WHIG INFLUENCE AMONG THE TEXAS REDEEMERS

1874-1895

THESIS

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

For the Degree of

MASTER OF ARTS

By

Joseph A. McLeod, B. A.
Denton, Texas
August, 1969
PREFACE

The Gilded Age, encompassing roughly the last twenty-five years of the nineteenth century, was a period of unrest and change in Texas. Like many areas of the world today, the state was trying to accomplish in a brief time the stages of development which had taken more than 250 years in some sections of the country. There were some who said that the state was young and was trying to develop too rapidly. Others believed that the rate of development and progress was far too slow.

Various forces and viewpoints were struggling for supremacy in Texas during those years; they became polarized into two "camps:" the agrarians and the business and commercial men. Both groups were settlements of the Democratic party structure. The agrarians claimed the political theories of Thomas Jefferson as their ideological heritage. The commercial interests tended to adopt the basic tenets of Henry Clay and the Whigs, yet, continuing to call themselves "Democrats."

Unlike other periods of Texas history, the post-Reconstruction period has received relatively little attention. At least one historian has commented on the scarcity of historical accounts dealing specifically with this era. Certain problems face the student of this period, a significant number of them due to the loss of the capitol building by fire in 1833. Such materials as are available must be ferreted out of remaining archival records, county clerks' offices, newspaper files, and collections of
private and official papers. The poor condition of some of these records makes a study of them difficult.

This study is interested primarily in the political and economic philosophies which motivated the men who came to power in Texas following the overthrow of the Reconstruction regime, and which dominated the public affairs of the state during those years. It approaches the problem from the viewpoint of the positions of various individuals regarding the more prominent issues of the day, both state and national. The study concentrates on the administrations of five governors of Texas and the tenures of five members of Congress. These men are viewed in relation to the times, and Texas is observed in light of its peculiar problems and its relation to the United States as a whole.
TABLE OF CONTENTS

Chapter

I. INTRODUCTION ........................................ 1
II. REPRESENTATIVE TEXAS LEADERS .............. 18
III. INTERNAL IMPROVEMENTS AND AID TO RAILROADS .... 35
IV. DEBT, TAXES, AND PUBLIC SERVICES .......... 54
V. PUBLIC LANDS AND EDUCATION FUNDS .......... 74
VI. BUSINESS REGULATION AND TARIFFS .......... 95
VII. CONCLUSIONS ........................................ 117

BIBLIOGRAPHY .................................................. 124
CHAPTER I

INTRODUCTION

After the close of Reconstruction, southerners began to return to political power in the former Confederacy. When they set about taking over state governments in the South, toppling the carpetbag and scalawag regimes, they proved to be rather strange Democrats, in comparison with the ante-bellum members of the party of Thomas Jefferson and Andrew Jackson. Called "Redeemers," or "Bourbons," by historians, some even refused the name "Democrat," preferring, instead to be known as "Conservatives." Many were not the Jefferson-Jackson adherents of some thirty years earlier, for Henry Clay had become their patron saint. In political philosophy, the men who controlled the Democratic party in the South were more likely to be old-line Whigs of ante-bellum days than agrarians. In state after state, ex-Whigs, masquerading under the banner of the Democrats, took over county courthouses, state courts, and statehouses. Thus, the Whigs had successfully infiltrated both major political parties of the United States, and, as a result of the Compromise of 1877, found themselves in control of the country.\(^1\)

---


The term "Whig," originating in England during the seventeenth century, was applied to the party which supported Parliament against the Crown. With backing from the landed gentry and traders, it was mercantilist in emphasis. Both in England and in the United States, Whigs were "business" parties. In America, opposing the Jeffersonians and the Jacksonians, they sought the support of business and industry, and favored protective tariffs for manufacturers, the United States Bank as an advantage for business men, and internal improvements (such as roads and canals) at federal expense for the benefits of business and manufacturing.

In the United States, the Whig movement grew out of the National Republican party, and the period of its greatest strength was during the second quarter of the nineteenth century, under the leadership of Henry Clay and Daniel Webster. During its tenure as a major party, it never attracted the support of the electorate as a whole; only two of its members—William Henry Harrison and Zachary Taylor—were named to the presidency, though Millard Fillmore, Taylor's vice-president and successor, was also a Whig. In 1848 some Whigs drifted into the Free-Soil movement. The party was defeated nationally in 1852 and never recovered as a political entity; its remnants found their ways into other party alignments.

Though the Whig party structure did not adapt well to the American political scene, its philosophy took firm root in American political thought. According to Comer Vann Woodward, Whig doctrine was very much alive in the post-Reconstruction period, dominating
both the Democratic and Republican parties. The substance of his thesis is that the southern Whigs did not go into the Republican party in any appreciable numbers, as did their northern fellows. The slavery issue, which contributed to the demise of the Whig organization in the 1850's, served to keep southerners out of the ranks of the newly-formed Republican party. Radical domination of the Republicans during Reconstruction continued to make their party unacceptable to most white southerners. The result was that, despite the traditional Whig opposition to the agrarian tenets of the Jeffersonians and Jacksonians, many Whigs joined the Democratic organization. In 1877, when Rutherford Birchard Hayes, a former Whig, became president on the Republican ticket, the Whigs came to power nationally, and the time was ripe for a reunion of Whigs, North and South. The instrument of reunion was the Compromise of 1877, in which southern Democrats (then dominated by former Whigs) supported Hayes in preference to Samuel J. Tilden.3

Two terms describing the post-Reconstruction leaders of the South have been noted: "Redeemer," and "Bourbon." As used by historians, the two are related, and some have used them interchangeably; others use them in such a way as to show that they are not exactly identical. In the context of the Gilded Age, "Redeemer" refers to a white southerner who regained control of a local or state office from the reconstructionists. Such an official may or may not have been a political leader in the ante-bellum South;

principally he was a southerner who had replaced northerners in the
government, although in some instances those classified as Redeem-
ers were carpetbaggers. Some pre-war leaders returned to power,
and they fought for the essentials of the old ante-bellum order.
Woodward notes:

... they sometimes resisted capitalistic encroach-
ments, but they usually constituted a minority within the
Conservative Party, and were dominated by the New South Re-
deezers. . . . [Redemption] . . . was not in any real sense
a restoration. Even though a few of the old names were
prominent among the leaders, Redemption was not a return
of an old system nor the restoration of an old ruling
class.  

For the most part, the Redeemers were of the middle class,
with an industrial, capitalistic outlook. They had little interest
in or connection with the old planter regime. The Redeemers were
progressives in that they looked forward and not backward. The new
leaders associated with the important business and professional
people of the towns—merchants, bankers, railroad executives, and
lawyers—those who had won financial power through the new agricul-
tural credit system. "The politicians furnished the prestige of
great names, and merchants and bankers furnished the money . . . ."  

4 Ibid., pp. 20, 21-22.

5 Paul M. Gaston, "The New South," Writing Southern History,
edited by Arthur S. Link and Rembert W. Patrick (Baton Rouge, Louis-
iana, 1965), p. 324; Comer Vann Woodward, "Bourbonism in Georgia,"
address delivered at the Third Annual Meeting of the Southern His-
torical Association, Durham and Chapel Hill, North Carolina, Novem-
ber 11-20, 1937, reported by Frank L. Owsley in The Journal of South-
ern History, IV (February, 1938), 65.

6 Francis Butler Simkins, A History of the South (New York,
according to one southern historian. It was but natural that the Redeemers should come to share the social and economic views of the business men, and that they should enact lien laws favorable to the merchants in order to maintain *laissez-faire* principles toward railroads and other big business corporations. The salvation of the South, they believed, would come through industrialization; therefore, they did much to promote local business enterprises and to encourage the investment of northern capital in southern business and manufacturing ventures. At the same time, the Redeemers were often blind to the needs of the farmers whom they professed to serve. In their promotion of business and manufacturing interests, often to the detriment of the farm element, these new leaders in southern politics showed a much greater affinity for the Republican North than for the traditional Democratic principles of the South.

The Redeemers were regarded as the natural leaders of the South in contrast to the "aliens" (carpetbaggers), who ruled the region during Reconstruction. Many of the Redeemers had distinguished themselves in military service during the Civil War, and through the establishment of the one-party system, they dominated the life of the South. In the main, they managed to win reputations for being honest in government, though there were numerous examples to the contrary. Indeed, many were the instances in which the Redeemers practiced the same vices for which they had condemned the Radicals. Usually, they nurtured the anti-northern, anti-Negro prejudices

7Ibid., pp. 347-348.
which they used to keep themselves in power. Economic interests often came first in their considerations, and they tended to manipulate the political machinery to keep themselves or their friends in most of the offices.\(^8\)

In contrast to the term "Redeemer," "Bourbon" suggests a restoration, harking back to the return of the royal family to the throne of France following the French Revolution. Used in the American post-Reconstruction context, the word implies that the ante-bellum leaders of the South were restored to power. Some of the men who came to power at this time had been pre-war officials, but most were of a new class of leaders. In most cases, "Bourbon" was a more inclusive term than "Redeemer," referring at once to both the progressives and the ultra-conservatives: the old agrarian ideals and the new business-oriented interests.

Francis Butler Simkins used the term "Bourbon" in the traditional sense: to include both the reactionary and progressive elements of the new southern politics. His use of the term is more inclusive than Woodward's use of "Redeemer," although he seemed to share the latter's distaste for the word "Bourbon" as a description of white southern politicians. Besides noting that they allied themselves with the business and industrial people of the towns, Simpkins observed additional features of the men he called "Bourbons:"

\(^8\)Ibid.
These Bourbons were simple men, survivors of the American agrarian age, with little understanding of the new forces that were shaping the nation. In set speeches, they clung to the inherited doctrines of the Democratic Party—low tariffs, economy in expenditures, and opposition to paternalism, and never tired of repeating their ancestral aversion to the growth of federal power at the expense of the states. Although they were not averse to picking up the crumbs left by the ruling Republicans, they were usually too unimaginative to take advantages of the policies of protective tariffs and federal subsidies through which the party of Lincoln and Grant enriched the northern business men. On the other hand, they were deaf to pleas for reforms, regarding, for example, President Grover Cleveland's proposals for civil service reforms as the arrogance of a stiff-necked Yankee.9

In this description of the post-Reconstruction leaders of the South, Simkins implies that they were usually non-Whiggish and that they were usually reactionaries, so far as commercial development in the South was concerned. The wide-sweeping tone of the statement puts it at variance with his references to the associations of the new leaders with the important business and professional interests of the urban communities. In Simkins' thinking, as in the minds of others, it appears that the term "Bourbon" came to mean "conservative," whether the individuals were oriented toward business and industry, or not. On the other hand, the Redeemers were dominated by conservatives who did promote industrialization in the old Confederacy.

A more inclusive and less precise term than that adopted by Simkins is apparent in Horace S. Merrill's application of "Bourbon." For him, it had a national scope not seen in most writers'
approaches to the subject. Referring to the business men who controlled the Democratic party in the North, he wrote:

These post-Civil War Democratic leaders were Bourbons in the sense that they were wealthy, self-esteemed, self-appointed guardians of an already fixed pattern for living and making a living. They were the protectors of the existing, though accelerating course of the industrial revolution . . . . Often they referred to themselves and were referred to by others as Bourbons. 10

Merrill's use of the term agrees with Woodward's in that it does not represent Bourbonism as a restoration, at least, so far as the northern Democratic leaders were concerned. Though their business and industrial orientation represented Whiggish views, they did not align themselves politically with the Republicans as did their fellows in the South in 1877.

The inclusiveness of Merrill's application of "Bourbon" appears in his references to southern leaders, although he uses the description with a different connotation, making a distinction "between the glittering industrial Bourbonism of the North and the feudal, planter, aristocratic Bourbonism of the South." 11 In both instances, he views the Bourbons as conservatives, but he appears to cast the southerners in the role of reactionaries. Thus, he depicts the southern leaders as non-Whiggish in stance, a contrast


11 Merrill, Bourbon Democracy, pp. vii-viii.
to Woodward's view that, in the main, they followed the Whig doctrine. Merrill does not indicate clearly whether he views the southern Bourbons as a restoration group or not, although he suggests this is his portrayal of southern Bourbonism as "feudal, planter, aristocratic," in nature.

Paul Morton Gaston records a "northern charge that Bourbon politicians of the south stubbornly held to the past, refusing to adapt to the changing conditions of a new order." Willie D. Halsell cited the reaction of the editor of the Memphis Appeal on April 16, 1875, to the descriptions of Southern Democrats as Bourbons:

> We do not know what a Bourbon Democrat means unless it implies that there is a class of old politicians who ... forgetting nothing and learning nothing, do not recognize any issues as settled by the War, and are ready to inaugurate another rebellion. We know of no such Democrats.13

Both Gaston and Halsell tend to agree that the southern leaders during the Gilded Age were predominantly progressive in outlook; they identified the Bourbons as Woodward identified the Redeemers.

Another variation in the use of the word "Bourbon" was demonstrated in an editorial in The Galveston Daily News, January 10, 1882, in comments on a reported organization of political independents in Texas. Such movements, if they should succeed, avowed the


14 The Galveston Daily News, January 10, 1882, p. 3.
the editor, would be subject to the same weaknesses which had plagued the major parties. Yet, he could foresee an independence of voting within the existing groups. Like Merrill, he equated Bourbonism with reactionary conservatism, and expressed the belief that the voters may have become weary with "the wonderfully inter-linked nuisance of Democratic Bourbonism and Republican Bourbonism." The News editor may have detected a weariness with tendency toward Whiggism then present in the Roberts administration.

Far-reaching changes had begun to take place on the American business and political scene by the year 1877. New advancements in technology were coming to the fore in industry and were helping to bring in the age of big business corporations. Techniques which had been nebulous before the Civil War received new impetus by wartime and post-war demands. By the close of Reconstruction, these new methods were becoming fully developed in steel, mining, oil, railroads, and banking, requiring vast outlays of capital for factories and equipment. Prior to the Gilded Age, the government had maintained a laissez-faire attitude in regard to the business community: an attitude which reflected a preponderance of Whig influence.

Interest in government subsidies for construction of transcontinental railroads had risen before 1861, but such projects were delayed by the Civil War. Immediately following the close of the

---

15 Charles S. Potts, Railroad Transportation in Texas (Austin, 1909), p.37. Potts describes the effects of the War on railroads in Texas.
War, however, several Pacific railroad companies were organized. The friendly interest which the government had shown toward the business community had not yet led to any serious effort to regulate business practices. This amicable attitude of the government toward corporations was accompanied by an unprecedented interest by business men in government as they began to enter Congress in increasing numbers. Also, through powerful lobbies, they exerted their influences upon lawmakers to bring about laws favorable to their welfare. The growing influence of the business magnates was noted by the Dallas Herald: "Jay Gould had a cold and caused considerable excitement on Wall Street. If he had been bitten by a dog, there would have been a panic."  

Many of the political issues arising during the Gilded Age provided opportunities for the expression of Whiggish or anti-Whiggish views. These issues were debated in Congress and in state legislatures, with positions often following Whig or anti-Whig lines, rather than party lines. In these debates, the leaders frequently expressed their basic philosophies of government.

Reconstruction in Texas ended January 19, 1874, when Republican Governor Edmund J. Davis left the capital in Austin, having met defeat for re-election by Richard Coke in 1873. Coke's election marked the return of Democrats to the state executive office, from which they had been excluded since James Webb Throckmorton's removal by General Philip Henry Sheridan, August 8, 1867. Coke

16The Dallas Herald, February 5, 1885, p. 3.
received 85,549 votes to 42,663 votes cast for the incumbent, but Davis refused to concede defeat. He challenged the legality of the election before the State Supreme Court, contending that it had been held in violation of the State Constitution. Since the Constitution required four-day elections, he argued that the law permitting one-day elections by precincts was null and void. Although the Court upheld Davis, the public did not; hence Coke and Richard B. Hubbard, the newly-elected Democratic lieutenant-governor, were inaugurated late at night on January 15, 1874. Davis appealed to President U. S. Grant for support of his cause, but the president declined to interfere. Thus, a regime which, according to the traditional Texan view, even the Republicans had repudiated, came to an end. Recent historians have questioned whether "the traditional view of the Davis government has been distorted by the Southern sympathies of the writers and commentators we have had to depend on for an account." One has asked: "Were the acts of the radical Reconstruction government oppressive or simply considered so by the political opponents of Davis?" At the time, Texas voters apparently believed Davis' opponent. Having already won the

---


special congressional election of October, 1871, as well as control of the legislature in 1872, the Democrats swept the state, winning the gubernatorial office the following year.  

The issues facing the nation during the Gilded Age commanded the attention of Texans. Prominent among these matters was the question of government aid to railroad construction. Traditionally, the Jacksonians opposed the spending of federal funds for internal improvements, since government subsidy presupposed at least some measure of government regulation, and such regulation at the federal level constituted federal interference with the rights of the states. Though the southerners had fought and lost a war on the issue of states' rights, they had not entirely given up the concept, and it continued to appear in their debates throughout the era. They could be depended on to be wary of any proposal deemed a potential threat to the theory of states' rights. Favoring proposals for government subsidies were those whose fortunes were likely to be enhanced: manufacturers, shippers, and financiers. These persons usually followed Whig principles in practice, though they were members in good standing in the agrarian party of Jefferson and Jackson.

Numerous bills for other types of internal improvements came before the lawmakers, especially, Congress, and these indicated a continuing Whiggism. These proposals included improvements of harbors in Gulf ports and of inland waterways. Many considered railroads to be bona fide internal improvement projects.
and irrigation projects began to call for attention, as well. On these questions, many leaders were disposed to become Whigs in practice while still retaining membership in the Democratic party.

Tariffs were a live issue during the post-Reconstruction era, and these, too, presented occasions for expressions of basic political beliefs. Arrayed against each other were Republicans and some Democrats, who advocated protective tariffs, and those who supported "free-trade." The term "free-trade" however, was subject to qualification: the anti-protectionists did not propose total elimination of import duties; they believed that tariffs for revenue purposes were justified. On the other hand, they held that protective tariffs simply increased the prices which consumers must pay for goods, and these higher costs fell especially heavily upon the laboring man and upon the farmer "whose products were exported, and who gained nothing and lost much by tariff duties which allowed higher prices for manufacturers ..."22 Southern leaders tended to maintain a low-tariff attitude, which was in opposition to the Whiggish protection principle espoused by the business interests.

Depressions served to keep money, a multi-faceted question, in the forefront of concern for the American people during Grant’s administrations. Various measures were attempted to solve the problems, none of which was entirely satisfactory. Debtors, many of whom were farmers, desired cheap, or inflated money, which would

enable them to get out of debt, while creditors and financiers stood to gain more from appreciated money, as it would command higher interest rates on loans.

Regulation of business corporations held the attention of legislators and congressmen for many years during the final quarter of the nineteenth century. Measure after measure was proposed and defeated before passage of the Interstate Commerce Act in 1887. The chief objects of the interstate commerce bills in the early years were the railroads; no longer did those who favored such legislation accept at face value the premise that what was good for big business was good for the country. The positions of Texas leaders on the subject of business regulation were mixed; some advocated it, in the anti-Whig tradition of the agrarians; others opposed it, believing that anti-business, anti-Whig laws constituted an unjust restraint of trade and commerce. Personal fortunes sometimes entered the picture of business regulation, too; or, at least, it was so claimed by advocates of regulation.

The southern states were left with heavy debts at the close of Reconstruction. Leaders disagreed on the question of what should be done about them. Those who accepted the Whig view of government usually called for honoring the debts at their face value; in many cases they had invested in state projects, and if the debts were repudiated or adjusted, their financial interests could very well suffer. Those who had little to gain, and considerable to lose, through heavy taxes, from payment of state debts at par value felt
that the Reconstruction governments had been extravagant beyond the
demands of reason and the bounds of the law; therefore, they main-
tained that such obligations should be repudiated, or at least sealed
down to more reasonable figures. The question pending before most
southern legislatures was that having to do with disposal of Recon-
struction debts. Those influenced by Whig tenets generally favored
funding them; those who were guided by the agrarian traditions
were more apt to favor repudiation or adjustment.

Disposition of public lands also demanded the attention of the
citizenry during the Gilded Age. The United States still had mil-
lions of acres of unappropriated lands, mostly in the western states.
Texas retained title to its public lands when it entered the Union
and also had vast expanses of public domain during the Gilded Age.
Since vast tracts of land were given to railroads and were thus
connected with the question of internal improvements, they, too,
gave government leaders opportunity to express Whiggish or anti-
Whiggish tendencies. The business interests, naturally, supported
the land-grant policies; agricultural groups generally opposed
them, demanding in some instances that lands already granted to
railroads be returned to the states, or the people.

Education also absorbed the attention of leaders during the
last two decades of the nineteenth century. The problem facing
public education in Texas, as elsewhere, centered upon the lack of
funds, though motivation was lacking on the part of some. Demands
for economy in government often served to bring about cuts in education
funds, and thus hindered the development of quality education. Congress considered the subject in the form of the Blair Education Bill, but southerners, including Texans, were not yet ready to support such a proposal, although the South stood to gain more from it than any other section of the nation.

It is along these lines that an examination of the positions of Texas leaders, state and congressional, will be made in an effort to ascertain whether the old Whig philosophy significantly influenced these men. If Texas lawmakers were influenced by Whig dogmas, to what extent were these beliefs the basis of laws proposed and supported? This determination will be the purpose of this study, and a consideration of the statements of leaders, where available, will be examined. In addition, the laws they supported or opposed will constitute a part of such effort.

The term "Redeemer" as used in this study will follow the definition put forward by Woodward. The term "Bourbon" denotes an official who was in the ante-bellum government; in most cases, he was disfranchised during Reconstruction. In many cases, Texas governors and congressmen, at least, until 1891, qualified for descriptions both as Redeemers and Bourbons.
CHAPTER II

REPRESENTATIVE TEXAS LEADERS

In some ways, Texas was different from the Old South during the post-Reconstruction era. One basic difference was the length of experience in statehood. Other states of the South had had a half century or more of statehood behind them when the Civil War began. By the middle 1870's, Texas had less than three decades of background in the Union, if the four years of membership in the Confederacy are considered. Socially and politically, Texas was more democratic than many of the states to the east. Since much of the state was still a wilderness and an untamed frontier in 1870, an aristocracy as it existed in the older states had not yet developed. Differences in social and political structures help account for the atypical conditions which prevailed in Texas during the last quarter of the nineteenth century; hence, the "Redeemer Regime" in the state should be viewed in the light of these conditions.

In the true sense that Bourbons were planter aristocrats returned to ante-bellum preferment, few Texans would likely qualify fully. Of the some forty-seven persons who served Texas in Congress and an undetermined number who served in the state government during the Gilded Age, relatively few had owned slaves in the year 1860. Yet,

of the eleven men who served as governor of Texas between 1865 and 1900, all but two were Civil War veterans. From the viewpoint of ante-bellum officials returning to power after Reconstruction, Texas probably had more Bourbons in government than most other southern states.

Post-Reconstruction officials in Texas, for the most part, had recovered from war-time losses and had achieved a degree of financial independence by the time they were elected to offices. Many had built lucrative legal practices before returning to public service. None is on record as having refused public office for reason of poverty, as did Andrew Jackson Hamilton in 1866, when he declined to be the Republican gubernatorial candidate. He complained that his financial condition must demand his attention, stating further: "To be brief, I am too poor." For the most part, Texas ante-bellum officials returning to power were southern leaders displacing northern carpetbaggers; hence the terms "Bourbon" and "Redeemer" applied rather well to those who served in the Texas government during the period from 1877 to 1900.

---

2 Elisha M. Pease and James Stephen Hogg were not Civil War veterans. Edmund J. Davis served in the Union Army.


4 Sinkins and others refer to the Bourbons as "native" leaders. Most Texas leaders were not "native," in the sense of having been born in Texas, although most were southerners by birth.
Writers disagree on the unanimity of support which the Redeemers gained. In the coastal states, such men as Tom Watson of Georgia, Ben Tillman of South Carolina, and Leonidas Polk of North Carolina led small farmers of the hill country in opposition to the Redeemers in the black belts.5 "In Texas . . . Congressman (later Senator) John H. Reagan, former Postmaster General of the Confederacy, and his agrarian lieutenants, who fought for state and federal railroad regulation offer some contrast to the dominant element of Texas Redeemers."6 Thus, in Texas the conflict between the Whiggish and anti-Whiggish elements was waged as in other states.

The twenty-three years covered by the Gilded Age involved roughly twelve House terms and four Senate terms. A total of forty persons from Texas sat in the House of Representatives and seven in the Senate. Two men—John Henninger Reagan and Roger Quarles Mills—moved from the House to the Senate. Another, Joseph Weldon Bailey, served in the House during the latter part of the era, and then advanced to the Senate after the close of the period.7

The five men whom Texas sent to the Senate during the Gilded Age were Richard Coke, Samuel Bell Maxey, Horace Chilton, John H.

---


Reagan, and Roger Q. Mills. Morgan Calvin Hamilton, a Republican, was in the Senate from 1870 to 1877; his term expired almost concurrently with National Reconstruction, and he retired at that time. Charles Allen Culberson, one of the most illustrious officials in Texas history, began his long senatorial career as the Gilded Age was drawing to a close. His contributions as a member of Congress came at a later date. Coke was the only Texas senator whose tenure of service spanned most of the post-Reconstruction period.

Richard Coke, the first Redeemer governor of Texas and long-time senator from the Lone Star State, was born in Williamsburg, Virginia, March 13, 1829. Coming to Texas, he was admitted to the bar in Waco in 1850. During the Civil War he served in the Confederate Army, rising to the rank of captain. In 1865, Coke was appointed a district judge; he was subsequently elected to a seat on the Texas Supreme Court, but General Sheridan removed him in 1867 as "an impediment to reconstruction." Elected governor of Texas in 1873, he was re-elected in 1875 but resigned the office the next year to accept a seat in the United States Senate.

Senator Coke's colleague during most of his career in the Senate was Samuel Bell Maxey, of Paris, Texas. Born at Tomkinsville, Kentucky, Maxey was graduated from West Point Military Academy and

---

8Biographical Directory, pp. 1336, 997.

9James W. Madden, Charles Allen Culberson: His Life, Character, and Public Service as County Attorney, Attorney General, Governor of Texas and United States Senator (Austin, 1929), p. 119.

10Biographical Directory, p. 718.
served for some months in the Mexican War. Returning to Kentucky, he was admitted to the bar in 1850, and began practice in Albany, Kentucky. He moved to Texas in 1857 and engaged in legal practice; he was also active in local and state affairs till the beginning of the Civil War. In the Confederate Army, he rose to the rank of major general. After the War, Maxey returned to Paris and resumed his legal profession until he was elected to the United States Senate in 1874. He served two terms, losing the election in 1886, his career having covered about half of the Gilded Age.\(^1\) By the time of Maxey's election in 1874, the Republican party was discredited in Texas. Opposition to his candidacy was almost non-existent, coming only from the Greenback party and Democrats John H. Reagan and James Webb Throckmorton.\(^2\) Maxey, himself, gave the best insight into his political philosophy when he described himself as "an ultra simon pure, secession, anti-reconstruction Democrat."\(^3\) In his Washington career, Maxey generally held to the Jacksonian Democratic positions, though his committee assignments—Military affairs and Education and Labor—do not readily indicate his political beliefs. However, he aligned himself on the side of the reform movements of the day.\(^4\)

\(^1\)Ibid., p. 1277.

\(^2\)Rupert Norval Richardson, *Texas, the Lone Star State* (New York, 1943), p. 325.


\(^4\)The *Dallas Herald*, January 3, 1884, p. 4.
The others who served in the Senate during the Gilded Age were Horace Chilton, John H. Reagan, and Roger Q. Mills. The latter two entered the Senate after illustrious careers in the House of Representatives; neither achieved the level of acclaim nor made the contribution to national legislation in the Senate that he had made in the House. Chilton served a few months between the terms of Reagan and Mills, Governor James S. Hogg having appointed him to fill Reagan's unexpired term. He resigned after a short time but ran again in 1894 and defeated Senator Coke. Having served one complete term, he terminated his congressional service in 1901.15

Perhaps it is an eloquent testimonial to the general good will that Roger Q. Mills enjoyed in his district in Texas that he managed to be on the "wrong" side of so many national issues and still retain his seat in Congress. In addition, when he was not appointed to fill a vacancy in the Senate, the people of the state raised a loud protest. One writer suggests that Horace Chilton, who was appointed to the vacant senate seat, resigned after a few months in order to allow the election of Mills.16

Like Maxey, Mills was a Kentuckian, born in Todd County, March 30, 1832. He moved to Texas in 1849 and was admitted to the bar in 1852. Settling in Corsicana, he practiced law there, and was a member of the Texas House of Representatives in 1859 and 1860. He

---

15 Richardson, Texas, p. 514.

attained the rank of colonel in the Confederate Army, receiving wounds at Missionary Ridge and Atlanta. After the War, he was elected to Congress as a Democrat in 1872, and served in the House until his election to the Senate in 1892. Mills was a member of the Ways and Means Committee of the House and advanced to the position of chairman in 1884. He narrowly lost a bid for election as speaker of the House in the Fifty-second Congress. By the time he entered the Senate, Mills was old, tired, and broken in spirit, and he never attained the prestige there which he had had in the House, although he continued his interest in tariff legislation.

It was in the House of Representatives that John H. Reagan achieved his greatest fame, and his most noted accomplishment there was the Interstate Commerce Act. The final passage of the Commerce Act was a tribute to Reagan's tenacity, thoroughness, patience, and diplomacy. Entering the House in 1875, he became a member of the Committee on Commerce and advanced to the chairmanship in 1877. His position on the Commerce Committee gave him a vantage point from which to push regulation relating to railroads. He presented his first bill to regulate commerce in 1878. This bill died in the House, and others followed to meet similar fates either in the House or the Senate. Finally, the Interstate Commerce Act became law on

---

17 Biographical Directory, p. 1336; Sam Hanna Acheson, Joe Bailey, the Last Democrat (New York, 1932), pp. 45-47.
February 7, 1887. The Interstate Commerce Act came as a fitting climax to Reagan's House career. A few weeks later, March 4, 1887, he took his seat in the Senate, which he had won in the previous election.19

Like most Texas leaders of the period, Reagan was not a native of the state. He was born in Sevierville, Tennessee, in 1818, moving to the Republic of Texas, in 1837. Admitted to the bar in 1846, he set up practice in Buffalo and later in Palestine. During the ensuing fifteen years, Reagan occupied various local and state offices and served two terms in the United States House of Representatives (1857-1861). Following the formation of the Confederacy in 1861, President Jefferson Davis named Reagan as Postmaster General, a post which Reagan held throughout the War. Just before the close of the War, Davis added the position of acting secretary of the Confederate Treasury to Reagan's responsibilities. After his release from Fort Warren in Boston Harbor, he became a member of the Constitutional Convention, in 1865. Disenfranchisement by Congress forced his retirement from political activity until he was pardoned in 1874. In the same year he was elected to the United States House of Representatives, where he served twelve years. Named to the United States Senate, he served four years, resigning in 1891 to become a member of the newly-organized Texas Railroad Commission.20


Reagan's political views were those of a Jacksonian Democrat, and he generally, but not always, followed the Jeffersonian-Jacksonian principles where Whig doctrines were concerned. Though he accepted the Jeffersonian dictum that the government is best which governs least, he was not averse to interposing the power of the government where he felt the interests of the people so demanded; hence, he could promote railroad construction in Texas and push for regulation of the same roads in Washington. He stood "for the simplest forms of government, looking with horror upon the innovations of latter day administrations." 21

James W. Throckmorton was another prominent leader in Texas politics during the Gilded Age. Like Reagan, a native of Tennessee, he came with his father to Texas in 1841, at the age of sixteen. Having earned a degree in medicine, he served as an Army surgeon during the Mexican War. Later admitted to the bar, he set up a legal practice in McKinney, Texas, and from 1851 to 1856, he was a member of the Texas Legislature, as well as a candidate for presidential elector on the Scott-Graham ticket in 1852. Although a Unionist in sentiment, he felt a greater loyalty to his adopted state and the South, and became a member of the secession convention of Texas in 1861. Attaining the rank of brigadier general during the War, he was elected to the Texas Senate after the hostilities ended. Raised to the office of governor, he was removed from that office

by General Sheridan in 1867, but in 1874, he was elected to Congress. His career in Washington was rather spasmodic; re-elected to Congress in 1876, he was not a candidate in 1878. Returning to Congress in 1882 and in 1884, Throckmorton retired from that body at the conclusion of his fourth term, March 3, 1887.22

Background and associations considered, James W. Throckmorton emerges as probably the "most Whiggish" member of the Texas congressional delegation in the post-Reconstruction period.23 His biographer, Claude Elliott, tells of an incident in the Texas Legislature in 1855. When William B. Ochiltree declared; "I stand solitary and alone on this floor, an old-line Whig," Throckmorton rose to his feet and stated that he, too, was "an old-line Whig."24 This statement, along with Throckmorton's long-standing connections with railroad interests in Texas and Congress lend added credence to Woodward's theory that many southern Whigs joined the Democratic party after the break-up of the Whig organization.25

Texas state officials also offer opportunities to study Whig influence or the lack of it during the post-Reconstruction period.

---


23Ibid., pp. 1399-1400. The probable exception was Thomas Peake Ochiltree, son of William B. Ochiltree. Tom Ochiltree was more outspokenly Whiggish than was Throckmorton, but he was elected to Congress as an Independent (1882 and 1884), not as a Democrat, as was Throckmorton.


Some, like Coke, Throckmorton, Reagan, and Charles A. Culberson, held state offices before going to Congress. Others served only within the state in official capacities.

Richard B. Hubbard was one of the officials whose public service was confined to the state. Born in Georgia in 1832, he graduated from Mercer University in 1850 and later studied law at the University of Virginia and Harvard University. In 1853, he removed to Texas, settling at Tyler, where he received appointment to the office of United States District Attorney in 1856. During the Civil War, Hubbard rose to the rank of brigadier general. The years 1865-1872 appear to have been a period of relative political inactivity for him, due no doubt to disfranchisement as a former rebel against the United States Government. By 1872 he was a presidential elector on the ticket headed by Horace Greeley, and Texas voters named him to the office of lieutenant governor in 1873 and 1875. When Richard Coke resigned in 1876, Hubbard succeeded to the governorship, completing Coke's term and another in which he was elected, terminating his tenure in 1879.26

While governor, Hubbard does not appear to have expressed strong Whiggish sympathies, although his critics accused him of having been too generous in granting state funds to the railroads during that time. In later years, he was connected with at least one railroad (the Cotton Belt line), however. He also took issue with James S.

26 Archive and History Department, Texas State Library, editors, Texas Governors' Messages: Coke to Ross, 1874-1891 (Austin, 1916), p. 205.
Hogg's actions as attorney general, against the Houston and Texas Central Railroad in 1889.27

Oran Milo Roberts assumed the office of Governor of Texas in 1879, after more than thirty years of activity in state politics. A native of South Carolina, he had come to Texas in 1841 at the age of twenty-six. Three years later, President Sam Houston appointed him a district attorney in the Republic of Texas. In 1846, Governor J. Pinckney Henderson appointed him judge of the Fifth District, a post which Roberts held for five years. He won election as a justice of the Texas Supreme Court in 1857, but resigned in 1861 to join the Confederate Army, in which he attained the rank of colonel. Also, in 1861, he was named president of the secession convention in Texas. While still in the army, he was elected Chief Justice of the Texas Supreme Court in 1864. After the close of the War in 1866, Roberts was a member of the constitutional convention which met in that year. The year 1866 also saw his election to the United States Senate, but the radical Congress refused to recognize him, leaving him no choice but to return to Texas, where he engaged in legal practice and established a law school at Gilmer.28 Governor Coke appointed him chief justice in 1874, and he won election to the post in 1876.29 His election as governor in 1878 and 1880


29Governors' Messages, p. 213.
came at a difficult time since the state was still struggling with debts contracted by the reconstruction administration and with the economic depression which began in 1873.\textsuperscript{30}

The esteem which Roberts gained among the people is suggested by a statement appearing in his biographical sketch in the \textit{Texas Governors' Messages}: "Not only was Governor Roberts a master of statecraft, but he was a jurist and judge of the most profound ability."\textsuperscript{31} A contemporary description depicted something of his political philosophy:

He was from the start a shrewd political economist, a sagacious statesman in the department of governmental finances, and a broad, liberal manager of every public concern committed to his care and encouragement. . . . He accepted existing conditions and accommodated his official actions to the progressive spirit of the age and country in which he lived.\textsuperscript{32}

While Roberts spoke of the importance of agriculture and extolled the role of the farmers in the development of the state and the republican form of government, his attitude toward funding of the public debt and disposal of public lands for the liquidation of the debt placed him in the company of those whom Simkins described as having paid lip-service to agrarian ideals, but who in actual political practice adhered more closely to interests common to


\textsuperscript{31}Governors' Messages, p. 213.

\textsuperscript{32}Wooten, "Life of Roberts," pp. 17, 18.
Whiggism, giving rise to the conclusion that he was probably the most Whiggish of the Redeemer governors of Texas.33

Oran M. Roberts was followed in office by John Ireland, probably the most consistently non-Whiggish of the Redeemer governors of the state. Ireland was born in Hart County, Kentucky, January 1, 1827. Family poverty prevented his receiving much formal education until he was grown. After reaching manhood, he engaged in a discipline of self study, the result of which gained him admittance to the Kentucky bar in 1853, less than a year after he began to study law. Coming to Texas, he settled in San Antonio in January, 1853, but removed to Seguin the following April, where he continued to reside for the remainder of his life.34

Before the Civil War, in 1858, Ireland became mayor of Seguin. Three years later, he attended the secession convention of Texas as delegate from Guadalupe County. Attaining the rank of colonel in the Confederate Army, he returned to Seguin after the War to win election as a district judge, but he was removed by federal military authorities.35

A period of political inactivity common to most former Confederate officers preceded Ireland's election to the Texas House of

34 Governors' Messages, p. 469.
Representatives in 1873; after two years of service in the House, he entered the Texas Senate. In the legislature his vigorous opposition to government grants of aid to railroads won him the nickname "Ox-Cart John." After only a few months in the Senate, Ireland was named by Governor Coke as an associate justice of the Texas Supreme Court, but he was retired from that position by the Constitution of 1876, which reduced the number of justices on the Court from five to three. The election year of 1878 found Ireland campaigning for a seat in Congress, but he was defeated by Gustave Schleicher. His bid for the governor's chair in 1882, however, was successful, and he won re-election to a second term in 1884. Although he came from the country of Henry Clay, John Ireland appears to have rejected almost totally the Whig philosophy which had made Clay famous. His election to the office of governor of Texas was hailed as a victory by the farm elements of the state.

Laurence Sullivan Ross was the last of the Redeemer governors in Texas. Born in Bentonsport, Iowa, in 1838, he was brought by his parents to Waco in 1839. In 1859, he graduated from Florence Wesleyan University, in Alabama, serving as a member of the Texas frontier defense forces between college terms. As commander of the frontier forces under appointment by Governor Sam Houston, Ross attained considerable attention by his rescue of Cynthia Ann Parker,

36 Governors' Messages, pp. 470, 469-470.
thirty years a captive of the Comanche Indians. In the Confederate
Army, Ross rose to the rank of brigadier general. After the War,
he farmed for several years in the Brazos bottoms before his election
as sheriff of McLennan County, in 1873. In 1881, he entered the
Texas Senate, and became governor in 1886, succeeding John Ireland.38

James Stephen Hogg had the dual distinction of being the first
native governor of Texas and the state's first reform governor.
He was born March 24, 1851, in Cherokee County, and was orphaned
when his father, Colonel Joseph Lewis Hogg, died in the Battle of
Corinth in 1863. At the age of seventeen, Hogg began working as
a typesetter in a printshop in Tyler. Four years later he had his
own newspaper in Longview, later moving to Quitman, where he edited
his paper and studied law.39 It was in Quitman also that he entered
politics, first as justice of the peace, and later as county attor-
ney and district attorney. His first office of state-wide
significance was that of attorney-general, to which he was elected
in 1886. In that office he gained considerable acclaim because of
his efforts to force the railroads to live up to the stipulations
of their charters.40

38 Governors' Messages, pp. 555-556.

39 Cadwell W. Baines, editor, Speeches and State Papers of James
Stephen Hogg, Ex-Governor of Texas, With a Sketch of His Life (Aus-

40 John H. Reagan to Hogg, April 6, 1889, James S. Hogg Papers,
Letters Received, I, 137.
Hogg's inauguration symbolized the end of conservative dominance in Texas politics. He was elected on a reform ticket, the slogan of which was "Hogg and the Commission." The promises of reform resulted in the creation of the Texas Railroad Commission; however, Hogg did not go as far in reform as some desired. He broke with the farm organizations who had contributed significantly to his election. The issue causing the break was the question of whether the Railroad Commission should be appointed by the governor or elected by the people. While in office, Hogg adhered rather rigidly to the reform program on which he had won election. After leaving office he entered business enterprises, along with his legal profession, but continued to maintain an enthusiasm for what he considered "the people's interests" in the state.
CHAPTER III

INTERNAL IMPROVEMENTS AND AID TO RAILROADS

A basic principle of Whig political thought and program was federal support for internal improvements, an idea embodied in the "American System," proposed by Henry Clay in 1824. This system would have provided transportation facilities to move raw materials and finished goods between American farms and markets. Fifty years after Clay proposed his system, the questions of transportation and communications were even more important than in 1824.

Texas' officials, like those in other states, were vitally interested in internal improvements. Its representatives in Congress, despite their agrarian backgrounds, found it possible to adapt their traditional beliefs to allow support for internal improvement projects. Some of these projects were definitely of the "pork-barrel" variety, having to do chiefly with local conditions, but others were of wide-spread consequence.

Since internal improvements were a national issue, expressions and proposals on the topic came primarily from members of Congress. The most prominent Texan to sponsor bills for such projects was John H. Reagan. While he was primarily interested in the passage of an interstate commerce bill, his concern was not limited to that subject. Like other Texans in the nation's capital, he was aware of the needs and sentiments in Texas, and he was flexible enough to support, or even introduce, legislation which had a Whiggish
coloring. He submitted bills for improvements of rivers and harbors, especially in Texas and the South, but also for states such as Illinois and Minnesota. Texas projects he supported included improvements in navigation facilities on the Sabine, Trinity, and Nueces Rivers, and harbor improvements at Houston's Buffalo Bayou, Galveston, and Sabine Pass.\(^1\)

The **Dallas Herald** brought out the pork-barrel aspect of improvement projects when it observed that the Trinity River ran through the districts of Samuel Willis Tucker Lanham, James W. Throckmorton, Roger Q. Mills, Olin Wellborn, and John H. Reagan. The tone of the editorial was such that the writer seemed to say that the presence of the streams in these districts was reason enough to guarantee support of the bills to provide improvement and navigation as far north as Dallas.\(^2\) Although Mills' chief interest was in tariff reform, he manifested interest in internal improvements when he presented a bill to appropriate funds for improvement work in the ship channel in Galveston Bay.\(^3\)

The most outspoken advocate for internal improvements was Thomas Peake Ochiltree, whose father, William B. Ochiltree, had been a Whig leader in Texas for some thirty years. Born in 1839, Tom Ochiltree had joined the Texas Rangers at the age of sixteen; by

---


\(^2\)\textit{The Dallas Herald}, January 15, 1885, p. 4.

\(^3\)\textit{Congressional Record}, 45th Congress, 1st Session, p. 192.
a special act of the legislature he received a license to practice law at age eighteen. He was elected clerk of the Texas House of Representatives in 1857, and served in that capacity for three years. Elected to Congress in 1882 and 1884, Ochiltree, an Independent, generally supported Whiggish programs. He secured the interest of James Eads, a noted engineer, in dredging Galveston Bay for a deep-water port. At the same time, he received moral backing from two railroad-executives: Collis P. Huntington, of the Southern Pacific, and Jay Gould, of the Texas and Pacific; they assured him that a deep-water port at Galveston would become a terminus for their rail systems. For this bill he also had the support of Democrats Reagan in the House and Coke and Maxey in the Senate. Ochiltree was not a man who was willing to settle for "half a loaf." When the Rivers and Harbors Committee reported an appropriation of $250,000 for the Galveston project, he announced that he would refuse such a pittance. Since he had campaigned for an appropriation of $7,500,000 for the task, the appropriation of $250,000 seemed ridiculous to him. The Dallas Herald opposed Ochiltree's bill,
Known as the "Eads Bill," calling it "Eads' Fraud." Engaging in a bit of campaign sarcasm, Ochiltree expressed his Whiggish viewpoint in a speech to the voters of his district:

"You need appropriations, but a Democrat gets up in the House and the Speaker can't see him; Democrats are so pledged to economy that it hurts you; you don't need economy, you need bridges, you need public buildings, you need harbors dredged."

A bill to permit the Committee on Commerce to report bills for appropriations for improvements of rivers and harbors (as well as the Committee on Appropriations) was approved by the House on April 9, 1879. The effect of this bill was to strengthen the Commerce Committee, of which Reagan was chairman. Texans voting for the bill were David Browning Culberson, George Washington Jones (Greenbacker), Mills, Reagan, and Wellborn. Christopher Columbus Upson was not mentioned in connection with the vote.

Not only individuals, but the Democratic party went on record favoring internal improvements. The party platform in 1886 pledged the encouragement and fostering of all works of internal improvements and the development of manufacturing interests in the state. The Whiggish sympathies expressed by the state Democratic party during Governor Ireland's administration were repeated in 1894, near the end of Governor Hogg's term: "We demand that our senators and representatives

---

8The Dallas Herald, February 12, 1885, p. 3.


be requested to use all honorable means to secure adequate appropriations for the improvement of the ports and inland waterways of Texas." In 1896, the party continued its Whiggish stand in regard to internal improvements; it repeated demands for funds for improvement of state ports and waterways. 11

Two of the most important problems facing Americans in the middle of the nineteenth century were transcontinental communications for persons and goods to the Pacific Coast. Invention of the telegraph solved the problem of communications, while development of the railroad locomotive held great promise for meeting transcontinental transportation needs. But the costs of railroad construction were monumental—far too great for an individual to meet, hence the forming of corporations to provide capital for these gigantic enterprises. Government subsidies appeared to many to be the answer; they were suggested, debated, and finally provided. The two forms which the government subsidies assumed were guaranteed payments on bonds and grants of government lands. The federal government gave the railroad companies vast tracts of the public domain, while states provided aid for companies building roads within their boundaries.

When Texas entered the Union, it retained title to its public lands, thus the state had considerable inducements to offer railroads which might wish to build within its borders. Claude Elliott, in his biography of James W. Throckmorton states that the South as

a whole did not support aid to railroad construction.\textsuperscript{12} In this
he differs from Woodward's position that the new ruling class in
the South was anxious to promote commercial and industrial develop-
ment by whatever means, and that railroad building was one of the
major industries in the post-Reconstruction South.\textsuperscript{13} At the close
of the War, Texas found most of its railroads destroyed or bank-
rupt, hence it desperately needed rail facilities during the 1870's.
Lacking capital, it had an abundance of land which could be used
for grant purposes. Besides, land grants proved to be a convenient
escape for lawmakers who opposed direct federal aid for improve-
ments, but who did not wish to go on record against railroad
construction.\textsuperscript{15}

Texas made extensive grants of land to the railroads. The
\textit{Dallas Morning News} reported that twelve companies received 32,400,
000 acres.\textsuperscript{16} A total of some forty-three firms received land, most

\textsuperscript{12}Claude Elliott, \textit{Leathercoat: The Life History of a Texas
Patriot} (San Antonio, 1938), p. 246. Elliott apparently does not
regard such Redeemers as John B. Gordon, L. Q. C. Lamar as typical
leaders in the post-Reconstruction era.

\textsuperscript{13}Comer Vann Woodward, \textit{Origins of the New South, 1877-1913},
Vol. IX of \textit{A History of the South}, edited by Wendell Holmes Stephenson
and E. Herton Coulter, 10 vols. (Baton Rouge, Louisiana, 1951),
pp. 120-122.

\textsuperscript{14}Charles S. Potts, \textit{Railroad Transportation in Texas} (Austin,

\textsuperscript{15}Ralph N. Traxler, Jr., "The Texas and Pacific Land Grants,"
\textit{The Southwestern Historical Quarterly}, LXI (January, 1958), 360.

\textsuperscript{16}The \textit{Dallas Morning News}, October 1, 1885, p. 5.
of it going to the International and Great Northern, the Texas and Pacific, and the Houston and Great Northern lines. Considerable variation existed in the sizes of tracts granted, from 5,120 to 12,800 acres per mile of completed track. The aforementioned "big three" companies received the maximum grants, which totaled 10,814,080 acres of Texas public domain in return for construction of 844 miles of track. Extensive as these grants were, they were smaller than similar ones made by the federal government. Federal grants ranged from 3,840 to 25,600 acres per mile.17

The period of most intense activity in railroad construction in Texas was between 1870 and 1882. From 1876 to 1882, 126 new charters were issued for railroad construction in Texas; however, only nineteen of the chartered lines were actually constructed. The last land grant was made to railroads on April 18, 1882, when 162 certificates were given to the Sabine and East Texas Railway for ten miles of track. At the same time, the Austin and Northwestern Road received 613 certificates for thirty-eight miles of track.18

Aid to railroad construction in Texas was not limited to land grants. In addition to grants of state land, railroads also received assistance in the form of bonds given by cities and counties.

17S. G. Reed, A History of Texas Railroads (Houston, 1941), p. 160.

18Ibid., pp. 154, 155.
Direct monetary loans were also made by the state, while individuals provided aid in the form of bonds they purchased from the companies.19

Texans' interest in railroad building began in the days of the Republic, although significant development did not occur until the attainment of statehood. Hoping to encourage the federal government to approve a transcontinental line across Texas along the thirty-second parallel, the state made grants to two companies prior to the Civil War.20 In this instance, the entire state government took a Whiggish stand in the development of internal improvements at federal expense.21

An interesting project which combined visions of profit with hopes of encouraging land settlement was that of the New York, Texas, and Mexico Railroad in South Texas. An Italian count, Joseph Telfener, was the moving spirit behind the venture. Telfener had come to the United States and with the aid of his father-in-law, Daniel E. Hungerford, obtained a charter for a grant of sixteen sections of land. The road was to run the 350 miles from Richmond to Brownsville, and was to be completed by December 15, 1882. The Italian workers whom Telfener imported to build the road led local residents to dub it "the Macaroni Line." The count's plan was to pay the


workers with land and settle them along the road. Bad weather and disintegration of the work force, however, prevented completion of the road and fulfillment of Telfener's dreams.22

By far the largest, most famous, and most ambitious railroad construction undertaken in the Lone Star State was the Texas and Pacific system. On March 3, 1871, President Grant signed a bill for federal assistance in the construction of a railroad along the thirty-second parallel.23 Texas' interest in a transcontinental rail line had long antedated the Texas and Pacific bill of 1871.

As early as 1845, the Texas and Pacific concept gained the approval of an Internal Improvements Convention meeting in Memphis, Tennessee. The group adopted a resolution advocating a transcontinental railroad over a southern route.24 After the federal government set the example of aid to construction of railroads in 1850, the grant program gained much support in Texas. The legislature granted the first state charter to the Texas and Pacific Railroad in 1852, but less than twenty-five miles of track had been completed in 1860. Doubts concerning the practicality of the project were blamed for lack of development.25 Ante-bellum rivalry between the North and the South


over the route of the transcontinental railroad delayed congressional approval of the federal land grant program.26

In 1850, the legislature adopted a resolution declaring that the state should extend aid to a national railroad.27 In that year the legislature chartered two companies: the Southern Pacific of Texas and the Southern Transcontinental Railroad Company. Both were later absorbed by the Texas and Pacific corporation after it received a federal charter in 1871.28 The Texas resolution "reserved the right to construct or authorize to be constructed any other railroad within her limits which she may deem proper, which may connect with the main tracks of the railroad to be constructed by the United States or its authority."29 Although the Texas and Pacific company was not chartered until 1871, its origin dates back to the Texas Western Railroad, as well as the Southern Pacific of Texas and the Southern Transcontinental. Like the Southern Pacific of Texas and the Southern Transcontinental, the Texas Western also was chartered in 1852. The Texas Western was re-chartered in 1856 under the name "Southern Pacific," which had no connection with the Southern Pacific road later headed by Collis P. Huntington. One of the names on the 1856 charter of the Southern Pacific line was that of James W.

27Gammel, Laws of Texas, III, 589.
29Gammel, Laws of Texas, III, 590.
Throckmorton; he continued as a director of the line until it became part of the Texas and Pacific system in 1872.\textsuperscript{30}

Texas and Pacific and other lines seeking charters and aid for construction in Texas faced a changing policy in their relations with the state. Originally, the state followed a policy of giving land; during Reconstruction, the radical legislature discontinued the land-grant system and substituted a monetary aid program. In 1873 a constitutional amendment restored the land-grant arrangement, and this system remained in effect until the termination of all aid in 1882.\textsuperscript{31}

The Texas and Pacific charter made it part of a transcontinental rail system. According to a motion which Senator Lucius Quintus Cincinnatus Lamar offered in the Senate Pacific Railroad Committee on January 24, 1877, the Southern Pacific Road would build 700 miles of track from the west toward the Texas and Pacific line. The Texas and Pacific would build from Fort Worth to the Rio Grande near El Paso, and from thence, 100 miles into New Mexico to a junction with the Southern Pacific. With their combined mileage, these two roads would form a link between Fort Worth, Texas, and San Diego, California.

Two men, John H. Reagan and James W. Throckmorton, stand out most prominently in activities encouraging railway construction.

\textsuperscript{30} Armstrong, "Origins of Texas and Pacific," pp. 491, 496.

\textsuperscript{31} Traxler, "Texas and Pacific Grants," p. 362; Gammel, Laws of Texas, VII, 676; IX, 221.
in Texas during the twelve-year period of intensive railroad building in the state, from 1870-1882. Others, including Richard B. Hubbard, governor from 1876-1879, favored railroad construction, but none equalled Reagan and Throckmorton for sheer persistence.

Reagan exerted his influence for railroad promotion almost wholly within the state, early in the period, and before he went to Congress in 1875. He was eminently successful in getting rail service into Palestine and other points in east Texas. Working with George A. Wright of Palestine, Reagan persuaded J. Stanford Barnes, president of the International and Great Northern, to route the line through Palestine; this road was completed in July, 1872. In March of the same year, Reagan and Wright had begun negotiations with Galusha A. Grow, president of the Houston and Great Northern Railroad, hoping to get a branch of that line into Palestine. They offered Grow a bonus of $150,000 in local bonds if the Houston road would complete a junction with the International at Palestine by July, 1873. Further, the railroad was asked to move its general offices and roundhouse to Palestine, locating them permanently within half a mile of the Anderson County Courthouse. Reagan's previous acquaintance with Grow in Congress doubtlessly contributed significantly to the success of these negotiations. Although Reagan's actions might be considered Whiggish and out of keeping with his long-standing

32 Rupert Norval Richardson, Texas, the Lone Star State (New York, 1943), p. 326.

33 Procter, Not Without Honor, pp. 196-198.

34 Ibid., pp. 196-197.
reputation as an agrarian Democrat, actually, he was encouraging business on a local and largely private basis. His promotion was for the ultimate benefit of the farm communities in the eastern part of the state. He recognized the necessity of adequate transportation for farm products regardless of the political philosophy which might be involved. The aid which Reagan promoted appears to have been entirely on a local and private basis, without seeking to obtain state or federal funds. In the light of these considerations, it is doubtful that Reagan could be charged with serious inconsistency regarding his agrarian beliefs when he encouraged railroad construction in Texas.

James W. Throckmorton had been active in railroad affairs long before his election to Congress in 1874. During the 1850's, while a Whig member of the legislature, he was a director of the Texas Western Railroad. In Congress, as a member of the House Pacific Railroad Committee, he continued to show a keen interest in railroad development. In his capacity as a member of that committee, he pushed for passage of the bill to provide federal aid for construction of the Texas and Pacific line. He advocated federal assistance for building the trunk line (Texas and Pacific), but not for branch roads connecting with it; nevertheless, he voted for the Atlantic and Pacific line (a branch road) as part of the Texas and Pacific bill.

35Elliott, Leathercoat, p. 221. Elliott replies to attacks on Throckmorton's sincerity as a Democrat by observing that he was only a nominal Whig while in the legislature, and that he consistently supported Democratic programs.
In addition, he offered to submit an amendment to the main bill to provide another branch line--from Waco to somewhere east of the 100th parallel. The Texas and Pacific bill did not pass, but its failure was due to no lack of effort on the part of James W. Throckmorton. References to bills on the subject appear in congressional publications until 1879; the last entry indicates that the final bill died in committee, and was not brought to a floor vote. It did not provide occasion for an expression of Whiggish or non-Whiggish sentiments on the part of the Texas members of Congress.

Throckmorton's political consistency came under attack during his post-war campaigns. In 1874, the Sherman Courier, a hostile paper, labeled him a Whig (by inheritance), stating that his father had been an old-line Whig, and that he, himself, had been a Democrat only since 1869. The Courier charged further that his membership in the Democratic party was simply one of convenience; that he had become a Democrat only after he had seen that the Democratic party was in the ascendency in the state. The Austin Daily Statesman joined the critics of Throckmorton and the Texas and Pacific bill. Editorially, the paper noted a telegram which the representative had sent to Texas, stating that he was ready to protect the interests of the state in the bill pending in Congress for building, equipping, and paying the debts of the Texas and Pacific and Atlantic and Pacific

36 Ibid., p. 244.


38 Cited in Elliott, Leatherscoat, p. 220.
railroads. The editor, referring to the Texas constitutional reservation of the right to set freight and passenger rates for railroads operating within the state, noted that the bill before the House would have given the power of rate-setting to Congress. The Austin editor opined that "Congress, governed by the North, East, and St. Louis, would be against Texas' interests in favor of those areas." Throckmorton, the paper continued, had not declared his own feelings on the subject, and that he should have known that the bill would "lead Texas law into a conflict with Federal law." The editor further asserted that those who lent their support to "further the schemes of Scott and Huntington were enemies of Texas so long as they espoused those schemes [of Scott and Huntington]." 39

Throckmorton's activities in seeking aid for the Texas and Pacific Railroad subjected him to rather harsh criticism by his political opponents in Texas. Some of them referred to his position as counsel for the Texas and Pacific company in the state, at a salary of $10,000 per year, and questioned whether he was really his own man in Congress. 40 His efforts in behalf of the Texas and Pacific organization indicate that although he had changed his party affiliations, he had not radically changed his basic political philosophy. In his promotion of business interests in Texas and as a member of Congress, Throckmorton provided support for Woodward's description of Redeemer officials who were Democratic in name, but


40 Elliott, Leathercoat, p. 254.
not in practice; rather, they adhered to the commercial and business interests espoused by the Whigs. 41

Another prominent Texan who promoted railroad construction within the state was Richard B. Hubbard. His critics charged that he had been too generous, as governor, in granting state funds to railroads. 42 After completion of his service as governor he became active in the organization and building of the Cotton Belt Railroad. An advocate of business development in the state, he fits Woodward's picture of the business orientation of many of the Redeemers. It is not clear whether Hubbard sought government aid for the Cotton Belt Road, although his interest in the business venture would naturally have led him to do so.

Not all Texas leaders, however, advocated government aid for railroad construction in the state. Some who agreed that railroads would bring great advantage to the state opposed any type of government aid. As early as 1871, Governor Davis suggested to a joint session of the legislature that the state practice economy and abandon aid to railroad construction. Arguing that construction would proceed as rapidly without government aid as with it, his suggestion seems to have been based on fiscal considerations rather than upon political philosophy. 43 When the Redeemers came to power,


42 Norman G. Kittrell, Governors Who Have Been and Other Public Men of Texas (Houston, 1921), pp. 79-80; Richardson, Texas, p. 326.

43 Texas, Twelfth Legislature, First Session, Senate Journal, pp. 34 ff.
however, despite their calls for economy in government, they did not permit financial considerations to hinder the programs which they favored.

Davis' successor, Richard Coke appears to have been ambiguous on the subject of government aid to railroads. In his first message to the legislature, January 15, 1874, he observed:

The policy of Texas has been since 1850 to encourage the construction of railroads by granting land subsidies. The wisdom of the policy has been indicated by the results. I recommend the utmost liberality in dealing with them. They are a necessity for Texas. The wealth of the vast interior of Texas can alone be reached by them.44

When the legislature voted a subsidy of $6,000,000 to promote extension of the International and Great Northern road to Austin and San Antonio, Coke opposed it. Asked by Attorney-General George Clark what he planned to do about the bill, he replied, "I am going to veto h--- out of it."45

As a member of the legislature, John Ireland fought government aid to the railroads of the state. His opposition to such assistance was based on the principle that the legislature had no constitutional authority to tax the people for the purpose of subsidizing business corporations. He reviewed his position in his message to the legislature, January 11, 1887:

It is well known to those who take the trouble to investigate, or have kept up with the current history of the State,

---

44Archive and History Department, Texas State Library, editors, Texas Governors' Messages, Coke to Ross, 1874-1891 (Austin, 1916), p. 6.

45Kittrell, Governors Who Have Been, p. 62.
that I have opposed all subsidies to railway companies from my first entrance into public life in 1873, whether in lands or in money. I opposed the amendments to the Constitution in 1873 by which the lands could be used in that way, and I never believed that there was any authority in the Legislature to tax the people for the purpose of subsidizing corporations.  

The question of government aid for railroad construction had come to an end by the time James S. Hogg became attorney-general in 1887. His relationships with the rail companies, as attorney-general and later as governor, were largely in the area of regulation and enforcement of charter provisions. Hogg did not oppose railroads as such, but like Ireland, he was against public assistance for them. In the early seventies, he was much interested in seeing a railroad come to Tyler. Later, as the editor of the Quitman News, he aligned himself with the people who objected to binding themselves to pay a bond subsidy to the Texas and Pacific Railway which was then being built into Dallas.

On the question of internal improvements, Texas officials indicated mixed emotions, so far as Whig principles were concerned. In the main, they supported those projects designed to improve transportation, whether in Texas or elsewhere; intelligent politics dictated support of such proposals for Texas. Some, like Throckmorton, advocated all-out federal assistance for constructing, equipping, and supporting rail lines within the state. Reagan promoted local support for railroad building, but does not appear to have sought

---

46. Governors' Messages, p. 551.

state or federal aid. Some, like Governors Ireland and Hogg, opposed all forms of public aid for them. In such positions, at least, on this issue, they took stands which were definitely anti-Whiggish.

In the area of internal improvements, it seems clear that while Texas officials did not go all the way into Whiggism, they showed a willingness to adapt themselves to some of its features.
CHAPTER IV

DEBT, TAXES, AND PUBLIC SERVICES

Financing government needs and services in the relatively undeveloped frontier states was a major problem immediately following Reconstruction. Texas had most of the financial problems of the older states of the fallen Confederacy, complicated by the undeveloped state of most of her natural resources. Repudiation of Confederate war debts by Congress had deprived the people of income on war-time investments and placed even greater restrictions upon the taxable assets of the citizens.

Throughout the South, when in control, the Reconstruction regimes placed huge debts upon the states. Some historians contend that the carpetbag and freedmen regimes contracted debts with little or no thought as to the abilities of the states to pay them.\(^1\) Whereas Texas' public debts did not rise in proportions to match those in North Carolina ($29,278,000)\(^2\) and South Carolina ($29,000,000)\(^3\) they did show a marked increase during the administration of Governor Edmund J. Davis.\(^4\)

---

3. Henry, Reconstruction, p. 444
In 1865, the indebtedness of the state of Texas exceeded $8,000,000, including $1,137,406.55 which was due the school fund. The Reconstruction Act declared all state war debts to be null and void, since to honor them would be to justify the cause for which they were made. The state's public debt balance amounted to $110,613.32, which was the balance still owed on the debts of the Republic. At the time of Richard Coke's inauguration in 1874, the state's debt stood at more than $6,000,000, most of which had accrued during the Davis administration. When Oran M. Roberts took office in 1878, the state's outstanding obligations still amounted to $5,500,000. This figure was small in comparison to the reconstruction debts of other states, but it received a great deal of public attention. Texas' lack of development of its natural resources and subsequently restricted tax base made the debts appear larger than they might otherwise have seemed.

The extravagance with which the Texas Reconstruction legislature has been charged has received some defense in that "the bulk of the expenditures were for non-partisan measures and produced solid achievements in needed areas." Considering the fact that

---

5E. T. Miller, "The State Finances of Texas During the Civil War," The Southwestern Historical Quarterly, XIV (July, 1910), 3.

6Richardson, Texas, p. 329; Woodward, Origins, p. 86.

it was necessary to build a state government upon the war-ravaged economy, the wonder is not that a deficit developed, but that it was not larger. Advancements were realized in education, correctional institutions, and charitable establishments. Frontier defense and means of controlling lawless elements were expanded. All these improvements demanded sizeable expenditures.9

The state's leaders faced monumental problems regarding debts incurred during Reconstruction. They could choose between several alternatives: repudiation, funding, and retrenchment. Because of differing viewpoints and varying interests, none of these choices was likely to gain unanimous support.

Repudiation was favored by some. In some states, questions as to the legality of the reconstruction debts raised doubts in the minds of some as to whether the people were actually obligated to pay them.10 Repudiation may be described as "the poor man's solution" to the debt problem, since he had nothing to lose in investments by the process, and he would likely feel the heavy burden of extra taxes if the debts were met at face value. Many of the leaders in Texas politics opposed repudiation, contending that the state's credit must be saved by meeting its obligations, unjust though they were. In some instances those advocating repudiation


10Woodward, Origins, p. 86.
were unable to muster the strength needed to succeed. They then argued for scaling down, or adjusting the debts to more reasonable figures. Adjustment was in reality a compromise between repudiation and funding.  

The second alternative available to southerners at the close of the Reconstruction era was that of funding the public debts at face value. This meant repaying the debts over long periods of time with attractive rates of interest for bondholders. Many leaders in the state went on record opposing public debt in principle, and at the same time advocating funding of reconstruction debts at par value. The funders carried the day, with the result that Texas became, except for Mississippi, the only former Confederate state which did not reduce its reconstruction obligations. With a few exceptions, "... the State of Texas has always, since January 1, 1861, either paid or refunded its bonded debt at maturity and met the interest charges on the date stipulated in the bonds."  

Funding was a Whiggish practice, a device which leaders used to protect the investments of business men in government securities. This method of meeting public obligation during the post-Reconstruction years resulted in raising of taxes or curtailment of


12E. T. Miller, "Repudiation of State Debt in Texas Since 1861," The Southwestern Historical Quarterly, XVI (October, 1912), 183. The exceptions: debts incurred in prosecution of the Civil War, delayed payment of interest and principal of bonds authorized in 1866, and bonds issued to school and university funds.
public services, both of which inflicted the greatest hardship on the non-investing groups.

Most leading Texas politicians of the Gilded Age gave indications as to how they felt concerning public debt and how it should be treated. Richard Coke, leader of the first Redeemer government in Texas, set the tone for several who followed him in office. One admirer has written glowingly of how in 1874 he entered Austin and "drove from the Statehouse an alien horde of carpetbaggers and gave back to the people their liberties." The program of services which the Radicals had formulated for Texas was costly. The tax rate was $2.30 per $100, "and this was not half enough to meet the needs of the State government." Coke's program was that of retrenchment, the cutting of state spending. He reduced expenditures by one-half and the tax rate by 75 per cent. That Coke's approach to Texas' fiscal problems pleased the people is evident in the fact that they elected him to a second term as governor, and then to the Senate. His fiscal policies were Whiggish in the protection they provided for investors in state bonds. The retrenchment feature of his program was a Redeemer device which made it possible

---


to promote Whig financial policies. In Congress, Coke continued to advocate economy in government, although most references to him in connection with this subject show him supporting bills relating to this question presented by other members of Congress. Most of the bills he presented had to do with the committees on which he served.

Senator Samuel B. Maxey's description of himself as a "secessionist, anti-reconstruction Democrat" gives little indication of his stand on such questions as public debt and funding or repudiation, since the most ardent secessionist might become the most servile to Whiggish interests in post-Reconstruction politics in Texas and other southern states. However, the fact that Maxey usually adhered to Jacksonian Democratic positions suggests that he was opposed in principle to debt and funding.

John H. Reagan left more indication as to his stand on the issues of debt and funding. He declared himself an advocate of gradual reduction of the national debt. Like other Redeemers,

16Woodward, Origins, p. 60; Richardson, Texas, p. 330.


18Archive and History Department of the Texas State Library, editors, Texas Governors' Messages, Coke to Ross, 1874-1891 (Austin, 1916), p. 213.

19Richardson, Texas, p. 325.

he supported the concept of economy in government, a view which usually coincided with a dislike for public debt. His advocacy of economy, however, did not lead him to believe in cutting expenses to the point of impairing efficiency. On the question of disposal of the $100,000,000 gold surplus in the Treasury, Reagan proposed that it be used to redeem interest-bearing government bonds. He foresaw that such use of the surplus would have several beneficial effects, among which were reduction of the public debt and a lowering of the interest the people were required to pay on the debt.21

Probably the most vocal Texan in Congress, so far as debt and funding were concerned, was Representative Roger Q. Mills. He became chairman of the Ways and Means Committee in 1884, and in this position, he was mainly occupied with two issues: tariff reform and funding of the public debt. Describing himself as a Jeffersonian Democrat, he naturally opposed the traditional Whig views which many Democrats in Congress at that time espoused. He spoke out in opposition to the "Funding Bill" sponsored by Representative Fernando Wood of New York. His opposition to the issuance of long-term government bonds arose from his conviction that this type of obligation would lay an unnecessary tax burden upon the shoulders of the people.22 Later, in the Senate, Mills fought a Navy appropriations

21 Congressional Record, 50th Congress, 1st Session, pp. 2613, 2614.

22 Ibid., 46th Congress, 3rd Session, p. 397.
bill with the argument that the expenditure should be used to reduce the public debt. 23

State officials tended to follow the example set by Richard Coke when he was governor, so far as public debt and funding were concerned. That is, they practiced rigid economy in government and sought to reduce the state's debts. But they did not propose repudiation of any part of the obligations. Richard B. Hubbard's activity in reducing the debts and his reluctance to support repudiation no doubt stemmed from his interest in business affairs in the state, specifically, the railroads. Hubbard appears to have assumed a typical Redeemer approach: he encouraged economy in government and granted state funds to aid railroads in the state. 24 Those having investments in state bonds would gain from payment of them at face value. In his protection of these interests, Hubbard manifested an affinity for Whiggish principles.

Governor Oran M. Roberts continued and extended the program of economy which Coke and Hubbard had begun. His predecessors had instituted programs by which the state, for the first time in its history, had operated within its income, and even reduced the debt. 25


25Richardson, Texas, p. 325.
Coke and Hubbard had reduced the debt by $500,000. Roberts succeeded in effecting a further decrease of $1,500,000, leaving the balance at $4,000,000. This obligation has not been discharged. The state funded it at the close of Roberts' term and sold the bonds to the endowment funds of its institutions.26

Roberts instituted the most austere program ever known in Texas state government, and in this, he laid valid claim to the title of "Bourbon" as the concept is seen in Simkins' work.27 In proposing his program of austerity to the legislature, he maintained that the state had not developed its resources to the point where it could provide services and institutions common to the older states, and that it should not attempt to procure them until it could pay for them. He further urged that the legislature balance the budget of the state at whatever sacrifice was necessary. In his view, Texas "had been extending functions and assuming obligations too rapidly."28 In addition, Roberts stood for a "pay-as-you-go" policy in state finances. A contemporary writer observed Roberts' dedication to his program of retrenchment:

... and through good and evil report Roberts adhered to his plans of rigid economy, provident taxation, liberal, but exact appropriations to public purposes, and the utilization of every source of legitimate revenue

27Simkins, History of South, p. 321.
28Richardson, Texas, p. 329.
and every inducement towards building up the state's population, intelligence, and wealth.\textsuperscript{29}

One of Roberts' six points for establishing fiscal stability in the state government was the refunding of the state bonds and decreasing the interest paid on them.\textsuperscript{30} This proposal, while it may have promoted economy in government, was a paradox in political philosophy. The funding which Roberts supported was clearly a Whig principle; the lowering of the interest rates, while aiding the tax-payer, would reduce the profit of the business man which Whig doctrine traditionally supported. The explanation probably lies in the observation that Roberts was not a "doctrinaire,"\textsuperscript{31} and that he sought a stable government regardless of the political philosophy involved.

Of particular note during the latter part of the post-Reconstruction period is the attitude of Governor James Stephen Hogg regarding public debts. While justice of the peace in Wood County, he led efforts to repay a $20,000 debt owed by the county, and supported the reduction of taxes.\textsuperscript{32} The question of funding as opposed to repudiation was settled by the transfer of the balance of the reconstruction obligations to state institutions in Roberts' term. Hogg, nonetheless, advocated economical government during the

\textsuperscript{30} Richardson, Texas, p. 327.

\textsuperscript{31} Wooten, "Life of Roberts," pp. 17, 18.

\textsuperscript{32} Robert C. Cotner, James Stephen Hogg: A Biography (Austin, 1959), p. 73.
more than ten years, during which he set the political tone for Texas. Another notes: "By his great fight against the evils of . . . dubious financing, Governor Hogg became the idol of the masses and of a host of forward-looking men of affairs." Hogg was unable to carry out the programs of reform to the satisfaction of the radical agrarians, and thus became the object of their criticism. On the other hand, some criticized him because of his reform policies, which were anti-Whiggish in nature.

Public services formed an area of interest to government leaders in Texas. In themselves, the services did not determine Whig influence nor the lack of it, but they became involved in the methods by which Redeemers sought to reduce state indebtedness. Governor Coke reduced state spending and lowered taxes, but he did so by reducing personnel in the government; reduction of personnel naturally resulted in decrease in services.

Not all of the cuts in personnel and services were directly Coke's doing. The depression-ridden, economy-obsessed delegates to the constitutional convention of 1875 made some reductions mandatory. Constitutional cuts in state personnel involved the courts. A court of appeals with three members was established,

\[33\] Richardson, Texas, pp. 354-356.

\[34\] Hunt, Bluebonnets and Blood, p. 311.

\[35\] Ibid., p. 313; Richardson, Texas, pp. 354-356.

\[36\] Cotner, Hogg, p. 71.
but the justices of the State Supreme Court were reduced from five to three. District judges were cut from forty to twenty-six. Ten district attorneys had to perform the work that thirty-eight had formerly done. The legislature also cut salaries. It reduced the income of district attorneys from $1200 to $500 per year and put county attorneys on a fee basis. Coke concurred with the constitutional convention in hoping that by decreasing the number of judges they would reduce the expenses of the judiciary system by one-half.  

Governor Roberts' austerity program hit directly at the services the government performed for the people. In his proposals for economy, he argued that Texas had extended its services and established its institutions too rapidly for a young and underdeveloped state. The resources of the state, he contended, had not been developed to the point where it could afford these services and institutions; in his view, the state should not attempt to provide these things until it could pay for them. His six-point program for implementing his fiscal policies affected all the vital services of the state. In this program, the state would devote one-fifth of its revenues to education, instead of the one-fourth set aside in the Constitution and it would put the penitentiaries of the state on a self-supporting basis.  

---

37 Cotner, Hogg, pp. 71-72.

38 Richardson, Texas, p. 327.
In a message to the legislature in 1879, Roberts recommended the reduction in the appropriation for public schools. The legislators ignored his demand and appropriated one-fourth of its budget to education, as the Constitution provided. Roberts vetoed the budget and called the legislature into a special session; it then enacted a bill in accord with the governor's recommendations. 39

Despite his adverse actions regarding public school appropriations, Roberts maintained a reputation as a friend of education and of the public school system in Texas: "... a strenuous advocate and supporter of the educational interests of the State..." 40 Yet, intentionally or unintentionally, he served the Whig interests of the state in his debt and economy policies, and at the same time, hurt some of the vital services of the state, including education.

In Congress, Senator Coke seemed to be a stronger supporter of education than when he led the economy drive in Austin. In 1877 he presented in the Senate a bill to aid agricultural and mechanical colleges in the United States. 41 John H. Reagan, despite his progressiveness in other matters, took a negative stand on the Blair Education Bill in 1879. He based his opposition on the grounds that


40 James D. Lynch, The Bench and Bar of Texas (St. Louis, 1885), p. 283.

41 Congressional Record, 45th Congress, 1st Session, p. 305.
it invaded states' rights and would prove to be excessively costly. He further objected that he was not willing that others should pay for the education of his children; yet he could support a measure which would use the proceeds from the sale of public lands for education.\(^4\) In this instance, Reagan's Redeemer-oriented belief in economy in government does not seem to have prevented his support of a bill based on Whiggish precepts.

The direct relation between the government spending program and the tax burden may be seen in the tax problems which grew out of the Davis administration. The fiscal policy of the Radicals obviously was "tax and spend." With the Redeemers in power, however, a change in spending and taxing soon became evident. The decade which followed the adoption of the Constitution of 1876 evidenced the same conservatism which had dominated the drafting convention.\(^4\)

Known as the "Granger Constitution," the 1876 document was a depression instrument and reflects the conservatism which depressions foster.\(^4\) This conservatism found expression in the withdrawal of state services and the abandonment of state institutions, the most prominent of which were the judiciary and educational systems.\(^4\)

---

\(^4\)Congressional Record, 45th Congress, 3rd Session, p. 681.

\(^4\)Richardson, Texas, p. 325.


\(^4\)Cotner, Hogg, pp. 71-72; Richardson, Texas, p. 327.
The tax structure, as set forth in the Constitution, and under which the state was governed during the Gilded Age, was primarily based on property. The basic rate of assessment was fifty cents per $100 of evaluation, although an exception was made to permit extra levies to pay off the public debt. The Constitution, virtually unchanged in tax provisions from that of 1845,\textsuperscript{46} also allowed an occupation tax. This tax, as administered, showed evidence of a strong agrarian influence, and seems to have been primarily a licensing system. Levied on members of various professions and businesses, the occupation tax appeared to fall most heavily upon white-collar workers, since individuals in agricultural and mechanical pursuits were exempted from this type of tax. These provisions indicate an anti-Whiggish predominance in the constitutional convention. Such influence, however, did not carry over into the conduct of state government under the Constitution. Although Coke, Ireland, and Ross had been farmers before entering the executive mansion, only Ireland appears to have actually worked for agrarian interests while in office. He was the only Redeemer governor whose election the farmers considered a victory for them.\textsuperscript{47}

Businesses and professions subject to the occupation tax included lawyers, dentists, doctors, patent medicine salesmen, and merchants. The system was definitely biased against business, and

\textsuperscript{46}Miller, "Texas Tax System," p. 5.

\textsuperscript{47}Cotner, Hogg, p. 90.
was filled with inequities, even in the sums it imposed upon various businesses. The Roberts administration extended the tax to cover traveling salesmen whose companies did not pay an ad valorem tax in Texas. Eventually, most of the rates were made more equitable by actual reductions in the sums levied or by requirement of percentages of profits or receipts.

Additional taxes authorized by the Constitution continued to reflect anti-Whig, anti-business views among Texas farmers. These included a state income tax which appears to have never been levied. The poll tax, designed to support the public schools and the general fund, was another form of levy which the Constitution authorized. In 1881 the poll tax was $2.00, half of which was designated for the schools and half for the general fund.

Experience with the Constitution of 1876 and the tax system, based on the 1845 instrument, manifested some basic weaknesses. One such defect was the restricted tax base. Therefore, in 1879, the legislature moved to bring many more activities and enterprises under the provisions of the tax laws. The state levied special

---

48 Miller, "Texas Tax System," p. 12. This particular form of the occupation tax was declared unconstitutional because it interfered with interstate commerce.


51 Ibid., p. 12.
taxes on corporations, in addition to the property taxes previously imposed. These new levies seemed to affect primarily express and communications companies. Some were essentially license fees; others were basically income taxes. Utility companies were later added to the businesses subject to tax provisions while new corporations were required to pay charter fees. The legislature placed special taxes on recreation halls and saloons; these taxes were obviously intended to be repressive.52

Some of these taxes were merely normal imposts levied on business concerns, part of Roberts' six-point system, which included improvements in tax assessment and collection.53 On the other hand, there is evident an attitude of unfriendliness, if not hostility, toward business, no doubt born of resentment toward tax concessions commonly extended to businesses as forms of subsidy.54 Also an element in the unfriendliness toward business was the fact that despite the levies imposed upon corporations, a disproportionate share of the tax burden still rested upon the property holder. Thus, the inequities inherent in the occupation and corporation tax levies were in reality attempts to equalize the total tax burden.

---

52 Richardson, Texas, p. 330; Governors' Messages, p. 504.

53 Richardson, Texas, p. 327.

54 The Galveston Daily News, March 3, 1885, p. 1. Senator Temple Lea Houston provided an example of this type of concession in his proposal for tax exemptions on investments of various kinds up to ten years.
conclusion of Governor John Ireland; he observed that taxes aimed at repressing undesirable forms of business had worked hardships on legitimate business enterprises as well. Governor Laurence S. Ross recognized the same type of problem when he urged uniform taxation levied equitably on all taxable values. At the same time he proposed that the state set limits beyond which taxes could not be levied.

Despite the numerous and doubtless irksome occupation taxes which the state levied upon the business interests in Texas, the property tax remained the basic source of income for the state. An example of the comparative revenues produced from the two types of taxes appears in a message of Governor Ireland to the legislature, January 13, 1885, in which he listed the anticipated sources of income for the following year. Property taxes were expected to yield $1,055,250, while the occupation tax promised to provide the state with $775,000. In that particular year, the state looked to the property tax for almost half of its total income of $2,235,250, while the occupation tax amounted to little more than one-third of the total. The implication in these comparative figures is that while the laws were written in favor of agrarian interests, the actual operation of the government appeared to give the advantage to the business concerns. Whiggish influences appear to have been active in the administration of the tax system in Texas.

55 Governors' Messages, p. 504. 56 Ibid., pp. 643-644. 57 Ibid., pp. 504, 512.
Governors James S. Hogg and Charles A. Culberson were more inclined to promote tax equalization than the men who led the state early in the post-reconstruction period. Yet, their administrations were beset by depressions, with the resulting antipathy toward businesses which such conditions engender.

Hogg opposed the poll tax, but advocated an income tax as provided in the Constitution. In addition, he approved the continuance of the levies on property, corporations, occupations, and manufacturers which former administrations had imposed. Unlike the typical Redeemer, he also favored an increase in taxes, if necessary, to support public schools.

Governor Hogg represented a change in the political philosophy which had dominated the Texas statehouse for twenty years. A member of a younger generation, he did not belong to the class of ante-bellum politicians known as "Bourbons." His reform philosophy differed radically from the conservatism of the Redeemers. According to Woodward's definition, Hogg was the only chief executive of Texas during the last quarter of the nineteenth century who appears to have been clearly anti-Whig in his total outlook on government.

In 1896, during the administration of Governor Charles A. Culberson, the Democratic party in Texas, reflecting a rising tide of anti-Whiggism, went on record advocating tax reform. Section 5 of the platform said, in part: "We demand the submission of a

constitutional amendment . . . which will authorize Congress to pass an income tax to the end that the wealth of the Nation may be compelled to bear its just share of the expenses of the government."60

In administration of the tax structure of Texas, those who were for the funding of the public debt had their way, as in other matters. The repudiationists appear to have been a submerged minority, unable to make their presence significantly felt in the state government. Only with the elevation of reform officials, Hogg and Culberson, to the top offices of the state was the hold of practical Whiggism weakened and the direction of Texas politics redirected toward Jeffersonianism and Jacksonianism.

Public lands, an important consideration in the affairs of Texas since the time of the Republic, continued to occupy a prominent place during the post-Reconstruction period. Unlike other states, Texas did not cede its public lands to the federal government when it came into the Union. The treaty of annexation provided that the state retain title to its public domain; this was one of the conditions for the giving up of sovereignty as a republic and accepting the limitations of statehood. In addition, the Republic of Texas had debts which the United States did not assume, and its public lands were to provide a source of revenue with which to discharge these obligations.¹

Texas followed the pattern of the federal government in disposing of its public lands, using the two methods of sale and grant. The state had a dual purpose for establishing a long-range and effective policy of land administration and disposal: to raise money and to settle people upon the land.² By the 1880's, Texas still had more than 80,000,000 acres of unoccupied lands, including those which it had set apart for the support of public schools.


and universities. There was a shortage of money in the early years of the post-Reconstruction era, but Texas had an abundance of land which could be used to support institutions and provide services.

Actual disposal of public lands in Texas involved a variety of methods. The most desirable means, naturally, was that of sale to bona fide settlers, and the state disposed of much of its domain in this manner. Less desirable, but more effective, was the grant system. Individuals and corporations received grants of land from the unoccupied lands of the public domain. The Republic made generous grants to the men who had risked their lives for independence, as well as to survivors of those who died in the Revolution. Later the grants to veterans were expanded to include those of the Mexican and Civil Wars. Homestead grants to private citizens also figured in the state's land-grant policy: anyone who would occupy and improve certain public lands could receive title to them. The most extensive use of the grant system, however, was in connection with railroad construction, with millions of acres going to rail lines as inducements to build lines within the state. It was in the area of railroad construction where the basic political philosophies of the men involved in public land affairs emerge.

The first land grant policy in Texas began in the 1830's soon after the formation of the Republic, and this program continued

---

until after the close of the Civil War. During Reconstruction the
Davis administration led in the abandonment of land-grants in favor of direct monetary aid. Proving too costly to maintain, the new monetary program was set aside and the land grant system was restored by constitutional amendment on March 13, 1873.¹ Nine years later, in April, 1882, the state ended all aid to railroad building. Discontinuation of the aid system occurred when the Land Office discovered that the public lands of the state had been over-appropriated by more than 7,000,000 acres.⁵

By far the largest recipient of public lands in Texas was the Texas and Pacific Railroad. Of some 32,000,000 acres granted to railroads by the state, more than 5,000,000 acres went to that company.⁶ In this situation many of the leaders of Texas indicated a willingness to accept the philosophy of the Whigs regarding the financing of internal improvements. George Clark, long-time lobbyist for the railroad interests in the legislature, was a leader in promotion for aid to railroads. Silas Hare, counsel for the Missouri, Kansas, Texas line, and congressman from Sherman, was another promoter of railroad interests, as was former Governor


Richard B. Hubbard. James W. Throckmorton became the champion for federal aid in Congress with his support for the Texas and Pacific and the Atlantic and Pacific aid bills of the late 1870's. 7

Another use which Texans found for public land was occasioned by the fire which destroyed the capitol building in 1881. The state was able to exchange public lands for a new building. The Capitol Freehold Land and Investment Company, headed by Farwell Brothers, of Chicago, accepted 3,050,000 acres of Texas land as payment for the construction of a capitol building. The transaction involved land in ten counties lying along the western border of the Panhandle, beginning with Dallam County in the north and extending south to Andrews County. 8

The fourth major use of public lands in Texas was for the support of education. Of the 80,000,000 acres still unappropriated in 1880, 50,000,000 acres belonged to the permanent public school fund. State leaders seemed to hope that by designating land for support of public education, they would avoid taxation and at the same time provide quality education for their youth. 9


8Lester T. Sheffy, Ima Christina Barlow, Alyce McWilliams, Texas (Dallas, 1954), p. 352; Hazel, Public Land Laws, p. 24. Hazel named only seven counties as having been involved in the transaction which the State consummated with the Capitol Freehold Land and Investment Company.

Subsequent events, however, would raise serious questions as to the sufficiency of these provisions.

During the last quarter of the nineteenth century the impoverished condition of Texas brought the question of public lands into new focus. Governor Oran M. Roberts was the one who attacked the problems from the viewpoint of using public lands to bring the state out of debt. The famous "fifty-cent" law was part of his attempt to solve the problem of state debt and to finance current needs. Until this time, Texas congresses and legislatures had jealously guarded the public domain, especially that portion set aside for the support of public school systems. Under the stress of the depression, however, Roberts in 1879, in the manner of a faithful Redeemer, urged putting the state's unappropriated western lands on the market. His argument was that the state should become free of debt, and he recommended the strictest economy in operation of the state's affairs. In addition, he wanted to dispose of enough public lands to pay the state's bonded debt. Therefore, he urged the legislature "to provide for a more rapid sale of school lands in order to avoid increasing taxes to meet the needs of the rapidly increasing scholastic population." For the purpose of making the land more attractive, a price of fifty cents per acre was placed upon that located in the western part of the state.

10Archive and History Department, Texas State Library, editors, Texas Governors' Messages: Coke to Ross, 1871-1891 (Austin, 1916), p. 244.
This feature of Roberts' program brought criticism from several quarters.\textsuperscript{11} One of his most vigorous critics was Charles DeMorse, editor and publisher of the Clarksville Northern Standard. DeMorse's chief objection to Roberts' plan was the "give-away" price which the Governor had placed upon public lands under the "fifty cent" law.\textsuperscript{12} The editor was confident that in time the land which Roberts had put on sale for fifty cents per acre might be worth $5.00 to $50.00 per acre as pastoral and agricultural lands. In addition, DeMorse charged that the chief executive had been derelict in his duty when he allowed the legislature to adjourn without providing protection for the state's interests in its public lands.\textsuperscript{13}

In promoting the "fifty cent" law, which authorized any person to purchase public lands in any amount he desired, Roberts actually abandoned the "old-line" Democratic foundations on which he had built his political career. In this case, he adopted a Whig principle—that of encouraging big business to the detriment of other interests. The law which he sponsored opened the way for land speculators to operate without restriction, a condition which

\begin{footnotes}
\item[12] Ernest Wallace, Charlie DeMorse, Pioneer Editor and Statesman (Lubbock, Texas, 1943), p. 203.
\end{footnotes}
would have enabled the moneyed interests to buy up state land and hold it to sell at prices much higher than they paid. The fact that speculators did not flock to the lands was likely due more to their supposed worthlessness than to the ability of the law to protect the interests of the state. Governor Roberts, in his zeal for paying the state debt, came near to precipitating a disastrous loss for the state of Texas. From the standpoint of the welfare of the state, his venture into Whiggism proved unwise at best, and bordered on criminal negligence at worst.

The limited success of Governor Roberts' land sale program apparently led his successor to abandon it. John Ireland, early in his administration led in the repeal of the "fifty cent" law. Predicting that at least half of the Texas domain would not be sold at remunerative prices for at least fifty years, Ireland proposed that the state obtain some revenue from these unproductive lands by leasing them.

As sources of revenue, the public lands of Texas were a disappointment during the Gilded Age. Although a number of factors contributed to this failure, the most important appear to have been

14 Ibid., October 13, 1882; Hazel, Public Land Laws, p. 4.

15 Governors' Messages, p. 532.

economic depression, restrictions on purchases, lack of water on western lands, and the unrecognized value of western lands.¹⁷

Numerous problems faced Texas officials as they enacted and administered laws relating to the public domain. An attempt to solve this problem took place in 1883 when under Governor Ireland's leadership the State Land Board, consisting of the governor, the attorney-general, the state treasurer, the state comptroller, and the state land commissioner was established.¹⁸ The Land Board's chief activity was that of becoming involved in the lease fight between the Panhandle ranchers and the state. The lease controversy resulted from the reaction of the cattlemen of northwest Texas to a ruling which the Board made concerning rental for the grass lands. The law required the Board to lease the lands on a competitive basis, but for not less than four cents per acre. Trouble arose when the ranchers declined to compete with each other for the leases. According to J. Evetts Haley, this lack of competition arose from the long experiences of co-operation and respect between the ranchers; therefore, each man bid on the acreage he had been using and for the legal minimum of four cents per acre. In addition, each stockman realized that if he bid on land a neighbor had been using, or at a higher price than others were willing


to pay, he risked starting a range war. Of course, the minimum bids coincided with the cattlemen's financial interests, and were probably stronger determinants in the bids they submitted than consideration of relations among themselves. Assuming that Haley's estimate of Charles Goodnight is accurate, it is difficult to imagine his hesitating to take a course of action merely because someone—even a cattleman—might disapprove.

The Land Board viewed the actions of the Panhandle cowmen as a conspiracy to circumvent the law. When the cattlemen refused to bid against each other for the grass lands, the Board raised the rental rate to eight cents per acre. The ranchmen refused to pay the increased rent, holding that the Board had no authority to raise the rate which had been set by the legislature. The Board rejected the bids of four cents which the stockmen had tendered. Feeling that they had met the requirements of the law, the lessees continued to use the government lands. The Board then persuaded the attorney-general that the ranchers using public grass lands should be charged with illegal fencing. Late in December, 1885, attorney-general John D. Templeton notified W. H. Woodman, district attorney for the 31st District, that the suit had been filed and that he (Woodman) would be expected to prosecute it. The trial took place in Clarendon, Donley County.

---

19 Haley, "Grass Lease Fight," p. 3.
20 Ibid.
The Land Board's suit named 53 men, including Charles Goodnight, the first settler and one of the biggest cattlemen in the Panhandle. Nine members of the grand jury which returned the indictment had interests in seeing the state's concerns in the case defeated. The trial jury had on its roster a number of cowboys sitting in judgment on their employers, who were defendants in the case, while district attorney Woodman was in the employ of Goodnight. Judge Frank Willis, of the 31st District, heard the case and acquitted all the men under indictment.22 The judge's decision had markings of collusion and corruption, and led to his impeachment by the legislature. James S. Hogg, who had succeeded Templeton in office, prosecuted the case and made a vigorous presentation of the state's claims. He charged that if Willis had known what he was doing in the case, he was guilty of a high crime; if he had acted without knowing the seriousness of his deeds, he was guilty of criminal negligence. Despite Hogg's eloquent prosecution, the state Senate voted to acquit Willis.23

The grass lease question in itself provided little insight into political philosophy: the presence or absence of Whiggish thought. The fact that Charles Goodnight had one of the largest ranching establishments in Texas probably put him on an even footing financially with some of the railroad, manufacturing, or mercantile barons. In his defense he enlisted the legal opinions of

22Haley, "Grass Lease Fight," p. 3.
former Whig James W. Throckmorton, and railroad counsel Silas Hare, both of whom had served in Congress. Both agreed that the Land Board had no legal justification for its actions against Goodnight and the ranchers named in the suit. One of the consequences of the grass lease controversy was the elimination of the Land Board, April 1, 1887, resulting from the enactment of the Land Law of 1887. The law set up a definite policy for western lands, under which a person could purchase as many as four sections of purely pasture land. The law also provided that individuals could lease public land for only five years instead of the ten-year limit previously allowed. The rental rate was set at four cents per acre, and the use of public lands without a lease was illegal. The ranchers could erect fences, but they must place a gate every three miles or less.

An amendment to the land law in 1886 which suggested a growing agrarian influence and a lessening of Whig strength in the state government forbade corporations to possess more than one section of land within any given county, while individuals could purchase up to seven sections. The lease law underwent another change in 1889 which liberalized rental terms; it allowed the leasing of certain western lands for six years, and up to ten years on others.


University lands leased for three cents per acre; all others continued at four cents. 26

Even though agrarian influence appeared to be growing, the western lease laws continued to suggest the presence of Whig influence, since the big cattle men profited most from the laws. These cattle barons represented business interests of which orthodox Whigs could have heartily approved.

Policy regarding public lands in east Texas was almost as complicated as that involving western lands. The public areas of the eastern part of the state were usually covered with timber. Since the state still encouraged new settlers on unoccupied lands in all parts of the state, occupancy laws usually required clearing the timbered areas. Under the 1887 law, timbered land sold for $5.00 an acre, with the proviso that a settler must live on his tract for three consecutive years. 27 Terms of purchase of timbered lands were cash only, and an individual who bought timber without the land had to remove his timber within three years. 28

A considerable portion of the controversy over public lands in Texas was in reality a sectional dispute. The tax-paying farmers of the eastern part of the state came to suspect that the cattlemen of the west were growing rich on the free use of public

26 Ibid., p. 61.

27 Purchase and forfeiture terms, except for the required cash payment for timbered lands, applied to all parts of the state.

grass lands. It followed naturally that these Texans would advocate laws requiring rentals on the lands of the west.29

The lease law of 1887 provided an instance in which the different sections of the state were at odds with each other. Charles Goodnight had long championed the lease laws in opposition to the free grass element. In his view, leases and resultant fencing of public lands would aid in the control of the driving of fever-infested long-horns from the south to markets in Kansas.30

Senator Temple Lea Houston and Representative J. N. Browning led a fight for free grass legislation. If passed, the free grass bill would hurt the interests of the big cattlemen, such as Goodnight. Unexpectedly, the lawmakers from the Piney Woods lined up behind Houston and Browning, primarily because they thought they were opposing Goodnight. Through a use of reverse psychology, for which he collected a handsome fee of $5,000 from Goodnight, lobbyist George Clark persuaded the eastern members of the legislature to vote against the free grass bill of Houston and Browning, by convincing them that the Houston-Browning bill was actually a Goodnight bill.31

Agrarian interests contended with ranching concerns in the matter of public lands. Whig sentiment found expressions in such


30 Ibid., p. 6.

31 J. Evetts Haley, Charles Goodnight, Cowman and Plainsman (Norman, Oklahoma, 1949), pp. 397-400.
men as James W. Throckmorton, Silas Hare, and George Clark. The affinity of these men for Whig interests in Texas was well-known. Chief representatives of the agrarian viewpoint, which spoke for the small farmers, were A. J. Rose, of the Grange, and George C. Pendleton, of the Farmers' Alliance and lieutenant governor under James S. Hogg. Perhaps more zealous for reform than others of his day was Thomas Lewis Nugent, Alliance leader and candidate for governor on the Populist ticket in 1894. His platform appears to have been a curious mixture of politics, theology, and economics. Though reports show Nugent to have been a good man with sincere purposes and pure motives, his speeches show a naivete which seems to have characterized many agrarians of that era.32

In Texas, the question of public domain has always been closely tied to the school issue. In the early days of the Republic, an expression of concern for education manifested itself. On April 23, 1838, hardly two years after the formation of the Republic, the Texas House of Representatives appointed a committee which led to the setting aside of the first land "for the establishment of a general school system in Texas." In the third Congress of the Republic, E. W. Cullen, chairman of the House Committee on Education introduced a bill which led Senate Education Committee chairman

W. H. Wharton to comment: "All that can be done at present is to secure a sufficient reservation of public lands for the purpose of education." An 1840 amendment to the law of 1838 spelled out in further detail the reservation of lands for educational purposes. Two projected colleges or universities were to receive fifty leagues of land as their endowment from the state. This law provided also that the permanent school fund should share largely in proceeds from the sales of public lands and from income derived from grants to railroads and other corporations. An added provision stipulated that each county in the Republic should set aside three leagues of land for school purposes: for a primary school and an academy.

President Mirabeau Bonaparte Lamar epitomized the concern of early Texans for education in an 1839 message to the Congress of the Republic:

A suitable appropriation of lands to the purpose of education can be made at this time without inconvenience to the Government or the people, but defer it until the public domain shall have passed from our hands and the uneducated youths of Texas will constitute the living monument of our neglect and remissness.

---


34Journal of the Senate (Texas), 3rd Congress, 1st Session, p. 80; Cadwell W. Raines, "Enduring Laws of the Republic of Texas," The Southwestern Historical Quarterly, I (October, 1897, 97.


36Ibid., pp. 97-98.
Texas maintained its concern for providing education for its youth. Such concern found expression in continuing the reservations of public lands for the schools of the state. Between 1854 and 1882, the state set aside almost 50,000,000 acres for the public schools and the university system. The Civil War all but wrecked the educational system of Texas. The Davis administration during Reconstruction attempted to restore the pre-war school facilities and to extend them into a free-school system. The Redeemers, however, roundly condemned the Republican school laws, as they did most aspects of the Reconstruction program. In its intense dis- 
staste for the radical school program, the constitutional convention of 1875 blindly wrecked the whole organ, destroying its good features along with the evil. Yet, as reactionary as this body was, it dealt more generously with the public schools than did the post-Recon-struction constitutions of many other southern states.

Like public land policies in general, school land policies changed from time to time. Although the laws concerning school lands and school funds underwent changes at various periods, the state never abandoned the principle of providing for education

\[37\text{Journal of the House of Representatives (Texas) 3rd Congress, 1st Session, pp. 169-170.}\]

\[38\text{Ernest W. Winkler, Platforms of Political Parties in Texas (Austin, 1916), p. 162.}\]

\[39\text{Constitution of the State of Texas (1876), Article X, Section 1.}\]

\[40\text{John M. Webb, "Public Lands and Education," p. 47.}\]
through the use of public lands. The School Law of 1875 provided that every section surveyed for other purposes would require the surveying of a "sister" section for the school fund. 41

When the Democrats returned to power, as might have been expected, they accused the Republicans of having plundered the school fund through speculation; no list of particulars, however, is apparent. 42 By 1876 the Democrats had begun to form definite policies with regard to education. Although the post-reconstruction principle of retrenchment prevailed and reconstruction advances toward public schools were largely abandoned, the Redeemers retained the former policies of reserving alternate sections of public land for public school uses. In March, 1879, the legislature enacted a law which appropriated to the school fund the total proceeds from all public land sales; it also allotted the poll-tax and one-fourth of the general fund of the state to education. These seem rather liberal provisions in view of the retrenchment policies of the Redeemer-led government of the time. 43 The cause of education received much encouragement when Robert T. Milner, of Henderson, became chairman of the Texas House Committee on Education and a member of the Rules committee of the same body, on January 9, 1889. In these positions he


42 Winkler,Platforms, p. 162.

43 Sheffy, Texas, p. 352
exerted a significant influence in behalf of education and the protection of school funds and lands.  

Under Milner's leadership, amendments to the school land laws added to those previously reserved "all unappropriated domain except that included in lakes, bays, and islands along the Gulf of Mexico within the tidewater limits were set apart and granted to the school fund of the State." In 1899 an act stipulated that lands recovered from railroads and other corporations should "become surveyed school lands if the field notes are on file in the General Land Office." Actual settlers were desired for the school lands since they would provide a tax revenue with which to support the schools and other public services.

From the founding of the Republic nearly fifty years elapsed before the establishing of a state university in Texas in 1881. In the same year the legislature set aside 1,000,000 acres for support of the university. Two years later, in 1883, the proponents of tax support for education made important gains in the form of a constitutional amendment which authorized special state and local taxes for schools. The legislature passed a school levy the next year.

---

44 Rosalind Langston, "The Life of Colonel R. T. Milner," The Southwestern Historical Quarterly, XLIV (April, 1941), 449.

45 Hazel, Public Land Laws, pp. 3-4.


47 Governors' Messages, p. 479.
The conservative tone of state government during the twelve years following Reconstruction inevitably affected the progress of education in Texas. The retrenchment policies of the Redeemers probably hit the school with more force than any other area of state services. The most extreme measures were adopted by the Roberts administration in the unconstitutional reduction of the school appropriations and in the "fifty cent" law applying to school lands. While no official wanted to be known as an opponent of education, the majority appear to have agreed with Governor Roberts in his contention that the state could not afford adequate schools. Yet, it was also during Roberts' administration that the University of Texas was established. Thus, the officials of the Gilded Age left a mixed record regarding their support of education in the state.

John Ireland's elevation to the governor's office marked the beginning of improved support for the educational systems of the state. He instituted a policy of increasing the school fund by taking funds which were lying idle in the state treasury and investing them at six percent interest. He further believed that the state could provide 4-3/4 and possibly five months of school for every person of school age. In his view, there was no reason why local authorities not then included in the school law "should not be allowed to levy and collect an additional tax for the

\[48\] *Governors' Messages*, pp. 494-495.
purpose of aiding the State in its efforts in giving the people an education." At the same time, he believed that local control of education was the most satisfactory. In 1891, some five years after Ireland left office, the legislature enacted a measure allowing towns to incorporate for the purpose of providing schools.

James Stephen Hogg, as a reform candidate and official, was a stronger supporter of public education than most of his predecessors. He spoke out in favor of longer terms for free schools and improvements in the existing school systems.

Texas' policies regarding use and disposal of its public domain has been important throughout its history. These policies have changed from time to time. They have had their moments as a "political football;" on occasion dishonesty and graft have undeniably crept into the administration of the law. Yet, three monuments today attest the sentient wisdom which has in general characterized the enactment and administration of laws relating to the public domain. These monuments are the railroad network in the state and the State Capitol Building in Austin. The third, while not as definitely a credit to the politicians as the first two, nevertheless indicates that they were not opposed to an educational

49 Ibid., p. 479.


51 Sheffy, Texas, p. 370; Cadwell W. Raines, Speeches and State Papers of James Stephen Hogg, Ex-Governor of Texas, With a Sketch of His Life (Austin, 1905), p. 6.
system as Redeemers sometimes were. The leaders of the state preserved the school lands, almost intact, perhaps as much from a motivation of political necessity as from basic principle.

In formulating and administering these land and school fund policies, men have acted in keeping with political theories and in opposition to the philosophies espoused by their parties. In some instances, as in Roberts' "fifty cent" law and cut-back in school fund appropriations, Whig influence appeared to be in the ascendancy; indeed, Governor Roberts appears to have clearly adopted Whiggish principles. In other instances, such as Hogg's support for an alien land law, Populism, the antithesis of Whiggism may well have been a determining factor. In their support of taxes for schools, both Ireland and Hogg represent a departure from the laissez-faire Whiggism of men like Coke and Roberts. Although their attitudes toward public lands and school funds give some indication of their political philosophies, Texans' acceptance or rejection of Whiggism is more clearly seen in relation to other issues.
In an examination of the political philosophies of Texas leaders during the Gilded Age, the most fruitful areas of study may well prove to be those of business regulation and tariffs. These issues held places of prominence throughout most of the post-Reconstruction era, especially during the decade of the eighties. The Bank of the United States had ceased to be a viable political issue during those years. Pork-barrel interests tended to give many lawmakers a reluctance to oppose internal improvement bills which by the latter part of the era were concerned chiefly with river and harbor improvements. Regulation of business, however, had become an issue on which American political leaders had ample opportunities to express themselves on both the state and national levels of politics.

Regulation of business has three general meanings. The broadest sense includes all laws relating to the conduct of business. In this sense, all business is regulated. In a narrower view, certain rules of conduct, the results of legislative action, are designed to prevent the rise of monopolies by limiting the freedom and action of business. The narrowest, and perhaps the strictest, type of regulation applies to specific interests, such as transportation, public utilities, and communications. This form of regulation involves positive direction of business practices through the control of prices charged for services. Such regulation may impose
limitations on profits and may also restrict the rights of entry and withdrawal, as well as establish other devices deemed necessary "to fulfill the primary purposes of public policy."¹

Transportation was the first industry to become the object of government regulation. Rhode Island passed the first regulatory act in 1839 by establishing a state railroad commission. Other states—Connecticut, Vermont, and New Hampshire—created railroad commissions before the Civil War. These bodies, however, had no real regulatory power nor was such power intended for them. Rather, they acted in advisory capacities for legislators, administrators, and even railroad officials. Effective state regulation of the railroads did not begin until the 1870's.²

The absence of navigable rivers in Texas made the people of the state more dependent upon rail transportation than were many other areas of the country. These conditions encouraged the companies to charge as high rates as they thought the traffic would bear, and they also made Texans exceptionally vocal in their demands for laws to control such rates.³ Along with excessive freight rates, unfair competition between companies and pooling, payment of rebates


to certain large shippers contributed to insistent demands for laws dealing with these abuses.\(^4\) Agitation for regulation came from agrarians, small shippers, and merchants, hence those who advocated government action directing the conduct of businesses were generally opposed to the Whiggish principles which usually led to a laissez-faire position in regard to business regulation. The farmers, however, felt the need for aid most acutely. Since they seemed to be engulfed in a perpetual depression, they tended to blame the railroads for many of their difficulties. A recent historian has written regarding the farmers' plight:

Railroads and transportation costs always figured prominently in the plight of the farmers. They blamed the railroads for many of their difficulties. They had expected too much from the railroads. The railroads did bring some advantages, but these did not help the farmer. They brought the advantages of the city to the farm; they lowered transportation costs; they enhanced land values; but the farmer was no better off than before.\(^5\)

As Social Darwinists, the big business men usually opposed demands for government regulation, contending that such interference hindered the natural development of business enterprise. On the other hand, the monopolistic practices of the corporation leaders may also have retarded the natural development of business.

\(^4\)Hupert Norval Richardson, *Texas, the Lone Star State* (New York, 1943), pp. 357-358.

The first really serious attempt to regulate business on a national scale was sponsored by Texas Representative John H. Reagan. Having entered Congress in 1875, he became chairman of the House Committee on Commerce, October 29, 1877. Early the next year he presented the first in a long series of bills for the regulation of interstate commerce. Bill after bill failed before passage of the Interstate Commerce Act in 1887. On January 14, 1887 a compromise bill passed the Senate by a vote of 43 to 15. Senator Richard Coke was present and voted for the measure. Senator Samuel B. Maxey was absent during the vote, but Coke reported that if he had been present, he would have voted for the bill.

In the House, the score on the Reagan Bill was yea, 219; nay, 41; not voting, 58. The following Texans voted in favor of the measure: David B. Culberson, William H. Crain, James H. Jones, Samuel W. T. Lanham, Roger Q. Mills, Joseph D. Sayers, Charles Stewart, and Olin Wellborn. One member of the Texas delegation, James F. Miller, voted against the Interstate Commerce Act.

---


8 James W. Madden, *Charles Allen Culberson: His Life, Character, and Public Service as County Attorney, Attorney General, Governor of Texas and United States Senator* (Austin, 1924), pp. 215, 216; David B. Culberson, father of Charles A. Culberson, had been a Whig and a Unionist in Alabama and Texas before the Civil War. As a member of Congress, however, he usually voted with the Jacksonian Democrats.
Reagan did not vote on the bill, for which no reason is immediately available. The assumption that he was unavoidably absent from the floor at the time of the vote seems logical. Otherwise, it would appear that he would have been present to vote for passage of the measure for which he had worked for nine years.

Representative Miller's negative vote on the Reagan bill may have found its basis in his Texas business connections. Before going to Congress, he was a banker, and in 1885 had been elected the first president of the Texas Bankers' Association. His business interests may well have led him to adopt Whiggish principles, as did many conservative Democrats in that day.

Contrary to the stand usually taken in opposition to government regulation, the railroads, themselves at first, gained a reputation for favoring federal regulation, and of endeavoring to keep at least the letter of the law. An important factor in this favorable attitude toward federal legislation affecting the railroads was the possibility that it would retard state legislation in the field. Already, the "Granger" laws in some states, notably, Illinois, were becoming irksome to the roads. The reason, therefore, for the railroads' favorable attitude toward federal

---

9 *Congressional Record*, 49th Congress, 2nd Session, p. 881.


11 *Kliegel, Western Railroads*, p. 297.
regulation was their belief that federal laws would be much weaker than similar state statutes.\textsuperscript{12} This possibility thus led many railroad executives to favor federal legislation as the lesser of two evils.

Even though Congress had enacted the Interstate Commerce law, many Texans felt the need of regulation of railroads within the state. Agitation for regulation of railroads in Texas began long before passage of the federal regulatory measure; it began almost simultaneously with the building of railroads in the state.\textsuperscript{13} Demands for regulatory legislation continued during the first two decades following the Civil War, despite the existence of a decidedly friendly view of big business in most parts of the state. At this point, a paradox in Texas politics appears; there was a fear of monopoly on the one hand and a nurture of the conditions which produced monopoly on the other.

Legislative actions designed to deal with railroad problems as they arose proved to be inadequate. Many concluded that the answer lay in the creation of a commission which could exercise a continuing supervision over the railroad interests. Such a body, too, could be more flexible than the legislature in its relations with the roads. Among the first to recommend the

\textsuperscript{12} Koontz, \textit{Public Control}, p. 76.

the formation of a railroad commission was Richard Coke. In 1876, he sent a message to the legislature urging that the three-man commission of Massachusetts be used as a guide for setting up a similar body in Texas. Thirteen years later, in 1889, he sensed the entry of railroads into the politics of Texas; at that time, he wrote to James S. Hogg:

Recent indications prove conclusively to my mind that henceforth the railroad people are to be openly and publicly, instead of being secretly as heretofore, in politics in Texas. The disguise is being thrown off and they mean business. Texas must dominate and control Texas as they now do some of the other great states in the Union. I have no fear of the result of the conquest, but they will be found stronger than many suppose.\(^{14}\)

Oran M. Roberts, probably more than any other leader of Texas in his day exhibited the ambivalence which characterized many of the Bourbons. He spoke out as an agrarian:

... agriculture ... must dominate the development of Texas ... the civilization capable of republican self-government begins and ends with the plow. So it has been and is. An agricultural population, sufficiently contiguous for co-operation must predominate or hold the balance of power to establish and permanently maintain local self-government as known in the history of the past in this country.\(^{15}\)

Yet, Roberts did not see fit to support John H. Reagan's efforts


\(^{15}\) Archive and History Department, Texas State Library, editors, Texas Governors' Messages, Coke to Ross, 1874-1891 (Austin, 1916) p. 217.
for federal regulation of commerce. On the other hand, he advocated state regulation, believing that the right by which the state could create "artificial persons" in the form of business corporations implied that the state also had the right to regulate that which it had created. Nevertheless, Roberts evidenced a sympathy for the railroads when he supported a plan for renewal of their charters, rather than forcing forfeiture for non-compliance with charter conditions. Thus, it again becomes evident that while Roberts, like Redeemers and Bourbons in other states, spoke in favor of Jeffersonian agrarianism, his policies often favored business interests to the detriment of the farmers in whose interests he appeared to speak.

Governor John Ireland gained the nickname of "Ox-Cart John" by his opposition to government subsidy of railroad construction in Texas. In his views on the state's relations with the rail lines, he appears less complicated and perhaps more consistent than his predecessor. Like Roberts, he felt that regulation of railroads was a state, not a federal, function. The federal government, he believed, had no constitutional authority over the railroads. Such a stand, if followed in connection with the Reagan bill, would have prevented his support of it. He did,

---

16 Governors' Messages, p. 275, 276.

17 Ibid., p. 551. In this case, Ireland's position was similar to his reason for opposing aid to railroads: the lack of constitutional authority.
however, advocate the idea of a railroad commission for Texas; in a message to the legislature, he stated,

Experience has demonstrated that someone especially charged with the duty of seeing that these institutions perform their duty to the people is the only sure mode of protecting them. Persons with small capital cannot and will not contend for their rights when withheld by these corporations, and I therefore recommend that a commission of three or more persons be appointed in such manner as the Legislature may select to take charge of that subject.19

At the same time, Ireland took a cautious stand in regard to railroad regulation in general. He expressed a concern for the roads as well as for the people:

But the railways must not and should not be crippled nor destroyed. They should be brought to the highest state of efficiency in the interest of the public; and this consideration should be the chief aim of legislation and the motive that should inspire it.20

In his pronouncements on business regulation, Ireland remained a thorough-going Democrat, and nearly always in the Jeffersonian tradition. His sense of fairness led him to desire protection for business when it needed protection and regulation when the public good was at stake.

Governor Laurence S. Ross gained a reputation as a genteel and honest individual, but he did not become known as a reformer; he was not made of reformer stuff.21 Yet, he worked for the

19Governors' Messages, p. 481
20Ibid., p. 551.
21Richardson, Texas,
regulation of railroads while he was a member of the Texas Senate from 1881 to 1887. In that body, he served as a member of the Committee on Internal Improvements.\textsuperscript{22} It was during his first term as governor that agitation for the creation of a railroad commission, increasing since 1876, reached intense proportions. Conservative though he was, he has received credit for laying more groundwork for reform action than most of his contemporaries. During his term as governor, the people approved an amendment to the state constitution which authorized the creation of a railroad commission, thus removing the objections of some that the legislature had no power to establish a regulatory agency. As governor, Ross did not appear as fully committed to the concept of regulation as when he was in the Senate. He continued to believe that the state had the power to regulate the roads; however, agreement with the idea of regulation did not imply a concomitant advocacy of the commission plan. Ross' change of mind after entering the executive mansion was probably more apparent than real. Yet, as governor, he appeared to assume a \textit{laissez-faire} position toward railroads; such an attitude was common to the Whigs of the era. Like others, Ross mixed some Whiggism with his agrarian background; as a conservative, he was not fully committed to the Whig philosophy, but neither was he guided entirely by the agrarianism to which Democrats regularly gave lip-service.

Despite early calls for regulation of railroads in Texas, the idea progressed slowly. Although proposals for regulatory legislation appeared repeatedly after 1876, the first serious bill was presented by Colonel James W. Chenoweth, of Bonham, in 1881. Two years later, Alexander W. Terrell offered his first commission bill, which was also the first to receive serious consideration in the legislature. Since the bill which finally became law in 1891 was the work of a Joint Committee of which Terrell was chairman, it bore his name. Before coming to Texas from his native Missouri, Terrell had been a Whig, but he was fully committed to the Democratic philosophy in his advocacy of a railroad commission for Texas.

Other notable supporters of the commission plan for Texas railroads included R. T. Milner, of Henderson and Thomas Jefferson Brown of Sherman. Representing the moderate agrarian view, these legislators worked for regulation of railroads, but opposed government ownership of transportation and communications facilities.

---

24 Northern Standard, January 26, 1883; Journal of the Senate 18th Legislature, p. III; Lester T. Sheffy, Tma Christina Barlow, and Alyce McWilliams, Texas (Dallas, 1954), p. 347.
26 Ibid., p. 478; Alexander W. Terrell, "Recollections of Sam Houston," The Southwestern Historical Quarterly, XVI (October, 1912), 120.
27 Rosalind Langston, "The Life of Colonel R. T. Milner," The Southwestern Historical Quarterly, XLIV (April, 1941), 149.
James S. Hogg symbolized the struggle against the conservative Redeemer rule of post-Reconstruction Texas. This conflict began early in the era and may be traced in the agrarian agitation for railroad regulation which resulted at last in Hogg's election to the governor's post. The counter movement to Redeemer policies began in 1876 almost simultaneously with the rise of the Redeemers to power. Each session of the legislature from 1876 to 1891 saw at least one demand for regulation of the railroads. Hogg's election as attorney-general coincided with an intensification of demands for regulation by farmers, manufacturers, and merchants. Hogg's own political philosophy appealed to these interests, and they were doubtlessly encouraged by his efforts to force the railroads to live up to the conditions of their charters. The reform spirit grew in the state, and in 1889, a majority of the members of the legislature were farm-oriented. In that year, the Texas House of Representatives passed a bill which would have created a railroad commission; the measure succeeded by a margin of eighteen--56 to 38--but it died in the Senate. This legislature was a crucial one. Although the majority were farmers and stockmen, they were almost totally without legislative experience. This factor may


30Cotner, Hogg, p. 168.
account for the failure of the 1889 Commission Bill to pass the Senate.

The Railroad Commission as finally organized, did not conform to the pattern of the Massachusetts Commission as Coke had recommended. Rather, it was almost a copy of the body which Georgia had set up in 1879.\textsuperscript{31}

Hogg was forced to fight for his program of reform. The opposition, although somewhat limited numerically, nonetheless was powerful. Gustave Cook, a member of the legislature from Houston and a railway attorney, was Hogg's rival for the gubernatorial nomination in 1890. After the election, Cook led opposition to Hogg's program for establishing the railroad commission.\textsuperscript{32}

The most vigorous challenge to Hogg's program came, however, from George Clark, a man who never held elective office in post-Reconstruction Texas. Yet, he was long active in Texas politics. Having managed Richard Coke's gubernatorial campaign in 1873, he occupied the office of attorney-general for a brief period, under appointment by Coke; he was also secretary of state pro tem during Coke's administration. In 1886, Clark managed the campaign of L. S. Ross for governor. Despite his lack of success in winning elections for himself, he won campaigns for others. Always active in the interests of big business in the state, George Clark was an

\textsuperscript{31}Crane, "Texas Railroad Commission," p. 483.

\textsuperscript{32}Richardson, Texas, p. 358; Norman G. Kittrell, Governors Who Have Been and Other Public Men of Texas (Houston, 1921), p. 107.
outstanding lobbyist for the railroads of the state. 33

Clark led opposition to Hogg's nomination for the governorship in 1890 and also led the conservative wing of the Democratic Party against him in the general election. He opposed Hogg again in 1892. 34

The contest between Hogg and Clark was along the lines of basic political philosophy. Clark, Cook, H. D. McDonald, and G. B. Gerald were leaders of the Whig interests in the state in opposition to regulation of business interests, especially, where the railroads were concerned. Working for the commission Hogg and the agrarians gained control of the Texas Democratic Party in 1890. Clark referred to the Democratic Convention of that year as "the Farmers' Alliance Picnic." 35

Campaigning against the railroad commission amendment in 1890, Clark called it "wrong in principle, undemocratic, and unreprescient." He saw it only as an effort to harass the railroads. After the amendment was adopted and the commission created, Clark maintained that it should be "conservative, completely democratic and elective, and that the law should be liberalized to permit railroads to appeal to the courts." A constitutional amendment in 1894 put the Railroad Commission on an elective basis. 36

33 James D. Lynch, The Bench and Bar of Texas, (St. Louis, 1885), p. 88.

34 Cotner, Hogg, p. 163.


36 Richardson, Texas, pp. 358-359.
Hogg and Clark disagreed on how the Railroad Commission should be constituted. Clark advocated election, probably as a stalling device; this method would give him opportunity to help elect men who were friendly to the roads. Hogg insisted that the Commission must be appointed by the governor. It was on this issue that he broke with the farm organizations in the state: they, like Clark, wanted an elected commission. Both Clark and Hogg seem in contradictory positions on this question. Hogg's insistence on appointive power is difficult to understand in the light of his support of "the people's rights," on other issues. Clark's support of an elected commission is equally at odds with his general position. He may have feared that Hogg would appoint persons unfriendly to the railroads.

Other leading opponents to the Railroad Commission bill were state senators H. D. McDonald and G. B. Gerald. Both had active interests in the railroads which they likely feared would be injured by a regulatory body. McDonald later became president of the Texas and Louisiana branches of the Southern Pacific Railroad.

Former Governor Richard B. Hubbard joined the critics of Hogg in the matter of Hogg's legal altercation with the Houston and Texas Central Railroad in 1889. Hubbard accused Hogg of trying to "...bind the Houston and Texas Central forever by obnoxious

37 Richardson, Texas, pp. 358-59; Cotner, Hogg, p. ix.
38 Cotner, Hogg, p. 190.
laws which may be repealed at the very next session of the legislature.\textsuperscript{39} Thus, Hubbard indicated his opposition to interference with the railroads.

The creation of the Railroad Commission was Texas' method of dealing with the monopolistic practices of railways. Anti-trust legislation was the means by which the state controlled all businesses with monopolistic tendencies. The "Granger Constitution" of 1876 contained provisions which were designed to act as a restraint on combinations, and it was upon the authority of these provisions that Hogg brought suit against the Texas Traffic Association.\textsuperscript{40}

During the early years following reconstruction, in spite of sentiment advocating the restriction of monopolies, the leading politicians of Texas appear to have assumed a laissez-faire attitude toward them. Neither Coke, Roberts, nor Ross gave much evidence of desiring to curb the power of corporations; this practice of non-interference was a practical application of their basic philosophy and business orientation, despite their membership in the Democratic Party. An exception to the pattern of laissez-


\textsuperscript{40}Cadwell W. Haines, Speeches and State Papers of James Stephen Hogg, Ex-Governor of Texas, With a Sketch of His Life (Austin, 1905), pp. 27-28; The Texas Traffic Association was an organization of the railroads of Texas formed by Jay Gould. Basically, it was a rate-setting combination. Minimum rates were set and a line might charge as much above that rate as it could, but it could not charge less than the minimum and retain its standing in the association.
The pattern used for the Texas anti-monopoly law was an anti-trust bill offered in Congress by Senator Reagan in 1887. The Texas bill, presented by E. T. Moore, of Travis County, was four times as long as the Reagan anti-trust bill and much more comprehensive and detailed. Attorney-General James S. Hogg played a decisive role in the writing of the successful anti-trust bill, hence it bore the imprint of his reform philosophy. 44

Another venture of Texas reformers into business regulation was the passage of a stock and bond law in 1893. The purpose of this type of legislation was to prevent fraudulent issues of stock. Some railroads had watered their stock up to as much as 50% of the par value of their capitalization. 45 As attorney-general, James S. Hogg ruled that the law forbade the issuing of stocks unless value--money or labor, or property--were exchanged for them. The purpose of this ruling presumably as the forestalling of efforts by the railroads to influence officials by giving them stock in their companies. The attorney-general's ruling also proscribed the issuing of free passes to state officials--a common practice at that time. 46

Texans were also interested in anti-trust legislation in Congress. Two members of the Lone Star delegation led efforts for

44 Cotner, Hogg, pp. 163-164.


46 Raines, Speeches of Hogg, p. 187.
national anti-trust legislation, although neither had the distinction of having his bill become law. David B. Culberson and Joseph Abbott introduced bills into Congress early in 1888 to restrict the activities of monopolies.\footnote{Congressional Record, 50th Congress, 1st Session, pp. 8259, 8596.} Two years later, in 1890, Culberson led debate in the House on the Sherman Anti-trust Bill which became law on July 2, 1890. Prior to that date, on June 18, the Senate had adopted a Conference Committee's report without a recorded vote.\footnote{Ibid., p. 6208} The House adopted the report June 20, by a vote of 242 to 0 with 85 members not voting. Ten members of the Texas delegation voted for the measure: Jo Abbott, William H. Crain, David B. Culberson, Silas Hare, C. B. Kilgore, Samuel W. T. Lanham, Roger Q. Mills, L. W. Moore, Joseph D. Sayers, and Charles Stewart. One member, William H. Martin, did not vote on the bill.\footnote{Ibid., p. 6314.} The vote on this measure, however, was along party lines, and only in a general sense did it reflect the attitudes of the congressmen toward Whig philosophy; that which it more accurately reflected was party solidarity in Congress, so far as this issue was concerned.

Tariffs were also a live issue during the post-Reconstruction era, and they were a subject on which Texans frequently found opportunities to express themselves. As a rule, Texas congressmen

\footnote{Ibid., p. 6208.} \footnote{Ibid., p. 6314.}
opposed the idea of a tariff which would offer protection to the American manufacturers. Although the tariff question concerned Texans at all levels of public life, it was a national issue; therefore, most expressions having to do with it came from the congressional delegation. The chief spokesman on the topic—nationally, as well as locally—was Roger Q. Mills. His efforts did not achieve the success which crowned the work of his colleague, John H. Reagan, on the Interstate Commerce Act. Yet, he was indefatigable in his efforts as a member of the House and Ways and Means Committee, working to get his tariff reform bills through Congress. The famous Mills Bill would have lowered the tariff to such a level as would have provided revenue for the Federal Government, but it would not have upheld the prices of American-made goods. Though Mills was long an advocate of free trade, he balked at making it a national policy. What he sought in his efforts in Congress was tariff reform, not elimination of the tariff.50 He believed in a tariff-for-revenue-only law, arguing that the protective tariff aided the wealthy at the expense of the poor by keeping prices up on goods the American working man had to purchase.51

Mills' description of himself as a Jeffersonian Democrat took him out of the range of Whig philosophy on most issues, and this


51 Congressional Record, 50th Congress, 1st Session, pp. 3058-3068.
characteristic stands out most boldly on the tariff issue. In his work on the tariff question and in his position as chairman of the Ways and Means Committee, he came to the attention of President Grover Cleveland who asked him to help write a tariff bill. On April 17, 1888, Mills introduced the bill which came to bear his name (HR 9051). The House passed the bill on July 21, 1888 by a vote of 162 to 149, with fourteen members not voting. All the Texans voted for the measure, reflecting again the anti-Whiggish orientation of the delegation, but also indicating the direction of party politics, since President Cleveland had requested and supported the bill. Members voting were Jo Abbott, William H. Crain, David B. Culberson, Silas Hare, Constantine Buckley Kilgore, William H. Martin, Mills, L. W. Moore, and Charles Stewart. The Senate, however, rejected the Mills Bill, substituting for it the Allison Bill which eventually became the McKinley Tariff Act. The McKinley Bill passed on May 21, 1890, but its success was not due to any support from the Texas delegation: all except Kilgore voted against the measure, and he simply did not vote.

In the Senate, Mills was less active than he had been in the House, yet, he continued to support tariff reform. He helped

---


53 Congressional Record, 50th Congress, 1st Session, p. 6660.

54 Purifoy, "Statesman From Texas," p. 76.

55 Congressional Record, 51st Congress, 1st Session, p. 9416.
write the Senate version of the Wilson Tariff Bill in 1894, although he had little influence on its final form. Despite his dissatisfaction with the bill, he voted for it, saying that "he would vote for any bill that would reduce the tariff by as much as a nickle [sic]." 56

Without exception, Texas leaders in Congress opposed the concept of protective tariff and voted for tariff reform. Even Silas Hare, who had been counsel for the Missouri, Kansas, Texas Railroad in Texas voted for tariff reform, probably because he saw little or no direct interest for the railways in the matter, but also perhaps he was genuinely opposed to protectionism and was a true advocate of tariff reform. 57

The fact that Texans in Congress voted en masse for tariff reform reflects the agrarian and rural backgrounds of many of them, as well as the skill with which Roger Q. Mills put his arguments before his fellow congressmen. Another suggestion which such a record presents is the party solidarity on the issue of tariff reform. The fortunes of the Mills Bill and its final demise reflect at once the more liberal outlook of the House and the conservative domination of the Senate.


CHAPTER VII

CONCLUSIONS

An evaluation of the political theories of the post-Reconstruction era and the men whom they influenced leads into a consideration of the times, themselves. In 1877 the South was emerging from some sixteen years of war and reconstruction; these years had seen the disruption of Southern life and society. Changes continued despite the efforts of some to return to the old pre-war times. Coomer Vann Woodward's thesis is that the majority of the men who assumed power in the southern states after the close of Reconstruction were men of the times who looked forward, not backward. Woodward contends that in many instances these men were influenced more by Whig political philosophy than by the traditional agrarian doctrines of the Democrats.

With few exceptions, Texas officials in Austin and Washington were Democrats. So far as public statements were concerned, they adhered to the Jeffersonian-Jacksonian agrarian ideals. In actual practice, however, many proved to be susceptible to the conveniences and commercial advantages of Whiggish principles.

Economically, Texas was partially tied to the Middle West. Politically, it was a part of the South. Perhaps this dual position accounts for the fact that neither Whiggism nor Populism gained the following in Texas that they had achieved in other states of the old Confederacy. On the other hand, Texas politics were affected by both the farmer's movements and the commercial
emphasis of the Whig philosophy. Neither influence completely
dominated the state, however. Hence, leaders such as Coke and
Reagan could promote internal improvements at federal expense:
river and harbor improvements, flood control, and irrigation pro-
jects. At the same time they rejected such agrarian ideas as
C. W. McCune's sub-treasury plan. They could accept the free sil-
ver proposals which conservative Democrats in Congress opposed,
but which the Populists espoused.

Obviously, none of the Democratic leaders in Texas was overtly
committed to Whig principles. But few were entirely free from Whig
influences. Pork-barrel projects undoubtedly led some Texas politi-
cians to adopt Whiggish positions on some questions; personal
interests led others to become Whigs in practice. Notable among
the Democrats who departed from Democratic agrarian orientation
were James W. Throckmorton, a former Whig, and James F. Miller,
a business-oriented Democrat. At the state level, nearly all the
chief executives of the period manifested some tendencies toward
Whiggism. Oran M. Roberts, the most outstanding representative of
the old Bourbon Democrats, the most lavish in his praise of agrar-
ianism, displayed more Whiggish tendencies than any of the Redeemer
leaders. Roberts' pro-Whiggish sympathies were most evident in
his fiscal and land policies.

1 While railroads were regarded as internal improvements,
neither Coke nor Reagan appear to have sought federal aid for rail-
way construction. Coke favored state aid to railroads. Reagan
encouraged the building of railroads in east Texas, but does not
appear to have sought government aid, either state or federal.
Not all the Bourbon officials were in sympathy with the trend toward Whig philosophy which many Democrats followed. Outstanding among congressional anti-Whigs were John H. Reagan, Roger Q. Mills, David B. Culberson, and Jo Abbott. Among Redeemer leaders in the state, Governor John Ireland was probably the least influenced by Whiggish views; at the same time, he was probably the most truly agrarian of all the Redeemers.

The Bourbon period, proper, ended in 1891 with the inauguration of James Stephen Hogg as governor. Although Joseph D. Sayers, governor at the turn of the century was oriented toward conservatism, and was of the "Bourbon generation," the dominance of Bourbon politics in Texas had ended. The reform policies of Hogg and Charles A. Culberson were definitely in control, Hogg having become a symbol of opposition to Bourbon and Redeemer programs. In his youth, he had imbied deeply of the political philosophy of agrarian Redeemer, John H. Reagan. Although his policies in office were indisputably his own, they bore the unmistakable marks of Reagan's thinking. As is often true with reformers, Hogg found that it was simpler to campaign for reform than to implement it in office.

An evaluation of the politics of the Gilded Age in Texas should also consider certain "non-official" leaders and the impact they had on affairs in the state. Among these was George Clark of Waco. Occasionally a candidate for public office, he was never elected. Yet, he exerted a significant influence on political
events in the state by his management of the gubernatorial campaigns of Richard Coke in 1873 and of Laurence S. Ross in 1886. An effective lobbyist, Clark influenced the course of legislation in Texas, especially where it concerned the interests of railroads and cattlemen. As the leader of the conservative wing of the Democratic Party in Texas, Clark, in most instances, entertained views which were more consistent with Whig beliefs than with Democratic philosophy.

Edward M. House was another behind-the-scenes power in Texas politics during the Gilded Age. His activity in state affairs began about 1890, and he was confidant and advisor to seven governors, three of whom—James S. Hogg, Charles A. Culberson, and Joseph D. Sayers—held office during the post-Reconstruction era.²

Texas politicians, like those of other states, appear to have been more pragmatic than philosophical in their attitudes toward government. It is doubtful if any of those who embraced Whig views instead of the traditional Democratic positions took much thought regarding the discrepancy between individual action and party philosophy. A few seem to have acted from personal and/or selfish motives; in this connection, Governor Ross appeared to be aware of a need to lead the farmers into thinking he was really concerned with their interests, while actually promoting the welfare of the corporations of the state. However, most of the men whom

Texas voters sent to Austin and Washington appear to have acted on the basis of what they thought was best for Texas and the nation. If what he believed to be beneficial for Texas and the country led an official into "alien" political camps for a time, his conscience did not seem to suffer. At the same time, such practical deviations from party tradition usually had no adverse effect on a man's chances for re-election, so long as he paid homage to agrarianism. This appears to have been Ross' method in retaining the support of the farm vote while he maintained a laissez-faire attitude toward big business in the state.

In relating conditions in Texas to those in other states during the post-Reconstruction era, the question arises as to how the Texas Bourbons compared to those in other states. First impressions suggested that there were no real counterparts in Texas of leaders in other states: no Gordons, Browns, Colquitts, Lamars, Tillmans, Watsons, or Polks. A closer study, however, led to the recognition of some rather striking similarities between the Redeemers of Texas and those of other southern states. For example, Georgia's "triumvirate:" John B. Gordon, Joseph E. Brown, and Alfred H. Colquitt might have found corresponding characteristics in Richard Coke, James W. Throckmorton, and Oran M. Roberts. Ben Tillman, Tom Watson, and Leonidas Polk might have compared with such Texas leaders as A. J. Rose, C. W. McCune, or Thomas L. Nugent. Men like Reagan, Mills, and David B. Culberson appear to be unique to the
Texas situation; they steered a middle course between the reactionary conservatism of the Bourbons on the one hand and the extremism of radical agrarians on the other.

Texas officials' ventures into Whiggism produced mixed effects so far as the state was concerned. Undeniably, there were some beneficial results, in that the encouragement of business interests contributed to economic development in the state. Failure to encourage business establishment and growth in the area would likely have retarded desirable developments. On the other hand, the railroads' opposition to regulatory legislation helped to hinder the prosperity of the agrarians, and through their difficulties indirectly delayed commercial development in other pursuits. James W. Throckmorton's Whiggish support of federal assistance for railroads in Texas would have likely resulted in benefits to the people of the state, though the Texas and Pacific was later built with the private financial backing of Jay Gould, and without government subsidy.

This study of post-Reconstruction politics in Texas leads to the conclusion that Woodward's theory concerning the dominance of Whig influence in southern politics applies to Texas. But the application was not universal, either in relation to time or personality. Frequently a man who adopted Whig ideas in Austin became a moderate reformer in Congress, as did Richard Coke.

John H. Reagan supported business interests in Palestine (however,
not at government expense). While in Congress, Reagan led efforts to regulate railroads and restrict monopolistic practices of business corporations in general. Others, like Throckmorton, were associated with Whiggish interests in Texas and continued to support such legislation in Washington.
BIBLIOGRAPHY

Primary Sources

Memoirs and Collections

Archive and History Department of the Texas State Library, editors, Texas Governors' Messages, Coke to Ross, 1874-1891, Austin, Texas, A. C. Baldwin and Sons, 1916.


Hogg, James Stephen, Papers, Letter Book, Letters Received, Austin, Archives Division, Texas State Library.

Ireland, John, Papers, Austin, Archives Division, Texas State Library.

Raines, Cadwell W., editor, Speeches and State Papers of James Stephen Hogg, Ex-Governor of Texas, With a Sketch of His Life, Austin, Texas, The State Printing Company, 1905.

Ramsdell, Charles W., Jr., contributor, "Memories of a Texas Land Commissioner, W. C. Walsh," The Southwestern Historical Quarterly, XLIV (April, 1941), 481-497.

Reagan, John H., Papers, Austin, Archives Division, Texas State Library.

Terrell, Alexander W., "Recollections of Sam Houston," The Southwestern Historical Quarterly, XVI (October, 1912), 113-136.


Public Documents

Federal


The Congressional Record, 45-51 Congresses, Government Printing Office 1877-1891.
State

The Constitution of the State of Texas (1876).

Gammel, H. P. N., editor, The Laws of Texas, (31 volumes),
Austin, The Gammel Book Company, 1898.

Journal of the House of Representatives, 3rd Congress of the
Republic of Texas, Austin, Samuel Whiting, 1839.

Journal of the Senate, 3rd Congress of the Republic of Texas,
Austin, Samuel Whiting, 1839.

Journal of the House of Representatives, 15th, 20th, 22nd Legislatures of the State of Texas, Austin, Tracy, Seimering and Company, 1876, 1890, 1890.

Journal of the Senate, 12th and 18th Legislatures of the State
of Texas, Austin, Tracy Seimering and Company, 1870, 1884.

Newspapers

Austin Daily Statesman, January 7, 1877.

The Dallas Herald, January 3, 1884, January 15, 1885, February 12, 1885.

The Dallas Morning News, October 1, 1885.

The Dallas News, May 4, 1893.

The Galveston Daily News, January 10, 1882, January 15, 1882,
March 3, 1885.

The (Clarksville) Northern Standard, January 26, 1883.
Secondary Materials


Hazel, Green G., Public Land Laws of Texas: An Examination of the Public Domain of This State, With the Constitutional and Statutory Provisions and Leading Cases Governing Its Use and Disposition, Austin, Gammel's Incorporated, 1938.


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


Lynch, James D., The Bench and Bar of Texas, St. Louis, Published by the Author, Nixon-Jones Printing Company, 1865.

Madden, James W., Charles Allen Culberson: His Life, Character, and Public Service as County Attorney, Attorney General, Governor of Texas, and United States Senator, Austin, J. W. Madden and Gammel's Book Store, 1929.

Merrill, Horace Samuel, Bourbon Democracy of the Middle West, Baton Rouge, Louisiana State University Press, 1953.


Sheffy, Lester T., Ima Christina Barlow, and Alyce McWilliams, Texas, Dallas, Banks Upshaw Company, 1954.


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


Articles


Miller, E. T., "The State Finances of Texas During the Civil War," The Southwestern Historical Quarterly, XIV (July, 1910), 1-23.


Raines, Cadwell W., "Enduring Laws of the Republic of Texas," The Southwestern Historical Quarterly, I (October, 1897), 96-107.


Wooten, Dudley G., "The Life and Services of Oran Milo Roberts," The Southwestern Historical Quarterly, II (July, 1898), 1-20.
Unpublished Materials


