MILITARY RECONSTRUCTION IN DISTRICT FIVE

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PREFACE

As the American Civil War was brought to a close in April, 1865, the entire nation was plunged into an era which was characterized by unrest and turmoil. The North had before it the task of reconstructing the former Confederate states so that they would be able to resume their former positions in national councils, while the South was called upon to adjust to a way of life which was drastically different from ante bellum standards. As these tasks were begun, severe conflicts between the executive and legislative departments and a continued spirit of rebellion on the part of the people of the South added to the existing confusion until the 1866 elections, at which time Congress obtained the necessary two-thirds majority with which to control the entire procedure.

In military District Five, formed as a result of congressional control, as in the rest of the South, continued post-war controversy has tended to becloud appraisals of the period of military reconstruction. A fair evaluation requires examination of the primary sources inasmuch as secondary works on the era have continued to reflect sectional viewpoints. Such an evaluation reveals the need for a comprehensive re-interpretation of the entire era of military control of reconstruction under the congressional plan. This analysis of military government in District Five represents such a
re-interpretation of one area of the post-war South. The area represented here and the problems arising from post-war conditions are typical of those existing throughout the South at this time.
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CHAPTER I

CONDITIONS PRIOR TO THE ADOPTION OF MILITARY RULE

The end of hostilities between the North and South in 1865 brought to the fore the problem of what punishment, if any, was to be meted out to the recalcitrant members of the Union. Questions as to the status of the people of these states, especially of the newly freed Negroes were immediately propounded and the answer to many of these seemed to lie in the conditions which existed in the South after the war. The war had freed the Negro and in doing so had wrought changes in an entire way of living. The attitudes of the people required almost a complete reversal in order to adjust to changing conditions.

As preliminary plans were made for the restoration of the states to the Union, the first session of the Thirty-ninth Congress appointed a joint committee to study and report on existing conditions in the South. The sub-committee to study Texas was composed of Senator George Williams of Oregon and Representatives E. B. Washburne of Illinois and A. J. Rogers of New Jersey. One of the first to appear before the committee was Brigadier General William E. Strong, who made his report on February 3, 1866. Strong had visited the section between the Trinity and Neches Rivers and westward along the coast. He was shocked to learn that many of
the Negroes did not know of their freedom and were still working as slaves. He said, "... one campaign of an army through the eastern part of the State, such as was made by General Sherman in South Carolina, would greatly improve the temper and generosity of the people." Strong deplored the hostility toward Union soldiers and the plight of General Gregory, then in charge of that section of Texas, who was badly in need of military assistance. In citing this need, he noted that in other Southern states he had been treated with courtesy and kindness, even by former soldiers of the Confederate army, but that this was not true in Texas and that an inclination to attack his party had been shown near Huntsville.¹

On February 20, Lieutenant Colonel H. S. Hall, stationed in Marshall [Harrison County] reported more favorably on the situation in northeast Texas. He said that property owners were particularly anxious to be readmitted, but he was surprised to note the widely prevalent attitude that complete restoration of all rights and privileges was merely the acceptance of the privileges which were already theirs, and which had not at any time been lost.²

¹The Reports of the Committees of the House of Representa-
tives Made During the First Session of the Thirty-ninth Con-
²Ibid., pp. 39-40.
Major General David S. Stanley, testifying during the month of February, contributed the belief that conditions and attitudes were worse in Texas than in other states because so little of the war had actually been fought in Texas. He reported, "... The business men, generally rascals, made money there during the War. There is more solid money, I think, in circulation in Texas than in any other state. ..." He found the Germans characterized by intense Union loyalty and called them "... superior to any Germans I have met in this country." 3

Further inquiry by the committee included the questioning of Lieutenant Wilson Miller, of the colored troops stationed in Corpus Christi. Concerning the attitudes of the people of Texas toward the United States government Miller stated:

I find the people of Texas divided into three classes on that question. The first class are those who have been always, under all circumstances, friendly to the government, who have mostly been refugees during the war, but have since returned. Of the remaining portion, there are those who have been more or less active rebels throughout, the wealthy and intelligent class; and those who are not large property-holders, who are generally without property, a class that I find in no other State who would come generally under a vagabond law, without any visible means of support—not all blacklegs, but principally non-property holders, or property-holders to a less extent. ... The most intelligent, and, as a general thing the most wealthy ... are more favorably disposed towards the government of the United States than any other class. 4

3Ibid., p. 40.
4Ibid., p. 43.
General Philip Sheridan, then Commander of the Department of the Gulf, wrote to the committee giving his views regarding conditions in Texas:

"... Texas has increased in wealth by the rebellion. Among the best people there is a very good feeling towards the government. There is a class of lawless people there, however, which this sentiment does not control, and which cannot be controlled but by the military. The sentiment in this State will not change from the influence of northern emigration and northern capital, as in Louisiana. It is essential that the military in considerable force be maintained in the department of Texas."

The situation in Louisiana differed somewhat from that of Texas largely because Union troops had occupied that state since 1862. That progress toward restoration had been made is evidenced in the fact that in April, 1864, a constitution prohibiting slavery had been approved by a vote of 6,836 to 1,566, thus making the state eligible for readmission under the 10 per cent plan of President Lincoln. Despite this, however, the situation was far from peaceful and one of the most serious incidents to occur in the immediate post-war South was the New Orleans riot of 1866.

The essential facts of this disturbance were revealed by a congressional investigating committee formed in December, 1866.

5 Sheridan to Williams, April 13, 1866, ibid., p. 123.
A direct cause of the riot was the assembling of the convention for the purpose of drawing up a constitution. This body had met in 1864, performed its task and then adjourned, making clear the provision that the convention could be recalled if the constitution was not ratified, and that it could be recalled for that purpose only. The constitution was ratified and the civil government placed in operation, and the president pro tem of the convention, R. K. Howell, called for a re-assembling of that body. Action contemplated by this group was the filling of certain vacancies in the convention and following this, the consideration of certain amendments to the 1846 Constitution. These amendments were the chief cause for dissension as both were concerned with the elective franchise. One of these amendments proposed a limitation of the franchise, having as its intention the exclusion of certain classes of rebels. The second of these amendments proposed to enlarge the right by extending the franchise to the Negro. Plans called for the assembling of a convention; then when a quorum had assembled, proposal of the amendments. These would later be submitted to the people for ratification.7

The convention assembled as planned and between eleven and twelve o'clock on the morning of the thirtieth of July, a band of Negroes, carrying a drum and flag, made their way toward

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7 The Reports of the Committees of the House of Representatives Made During the Second Session of the Thirty-ninth Congress (Washington, 1867), No. 16, pp. 1-4.
Mechanics Institute where the convention was meeting. Shooting broke out, was quelled at first, and then as the group neared the Institute, riotous mob action was incited. Many already assembled in the building were shot as they attempted to flee, others were killed as they waved flags of surrender or as they knelt and begged for mercy, and in many parts of the city Negroes were taken from their homes and shot without having any knowledge of the reason for this action. This reign of terror continued for three days.\(^8\)

The committee which investigated this affair placed the blame for the entire occurrence on city officials of New Orleans, with the brunt of the blame being borne by Mayor Monroe. The purpose of such an action, charged the committee, was to prevent the assembling of such a convention, and proof of the accusation lay in the fact that no civil officials had been removed from office or punished in any way, while prosecution of convention members for disturbing the peace had begun immediately. Evidence presented by the committee further involved these officials as they told of the massing of policemen at various stations in order to prepare for the riot, and of the concealing of firearms in fire engines in order to have them ready for the outbreak.\(^9\)

\(^8\) Ibid., pp. 5-11.
\(^9\) Ibid., pp. 16-17.
Mayor Monroe defended his actions, declaring that he had warned the commanding officer, a man named Baird, that the assembling of such a body was illegal. Baird immediately telegraphed the Secretary of War to notify him of the temper of the people and the impending arrest of delegates in order to prevent assemblage of the convention. Baird received no reply, but Lieutenant Governor Voorhies was notified by President Johnson that troops were not to interfere in civil affairs. Some of the convention members had requested protection, but Baird declined. Finally Baird and Voorhies decided that troops might prove a restraining element, but they arrived too late to be of any help. The committee placed the blame for this on Voorhies, charging that he deliberately asked for the troops to be sent too late to be of service.10

The committee recommended that such legislation as might be necessary to restore Louisiana to the control of loyal men be enacted, suggesting also the setting up of a provisional government maintained by the military in order to prevent further disturbances of this sort.11

Louisiana was not the only state to be visited by a serious outbreak of violence. Paralleling the riots in New Orleans was the burning of the city of Brenham, Texas, on September 7, 1866. As in the case of New Orleans, widely

10Ibid., pp. 18-20.
11Ibid., pp. 33-34.
varying accounts of what took place were given. Reports stemming from southern sources placed the blame entirely on Union soldiers who tried to break in at a Negro party. The frightened Negroes fled to some white citizens for help. These citizens armed themselves and a brawl ensued. No one was killed, but two Union soldiers were wounded. Enraged by this action, the military, under the command of Major Smith, took two "beardless boys" hostage and demanded the names of those guilty of injuring the soldiers. When this information was refused, Major Smith ordered his men to burn the town.\textsuperscript{12}

Union accounts differed quite noticeably. In his report of the affair to General Grant, Sheridan stated that the two men had been "wantonly shot" and that they were "unarmed and inoffensive." He further stated that an investigation of the matter had been conducted by Lieutenant Colonel Mason of Galveston, and that Smith and his men were not even out of camp after midnight on the seventh.\textsuperscript{13} He advised Major Rawlins, Chief of Staff in Washington, in a letter dated October 1, 1866, that he had visited Brenham, and that the extent of the damage as reported by citizens of the community was highly exaggerated.\textsuperscript{14} James W. Throckmorton, governor

\textsuperscript{12}Journal of the Senate of Texas, Eleventh Legislature, (Austin, 1866), pp. 169-172.

\textsuperscript{13}Sheridan to Grant, October 1, 1866, House Executive Documents, 40th Congress, 2nd Session, No. 57-3 (Washington, 1867), p. 311.

\textsuperscript{14}Sheridan to Rawlins, October 1, 1866, ibid., p. 32.
of the State of Texas at that time, requested that all troops be withdrawn from the Brenham area and that the guilty be punished, but the troops remained and the officer in charge was exonerated by the military on the grounds that his actions represented a discharge of duty and nothing more.\textsuperscript{15}

Abraham Lincoln had urged the rapid reorganization of the states with the idea in mind of preventing such occurrences as the New Orleans riots and the burning of Brenham by bringing to an end as quickly as possible the bitterness accompanying the war. In a letter to B. F. Flanders, a leading citizen of Louisiana, Lincoln suggested a vote regarding repeal of the Ordinance of Secession, emphasizing that the vote was merely for the purpose of crystallizing the opinion of the people of the State, for he said in the same communication, "... In fact, I have always thought the act of secession is legally nothing and needs no repealing..."\textsuperscript{16}

His full plan was outlined in his Proclamation of Amnesty and Reconstruction on December 8, 1863. This plan offered a full pardon to many, all, in fact, except those who had served the Confederacy in the capacity of a leader, who would take the oath of allegiance to the United States government. When 10 per cent of the number in the state who had voted in 1860 had

\textsuperscript{15}Claude Elliott, \textit{Leathercoat, the Life History of a Texas Patriot} (San Antonio, 1938), p. 155.

taken the oath, then the state would be readmitted.\(^{17}\) He
ably justified his reasoning in a letter to August Belmont
in which he stated:

> Broken eggs cannot be mended; but Louisiana has
nothing to do but take her place in the Union as it
was, barring the already broken eggs. The sooner she
does so, the smaller will be the amount of that which
will be past mending.\(^{18}\)

However lofty his ideals, his plans were not successful,
partly due to his death, and partly due to blunders on the
part of those engineering early attempts at reorganization.

General N. P. Banks was in command of Union troops in
New Orleans and was given a major portion of the responsibility
for the early reconstruction in that state. Much leeway was
given to him, for the country and the people which he governed
were an odd assortment. Evidence of this may be noted in the
fact that an Abraham Lincoln Club was established in New
Orleans, the chairman being a large slaveholder. On January
11, 1864, Banks proclaimed an election to be held on February
22. In this election state officers would be chosen, and
the following April delegates to a constitutional convention
would be chosen and then members elected to Congress.\(^{19}\) The

\(^{17}\)Ibid., pp. 54-55.

\(^{18}\)Lincoln to August Belmont, July 31, 1862, Archer H.

\(^{19}\)Carl Sandburg, Abraham Lincoln, The War Years (New York,
1945), III, 10-11.
election was held as scheduled and 11,000 white voters [who had taken the oath of allegiance] elected as governor the Bank's candidate, Michael Hahn, defeating the proslavery conservative, J. Q. A. Fellows and Free State Committee candidate B. F. Flanders. The committee sponsoring Flanders declared that the election was not valid, but offered no proof of this.²⁰

The governor-elect of Louisiana, Michael Hahn, was an outspoken anti-slavery man. He had never supported the Confederacy, and with the Union capture of New Orleans, he swore allegiance to the United States government and was elected to Congress. These factors made him quite unpopular with many citizens of that State, and on his inaugural day a reporter wrote these words:

The dawn ushered in by the clangor of the iron-tongued bells, and the roar of artillery, waking the slumberous echoes from their lairs and proclaiming to a disenthralled people the glad tidings of the reestablishment of civil liberty.²¹

While Louisiana struggled to retain some semblance of civil government, Bank's ill-fated Red River campaign led to his being relieved of command. Before his removal, Banks and Lincoln had discussed the question of the franchise, both agreeing that it was expedient that some Negroes be given the right to vote. Hahn concurred with them in this matter,

²⁰Ibid., p. 11.
²¹Ibid., pp. 11-12.
favoring first bestowing this right on those who could read and write and who had some white blood in their veins. Despite their urgings, nothing was done along these lines.  

Some progress, however, was made during these early attempts at reconstruction. Under Banks a governor and three congressmen were elected. Later, delegates to a constitutional convention were elected. This convention met, abolished slavery, gave the ballot to white males and provided for future limited franchise of Negroes specifying those who had served in the Union army and who could read and write. Eight thousand four hundred votes were cast in the election to ratify the state constitution, and while this was only a small percentage of the citizens, some progress was evident. Lincoln was quick to admit that these early attempts were not perfect, but he did regard them as a step in the right direction. Speaking to Congress in December, 1864, he stated:

Important movements have occurred during the year to the effect of molding society for durability in the Union. Although short of complete success, it is much in the right direction that 12,000 citizens in each of the States of Arkansas and Louisiana have organized loyal State governments, with free constitutions, and are earnestly struggling to maintain and administer them.  

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22 Ibid., pp. 11-17.  
23 Carl Sandburg, Abraham Lincoln, The War Years (New York, 1945), IV, 68.
Despite this limited success, however, in his attempts at reconstruction Lincoln was constantly thwarted by actions of the Radical Republicans in Congress. Heading these men in their criticism of these new governments was B. F. Wade, who said of the 10 per cent plan, "A more absurd, monarchial, and anti-American principle was never announced on God's earth." This constant opposition in Congress by the Radical element in that body was the final undoing of Lincoln's plans of reconstruction, leading to friction between the executive and legislative departments. The final attempt in the House to have Louisiana recognized failed, thus proving true the statement of Congressman Ashley who said, "It is very clear to my mind that no bill providing for the reorganization of loyal State governments in the rebel States can pass this Congress." Leading the fight for Lincoln in the Senate was Senator Trumbull of Illinois who based his campaign on the fact that 20 per cent or more of the citizens of Louisiana had participated in recent elections and that this represented as large a proposition of the population as had participated in 1859. Trumbull waged a good fight, but as the lines were drawn and the time for a vote approached, Charles Sumner, a central figure in the Senate, gave the word that he would filibuster until adjournment, thus killing three essential

24 Ibid., p. 73.
25 Ibid.
bills--a tax, a tariff and an appropriation bill. The Senate gave in. Evidence indicates that had not Sumner taken the stand which he did, Senate approval would have been given the Constitution of Louisiana and the government existing then would have been recognized and the work of restoration begun. Instead, with the news of events in Congress, the representatives from Louisiana who were waiting to be seated packed their bags and returned home. Early attempts at reorganizing a government acceptable both to Lincoln and to the Radicals had been a failure. Louisiana was destined to be under military control before a government would be reestablished.26

Following the collapse of the Confederacy in 1865, operation of a government by civil officials in Texas was virtually halted as many high officials, fearful of impending punishment, fled to Mexico. This situation was remedied when on June 17, 1865, Andrew Jackson Hamilton was appointed provisional governor of the state. Hamilton was a Texan who had opposed secession and had eventually had to flee the state in order to avoid arrest for not serving in the Confederate army.27 His appointment met with varying reactions and many feared that he would seek revenge for having had to flee the state, while others hoped for a more lenient attitude because of his background. Since Hamilton did not reach Texas until

26 Ibid., pp. 70-79.

July 25, General Gordon Granger, who was stationed at Galveston, initially headed both civil and military affairs. When he arrived, Hamilton was intent on reorganizing the state and delaying the calling of a constitutional convention as long as possible. This delay would also delay final reconstruction. Hamilton also seemed determined to appoint to office only those who were found completely loyal to the Union after rigid testing. Under Hamilton's plans, no former office holders were retained, and the officers in each county were restrained from carrying on their work. Finally the task of registering voters was begun in each county and when this was completed, Hamilton announced that delegates to the convention would be elected in special elections held on January 8, 1866. The work of the convention itself was scheduled to begin on February 7, 1866. 28

Although there was much lawlessness and disorder in Texas during this time, apathy was a leading characteristic, especially with regard to political matters. Little interest was shown in the election of the delegates who were to perform the important task of drafting a new constitution. This apathy may be explained in part by the bad weather engulfing Texas at that time, but doubt of the people in the purposes of such a body was a strong factor also. As one interested observer noted, "... the people have been muzzled, and they

dare not express their sentiments. They feel no interest in the matter. They think we go there simply to register the edicts of our masters." 29

When the convention met in Austin in February of 1866, James W. Throckmorton, an ardent opponent of secession, was chosen as its president. Throckmorton was more acceptable to the people of Texas than Hamilton in many ways. For one thing, he had not evaded Confederate military service, but his service in the army had been on the Texas frontier where negotiations with the Indians took place.

The sessions of the convention were long and laborious. A distinct division characterized the delegates, the conservative element being led by James W. Throckmorton and the radical opposition being led by E. M. Pease, who was to be the chief opponent of Throckmorton throughout their political careers. Throckmorton, however, proved the stronger of the two and the influence of the conservatives was more strongly felt in the framing of the new constitution. 30

As unsettled conditions prevailed in Texas and were being noted with alarm by Congress, the convention completed its work and called for the election of a governor. Leading contenders for this office were Throckmorton and Pease, again

29 Ibid., p. 103. The observation was by Throckmorton.
30 Ibid., p. 105.
representing the conservative and radical elements respectively. Pease had occupied the office of governor some years prior to this and was a willing candidate, but Throckmorton did not actively seek the nomination and was hesitant about accepting it. He wrote his close friend, Ben Epperson, "... I kept the cup away as long as I could." Actually his friend Epperson was a likely choice to head the ticket with Pease, and certainly their victory would not have been unlikely, for Epperson had a large following, but Throckmorton pleaded with him not to run because of the pressures of the office and because he would be allied with the radical group. Throckmorton felt that the victory of the radicals would be a disaster to Texas. He favored conservative policies, and he had in mind the rapid restoration of Texas to her former position in the Union. He stated in his inaugural address that he believed a majority of the citizens of Texas were anxious to meet the requirements for admission to the Union. In this same message, he lauded the reconstruction plans of the President and urged the wholehearted cooperation of the citizens of Texas.  

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31 Ibid., pp. 120-121.

32 Executive Department Journals, in Records of the States of the United States, A microfilm compilation prepared by the Library of Congress in association with the University of North Carolina, Collected and edited by William Sumner Jenkins (Washington, 1949), Located in the library of North Texas State College, Denton, Texas, p. 32. (Hereinafter cited as Executive Journals.)
Throckmorton served as governor for approximately one year of his term before being removed by General Philip Sheridan. Despite the seemingly smooth beginning of the reorganization of the civil government, the year was characterized by almost continuous conflict between civil and military authority. So intense did this conflict become that the ultimate result was to be military control of the entire South, for Texas was no exception. Much of the conflict in Texas and Louisiana was with General Philip Sheridan, who began his command there immediately after the war as commander of the Department of the Gulf.

The final result of discontent and failure at reorganization in the South was the passage in 1867 of legislation putting the South under military control. The elections of 1866 gave Congress the necessary two-thirds majority with which to control legislation and thus remove reconstruction proceedings from the hands of the President. On March 2, 1867, the first of four such acts was passed, thereby placing the ten unreconstructed states under military control, the region comprising these states being divided into five military districts and each placed under the command of a military officer having at least the rank of brigadier-general. This act was passed over the President's veto, and some indication of public sentiment may be ascertained by the fact that following this action, applause broke out on the floor and in the galleries.  

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33 Congressional Globe, 39th Congress, 2nd Session (Washington, 1865), III, 1733.
Supplementary acts on March 23 and July 19, 1867, and on March 11, 1868, gave the military commanders complete control of civil governments, including full power of appointment and removal and full responsibility for registering voters and conducting elections. The last act provided for constitutional ratification on the basis of approval of a majority of those participating in the election rather than a majority of all the voters registered. Texas and Louisiana comprised District Five, and General P. H. Sheridan was transferred from his position as Commander of the Department of the Gulf to the position of Commander of District Five. He was to be assisted by Joseph A. Mower, commanding the District of Louisiana and Charles Griffin, commanding the District of Texas.

Since both Texas and Louisiana had been part of the Department of the Gulf, Sheridan was no newcomer to these states. Conditions existing in the South and in these two states in particular were evidence of the bitterness and antagonism prevalent during this time. Failure of early attempts at reorganization of acceptable civil governments was an indication of the need for something other than the status quo, but the appointment of military officials and

34 For complete copies of these acts, see appendix to Congressional Globe, 39th Congress, 2nd Session, III, 197-198; appendix to Congressional Globe, 40th Congress, 1st Session, II, 39-40; and appendix to Congressional Globe, 40th Congress, 2nd Session, V, 500.
the execution of military rule did little to heal the 
wounds inflicted by the recent conflict. Paramount among 
the issues preceding the passage of this reconstruction 
legislation was the conflict between Sheridan and the civil 
authorities. The nature of the conflict was quite similar in 
the two states and revolved mostly around the extent of the 
authority of the military.
CHAPTER II

CONFLICT OF SHERIDAN WITH CIVIL GOVERNMENT OF TEXAS

Reorganization of a civil government in Texas had begun in earnest with the election of James W. Throckmorton as governor in 1866. Throckmorton served for approximately one year before his removal by General Philip Sheridan. This year was characterized by an intensive and continuous conflict between the civil and military authorities. The conflict sprang mostly from three sources: protection of the frontier, the status of the freedman, and disputes concerning the extent of the authority of the military. The extent and intensity of this conflict is clearly revealed by a study of the correspondence of the central figures in the conflict, James W. Throckmorton and Philip Sheridan.

Protection of the frontier was a problem peculiar to Texas alone of all the Confederate States. Texas had been the youngest of the eleven states, and this factor, coupled with the geographic location and size of the state, placed it in the position of having a tremendously long, unprotected frontier and very little internal organization to provide protection for it. Prior to the War, federal troops had occupied outposts along the frontier, and Confederate troops had successfully manned them during the War, but at the time of Throckmorton's
inauguration, the frontier was virtually unguarded. Such troops as had operated the outposts during the War were quick to accept the terms of the surrender and return to their homes to provide for their families.¹

Throckmorton took steps immediately to try to remedy the situation on the frontier. On August 18, 1866, in his message to the House and Senate of Texas, he referred to the severity of the problem on the frontier and assured this group that he had already petitioned for protection of these citizens of Texas. His request had gone to General H. A. Wright, who was at that time serving under Sheridan as Commander of the Department of Texas.² The executive journals cite a number of petitions from citizens residing on the frontier telling of the depredations committed by the Indians there and urging the governor to try to furnish protection for them. Typical of these is one from Comanche County which Throckmorton forwarded to General Wright, urging him to see that General Sheridan was informed of the gravity of the situation.³ Throckmorton’s concern increased as no notice was taken of the situation by Sheridan, and as a

¹Throckmorton to Legislature, August 18, 1866, in Executive Journals, pp. 44-45.
²Ibid.
³Throckmorton to H. A. Wright, August 17, 1866, ibid., pp. 37-38.
result he wrote to General Heintzelman, commander of the Western Division of Texas, urging him to come to Austin in order that they might try to work out a solution to the problem. ⁴

Meanwhile Sheridan, whose responsibility it would have been to actually issue the orders which would move troops to the frontier, indicated that he was not nearly so concerned over these alleged depredations by Indians on the frontier as he was about conditions existing in the interior of the state. In numerous and sometimes frantic dispatches to Sheridan, Throckmorton urged him to have confidence in the people of Texas and to indicate this confidence by transferring troops from the interior of the state to badly needed spots on the frontier. Sheridan answered these requests by informing Throckmorton that outrages committed by the Texans toward Union men and freedmen far exceeded any raids by the Indians which might have occurred on the frontier. ⁵ Sheridan further indicated his views on the situation in a report made to Brevet Major General John A. Rawlins, Chief of Staff in Washington. In this report, dated November 14, 1866, he stated:

During the last six months Indian depredations have taken place on the remote frontier. Their extent is not defined as yet, but they are not very alarming.

⁴ Throckmorton to Heintzelman, August 24, 1866, in Executive Journals, p. 60.

⁵ Stewart, pp. 363-364.
and I think the governor has to some extent been influenced by exaggerated reports, gotten up, in some instances, by frontier people to get market for their produce, and other instances, by army contractors to make money.  

Sheridan further indicated his disbelief in the gravity of the frontier problem by stating on more than one occasion that perhaps the continued emphasis on peaceful conditions in the interior and unsettled ones on the frontier was all part of a ruse to draw troops away from the interior.  

Despite this attitude on the part of Sheridan, Throckmorton continued his campaign to secure protection, and the entire frontier question served to increase the animosity between the two men.  

Throckmorton did not limit his efforts concerning this matter to the military alone. In August, 1866, he wrote a letter to President Johnson in which he asked for his help and expressed the firm belief that white men were responsible in part for the Indian activities. He based this assumption on the belief that the Indian was not cunning enough to devise some of the schemes being employed in these frontier escapades.  

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7 Sheridan to Rawlins, September 8, 1866, House Executive Documents, 40th Congress, 2nd Session, no. 57, pp. 36-37.  
8 Throckmorton to Johnson, August 25, 1866, in Executive Journals, p. 59.
of Texas. One suggested solution to the Indian raids was the organization of state troops to furnish the necessary protection. The legislature made provision for such a body, and on October 8, 1866, Throckmorton wrote to one George Pickett of Decatur, urging him to get his battalion of men in shape and ready to leave for the frontier at a moment's notice.9 Battalions were made ready in various parts of the state, but they were never put into use. Grant justified his failure to call the troops to active duty by saying that there was no money with which to maintain these battalions.10

Eventually the military deployed some troops to the frontier and set up enough posts to make it reasonably safe, but the slowness with which this was done had a demoralizing effect on the citizens of Texas. Possibly to Sheridan, a professional soldier, the attacks by the Indians seemed insignificant and the number of lives lost and captives taken seemed almost negligible in comparison to similar statistics in some of his military experiences, but the viewpoint of the citizens was very different from this. Relief for the frontier might have come sooner, on the other hand, had not Throckmorton been so persistent in his demands. The frequency and urgency of these requests were reason enough to arouse suspicions on the part of Sheridan as to their authenticity.

9Throckmorton to Pickett, October 8, 1866, in Executive Journals, p. 117.

10Grant to Throckmorton, October 20, 1866, House Executive Documents, 40th Congress, 2nd Session, no. 57, p. 45.
Protection of the frontier, however, was not the only source of contention between the civil and military authorities. Actually surpassing it in gravity was the problem brought about by the new role of the Negro. It was to be expected that the change in the status of the Negro would bring about some conflict and unrest. The Thirty-ninth Congress apparently anticipated this conflict, and on March 3, 1865, it passed the act establishing the Freedmen's Bureau for the purpose of helping the Negro to adjust to his new role. The Bureau was headed by military men, and the very nature and purpose of the organization combined to make it distasteful to many citizens.

Throckmorton indicated his awareness of an impending problem with the Negro when in his inaugural address he stated, "... the relations so suddenly brought about of the white and black races will require of us much thoughtful consideration. ..."\(^1\) In his annual address to the legislature he declared that Texas had a definite responsibility toward the Negro, but then added:

> It is desirable that all military forces and the agents of the Freedmen's Bureau be withdrawn from the interior of the State. The most certain way to effect this object will be the enactment of just laws for the protection of the blacks and their rigid enforcement. ...\(^2\)

\(^1\)From Inaugural Address, in Executive Journals, p. 32.

\(^2\)Throckmorton to Legislature, August 18, 1866, ibid., pp. 48-49.
This statement typifies in part the very core of the problem between Throckmorton and the military. To Throckmorton, the removal of troops from the interior of Texas was an over-all solution to the problems of Texas, and upon such removal depended the ability of the civil government to handle the situation. Sheridan, on the other hand, indicated his reaction to such a mass removal in his annual report to the Chief of Staff in Washington. In this document he stated, "It is strange that over a white man killed by Indians on an extensive frontier, the greatest excitement will take place, but over the killing of many freedmen in the settlements nothing is done."\textsuperscript{13} With such widely varying ideas, compromise was difficult and probably impossible in most cases.

Conflict over the new role of the Negro centered largely in the activities of the newly established Freedmen's Bureau. Heading this group first in Texas was General E. M. Gregory, but on May 15, 1866, General J. B. Kiddoo was placed in command of the Bureau in the state.\textsuperscript{14} Throckmorton hastened to assure the new commander of the good intentions of his administration and of his fellow citizens. He wrote to Kiddoo, "It will give me great pleasure to aid you in upholding

\textsuperscript{13} Sheridan to Rawlins, November 14, 1866, \textit{House Executive Documents}, 39th Congress, 2nd Session, no. 1, p. 43.

\textsuperscript{14} Elliott, p. 148.
on a just basis the Bureau of Labor . . . . I will cooperate with you in all just measures . . . ." 15 The attitude expressed in that statement, however, differed somewhat from the attitude displayed by Throckmorton on August 15, 1866, at which time he wrote to Captain Evans, Superintendent of the Freedmen's Bureau in Austin, ordering him to move out of the office which he occupied in order that the Legislature could use it for its intended purpose of a committee room. 16

Specific instances of conflict over civil rights are frequent in the Executive Journals. Throckmorton protested to General Kiddoo on August 30, 1866, regarding one Daniel Jones, a freedman who had been indicted for the attempted rape of a young girl, duly arrested and jailed for lack of bail. His arrest was protested by Subordinate Commander of the Bureau in his district, Phillip Howard. The protest went to Howard's superior, Adjutant General William Sanclair. In answer to this protest Sanclair replied, "If you think the boy confined for attempting to commit a rape is unjustly held, and there is no good grounds for the action of the civil courts in the case, take it out of their hands . . . ." 17

15 Throckmorton to Kiddoo, August 28, 1866, in Executive Journals, p. 63.
16 Throckmorton to Evans, August 15, 1866, ibid., pp. 65-66.
17 A copy of the order from Sanclair is found in a letter, Throckmorton to Kiddoo, August 30, 1866, ibid., p. 65.
The sheriff was then ordered to give up the boy, and he complied with this order. Throckmorton protested this action, stating that indictment by a Grand Jury was reason enough for holding any prisoner, and that such an action was certainly no violation of civil rights. He asked that Howard be replaced by a citizen of the county in which this incident occurred. The final action taken in this case was not given in the Executive Journal.

An incident of similar nature but with a more definite outcome is the case of Duncan and Dawes, or, as it is often called, the "Carpenter and Lindley Case." The incident took place in Bell County and had its origin during the war. Two citizens of Bell County, whose names were given as simply Duncan and Dawes, were accused of being involved in a mob hanging which took place in Bell County during the war. Their accuser was the father of one of the men hanged in this action, a man named Lindley. Duncan and Dawes were arrested by military personnel commanded by a man named Carpenter. The prisoners, Duncan and Dawes, did not reach their destination, however. Lindley shot the man named Duncan en route to jail. A short time later, Dawes was shot. Carpenter, the officer in command, informed the soldiers accompanying the group that both men had been shot while attempting an escape.18

18 Throckmorton to Kiddoo, August 30, 1866, ibid., pp. 65-66.

19 Elliott, p. 150.
The action was not totally ignored, for both Lindley and Carpenter were indicted and subsequently tried by a military commission. Incensed by the whole affair, Throckmorton protested against the justice of a military trial and requested permission of the attorney general to attend.\textsuperscript{20} The request was referred to Major Morris, then in command at Austin, and flatly denied.\textsuperscript{21} Both men were acquitted by the military commission, but the freedom of Lindley was short-lived, for he soon faced civil trial in Bell County. While awaiting trial, he was imprisoned in a local jail and Throckmorton assured him that he need have no fear for his personal safety there. General Heintzelman added his assurance that no violence would occur, but despite these assurances, a mob broke into the jail and Lindley was hanged.\textsuperscript{22}

This action was indicative of the mood of many citizens during this period. At this time the test oath was not required for jury service, thus an impartial jury would have been difficult to assemble. This, however, did not assure the people that action taken by the military had been any more impartial. The agitation shown by Throckmorton is understandable, yet the mob action indicates the fact that many citizens were not capable of accepting civic responsibility.

\textsuperscript{20}Throckmorton to Morris, September 20, 1866, in Executive Journals, pp. 81-82.
\textsuperscript{21}Morris to Throckmorton, September 21, 1866, \textit{ibid.}, p. 82.
\textsuperscript{22}Elliott, p. 151.
Negro troops stationed in Texas were the cause of further conflict between the civil and military authorities. The freedom of the colored man was too newly achieved for him to be accepted by whites in the role of an armed guard. The most serious incident involving troops and citizens of a community was the burning of Brenham, but Victoria was also the scene of some unrest. Captain Spaulding was in command there, and citizens of the community complained to Throckmorton that he held the entire area in a reign of terror. He was in complete control, for example, of the county jail, imprisoning those whom he wished, and freeing those whom he wished. This situation led to protests from local citizens to the governor. Throckmorton answered one such protest from a citizen in this way:

... and send me a complete statement of Captain Spaulding's conduct in other cases where he has done wrong. Do these things at once and I will prefer charges and try to have him court martialed. ... I trust your people will be prudent and not embroil themselves with the military.\footnote{Throckmorton to (?), September 24, 1866, in Executive Journals, p. 95.}

The following day, September 25, 1866, Throckmorton sent a letter to General Heintzelman in San Antonio protesting the seemingly uncalled for arrest of two citizens referred to simply as Leavy and Kibbe and deplored the freeing of a
colored soldier named Emery Henry who was apparently charged with a serious crime. He cited other unfair dealings of Captain Spaulding and requested his arrest, saying that he himself would prefer charges against him if this would help at all.

Another incident at Victoria concerned two colored soldiers sought by civil authorities on a charge of murder. Spaulding would not turn them over to civil authorities. The matter was turned over to Sheridan by Heintzelman, and one of the soldiers involved was finally turned over to civil authorities, thus indicating willingness on the part of the military to cooperate. Some slowness of action was evident, but Throckmorton's communications to the military were so frequent and so often indicative of impatience that perhaps such delay was understandable and even prudent.

Conflict existed also between the civil and military with regard to the use of executive clemency by Throckmorton. Especially were requests made of the governor in connection with freedmen who had been imprisoned for various reasons. The records reveal the granting of some such pardons. However on March 18, 1867, Throckmorton wrote to Brigadier-General Oakes, Commander of the United States forces in

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24 Throckmorton to Heintzelman, September 25, 1866, in Executive Journals, p. 97.

Austin, in regard to the request of General Griffin that he pardon two hundred twenty-seven freedmen from Huntsville prison. Throckmorton refused the blanket pardon, reminding the military that they had been convicted under the same laws which governed the whites. He added:

It will afford me great pleasure to cooperate with the authorities of the Bureau in ascertaining the facts of any individual case and wherever reasonable cause can be shown why Executive Clemency should be exercised it will be freely extended. But these facts must come from officers of the courts where the parties were tried, or from citizens of respectability who are acquainted with the previous character of the convicts.26

Incident upon incident might be cited to indicate the depth of the strife between the civil and military authorities during the year 1866. The civil government was far from adequate and the military government could attribute most of its successes to military force. Throckmorton blamed most of the slowness of reconstruction proceedings on interference by the military, while Sheridan, in official communications, blamed the weakness of the civil government on the citizens of the state. He observed that, as a whole, they made no effort whatsoever to back the government.27

Another distinct evidence of slowness in the reconstruction efforts in Texas may be observed when one appraises the

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26 Throckmorton to Brigadier-General Oakes, March 18, 1867, in Executive Journals, pp. 284-287.

27 Sheridan to Rawlins, November 14, 1866, House Executive Documents, 39th Congress, 2nd Session, no. 1, p. 48.
progress of the Freedmen's Bureau, especially in regard to one of its basic functions, that of educating the Negro. This bureau had been set up by Congress on March 3, 1865. Lincoln had called to Washington at that time General Oliver O. Howard to ask him to accept the position of head of the bureau. Following the death of Lincoln, President Johnson appointed Howard to the position for which he had been chosen by Lincoln. His selection met with approval, for he had spent considerable time in the South and had a deep interest in the welfare of the Negro. General Sherman expressed an opinion typical of many when he said, "I can not imagine that matters that may involve the future of four millions of souls could have been put in more charitable or more benevolent hands." 28

Despite the lofty ideals behind education of the freedman, the possibility of educating the Negro brought varied reactions, dependent largely on the circumstances surrounding the case. In a majority of cases the people of the South opposed the education of the Negro. Often, particularly along the coast, the resistance tended to be rather quiet and passive. However in the interior of Texas and Louisiana this passive attitude was not to be found. School buildings

29 Ibid., p. 47.
were burned and both teachers and pupils abused verbally if not physically. Reports of these overt actions strengthened the arguments of those determined to place the South under military rule.  

Actually the education of the Negro had begun almost as soon as an area fell into Federal hands. Between 1862-1872, from five to six million dollars were spent by interested Northerners on educating the newly emancipated Negro. By 1869 there were 9,503 teachers of the freedman, 5,000 of whom were from the North. These people came to the South for a variety of reasons, but the most compelling motive appears to have been an interest in humanity which manifested itself in a fiery missionary zeal. The zeal which pervaded their work is revealed in their correspondence. One teacher wrote:

The only important news I wish to communicate is this:

Five of my day scholars have become Christians, and I have every reason to believe their hearts have been changed.

I am so happy. Sixteen are seeking the Savior, and there seems to be much good feeling in my school.

The Lord is certainly here. There is some interest in my night class. I pray that it might increase.

Oh! for more faith and earnest prayer.

The belief that a missionary zeal entered into the coming of these northern teachers is strengthened when one ascertains

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30 Ibid., p. 80. For a detailed account of one such incident see Throckmorton to Kiddoo, August 20, 1866, in Executive Journals, pp. 57-58.

31 Henry Lee Swint, The Northern Teacher in the South (Nashville, 1941), p. 3.

32 Ibid., p. 36.

33 Ibid., p. 40.
the places in the North from which they came. In New England, for example, many came from the towns along the Underground Railroad, and it may be safely assumed that many felt a strong religious call to the South due to experiences they had in working on the escape route.  

These emigrants to the South were not readily accepted by the citizens of the communities in which they worked. In some cases they were subjected to insult or forms of physical violence; in other cases they found it impossible to find lodgings or buy food. According to reports from some of these areas, the women were more vindictive than the men. To the people of the South, these teachers became a symbol of defeat. Actually the South did not so much fear the education of the Negro in itself, but rather the education by a Yankee and the influence which might be exerted by such missionary spirit.  

Provision for education was not the only work performed by the Bureau. In addition to this, it was responsible for land which had either been abandoned or confiscated, for the administration of labor laws, for medical and hospital service, and for securing justice and civil rights to the freedman.  

The work accomplished by the Bureau varied from state to state. In Texas, for example, little or no abandoned land

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34 Ibid., p. 47.  
35 Ibid., pp. 95-100.  
36 Peirce, pp. 48-49.
went to the bureau, nor did it ever have more than one hospital at a time. The freedmen in Texas were not the recipients of large numbers of rations as was the case in some states. From September, 1866, to September, 1867, 840,339 rations were issued in Virginia as compared to 4,081 in Texas.

Freedman's courts and boards of arbitration were organized by the bureau whenever it was thought that local courts might not administer justice. In Texas they differed very little from the justice of the peace courts except that their jurisdiction was not limited by the amount involved.

Reports of repeated conflict between the civil and military authorities, and reports of slowness in reconstruction proceedings made it evident that a new plan of action would be a necessity if the reconstruction program was ever to be completed. When the new plan of action materialized in the passage of the Reconstruction Acts of March, 1867, the reaction was varied. Such legislation was in direct opposition to the moderate policies of President Johnson, and when it was passed by Congress, he promptly vetoed the bill and returned it to Congress with this comment: "To pronounce the supreme law-making power of an established State illegal is to say that law itself is unlawful." He continued by saying that the South in general had the same methods of apprehending and punishing lawbreakers as did the North, and that in

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37 Ibid., pp. 53, 90.  
38 Ibid., p. 98.  
39 Ibid., pp. 144-145.
neither section of the country could perfection be expected.\textsuperscript{40}

The additional power which these laws gave to the military would obviously increase the animosity between Throckmorton and the military in Texas, but Congress had the necessary two-thirds majority with which to control proceedings and the executive department was unable to do anything to stop it.

Throckmorton telegraphed Sheridan on March 27, asking that they confer in order that he might be in a better position as leader of the civil government to cooperate to the fullest with the military authorities in carrying out the purposes of the reconstruction legislation. He received a reply from Sheridan assuring him that his cooperation and support were essential, but informing him that the actual work of carrying out the plans of Congress would be carried on by General Griffin, who was already in Galveston.\textsuperscript{41}

This transfer of authority from civil to military authorities intensified a problem which had been prevalent throughout the entire South—\textsuperscript{41}that of disfranchisement. Soon after the war those who held positions of leadership foresaw their political doom. Not only were those in positions of leadership affected, but in many instances citizens who held no office began to regard the franchise as their dearest

\textsuperscript{40}Congressional Globe, 39th Congress, 2nd Session, III, pp. 1729-1732.

\textsuperscript{41}Charles Ramsdell, Reconstruction in Texas (New York, 1910), pp. 149-150.
privilege, for this was the tool with which reconstruction proceedings would be controlled. When the inevitable question of "Who are disfranchised?" arose, most public speakers and newspapers were loath to commit themselves. Information on the subject was vague, and many frankly admitted a lack of knowledge. One such admission may be observed in the February 23, 1867, edition of the New Orleans Times, which stated: "We confess our inability to answer them satisfactorily. The courts or Congress must decide them."  

Registration was the key to disfranchisement, and actually the instructions for registering voters were vague. The President met with his cabinet in an attempt to lay down specific rules with regard to registration. The minutes of this meeting reveal that it was not intended that participation in the rebellion alone disqualify anyone. Persons who had held an office requiring an oath to support the Constitution, and who had then engaged in the rebellion were disabled. Municipal officers, state employees, and persons forced to serve the Confederacy were not disqualified. Disloyal sentiments alone would not be sufficient to disqualify. Aid to the enemy in the form of charity would not be sufficient to disqualify a person.  

Although the qualifications as

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43 J. A. Richardson, Messages and Papers of the President of the United States (Washington, 1897), IX, 3726-3729.
outlined by this group seem clear enough, it was from such phrases as "... giving aid and comfort ..." that doubt would arise.

By the end of March the problem had become more acute. The duty of registration was placed on the commanders of the various military districts. To them was to go the tremendous task of registering the voters. This is where disfranchisement actually took place. On April 4, 1867, the New York Evening Post said: "The work of registering is of the greatest importance. It is the foundation on which is to rest the whole work of reconstruction."\(^4^4\) One of the most difficult things about registration was securing loyal men to serve as registrars. Most commanders tried to get those who could take the test oath of July 2, 1864,\(^4^5\) to serve in this capacity. Registrars were given additional power by the supplemental law of July 19 which made decisions of the registrars final.\(^4^6\)

One problem arising concerning registration was the exact definition of judicial and executive offices. On September 10, 1867, the matter was settled by the announcement

\(^{4^4}\) Russ, "Registration and Disfranchisement Under Radical Reconstruction," p. 166.

\(^{4^5}\) This oath declared that they had never been loyal to the Confederacy.

that Boards of Registration were to render final decisions in all such cases. Commonwealth attorneys, sheriffs and constables were not disfranchised because the offices which they held were neither executive nor judicial. A mail carrier retained the franchise while a graduate of Annapolis did not. The decisions in many of these cases depended on whether or not there had been duress, thus a loophole existed.47

As registration progressed, charges of Africanizing the South were heard. Just how much is revealed by figures alone is uncertain, for undoubtedly apathy played a part in failure of many whites to register. The 1860 census in Texas revealed 103,500 whites and 32,215 blacks. Following registration the figures revealed 59,633 whites as opposed to 49,497 Negro, thus maintaining a majority for the whites.48

Ill feeling between Throckmorton and Sheridan, spurred by the question of disfranchisement, continued to mount and was climaxed on July 30 with an order from Sheridan which removed Throckmorton from his office, charging that he was "an impediment to the reconstruction of that State," and appointing E. M. Pease to replace him.49

In his annual report to the Secretary of War, Sheridan justified his action in this way. He declared that following passage of the act of March 2, 1867, and his subsequent

48Ibid., pp. 177-179.
49Ramsdell, p. 169.
appointment as military commander of District Five, he examined the law in order to determine just what his duties would be. This scrutinization of the law left him with the conclusion that he was to offer protection to all persons living in his district. In doing this he was to put down any disturbances and bring about the arrest, trial and punishment of any person involved in causing such unrest. He blamed much of the current unrest in civil government on the fact that almost every civil officer had been a rebel, and that in many cases the actual grounds for their election had been service in the Confederate army rather than competence. On the basis that this was the nature of the existing civil government, he argued:

It would have taken years for military commissions to have tried those cases of violations of the law alone that would have occurred in exact registration of the legal voters of these States. There was only one sensible course to pursue, and that was to remove every civil officer who did not faithfully execute the law or who put any impediment in the way of its execution—and this course was adopted.50

Repeated and increasingly overt conflicts between Sheridan and the civil authorities of both Louisiana and Texas led to the decision that his presence was not an asset to reconstruction proceedings in this area, and on August 17, 1867, he was transferred to Missouri. The President replaced

50 Messages of the President of the United States and Accompanying Documents to the Two Houses of Congress at the Commencement of the Second Session of the Fortieth Congress (Washington, 1867), pp. 379-380.
Sheridan with General George H. Thomas. Ill health prevented Thomas from ever serving, and General Winfield Scott Hancock was appointed in his place. Several months elapsed between Sheridan's departure and Hancock's arrival. During this interlude, Griffin, the commander of the District of Texas, died of yellow fever. Brevet Major General J. J. Reynolds was appointed to succeed him, but his command went temporarily to General Joseph A. Mower, who served as acting commander from September 15 until November 29 when Hancock arrived.51

The extent of Sheridan's conflict with civil governments was not confined to Texas alone, for in Louisiana also disagreements were frequent. The incidents differed only slightly from those in Texas, and evolved mostly from disputes over the extent of the authority of the military.

CHAPTER III

CONFLICT OF SHERIDAN WITH CIVIL GOVERNMENT OF LOUISIANA

In Louisiana, as had been the case in Texas, much of the controversy accompanying reconstruction proceedings centered around General Philip Sheridan and his dealings with the civil governments of the states over which he exercised jurisdiction. Immediately after cessation of hostilities, Sheridan was appointed Commander of the Department of the Gulf, this territory including both Texas and Louisiana. Thus when he was appointed Commander of District Five, he was no newcomer to the people of Louisiana.

Conditions in Louisiana were extremely unsettled at this time. This was evidenced by the riots which had occurred in New Orleans in 1866. Sheridan had been criticised rather severely for not taking steps to interfere in these; he had, in fact, left the state at the time and had virtually ignored them. Adding to this antagonism was the controversy between the legislature and Governor J. Madison Wells. Wells had been very strongly in favor of the Fourteenth Amendment, and had urged its acceptance, only to have his request flatly
refused by the legislature. Indicative of the strength of this schism was the fact that impeachment proceedings were under way when news of military reconstruction plans came from Washington. Upon receipt of this news, proceedings were dropped, the reason being given that in the reorganization which would inevitably result from such a plan, Wells would undoubtedly be removed, and that such proceedings would not be allowed by the military anyway.

This session of the legislature also attempted to have the validity of the Reconstruction Acts tested by the courts, but Governor Wells promptly halted this action, proclaiming the acts in force in Louisiana and announcing that any elections held would be void unless voters qualified under these laws. Sheridan supported Wells in this proclamation, issuing an order to that effect on March 10, even though he was not yet officially serving as commander of District Five. In this same order he suspended a municipal election which had been scheduled by the legislature to be held in

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1 Journal of the Senate of the State of Louisiana (New Orleans, 1867), p. 125. (Hereinafter cited as Louisiana Senate Journal.)

2 Journal of the House of Representatives of the State of Louisiana (New Orleans, 1867), p. 119. (Hereinafter cited as Louisiana House Journal.)

3 Ibid.

New Orleans on March 11. Sheridan supported his decision in this matter on the grounds that violence similar to that occurring in the 1866 riots would most surely be repeated. He assumed full responsibility for this action, further justifying it by saying that the mayor of New Orleans, the chief of police, and General Mower, commander of the troops in that city, had expressed similar fears regarding the possibility of violence.\(^5\)

Attitudes of the people during this time were reflected in two of the leading New Orleans' newspapers, the Crescent and the Times. The Times had supported Sheridan to the extent of admitting that it was wholly within his power to suspend the election, pointing out at the same time that this act caused embarrassment for the city officials because pressing debts could not be met without action to be taken in this election. This publication also contended that the only hope for the people lay in their being able to vote and thus direct the framing of a new constitution, but the Crescent argued that hope lay only in an appeal to the Supreme Court.\(^6\)

Further indication of the temper of the people came from the former Confederate officer, General P. G. T. Besuregord, who


counseled submission, particularly on the question of Negro suffrage, reasoning:

If the suffrage of the negro is properly handled and directed, we shall defeat our adversaries with their own weapons. The negro is Southern born. With a little education and a property qualification, he can be made to take an interest in the affairs of the South, and in its prosperity. He will side with the whites.7

This then was the tumultous situation with which Sheridan was faced when he officially assumed command on March 19. He immediately issued General Orders No. 1, stating that existing civil governments were provisional only, but that no interference or removals would take place unless a neglect of duty was evident.8 However he was not long destined to maintain his policy of non-interference. On March 28, he issued General Orders No. 5, ousting certain New Orleans' officials from office and appointing replacements for them. Removed were Mayor J. T. Monroe, Judge E. Abell of First District Court, and Attorney-General Andrew S. Herron. Inquiry of this action was made by President Johnson through General Grant, and Sheridan defended his order in a letter to Grant on April 19, 1867. He stated that, in the light of the New Orleans' riots, he deemed it unnecessary to defend this act, but that he would do so in order to clarify his position to any interested persons. He stated that Abell presided over

7John Rose Ficklen, History of Reconstruction in Louisiana (Baltimore, 1910), p. 165.
8Sheridan, II, 251-252.
the only criminal court in New Orleans and had encouraged the 1866 riot by openly promising that those guilty in the matter would not be prosecuted. Of Herron he charged that he refused to indict the guilty, thus becoming a companion of Abell in this protection of crime. Monroe, charged Sheridan, made no effort to stop the riot, but actually engaged the police force in inciting it. Of Herron he charged that he refused to indict the guilty, thus becoming a companion of Abell in this protection of crime. Monroe, charged Sheridan, made no effort to stop the riot, but actually engaged the police force in inciting it.9 Appointed to fill the vacancies created by these removals were Edward Heath as mayor, W. W. Howe to fill the judiciary, and B. L. Lynch to serve as attorney-general.10

The supplemental act of March 23, 1867, authorized the holding of elections in the southern states, outlining clearly the mode of conducting registration of voters and of holding the elections. Sheridan appointed a Board of Registration for the parish of Orleans on the tenth of April and for the remaining parishes on April 20. Prior to the announcement of these appointees, Sheridan sought to determine exactly who was to be disfranchised by law, for the law was somewhat vague on this point. Grant advised him to use his own discretion pending an interpretation from U. S. Attorney-General Stanbery, so on April 10, 1867, he issued Special Orders No. 15, laying out full plans for registration. Sheridan further

9 Sheridan to Grant, April 19, 1867, Sheridan, II, 254-255.

10 Copeland states that the appointees were very unpopular men, Howe having resided for only a short time in the State and Lynch having served in the same position under Banks, citing as her source the Crescent, March 28, 1867. Copeland, p. 175, f.n.
clarified his views on the situation with this statement:

Pending the decision of the Attorney-General of the United States on the question as to who are disfranchised by law, registers will give the most rigid interpretation to the law, and exclude from registration every person about whose right to vote there may be a doubt. Any person so excluded who may, under the decision of the Attorney-General, be entitled to vote, shall be permitted to register after that decision is reached, due notice of which will be given.\(^{11}\)

The Boards of Registration were composed of three members each, each person being required to take a test oath and being barred by his position on the board from becoming a candidate for office. Each was held in strict accountability for his actions. Sheridan evidenced pride in the work of these boards, pointing out that other military districts had modeled registration plans after that of District Five.\(^{12}\)

Evidence would indicate, however, that this pride was not shared by some individuals in Louisiana, for the Crescent agreed with another New Orleans' paper, the Mail, in stating that disfranchisement was obviously to be a punishment suffered by the South, stating, "This is accomplished by propounding questions which have no relevancy to the law and by refusing to register applicants who may decline to answer such questions."\(^{13}\) In the final analysis a total of 45,218 whites

\(^{11}\)Sheridan, II, 256-259.

\(^{12}\)Ibid., p. 260.

\(^{13}\)Copeland, p. 171.
and 84,436 Negroes were registered. These figures are indicative of the disfranchisement of some citizens and of apathy on the part of others. June 30 had been designated as the date for culminating registration in all except Orleans Parish, where the date was July 15. The President instructed that the lists be left open until the first of August so that, according to Sheridan, under the interpretation published by the Attorney-General on June 20, many heretofore excluded could register. Sheridan at first expressed an unwillingness to comply with this order, reasoning that the two and a half months already devoted to registration were sufficient to enroll all qualified persons, and that such an extension represented needless expense. He further argued that changing the plan and introducing new issues at the last minute would encourage opening of a "broad, macadamized road for perjury and fraud." In order to support his decision, he contacted Grant, who instructed him to continue his present plan unless otherwise instructed. However in the final analysis Sheridan complied with the order of the President.

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15Sheridan, II, 269-270.

16Marshall Texas Republican, July 13, 1867 and August 21, 1867.
Following completion of registration the New Orleans Times charged that Louisiana had been given over to the Negro. Supporting this charge were the figures showing 94,000 white males over twenty-one in 1860 and only 44,723 registered. Counteracting this was the New York Evening Post which stated that most whites had simply refused to register.\textsuperscript{17} The 1860 census also showed a total of 92,502 blacks, so disfranchisement could easily Africanize the state. Following registration 45,218 whites registered as opposed to 84,436 Negroes, thus giving a clear majority to the Negro.\textsuperscript{18}

Now came a renewed wave of antagonism toward the reconstruction government and its efforts. The next crisis involved municipal officers in New Orleans. These men, according to Sheridan, endeavored to destroy the credit of the city by issuing illegal certificates. The governing body of the city, the Common Council, refused to investigate the matter despite the urgings of Mayor Heath, who then requested aid from Sheridan. After an investigation of the matter, Sheridan removed from office the city treasurer, surveyor, comptroller, city attorney, and twenty-two aldermen on the grounds that they had harmed the financial credit of New Orleans and had hampered the carrying out of the acts of reconstruction.\textsuperscript{19}

\textsuperscript{17} Russ, "Registration and Disfranchisement Under Radical Reconstruction," p. 176.
\textsuperscript{18} Ibid., p. 177-179.
\textsuperscript{19} Sheridan, II, 271-274.
Another problem confronting Sheridan centered in the city of New Orleans and dealt with the organization and practices of the police force in that city. Sheridan discovered that the five-year residence restriction enacted by the 1866 legislature for the purpose of keeping ex-Union soldiers off the force had been very successful. As a result the police force was guilty of intimidating the freedmen and of being a tool used by the former Confederates, as had been the case in the riots of 1866. Sheridan removed the arch offender, the assistant to the chief of police, and revoked the five years' residence requirement, thereby enabling Mayor Heath to reorganize the force in such a way that approximately one half of the number would be ex-Union soldiers.  

Trial of law-breakers was another problem with which Sheridan had to deal. Despite the fact that military commissions were authorized by the reconstruction acts, Sheridan favored the use of civil courts whenever justice could be assured. Citing the case of New Orleans, he pointed out that in some instances the civil authorities failed to perform their duties, thus making the use of military authority inevitable. The first time that Sheridan used such a measure was in the case of J. W. Walker, accused of shooting a Negro in St. John's Parish. Civil authorities there, Sheridan asserted, had not only neglected to try Walker, but had aided in his escape. Walker was apprehended in New Orleans, duly

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20Sheridan, II, 263-264; see also Lowrey, p. 1089.
tried and sentenced to serve six months in the penitentiary. His arrest and confinement served as a lesson to citizens with similar ideas of violence.²¹

The most serious conflict and the one which was to lead to the ultimate removal of both Sheridan and Wells, evolved out of the controversy between Wells and the military commander. The most serious dispute between these two key figures in Louisiana concerned the personnel of the Levee Commission, a non-political body set up by property owners whose property fronted on the Mississippi.²² The 1867 session of the legislature had passed three acts concerning levees, the first providing for a four-million dollar bond issue, the second giving the legislature the right to appoint a new levee board to administer the money, and the third repealing the unsold portion of a one-million dollar bond issue provided for in 1865. It was the desire of the legislature that the members of the existing board, whose terms were soon to expire, would continue in this capacity. A bill was passed to this effect, but it was pocket-vetoed by Wells,

²¹Sheridan, II, 262-263. Sheridan stated that this was the first use of a military commission. A discrepancy is evident when one reads the account of the trial of Albert M. D. C. Lusk, a civilian who was tried and sentenced to death for the death of a freedman, the account also stating that this was the first trial by a military court. A full record of the trial may be found in the House Executive Documents, 40th Congress, 2nd Session, no. 47, pp. 1-22.

who then proceeded to appoint a board of his own. Thus two official boards were in existence, and on May second both groups reported to Sheridan in order to find out which one would be officially recognized. Evidence examined by Sheridan convinced him that a satisfactory compromise was impossible, so he dismissed both boards and appointed a new one. The board recognized by the legislature accepted this dismissal, but Wells appealed to President Johnson for an order rescinding the dismissal. The President did not comply with this request, but Washington did take official notice through Secretary of War Stanton, who ordered all proceedings halted and requested a full report. Sheridan complied with this request in a telegram dated June 3, 1867. He named expediency as the controlling factor, saying that at least a year would have been required to settle the dispute between the two levee boards, during which time the already economically impoverished state would have its miseries multiplied by an overflow. He further vented his wrath against Wells with this description of him:

"I say now, unequivocally, that Governor Wells is a political trickster and a dishonest man. I have seen him myself, when I first came to this command, turn out all Union men who had supported the Government, and put in their stead rebel soldiers who had not yet doffed their gray uniform. I have seen him again, during the July riot of 1866, skulk away where I could not find him to give him a guard, instead of coming out as a manly representative of the State and joining those who"

Louisiana House Journal, pp. 118; 136-138.
were preserving the peace. I have watched him since, and his conduct has been as sinuous as the mark left in the dust by the movement of a snake.  

On the same date as the telegram sent to Stanton, Sheridan issued Special Orders No. 59, suspending all three existing Levee Commissions. Paragraph four of this order stated:

H[is Excellency, the Governor of Louisiana, J. Madison Wells, having made himself an impediment to the faithful execution of the Act of Congress of March 2, 1867, by directly and indirectly impeding the General in Command in the faithful execution of the law, is hereby removed from the office of Governor of Louisiana, and Mr. Thomas J. Durant appointed thereto.]

Wells wrote a sarcastic reply to his dismissal, thanking Sheridan for informing him of this dismissal at three in the morning and rejoicing that he was not to be executed nor sent to the Dry Tortugas. He also refused to turn over his office to the appointee. Wells locked the building and left, reappearing on June 8. Apparently anticipating his return was Brevet Brigadier General J. W. Forsythe, a member of Sheridan's staff, who presented him with an order for his arrest should he refuse to vacate the premises. Wells handed him the key saying, "I submit to the argument of the sword."  

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24 Sheridan to Stanton, June 3, 1867, Sheridan, I, 266-267.

25 Lowrey, p. 1091. B. F. Flanders was appointed when Durant declined.

26 Ibid., pp. 1091-1092.
Newspapers in New Orleans rejoiced at Wells' dismissal, the Bee stating he was "... a man who veered and turned upon the political current until neither party or faction can trust him," and the Times punning, "All's well that ends Wells." 

Even with Wells out of the way, the situation in Louisiana did not improve. The breach between Johnson and Sheridan continued to widen and finally on August 24, 1867, Sheridan issued Special Orders No. 125, calling for a revision of the jury lists, rejecting all those disfranchised on the basis that they were not impartial in their judgments. Apparently this was the last straw as far as Johnson was concerned, for upon the promulgation of this order, Johnson ordered Sheridan transferred to the Department of the Missouri and placed General George H. Thomas in his place. Thomas was unable to accept because of ill health and General W. S. Hancock replaced Sheridan. 

In Louisiana varying reactions greeted the removal of Sheridan. Sheridan himself expressed great relief at this transfer, stating that his duties would have been trying under any circumstances, but that the obstructions placed in his way by Johnson had made them doubly so. He denied any

\[27\text{Ibid., p. 1091.}\]
\[28\text{Ficklen, p. 189.}\]
\[29\text{Sheridan, II, 274-275.}\]
\[30\text{Ibid., pp. 279-280.}\]
charge that he had been either tyrannical or a partisan, stating, "... I was governed by honor, justice, and truth. No political influences or interests were allowed to control my actions." He further stated that it was absurd to think that he could reorganize the state within the proposed framework without exercising the power of removal because almost all high civil officials were opposed to the law. The only recourse as he saw it was to remove these men and appoint those who would faithfully execute the law.

Grant, however, protested vigorously against the removal of Sheridan. In a letter dated August 1, 1867, and addressed to President Johnson, Grant described Sheridan as being "... universally and deservedly beloved by the people who sustained the government and feared by those who would still be enemies of the government." Following his appointment as Secretary of War ad interim, Grant again pointed up the faithful and successful efforts of General Sheridan, predicting dire results from his removal. Johnson did not share this

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31 Sheridan to Rawlins, November 21, 1867, Messages of the President of the United States and Accompanying Documents to the Two Houses of Congress at the Commencement of the 2nd Session of the 40th Congress, no. 1, p. 380.

32 Ibid.

33 Grant to Johnson, August 1, 1867, House Executive Documents, 40th Congress, 2nd Session, no. 57, p. 2.

34 Grant to Johnson, August 17, 1867, ibid., p. 4.
lofty opinion of Sheridan, answering Grant on August 19, 1867, stating that in his command of District Five Sheridan had ". . . rendered himself exceedingly obnoxious. . . " and that his actions had been characterized by tyranny and lack of respect for democratic principles. He also stated that Sheridan would be of much more service on the frontier where Indian fighting would occupy his energies and make use of his military training.\footnote{Ibid., pp. 4-5.}

In evaluating the work of Sheridan in District Five, two factors should be remembered. First of all, reconstruction in some form was inevitable. Early efforts at reorganizing a civil government for Louisiana and Texas proved unsuccessful. Early failures and incidents of violence indicated that a certain amount of pressure would be necessary before the people of the South would accept the innovations wrought by the freeing of the Negro. The work of restoration prior to passage of the act of March 2, 1867, and of the subsequent legislation related to it, had been unsuccessful. While military government had its unsavory aspects, obviously something else had to be attempted. Second, Sheridan was primarily a military man. Evidence indicates that he took considerable pride in his work and was basically honest in his dealings, but the manner in which he sought to carry out his plans of reorganization were offensive to the people. Sheridan was not a man of tact. He operated in the only way familiar
to him, that of strict military discipline. Appointment of a less controversial person such as Hancock, for example, would probably have expedited the entire process. Had the reconstruction period not lasted for such a long time, the accompanying bitterness might not have been deep-seated enough to last for a century.
CHAPTER IV

FINAL PHASES OF RECONSTRUCTION IN LOUISIANA

The appointment of General Winfield Scott Hancock to replace Sheridan was met with favor by most citizens of the area composing District Five, for it was known that he was more conservative in his views than Sheridan had been, and it was believed that he would be more lenient in his interpretation of the role of the military than had been his predecessor. This hope materialized when immediately upon his arrival in New Orleans he issued the famed General Orders No. 40, thus clearly establishing his intention of staying out of civil affairs whenever possible.¹ Soon after this he issued Special Orders No. 203, which rescinded the jury order of Sheridan and left the regulation of the entire judicial system completely in control of civil authority. In emphasizing his belief in the paramount role of the civil government he said:

The true and proper use of military power, besides defending the national honor against foreign nations, is to uphold the laws and civil government and to secure to every person residing among us the enjoyment of life, liberty and property.²

¹House Executive Documents, 40th Congress, 3rd Session, no. 1 (Washington, 1869), p. 204.
²Ibid., p. 214.
He also issued an order providing for much needed repair of the levees, which had suffered serious deterioration while Sheridan and Wells were in conflict as to which Levee Board had authority.\(^3\) Still another evidence of his intentions was the order which declared all former instructions to registrars, including those given by secret circular, null, and stating that the law and only the law would be considered.\(^4\)

As final preparations were made in Louisiana for its complete restoration to the Union, plans were laid for the calling of a constitutional convention, for this was the final major step. In this endeavor, as was true in most phases of reconstruction, the outcome hinged on the franchise. Louisiana had been returned to federal control sooner than any other Confederate state, and thus had experienced the possibility of disfranchisement at an early date. Lenient disfranchisement had seemed likely under Johnson, but he had exercised his pardoning power to the extent that Louisiana was again in the hands of those who had favored secession. This control by the rebels had led, among other things, to the rejection by the Louisiana legislature of the Fourteenth Amendment. Chief basis for the refusal to accept this amendment was section three, which the New Orleans Times described in this way on February 8, 1867: "... that

\(^3\)Ibid., p. 204.

\(^4\)Ibid., pp. 219-221.
infamous Constitutional Amendment which would deprive ninety-nine hundredths \( \frac{99}{100} \) of its citizens of their most highly prized political rights. . . .\(^5\) This attempt to prevent disfranchisement was unsuccessful, and when registration was held under the surveillance of Sheridan, the New Orleans Times made the charge that improper interpretation of the reconstruction laws accounted for the disfranchisement of some 13,000 qualified voters.\(^6\) This, plus the fact that many voters simply did not participate in the election regarding the holding of a constitutional convention, led to a majority vote for the calling of this convention and the election of delegates in September, 1867. Registered voters in Louisiana numbered 127,639, of whom 82,907 were Negro. Of this number 75,083 voted for a convention and 4,006 voted against it.\(^7\) Although the election went off quietly, some discontent prevailed among the former rebels who charged that the matter had been taken from their hands through disfranchisement. This accusation seems groundless when one notes that the charge was that 13,000 were disfranchised, and then compares what this number would do for a final vote even if all 13,000 had voted against the calling of such a convention. However

\(^6\)Ibid., pp. 574-575.  
\(^7\)Ficklen, p. 193.
participation by more of the voters could have made some changes, for of the ninety-eight delegates elected, forty-nine were white and forty-nine were Negro, and all but two were Republicans.

Thus the Republican party clearly would be able to control the convention. This party had been organized in Louisiana in 1865. Its membership consisted of a few free men of color, a few emigrants, some demobilized Federal soldiers who had remained in Louisiana, and some few native unionists. Northerners were influential in the party, but at no time did they compose a majority of its membership.\(^8\) The real strength of the party lay in the Negroes of Louisiana. They were fairly well-organized, and in 1868 a Republican Loyal League consisting of over 50,000 freedmen gave support to the convention. This large number of Negroes might indicate that they would control the convention, but this was not destined to be so. They had excellent leadership in the two mulattoes, Dunn and Pinchback, but despite this, the influence of the white Radicals was dominant in the proceedings.\(^9\)

The constitutional convention thus duly organized by the voters, convened on November 25, 1867. Scene of the


\(^9\)Ibid., p. 221.
meeting was the hall of Mechanics Institute, the site of bitter rioting in 1866. Although the bitter strife did not accompany the opening of this body for its appointed work, discontent was clearly present, being expressed by the conservative publication, the Crescent, in this way: "So far as the genuine public opinion of that political community formerly known as Louisiana is concerned, the Convention might as well meet in Patagonia or the Feejee Islands."11

As the convention set down to the business of drafting a constitution which would get Louisiana back into the Union, several days were spent on routine matters such as the per diem for each delegate.12 In order to pay for this and for other expenses of the convention, the group acted as a legislature to levy a tax of one mill on all property with a 25 per cent penalty for default. The delegates feared that much resistance would rise to such a tax and feared also that Hancock would support the resistance, for his conservative policies had become evident, but Hancock did not interfere and the tax was collected with a minimum of resistance.13

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12Ibid.
13Ficklen, pp. 196-198.
Racial implications entered the picture early. As might be expected, some of the Negroes had been free men of color before the war and thus were fairly well fitted for the job which lay before them, while some had been slaves and had neither the background nor the capabilities for such a task. In the early days of the convention, Dr. G. M. Wickliffe entertained a motion that all subordinate officers come in equal numbers from the two races. The motion did not carry, for the more conservative members of the Republican party saw the motion as one which would place race above merit, thus giving justification to the charge that Africanization of the states was to be a punishment of the South.\footnote{\textit{Ibid.}, p. 94.} P. B. S. Pinchback, son of a white man and generally regarded as one of the ablest of all men of color in the convention, sided with the conservatives in saying that ability, not race, should determine office-holders. Feeling between the races was further sharpened by events occurring in Ohio, which at this time refused to grant suffrage to the Negroes of that state. Upon announcement of this, the Republican, organ of the white Republicans in Louisiana, charged that poor conduct on the part of the Negroes in Louisiana had helped cause this situation, and that the cause of the Republican party would be lost unless the Negroes improved their ways. Radicals among the Negroes charged that this accusation was merely a ruse by which the white Republicans sought to control the important offices of
the convention and later of the state. Finally the breach between the Republicans was smoothed over to the extent that the convention could proceed with its appointed work unhindered. 15

Work on the constitution went smoothly except for the drafting of the article regarding disfranchisement. In the beginning a rather lenient article on the subject was included, but this was later taken from the constitution and the much publicized Article Ninety-nine was substituted. This article was one of the most stringent of any of the disfranchising clauses in the various Radical constitutions being drafted in the southern states. This article gave the franchise to every adult male who had resided in the state for one year, excepting only those convicted of a crime and those who had held an office in the Confederacy, signed the Ordinance of Secession, or written published articles advocating treason. These provisions were not unduly harsh. The really objectional part was that section requiring the disabled to sign an oath saying that he regretted the rebellion before he could ever vote. This, charged the opponents of the measure, permanently disfranchised many unless they were willing to perjure themselves. 16 As a rule the Negroes in the convention opposed this move by the Radicals. One

15Ficklen, pp. 194-196.
16Ibid., p. 199.
delegate, Tinchant, expressed opposition "because having been taught to look upon the men of my race as fully equal to the white men, and able to fight their way through without the help of any political proscriptive measure directed against their opponents," he felt such aid was unnecessary. Another opponent of this particular article was Pinchback, who said, "I vote against the article because I firmly believe that two-thirds of the colored men of this State do not desire disfranchisement to such a great extent." Feeling ran high when the article was included in the final document. The New Orleans Times bitterly denounced the stringent disfranchisement clause, charging that it went contrary to the Constitution of the United States. It further charged that this article made political rights dependent on allegiance to a certain political party and that disfranchisement became a punishment for the expression of certain political ideas.

Work of the convention was completed on March 9, 1868. The document submitted to the people for ratification was twenty-seven pages long, six pages longer than that of 1864.

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18 Ibid.
Not only did it differ in length, but in the provisions which it embodied. Several of the most outstanding differences are as follows: First, it included an article which did away with discrimination in public places. Second, allegiance to the United States was declared paramount to state allegiance. Third, representation in both houses would be according to population instead of registered voters. The fourth major difference lay in laws regarding public schools. There was to be no discrimination in the schools and the University of Louisiana was declared open to Negroes. The fifth major difference was in suffrage requirements. This was the section most widely debated. Some Negroes, including Pinchback, bitterly opposed the extent of disfranchisement, and he and three other delegates filed a protest against this clause. The sixth difference was that all public officials were required to take an oath to support integration in public places. The seventh major difference lay in the labor laws. The laws of 1865 were declared null and void on the grounds that they were unfair to the freedman. The convention closed the constitution with the provision giving them the right to reconvene should the document not be ratified by the people. This last provision proved unnecessary for when the election was held in May, 1868, the document was adopted by a vote of 66,152 to 48,739.

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20 Ficklen, pp. 198-200.
21 Ibid., p. 202; see also Russ, "Disfranchisement in Louisiana," p. 578.
The New Orleans Picayune charged that Africanization had been accomplished and that it was impossible to defeat the Constitution with 83,249 voters who were colored as opposed to 45,169 white.22 In the same election Warmoth was chosen governor over J. G. Taliaferro and Oscar J. Dunn, a Negro, was chosen Lieutenant Governor.23

Just prior to the election a change in military commanders had taken place. Hancock had been transferred from his position as commander of District Five. The transfer came at his own request, and it was due to a dispute with Grant over his recension of an order made by Hancock. On February 7, 1868, Hancock removed the council of the city of New Orleans on the grounds that they had held an unauthorized election. He immediately telegraphed Grant of this decision, stating in this document his reasons for the action taken by him.24 On February 8, Grant telegraphed back, rescinding the order.25 The following day Hancock wired a protest of this, reasoning that it would destroy his usefulness.26 Grant

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22 Marshall Texas Republican, April 4, 1868.
24 Hancock to Grant, February 7, 1868, House Executive Documents, 40th Congress, 3rd Session, no. 1, p. 226.
25 Grant to Hancock, February 8, 1868, ibid., p. 227
26 Hancock to Grant, February 9, 1868, ibid., pp. 227-228.
persisted in his refusal to honor the dismissal of these officials, and Hancock requested a transfer. He was replaced for a few days by J. J. Reynolds, after which General R. C. Buchanan was sent to the area. Upon assumption of command Buchanan issued an order that the newly selected legislature was not to meet until the new constitution was accepted by Congress. On June 25, Louisiana, along with five other states, had its constitution approved, and its representatives seated. Grant then sent an order to Louisiana that Baker and Voorhies, provisional officials, were to turn over their offices to the newly elected Warmoth and Dunn.27

Thus on June 29, 1868, the new legislature met. About one half of the group were Negroes. The Republicans had a majority of twenty to sixteen in the Senate and fifty-six to forty-five in the House. Immediately the question arose as to whether or not the iron-clad oath of 1862 was to be required of all members. Grant expressed the opinion that it was not necessary. A telegram to Governor Warmoth confirmed the ideas expressed by Grant. The question of eligibility was to be determined by each house. Obviously this was to be an advantage for the Radicals. Presiding officers of both houses were Negroes--Dunn of the Senate and Isabelle of the House. The Radicals were in a majority and thus quickly expelled all Democrats unable to take both the iron clad oath

27 Ficklen, pp. 201-203.
of 1862 and the oath provided in the State constitution. The Democrats were enraged at this action, particularly in view of Grant's opinion that both oaths were not necessary. A crowd gathered, and it seemed that a repeat performance of the riot of 1866 was to follow. Both police and military personnel gathered to prevent violence. The press entered into the rift, the New Orleans Times referring to the action as "... a grotesquely impudent and exquisitely absurd act." The intensity of the feeling regarding the refusal to seat some duly elected members caused the legislature to reconsider its actions and recall those members who had been refused admission. The Fourteenth Amendment was passed, and on September 7, 1868, the famed Article Ninety-nine was changed. Under this article, recantation was permitted, and thus a new registration law was passed for those willing to recant.

It soon became evident to the Radicals that disfranchisement was not to their advantage. It was felt that re-enfranchisement would be advantageous to them because it would influence citizens to join the Republican party. Thus during the 1868-69 session of the legislature a law was passed re-enfranchising those who would take an oath of allegiance to the government of the United States. The next move was to

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28 Russ, "Disfranchisement in Louisiana," p. 578; see also Ficklen, pp. 203-204.
remove Article Ninety-nine from the Constitution. Warmoth was quite outspoken in his approval of removing this article from the constitution. After its removal he stated:

... It is to the lasting credit of the first Republican administration of Louisiana that the amendment to strike out this last vestige of the War in our Constitution was passed with the unanimous Republican vote of the General Assembly and indorsed unanimously by the people. It is no longer a part of the Constitution. Henceforth in Louisiana all disabilities resulting from the War are removed, and no citizen is disfranchised by its laws except for crime or mental disability. 30

With the recognition of Louisiana as a state in the Union, reconstruction was legally at an end. The period which followed was one of turmoil and confusion, but this condition existed not only in Louisiana and the other states which had experienced reconstruction, but throughout the United States.

While Louisiana had made considerable progress during the years 1862-1866, even having gone so far as to frame a constitution which would abolish slavery, incidents such as the riots in New Orleans indicated the temper of many citizens of that state toward both Negroes and people from the North. There was still an unwillingness to accept the major change wrought by the war—complete freedom for the Negro. Military rule was successful in completing the restoration of Louisiana to the Union, including recognition of the citizenship of the freedmen. The constitution adopted for the purpose of readmission was a good one; the only part to which the

30 Ibid., p. 579.
southerners could object was Article Ninety-nine. This was modified so soon after its inception that no great harm was done. Some form of force was necessary before reconstruction could be completed, and while military rule of civilians might not have been the most desirable, it did what reconstruction set out to do—restore the states to the Union.
CHAPTER V

FINAL PHASES OF RECONSTRUCTION IN TEXAS

When James W. Throckmorton was removed as governor of Texas by General Sheridan on the charge that he was an "impediment" to reconstruction proceedings, E. M. Pease was appointed to fill his place for the remainder of the term. This appointment placed Pease in the rather peculiar situation of occupying a position for which he had been defeated in the previous election. Not only had he lost the governorship in this election, but he had lost to Throckmorton. These factors combined to make many regard him as a tool of the military, but Pease answered this charge with the statement that he had neither wanted nor sought the office of governor, but that refusal to serve when asked would place him in the light of being unwilling to render service to his state in time of need.¹

Upon announcement of his appointment, Pease was besieged with letters and telegrams urging him to remove rebels from positions which they held in the state and appoint in their stead those who would be loyal to the federal government. In addition to this pressure for removal came the task of filling

¹Ramsdell, pp. 171-172.
those offices already vacant. Griffin, as commander of the
district of Texas, had been doubtful of any person recommended
by Throckmorton. The requirements were rigid, and those who
could meet these had to face the prospect of intense unpopu-
larlarity. In some parts of Texas, individuals clamored for an
appointment to office, while in other sections difficulty was
experienced in finding men who were competent and willing to
accept offices. One man from Bowie County reported that he
could find "... only one true loyal man in Bowie County."
Another official, Judge M. D. Ector, said it was "... prac-
tically impossible to find Union men to fill them, for the
few who are qualified decline the positions. . . ." Judge
C. Caldwell said of his area, "There are not a dozen out-
spoken white Radicals in the whole Eighth Judicial District."
The Secretary's Journal in the Executive Records give further
evidence of the unstable situation, for this is filled with
entries by W. C. Phillips, Secretary of State, giving notice
of removals and appointments ordered by Pease.

Filling appointive offices with loyal men was neither
the only nor the most serious problem confronting Texas at
this time. Contention existed between the newly appointed
Pease and General W. S. Hancock, who had become commander of

\[2^{\text{Ibid.}, \text{p. 174.}}\]
\[3^{\text{Ibid.}}\]
\[4^{\text{Ibid.}}\]
\[5^{\text{Secretary's Journals and Papers, in Executive Records, passim.}}\]
District Five following the removal of Sheridan. Hancock and Pease differed appreciably in their viewpoints concerning the condition of the state and of the proper methods for conducting the affairs of the state at this time. Upon assumption of command in November, 1867, Hancock issued a statement to the effect that the country was in a state of profound peace. One of his first official acts was to reverse the order issued by Sheridan which prevented those who had supported the Confederacy from serving on juries, thus making civil trials virtually impossible in some areas.6 Pease disagreed with the statement that peace existed, citing as his evidence the fact that one hundred murders had been committed the previous year, but that only ten arrests had been made and of these ten, only five had been tried. This lawlessness he blamed on Hancock's reversal of the jury order.7 Furthermore Hancock wanted the military authorities to stay out of civil judicial affairs whenever possible, contending that the situation in Texas was such that it could be handled by civil authorities. Pease, on the other hand, argued that the military should act as the sole judiciary, basing his opinion on the fact that the civil government of Texas was not functioning efficiently. He called a farce the statement that the government could

6 *House Executive Documents*, 40th Congress, 3rd Session, no. 1, p. 204.

now be operated efficiently without aid from the military, stating that Texas, lacking in both civil power and representation in Congress, could scarcely be called a state.

On January 17, 1868, in a report to Colonel W. G. Mitchell, Secretary of Civil Affairs, he stated:

Texas cannot properly be said to be in a state of profound peace. It is true there no longer exists here any organized resistance to the authority of the United States; but a large majority of the white population who participated in the late rebellion are embittered against the government by their defeat in arms and the loss of their slaves, and yield to it in an unwilling obedience only because they feel they have no means to resist its authority.  

In this same report, Pease lamented the fact that in over one hundred cases of homicide, not one tenth had been arrested and that trials had been conducted for less than one twentieth. Again he struck at Hancock, attributing the turmoil and increased crime in Texas to the issuance by Hancock of General Orders No. 40 which was a declaration of the liberal policy of Hancock. He asserted that the only way to insure justice was through the use of military tribunals.  

These statistics were given in January, and apparently the situation was not much improved in June, for in addressing the constitutional convention on June 1, 1868, Pease declared:

Crime was never as prevalent in Texas as it is at this time. Since the first of December last, authentic

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9 Ibid., p. 270.
information has been received at this office of two hundred and six/206/ homicides, committed in only sixty-seven 67/ of the one hundred twenty-seven organized counties of the state . . . .10

On March 9, Hancock answered the charges made against him by the Radicals. He conceded that some bitterness did exist in Texas, and that there was some resentfulness concerning the freeing of the Negroes, but that these differences in opinion were hardly grounds for doing away with the civil courts. To the charge that indictments and law enforcement did not prevail he answered, "Perfection is not to be predicated of man or his works." To the charges of increased homicides he replied:

To this date eighteen cases of homicide have been reported . . . since November 29, 1867 . . . 5 by Indians; 1 by a Mexican; 1 by an insane man; 3 by colored men; 2 women by their husbands; and of the remainder, some by parties unknown, all of which could scarcely be attributable to Order No. 40.11

Hancock stated that a state of peace existed in Texas, and added that he regarded ". . . the maintenance of the civil authorities in the faithful execution of the laws as the most efficient, under existing circumstances."13


11 Hancock to Pease, March 9, 1868, House Executive Documents, 40th Congress, 3rd Session, no.1, pp. 262-264.

12 Ibid., p. 267.

13 Ibid., p. 210; see also Ramsdell, p. 182.
Hancock declared that civil tribunals would be supported and their decisions respected. He also indicated that any forcible resistance would be repressed with force. An instance of conflict regarding use of civil courts occurred in October, 1867. R. W. Black, a Unionist, had been murdered in Uvalde County. The accused had been placed in jail. The judge, a man named Noonan, advised a military trial because of the difficulty of acquiring a jury in such a thinly populated district. A request was then sent to Reynolds, then commander of the sub-district of Texas, who promptly forwarded the request to Hancock. Reynolds failed to make explicitly clear the reason for his request, and Hancock's answer was a flat refusal, plus a lecture to Governor Pease regarding inherent civil liberties. He said that if the state authorities could not confine the prisoner, the military would furnish aid, and if a fair trial was impossible in Uvalde County, the trial should be transferred to another county. Failure to follow this procedure would indicate inefficiency of state officers, he declared, and not until definite proof had been given that military commissions were an absolute necessity would he resort to them. \(^\text{14}\)

The law which had placed Texas under military control required the framing of a new constitution before Texas could be readmitted to the Union. On December 18, 1867, General

Hancock ordered an election to see whether or not a constitutional convention should be held, and if so, to elect delegates to the convention. Most of the sentiments among the Democrats and Conservatives at this time were against the holding of such a convention because they realized that any document which would emerge from a group such as this would be Radical and not welcomed by the people of Texas. The first plan of the Democrats was to stay away from the polls in the hope that the number voting would be too small to make the election valid. On October 26, 1867, the Dallas Herald quoted an editorial from the Galveston Gazette:

> ... If the conservative voters of the State desire to endorse the measures of coercion passed by the Radical Congress for the purpose of placing the Southern States under the domination of the negroes and their white dependents, then they will vote for a convention."^{15}

The Marshall Texas Republican, also a Democratic organ, quoted the Galveston Gazette on January 18, 1868, in another editorial expressed in even stronger language:

> ... But the extreme unfairness of the registration very often made us fear that the Radicals were using their opportunity solely for the purpose of securing a majority. The result of the registration shows that our fears were well-founded. The entire white majority is only a little over nine thousand and it is generally believed that the white Radical vote in the State is somewhere near twenty thousand. ... The only hope is that enough votes may not be cast to warrant the calling of a Convention. ..."^{16}

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^{15}Galveston Gazette, as reprinted in the Dallas Herald, October 26, 1867.

^{16}Galveston Gazette, as reprinted in the Marshall Texas Republican, January 18, 1868.
Plans of the Democrats were quickly altered, however, when it became known that the issue regarding calling of a convention would be decided by a majority of votes cast, not by a majority of registered voters. It was obvious that the Radicals who registered would vote. Hence what hope existed for slowing the process of change lay in the registration of Conservatives and the subsequent defeat of the issue by their failure to vote for a convention.\(^\text{17}\)

The time for the elections set by Hancock was February 10-14. In obedience to the law he then ordered that the lists be reopened and remain open during the last five days of January. Many hastened to register at this time. Around five thousand were added to the lists during these five days, some two fifths of which were Negro.\(^\text{16}\) The Democrats and other conservatives tardily held a convention in Houston on the twentieth of January to lay plans for their campaign strategy. The plan adopted by them was spread by the newspapers. On February 1, 1868, the Marshall Texas Republican published the entire proceedings of the gathering, and this newspaper stated the convention strategy in the following way: "It recommends that the people of the state should vote in the coming election against a convention and for delegates to represent them should a convention be held."\(^\text{19}\)

\(^{17}\) Ramsdell, pp. 193-194. \(^{16}\) Ibid., p. 196. \(^{19}\) Marshall Texas Republican, February 1, 1868.
The election was carried out as scheduled and was very peaceful despite the furor which had preceded it. Hancock had given explicit orders for federal troops to stay away from the polls unless they were called there by civil officials to quell a disturbance. No such assistance was requested and there was no question raised regarding the validity of the election. The Radicals were overwhelmingly victorious, and of the 56,129 voting, 44,689 voted for a convention and 11,440 voted against it. The conservative drive for votes was begun too late, and 52,964 of those qualified to vote failed to do so. A further break-down of results gives these figures: 20

<table>
<thead>
<tr>
<th>For a convention:</th>
<th>Against a convention:</th>
</tr>
</thead>
<tbody>
<tr>
<td>Whites---- 7,757</td>
<td>Whites----10,622</td>
</tr>
<tr>
<td>Blacks----36,932</td>
<td>Blacks---- 818</td>
</tr>
</tbody>
</table>

Following their defeat, the conservatives lapsed into the depths of despair. Immediately the newspapers which were conservative in nature began to forecast complete Africanization of the State, for not only had the conservatives lost on the issue of whether or not a convention should be held, they had also been unable to elect a majority of delegates to the convention. Evidence indicates that their failure to win a victory was due to poor planning, mostly tardiness, rather than disfranchisement. Buchanan, sub-commander of the district of Texas, declared that the

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20 Ramsdell, p. 199.
"... disfranchised cannot be ascertained," but the Austin Republican set the number at between 7,500 and 10,000. White registration however was almost equal to that of 1866, supporting the statement that not many had been disfranchised.

Meanwhile the controversy between Pease and Hancock increased in intensity. Essential to the success of the Radical program was the backing and cooperation of the military. Thus a clamor arose in the North for the removal of Hancock. Hancock was soon removed, but when this action came, it was at his own request and conditions in Texas had no bearing on the situation. His request for removal came following a conflict with Grant after Grant's recension of an order by Hancock which removed some officials in New Orleans. He was succeeded by General Buchanan, also a moderate, and serving as sub-commander was General J. J. Reynolds. The transfer of Hancock was met with regret by most of the Conservatives.

On April 11, 1868, the Dallas Herald praised Hancock's policies in an editorial: "... It is a singular anomaly that a civil officer should intercede for the supremacy of military rule, and call upon a military officer for the subversion of civil government." On April 18, the same newspaper reprinted

22Ramsdell, p. 196.  
23Ibid., p. 187.  
24Dallas Herald, April 11, 1868.
an editorial which said that the Radicals, led by Grant, had failed in half of their objective, that of having Hancock removed entirely, and "... the exposure of the people of Louisiana and Texas to the most exquisite horrors of bayonet reconstruction..."²⁵

The convention authorized by the voters for the purpose of drafting a new constitution met in Austin on June 1, 1868. Ninety members composed the group, and of this number, nine were Negro and one was mulatto. The leader of the Negroes, both as a bloc of the Republican party and as a race, was G. T. Ruby, who had only recently come from New England. Ruby was superior to most of the Negroes who came to the South seeking an office. As the convention divided into factions, he immediately aligned with the Radicals. Although the Negroes in the convention were a minority, it was significant that they should serve, for they were the first of their race to serve Texas in a political way.²⁶

No sooner had the convention assembled than the divisions in it became obvious. The Radical bloc was led by E. J. Davis and M. C. Hamilton, brother of the former governor, A. J. Hamilton. A small, rather insignificant group of conservative

²⁵New York World, as reprinted in the Dallas Herald, April 18, 1868.

Republicans was led by L. D. Evans, but this group did little of importance. The carpet baggers (actually there were only six or eight who could be considered of true carpet bag variety) were led by R. K. Smith, but this group also was too small to be of great significance. The first action of the convention was to elect a president. Opponents for this position were Edmund J. Davis and Judge Colbert Caldwell. The Radicals won the first victory when their candidate, E. J. Davis, was elected president of the convention.  

Following the election of a president, the convention settled down to the task of framing a new constitution. During these opening days, Pease addressed the group, clearly aligning himself with the Radicals and deploring the prevalence of crime in the state. He further stated that he saw no harm in the disfranchisement of a few rebels. Suggestions made by him as to the work of the convention included the equalization of civil and political rights for all citizens, payment of the state debt at the beginning of the war, establishment of free public schools for every child, declaration of the fact that the act of secession was null and void, and most of all, the restoration of the state to its former place in the Union and to a normal way of life.  

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27. Ramsdell, p. 201

The heated controversies which were to characterize the convention began soon after the opening of the meeting. Most of the contention was between the Radical and Conservative factions of the Republican party. The first rift occurred over patronage when decisions were being made regarding which newspapers would be furnished for convention members.29

During these opening days of the convention, newspapers aired their views on the competencies of the members of the group. The Dallas Herald was critical of the Negro members of the convention, reporting, "they are very forward and those in the convention not at all backward, not even modest, Ruby making himself quite conspicuous."30 In the same issue of this paper, the convention was criticized in the following way:

But the worst feature of all is the eternal whispering. All groups talk in a subdued whisper, that savors of a dishonest purpose and dark and damning designs. Honest men speak out, especially on matters that should equally interest all.31

A paramount issue in the convention was the ab initio question. The Radical Republicans favored declaring all laws, etc., passed from March 18, 1861, through August 6, 1866,
null and void. It was generally agreed that any contracts which were made between private parties would be honored. This controversy lasted for the duration of the convention. Finally it became obvious that some sort of compromise would be necessary to prevent a serious rift in the Republican party. The occasion was the meeting of the Republican State Convention in Austin. A. J. Hamilton and his anti-*ab initio* faction were strong enough to control the meeting and thus the platform which was proposed and adopted did not mention the *ab initio* question. Upon adoption of this platform, Davis and his men withdrew and formed another convention with J. P. Newcomb as chairman. Before another platform was adopted, however, the leaders of the Republican party realized the seriousness of the rift and a compromise was reached.\(^3\)

Another controversy which appeared early and remained for a long time was that of division of the state. Here the question was as much sectional as it was political. Political overtones resulted, however, when Davis and the Radicals sided with the divisionists, and Hamilton and his group sided with those who did not favor division. Actually division of the state had been a possibility ever since the admission of Texas to the Union in 1845. The plan had several advantages. The main one which interested the politicians was that there would be more opportunities politically. Diversified interests

\(^3\)Ramsdell, pp. 209-211.
and poor communication made division seem advisable and even desirable. The people of East Texas had already begun to complain about the fact that their section was overloaded with taxes and that this situation existed because they were required to pay also for the support of the western section of the state. Since the matter did not possess political implications which were as strong as some other matters, no definite decision was made and finally a resolution was passed to the effect that the question of division was not to be brought up again without the explicit sanction of the United States Congress.\(^3\)

Despite division regarding the \textit{ab initio} question and division, the Republicans remained undivided on one issue—that of widespread lawlessness and unmerciful persecution of their members. A special committee was given the task of investigating these conditions, and on June 30, 1868, a report was made to the convention. Acts of violence were related to the assembly, the committee reports being based on records of the state department, records of the Freedman's Bureau, and sworn statements from witnesses. Upon evidence found in these reports, the charge was made that twice as many murders were committed under the Hancock-Buchanan administration as had been under Sheridan and Throckmorton,

\(^3\)Journal of the Reconstruction Convention, First Session, pp. 135, 755-761. \textit{See also} Ramsdell, pp. 212-216.
and that the number had increased to three times as many as under the Sheridan-Pease administration. The report of the committee was adopted, although not unanimously, and some doubt was expressed as to its complete authenticity. The minority report of the committee denied that such lawlessness existed and declared that complete freedom of speech existed in almost all parts of Texas. 34

Only during the last days of the first session of the convention did the group settle down to the actual work of drafting a new constitution. As the work on the document began to take shape, a centralization of authority with regard to the office of governor could be ascertained. The governor was to serve four years and his appointive powers were to be greatly increased. It also became evident that discrimination was to be abolished in the public schools. It was decided that the issue of suffrage would wait until the second session. The convention adjourned on August 31, and although ninety-two days and an estimated $100,000 had been devoted to the convention, little real progress toward the framing of a new constitution could be seen. 35

During the recess of the convention, Texas was under the supervision of General Reynolds. This was a period of increased

34 Journal of the Reconstruction Convention of 1868, First Session, pp. 196-203. For the minority report, see Dallas Herald, August 15, 1868.

35 Ramsdell, pp. 228-229.
violence in the conflict between the Negroes and whites. One of the most spectacular and repercussive clashes occurred in Jefferson in October, 1868. George W. Smith, a carpet-bagger from New York, was accused by the citizens of the community of constantly inciting trouble among the Negroes. Smith was a delegate to the convention, and when he returned home after the recess of the convention, he and a white man became involved in a dispute. A brawl ensued, and Smith fled to the local authorities for protection. He was jailed for his own protection, but armed men entered the building and took him from it and hanged him. As a result of this incident Jefferson was placed under martial law and approximately thirty citizens were arrested and imprisoned for a long period of time in a stockade made especially for that purpose. Of the thirty, five were eventually convicted by a military commission.  

With such discontent prevalent throughout the state, it was to be expected that bands of Ku Klux Klan should appear. On November 4, 1868, General Reynolds reported that a very active Ku Klux did exist in Texas, its purpose being the terrorization, robbery and even murder of the Unionists. He especially deplored the murder of Negroes, stating that such actions were so frequent that an accurate account could not

36 Ramsdell, pp. 231-232.
possibly be kept. In his annual report to the Secretary of War for 1869-70, he stated that armed bands of desperadoes infested many parts of the state and that military aid was a necessity if any semblance of peace was to be kept. He further stated that in trying to quell these disturbances, several persons had been killed, but that indictments for murder had been returned against the accused. He reported that these armed bands known as the Ku Klux worked independently or in cooperation with armed bands of desperadoes, being especially bold and aggressive east of the Trinity River. Reynolds stated that these groups seemed primarily intent on robbing, killing and intimidating Union men and Negroes, and that fear of reprisals kept those who did not belong from reporting on any of the known members or their activities. According to this report by Reynolds, in many counties men who were to be murdered by the Klan were informed of it in public meetings and then told to either leave home or suffer the consequences.

Although Texas could have no active part in the presidential election of 1868, considerable interest was manifest

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37 Reynolds to Adjutant General U. S. Army, November 4, 1868, House Executive Documents, 40th Congress, 3rd Session, no. 1, p. 705.

38 Hancock to Adjutant General U. S. Army, October 21, 1869, House Executive Documents, 40th Congress, 2nd Session, no. 1, pt. 2 (Washington, 1870), pp. 144-145.

39 Ibid., pp. 704-705.
because the outlook would affect the future of Texas. The
election of Grant would assure the continuance of Radical
Republican reconstruction in Texas, while the election of
Seymour would undoubtedly indicate a more lenient attitude.
Despite the fact that Texas could have no electors, the
feeling increased that perhaps an election should be held
anyway, the idea being that if the election was a close one
nationally, the votes might be counted. When Reynolds was
approached on this matter, he refused to let the election
be held in Texas. Shortly after this Reynolds was relieved
of command, and E. R. S. Canby was transferred to Texas, but
there is no indication that Reynolds' action in not allowing
the election to take place had any bearing on his removal.\footnote{Ramsdell, pp. 235-238.}

Following the election of Grant, the Radical Republicans
felt assured that they would be able to have their wishes re-
arding the immediate future of Texas. The second session of
the convention convened in December, 1868, and the same con-
fusion and unrest which pervaded the first session was still
much in evidence. The question of division was again placed
before the convention, and after days of arguing, just as a
vote was to be taken, the anti-divisionist group left the
convention in order to prevent the tally. They were tem-
porarily successful, but divisionists were able to elect six
commissioners to go to Washington to seek aid in their
dilemma. Some of the southwestern delegates even went so far as to draft a constitution for West Texas. 41

A second battle of major significance during the second session was over the question of suffrage. A. J. Hamilton led in the fight to prevent disfranchisement to any greater degree than that provided for by the Fourteenth Amendment. Successful in his efforts, he was highly praised by the people and the press of Texas. The Houston Telegraph stated in the February 25, 1869, edition that "he does stand before us a patriot, firm, tried, and true, deserving the gratitude of our whole people of all parties." 42

The Committee on Lawlessness and Violence submitted a report to this second session which stated that a fair and impartial election regarding the adoption of the constitution was not possible at this time due to lawless conditions throughout the state. General J. J. Reynolds, then in command of the district of Texas, added that he thought that the presence of troops in the state would be necessary for some time if the laws were to be executed. 43

The turmoil which had characterized the entire life of the convention burst forth with renewed vigor during the last

41Ramsdell, pp. 245-250.
42Ibid., pp. 254-255, f.n.
days of the convention. The final break in the Republican party came over the printing of the final constitution. The Galveston Gazette vividly described the happenings of those last hours:

On the question of printing last Friday night, the cloud burst and for a few moments the curse of Heaven seemed to hang as a pillar of flame over this unnatural bastard of military power. Stern as Davis is, he quivered when Mills, of El Paso, tore from his bosom the thin gauze with which he hoped to hide the dark, selfish and damning purposes of his heart. Yes, he quivered; but it was only for a little while. The devil never deserts his own for a long time at once.44

The reporter then described the ensuing argument between Mills and Davis over the printing of the document. Mills had the majority on his side, but Davis had the tools. A quorum of one was present, but at this time G. T. Ruby resigned on the grounds that the entire convention represented a disgrace. A. J. Hamilton then raised a point of order as to whether the quorum consisted of a majority of ninety, the total number of elected delegates, or only a majority of those now entitled to a seat. Forty-four were present, two less than a majority of ninety, but five more than a majority of those delegates who were entitled to a seat at this time. Davis chose to ignore this, and declared the convention adjourned, but before he was out of the building, Armstrong of Lamar County had been elected president. The convention was then adjourned by Armstrong, who ordered it reconvened at nine-thirty the

44Galveston Gazette, as reprinted in the Marshall Texas Republican, March 5, 1869.
next morning. Davis had previously ordered it to reconvene at ten. The group met at nine-thirty with Armstrong presiding. General Canby was consulted, and he said that he would recognize this "Armstrong Convention," but that no new business could be discussed by them. It was then discovered that Assistant Secretary Bennett, described as Davis' "peon", had the archives, but was nowhere to be found. In the meantime Pease and Davis had gotten together for the good of the party and were given permission to adjourn the convention sine die. Hamilton and his men attended this meeting, but could not participate. An order was read from Canby which crushed the hopes of the Armstrong Convention. The archives were ordered given to the military, and then the motion was made to adjourn. A. J. Hamilton and his men had reached a peak of excitement, and Davis threatened to clear the balcony in order to restore quiet. This threat was met with calls of "Let's see you do it," and "Three cheers for carrion crow." Despite this resistance the group was adjourned, and the constitution was turned over to the military. Upon receipt of the papers, Canby turned them over to a committee composed of J. W. Thomas, a Conservative, Morgan Hamilton, a Radical, and a member of his staff named Tunstall. The completed document was then printed in newspapers throughout the state, and all that remained was the holding of an election to determine whether or not it would be adopted.

45 Ibid.
Conservatives throughout the state expressed disdain for the way in which matters had been handled. The Texas Republican in an editorial on March 5, 1869, declared that Canby had first recognized the Armstrong Convention, but then the face of the party had to be saved. The writer felt that Canby had acted in the best interest of the state however, and stated, "When he dropped the mailed hand of military despotism upon them and put a stop to their licentious proceedings, he conferred a favor upon the people of Texas they ought not soon to forget."[^46]

As soon as the convention was adjourned, members of the factions of the Republican party went to Washington in an endeavor to gain the favor of the national party. It was obvious by now that the breach was too wide to be healed and that two distinct groups existed in Texas. Each of these groups in Washington presented memorials to Congress. The group led by A. J. Hamilton stated that all the people of Texas wanted was peace, while the Radical group told of widespread lawlessness in Texas and began to argue for a postponement of the election on the grounds that an impartial one could not be held in Texas at this time. The Texas Republican concurred with the Louisville Journal in an editorial entitled "A Bogus Election" in which they queried: "Under what auspices is the registration of voters in Texas to proceed..."[^46, Ibid]
at once and the elections to be held in September? Is there even a vestige of civil liberty in that State?" No definite action was taken by the national party, and both groups returned to Texas to begin plans for the impending election.

The final change in military commanders took place at this time. Grant transferred General E. R. S. Canby to Virginia, and General Reynolds was sent to Texas to complete the task which he had already begun. At about this same time, Reynolds began to take an active interest in the political affairs of the state, reputedly with the idea in mind of obtaining an office for himself when he had completed his work in Texas. He was first aligned with the Conservatives, but following his public denunciation by A. J. Hamilton on the grounds that he approached him for the purpose of insuring himself of a political office, he turned to Davis. From this time on, Reynolds aided the Radicals in every way possible, recognizing them as representing the Republican party in Texas. He wrote a lengthy letter to the President in which he predicted certain doom for the Republicans if a coalition existed between Hamilton and the Democrats.

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47 Louisville Journal, as reprinted in the Marshall Texas Republican, June 4, 1869.
48 Ramsdell, p. 274.
49 The American Annual Cyclopedia and Register of Important Events of the Year 1869 (New York, 1872), IX, 575.
As the leaders of the Republican party returned to Texas and began the formation of tickets, leaders from all sections of the state spoke out for the adoption of the constitution which was then being printed in newspapers for the benefit of the people. The Galveston News quoted A. J. Hamilton as saying that while the document might have some objectionable features, it was the best that the people were likely to get.50 James W. Throckmorton expressed similar ideas, adding, "...yet there is no prospect, if rejected, that a better will be offered."51 The general trend of editorials in Democratic organs was along these same lines, pointing out that the Radicals controlled the voting by controlling registration, and that the rejection of this document would only cause the framing of another which might be considerably worse.52 The best plan seemed to be for the Democrats to unite with the moderate Republicans, adopt the constitution, and defeat the ab initios.53 Another Texas leader, Oran M. Roberts, urged adoption of the constitution and election of officers acceptable to Congress so that military rule might be removed.54

50Galveston News, as reprinted in the Dallas Herald, February 27, 1869.
51Dallas Herald, April 10, 1869.
52Ibid., April 24, 1869.
53Ibid., April 17, 1869.
54Ibid., April 24, 1869.
The conservative Republicans did not hold a convention. Hamilton was chosen as their candidate, and he immediately began campaigning, urging the adoption of the constitution and the adoption of a liberal program. The Radicals held a convention in Galveston on May 10, but it was too poorly attended to be of much importance. The convention reconvened in Houston on June 7, and E. J. Davis was nominated to oppose Hamilton for governor. 55

On September 29, 1869, an attempt was made by some members of the Democratic party to hold a convention in Brenham, Texas. The meeting was sponsored by newspaper editors, but it received little support because most of the Democrats foresaw that their only chance lay in the election of Hamilton. Nomination of Democratic candidates might possibly draw enough votes from Hamilton to ensure Davis of victory. 56 Actually most of the Democrats could find little fault with Hamilton's ideas, and the final tally would indicate that most of them stayed with him. The Dallas Herald praised Hamilton for his work in the convention toward preventing disfranchisement and stated, "So far as I can hear not only the Conservative Democrats here, but throughout the West, will support him cheerfully for Governor . . . ." 57

55 The American Annual Cyclopedia and Register of Important Events of the Year 1869, TX, 675.
56 Dallas Herald, October 9, 1869.
57 Ibid., March 6, 1869.
On October 1, 1869, Reynolds issued an order setting the dates for the election as November 30-December 3. Revision of the registration lists were to be made ten days prior to the election. Registrars were appointed by the military commander, and much discontent was expressed because they were all Davis men. The charge was made that known Hamilton men were not allowed to register, and in other instances it was claimed that names of Hamilton men were struck from the list after registration had closed.

Troops were on hand the day of the election, but in no case were they called into action. Orders were given, however, for them to stay away from the polling places unless called there, but to stay near-by. The election was very quiet, but soon after the election came the cry of fraud. Hamilton and his supporters were certain that they had carried the state, but even before the results had been announced, they began to fear that the election would be taken from them by Reynolds. The Washington Correspondent of the Baltimore Sun charged:

... In several precincts in Hill County, where Hamilton, for Governor, had quite large majorities, the ballot boxes were taken away before the polls closed and when they were returned and the vote counted, the result was in favor of Davis.

58 The American Annual Cyclopedia and Register of Important Events of the Year 1869, IX, 677.
59 Ramsdell, pp. 279-281.
60 Ibid., pp. 285-286.
61 Baltimore Sun, as reprinted in Dallas Herald, January 15, 1870.
The worst fears of the conservatives were confirmed when on January 8, 1870, Reynolds announced that the constitution had been approved by a vote of 72,466 to 4,928, and that Davis had been elected governor by a vote of 39,901 to 39,092 for Hamilton. Reynolds deemed an investigation of the validity of the election unnecessary.

Upon announcement of the results, Davis went to Austin to become provisional governor until the Congress should accept the constitution and officially readmit Texas. Reynolds was still officially in charge, and on February 8, 1870, he issued the order for the convening of the newly elected legislature. Reynolds was responsible for decisions on any contested seats and for the appointment of all officers. Several Hamilton supporters were denied seats. One of the first duties of this body was to elect senators. Morgan Hamilton and J. W. Flanagan were elected. Following this action and ratification of the Fourteenth and Fifteenth Amendments, the legislature adjourned on February 24.

On March 30, 1870, the bill admitting Texas to the Union was signed by Grant and her senators and representatives were seated. On April 16, 1870, Reynolds issued an order declaring that all civil power was given to those duly elected by the people. Reconstruction in Texas was legally at an end.

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62 Ramsdell, p. 286.  
63 Ibid., pp. 288-289.  
64 Ibid., p. 291.  
65 Ibid., p. 292.
The culminating phases of reconstruction in Texas were reached violently and with much unrest and unhappiness on the part of many citizens. The cause of much of this was the turmoil which overshadowed the constitutional convention which was held in Texas during the latter days of the reconstruction period. This gathering did indeed waste a tremendous amount of time and money before getting down to the task of drafting a constitution. The last days of the convention, its uproarious adjournment and the necessity of promulgation of the document by the military added to its already somewhat odious reputation. However it is doubtful that the presence of the military in Texas added to the confusion. Indeed, without the military the convention might have adjourned without completing its appointed task. The unrest, accentuated in the convention, gained momentum in the election which was held soon after its adjournment, and the closeness of the final results in the race for governor led to the belief by many that a fraud had been perpetrated. Although this charge was never proven, the fact that an investigation was not held merely strengthened the belief that it was true. Thus the unrest continued until Democrats regained control of the state in 1874.

In viewing reconstruction as a whole, one must recognize the fact that some form of rebuilding is a necessity after any war. The rebuilding here was made more difficult by the fact that it had been a civil war, for the personal ties
between the two factions were stronger and possibly the situation was viewed with less objectivity by the parties of both sides than it might have been under other conditions. Deep-seated bitterness existed in both the North and the South after the war. In the North this feeling was accentuated by the fact that even though the war was over and the South had lost they still refused to accede to the most important change wrought by the war--the freeing of the slaves and the granting of citizenship to the Negro. Had Lincoln's plan of reconstruction been given ample opportunity, it might have worked, but such opportunity was prevented by his death. President Johnson lacked the strength and backing with which to carry out such a plan, and early attempts made by him to restore civil governments were futile, the former rebels still seeming intent on retaining conditions as they had been before the war.

After several years of trial and error, with still only one state, Tennessee, back in the Union, it might have been expected that a more stringent plan would be adopted. The idea of military rule was unsavory, but it did accomplish the task which was set before it. Military rule centered around the military commander, and most of these men seemed bent on restoring the states as quickly as possible. The way in which they did this was not always met with favor by the people, for they were military men and accustomed to their orders being obeyed without question. Thus it was not
always possible for them to gain favor with local citizens. During the period of military rule an unsavory element of humanity was present in the South, but their presence can hardly be connected with the military, for such an element follows almost any war.

The truly tragic aspect of reconstruction is that it was extended over such a long period of time. Conflict between the executive and legislative branches of the government led to many blunders, trials and errors which might have been avoided had there been a consensus between the two. The length of the reconstruction period only served to increase the bitterness between the two sections. Actually the Negro has not yet attained first class citizenship in many parts of the Southland, and this may be blamed partly on the bitterness which remains almost a hundred years after the seeds were sown. The reconstruction era remains today as a disputed period in history, with full blame or credit being impossible of assessment, for it was the inevitable outgrowth of the period when democracy almost came to an end.
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