes and their white allies . . . hunted down. . . . We never would submit to negro equality."³⁶ The identification of the Federal uniform and social revolution was an oversimplification, but a convenient symbol

³⁴J. K. Holland, "Freedmen in the Legislature," Southwestern Historical Quarterly, I(April, 1897), 125-126.

³⁵W. J. Cash, The Mind of the South(New York, 1941), p. 113; Fleming, Documentary History of Reconstruction, I 79-81. The impact of emancipation is covered in Claude Hunter Nolen, "Aftermath of Slavery: Southern Attitudes Toward Negroes, 1865-1900," unpublished doctoral dissertation, Department of History, University of Texas, Austin, Texas, 1963.

³⁶Ramsdell, Reconstruction in Texas, pp. 70-71; Lelia Bailey, "The Life and Public Career of O. M. Roberts, 1815-1883," unpublished doctoral dissertation, Department of History, University of Texas, Austin, Texas, 1932, pp. 195-196.

and one that has endured. Negroes in uniform "were placed in the same class with snakes, wolves, and other undesirable things, and the average white man thought no more of killing one of them than he would of killing a snake." These remarks reflected Texas reaction to the later Negro militia under Edmund J. Davis whose gubernatorial opponent in 1873, Richard Coke, refused a debate with Davis on grounds that the Republican Chairman, G. T. Ruby, was a "nigger."³⁷

Evidence to the contrary has had little subsequent effect on attitudes concerning freedmen. Gregory's report following his tour of 1865 is still dismissed as "inaccurate." The general's impression of "kind, courteous, and sincerely religious" freedmen with "great capacity for learning" has recently been described as indicative of Gregory's "pathetic ignorance of his wards and his inadequacy for the job."³⁸ Such conclusions are only slightly moderated reiterations of the traditional concept of freedmen:

Freedom the negro interpreted as idleness, and he expected support from the government. It was soon apparent that the black could not be trusted to take care of himself . . . he soon became a thief. . . . The former master of the ex-slave, obviously his best friend and the one alone who understood him was shouldered aside by the Freedmen's Bureau, a branch of the United States Army. . . . The Bureau officers as a rule taught the negroes to distrust their former masters. . . ."³⁹

³⁷Young, True Stories of Old Houston, p. 13; New York Times, October 30, 1873.

³⁸Wallace, Texas in Turmoil, p. 154.

³⁹McKay, "Social Conditions in Texas," p. 34.

Any suggestion of cruelty or defiance on the part of freedmen—and there was some of both—were used to support the charge of federal sanction of social revolution, but military officers were first to encounter and admit the white-taught behavior of Negroes. Lieutenant William Rock, Bureau agent at Richmond, did not condone the beating given a twelve year old Negro girl by her father who claimed he caught his daughter in the act of fornication. Yet he concluded that the "eight fearful gashes in the girl's back were the results of long schooling in the ways of slavery. Rock conceded to the family's pleas, and the old man was put on good behavior, indicating that the Lieutenant, like southerners, accepted either a dual standard of justice or that he had no jail.⁴⁰ Even tame exhibitions fed the myth of rebellious freedmen. Students of the Northern Methodist School in Navasota in 1866 marched in an Independence Day Parade singing "Hang Jeff Davis on a Sour Apple Tree" and "Fling Beauregard in the Middle of the Sea."⁴¹ Time alone would permit rational evaluation of such minor demonstrations.

Hostility toward the emancipated Negro was also partially the result of a natural fear that freedom would evoke insurrection. Just enough evidence existed to convince

⁴⁰Lt. William M. Rock to Lt. J. T. Kirkman, June 17, 1867, R.G. 105, N.A.

⁴¹Morrow, "Methodists and Reconstruction," p. 337.

Texans in some sections that federal protection would bring a repetition of previous riots, killings, and slave unrest. Though neglected in standard literature on ante-bellum Texas, the fact is that the ranks of docile, contented bondsmen contained Negroes who could discern between slavery and freedom and were willing to risk the consequences of positive action. Pre-war anxiety was compounded by post-war rumors and the Sandy Point Negro riot during the early days of Reconstruction.⁴²

The Texas Negro after emancipation thought first of educating his children, dressing them like whites, and like whites, relieving his offspring from work. There was an unconscious admission that freedmen were reliable and docile from ex-Confederate General Hamilton P. Bee, who migrated to Mexico after the war and lived there until 1876. He recommended that Texas use the freedmen as Mexico used the

⁴²Slave rebellion in Texas is covered in: Wendell G. Addington, "Slave Insurrections in Texas," Journal of Negro History, XXV(October, 1950), 408-434; Harvey Wish, "American Slave Insurrection Before 1861," Journal of Negro History, XXII(July, 1937), 299-320; Allen D. Grimshaw, "Lawlessness and Violence in America: Their Special Manifestations in Changing Negro-White Relationships," Journal of Negro History, XLIV(January, 1959), 62. Some mention is made of slave uprisings in Prentis W. Chunn, Jr., "Education and Politics: A Study of the Negro in Reconstruction," unpublished master's thesis, Department of History, Southwest Texas State College, San Marcos, Texas, 1957, pp. 90-91; Rateliff, "Unionists of Texas," pp. 7-10. The Sandy Point (Brazos County) freedmen riot is fully documented in Box 44, R.G. 105, N.A.

peon. Once enfranchised, said Bee, the Negro could be used to control the ballot box, and under those conditions he preferred a new centralized government "minus states' rights."⁴³

It was under these conditions that military officers and civilians undertook the manifold duties of Bureau agents. Relief, education, labor supervision, and judicial guarantees appear complicated enough, but in reality, as W. E. B. Dubois wrote, scarcely any matter that had to be "legislated upon in civil society failed, at one time or another, to demand the action of this singular Bureau." This statement suggests that Dubois was better informed from the records than some Texas historians who have failed to appreciate the wide range of cases brought before Bureau agents.⁴⁴

In fact, it is true that local agents were instructed by superiors like W. H. Sinclair to insure that their errors were in "favor of freedmen. . . . You cannot be too watchful of the interests of the freedpeople. You are their only friend and advisor."⁴⁵ But at the same time Bureau officers

⁴³Donald, The Negro Freedmen, pp. 28-29; H. P. Bee to J. F. Crosby, January 4, 1869, Asbel Smith Papers.

⁴⁴William E. B. Dubois, The Souls of the Black Folk (Greenwich, 1964), p. 32; Ramsdell, Reconstruction in Texas, pp. 75-76; Wooten, History of Texas, II, 169.

⁴⁵Numerous of Sinclair's directives appear in which he felt obliged to require agents to be more diligent in protecting freedmen. Sinclair to Captain M. E. Davis, January 31, 1867, R.G. 105, N.A.

were held to definite limits of jurisdiction. Their powers were restricted to receiving freedmen appeals, under Texas law, as county judges or justices of the peace. Sheriffs and constables executed writs issued under the direction of Bureau agents. Published orders prohibited the adjudication of cases involving more than \$500, and fines were seldom levied in excess of \$100.⁴⁶ Any attempt to reconstruct the varied activities of Texas agents would necessarily be lengthy and replete with detailed testimony but exceedingly important as a reflection of social conditions during Reconstruction. The following descriptions of their duties indicate diligence and fairness to have been salient characteristics of many Bureau officers. If partiality was shown, particularly concerning supervision and enforcement of labor contracts, it was the white Texas planter who benefited.

Administering labor contracts between planter and freedmen was a primary concern of the local agent, but a complex set of circumstances resulted in inevitable criticism of this facet of the Bureau's activity. Negroes feared that firm commitments to work meant slavery; wages in money were often difficult for planters to pay; labor stealing was a common practice and meant fines for planters who practiced it.⁴⁷ At

⁴⁶Undated draft of guidelines to Bureau agents by J. J. Reynolds, Box 25, R.G. 105, N.A.

⁴⁷Griffin, "Problems of Planters," pp. 103-117.

first, Bureau supervision of written contracts was perfunctory. By December, 1866, however, it was necessary to refine and standardize the agreements. Circular 25, December 21, 1866, was a document designed to accomplish this by establishing uniform work standards such as a ten hour day and six day week for males, with lesser schedules for women. Copies of contracts meeting the stipulations of Circular 25 were filed in Bureau offices as evidence, in case appeals be made by Negroes or whites. A typical procedure for putting Negroes under contract was that outlined by Lieutenant J. T. Kirkman, a staff officer in Galveston, for Major Ira H. Evans, agent at Wharton. Evans was instructed to tour his district, post public notices of his whereabouts, secure as many written contracts as possible and keep two copies-- one for his use and one for the Galveston headquarters. Kirkman impressed on the agent the need to travel widely since planters and laborers could not be expected to appear in the villages of his district. He was also told: "You will take very great care not to discourage the labor in your sub-district."⁴⁸

Bureau contracts were similar in some respects to state

⁴⁸Hill, "The Negro in Texas," pp. 39-41. Many contracts are filed in R.G. 105, N.A. They were printed by a New Orleans firm, W. H. Van Ornum and Company, Special Agents of Freedmen's Bureau for Procuring Homes for Destitute Freedmen. The usual contract, later than the manuscript variety, set down general obligations, supplied blank space for details and the agent's certification. Lt. J. T. Kirkman to Major Ira H. Evans, June 21, 1867, R.G. 105, N.A.

codes for binding freedmen to the farms, and most authorities agree that Kiddoo and Griffin were fair to employers; in fact, Kiddoo favored planters on most occasions. Indeed, a common complaint was that field operatives of the Bureau were contemptuous of Negroes and often accepted bribes from their employers. Reporting, understaffing, and difficulty in moving from place further complicated the Bureau's task.⁴⁹ Accounts of the daily activity of agents supports the contention that labor supervision under Bureau auspices was beneficial to planters. Agents received standing orders from Kiddoo to "exert such influence over . . . laborers(freedmen) as will induce them to pick and save the crop of cotton" for their own welfare. General Sinclair impressed his subordinates with the fact that freedmen were as liable for punishment in breaking contracts as whites. Gregory's instructions to Captain Sloan at Richmond even relieved the agent from some responsibility in favor of a laissez faire policy: "When a ranter [sic] interfears [sic] with another let them fight it out as we do not propose to fight the battle for them." An agent at Marshall followed

⁴⁹Martin Abbott, "Free Land, Free Labor, and the Freedmen's Bureau," Agricultural History, XXX(October, 1956), 154-155; Ramsdell, Reconstruction in Texas, pp. 139-140; William E. B. Dubois, Black Reconstruction(New York, 1935), p. 556; Harris, "South as Seen by Travelers," pp. 58-60.

his orders to hold freedmen to their contracts and published a "black list" of violators.⁵⁰

Some Texas planters looked upon the Bureau as something equivalent to a regulatory commission and employment agency. Louis A. Bryan, of Jones Creek Plantation in Ft. Bend County, wrote to the Bureau's representative at Richmond requesting the agent to visit his farm and explain to the freedmen their obligations. Bryan explained that in a conversation with Kiddoo in Galveston the general promised his subordinates would oblige the planters wherever crops were critical. Another planter, F. Blehillon at Peach Grove Place, reported freedman Robert Lewis, to the agent at Richmond. Lewis allegedly took \$9.00 in clothing in advance on a contract to pick cotton and then disappeared. Blehillon expected Lieutenant Rock to "impose such a fine as will keep the rest at Home in the future." Kiddoo received a note from R. Randan in which the Texan asked the Bureau chief to furnish him a cook and a "ruff carpenter" for whom a good house and food would be provided.⁵¹ Bureau efforts to

⁵⁰J. B. Kiddoo to Lt. Rock, August 15, 1866; W. H. Sinclair to Captain Sloan, April 28, 1866; E. M. Gregory to Captain Sloan, January 22, 1866, R. G. 105, N.A. The black list appears in McGraw, "Constitutions of 1866," p. 229. General Order 18, November 7, 1867, provided liens be placed on freedmen's crops, when approved by agents, to discourage contract violations. Box 44, R.G. 105, N.A.

⁵¹Louis A. Bryan to Freedmen's Bureau, Richmond, August 18, 1866; F. Blehillon to Lt. Rock, August 13, 1866; R. Randan to General Kiddoo, n. d., R.G. 105, N.A.

standardize labor contracts and enforce adherence to their provisions were not successful as far as compensation in wages was concerned. This failure resulted in Bureau sanction of a system of share-cropping which prevailed long after troop withdrawal.⁵²

Welfare programs of many types were administered by the Texas Bureau, although emphasis varied. Food distribution was comparatively small. In 1867, 4,081 rations were given to freedmen, and only 176 were issued in the following year. Availability of food, ex-slave owners' sense of responsibility, and scarcity of agents account for the negligible aspects of this program. The only Bureau hospital in Texas ceased operation by the end of 1865, and one asylum was reported under Bureau administration in 1866.⁵³

Reports from local Bureau offices reflected that agents were particularly concerned with the welfare of Negro children. Captain Charles Rand in Marshall found orphans, under eight years of age, living in the streets of that town without assistance of any kind. A member of the Board of Alms, John Mander, told Rand that he ignored "all the G . . . d . . . d . . . Radical laws and the D . . . d Niggers should not be allowed the benefits of the poor fund." In Tyler, Lt. Colonel

⁵²Hill, "Negro in Texas," pp. 36, 42.

⁵³E. D. Townsend to Sheridan, April 3, 1867, Presidential Papers, Andrew Johnson, Library of Congress (hereafter cited as Johnson Papers); R.J.C., IV, 140; House Executive Documents, 40th Congress, 2nd Session, No. 1, p. 640; Pierce, Freedmen's Bureau, pp. 90-92, 98.

Montgomery discovered a number of colored children bound out without the consent of their parents. Selina Brown asked the agent in Wharton, DeWitt C. Brown, to force Wiley Hall, her former master, to pay child support since he had forced her to submit "to his desires." Her seven-year-old boy was denied relief, however, by military authorities since state laws did not support the claim. Lieutenant Rock at Richmond reported that he hoped Josiah King, a resident of his district, "will meet his just dues." King kept several young freedmen as "slaves," stripped and whipped one, Nellie, and treated her brothers as cruelly. Rock requested permission to fine King \$100. Lieutenant O. H. Swingley, in another district, had no alternative but to apprentice colored children to their former masters since relief funds were unavailable.⁵⁴

Multitudes of destitute freedmen appealed to the few undermanned Bureau posts for aid. Contemporary and subsequent accounts which emphasize the propensity of Negroes to "flock

⁵⁴Captain Charles F. Rand to Lt. J. T. Kirkman, February 11, 1867, A.G.T.; Lt. Colonel Montgomery to Lt. J. T. Kirkman, July 1, 1867; DeWitt C. Brown to Lt. J. T. Kirkman, May 13, 1867; Lt. William H. Rock to Lt. Charles A. Vernon, August 17, 1868; Lt. O. H. Swingley to General E. M. Gregory, November 25, 1865, R.G. 105, N.A. In April, 1869, the state apprentice law was modified by General Order 68. It was illegal thereafter for county authorities to apprentice black children of parents who could support them. Edward McPherson, The Political History of the United States During the Period of Reconstruction (Washington, 1875), p. 429.

to towns" omit even samples from the voluminous files of the Bureau. It is there that reasons for migration are to be found. In Sutherland Springs, Wilson County, for example, "no relief [was] extended except out of the private means of the Sub. Asst. Commissioner," W. Longworth. General Doubleday wrote of a Walker County freedman found in "pitiable condition on the streets" of Galveston, but the county judge in Doubleday's jurisdiction refused to assist anyone not a legal resident of the county. The same county judge, George H. Schley, finally bowed to pressure from General W. H. Sinclair and rendered some assistance to a destitute colored woman but sarcastically referred to the Bureau chief, General Gregory, as "The Father of all the Freedmen" to whom he was forced to yield because of superior authority.⁵⁵

Some officers sought funds to transport freedmen to better surroundings. General Abner Doubleday tried to convince Lieutenant J. T. Kirkman in the Galveston headquarters that Issac Thompson, a ninety-year-old freedman, should be granted sufficient funds to return to Linden, Alabama, where relatives could care for him. In Seguin, Major George W. Smith requested travel expenses for Louisa Anderson, a "freed girl," whom he removed from the custody of her step-

⁵⁵Nunn, Texas Under Carpetbaggers, p. 5; Monthly Report, W. Longworth, Sutherland Springs, February 28, 1866; Doubleday to Lt. Kirkman, January 31, 1867; W. H. Sinclair to R. G. Kyle 6, 1866, R.G. 105, N.A.

father, who used her as a mistress. Smith hoped to send her to Galveston.⁵⁶

Miscellaneous services of the Texas Bureau included those of locating missing persons, settling freedman marital questions, care for the insane, guaranteeing social privileges, and issuing permits to preach. Freedman William Johnson, in a document with many endorsements, asked Lieutenant Rock, at Richmond, to locate his brother Ned whom he had not seen for ten years. Ned once belonged to James H. Bradley of Fredericksburg, Virginia, but was sold and lost contact with his family. The Bureau, after an extensive search, finally located him in Georgetown, District of Columbia. Captain Porter, a Houston Agent, wrote to "Jim Bass with Mr. Jacobs" at Sandy Point instructing Jim to "marry Julia and abandon all claims on your former wife Prissy[and] cease misusing either of these parties." One unnamed white man in Brenham asked J. B. Arnold, the agent at that post, if under state law he could legally marry a colored woman. The anonymous correspondent said that he fell in love with the woman, lived with her for seven years during which time he fathered three children.⁵⁷

⁵⁶A. Doubleday to Lt. J. T. Kirkman, February 15, 1867; Maj. George W. Smith to General Doubleday, April 21, 1867, R.G. 105, N.A.

⁵⁷William Johnson to W. H. Rock, April 18, 1868; Captain Byron Porter to Jim Bass, February 12, 1866; letter to J. B. Arnold, April 8, 1866, R.G. 105, N.A.

Harriet, "a harmless crazy girl," was the subject of a letter by E. M. Harris, agent at Columbia. He felt the young Negro could be restored with "kind and proper medical treatment," but the county commissioners refused to assist him. Officials in Galveston gave Harris permission to force a local investigation to determine if Harriet could be committed to the state asylum. Members of the Colored Board of Managers of the Freedmen at Galveston asked Doubleday to require the mayor of that city to issue a permit for a Negro ball and provide guards for their protection, and in another instance a Bureau agent, Major L. W. Stevenson at Columbus, was asked to mediate in a preacher's quarrel. Neal Young of Alleyton asked permission to deliver sermons; he told Stevenson that he could read the Bible "and give any discourse on it," but that the current preacher was incompetent.⁵⁸

Educational functions of the Texas Bureau were vigorous and, ultimately, productive. The first classes were conducted in Galveston in September, 1865, under the supervision of Lieutenant E. M. Wheelock. In January, 1866, sixteen schools operated with an enrollment of 1,041 students. With some irregularity these figures increased to sixty-six schools,

⁵⁸E. M. Harris to Lt. J. T. Kirkman, December 18, 1867; Colored Board of Managers to General Doubleday, February 19, 1867; Neal Young to Major L. W. Stevenson, June 28, 1868, R.G. 105, N.A.

sixty-three teachers, and 3,248 pupils by 1870. Schools were of two types, "plantation schools," and "town free schools."⁵⁹ Little of the financial support for colored schools in Texas came from the federal government hence the Bureau depended upon contributions from the American Missionary Association and revenue from the sale of Confederate property. But these proved too meager for \$15.00 per month salaries for teachers. To supplement the educational fund, fees were charged; employers paid \$1.00 and freedmen twenty-five cents to validate labor contracts. Under Kiddoo's administration this money was then allocated to support education. Griffin used fees from Negro families: a family paid fifty cents per month for one child, seventy-five cents for two and \$1.00 for three or more. Reynolds used a similar levy on colored families, but he cancelled teachers' salaries leaving them dependent on fees which they collected. Other organizations, in addition to the American Missionary Association, assisted the Texas Bureau teachers. M. E. Shearman of the Friends Freedmen Association in Philadelphia supplied an agent at Columbus with boxes of Bibles, tracts, and children's books.⁶⁰

⁵⁹Hill, "Negro in Texas," p. 80; Chunn, "Education and Politics," pp. 91-92.

⁶⁰Hill, "Negro in Texas," pp. 92-94; M. E. Shearman to Major Louis W. Stevenson, September 15, 1868, R.G. 105, N.A.

Military officers in Bureau service appear to have been dedicated to their task of offering the best possible opportunities to freedmen seeking the rudiments of learning. Howard was willing to accept assistance from any benevolent society in the North, and Colonel J. C. DeGress, who toured the state gauging Negro receptivity, was convinced that only facilities and textbooks hampered the instruction of willing Negro children.⁶¹ Kiddoo made every effort to solicit and effectively to expend the scanty funds available for education. He asked permission to use a \$25,000 appropriation in conjunction with private groups to construct schools for both religious and educational services. He felt Negroes could be saved from "degradation, oppression and perhaps extinction" only through a vigorously pursued program of schooling. In a letter to Throckmorton, Kiddoo emphasized the need for colored schools toward what would now be considered a "conservative" goal: "a certain amount of education is absolutely necessary in order to make these people useful laborers—They are now near[sic] children."⁶²

⁶¹O. O. Howard, Autobiography, 2 vols. (New York, 1907), II, 343; J.D. DeGress to Gregory, November 1, 1865, R.G. 105, N.A.

⁶²Kiddoo to Howard, January 5, 1867, R.G. 105, N.A.; Kiddoo to Throckmorton, August 26, 1866, GC, Throckmorton Papers.

Howard was convinced by December, 1866, that some southern planters had overcome their initial reluctance to accept Negro education. Many, however, remained opposed to black literacy since, in their opinion, it diminished the Negro's value as a field hand. Texans, according to Kiddoo, never made the transition from hostility, and, without troops to protect the teachers and students, no extensive program was feasible. It was the whites "whose own moral and intellectual education[had]. . . been sadly neglected" who most strongly opposed colored schools. So few Texans were willing to sell land to the Bureau for educational purposes that transactions were sometimes disguised by purchasing agents.⁶³ Even Howard came to recognize obstinacy as the very thing that contributed most to the pressures for universal Negro suffrage.⁶⁴

Several factors discouraged recruitment of Bureau teachers. The American Missionary Society attempted to attract instructors, but southerners were hesitant to serve. At a Houston teachers convention in 1866 a report by the Committee on Education for the Colored People reflected

⁶³Henry L. Swint, The Northern Teacher in the South 1862-1870 (Nashville, 1941), pp. 119, 131; Chunn, Education and Politics, p. 26; Hill, "Negro in Texas," p. 76.

⁶⁴Ulrich, "Military Mind," p. 83.

little enthusiasm. Negroes were said to be victims of "northern influence" when they should be the "responsibility of southern white people. . . . The Negro [had] not much capacity, mental or moral" for absorbing the fundamentals.⁶⁵ Kiddoo established a teacher training school in Galveston to meet the need of recruits furnished by the Society, and he hoped to supplement his staff through a non-commissioned officers' academy at Brownsville established to encourage discharged Negroes to remain in Texas as teachers.⁶⁶

None of these measures sufficed, however. Reports of violence discouraged potential teachers, who were "ostracized from society," according to DeGress. The American Missionary of September, 1868, reporting 968 murders for the year and the burning of a school in Houston in February, 1867, discouraged recruiting. In rural areas no classes were possible without Federal soldiers,⁶⁷ and violence committed against teachers continued after military Reconstruction as in the case of the murder of a Massachusetts schoolmaster, Schobey, at Jeddo, Bastrop County, by a "mob

⁶⁵Chunn, "Education and Politics," pp. 92-96.

⁶⁶Elliott, "Bureau in Texas," p. 13.

⁶⁷Swint, Northern Teacher, p. 130; D. T. Allen to Lt. J. T. Kirkman, February 9, 1867, R.G. 105, N.A.; Alton Hornsby, "Negro Education in Texas 1865-1917;" unpublished doctoral dissertation, Department of History, University of Texas, Austin, Texas, 1962, p. 20.

of white men." Disease also took its toll of teachers. "Hundreds of scholars" and three instructors died in the 1867 yellow fever epidemic which closed nearly all Bureau schools in Texas.⁶⁸

Mrs. Dickinson, who taught at Hempstead, found lodging offered only by "loyal Germans," and teachers at Georgetown and Gonzales sought military protection. Another teacher in Henderson County was given a coat of tar and feathers and two minutes to abandon his post. Federal soldiers were often as hostile toward teachers as civilians. One discharged sergeant taught school at Indianola where another ex-trooper, an officer of the 9th Cavalry, attacked his former comrade for catering to Negroes. Local citizens ironically supported the teacher, and the local commander⁶⁹ sentenced his brother officer to jail.

In conjunction with their economic and social services the local Bureau agents dealt constantly with the most pernicious consequences of slavery, brutality. Physical abuse of freedmen constituted a crime of sorts, and many of these cases were handled by ordinary post commanders. However, the Bureau officer in his role of welfare agent received appeals to settle differences involving various degrees of

⁶⁸ Chunn, "Education and Politics," p. 107; Hill, "Negro in Texas," pp. 82-83.

⁶⁹ Hill, "Negro in Texas," pp. 75, 85-87; San Antonio Express, December 5, 1868.

lawlessness in the form of physical abuse. It has not been uncommon to neglect lawlessness and racism as a principal cause of disorder in favor of attributing the blame to the mere presence of the Bureau. Professor McKay concluded that: "The Freedman's[sic] Bureau and its accompanying political weapon of the Union League, had helped cause the spread of the Ku Klux Klan." Another source maintains that

whites were constantly harassed with these complaints[abuse of freedmen]; their person arrested and carried by the soldiers before the Bureau, and their property forcibly seized. . . . Amidst all of this trouble, the white people used no violence. . . .⁷⁰

Bureau records, however, reflect a different set of circumstances.

Kiddoo concluded that violence against freedmen was committed in the main by poor whites "who have been [the Negroes'] . . . competitors in labor . . . consequently their lifelong enemies, and particularly their enemies since their freedom." He promised Throckmorton that the Bureau would curtail its judicial activity if the state would curb the action of this element.⁷¹ Kiddoo's correspondence with Howard verified a serious degree of lawlessness and violence connected with freedmen and admitted the Texas Bureau's inability to provide adequate protection.⁷²

⁷⁰McKay, "Social Conditions in Texas," p. 47; Wood, Reminiscences, p. 15.

⁷¹Kiddoo to Throckmorton, September 13, 1866, A.G.T.

⁷²John A. Carpenter, "Atrocities in the Reconstruction Period," Journal of Negro History, XLVII(October, 1962), 234-247.

Howard's Texas representatives compiled their reports from those submitted by Bureau agents in local communities. The Bureau Commissioner could hardly be other than alarmed by such comments as made by Colonel DeWitt C. Brown in Wharton who told of the May, 1867, beating of Peter Brown by Dr. John Phillips. After delivering fifty lashes with a cow-hide whip in the public street of that town, the doctor invited the freedman to "go to your damned Yankees and report me." Mayor R. E. Davis refused to arrest Phillips, and the colonel placed the physician under \$2,000 bond.⁷³

Numerous reports from the Tyler sub-district for the period of January to July, 1867, reflect a score of verified attacks on Negroes in Smith, Wood, Van Zandt, Cherokee, and Hopkins Counties, and these were only reported cases. Civil court action on five of these incidents included fines of one cent to \$31.50; the others were settled by Bureau action, compromise, or dismissal when the accused disappeared.⁷⁴

George Washington, a freedman in Columbia, complained to Captain Bostwick, who was assigned to that community as Bureau agent, that a Mr. Ballinger and two other men struck him, held him at gun point, and robbed him of \$30 and his coat. The Negro had offended the whites by wearing a black

⁷³Colonel DeWitt C. Brown to Lt. J. T. Kirkman, May 15, 1867, R. G. 105, N.A.

⁷⁴"Report of Assaults with Intent to Kill in the Tyler Sub-District, January-July, 1867," Box 44, R.G. 105, N.A.

arm band in mourning for a friend. Ballinger and his cohorts were convinced the symbol was intended to commemorate Lincoln's death and hence threatened to kill Washington who did not learn for six months how to register a complaint. Animosity for the freedmen took the form of murder, mass meetings, robbery, and opposition to the organization of Negro churches.⁷⁵

Whites who assisted or sympathized with freedmen were also vulnerable. George T. Eber, Bureau agent at Dallas, was reported as a murder victim in April, 1868, in a letter to General Reynolds. The correspondent, A. B. Norton, reported: "on all sides we are hearing of murder, robbery and crime of all kinds-- there is little safety for life or property in this section."⁷⁶ George W. Porter suffered the same fate as the Dallas Bureau agent. Porter preached to Negroes in Bastrop County and exposed white abuse of freedmen. Another unionist in Caldwell County, E. B. Reynolds, conducted classes for Negroes at Lockhart; his efforts were rewarded with a jail sentence for defending himself against a knife

⁷⁵George Washington to Captain Bostwick, February 28, 1866; W. H. Johnson to E. M. Pease, August 26, 1868, R.G. 105, N.A.

⁷⁶A. B. Norton to J. J. Reynolds, April 17, 1866, R.G. 393, N.A. Anthony Bannon Norton was a member of the Texas legislature from 1855 to 1861 when he left for Ohio as a unionist. After the conflict he returned to Texas and served as district judge and United States marshall. He published the Intelligencer at Austin prior to the war and the Union Intelligencer during Reconstruction. Handbook, II, 288-289.

attack by a young white boy who made a habit of insulting Reynold's family as Negro sympathizers.⁷⁷

Officers of the Texas Bureau administered justice as best they could through boards composed of an agent appointed by the assistant commissioner and two civilians of the county, one chosen by whites, the other by freedmen. Civil and criminal cases were adjudicated if Negroes were involved, but the Bureau's authority did not extend to problems involving only whites. Fines were the most common means of punishment, and the appeals channel reached from the Texas Sub-Commissioner to the Secretary of War and to the President. Every attempt, it appears, was made to conduct courts under state law.⁷⁸

In a conclusion based on newspaper accounts, Professor Ramsdell contends that "by arbitrary or needless interference with the regular courts, the Bureau forfeited public confidence and weakened its efforts." J. J. Reynolds faced this identical attitude in 1868 when he explained to the Assistant Secretary of Civil Affairs in New Orleans that Bureau officers were not judges, and the boards were not

⁷⁷Julius Schuetze to Office Civil Affairs, Austin, September 26, 1869, R.G. 393, N.A.; E. B. Reynolds to Freedmen's Bureau, Austin, October 27, 1866, R.G. 105, N.A. Schuetze was county judge of Bastrop County in 1869, served in the state legislature and published a German language newspaper, Handbook, II, 580.

⁷⁸Pierce, Freedmen's Bureau, p. 144.

courts. He remarked that "the common parlance of the state has, however, adopted the terms . . . 'Bureau Court' [and] Freedmen's Court."⁷⁹ Restrictions on local agents were apparently numerous enough to preclude, in most cases, abuse of whites. Griffin, convinced that the lack of uniformity in the proceedings of Bureau boards reflected adversely on the national government, stripped agents of much of their authority. Winfield S. Hancock, who succeeded Sheridan, required cases involving questions of law to be surrendered to civil courts.⁸⁰ Captain Charles F. Rand, Bureau agent at Marshall, maintained that Griffin's order made law enforcement impossible. He reported on February 16, 1867, that ten freedmen had been shot in his district since January 1, and civil authorities refused to act except in cases where freedmen were defendants. "Outrages are reported daily [said Rand,] and if the Bureau has no jurisdiction, and the civil authorities will not act, crime will go unpunished." Civil

⁷⁹Ramsdell, Reconstruction in Texas, pp. 76-77. A more recent work is only slightly more enthusiastic about Bureau boards which are described as a "complicating factor in the Army's administration of justice" and "at best ill-advised." Sefton, United States Army, p. 49. Reynolds defended the Bureau against Hancock's position. The Texas commander quoted at length from congressional law to convince Sheridan's replacement that the Bureau served a necessary purpose. J. J. Reynolds to Captain R. Chandler, February 12, 1868; March 11, 1868, R.G. 105, N.A.

⁸⁰George R. Bentley, A History of the Freedmen's Bureau (Philadelphia, 1955), pp. 161, 166.

officers were often successful in restricting local Bureau agents, as did Justice of the Peace J. M. Hoge of Rusk who informed Lieutenant Gregory Barrett at Tyler that there would be no arrest of a Martin Frazor, accused by the lieutenant of kidnapping. Hoge quoted military General Orders 4 of 1868 which obliged all officers to respect civil law requiring affidavits be filed describing in detail all crimes committed.⁸¹

A sub-assistant commissioner in Columbus, Lieutenant J. Ernest Goodman, was careful to ask whether or not assault by whites on Negroes fell within his or civil jurisdiction, and Captain J. Johnson at La Grange was told, in answer to an inquiry on the subject, that he had no jurisdiction to punish a local citizen for whipping a Negro prior to Federal occupation. Lieutenant Rock at Richmond received similar restrictions. He inquired of the Austin headquarters whether or not his authority as justice of the peace extended to cases involving prison terms as well as civil judgment. The answer was: "You will not attempt to try or pass sentence in any criminal case without first reporting the cases to these headquarters." Barrett at Tyler was cautioned again in August, 1868, when Austin authorities ordered him to remand assault and battery cases to civil courts. If civilians

⁸¹Captain Charles R. Rand to Lt. J. T. Kirkman, February 16, 1867; J. M. Hoge to Lt. Gregory Barrett, April 28, 1868, R.G. 105, N.A.

refused to act, then removal of the local officers would be preferable to direct military action. The Bureau agent was told that he could best perform as a "supervisor for Freedpeople."⁸² Nevertheless, Bureau officials could be firm when convinced of the necessity. Phillip Howard, the agent at Meridian, satisfied of the inadequacy of local justice, addressed the sheriff of Bosque County: "I demand you to deliver the Negro boy Daniel James whom you hold . . . into my custody as a United States Officer over the Freedmen."

Fines were the Bureau's principal penalty. J. M. Couget appeared before a Bureau board on the charge of rape. The accused claimed the woman in question was a prostitute, but was fined \$400 for child support, a decision appealed to Reynolds. Couget maintained no state law supported the fine, but Lieutenant Kirkman told Reynolds that, in lieu of state law, the "law of nations" had been applied, thus demonstrating

⁸²Lt. J. Earnest Goodman to Colonel W. H. Sinclair, May 22, 1866; Captain I. Johnson to Colonel W. H. Sinclair, June 7, 1866; Colonel W. H. Sinclair to Captain I. Johnson, April 20, 1868; Lt. Charles A. Vernon to Lt. Gregory Barrett, August 1, 1868, R.G. 105, N.A.

the lieutenant's acquaintance with General Orders 100.⁸³ Fines were often directed to school use, but not all agents were acquainted with this policy. Lieutenant Colonel D. L. Montgomery, the Tyler agent, ordered Calvin Channcey who had assaulted a freedman and refused to pay him wages, to give the victim \$7.50 and pay a fine of \$50.00 for disrespect before the board. Then the Colonel asked headquarters: "What should I do with the money?" Colonel Levi C. Bootes, who succeeded Montgomery, reported \$120 accumulated from fines. He knew well that regulations required a monthly remission of monies to headquarters, but he asked to retain the funds to pay expenses; his request was refused.⁸⁴

Military officers on duty as Bureau agents faced the additional problem of poor cooperation on the part of

⁸³Philip Howard to Sherod Townsend, August 16, 1866, GC, Throckmorton Papers. The Negro had been arrested for rape "on a young(white) lady," and Howard offered the sheriff little alternative(a military trial in Houston) but to deliver the freedman. J. K. Helton, County Judge of Bosque County to Throckmorton, August, 1866, Throckmorton Papers. The couget case of December, 1867, is found in Box 42, R.G. 105, N.A.

⁸⁴Lt. Colonel D. C. Montgomery to Lt. J. T. Kirkman, June 15, 1866; Colonel Levi C. Bootes to J. T. Kirkman, July 18, 1867, R.G. 105, N.A.

commanders of regular units. There were several reasons for a degree of hostility between the military hierarchy and the Bureau. Agents seem to have considered regular army officers as racists, but Grant was convinced that the Bureau would be more effective as an integral part of the military. This was accomplished in 1867 with a decline in fervor, effectiveness, and morale among the local agents of the Bureau.⁸⁵

Specific examples of Bureau-military conflicts illustrate the degree of hostility. Kiddoo reported to Howard that Griffin, upon the latter's arrival in Texas in December, 1866, dealt with the Bureau officer through an adjutant, behaving as though Griffin were unquestionably the superior. "Verbal orders" from Howard, according to Kiddoo, were used to intimidate the Bureau, and clarification of his agency's jurisdiction was long overdue. Kiddoo also complained of Heintzelman who reassigned Bureau staff officers in Texas without consultation. Sheridan appears in these communications to have been the only ranking officer in the Fifth District sympathetic to Bureau

⁸⁵Thomas, Stanton, p. 449; Ulrich, "Military Mind," p. 13. Ulrich deals with Sickles and Hancock as opponents of the Bureau, pp. 64-65, 102-103. McFeely is convinced that the conversion of the Bureau in 1867 doomed it to failure in "Freedmen's Bureau," pp. 359-364.

independence.⁸⁶ Kiddoo made his position clear to Griffin prior to his letters to Howard. He placed before Griffin an embarrassing situation in Victoria where officers under Captain J. H. Bradford, post commander, interpreted statements attributed to Grant in such a way as to deny military assistance to Captain Miller, the Bureau agent. Kiddoo asked Griffin to instruct Bradford to cooperate, but it was a futile gesture. Griffin did quote the Civil Rights and Freedman's Bureau Acts in a message to the captain. However, Bradford was told that only emergency conditions justified aid to Bureau boards and then under the captain's discretion.⁸⁷

At Marshall, rivalry between regular officers and Bureau personnel devolved into a petty feud between Lt. Colonel Julius Hayden and Lieutenant Thomas Blair, who criticized the post commander's penmanship. For this petty insubordination the junior officer and Bureau agent was punished by an assignment to repair window frames. The task completed, Blair sent the frames to the colonel, by enlisted men, for approval. This apparently angered Hayden who placed the Bureau lieutenant under arrest.⁸⁸

⁸⁶Kiddoo to Howard, December 21; December 24, 1866, R.G. 105, N.A.

⁸⁷Kiddoo to Griffin, December 19, 1867; Griffin to Bradford, December 25, 1867, R.G. 393, N.A.

⁸⁸Pfanz, "Soldiering," pp. 419-420.

The Bureau's position was also complicated by the activity of a hostile press. General Stanley's report to the Joint Committee included an estimate that of 100 Texas newspapers only four could be counted loyal.⁸⁹ D. L. McGary of the Brenham Banner waged a literary campaign against the Bureau, criticizing colored teachers and the use of the county jail by agents. He maintained that the Bureau in Texas would be better spelled "Taxes." One article offered the opinion that

"the Bureau[was]. . . improv[ing] on the Devil's System of Jurisprudence[and]. . . that its jurisdiction is confined to refugees, freedmen, and abandoned lands. Under which of these headings, we wonder, do we come? We are not a refugee—we are not a freedman; perhaps we may be abandoned lands."

McGary refused to pay a fine levied for such remarks and was sentenced to jail for a short time.⁹⁰ The editor of the Navasota Ranger was placed under arrest by Kiddoo, but he escaped from his guards. Friends were successful in an appeal to dismiss the charges of Bureau criticism and especially remarks about the "bad conduct of the Yankee Brenham school marm."⁹¹

⁸⁹R.J.C., IV, 41.

⁹⁰Kiddoo to Throckmorton, September 13, 1866, Throckmorton Papers; Elliott, "Bureau in Texas," p. 23; Elliott, Leather-coat, pp. 149-150; Dallas Herald, September 15, 1866.

⁹¹Dallas Herald, November 3, 1866.

Criticism of the Bureau and the results of its subordination to regular army organization combined to terminate the agency. In December, 1867, a House committee began soliciting and compiling judgments on the advisability of continuing the Bureau. D. J. Baldwin, United States Attorney of the East Texas District, outlined his feelings for T. D. Eliot, chairman of the committee. Baldwin believed the Bureau had outlived its usefulness and that "adjustment will be more rapid without it . . . since the fundamental principle of Americanism is: that a man strikes square out into the ocean of life and depends upon God and himself." The Negro's dependence "upon de Buro" and troops to protect his rights was, according to Baldwin, a violation of this principle.⁹² Bureau agents were opposed to curtailing their operations, as were a few military officers like Lieutenant J. T. Richardson, who announced to Nesbit G. Jenkins, the Wharton agent, that all troops serving with the Bureau were to return to their companies. The lieutenant concluded: "I most deeply regret the deplorable situation of affairs . . . but Special Orders 21 cannot be revoked." Jenkins was told that his intended resignation would be accepted. County Judge A. K. Foster at Hallettsville reported

⁹²D. J. Baldwin to T. D. Eliot, January 14, 1868. Letters Received by T. D. Eliot, Chairman of the House Committee Investigating . . . the Bureau of Refugees, Freedmen and Abandoned Lands, R.G. 105, N.A. (hereafter cited as Letters Received by Eliot).

that the Bureau was necessary to counteract the "rebels," and D. L. Montgomery, who served the Bureau at Tyler, testified it should be continued but with more careful selection of agents.⁹³

Dated November 17, 1868, the order closing some Bureau offices also instructed agents to compile final reports and expect discharges on the last day of December. The final communication from Bureau headquarters was Sinclair's order to all agents instructing them to sell the government property under their jurisdiction. Some educational programs continued into 1870, but the last of these—the Gonzales night school—closed with the beating and near drowning of a teacher.⁹⁴

With the dismissal of Bureau agents, civil authority exercised by these officers was assumed by post commanders who in turn were forced to rely on sheriffs for monthly reports once compiled by Bureau operatives. Howard's reflections on the purpose of his maligned and poorly

⁹³Lt. J. T. Richardson to Nesbit B. Jenkins, February 1, 1868, R.G. 105, N.A.; A. K. Foster to Eliot, January 15, 1868; D. L. Montgomery to Eliot, January 22, 1868, Letters Received by Eliot, R.G. 105, N.A.

⁹⁴San Antonio Express, December 16, 1868; Sinclair to Mr. W. H., May 8, 1869, R.G. 105, N.A.; Elliott, "Bureau in Texas," p. 18.

supported agency were accurate. The Bureau to him was

absolutely necessary in relieving the shock in passing from a state of slavery to a condition of freedom. It was like a buffer between a large ship and a solid dock which is a relief against the breakage of the ship and injury to the dock. . . .⁹⁵

The analogy was lost, however, on the intransigent South and apathetic North. Nearly a century would pass before effective federal leadership would again take up the social crusade initiated by the Bureau. In the interim, the transition to civil government in Texas became increasingly a task for military supervision.

⁹⁵ Letters Received, Post of Brenham, volume 189, p. 41, R.G. 393, N.A.; Ulrich, "Military Mind," p. 112.

CHAPTER IX

THE INAUGURATION OF MILITARY RULE:

"MARSHAL" SHERIDAN AND GENERAL GRIFFIN

Eight general officers commanded the Fifth Military District from March 19, 1867, to March 5, 1870. Their tenures varied from one week to a year, and their attitudes on the goals of occupation did not reflect a consensus. Too few common factors existed for army officers of high rank to be considered in agreement. In 1867, the majority of the army's twenty-six officers of general rank were West Point graduates; only four were not members of this fraternity, and three of those held staff positions. Those assigned to Texas had been closely connected during the last stages of the Civil War, and several had served in the Southwest prior to the conflict.¹ However, they differed widely on the issue of civil rights and in their allegiance to the presidential or congressional factions until President Johnson's manipulations created a bond between Radical Republicans and some field commanders. Southern hostility,

¹Pfanz, "Soldiering," pp. 239-240; Joseph Hergesheimer, Sheridan, A Military Narrative (New York, 1931), pp. 362-363; Rister, Border Command, p. 7.

evinced even as generals worked for moderation in the ex-Confederate states, also ultimately contributed to the growth of some degree of common interest.²

Efforts to generalize on district commanders and the officer corps obscure dissimilarities between men like Sherman and Schofield, who opposed Negro suffrage, and Meigs and Sheridan who agreed to some degree with the philosophy of Thaddeus Stevens.³ Even so, General David S. Stanley's position on the goals of occupation were probably typical. In his report to the Joint Committee he supported the need for troops to maintain order, and he advised the congressmen to maintain a "matured" Bureau. But Stanley denied the philosophy of a "territorial condition" and was convinced that Negroes were too illiterate to effectively use the suffrage, which if granted, would result in the return to power of ante-bellum politicians.⁴

Conditions, both local and national, placed occupation officers in an unaccustomed role in the post-war period.

²Brodie, Stevens, p. 327. Walter Lynwood Fleming in The Sequel of Appomattox (New Haven, 1919), pp. 141, 144, 154 contends that generals were "showered with abuse" for their efforts to provide a moderate influence in state conventions.

³Rhodes, History of the United States, VI, 10; Russell F. Weigley, Quartermaster General of the Union Army; M. C. Meigs (New York, 1959), pp. 334-340; Lewis, Sherman, p. 281.

⁴R.J.C., IV, 41-42.

Men trained to the military profession in a democracy traditionally found it dangerous to assume a political role, but Reconstruction forced district commanders to defend themselves from, if not actively participate in, national politics. Apprehension, for example, was created by the effort of Johnson to undermine Secretary Stanton's position. The President's initial efforts failed, however, because Stanton recognized the Commander-in-Chief's prerogatives and even assisted Stanbery in drafting decisions on political affairs. Confusion and fear developed later when Stanton's removal obviously meant less protection for officers, a factor which drove many to the Congressional Radicals.⁵

Philip Henry Sheridan served as commander of the Division of the Southwest, Department of the Gulf, and Fifth Military District from May, 1865, to September, 1867. Sheridan's appointment to command the Division of the Southwest in 1865 was received with suspicion (which developed into hostility) in Texas. William Pitt Ballinger commented to Governor Pendleton Murrah in early June that Canby's replacement was

⁵George C. Gorham, Life and Public Service of Edwin M. Stanton, 2 vols. (Boston, 1899), II, 378-381; Thomas, Stanton, pp. 539-546; Hyman, "The Army as a Force in Reconstruction," in Crowe, Age of Civil War and Reconstruction, pp. 392-393. Stanbery's position on political disqualification and its impact on military commanders is discussed in Fletcher Pratt, Stanton: Lincoln's Secretary of War (New York, 1953), pp. 449-450. Generals who took either Stanton's or Johnson's position on suffrage and the problem of civil suits against military officers are found in Hyman, "Johnson, Stanton and Grant," pp. 88-89, 93.

"unfortunate." Later, in 1870, the Texas press came to characterize the general as a bloody-thirsty tyrant. The Dallas Herald in that year suggested that Sheridan had traded in his old coat of arms—a torch and burning haystack—for a new one of a wooden soldier with one foot on a pile of Indian women and children (with throats cut), one hand with an American Flag, the other with a butcher knife dripping blood with the motto: "Thus Perish the Enemies of my Country."⁶

Ex-Confederate General Richard Taylor dubbed Sheridan "the Lieutenant General of the Radicals." Claude Bowers similarly criticized Sheridan many years later for "reveling in his unpopularity . . . permitting the Texas Negroes to run amuck with guns and knives" and motivated by "harsh suspicion" and "a hearty dislike for the people of Texas." Professor Charles Ramsdell established Sheridan's reputation earlier with the judgment that Sheridan was a good soldier but a "zealous partisan . . . actuated . . . by his old suspicions . . . and [an] arbitrary and offensive manner" which he "manifested towards the people of the South, particularly Texas . . ." These epithets continued in later works describing Sheridan as a "hot-tempered, South-hating, fiery and im-

⁶W. P. Ballinger to Pendleton Murrah, June 1, 1865, Ashbel Smith Papers. The Galveston News of March 27, 1867, announced Sheridan's new post in the Fifth District but without severe criticism. Dallas Herald, May 7, 1870.

petuous" seeker of political office.⁷ Sheridan's temper is documented by a more recent student who records his year's dismissal from West Point but who also concluded that the general was not vindictive toward the South.⁸

Much of the criticism of Sheridan has been gleaned from contemporary newspaper accounts, and while some of it is hearsay evidence, several specific charges have been documented. In New Orleans, Sheridan, in contrast to Butler, bent the hostility of Confederates to his advantage. The ladies of the Crescent City made special efforts to deluge the Federals with music commemorating the Southern cause, to which Sheridan reacted by ordering military musicians to render Confederate tunes since they were legally captured property.⁹ One remark has often been used to exemplify Sheridan's dislike for the Lone Star State: "If I owned hell and Texas I would rent out Texas and live in Hell." This comment has been generally quoted and accepted without qualification.

⁷Richard Taylor, Destruction and Reconstruction: Personal Experiences of the Late War (New York, 1879), pp. 262-263; Claude Bowers, The Tragic Era (Cambridge, 1927), p. 215; Ramsdell, Reconstruction in Texas, pp. 41, 149, 152-153, 180; Henry, Story of Reconstruction, p. 257; Hodding Carter, The Angry Scar (Garden City, 1959), pp. 146-147.

⁸Ulrich, "Military Mind," pp. 145, 149-150.

⁹Pfanz, "Soldiering," p. 115.

The Houston Evening Star of May 1, 1866, concludes that the comment was warranted by General Gregory's presence, but a better explanation was given by John Highland, who was present at the time Sheridan made the statement. The general had just returned from an inspection tour to San Antonio when questioned in a Galveston Hotel on his impressions of the state. He later qualified the celebrated remark: "I like Texas as much as any other state in the union." The retraction was less widely quoted¹⁰ however.

Texans were alienated early by Sheridan's refusal to issue a permit for memorial services over the body of Albert Sidney Johnston, whose remains were disinterred from the St. Louis Cemetery in New Orleans for removal to Texas. "I have too much regard [said Sheridan] for the memory of the brave men who died to preserve our government to authorize Confederate demonstrations over the remains of any one who attempted to destroy it." A funeral procession was forbidden in Galveston before Johnston was finally laid to rest in the state cemetery in Austin.¹¹

¹⁰ McGraw in "Constitution of 1866," p. 250, accepts the sincerity of Sheridan's first statement, without documentation, as do many other authors. The Evening Star statement appears in Elliott, "Bureau in Texas," p. 23; the retraction and circumstances of the general's comment in John Highland, "Texas Collection," Southwestern Historical Quarterly, XLV (October, 1941), 190.

¹¹ Sheridan to Charles C. Leonard, Mayor of Galveston, January 24, 1867, R.G. 393, N.A.; Charles P. Roland, Albert Sidney Johnston, Soldier of Three Republics (Austin, 1964), p. 353; Handbook, I, 920.

Sheridan's conception of his responsibilities appears to have been that of a firm moderate. He felt the "only sensible course to pursue . . . was to remove every civil officer who did not faithfully execute the laws, or who put any impediment in the way of its execution. . . ."

A. J. Hamilton he described as

backed by a small portion of the population[having] . . . for his standard of loyalty 'abhorrence of the rebellion and glory in its defeat,' while his successor had for his standard of loyalty 'pride in rebellion--that it was a righteous but lost cause.' Both of these . . . I was required to support, and did to the best of my ability. . . . I decided to use the authority vested in me as leniently as possible; almost to allow myself to be forced to the wall by open, overt acts before action was taken . . . I had no desire to oppress and did not oppress and . . . no political influences . . . were allowed to control my actions.¹²

The commander of the Division of the Southwest was no zealot for social revolution:

I believe the best thing that Congress or State can do is to legislate as little as possible in reference to the colored man beyond giving him security in his person and property. His social status will be worked out by the logic of the necessity for his labor.¹³

Because freedmen were without political rights, Sheridan felt them to be without means of physical security. He

¹² House Executive Documents, 39th Congress, 2nd Session, No. 1, p. 48; House Executive Documents, 40th Congress, 2nd Session, No. 1, pp. 378-380.

¹³ Rhodes, History of United States, VI, 47.

concluded: "The aid of the military power was an absolute necessity for the protection of life and I employed it unhesitatingly. . . ." These thoughts were partially responsible for Sheridan's recommendation to Grant in May, 1865, that Texas "requires intimidation."¹⁴

It was Sheridan's belief that the occupation of Texas was necessary as a final phase of the war that prompted him to accept the New Orleans post. His preference was to remain in Washington in May, 1865, to participate in victory ceremonies and troop reviews. Still, it became apparent to him that protection for unionists and freedmen was essential to the war's conclusion. Since Johnson's policy appeared to Sheridan to "give no political status" to freedmen, "it was the plain duty of those in authority to make [their freedom] secure."¹⁵

One source of counsel and inspiration which affected Sheridan also solidified the opposition of Johnson and the South to the general's policies. The Northern Methodist Church through the publisher of the Southwestern Advocate, John Newman, had a profound impact on Sheridan. Reverend

¹⁴ Phillip H. Sheridan, Personal Memoirs, 2 vols. (London, 1888), II, 261-262; Sheridan to Grant, May 29, 1865, Grant Papers.

¹⁵ Sheridan, Memoirs, II, 260-262; Rister, Border Command, p. 10; Ulrich, "Military Mind," p. 152.

Newman was anxious "to remold the political image of the South," and, as Sheridan's confidant, the clergyman was able to influence Fifth Military District policies. In fact "changes made by Sheridan were precisely those suggested by the minister," and Canby had been similarly interested in establishing a loyal church in the South before Sheridan's assignment. Johnson and Welles complained of the influence of the church, and southerners resented the connection of the pulpit with Radical and military goals. That branch of Northern Methodism which championed racial intermarriage likewise contributed to the fear and hostility of the South and the administration.¹⁶

Sheridan began his administration with Grant's unqualified support and confidence. Grant provided Sheridan considerable latitude in making major command assignments, and the commanding general personally recommended Captain Michael V. Sheridan, brother and staff aide to Philip Sheridan, for a lieutenantancy in the regular cavalry. Sheridan in turn received personal requests from Grant which he undoubtedly found time to honor. One instance was the introduction, by letter, of J. P. Tweed, a long-time friend of Grant who was on his way to Texas. Grant was careful to "recommend him as of a class entirely different from those we have been accustomed to see whilst the war was in progress

¹⁶Morrow, "Methodist Church and Reconstruction," pp. 126, 221-223, 294-295, 307, 318, 332.

who were willing to embarrass military movements if they could make anything of it." Sheridan's superior promised that any "attention shown Mr. Tweed will be duly appreciated by him and myself."¹⁷

Of the several commanders of the Texas Department who served under Sheridan, Major General Charles Griffin has received most attention. Griffin's combat record was exemplary, and he was popular with his troops, although on occasion he had demonstrated a degree of independence which bordered on insubordination. The many brevets of this "master-genius of the Fifth Corps" took him from battery to corps command by the end of the war.¹⁸ But Griffin, if Throckmorton's opinion of him was representative, was unpopular among Texas politicians.

¹⁷ Congressional Globe, 39th Congress, 2nd Session, p. 1013; Correspondence concerning the replacement of Granger, whom Sheridan found objectionable, is found in O.R., I, 48, 2, pp. 1075, 1081. Captain Sheridan is referred to in Grant to Stanton, December 18, 1865, Grant Papers, and Records of Living Officers of the United States Army (Philadelphia, 1884), p. 452. Grant to Sheridan, December 16, 1865, Grant Papers.

¹⁸ Though he was once relieved from a command by Pope and required Meade's defense in a display of temper in the presence of Grant, Griffin's contemporaries thought well of him. His ability as a tactician at Five Forks and his sensitivity to the heavy losses in that battle were recorded by George A. Townsend, Rustics in Rebellion: A Yankee Reporter on the Road to Richmond (Chapel Hill, 1950), pp. 255-257, 261, 280. Especially favorable remarks are found in George Meade, The Life and Letters of George Gordon Meade, 2 vols. (New York, 1913), II, 231; George B. McClellan, McClellan's Own Story (New York, 1887), pp. 414-415; Heitman, Register, I, 478; Francis Winthrop Palfrey, The Army in the Civil War, 5 vols. (New York, 1885), V, 128, 170; Malone, American Biography, VII, 617-618.

The governor's description of the general was penned for the benefit of B. H. Epperson in September, 1867: "Griffin is worse . . . than Sheridan. . . . He is a dog--mangy--full of fleas, and as mean as the meanest radical in Texas, and that is saying as mean a thing of a man as can be said."¹⁹

General Griffin appears to have been interested less in punitive action than rapid restoration of Texas under existing state law. He offered the post of governor--after Throckmorton's removal--to John H. Reagan on the grounds that the ex-Confederate postmaster general was a conservative man who would provide the state with moderate leadership, this being Johnson's reason for granting Reagan an early parole.²⁰

Griffin reported to Howard that the statutes of Texas "made no literal distinctions on account of color or race so I have generally respected them even though laws are administered in an oppresive and tyrannical manner." Too few troops,

¹⁹J. W. Throckmorton to B. H. Epperson, September 5, 1867, Epperson Papers; Howard, Autobiography, II, 342.

²⁰Griffin's offer to Reagan is distorted in McKay, "Social Conditions in Texas," p. 33, in which Reagan is pictured "plowing when accosted by a . . . messenger" from Griffin. Better treatment is found in John H. Reagan, Memoirs (Austin, 1969); p. 240; William E. B. Dubois, Black Reconstruction (New York, 1935), p. 555; Benjamin Hervey Good, "John Henniger Reagan," unpublished doctoral dissertation, Department of History, University of Texas, Austin, Texas, 1932, p. 298. Reagan outlined a plan to work with moderate Texas Republicans as late as 1867, John H. Reagan to Ashbel Smith, February 23, 1869, Ashbel Smith Papers.

according to Griffin, made any other approach impractical. Howard appreciated Griffin's position and held the Texas commander in high regard with the recommendation that Griffin's "sympathy with the freedmen, and the remarkable energy and promptness which marked his administration endeared him to the laboring classes. . . ." ²¹

Both Grant and Sheridan respected Griffin. He was assigned to Texas in late 1866 after Grant, on Sheridan's suggestion, recommended to Stanton that Griffin be permitted to serve in his brevet rank of major general instead of his permanent grade of colonel. This gave the new Texas commander precedence over Heintzelman whose Reconstruction attitudes were more conservative. Grant's respect never waned, ²² and a good working relationship between Sheridan and Griffin made for cooperation in the early months of military Reconstruction.

Grant's personal interest in Griffin continued through the early days of September, 1867, when the Texas commander served briefly as a replacement for Sheridan. With a staff decimated by yellow fever and grieved by the death of his son, Griffin preferred to remain for a time in Galveston

²¹Griffin to Howard, February 12, 1867, R.G. 105, N.A.

²²Grant to Stanton, November 12, 1866, Grant Papers. On Sheridan's appointment to succeed to the Fifth Military District, Grant gave Sheridan permission to leave Griffin in Galveston, at the latter's request, as long as Griffin thought necessary. Grant to Sheridan, September 3, 1867, Grant Papers. Grant recorded Griffin's service as corps commander in Grant, Memoirs, II, 54L.

where he too died of the disease on September 16. Grant maintained close contact with Galveston headquarters during Griffin's illness and personally ~~ordered~~²³ transportation for his widow to return to the North. Texas newspapers moderated their criticism of Griffin on announcing his death. The Galveston Daily News admitted having little biographical data on the general but recommended him for his "honesty and integrity" in remaining at the Galveston post. More information was supplied by the Dallas Herald on the Georgia-born officer who, had he consulted more experienced Texas physicians, according to the paper, might have been saved.²⁴

General Orders 1, March 19, 1867, announced to Texans that Congressional Reconstruction had superceded Johnson's program. Sheridan assumed command of the Fifth District under this directive which contained excerpts from the legislation of March 2. Texas government was declared provisional and subject "to be abolished, modified, controlled or

²³ Captain H. A. Swartworth to Grant, September 13, 1867; Grant to Swartworth, September 15, 1867; Swartworth to Grant, September 16, 1867; Grant to Swartworth, September 18, 1867; A. Webster to Mower, November 11, 1867, Grant Papers.

²⁴ Galveston Daily News, September 17, 1867; Dallas Herald, September 28, 1867.

superseded." But removal of civil officers was not contemplated unless impediments or delays were offered to military orders.²⁵ The First and Second Reconstruction Acts were sufficient, in Sheridan's judgment, to justify extensive political reorganization. The primary task was to register voters for an election of delegates to a constitutional convention. The Fourteenth Amendment and its disqualification of officer holders served as the principal guide to registration. The question was whether the Amendment's wording "executive and judicial officers" within the ex-Confederate states was to be applied loosely or with a literal interpretation. When Sheridan requested a clarification of the disfranchisement provision as it applied to the election for delegates, Grant replied, on April 7, that the general should give his own interpretation to the applicable documents until Attorney General Henry Stanbery's opinion was available. On June 20, 1867, Stanbery announced that district commanders were expected to cooperate with existing state governments, not introduce new institutions. Eight days later, Grant, instructed Sheridan to continue his personal enforcement of the Reconstruction Acts since Stanbery's opinion was not distributed as an

²⁵House Executive Documents, 40th Congress, 2nd Session, No. 342, pp. 159-160.

order; Grant assumed that Johnson did not intend it as such.²⁶

Instructions for registration, which continued through the fall of 1867, began reaching local officers in April. Special Orders 15, April 10, contained the appointment of Major George A. Forsyth, who served on Sheridan's staff, as supervisor of Texas registration, directions to registrars, and penalties for election code violations. Pending the attorney general's opinion on eligibility of voters, registrars were instructed to "give the most rigid interpretation to the law, and exclude from registration every person about whose right may be in doubt." A circular distributed a week later established September 1 as the date for commencement of registration and outlined details for organization of the state to qualify potential voters. The existing fifteen judicial districts were designated as registration districts, and each was to be supervised by two registrars appointed by Galveston military headquarters. Registrars were empowered to select and oversee the local board and record all transactions. Each of the fifteen registration districts consisted of precinct boards of three members who

²⁶ Grant to Sheridan, April 7, 1867; June 28, 1867, Grant Papers. A narrow and unreasonable interpretation of disfranchisement is generally attributed to Sheridan and Griffin. Ramsdell, Reconstruction in Texas, pp. 163-165; Wortham, Texas, IV, 45-49; Richardson, Lone Star State, p. 274.

were subject to a July, 1862, oath required of federal officers. Twenty-one year old, male citizens with one year state and one month county residency were qualified if not disfranchised by commission of felonies or congressional legislation. The same oath required of registrars was required of potential voters, and hours were fixed for citizens to appear at local boards.²⁷ The number of counties in each registration district varied from seven to ten, and statistics were recorded in each county. The names of election officers and category of applicants (native, naturalized, white, colored, and persons rejected) were recorded by board officials.²⁸

On May 1, registration officers were cautioned that "full and perfect liberty must be afforded to the newly enfranchised class of citizens, and all laborers to present themselves before boards of registration." No state labor law or other legislation was accepted as abridgment of suffrage, and military commissions were designated as agencies of adjudication for violations of the registration code. Directives at several levels of the military hierarchy cautioned local board officials to "admit no one to register

²⁷ House Executive Documents, 40th Congress, 2nd Session, No. 342, pp. 162, 210-212.

²⁸ Registration Book "D", R.G. 393, N.A.

about whom there may be doubt," and it was "not thought advisable to publish[some of these memoranda concerning registration]at present."²⁹

Preparations for registration continued through the summer. Circular No. 2, of June 1, empowered local post commanders to offer "full protection" to supervisors and registrars. Military escort was authorized for officials, books, and records. On the same day Griffin's headquarters released orders for registration boards to begin organizing at county court houses where sheriffs and other local officers were required to provide rooms for their use.³⁰

Registration progressed slowly, and was accompanied by some violence. Two registrars were shot near Brenham, and local law enforcement officers refused to act. Griffin remarked that: "I begin to believe that there is more disloyalty here now than in 1861." Lieutenant A. G. Malloy at Marshall reported an attempt to murder a registrar at Carthage, but no troops were available to offer protection. At Tyler, Colonel Rootes received instructions from Griffin

²⁹Colonel Morsyth to Major O. D. Greene, May 5, 1867; Captain R. Chandler to Members of Board of Registration for the Second District, n. d.; Sheridan to Griffin, April 25, 1867, Adjutant General's Office, Correspondence, 1861-1870, Microcopy 619, National Archives, Washington, D. C. (hereafter cited as A.G.O.).

³⁰House Executive Documents, 40th Congress, 2nd Session, No. 342, pp. 203-204.

to arrest criminals "at all hazard."³¹

By September complaints from rejected voters had multiplied. Throckmorton contended that many potential voters were denied because they admitted their disapproval of Reconstruction legislation or demonstrated racial bias. Local unionists and freedmen, according to the governor, were consulted on the eligibility of applicants, some of whom were accused of offenses committed during the war, thus prejudicing board officials to reject them. Richard V. Cook of Columbus appealed to Austin that his rejection was unfair. Cook was a lawyer before the war but not an office holder. He considered the local board in violation of his rights though he did confess that he served as a Confederate captain and senator in the Eleventh Legislature.³²

In early December the New York Times announced that 109,000 persons had been registered in Texas for a February constitutional convention election. A closer count reflects

³¹Griffin to Sheridan, July 15, 1867, Sheridan Papers; Lt. A. G. Malloy to Griffin, July 26, 1867; Griffin to Colonel Bootes, July 26, 1867, R.G. 105, N.A.

³²J. W. Throckmorton to B. H. Epperson, September 5, 1867, Epperson Papers, UTA; Richard V. Cook to Lt. C. E. Morse, November 9, 1867, FBT, R.G. 105, N.A.

59,633 whites and 49,479 Negroes qualified to vote. Speculators, before the final count, guessed that 100,000 whites and 40,000 Negroes would be accepted. The Times estimated that 50,000 whites were Conservatives and 25,000 more had opposed the rebellion but were equally hostile to Negro suffrage, leaving 25,000 sympathetic to the Republican ticket. In the same estimate it was surmised that one-fourth of the 40,000 Negroes would not vote, another one-fourth would be controlled by Conservative whites leaving 20,000 colored votes for the Republican column. The Times, as seen later, overestimated the total registered voters, underestimated Negro support for the Republican cause and overestimated the number of white Republicans. The number of persons disfranchised during the 1867 registration has been calculated at from 7,500 to 12,000.³³

A charge often encountered is the allegation that Griffin, with Sheridan's approval, required such oaths of jurors that the Texas judicial system collapsed. On the issue of jury qualification, Griffin, though sincerely interested

³³ New York Times, December 8, 1867. Richardson, Lone Star State, p. 209, uses the figures of 59,633 whites and 49,479 Negroes registered. Ramsdell, Reconstruction in Texas, p. 196, shows by January, 1868, 109,130 registered, two-fifths of whom were colored. Richardson and Ramsdell use 10,000 and 12,000 respectively as the upper limits of disfranchisement. Selected critical counties indicate approximately 23 per cent of those applying rejected. Registration Book "D", R.G. 393, N.A. Twelve thousand appears to be a fair estimate.

in a more democratic system, overestimated the number of unionists available and underestimated the strength of the entrenched judiciary. It was the application of the "iron-clad oath" required of registration officials, to prospective jurors that brought wide-spread accusations that Griffin "approached his task with the prejudices of the radicals," drove whites from the courtroom and demolished the judicial procedures of the state.³⁴

The jury oath controversy began with Circular No. 10, April 4, 1867, in which Griffin referred to Section 3 of the March Reconstruction Act in declaring his responsibility to modify judicial procedures. Circular 13, April 27, outlined the essentials of the required oath. Jurors were expected to swear they were citizens, had never borne arms against the United States, had never given voluntary aid to the Confederacy, had never held office under that government and would support the Constitution. Section 2 of the First

³⁴ Frank W. Johnson, Texas and Texans, edited by E. C. Barker and E. W. Winkler, 5 vols., (Chicago, 1914), I, 556-557; De Shields, They Sat in High Places, p. 268; Ramsdell, Reconstruction in Texas, pp. 156-158, 175-176; William A. Russ, Jr., "Radical Disfranchisement in Texas 1867-1870," Southwestern Historical Quarterly, XXXVIII (July, 1934), 41-42; Chandler, The South, III, 422. A more recent study agrees on the impact of Griffin's jury policy. Harold M. Hyman, Era of the Oath; Northern Loyalty Tests During the Civil War and Reconstruction (Philadelphia, 1954), pp. 55-57. Contemporaries like Judge J. J. Holt were harsh in their criticism. J. J. Holt to Pease, August 3, 1867, Pease Papers.

Reconstruction Act was reproduced establishing as a misdemeanor the offense for preventing Negroes from voting.³⁵

On May 25, Sheridan, anticipating that conservative jurists would challenge the military administration, instructed Griffin:

If any of the judges or other officers of the courts in Texas attempt to embarrass you by selecting colored men who are unfitted to act as jurors, report their names and the circumstances of the case to me for their removal.³⁶

Griffin defended Circular 13 to Sheridan a few days later. The jury order, said Griffin, was designed to protect unionists whose appeals were reaching his office. It was issued after consultation "with the ablest legal minds" and an oath prescribed by Congress for government officials. Jurors in the circular were not designated as black or white. Griffin contended that the qualification of "householder" in Texas law disqualified "nearly every colored voter." He said that complaints emanated chiefly from the disfranchised whites whose object was to "fill jury boxes of Texas with men of secession antecedents. . . . Their motto seems to be Rule or Ruin." Griffin saw the fundamental problem as that of failure to remove officials disqualified by the "military

³⁵House Executive Documents, 40th Congress, 2nd Session, No. 342, pp. 201-203.

³⁶House Executive Documents, 40th Congress, 1st Session, No. 20, p. 72.

bill" when those officials fully expected prompt removal. They became bolder in time and used the oath to disqualify unionists as jurors, hoping to close the courts and force a reversal of the circular to solve the resultant chaos. According to Griffin "there[was]. . . not an organized county in the state where, with proper officials, loyal juries cannot be found."³⁷

Sheridan supported Griffin and applied a similar policy in Louisiana. He did admit to Grant however that Circular 13, while just, was embarrassing. Sheridan foresaw a change in tactics with his September reassignment, but he remained firm on jury qualification:

My official connection with the reconstruction of Louisiana and Texas practically closed with this order concerning the jury lists. In my judgement this had become a necessity, for the disaffected element, sustained as it was by the open sympathy of the President, had grown so determined, in its opposition to the execution of the Reconstruction acts that I resolved to remove from place and power all obstacles. . . .³⁸

Though Sheridan defended Griffin's jury order to Grant as an attempt to insure that unionists be given an opportunity

³⁷Griffin to Sheridan, May 29, 1867, Sheridan Papers.

³⁸Griffin and Sheridan had Grant's blessing on the issue of jury oaths. Sheridan to Grant, August 15, 1867; Grant to Sheridan, August 16, 1867, Grant Papers. Sheridan, Memoirs, II, 275-276. Special Orders 125, August 24, 1867, required jurors in Louisiana to be qualified as voters. Ulrich, "Military Mind," p. 56.

to serve rather than pack the panels with Negroes, the order was impractical in operation. G. W. DeWitt, a Bureau agent at Paris, reported that the scarcity of jurors made outlaws more bold. Negroes were robbed with impunity in his district, and the impotence of courts provided opportunities for opponents of the spring legislation for denouncing Lincoln, Congress and the laws." County Judge Charles A. Russell of Karnes County reported to Governor Pease in October that he found it impossible to impanel juries and asked for an amended order.³⁹ Special Orders 15 of September 28, 1867, was issued by General Joseph A. Mower to liberalize jury lists but difficulty in impaneling continued.⁴⁰

Griffin was convinced by March, 1867, that "some of the chief civil officers" of Texas should be removed. He reported to Sheridan on the twenty-fifth that he could find no trustworthy officers to conduct registration: "In fact,

³⁹ Sheridan to Grant, May 22, 1867, Grant Papers; G. W. DeWitt to M. L. Armstrong, August 7, 1868, R.G. 105, N.A.; Charles A. Russell to Pease, October 2, 1867, GC, Pease Papers. Griffin was probably more interested in Negro participation than he or Sheridan admitted. Refusal of courts to accept Negro testimony and the white jury provision of the Texas Constitution of 1866 were influential to his decisions. Galveston Daily News, June 27, 1867; Shenton, The Reconstruction, p. 133.

⁴⁰ House Executive Documents, 40th Congress, 2nd Session, No. 342, p. 206. Grand Jury Book, United States Circuit and District Court, Austin, 1855-1872, R.G. 21, F.R.C.

all the officers of the State government are disloyal" due to their "antecedents." Sheridan, using the Second Reconstruction Act, authorized Griffin to "make such county removals as necessary," and reiterated the same on July 19 and August 28 after other supplementary acts. Griffin's justification for general removals had reached Sheridan in the spring:

My duties must be more arduous than those of any other district commander, resulting from the extent of territory, the want of rapid communication, the irreclaimable character of many of the leading men, who, I believe, will endeavor to throw obstacles in my way.

By late March, Griffin had decided on the need to replace Governor Throckmorton and Lieutenant Governor G. W. Jones and suggested to Sheridan that Judge C. Caldwell or Judge Baldwin would make reliable replacements.⁴¹

Of the removals during the Sheridan-Griffin administrations, those of judicial officers have received considerable attention. Criticism of Griffin and Sheridan range from a general contention that removals were too numerous and appointments "dubious," to support for judges

⁴¹Griffin to Sheridan, March 28, 1867, House Executive Documents, 40th Congress, 1st Session, No. 20, pp. 62-63. Grant gave Sheridan specific instructions to proceed with removals "to secure a thorough practical execution of the laws of Congress," Grant to Sheridan, July 30, 1867, Grant Papers; Sheridan to Griffin, August 28, 1867, Pease Papers.

who (contrary to Griffin's belief) maintained that courts were virtually closed under Circular 13. The San Antonio Herald met removals with sarcasm. In a mock Special Orders 8,990,561,732 N.O., June 10, 1867, the paper explained that "Andrew Johnson . . . being an impediment . . . is hereby removed. It is not thought necessary to fill the office."⁴²

In addition to what was perhaps personal conviction, Griffin's case for judicial removals was built on petitions, messages to Governor Pease, testimony to the Joint Committee, and actions taken by the Eleventh Legislature to eliminate unionist judges from the bench. The Constitutional Convention of 1866 provided for judicial redistricting by the subsequent legislature. That body reorganized the districts in such a way as to exclude known unionists. The purpose was admitted by Ashbel Smith, according to J. L. Haynes who explained to Griffin that Thomas H. Stribling, W. P. Bacon, and G. H. Noonan were mentioned by name as undesirable Radicals. Of the twenty district judges in 1866, eleven were either ex-Confederate officers or well-known secessionist politicians. In addition to Stribling, Bacon, and Noonan,

⁴²Fehrenbach, Lone Star, pp. 409-410; Ramsdell, Reconstruction in Texas, 174; Rister, Border Command, p. 30. The Herald remark appears in McGraw, "Constitution of 1866," pp. 253-254.

C. Payn, J. R. Kennard, and T. P. Hughes were also legislated out of office. Haynes' testimony was supported by a petition to Sheridan from twenty-five citizens of San Antonio who complained particularly of the rearrangement of Districts Four and Eleven which were modified on the last day of the 1866 Convention when many delegates were absent. Stribling had won his Fourth District judgeship as a unionist; Bacon (an ex-Union officer) had only sixteen votes cast against him. Redistricting placed San Antonio under the Fourteenth District court, 180 miles to the south, thus isolating the city. Other parts of the old Fourth and Eleventh Districts were left to G. H. Noonan, a union man too far removed, and John Ireland, an ex-Confederate officer.⁴³

Stribling was also supported by Lieutenant J. T. Kirkman in Corpus Christi who reported that the district judge at that location was not qualified to serve. This would have been Judge B. F. Neal of the Fourteenth District who assumed Stribling's San Antonio section. Kirkman described Neal as a late rebel commanding at Corpus Christi where union

⁴³ House Executive Documents, 40th Congress, 1st Session, No. 20, pp. 88-91. John L. Haynes was a Virginia-born member of the Texas legislature in 1859 and quartermaster of state troops in 1860. Handbook, I, 788. Ramsdell in Reconstruction in Texas, pp. 160-161, discounts reorganization for political purposes. It was, in his view, an economy move dictated by frontier conditions which eliminated the districts in question.

men were murdered trying to escape to a Federal vessel during the war.⁴⁴

On June 10, 1867, Sheridan declared the October 11, 1866, redistricting void and restored Stribling and Bacon to their old districts. His justification was the admitted intention to remove the justices because of their political views. Ten days later he explained his decision to Grant saying the "reported conduct of the officer at El Paso is a humbug." Sheridan recognized El Paso as part of Sherman's command but defended his June 10 order on Bacon's partisan removal and the fact that El Paso residents were forced to use New Mexico courts since the October redistricting placed them at too great a distance from effective Texas courts.⁴⁵

Evidence concerning the behavior and attitudes of other district judges convinced Griffin of the necessity of their removal. Judge Edward Dougherty presided over the Twelfth District comprising Cameron, Hidalgo, Starr, Zapata, Webb, and Kinney Counties. In the presence of General J. J. Reynolds, who commanded the Sub-District of the Rio Grande, Dougherty denied the supremacy of the laws of Congress, stating he would not enforce them when they conflicted with

⁴⁴House Executive Documents, 40th Congress, 1st Session, No. 20, p. 90.

⁴⁵Ibid., pp. 87-88; House Executive Documents, 40th Congress, 2nd Session, No. 342, p. 167; Sheridan to Grant, June 20, 1867, Grant Papers.

state law. His position might have been more sound had he questioned the constitutionality of the Reconstruction Acts, but his lack of tact caused him to be replaced by Edward Bosse on August 8, 1867.⁴⁶

Judge J. J. Holt of the Tenth District was found to be objectionable. James P. Kern, an internal revenue officer reported to Griffin that Holt had declared a current stay law unconstitutional and thereby had "thrown open the flood gates for execution--and execution it is indeed." Griffin found Holt uncooperative on the issue of jury selection. The judge contended he had "exhausted the regular venire" in La Vaca County and refused to consider the names of thirty-eight potential jurors supplied by Governor Throckmorton and sixteen submitted by Griffin, despite the fact that all of Griffin's nominations were white. The general told Major George A. Forsyth, Secretary for Civil Affairs in New Orleans, that Holt "is confirmed a rebel today as at the hour secession was declared." Wesley Ogden was recommended by Griffin to succeed Holt. Ogden also received endorsement from E. J. Davis.⁴⁷

⁴⁶ House Executive Documents, 40th Congress, 2nd Session, No. 342, p. 170; Samuel S. Cox, Three Decades of Federal Legislation (Providence, 1885), p. 575.

⁴⁷ James P. Kean to Griffin, May 22, 1867, Throckmorton Papers; Griffin to Forsyth, June 10, 1867, Sheridan Papers; E. J. Davis to Lt. Kirkman, August 16, 1867, Pease Papers.

Griffin's appraisal of Holt's political posture is borne out in a letter written by the judge to a friend of similar inclinations:

We will during the present week February 4, 1866 be relieved somewhat by the removal of the Negro Regiment which has been here for some time keeping us in the straight and narrow path of our duty to one of the best governments of the world but do not conclude . . . we are to be permitted to go on our way . . . without further care . . . having behaved ourselves reasonable well . . . we will henceforth be placed under fatherly . . . guardianship of two companies of Negroes . . . we are slowly securing the confidence of said great and good government.⁴⁸

Ogden also confirmed Griffin's estimate. The new justice of the Tenth District reported to Governor Pease that no district court had been held in some of Holt's counties for two years. Using threats, the "disloyal" kept qualified men from sitting on juries. By impeding judicial proceedings, they hoped, according to Ogden, to reverse military directives and return men of their persuasion to office.⁴⁹

Holt's predecessor had a similar reputation in the Tenth District. S. A. White, member of the Congress of Texas and

⁴⁸J. J. Holt to Hon. David Irvin, February 4, 1866, Callender Collection, Victoria, Texas.

⁴⁹Wesley Ogden to Pease, n.d., Pease Papers. Ogden was a New Yorker who practiced law in Ohio. He settled in Port Lavaca in 1849 but left Texas in 1863 to escape persecution as a unionist. After his tenure as district judge Ogden served on the state Supreme Court, Handbook, II, 303.

Texas Legislature, edited the Victoria Advocate when he was appointed to office by A. J. Hamilton in 1865. White's complaints of property destruction to Colonel I. T. Rose, local military commander, in November, 1865, culminated in an altercation with White drawing a knife and Rose firing a shot into the judge's leg.⁵⁰ W. M. Varnell, a respected resident of the area since 1849—and one of those later forgiven for his unionist sentiments—described White as the "grandest rebel in this section."⁵¹

The Eighth District, presided over by Judge H. B. Malry, also attracted Griffin's attention. Malry and the district attorney, G. T. Todd, so applied Griffin's jury oath that union men who had "given a dinner or a pair of socks" to rebel soldiers were disqualified. No court was held in Titus and Wood Counties, though the latter had been known during the war as the "free State of Wood" for its preponderance of

⁵⁰H. E. Bradford to A. J. Hamilton, November 21, 1865, Hamilton Papers.

⁵¹W. M. Varnell was a unionist who aided in drafting the Constitution of 1869 and was not only forgiven but praised for all his contributions save that one. Victor M. Rose, History of Victoria County, edited by J. W. Petty (Victoria, 1961), p. 207. V. M. Varnell to Pease, August 13, 1867, Pease Papers. General David S. Stanley suggested to the Joint Committee that White was not only a rebel but infected the region with his attitudes which included the contention that the federal government was obligated to compensate for emancipation. R.J.C., IV, 41.

unionist sentiment. Winston Banks and A. D. Shuford were recommended to replace the two officers.⁵² Sheridan gave Griffin permission to remove these several district judges excepting J. J. Holt, whose case was reserved for further consideration, on August 15, 1867. Throckmorton had been removed by this time, and his replacement, E. M. Pease, issued removal orders over his signature reporting the action to Griffin.⁵³

Scores of petitions and removal orders of lesser officers are filed in Fifth Military District correspondence. One such request from seven citizens and the district attorney of Harris County asked Griffin to replace the sheriff of that county with B. F. White, a well-known unionist. Such recommendations also originated with military officers. Lieutenant Stanton Weaver, commander of the sub-district of Jefferson, suggested that the sheriff and marshall of his section be removed. These two officials refused to execute warrants issued by a local justice of the peace even though Weaver had pledged them his support. Weaver's report stated no Yankee or Negro was safe in that region, and he forwarded his recommendations to officers in West Louisiana, Fifth

⁵²Griffin to Forsyth, June 10, 1867, House Executive Documents, 40th Congress, 1st Session, No. 20, p. 86. George T. Todd was a Virginia-born Texan who served in Hood's Brigade and, after removal as district attorney, returned to public office as a state legislator in 1881. Handbook, II, 785.

⁵³Sheridan to Griffin, August 15, 1867, Pease Papers; R.B. No 283, pp. 18 ff.

Military District headquarters, and Texas authorities. Some civilian petitions requesting removals were alleged to have been fraudulent since they appear to have been signed by a single person acting for freedmen.⁵⁴ This conclusion is open to question, and in any case a large number of documents were signed by separate hands.

Stephen Crosby (Land Commissioner), Willis L. Robards (Comptroller), Mart H. Royston (Treasurer), and William M. Walton (Attorney General) were among the numerous removals. They all had served the Confederacy as military or civil officers. Joseph Spence, Morgan C. Hamilton, John T. Allen, and William Alexander were appointed to these posts in August, 1867. Southern birth characterized the former group and border or northern origin the latter.⁵⁵

Some offices were filled by military officers, and while the political wisdom of this decision may be questioned, Griffin relied on petition and previous experience in making the appointments. William R. Fayle, President of the United States League, Council No. 2, nominated Captain C. W. Mossgrove

⁵⁴Petition to Griffin, July 2, 1867, R.G. 393, N.A.; House Executive Documents, 40th Congress, 1st Session, No. 20, pp. 100-103. The Jefferson officers were removed by Special Orders 72, New Orleans, June 19, 1867, Ainsworth, G.O., N.A.; Ramsdell, Reconstruction in Texas, p. 173. Texas removals required full reports and did not constitute unrestricted delegated authority to Griffin. Sefton, United States Army and Reconstruction, p. 194.

⁵⁵Annual Cyclopaedia, VII, 715; Handbook, I, 27, 438, 760; II, 482, 511, 650, 860.

as city marshal of Houston on the death of J. Wrede. William Garretson, a Bureau agent, was suggested by Griffin to Pease as financial agent of the state prison system, based on Garretson's experience as a quartermaster officer. Colored appointments appear rarely, but five of the twenty-five members of the Galveston police force were Negroes.⁵⁶

Governor James W. Throckmorton's removal was perhaps the most spectacular of the Sheridan-Griffin purge, but Professor Ramsdell implies-- and the evidence seems to support the conclusion-- that the ineffectiveness of the judicial system was paramount to the governor's removal.⁵⁷ There are, however, some data, very likely known to Griffin, which point to the replacement being preordained by the governor's posture on other issues.

In the majority of subsequent accounts, Throckmorton is defended. Sheridan and Griffin are commonly described as personally hostile to the governor. Professor Ramsdell contends Griffin never appreciated Throckmorton's "real unionism . . . [and] lumped all Confederates together." Claude Elliott finds Throckmorton cooperative in every way "except in the manufacture of a radical majority of voters and in securing negro supremacy." Professor Ernest Wallace, in a

⁵⁶William R. Fayle to Griffin, August 23, 1867; Griffin to Pease, August 24, 1867, Pease Papers; Annual Cyclopeda, VII, 714-715.

⁵⁷Ramsdell, Reconstruction in Texas, pp. 155-156.

more recent work, says it is "safe to conclude that had congress not interfered, he would have succeeded in bringing about a satisfactory restoration of civil government."

Claude Bowers subscribes to the theory that Throckmorton's dismissal was the product of a conspiracy by Thaddeus Stevens and E. M. Pease, who used the Texas Radical press to indict the governor.⁵⁸

The events leading to dismissal originated with previously cited espousals by Throckmorton on Negro suffrage, Bureau controversies, and personal indictments of Griffin who decided on the necessity of removal soon after the enactment of the First Reconstruction Act. On April 3, Grant advised Sheridan to suspend the removal of Throckmorton pending further consideration. Sheridan had supported Griffin's contention on removal one day earlier, promising however: "It is my intention to make but few removals." Supplementary legislation in July, 1867, supplied Sheridan the authority he required to pursue dismissals.⁵⁹

Throckmorton, aware of the Sheridan-Griffin correspondence, wrote Hamilton Stuart, a Galveston editor and unionist supporter of Sam Houston, that the New Orleans

⁵⁸Ibid., p. 150; Elliot, Leathercoat, p. 177; Wallace, Texas in Turmoil, pp. 188-189; Bowers, Tragic Era, pp. 206, 215. A similar theme is found in Wortham, Texas, V, 49; McGraw, "Constitution of 1866," pp. 251-252, and Nunn, Texas Under the Carpetbaggers, pp. 8-9.

⁵⁹Grant to Sheridan, April 3, 1867; Sheridan to Grant, April 2, 1867, Grant Papers.

commander's letter was "indicative . . . of a serious intention on the part of the radical party backed by their military friends to seize all the powers of Government, [and] impeach the President. . . ." Two months before this epistle to Stuart, Throckmorton prophesized that he expected "humiliation" from the Texas Radical press and removal. He claimed at that time: "It will be a great relief to me to get away." Benjamin H. Epperson confirmed his friend's suspicions on July 14, warning Throckmorton of his impending "decapitation." Griffin renewed his campaign for removal immediately following the July 19 Reconstruction Act. He again informed Sheridan, on the twentieth, that Throckmorton should be replaced-- this time recommending E. M. Pease as governor. Only this, he maintained, would make law enforcement possible. Five days later, Sheridan reported to Grant that Griffin's dispatches showed an increase in crime, and that Throckmorton was to blame. Special Orders 105, July 30, officially dismissed Throckmorton, naming Pease as successor.⁶⁰

Throckmorton's removal evoked from Gideon Welles the

⁶⁰ Elliot, Leathercoat, p. 176; J. W. Throckmorton to Epperson; May 4, 1867, Epperson Papers; Ramsdell, Reconstruction in Texas, pp. 168-169; Griffin to Sheridan, July 20, 1867, Sheridan Papers; Sheridan to Grant, July 25, 1867, Grant Papers; R.B. No. 283, p. 15.

conclusion that Pease's selection was

Good . . . if the change could be legally made; but I deny the authority of Sheridan to do it. Pease was here two or three weeks since on his way to Texas, and I have no doubt that he was called thither for the purpose of receiving that office. It is a step in a conspiracy of which he is not cognizant.

Pease and Welles were old friends, and the secretary's only reservation was that Pease should have been appointed over Hamilton, "a traitor to the President," and elected in place of Throckmorton.⁶¹

The ex-Governor's reactions in a letter, marked "Private," to Epperson included a promise to prepare a paper on his administration in which he intended to "fire a few shots that will place the military in their true light." By December, Throckmorton was ill--a "two months hitch of the chills"--and \$1,200 in debt. A year following his removal his confidence returned, and, boasting of good audiences during 1868 speaking engagements, Throckmorton planned a campaign for the United States Senate.⁶²

The Pease administration lasted for approximately one year--until his resignation in August, 1869. His qualifications as a moderate are generally accepted, and he supported only limited Negro suffrage based on literacy.⁶³

⁶¹Welles, Diary, III, 146-147.

⁶²J. W. Throckmorton to B. H. Epperson, July 31, 1867; December 19, 1867; August 20, 1868; November 17, 1868, Epperson Papers.

⁶³Ramsdell, Reconstruction in Texas, pp. 111, 171-172.

Applications for political appointments resemble those filed by Governor Hamilton since Federal service again appears as a common ingredient of character summaries. Pease's appointments were not entirely dictated by the military though recognized unionists and ex-military officers did receive his support. E. M. Wheelock, former officer and Bureau official, became, for example, Superintendent of Education. But one appointee, W. P. Normandie, whose name was in reality William M. Walton, had only recently been dismissed from the post of Attorney General. Certainly Walton and E. B. Turner (who was later to challenge the constitutionality of the Civil Rights Acts of 1875), appointees to the board of managers of the Lunatic Asylum, were no Radicals. Amos Morrill of Massachusetts joined these two and later served on the state Supreme Court and as United States district judge. At lesser levels of government Pease immediately faced a flood of complaints like that registered by Willis Fawcett of Yorktown who reminded the governor of their old acquaintance and requested that a district attorney in his region be replaced because he allowed too many rebels to register and drank and swore to excess.⁶⁴

⁶⁴R.B. No. 283 contains the Pease appointments. They appear to have been qualified men. Joseph Spence, Land Commissioner, was a Tennessee lawyer who challenged E. J. Davis as a Republican in 1869 and became a business executive in Austin. Handbook, II, 237, 809, 860. Willis Fawcett to Pease, August 18, 1867, Pease Papers. A careful study of these applications to Pease would reveal the names of elusive unionists like Fawcett, who recommended William

Another issue— though less important than his political measures— which brought criticism upon Sheridan was his alleged neglect of the Texas frontier. A general scheme for frontier defense was established in September, 1867, when Austin and San Antonio were designated as staging points for scouting parties. These, Sheridan determined after a personal inspection, would successfully protect West Texas from Indian raids. The Texas press a year later supported Throckmorton's appeal for a larger frontier force including state troops supported by federal funds but Grant agreed with Sheridan that regular units were sufficient.⁶⁵

In Washington, Throckmorton's complaints contributed to the general schism in national politics. Welles recorded that a cabinet discussion of the issue convinced him that Sheridan and Grant were parties to a conspiracy to support Stanton, who moved to accept Sheridan's appraisal of the Texas frontier, against Stanbery, who preferred Throckmorton's estimate of the Indian threat. Welles saw a "lurking

Grafton (district clerk in DeWitt County 1867-1869 and 1872-1875) as district attorney in place of Carrick W. Nelson (postmaster appointments passed from Nelson to Fawcett at a critical time). Nell Murphree, A History of DeWitt County, edited by Robert W. Shook (Victoria, 1963), pp. 9, 13.

⁶⁵ Sheridan to Grant, September 21, 1865, O.R., I, 48, 2, pp. 1235-1236; Elliott, Leathercoat, pp. 134-138; Dallas Herald, October 6; October 20, 1866; Grant to Sheridan, October 8, 1866, Grant Papers.

inclination on . . . [Stanton's] part to slight Texas, to permit the people to be harassed. . . ." Grant equivocated on the issue. He asked Sheridan for a full report on Throckmorton's accusations and authorized a reduction of interior garrisons. A day later, October 12, 1866, he informed the Fifth District commander that it was "equally important that loyal and law abiding citizens should have protection against the violently disposed in their midst." Throckmorton received Grant's decision to deny a volunteer force on October 20. The governor was told that Sheridan's forces were sufficient and, furthermore, federally supported ranger companies would require a special congressional appropriation.⁶⁶

From October, 1866, to January, 1867, Sheridan responded to pressures for more effective frontier defense. He ordered Heintzelman to report his troop requirements and authorized him to order the 4th and 6th Cavalry Regiments to Central and West Texas. Throckmorton received news in late October that additional horses were soon to arrive and that Major George M. Forsyth was detached from his New Orleans staff position to confer with the governor on frontier defense. Two thousand cavalry were promised on October 16,

⁶⁶Welles, Diary, II, p. 613; Grant to Sheridan, October 11, 12, 1866; Grant to Throckmorton, October 21, 1866, Grant Papers.

and Throckmorton was told to call on Heintzelman, who was under orders to concentrate the "whole available cavalry force," for additional troops. Sheridan's estimate for Texas frontier defense was approved in Washington in January, 1867, and an appropriation of \$250,000 was made available for this purpose.⁶⁷

Sheridan appears to have evaluated his sources of information on the Indian threat with discretion. He informed Grant in April, 1867, that a reported Indian massacre near Camp Verde was false:

Reports are manufactured wholesale to effect the removal of troops from the interior to the frontier, it being known that it is contemplated sending a small detachment to . . . as many counties in Texas as I can so there may be a just registration and a fair vote.

By August, however, Sheridan was convinced "the Indian War from present appearances is becoming general," and he ordered Griffin to release some troops from civil duty and supply them with sufficient ammunition.⁶⁸

This controversy over Sheridan's alleged neglect of the frontier preceded his actions to implement the Reconstruction

⁶⁷ Sheridan to Heintzelman, October 15, 1866, R.G. 393, N.A.; Elliot, Leathercoat, pp. 141-144; Sheridan to Throckmorton, October 25, 1866, Throckmorton Papers; Dallas Herald, October 27, 1866; Comstock to Sheridan, January 21, 1867, Grant Papers.

⁶⁸ Sheridan to Grant, April 5, 1867, Grant Papers; Sheridan to Griffin, August 26, 1867, R.G. 393, N.A.

Acts. Both issues revealed his sympathy with the opponents of Johnson, and his reputation in Louisiana and Texas caused the President to single him out as a prime candidate for reassignment in hopes of moderating occupation policies. Sheridan's administration was central to Johnson's efforts to force the military to accept Stanbery's conservative opinion on the latitude of army officers. By June, the attorney general's position was well known-- Johnson reportedly "leaked" the essentials of the Stanton-Stanbery feud-- and pressures began to build. Sheridan told Grant on June 27 that the cabinet schism caused "defiant opposition to all acts of the Military Commander."⁶⁹

A July riot in New Orleans served as catalyst for Sheridan's detractors. Civilian police clashed with Negroes and their supporters in a confrontation that left nearly fifty dead. It was the absence rather than presence of military force which contributed to the battle, and it was the immediate local commander and Washington officials who shared culpability. But, according to Sheridan, the report of the tragedy was so distorted that the district commander's reputation suffered. In less than a month Johnson ordered Sheridan relieved of command as "exceedingly obnoxious" and conducting a "rule of tyranny." The President thought first

⁶⁹Thomas, Stanton, pp. 538-540; Sheridan to Grant, June 27, 1867, Grant Papers.

of General George H. Thomas as successor. Thomas declined for reasons of poor health. Former Confederate General Richard Taylor was asked by Johnson to suggest a replacement, and Winfield S. Hancock was finally appointed. Sheridan attributed his dismissal to the President's "boldness and aggressiveness of his peculiar nature." He left New Orleans on September 1, and before Hancock reported on November 29, General Griffin commanded the Fifth District. His death on September 15 brought J. A. Mower to the post until Hancock's arrival.⁷⁰

The removal had serious consequences. Johnson's dismissal of Sheridan was part of a successful operation to reduce the ranks of effective Radicals. Stanton, General Daniel E. Sickles, and Francis Lieber were targets just as was the Fifth District Commander. Reactions brought Johnson little increased popularity. Abolitionists championed Sheridan, and the dismissal sparked impeachment hopes. A congressional investigation resulted in a House condemnation of the President, and dutiful response from Sheridan: "I simply tried to carry out . . . the Reconstruction Acts. . . . They were intended to disfranchise certain persons, and

⁷⁰ Sheridan, Memoirs, II, 275-276; Ramsdell, Reconstruction in Texas, p. 160; House Executive Documents, 40th Congress, 2nd Session, No. 1, pp. 26-27; Gorham, Stanton, II, 423-424; Taylor, Destruction and Reconstruction, pp. 587-588.

enfranchise others . . . and it was my duty to enforce them."⁷¹

Sheridan's removal was directed by Johnson against the advice of the general's chief supporters, Stanton and Grant, and by others who recognized the President had nothing to gain by an attack on so popular a figure as Sheridan. Chase advised Johnson to be satisfied with Stanton's removal, but the President replied he was prepared for any consequences, including impeachment, to undermine Radical influence among district commanders. The decision solidified the pro and anti-Johnson forces within the administration and among ranking military officers.⁷²

Correspondence between Grant and Johnson indicates the general to have been Sheridan's most adamant supporter. After a personal conversation with the President, Grant criticized the removal decision in very positive terms. He asked Johnson to consider the "effect it would have on the

⁷¹Thomas, Stanton, p. 556; Burgess, Reconstruction and the Constitution, p. 143; James M. McPherson, The Struggle for Equality (Princeton, 1964), p. 380; Henry, Story of Reconstruction, p. 258; Rhodes, History of the United States, VI, 183; Congressional Globe, 40th Congress, 1st Session, pp. 459, 500, 795.

⁷²George Fort Milton, The Age of Hate (New York, 1930), pp. 448-450; Pratt, Stanton, p. 449; William B. Hesseltine, U. S. Grant, Politician (New York, 1935), pp. 93-96; Bowers, Tragic Era, p. 166; Thomas, Stanton, pp. 542-543. The association between Grant, Sheridan, and Stevens drew very close in 1867. Richard N. Current, Old Thad Stevens (Madison, 1942), p. 270.

people" and defended Sheridan's military and civil record as "productive and popular. He has had difficulties to contend with which no other District Commander has encountered." Newspaper criticism of Sheridan, according to Grant, was misleading, and the open disapproval shown by the administration "emboldened the opponents to the laws of Congress within his command." The comments were submitted to Johnson on April 1, and two weeks later, having received the final order to dismiss Sheridan, Grant repeated his opposition: "His removal will only be regarded as an effort to defeat the laws of Congress" and a triumph for disloyal residents of the South. Furthermore, said Grant, Thomas had repeatedly stated he wanted none of the five districts, particularly Sheridan's.⁷³

Final communications between Sheridan and Grant included an admonition from the latter on August 24, to "relax nothing in consequence of probable change of commands" and a request from Sheridan for thirty days' leave. Sheridan had been on active duty for fourteen years with only twenty days leave--and that four years previously. Sheridan asked too that

⁷³ Grant to Johnson, August 1; August 17, 1867, Grant Papers. Grant's sympathy for Sheridan appears in Sheridan's Papers where correspondence from Johnson to Grant were filed after being apparently passed on to Sheridan. Grant was at this time ad interim Secretary of War, and his letter to the President appeared in the press. Brodie, Stevens, p. 331.

Major George A. Forsyth, Private Henry Brown, and Doctor Asche be reassigned to his new command, the Division of the Missouri. These requests were personally granted by Grant, and Sheridan's brother was also ordered to St. Louis. On September 11, Sheridan informed Grant he would assume command of the new post on the following day from Winfield S. Hancock.⁷⁴

Claude Bowers described Sheridan— "Field Marshal of the Radicals"—as a "soldier out of work . . . summoned to political duty . . . traversing the country making political speeches, and dancing with the girls." His subsequent commands were more significant, however. Sheridan later declined reassignment to the Fifth Military District and conducted campaigns in the Division of the Missouri where his stringent Indian policy and conservative distribution of food to settlers in that department brought additional criticism. Sheridan succeeded Sherman in 1888 as Lieutenant General and Commander of the United States Army.⁷⁵ His

⁷⁴Grant to Sheridan, August 24; August 30, 1867; Sheridan to Grant, August 30; August 31; September 11, 1867, Grant Papers; De B. Randolph Keim, Sheridan's Troopers on the Borders: A Winter on the Plains (Philadelphia, 1870), pp. 23, 305.

⁷⁵Bowers, Tragic Era, pp. 161, 169, 443; Sheridan to Townsend, November 1, 1869, A.G.O., N.A.; Gilbert C. Fite, "The United States Army and Relief to Pioneer Settlers 1874-1875," Journal of the West, VI (January, 1967), 99-107, Ulrich, "Military Mind," p. 35.

career during Reconstruction has evolved from late nineteenth century approval through an era of harsh criticism to that of a competent fighting general but poor administrator. Two biographers typical of the latter school contend that Sheridan's previous experience did not equip him for Reconstruction duty. "The capacity for quick and bold action in the field seemingly cancels out ability to cope with administering occupied territory."⁷⁶

Sheridan's reassignment and Griffin's death brought to an end the first phase of military Reconstruction. After Mower's brief tenure, Winfield Scott Hancock's assumption of command at New Orleans and J. J. Reynolds' tenure as Texas commander resulted in an attempt by the Fifth District chief to reverse Sheridan's and Griffin's policies with the result that disharmony replaced cooperation within the Fifth Military District command.

⁷⁶Dumas Malone, editor, Dictionary of American Biography, 22 vols. (New York, 1932), XVII, 79-81; Heitman, Register, I, 881. Richard O'Connor, Sheridan, the Inevitable (Indianapolis, 1953), p. 276. Rister in Border Captain, pp. 24-25, 34, takes the same position. More sympathetic treatments show Sheridan as a man of principle, non-partisan, and vindicated by history. Frank A. Burr and Richard J. Hinton, The Life of General Philip H. Sheridan (Boston, 1888), pp. 329, 338-341; James P. Boyd, The Gallant Trooper, General Philip H. Sheridan (Philadelphia, 1888), pp. 163-164. A prominent Texan and Confederate, William Pitt Ballinger, found Sheridan determined but not "domineering." James Lyle Hill, "The Life of Judge William Pitt Ballinger," unpublished master's thesis, Department of History, University of Texas, Austin, Texas, 1936, p. 46.

CHAPTER X

CONSERVATIVE INTERLUDE: TEXAS

UNDER WINFIELD S. HANCOCK

General Winfield Scott Hancock's assumption of command at New Orleans was delayed until November 29, 1867. Joseph A. Mower served as Fifth District Commander until that date, and in the interim he continued the essential policies of the Sheridan-Griffin administration. On September 28, two weeks after Griffin's death, Mower ordered Texas county courts to revise their jury lists to insure that only those qualified to vote under existing policy be allowed to serve. He also continued the dismissal of questionable local officials, especially in Louisiana. The only major deviation was a delay in the removal of some Texas judges, and Grant inquired as to the reason for Mower's procrastination on this issue soon after the latter assumed command.¹

Before leaving Washington Hancock had conversations with President Johnson and Grant. Both generals were graduates of West Point and, while students there, became friends, but Grant's efforts to convince his comrade of the validity of

¹House Executive Documents, 40th Congress, 2nd Session, No. 342, p. 173, 184; Grant to Mower, September 18, 1867, Grant Papers.

the congressional position on Reconstruction were ineffective. Hancock's record in the Mexican and Civil Wars was acknowledged, and Grant had praised him as commander of the II Corps. Texans were advised by the Dallas Herald that Hancock's selection was beneficial—superior to that of Thomas—and recommended the new commander as "the handsomest man in the federal army." Mrs. Hancock was equally acceptable, at least to former Confederates. Governor Henry Warmoth of Louisiana, however, reported to Thaddeus Stevens that the general's wife was a "rebel."²

Hancock determined to alter Sheridan's civil administration before he reached New Orleans. He confided to his wife that he intended to observe civil procedure more closely than his predecessor and to disregard Grant's warning of Johnson's "mischievous tendency." Hancock fully expected to be "crucified" as a consequence.³ The President had a "loyal supporter" in the new district commander, and the correspondence between the two confirms their relationship. Johnson respected both the military record and political

²Ulrich, "Military Mind," pp. 29-30. Hancock's rise from lieutenant(1844) to major general(1862) is covered in Heitman, Register, II, 496. Grant, Memoirs, II, 539-540. Hancock was a student of law, a unionist, and a Democrat. Ulrich, "Military Mind," p. 46. Dallas Herald, September 21, 1867; Pfanz, "Soldiering," p. 558.

³Tucker, Hancock, p. 276; Almira R. Hancock; Reminiscences of Winfield Scott Hancock(New York, 1887), p. 120.

inclinations of Hancock but the esteem of the President was a handicap with the Texas Radical press fully prepared to take advantage of the Pennsylvania officer's more conservative policies.⁴

In a speech in Washington on September 24, Hancock revealed his determination to observe "a strict obedience of the law," but the impression gleaned by reporters attending this press conference at the Metropolitan Hotel was that opponents of Congressional Reconstruction should not rely on the general for drastic reversal of Sheridan's management.⁵ Hancock's audience was mistaken, however, for he commenced his reorganization of Sheridan's district on the journey to New Orleans.

In General Orders 40 (which his wife defended as the general's own work against charges to the contrary), published on November 29, Hancock outlined his position:

In war it is indispensable to repel force by force But when insurrectionary force has been overthrown, and peace established, and the civil authorities are ready and willing to perform their duties, the military power should cease to lead. . . .

He was anxious to insure that "civil administration resume

⁴Franklin, Reconstruction, p. 79; Johnson to Hancock, December 5, 1867, Johnson Papers; Malone, American Biography, VIII, 221-222; Johnson, Texas and Texans, I, 558. Ekirch in The Civilian and the Military, p. 109, concludes that Hancock was typical of the officer corps.

⁵Ulrich, "Military Mind," pp. 50-51.

its natural and rightful dominion." Deterrence of crime he considered the province of civil courts unless local enforcement officers proved negligent, in which cases the Fifth District Headquarters would determine proper jurisdiction. At the same time Hancock vowed to suppress continued insurrection by force.⁶ His general philosophy clear, Hancock addressed himself to the two major civil issues in Texas, registration and the controversial jury order.

On December 5, Hancock, referring to the chaotic conditions in Texas civil courts, attacked the Sheridan-Griffin jury requirements. He specifically revoked Paragraph 2 of Special Orders 125, August 24, which he felt destroyed the prerogatives of civil tribunals in selecting juries in favor of military interference. Contrary to Sheridan, who tied jury service to voter qualification, Hancock felt that "the qualification of a juror, under the laws, is a proper subject for the decision of the courts."⁷

Based on his personal inclinations as revealed in General Orders 40, and on appeals filed in district headquarters, Hancock ordered registration, which closed

⁶House Executive Documents, 40th Congress 2nd Session, No. 342, pp. 161-162.

⁷Ibid., pp. 180-181; House Executive Documents, 40th Congress, 3rd Session, No. 1, pp. 215, 219-221; Sheridan, Memoirs, II, 274-275.

September 28, to be reopened during the last week of January, 1868. Petitions to Hancock convinced him that some registrars had interpreted too broadly the disqualification clauses of the Reconstruction Acts. Rather than refusing all previous office holders, Hancock preferred to register non-commissioned officers, militia officers, and certain local officials though he did refuse to accept pardons as grounds for voter registration.⁸ From Texas unionist John Hancock, the new commander received charges that boards in some instances refused to register Texans who had held such minor positions as road supervisors, even though they had never taken an oath before assuming their offices. Negroes on the other hand were accepted, according to this source, by board supervisors who neglected to enforce age requirements. Under such conditions, General Hancock might have been expected to justify drastic revision of registration. Instead, he reminded the Texas unionist that under federal law only individual cases could be reviewed. Just such a case was that of John K. Conally who asked for a review of his rejection. Conally had attended the United States Naval Academy but was never commissioned. His rank of acting midshipman, he contended, did not disqualify him though

⁸ House Executive Documents, 40th Congress, 3rd Session, No. 1, pp. 239-241.

he had served the Confederacy.⁹

Hancock's reaction to the results of the 1867 registration and jury qualification policy of Sheridan were positive but had little practical impact on the impending election or conduct of local courts. On January 11, 1868, he revealed his disappointment over petitions by local civil and military officials "implying the existence of an arbitrary authority in the commanding general touching purely civil controversies. . . . [The] administration of civil justice [he said] appertains to regular courts" not the views of the general who is subject to the laws of the states. "Arbitrary power . . . is not found in the laws of . . . Texas—it cannot be derived from any act or acts of Congress. . . ." ¹⁰

In this same order of January 11, Hancock referred to a directive issued in May which served as a guide for voter registration. The new Fifth District Commander informed all election officials that experts disagreed on the essential meaning of that portion of the directive which established grounds for disqualification. Hancock proposed that local

⁹John Hancock to W. S. Hancock, December 23, 1867; W. S. Hancock to John Hancock, December 28, 1867; John K. Conally to General G. L. Hartsuff, December 23, 1867, A.G.O., N.A.

¹⁰House Executive Documents, 40th Congress, 2nd Session, No. 342, p. 185.

boards rely on law and not instructions from his predecessor, who had left the impression that registration officials were appendages of the military apparatus. What Hancock intended was a more generous interpretation of the list of offices held under the Confederacy, and in pursuance of this goal registration was resumed on January 27. For five days thereafter potential voters were encouraged to apply at county seats where boards were to proceed as previously, categorizing all applicants by race and rejection. Two-fifths of the additional 5,000 registered voters thus recruited were colored, and complaints continued under Hancock's new procedures.¹¹ The Dallas Herald reported on February 1, 1868, that "secret instructions" were still applied. If an applicant answered in the negative when asked his position on Negro suffrage and the holding of a constitutional convention, rejection was assured regardless of his qualifications under the required oath.¹²

The February election produced 44,689 (7,757 whites and 36,932 Negroes) votes in favor of a constitutional convention and 11,440 (10,622 whites and 818 Negroes) opposed. Those registered but not voting numbered 41,234 whites and

¹¹Unless they were certified voters in Texas, troops were prohibited at registration and election sites. House Executive Documents, 40th Congress, 2nd Session, No. 342, pp. 182-185; Annual Cyclopaedia, VIII, 728-729.

¹²Hill, "Negro in Texas," pp. 49-50.

11,730 Negroes.¹³ If 12,000 had been rejected, and this entire number were allotted to the opposition, it appears that disfranchisement had less effect on the outcome than refusal to participate. This would be true even though a much higher number of rejected voters were accepted than proposed. In some few East Texas counties 20 per cent of those who applied were rejected, but in most counties the figure was closer to 8 per cent; thus a maximum of 12,000 disfranchised appears to be an upper limit. In 1866, 61,445 whites cast votes for either Throckmorton or Pease, and two years later 59,613 whites registered, leaving, 2,232 to fit the disfranchisement category in 1867. The average yearly increase in population from 1860 to 1870 was approximately 20,000. Based on the 1866 election a maximum of 10 per cent were voting. This would have added something over 2,000 possible rejections by population growth over the year 1866-1867. The Conservative strategy for the election was, at first, to register then refuse to vote. This would have defeated the call for a constitutional convention since a majority of registered voters was required by federal law. Subsequent legislation provided for a majority of only those casting votes, but this only complicated the lack of coordination among Conservatives

¹³Rhodes, History of the United States, VI, 85.

who, by refusing to participate, contributed more to Republican success than disfranchisement or the number of Negroes who did vote.¹⁴

Future studies, based on Fifth Military District registration records, may reveal more information concerning disfranchisement. However, lack of detail (the local boards did not differentiate between white and blacks rejected) may never permit a definitive estimate of those generally considered to have been white. Attitudes on Negro suffrage among Federal officers and southern unionists would suggest this possibility.

Reactions to Hancock's modification of policy in the Fifth District were as varied as the contesting political factions. Johnson read General Orders 40 during a cabinet meeting and described its author:

A great soldier with unrestricted power in his hands who . . . voluntarily foregoes that chance of gratifying his selfish ambition and devotes himself to the duties of building up the liberties and strengthening the laws. . . .

Horace Greeley pronounced Hancock a "second Washington."¹⁵

¹⁴Registration Book D, R.G. 393, N.A.; Richardson, Lone Star State, p. 204; Historical Statistics of the United States, Colonial Times to 1957 (Washington, 1961), p. 13; Ramsdell, Reconstruction in Texas, pp. 196-197; Hill, "Negro in Texas," p. 51. In any case the statistics disprove such conclusions as that of Negroes having "absolute control of the country . . . up to the election in November, 1873." Wood, Reminiscences, p. 16.

¹⁵Turner, Hancock, p. 281; Ulrich, "Military Mind," p. 61.

In congress, resolutions offered in January, 1868, were illustrative of the schism in that body. One by Charles A. Eldridge of Wisconsin congratulated Hancock on "his wise, patriotic, and timely recognition of the first rights of the citizen, and of the great principles of constitutional liberty." Another, presented by Elihu B. Washburne of Illinois, condemned the "conduct of Andrew Johnson, acting President of the United States," for replacing Sheridan with Hancock. Conservative politicians in New Orleans welcomed Hancock's removal of Radicals from local office with a "Hail Columbia" at the opera, and Throckmorton described Order No. 40 as the "first document since the war closed from any military authority that shows respect for the civil laws." Hancock's reception in Texas is also reflected in the Dallas Herald's support for the Fifth District Commander as a Presidential candidate in 1868.¹⁶

Brevet Major General Joseph J. Reynolds, who succeeded to the Department of Texas after Griffin's death, challenged Hancock's reversal of Sheridan's stricter interpretation of Reconstruction legislation. Reynolds has been described as "less able and less scrupulous a man" than his predecessor

¹⁶ Congressional Globe, 40th Congress, 2nd Session, p. 332; New York Times, December 10, 1867; Throckmorton to Epperson, December 19, 1867, Epperson Papers; Dallas Herald, May 16, 1868.

sweeping "the state of all 'rebel' officers with a new broom. . . ." His removals were numerous, but his experience and professional connections were impressive. The Kentucky-born officer graduated tenth in his class at West Point where he and Grant became close friends. Reynolds later taught at the Academy when O. O. Howard was a student, and his previous service included an 1845 tour in Texas under General Zachary Taylor.¹⁷

Texas unionists like A. B. Norton had reason to expect Reynolds to champion their cause and guarantee their safety and political freedom regardless of the change of command in New Orleans. Reynold's experience as the Reconstruction commander in Arkansas had acquainted him with the tactics of southern Conservatives who found him an effective opponent in that state.¹⁸ Hancock, however, impressed on Reynolds

¹⁷ Ramsdell, Reconstruction in Texas, p. 175; Russ, "Disfranchisement in Texas," p. 51; Richardson, Lone Star State, p. 209. Reynolds' military career is found in Heitman, Register, I, 825; George W. Cullum, Biographical Register of the Officers and Graduates of the United States Military Academy 1802-1890, 3 vols. (New York, 1898), II, 78-79; Howard, Autobiography, II, 343; Handbook, II, 466.

¹⁸ Norton informed Pease, on Reynolds' reassignment, in 1868: "I am greatly grieved at the removal of Genl. Reynolds for I believe that he made a good officer and was honestly endeavoring to discharge his duties." A. B. Norton to Pease, November 25, 1868, Pease Papers; Clayton, Aftermath Civil War in Arkansas, p. 172; Thomas S. Staples, Reconstruction in Arkansas, 1862-1874 (New York, 1923), pp. 59, 76, 102, 212; David Y. Thomas, Arkansas in War and Reconstruction 1861-1874 (Little Rock, 1926), pp. 297, 401.

the need for a revision of military policy in Texas. In early 1868, citing the basic Reconstruction Act of 1867 and Freedmen's Bureau and Civil Rights Acts of 1866, the Fifth District Commander cautioned Reynolds of the dangers involved in meddling in civil affairs, particularly judicial procedure. The Freedmen's Act he considered a guideline, not an explicit directive, and the Civil Rights Act, said Hancock, was not applicable to Reynold's command. Bureau officers were instructed through Reynolds to adhere strictly to orders emanating from New Orleans.¹⁹

The number of civil officers removed under Reynold's authority were numerous but were not so arbitrarily ordered as was maintained in the recollections of a contemporary Texan who described his appointees as "men discharged from the army, and who had lingered in Texas, Micawber like, waiting for something to turn up to their advantage." Removals did of course increase hostility toward the military. A Dallas Bureau agent reported: "The Rebels are more indignant and bitter since the dethronement of their civil officers and proclaim that the newly appointed are nothing but thieves

¹⁹House Executive Documents, 40th Congress, 3rd Session, No. 1, pp. 261-262, 272.

and Nigger Equalizers."²⁰

Reynolds defended his removals on the basis of necessity. Without loyal men in local offices, he said, troops—which were not available—would be required in every Texas county. Furthermore, "these appointments and removals have been made with great care." No amount of care, however, would have gained Reynolds popularity, even within the ranks of Texas Radicals. Local registration, board decisions, petitions for removal, and reports to the governor were complicated beyond the simple questions of loyalty, previous Confederate service, and Negro suffrage. In many communities these issues served as excuses to discharge animosities having little to do with Reconstruction politics or social reform. J. H. Mabry, an anti-secessionist county clerk in Bosque County prior to the war, reported that he had been refused registration because of "some little private grudges." He was removed from the post of clerk, to which he was elected

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All Texas Supreme Court justices, twelve of the seventeen district judges and officers in seventy-five of 128 counties were removed. House Executive Documents, 40th Congress, 3rd Session, No. 1, pp. 466-467. Wood, Reminiscences, p. 12. Pease to Reynolds, January 22, 1868, R.G. 393, N.A. The orders removing county and state officials are found, with recommendations for appointments, complaints, and general correspondence on removals at all levels of civil and military authority in A.G.O., N.A. The dates on these orders indicate an attempt to reorganize Texas government before Hancock's arrival.

in 1866, through misrepresentation.²¹ Mabry's experience was, to a large degree, the basis for the scores of Texas "feuds" which grew out of local, personal quarrels and merely took on the semblance of reaction to Reconstruction occupation or were compounded by it.

Removals brought Reynolds into conflict with military authorities and Texas Republicans as well as Conservatives. Hancock reported to Grant in January, 1868, that the Texas commander had taken action without his approval and requested clarification of removal authority in general. G. T. Ruby, the most active of Texas Negro Republicans, mentioned a Reynold's "purge" in a letter to the Bureau. The purge, according to Ruby, was designed to remove "copperheads" among military and Bureau officers as well as unreliable Texas Conservatives. Ruby referred to Lieutenant Garretson, Colonel St. Clair, and another officer, Bartholemew, as too sympathetic to southern Conservatives. Lieutenant Richarson, in the Austin headquarters, however, "is with us," according to Ruby, who promised that his position as correspondent of

²¹J. J. Reynolds to Lt. Colonel W. G. Mitchell, Secretary for Civil Affairs, New Orleans, December 28, 1867; J. H. Mabry to Hancock, December 19, 1867, A.G.O., N.A.

the San Antonio Express would benefit Bureau agents.²²

Selecting appointees of good character and sufficient experience was at best a very difficult task, and Reynolds was forced to rely on the opinions of those best acquainted with potential office holders. James Love, Judge of the Galveston and Harris County Criminal Court, was dismissed in favor of Reverend William R. Fayle, president of the Union League in that area. Of the hundreds of removals and appointments, this particular episode best illustrates Reynolds' sources of information. He reported to Fifth District Headquarters that the removal was made only after gathering evidence from "men of character" on both sides of the question. Hancock had received, shortly after his arrival in New Orleans, a petition from lawyers in Houston and Galveston protesting Reynolds' choice. Fayle, they maintained, as a teacher and minister unacquainted with the law. The attorneys were supported by John C. Watrous, Federal District Judge in East Texas, and the United States attorney in the same district.²³

²²Hancock to Grant, January 11, 1868, A.G.O., N.A.; G. T. Ruby to E. M. Harris, November 1, 1867, R.G. 105, M.A. Ruby was born in New York and arrived in Texas in 1866 after schooling in Maine and educational work in New Orleans. He was a major figure in the 1868-1869 Convention and President of the Texas Union League. Handbook, II, 513; Casdorff, Republican Party in Texas, pp. 5-8, 12, 24, 40, 249.

²³Petition to Hancock, November 27, 1867; Reynolds to Fifth Military District Headquarters, December 30, 1867, A.G.O., N.A.

Governor Pease, however, gave Reynolds substantial evidence of Fayle's qualifications. According to Pease, Love was a devout Confederate (converted from unionism when that attitude became unpopular), close associate of Confederate General Albert Sidney Johnston, and a poor judge. Love had served only two years on the bench in 1846, and he never gained the respect of the Texas bar at that time—Pease had practiced in Love's court. The charge of Fayle's ignorance of the statutes Pease dismissed. The governor maintained any educated man could master the essential 200 pages of Paschal's Digest, that being all that was required of a Texas judge. After two months on the bench, Fayle, according to Pease, could successfully compete with Love in a competitive examination on Texas law. Furthermore, Love's supporters among the Texas legal fraternity, who signed the petition of complaint, were, with one exception, uncompromising ex-Confederates.²⁴

Reynolds was immediately responsible for conducting the 1868 election to decide the calling of a constitutional convention, and unless he or his subordinates disobeyed direct orders, recollections of the circumstances surrounding the casting of votes have been somewhat exaggerated. One

²⁴E. M. Pease to Reynolds, December 27, 1867, A.G.O., N.A. Pease's biographical sketch of Love varies at critical points with that in Handbook, II, 85.

source contends that "no registration [was] required and all that was necessary was to have a red or blue ticket or a white one with a big flag painted on it, so that the ignorant negro could tell what ticket to vote." This was the alleged situation in Houston where scalawags "owned and controlled [the Negroes] like so many dumb animals and voted them . . . as a solid unit." Troops with fixed bayonets allegedly lined the court house corridors permitting only the questioning of white voters who were also delayed by Negroes taking more time than necessary to cast ballots.²⁵

W. L. Rea recalled in later years that the election at Refugio was held in the home of Sabina Brown near the court-house. Two lines of troops reached from the porch to the street. "There sat officers and soldiers of the Yankee Army. The white voter had to remove his hat and bow. . . . The negro voters were the cherished darlings."²⁶

If these and similar descriptions are accurate, Special Orders 213, December 18, 1867, were violated. In that six-page directive, the procedures for the election were carefully outlined. The total number of registered voters was divided by ninety—the number of delegates to be elected—allowing each 1,158 voters one delegate. Each county's entitlement

²⁵Young, True Stories of Old Houston, pp. 11-12.

²⁶Huson, Refugio, II, 129-130

was provided to local officials, and election supervisors received detailed instructions for recording the vote and preserving the ballots. Section IX of the order forbade the presence of troops unless they qualified to vote. Military interference was prohibited and security at the polls was entrusted to sheriffs.²⁷

The degree of military presence at the polls in 1868 was probably greater than Special Orders 213 allowed and less than recollections contend. In the Fifth Military District files are found requests, from most of the critical counties, asking for additional troops. A. P. Shuford, District Attorney of the Eighth Judicial District at Tyler, reported:

Not only my life is in danger, but every Union man in this county. The house of Dr. W. J. Gunter, the candidate for the Convention (the Union candidate), was fired into by a lawless mob . . . whilst I write pistols are being discharged. . . . The mob is determined that no reconstruction man shall be elected.²⁸

Hancock's position as espoused in General Orders 40 and subsequent directives caused confusion among military officers in Texas. The Fifth District Commander's legal experience plus the nature of his post (officers of general rank were by their very position often forced into cautious and ambiguous roles) produced a sense of frustration among

²⁷Ainsworth, G.O., N.A. The document was reproduced in House Executive Documents, 40th Congress, 2nd Session, No. 342, pp. 182-184.

²⁸A. P. Shuford to Military Commander, Tyler, January 28, 1868, R.G. 105, N.A.

field commanders regardless of their dispositions on imposed social change in the South. His correspondence with Reynolds contained rebukes for the exercise of excessive military authority, but at the same time Hancock admitted the need for local commanders to perform their duties in accord with local conditions and in accordance with the basic Reconstruction Acts of 1867.²⁹ Bureau officers were especially confused by the district commander's attitudes on the role of that agency. Hancock expected sub-assistant commissioners to perform their duties under Fifth District orders, but local agencies were responsible also to the Bureau hierarchy. Lt. Colonel D. L. Montgomery, in Tyler, remarked to Austin headquarters that Hancock's Order 40 was not recognized at that agency because it conflicted with Bureau directives which had not been revoked. Montgomery continued to mediate in those cases "where delay will injure freedmen" and in which civil authorities refused to act.³⁰

Hancock's major confrontation did not occur with military officers in Texas—they were soldiers under orders—but with the governor of Texas. The district commander's reluctance to apply military force brought him into sharp conflict with

²⁹House Executive Documents, 40th Congress, 3rd Session, No. 1, pp. 252-254; Annual Cyclopedia, VIII, 727-728.

³⁰Lt. Colonel D. L. Montgomery to Lt. J. P. Richardson, January 6, 1868, R.G. 105, N.A.

E. M. Pease in a reversal of the civil-military tensions of the Sheridan administration when Throckmorton complained of a too active military role.

Pease received numerous complaints from unionists who identified increased lawlessness with Hancock's attitudes on the need for limited military action. C. C. Caldwell wrote to Pease from Marshall on January 2, 1868, explaining that his speeches to local freedmen were prohibited by the sheriff who instructed the post commander to "stay out of the way" so Caldwell might be assassinated. Colonel Malloy and Captain Craft, according to Caldwell, were sympathetic to the unionist's plight but restricted by Hancock's recent statements. Order No. 40, said Caldwell, created a situation in which "only Johnson men[were]tolerated" in Marshall. "The doctrine of Taney that 'a negro has no rights which a white man is bound to respect' is still the theory. . . ." ³¹

Reports of increased lawlessness began to accumulate in late 1867 and continued to impress the governor through the spring of 1868. Unionists Donald Campbell and B. W.

³¹C. Caldwell to Pease, January 2, 1868, Pease Papers; House Executive Documents, 40th Congress, 2nd Session, No. 127, pp. 26-27. Pease received complaints from Caldwell earlier when the unionist, who was later assassinated, reported that there were not a dozen radicals willing to speak in the Eighth Judicial District. Negroes were told by Conservatives that "all will go smoothly" if they voted with "rebels" but "they may look out for danger" if they supported "Yankees." Caldwell to Pease, August 20, 1867, Pease Papers.

Gray, in a message of May 1, 1868, supported the chief executive's contention that Hancock's policies resulted in lawlessness. These two correspondents expressed the hope that President Johnson would be removed from office and alleged that Hancock (and his successor General Robert C. Buchanan) were an "echo of the President." Johnson's proclamation of September, 1867, and Hancock's implementation of its contents, compounded insubordination and persecution, in Texas. Papers like the "Ultra Ku Klux," said Campbell, had as their goal the elimination of unionists from Texas politics. An attempt on the life of G. W. Smith, an ex-Federal officer and later murder victim, of Jefferson and the fate of a local Negro (whose throat had been slashed) were presented as evidence. In the case of the Negro, a deputy sheriff attempted to arrest the attacker—the city marshal refused to act—but found that bystanders were unwilling to assist him. They told the deputy to call on his "nigger friends" for aid.³²

E. P. Upton informed Pease in the same month:

I hope soon we may have a military commander for this district who will seek the true interests of the people and country. The removal of troops from this parish will have a bad effect; already the mob is triumphant at Rockport. . . . I am powerless to act having no sheriff and no military.

³²D. Campbell and B. W. Gray to E. M. Pease, May 1, 1868, R.G. 393, N.A. Donald Campbell, an Alabaman, came to Texas in 1858. He held several offices in Marion County, was a delegate to the 1868-1869 Convention and sat in the Twelfth Legislature, Handbook, I, 286.

The "Johnson Democrats," according to Upton, had taken command of his judicial district.³³

The Hancock-Pease controversy over General Orders 40 climaxed after the October, 1867, murder of R. W. Black of Uvalde. Judge G. H. Noonan proposed that the accused slayer be tried by military commission, and Pease forwarded the jurist's recommendation to Reynolds who in turn requested Hancock to sanction such a trial. The Fifth District Commander not only refused military intervention but lectured Pease on the merits of civil as opposed to military justice.³⁴

In the exchange of letters following the killing of Black, Pease furnished Hancock statistics, which, to the governor, proved the military's negligence in reducing crime. According to Pease, homicides had increased from 1867 to 1868 to an alarming degree. Military personnel as well as civilians were among the several hundred murder victims, but only one-tenth of the offenders had been arrested, and half that number tried. Local citizens refused

³³E. P. Upton to Pease, April 20; May 18, 1868, Pease Papers.

³⁴Ramsdell, Reconstruction in Texas, pp. 183-185. Reading Wood Black was born in New Jersey and took up residence in Texas in 1852. He was the founder of Uvalde where he served as county judge. Confederate treatment of Texas Germans alienated him from the new nation, and he lived in Mexico until 1866 when he returned to Uvalde where he was killed October 3, 1867, by a relative. Handbook, I, 167-168.

to support law enforcement officers, few jails existed, no funds were available for guards, and sheriffs were reluctant to arrest criminals. These conditions, according to Pease, were compounded by Order No. 40 which curtailed military assistance to Texas law officers. E. J. Davis supported Pease's contentions that Hancock's reversal of his predecessor's use of military commissions had resulted in an increase of serious crime. The ex-union officer estimated a 100 per cent increase in murders since Hancock's assumption of command.³⁵

The accusations of Pease and Davis were introduced in the Texas Constitutional Convention of 1868 in June, and two months later a congressional investigation was requested by John P. C. Shanks, Chairman of the Committee on the Treatment of Prisoners of War and Union citizens. Benjamin F. Butler used excerpts from Pease's reports in an attempt to prove that conditions in Texas had deteriorated after Sheridan's reassignment. He admitted, as did Pease, that much Texas crime was of a nature indigenous to the region, but the frequent murder of blacks and Federal soldiers by whites indicated occupation policy to be a major factor. Hancock now became the prime target for the few

³⁵ New York Times, February 7, 1868; House Executive Documents, 40th Congress, 3rd Session, No. 1, pp. 244-246, 268-271; Senate Miscellaneous Documents, 40th Congress, 2nd Session, No. 109 (Washington, 1868), p. 7.

Radical papers in Texas and his tenure, already jeopardized by events in Louisiana, became precarious.³⁶

General Hancock counterattacked in a message to Pease concerning the dangers of military interference in civil affairs. Pease was accused of being motivated by bitterness rather than a concern for law and order. With references to historical precedence, Hancock informed the governor that the guaranteed liberties of the American system of government precluded his acceptance of Pease's proposal to make the military the "sole fountain of law and justice." He then reminded the governor that those civilian officials of whom Pease complained had been appointed by the same military officers who had removed Throckmorton and selected the present chief executive of the state. Hancock concluded by saying that the governor's accusations were indicative of temper, "lashed into excitement by causes which[were]. . . mostly imaginary . . .[and demonstrated]a desire to punish the thought and feelings of those who differed. . . ."

Hancock made an attempt to gather information to refute Pease's documentation of increased crime. He ordered Reynolds to compile a report on crimes committed since the publication

³⁶Ramsdell, Reconstruction in Texas, pp. 185-187, 202, 222; John P. C. Shanks to Pease, August 10, 1868, Pease Papers; House Executive Documents, 40th Congress, 2nd Session, No. 127, pp. 2-3.

of Order No. 40 and the number of requests by Pease for military assistance.³⁷

The Hancock-Pease confrontation polarized the factions competing for power. The Dallas Herald devoted a full front page to the controversy to demonstrate how the "soldier handles the lawyer as though they had changed places." Pease, according to the conservative press, desired to employ military commissions because they suited his political requirements and for no other reason. Subsequent accounts, with some exceptions, have supported the governor in his conviction that Hancock's administration was lax in regard to law enforcement.³⁸

Grant's dissatisfaction with Hancock manifested itself after a December 8 order from Washington in which the Fifth District Commander was instructed to call the Texas election

³⁷ House Executive Documents, 40th Congress, 3rd Session, No. 1, pp. 262-268; Hancock to Reynolds, January 30, 1868, Pease Papers.

³⁸ Dallas Herald, April 11, 1868. Ramsdell in Reconstruction in Texas, pp. 180-183, 187-188, supports Hancock. DuBois in Black Reconstruction, p. 558, shows Hancock's policies responsible for two-fifths of the 330 murders after December, 1867. Brodie, Stevens, p. 328, contends that murders had increased from nine per month to fifty-four per month in a population of 700,000. One student maintains that the major weakness of the Pease administration was Hancock's reluctance to support the governor. Benjamin H. Miller, "Elisha Marshall Pease," unpublished master's thesis, Department of History, University of Texas, Austin, Texas, 1927, pp. 128-130, but some Hancock biographers find the general's correspondence "one of the most statesman like papers ever issued at a time of ferment." Ulrich, "Military Mind," pp. 66-67.

for a constitutional convention as "soon as possible." On January 13, Grant commented on Hancock's "order to Griffin" that no additional appointments to Texas offices would be approved by delegated power. Grant erred in that he referred to Griffin(not Reynolds) who died in September, 1867, but Grant's support for the Texas commander is clear. Hancock was told: "I think it judicious to confirm the removals and appoints made by him." Hancock had objected to the large number of removals and appointments by Reynolds in November, 1867, but Grant had previously ordered(in September) all district commanders in the South to appoint no one to office who had been discharged. This was in anticipation of a reversal of policy, a rebuttal to the President and represented a warning for Hancock, Schofield, and other district officers.³⁹ Texas was thus saved from a counter-purge by Hancock, but in Louisiana a number of municipal officers(Radicals) were removed. Grant revoked Hancock's orders, and lengthy messages passed between the two concerning the Fifth District Commander's prerogatives. Grant settled the contest by informing Hancock that no question existed on the New Orleans commander's authority to remove or appoint. Grant simply felt the removals not "sustained by the facts," and he was

³⁹Grant to Hancock, December 8, 1867; January 13, 1868, Grant Papers; Thomas, Stanton, p. 558.

exercising his power, under law, as General of the Army. Hancock was then cautioned not to transmit lengthy messages by telegraph, the mail being more appropriate.⁴⁰

Hancock's reassignment to a command in the Dakotas followed his request to be relieved from the Fifth Military District. In James G. Blaine's recollections of the event, Hancock's removal is inaccurately dated to the day after Grant's inauguration as president when Sheridan was restored to his "former command." Sheridan refused the post. Hancock's banishment did not preclude his entering the list of Democratic presidential aspirants for 1868.⁴¹

The tenure of Winfield S. Hancock illustrates the difficulty inherent in military administration under Congressional Reconstruction. Similar obstacles faced all military officers whether dedicated to conservative or radical ends. The conditions that prevailed in Texas--a heritage of frontier lawlessness, suspicion of freedmen, unionists, and military personnel limited Hancock, and Sheridan also, to a role in which the balance fell to superiors in

⁴⁰ Exchanges between Hancock and Grant on February 7, 8, 9, 11, 21, 24, and 29, 1868, are found in Grant Papers and Johnson Papers.

⁴¹ John T. Trowbridge, A Picture of the Desolated States (Hartford, 1868), p. 646; Hancock, Hancock, p. 128; Turner, Hancock, pp. 286-287; Ulrich, "Military Mind," p. 73.

Washington or local commanders like J. J. Reynolds. Officers in the field enjoyed better sources of information, and, being closer to the problems of Reconstruction at the local level, reflected the paradox which still conceals their faults and contributions. Radical district commanders suffered the bitter criticism of Conservatives who in later years could praise these same officers when their duties became purely military. Post and departmental officers, at least those who never rose later to positions of respect, have been used as convenient scapegoats for endeavoring to effect what little success was possible in a rural area so large, so sparsely populated, and with so small a military force available.

CHAPTER XI

SOLDIER POLITICIAN: J. J. REYNOLDS

Major General Robert C. Buchanan assumed command of the Fifth Military District on March 25, 1868, concluding the brief tenure of J. J. Reynolds who replaced Hancock on March 18. Buchanan's appointment was well received in Texas by both the conservative press and Governor Pease. The Dallas Herald commended the officer as a loyal Democrat whose political background would benefit the southern cause. According to the Herald, Buchanan's arrival in New Orleans was a defeat for Grant who had hoped to reappoint Sheridan to the post. In a full biographical sketch of this officer of "conservative Maryland ancestry," the paper informed Texans that Buchanan's earlier encounters with New Jersey Radicals had prepared him for the southern command: "The evils of military law will find no upholder in this officer."¹

Pease's early reflections on Buchanan (presented to the Texas Constitutional Convention in June) were hopeful. The governor espoused the view that provisional civil officers

¹Dallas Herald, April 18, 1868; Heitman, Register, I, 258.

were obliged to act under and with the assistance of the military, but "cooperation and assistance[had]been withheld" under Hancock. The conduct, however, of the Texas officers met with the governor's approval, and he hoped the new district commander would be an improvement over his predecessor. Pease, as it turned out, was more satisfied with Buchanan's leadership than were Conservatives in Texas. Following a pattern to be presented later, the Dallas Herald retracted its early praise for Buchanan in August, 1868, when its editor accused him of catering to the predispositions of Pease and Reynolds in a controversy over the removal of municipal officers in Houston.²

Buchanan's tenure began shortly before the opening of the Constitutional Convention of 1868. In May, Grant suggested that the Fifth District Commander order the delegates to convene on June 1 rather than June 15, a date proposed by Buchanan.³ The revoked postponement was due partially to a concern for the safety of delegates whose lives, without military escort, were reportedly in danger. Rather than delay the proceedings, Grant authorized Reynolds to provide

²Pease to Members of the Constitutional Convention, June 3, 1868, R.B., No. 283, pp. 249-256; Dallas Herald, August 8, 1868.

³Grant to Buchanan, May 5, 1868, Grant Papers.

military protection to those who felt threatened.⁴

The convention, after exhausting its funds, adjourned on August 31. A wide range of subjects was discussed, but no constitution was drafted. A special tax financed the reconvening during the first week of December, and the second session lasted until February 8, 1869. Deliberations spanned the administrations of three Fifth District commanders: Buchanan, Reynolds, and Canby, all of whom found the factionalism in the convention difficult to manage. Of the ninety delegates, twelve were Conservatives, nine Negroes, and a half dozen fitted the category of "carpetbagger." The major forces in competition were Moderate Republicans, led by A. J. Hamilton, and Radical Republicans organized by Morgan C. Hamilton and E. J. Davis, who won the post of chairman.⁵

Several of the issues debated bore directly on the role of the military. The high incidence of crime, according to a large number of delegates, could best be countered by a fund of \$25,000 from which rewards might be offered to apprehend offenders. A loyal militia was also proposed, and this ultimately matured into a state police force. Buchanan opposed the bounty scheme, contending that such a

⁴George K. Leet to Reynolds, May 15, 1868, R.G. 393, N.A.

⁵Handbook, I, 401-402; Brewer, Negro Legislators, p. 20.

sum of money could be legally appropriated only by a legislature. He also disapproved because the proposal included increased use of military tribunals, bodies he felt would discredit his administration. Reynolds also rejected the reward fund in August after Buchanan's reassignment in July, 1868.⁶

From July 28, to November 4, 1868, Joseph J. Reynolds again served as the Commander of the Fifth District, and the headquarters of that authority was at that time relocated in Austin since Louisiana had fulfilled the requirements of Congressional Reconstruction. Reynold's tenure at this time (he served later in the same capacity) was characterized by cautious acceptance on the part of Texas Conservatives which degenerated into suspicion and finally hatred as the Fifth District Commander responded to the problems that plagued his predecessors. The Dallas Herald, in August, 1868, expressed the hope that Reynolds would not consult with Pease on civil affairs but would instead weigh the facts and make independent judgments. After giving him the benefit of probation, the same paper attacked Reynolds three months later, characterizing his administration as more "rancorous" than that of Griffin and Sheridan. The

⁶Annual Cyclopaedia, VIII, 730; New York Times, June 18, 1868.

latter was "bold and candid . . . if truculent," but Reynolds, said the Herald, was a crafty politician.⁷ The rule here demonstrated applied to local politics as well; when military officers were sympathetic with or could be used by Conservatives, they were accepted. When this was not the case, abstractions of all sorts were applied to military rule in general.

Unionists like E. P. Upton, in a letter to Pease, expressed the belief that Reynold's assumption of command would make the governor's task easier. But at the same time Upton admitted the folly of attempts to overcome the strength of Conservatives in his own area who opened or destroyed correspondence between the judge and the governor.⁸ Reports like this, as well as petitions, gave Reynolds reason to strengthen the military's hand. One group of citizens in Montgomery County wrote that they "hop[ed] the Maj. Gen. will send a batch of men to our county to let them know that we have wrights[sic] in Law." In an official report, Reynolds concluded that Ku Klux activity was particularly aggressive east of the Trinity River where the purpose of the Klan was "to disarm, rob and in many cases murder union men and negroes"

⁷ A convenient and reliable list of the Fifth Military District Commanders and their exact tenures is found in Munden, Guide to Federal Archives Relating to Civil War, p. 417; Annual Cyclopedia, VIII, 730; Dallas Herald, August 22, November 14, 1868.

⁸ E. P. Upton to Pease, August 17, 1868, Pease Papers.

and even military personnel. Civil law in the area was non-existent since many local authorities were Klansmen. Van Zandt, Smith, and Marion Counties were especially infested, according to Reynolds, and public meetings were held there during which the names of murder victims were publicly announced.⁹

Any conclusions on the extent of military influence on political events during Reynold's administration of late 1868 must take into account the confusion and lack of unity among Texas Republicans. Even Professor McKay describes the military as conservative in this regard. Pease requested an additional \$90,000 for the 1868 Convention, and the delegates insisted on \$125,000. Reynolds agreed on a compromise figure of \$100,000. On this issue the delegates demonstrated agreement, but on many others serious schisms impeded the convention's work. The Negro delegates divided their small block of votes between the Moderate and Davis factions, and the issues of dividing the state and incorporating an ab initio clause in the new constitution splintered the
¹⁰
 Republican majority.

⁹Petition to Reynolds from Montgomery County, August 22, 1868, R.G. 393, N.A.; House Executive Documents, 40th Congress, 3rd Session, No. 1, pp. 704-705.

¹⁰McKay, Texas Constitution of 1867, p. 19; Brewer, Negro Legislators, p. 29; Casdorff, Republican Party in Texas, pp. 9-10.

National and state events (and perhaps a personal disposition) forced Reynolds into a political as well as an administrative role as fifth district commander. Even though Johnson's veto of a bill prohibiting Texas participation in the election of 1868 was overridden, Democrats in the state pressured Pease and Reynolds to call an election. Their efforts were encouraged by a faction of the northern party, but both the governor and district commander rejected the overtures, claiming a national election would lead to renewed insurrection in East Texas where the Klan and Democratic Party were inextricably connected.¹¹ Reynolds announced on September 29 that no election would be permitted: "proceedings for such purposes are hereby prohibited, and citizens are admonished to remain at home, or attend to their ordinary business." At St. Mary's, in Refugio County, however, Seymour and Blair were chosen in a canvass of voters held as "simply horse-play, to show their colors."¹²

The most complicated and, paradoxically, most oversimplified issue of Reynold's tenure as Commander of the Department of Texas and Fifth Military District is that of removals and appointments of local and state offices. Even

¹¹Congressional Globe, 40th Congress, 2nd Session, p. 4259; Ramsdell, Reconstruction in Texas, pp. 235-237; New York Times, February 28, 1869.

¹²Special Orders 44, September 29, 1868, Johnson Papers; Dallas Herald, October 17, 1868; Huson, Refugio, II, 131.

if one accepts the theory that he was manifesting a sinister desire to subvert southern institutions or succeed to political office, it appears that some removals were often in the best interest of the communities involved. It was the difficulty of finding a sufficient number of unionists, who would serve, that lay at the heart of Reynold's dilemma in the 1867 and 1868 purges. What little biographical data exists on the hundreds of persons involved indicates that traditional generalizations about "carpet-baggers," "scalawags," and Negro appointees and the reliability of Texas Germans are of little value.

Congressional legislation in 1867 and 1868 served as authority for Reynolds' removals. The Supplementary Reconstruction Act of July 19, 1867, allowed wide latitude of suspension, removal, and appointment of military or civilians known to be loyal. Additional congressional support for removals was supplied in July, 1868, when the military was instructed to replace all Texas officials disqualified under the oath of July 2, 1862. Professor Ramsdell contends, with some validity, that the removals were "not a good thing for society" in view of the fact that the resulting vacant offices compounded lawlessness. He admits, however, that delinquency on the part of law officers existed before

and after, as well as during, military Reconstruction.¹³
This is true, and removals therefore are better viewed as one facet of a tragic experiment which, while destined to failure, had nevertheless to be attempted.

Examples from the scores of removal orders in 1867 and 1868 reveal that Reynold's actions were often justified by specific charges rather than the general accusation of "impediment to Reconstruction." Until Buchanan vacated the post of Fifth District Commander, Reynolds was limited by his superior's less zealous attitudes on removal. Based on a recommendation of C. Caldwell and other unionists in Jefferson, Pease and Reynolds planned to support a known loyalist, Grigsby, for mayor of that community. Buchanan vetoed the proposed appointment however, in favor of W. N. Hodge, "a sympathizer with the unreconstructed party." By mid August, Pease and Reynolds were relieved of Buchanan's supervision, and removal orders, containing cause, were published with considerable frequency.¹⁴

¹³United States Statutes at Large, XV, p. 14ff; Congressional Globe, 40th Congress, 2nd Session, p. 4396; Ramsdell, Reconstruction in Texas, pp. 175, 224. An order of October 5, 1868, issued by Reynolds was in fact a continuation of an earlier decree by Griffin under which ex-Confederate office holders were subject to removal regardless of oaths to support the Constitution. Ramsdell, Reconstruction in Texas, p. 234.

¹⁴Petition of C. C. Caldwell, et. al., July 1, 1868, R.G. 393, N.A.

Thomas J. Calhoun, district clerk of Houston County, lost his post August 15 for drunkenness. In Victoria County, W. J. Neely replaced James Craig as assessor-collector on grounds of Craig's "defalcation." A Smith County sheriff, Julius A. Robinson, lost his post for disobedience of orders issued by a Bureau officer, and Joshua Whitmore, a Jefferson criminal court judge, was removed for disobeying orders from district headquarters. These are a representative few of the numerous removals for which specific cause was established in August, 1868.¹⁵ On September 1, Sheriff N. A. McPaul of McLennan County was charged with drunkenness and disobedience, and on October 12, Sheriff M. Stuart of Victoria County lost his post for insobriety, a charge which appears so often that it may have been a routine indictment. Captain James Biddle, post commander at Brenham, asked that Justice of the Peace Stockbridge be replaced for incompetency, refusing to impanel juries and scandalizing the County Court by living with a prostitute.¹⁶ If these and numerous similar charges were valid, removals were beneficial or at least considered so by officers unacquainted with southern social structure.

¹⁵Special Orders 6(August 15); 10(August 20); 16(August 27); 18(August 29), 1868, Ainsworth, G.O., N.A.

¹⁶Special Orders 20(September 1); 55(October 12), 1868, Ainsworth, G.O., N.A.; Captain James Biddle to Secretary for Civil Affairs, June 3, 1869, R.G. 393, N.A.

Filling offices thus vacated was difficult, but the task was pursued according to established procedure and with advice from local residents. Lieutenant C. A. Vernon of the Adjutant General's Office in Austin, informed Lieutenant Gregory Barrett in Tyler that Reynolds required local post commanders to specify all charges against county officials and at the same time recommend successors. A crisis in Milam County in July, 1869, brought orders to William Carroll, county judge, whose administration was hampered by vacant offices. Carroll was instructed to call a meeting of the sheriff and "principal freeholders" (these can be expected to have been mostly whites) to nominate eligible persons for Reynolds' approval.¹⁷

Anyone responsible for as varied a program as that represented by military Reconstruction was bound to commit errors. In an age and region where transportation was slow, and where communication, except for very limited rail and telegraph facilities, was no more than an adjunct to horse-drawn transportation, judgments on reliable, potential officeholders were often mere guesses. National legislation and a short-lived zeal for reform demanded centralization of political authority, but the physical conditions of Texas

¹⁷Lt. C. A. Vernon, to Lt. Gregory Barrett, July 13, 1868, R.G. 105, N.A.; Lt. D. A. Irwin to William Carroll, July 18, 1869, R.G. 393, N.A.

and the heritage of county politics and slavery predestined the experiment, however commendable, to failure.

Reynolds relied on recommendations from Bureau agents, post commanders, and Texas unionists including Governor Pease, but his sources were not infallible. Lewis Elgin, appointed county judge in Bell County, was unknown to the local residents. Strangers evoked suspicion, and in Elgin's case "when his hour struck he **did** not tarry long enough to bid anyone farewell." His replacement, James W. Moore, was also a military appointee but considered a "good man" by Bell County citizens.¹⁸ In Refugio County, nepotism marred the tenure of unionist Judge E. P. Upton. Edward Winsor, the judge's son-in-law was appointed county clerk in 1868. The sheriff, Samuel D. Allyn, was the business partner of Upton's son, and later the same post was held by Rufus A. Upton. It was apparently instances like this (when previously out-of-power cliques took office) that contributed to the origin and perpetuation of many Reconstruction myths concerning military officers who may not have been aware of local family and political groupings and thus innocent of alleged conspiracy. That portion of the myth holding that legions of Negroes were assigned to government positions is

¹⁸George W. Tyler, The History of Bell County, edited by Charles W. Ramsdell (San Antonio, 1936), p. 261.

not sustained by the records, though in some cities like Houston some colored officials were appointed.¹⁹

Generalizations on Texas Germans as reliable unionists are of doubtful value though some of the San Antonio German newspaper publishers and politicians did give unqualified support to the Radical cause. T. L. Tulluck, a Union-Republican Party organizer, cultivated this ethnic group by circulating literature in the German language in the German counties. Hill country Germans had a unionist hero in Edward Degener who suffered Confederate persecution, served in the Constitutional Convention of 1868-1869, and was elected to Congress in 1870, but Egon D. Tausch argues convincingly that much disagreement existed among Texas Germans on the issues of Reconstruction.²⁰ One of the most respected heroes

¹⁹Huson, Refugio, II, 128. The district attorney appointed in Upton's district, however, receives no criticism in the literature. Samuel C. Lackey, Sr. was an old resident of Clinton, and respected attorney. Murphree, De Witt County, pp. 28, 126. The Houston Negro appointees are mentioned in James S. Allen, Reconstruction, The Battle for Democracy, 1865-1876 (New York, 1937), p. 135.

²⁰T. L. Tulluck to Major E. M. Harris, September 10, 1865, R.G. 105, N.A.; Handbook, I, 482; Egon E. Tausch, "Southern Sentiment Among the Texas Germans During the Civil War and Reconstruction," unpublished master's thesis, Department of History, University of Texas, Austin, Texas, 1965, p. 76 ff. Descriptions of the Texas Germans as anti-secession abolitionists and Radical Republicans have been successfully challenged by Terry G. Jordan, German Seed in Texas Soil (Austin, 1966), pp. 182-183. Some indication of German suspicion of Negro labor is found in Frederick Law Olmstead, Journey Through Texas, edited by James Howard (Austin, 1962), pp. 66, 203. Jordan and Tausch expose the fallacy of concluding that, because a few editors like Dr. Adolf Douai were abolitionists, it follows that as a group they were

of German unionism in the state, Jacob Kuechler, received no special consideration by the military administration at a critical juncture in his career following his return to Texas as a refugee. He was appointed Land Commissioner by Reynolds, but personal legal matters, which he had neglected and were subject to military administration, were considered beyond the authority of occupation officials.²¹

Several critical issues arise in any discussion of the character of those appointed to Texas offices under military auspices. The terms "carpetbagger" and "scalawag" have obscured rather than illuminated the individuals selected by local and state authorities and officially appointed by Reynolds and his predecessor. The "carpetbagger" designation might encompass both civilians and discharged military personnel who assumed offices, while "scalawag" might refer to both native born or long-time residents whether they had served in Federal or Confederate units, held civil posts

opposed to slavery and without exception Radical Republicans. This corrects the impression left by Robert W. Shook, "Battle of the Nueces, August 10, 1862," Southwestern Historical Quarterly, LXVI (July, 1962), 31 ff.

²¹Captain C. S. Burnan to Major Wirt Davis, July 2, 1867, Kuechler Papers, University of Texas Archives, Austin, Texas (hereafter cited as Kuechler Papers). For Kuechler's career see Handbook, I, 975, and Shook, "Battle of Nueces," p. 35.

under either government, or were refugees from Texas who returned after the war. To achieve any degree of accuracy requires a treatment of individuals. Migration to Texas prior to the Civil War makes nativity a dubious standard, and in those biographies available, it is clear that many appointees of both categories later enjoyed respectable positions in their community and state history. Herein lies an essential question: how many scalawags or carpet-baggers continued in office by adopting the attitudes of Texas Conservatives once military evacuation converted the Republican Party to an anathema used by Southern Democrats for decades?

In the case of a few state officials like Colonel Jacob C. DeGress, it is obvious that discharged military officers who remained in Texas were often forgiven their Reconstruction activities. Once the salient issues of the late 1860's subsided, county officers appointed by military authority apparently lost their identity with Radicalism and continued to serve as Democrats. The number of carpet-baggers will never be known precisely. General David S. Stanley, whose command included a major route of immigration, reported to the Joint Committee that only a few single men entered Texas seeking business opportunities and only a

few Federal troops remained behind after discharge.²²

The career of one carpetbagger illustrates the rule that specificity is preferable to generalities on the issue of Yankees who held offices in Texas. John C. Conner, an ex-Federal captain and native of Indiana, was a Democrat and successful candidate to Congress from the Second District of Texas. Conner was a Reynolds appointee in Grayson County and won his seat in the House of Representatives in 1869. J. W. Throckmorton took a special interest in this former army officer but doubted his claim of being a Democrat. The ex-governor applied the term "carpetbagger" to Conner, as might be expected, and considered the Yankee "an ass." Still, Throckmorton suggested to Epperson that the Yankee's candidacy should not be publicly challenged because "you may use him" if elected.²³ Throckmorton's decision was sound. Conner, on his way to Washington in 1870, passed through his home town where he defended Texans against charges of lawlessness. There was "not a more law abiding people on this continent" and not a "single individual . . . [in the

²²R. J. C., IV, 42. For a discussion of Republican Party leadership see Casdorff, Republican Party in Texas, pp. 1-31.

²³J. W. Throckmorton to B. H. Epperson, October 22, 1869, Epperson Papers.

state was]subjected to the slightest molestation . . . on account of his politics." Crime, said Conner, was the product of "so-called unionists," criminals from other states seeking refuge in the expanses of Texas. Northern men were safe and welcome there where Radicals were in firm control. Conner's predictions of the victory of Reynolds, as senator, and Morgan C. Hamilton, as governor, were as inaccurate as his evaluation of the extent of lawlessness in the state.²⁴

A contemporary of the period of Republican government in Texas concluded that native white unionists were neglected in favor of "the negro, the carpetbagger and a few new converts from the Confederate element. This[was] . . . the only blur upon the otherwise magnificent record of that Party(National Republican)." ²⁵ This supposes that the number of Texas unionists had remained through the war, when many converted to the Confederacy, sufficient in number to both qualify for office and escape the disapproval of their neighbors. Though considerable investigation into local sources remains to be done, it appears doubtful that military commanders in Texas were able to locate an adequate number of reliable, white loyalists. Even when they could be

²⁴Dallas Herald, March 19, 1870.

²⁵W. W. Mills, Forty Years at El Paso, 1858-1898(El Paso, 1962), p. 170.

identified there was no guarantee that earlier anti-secessionism would equate with a sympathetic position on military occupation, Negro suffrage, or even a new constitution.

Oaths never effectively served the purpose of identifying loyal Southerners.²⁶ That was discovered at the echelon of the local election registrars in Texas, who applied other criteria based on the testimony of residents of the district. Many Texans able to swear to their refusal to support the Confederacy could not be expected to support the Reconstruction Acts in either substance or spirit. Others who would sanction Republican government and Negro suffrage were eliminated by Conservatives who strictly applied the oath to deny political participation to those who had aided the Confederate cause in even an insignificant way. What really occurred, then, was a local interpretation of voter and jury qualification with some support by military authority. There were probably never enough unionists to fill election boards, juries, and all county and state offices. This was particularly true as Conservatives perfected their appeal to natural local bias and as the military proved its impotence to protect unionists, freedmen, and even Federal troops.

²⁶Harold M. Hyman, To Try Men's Souls: Loyalty Tests in American History (Berkeley, 1959), pp. 219, 266.

Reynolds recognized the shortage of unionists, whereas Griffin had an apparent unrealistic conception of their numbers. In a report of October, 1869, Reynolds suggested that those who might be expected to support military occupation goals were ostracized by their neighbors and were, in addition, reluctant to accept offices the terms of which might be shortened by political instability.²⁷ Anne Barber Harris, in a study of public opinion during the period, concludes that unionism was often only a convenient device used by local political cliques rather than a sincere conviction. Outside Tennessee, loyalist ranks were very thin, and Confederate defeat served to strengthen the position of their opponents.²⁸

The only reliable method of determining the strength of unionists from whom Texas commanders could select office-holders is to compare all sources in which specific names appear. In April, 1867, a county-by-county survey was made by Bureau agents and post commanders to satisfy Griffin's need for a catalogue of loyalists. Statistics from seventy-six Texas counties in the report included 846 persons among whom were 104 with federal service, seventy-four freedmen, and thirty-eight refugees. This appears to be the first and basic reservoir from which appointments were made to

²⁷ Report of J. J. Reynolds, October 2, 1869, A.G.O., N.A.

²⁸ Harris, "South as Seen by Travelers," pp. 31-32, 40.

local offices. The following figures prove how few unionists were available and how little the military relied on the political strength of the freedmen. In Upshur County, there were 3,500 freedmen but no unionists or at least "none that could be heard of." Titus County had 3,000 freedmen and three unionists; Hopkins, Lamar, and Wood County officers reported approximately 2,500 freedmen and three unionists each. Those reported as reliable were categorized by occupation, nativity, Federal service, race, and refugee status. Merchants, ex-Federal soldiers, foreign born, doctors, and refugees were the most common varieties. General statements like "business acumen" or "true lover of the old flag" were used to single out particularly loyal or useful unionists.²⁹

A series of special orders in November, 1867, under which Reynolds filled county offices, provides another catalog of names. General Orders 174 of October 1, 1869, supplies the names of appointees to election boards in each Texas county, and the membership of the Twelfth Legislature produces the leadership emerging from the military Reconstruction process. A comparison of names appearing in these sources proves the scarcity of unionists. Approximately seventy persons from the April, 1867, list appear in the appointment orders of the same year. Thirty-five from the

²⁹Registration Book A, R.G. 393, N.A.

April report were appointed to the 1869 election boards and ten from this initial survey sat in the Twelfth Legislature. Only 102 persons appear in at least two of these sources; eight of these were refugees and four ex-Federal soldiers.³⁰ While the number of consistent loyalists is not large, it would serve as a base to investigate the subsequent careers of those who appeared in one or more of these sources.

Remarks by the officers compiling the April, 1867, list must have been disappointing to all military commanders who referred to that document as a guide to unionists. Though unpublished, the commentary reveals a great deal of local history yet untapped. The officer reporting from Cameron County wrote about the careers of James B. Thomas and Dr. Charles H. Lowrie, both old frontiersmen, who waited out the war in Matamoros before returning with Federal troops. Rhinehard Hildebrand of Fayette County appears as a reliable unionist who was tried for "counter-revolution" and subsequently taken to Houston in chains. W. H. Rock of Fort Bend County found only one man, G. C. Booth, reliable, and his reputation was tarnished by teaching

³⁰A.G.O., N.A.; House Executive Documents, 41st Congress, 2nd Session, No. 265, pp. 12-21; Members of the Legislatures of the State of Texas from 1846 to 1939 (Austin, 1939), pp. 56-68.

freedmen. James Lowrie, Bureau agent in Jasper County, said he found "no real genuine men in[his]district . . . [recommending it would]be better to send good men." In Liberty County, J. O. Shelby was considered a unionist, converted from secession after Vicksburg, but he refused to make labor contracts with freedmen and had used "cruelty to force men into the[Confederate]army."³¹

In Matagorda County, the 1867 report not only reflected the absence of competent freedmen but also emphasized the necessity carefully to select polling places to preclude intimidation of freedmen. San Patricio County had "no really intelligent union men . . . able to take the 'iron-clad' oath." Most unionists were well-known by local residents. W. C. Phillips of Travis County, was an agent of antisecessionists during the war, and Peter Diller of Washington County, whose name appears again in the board appointments of 1869, left his home in 1863 taking refugees with him. For this action his property was confiscated by Confederate authorities. One ex-Federal soldier in Brenham was criticized by the agent reporting in 1867. B. J. Arnold, the person in question, was a clerk who hung "Robert E. Lee's portrait in his store to catch customers."³²

³¹Registration Book A, pp. 16-17, 36-37, 88-89, 98-99, 120-121, R.G. 393, N.A.

³²Ibid., pp. 8-9, 12-14, 88-89, 116-117.

The insufficient number of unionists to fill state and local offices should not obscure the fact that many dedicated Texas Republicans emerged during military occupation. E. M. Pease, Edmund J. Davis, A. J. Hamilton, and a host of other unionists of long residency in ante-bellum Texas were able to accommodate themselves to military occupation and, for a short time, use it to their political benefit. Reynolds' most reliable connection among Texas unionists was perhaps James P. Newcomb whose career as a supporter of Sam Houston and whose extensive newspaper work before and after the war recommended him as a capable but much persecuted man. Newcomb worked with W. C. Phillips, Pease's Secretary of State, to provide Reynolds with the names of Texas loyalists, and the general's correspondence indicates a strong reliance on Newcomb's judgment. Edmund J. Davis later used Newcomb in a similar capacity when Reynolds remanded authority to civil officers and Newcomb assumed the post of Secretary of State.³³

In only a few cases can Reynolds' appointments be precisely judged since only leading state officials have been

³³Professor Dale A. Somers supplies a favorable analysis of Newcomb (to counter traditional attitudes) in "James P. Newcomb: The Making of a Radical," Southwestern Historical Quarterly, LXXII (April, 1969), 449-469. More detail is given in the same author's "James P. Newcomb, Texas Unionist and Radical Republican," unpublished master's thesis, Department of History, Trinity University, San Antonio, Texas, 1964, pp. 97-99, 101-102. The James Pearson Newcomb Papers, 1839-1841, University of Texas Archives, Austin, are useful in showing Reynolds' reliance on Newcomb for loyalist nominees to office.

adequately treated. A paradox is admitted by one writer who viewed the Supreme Court removals as the "culminating act of a despotic regime in the subversion of constitutional government . . . by an ignoble conqueror." The same author who criticizes these removals in general finds the individual appointees "gentlemen who acted under a high sense of honor."³⁴ The careers of five justices removed by military authority constitute a definite pattern. George F. Moore had served the Confederacy as a cavalry officer before joining the Texas Supreme Court in 1862. His removal was vindicated by reappointment during the administration of Richard Coke, who had sat on the high bench with Moore before the 1867 purge. Stockton P. Donley, Asa Hoxey Willie, and George W. Smith lost their judgeships at the same time. The first two were Confederate officers, and Willie returned to the court in 1882. Smith returned to political office after the Redemption, sitting in the Thirteenth Legislature and serving as James S. Hogg's Secretary of State in 1891.³⁵

The Texas Supreme Court established by appointment has received some attention by scholars who find no significant structural change from that elected during the Johnson era,

³⁴J. H. Davenport, The History of the Supreme Court of Texas (Austin, 1917), pp. 87-91.

³⁵Handbook, I, 370, 513; II, 229, 623, 918.

though one student contends no subsequent court has used precedents from that body.³⁶ It has generally been the process of their selection and not the personalities or performance of the military appointees that has been found objectionable.³⁷ Indeed, some jurists appointed under military authority appear to have been credits to the profession. Amos Morrill was a Massachusetts-born unionist and partner of A. J. Hamilton who settled in Texas in 1856. After exile in Mexico during the war he returned to Texas and took the Supreme Court seat after which he served as Federal Judge of the East Texas District until 1883 (a number of Texas Republicans enjoyed patronage as postmasters, marshals, or judges during the Republican era of the late nineteenth century). Morrill is well remembered except for the fact that he accepted military appointment: "His willingness to subvert his natural and intellectual attainments to the accomplishment of the oppressive measures imposed upon the people of the state" is a general condemnation without specific support. Livingston Lindsay (a Virginian), Moses B. Walker (an ex-Federal colonel) and Lemuel D. Evans (who was later United States Marshal at Galveston) are all considered

³⁶ Leila Clark Wynn, "A History of the Civil Courts in Texas," Southwestern Historical Quarterly, LX (July, 1956), 5.

³⁷ George E. Shelley, "The Semicolon Court of Texas," Southwestern Historical Quarterly, XLVIII (April, 1945), 447; McGraw, "Constitution of 1866," pp. 265-266.

acceptable practitioners in the legal fraternity.³⁸

The lives of Exekiel B. Turner and Albert H. Lattimer disprove the usefulness of generalizations concerning military-appointed jurists. Turner was born in Vermont, moved to Texas in 1853 and practiced law in Austin. In 1866 he became the United States Attorney for the Western District of Texas, and in November, 1867, Turner assumed the duties of Attorney General. He escaped the stigma of Reconstruction and won election, in 1875, to the judgeship of the Sixteenth District. He was subsequently the first federal judge to declare unconstitutional the Civil Rights Act of 1875, and he presided in the 1886 "election outrage" trial which figured prominently in national politics and practically endorsed the suppression of the Negro vote in Texas.³⁹

Albert H. Lattimer, who replaced Asa H. Willie, was certainly no Radical. He was born in Tennessee, moved to Texas in 1834, provided sons to the Confederate Army, and served in the Constitutional Convention of 1866. Two years after his military appointment in 1867 Lattimer unsuccessfully

³⁸Shelley, "Semicolon Court," pp. 450-452; Handbook, I, 576; II, 59, 853.

³⁹Lynch, Bench and Bar, pp. 365-366. Turner's contribution to the conservative cause is found in the shocking events surrounding the Washington County election of 1886. Senate Executive Documents, 50th Congress, 2nd Session, No. 62 (Washington, 1889).

challenged the Davis faction of the Republican Party as a candidate for lieutenant governor. Lattimer's signature on the Texas Declaration of Independence and his service in the Congress of Texas further demonstrates the inaccuracy of generalizations concerning military appointments and carpetbaggers.⁴⁰

Several state executives appointed by the military escaped the permanent onus of Reconstruction. Joseph Spence, born in Pennsylvania, arrived in Texas one year before secession. He served under Griffin and Reynolds as Land Commissioner and ran against the Davis ticket in 1869 after which he served as an officer for the Austin Water, Light and Power Company. The state treasurer under Griffin and Reynolds, John T. Allan, was a Scotsman who practiced law in Texas in 1849. He bequeathed \$43,000 to the city of Austin which honored him by designating one of its early secondary schools, John T. Allan High. The fallacy of portraying a monolithic and despotic Radical Republican-Military machine is seen too in the appointment of Morgan Calvin Hamilton to the post of State Comptroller. Hamilton was associated with the Texas Republic (in the War Department) and he opposed his brother, Andrew Jackson Hamilton, a conservative Republican,

⁴⁰Casdorff, Republican Party in Texas, p. 12; Handbook, II, 34.

as an uncompromising Texas Radical in the United States Senate from 1870-1877.⁴¹

Reynolds' liberal use of the removal authority, and his alleged political ambitions, resulted in his reassignment in November, 1868. The circumstances surrounding the Fifth District Commander's reduction to Chief of Civil Affairs from November 4, 1868 to March 5, 1869, are not entirely clear. His wife was in poor health, and he did expect some sort of political opportunity to present itself, but in any case Reynolds' replacement by Edward R. S. Canby was lamented by Texas unionists. John R. Johnson, who wrote to Governor Pease from Cold Springs in November, 1868, identified himself as a participant in the Battle of San Jacinto and a unionist. He was saddened, he said, to see Reynolds removed but found it consistent and "in perfect keeping with President Johnson's course in regard to the Southern people, he has been the great bane of the South." The San Antonio Express announced with relief that Canby had asked Reynolds to assume staff duties in Austin rather than leave Texas.⁴²

Within four months Reynolds would return to his post of Fifth District Commander. But that interim was critical,

⁴¹Handbook, I, 29, 760; II, 650.

⁴²John R. Johnson to Pease, November 17, 1868, Pease Papers. Johnson was perhaps the John R. Johnson who acted as messenger for Houston in 1836, but if so there is an error in Handbook, I, 916, where he is listed as having died in 1852. San Antonio Express, December 3, 1868.

for the second and last session of the constitutional convention would meet and adjourn, its task incomplete, in that period. Once again in command of Texas, Reynolds would remain during the last year of military Reconstruction and for a time thereafter as commander of the Department of Texas, Division of the South.

CHAPTER XII

MILITARY ADMINISTRATION AND POLITICS IN 1869

General Edward Richards Sprigg Canby held the post of Fifth District Commander from November 4, 1868, to March 5, 1869. His military career reached from the Seminole War through the Civil War. After receiving numerous brevets during the Mexican conflict, he advanced to brigadier general in 1866. He participated in the capture of Mobile and later commanded the Department of the Gulf subsequent to the final surrender of Confederate forces in Texas. Confederate General Richard Taylor and Canby, who received the Confederate surrender in 1865, were apparently on good terms, for Canby relied on the confederate officer for suggestions as to the proper disposition of Federal troops in Texas under Steele and Granger immediately after the war. Taylor wrote later that he could "recall no instance in which he[Canby]did not conform to my wishes."¹

Canby was a moderate among ranking Federal officers. After Sickles' removal from Reconstruction command in South Carolina, Canby assumed that post in which he pleased Johnson

¹Heitman, Register, I, 279; Taylor, Destruction and Reconstruction, pp. 226-228.

and southern Conservatives. When he returned to the Southwest in 1868 the Dallas Herald extended him a cautious welcome and informed its readers that the new commander was a "gentleman" much preferred to Reynolds. Throckmorton and other Conservatives conferred with Canby in early 1869 finding him "sensible and discreet."² In 1865 and again in 1869 Canby demonstrated a reluctance to apply strictly the Reconstruction Acts and the "iron clad" oath, preferring instead only the disqualifying section of the Fourteenth Amendment. He refused also to approve the admissability of Negro testimony in murder cases.³

The convening of the second session of the 1868 Constitutional Convention and increased lawlessness in early 1869 forced Canby to confront Texas conditions in a realistic manner, and his performance won him the admiration of a cross

² Brodie, Stevens, p. 328; Dallas Herald, November 14, 1868; January 2, 16, 1869. The Herald had commented four years earlier on Canby's administration of West Louisiana and East Texas. He had left the impression then that no "useless military restrictions would be imposed upon us . . . we should not be harrassed by the insolent bearing of the colored troops." Dallas Herald, September 30, 1865.

³ Russ, "Disfranchisement," pp. 48-49; R.J.C., IV, 481. One Bureau officer at Wharton feared Canby's succession to command would result in diminished support for the Negro. W. I. Phillips reported that a certain Copeland had killed a Negro boy and only three white men at Wharton were willing to attempt Copeland's arrest. The Federal lieutenant in charge refused to act without orders, and Phillips asked the governor to request "Reynals" to issue such orders before Canby took command. W. I. Phillips to Pease, November 16, 1868, Pease Papers.

section of opinion in the state and nation. While delaying tactics by the Davis faction of the Texas Republican Party obstructed the work of the convention, both Davis and his opponent, A. J. Hamilton, visited Washington in attempts to gain support for their positions. Radicals hoped to have the impending constitution set aside and, failing in this, returned to Texas, blaming the Moderates for their defection to the Democrats. The division of the state and increased disfranchisement were major issues which split the Texas Republicans. On February 8, 1869, the convention adjourned in confusion, its task incomplete. Canby was obliged to intervene, appointing a three member board (consisting of one Conservative, one Radical, and a military officer) to review and compile the convention's deliberations. One month later the constitution was printed and circulated.⁴

The ever-present burden of maintaining law and order bore heavily on Canby. Even Samuel B. Maxey, an ex-Confederate officer, admitted an increase in criminal activity particularly in North Texas during early 1869.⁵ Canby's

⁴Annual Cyclopedia, IX, 671-674. The Dallas Herald acclaimed Canby's "firmness and a clear judgement" on actions taken on the collapse of the convention without formal adjournment. Dallas Herald, July 31, 1869.

⁵S. B. Maxey to Wife, February 8, 1869, Samuel Bell Maxey Papers, Texas State Archives, Austin, Texas (hereafter cited as Maxey Papers). Maxey was a Kentucky-born lawyer of Paris, Texas, who rose to major general under Albert Sidney Johnston. Handbook, II, 162.

report on Texas conditions reached the North in early 1869, and in that lengthy treatise he contended that "thirty counties . . . [had] no civil organization." Many civil officers refused to recognize the Texas Secretary of State, and those who did compile the required statistics on crime were handicapped by the length of time required to process the information and reply to local officers (twenty-five to forty days was a common interval). Canby became, under these conditions, convinced that a major reorganization of the state's military force was required.

[In] some sections . . . the authority of the United States . . . is openly defied, if not resisted, and the civil is indifferent, or powerless, while the military force stationed there is too small to make itself respected.⁶

The Fifth District Commander's response to the problem of lawlessness was more sweeping than Conservatives or Radicals anticipated. Texas, under Canby's order, was divided into fifteen sub-districts with supplementary powers allocated to their commanders. "Sheriffs, constables, marshals, and police officers" appear in the reorganization orders as subordinate to the district military officers who received instructions to report all arrests to Austin headquarters. There a determination was made as to whether civil or military tribunals would be authorized to try offenders.

⁶Annual American Cyclopedia, IX, 672.

The San Antonio Express complimented Canby on his decision, particularly the assignment of units of the 4th and 6th Cavalry Regiments to supplement infantry units.⁷

The January reorganization, in addition to curbing lawlessness, facilitated the task of supervising the 1869 election. Still, the number of troops available and the extent of territory involved, spread Federal forces thin. This is apparent when the following military jurisdictions of 1869 are balanced against the extent of territory involved:

TABLE III
MILITARY SUB-DISTRICTS OF 1869⁸

Headquarters	Jurisdiction(Counties)	Military Units
Livingston	Hardin, Liberty, Orange, Tyler, Trinity, Polk, Walker, Jasper, Newton, Jefferson, Montgomery, Angelina	3 companies- 15th Infantry 1 company- 6th Cavalry
Nacogdoches	Panola, Rusk, Anderson, Houston, Cherokee, Sabine, Nacogdoches, Shelby, San Augustine	3 companies- 15th Infantry 1 company- 6th Cavalry
Bryan	Robertson, Leon, Brazos, Madison, Grimes	2 companies- 15th Infantry
Canton	Kaufman, Van Zandt, Henderson, Smith	2 companies- 15th Infantry 1 company- 6th Cavalry
Jefferson	Harrison, Marion, Davis, Bowie, Red River, Titus, Upshur	6 companies- 29th Infantry 2 companies- 6th Cavalry

⁷New York Times, February 7, 1869; San Antonio Express January 21, 1869.

TABLE--Continued

Headquarters	Jurisdiction(Counties)	Military Units
Greenville	Grayson, Collin, Hunt, Lamar, Hopkins, Wood, Fannin	4 companies- 29th Infantry 2 companies- 6th Cavalry
Waco	Bosque, Hill, Navarro, Coryell, McLennan, Falls, Bell, Freestone, Hood, Johnson, Ellis, Limestone	2 companies- 17th Infantry 1 company- 6th Cavalry
Austin	Burnett, Williamson, Hays, Travis, Bastrop, Milam, Caldwell	2 companies- 17th Infantry 2 companies- 4th Cavalry
Hempstead	Washington, Burleson, Fort Bend, Austin, Fayette	2 companies- 17th Infantry
Galveston	Chambers, Harris, Brazoria, Galveston	2 companies- 17th Infantry
Columbus	Colorado, Lavaca, Wharton, Jackson, Matagorda	(not designated)
San Antonio	Gillespie, Kerr, Blanco, Bandera, Comal, Guadalupe, Kendall, Bexar, Medina, Frio, Wilson, Atascosa	2 companies- 35th Infantry 1 company- 4th Cavalry
Helena	Karnes, DeWitt, Gonzales, Bee, Victoria	1 company- 35th Infantry 1 company- 4th Cavalry
Indianola	Calhoun, Refugio	1 company- 35th Infantry
Corpus Christi	San Patricio, Nueces, Live Oak	1 company- 26th Infantry 1 company- 4th Cavalry

⁸The reorganization order covered twenty-nine posts. Only interior garrisons are listed here. The number of companies assigned reveals the prevalence of lawlessness in northeast Texas and the availability of railroads in the southeast where cavalry was not required. Typescript of General Orders 44, January 16, 1869, Crimmins Collection. None of these were colored units. After 1867 only the 9th and 10th Cavalry and 24th and 25th Infantry Regiments remained in regular service as Negro units. Reddick, "Negro Policy Army," pp. 17-18.

When Canby left Texas for a new post in Virginia the Texas Conservative press repeated its pattern of initial praise for, then disappointment with Fifth District commanders. In April, 1869, the Dallas Herald pledged to support Reynolds who replaced Canby: "We shall endeavor to do him full justice." But a new element was injected into press judgment. The Herald recommended that Texas newspapers should not "make our relations with the military more unpleasant than necessary . . . officers are not responsible for military rule."⁹

With a constitution completed, Reynolds' immediate concern was a general election to secure ratification of the document and fill state and national offices. In early October, Reynolds began issuing orders to establish requirements and standardize procedures for voter registration. A total of 125 counties were organized for the election by the appointment of election boards, each of which consisted of three members. Sixty-one of the county boards were supervised by military officers. The chief registrar or manager in each county assumed command of local general forces with post commanders instructed to maintain general order. No Federal soldiers were permitted to appear at polling places but were to be "quartered in close proximity." Specific

⁹Dallas Herald, April 17, 1869. Canby was later killed by Madoc Indians in 1873. Pfanz, "Soldiering," p. 13.

instructions to the military-appointed board members included requirements for registration: twenty-one year old males who had lived for one year in Texas and who could affirm that they had not held state or Federal offices and subsequently aided in rebellion were authorized to register. If the previously held office was a state post and the potential voter had participated in rebellion (whether or not he had taken a previous oath to the Constitution) he was to be rejected. The terms "engaged in" and "given aid and comfort to" received special consideration in this Special Orders 15 of October 7, 1869. Only persons acting out of fear or compulsion were subject to the aid clause. To clarify the problem of rejection, Reynolds further stated that local boards should collect information from residents within the district to justify their decision to accept or reject applicants. This was intended to preclude fraud or coercion. No amnesty was accepted as proof of loyalty, but congressional removal of disability was honored. Local board members were told to read state constitutions and legal digests to determine those offices which barred registrants, and a list of crimes was supplied which likewise should be used for disfranchisement. During the registration process records were kept to reflect those

registered, those rejected, and those who sought appeal.¹⁰

Military preparation for the November 30 to December 3 election included supplemental troop assignments from those district headquarters established earlier by Canby. Sixty counties received ten additional enlisted men, and in eleven counties one officer arrived to supervise the forces available to local registrars. Only three counties, Fort Bend, Brazoria, and Milam, received more—there fifteen soldiers were assigned. A total of eleven officers and 600 troops were detached for the 1869 election, and this included nearly 100 whose duty was confined to frontier counties.¹¹

¹⁰ Reynolds' final assumption of command was made more difficult as the result of the "extremely bad health" of his wife who left Texas in September, 1869. George C. Rives to J. P. Newcomb, September 14, 1869, James P. Newcomb Papers, University of Texas Archives (hereafter cited as Newcomb Papers). The Galveston Daily News announced revision of registration lists to begin on November 16, fourteen days before the general election, and to continue for ten days at county seats. Galveston Daily News, November 25, 1869. Instructions to local boards are found in House Executive Documents, 41st Congress, 2nd Session, No. 265, pp. 1-19.

¹¹ General Orders 174, October 1, 1869, was the document which implemented a congressional act of April 10, 1869, setting Tuesday, November 30, as the date for submission of the constitution to the voters of Texas and dates for the general election of state officers. This document allowed for two white and two colored residents to be selected by the local boards as observers, character witnesses, and challengers to registrants. Registrars and sheriffs were authorized to draw \$6.00 per day during the election, clerks and deputies \$5.00 per day. House Executive Documents, 41st Congress, 3rd Session, No. 265, pp. 12-15, 19-20.

General Orders 185, October 18, instructed post commanders to release the above detachments in time for them to reach the county seats within district jurisdictions by November 15. Officers assigned to registration boards were relieved from all other duties. Headquarters commanders were personally responsible for the election process in each of their county seats, and each was informed of the prohibition on military interference at the polls.¹²

Some revision of registration lists occurred in early December, and one such modification indicates the military to have been more inclined to fairness than has been assumed. Republican James P. Newcomb supervised the Bexar County registration, and under his direction a number of voters were stricken from the list. Complaints reaching Austin convinced Reynolds that the San Antonio registration was prejudiced, and he revoked the board's action restoring 100 names to the eligible list.¹³ The number of registered voters ultimately reached 135,553 including 56,810 Negroes. The general election yielded 72,466 votes for the constitution and 4,928 opposed. Reynolds announced the results of the gubernatorial returns in General Orders 5, January 11, 1870,

¹² Ibid., pp. 19-20.

¹³ Somers, "Newcomb," pp. 152-153; Major General James H. Carlton to J. P. Newcomb, December 1, 1869, Newcomb Papers.

and the statistics have been a matter of much criticism. Davis received 39,901 and A. J. Hamilton 39,092.¹⁴

Few issues of Texas Reconstruction have received more attention than the election of 1869, and a major portion of the criticism has been only partially supported by reliable evidence. In one set of reminiscences, Centreville is described during the election as a community victimized by a company of soldiers from Brenham who posted themselves at the courthouse where a Federal lieutenant "exercised control over the whole matter." In fact, Centreville, in Leon County, was visited by one officer and ten infantrymen detached from Calvert. Furthermore, the election manager was a civilian, John Ramsha, who was assisted by George W. Patrick and Warner Reid.¹⁵ De Shields characterizes the election in similar but more general terms:

The entire machine of the election was in the hands of as corrupt a lot of political scoundrels as ever tyrannized over a people, and the military myrmidons of General Reynolds had practiced every form of intimidation and fraud.¹⁶

Fehrenbach, in his recent survey, commits the error of generalization by contending that the election polls were

¹⁴New York Times, November 9, 1874; Richardson, Lone Star State, p. 211; House Executive Documents, 41st Congress, 2nd Session, No. 265, pp. 21-23. Carrier in "Constitutional Change," pp. 134-135, contends that the victory for the constitution was the result of whites who refused to vote.

¹⁵Wood, Reminiscences, p. 16; House Executive Documents, 41st Congress, 2nd Session, No. 265, pp. 17, 20-21.

¹⁶DeShields, They Sat in High Places, p. 259.

loaded by "merely personal prejudice." The same author frankly states that "military detachments stood at every polling place; at each an army officer acted as election official." The first comment assumes Reynolds to have been a man of extraordinary talents, and the latter is contradictory to the official list of election judges.¹⁷

Professor Nunn, citing his predecessors Ramsdell and the Daily State Journal as sources, contends that only Davis men were appointed by the military as registrars for the election. This could hardly be concluded without extensive examination of the 375 appointed board members and might be questioned in the issue of Reynolds' revocation of Newcomb's actions in Bexar County. Professor Nunn also concludes that no federal investigation of election irregularities was conducted and cites Reynolds' influence with Grant as the basis for his contention. On March 28, 1870, the House of Representatives ordered a full review of election returns from the Second Congressional District of Texas, and the Secretary of War provided that chamber with

¹⁷Fehrenback, Lone Star, p. 414; House Executive Documents, 41st Congress, 2nd Session, No. 265, pp. 15-19.

a report covering local, state, and federal offices.¹⁸

Too little evidence has been produced relative to the election board personnel to justify unqualified charges of the kind that characterize the military as party to a conspiracy "to carry the election by fair . . . or foul" procedure.¹⁹

Enough does exist to suggest that further investigation would prove fruitful. A Federal major, detached to Linden in Davis County(now Cass County), discovered, for example, that of 900 freedmen present not one voted in 1869. Some had cast ballots earlier, but threats by whites had been effective.²⁰ As for blanket charges of disreputable persons being associated with the Davis ticket, one well-known personality, Henry Clay Pleasants, might be exemplary of many others who were subsequently forgiven to the degree that their Reconstruction affiliation has been lost entirely or obscured

¹⁸ Nunn, Texas Under the Carpetbaggers, pp. 16-19; House Executive Documents, 41st Congress, 2nd Session, No. 265, pp. 1-70. It is true that the gubernatorial margin was narrow enough to warrant suspicion, but Morgan C. Hamilton, a Radical, informed James P. Newcomb that no accurate forecast of the election could be made because of the severe split in the Republican Party. Hamilton to Pease, December 4, 1869, Newcomb Papers. For a recent evaluation of the Ramsdell-Nunn thesis see Somers, "Newcomb," pp. 157-158.

¹⁹ Wortham, Texas, V, 60.

²⁰ General G. P. Buell to Lt. L. V. Caziarc, December 4, 1869, R.G. 393, N.A.

by praise for their later activity. Pleasants was a Virginian who practiced law in DeWitt County after 1854. He served on district and appellate benches after Reconstruction, but he appeared on the Davis ticket in Victoria County in 1869. The judge's fame during Texas' Sutton-Taylor Feud(1868-1874) is legendary.²¹

Military officers, since they were reassigned before time and changing conditions rescued them from the stigma of tyranny, were generally less fortunate than Pleasants and others like him. Reynolds' career as commander of the Fifth District, however, did span a period sufficient to illustrate a decline in hostility, but before his image improved other charges(perhaps more valid) marred his reputation. His relations with both factions of the state Republican Party were complex, and his influence with Grant leaves this facet of his tenure open for criticism. In January, 1869, the San Antonio Express speculated that the "Conservative Republicans" used their influence to keep Reynolds in Texas during the Canby administration.²² This speculation appears accurate, for Reynolds was first allied with the Moderates. His position on one of the major issues dividing

²¹ Election Returns, 1869; Victoria County, Victoria, County Archives; Handbook, II, 386; Murphree, DeWitt County, pp. 18, 127. Pleasants is treated extensively but with no reference to his Radical affiliation in C. L. Sonnichsen, I'll Die Before I Run(New York, 1962).

²² San Antonio Express, January 2, 1869.

the Texas Republican Party(partition of the state) was quite clear. The district commander announced in March, 1869, that "dismemberment of the State is folly."²³

James P. Newcomb, a Radical, found Reynolds' early affiliation with the Moderates a definite threat to the strength of his faction. Newcomb hoped to counter the influence of the Austin Republican(Moderate) by establishing an opposition press, and he arranged to have military headquarters in the capital publish a supplement to the Radical San Antonio Express. Reynolds vetoed the effort, and his political disposition then became a matter of debate among party leaders of both factions.²⁴

Some Radicals believed that Reynolds had been influenced by the Haynes faction of the Republican Party, which

²³Dallas Herald, March 13, 1869. The ab initio and state partition issues were the primary points of disagreement. The San Antonio Express(Radical) favored division, the Austin Republican(Moderate) opposed the plan. Somers, "Newcomb," p. 111. Congress gave considerable attention to state division during 1869-1870. Congressional Globe, 41st Congress, 1st Session, pp. 194-195; 42nd Congress, 2nd Session, pp. 1555-1556. Radicals on the national level supported division of the state to secure reliable senators. Current, Stevens, p. 310.

²⁴Somers, "Newcomb," p. 112. The San Antonio Express recognized Reynolds' conservative connections in December, 1868, when the paper condemned a resolution in the Constitutional Convention praising the general for his leadership. The Express felt he had done too little and commented that Reynolds should be "independent of Andrew Johnson." San Antonio Express, December 23, 1868. Reynolds' conservative position and his influence with Grant brought more patronage to the A. J. Hamilton faction than the Davis party. Ramsdell, Reconstruction in Texas, p. 266.

endeavored to convince him of the need to control the election in 1869 for the benefit of the Moderates. This is concluded from a warning to James P. Newcomb by a fellow Radical. Colonel John L. Haynes was a Virginia-born unionist who had served in the Texas legislature before the war and became, during the secession crisis, one of Houston's chief supporters as quartermaster of state troops called upon by the governor in July, 1860. Another communication in the Newcomb Papers further demonstrates Reynolds' early conservative affiliation. George C. Rives suggested to Newcomb that the Fifth District Commander was considering Ezekiel B. Turner as a replacement for E. M. Pease who resigned in September, 1869. Turner, said Rives, was a pawn of A. J. Hamilton, and if their scheme to dictate policy to Reynolds proved successful, the Radicals would appeal to President Johnson to remove Reynolds from command.²⁵

The summer of 1869 was a critical period for Texas Republicanism. Horace Greeley informed the state party that

²⁵George C. Rives to J. P. Newcomb, September 7; October 3; October 19, 1869, Newcomb Papers. Radical suspicion of Reynolds appeared earlier during the Republican Party Convention in May, 1869. Morgan C. Hamilton's faction denounced Reynolds at this time, claiming he was not aggressive enough in his appointment of loyal men to state posts. Radicals announced their support for the Fifteenth Amendment and requested Reynolds to station troops at the polls. New York Times, May 22, 1969. Haynes' career is found in Handbook, I, 788; Turner's in Handbook, II, 809.

it could no longer depend on northern leadership to insure its position in Texas. It was, in his words, a case of "Root, hog, or die."²⁶ Reynolds' position, with this pronouncement and the criticism of the Radical Convention, now required reevaluation. His original intent, stated in a letter to Grant, was to reconcile differences between the Republican factions, but Haynes, Pease, and A. J. Hamilton refused to cooperate. The 1869 party convention, according to Reynolds, fell to the Radicals as a result of a Moderate boycott. Reynolds explained that Republican conservatives were catering to Texas Democrats hoping that party would throw its support to A. J. Hamilton. Proof, said the General, was apparent in comparison of Conservative and Moderate Republican platforms, which differed little. Radical Republicans, he said, nominated men qualified for office, Moderates those who appealed to Conservatives regardless of disability. The Moderate Republican-Conservative coalition, if it succeeded in electing A. J. Hamilton, would destroy Texas Republicanism. Grant accepted his old friend's appraisal and threw his support to the Davis faction of the party.²⁷ Reynolds' abandonment

²⁶ Ramsdell, Reconstruction in Texas, p. 269.

²⁷ Annual Cyclopedia, IX, 674-675; New York Times, September 26, 1869.

of the Moderate Republicans brought a strong reaction from Governor E. M. Pease who charged the general with falsifying the evidence presented to President Grant. Davis, depicted by Reynolds as a supporter of the Constitution of 1869, had in reality, said Pease, criticized the document as too conservative. Pease then, as a result of Reynolds' political transformation, resigned on September 30, 1869.²⁸

Reynolds may have been sincerely committed to building a loyal Republican Party in Texas. His vacillation may be explained by the fact that it took some time to discover the Moderate Republican-Conservative coalition. Still there remains the question of whether personal ambition contributed to his decisions. The Galveston Daily News contended that Reynolds' transfer of allegiance from Moderate to Radical Republicanism was purely selfish. He hoped for a permanent appointment as brigadier general (his major generalcy was a brevet rank), and this seemed, for a while, best served by supporting Seymour whose failure caused Reynolds to take up the Radical cause.²⁹ If this be true it forced Reynolds into a major adjustment of attitudes, for his original conservative position included opposition to Negro suffrage and

²⁸ Johnson, Texas and Texans, I, 562; Wooten, Texas, II, 179-180; Somers, "Newcomb," p. 147.

²⁹ Galveston Daily News, January 5, 1869.

white disfranchisement.³⁰

Another factor, the "itch for political office," has been proposed as an explanation for Reynolds' political machinations. Professor Ramsdell conjectured that Grant and Reynolds had prearranged an agreement under which Reynolds would present himself as a candidate for some high state position. A. J. Hamilton rejected this alleged plan, and the consequence was Reynolds' emergence as the champion of E. J. Davis at which time the general "began a career of duplicity and fraud that was to cover with reproach a hitherto honorable reputation." Nunn accepts this, adding that Davis' request for Reynolds' removal as too conservative must also be considered.³¹

Whether or not Reynolds' desire for a senatorial seat dictated his political alignments is a question often posed, but, without benefit of his personal papers, conclusions of secondary works and newspaper accounts of the period must be considered tenuous. Fehrenbach's contention that Reynolds had a "secret wish to cap his career by entering the United States Senate" is supposition.³² The difficulty in drawing

³⁰Nunn, Texas Under the Carpetbaggers, p. 14; Ramsdell, Reconstruction in Texas, pp. 265-266; Ernest W. Winkler, Platforms of Political Parties in Texas (Austin, 1916), pp. 117-121.

³¹Ramsdell, Reconstruction in Texas, pp. 274-275, 277-278; Nunn, Texas Under the Carpetbagger, pp. 14-15.

³²Fehrenbach, Lone Star, p. 412.

accurate judgments on this issue lies in the fact that both factions of the Texas Republican Party accused the general of political opportunism. Conservatives were convinced in September, 1869, according to the Jefferson Radical, that Reynolds was a mere "carpetbagger," anxious to use his rank and position to gain a senate seat. In early 1870, when the Twelfth Legislature convened, Reynolds eschewed any such ambition claiming his Texas residency, since it was established during military duty, did not qualify him for office.³³

Amid these political episodes, Reynolds, on January 11, 1870, ordered the Twelfth Legislature to convene on February 8, and E. J. Davis accepted his post as elected, provisional governor. Once organized, the legislature was subject to an oath established by federal law on April 10, 1869, which barred previous office holders who had supported the rebellion and who could not affirm to having been pardoned.³⁴ Along with directives requiring the consideration of the Fourteenth and Fifteenth Amendments the legislators were instructed to elect two United States Senators. Morgan C. Hamilton and J. W. Flanagan, both Radicals, were chosen. Reynolds was considered for one of the senate seats, but he withdrew

³³Jefferson Radical, September 18, 1869; Dallas Herald, February 26, 1870.

³⁴Ramsdell, Reconstruction in Texas, pp. 288-289; House Executive Documents, 41st Congress, 2nd Session, No. 265, pp. 80-81.

before the Radical caucus met.³⁵ His aspirations may have lingered, however, for when Morgan C. Hamilton fell from grace among his colleagues, Reynolds emerged as a possible substitute. In January, 1871, after Texas government had reverted to civil control, Texas Radicals in both houses gained a majority to unseat Hamilton, recommending Reynolds as his successor. In February, the general visited Washington where, under Charles Sumner's leadership, the Senate refused to disqualify Hamilton. Reynolds and Grant may have agreed not to press for the senator's recall, or Sumner's opposition may have been responsible. In any case, a conference between the senator and President Grant terminated Reynolds' quest.³⁶

Reynolds' position on legislative organization in late 1869 and early 1870 appears fair and objective. He did not, as George C. Rives had feared, appoint E. B. Turner as governor to succeed Pease. Instead, Reynolds assumed executive responsibility. During the first week of February, 1870, ten cases of legislative eligibility were considered by an

³⁵The Twelfth Legislature contained sixty-seven Radicals, twenty-six Moderate Republicans, and twenty-seven Democrats. Only thirteen Negroes sat in that body. Nunn, Texas Under the Carpetbaggers, pp. 23-24; Ramsdell, Reconstruction in Texas, p. 290.

³⁶Nunn, Texas Under the Carpetbaggers, pp. 39-42. The conservative Dallas Herald saw the legislature's action as a "Radical trick" and reminded its readers that Reynolds had admitted his ineligibility much earlier. Dallas Herald, February 4, 1871.

appointed, three member board. Only those contests involving Reconstruction legislation were considered by the military; others were returned to the Twelfth Legislature by Reynolds. Three of the ten senators and representatives under investigation were declared ineligible, and for his performance as chief executive of the state Reynolds received the Senate's congratulations.³⁷

A series of events after March 30, 1870, led from military-directed legislative organization to civilian assumption of state government. Congress favorably considered the state's admission to representation on that date, and Reynolds received news of the action one day later. His reaction was one of relief:

Here, take your State and run it. . . .I feel like a great weight has been lifted from me; thank God I am through with the heaviest contract I ever undertook. I have done the best I could. I have a clear conscience. . . .³⁸

Reynolds officially remanded authority to civilian control on April 16, and ten days later the Twelfth Legislature met at Governor Davis' call for a special session which he admonished to consider measures corrective of wide-spread lawlessness which had not responded to military

³⁷House Executive Documents, 41st Congress, 2nd Session, No. 265, pp. 81-83; Senate Journal of Texas, Twelfth Legislature (Provisional), pp. 38-39. Major B. Rush Plumley was appointed by Reynolds as temporary Speaker of the House. Nunn, Texas Under the Carpetbaggers, p. 22.

³⁸United States Statutes at Large, XVI, 80-81; Galveston Tri-Weekly News, April 13, 1870.

Reconstruction. Reynolds' last orders pertaining to civil government were issued in late April and included instructions to local officials concerning tax collection, prisoners held by military authority, preservation of documentary materials, and explanations of the duties of United States marshals.³⁹

Two months after Reynolds officially concluded military Reconstruction, Judge Thomas H. Duval charged a federal grand jury with its duties in a long and prophetic resume of imminent problems. He asked for vigorous prosecution of violators of federal law and a conscientious application of the Civil Rights Act:

We can no longer look to the military for the suppression of crime and the punishment of offenders. Whether the full restoration of civil authority be a blessing or a misfortune depends upon the due and faithful administration of the laws, national and state. . . .⁴⁰

Reverting to the rank of colonel and commander of the Department of Texas, J. J. Reynolds remained a prominent figure in Texas for another year and a half. Federal forces in Texas in 1870 included the 4th, 6th, and 9th Cavalry Regiments and 10th, 11th, 24th, and 25th Infantry Regiments. General Henry W. Halleck outlined in that year, in an unmistakable retreat from Reconstruction, the duties of national

³⁹Nunn, Texas Under the Carpetbaggers, pp. 25-28; Carrier, "Constitutional Change," p. 138 ff.

⁴⁰United States District Court Minutes, 1866-1877, Vol. C., pp. 149-151, 315 ff., R.G. 21, F.R.C.

forces. Military interference in civil matters, he said, had prompted apathy among local law enforcement officers. The only appropriate responsibilities he recognized were those connected with the collection of federal revenue and escort duty. Any other activity, which most residents considered unconstitutional, was to be strictly curtailed.⁴¹

Consistent with the theory that military presence was objected to mainly because of its short-lived connection with social reform, the Texas conservatives began to project a different image of Reynolds after he reverted to purely military duty. The Dallas Herald in September and October, 1871, explained to its readers that individual officers had not been responsible for the evils of Reconstruction. There had been little criminal action among them (except, said the paper, for Bureau officers). Indeed, under Reynolds' administration taxes were lower than under Governor Davis who had failed to guard the treasury to the degree that his military predecessor had.⁴²

Within two years Reynolds had shed the stigma of Radical,

⁴¹House Executive Documents, 41st Congress, 3rd Session, No. 1, pp. 36-38.

⁴²Dallas Herald, September 23; October 21, 1871; April 6, 1872. Criticism did continue over Reynolds' use of the Austin "bull pen" after Davis' inauguration. The pen was a log detention facility 150 feet in diameter which, according to one contemporary, often held 100 prisoners. T. B. Wheeler, "Reminiscences of Reconstruction in Texas," Southwestern Historical Quarterly, XI (July, 1907), 63-65.

political opportunist, and military tyrant, at least in some contemporary papers. In October, 1871, the San Antonio Express reported his appearance as a judge in a local fair. Both the Express and the Dallas Herald commended Reynolds on his personal and ineffective suppression of a reign of lawlessness in Limestone County in the same month.⁴³ Shortly before his reassignment (General C. C. Augur assumed command of the Department of Texas in January, 1872) the San Antonio Express remarked that Reynolds would always be remembered by Texas Republicans "with the kindest feelings." In a Dallas Herald announcement, Reynolds was referred to as "our personal friend." The paper even lamented his leaving, commenting that the reassignment was likely the result of fear that Federal officers left too long in the South became sympathetic with local residents. It was admitted that Texans "occasionally complained bitterly of General Reynolds," but he was only following orders as an occupation officer; the state later came to "appreciate his good qualities." The Herald then turned its attention to Sheridan, commander of the Department of the Missouri

⁴³ San Antonio Express, October 1; October 12, 1871; Dallas Herald, October 28, 1871. The New York Times carried details of the Limestone Rebellion on October 22, November 15 and November 24, 1871. General treatment of the Limestone-Freestone rioting is found in Nunn, Texas Under the Carpet Baggers, pp. 87-92.

(which included Texas), repeating its fear of his supervision and the "hell and Texas" remark.⁴⁴

Reynolds' tenure in Texas was long enough and varied enough to illustrate more than the typical initial acceptance and then, when Reconstruction duties demanded fulfillment, rejection of Fifth Military District commanders. His continuance following the restoration of civil authority provides an opportunity to test the theory that it was the military's role as champion of political and social change (though it was more symbolic than real) that gave rise to much of the mythology of Reconstruction. Once this element of military occupation is isolated, a number of positive contributions to Texas economic, political, and social welfare emerge as concomitants of Federal occupation.

⁴⁴San Antonio Express, November 8, 1871; Dallas Herald November 18, 1871. Reynolds' career subsequent to Texas occupation duties included major operations against the Sioux in 1876. The controversy surrounding this assignment is detailed in Dupuy, Men of West Point, p. 97; Struthers Burt, Powder River (New York, 1938), p. 164; Mills, 40 Years at El Paso, p. 165.

CHAPTER XIII

MILITARY CONDUCT:

LAW, ORDER, AND SOCIAL STABILITY

Excluding those duties of the military supporting political organization, the primary responsibility of Federal troops in Texas was to create a stable society in which political and social reforms could be introduced. The degree of post-war criminal activity, the social factions responsible for it, and the record of military reaction have been matters of wide disagreement among chroniclers of the period. Descriptions of post-war society range from the view that no significant increase in lawlessness occurred to that excusing criminality as a necessary counter to the armed Negro and Federal troops. Fifth Military District and Freedmen's Bureau records reflect several basic causes including racism, sadism, and hostility toward unionists and Federal soldiers. Ultimately law enforcement posed difficulties beyond the power of the military to solve, and the causes of disorder were indigenous to Texas as well as resulting from the imposition of Reconstruction policy.

A considerable amount of contemporary and secondary reflection discounts increased lawlessness during Reconstruction

in Texas. In Wood's reminiscences it is claimed that lawlessness was confined to the frontier while Rhodes and many others maintain that southern lawlessness was exaggerated.¹ The Texas conservative press denied any serious degree of criminal activity except as evoked and advertized by Radical politicians and the northern press.²

On the other hand, official reports and tabulations of various types of crimes establish the fact that the presence of freedmen, unionists, and military personnel, while not solely responsible, did contribute to a definite pattern and a noticeable increase in certain breaches of the peace. Reynolds offered statistics indicating that 761 murders were committed in the period 1865-1867. Four hundred sixty-four Negroes were killed by whites, and 214 more were wounded by gunfire or stabbed. During the same period 158 beatings (of blacks) occurred and six Bureau agents were murdered. One conviction, of a Negro, was obtained. A Senate investigation uncovered 900 murders in Texas from 1865-1869 with five

¹Wood, Reminiscences, pp. 7-8; Rhodes, History of the United States, VI, 48, 107, 136-139, 143; Ramsdell, Reconstruction in Texas, p. 191, contends that "much of the evidence presented on the subject of lawlessness is of a most partisan and untrustworthy character." A recent student says that "a generation that cried over Uncle Tom's Cabin was a demagogue's meat." Fehrenbach, Lone Star, p. 403.

²Galveston Daily News, January 7, 1869. The New York World blamed the Texas Radicals: "the villains are all 'Radicals'." The Times, on the other hand, supported the position of military officers, who reported unparalleled and racially inspired lawlessness. New York Times, June 24, 1869.

convictions and one execution (the Negro referred to by Reynolds).³ Official Fifth Military District records contain details on 2,316 crimes, and of these the most serious, murder, attempted murder, and assault, were committed, in the main, by whites on blacks. Disposition over the entire range of crimes reveals, in bail and bond requirements, little threat of military tyranny. Instead, the number of arrests, convictions, escapes, and punishments suggest the impotency of the occupation forces to maintain law and order.⁴

A propensity for the use of firearms and for violence in general was inherent on the frontier, and some authors attribute Reconstruction lawlessness to the nature of Texans who had perfected individual rather than institutional law enforcement.⁵ One significant failure by Federal occupation forces, that of attempting to ban firearms, supports the

³New York Times, November 7, 1868; Senate Miscellaneous Documents, 40th Congress, 2nd Session, No. 109, p. 5.

⁴Abstract of Crimes, Office of Civil Affairs, Fifth Military District, Vol. I, R.G. 393, N.A.; Criminal Offenses Committed in the State of Texas, 1865-1968, Vols. 11-13, R.G. 105, N.A.; Record of Felonies Committed in the State of Texas, Vols. 107-109, R.G. 393, N.A.

⁵According to Ramsdell in Reconstruction in Texas, p. 66, lawlessness was a product of too little experience in controlling crime, not hostility to Federal troops. Hodding Carter contends that "turmoil[was]. . . inherent in the frontier with little relationship to race or politics." Carter, Angry Scar, p. 147. There is of course much truth in the theory which the New York Times supported in an article reminding its readers that in Texas "a desperado is a sort of hero and has plenty of friends to hide him and spy for him." New York Times, April 7, 1869.

theory of historical factors as contributors to increased lawlessness. During Presidential Reconstruction, the Eleventh Legislature addressed itself to the dangerous consequences of indiscriminate "carrying of deadly weapons by boys and freedmen(particularly pistols). . . ." A resolution condemning the practice as "a great nuisance, as well as disgusting" resulted in suggestions to outlaw or tax the habit except on the frontier.⁶ In 1869, military orders in several counties in the northeast section of the state prohibited the carrying of pistols. Federal officers found delinquent in enforcement of the ban were subject to courts martial and civilians to dismissal from office, but Reynolds rejected the practicality of the measure with the argument that the innocent would be victimized by the lawless.⁷

The contention that racism contributed to an increase in homicides is, with a few exceptions, either implied or emphasized.⁸ For whatever reasons, the presence of free

⁶Journal of the Senate of Texas, Eleventh Legislature, pp. 31, 107-108.

⁷Jefferson Radical, August 18; September 18, 1869; Captain B. S. Roberts to Lt. Gregory Barrett, August 28, 1868, R.G. 105, N.A.

⁸The most recent and convincing of arguments using racism are Sneed, "Historiography of Reconstruction in Texas," p. 445, and Ann Patton Baenziger, "The Texas State Police During Reconstruction," Southwestern Historical Quarterly, LXXII(April, 1969), 471. Older works admitting some degree of racism are: Ramsdell, Reconstruction in Texas, p. 220, Otis A. Singletary, Negro Militia and Reconstruction(Austin,

Negroes, supported to some degree by Federal soldiers, evoked pronounced hostility and cruelty among a class of whites who may have been held in check while slavery continued. In a large majority of instances, when Texans clashed with occupation forces, the precipitating factor was the free Negro. Lum Kinchin, for example, "got sassy with George English" in the Snow Hill community of Titus County. George "promptly killed" the Negro, and when a Federal officer arrived to arrest English, the Texan shot the Yankee with his own pistol and rolled the body out of a saloon into the street.⁹ This incident is not a rare or isolated one. Even a cursory examination of the Texas Bureau files convinces one of the enormity of the racial factor in Reconstruction lawlessness. It can be argued, that slavery produced the potential hate, jealousy, envy, or ignorance among blacks and whites that emerged during occupation, but that some tragic combination of emotions did exist is irrefutable. Atrocities are well documented and include hundreds of detailed accounts of assaults on

1957), p. 18; Harris, "South as Seen by Travellers," p. 161. In Wortham, Texas, V, 70, it is admitted that Negroes suffered more from lawlessness than whites, but the author blames Radicals for inciting the criminal element. Coulter in South During Reconstruction, p. 117, contends "whites suffered more than Negroes" using Benjamin C. Truman's observations to prove army officers conspired to "make Texas crime appear racial and political."

⁹Traylor Russell, History of Titus County (Waco, 1965), p. 172.

Negroes. Whips, sticks, clubs, iron bars, canes, gun butts, knives, fists, and feet were applied to blacks, male, female, young, and old. Justifications for the beatings, hangings, rapes, and murders ranged from charges of unionism and laziness to discourtesy.¹⁰

W. C. Philips informed Throckmorton in December, 1866, that Negroes at Prairie Lea were daily threatened, shot at and whipped. One was beaten for addressing a white man (an old acquaintance of the Negro) as "Tom" rather than "Mas Tom." Captain Charles Rand at Marshall reported that "terrible violence" surrounded his post where troops kept some degree of order. Labor contracts were made "at the muzzle of a gun," and Bateman's gang robbed blacks and whites alike. Charles Hodges, said Rand, shot a black youth for failing to stand at attention, and the captain, speaking of a Negro teacher at Rusk, said: "I never expect to see him again."¹¹

Outrages against freedmen went virtually unpunished. General Abner Doubleday testified that: "I can not recall any case in which they [white officials at Galveston] have, of their own accord, arrested white men for committing outrages on black men." Some of the atrocities were blatantly

¹⁰One single file, number 23, of Record Group 105, N.A. includes accounts of all the crimes and weapons mentioned.

¹¹W. C. Philips, et. al., to Throckmorton, December 14, 1866, Throckmorton Papers; Report of Captain Charles Rand, February, 1867, R. G. 393, N.A.

sadistic. J. C. McCrary of McLennan County and Doctor Bell of Bosque County, assisted by a Dr. Irving of Bell County, castrated a Negro boy in Waco. The Bureau agent, A. F. Manning, who detailed the case for General Kiddoo, called on the local military to secure the jail, in which the accused were held, against a mob which threatened to release his prisoners.¹²

Military officers received little cooperation from civilians in apprehending whites accused of crimes against Negroes. Julius A. Robinson, Sheriff of Smith County, had a warrant for the arrest of George W. Chilton, who was accused of murdering a freedmen, but the accused was allowed to escape. Chilton was a prominent citizen of the area who had served in the Texas legislature and the secession convention before the war and who rose to the rank of colonel in the Confederate Army.¹³

Negroes were especially vulnerable during political crises. Lieutenant W. C. Peterson at Lockhart reported that a convention in that community, in January, 1868, to elect

¹²Doubleday requested headquarters to remove white policemen in Galveston for negligence. Report of General A. Doubleday, June 3, 1867, R.G. 393, N.A.; A.F. Manning to General J. G. Kiddoo, January 20, 1867, A.G.T.

¹³Lt. Gregory Barrett to Headquarters, May 27, 1868, R.G. 393, N.A.; McGraw, "Constitution of 1866," p. 223. Chilton was elected to the Eleventh Legislature and was a presidential elector in 1876. Handbook, I, 340.

a delegate to the constitutional convention was possible only after "great effort" by the military to protect Negroes who participated in the election. A year earlier threats against the registration board of Tarrant County and the shooting of freedmen there forced election officials to request Federal protection.¹⁴

Economic as well as political circumstances focused the attention of the lawless on the helpless freedmen. Thomas Holliman formerly belonged to Mark Holliman of Leon County. On Christmas Day, 1865, the freedman, working on shares for a Captain Cessna, received a sizeable portion of a crop of corn and cotton. In July, 1866, white men burned the freedman's cabin, shot his dog, burned another Negro's home and wounded the owner. The whites were identified as the son and nephews of Ed Burrow, Surveyor of Leon County, and the only reason given for the attack was "because[the] freedmen were[more] prosperous than any other plantation in[the] country."¹⁵

The Negro was also involved, in one way or another, with the emergence of many of the organized companies of brigands that roamed Texas in the late 1860's. The Bob Lee Gang which terrorized Grayson, Hunt, Collin, and Fannin

¹⁴Lt. W. C. Peterson to Lt. J. P. Richardson, June 23, 1868, R.G. 393, N.A.; Board of Registration, Tarrant County to Griffin, August 23, 1867, Pease Papers.

¹⁵Since Cessna was referred to as "captain" by the local Bureau agent it can be assumed that he was an ex-Union officer. Statement of Thomas Holliman and Fred W. Reinhard, to Lt. J. T. Kirkman, February 18, 1867, A.G.T.

Counties first attracted attention by destroying a United States flag at Bonham in 1866 before committing a number of murders and robberies. Lee was wanted for holding Negroes in bondage until July, 1866, when the desperadoes fought off a Federal detachment sent to arrest them for robbery of the United States mail. Survivors of this encounter, including Lee, joined the notorious outlaw gang led by Cullen Baker who was wanted, among other charges, for "firing thirty shots [into a house]. . . killing two persons (colored) and wounding two (colored)."¹⁶

White unionists were also prime targets. Jacob Weber warned Governor Pease in 1868 that the new state constitution should provide for "a good militia law, or the Union men will all be killed as soon as the soldiers leave Texas." Weber's prediction was proven accurate in a number of reports reaching military and civil officers. In Yorktown, where a large colony of Germans had settled, Frank Riedel and his father were slain, and Adolphus, Frank's brother, was shot in the face by Buck and Martin Taylor. The Riedels had served as privates in a New York cavalry regiment, and their murders, testified to by a number of prominent citizens, were

¹⁶Lt. H. E. Scott to Lt. C. Morse, March 12, 1868; Colonel N. B. M. McLaughlin to Lt. Colonel W. H. Wood, June 2, 1868, R.G. 393, N.A.

attributed to their unionism.¹⁷

The mayor of Goliad, A. W. Boatright, complained to Sheridan in early 1867 that returning rebels threatened the lives of all unionists in Goliad County. James Bishop of Bell County, who had served in the 2nd Texas Cavalry(Union), was arrested as a horse thief by a party of four men who acted without authority. Bishop was shot, and the two physicians who attended him were forced to seek Federal protection. The New York Times reported in October, 1868, that union men in Van Zandt County were forced to "sleep in the brush," and that entire families were migrating from northeast Texas to Arkansas.¹⁸

The general attack on unionists respected the safety of few. R. W. Seatt, an ex-jurist, pleaded with Griffin to send protection for him and other unionists, and two loyalist judges in the Jefferson area were ambushed in 1869. Hostility

¹⁷ Jacob Weber to A. M. Bryant, May 31, 1868, Pease Papers; Petition to Hamilton, March 7, 1866, Hamilton Papers; Lt. Albert A. Metzner to Col. W. H. Sinclair, September, 18, 1866, R.G. 393, N.A. A full account of another killing at Yorktown was submitted by five women of the community who described Buck and Martin Taylor as the killers. The women said they would expect no assistance from non-Germans of the area who enjoyed seeing the "Dutch catch hell." Petition to Dr. Theodore Hertsberg, November 1, 1867, R.G. 393, N.A.

¹⁸ A. W. Boatright to Sheridan, January 10, 1867, R.G. 393, N.A.; Lt. A. W. Evans to Adjutant, Post of Austin, April 2, 1867, A.G.T. New York Times, October 13, 1868.

for unionists and their Negro allies affected young as well as mature Texans. John Rankin, a thirteen-year old boy of Palestine, began a reign of terror as soon as troops left that town. He systematically fired into the homes of suspected families at Palestine and threatened the children of unionists. A white female teacher of freedmen suffered insults from a teen-age youth, and a mob broke the windows and sign of the United States Post Office in Palestine. Lawlessness generated by hostility toward unionists is undeniable, but many disreputable persons sought to gain support and protection from the military as self-styled loyalists.¹⁹

Presence of Federal troops inspired a considerable number of murders and assaults, but, judging by arrests and convictions, the army was seldom able to protect its own personnel. General Strong reported to the Joint Committee that Texans had seen so little of the war that contempt for the uniform in that state was more prevalent than elsewhere. He did find, however, that ex-Confederate soldiers with combat experience were generally more cooperative than others.²⁰ Federal officers and enlisted men were attacked often enough

¹⁹R. W. Seatt to Griffin, August 7, 1867, Pease Papers; Jefferson Radical, September 18, 1869; John H. Morrison to Reynolds, March 26, 1868, Pease Papers. Ramsdell, in Reconstruction in Texas, pp. 134-136, and Elliott, Leathercoat, pp. 150-152, provide substantial evidence that some outlaws posed as loyalists to gain strength in purely local contests which had little to do with Reconstruction politics.

²⁰R.J.C., IV, 37-38.

to have justified a much more stringent occupation policy. Corporal W. A. Hearse was one such victim. While filling a supply order for his commanding officer at Schultz's Store in Wharton the corporal was stabbed in the head by a civilian who was acquitted on a charge of assault. Still the "sheriff and a number of citizens with pistols said they would go over and clean the damn Yankees out." Hearse pled guilty to wounding his attacker and paid a \$5.00 fine.²¹ The county clerk of Rusk County reported to Sheridan that three discharged union soldiers were killed there, and only additional troops would provide a guarantee against future murders. Private Samuel Hargus of Company "K", 7th United States Cavalry (Colored) was murdered by Hays Taylor and Joseph Clarke at Indianola in January, 1867. The mayor of the town and two residents witnessed the crime, but no civil arrest or grand jury action was taken.²²

Military authorities often received detailed accounts, by Texans, of the murder of union troops. Such was the case of "one of the blackest crimes ever committed by any set of

²¹Statement of Corporal W. A. Hearse, August 14, 1867, R.G. 105, N.A.

²²Ulrich, "Military Mind," p. 171. The Hargus killing is a heretofore neglected but significant facet in the complicated story of South Texas' Sutton-Taylor Feud. Griffin to Throckmorton, January 21, 1867, Throckmorton Papers; Griffin to Throckmorton, January 21, 1867, A.G.T.

men since the formation of society" at Iron Mountain in 1867. T. D. Everett reported the murder of three soldiers whose bodies were thrown in a ditch with the approval of local residents. Everett named the assassins and claimed that he was the only person in the area (twenty miles south of Marshall) who left "Rebeldom" to join the United States Army. Only additional occupation forces, he said, would preclude subsequent murders.²³ Captain Sam C. Sloan at Millican reflected the same attitude: "Killing of a Yankee under any circumstances would inevitably be pronounced justifiable homicide by this community." United States soldiers at Round Top were threatened when they attended church. Lieutenant Henry Howe reported that several local rebels "threatened to kill all the damned Yankees" and "flourished a Revolver." The would-be assassins finally surrendered to civil authorities who levied fines of \$50.00 and \$100 and placed the troublemakers under \$500 bond for one year.²⁴

Lieutenant A. Larke, who was stationed at Helena, requested an escort of one non-commissioned officer and three privates to protect him during a twelve day leave in Indianola because of the probability of being attacked on

²³T. D. Everett to Griffin, March 26, 1867, R.G. 393, N.A.

²⁴Captain Sam C. Sloan to Major S. H. Lothrop, December 18, 1866; Lt. Henry Howe to Headquarters, May 2, 1867, R.G. 393, N.A.

the road. The New York Times carried an account of Captain Tremble, a veteran of an Illinois regiment, who was shot in Bowie County. After recuperation in New Orleans, Tremble returned with twenty cavalrymen to rescue his family, but Mrs. Tremble and her child had been forced to move to Arkansas. Tremble's Negro farm hands were bound and marched down a street lined with 300 "rebels" while a small Federal detachment stood by, powerless to intervene. Tremble's wife later died of "ill treatment."²⁵

As in the case of freedmen who were often involved in the exploits of organized bands of Texas desperadoes, Federal soldiers figured as potential targets for outlaws. Lt. Colonel H. B. Pease at Sulphur Springs reported that the "Baker and Bickerstaff Gang" had organized to attack his post and "wipe out the Yankees." Ben Bickerstaff later led a party which captured a government train, killing two troopers of the 6th Cavalry in the process. John Wesley Hardin and his cousin Simp Dixon began their careers as wanted men after killing Federal soldiers.²⁶

Enough evidence of reputable quality exists to indicate that attacks on Federal troops were not always without

²⁵Report of Lt. A. Larke, October 15, 1869, R.G. 393, N.A.; New York Times, January 28, 1867.

²⁶Lt. Colonel H. B. Pease to Captain James D. Brown, November 24, 1868; General George P. Buell to Lt. L. V. Caziarc, February 1, 1869, R.G. 393, N.A.; Thomas Ripley, They Died With Their Boots On (Garden City, 1935), xi.

provocation. Oran M. Roberts' son, Robert, was arrested in Jefferson for an "offense against an officer of the military post at Tyler." Roberts and two companions were charged with attempt to murder Lieutenant Gregory Barrett. The senior Roberts successfully defended his son in a trial which disclosed the indictment to have been exaggerated. Federal soldiers on occasion avenged their comrades. T. Crawley, a white trooper, was stabbed in August, 1867, in Smith County by J. H. Murray, described as a "rebel." Murray was placed under arrest by the local Bureau agent, and on the same day "taken out of jail by a party of soldiers and killed."²⁷

On balance, however, the military appears to have exercised restraint considering the well-documented hostility, both overt and covert, toward the presence of occupation troops. Governor Pease in March, 1868, remarked that when troops were guilty of criminal action or provocative behavior they should be disciplined. A conflict between soldiers and civilians in Gonzales, however, convinced him that military personnel tried in civil courts would require

²⁷Bailey, "Life of O. M. Roberts," pp. 191-193; Case of J. H. Murray, August 15, 1867, Felonies Committed in the Fifth Military District, R.G. 393, N.A.

protection:

If this is not done their lives will be sacrificed . . . I believe there are few counties in the State where at this time the civil authorities alone can protect the lives of United States soldiers from the violence of a mob. . . .²⁸

The degree to which lawlessness was an organized activity is debatable, but the existence of the Ku Klux Klan and similar societies is undeniable. General Stanley's report to the Joint Committee covered late 1865, and he found no secret organizations. One rebel officer from Alabama, said Stanley, had come to Texas advocating continuation of some type of "war organization."²⁹ The Texas Klan began operations later and was more diverse than in the Cis-Mississippi. Several varieties of Klan-like societies operated to counter the activity of the Union League.³⁰ Justification for Klan action was common to contemporary as well as more recent accounts. The Dallas Herald claimed in 1868 that the KKK was "simply a radical myth . . . the name for the last stages of political delirium tremens. It represents the snakes, scorpions and lizards of a diseased radical imagination."

²⁸E. M. Pease to Reynolds, March 9, 1868, R.G. 393, N.A.

²⁹R.J.C., IV, 43.

³⁰Ramsdell, Reconstruction in Texas, pp. 191-192, 232, Stanley F. Horn, Invisible Empire (Boston, 1939), pp. 284-286. Singletary in Negro Militia, p. 9, establishes 1868 as the initial phase of a "fierce wave of Ku Klux Klan activity" in Texas.

More recent observations include the terms "wonderful" and "beneficial" as descriptions for the organized reaction to political and social change. Most examples of this genre are highly generalized, but in one apology specific factors are given for the emergence of the East Texas Klan. Freedmen near San Augustine were reported to have driven white farmers off their land, and Lucius Garrett, a Negro, killed Jesse Burnett in the process. Harry Garrett, a black school teacher, then established a "military company" to preempt land surrounding the F. B. Sexton plantation. The Klan's birth in that section is dated to the suppression of this Negro conspiracy which had been "inflamed by Yankee emissaries."³¹

Details of such activity are scarce, but S. O. Young related his initiation into Houston's Klan organization which was known by a name other than Ku Klux. He named himself as one of the first eleven members, each of whom was given a number and was subject to mounted assignments in that city. He also gave the strength of the Houston organization as 300 and defended it against charges of illegal action. Collin County's Klan membership was perhaps

³¹Dallas Herald, May 9, 23; November 7, 1868. Examples of sympathetic works on Texas Klan activity are W. D. Wood, "The Ku Klux Klan," Southwestern Historical Quarterly, IX (April, 1906), 262-268; Tyler, Bell County, pp. 262-265; McKay, "Social Conditions," p. 34. The San Augustine affair is found in George Louis Crockett, Two Centuries in East Texas, A History of San Augustine County and Surrounding Territory (Dallas, 1932), pp. 346-348.

200, according to Stambaugh, who offers details of its charter contents. Negroes in Titus County were harassed by the Klan until 1900 when the society had successfully driven many blacks off the land.³²

Contemporary military records leave little doubt as to the existence of organized lawlessness. Both Howard and Reynolds supplied Congress with evidence of "armed bands, styling themselves Ku-Klux, etc., which . . . practiced barbarous cruelties upon the freedmen." Negroes, unionists, and military personnel, particularly east of the Trinity River, were described in their accounts as virtually without power to protect themselves against concerted Klan attack.³³ Such conclusions were based on reports reaching Governor Pease and the Fifth District Headquarters. Colonel Brown, a Bureau agent in Kaufman County, was (in September, 1868) in "perilous condition," menaced and chased from his farm by Ku Klux and secessionist leagues. Democrats there gave Negroes who cooperated a pass guaranteeing their safety. In July, 1868, the courthouse door at Brenham was, according to C. M. Wilson, graced with a warning: "Registers and officers by appointment are now relieved. Look to your

³²Young, True Stories of Houston, pp. 13-14. Colonel Jones, Major Crank, and Captain Evans are named by Young who pointed out that General C. C. Beavens, a Catholic, was offered a number but did not participate. Stambaugh, A History of Collin County, p. 74; Russell, Titus County, p. 193.

³³Senate Reports, 42nd Congress, 2nd Session, No. 41, pp. 21, 68-69.

safety where the wool grows," and a local Union League officer received threatening letters signed "spy."³⁴

A Bureau officer in Jefferson reported in July, 1868, that "the killing goes bravely on." Each morning the question was posed of how many were killed the night before. Freedmen were afraid to testify, and those who refused to join the Democratic Club lost their jobs. Ten men "armed to the teeth [rode] into town every night." The agent, whose life was threatened, slept away from home since the Klan, during the day, "surveyed" the abodes of those scheduled to be attacked at night. These tactics were successful, and within a period of three years Negro-Republican political activity had been substantially reduced leaving the Democrats with an ever-increasing political majority.³⁵

The aspect of lawlessness during Texas military occupation that presents the most complicated set of circumstances is that of local animosities which, during Reconstruction, were compounded by the issues of freedmen's rights, economic

³⁴J. H. Fowler to Pease, September 19, 1868; C. M. Wilson, to Mr. Constant, July 22, 1868, Pease Papers. A detailed and useful report on the Knights of the Rising Sun (a "white-negro conspiracy to undo law and order") is found in Judge Advocate General's Records, Case PP629, Exhibit "N", National Archives, Washington (hereafter cited as J.A.G., N.A.).

³⁵D. C. to A. Grigsby, July 10, 1868, R.G. 105, N.A.; Allen, Reconstruction, p. 197; Henry Wilson, History of the Rise and Fall of the Slave Power in America, 3 vols. (New York, 1877), III, 644-645.

difficulties, and the military presence. The feuding era of Texas coincides with Federal occupation and the regime of E. J. Davis which followed, and vestiges of the half dozen major feuds are encountered a century later. Any one of the numerous feuds would yield a set of causes in which genealogy, economic competition, and Reconstruction politics merge in an almost inextricable combination of events which, when simply described, yield authenticity to the saga of the Wild West.

The Sutton-Taylor Feud was the most complex of the vendettas. Histories of the subject depict members of the Taylor faction (descendants of DeWitt County pioneers) as victims of a military ban growing out of a clash with occupation troops. Sutton adherents, on the other hand, found in the military and later Davis governments an opportune alliance. Whether the ensuing family disagreement originated years before in the older southern states remains to be proven, but Reconstruction politics was fundamental to the feud. Those who participated as law officers represented old families who, to one degree or another, accommodated themselves temporarily to military occupation and the Davis militia that followed, but they demonstrated no sympathy with Reconstruction social goals. To assume that Sheriff and Police Officer Jack Helm and William Sutton or their

counterparts Hays, "Doughboy", William, and James Taylor (and their kinsman and ally John Wesley Hardin) were in the least interested in social reform would be to overlook the fact that both factions contained leaders whose reputations as "nigger killers" were well known. The Sutton-Taylor Vendetta is illustrative too (in the case of Sheriff Jack Helm and Special Officer C. S. Bell, a former union spy) of the close connection between military-appointed and supported law officers, Davis State Police, and local antagonisms which pre-dated Reconstruction. This particular feud, once its intricacies are fully unraveled from Fifth Military District records, which are the major and heretofore neglected sources, will illuminate the relationship between federal occupation, general lawlessness, the "feud" era, and celebrated individuals like John Wesley Hardin, Jim Cox, the Taylor clan, Bill Sutton, and others whose careers are still fundamentally isolated from the context of military occupation.³⁶

Military officers responsible for keeping the peace received little support from the Conservative Texas press, and on occasion editors themselves incited lawlessness.

³⁶Fifth Military District criminal files previously cited would contribute to the voluminous feud literature since it was that jurisdiction and not state records which yielded the details of feuding crimes during 1867-1870. See bibliography for the works on Texas feuds.

Some Republican editors did assist occupation authorities, but their numbers were so small and their relations in the respective communities so tenuous, that only the most courageous could afford to be identified with Reconstruction policy. W. B. Moore, editor of the San Antonio Express, asked, in correspondence to the military commander in that city, not to be identified as the author of seven articles relating to the criminal element which kept the western counties in turmoil.³⁷ Judge G. T. Garland's Jefferson Radical and the Tyler Index were less influential in East Texas than the conservative Clarksville Standard Times and Republican, Harrison Flag, and Paris Press, though the radical Jefferson paper did on occasion get some editorial support from the New Orleans Tribune and Houston Union. Garland's paper consistently supported Reynolds in attempts to bring criminals to trial though the editor was well-known as a "Carpet-Toter."³⁸

Governor Pease and Reynolds received appeals to support the radical press and to force conservative editors to support the military's quest for law and order. R. Peterson,

³⁷The W. B. Moore correspondence to General Mason in San Antonio reveals serious and uncontrollable violence in the counties along the southwestern frontier. The Moore letters are scattered in Letters Received, 1868, R.G. 393, N.A.

³⁸Jefferson Radical, August 11; September 18, 1869.

a lawyer and printer from Cleveland, Ohio, advocated "impartial suffrage." He asked Pease to endorse the goal of raising a \$1,000 loan to print and distribute the "Vindicator," a paper "devoted to Woman's Rights and Republican Ideas." Reynolds was admonished by the Constitutional Convention of 1868 to arrest editors (a certain Gillespie in particular) who advocated lawlessness and assassination.³⁹ But the military's most positive contribution in regard to the Texas press was exerting pressure on a few editors who undermined the activity of Bureau operations rather than underwriting the few Republican newspapers which suffered from the schism in the Texas party.

Judged against the dictates of General Orders 100, military reaction to widespread lawlessness was measured, cautious, and even generous. In that standing guideline for occupation troops it was stated that "If . . . the people of a country or any portion of the same, already occupied by an army, rise against it, they are violators of the laws of war and are not entitled to their protection."⁴⁰

Even had Federal troops been numerous enough to adequately patrol Texas, the presence of uniformed soldiers would probably have worked to the benefit of outlaws whose

³⁹R. Peterson to Pease, August, 1867, Pease Papers; Ramsdell, Reconstruction in Texas, p. 225.

⁴⁰O.R., III, 3, 154.

knowledge of the terrain and flexibility of operation as opposed to cavalry patrols placed the military at a disadvantage. Occupation officers performed as best they could under the conditions, ordering patrols which were seldom successful in apprehending criminals and then turning to the bounty system and sanction of vigilante units.

After an initial attempt to fulfill numerous requests for troops as law enforcement officers, Pease and Reynolds resorted to methods less direct. Special Orders 36, September, 1868, provided amnesty for outlaw parties in Freestone County who had been charged with assault to kill. In several counties special taxes (one-fifth of one percent on property) were levied to finance the arrest and confinement of prisoners.⁴¹ In some cases the bounty system attracted civilians who would otherwise not have cooperated with the military; rewards produced results where uniformed patrols failed.

Lieutenant James H. Sands of the 6th Cavalry led a party from Pilot Grove to Sulphur Springs in early September, 1868, to relieve that town from seige by Ben Bickerstaff's outlaws. Sands' men were so outnumbered that his mission failed, and Bickerstaff was free for another six months until killed for

⁴¹Special Orders 36, September 19, 1868; Special Orders 6 (August 15, 1868); 8 (August 18, 1868); 10 (August 20, 1868), Ainsworth, G.O., N.A.

reward by citizens of Alvarado who donated the money to a county school fund.⁴² Cullen Baker suffered a similar fate. The outlaw's support in northeast Texas collapsed in November, 1868, when he violated a pledge to exempt from his raids those who denied assistance to Federal troops. A \$1,000 reward proved more effective than soldiers, and Baker was killed by civilians, among whom was a relative, operating under cavalry auspices.⁴³

Authorization of rewards did not relieve occupation troops of the necessity of patrols, for, in order to be effective, vigilantes required support from state and Federal authorities. A \$1,000 reward for the murders of Captain George Haller brought three officers, three non-commissioned officers, and twenty-six cavalrymen to Cameron, the site of the crime. Fifty rounds of ammunition per trooper and rations for twenty days were thought sufficient to fulfill the orders supplementing the reward. The troops were ordered to locate Haller's body, distribute 900 copies of the bounty notice, post printed material (read it to the

⁴²Pfanz, "Soldiering," pp. 582-585.

⁴³The following federal records offer details on the Baker gang. Major S. H. Starr to Lt. C. E. Morse, November 8, 1867; Captain James Brown to Lt. C. E. Morse, November 6, 1868; General G. P. Buell to Headquarters, December 24, 29, 1868; January 7, 14, 1869, R.G. 393, N.A. Baker's career is sketched in Handbook, I, 98.

"uneducated"), and cooperate in arresting the criminals.⁴⁴

The use of civilian parties in the apprehension of desperadoes might appear to support Throckmorton's position that ranger companies were the only answer to lawlessness, and recognition of the need for civilian assistance required only a year's experience. The major differences between the governor's requests for civilian companies and the final determination to use such units were two. First, Throckmorton suggested permanently recruited, federally financed units. Secondly, such units, recruited under Presidential Reconstruction, would undoubtedly have been from the ranks of reliable Conservatives. For financial and political reasons his proposals were rejected, but within a short time temporary, civilian vigilance parties were authorized to range on an emergency basis with reward, short terms, and low pay as incentives. This system was used throughout military Reconstruction of Texas, and many who served under these terms were later associated with the State Police when that organization was provided for by the Thirteenth Legislature during the Davis Regime.

Major John S. Mason at San Antonio recommended "frontier men" as law enforcers in February, 1868. Since they knew

⁴⁴Colonel L. P. Graham to Captain O'Connell, July 11, 1869, R.G. 393, N.A. Reward proclamations for numerous criminals are found in R.B., Nos. 281-283.

the country and the people, Mason felt their services to be superior to uniformed military units. The Constitutional Convention of 1868 agreed with Major Mason and proposed similar recruitment to Reynolds with the result that Conservatives objected to such forces as political tools of Texas Radicals. General Orders 75 of April 15, 1869, authorized frontier post commanders, and the authorities at Greenville, to enroll citizens in twenty-five man detachments commanded by "captains" chosen by local Federal officers. Forage, arms, and ammunition were supplied by the national government, but recruits brought their personal horses into the service.⁴⁵

An example of this military-supported, civilian-manned enforcement procedure was the recruitment of ten citizens in April, 1869, to arrest the murderers (P. G. "Doughboy" Taylor, J. Hays Taylor, and R. W. Spencer) of Major Thompson and Sergeant Hugh McDougall at Mason, Texas. Each of the ten recruits drew \$2.50 per day for thirty days, and under orders from Reynolds the \$500 reward would be divided among those responsible for the arrest or death of the three outlaws. A year later another authorization pursuant of the same purpose put Joseph Tumlinson in the field at the head of a party

⁴⁵Major John S. Mason to Lt. C. E. Morse, February 12, 1868, R.G. 393, N.A.; Ramsdell, Reconstruction in Texas, pp. 217-219; General Orders 75, April 15, 1869, Crimmins Collection.

dedicated to arresting the same men. Orders for these ranging parties were distributed to sheriffs of a number of counties and provided for coordinated action. Sheriffs, civilian captains, and military personnel were instructed: "You will not when in pursuit of criminals regard county lines."⁴⁶

The evolution of civilian ranging companies under military Reconstruction is significant because some of the personnel of those units served both in Davis' State Police and the Texas Rangers when that enforcement body was restored after 1873. Governor Richard Coke, who succeeded E. J. Davis, was compelled to employ essentially the same tactics as his predecessor, and political considerations of the federally sponsored parties, State Police, and Rangers reveal intriguing nuances touching local communities, state administration, and the Republican Party in Texas.⁴⁷

⁴⁶When the Sutton-Taylor Feud is researched carefully these military orders will illuminate heretofore neglected aspects of this bloody series of events that covered a half dozen counties of southwest Texas. The initial call for citizen forces to pursue the Taylors is found in Letters Received, Austin, Book 369, p. 305, R.G. 393, N.A.; Captain George H. Crossman to Sheriff, Refugio County, February 4, 1870; Lt. Commanding at Helena to William F. Elder, Karnes County, March 24, 1870, R.G. 393, N.A.

⁴⁷Unpublished correspondence between Republican Senator Bolivar Jackson Pridgen and Ranger Captain L. H. McNelly will at some future date assist in clarification of the political aspects of law enforcement organizations of this period. Bolivar Jackson Pridgen Letters, in the possession of Harry Pridgen, Grapeland, Texas.

Military reaction to lawlessness is most clearly reflected in specific communities where sufficient data is available to determine whether or not local commanders abused their prerogatives or the civilian population. Under General Orders 100 military commanders in occupation of defeated territory were authorized to throw "the burden of the war . . . on the disloyal citizens . . . subjecting them to a stricter police than the non-combatant enemies. . . ,"⁴⁸ and to "expel, transfer, imprison or fine the revolted citizens who refuse to pledge themselves anew as citizens obedient to the law and loyal to the government."⁴⁸ Strictly enforced, this directive would have led to virtually unlimited military power, which was a common charge against occupation forces. A Bell County historian states:

All business of the county was under the immediate direction of the military. . . . A little captain or lieutenant of the United States Army . . . directed the . . . county affairs. [Officers]. . . busied themselves with registrations, elections, freedmen's bureaus, loyal leagues, running down and arresting enemies. . . .⁴⁹

But critical periods are seldom as transparent as this description would indicate. The philosophy of an Austin staff officer demonstrates that neither General Orders 100 or Reconstruction mythology offer a clear picture of military administration.

⁴⁸O.R., III, 3, 164.

⁴⁹Tyler, Bell County, p. 261.

Lieutenant L. Whitney writing to a civilian in Brenham suggested that

Individual, personal and family interests must be disregarded, and every one act in harmony, with a long pull, a strong pull, and a pull together, until this is done there will be more or less turmoil and strife. . . . Let everyone labor earnestly, honestly, and faithfully for the public good.⁵⁰

Several examples of prolonged hostility between civilians and military personnel lead to the conclusion that Whitney's plea for cooperation was more often accepted by the occupation troops than by civilians and that soldiers were only rarely motivated by revenge or desire for punishment. Military justice, as applied in northeast Texas (where several cases of politically or racially induced murder occurred), reveals the degree to which Federal officers adhered to due process as opposed to arbitrary or unusual legal procedure. Jefferson was a major economic and social center of the ~~northeast~~ section of the state during the 1870's. With a population of 15,000,⁵¹ a large number of freedmen, and continual occupation during Congressional Reconstruction, its criminal activity received nation-wide publicity. Serious encounters between civilians and occupation forces began at Jefferson in May, 1867, when a Negro, Rough Alexander, was called from his bed and shot by

⁵⁰ Lt. J. Whitney to Gustave, June 17, 1869, R.G. 393, N.A.

⁵¹ McKay, "Social Conditions," p. 39.

Hugh Freeman, against whom sufficient evidence was collected to convince local authorities of his guilt. Peace Justice J. C. Jones issued warrants for the arrest of Freeman and John Sheppard, who was also involved, but Deputy Sheriff John L. Whitmore and Constable L. H. Wright refused to execute the documents. Lieutenant Stanton Weaver, who reported the delinquency, had promised military support. A patrol of soldiers failed to capture the accused men, though assisted from Marshall by another unit. Weaver suggested that the civil law officers be removed from their posts (this was done in June, 1867) and informed his superiors that "the rough class, which greatly predominates here rejoice at seeing justice foiled. . . ." ⁵²

Much more serious was the political assassination of George W. Smith. Smith was a former Federal captain from New York, a constitutional convention delegate, and officer of the Union League in Jefferson. The San Antonio Express described him as a non-smoking, non-drinking Christian dedicated to peaceful change. Smith and C. Caldwell arranged to deliver a public address at military headquarters on October 2, 1868. Caldwell, sensing the temper of the crowd, advised Smith (who had already been threatened), not to speak.

⁵² House Executive Documents, 40th Congress, 1st Session, No. 20, pp. 100-103; House Executive Documents, 40th Congress, 2nd Session, No. 342, p. 168.

The suggestion was rejected, Smith spoke, and an altercation resulted in his voluntary confinement, along with several Negro witnesses, in the local jail under military protection. Smith and four freedmen were later taken from jail, after Federal troops were overpowered, and murdered on October 4.⁵³

The number of men involved in the killing was reported at from 200 to 500. The Houston Telegraph contended the killings were "normal lawlessness" without political motivation, but a military commission was appointed to try the case which came to President Johnson's attention through the efforts of R. W. Loughery, editor of the Jefferson Times. Correspondence from the Chief Executive to the War Department ultimately reached Austin where military authorities determined to hold court in Jefferson.⁵⁴ Thirty-five suspects

⁵³The San Antonio Express blamed Captain Curtis who was charged with Smith's protection. San Antonio Express, December 19, 1868. N. V. Board of Marshall agreed, and, in a letter to Governor Pease, said that the officer worked too closely with "our Little Pin Hook Editor Loughery" (of the Jefferson Times). Board related that his "Reb worshippers gave him a large Fandango" at the Haywood House. N. V. Board to Pease, October 13, 1868, Pease Papers. Details of the murder are found (in addition to official court records) in San Antonio Express, December 25, 1868; Jefferson Radical, August 11, 1869; New York Times, October 25, 1868.

⁵⁴Criminal Offenses in Texas, 1865-1868, Vol. 13, p. 181, R.G. 105, N.A. The Crimmins Collection contains letters and telegrams relating to the Smith murder. General Buell at first recommended change of venue for fear that witnesses would be afraid to testify. He reconsidered when one white and a freedman involved in the killing offered to give evidence. General G. P. Buell to Lt. L. V. Caziarc, January 15, February 10, 1869, R.G. 393, N.A.

were arrested and twenty-five men, including two freedmen, were tried in a lengthy inquiry that revealed the membership and purposes of the local Knights of the Rising Sun. Three were found guilty of murder and given life sentences; three others received four year terms at the state prison for conspiracy.⁵⁵

Adverse criticism of the military administration's procedure in the Smith case would be contrary to the traditional manner in which the trial was conducted. Based on the evidence presented, the sentences appear judicious. This does not excuse the tragic accident reported in Jefferson by Buell who, in January, 1869, gave a full account of the fatal shooting of a "Mr. Perry." The military had hired Detective Bostwick who, with uniformed soldiers, conducted a city patrol of Jefferson. Perry, refusing to heed an order to halt, was killed by accident during the Smith crisis. Buell described Perry as "a good man whose death is regretted by everyone."⁵⁶

The issue of maintaining order was complicated by the fact that some military units contributed to the basic hostility of Texans. At Victoria, on the military route from the port of Indianola to San Antonio, Federal officers

⁵⁵The most damaging evidence was Exhibit "L" in which the prosecution proved civilians to have forced Federal troops to desert their posts. The entire court record is found in Records of the Judge Advocate General, General Courts Martials, Case PP 629, Boxes 1569-1572, N.A. Sentences were announced in the Dallas Herald, November 6, 1869.

⁵⁶General G. P. Buell to Headquarters, January 4, 1869, R.G. 393, N.A.

acquitted themselves reasonably well in a series of events involving Negro troops and civilians who exaggerated the effects of their presence. The death of a white policeman on December 16, 1866, was attributed to three soldiers of the 38th Regiment of United States Colored Troops, whose guilt was proven after they were arrested by military authority. Complaints were also registered accusing 400 recently enrolled members of the 38th and 26th Regiments of burning fence rails along the east side of the Guadalupe River. Captain Miller had no success in an attempt to discipline these units who "would have taken the best disciplinarian in the army to control them."⁵⁷

That these colored recruits lacked the discipline required of occupation troops was fully admitted, but as in many such instances there was some provocation for their action. One group of 200 Negro recruits passed through Victoria where a complaint, by a Mrs. Oliver that the troops had insulted her, evoked an investigation reaching all along the chain of military command. The results of an inquiry into the complaint revealed the troops had been given whiskey and that "pistols and knives were drawn on them." Others

⁵⁷ Felonies Committed, Vol. 109, R.G. 393, N.A.; Captain Edward Miller to Kiddoo, January 4, 8, 1867, R.G. 393, N.A. Other remarks on the lack of discipline in the 35th Regiment is found in Lt. Phénias Stevens to Lt. A. H. M. Taylor, March 29, April 18, 1867, R.G. 393, N.A. Stevens described his men as untrustworthy "under any circumstance." Company "H" was particularly unruly, stealing "everything they can get their hands on to sell for whiskey."

were invited to desert to take up jobs in the community.

The woman's husband, on close questioning, admitted the charge had been inspired by "about 300 people [who] had been to his house and asked him to do it." The insult was the reaction of troops who responded to "very insulting language [used] toward the colored soldiers," and "no violence occurred on either side."⁵⁸

Though Victoria was hardly "terrorized by its garrison,"⁵⁹ two officers there left questionable records as occupation administrators. Captain Spaulding's troops reportedly released freedmen from jail, and Colonel Benjamin F. Hill, formerly Adjutant General of Texas, was murdered awaiting trial for the killing of a union veteran. General Heintzelman was "satisfied that many illegal and unlawful acts [were] . . . committed by Capt. Spaulding's command," and the local commander was subsequently transferred by Sheridan. Colonel I. T. Rose, who also commanded at Victoria, is remembered in local literature as a "veritable czar on a small scale"

⁵⁸ Statement of Captain George Everett, January 3, 1867, A.G.T.; Lt. Colonel S. D. Sturgis to Throckmorton, January 3, 6, 1867, Throckmorton Papers. Sturgis, commanding the 6th Cavalry in Austin, investigated the Oliver case and told Throckmorton there were "two sides" to the story. He contended Victorians should "expect to bear the consequences" of their provocation and refused to reroute his troops while at the same time ordering Everett to guarantee "no outrage or molestation . . . be offered to his Mr. Oliver's family or property."

⁵⁹ Henry, Story of Reconstruction, p. 181.

for his altercation with Judge S. A. White, who was slightly wounded after drawing a knife in the officer's headquarters over the question of responsibility in the destruction of a pecan grove by Federal troops.⁶⁰

The burning of a portion of the town of Brenham received wide attention in contemporary and subsequent accounts of military occupation. Compared to official dispatches from the Fifth Military District, these accounts appear to be exaggerated attempts to indict colored soldiers as inherently disposed to lawlessness.⁶¹ Sheridan's investigation of the incident revealed that the arson centered on the fate of two soldiers of the 17th Infantry Regiment who were "wantonly shot at Brenham, Texas," on September 7, 1866. The victims were unarmed, and, to avenge the attack, some of their comrades broke into the Compton Store then set fire to several buildings. Sheridan's special investigator, Lt. Colonel C. E. Mason, discovered on arrival in Brenham that the garrison there was forced to build fieldworks around

⁶⁰Victoria's difficulties are found in C. Carsner's statement to Hamilton, November 21, 1865; Statement of H. E. Bradford to Hamilton, November 21, 1865, Hamilton Papers. Also see John J. Linn, Reminiscences of Fifty Years in Texas (Austin, 1935), p. 361; Elliot, Leathercoat, pp. 152-153; Robert W. Shook, "Military Activities in Victoria," Texana, III (Winter, 1965), 346-352.

⁶¹Henry, Story of Reconstruction, p. 180; Avary, Dixie After the War, p. 142. The North received news of the arson in the New York Times, October 5, 1866. Pfanz in "Soldiering," p. 459, gives some details.

camp to guard against attack by a citizens committee which guarded the town, prohibited troop movement, and threatened the Federal garrison. Writs were issued for the arrest of Major Smith, the local commander, and four soldiers whom Mason considered innocent. A personal visit by Sheridan provided Grant with the conclusion that the extent of the fire was exaggerated, but that Federal soldiers were guilty. Sheridan promised: "If the guilty parties are found[they had deserted,] I will not screen them."⁶²

Indianola had its share of complaints regarding Negro troops and lawlessness, but again the full details reveal a mixed picture of abuse and responsibility. Colored troops drove off hogs, wasted precious cistern water, and threatened local whites who requested their punishment. Measures were taken to guarantee against recurrence of property destruction, and white officers admitted that serving with Negroes was "not to their liking, but they had been educated for the army." Miss Euroda Moore, a long time resident of the port

⁶²Sheridan to Grant, September 20, 21, 22; October 1, 1866, Grant Papers. Sheridan said that "one small square of houses separate from any others, about one hundred and fifty feet front by sixty feet deep was burned." In Elliott, Leathercoat, pp. 153-155, it is stated that "the fairest portion of the west side of the square had been destroyed," and that Mason's investigation was an attempt to "conceal the facts." Sheridan had Grant's permission to dispatch troops from Austin or San Antonio. "If arms are used against peaceable soldiers disarm citizens." Grant to Sheridan, September 21, 1866, Grant Papers.

city, reported a Yankee captain who threatened her father, an incident which brought the demotion of the officer,⁶³

An encounter between Federals and civilians at Navasota demonstrated an unusual degree of cooperation in a criminal case that might well have resulted in bloodshed. Lieutenant William A. Sutherland, with a small number of troops, conducted an investigation into the murder of Federal soldiers at Navasota, where he asked questions of the suspect's father-in-law and wife, both of whom proved cooperative. Leaving their home, the lieutenant encountered some forty armed men assembled in what appeared to be a menacing formation. Sutherland ordered the civilians to lay down their weapons and claim them later at the local Bureau office. "In this action I exceeded my orders," he said, but there was no alternative. No patrols were organized, only sentries posted, and Police Chief Lyons suggested that civilians remain at home to avoid a confrontation. The only exception to this otherwise peaceful compromise was the boast of the editor of the Navasota Ranger that he could raise "enough men to cut up" the Federal squad.⁶⁴

⁶³ Indianola Scrapbook, compiled by George H. French (Victoria, 1936), pp. 111-112.

⁶⁴ Lt. William A. Sutherland to Lt. Thomas G. Froxel, March 23, 1867, A.G.T. Further compliments on the behavior of the troops was offered by Peace Justice E. D. Johnson who related to Throckmorton that he "saw nothing unbecoming a soldier or a gentleman" during the investigation. Lancaster, the editor, said Johnson was a "dissipated, fractious man." E. D. Johnson to Throckmorton, April 27, 1867, Throckmorton Papers.

Federal troops at Millican in July, 1868, offered their services to the white community in the suppression of a freedmen's uprising growing out of the lynching of a Negro. A gun battle between whites and blacks left five freedmen dead, and some 200 more in armed encampment at nearby Freedmansville. When the Bureau agent's efforts to reach a settlement failed, Captain Randlet and twenty Federals dispersed the Negroes, killing three, who continued to drill against the officers's orders.⁶⁵ Lawlessness in Corpus Christi and Marshall, in which Federal troops were involved, was likewise settled by officers who, after investigation, took action calculated to maintain order even though it required punishment of occupation soldiers.⁶⁶

Enough evidence exists to conclude that military occupation did provide opportunities for unprincipled and unpunished behavior on the part of Federal soldiers. The mysterious death of Mr. D. B. Bonfoey, wife of a federal revenue officer in Marshall, was such a case. Bonfoey's home was under guard, and his wife's death(a considerable

⁶⁵ Dallas Herald, July 25, 1868. The New York Times, July 30, 1868, estimated the rebellious freedmen at seventy-five rather than 200. A Negro registrar, Parson Brooks, allegedly led the freedmen. The figure 200 was perhaps the number of whites who arrived from Bryan to assist in guarding Millican.

⁶⁶ Dallas Herald, October 13, 1866; House Executive Documents, 40th Congress, 3rd Session, No. I, pp. 254-258.

sum of money was involved too) was never fully explained though two officers and two enlisted men were suspected of the murder.⁶⁷

One Federal officer's contribution to lawlessness was rewarded by swift and sure retribution. Captain Charles E. Culver, who served as Bureau agent at Springfield, in Limestone County, ordered all firearms to be surrendered to prevent disorder. William P. Stewart refused to heed the decree and Culver, with an orderly, attempted to arrest Stewart at his home. In the ensuing gun fight Stewart's wife was mortally wounded, Stewart shot twice, and the Federal soldiers killed. An investigation found the captain responsible for firing into the civilian's home without provocation, and his death was declared justifiable.⁶⁸

In Culver's case a clear breach of sound judgment occurred, but many complaints of Federal abuse were products of intense dislike for the Yankee. Lieutenant Redman wrote to his mother of the good manners of northern troops:

⁶⁷Howard T. Dimick, "The Bonfoey Case at Marshall," Southwestern Historical Quarterly, XLVIII(April, 1945), 469-483. Other references to the murder are found in R.J.C.; IV, 47; and Sallie M. Sentz, "Highlights of Early Harrison County," Southwestern Historical Quarterly, LXI(October, 1957), 240-256.

⁶⁸Dallas Herald, November 30, 1867; Ray A. Walter, A History of Limestone County(Austin, 1959), pp. 54-56.

Soldiers in nearly every case or place treat the citizens with courtesy and respect, while at the same time they are frowned upon by the ladies of every household. Ladies can do as they please and their insults are overlooked, but the men must walk a straight line.

Women and preachers were perhaps the most violent in their expressions of hostility for the conquerors.⁶⁹ Ladies in San Antonio found it unbearable to listen to the Federal chaplain there, and others in the same city refused to walk under the United States flag. These demonstrations were brought to the attention of the local commander, who ordered several members of the fair sex to listen to the "Star Spangled Banner" and "Yankee Doodle" while paying respects to the Colors.⁷⁰

If occupation troops expected that their duties in Texas provided them license for undisciplined behavior, their officers failed to fulfill that hope. Beginning in the summer of 1865, invasion forces learned of the determination to apply the "most stringent measures . . . to prevent the destruction of private property." A directive informed field commanders in south Texas that "officers and men must be made to understand that any damage done will be stopped against their pay."⁷¹ Strictures like this were not

⁶⁹W. H. Redman to Mother, February 13, 1866; Redman Papers; Rhodes, History of the United States, VI, 49.

⁷⁰Thomas North, Five Years in Texas (Cincinnati, 1861), pp. 187-188.

⁷¹O.R., I, 48, 2, 1085.

perfectly enforced, but Federal officers were punished for violations of orders and the policy of peaceful occupation. Lieutenant McClermont at Sterling, Texas, was relieved from that post for imposition of unauthorized fines on freedmen and confiscation of their weapons. Kiddoo ordered the Bureau agent at Sterling to correct the rumor that McClermont's violations resulted in arrest and assignment, in ball and chain, to street repair in Galveston.⁷² Enlisted men in that gulf port who broke the peace at Weinberg's Store were arrested and tried by civil authorities. Lieutenant James B. Moore, a Bureau agent at Seguin, was relieved from duty and mustered out of the service for embezzlement, gambling, and refusing to pay his bills.⁷³ A military surgeon, Dr. Wilman, was also reassigned. Investigation proved "he . . . [was] engaged in commercial business and his time almost entirely occupied with business not connected with his duties."⁷⁴

Punishment of various sorts was prescribed for officers and men who fell prey to the soldiers' bane, hard liquor.

⁷²General W. H. Sinclair to C. Carter, June 7, 1866, R.G. 105, N.A.

⁷³Pfanz, "Soldiering," pp. 456-457; 496; Case of Lieutenant James B. Moore, Letters Sent, 1865-1867, R.G. 105, N.A.

⁷⁴Captain James Biddle to Captain Charles E. Morse, May 25, 1869, R.G. 393, N.A. Punishment for violations involved such long confinement for enlisted men that General Robert C. Buchanan initiated a study aimed at the reform of military justice in the Fifth District. Foner, "U. S. Soldier," pp. 79, 84.

Local merchants were, at several posts, prohibited from selling spirits, but the orders appear to have been difficult to enforce. At Jefferson, Indianola, Helena, and Round Top, civilians were arrested and officers court martialed for violations. One private, John Hartz, was punished for selling his government-issue coat to buy five quarts of whiskey.⁷⁵

Notwithstanding the numerous violations of military discipline and civil order, Federal officers and soldiers received an impressive number of compliments and congratulations from Texans on the general demeanor of Yankee troops. As would be expected, the Jefferson Radical lavished praise on officers stationed in East Texas. The Senate of the Twelfth Legislature was complimentary of General George P. Buell, the post commander at Jefferson, and Republican Senator Bolivar J. Pridgen, a later critic of the State Police concurred in the commendation.⁷⁶ Even the Dallas Herald congratulated Reynolds on the selection of courteous officers and men for duty in that community. Petitions

⁷⁵ Lt. H. S. Howe to Headquarters, August 11, 1867; Lt. B. F. Graften to Commander at Jefferson, June 28, 1869; Captain George W. Crossman to Sheriff, Karnes County, March 19, 1870, R.G. 393, N.A.

⁷⁶ Jefferson Radical, August 11, 1869; Journal of the Senate, Twelfth Legislature, February 24, 1870. Pridgen's career is important in exposing the fallacy of a monolithic Republican Party dependent on military rule. Robert W. Shook, "Bolivar Jackson Pridgen," Texas Bar Journal, 28(April, 1965), 281-282, 320-321.

expressing the gratitude of local residents were also numerous. A score of the long-time citizens of Indianola gave General James Shaw of the 7th Regiment of United States Colored Troops their thanks for the "control and management of the troops under[his]charge . . . everything has been smooth and tranquil, even beyond our most sanguine hopes. . . ."77

Thirty-two Germans at Round Top lamented the transfer of their local commander, and 115 citizens of Caldwell County requested that two lieutenants working in that section be retained because of their excellent performance. R. H. Williams, who had considerable experience in the western counties, contended in his memoirs that "we certainly had no cause to complain of the treatment meted out to us by the Federal authorities." Williams pointed out that Texans received more consideration from occupation forces than was shown earlier to the unionists of the area by secessionists.⁷⁸

Examples of good relations between the military and civilians went beyond formalities. Fraternization between troops and local citizens brought both factions to a wider understanding of one another than has been previously

⁷⁷ Dallas Herald, August 29, 1868; Petition to General James Shaw, Jr., September 30, 1866, R.G. 393, N.A.

⁷⁸ Petition to Assistant Adjutant General, Austin, from Citizens at Round Top, May 13, 1867; Petition to J. J. Reynolds from Caldwell County, October 21, 1867, R.G. 393, N.A.; Williams, With the Border Ruffians, p. 406.

assumed. Indeed, the San Antonio Express discovered too much fraternization. The Radical paper concluded that Democrats catered to Federal officers to such degree that the practice became detrimental to law enforcement.⁷⁹

Lieutenant Redman's letters to relatives and friends in the North indicated complete satisfaction with social opportunities in Texas. "Texas[he said]is a great state." The Houston theatre kept him occupied on occasion until midnight. He told his mother after a Christmas celebration : "I have received an invitation from the city for New Year's Day and you may bet that I shall obey the summons." On January 29, 1866, he attended a "Union Party in Houston" where

The ladies . . . all boasted of being Young Texans and the gentlemen of being Union Officers. . . . Houston can produce as handsome and sociable ladies as I ever saw. . . . There are several in Houston who are fascinating and lovely indeed The girl that pulls her hat to the American Flag when surrounded by associates who scorn its presence, is the girl for me. Let me tell you there is such a young lady in Houston.

Redman was apparently fully occupied with the ladies of that city. Major Longholz, his regimental commander, had "a niece here, and if she was not so very duchie-inclined I might take a fancy to her. . . . Wish that I had studied German." He lamented to friends however: "I cannot speak German and cannot come inuwith the fair damsel." But the

⁷⁹San Antonio Express, December 16, 1868.

opportunities were sufficient, and he escorted a Miss Cotton to the theatre and remarked that "Cotton was King but now Uncle Sam's boys are all Kings. . . ." ⁸⁰

Once the initial shock of invasion subsided, young Texas females had little difficulty accepting the friendship of Federal soldiers. At Indianola they gave the "local boys rivalry for girls" some of whom married Federal officers. Lieutenant Tom Tolman, from Maine, served with the 6th Cavalry in Austin where he became seriously ill. Mrs. Eva Barret visited the Federal camp and took Tolman to her home where, under care, he recovered. Mrs. Barret's daughter, Corrine, at first refused even to assist her mother in nursing the lieutenant back to good health. But friendship developed into courtship and marriage, though some gossip surrounded the union. ⁸¹

A number of Federal officers and enlisted men remained in Texas to pursue business and social opportunities. Captain Samuel J. Block at Hempstead joined with three former Confederate colonels, one major, and three captains to organize

⁸⁰ W. H. Redman to Mother, December 26, 1865; to Sister, February 1, 1866; to Friends, April 15, 1866, Redman Papers.

⁸¹ Jesse Beryl Boozer, "The History of Indianola, Texas," unpublished master's thesis, Department of History, University of Texas, Austin, Texas, 1942, pp. 87-89. The story of Lieutenant Tolman is traced from the Indianola Scrapbook, pp. 48-53; Kate Green to Clara M. Brown, April 24, 1869, John Henry Brown Papers, University of Texas Archives, Austin, Texas.

the local Episcopal Church.⁸² Some like Captain T. J. Post purchased plantations, and others formed partnerships with ex-Confederates to farm or ranch on the Texas frontier. Redman's superior, Major Longholz, and five other officers from the same regiment bought farm land near Houston.⁸³

Even the duties of Bureau officers sometimes produced friendships. Leonard Waller Groce, the son of Texas pioneer Jared Groce, relied on the assistance of Captain Archer who "would decide on all differences" arising on the Liendo Plantation.⁸⁴ Comradeship developed too as a normal consequence of common interests, as in the case of cavalrymen at Indianola who swapped stories, played poker, raced horses, and drank with local citizens. A Christmas party at that port included a concert where "Yankee Doodle," "Dixie," and

⁸²Frank Mac D. Spindler, "The History of Hempstead and the Formation of Waller County, Texas," Southwestern Historical Quarterly, LXIII (January, 1960), 419.

⁸³Post's farm was in Washington County. Lt. B. J. Arnold settled at Brenham as a clerk and used Robert E. Lee's portrait to cement his local connections. Registration Book A, pp. 12-13, R.G. 393, N.A.; Harris, "South as Seen by Travellers," pp. 132-133; W. H. Redman to Friends, April 15, 1866; to Mother, March 12, 1866, Redman Papers. Redman encountered "a great many soldiers who have been lately mustered out . . . stopping in Houston and making money."

⁸⁴Leonard Waller Groce Diary, 1866-1867, University of Texas Archives, Austin, Texas. Groce's career and Reconstruction misfortunes are outlined in Handbook, I, 739.

"Home Sweet Home" were played by the 6th Cavalry's regimental band.⁸⁵

Weighed against much of the traditional legend of Texas Reconstruction, good relations between occupation forces and local residents appears unusual. But with the advantage of hindsight it should be expected. Except for their connection with unpopular social change, the presence of officers and men of the United States Army offered a wide range of social opportunities for Federal soldiers and Texans. Veterans of both armies had much in common. The young soldier and the Texas belle were attracted to one another, and the invasion and occupation created demands which assisted in the economic recovery of the state. Transportation, communications, agriculture, health and welfare, and frontier defense and development were all facets of Texas society which benefited from positive contributions of military occupation.

⁸⁵Indianola Scrapbook, pp. 51-52. An investigation of the membership rolls of the General David S. Stanley Circle, Ladies of the Grand Army of the Republic, Daughters of Union Veterans of the Civil War would yield interesting data on family relationships and politics. This particular chapter, named for the commander of the south central Texas invasion force, included members from a number of prominent families. Undated clipping, Woehl Collection, Victoria, Texas.

CHAPTER XIV

THE LEGACY OF MILITARY OCCUPATION

The Federal occupation and administration of Texas were operations so varied in scope that many facets of the state's economic life were affected. While political and social reforms touching the freedmen and unionists were at best temporary, some physical contributions of Reconstruction were of an immediately profitable and enduring nature. Certain aspects of the military presence which had long been provided the frontier were accepted by Texans. These services are seldom viewed within the framework of occupation though they provide some balance for the traditionally accepted occupation role of Federal soldiers.

Inadequate transportation and communication were of primary concern to Federal commanders throughout the period, and the national expenditure of money, labor, and management assisted in physical restoration during the 1870's. In early July, 1865, Granger made preparations to rebuild, in South Texas, rail facilities destroyed during the war. The East Texas invasion was a cavalry operation, and the penetration of the state along the Rio Grande was an isolated thrust.

But South Central Texas required improved facilities for reaching Austin and San Antonio. Granger informed John C. French, President of the San Antonio and Mexican Gulf Railway, that old connections at Indianola and Lavaca should be restored as rapidly as possible and with government assistance. Jesse O. Wheeler, Superintendent for the San Antonio and Mexican Gulf was instructed on July 4: "You are respectfully requested to cooperate with the officers directing these repairs, and to assist them with all means in your power."¹

The San Antonio and Mexican Gulf Railroad was dismantled by Confederate military orders in late 1862 when Federal forces threatened the Gulf Coast. The owners of the road were reportedly unionists, and, if the Constitutional Convention of 1868 was correct, its destruction was partly due to the political inclinations of the company officials. Jesse Obadiah Wheeler, from Rutland, Vermont, lost heavily from the Confederate order. His mercantile, political, and transportation interests (his were the first major attempts to navigate the Guadalupe River) were extensive and resulted in close connections with leading pioneer

¹O.R., I, 48, 2, 1040-1042, 1047. See Potts, Railroad Transportation in Texas, pp. 36-38 for railroad conditions by 1865.

families of South Texas.²

Federal authorities lost little time in restoring the road from Indianola which was scheduled to extend to San Antonio. Colonel H. W. Barry was ordered, on July 4, 1865, to assign a regiment, the 8th United States Colored Heavy Artillery, of "axemen and mechanics" to rebuild the road to Victoria in cooperation with the civilian owners. It was the responsibility of Lt. Colonel John C. Palfrey to assemble the necessary equipment and personnel for the operation, and he made an effort to collect axes, cedar logs for piles, railroad ties, carpenters, and planking. Iron work from the "bomb-proofing at the Confederate post of Fort Esperanza" was pressed into service, but material was scarce. Rather than the 60,000 board feet of lumber required, Palfrey acquired 6,000, and only ten axes were located among the Federal units. A conference with Wheeler and French on July 9 and 10 apparently resulted in more effective coordination of military and civilian efforts.³ Still the northern extension from Victoria did not begin until after military occupation had ended.

²For biographical data on John C. French and Jesse O. Wheeler see Rose, Victoria County, p. 212, and Roy Grimes, 300 Years in Victoria County (Victoria, 1868), pp. 508, 511, 520-522.

³O.R., I, 48, 2, 1046, 1054-1055. All surplus railroad iron and ties from the Houston-Galveston area were sent to Indianola in mid-July. O.R. I, 48, 2, 1078.

The need for communication between military posts necessitated a major effort to connect the more important communities by telegraph. Captain W. G. Fuller, with headquarters in New Orleans and agents in Galveston and Houston, repaired 725 miles of line from Houston to Hempstead, Brenham, La Grange, Bastrop, Austin, San Marcos, New Braunfels, and San Antonio. Additional lines were requested in February, 1868, by Hancock, who related to Grant the necessity to connect the frontier posts. In this instance lack of funds delayed improvements. The same project was recommended by Reynolds in October, 1869, and he suggested the work be done by federal troops.⁴

Other federally-constructed improvements were built to meet the needs of occupation forces and supplement existing transportation facilities. Bridges at Boca Chica, Hempstead, and Houston were completed in 1865.⁵ Demand for fresh water

⁴House Executive Documents, 39th Congress, 1st Session, No. 1, p. 540; Hancock to Grant, February 6, 1868; Grant Papers; Report of J. J. Reynolds, October 2, 1869, A.G.O., N.A. The Dallas Herald, while criticizing Reynolds' political action, complimented him on November 13, 1869, for planning a telegraph line from the Rio Grande to Red River. Reynolds asked only for the required wire. See also L. Tuffly Ellis, editor, "Lieutenant A. W. Greely's Report on the Installation of Military Telegraph Lines, 1875-1876," Southwestern Historical Quarterly, LXIX (July, 1965), 66-87.

⁵Pfanz, "Soldiering," p. 183. The reference to a federally-constructed bridge over White Oak Bayou is probably the Harris County stream rather than one of the same name in Northeast Texas since priority of the Hempstead Bridge delayed the construction. O.R., I, 48, 2, 1108; Handbook, II, 897-898.

left some Texas communities with improved sources. At Calvert, for example, a surface tank("Yankee Hole") was built under the direction of three federal officers, and it was used for some time after the removal of occupation troops.⁶

Texas presented the Federal medical corps with problems peculiar to the semi-tropical Gulf Coast, but occupation authorities made notable contributions to public health and sanitation. At Rockport and St. Mary's health officers were appointed under military orders. Their efforts to patrol the central portion of the coast with the schooner Paul Jones was intended to check the spread of the yellow fever epidemic of 1867. L. B. Camp, an exiled unionist and member of the Twelfth Legislature, received a commission as State Health Officer during 1867-1868.⁷ Special Orders 94, July 8, 1967, assigned the senior medical officer at Brazos Santiago as health officer for that port and Clarksville. The same directive established a fifteen day quarantine against yellow fever and cholera, and Reynolds arranged for naval assistance to enforce the measure.⁸ By June, 1868, quarantine procedures had become standardized and required

⁶Richard Denny Parker, Historical Recollections of Robertson County, Texas, edited by Nana Clement Parker(Salado, 1955), p. 46.

⁷Huson, Refugio, II, 127-128, 133.

⁸House Executive Documents, 40th Congress, 2nd Session, No. 342, p. 217.

of all vessels docking at Texas ports. Fifteen days was a normal period(during which time ships were fumigated), but for ships arriving from foreign ports of known contamination twenty-one days was specified.⁹ Reynolds reported in October, 1869, that appointments of health officers and quarantine procedures were required all along the coast, and that inspection of vessels was an established practice. These functions were primarily the responsibility of civil servants, with military support, and the authority for all such undertakings was carefully cited as Texas statutes of January, 1856.¹⁰

Texas benefited too from some direct medical services performed by occupation physicians. During the yellow fever epidemic of 1867, several doctors and nurses, black and white, performed relief functions at Alleyton. Some additional health service must have been made available by doctors who elected to remain in Texas after discharge. Henry Bower, an assistant surgeon for a colored regiment, Dr. W. Stevens, who made his home in Brazoria County, and other physicians took up residence in various communities.¹¹

⁹General Orders 19(May 1, 1868); 34(June 5, 1868), Ainsworth, G.O., N.A.

¹⁰General Orders 104, May 26, 1869; Report of General J. J. Reynolds, October 2, 1869, A.G.O., N.A.

¹¹N.B. Yard, President of the Howard Association, to Lt. Colonel Charles Garretson, September 30, 1867, R.G. 105, N.A.; Registration Book A, pp. 12-13, 72, R.G. 393, N.A.

Responsibilities of the Texas Freedmen's Bureau and the regular military led to restoration or construction of numerous physical facilities. Lieutenant William Rock, Bureau agent at Richmond, contracted for repair of the Colored Methodist Episcopal Church. The \$450.00 expenditure was justified by the dual purpose of the building, a church and school for freedmen. Rock's request for funds, his negotiation with civilians, and military supervision of the project, were duplicated in many communities and reveal the financial impact of Reconstruction expenditures. In addition to the physical construction at interior posts, road building and garrison repairs on the frontier channeled money into the state's economy.¹²

Agricultural rehabilitation was another occupation service. By 1867 shipments of seed appear to have been made on a regular basis from a congressional appropriation of \$50,000 for that purpose. Lieutenant James Hutchinson, Bureau agent at Columbia, received instructions from the Department of Agriculture to take special care of the shipment to his office, returning the mail bag, in which seeds were transported, to the local post office. Circular 2, May, 1867, required local boards of registrars to compile lists of

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Major General J. J. Reynolds to Lt. William Rock, February 4, 1868, R.G. 105, N.A. Much of the frontier construction was accomplished by Negro troops. Erwin W. Thompson, "The Negro Soldiers on the Frontier: A Fort Davis Case Study," Journal of the West, VII(April, 1968), 217-235.

persons available to act as agents of the Department to distribute seeds and plants in their jurisdiction.¹³

Soldiers were on occasion given duties, in addition to law enforcement, of a nature that assisted local governmental operations. John A. Richmond, tax assessor-collector for Hidalgo County, was placed in command of a non-commissioned officer and three men of the 9th Cavalry for a time sufficient to discharge his duties, and Judge Hardin Hart's Seventeenth District Court in Denton and surrounding counties was guaranteed military support in the form of eleven cavalrymen. Judge A. B. Norton of the Fifth District was likewise provided with a mounted squad to insure peaceful operation of his court in Hill County.¹⁴ Miscellaneous improvements in governmental operations included recommendations for additional qualified persons in the Texas Land Office and attention to more effective municipal administration. A group of Tyler citizens who had been given the option of municipal incorporation, opposed the plan fearing tax increases which,

¹³J. W. Stokes to Lt. James Hutchinson, June 5, 1867, R.G. 105, N.A.; House Executive Documents, 40th Congress, 2nd Session, No. 342, p. 162.

¹⁴Reynolds explained in Circular 15, May 12, 1867, and Circular 17, May 25, 1867, that Reconstruction invalidated only taxes levied during the war and that those levies not affected were to be paid. House Executive Documents, 40th Congress, 2nd Session, No. 342, pp. 203, 207-208; Special Orders 8 (August 18, 1868), 40 (September 24, 1868), Ainsworth, G.O., N.A.

according to their petition, were unnecessary in view of the law enforcement services offered by the local military unit.¹⁵

Some debtors and property owners too benefited from military occupation, though actions taken in their behalf were not as extensive as some complaints indicated necessary. Bolivar J. Pridgen of DeWitt County outlined for General Griffin an economic crisis in several South Texas counties in May, 1867. Pridgen testified that a stay law enacted by the Eleventh Legislature was ignored to the detriment of freedmen and whites. Most of the civil officers in his section of the state were "men whose qualifications for their various positions were estimated in proportion to their sympathy with or action . . . in, the late rebellion." Pridgen reported that the attorneys were secessionists who "ravenously seek the life's blood of what little of the country is left." With little money circulating, and the stay law disregarded, debtors' property at sheriffs' sales brought only one-fifth of its true value. The debtors, he said, had "fine crops and will pay when they get able." In the meantime "monied Shylocks and heartless old rebels . . . seek to collect money and leave for Mexico. . . ."

Pridgen's relative, Henderson McBride Pridgen agreed, and,

¹⁵ Jacob Kuechler to J. J. Reynolds, January 24, 1870, Kuechler Papers; Petition of Citizens of Tyler to Lt. Colonel R. M. Morris, August 18, 1869, R.G. 393, N.A.

admitting his former opposition to Federal occupation, he asked General Reynolds for assistance:

I have done all I could against the government. I am done. I am now with you. We need help . . . farmers are selling at 1/10 of land value around here. . . . Let me hear from you.¹⁶

James M. Baker reported similar circumstances in Gonzales where Judge J. J. Holt held court on cases of indebtedness. Baker complained to Throckmorton that one hundred executions for debt had been issued in his section, and sheriffs' sales had resulted in "ruinous prices." These accusations were registered against the Texas "Johnson" government by long-time residents of Texas, not carpetbaggers or Radicals. Baker was a Chief Justice from Gonzales County in 1846 and a native of South Carolina.¹⁷ While military administration accomplished less than perfect relief for debtors, the presence of Federal authority did evoke enough testimony to prove Presidential

¹⁶ B. J. Pridgen to Griffin, May 22, 1867, Throckmorton Papers; H. McBride Pridgen to Reynolds, April 18, 1868, R.G. 393, N.A. Both Pridgens were converts to Republicanism. Bolivar Jackson was a former slave owner and later Republican Senator. Colonel Henderson McBride Pridgen was an ante-bellum politician and Confederate officer in Whitfield's Legion. Murphree, DeWitt County, pp. 100-101; Rose, Victoria County, pp. 39-42. George Pridgen, a son of Bolivar Jackson, was a Republican Party leader for many years. Casdorff, Republican Party in Texas, p. 131; Murphree, DeWitt County, p. 100.

¹⁷ Murphree, DeWitt County, p. 63.

Reconstruction faulty and to provide some support for the more radical plan of economic Reconstruction espoused by Thaddeus Stevens. By the time General Order 139, August 9, 1869, was issued (it suspended debtors' sales until civil restoration) ex-Confederate officials had successfully deprived a large number of Texans of their property.¹⁸ It can be assumed that much or most of this was property owned by whites. Sheriffs' sales, when probed deeply, might illuminate the basis for many local hostilities of the 1870's which have been assumed to result from military occupation or State Police activity alone. The problem suggests that Texas Confederates on the home front may have exploited those who were absent during the war after which debts made them fair prey for creditors.

Some Texans who had enjoyed some economic independence before the war benefited from military occupation, and the desire to protect property owners may account for delinquency in protecting debtors.¹⁹ Grant instructed Sheridan in February, 1866, to insure the stockholders of the Buffalo Bayou, Brazos, and Colorado Railroad a fair share in the reorganization of their enterprise. Property endangered by

¹⁸ Jefferson Radical, September 18, 1869.

¹⁹ Morgan C. Hamilton asked for suspension of land sales in November, 1867, but Reynolds refused. M. C. Hamilton to Reynolds, November 14, 1867; Reynolds to M. C. Hamilton, November 15, 1867, Pease Papers.

Confederate laws, he said, should be protected and military possession of the road was not to be undertaken unless "absolutely necessary."²⁰ Mrs. Helen B. Chapman of Corpus Christi certainly benefited, as a dispossessed property owner, from military administration. John Dix, the local Bureau agent, reviewed evidence relating to Confederate confiscation of her property and, with Griffin's order to arrest those refusing to cooperate, effected full restoration.²¹

Considerable sums of money released by occupation authorities supplied Texans with much needed capital in both the interior and frontier communities. In 1867, over 150 civilians drew wages at Fort Richardson alone where carpenters and masons earned \$3.00 to \$5.00 per day. Federal troops assigned as helpers received forty cents a day in addition to their standard pay. The need for lumber and other materials provided increased earnings for merchants and saw mill operators as well as craftsmen.²² Over \$50,000 was expended in 1867 by the Bureau agents in the state, and newspapers of the period published notices in nearly every edition requesting supplies, especially fodder, for Federal troops. Much of the transportation necessary for troop

²⁰Grant to Sheridan, February 28, 1866, Grant Papers.

²¹House Executive Documents, 40th Congress, 2nd Session, No. 342, pp. 204-205.

²²Richardson, The Frontier of Northwest Texas, p. 272.

movement and special law enforcement forays was purchased locally. In September, 1868, \$2,350 was appropriated for repairs to the state capital, furniture, grounds improvement, and salaries.²³ The latter expenditures were state funds, but the dispersal was managed by accountable military officers.

Claims vouchers in both the Fifth Military District and Freedmen's Bureau files indicate large sums paid by officers to civilians for rent, board, and travel; such monies covered both permanent duty personnel and soldiers detached for Bureau duty. Brigadier General Charles H. Thompkins, who processed the vouchers in the New Orleans headquarters, contended that rent charged for billeting soldiers or for office space to accommodate Bureau agents was often 100 per cent above the cost of comparable charges in northern cities.²⁴ These records indicate that occupation was conducted without forced quartering and, indeed, at some profit to Texans. A consolidated "Report of Persons and Articles Hired" for November, 1868, listed 106 transactions, mostly rent for offices, schools, and teachers' salaries, totaling \$5,000. That rent in Texas was not inexpensive is revealed in General Abner Doubleday's request for lodging commensurate with his rank.

²³Report of General J. J. Reynolds for 1867, R. G. 105, N.A.; O.R., I, 48, 2, 1075; Special Orders 23, September 4, 1868, Ainsworth, G.O., N.A.

²⁴General Charles H. Thompkins to Colonel A. Nelson, January 14, 1867, A.G.O., N.A.

He asked for a sum of \$103.50 to cover one month's rent.²⁵

Federal occupation and its financial requirements provided economic opportunities for Texans, and some local citizens made the most of them. B. H. Epperson's correspondence contains letters and telegrams proving that few were averse to cooperation with the military if profit was involved. Fletcher S. Stockdale, Confederate Lieutenant Governor of Texas, and David Proctor, Stockdale's law partner, were anxious to sell a site they thought suitable for a United States depot, and they personally approached Reynolds to conclude the transaction. Relations between Colonel Gustav Schleicher, J. January, and General Joseph E. Johnston were at one time or another very close as owners or managers of the San Antonio, Mexican Gulf Railroad which received federal assistance.²⁶

Among the economic advantages offered during occupation was that of mail contracts. General Canby announced in September, 1865, that bids were open on all routes through Texas. He promised a "prudent advance upon the contract terms previous to the war" dependent upon endorsement by

²⁵ Box 23, R.G. 105, N.A., contains, as do others, a collection of receipts and vouchers, General Abner Doubleday to Headquarters, undated, R.G. 393, N.A.

²⁶ Stockdale and Proctor to Reynolds, May, 1868, R.G. 393, N.A.; Indianola Scrapbook, pp. 29-30. Stockdale's career is outlined in Handbook, II, 673-674. Schleicher served in Texas legislatures before the war and the United States Congress after Reconstruction; he was a Confederate officer and later engineer for the Gulf, Western, and Pacific Railroad. Murphree, DeWitt County, pp. 104-105.

"some regularly appointed county officer." Successful temporary bids, he said, would likely lead to permanent contracts which should prove lucrative.²⁷ The military also assisted in promoting business opportunities in Texas. General Kiddoo asked a friend in 1867 to arrange for advertising a San Antonio tannery and saw mill in the leading papers of New York, Philadelphia, and Boston. The A. Ruttkay Company of Galveston, which had been granted bonding authority on freedmen's crops before Griffin's death, appealed to Reynolds to consider the continuation of the agreement.²⁸

Unionists and former Confederates appear to have been disappointed, in one respect or another, at the results of competition for economic benefits under military authority. Alex Rossy complained that at the age of fifty, and having spent half his life in Texas, he was not pleased to see ex-Confederates granted a concession franchise at Fort Concho. William S. Hall, a Yankee from Maine, was more fortunate. He may have received some preferential treatment as proprietor of the first hide and tallow packery in Rockport, which rivaled the port of Galveston. Confederate Colonel Gustav Schleicher had no qualms about appealing to Reconstruction

²⁷ Dallas Herald, September 23, 1865.

²⁸ Kiddoo to General S. Van Vliet, June 3, 1867, R.G. 105, N.A.; A. Ruttkay to Reynolds, December, 1867, R.G. 393, N.A.

officials concerning a sutlers monopoly at Fort Concho where his business partners suffered losses as a result of a ban on whiskey sales.²⁹

Some social benefits accrued to Texans as a result of federal interest in the welfare of paupers. A Circular Letter of October 4, 1865, issued by the Bureau required each county to devise procedures to support the destitute, and in 1868 special taxes were allowed to supplement this directive. Distribution of food to prevent "starvation and extreme want" reached some counties where crops had failed, and though it was contrary to army regulations, Griffin authorized periodical doles to the Tonkawa Indians. Hardships growing out of hurricane destruction in the fall of 1867 were ameliorated by Special Orders 159 which authorized Lieutenant John Gershall to issue rations to the victims of the storm. While those affected may have denied its wisdom, military orders restricted the sale of liquor and beer to railroad workers in hopes that some social purpose and increased efficiency would result.³⁰

Racial integration also received some attention during Reconstruction. Griffin, agreeing with complaints by Radicals,

²⁹Alex Rossy to Pease, December 16, 1868, Pease Papers; Huson, Refugio; II, 160; G. Schleicher to J. H. Bell, May 9, 1868, R.G. 393, N.A.

³⁰Circular Letter, War Department, Bureau RFAL, October 4, 1865, R.G. 105, N.A.; General Orders 37, April 3, 1867, A.G.T.; Griffin to Throckmorton, April 13, 1867, Throckmorton Papers; House Executive Documents, 40th Congress, 2nd Session, No. 342, p. 208; Jefferson Radical, November 20, 1869.

opposed that section of the Constitution of 1866 which provided for segregated railroad transportation. He nullified the clause in Special Orders 155, August 20, 1867, declaring that "all distinctions on account of color, race or previous condition, by railroad or other chartered companies that are common carriers are forbidden." Sheridan had inaugurated an identical policy on New Orleans street-cars.³¹

Cultural admixture during the period when northern officers and enlisted men occupied Texas may have had a significant impact on some aspects of Texas social affairs. If the conclusions of one student of the theatre are correct, attendance and even management of that facet of cultural endeavor were improved by northern experience.³² Though the most recent authority on the subject declares his contribution a myth, General Abner Doubleday's assignment in Galveston raises the question of whether or not the national pastime of baseball was first introduced to Texas by occupation soldiers. The first baseball game played in the state is reported to have occurred in Galveston where Yankee

³¹Shenton, The Reconstruction, p. 133; House Executive Documents, 40th Congress, 2nd Session, No. 342, p. 205; Donald, The Negro Freedmen, pp. 197-198.

³²The year 1867 "was the beginning of a new era in the theatrical history of Galveston." Joseph S. Gallegly, "The Renaissance of the Galveston Theatre," Southwestern Historical Quarterly, LXII(April, 1959), 442-456.

troops used the parade grounds north of the Ursuline Convent. Local youngsters who watched the activity on that first diamond reportedly "never forgave the Yankees" for modifying their old game of townball to meet northern rules.³³

Of the positive contributions of Federal occupation, that which has been most celebrated and readily accepted by contemporaries was frontier duty. But more was involved than scouting parties assigned to protect exposed communities from Indian raids.³⁴ Cattlemen relied heavily on military protection and escort patrols when rustling and refusal to submit to the inspection of herds brought chaos to the industry. Post commanders, under an order of June, 1869,

³³Description of the site of the first game is found in Ziegler, Wave of the Gulf, p. 183. Doubleday is credited with originating the game in Dictionary of American Biography (1930), V, 391-392. But Foster Rhea Dulles, in America Learns to Play (New York, 1952), pp. 186-189, denies that any concrete evidence exists to prove that contention, and Doubleday's command at Galveston does not exactly coincide with Ziegler's chronology. Cullum, Biographical Register of United States Military Academy, II, 54-55. That "the Civil War . . . gave America its national game. . . ." however, does indicate its introduction by Federal troops. J. C. Furnas, The Americans, A Social History of the United States, 1587-1914 (New York, 1969), p. 656.

³⁴A comparison of patrol activity on the frontier as opposed to those in the interior can be found in Tabular Statement of Scouts During 1869; Report of General J. J. Reynolds, October 2, 1869, A.G.O., N.A. These statistics show approximately 80 per cent of the scouting activity to have been on the frontier. A full resume of major frontier patrols during 1865-1870 is found in Heitman, Register, II, 425-436.

were instructed to "effect the inspection of droves of cattle, on the request of responsible parties" and to enforce existing laws. These services and the appointment of inspectors for the major crossings were justified by reference to state laws of 1850 and 1866. Military officers involved received detailed instructions concerning shipment, slaughter, establishing ownership, and the conduct of police courts to facilitate enforcement. A number of petitions reached the Austin military headquarters requesting cavalry and infantry units to guarantee some degree of stability to Texas' most valuable resource.³⁵ Escort duty for individuals, stock drives, and stagecoach lines was provided on a regular basis, and the reporting procedures required after such missions included the drafting of accurate maps of the territory covered, another military service of enduring significance.³⁶

Those military activities which were not only accepted but expected by Texans have been isolated from the attendant

³⁵General Orders 108, June 7, 1869, Crimmins Collection. County Judge E. P. Upton of Refugio County, among others, reported that cattlemen were anxious to enlist the service of the military. E. P. Upton to Headquarters, July 30, 1869, R.G. 393, N.A. The military had difficulty locating qualified hide and cattle inspectors for the southern portion of the state. Letters Received, Office of Civil Affairs, 1869-1870, Helena-Indianola, R.G. 393, N.A. Operation of federal regulations along the coast is found in Huson, Refugio, II, 163.

³⁶Lt. Colonel J. C. DeGress to Lt. Redman, November 26, 1865, Redman Papers. A group of miners were escorted from Corpus Christi to North Texas by order of Grant. Grant to Reynolds, March 21, 1868, Grant Papers. Other detailed and

responsibilities created by political and social goals established by the Reconstruction legislation of 1867. Shortlived and perhaps premature, it was nevertheless these abhorred interferences with traditional social patterns which tested the national will, southern receptivity, and the individual courage and professional dedication of officers and men of the United States Army. Interior commanders and Bureau agents were the vanguards of a frontier as surely as were soldiers who performed defense and engineering chores long accepted on the frontier. And when the hardships of frontier patrols finally passed into western drama and fiction, those interior problems left unsolved by the tragic failure of a social experiment, which faltered and failed for lack of northern commitment and southern wisdom, would again emerge as a national issue.

Three years of military-directed government in Texas was so unusual to the American experience that reaction to the process was destined to become a historiographical issue. Contemporaries who were, like Governor Throckmorton, deposed from office found Congressional Reconstruction despicable. If their reflections are accurate it must be accepted that

general references to protection of stockraisers and escort duty are General Order 137, December 1, 1866, A.G.T.; Rister, Southwestern Frontier, pp. 271-274; Carl Coke Rister, "Out-laws and Vigilantees of the Southern Plains, 1865-1885," Mississippi Valley Historical Review, XIX(March, 1933), 541; Dugas, "Social and Economic History of Texas in the Civil War and Reconstruction," pp. 420-421.

the "military . . . [pursued] the most despotic and arbitrary course. . . ." ³⁷ The conclusion that military government was tyrannical, unjustified, and abusive has endured for a century, but, as in the case of many historical issues, there have been obscure or neglected objections to the theory which have failed to impress authors of secondary works and hence the general public.

Local historians have been most culpable in exaggerating and perpetuating the tale of military tyranny, but that may be a natural consequence of a perspective which precludes balance. Reputable chroniclers of national development have achieved more objectivity. Professor Rhodes, though no champion of Reconstruction, offered the conclusion that "little hardship came from the military itself." He contended that "the temper of the officers of the army was for the most part excellent, forbearance and decision being shown as each was needed." ³⁸ It was the fear of a black social revolution that evoked, through the years, a dichotomy in the evaluation of military occupation. On the frontier, troops were welcome while "two hundred miles to the east, Texans . . . looked on

³⁷ J. W. Throckmorton to B. H. Epperson, June 3, 1867, Epperson Papers.

³⁸ Rhodes, History of the United States, VI, 44, 190. An excellent defense of the military's administration is found in A. H. Carpenter, "Military Government of Southern Territory, 1861-1865," Annual Report, American Historical Association, 1900, I, 465-498.

them askance as intruding meddlers. . . ." ³⁹ In the opinion of Professor Ramsdell it was congress and its attempts to rend the fabric of southern society, that was feared, not the mere presence of the military. ⁴⁰ Troops served as symbols of this fear, and the image is still vivid if less ardently projected than previously. Far from being a military usurpation of constitutional liberty, occupation and its goals were in fact limited by a reluctance to interpret the United States Constitution in a more liberal fashion. Certainly the Fifteenth Amendment was no testimony to radicalism as conducted by military authority. After a short experiment, suffrage qualification was turned back to states which used that very amendment to deny the vote to Negroes. ⁴¹

Fifth Military District and Freedmen's Bureau records offer little support for the theory that occupation of Texas following the Civil War involved general abuse of the residents

³⁹ Richardson, Frontier of Northwest Texas, p. 254.

⁴⁰ Ramsdell, Reconstruction in Texas, p. 198. The latest general text in Texas history, Rupert Norval Richardson, Ernest Wallace and Adrian N. Anderson, Texas, The Lone Star (Englewood Cliffs, 1970), pp. 212-217, contains vestiges of the simplistic judgments on military occupation. Fehrenbach, Lone Star, pp. 402-403, still pictures occupation as a process which invalidated constitutional guarantees though Rhodes earlier stated that basic freedoms were left intact. Rhodes, History of the United States, VI, 78.

⁴¹ Brock, American Crisis, pp. 274 ff.

of the state, subversion of their constitutional rights, or even a concerted attempt to reform social structure. With rare exceptions, officers and enlisted men deported themselves with fairness and concern for constitutional guarantees. Military tribunals appear to have been conducted within traditional guarantees for litigants, and the conduct of registration and elections were as fair as those held before or after military occupation. Contentions to the contrary appear to result from a rationalization for military defeat, the challenge of Negro political participation, or merely reflections of the social matrix contemporary to the time of authorship. Hostility to military Reconstruction may also have been the result of an already well-developed reaction to Confederate and Texas agencies which threatened freedom of action during the Civil War.⁴²

Ranking with the alleged tyranny of occupation troops is the conclusion that Congressional Reconstruction introduced

⁴² Professor L. Tuffly Ellis, a careful student of Texas during the Confederate period, conjectures that hostility for Federal troops and national regulation was an extension of enmity for Confederate civil and military action connected with the cotton trade. L. Tuffly Ellis to Robert W. Shook, July 26, 1969. References to military interference with United States District Courts are not found in letters contained in Letter Books, Box 88189, F.R.C. Communications from many sections of Texas, the South, and the North indicate that normal conduct of judicial affairs was the rule. St. Clair's statement in "Military Justice in North Carolina," p. 350, that occupation justice was "uneven" but "may be regarded as satisfactory" applies equally to Texas.

alien persons and ideologies to state affairs. If "the South was placed under control of the radical wing of the Republican Party for a period of eight years"⁴³ the scarcity of carpet-baggers, successful intimidation of scalawags and Negroes, and deep schism in the state Republican Party would be conditions which require further investigation. But such were, in reality, the situations attending military occupation. Military appointees to civil positions do not appear deserving of the accusation that "the new officials were mostly corrupt or were in other respects incapable. . . ." ⁴⁴

If redemption "unmanacled" Texas from "Reconstruction [which] left the [social] pyramid upon its apex"⁴⁵ students who have found the Negro's role a minor one are in error. ⁴⁶

⁴³Seth Shepard McKay, "Some Attitudes of West Texas Delegates to the Constitutional Convention of 1875," West Texas Historical Association Yearbook, V (June, 1929), 100.

⁴⁴Ibid.

⁴⁵Ramsdell, Reconstruction in Texas, p. 292.

⁴⁶For conclusions on the Negro's role during occupation see Henry Lee Moon, Balance of Power: The Negro Vote (New York, 1948), p. 60; Harrel Budd, "The Negro in Politics in Texas, 1867-1898," unpublished master's thesis, Department of History, University of Texas, Austin, Texas, 1925, pp. 49-56. It was recognized at the time that blacks had little opportunity to "Africanize" Texas. They apparently never fulfilled Bureau expectations as voters. An agent at Jasper reported that Negroes in his district had never begun to exercise the suffrage. Half were afraid and threatened, and the only hope for Republicanism was the white unionist vote. Report of Bureau Agent at Jasper, Texas, February 15, 1868. Letters Received by Eliot, R.G. 105, N.A.

What support and tutelage was offered by occupation troops to Texas freedmen clearly did not result in "Africanization" of the state's social structure, for that was neither within the goals of Reconstruction nor the military's capacity to effect.⁴⁷

The conclusion that racial antagonism, generated by the threat of Negro political action, contributed in a major way to Reconstruction mythology is inescapable. Texas was in no real danger of being subverted by freedmen's votes,⁴⁸ but emotions triggered by racial enmity seldom respond to statistical evidence. Suffrage for blacks created an atmosphere in which all manner of social tensions focused on the free Negro, and a one-sided race war was waged⁴⁹ on blacks who were, tragically, more vulnerable than before the inauguration of

⁴⁷ W. E. B. DuBois, "Reconstruction and Its Benefits," American Historical Review, XV (July, 1910), 781-789; Francis B. Simkins, "New Viewpoints of Southern Reconstruction," Journal of Southern History, V (February, 1939), 49-61.

⁴⁸ The Galveston Tri-Weekly of March 16, 1870, admitted the primary fear of Texans was the potential political and social equality of Negroes. That statistics do no substantiate the fear see William A. Russ, Jr., "Registration & Disfranchisement Under Radical Reconstruction," Mississippi Valley Historical Review, XXXVIII (September, 1934), 177-178.

⁴⁹ Ramsdell, in Reconstruction in Texas, p. 221, denies the existence of such a conflict, but criminal files and reputable secondary works declare it a reality. DuBois in Souls of the Black Folk, p. 40, contends "Negro suffrage ended a civil war by beginning a race feud." Numerous others agree including McFeely, "Freedmen's Bureau," p. 350; Shenton, The Reconstruction, pp. 129-131; Frazier, Negro in the United States, pp. 143-146.

the Reconstruction experiment. Captain James Brown, stationed at Jefferson in 1868, saw the tragedy clearly. He complained that the local Bureau agent remanded all criminal cases to civilian courts which took no action to protect Negroes. Thus the freedmen, having registered their grievances, were in more danger than before the arrival of their sponsors:

The unfortunate freedman finds that instead of being protected from outrage he has but increased his difficulties and dangers. . . . The freedmen are rapidly learning in this section of the country to tolerate injustice in silence.⁵⁰

That tragedy is a prevailing condition of human society is illustrated by the overwhelming handicaps which destined military administration to failure. Texas, with its extent of territory, inadequate communication and transportation facilities, and an inherent opposition to the social goals of occupation, offered a formidable obstacle. Lacking a postal system, for example, election procedures could be only partially organized, and the same handicap necessitated extraordinarily long periods of registration and election.⁵¹ Social innovations which had so modified northern society (with states of much smaller area) had little affected Texas, and political-social reforms designed for the state under

⁵⁰Captain James Brown to Assistant Adjutant General Fifth Military District, Austin, November 24, 1868, R.G. 393, N.A.

⁵¹Hyman, Era of the Oath, p. 55.

military occupation were, however commendable, not physically possible. Southern attitudes, strengthened by President Johnson's position, were manifested in Texas opinion which held a carpetbagger to be "a Yankee son of a bitch" and a military man "a damned yellow-bellied Yankee son of a bitch."⁵² Among Texans were few on whom the military could depend to support Negro suffrage. General Stanley informed the Joint Committee that natives, whether unionists, refugees, party workers, or Germans, were opposed to immediate manhood suffrage.⁵³

Conditions in the state, however, offer no explanation for the failure of the North to commit itself sufficiently to the social goals of occupation. By the time military commanders gained legislative authority to effect change, northern opinion had deserted the cause. Lengthy occupation, considerable money, and unusual regulatory action were requisites denied military and Bureau officers by a section satisfied to abandon the freedman to the care of his former master.⁵⁴ Officers themselves, once introduced to Southern ways, may have lost their zeal for social reform:

⁵²McGraw, "Constitution of 1866," p. 245.

⁵³R. J. C., IV, 42.

⁵⁴Brock, American Crisis, pp. 286-288, 295; Ulrich, "Military Mind," p. 104.

Our commandants [said a contemporary Southerner,] might be stern enough when first they came, but when they had lived among us a little while, they softened and saw things in a new light; and the negroes and the carpetbaggers complained of them everyone, and the authorities at Washington could not change them fast enough.⁵⁵

Whatever the personal disposition of Federal commanders on the issue of freedmen's rights, the military was stripped of the economic and political requisites to conduct social reform. The conclusion of the war brought general retrenchment in Congress, where reductions in rank and military expenditures reflected a growing anti-militarism.⁵⁶ The effort of the Freedmen's Bureau succumbed to the theory that once granted, suffrage alone would liberate the Negro who in fact would have benefited more from the reallocation of land.⁵⁷

⁵⁵ Avary, Dixie After the War, pp. 112-113. More than southern residency was involved in military reluctance to apply stringent race reform. For a brief discussion of racial theory and the military mind see Alfred Vagts, A History of Militarism, Civilian and Military (New York, 1967), p. 157. A revealing set of generalities and inaccuracies are found in the short space given to occupation in a manual intended to prepare army officers to comprehend the issue. American Military History, 1607-1958, ROTCM 145-20 (Washington, 1959), pp. 277-278.

⁵⁶ Congressional Globe, 41st Congress, 2nd Session, pp. 145-154.

⁵⁷ Staughton Lynd, "Rethinking Slavery and Reconstruction," Journal of Southern History, I (July, 1965), 198-209. DuBois correctly describes the Bureau as "foredoomed to failure" because of "national neglect" but still praises the attempt. Its major weakness was a reluctance to accept the need for permanency. Officers saw their work as temporary and completed once the polls were opened to blacks. "The Freedmen's Bureau died, and its child was the Fifteenth Amendment." In this view of the weakness of the amendment DuBois is joined by Brock, American Crisis, p. 288.

Members of the "new revisionist" school contend, in a manner reminiscent of an earlier interpretation, that conscience had little to do with Reconstruction. It was the loyal white who appealed most to northern Republicans, and they were concerned more with isolating the Negro in the South than granting him real freedom.⁵⁸

The Texas Negro in truth enjoyed a negligible degree of support from Bureau officers, unionists, and Radicals. Instruction to agents in the field prove Howard's agency to have been too conservative to force social reform. And little enthusiasm was demonstrated by Grant for the military's role in social change: "I have no hobby of my own with regard to the Negro." Suffrage for blacks, in his mind, was only a counter to Ku Klux activity, a defensive not positive measure.⁵⁹ Texas' leading Radical, James P. Newcomb, was probably typical of the state party in declaring: "I am prejudiced in favor of the white race. . . ." Regardless of their qualifications, Negroes suffered from the fact that

⁵⁸ John S. Rosenberg, "Toward a New Civil War Revisionism," American Scholar, 38(Spring, 1969), 265.

⁵⁹ Ulrich, "Military Mind," pp. 4, 8-9, 21, 26, 40-43, 85-87. Grant's acceptance of legislative supremacy also doomed occupation. White, Republican Era, pp. 23-24.

too few carpetbaggers and too many scalawags exercised their will on occupation commanders.⁶⁰

Without dedicated leadership, the effects of slavery and the schism in Negro political ranks were disastrous to the Reconstruction crusade. Griffin once reminded a freedman that he no longer need address his former owner as "Master." "You are just as good as he is," remarked the general. "I may be as good as you is but I ain't as good as Mars Charles. . . ." This natural reaction to freedom was compounded by a deep split on major issues facing those Texas Negroes with emancipated minds.⁶¹

With all its shortcomings, military occupation, in so far as it promoted initial attempts to establish educational, religious, and economic opportunities for Texas freedmen (and whites too), created a legacy of a positive nature.⁶² The

⁶⁰ Somers, "Newcomb," p. 104. "Among all the Negroes who were successful in running for office in Texas, thirty per cent had attended high school and twenty-five per cent some college training. Chunn, "Education and Politics," pp. 111-113, 124, 156-201.

⁶¹ The remark to Griffin appears in Harper's Weekly, volume XLVIII, 156, found in Floyd, "Annotated Bibliography on Texas," p. 129; Hill, "Negro in Texas," pp. 53-57.

⁶² Various references are made to the long range social, political, and economic successes of military occupation in Donald, Negro Freedmen, pp. 195-196; Frazier, Negro in the United States, p. 121; Hornsby, "Negro Education," pp. 23-29. The Texas Negro as a productive farmer is discussed in Berta Lowman, "The Cotton Industry in Texas During the Reconstruction Period," unpublished master's thesis, Department of History, University of Texas, Austin, Texas, 1927, pp. 63-73, 123, 139.

military's attempt to rid the state of criminals appears less a failure if viewed in the context of the Coke administration when lawlessness caused some Democratic papers to express disillusionment with the merits of "redemption."⁶³

Revisionists are not restricted to recent conclusions in their attempt to strike a balance between the positive facets of occupation and the widely accepted impression that it was a period of unmitigated tyranny, usurpation, and social revolution. In 1900, A. H. Carpenter concluded that

Military government is important not only for the efficiency with which it met the difficulties of that period. . . . It was an important factor in changing the social structure of a society, and preparing the way for the changes which were to follow.⁶⁴

Notwithstanding the impression left by scholars of the Dunning and Bowers persuasion, and "new revisionists" too, idealism was present in the goals of military Reconstruction of Texas. The attempt at social reform was experimental and, like all such endeavors, it was imperfect and in some ways benefited the factions most responsible for its necessity.

⁶³The New York Times, August 14, 1874, reported the disappointment of Texas editors who admitted they had exaggerated the evils of the Davis administration which inherited its law enforcement apparatus from the period of military occupation. That "redemption" was no salvation is discussed in John Higham, editor, The Reconstruction of American History (New York, 1962), pp. 107-108.

⁶⁴Carpenter, "Military Government," p. 498.

But without the effort, subsequent crusades would have been impossible.⁶⁵

Reconstruction's apparent failure obscures the fact that, however belated, the Fourteenth and Fifteenth Amendments laid the legal foundation for social change which gradually approximated the goal of mid-nineteenth century Radicals. Without the benefit of modern scientific support to counter the vogue of Social Darwinism, they labored to propagate an unpopular faith in human equality.⁶⁶ That the accomplishments of military Reconstruction were wide of this mark was admitted by The Methodist in January, 1867: "We must be content to leave it to future generations . . . to appreciate the value of the work done by us today."⁶⁷ Sergeant A. H. Newton perceived the issue well when, speaking for his race after discharge from a Texas occupation regiment, he remarked:

Happy we are that we should be permitted to breathe the fresh air again and to tramp through the country as free men. Yet I had the feeling that the Civil War was the mighty struggle of the White Race and that the struggle of the Colored Race was yet in the future.⁶⁸

⁶⁵ Stamp, Era of Reconstruction, pp. 12-13; Carl N. Degler, Out of Our Past, The Forces That Shaped Modern America (New York, 1970), pp. 210, 224-225, 236.

⁶⁶ Ibid., p. 215; Brodie, Stevens, p. 373.

⁶⁷ Quoted in Morrow, "Methodist Church and Reconstruction," pp. 330-331.

⁶⁸ Newton, Out of the Briars, p. 83.

Judgments on military Reconstruction have not, nor will they likely in the future, evoke disagreement as to whether the process accomplished the immediate goals of Radicals. It did not. That the experiment was conducted in a fashion motivated by idealism seems well established. Whether or not more or less pressure should have been applied to effect these ends will be conditioned by the degree to which one finds those goals desirable.⁶⁹

⁶⁹Brock, American Crisis, vii-viii, 291, 303.

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