THE HISTORY OF THE REPUBLICAN PARTY IN TEXAS
DURING THE RECONSTRUCTION PERIOD

THESIS

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by
John M. Hopper, B. S.
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CHAPTER I

THE REPUBLICAN PARTY IN THE CONSTITUTIONAL
CONVENTION OF 1868-1869

With the establishment in 1867 of a provisional state
government subject to the supervision of the military com-
mander of the Fifth Military District, Texas lost civil gov-
ernment and entered into a Reconstruction Era. Military con-
trol in Texas came as a result of the Reconstruction Act of
Congress which became effective on March 2, 1867. General
Phil Sheridan became the commander of the Fifth Military Dis-
trict, which included Louisiana and Texas, and General Charles
Griffin was made the commander of the District of Texas.¹

With the passage of the Reconstruction Act, the Republi-
can Party began to assert its control. When Governor J. W.
Throckmorton was removed from office as a result of his op-
position to the Reconstruction Act, Republican influence began
to expand. Elisha M. Pease, a Radical Republican, was ap-
pointed as governor. He was generally respected by both loya-
lists and former Confederates, and it was believed that a for-
tunate choice had been made when his appointment was
announced.²

¹ Charles W. Ramsdell, Reconstruction in Texas, p. 149.
² Ibid., p. 171.
It soon became evident that a breach in the Republican Party was inevitable, with the evolution of a Radical wing. The Radical element of the Republican Party was not long in advocating that the "... Reconstruction Acts of Congress not only had destroyed the existing state government but also had rendered its acts null and void from their inception." The Radicals proposed that "... all legislation of whatever character since March 1, 1861, was swept away, every public or private relation based upon any law enacted during this period was invalidated." The new Radical group sincerely believed that the Union men should govern the state and that the men who were not loyal to the Union should be punished by having the right of suffrage removed. The Conservative group of the Republican party was in sympathy with the disfranchised Confederates.

After the removal of Throckmorton, General Sheridan succeeded in appointing Radicals to the state administration. It seemed, then, that the Radical element was in control of the state, but President Johnson received numerous complaints about the high-handedness of Sheridan in the execution of his duties, and Sheridan was removed from office. General Winfield S. Hancock was installed in Sheridan's former position, and, with his succession, the Radical group received a severe

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3 Ibid., p. 177.
4 Ibid., p. 177.
5 Ibid., p. 180.
blow; Hancock was in sympathy with the disfranchised whites.  
This event was most severe for the Radicals in view of the fact that the military commander of the District had jurisdiction over the office of governor. Thus, Hancock, a conservative Republican, was in the position, virtually, of governing the state of Texas.

Following the advent of military control in Texas, the next step in complying with the Reconstruction Acts was the drawing of a constitution. In the interim the budding Republican organization began to express dissatisfaction with the provisional government.

On December 18, 1867, General Hancock ordered that an election be held to determine if a constitutional convention should be called, and to select delegates for the same. At this election the vote was overwhelmingly in favor of a convention, with 44,689 votes cast for the holding of a convention, and 11,440 votes against the proposal. The Democrats of the state had decided to stay away from the polls, hoping that a sufficient representation would not vote, thus making the election invalid. The plans of the Democrats were changed, however, and enough of the party voted assuring a sufficient representation and the holding of a convention.  

6Ibid., pp. 181-182.  
7Ibid., p. 201.
The fact that the election had been held in a quiet and peaceful manner was a surprise to both major groups, the Democrats and Republicans. General Hancock had ordered the federal soldiers to take no part in supervising the election unless they were needed by the civil authorities to maintain peace. No instances were reported where the need for the military existed and no question of fraud was raised. One of the contributing factors to the quietness was the fact that a great number of Democrats had not appeared at the polling places to vote. When the Democrats realized the futility of their action they were dismayed.

Immediately the Democratic leaders came forth with dire predictions of future Republican activity in the state. The constitutional convention was looked upon as a body that could only do harm to the Democratic circles in the state and advance the cause of Republicanism. Democratic predictions of an Africanized state were widely circulated and gloom filled the papers supporting the Democratic philosophy. The Democratic and other conservative voters had not only lost in their effort to defeat the holding of a convention but had been overwhelmingly outnumbered in the election of delegates to the convention. Accusations were hurled by the Democrats that the Republican party was leaning on the Negro vote to control the state and predicted that the Negro voter would dominate the convention.
A great number of Negroes had voted in the election, with 36,932 voting with the Republican party in supporting the holding of a convention. Only eight hundred eighteen Negroes voted against the convention. One of the Negroes elected to the convention was soon to become the leader of the Republicans of his race. This was G. T. Ruby, who represented Galveston in the convention, but was originally from New England. Ruby represented the superior type of Negro in the influx of Negroes who were to vote and be voted into office, and he was aligned with the Radical faction in the Republican party. Although Negro representation was light, for the first time in Texas history there were Negro delegates to the constitutional convention of 1868. It is said of them that they "... were alert in matters pertaining to the state, and had no hesitancy in letting their ideas be known concerning measures which they deemed best for the state and for their racial group." 8

In the convention there was a small minority group of conservative Republicans, headed by Lemuel Dale Evans, but this group had little influence in the actual workings of that body. The reason it was important at all is that this group was able to simulate somewhat of a balance between the two divided elements of the Republicans. 9 In the convention, E. J. Davis and Judge Colbert Caldwell were the presidential nominees of the

9Ramsdell, op. cit., p. 200.
rival party factions. Davis was elected to the post, signifying an initial Radical victory.

Former governor A. J. Hamilton was the most widely known and influential of the moderates or conservative Republicans at the convention. His supporters were Colbert Caldwell and Livingston Lindsay. This element was in direct opposition to the Radical faction of the Republican party, headed by Edmund J. Davis, and strongly supported by M. C. Hamilton, brother of the former governor, A. J. Hamilton. The Davis group believed that the Unionists should hold all power, and that the Confederate followers should be disfranchised. The Hamilton group, on the other hand, believed in equal rights for all.

The task of electing a president accomplished, the convention proceeded to the work of constitution drafting. Elisha M. Pease, provisional governor of Texas, sent a message to the convention in which he outlined pertinent points that he felt should be discussed by the convention and made a part of the constitution. His proposals were in keeping with the Reconstruction Acts. Pease advocated that the convention look into payment of the state debt at the beginning of the war, equalize civil and political rights to all peoples of the state, provide for a free public school for every child, grant homesteads to all who did not have one, consider the sale of a portion of west Texas to the United States government, declare the acts of secession null and void, and repeal any law that discriminated against persons on account of race, color, or previous
condition of servitude. Pease charged the convention with the responsibility of returning the state to normal conditions.\textsuperscript{10}

One of the governor's statements in connection with an issue important to many Texans was his suggestion to the convention:

\ldots that you will temporarily disfranchise a number of those who participated in the rebellion, sufficient to place the political power of the State in the hands of those who are loyal to the United States government.\textsuperscript{11}

Thus, the governor of Texas, under the supervision of the military, suggested to the convention that a way be found to assure control of the state by those who had been loyal to the Union, which in turn would favor the Republican party of the state.

Much heated argument began soon after the forming of the convention. The Radical and conservative Republicans were in continual opposition. The buying of newspapers for the convention members was an issue when patronage played an important part through newspaper support.\textsuperscript{12} In elections for the convention officials the Negro delegates were generally overlooked. There was much grumbling among the Negro delegates because of this fact. The \textit{Dallas Herald} reported with reference to the Negroes in the convention that \textquoteright\textquoteleft they are very forward, and those in the convention not at all backward, not even modest,\textquoteright\textquoteright
Ruby making himself quite conspicuous. The Herald editor elaborated his opinion with this statement:

I think all Radicals will fall into the views of the extremists very readily, and most likely will be prompted to that course by the Commanding General. A great many of them though will become disgusted with the familiarity of the Negroes.

The Negro vote had been a principal cause of the constitutional convention's being in existence and the Negroes wanted a voice in the drafting of a constitution.

The Republican-dominated convention at Austin was not looked upon by the Democratic forces of Texas in a favorable light. The extreme opposition to anything that the convention might propose is reflected in this statement by a Democratic journal:

Ere long a Constitution guaranteeing negro suffrage, negro equality, negro supremacy over the Caucasian race of Texas will be unblushingly presented for ratification to the people of the State; a document framed by Yankee adventurers, non-residents, and Southern Benedict Arnolds, who pursue us in our sorrow and chains with a malevolence that would kick the clod from the coffin and spit upon the grave.

The power the convention had in dealing with matters not pertaining to the constitution was clarified with the adoption of the following resolution:

That this convention possesses the power to frame a Constitution and civil government for Texas; and that it is a question alone for the constitutional

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\begin{align*}
13 & \text{Dallas Herald, June 13, 1868.} \\
14 & \text{Ibid., June 13, 1868.} \\
15 & \text{Ibid., June 6, 1868.}
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convention to determine, what ordinances, declarations and resolutions are necessary and proper to carry out the expressed will of Congress.  

The convention was criticized severely for doing so much legislative work and not proceeding with work on the constitution itself. Chartering of cities, creation of new counties, chartering of railways and other work of that nature took a great deal of time from the original purpose of the convention.

One issue that caused sharp division in the Republican contingent was the division of the state. The Davis group favored division very strongly and the A. J. Hamilton faction opposed such a move. The east Texas group, both Radical and conservative Republicans, favored, almost wholly, the division of the state because they complained that an unfair portion of the state's expenses was paid by their section of the state for the support of western Texas.

Another issue that drew the Radicals and conservative Republicans farther apart was the ab initio question. The Radicals led by E. J. Davis and Morgan C. Hamilton favored the declaring of all acts from March 18, 1861 through August 6, 1866, passed by the state legislature null and void. This debate lasted for a greater part of the convention but finally the A. J. Hamilton group was successful in inserting in the constitution that only certain acts of the rebel government of Texas were null and void. Thus the conservative group was

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16 Hans Peter Nielson Gammel, Laws of Texas, VI, pp. 10-11.
17 Ramsdell, op. cit., p. 212.
successful in thwarting an extreme removal of rights from the Texans who had fought for the Confederate cause.\textsuperscript{18}

The chartering of railroads was discussed by the convention many times. At the time of the convention there was not a great number of miles of railroads in the state; thus interest was manifest in securing a network of roads to serve the state. Many railroads had become insolvent during the war years and were unable to repay money borrowed from the state school fund. In the main nothing was done to recover the money, and members of the convention were found to be connected with the railroads in some instances.\textsuperscript{19}

Another major issue in the convention was the state of law enforcement in Texas. It was contended by the Radical Davis faction that the state was a land of ruffians and badmen. Several plans were formulated for dealing with this outlawry, and finally Morgan C. Hamilton and Judge Caldwell were named as delegates to go to Washington to ask for immediate help in law enforcement in the state. At the time of the passage of the resolution to ask for federal aid in keeping the state safe from criminals, Texas was under the control of the Fifth Military District, which was supposed to maintain peace. General Buchanan, commander of the district, was not in sympathy with the Radical reconstructionists and naturally was the target for much abuse from that group.\textsuperscript{20}

\begin{flushright}
\textsuperscript{18}Ibid., pp. 210-211. \quad \textsuperscript{19}Ibid., p. 218. \quad \textsuperscript{20}Ibid., p. 218.
\end{flushright}
On June 30, 1868, the much awaited report by the Committee on Lawlessness and Violence was placed in the record. The committee squarely laid the blame for all acts of violence on the "rebels" and told of numerous freedmen being murdered and mistreated. The Republican party was praised and the committee believed that the condition of the state was substantially improved since the advent of Republican power. The committee stated one reason for outlawry in the following passage:

Now, whilst it remains true that the Union men of Texas constitute a very small proportion of the white population, and whilst it is true that they are being killed by the rebels, it is impossible to escape the conclusion that they are killed for their Unionism. In other words if they were rebels they would not be killed.21

The report of this committee was not unanimously approved by the convention and much debate ensued concerning its authenticity.22 However, Judge Caldwell, a Conservative Republican and member of the committee, agreed with the findings as fully as did the Radicals.

A minority report was offered to the committee's report that had so stirred the convention with its statistics of


22Cf. Dallas Herald, August 1, 1868: The Democratic Convention of July 9, 1868, said in reference to the committee's report on lawlessness in the state: "After careful consideration we are fully satisfied that the report of Judge Caldwell grossly misrepresents our people in exaggerating the amount of crime and unjustly and falsely attributing it to the conservative party of the State and to the disloyal disposition of our people and personal animosity to freedmen and white radicals."
"rebel" violence. The minority report was not included in the convention journal but was printed in the *Dallas Herald*. In this report the author contended:

... hostility to any great extent does not exist in the breast of ex rebels against loyal men, and that no class of men exhibit a determination to resist the establishment of a Republican State Government or to compel Union men to abandon their advocacy of their principles; and that absolute freedom of speech is respected in almost every section of the state instead of only a few localities, as is stated, and that Union men do dare to assert their political convictions, and hold public meetings almost, if not everywhere, in the State.23

At the end of three months the convention had done very little indeed toward drafting a new constitution. The Radical and Conservative groups both expressed disapproval of the work that had been done on the constitution; and many thought that if a recess was voted, the convention would never reconvene. However, after passing a tax bill to raise sufficient funds to support the next session, the convention adjourned to meet again on the first Monday in December.24

The accomplishments of the convention in the first session had been small. The Republican party had become so seriously divided into two groups that the breach was never to be completely healed. Petty bickering was rampant during the sessions as this example illustrates:

Some time was consumed in discussing a motion to appoint a committee to investigate a fight which took

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23 *Dallas Herald*, August 15, 1868.
place in the capitol this morning between two colored delegates, Johnson and Long. Johnson called Long a rebel, and Long thrashed him. Finally the committee was appointed and the belligerents put under arrest.25

Many measures discussed in the convention had little hope of being incorporated into the constitution but served to inflame the populace of the state. In discussing education in the state and the attendance of colored and white children in the same school, "Davis made an elaborate speech favoring the commingling."26 This suggestion was voted down, but it was decided that each child be required to go to school for at least four months, and in the case of having a private teacher that teacher had to be recognized as being competent by the Board of Education.

When the convention adjourned on August 31, 1868, the one hundred thousand dollars which had been approved for expenses had been exhausted. What had been accomplished by the convention was to be published by various newspapers. Between the adjournment of the convention and the date for the reconvening of the members, the former commander of the United States Army, General U. S. Grant, was elected as President of the United States. Now the Radical Republican element could feel more comfortable in their hope of asserting future control over the state.

With the resumption of the convention in December, 1868, each of the two elements of the Republican party were determined

25 Dallas Herald, August 15, 1868.
26 Ibid., September 5, 1868.
to gain control. Almost immediately the question of division of the state was again raised, and here the most bitter struggle of the second session began. Filibustering by the anti-divisionists was to no avail, and after many days of arguing the rules of the convention were altered and a final vote was to be taken. The anti-division group walked out to prevent a vote, and the Davis group gained control when a member of the convention was placed under arrest. Finally, the divisionist group was able to muster enough strength to elect their delegates to go to Washington to support division of the state. Earlier a committee of seven had been appointed by the convention to draft a constitution for "West Texas.

When the anti-divisionists pleaded for work to continue on the adoption of a constitution, the divisionists pointed out that the anti-divisionists or conservative group had been doing an undue amount of non-constitutional work, mainly that of a legislature. To add to the turmoil M. O. Hamilton, acknowledged as perhaps the most radical of all, proposed that all men be removed from state office who could not take the so called "iron-clad oath." He believed that:

... there were hundreds of unrepentant rebels being fostered by the Government, and were responsible for much of the disorder in the country, and that a loyal man could not get his rights in the courts.

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27 Ramsdell, op. cit., p. 248. 28 Ibid., p. 249.
29 Ibid., p. 249. 30 Ibid., p. 244.
31 Dallas Herald, January 2, 1869.
Hamilton is credited with proposing this remedy for rebel activity over the state:

... whenever an outrage occurred he would punish the whole community for ten miles square if necessary -- said fire was a purifying element, and he would burn and destroy until parties yielded obedience. 32

The attitude of M. C. Hamilton toward the ex-Confederates was manifested by many other loyal Unionists. In the second session of the Constitutional Convention the condition of lawlessness and violence once again demanded attention. On January 2, 1869, the Dallas Herald reported that the Radical Republicans had introduced "a resolution to tax each county in which a loyal man is killed five thousand dollars for the benefit of the family of the deceased ... ." 33 The Radicals believed that firm policy would halt the wholesale lawlessness that existed in the state and intended that such a policy be reflected in the constitution.

Another report of the Special Committee on Lawlessness and Violence was made to the convention on December 23, 1868. The report maintained that conditions in the state were similar in nature to those reported during the first session. It was believed by a majority of this committee that a fair and impartial election to consider adoption of the constitution could not be held in the immediate future. This was brought out in the report on the condition of law and order in the various counties:

32 Ibid., January 2, 1869. 33 Ibid., January 2, 1869.
. . . we find that in many counties of this State law and order do not exist and fail to be enforced; and that we unhesitatingly affirm that no fair and impartial election could be held in this State at this time, and probably not until several months after the inauguration of the President elect of the United States.34

That the citizens of the state were not unanimous in the support of the government of the state was also reported:

But that there is a deep seated hostility to the policy and laws of the government still lingering in the minds of many of our white fellow-citizens, and which frequently exhibits itself in violence and terrorism toward loyal white and colored citizens, cannot be denied; and until peace and security can be guaranteed in all parts of the State, no fair and impartial election can be held.35

Attached to the committee report were statements by General A. J. Reynolds, commander of the Texas division of the Fifth Military District, and provisional governor of the state, E. M. Pease. Reynolds contended in his report:

Free speech and free press, as the terms are generally understood in other states, have never existed in Texas . . . . The official reports of lawlessness and crime, so far from being exaggerated, do not tell the whole truth.36

Reynolds put forward the following suggestion to secure stable government in Texas when he said:

To restore measurable peace and quiet to Texas will require, for a long time, that troops be stationed at many county seats, until, by their presence, and aid if necessary, the civil law can be placed in the hands of reliable officers, and executed.37

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37 Ibid., p. 112.
The report of Pease which was included in the committee report was extremely critical of the disfranchised whites:

It is generally known that only a few weeks ago there were numerous organizations in the State resolved on controlling the vote of the freedmen by fraud and intimidation when necessary and that these organizations committed many outrages upon colored citizens in order to force them into their ranks. Now there is no evidence in my possession that these organizations have broken up or abandoned their purpose of controlling the colored vote by violence. 38

Pease was extremely critical of the efforts toward enforcement of law in many counties when he stated:

It is equally notorious that bands of outlaws, at open war with the authorities of the general government, as well as with the civil officers of the State, traverse twenty or thirty counties in northeastern Texas, robbing and murdering peaceful citizens; and that in the counties infested by these bands there is little or no protection for life and property, and much less for the liberty of political discussions. 39

When Pease had been appointed to the governor's office the conservative Republicans thought he was an excellent choice. With the publication of this report he was condemned as an arch-Radical by both conservative Republicans and Democrats.

A minority report took issue with the contention that the freedom of press was non-existent in Texas. This report asserted that evidently the Republican papers had freedom when they used such terms as "... disfranchised rebels, traitors, robbers, cowards, murderers, assassins, dens of assassins..." 40 in describing the disfranchised white citizens. It

38 Ibid., p. 113.  
39 Ibid.  
40 Ibid., p. 134.
was suggested that the statement regarding the press be withdrawn from the official report.

At the close of the convention the Republican party had become so divided that Davis was prompted to say that the conservative Republicans and Radical Republicans had come to distrust and hate each other with an intensity that they had never felt toward their rebel and Democratic opponents. Division of the state, the question of *ab initio*, disfranchisement of the rebel white, printing patronage, and the relation of the state Republican party to the national organization had caused this bitterness in the party.

An attack on the constitution signed by M. O. Hamilton, E. J. Davis and their supporters was printed in the journal. This document revealed the dissatisfaction of the Radical faction:

The majority of the convention have deliberately removed from the constitution every safeguard for the loyal voter, white and black. They have stricken from that instrument the whole system of registry; they have repudiated the oath of loyalty contained in the reconstruction laws; they have spurned the test of equal civil and political rights, and we do most solemnly call upon the registered voters of Texas to vindicate the national honor and the cause of right and justice by their votes.42

Even the closing of the convention could not be accomplished in an harmonious manner. The two factions of the

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41 Ramsdell, op. cit., p. 257.
Republican party did not meet together, and both declared the
convention permanently adjourned at different times. Evidence of the bitterness in the Republican ranks is shown by
the resignation of G. T. Ruby, the leader of the nine colored
deleagues to the convention. His contempt of the proceedings
is revealed in this portion of his statement:

Believing that the present Reconstruction Convention has lost, through many of its members, all regard for dignity and honor as a legislative assemblage, and that its continued session will terminate in disgrace to the entire country, I herewith tender my resignation as a member herof and as a delegate from the county of Galveston.

The actual work of the convention was not completed until after that body had permanently adjourned. The method used in determining what the convention had actually accomplished is described thusly:

We have heard it reported that the General will appoint one of each wing of the Republicans together with a military officer to inspect and determine what the convention really did do, and thus, after a while, we shall be enabled to know what has been done, and then the people of Texas can bring to consider what they ought to do in the premises. General Canby, an unprejudiced party, will be able to perform all the ministerial duties, left undone by the turbulent body, which has, at least, thank Heaven, dispersed, never more to assemble. We have full confidence that the Military Commander will act for the best under all the circumstances.

Thus, the work of the convention was organized by a group appointed by General Canby, commander of the Fifth Military

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43 Ramsdell, op. cit., p. 257.
45 Dallas Herald, February 20, 1869.
District. When the constitution was printed in various state papers, and the people of the state had had sufficient time to study it, an election was to be held for the purpose of determining if the constitution would be adopted by the state.

In determining a date for the election, the Republican party was again split because the Radicals wanted the election postponed if possible, thinking that their chances for election would be increased. The conservative element disagreed to a postponement, and determined that the election be held as quickly as possible. Both elements sent delegations to the national capital to present their appeal.

The Republican party, split into two bitter and ambitious groups, placed the constitution just completed in the background in their attempt to gain recognition at Washington. However, with the end of the convention, the Republican party of Texas had completed its first piece of work. The constitution, no matter how conservative, was to be the center of bitter controversy due to the simple fact that the Republican party had been instrumental in the writing of that document.

The fight during the convention on constitutional changes does not reflect in the document itself. Actually the changes were few, and the new constitution was not radically different from the constitution in force then, the Constitution of 1845.

46 Ramsdell, op. cit., pp. 262-264.
The Bill of Rights was enlarged somewhat to give expression to Radical political philosophy. In regard to the right to bear arms it was provided in the new constitution that every citizen shall have the right to bear arms in self defense "... under such regulations as the legislature may prescribe." This was a Republican addition which was entered because of the widespread lawlessness in the state.

Section twenty-one in the Bill of Rights was completely new and reflected the Republican party's interest in equality when the rights of all were guarded with the entry that no citizen shall "... ever be deprived of any right, privilege, or immunity, nor be exempted from any burden or duty, on account of race, color, or previous condition." The last addition or change in the Bill of Rights was Section twenty-two. It too reflected the Republican equalitarian philosophy by stating:

Importations of persons under the name of 'coolies,' or any other name or designation, or the adoption of any system of peonage, whereby the helpless and unfortunate may be reduced to practical bondage, shall never be authorized or tolerated by the laws of this State; and neither slavery nor involuntary servitude, except as a punishment for crime, whereof the party shall have been duly convicted, shall ever exist in this State.

In Article three, which provided for the legislative department in the new constitution, a change was instituted in the election system. Elections were to be held at county seats

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49 Ibid.
50 Ibid.
only. Previously, elections had been held at any location designated. The voting places were to remain open for four days instead of only one day. The difference in the number of days was made to suit the transportation modes in that day, but there was a tremendous amount of objection to this change.

The term of a senator in the state legislature was changed from four to six years, and the membership of the senate was changed from a maximum of thirty-two to thirty. A new apportionment was to be made by the two houses of the legislature every ten years after the United States census had been completed. The 1845 constitution had provided that the legislature was to take a census every eight years.

A noteworthy change in the Republican proposed constitution was that money bills did not have to originate in the House of Representatives. Section thirty-two of the Constitution of 1868 was also entirely new and here reform was contemplated:

It shall be the duty of the legislature immediately to expel from the body any member who shall receive or offer a bribe, or suffer his vote influenced by promise of preferment or reward; and every person so offending and so expelled shall thereafter be disabled from holding any office of honor, trust, or profit in this State.

Another change receiving Republican favor was the pay raise for legislators. The Constitution of 1845 had declared

51 Ibid., p. 3594.  
52 Ibid.  
53 Ibid., p. 3596.  
54 Ibid.
that three dollars per day was adequate and also set the mileage rate at three dollars for each twenty-five miles traveled to and from the seat of government.\textsuperscript{55} It was now proposed to raise this to eight dollars in each instance.\textsuperscript{56} The Republican delegates recognized the need for increased salaries to assure a more democratic representation. Heretofore the salary of a state legislator would not support a member and his family, and only the wealthy or corrupt politician could afford to serve.

A feature that was objected to by the conservative Republican faction as well as the Democratic forces was the provision incorporated pertaining to education. The position of Superintendent of Public Instruction, to be elected by the people, was created. This position was added to the executive branch of government and the constitution provided that the superintendent was to have a four year term of office. Attendance in the schools was to be mandatory for all juveniles from age six through eighteen. If a child received tutoring from a competent teacher the requirement was met. A private school was also recognized as fulfilling the requirement prescribed in the constitution. It was strictly provided that the state school fund could be invested in United States government bonds only.\textsuperscript{57} The legislature was charged with the responsibility

\textsuperscript{55}Ibid., p. 3553. \hfil \textsuperscript{56}Ibid., p. 3597.

\textsuperscript{57}Prior to this time a portion of the school fund had been loaned to railroad companies by the Democratic administration of the state only to be lost forever.
to "... establish a uniform system of public free schools throughout the state," but the governor was to supervise the operation of the state-wide system of schools.

In addition to the new role in education, another significant change, in the portion of the constitution concerning the executive department, provided for lengthening the governor's term from two to four years and raising his salary from two thousand to five thousand dollars. The offices of the State Treasurer and Comptroller of Public Accounts were to be elective when formerly they had been appointed by the legislature. In other respects the executive branch was to be virtually the same as it was prior to the meeting of the convention.

The Judicial Department was also virtually unchanged but a new article was created concerning the right of suffrage. It provided that:

Every male citizen of the United States of the age of twenty-one years and upwards, not laboring under the disabilities named in this constitution, without distinction of race, color or former condition, shall be entitled to vote...

This new article also contained a limitation on office-holding in providing that:

... no person shall be allowed to vote or hold office who is now, or hereafter may be, disqualified therefor by the Constitution of the United States, until such disqualification shall be removed by the Congress of the United States.

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59 Ibid., pp. 3600-3602. 60 Ibid., p. 3608. 61 Ibid.
An immigration service was provided for in the Constitution of 1868 through the creation of a bureau known as the Bureau of Immigration. The head of this bureau was to be appointed by the governor with the consent of the senate, and the legislature was to have the power to appropriate revenue for the purpose of promoting immigration. This revenue was to be used for:

... defraying the expenses of this bureau, to the support of agencies in foreign sea-ports, or sea-ports of the United States, and to the payment, in part or in toto, of the passage of immigrants from Europe to this State, and their transportation within this State.62

The Republican party had long recognized the importance of immigration to the virtually unsettled western portion of the state and possibly at the insistence of the German element in the convention had succeeded in incorporating this into the Constitution.

In compliance with the Reconstruction Acts the Ordinance of Secession was declared null and void from its inception. The new constitution also declared that the legislatures which sat from March 18, 1861 to August 6, 1866 "... had no constitutional authority to make laws binding upon the people of the State of Texas,"63 but a provision was adopted to uphold such laws that were passed during this time "... not in violation of the Constitution and laws of the United States, or in aid of the rebellion against the United States ..."64 and those that did not affect civil rights and privileges.

62Ibid., p. 3611. 63Ibid., p. 3615. 64Ibid.
An appraisal of constitutional changes made under the leadership of a Republican-dominated convention demonstrates that the "Radical policy, which a great number of that group was accused of entertaining, did not dominate. Constitutional change did result, but it was moderate and, in general, liberal in nature. Indeed, the Davis faction felt that the Constitution did not go far enough in disfranchisement of the "rebels", but what was passed had been a result of compromise between the two factions of the Republican party.
CHAPTER II

THE RADICAL AND CONSERVATIVE FACTIONS

IN THE ELECTION OF 1869

Immediately after the end of the Constitutional Convention of 1868-1869, rival factions from the Republican party proceeded to Washington, where each group tried to win favor with the National party. That the Republicans had split over vital issues in the convention just completed gave impetus to the groups in Washington in furthering their contentions in the hope that the National Republican sentiment would be in their particular favor. A reporter from Galveston, writing for the Dallas Herald, contended that there were three groups in Washington seeking recognition:

The Texas Republicans in Washington are split up into three parties. Hamilton, at the head of the conservative Republican Party, with Baker, Bell, Haynes and others to back him, is memorializing Congress through Butler, chairman of the Reconstruction Committee, to reject the division ordinance, to accept the Constitution, and for the removal of disabilities. The Coyotes, with Davis at their head and old Morgan at the extreme end of the tail, are slandering Texas and Texans, as usual, insisting on dividing the State, opposing the acceptance of the constitution by Congress and dead down on the removal of all disabilities; while the Siamese twins, Tobin and Sherwood, are urging a military government for Texas, with a Governor and twenty-five legislators, to be appointed by the President, with plenary powers.¹

¹Dallas Herald, April 17, 1869.
From this it is evident that the Republican party had become two separate bodies with, in addition, a minor group. The bitterness between the two groups that had arisen in the Constitutional Convention became secondary in Washington when each commission or delegation asserted that it was the rightful one to represent the Republican party in Texas.

The Radical group did not intend to let the subjects of division of the state, the doctrine of ab initio, and their entire disapproval of the constitution be forgotten and these matters were put before Congress. The condition of the state was cited and the report by the Radical commission was presented for further study. In opposition to the report of the Radical contingent, Hamilton, acting for the conservative Republicans presented a report which, in substance, was in direct opposition to that of the Davis group. The Hamilton memorial which was presented to Congress noted that "we wish to sit down by our hearthstones once more in peace. We do not wish to prolong a contest which, if prolonged, can produce only the bitter fruit of settled and implacable hate." 2

When both factions realized that no immediate decision could be obtained as to which group would be recognized as the official representative of the Republican party of Texas, the Radical group began to broach the idea of a postponement

2 Ramsdell, op. cit., p. 264.

3 Ibid., p. 264.
of the election. The President of the United States had been empowered to decide when elections should be held in the southern states, and "the Radicals bent all their energies toward a postponement of the election till fall in order to gain time in which to perfect new plans." One of the reasons for postponement was that those working in the interest of the Radical group could gain more time to emphasize the connection of the rebel and Hamilton groups. With the Radicals asking that the election scheduled for July be postponed until late fall, the conservative Republicans asked that the election be held as scheduled and the constitution be ratified.

While in Washington both conservative and Radical Republican groups had been almost equally successful in gaining patronage appointments from the federal government. Nevertheless, the beginning of a distrust for the conservative Republicans was formed by the national executive committee for the Republican party. The success of the Radicals in the latter aspect is noted:

"... they did so far succeed as to render the conservative Republicans suspected of having entered into a coalition with the Democrats and secessionists of Texas..." 7

However, official recognition was not to come to the Radical group at this time. Evidently there was a chance that the two

4Ibid., p. 265.
5Ernest W. Winkler, Platforms of Political Parties in Texas, p. 117.
6Ramsdell, op. cit., p. 265.
7Appleton's Cyclopaedia, 1869, p. 674.
principal factions of the party would reunite in the political conventions which would be held soon after the return of the party leaders to Texas.

One of Grant's appointments was to have a direct bearing on the Republican party factions in Texas. This was the appointment of General J. J. Reynolds to the Fifth Military District of which Texas was a part. Reynolds had been in this command before and was sent back to complete his task. At once Reynolds began to take an active interest in state politics favoring first the conservative Republicans and then the Radicals.8

With the return of the leaders of the Republican party to Texas, the formation of tickets was the immediate issue. Former governor A. J. Hamilton had announced his candidacy for the governorship during his stay in Washington. The conservative Republicans did not call a convention but accepted Hamilton as their standard bearer. Others were nominated for the various state elective offices by the leaders of the conservative Republican group. Hamilton soon began touring the state speaking in behalf of the adoption of the constitution, enfranchisement of all whites, and in general a liberal program.

On May 10, 1869 a convention called by the extreme Radical, Morgan C. Hamilton, met in Galveston. This convention was

8 Ramsdell, op. cit., p. 274.
poorly attended and, in the main, the representatives were Negroes with G. T. Ruby's work particularly outstanding. There was a platform adopted which called for adoption of the Fifteenth Amendment to the Constitution of the United States, the support of President Grant, and condemned very emphatically the campaign of A. J. Hamilton with this statement:

... we look with disfavor upon the attempt of men, claiming fealty to that party, to enter the coming momentous contest without holding conventions and permitting an expression of the voice of the people through them.9

This Radical group asked for troops on election day to ensure order at the polls. The murder of colored men by rebels was protested in the strongest manner. The Radicals were still of the opinion that the election was to be held too soon so the President was asked to postpone the election until fall.10 It was announced during this convention that the Davis faction would hold a convention in Houston on the seventh of June. The members of the Galveston convention decided that the Houston convention should be attended because the two groups were extremely close in political philosophy.

Soon after the convening of the convention in Houston E. J. Davis was nominated for the governorship and J. W. Flanagan was nominated for the lieutenant governor's position.

9Winkler, op. cit., p. 118.
10Ibid., p. 118.
It was decided that nothing could be gained by opposing the adoption of the constitution; so the adoption of that document was inserted in the platform of the group. The principles of the national Republican party were upheld. Payment of the state debt was endorsed. The Davis group must have felt that a certain uncomplimentary term of the southern rebels was used against them when, in a resolution passed by the convention, the "... use of the term of 'carpetbagger' and other terms of reproach applied to strangers who may come among us, designed to keep alive the prejudices of the ignorant..." was strongly denounced. General Reynolds was warmly complimented for his role in the reconstruction of the state. The Radicals now began a campaign for support of their platform leaning heavily on the Negro vote for ultimate election.

A wave of optimism pervaded the state because of a widespread belief that the Radical contingent did not have a chance to gain power. Ramsdell describes the chances of the Radicals thusly:

They had returned from Washington defeated in practically every issue they had raised. Ab initio was dead, division was dead, and there was no hope for disfranchisement. Greeley had informed them, with respect to the last, that it was time for the southern Republicans to cease 'hanging around the neck of the North,' that they must take care of themselves, and

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11 Ibid., p. 120.
12 Winkler, op. cit., pp. 120-121.
after the Fifteenth Amendment secured the suffrage to the negroes it would be 'Root hog, or die!'\textsuperscript{13}

The \textit{Dallas Herald} furthered the belief of an easy victory by Hamilton when it declared "his election is to all appearances a foregone conclusion."\textsuperscript{14}

Hamilton, in his campaign, was quite emphatic in placing the blame for disorganization of the Republican party in the camp of his opponent. The type of campaign used by Hamilton is illustrated in the following:

Governor Hamilton is said to be exceedingly bitter in his denunciation of the tricksters and scalawags that have made themselves so odious to the people of Texas. The Great Colossus is classic in 'prose and speech' and his gladiatorial trapes and figures make havoc with his offenders, now lopping off an arm or limb, smashing a head, banging an eye, and anon, drawing the claret; but most of all, in ripping up and exposing more depravity than was ever dreamed of in \textit{ab initio} circles.\textsuperscript{15}

When Hamilton was severely criticized by the Radicals in his supposed merger with the Democratic party of Texas he stated his views:

I am in full sympathy, so far as I know or have reason to believe, with the administration of President Grant and am supported as I believe by the mass of the Republican party of the state; but because I am receiving a generous support from the Democratic party . . . there are a few extremists, destructives rather, who, claiming to belonging to the Republican party, denounce both me and the Democratic party as guilty of some corrupt bargain, some hidden design, some monstrous atrocity.\textsuperscript{16}

\textsuperscript{13} Ramsdell, \textit{op. cit.}, p. 269.
\textsuperscript{14} \textit{Dallas Herald}, June 19, 1869.
\textsuperscript{15} Ibid.
\textsuperscript{16} Ibid., July 31, 1869.
Evidently Hamilton appreciated the importance of the Democratic vote, and his political beliefs were closely associated with the wishes of the Democrats. To further this policy, Hamilton advocated that education in the state would "... be best effected by separate schools for the two races and a fair division of the school fund between them according to numbers." 17

Former governor J. W. Throckmorton, a conservative Republican, also urged the people of Texas to vote for the adoption of the proposed constitution when he said in an interview with a reporter of the New York Times:

The suffrage clause is as liberal as it can be. As I understand it, at all future elections after the adoption of the Constitution, none who are of proper age and residence are prohibited from voting. 18

Throckmorton claimed that all conservative Republicans and Democrats in Texas were mortified at the postponement of the election until November 30, 1869. Just a few days before this interview President Grant had issued a proclamation postponing the election until the last day of November and the first three days of December. Throckmorton further declared that he believed the Radicals did not want to have an election at all but were wanting Congress to draft a constitution and force it on the state. He pointed out that crime in the state had been unduly exaggerated and was no more prevalent in Texas

17 Ibid. 18 Ibid., April 10, 1869.
than in the state of New York. Throckmorton confirmed his support of A. J. Hamilton when he noted that probably two-thirds of the state would vote for the conservative Republican candidates.19

During the campaign of 1869 the Democratic party had done very little in supporting candidates of its group, but on September 29, 1869, a convention, called by a group of newspaper editors, met in Brenham. It was charged by some newspaper editors that this convention was not authorized and it appears that there was very little representation in the meeting.20 A group of candidates was nominated for state offices. The Dallas Herald, in commenting on this convention tragically cried:

... E. J. Davis will be our governor by a large majority, and Texas will be as securely in the group of the basest type as was ever a sparrow in the talons of a hawk!21

It was believed by many Democrats that the support of a Democratic candidate would only divide the conservative Republican ranks to ensure a Radical victory. The Herald predicted that the Brenham convention "... by this suicidal folly will throw at once the control of the State into the hands of the Davis faction."22

19 New York Times, as reprinted in the Dallas Herald, August 14, 1869.
20 Dallas Herald, October 9, 1869.
21 Ibid., October 16, 1969. 22 Ibid., September 4, 1869.
The charges issued by the Herald and other concerned parties resulted in the Democratic Executive Committee's calling to the Democrats of the state to drop support of the erstwhile nominees of the Democratic party. They asked that the voters support the conservative Republican candidates and expressed their fear of a Radical victory with an attack on that group:

The extreme radicals of Texas, though now professing to stand on the same platform with the more moderate Republicans, have been heretofore exceedingly intolerant and endeavored in the Convention, as well as in Washington, to secure the disfranchisement of a large number of our citizens, we therefore look upon their success as one of the direst calamities which could fall upon the State and to be avoided by all honest means within our power.23

The removal of A. J. Hamilton's son-in-law from his federally appointed position, and the subsequent appointment of a Davis supporter to this position, gave the Hamilton hopes for recognition from the national Republican party a severe blow. The removal of friends of the conservative Hamilton from post offices, revenue and customs offices, United States marshal positions, and other federal appointments heightened the political arguments and showed plainly that the national Republican party had given the Davis organization official recognition as the Republican party of Texas. Soon after these federal changes had been effected General Reynolds wrote to the President advising of the situation in the state.

23 Ibid., October 30, 1869. 24 Ramsdell, op. cit., p. 276.
The military commander asserted that peace could have been attained between the factions of the Republican party if the Hamilton group had only met in the convention at Houston. So assured that this could have been accomplished Reynolds declared:

A ticket, with A. J. Hamilton for Governor and E. J. Davis for Lieutenant-Governor, might have been nominated then and there, and would have produced harmony in the Republican party, but for the persistent opposition of the A. J. Hamilton (Conservative) faction. It was believed by Reynolds that the Davis clan was the legal Republican party of Texas and that a definite adhesion existed between the conservative Hamilton and the Democrats. Reynolds showed his opposition to the election of Hamilton when he said:

The success of the A. J. Hamilton faction, as it will be produced by Democratic votes, will be the defeat of Republicans in Texas, and will put the State in the hands of the very men who, during the entire period of rebellion, exerted every nerve to destroy the Union, and who have uniformly opposed the reconstruction laws with a persistency worthy of a better cause.

G. T. Ruby, head of the Loyal Union League, had virtually assured the vote of that organization for the Radical group. This group supported Davis to the extent that a twenty-five cent tax was levied upon each member to support the Radical candidates. It is evident that the Negro had nothing to gain in voting the conservative Republican ticket. It was

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25 *Appleton's Cyclopedia*, 1869, p. 675.
believed by many Negroes that perhaps their newly gained rights might indeed be in jeopardy if a conservative Republican victory was accomplished. The importance of the Negro vote was recognized by the conservative Republicans when it was said "... that to win, Hamilton must secure a large number of Democratic votes" in order to offset the large Negro vote.

Such wide support was assured to Hamilton by the *Dallas Herald*, a Democratic newspaper, when they editorialized:

Justice requires that it should be noted to the indefatigable labors of Governor Jack Hamilton is due the prevention of a very sweeping disfranchisement of all in any way connected with the late Confederate cause. His exertions to save the State from dismemberment, and subsequent disorder, confusion and increased indebtedness, should not be forgotten.

The opposition to the Radical ticket and support of Hamilton is furthered by the *Herald's* political utterance:

... the gigantic efforts made by Hamilton in the Convention to secure universal suffrage, and his powerful opposition, almost triumphant, and always defiant to defeat a division of the State, has endeared him to many of the old hard shell Democrats. So far as I can hear not only the Conservative Democrats here, but throughout the West, will support him cheerfully for Governor ... .

Only a few days prior to the election another plea for support of the Conservative Republicans is found in the *Herald*:

Let every honorable means be used to secure the Legislature to the Conservative or Democrats and against the

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28 Ibid., p. 279.
29 *Austin Gazette*, as reprinted in *Dallas Herald*, March 6, 1869.
30 *Dallas Herald*, March 6, 1869.
ultra Radicals, who are opposed to reconstruction and in favor of perpetuation of the corrupt and inefficient military government under which the State has groaned and writhed ever since the close of the so-called 'Rebellion.'

The revision of the registration lists was ordered for November 16, 1869, and would continue for ten days. Nothing was objected to in the directions given to the registrars, but opposition soon came from the conservative Republicans when they claimed that all of the registrars belonged to the Davis group or were sympathetic to that cause. Reynolds' action in the affair is described thusly:

The persons whom the Commander subsequently selected to compose the Board of Registrars were pointed to as calculated to secure the election of the 'Radical' ticket, they being well known as most declared partisans of Davis, whereas the practice had always been to have the contending parties equally represented by the members of the Board.

Many applicants for registration were rejected when they "... testified that they had been refused before, were rejected at once, no matter what the trouble had been." The arguments over registration served only to intensify the division of the Republican party into two main groups that could not hope to united in the foreseeable future. Adding to the hatred between the two was the removal of such arch Hamilton supporters as Caldwell from the state supreme court.

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31 Ibid., November 20, 1869.  
32 Ramsdell, op. cit., p. 280.  
33 Appleton's Cyclopedia, 1869, p. 677.  
34 Ramsdell, op. cit., p. 281.  
From the Headquarters of the Fifth Military District at Austin came the order for the military in regard to election day:

Military interference with elections, 'unless it shall be necessary to keep the peace at the polls', is prohibited by law; and no soldiers will be allowed to appear at any polling place, but the detachments will be quartered in close proximity so that if their services are required to preserve order they can readily be procured.36

However, the services of the soldiers were not required, as the election appeared to have been conducted in a quiet manner.37 The county seats served as the centers for polling places and the registry boards served as the election judges.38

To the last Hamilton and his friends thought that they had been elected to the positions they sought. It was felt by many that "the masses are too thoroughly posted as to Davis's disfranchising and proscriptive policy to support him, even the negroes are concentrating upon Hamilton and Baker."39 Such optimism was to be shattered when the election returns began slowly to be announced. However, the Dallas Herald of December 11, 1869 was still convinced that the conservative element of the Republican party had triumphed when it announced:

There is not yet sufficient known to justify the assertion that the Radicals have been routed everywhere throughout the state, but that General Hamilton is the Governor elect there seems to be no doubt.40

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36Dallas Herald, November 6, 1869.  
37Ramsdell, op. cit., p. 283.  
38Ibid.  
39Dallas Herald, November 27, 1869.  
40Ibid., December 11, 1869.
The article pointed out that it was not their desire to see anyone lose an election but "we shall crow over the defeat of none save ultra, Loyal League Radicals, whose politics it is the duty of every honest man to despise."\(^4^1\)

Before the results of the election had been announced, charges of fraud throughout the state were raised. General Reynolds refused to investigate charges of illegal proceedings in the election in various places, and the Hamilton party believed that the military commander had purposely counted them out.\(^4^2\) Nevertheless, on January 8, 1870, the election returns were announced in a Special Order from the headquarters of General Reynolds. E. J. Davis was declared elected as governor with J. W. Flanagan as the Lieutenant Governor.\(^4^3\) The constitution had been approved by the overwhelming majority of 72,466 to 4,928.\(^4^4\)

The final tabulation recorded 39,901 votes for Davis and 39,092 for Hamilton.\(^4^5\) Such a small difference in the vote was to cause a storm of protest from the conservative Republican faction that was to be heard for years to come. Reynolds became the arch villain, and charges of conspiracy between him and Davis were soon announced.\(^4^6\) Nevertheless, the Davis Radical group had risen to power in the state, and Davis

\(^{4^1}\) Ibid.  \(^{4^2}\) Ramsdell, op. cit., p. 285.  
\(^{4^3}\) Ibid.  \(^{4^4}\) Ibid., p. 286.  \(^{4^5}\) Ibid.  
\(^{4^6}\) Ibid., p. 290.
proceeded to Austin to become provisional governor until Congress should accept the constitution and readmit the state to the Union.

A protest was planned by the conservative Republicans when they met at Austin on February 7, 1870, but this idea was later abandoned because they realized that the situation was hopeless. However, all had not been lost by this group because thirteen of their number had been elected to the Senate while seventeen Radicals had won seats in that body. That the Radicals were in the majority in both houses is true, but enough conservative Republicans had been elected to make their voices heard and to keep the Republican party in a state of confusion and division.

With the inauguration of Davis the Republican party was in control of the state. However, it was a party filled with hatred, and the faction in power maintained that the Hamilton adherents were not Republicans and should not be considered as such by the national party. A conservative Republican alliance with the Democratic party in Texas had served only to widen the breach between the two Republican factions and resulted in the downfall of Hamilton and his followers. Even under the sting of defeat Hamilton and his friends strongly proclaimed that they were the rightful representatives of the Republican party in Texas and had been ousted by only the foulest type of trickery.

47Ibid., p. 287. 48Appleton's Cyclopædia, 1869, p. 678.
Governor Davis entered into his duties with the distrust of a large part of the populace and no cooperation from the conservative Republicans. In his earnest desire to effect a reconstruction of the state and the return of civil control he met with a determined opposition. The measures devised by the Radical governor in the reconstruction of the state and the tactics he employed in the administration of his program have been subject to the most damning attacks. That his administration would have a tremendous effect on the state from a political, social, and economic aspect is evident.
CHAPTER III

REPUBLICANS GOVERN TEXAS

On February 8, 1870, the Republican dominated legislature met in provisional session. General Reynolds had given directions for the organization of the two houses. To assure that only loyal citizens could become members of this, the Twelfth Legislature, "a stringent oath, based upon but amplifying the disqualifying clause of the Fourteenth Amendment, was prescribed, and the seat of any member failing to take it was declared vacant."¹ All contested seats in the legislature were referred to the military commander for action. General Reynolds was responsible for the organization of the state government because of the fact that any type of government remained provisional prior to the ratification of the constitution by Congress.

On the same day that Ira H. Evans, a close personal friend of provisional Governor Davis, had been elected permanent speaker of the house, General Reynolds announced that nine contested seats, not subject to the Reconstruction Acts, should be acted upon by the legislature.² A majority was held in each house by the Radical Republicans, therefore the Radical contestants were declared legally elected in practically each

¹ Ramsdell, op. cit., p. 288. ² Ibid., p. 289.
instance. Several who lost their seats were Hamilton Republicans who had figured quite prominently in his gubernatorial campaign.

The decision made by the legislature concerning the seating of members of that body was the only business transacted for the first several days. Governor Davis believed that his authority as provisional governor was very limited and he sent no messages to the two houses. Indeed, only two items of importance required the attention of the provisional legislature. First, the Fourteenth and Fifteenth Amendments to the United States Constitution must be ratified and secondly, United States senators must be elected. The first matter was promptly settled when the two amendments passed easily. The election of two United States senators took more time and was the subject of lively speculation. General Reynolds, Governor Davis, Morgan C. Hamilton, J. W. Flanagan, and others were mentioned as possible candidates for the offices. General Reynolds became the target of much criticism. Because of his prominence in the organization of the state government many felt it would not be fair for him to gain the office. Therefore, he withdrew his name before the Radicals met to select candidates. Governor Davis stated from the beginning that he was not a candidate because he had pledged himself to assume the task of righting the wrongs of the state government.

3 Ibid.
Again the Radicals triumphed when both of their candidates, Morgan C. Hamilton, and the provisional lieutenant governor, J. W. Flanagan, were elected by decisive majorities to the senatorial posts. With the completion of this task the provisional legislature had no further business. On February 24, 1870, the legislature adjourned to be called in regular session after Congress accepted the representatives from Texas into that body.

A bill to readmit Texas senators and representatives to Congress was introduced early in March of 1870. This bill provided that each member should take the oath provided in the Fourteenth Amendment or vacate his seat. This Reconstruction Committee bill also provided that the Constitution of Texas should never be changed to jeopardize the rights of any citizen to vote or hold office because of "race, color, or previous condition of servitude." The right of every citizen to obtain an education was emphasized.

President Grant approved this act on March 30, 1870, and the senators and representatives from Texas were sworn in. When General Reynolds, on April 16, 1870, issued a General Order that transferred civil control to the newly elected officials, legal reconstruction in Texas was at an end. Immediately Governor Davis called for the legislature to meet in a called session on April 26th.

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4 Ibid., p. 291.  
5 Ibid., p. 292.
With the official end of reconstruction a feeling of relief swept the state. A. J. Hamilton announced that he planned to cooperate with the Radical administration and many of his friends indicated that they would also adopt this policy. However, after the legislature met, it became evident that the Hamilton group and the Democrats would not cooperate with the Davis program.

Governor Davis, in his message to the legislature, outlined a program that immediately drew cries of anguish from the conservative Republicans and their allies, the Democrats. The governor declared consideration for the establishment of law and order in the state was to be of the first importance. He recommended that a state militia be created to enforce the laws of the state where a general resistance to the laws existed. To put an end to outlawry in the state, he devised a state police system which would work with local peace officers. The governor was to supervise these bodies and enforce their action by declaring martial law in any section of the state that gave resistance to authority. When the conservative Republicans and Democrats heard these suggestions, they listened no further but immediately began work to oppose such action.

After outlining a program to curb the widespread lawlessness in the state, the governor continued his recommendations.

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He declared his intense interest in public education and reviewed the current financial condition of the schools. He was most desirous that the legislature provide for a public school system at the earliest date. Creation of school districts, construction of school buildings, and the provision for standard text-books were included in his suggestions.

Such a modern program confounded his political antagonists who predicted such a system would speedily bankrupt the state.

To obtain revenue to support such a school system, revenue which was also to be applied to other state institutions, Davis suggested that the legislature consider the sale of a northwestern portion of the state. He proposed that the United States government buy this territory for an Indian reservation. The governor thought the Indian troubles could be settled with this move, because he intended that the troublesome tribes in western Texas be moved to this reservation and forced to stay within a prescribed boundary.

Another sweeping change advocated by Davis was the complete reorganization of the state government. A new system for the collection of revenue was planned by the governor. Also new controls were outlined to be placed on the state penitentiary, described by the governor "as bad as bad can be," and the asylum, to assure better management and more

\[\text{Ibid., p. 25.}\]
\[\text{Ibid., pp. 27-28.}\]
\[\text{Appleton's Cyclopaedia, 1871, p. 764.}\]
humanitarian methods. Certain housekeeping needs were referred to in the message, particularly the repair of the Capitol and the upkeep of the grounds.

Clearly evident was the vastness of the message. The governor had made an exhaustive study of the state government and saw that much needed to be done. A majority of the conservative Republicans and Democrats did not agree that such complete change was necessary and had no intention of permitting such reform to be enacted through legislation if they had the power to prevent it.

The conservative Republicans and Democrats were prepared for the first Davis sponsored legislation when the Militia Bill was introduced in the House of Representatives. This minority faction complained that the governor was simply attempting to create a personal army and did not recognize the need for such a body. The Militia Bill provided that all able-bodied male citizens between the ages of eighteen and forty-five years were subject to military duty. United States military personnel, ministers, teachers, judges, and justices of the peace would be exempt from service. Those who could pay fifteen dollars per year would also be exempt. Two classifications were created in the militia. One was to be designated the State Guard which would be composed of volunteers and the


other would be known as the Reserve Militia whose members were drafted into service. The system of command and organization was to parallel that of the Army of the United States.\textsuperscript{12}

The entire militia system was to be under the supervision of the governor who was to be the commander-in-chief of the organization. The extent of the governor's authority over the militia is signified by his authority to "... appoint and commission all general, field, company and staff officers."\textsuperscript{13}

The governor also would have the authority to order the militia into active service "in time of war, rebellion, insurrection, invasion, resistance of civil process, breach of the peace or imminent danger thereof ..."\textsuperscript{14} Another power delegated to the governor was very bitterly attacked by the minority in the legislature. This was his authorization to declare martial law in any county or counties "whenever in his opinion the enforcement of the law of this State is obstructed ... by combinations of lawless men too strong for the control of the civil authorities ..."\textsuperscript{15}

To the conservative Republicans and Democrats the most obnoxious feature of this bill was the section giving the governor authority to invoke martial law. Here the power of the governor was held to be clearly autocratic when it was provided that the expense of the State Guard or Reserve Militia

\textsuperscript{12}Hans Peter Nielson Gammel, Laws of Texas, VI, 186.
\textsuperscript{13}Ibid., p. 187.
\textsuperscript{14}Ibid., p. 190.
\textsuperscript{15}Ibid.
in occupying a county under martial law could "... in the discretion of the Governor, be assessed upon the people of the county or counties where the laws are suspended."  

Violent opposition to this measure developed in the House of Representatives, but here the Radicals held such a majority that the opposition could do little. However, J. C. Jenkins, a member of the Democratic party, made his protest heard when he declared that the act was unconstitutional "because it provides for the elevation of the military above the civil authority, by the act of the Governor of the State." He maintained that only the United States government could raise an army and believed the militia comparable to an army. In a final argument Jenkins protested the passage of the bill when he stated:

> It is ... a reckless and even ridiculous assault upon all English and American traditions of personal liberty and private rights, denies trial by jury and substitutes military tribunals, empowering the Governor to defy the constitution which he and the Legislature are sworn to support, and invites him to trample upon constitutional law which he promises to see faithfully executed.

The opposition by the minority in the House was too weak to halt the prompt passage of the bill. When the measure appeared in the Senate, an organized opposition attempted to amend the act. Twelve of the minority left the Senate for a

16 Ibid.  
17 Journal of the House of Representatives, Twelfth Legislature, State of Texas, p. 211.  
18 Ibid., p. 212.
conference and broke the quorum. They were arrested for this act and excluded from their seats with the exception of four members who were needed to form a quorum.\textsuperscript{19} The original bill was then passed without opposition.

While the Radical senators kept these senators under arrest, they were able to speedily pass other legislation sponsored by the governor. One such bill was the provision for a State Police to work in connection with the State Militia. The Radical governor had asked for such an organization in his message to the legislature. This bill proposed that:

\begin{itemize}
  \item all sheriffs and their deputies, constables, marshals of cities and towns, and their deputies, and police of cities and towns shall be considered as part of the State Police, and be subject to the supervisory control of the Governor . . . \textsuperscript{20}
\end{itemize}

To prevent the widespread state of lawlessness to continue the legislature had embodied the governor with authority to detail the State Police to act "as detectives in ferreting out and bringing to justice offenders."\textsuperscript{21} Jurisdiction over local authorities was assured to the governor when the following section was inserted in the bill:

\begin{quote}
The Governor shall have power, at all times, in any emergency, of which he shall be the judge, to assume command of the whole or any part of the municipal police of any town or city, or of the sheriffs, their deputies, constables and marshals of cities or towns, and their deputies, and may authorize the Chief
\end{quote}

\textsuperscript{19} Ramsdell, \textit{op. cit.}, p. 297.
\textsuperscript{20} Gammel, \textit{Laws of Texas}, VI, 193.
\textsuperscript{21} \textit{Ibid.}, p. 194.
of the State Police to command their assistance in executing criminal process, suppressing riots, and in preserving the peace.22

Governor Davis had suggested one other provision for assuring a more peaceful Texas and this proposal became an act regulating the right to keep and bear arms. This piece of legislation, passed on August 12, 1870, is indicative of the Radical Republican effort to create a more peaceful and stable Texas:

Be it enacted by the Legislature of the State of Texas, that if any person shall go into any church or religious assembly, any school room or other place where persons are assembled for educational, literary or scientific purposes, or into a ball room, social party or other social gathering composed of ladies and gentlemen, or to any election precinct on the day or days of any election, where any portion of the people of this State are collected to vote at any election, or to any other place where people may be assembled to muster or to perform any other public duty, or any other public assembly, and shall have about his person a bowie-knife, dragoon or butcher-knife, or firearms, whether known as a six-shooter, gun or pistol of any kind, such conviction thereof shall be fined in a sum not less than fifty or more than five hundred dollars, at the discretion of the court or jury trying the same; provided, that nothing contained in this section shall apply to locations subject to Indian depredations; and provided further, that this act shall not apply to any person whose duty it is to bear arms on such occasions in discharge of duties imposed by law.23

Governor Davis had now completed his plans for curbing lawlessness and violence in the state and turned his attention to other matters. A matter which received early attention was the pressing demand for protection of the frontier. The need had been urgent since the beginning of the Civil War, and

22 Ibid.  
23 Ibid., p. 237.
repeated requests for aid had been sent to Congress since the war had ended. Governor Davis proposed that twenty companies of Rangers be raised to serve on the frontier.

On June 13, 1870, a bill containing the governor's plan for protection of the frontier was passed. A force of Rangers was provided "... for the purpose of following and chastising any marauding bands of hostile Indians, or for the purpose of carrying out any other measures that may contribute to the better security of the frontier."24 The governor was delegated the authority to appoint officers for the Ranger companies and had the power of supervision which he wielded over the State Police and State Militia. A later act provided for the sale of $750,000.00 in state bonds for the maintenance of the Rangers.25

Before the actual passage of the bill to provide for protection of the frontier, practically all of the citizens had realized the need for such protection. However, criticism was soon leveled at the Republican sponsored legislation which created twenty companies of Rangers. Many conservative Republicans and Democrats felt that the expense of maintaining the force would be too great for the state and did not wish to see their taxes raised. The criticism and complaint aimed at the creation of a larger Ranger force was as nothing compared to the alarm created in the anti-Radical camp when the legislature

24Ibid., p. 181.  
25Ramsdell, op. cit., p. 299.
enacted a bill which gave the governor authority to appoint officers to fill vacancies in state and county governments.

A district attorney for each judicial district could be appointed by the chief executive to hold office until the next general election. The authority to appoint for each county one "... county treasurer and one county surveyor, and a sufficient number of hide and cattle inspectors, and, where required, public weighers of cotton..." until the next general election, was delegated to the governor. Vacancies existing in counties by reason of the inability of the elected official to take the oath prescribed by Congress in readmitting the state, could be filled by the governor.

City offices were also subject to appointment of the governor when the chief executive was vested with the authority to "appoint a mayor and a board of aldermen, or officers of like character, of such number as is or may be authorized by law, for each incorporated city and town in this state" until the next general election or until otherwise provided by law. Governor Davis could be assured that persons friendly to his Radical administration would be appointed to these various positions.

The legislature gave additional powers of appointment to governor with the passage of a bill which provided for the registration of voters. Here, as in other legislation, the

26 Gammel, Laws of Texas, VI, 191.
27 Ibid.
28 Ibid.
29 Ibid.
governor was enabled to make extensive appointments. It was stipulated that the "governor shall appoint a registrar for each organized county in the State, who shall hold his office for two years, unless sooner removed by the Governor for cause."\(^{30}\) Strict regulations were designated with which the registrar must comply. The entire system of registration was reorganized, and penalties were provided for those who abused the office of county registrar and for those who interfered with registration for and the actual procedure of the election.\(^{31}\)

Now that the Radical Republicans had passed measures, which, to them, had needed prompt action, the attention of the legislature was turned to another Radical sponsored improvement. Public schools in the state were practically non-existent and the governor had pledged the support of the Radical Republican faction to create a state-wide system of education. Accordingly, an act to establish a system of free public schools was passed and became law on August 13, 1871, just two days prior to the adjournment of the called session of the legislature.

A system of schools entirely new to Texas was provided in the public school act. The Superintendent of Public Instruction, a position created by the constitution, was to be a type of liaison official to the legislature. He was to have the complete responsibility for the organization and maintenance of the school system but was subject to the supervision of the

\(^{30}\)Ibid., p. 198. \(^{31}\)Ibid., p. 201.
state legislature.32 Each county was designated as a school district and the county courts were authorized to supervise the county board. The duties of this board were defined, and the curriculum of the schools was outlined. The qualifications of teachers were prescribed and the length of the school term was designated.

Such an extensive school system would cost the state much more than had heretofore been appropriated for education. Provision for revenue to operate this new system was provided in this portion of the bill:

All moneys now standing to the credit of the 'school fund' in the treasury of the State, and all lands heretofore surveyed and set apart for establishing a primary school or academy in the several counties of this State; and all sums of money that may come to this State hereafter from fines and forfeitures, set apart by law for school purposes, or from the sale of any portion of the public domain of the State of Texas; and all sums now due said school fund from individuals and corporations, shall constitute that portion of the school fund to be denominated the permanent school fund; and, as soon as practicable, these moneys, claims, and proceeds shall be consolidated and converted into United States bonds, and the interest only of these bonds shall be applied to the support of public free schools in this State.

The fourth of the annual revenue derivable from taxation, and the annual poll-tax of one dollar, to be levied and collected for the benefit of 'public schools,' and the interest accruing upon the permanent school fund, shall be denominated the available school fund; and this shall be applied exclusively to the payment of teachers' salaries and the expenses of the educational bureau; and no part of this fund shall be applied to any other purposes, except by law.33

Opposition to the admittance of Negroes into the public schools was almost universal throughout the state. This

32 Ibid., p. 287. 33 Ibid., pp. 291-292.
presented a problem to the legislature and governor because a dual system of schools would necessitate an even greater expenditure of money. Thus, the organization of the school system did not proceed as rapidly as the Radicals, who attempted to give the Negroes an equal system, had anticipated.

On the last day of the called session of the legislature a bill devising a new system for conducting elections became law. The provision in the bill which attracted the most attention was section seven, which provided:

... the first general election under this act shall be held on the first Tuesday after the first Monday of November, A. D. 1872, at which time, and every two years thereafter; members of Congress, representatives and senators to the State Legislature, district attorneys, and all county officers made elective, shall be elected.\footnote{Ramsdell, in his book, Reconstruction in Texas, interpreted the bill in this manner:}

The nominal purpose of this change was to make the state and Congressional elections coincide; but the effect really desired was to extend the year longer the lease of power of the radicals elected in 1869. The State Journal, the official organ, frankly avowed that the purpose was to prevent the offices from falling into the hands of the enemies of the administration.\footnote{Ramsdell, op. cit., p. 299.}

During the special session of the legislature the Radicals were faced with opposition from the conservative Republicans and Democrats who would not cooperate with the Davis Republicans. Practically all of the legislation that Davis and the Radicals maintained was necessary for the welfare of

\footnote{Ramsdell, op. cit., p. 299.}
the state was severely criticized by the anti-Radical forces. Professor Ramsdell contended that a more able type of law enforcement was needed because "... a certain necessity existed for some measure of this kind; for a number of districts were still infested by desperadoes against whom the local officials seemed powerless."\(^36\) However, Ramsdell believed that the State Police went to the extreme in enforcing the law. He said that often groups of the police became desperadoes who committed greater crimes than the outlaws they were supposed to bring to justice.\(^37\)

During the fall of 1871 the conservative Republicans and Democrats formulated plans to offset the work of Davis and the Radical legislature. Davis quarreled with the Comptroller who refused to endorse the frontier bonds. The State Treasurer also refused to affix his signature to these bonds. Morgan C. Hamilton, heretofore arch supporter of Davis and his Radical policy, had not concurred in the method of defending the frontier and aided in discrediting the bonds when they were placed on the New York market. Davis retaliated with a bitter denunciation of Morgan C. Hamilton in the administration journals, thus driving Hamilton into the anti-Radical group.\(^38\) The other Radical United States senator, J. W. Flanagan, opposed the militia and police bills and joined Hamilton in opposing the Davis administration.\(^39\)

\(^{36}\) Ibid., p. 302.
\(^{37}\) Ibid.
\(^{38}\) Ibid., p. 305.
\(^{39}\) Ibid.
Even though a growing distrust to Davis and the measures adopted by the Radical dominated Twelfth Legislature was clearly evident, the anti-Radical groups could do nothing at this time. On January 10, 1871, the legislature met in regular session and the conservative Republicans and Democrats waited to see if more legislation of a Radical nature would be enacted.

In his message to the legislature, Governor Davis complimented the people of Texas when he said "it gives me much pleasure to state that the people have, I believe, generally seconded the officers in their efforts to re-establish order, and that an improved condition of affairs is quite manifest."40

The governor, disappointed that the school system was developing so slowly, called for the immediate voting of funds to assure the prompt organization of the schools. His concern for the school system is evidenced in this statement:

The maintenance of a good system of public schools, I regard as second in importance to no other object of government under our institutions. The people expect us to attend to this matter at once, as every day's delay is of irreparable damage to the growing generation, for whose wants we are called upon to provide.41

Davis revealed that the State Police was not without fault. He pointed out that "many of those appointed, have been found incompetent or otherwise objectionable, and removed, it being the purpose to bring this force up to the highest standard

41 Ibid., p. 52.
of efficiency." The governor then suggested that the police system be enlarged to give greater help to civil authorities. He gave credit to the State Police and State Militia for the more peaceful condition of the state and noted that this had aided immigration.

Manifest in the message was Governor Davis's fight to prevent subsidization of railroads. Several railroad measures providing for subsidies had been passed in the called session of the legislature only to be vetoed by the governor. One measure had passed over his veto and the governor promised to accept this in good faith but asked the legislature for cooperation on this matter when he said:

Let us set our faces determinedly against all further propositions to pledge the aid of the State to the furtherance of private schemes, whether under the guise of internal improvements, or other specious government. Not one dollar or cent more, in any shape or form, is the only safe policy.

The moderate tone of the governor's message was evident to all. No new legislation of a controversial nature had been asked for, and the legislature did not pass any legislation that could be so designated. However, a resolution was passed which invalidated the election of Morgan C. Hamilton to his

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42 Ibid., p. 56.  
43 Ibid., p. 57.  
44 Governor Davis opposed the International Railroad subsidy, but he signed it because of the "crying need for railroads." Ramsdell, op. cit., pp. 300-301.  
full term in the United States Senate. It was held by the legislature that the authority to elect Hamilton to a one year term and to a full term, which began in 1871, at the same election was lacking. General Reynolds was then appointed in Hamilton's stead. Hamilton immediately filed a protest, and the United States Senate upheld the legality of his position and declared Reynold's election void. 46

Another dispute over an election occurred when, in November, 1870, prior to the convening of the legislature in January of the following year, special elections were held to fill vacancies in the legislature. Democrats and conservative Republicans had been elected in most instances, but the election was contested in the Third Senatorial District. Charges of fraud and intimidation were filed by the Radical candidate, and an investigation into the election was held by the House Committee on Privileges and Elections. A majority report of that committee held that fraud and intimidation had been used in the election. The committee endorsed this proposal of the Republican party of the Third Senatorial District:

The Republicans claim that the election in the county of Cherokee should be declared void, and set aside on account of violence, fraud and intimidation, practiced upon Republicans prior to, and during the election by the Democracy thereof; and assert that, had the election been free, fair and impartial, as contemplated by law, and each and every qualified voter allowed a free and fair expression at the polls, the result would have been different . . . .47

46Ramsdell, op. cit., p. 307.

Statements of witnesses concerning irregularities at the election were included in the committee report. Fragments of these statements serve to reveal the conditions that were reported to have existed. The Republican candidates maintained that they had been cursed and abused, and the Negro Republicans were subject to the following threats:

It was notoriously rumored over the county, among the colored people, that all of them who voted the Republican ticket would be driven from their homes and made to suffer for so doing. Saw A. Jackson, with book and pencil in hand, writing down the names of the colored people, telling some of them if they voted they would be sent to the penitentiary.48

Several citizens of Cherokee County were so violently opposed to a continuation of the Davis administration and the Radical controlled legislature that the Democrats turned on the Negro in an effort to force the election of members of that party. One Democrat, "Esquire Grisom, cursed the colored people, telling them if they voted for the Republicans they were 'damned fools,' as the 'Radicals' would put them back in slavery."49 The white members of the Republican party were also abused when, "on the second day of the election some white men were drunk, abusing and cursing Republicans, calling them 'damned negro equalities,' and in a manner very disgraceful."50

A. T. Monroe, the Republican candidate for the legislature of this district, was called a "thief" and a "loyal league assassin" and was the object of much ridicule. One man

48 Ibid., pp. 655-656. 49 Ibid., p. 667. 50 Ibid., p. 666.
dressed himself to resemble Monroe and paraded through the streets making speeches on behalf of the Democratic candidate. Other Democrats were credited with referring to Monroe as a "Negro lover" and no better than a "Negro."\textsuperscript{51} When the Chief of the State Police, James Davidson, arrived to conduct an investigation of the alleged mistreatment of Republican voters he had difficulty in obtaining statements. He declared that the Negroes feared to reveal information because of threatened Democratic retaliation. Davidson found that a United States flag had been torn down at the election and he arrested the two offenders.\textsuperscript{52}

A minority report of the committee denied that discrepancies had existed at this election. This report claimed that the flag of the United States was not torn down in a rebellious manner and attributed this act to a young boy who was not believed to be responsible. Affidavits declaring that the election had been extremely peaceful and that no threats or abuse of the Republicans had been in evidence were obtained by the minority. The minority concluded that the Republican party had overestimated its strength and revealed that the Democratic party was much better organized than the Republicans.\textsuperscript{53}

Disagreements and debates concerning elections served only to embitter the minority in the legislature when they were ineffective in blocking Radical Republican sponsored legislation.

\textsuperscript{51}Ibid., p. 667. \textsuperscript{52}Ibid. \textsuperscript{53}Ibid., p. 674.
Governor Davis and the Twelfth Legislature became the butt of the conservative Republicans and Democrats. The fact that the legislature, after convening in January, 1871, passed no legislation of a radical nature mattered not to the anti-Radical forces. The measures passed by the legislature in 1870 continued to furnish enough fuel for Democratic politicians.

The *Dallas Herald* protested to its readers that "General Davidson now comes before the legislature with a petition to allow him more men and a fund of nearly half a million of dollars to carry on his system of blackmailing." General Davidson had described the State Police as "... a vigilant, untiring enemy to all evil-doers" and declared "by every mail reports are received which swell the list of those arrested." In his report to the governor the Adjutant General said "... I trust before six months have elapsed, the reputation which has always been attached to our State for outlawry and crime, may cease to have any foundation in fact."  

Formation of additional Ranger troops had also caused agitation in the anti-Radical groups, and an incident soon occurred that served to enhance their position. Indians from Fort Sill had been growing more bold and had staged frequent raids in Texas frontier areas. The Twelfth Legislature passed a resolution asking that the federal government intervene and

54 *Dallas Herald*, March 11, 1871.
55 *Journal of the House of Representatives, Appendix, Twelfth Legislature, 1871, State of Texas*, p. 11.
instruct the Fort Sill Indian agent to take action to curb disturbances of this sort. A curt message was delivered to the Texas senator, Morgan C. Hamilton, stating that the crisis stipulated by the legislature was non-existent.\(^{57}\) Thus, the Radical dominated Twelfth Legislature and the governor were rebuked by the federal authorities, and the conservative Republicans and Democrats quickly used this as an illustration of the easily alarmed Radicals.

Arguments, usually reflecting on the Radicals during the regular session of the Twelfth Legislature, proved to be a boon to the conservative Republicans and Democrats. An example of the petty bickering rampant in the legislature is found in this excerpt from the *House Journal*:

> Mr. Becton rose to a question of privilege, and read the following from the *Daily State Journal*. 'Respect to the dead is the first duty of a civilized people, hence we would suggest the propriety of the city marshal giving the feminine bovine that now lies stiff and passionless in death's cold embrace, within the confines of the capitol grounds, a decent burial. Doubtless her numerous offspring, the Democratic members, will participate in the obsequies. May the clods of the valley rest lightly o'er her head.'\(^{58}\)

Mr. Becton declared this article had appeared in the official organ of the House, and he believed this paper was duty bound to respect both Democrats and Republicans. He angrily denounced the story as a gross insult to the Democratic members of the House.

\(^{57}\) *Journal of the Senate*, Twelfth Legislature, 1871, pp. 957-959.

Other acts of the Twelfth Legislature and statements by Republican papers served only to alienate the Radicals from the other political factions in this turbulent body. A bill that was never passed by the Radical sponsors created much controversy. This act was to provide for the payment of bounties to Texas volunteers who served in the United States army during the Civil War. The language of the bill is indicative of its intent:

At a sacrifice of all they held dear, save patriotism, they turned from their homes, turned from their families, turned from their friends and companions, and with sad and aching hearts, endured hardships and encountered perils scarce equalled in the active campaign, to escape the thraldom of rebellion and give their services to their bleeding country's cause.59

Another affair which hurt the Radical Republican administration concerned A. Bledsoe, the State Comptroller who had been quarrelling with Davis since his entry into office. A climax was reached in the argument during this session when Governor Davis asked the legislature to take action to support his position. The governor had wanted certain documents and vouchers from the Comptroller and State Treasurer to present to the federal government. These documents were needed before the state could collect money owed by the federal government for frontier defense prior to 1861. Both Bledsoe and Honey, the State Treasurer, defied the governor and declared they had no authority to "break the seal" on papers stored by the late

59 Ibid., p. 846.
provisional government of Pease. Davis repeatedly demanded that they do so and finally, as a last resort, asked the legislature to pass legislation designating authority to the governor to collect these papers. Governor Davis was supported by the legislature and the administration crisis passed.

Legislation of a less controversial order was enacted by the legislature, but the governor often vetoed measures he thought detrimental to the state. He returned a bill to the legislature which provided for the immediate sale of university lands. It was pointed out by the Radical governor that in all probability the value of this land would increase in a year or so and also noted that there was no immediate need to sell the land.

Throughout the sessions of the Twelfth Legislature and during the last session of that much maligned body from September 12, 1871 to December 2, 1871, when it adjourned, sine die, railroad legislation was always of the utmost concern. Professor Ramsdell relates that in the first session of the legislature no less than fifty-four bills were introduced for the relief of railroad corporations. Governor Davis, with eloquent denunciations, repeatedly vetoed measures which would create subsidies for railroads. The excessive expense and havoc that subsidization would inflict on state finances were

pointed out by the governor. Nevertheless, two bills passed which were extremely liberal to the railroad builders. The International railroad subsidy, the only railroad subsidy bill approved by the governor, caused widespread criticism in the state. The second railroad subsidy, described as being the most extravagant act of the legislature, was to aid the Southern Pacific and Memphis, and the El Paso and Pacific to build lines across the state.63

Ultimately judicial investigation of the International railroad subsidy revealed:

Unblushing bribery was charged in connection with the passage of this International subsidy, and though the jury of a district court found the allegation of fraud to be untrue, the charges were so rife and upon such high authority as to give them credence. It was a cause of wonder at the time that members of the Twelfth Legislature whose income was their per diem should at the end of the session be able to buy fine horses and travel north.64

Although Davis was criticized for practically all of the acts passed by the Twelfth Legislature, he cannot be condemned for the railroad legislation of that body. Railroads were practically non-existent in Texas at that time, therefore Democrats and Republicans joined in an attempt to secure a state wide railroad system. The dire need for rail transportation was felt to the extent that the method of securing it became secondary. Davis did his utmost to show that subsidies would harm the financial condition of the state and he

63 Ramsdell, op. cit., p. 307.
64 E. T. Miller, "The State Finances of Texas During the Reconstruction," Southwestern Historical Quarterly, XIV (July, 1910 - April, 1911), 92.
succeeded in thwarting the attempts of the legislature to pass numerous railroad subsidies. Later the bonds of the International railroad were discredited and the state was saved an undue expense.

When the Twelfth Legislature adjourned on December 2, 1871, sighs of relief came from the anti-Radical forces. To this group the administration of Governor Davis and the acts of the Radical dominated Twelfth Legislature represented all that was evil and corrupt. Virtually placed in power by the Reconstruction Acts, Governor Davis and the Twelfth Legislature represented a new political era in Texas. For the first time the aristocracy was excluded from control of state government. Placed in this position, the anti-Radicals, throughout the tenure of the Twelfth Legislature and the Davis administration, were on the defensive.

Congress insisted that certain measures be instituted, and the Twelfth Legislature had complied. Many of the acts of this body were commendable, but a majority of the citizens could not comprehend that such reforms were necessary. This group of old-line Whigs, Democrats, and even the conservative Republicans were slow to realize that they faced a new era which was permanently to alter the pre-war way of life.

The Radical Republicans, determined to extend the right of suffrage to the Negro and to enact a reform program that was

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65 Ramsdell, *op. cit.*, p. 311.
badly needed, alienated the "old guard." Their intentions were commendable, but their methods in enforcing law and order in the state and in changing the government earned the Republican administration the contempt of the old political leaders in the state. Republican reliance upon Negro support further alienated large groups of whites who ultimately benefited from the reform measures.
CHAPTER IV

THE RADICAL REPUBLICANS FIGHT TO RETAIN CONTROL

During the summer of 1871 preparations were made for the Congressional election which was to be held from October 3rd to 6th, 1871. Both Republicans and Democrats nominated candidates in each of the four congressional districts and a lively campaign ensued. Governor Davis toured the state speaking in behalf of the Radical candidates and his administration. His speeches were ridiculed by the Democratic press and little mention was made of the issues the governor raised. An evaluation of the political program offered by the governor was omitted, but the press made it a point to reveal that Davis extended a special welcome to all Negroes present. The *Dallas Herald* gave a detailed description of a speech made by the Democratic speaker who followed Davis to the platform on one occasion. A portion of this speech, which condemned the Davis administration and Radical legislative measures, was printed in the newspaper.¹

Through their district conventions the Democrats began an organized attack on Davis. The Second Congressional District Democratic convention attacked his administration by asking the following questions:

Where is the necessity for the swarm of officials quartered upon every community to insult the people and eat out their existence? Will the Militia Bill, the Police Bill, and School Bill, and kindred measures justify the myriad offices created, and the millions paid from the public Treasury? Is this character of legislation so necessary for the peace of society, that industry must be taxed until it is paralyzed?

An increasing state debt was pointed to and it was revealed that the state had been free from debt at the beginning of the Davis administration with a half million dollars in the treasury. In reference to the financial condition of the state the Democratic convention continued:

Now, after less than eighteen months of Radical misrule, the contract debt of Texas is near fifteen million dollars. Then the revenues were but a few thousand, (yet amply sufficient to meet all honest or legitimate demands of government) and as a consequence scarcely felt by the people; now they reach millions, with every industry languishing, and every citizen staggering under the burden of a mal-administration.

John C. Connor was nominated for the congressional seat of the second district by the Democratic convention. Connor, at that time the only Democratic representative in Congress from Texas, had the support of ex-Governor Throckmorton. Throckmorton had been reluctant to support Connor because of a personal reason but he preferred him to the Radical Republican nominee, Judge Bryant. The conservative Republicans had been practically forced into the Democratic fold because they would no longer support Davis, and as a minority they were unable to assert any control in the Republican party.

\[2\] Ibid., August 5, 1871.  \[3\] Ibid.
Therefore, Throckmorton urged all moderate or conservative Republicans, Democrats, old-line Whigs, and Negroes to support the Democratic nominee and to work for the eventual overthrow of the Davis regime.  

Typical of the articles appearing in the Dallas Herald during the summer and fall of 1871 is this attack on the public school system:

We are opposed to a 'free people' being forced to send their children to any Public School. Where is the little tender girl or boy . . . of only six, to eight, years of age, that can trudge two to three miles twice a-day to attend these free public schools, so called. Yet they must go, or have the bread taken from their mouths and the clothes from their backs to pay the fine.  

Sentiment similar to this served to intensify the efforts of the anti-Radical parties and plans were formulated to wage an extensive campaign for the Democratic nominees. Professor Ramsdell describes this movement thusly:

The unprecedented expenses of the state, the abnormal tax rate, and the prospect of another session of the legislative extravagance could not fail to prove effective weapons against the radicals; and a group of prominent citizens of both the anti-radical parties issued a call for a state taxpayers' convention to be held at Austin to protest against the exorbitant public expenditures.  

Democrats and former conservative Republicans dominated the Tax Payers' Convention which was political in nature. Ex-Governor Pease, a former Radical Republican and now bitterly anti-Radical in sentiment, was elected president of the

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4 Ibid., August 26, 1871. 5 Ibid., September 16, 1871. 6 Ramsdell, op. cit., p. 308.
convention. A committee of twenty-one, to report on the condition of the state, was elected. Such well-known figures as A. J. Hamilton, Morgan C. Hamilton, J. W. Throckmorton and W. M. Walton were on the committee.

Undoubtedly the Tax Payers' Convention produced a greater effect on the voters of the state than any Democratic convention could have. This move had given the conservative Republicans a chance to attend without fusing solidly with the Democratic party and had also let others attend without losing their political identity.

Under the chairmanship of A. J. Hamilton the committee of twenty-one divided into sub-committees, and each of these presented an exhaustive study of the ills of the Davis government. These reports were incorporated into a list of grievances and were accepted by the convention. This report was also included in the minority report of the Congressional Committee which investigated conditions in the South.

At the end of three days the sub-committees had made their reports, which were then released to the press. All of the reports denounced Governor Davis and held that he was personally responsible for the purported deplorable condition of the state government. Issue was taken with the police system when the committee drafted the following resolution:

The terms of the Police Bill constitute of themselves an authorized violation of nearly every private right of the citizen. The police force is chosen by the executive, and placed under his command without
restriction or responsibility; it is always ready for action, with arms in hand, having for its duties the part of spies, informers, and detectives, circulating through the whole community. The very location of such a force renders them odious to the people, and unprincipled of themselves they are dangerous as hirelings to the reputation and lives of the people. The practical workings of this force, raised under the pretense of securing peace and quiet, and to arrest violators of the law, has demonstrated, beyond doubt, that it is a body of armed men, massed to overawe the citizen and to give an active arm to the executive, to uphold and sustain him in his usurpations and exercise of the unlawful power concentrated in him. Its work has been a succession of wrongs, mingled with blood; its continuance is death to every private right, and, in innumerable instances, to life itself.7

Citizens of the state were described as helpless to protect their civil rights. The character of the State Police and Militia was attacked in this stinging indictment:

The police and State guards are armed, and lord it over the land, while the citizen dare not, under heavy pains and penalties, bear arms to defend himself, unless he has reasonable grounds for fearing an unlawful attack on his person, and that such grounds of attack shall be immediate and pressing. The citizen is at the mercy of the policeman and the men of the State Guard, and that, too, when these bodies of men embrace in them the most lawless and abandoned men in the State, many of whom are adventurers, strangers to the soil, discharged or pardoned criminals, forgetful of law, unrestrained by the customs of society, and without interest in, or ties to the State.8

Not only did the Tax Payers' Convention take issue with the militia and police, but becoming purely political in character the delegates bitterly denounced the leader of the

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8 Ibid., p. 426.
Radical Republican party, Governor Davis. It was charged that
his administration was often in contempt of the constitution.
Morever, this body believed that laws passed by the Radical
controlled legislature which were constitutional were not
"based on an honest desire to accomplish good to the people of
the State, or to secure prosperity to the country." 9

Issue with numerous acts of the administration was taken
in the lengthy report from the committee and it was pointed
out that the governor was enlarging his powers to that of a
despot. These alleged evils were declared to be the responsi-
bility of the governor:

The executive has omitted and failed to order
elections to fill vacancies in the legislature, caused
by death or otherwise within the time prescribed by
law, and has thus, for many months, denied represen-
tation to large bodies of the people, although they
were taxed, and have been forced to perform militia
duty. 10

Governor Davis's public school plan was bitterly deplored
because the system, as interpreted by the anti-Radicals, was
to "educate advocates of the party that has built it up and
fosters it at the expense of those who have no confidence in
its educational value." 11 The system was thought to be too
costly and unduly burdensome for the state. Many of the anti-
Radicals foresaw mixing of races in the schools. Again the
governor was charged with the attempt to use arbitrary methods
when it was pointed out that the governor and superintendent of
public instruction could prescribe a uniform system of text-books.

9 Ibid., p. 424. 10 Ibid. 11 Ibid., p. 430.
One section of the committee report dealt with finances. This sub-committee protested that the governor was spending the state into bankruptcy with all of his new measures which were "new and without precedent in the state." The cost of maintaining the State Police, State Guards, and Rangers was described as exorbitant. The sub-committee announced it was the duty of the federal government to protect the frontier, and need for a Ranger force did not exist.

The Election Law was interpreted by the Tax Payers' Convention to be another Radical Republican tactic to retain power. One day was held to be sufficient for state elections, and the sub-committee tragically cried:

Of course not exceeding one thousand can vote; the cry will be, if the Democrats get to the polls first and vote, that all the loyal men were kept away by intimidation, or, what is more likely, one thousand Negroes will be allowed to vote by the militia and the others will be excluded. Texas, in short, will be counted out by Congress in February, 1873, if her vote is Democratic, and will be counted in if it is Radical.

Contained in the committee report was the following critical analysis of the governor's powers:

He not only can declare martial law, suspend the writ of habeas corpus, and render useless all civil tribunals, but erect military commissions for the trial of such offenders as may be brought before them; he can designate the officers to act as judges, and prescribe the regulations that are to govern them in their action. This recklessly places the lives of the citizens at the mercy of the Governor.

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12 Ibid., p. 431.  
13 Ibid., pp. 430-431.  
14 Ibid., p. 431.  
15 Ibid., p. 428.
On September 25, 1871, the Tax Payers' Convention adjourned after one final attack upon Davis and the condition of the state. In this section of the convention platform the members complained:

. . . the people of this State no longer govern themselves, but are governed by E. J. Davis, as completely as if there were no constitutions, State or Federal. While in form we have a republican government, in substance and in fact we have a despotism, which constantly becomes more and more absolute, and will certainly end in unqualified enslavement of the people unless some check is interposed.16

It was decided at the convention that a committee should be appointed to meet with the governor in an attempt to reach an understanding. The articles adopted by the convention were to be presented to the Radical administration for study. Governor Davis refused to meet with the representatives and did not recognize that the convention was representative of the people. The governor was fighting back with a method most irritating to the convention; a complete disdain for what was occurring at the convention.

Governor Davis's cynical attitude toward the convention, which was held in the Capitol, is expressed by Claude Elliott, biographer of James W. Throckmorton. Elliott referred to the anti-Radical Democratic Statesman, which printed a speech that was credited to Governor Davis. He was reported to have said the following to a group of Negroes:

In ancient times it was the custom of the people to purify their temples when defiled, by burning and

16 Ibid., pp. 426-427.
sprinkling incense round about the same. This temple, our Capitol, has been polluted by the presence of the tax payers of the state, and therefore it devolves upon you, my colored brethern, to purify the place. As we have no incense, I would suggest that you form in double ranks and march around the Capitol singing those glorious hymns of freedom with which you are so familiar.\textsuperscript{17}

To lessen the significance of the convention the Radicals referred to the group of tax payers as "convention of sore-heads," the "Democratic Ku Klux Tax Howlers' Convention," and "toothless Snarlers and Impatient Failures of the Rebellion."\textsuperscript{18}

During the Tax Payers' Convention the Twelfth Legislature was meeting for its last session. Quarrelling was rampant over Davis's repeated vetoes of railroad subsidies. Bills were introduced to repeal or amend the militia and police laws but were defeated by the Radicals. Conditions were ripe for compromise between the Radicals and their opposition but the Davis group supported their legislation defiantly. A sarcastic statement in the \textit{Dallas Herald} characterized the sentiment of the anti-Radicals toward the last session of the Twelfth Legislature. The paper editorialized that "both houses are organized and at work, but not for any particular good as we can discover."\textsuperscript{19}

After the resolutions of the Tax Payers' Convention had been widely circulated, the campaign for Congress reached a fever pitch with charges and counter charges being hurled by

\textsuperscript{17}\textit{Democratic Statesman}, September 26, 1871, cited in Claude Elliott, \textit{Leathercoat; the Life History of a Texas Patriot}, p. 196.

\textsuperscript{18}Claude Elliott, \textit{Leathercoat}, p. 193.

\textsuperscript{19}\textit{Dallas Herald}, September 23, 1871.
both parties. The election, held under the watchful eyes of the state militia, was reported to be very quiet in Dallas. "There was no 'shouting' and 'jeering' to affect the sensibilities of our radical sovereign, Edmund, had he been present."^20

However, the election did not proceed so smoothly in all sections of the state. Reports of intimidation came from Limestone and Freestone counties. Governor Davis promptly declared martial law in those counties and dispatched the militia to maintain order. The legislature asked for evidence of lawlessness in these counties and the governor furnished statements from citizens in those counties who testified that law and order did not exist. The following letter from a district judge in Limestone County is illustrative of the many the governor received:

. . . I will say that nothing less than the trial and punishment of at least fifty to one hundred men by a determined court martial, backed by from two to three hundred brave and loyal men, will do any good; and unless this is done, the whole matter will be a farce. The rioters can prove anything they want to, and it is no use to prosecute them in the courts; and even if I were to arrest and try them, I would be compelled to try with jurors equally guilty as the accused, and it would simply be a foolish undertaking.^21

W. H. Tracy, registrar for Freestone County, reported "the secret association which is known among the cow-boys as

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^20 Ibid., October 7, 1871.
the 'Blue Lodge,' Ku Klux in its nature, is organized in all parts of the county.\textsuperscript{22} The most exhaustive report furnished by the Radical Republicans of Limestone County declared we \textsuperscript{23} . . . do not consider any of the Republican county officers safe here at present,\textsuperscript{23} and pleaded with the governor in the following tone:

\begin{quote}
. . . as Republicans who have been faithful to your administration and the general government, and who are now in that degree of danger, to our lives, our persons, and our property justifying the interference of the executive rod.\textsuperscript{24}
\end{quote}

The following summary of the state of lawlessness and violence in the counties of Freestone and Limestone was instrumental in prompting the governor to take his course of action:

\begin{quote}
. . . there exists . . . a combination of lawless men, claiming themselves to consist of several thousand persons organized as an insurrectionary force, too strong for the control of the civil authorities of said counties, which has murdered an unarmed and unoffending citizen in his own house, the individuals, composing which, carry pistols and other weapons prohibited to be worn on the person by law, have discharged firearms in public places, and have by threats, violence and organized force intimidated and controlled the civil officers of Limestone County, so as to prevent them from discharging their respective duties, who have precluded the holding a fair election . . . and who even presume to place picket guards upon the public highways, arrest and detain as prisoners, citizens of the State, and stop the coaches carrying the United States mails, and interrogate in an inquisitorial and menacing manner the passengers therein, and to cut the telegraph wires to prevent communication with the seat of government, which insurrectionary force exists as an armed
\end{quote}

\begin{footnotes}
\item[22]Ibid., p. 210.  \item[23]Ibid., p. 206.  \item[24]Ibid., p. 201.
\end{footnotes}
and organized body contrary to law, and is too numerous to be arrested and held by civil authorities and to be tried by civil courts.25

Governor Davis directed that a fifty thousand dollar tax be levied on Limestone County to be applied to expenses of the occupation troops.26 The action taken by the Radical leader only served to further inflame the anti-Radical populace and gave those groups more material to add to their inexhaustible supply of anti-Radical campaign oratory. The legislature would not agree that sufficient evidence was available for the imposition of martial law in the two counties, and the governor was forced, in a few days, to withdraw his order.27

Congress settled the election dispute in Freestone and Limestone Counties by awarding the contest post to the Democratic candidate.28 The three other Congressional seats were also won by Democrats when the three Republican incumbents were defeated. Thus, the conservative Republican and Democratic fusion, supported by a stronger control of Negro voters, had been successful.

Enthusiasm of anti-Radical forces became so great that predictions of a complete Radical downfall were rampant. Soon after the election the Dallas Herald predicted:

The late Congressional election in this state has convinced the Radical leaders that with all their cunningly devised schemes in the way of legislation,

25Ibid., p. 94.  
26Ibid., pp. 179-180.  
27Ramsdell, op. cit., p. 311.  
28Ibid., p. 310.
orders, proclamations, bribery, corruption and force, they cannot maintain their rule in Texas if the people can have an opportunity of voting and deciding who shall be their public servants. The democracy are too powerful in numbers and too incorruptible to be controlled by all the means hitherto contrived to keep them down. An election now for Governor, State Officers, Legislature and District and county officials would make a clean sweep of Radicalism in Texas with all its nameless enormities.29

Outwardly not daunted by the Democratic success, Governor Davis determined to execute the laws of his administration which had been so heatedly attacked. In December, 1871, the Twelfth Legislature had finished its work and would not meet again. During the early part of 1872 the Republican party began to meet in county conventions to plan for the coming general election in November. Candidates were nominated for various offices and rallies were held in a determined effort to retain control of state government. Preparations were made for the state Republican convention to be held in Houston on May 14th.

A few days prior to the meeting of the Republican convention, A. Bledsoe, State Comptroller, issued a statement in which he challenged the governor as to the legality of the International railroad bonds. Bledsoe did irreparable damage to the Radical cause when he publicly stated that railroads could be built in the state without abusive Radical taxation to support subsidies.30

29 Dallas Herald, November 18, 1871.
30 Ibid., May 4, 1872.
Approximately three hundred and fifty delegates representing one hundred counties attended the Houston convention. A need was expressed for the thorough reorganization of the party so that every means could be utilized to assure a Republican state legislature. It was also the year for a presidential election, and a split in the national Republican party was of concern to the Radicals in Texas.

A condemnation of the Democratic party "with its prejudices against the equal rights of men and against popular education" was the first plank adopted in the platform. Horace Greeley's nomination for the presidency was revealed as a Democratic plot, and the Radicals of Texas would have no part of it. The administration of President Grant was enthusiastically endorsed as "wise, just, and honest."

All of the policies of the Davis administration were upheld with special emphasis placed on the continuation and expansion of the school system and the protection of the frontier. Internal improvements were held to be of vital importance, but here the Radical platform was extremely cautious. A pledge was made to "support a reasonable system of aid to such improvements . . . but we will resist any and all further attempts at aid in bonds or money." The ills of state subsidies, long recognized by Davis, were at last realized by a majority in the party.

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31 Ernest William Winkler, Platforms of Political Parties in Texas, p. 140.
32 Ibid., pp. 141-142. 33 Ibid., p. 142. 34 Ibid.
A declaration of "... unabated confidence in the personal integrity and incorruptibility of Governor Edmund J. Davis, in his fidelity and devotion to the best interests of the people of Texas..." was included in the Radial Republican platform. With the adoption of a pledge to "... cut down every superfluous expense in the State government, and to reduce taxation to the very least amount compatible with efficient government," the convention adjourned to resume a more active campaign.

The Democrats immediately began to heap abuse on the Republican convention. A reference to the Radical convention was made in the Dallas Herald when this group was alluded to as "this mottled body, which met last week at Houston, commenced with a row and ended with a farce." The Democratic forces began their most active campaign subsequent to the return of civil government in the state. Democratic victories in the Congressional election of 1871 added zeal to their aim of defeating the Radical candidates.

On June 17, 1872, nearly seven hundred and fifty delegates flocked to Corsicana for the Democratic convention. The importance of the meeting was widely proclaimed and steps were taken to produce harmony among the party leaders. A pledge to support the action of the national Democratic party at Baltimore was endorsed by the convention. With this part of the platform adopted

35 Ibid., p. 142.  
36 Ibid., p. 143.  
37 Dallas Herald, May 25, 1872.
the attention of the convention returned to the state. All of
the points of the Radical Republican government that had been
criticized in previous meetings were inserted in the platform.
An issue of paramount concern was the structure of the party.
Several believed that only staunch Democrats should be admit-
ted to the convention but finally the call for "all good men
whatever may have been their past political preference, to
unite with the Democratic party in removing from place and
power those who now control the State government . . ." was
adopted. Thus, the Democratic forces desired and enlisted sup-
port from all factions to unite in a common purpose.

Attacks on the Radical Republicans came from former con-
servative Republicans, former Whigs, Democrats and others who
were dissatisfied with the Radical administration. One in the
latter classification was Guy M. Bryan who expressed his
opinion of the Texas Republican party in a letter to Rutherford
B. Hayes:

Republicanism here is not as it is with you. To us it
is what Tammany is in New York. Now when theft, tyranny
and vileness of every kind can be embraced without com-
punction and loss of self respect, then and only then,
can you expect the Southern people to become Republicans,
on account of the pictures presented to them at home.
Had a good and virtuous picture been presented to us,
with the black element, your party would have been in
the ascendancy from right and not fraud. As it is, the
course pursued has been destroying the party and demora-
lizing the people, white as well as black.

Winkler, Platforms of Political Parties in Texas, p. 127.
Republicanism is but another name for despotism. . . . Great God, why will your party not see and heed when the plain truths are before them? 39

Democratic candidates continually deplored the increased expenditures of the state government and promised economic and civil reforms if elected. The school system had cost the state $1,222,221.24 in 1871, and this furnished Democratic candidates a popular issue. In many respects this election paralleled the one in 1871 when Radicalism had also been pictured as creating the State Guard, State Militia, and State Police for despotic designs. All of the issues raised by the Tax Payers' Convention or 1871 were repeated, and it soon became clear that the Radicals faced a crucial test in the November election.

Indeed, the Democrats had become so optimistic of success that in October a plan to impeach Governor Davis was circulated. A Dallas editor asserted:

The people demand that for high crimes and misdemeanors Governor Davis be impeached according to the forms of the constitution, and the Senate will not dare refuse the constitutional remedy. Davis and his partisans need not flatter themselves that the impeachment cannot succeed for the want of the constitutional majority of two thirds. The Democrats will elect at least ten out of the twelve Senators to be elected in November, and with the eight Democratic Senators who hold over, and two who were elected as Republicans, but are now with the people on the subject, the impeachment and removal of Davis is assured. 41

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40 Appleton's Cyclopedia, 1871, p. 764.

41 Dallas Herald, October 12, 1872.
Additional injury was suffered by the Radical cause when, only a few days prior to the general election, James Davidson, Adjutant General and Commander in Chief of the State Police, resigned and a thirty thousand dollar shortage was discovered to exist in his department. Governor Davis had also, after much bickering, dismissed George W. Honey, the State Treasurer and appointed another Radical Republican. Honey would not give up the office and a suit followed which contributed to a development of division in the Radical contingent.

In the election all of the Democratic candidates for Congress were again elected and the legislature was captured by the Democrats. Thus, the Radical legislative majority no longer existed and the governor faced an antagonistic body when the Thirteenth Legislature, styled the "liberators of Texas" convened on January 14, 1873.

Radicalism had suffered a severe setback and the Democrats predicted an end to any Republican control at the next election. Governor Davis, leader of the Radical Republicans, would hold his office for another year. Thus, with many of the state political offices in control of his opponents the governor faced a decisive year.

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42 E. T. Miller, "The State Finances of Texas During the Reconstruction," Southwestern Historical Quarterly, XIV (July, 1910 - April, 1911), 86.
43 Ramsdell, op. cit., p. 313.
CHAPTER V

DOWNFALL OF THE RADICAL REPUBLICANS

When the Democratic controlled Thirteenth Legislature met in January, 1873, the idea of impeaching Governor Davis had been abandoned. Immediately the legislature began to amend or repeal the laws which had been criticized for the past two years. On February 1, 1873 the Fort Worth Democrat reported "the acts repealing the Enabling Act, and the Militia Law have gone to the Governor for his signature. Should he approve them, we shall begin to have some faith in his expressed desire for a reconciliation."¹

Governor Davis's message to the legislature had been conservative but he soon clashed with that body. He vetoed a new Militia Bill but signed the act repealing the Enabling Act.² The public printing laws and the state police system were amended and enacted over the governor's veto.³ The registration and election laws and the Radical advocated school system were amended to remove features objected to by the anti-Radical groups.⁴

¹Fort Worth Democrat, February 1, 1873.
Before adjourning the Thirteenth Legislature provided that a general election would be held in November, 1873, for governor and all state and county offices. This election was to be the crucial test for the Republicans. The result would determine if the Republican party could continue to be the majority party or whether it would be doomed to obscurity.

In the spring of 1873 interest began to increase in the election. On April 12, 1873, the Fort Worth Democrat, in regard to the governor's office, printed the following:

We propose to take Governor Throckmorton simply upon his merits, regardless of any past opinions he might have entertained. He has served the people of Texas long and well, and deserves his reward, even though he may have differed with many of the people of his State on questions of vital interest.5

Speculation concerning the nomination of candidates for governor became rampant. The Negroes of Texas, who felt that they had been treated unfairly by both the Democrats and Republicans, called a Colored Men's convention to meet at Brenham on July 3, 1873. They declared they were not "aspirants for social privileges," and did not intend to promote "legislation of a character to effect it."6 However, they did demand the "Civil Rights Bill of the Honorable Charles Sumner, and shall agitate the question of their concession with unabated ardor until we can celebrate the acquisition."7 Confidence in the

5Fort Worth Democrat, April 12, 1873.
6Winkler, Platforms of Political Parties in Texas, p. 149.
7Ibid.
federal government was expressed and allegiance to the national Republican party was reaffirmed. In closing, the convention expressed confidence in President Grant and thanked him for his efforts to help their condition. Charles Sumner was recognized for his outstanding work in promoting civil rights, and the Negroes hoped that their future would justify his efforts for their cause. Governor Davis and his administration were not mentioned in the address issued by the convention. A dissention was becoming evident between the Negroes in the Republican party and the leaders of that group.

Matt Gaines, a Negro, protested that "the white men say that if we put a colored man in the field that the Radicals will lose the race. That is just as good as to say they will not go with us." John Mason Brewer, the Negro author, revealed that the Negroes had four principal complaints against the Radical Republican party. The Radicals had not elected a Negro to the United States Senate when they had the power to do so. Also, the Negroes believed that one of their race should have held the lieutenant governor's post in the Davis regime. Furthermore, no office which carried "honor or emoluments" had had been given to the Negro, and the Radical Negro Republicans protested that "when a colored man had been elected to office requiring a bond, the Radicals had prevented his accepting the

8 Ibid.
9 John Mason Brewer, Negro Legislators of Texas, p. 51.
duties of the office by refusing to go on his bond."\textsuperscript{10} Despite Radical cooperation with the Negroes, Brewer contends that Negroes were never invited to visit in the executive mansion during Davis's administration.\textsuperscript{11} The Negro element was in a mood to be swayed in either direction dependent upon which party offered the most pleasing terms.

However, when the Republican state convention met in Dallas on August 19, 1873, many of the Negroes who had attended the Brenham convention were in attendance. The Republican party leaders maintained that it was not a "nigger" convention, but was a representative body. This convention realized how important the meeting was in relation to the general election in the fall, and a platform was drawn after long and deliberate consideration.

Public education was the first measure considered and the Republican party backed their original action by stating:

> We are earnestly in favor of the establishment and maintenance of a system of public free schools such as is imperatively required by article nine of our State constitution, and of such improvements as experience has shown to be desirable, and we strongly condemn the practical abolition by the thirteenth legislature of the system that was in operation.\textsuperscript{12}

Not only did the Republican party continue support of public education but also inserted a plank in the platform supporting "full and ample protection to every citizen in the

\textsuperscript{10}Ibid. \textsuperscript{11}Ibid. \textsuperscript{12}Winkler, Platforms of Political Parties in Texas, p. 155.
State, in the enjoyment of all his rights as a citizen."\textsuperscript{13}

Further protection of civil rights was evidenced by a plank concerned with the opposition of the Republican party to the enactment of any public laws that may operate unequally upon citizens on account of their race, nativity, or belief.\textsuperscript{14}

The Thirteenth Legislature was the subject of the following portion of the Republican platform:

We express our strong disapprobation of the bad acts and worse omissions of the thirteenth legislature, and condemn its useless expenditures of public money, chiefly upon itself, its indiscriminate squandering of the public domain to a large extent upon purely speculative and worthless corporations, and the unjust, discriminating legislating in favor of the rich and against the poor. While we cannot take the time and space to enumerate its misdeeds, we cannot forbear to denounce its unscrupulous efforts to make homesteads subject to sale under execution. At the same time we congratulate ourselves and the people of this State that its oppressive landlord and Tenant Bill was vetoed by the governor.\textsuperscript{15}

Governor Davis received the nomination for governor and R. H. Taylor of Fannin was nominated for the office of lieutenant governor, and Governor Davis began a tour of the state speaking in the areas where the most opposition to his administration existed.\textsuperscript{16} The Republican papers joined in the campaign with emphatic denunciations of the Democratic party and the acts of the Democratic controlled Thirteenth Legislature.

When the Democratic party called a convention to meet in Austin on September 3, 1873, excitement was high. A long

\textsuperscript{13}\textit{Ibid.} \textsuperscript{14}\textit{Ibid.} \textsuperscript{15}\textit{Ibid.}, pp. 156-157.
\textsuperscript{16}Ramsdell, \textit{op. cit.}, p. 314.
document was framed for the platform of the party. A systematic condemnation of the Republican administration was made which listed all of the acts considered unwise. The Thirteenth Legislature was congratulated for repealing many acts passed by the Twelfth Legislature. Appreciation to the Thirteenth Legislature was expressed thusly:

And we further congratulate the people of Texas that the Democratic members of the thirteenth legislature, so far as it was possible to accomplish their object, in the presence of the captious vetoes of the governor, and the opposition of his partisans in the senate, replaced the ... obnoxious, repealed measures, by just and wholesome laws, bearing alike on all, and which, if honestly and faithfully executed, will redound to the lasting good of the country and the prosperity of the people.17

A change of policy occurred in the Democratic ranks when the convention agreed to encourage the building of railroads and adopted such a measure in the platform. The Democratic plan for aid to railroads was described in the following part of their platform:

That to this end, and to encourage the investment of capital in such enterprises, we favor the granting of liberal charters to companies able to build such railroads, and of donating to such companies alternate sections of the vacant lands, under proper restrictions, and with such provisions of law as will protect the people against oppression and unreasonable exactions, until each section of the State has its equal proportion of the railroad facilities.18

Thus, the Democratic party was copying a former resolution of the Republican party for which the Republican party had been

17Winkler, Platforms of Political Parties in Texas, p. 160.
18Ibid., p. 161.
harshly condemned. Again all political factions were invited to "unite with the Democratic party in removing from place and power those Radical officials who now in part control the State government." 19

With the nomination of Richard Coke for governor and R. B. Hubbard for lieutenant governor the convention adjourned. Three months remained until the general election, and the Democrats determined to use every minute in an effort to win support for their candidates.

Newspapers over the state immediately aligned with one of the two factions and political articles dominated the news. Following is an article illustrative of the many the Democratic papers printed:

Who can foretell the awful and fiery hell through which Davis, if successful in this contest, would cause you to pass, during the next gubernatorial term. Think of his appointments in the past, even in our midst; and they are said to be worse in many places, though we think that hardly possible . . . . 20

The measures of the Twelfth Legislature were fervently supported by the Republican party and were equally criticized by the Democrats. Richard Coke, in a speech delivered at Fort Worth, interpreted the Republican control of the state since 1868 as a conspiracy to effectively crush the people of Texas through arbitrary measures.

19 Ibid., p. 162.
20 Fort Worth Democrat, October 4, 1873.
Methods used to ridicule the Radicals is evidenced by a comic definition of a Radical which appeared in the Fort Worth Democrat.

'Pa, who is a Radical?'

'A Radical is a rapacious animal of the genus homo, a native of the New England States, but occasionally to be found in the Middle and Western states, a Satanic spawn of Puritan parentage, conceived in sin, born in iniquity, nursed at the breast of jealousy and self-esteem, rocked in prejudice and intolerance, educated in the school of low cunning and foul play, and lives by public and private plunder. Now my son, since I have defined Radical, let me hear you parse it.

'A Radical is a compound, unconstitutional noun, black in person, declining in number, African gender, and desperate case, governed by negroes, according to the Puritan rule, one ignoramus governs another.'

The Loyal League, "which had been zealously kept up during all this time, was made the most of" by the Radical Republican faction. On the eve of the election the state was in a condition of turmoil, and conditions at the polls were not always orderly. Ramsdell revealed that fraud and intimidation were used to keep "Davis Negroes" away from the polls, but whites were allowed to vote who were under age. "On the other hand negro Democrats were threatened by Loyal Leaguers." 

When the votes were counted Coke was credited with receiving 85,549 and Davis polled 42,663. In all of the other contests the final tabulations revealed that the Democratic candidates had been elected in most instances. Thus, the

21 Ibid., November 2, 1873.
23 Ibid., p. 315.
24 Ibid.
Radical party had lost control of the highest office in the state and were ineffective in all instances.

However, before the votes had been counted the Radicals charged that the election was not legal. On January 3, 1874 the Fort Worth Democrat complained that "it is evident a trumped up case on the part of the defeated Radicals to throw the State in confusion and to retain for a few months the offices which a majority of 50,000 of the people do not want them to hold." was being organized. To have the election declared void "a test case was provided in a habeas corpus proceeding before the state supreme court to release from the custody of the sheriff one Joseph Rodriguez, a Mexican, charged with voting more than once in the election." The constitution provided that "all elections . . . shall be held at the county seats of the several counties until otherwise provided by law; and the polls shall be open for four days . . . ."

Because of the semicolon between the part concerning places of election and the number of days it was to be held, the case was referred to as the "semi-colon case." The supreme court ruled that the election had been illegal and Rodriguez was released from custody. Using the supreme court decision as authority Davis made the following statement:

25 Fort Worth Democrat, January 3, 1874.
26 Ramsdell, op. cit., p. 315.
27 Ibid., pp. 315-316.
28 Ibid., p. 316.
Davis announced that he would not give up his office until a successor could be legally elected and installed, and by proclamation ordered the recently elected officers and legislators not to attempt to exercise their functions.\textsuperscript{29}

Confusion pervaded the state, and Coke and the other elected officials declared they would not honor the court decision. The Democrats were determined the Davis government should leave office and that the Democratic officials would be installed. Davis, sensing the danger to his government, ordered additional militia to surround the Capitol and excitation and disorder enveloped Austin.

In January, 1874, the legislature assembled and a committee of its members was sent to Governor Davis to ask if he wished to communicate with that body. Davis, assuming that it was not a legally constituted group, refused to recognize its existence. That night the legislature took control of the upper part of the Capitol and Richard Coke was sworn in as governor. Coke proceeded to make various appointments to state offices.\textsuperscript{30}

General Grant, warned of the danger in Austin, instructed General Augur, the military commander of the Texas district, to examine the situation, and General Augur sent a staff officer to Austin. This officer, Major Russell, said "if there

\textsuperscript{29}Ibid.

should be a collision between the contending parties and should be any bloodshed he should take charge and institute a military government.

A new attitude then developed in Democratic circles and they determined "if necessary, to submit to insult, and even to risk their own lives to prevent the calamity of having another military government in Texas." However, during the next day a large number of Coke supporters assembled in the Capitol and many wanted to use force to remove the Davis men from the lower part of that building. A group of police and a Ranger company managed to maintain the peace.

Davis, realizing that his situation was growing more desperate, asked President Grant to intervene. Grant answered in the following tone:

Grant not only refused to interfere for the benefit of the Republicans, but said that Davis had made a disgraceful failure in the election last month, and ought now to get out of the way.

Despite this advice Davis remained in the Capitol and opposed any move that the Democrats made to force his withdrawal.

A revealing incident during the crisis at the Capitol concerned a cannon on the Capitol grounds. The Democrats decided to spike the cannon and retire to the upper part of the Capitol for the night. The reaction of the Davis faction is described thusly:

31Ibid., p. 57.  
32Ibid.  
33Fort Worth Democrat, January 17, 1874.
After the gun was effectively spiked and the Coke men withdrawn, a Davis guard was placed in charge of it, who tramped there in the cold until early next morning. Then Major Degrees, who was a fine artillery officer, appeared with a squad of his men and with ammunition to load the gun, it is supposed, with the intention of turning it on the upper portion of the Capitol, for the purpose of compelling the Coke followers either to surrender or abandon the building. Degrees had the snow cleaned off the gun and was preparing to load it, when he discovered it was spiked. He and his squad seemed thoroughly disgusted, and retired to the basement of the Capitol, while the Coke men, who had been watching them, laughed and jeered.34

Another incident occurred at the arsenal when the mayor of Austin, a Coke follower, was arrested by Captain Hill of the militia. Negroes surrounded the mayor and pointed guns at him. The mayor, realizing that a group of Coke men would attempt to rescue him, waved them away when they appeared. He then addressed the Negro militia and urged them to cease their support of Davis. When some of the Negroes stepped forward and promised to aid the mayor, he determined, with their support, to leave the arsenal.

Finally, Captain Hill consented to the mayor's returning to the city, and this the mayor did as rapidly as he could. He met a large force coming to rescue him and kept that force from attacking the arsenal only by begging them "to keep quiet, to do nothing rash, to go to their homes, and assured them if they would do so the contest would end satisfactorily, and the Coke administration would rule Texas."35

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a short while. To secure peace in the city, the mayor requested the saloon keepers to close their business until the next day.

Now that quiet had finally been restored, Governor Davis, after securing a promise that Captain Hill and the Negroes who had arrested the mayor would not be prosecuted, left the executive office. Guy M. Bryan, one of the Democrats who negotiated with Davis concerning his leaving the governor's office, believed Davis had been influenced "by bad and unscrupulous men who had everything to gain and nothing to lose in trouble and disturbance." Under the leadership of Edmund J. Davis the Republican party had come to be personified as a party of graft, greed, and corruption. The disgraceful controversy over the governor's chair was to leave a permanent belligerent attitude in the minds of many in regard to the Republican party. And yet, Davis was not wholly condemned even by his critics. A fairly accurate description of the misunderstood Davis is found in the following:

Governor Davis, a man of personal probity, represented the Reconstruction spirit in its better manifestations. He tried zealously according to his narrow lights, to make Reconstruction work and to give Texas good government. His failure lay in the spirit of

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36 Ibid., p. 63.
vindictive proscription in which he approached the task, a spirit which bred hatreds where the need of the state was peace. Largely because of his personal honesty, good intentions, and courage, however, Texas was spared some of the more flagrant abuses of Reconstruction which afflicted other states in the South, even though the twelfth legislature, which came into office with him, did not often heed his admonitions toward economy and good government.38

Charles W. Ramsdell, an avowed critic of Davis, summarized the character of Davis in the following:

He was self-willed, obstinate, pig-headed almost beyond belief; a most intense and narrow partisan, who could see nothing good in an opponent and nothing evil in a friend. Surrounded by a group of the most unprincipled adventurers that ever disgraced a government, he suffered from their advice and their acts. Yet his administration was his own and he guided it with an iron hand; he had no regard for the popular will, he consulted no desires but his own, and he was absolutely devoid of tact. But apparently without scruples in matters purely political, Davis was personally honest. He never ascended to the vulgar level of greed and dishonesty so common to his satellites; it can not be shown that he ever diverted one cent of public money to his own pocket. More than that, he strove to give the state an honest financial administration and to save it from spoliation and bankruptcy, and of this his vetoes of railroad subsidies is proof enough.39

With the fall of the government of Governor Davis, the Republican party of Texas descended into virtual obscurity. Always opposed, abused, and cursed, the Republican party had come to symbolize reaction and Negro equality to the staunch supporters of the Democratic party. Now that the Republican party had guided Texas through its darkest hours, it was abruptly removed from control as the state approached a prosperous period.

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