

OFFICE OF THE LIEUTENANT GOVERNOR OF TEXAS:

A HISTORY, PRE-STATEHOOD TO 1949

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The office of a state lieutenant governor often fails to evoke images of power, influence, or prestige. However, in Texas the office is regarded by many as the most powerful political office in the state. The Texas lieutenant governor derives his power from several sources, including the Texas Constitution, Senate rules, statutes, and the personality of the officeholder. This work explores the role of the Texas lieutenant governor in the pre-modern period with an examination of the office's legalistic and pre-statehood roots. Aspects explored include the backgrounds of the men who became lieutenant governor, the power the officeholders exerted during their time in office, and whether or not the office became a platform for future political success. The men who served as lieutenant governor during the first century of statehood for Texas did not have the power enjoyed by their more recent contemporaries. However, some of them laid a foundation for the future by exploiting political opportunities and amending legislative practices. As Texas grew into a modern and urban state, the power and influence of the office of lieutenant governor also grew.

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TABLE OF CONTENTS

	Page
ACKNOWLEDGEMENTS	iii
CHAPTER 1 INTRODUCTION	1
CHAPTER 2 ROOTS: ORIGINS OF THE OFFICE TO 1846.....	5
CHAPTER 3 EARLY STATEHOOD, 1845-1876.....	27
CHAPTER 4 NEW BEGINNINGS, 1876-1917	51
CHAPTER 5 TOWARD THE MODERN ERA, 1917-1949	79
CHAPTER 6 EPILOGUE: THE MODERN ERA, 1950-2015	114
BIBLIOGRAPHY	121

CHAPTER 1

INTRODUCTION

The office of a state lieutenant governor often fails to evoke images of power, influence, and prestige. Even those who have held the office have not always been impressed with its trappings. During his years as lieutenant governor of Massachusetts, Calvin Coolidge was reported to have encountered an attractive woman at a dinner party. The woman inquired, “Tell me, what do you do?” The future president replied, “I’m the lieutenant governor.” The woman further inquired, “That’s wonderful. Tell me *all* about it.” Coolidge retorted, “I just did.”¹

One would never hear such a story concerning a modern lieutenant governor of Texas. It is often said that “everything is bigger in Texas.” This saying holds true concerning the power and influence wielded by the Texas lieutenant governor, especially when the office is compared to that of other states.² During the 2010 election cycle, the *Dallas Morning News* wrote that the Texas lieutenant governor’s office is “considered by many the most powerful elected official in the state,” noting that the modern lieutenant governor “presides over the Senate, appoints its committees, controls the flow of legislation in the chamber and is a member of several powerful state boards.”³ This observation is not new in Texas politics. Writing in 1967, J. William Davis noted in his book, *There Shall also be a Lieutenant Governor*, that “The lieutenant governor is certainly one of the most important and influential legislative officers of the state.”⁴ During the

¹ Gail B. Manning and Edward F. Feigenbaum, *The Lieutenant Governor: Its Office and Its Powers* (Lexington, Kentucky: Council of State Governments, 1987), 1.

² Liberal Arts Instructional Technology Services, “Powers of the Number Two.” University of Texas at Austin, http://www.laits.utexas.edu/txp_media/html/exec/features/0902_01.html (accessed June 11, 2013).

³ Terence Stutz, “Democratic Primary for Texas Lieutenant Governor,” *Dallas Morning News*, February 14, 2010.

⁴ J. William Davis, *There Shall Also be a Lieutenant Governor* (Austin: Institute of Public Affairs, University of Texas, 1967), 103.

2012 election cycle, when Ted Cruz was vying for the Republican nomination in the United States Senate race against Lieutenant Governor David Dewhurst, George Will went so far as to call the Texas lieutenant governor “an approximation of Caesar.”⁵

While the present day Texas lieutenant governor exerts a great deal of influence in state politics, this has not always been the case. The lieutenant governor during the first few decades of Texas statehood exercised little power, except in the rare instances when he was called upon to take the place of a governor when there was a vacancy. When Texans assembled in 1875 to write another state constitution, several members of the constitutional convention spoke in favor of eliminating the office of lieutenant governor. Excuses for eliminating the office included “the need for retrenchment and reform” and the view that the office was a “useless expenditure.”⁶ During the writing of the 1876 constitution, convention delegates voted twice on the question of eliminating the office of lieutenant governor. The position narrowly survived the strong push to eliminate it by a vote of thirty-three to thirty-five.⁷ Under the 1876 constitution, the lieutenant governor remained in many cases little more than a warm body, waiting in the wings to fill in when there was an absence in the office of governor.

The 1876 Texas state constitution originally granted few formal powers to the lieutenant governor. The constitution designated the lieutenant governor to serve as president of the Texas Senate with the right to vote and debate only when the Senate is organized in the committee of the whole, to cast the tie breaking vote when the Senate is equally divided, and to exercise the

⁵ George Will, “Texans in Senate Race Quite Similar,” *Denton Record-Chronicle*, July 26, 2012.

⁶ Seth Shepard McKay, ed., *Debates in the Texas Constitutional Convention of 1875* (Austin: University of Texas Press, 1930), 96.

⁷ Ibid., 152.

powers of the governor when there is an absence in the office.⁸ These constitutionally conferred powers are vague and general. The shapers of the 1876 constitution most likely did not anticipate the office becoming the great seat of power that it has become. The true sources of the modern lieutenant governor's power are the Senate rules, statutes, amendments to the Texas state constitution adopted in 1974, and the personality of the office holder. Some of these factors have shaped the office through the years, but most have had a significant impact since 1974.

There has been very little written on the office of lieutenant governor in Texas, and much of what has been published is not very analytical. The only full length work on the office of lieutenant governor in Texas was written by J. William Davis. His work, *There Shall also be a Lieutenant Governor*, published in 1967, is primarily a political analysis of the office. While rich in political commentary, the history it provides of the office and its occupants is not very extensive in detail. The most widely available information on the office would be a college textbook on Texas government. Sadly, such books usually only devote a page or two to the office.

This study will focus on the era from 1846 to 1949, exploring the role of the Texas lieutenant governor during the pre-modern period. Questions to be addressed include the backgrounds of the men who became lieutenant governor, whether they were actually able to exert power while they served in the office, and whether the office became a good platform for later political success. The office of lieutenant governor has been a constant in all Texas constitutions since statehood. Besides the formal requirements specified in the state constitution, previous service in one or both chambers of the Texas legislature seems to have become an informal requirement of the office. Experience in law is a valuable asset for anyone seeking the

⁸ *Constitution of Texas (1876)*, Article IV, Sections 16-17, Texas Constitution Project, 1824-1876, <http://tarlton.law.utexas.edu/constitutions/texas1876/a4> (accessed April 1, 2015).

office. A background in business or banking is a secondary path for any seeker of the office. Some of the occupants of the office of lieutenant governor have been able to use the post as a launching pad to propel their political careers towards the Governor's Mansion and even federal offices. However, efforts by most lieutenant governors to seek higher offices never cleared this launching pad. While the office has not always been one of great influence, as Texas grew into a more modern and urban state in the twentieth century, the influence and reach of the office also increased.

The first chapter will provide a legalistic background for the office of lieutenant governor in Texas. The subsequent chapters will recount the experiences of each man who held that office, focusing on the questions already mentioned. An epilogue will give some final reflections in light of the contemporary power of some of the most prominent lieutenant governors in Texas, all of whom, not surprisingly, have held the office in the modern era.

The office of Texas lieutenant governor may not always evoke images of power and excitement, but one is hard pressed to argue that the office has not had a great impact on politics in Texas. Some Texas lieutenant governors may have been forced to take a Coolidge approach to describing their time in office. However, other lieutenant governors, because of their personality, growth in state government, and other circumstances, would have a much more colorful tale to share.

CHAPTER 2

ROOTS: ORIGINS OF THE OFFICE TO 1846

Texas is one of forty-five of the fifty states in the United States that has an official designated as the lieutenant governor (Arizona, Maine, New Hampshire, Oregon, and Wyoming have no provision for the position).¹ The origin of the office and title of lieutenant governor, however, is not exactly clear.² Its roots may lie in the common law of Britain, as interpreted in the early laws of the American colonies and continued in many of the United States. But there is also a Mexican heritage in Texas law, and it provides for a similar office. Finally, there is the influence of the turbulent circumstances in the Texas push for independence and its existence as an independent republic, with a vice president, for almost a decade. All of these factors would influence the definition of the office of lieutenant governor that was included in the first state constitution, which went into effect in 1846.

The office of lieutenant governor may have its origins in sixteenth century England, where a 1557 act during the reign of the Tudor monarchs created the office of “lord lieutenant.” The lord lieutenant was instituted to centralize royal power and was given the responsibility of training and leading the local military. The official was also responsible for enforcement of the law in his shire, or district.³ While originally a military officer, over time the lord lieutenant became a judicial officer and supervised the local justices of the peace. The lord lieutenant was the official with whom the king’s council corresponded, and appointments to justice of the peace

¹ Council of State Governments, *The Book of the States, 2014* (Lexington, Kentucky: Council of State Governments, 2014), 182.

² J. William Davis, *There Shall Also be a Lieutenant Governor* (Austin: University of Texas at Austin, 1967), 1.

³ Colin Rhys Lovell, *English Constitutional and Legal History* (New York: Oxford University Press, 1962), 271.

were often made on his recommendation.⁴ While it is attractive to accept this office as the predecessor for the Texas official, one source on the office of lieutenant governor admits, “Although often cited as the forerunner to the modern office of lieutenant governor in the states, the lord lieutenant actually bore a closer resemblance to the colonial American governor.”⁵

The office of lieutenant governor is first noted in American political history during the colonial period. The most common form of colonial government was composed of a governor, deputy-governor, a council, and a general assembly.⁶ However, the title for the office is not consistent in American colonial charters, which referred to either the lieutenant governor or deputy governor.⁷ Among the earliest references to such an office was in Massachusetts’ 1629 charter, but the title of “lieutenant governor” was first used with the Massachusetts Charter of 1691. This document stated that the lieutenant governor would ascend to the office of governor if it became vacant. By 1701 other colonial charters, including those of Connecticut, Rhode Island, Pennsylvania, and Delaware, had references to the position of deputy governor or the “governor and his deputy.” Colonial charters would continue to make provisions for a lieutenant or deputy governor.⁸

The powers of a colonial lieutenant governor were limited. His most immediate power was to serve a substitute for the governor on a temporary basis. In some colonies, the lieutenant

⁴ F.W. Maitland, *The Constitutional History of England* (Cambridge: The University Press, 1963), 234-35.

⁵ Gail B. Manning and Edward F. Feigenbaum, *The Lieutenant Governor: Its Office and Its Powers* (Lexington, Kentucky: Council of State Governments, 1987), 2.

⁶ Warren Rex Isom, “The Office of Lieutenant Governor in the States,” *American Political Science Review* 32 (October 1938): 921.

⁷ Davis, *There Shall Also be a Lieutenant Governor*, 2.

⁸ Manning and Feigenbaum, *Lieutenant Governor*, 3.

governor was a member of the governor's council or even its president.⁹ A governor's council served as a board of advisors for the governor and at times functioned as an upper house of the legislature. Political analyst J. William Davis writes, "The tradition of the lieutenant governor as presiding officer of the upper house probably had its roots in their function during the colonial period."¹⁰ Some colonial charters made no provision for a lieutenant governor at all. In his work on governorship in English North American colonies, Evarts Boutell Greene notes, "in general his office [lieutenant governor] seems to have been of comparatively little importance."¹¹

As colonial charters transformed into state constitutions during the period of the American Revolution, the office of lieutenant governor remained. Writing of the office in 1917, political scientist Charles Kettleborough noted that the primary function of the first lieutenant governors was to succeed to the governorship if a death, removal, absence, disability, or even impeachment occurred. Serving as presiding officer of the state Senate and casting tie-breaking votes was originally a secondary function of the office.¹² Warren Rex Isom, another political analyst, concluded that the office continued to be a part of many state governments for three key reasons. First, people desire elected officials. Secondly, it provided a presiding officer for the senate without robbing the constituents of a district of their senator. Lastly, there was a great deal of precedent for the office, including its use in large and influential states and the fact that the United States government had a vice president.¹³

⁹ Evarts Boutell Greene, *The Provincial Governor in the English Colonies of North America* (New York: Longmans Green and Co., 1898), 58.

¹⁰ Davis, *There shall also be a Lieutenant Governor*, 3.

¹¹ Greene, *Provincial Governor*, 58.

¹² Charles Kettleborough, "Powers of the Lieutenant Governor," *American Political Science Review* 11 (February 1917), 88.

¹³ Isom, "Office of Lieutenant-Governor," 922.

Texas was governed by Spain and Mexico, and spent time as an independent republic, prior to becoming a part of the United States. A complete study of the origins of the Texas lieutenant governor should encompass the role that the junior executive official played in the administration of these governments. The Spanish first opened the doors to Anglo colonization in Texas in 1820. Mexico achieved its independence from Spain in 1821, bringing Texas under Mexican rule.¹⁴ Texas was an attractive option for Anglo Americans looking to escape the effects of the Panic of 1819. Land in Texas was cheap and payment options existed, unlike the United States where land purchases required one hundred dollars upfront for an eighty acre plot. An independent Mexico, seeing the populating of its northern provinces as essential, enacted immigration policies at the federal and state level that provided generous amounts of land to settlers at inexpensive prices.¹⁵

Constitutional government was introduced in Texas with the Mexican federal Constitution of 1824. This constitution, which bore a strong resemblance to the United States Constitution of 1789, created a republican government with legislative, judicial, and executive branches. The president and vice president were chosen by the state legislative assemblies. States constitutions were required to incorporate the principle of separation of powers and be in accord with the federal constitution.¹⁶ Anglo Americans found this constitution attractive as it placed more power in the hands of states than the central government.¹⁷

¹⁴ Margaret Swett Henson, "ANGLO-AMERICAN COLONIZATION," Handbook of Texas Online (<http://www.tshaonline.org/handbook/online/articles/uma01>), accessed June 24, 2013. Published by the Texas State Historical Association.

¹⁵ Randolph B. Campbell, *Gone to Texas: A History of the Lone Star State* (New York: Oxford University Press, 2003), 104-107.

¹⁶ S. S. McKay, "CONSTITUTION OF 1824," Handbook of Texas Online (<http://www.tshaonline.org/handbook/online/articles/ngc02>), accessed June 24, 2013. Published by the Texas State Historical Association.

¹⁷ Campbell, *Gone to Texas*, 106.

With the creation of the Constitution of 1824, which allowed each Mexican state to create its own constitution, the northern frontier state of Coahuila was combined with the former province of Texas to create the state of Coahuila y Texas. The constitution for the new state appeared in March 1827. It divided Coahuila y Texas into three political departments, vested legislative power in a unicameral legislature, and created a judicial branch as well. Executive power was placed into the hands of a governor and vice governor.¹⁸ The vice governor was elected at the same time as the governor, but on a separate ticket. The vice governor served a term of four years, could not serve consecutive terms, and had to meet the same qualifications as the governor. These qualifications included being a citizen born in the Mexican republic's territory, being a minimum age of thirty, and having inhabited the state for at least five years, two of which immediately preceded the election. In the event that the governor assumed active command of the state militia, the vice governor was to assume control of the government, just as the vice president of Mexico would take charge of the central government in the absence of the president from Mexico City.¹⁹

The vice governor had some powers in the Mexican republic. He served as the president of the state executive council, a body that was to help the governor "better discharge the duties of his office," but he only cast a vote in the event of a tie. As was customary, the vice governor assumed the functions of the governor if there was a vacancy in the office or when "in the opinion of congress or the permanent deputation [the governor] is impeded from serving." However, if the governor died or had an "absolute inability" during the first two years of his

¹⁸ S. S. McKay, "CONSTITUTION OF COAHUILA AND TEXAS," Handbook of Texas Online (<http://www.tshaonline.org/handbook/online/articles/ngc01>), accessed June 23, 2013. Published by the Texas State Historical Association.

¹⁹ *Constitution of the State of Coahuila and Texas (1827)*, Title II, Section I, Texas Constitutions, 1824-1876, <http://tarlton.law.utexas.edu/constitutions/coahuila1827/t2s1> (accessed March 29, 2015).

term, the state constitution directed that a new governor had to be elected during the next election for deputies to Congress. The vice governor also served as the chief of police for the state capital. If he later assumed the powers of the governor, the office of the chief of police was assumed by a deputy appointed by the vice governor and confirmed by the council.²⁰

Texans' first attempt at constitution making for themselves came in 1833, and they continued the custom of providing for a lieutenant governor that was embedded in both Anglican and Mexican laws. A group of settlers assembled at San Felipe in April 1833. The assembly, known as the Convention of 1833, issued petitions calling for immigration reform, judicial reform, improvement in the postal system, tariff exemptions, and a resolution prohibiting the trafficking of African slaves into Texas. Also passed by the delegates to the convention was a petition to separate Texas from the state of Coahuila. The delegates, assuming the request for separate statehood would be granted, formed a committee chaired by Sam Houston to prepare a constitution for presentation to the Mexican Congress.²¹

The proposed constitution, an Anglo-American document, was modeled on the Massachusetts Constitution of 1780. It created a bicameral legislative branch, a judiciary, and an executive branch. Executive power was placed in the hands of a governor. Contained within the proposed constitution was a lieutenant governor. The lieutenant governor was elected at the same time as the governor on a ballot separate from the governor, served a two year term, and possessed the same qualifications as the governor. The constitution mandated that the governor be a Mexican citizen, at least twenty-seven years old (which may have reflected the generally lower ages of settlers on the Texas frontier), and a resident in Texas for three years preceding the

²⁰ Ibid.

²¹ Ralph W. Steen, "CONVENTION OF 1833," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/mjc10>), accessed July 30, 2013. Published by the Texas State Historical Association.

election. The lieutenant governor was to serve as the ex officio president of the senate and cast tie-breaking votes when there was a tie in the senate or in the joint voting of both houses. As had become customary, if the office of governor became vacant, the lieutenant governor was first in line to assume the powers and duties of the governor. If the office were to become vacant during the first ten months of the governor's term, the person exercising the governor's powers was to call an election to fill the vacancy.²²

Ultimately, the proposed constitution and the petition for separate statehood from Coahuila were rejected by the Mexican government, which had recently come under the control of Antonio Lopez de Santa Anna. Stephen F. Austin took this proposal and the others from the Convention of 1833 to Mexico City. A frustrated Austin, after Santa Ana's rejection, wrote a letter to officials in San Antonio, urging them to organize a separate government. This act landed Austin in a Mexican jail and under house arrest in Mexico City for a total of nearly eighteen months. Austin's arrest was a significant event on the road to the Texas Revolution and the establishment of the Republic of Texas.²³ Writing on the matter, Stephen F. Austin biographer Gregg Cantrell writes, "His long and arbitrary imprisonment, in which he was deprived of anything that an American would recognize as due process, played an important role in his determination [that Texas must be free from Mexico]."²⁴

Politically, the dream of establishing an independent Texas came closer to fruition with the holding of the Consultation in 1835. The men at the Consultation were divided as to their

²² *Constitution or Form of Government of the State of Texas (1833)*, Article 69, Texas Constitutions, 1824-1876, <http://tarlton.law.utexas.edu/constitutions/texas1833/executive> (accessed March 29, 2015).

²³ Margaret Swett Henson, "ANGLO-AMERICAN COLONIZATION," Handbook of Texas Online (<http://www.tshaonline.org/handbook/online/articles/uma01>), accessed June 24, 2013. Published by the Texas State Historical Association; extended details on Austin's arrest can be found in Gregg Cantrell, *Stephen F. Austin: Empresario of Texas* (New Haven: Yale University Press, 1999), 267-296.

²⁴ Cantrell, *Stephen F. Austin*, 309.

opinions on the merits of the brewing revolution. Opponents, moderates, and radicals were present.²⁵ The divisiveness of the group produced a document that Paul D. Lack writes “reflected the illogic of compromise.”²⁶ The document, known as the Declaration of November 7, 1835, asserted the right of Texans to create “an independent government...but [they] will continue faithful as long as that nation is governed by the Constitution [of 1824].”²⁷ Clearly this was a precursor to the Texas Declaration of Independence on March 2, 1836.

The next step undertaken by the 1835 Consultation was establishing a provisional government. The "Plan and Powers of the Provisional Government of Texas" created a government which consisted of a governor, lieutenant governor, and a General Council. The General Council was to be composed of one member from each municipality. The General Council's primary task was to “advise and assist the Governor.” It did not have the power to pass laws unless an “emergency of the country requires” it. The lieutenant governor was to serve as president of the Council. In case of the death of the governor, or his absence or inability, the lieutenant governor would perform his duties. On such an occasion, the Council was to appoint a president pro-tem to perform the duties of the lieutenant governor.²⁸ The man chosen by the 1835 Consultation to serve as lieutenant governor was James W. Robinson, an attorney from Indiana. Before heading South, Robinson managed to marry and father five children that he

²⁵ Paul D. Lack, "CONSULTATION," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/mjc08>), accessed August 13, 2013. Published by the Texas State Historical Association.

²⁶ Paul D. Lack, *The Texas Revolutionary Experience: A Political and Social History 1835-1836* (College Station: Texas A&M University Press, 1992), 49.

²⁷ Campbell, *Gone to Texas*, 137.

²⁸ *Declaration, with Plans and Powers of the Provisional Government of Texas (1836)*, Article II, Texas Constitutions, 1824-1876, <http://tarlton.law.utexas.edu/constitutions/dpppgt1836/plan> (accessed March 30, 2015).

abandoned when he left for Arkansas. In Arkansas he again married. He arrived in Texas in January 1833 and was chosen as a delegate from Nacogdoches to the Consultation.²⁹

The framework for the provisional government suffered from a fatal flaw—the powers of the governor and General Council were vague. The governor was expected to share power with the Council, creating a system where no separation of executive and legislative power existed.³⁰ A divide existed between the governor and the Council as the governor, Henry W. Smith, was pro-independence and the Council favored cooperation with the Mexican government led by Santa Anna. Governor Smith's vetoes were consistently overridden by the Council, and his appointments were rejected.³¹ The tension led to an impasse when Smith attempted to suspend the entire Council. Calling the members of the Council "scoundrels," Smith took it upon himself to assume control of the provisional government. The Council responded by impeaching Smith and removing him from power.³²

Lieutenant Governor Robinson was called upon to serve as acting governor. A feud ensued between the impeached governor and acting governor. Smith refused to turn over executive documents.³³ Acting Governor Robinson went so far as to obtain the opinion of the Advisory Committee on the appropriateness of instructing the postmaster general that all letters addressed to Governor Smith should be intercepted and delivered to him.³⁴ Governor Smith

²⁹ L. W. Kemp, "ROBINSON, JAMES W.," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fro37>), accessed August 13, 2013. Published by the Texas State Historical Association.

³⁰ Campbell, *Gone to Texas*, 137.

³¹ Lack, *Texas Revolutionary Experience*, 58-60.

³² Cantrell, *Stephen F. Austin*, 338.

³³ Lack, *Texas Revolutionary Experience*, 62.

³⁴ William C Binkley, ed., *Official Correspondence of the Texas Revolution, 1835-1836*, 2 vols. (New York: D. Appleton-Century Company, 1936), 1:312.

asserted his innocence, declaring that “some of my council even deserves death for aiding & abetting.” Both sides hoped that the upcoming March 1836 convention would vindicate them.³⁵ Commenting on the Smith-Robinson feud, Stephen F. Austin biographer Greg Cantrell notes, “The Mexican government, whose instability Anglo-Texans so often criticized, seemed almost serene in comparison to the virtual anarchy in Texas. Had the plight of Texans not been so deadly serious, it would have been comical.”³⁶

As directed by the General Council, a convention assembled at Washington-on-the-Brazos on March 1, 1836. With little debate, the convention delegates signed a declaration of independence announcing Texas to be “a free, Sovereign, and independent Republic.” One day after formally severing ties with Mexico, the convention sent notices to Governor Smith and Lieutenant Governor Robinson “that their functions as provisional officers ceased the first day of March.” The delegates requested that all of the documents and papers associated with the former government be delivered to them, thus quietly dismissing efforts for a formal impeachment of the provisional governor. Lieutenant Governor Robinson later sent the convention a detailed letter justifying his actions in assuming the provisional governorship, stating that he had done so reluctantly but acted because it was his “paramount duty” after the governor had been suspended by a “competent authority.” Robison believed that history would prove him right, and he urged the convention to form a new government that would “restore harmony.”³⁷ Following his removal from office, he entered into the service of the Texas Army, fought at San Jacinto, and

³⁵ Lack, *Texas Revolutionary Experience*, 63.

³⁶ Cantrell, *Stephen F. Austin*, 338.

³⁷ H.P.N Gammel, *The Laws of Texas, 1822-1897, Volume 1* (Austin: Gammel Book Company, 1898), 823-855.

sat on the Republic of Texas Supreme Court, indicating that his controversial assumption of power had not harmed his political fortunes.³⁸

Having declared independence, the convention crafted a constitution for the Republic of Texas in March 1836. The document produced was similar to the United States Constitution, but it contained key differences that restricted the power of the government.³⁹ The president served a single three year term and could not succeed himself. The Republic had a bicameral congress. Members of the House of Representatives were elected annually, and Senators served three year terms. There was also a vice president, whose duties included serving as president of the Senate. As president of the Senate, the constitution prohibited the vice president from voting in all cases except a tie. While the vice president was elected separately from the president, the constitution mandated that he be elected at the same time, in the same manner, serve concurrent terms, and possess the same qualifications as the president. These legal requirements for president were somewhat looser than those of the United States Constitution—while the president was required to be thirty-five years of age, he was required to have been a citizen at the time the constitution was adopted or an inhabitant of the republic for at least three years prior to the election. As usual, the vice president assumed the powers of the president in the event that president was removed from office, was absent from the republic, or resigned. In the event that the president was impeached, the vice president was to assume the powers of the president until he was acquitted. Like the president and all other civil officers, the vice president could be impeached and upon conviction removed from office.⁴⁰

³⁸ Kemp, "ROBINSON, JAMES W."

³⁹ Campbell, *Gone to Texas*, 148.

⁴⁰ *Constitution of the Republic of Texas (1836)*, Article VI, Section 16, Texas Constitutions, 1824-1876, <http://tarlton.law.utexas.edu/constitutions/texas1836/a6> (accessed March 30, 2015).

The final action taken by the convention delegates was to choose officials for the interim government that would serve from March 16, 1836 through October 1836.⁴¹ The convention chose David G. Burnet as interim president and Lorenzo de Zavala as interim vice-president of the nascent nation. They also appointed five people to cabinet positions. Burnet was a land speculator and a quarrelsome leader.⁴² Zavala, an experienced Mexican politician and diplomat, came to Texas in July 1835 by way of France, where he had been serving as the minister plenipotentiary of the Mexican legation in Paris. Zavala quickly became involved in Texas revolutionary politics, serving both on the General Council and as a delegate to the Convention of 1836. While Zavala had not immediately endorsed Texas independence, his opinion had changed in time for him to sign the Texas Declaration of Independence on March 2, 1836.⁴³

Burnet's leadership was not equal to the challenges faced by the ad interim government. Raymond Estep, a Zavala biographer, notes that the Latino vice president "characterized the president as the most frivolous, presumptuous, and ill-informed man in high office he had ever known."⁴⁴ A frustrated Zavala issued his first of three angry resignations barely a month into the vice presidency—on April 20 or 21, 1836. Zavala's resignation letter to Burnet stated that he was quitting because he was "Persuaded that my Presence in the Cabinet at present will be of but little service & that I can better employ my time in other services of my country."⁴⁵ Open

⁴¹ "AD INTERIM GOVERNMENT," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/mza01>), accessed September 23, 2013. Published by the Texas State Historical Association.

⁴² Campbell, *Gone to Texas*, 148.

⁴³ Raymond Estep, "ZAVALA, LORENZO DE," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fza05>), accessed September 23, 2013. Published by the Texas State Historical Association.

⁴⁴ Raymond Estep, "The Life of Lorenzo de Zavala" (Ph.D. Diss., University of Texas, 1942), 366.

⁴⁵ W.C. Binkley, ed., *Official Correspondence of the Texan Revolution, 1835-1836*, 2 vols. (New York: D. Appleton-Century Company, 1936), 2:642-643.

quarreling with the other cabinet members over his support of releasing Santa Anna, who was being held prisoner by the Texans, led Zavala to resign his office a second time on June 2, 1836.⁴⁶ Angrily expressing his disgust, the vice president declared, “The present government has lost the moral confidence of the People and is therefore no longer able to carry into effect their measures.”⁴⁷ Burnet did not accept the resignation. However, there were few official duties required of the vice president, which allowed him to tend to his ill health. Zavala issued his third and final resignation on October 17, 1836, allowing Sam Houston and Mirabeau B. Lamar to succeed the interim administration. Sadly, the vice presidency would not be a stepping stone for Zavala; he died due to complications from a canoe accident on November 15, 1836.⁴⁸

In the first election for vice president of the Republic of Texas, Lamar emerged victorious over his opponent, Alexander Horton. Lamar, a native of Georgia, entered the vice presidency with prior political and military experience. He twice ran for a seat in the United States Congress from Georgia, losing both times, but he did serve in the Georgia legislature. After coming to Texas in 1835, Lamar demonstrated heroism at San Jacinto. He then served as secretary of war in the interim government of Burnet and was appointed commander in chief of the Texas army.⁴⁹ In his inaugural address, he noted that the duties of his new office were “plain and simple—of easy execution—requiring no high responsibility.” He noted that the office offered no “official means, to accomplish much either of good or evil.” But Lamar also went so

⁴⁶ Estep, “The Life of Lorenzo de Zavala,” 376.

⁴⁷ Binkley, *Official Correspondence of the Texan Revolution, 1835-1836*, 2:642-643.

⁴⁸ Estep, “The Life of Lorenzo de Zavala,” 380-383.

⁴⁹ Herbert Gambrell, "LAMAR, MIRABEAU BUONAPARTE," Handbook of Texas Online (<http://www.tshaonline.org/handbook/online/articles/fla15>), accessed October 24, 2013. Published by the Texas State Historical Association.

far as to describe the vice presidency as a position of “honor.”⁵⁰ In his first address to the Senate, the new vice president stated that it was not his intention to influence debate or push his own agenda. He also urged the senators to avoid lowering themselves to the use of personal attacks when differences of opinion arose and to avoid partisan politics.⁵¹

The vice-presidency provided Lamar with a great deal of time to collect historical works and study Spanish.⁵² The Senate granted Lamar a leave of absence from Texas, permitting him to visit his native Georgia for several months in 1837 so that he could attend to his “private affairs...[that] had suffered much from unavoidable neglect and inattention.”⁵³ The trip lasted longer than Lamar intended, affording the vice president the opportunity within his “social intercourse” to boast of the new republic.⁵⁴

While the vice-presidency was not a demanding office, Lamar was able to use his sway to throw a wrench into the plans of President Sam Houston. While an invasion from Mexico was always a possibility, a more imminent threat, according to Lamar and many of his allies, came from American Indians. During the Texas Revolution, Houston had negotiated a treaty with the Cherokee that guaranteed them lands in northeast Texas. Amid the chaos of the war against Mexico, the Provisional Government had never ratified the treaty. Shortly after becoming president, Houston sent the treaty to the Senate of the Republic and urged that it be quickly

⁵⁰ Charles Adam Gulick, Jr. and Katherine Elliot, eds., *The Papers of Mirabeau Bonaparte Lamar: Edited from the original papers in the Texas State Library*, 6 vols. (Austin: A.C. Baldwin and Sons, 1921), 1:467-468.

⁵¹ Ibid., 1:470-474; Stanley Siegel, *The Poet President of Texas: The Life of Mirabeau B. Lamar, President of the Republic of Texas* (Austin: Jenkins Publishing Company, 1977), 33.

⁵² Gambrell, "LAMAR, MIRABEAU BUONAPARTE;" Siegel, *Poet President of Texas*, 33.

⁵³ Gulick and Elliot, *Papers of Mirabeau Bonaparte Lamar*, 2:166-168.

⁵⁴ Ibid., 1:579.

ratified. At the urging of Lamar, the Senate delayed action on the treaty for nearly a year and ultimately rejected it.⁵⁵

Thus as vice president, Lamar showed his allies that he could be influential, and the office provided him with an effective start in Texas politics. Following his service as vice president, Lamar served one term as the president of the Republic. The presidency was not the end of the road for Lamar's public service. He served in Zachary Taylor's army during the Mexican War. In 1847 Lamar was elected to the Texas Legislature. In 1857 he was given a diplomatic appointment, being named as United States minister to Nicaragua and Costa Rica.⁵⁶

With Lamar ascending to the presidency, David G. Burnet entered the office of vice president in December 1838. Burnet was from a family of politicians, including a father who had served in the Continental Congress. Entering Texas in 1826, Burnet tried to be a Mexican empresario and failed in his efforts. While not a radical, he became involved in the events of the Texas Revolution, being elected to the Convention of 1833 and appointed as the president of the interim government by the Convention of 1836. As the first president of an independent Texas, Burnet's time in office was filled with troubles, but he re-entered politics in 1838, successfully running for vice president as the Lamar candidate.⁵⁷

Burnet was an active vice-president. In May 1839 President Lamar tapped him to temporarily serve as secretary of state as no "suitable person" could be found at the time.⁵⁸ Burnet acceded to Lamar's request, believing that the duties of secretary of state would "not

⁵⁵ Siegel, *Poet President of Texas*, 34-36.

⁵⁶ Gambrell, "LAMAR, MIRABEAU BUONAPARTE."

⁵⁷ Margaret Swett Henson, "BURNET, DAVID GOUVERNEUR," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fbu46>), accessed October 17, 2013.

⁵⁸ Gulick, and Elliot, *Papers of Mirabeau Bonaparte Lamar*, 3: 33-34.

conflict with the very limited duties of the Vice Presidency” and that Lamar would quickly find a permanent successor.⁵⁹ By January 1840, Burnet was still carrying out the duties of both offices and implored Lamar to find a replacement.⁶⁰ Lamar later found even more uses for his vice president, appointing Burnet to serve as a commissioner to negotiate with the Cherokees, whom Lamar was trying to drive out of Texas.⁶¹ With Burnet simultaneously holding three positions in the Texas government, *The Morning Star* commented, “We are at a loss whether to attribute this extraordinary heaping of offices upon one individual to his own ambition, or to the scarcity of talent among the supporters of the Executive.”⁶²

In December 1840, Lamar called on Burnet to discharge the duties of the presidency due to his poor health. The *Telegraph and Texas Register* tensely noted that Burnet thus assumed the reins of “government under the most dark and inauspicious circumstances.”⁶³ Less than a week after assuming the duties of the presidency, Burnet submitted a message to the Texas Congress declaring that an attack by Mexico was imminent and that Texas must take immediate action. Burnet, along with submitting a plan of attack, invoked martial rhetoric, declaring “Texas proper, is bound by the Rio Grande—Texas, as defined by the sword, may comprehend the Sierra del Madre. Let the sword do its proper work.”⁶⁴ Burnet removed Lamar appointees while acting as president, thereby creating a rift between him and President Lamar. Lamar reluctantly endorsed

⁵⁹ Ibid., 3:4-5.

⁶⁰ Ibid., 3:306-307.

⁶¹ Mary Whatley Clarke, *David G. Burnet* (Austin: The Pemberton Press, 1969), 173.

⁶² *The Morning Star*, July 1, 1838.

⁶³ *Telegraph and Texas Register*, December 23, 1840.

⁶⁴ *Journals of the House of the Representatives of the Republic of Texas: Fifth Congress First Session, 1840-1841* (Austin: Curger and Wing, Public Printers, 1841), 292-294.

Burnet for the Texas presidency in 1841, but only after efforts to get others to run failed. In a race that Burnet lost, he faced off against Houston for the presidency in a campaign filled with name calling, accusations, and mudslinging.⁶⁵

In his final days as vice president, Burnet faced impeachment in the aftermath of the ill-fated Santa Fe expedition of 1841. Resolutions to impeach President Lamar, Vice President Burnet, and Secretary of the Treasury John G. Chalmers were brought to the Texas House floor for “sending of the Santa Fe Expedition, and drawing money from the Treasury without authority of law.” The House rejected the call for impeachment against all three men.⁶⁶ After leaving the vice presidency, Burnet served as secretary of state briefly, and in 1866 he was chosen by the Texas Legislature to be a United States senator. Since Texas had failed to meet the demands Reconstruction placed on the state, he was not seated in the Senate. Burnet died penniless in 1870.⁶⁷ Burnet showed that holding the office of vice president does not make one the heir apparent to the presidency of the Republic. However, he clearly demonstrated that the office of vice-president possessed the potential to influence the Republic’s government if the president was willing to tap the office for assistance in running state affairs.

Edward Burleson was elected to the vice presidency of the Republic in late 1841. A man with an impressive military background, he had entered Texas in 1830 by way of Tennessee. Burleson had served in the War of 1812, was later appointed a militia captain in the Missouri Territory, and became a colonel of militia in Tennessee prior to entering Texas. He was involved in many of the events and battles of the Texas Revolution, and he commanded a regiment at San

⁶⁵ Patsy McDonald Spaw, *The Texas Senate: Republic to Civil War, 1836-1861* (College Station: Texas A&M University Press, 1990), 99-100.

⁶⁶ Harriet Smither, ed., *Journals of the Sixth Congress of the Republic of Texas, 1841-1842, To Which Are Added the Special Laws, The House Journal, Volume II* (Austin: Capital Printing Company, Inc., 1944), 175-76.

⁶⁷ Henson, "BURNET, DAVID GOVERNEUR."

Jacinto. Under the independent Texas government, Burleson had served as a brigadier general in the militia, a representative and senator in the Texas Congress, and colonel of the First Regiment of Infantry that defeated rebels under the command of Vicente Cordova.⁶⁸

In accepting the nomination for the vice presidency, Burleson released a letter stating, "Under the Constitution, the office of Vice President is entirely distinct from that of President; and...is more legislative than executive in nature."⁶⁹ Thus Vice President Burleson would make himself distinct from the president, more so perhaps than any other vice president in the brief history of the Republic of Texas. Describing the vice-presidency of Burleson, Anson Jones biographer Herbert Gambrell has written:

Burleson presided awkwardly over the Senate, deciding points of order by the rule of common sense more often than by Jefferson's Manual...He seldom visited the executive offices. He was not, in fact a member of the administration party...He remained a frontiersman, hunting down Indians and Mexicans when the opportunity offered, and speaking his mind with a candor that impaired his political usefulness.⁷⁰

As vice-president, when called upon to cast a tie-breaking vote in the Senate, Burleson voted against the Houston administration nineteen of twenty times.⁷¹

The most public distinction that Vice President Burleson made from President Houston occurred in 1842 as Santa Anna ordered two separate invasions of Texas in retaliation for the Santa Fe expedition, to reestablish Mexican control over South Texas, and to claim sovereignty over Texas. The first invasion occurred in the spring and was commanded by General Rafael

⁶⁸ Helen Burleson Kelso, "BURLESON, EDWARD," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fbu40>), accessed October 29, 2013. Published by the Texas State Historical Association.

⁶⁹ *Telegraph and Texas Register*, July 21, 1841.

⁷⁰ Herbert Gambrell, *Anson Jones: The Last President of Texas* (Austin: University of Texas Press, 1988), 219.

⁷¹ John H. Jenkins and Kenneth Kesselus, *Edward Burleson: Texas Frontier Leader* (Austin: Jenkins Publishing Company, 1990), 292.

Vasquez. Burleson assumed command of a group of volunteers at San Antonio who were clamoring to cross the Rio Grande and chase after Vasquez. Burleson kept the volunteers in check while waiting for orders from President Houston. Houston instead sent General Alexander Somervell to assume command of the troops. While disagreeing with Houston's decision, Burleson deferred to Somervell. When the volunteers refused to accept Somervell as their commander, Burleson disbanded the troops.⁷²

Burleson let his disagreement with Houston be known publicly in an open letter. In the letter Burleson declared that had he been permitted to take Texas troops beyond the Rio Grande, he would have been successful. He placed the blame for a lack of redress against Mexico squarely at the feet of Houston. Revealing his disdain for Houston, Burleson stated, "I love my country more than I fear the President's displeasure...I still believe it of vital importance to the prosperity of Texas, that the campaign should be made upon the valley of the Rio Grande."⁷³

In September 1842, Santa Anna again sent troops into Texas, this time under the command of General Adrian Woll. Burleson again raised troops but was once more told by Houston to yield command to Somervell.⁷⁴ In 1844, Burleson made a bid for the presidency, running against Anson Jones. In a letter endorsing Jones for president, Houston let his agitation with Burleson be known. Expressing his frustration, Houston stated, "On almost every question affecting the policy of the present administration, which required the casting vote of the vice president, he gave it against the executive." Houston noted that the vice president had never

⁷² Ibid, 295-304.

⁷³ *Texas Telegraph and Register*, April 20, 1842.

⁷⁴ Jenkins and Kesselus, *Edward Burleson*, 314-321.

once come to visit him and that he “always associated with men opposed to me personally and politically.”⁷⁵

After leaving the vice presidency, Burleson continued to be active in Texas politics. In December 1845 he was elected to the state Senate and was chosen to be the body’s president pro tem, a position he held until his death in December 1851.⁷⁶ Burleson was a stubbornly independent vice president. Utilizing his largesse in personality, Burleson made it clear that the office of vice president was distinct from the presidency and that he was not a puppet of the administration. While the vice presidency did not propel Burleson to higher office, he demonstrated that the vice president could rival the president for power and influence.

The last man to hold the position of vice president in the Republic of Texas was Kenneth L. Anderson. Anderson, unlike the previous occupants of the office, missed the events of the Texas Revolution, arriving in Texas in 1837. He came to Texas by way of Tennessee, where he had served as a sheriff and a colonel in the militia. Upon his arrival in East Texas, Anderson became the sheriff for San Augustine County and studied law. President Lamar appointed him as the collector of customs for the district of San Augustine in 1839. In 1841 Anderson was elected to the House of Representatives.⁷⁷ As a freshman, he was elected Speaker of the House but served only one term before returning home to San Augustine to practice law. He eventually formed a partnership with J. Pickney Henderson and Thomas J. Rusk—who would go on to become a Texas governor and a United States senator respectively. In December 1842 Anderson

⁷⁵ Houston to Messrs. Black, Ruthven, Hadley and Others, August 5, 1844, *Writings of Sam Houston, 1813-1863, Volume IV* (Austin: University of Texas Press, 1941), 354-357.

⁷⁶ Kelso, “BURLESON, EDWARD.”

⁷⁷ Leslie H. Southwick, "ANDERSON, KENNETH LEWIS," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fan08>), accessed November 03, 2013. Published by the Texas State Historical Association.

was appointed to serve as a district attorney by President Houston. By 1843 he was being solicited to run for president but refused to run. Ultimately, Anderson agreed to run for the vice presidency alongside presidential candidate Anson Jones.⁷⁸

Jones held Anderson in high enough esteem that he had been one of those who asked him to run for the presidency. Jones commented, "Col. Anderson after General Houston would have been my first choice."⁷⁹ The race for the vice presidency became noncompetitive after Anderson's opponent, Patrick Jack, died of yellow fever, permitting him to sail to an easy victory.⁸⁰ In his inaugural address Anderson described the office he was about to enter as "one of peculiar delicacy and responsibility." He offered no policy recommendations in his address as he thought it was "unbecoming."⁸¹ During June 1845, when a special session of the Texas Congress was held in Washington-on-the-Brazos to consider the question of annexation, Anderson presided over the Texas Senate as that body approved annexation.

Following the special session, Anderson tried to return home but illness forced him to stop only twenty miles into his journey. His condition quickly declined, and he died on July 3, 1845. Before his death, it was presumed by some Texans that Anderson would become the first governor of the new state. According to John S. "Rip" Ford, it "was understood...that Anderson would be the first governor." Instead, Anderson's law partner, J. Pickney Henderson, would become the state's first governor.⁸²

⁷⁸ Leslie H. Southwick, "Kenneth Anderson, Last Vice President, Almost First Governor of Texas," *East Texas Historical Journal* 30 (Fall 1992): 56-59.

⁷⁹ Gambrell, *Anson Jones*, 353-355.

⁸⁰Southwick, "Anderson, Last Vice President," 59.

⁸¹ *Texas National Register*, December 14, 1844.

⁸²Southwick, "Anderson, Last Vice President," 60.

With Texas relinquishing its independence in favor of statehood under the United States, the office of vice president was replaced by the office of lieutenant governor, most probably due to the long tradition that stretched back through English law to the early days of the American colonies. This was reinforced by the practices of Mexico as a republic during the colonization of Texas. The vice presidents of the Republic of Texas had their own unique influence. They usually did not exercise great power over Texas government. However, they proved they could be obstructive, and some went on to hold other prominent offices. The largest source of power for the vice presidents of the Republic seems to have been largesse in personality. Men such as Lamar, Burnet, and Burleson maximized the power of the office not through exercise of the Senate rules or statute, but through pitting themselves against the president when opportunities arose. Because the writers of the first state constitution for Texas would copy the restrictive model of previous governments, the early lieutenant governors would not be able to pit themselves against the chief executive as did some of the vice presidents of the Republic.

CHAPTER 3

EARLY STATEHOOD, 1845-1876

In the final year of the Republic of Texas' existence, President Anson Jones called a convention to consider the offer of annexation made by the United States. The delegates convened in Austin on July 4, 1845. By a vote of fifty-one to one, they approved annexation. Following the approval of annexation, the convention set to work on constructing a new constitution for the state of Texas.⁸³ Of course, that new state constitution, like several previous ones for the governance of Texas, included a lieutenant governor, whose duties were defined after a lively debate among several veteran Texas politicians who served as delegates in 1845. Perhaps because of that lack of strong support for the office, Texas lieutenant governors during the antebellum period did not assert themselves in matters of policy, and few of them, with some significant exceptions, enjoyed prominent political careers after they stepped down. The turmoil of the Civil War led at least one lieutenant governor to assume a more activist role, but it did not lead to any greater subsequent political success for him, or a lasting expansion of the powers of the office.

In formulating a constitution for the state, delegates to the 1845 convention looked to the constitution of the state of Louisiana, the proposed constitution of 1833, and the Republic of Texas Constitution adopted in 1836. The legislative branch of the new state government was composed of a senate, whose members served a term of four years and could be re-elected, and a house of representatives, whose members served a term of two years and could also succeed

⁸³ Ralph W. Steen, "CONVENTION OF 1845," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/mjc13>), accessed November 12, 2013. Published by the Texas State Historical Association; Randolph B. Campbell, *Gone to Texas: A History of the Lone Star State* (New York: Oxford University Press, 2003), 186.

themselves. Executive power was vested in a governor, who was elected to a two year term and could not serve more than four years in any six year period.⁸⁴

And then there was the lieutenant governor. While the duties of the lieutenant governor under the 1845 constitution were primarily legislative in nature, the office, its powers, and its duties were detailed in Article V of the constitution, which discussed the executive department of government. The lieutenant governor was to be chosen at the same time and in the same term as the governor. The terms of the governor and the lieutenant governor ran concurrently, and the two officers were chosen on separate ballots. The lieutenant governor was to meet the same qualifications as the governor—thirty years of age, citizen of the United States, and a resident of the State of Texas for three years prior to his election.⁸⁵ In other words, the selection of a lieutenant governor for the state was originally intended to be much like the election of a vice-president for the Republic of Texas.

The lieutenant governor, by virtue of his office, was to serve as the President of the Senate. When the Texas Senate was assembled in committee of the whole, the lieutenant governor possessed the right to debate and vote on all questions. When the Senate was equally divided, his vote would be cast to break the tie. In the event that the governor resigned, died, was removed from office, became unable or unwilling to serve, was impeached, or was absent from the state, the lieutenant governor was to exercise the “powers and authority” of the Governor. When the lieutenant governor served in the place of the governor, he was to receive the same salary as the governor. When acting as the governor, the Senate was to choose one of

⁸⁴ S. S. McKay, "CONSTITUTION OF 1845," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/mhc03>), accessed November 12, 2013. Published by the Texas State Historical Association.

⁸⁵ *Constitution of Texas (1845)*, Article V, Section 4, Texas Constitutions 1824-1876, <http://tarlton.law.utexas.edu/constitutions/texas1845/a5> (accessed March 25, 2015).

their own to serve as “President for the time being.” In his regular capacity as President of the Senate, the lieutenant governor received the same salary allowed to the speaker of the Texas House of Representatives.⁸⁶ Again, the lieutenant governor was much like the vice-president of the late Republic, which not surprisingly was similar to the office of lieutenant governor under the Louisiana state constitution.

When the 1845 convention discussed the creation of the office of a state lieutenant governor, a variety of opinions were elicited. Discussion ranged from striking the office from the proposed constitution to the proper role of the lieutenant governor in any state government. Delegates James Davis and John M. Lewis were among those opposing the office. James Davis served in high political and military offices in both Alabama and Texas.⁸⁷ John M. Lewis served as speaker in the last Congress of the Republic of Texas.⁸⁸ Lewis spoke out against the creation of the office, calling it “altogether unnecessary,” citing that the state was “not able to incur any expense which can be dispensed with.” Delegate Lewis further asserted that by allowing the lieutenant governor to preside over the upper house “you invade the rights of the Senate.” He took further offense to the office, highlighting that since the lieutenant governor was permitted to participate in debate, he might “exercise a very powerful control” over the Senate. Lewis stated that if the office was to exist, the lieutenant governor should be nothing more than a second-

⁸⁶ Ibid.

⁸⁷ Robert Wooster, "DAVIS, JAMES," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fda39>), accessed April 20, 2015. Uploaded on June 12, 2010. Published by the Texas State Historical Association.

⁸⁸ Robert Bruce Blake, "LEWIS, JOHN M.," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fle42>), accessed April 20, 2015. Uploaded on June 15, 2010. Published by the Texas State Historical Association.

string governor. Davis echoed Lewis' assertion that the lieutenant governor's duty should be confined to serving as a back-up governor.⁸⁹

Davis and Lewis were not alone in their opinion that the lieutenant governor should not preside over the Senate. Delegate Oliver Jones had perhaps one of the most impressive resumes among his colleagues, at least as far as political service in Texas was concerned. He had served as a sheriff for Stephen F. Austin's original colony, attended the 1833 Convention as a delegate, served in the Coahuila legislature, and was elected no less than five of the nine Congresses of the Republic, serving in both the Texas House and Senate.⁹⁰ He believed the lieutenant governor was a necessary office, but that the officer was not fit to preside over the Senate. Jones argued that the Senate might choose their own leader "with whom they would be much better satisfied than with an individual elected by the people *en masse.*"⁹¹

Delegate John Caldwell, who like Jones had served multiple terms in the House and Senate of the Republic of Texas, disagreed with Lewis, Davis, and Jones.⁹² He stated that some duties and responsibilities must be attached to the office in order to "draw the attention of people to it" so that a man who was "capable and competent to discharge its duties" would be chosen.⁹³

⁸⁹ William F. Weeks, *Debates of the Texas Convention* (Houston: J. W. Cruger, 1846), 151-152.

⁹⁰ Carolyn Hyman, "JONES, OLIVER," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fjo61>), accessed April 20, 2015. Uploaded on June 15, 2010. Published by the Texas State Historical Association.

⁹¹ Weeks, *Debates of the Texas Convention*, 153.

⁹² Alice Duggan Gracy, "CALDWELL, JOHN," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fca11>), accessed April 20, 2015. Uploaded on June 12, 2010. Published by the Texas State Historical Association.

⁹³ Weeks, *Debates of the Texas Convention*, 153.

Delegate James S. Mayfield was a former congressman and Secretary of State for the Republic.⁹⁴ He also supported giving significant duties to the lieutenant governor. Mayfield did not view making the lieutenant governor the Senate's presiding officer as an invasion of the body's rights. Rather, he saw the lieutenant governor as a "check" upon the Senate. A lieutenant governor presiding over the Senate was a check "called there by the people" that gave the people "power at all times to control hasty legislation."⁹⁵

Further making the case for a lieutenant governor was delegate Hardin R. Runnels, who had not previously served in any elected office but ironically would be the only man prominently engaged in the debate who would become lieutenant governor.⁹⁶ He noted that if a person had to assume the duties of the governor, that individual ought to be chosen by the people for that office. He did not think that it was appropriate for the senate to choose its own president. That person might later be called upon to exercise the powers of the governor. Such a move would place into power as governor a man that was chosen by one county. Runnels noted, "Is it not proper and necessary, is it not just that the people they vote for an officer, should have some regard to the position he is to occupy? He might vote for a man for Senator whom he would not select for governor."⁹⁷ Motions to eliminate the office and to remove the provisions that enabled the lieutenant governor to serve as president of the senate were ultimately defeated.⁹⁸

⁹⁴ "MAYFIELD, JAMES S.," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fma92>), accessed April 20, 2015. Uploaded on June 15, 2010. Published by the Texas State Historical Association.

⁹⁵ Weeks, *Debates of the Texas Convention*, 153.

⁹⁶ Cecil Harper Jr., "RUNNELS, HARDIN RICHARD," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fru13>), accessed April 20, 2015. Uploaded on June 15, 2010. Published by the Texas State Historical Association.

⁹⁷ Weeks, *Debates of the Texas Convention*, 152-153.

⁹⁸ Ibid., 155.

The first man to officially sit in the lieutenant governor's chair was Albert Clinton Horton. Horton came to Texas in April 1835 by way of Alabama, where he had served as a representative in the state legislature. He quickly became involved in the events of the Texas Revolution. He returned to Alabama to recruit volunteers for the Mobile Grays. He later organized a company at Matagorda Bay that served under Colonel James Fannin's command. On March 19, 1836, while serving as part of a scouting expedition, Fannin's army became surrounded. Horton was able to escape with his life but did not later escape labels of cowardice. Following his service in the Texas Revolution, Horton served in the Texas Congress and helped defend Texas when Mexican soldiers invaded in the spring of 1842.⁹⁹

Horton, as a representative of Matagorda County, was among the delegates at the Convention of 1845. He emerged from the convention as a candidate for lieutenant governor.¹⁰⁰ He almost did not become the lieutenant governor. In the initial counting of votes, Horton's opponent, Nicholas H. Darnell, won by a count of 4,319 to 4,271, and he was duly declared the winner by the assembled members of the first Texas Legislature.¹⁰¹ Upon learning that returns from across the state had not yet arrived, Darnell declined to accept the office and asked the legislature to "find out whom the greatest number of suffrages of the people of Texas were given for the office of Lieutenant Governor." The House and the Senate formed a joint committee to investigate the election returns for lieutenant governor.¹⁰²

⁹⁹ Matthew Ellenberger, "HORTON, ALBERT CLINTON," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fho62>), accessed November 17, 2013. Published by the Texas State Historical Association.

¹⁰⁰ Matthew Ellenberger, "Illuminating the Lesser Lights: Notes on the Life of Albert Clinton Horton," *Southwestern Historical Quarterly* 88 (April 1985): 379.

¹⁰¹ *Journals of the Senate of the First Legislature of the State of Texas* (Clarksville: Standard Office, 1848), 8.

¹⁰² *Ibid.*, 33-34.

It took over two months to make a final determination on the contested election. On May 1, 1846, with all results in, Horton was declared the lieutenant governor, having received 4,507 votes over Darnell's 4,357.¹⁰³ The results from Jackson, Brazos, and Fannin counties put Horton over the top.¹⁰⁴ Horton took the oath office on May 2, 1846. Horton had little time to become comfortable sitting in the chair as the Senate's presiding officer. On May 9, 1846, Governor James Pickney Henderson took leave from the governorship to "take command of the Texian forces raised under the requisition of Gen'l Taylor, and shall move beyond the Rio Grande into Mexico."¹⁰⁵ Runnel's concerns about having an elected official to take the place of an absent governor had quickly proven to be an important consideration.

Horton occupied the governor's office until November 1846. His most pressing concern while serving as governor was protection of the frontier from attack by hostile Indians. With winning the war against Mexico a priority, Horton had to fight with the federal government to maintain adequate protection for the frontier of Texas.¹⁰⁶ The *Democratic Telegraph and Texas Register* questioned the legality of Henderson returning to the office of governor. Editor Francis Moore Jr. noted:

Since Gen. Henderson has accepted an office under the Government of the United States, and has also received pay from that government, it is questionable whether he can resume the officer of Governor during the term for which he was elected. The [Texas] Constitution expressly declares that no person holding or exercising any office or trust under the United States or either of them "shall hold or exercise any office of profit or trust under the state."¹⁰⁷

¹⁰³ Ibid., 283.

¹⁰⁴ Ellenberger, "Illuminating Lesser Lights," 38.

¹⁰⁵ J. Pinkney Henderson to Albert C. Horton, May 19, 1846, Texas Office of the Governor, Records: J. Pinckney Henderson, Archives and Information Services Division, Texas State Library and Archives Commission.

¹⁰⁶ Ellenberger, "Illuminating Lesser Lights," 38.

¹⁰⁷ *Democratic Telegraph and Texas Register*, November 16, 1846. Similar articles appeared on December 7, 1846, and January 4, 1847.

In spite of such arguments, Horton made no efforts to hold on to the governorship, writing to Henderson on November 13, 1846, to officially “resign into your hands the office of Governor of this State, which under the Constitution, devolved upon me during your absence in the late campaign against Mexico.”¹⁰⁸ Horton’s service as lieutenant governor did not catapult him to other elected offices. During the last few years of his life, he attended the Democratic National Convention in Charleston in 1860 and state secession convention in 1861, and he became one of the wealthiest men in the state, owning over 150 slaves. Horton died in 1865.¹⁰⁹

The next individual to serve as the lieutenant governor of Texas was John Alexander Greer. *Presiding Officers of the Texas Legislature* notes that although he played a “role in the government of the Republic of Texas and later served two terms as lieutenant governor after statehood, little biographical information is available on him.”¹¹⁰ Greer came to Texas by way of Tennessee in 1830. Entering the Texas Senate in 1837, Greer served in that capacity through 1845, having served in eight of the Republic’s nine Congresses. In July 1845, he became the Republic’s Secretary of the Treasury.¹¹¹ Upon entering the office of lieutenant governor in 1847, Greer offered a brief inaugural address in which he described the duties of the office which he was about to enter as “arduous and extremely perplexing.”¹¹² By the time he began his second term in 1849, his description of the office had somewhat changed. Greer noted, “I have only to

¹⁰⁸ Horton to Henderson, November 13, 1846, Records of J. Pinckney Henderson, Texas Office of the Governor.

¹⁰⁹ Ellenberger, "HORTON, ALBERT CLINTON."

¹¹⁰ Research Division of the Texas Legislative Council, *Presiding Officers of the Texas Legislature, 1846-2010* (Austin: Texas Legislative Council, 2010), 19.

¹¹¹ Elizabeth LeNoir Jenett, *Biographical Directory of the Texan Conventions and Congresses, 1832-1845* (Austin: Book Exchange, 1941), 92.

¹¹² *Journals of the Senate of the State of Texas. Second Legislature* (Houston: Telegraph Office 1848), 43.

preside over and govern the deliberations, and, in the event of the tie, to give the casting vote.”

With such limited duties, Greer did not see it fit to recommend any policies for the body over which he presided.¹¹³ He attempted to move up the political ladder in 1855 by running for governor, but died during the campaign.¹¹⁴

James W. Henderson served as the third lieutenant governor of Texas. As a college student in Kentucky, Henderson heard about the revolution in Texas. He quit his studies to go to Texas and fight for its independence, but arrived too late to participate in the struggle. While working as a land surveyor in Harris County, Henderson read law and was admitted to the bar. He was elected twice to the Congress of the Republic of Texas and after annexation he was elected to the House of Representatives, for which he was chosen as speaker. In 1849 he lost a bid for lieutenant governor, but he won the office when he made a second attempt in 1851.¹¹⁵ In his inaugural address, Henderson expressed the view that the state constitution placed limits on him; specifically, it prevented him from expressing his views on policy. Henderson stated, “The nature of the office I hold, and its duties prescribed by the Constitution, would admonish me, that it is no part of my duty...to express my views.” Henderson stated he would express his views on policy only when he had the “sanction of the Constitution in the discharge of my official duties.”¹¹⁶

¹¹³ *Journals of the Senate of the State of Texas, Third Session* (Austin: Gazette Office, 1849), 280.

¹¹⁴ Carolyn Hyman, "GREER, JOHN ALEXANDER," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fgr44>), accessed November 18, 2013. Published by the Texas State Historical Association.

¹¹⁵ “Fourth Governor of Texas Overlooked by Historians,” *Austin Times*, May 14, 1937, Vertical File-Henderson, James Wilson, Dolph Briscoe Center for American History, The University of Texas at Austin.

¹¹⁶ *Journal of the Senate of the State of Texas: Fourth Legislature* (Austin: State Gazette Office, 1852), 207.

Texas Governor Peter H. Bell resigned to take a seat in the United States House of Representatives on November 23, 1853. Henderson succeeded to the governorship and served in that capacity until December 21, 1853, apparently making no effort again to influence policies. He returned to public office once more in 1857, when he was elected to the Texas House of Representatives. When the Civil War broke out, he entered the Confederate Army, serving as a captain. In addition to being active in the Democratic Party after the war, Henderson served as a delegate to the 1866 constitutional convention. He died in 1880.¹¹⁷

In 1853, another former speaker of the Texas House became the lieutenant governor. Born in Mississippi and educated in medicine in Kentucky, David Catchings Dickson entered Texas in 1841, settling in present-day Grimes County. After service as a surgeon in the Texas Army and a justice of the peace, Dickson was elected to the state House of Representatives, being chosen to serve as that body's speaker in 1851.¹¹⁸ In 1853 he ran for lieutenant governor, enjoying the support of Sam Houston. Dickson worried that ultra Democrats and Whigs would "do all they can to defeat" him. Just the same, he hoped to "make a respectable run."¹¹⁹ Dickson was ultimately elected to preside over the Senate of the Fifth Legislature. Upon his inauguration, like the other lieutenant governors before him, Dickson noted that since the duties of office were "restricted to the presidency of the Senate," he would refrain from commenting on policies that should in his opinion "be adopted by the legislature in furthering the great interests committed to its charge." Dickson admitted his lack of experience in the Senate's "special rules...and the

¹¹⁷ Research Division, *Presiding Officers*, 21.

¹¹⁸ Thomas W. Cutrer, "DICKSON, DAVID CATCHINGS," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fdi09>), accessed November 24, 2013. Published by the Texas State Historical Association.

¹¹⁹ David Catchings Dickson to Sam Houston, May 23, 1853, Sam Houston Hearne Collection, 1820-1929, Dolph Briscoe Center for American History, The University of Texas at Austin.

established orders and precedents under those rules.” In doing so, he asked for the members of the Senate to extend “the benefit of their mature experience.”¹²⁰

Dickson tried to move higher up the Texas political ladder after he served as lieutenant governor. In 1855 he was nominated as a candidate for governor by the American Party, whose members were popularly called the "Know Nothings" for their secrecy. Despite the support of such prominent Texans as Houston, who also joined the American Party, Dickson lost to Elisha M. Pease, who was running for re-election. The Know Nothings found support among Texans who opposed Mexicans or Germans. Others supporting the party were Unionists and former Whigs. Sam Houston associated with the party as he believed that the Democratic Party had abandoned its Jacksonian roots.¹²¹ Dickson continued his public service through his subsequent election to the Texas legislature, his selection as the captain of a militia company during the Civil War, and his appointment as a financial agent of the Huntsville prison before retiring to practice medicine until his death in 1880.¹²²

Serving as the lieutenant governor of Texas from 1855 to 1857 was Hardin Richard Runnels. Described as a “poor public speaker,” the future speaker of the house and governor had been born in Mississippi in 1820. He moved to Texas in 1842 and established a cotton plantation in Bowie County. He served in the Texas House of Representatives for a total of four terms after approving annexation as a delegate to the 1845 convention, ultimately being elevated to speaker in 1853. He had a reputation as being a committed Democrat and an advocate of states’ rights.

¹²⁰ *Journal of the Senate of the State of Texas: Fifth Legislature, Part II* (Austin: J. W. Hampton, State Printer, 1853), 4-6.

¹²¹ Campbell, *Gone to Texas*, 236.

¹²² Cutrer, “DICKSON, DAVID CATCHINGS.”

Runnels' service as lieutenant governor was followed by being elected governor in 1857 and as a delegate to the Secession Convention of 1861 and the Constitutional Convention of 1866.¹²³

Francis Richard Lubbock occupied the office of lieutenant governor from 1857 to 1859. His period as lieutenant governor was dominated by radical Democrats who espoused states rights over the power of the federal government while expressing a strong commitment to the expansion of slavery—even to the point of breaking apart the country. Texas was so ultra-Democratic that it rejected hero Sam Houston in favor of Hardin Runnels for governor. While serving as a United States Senator, Houston had supported the Kansas-Nebraska Act, causing him to become unpopular among many who supported slavery in Texas.¹²⁴ Compounding the damage, Houston touted unionist positions and associated with the Know Nothings, costing him votes during his run for governor.¹²⁵ Born in South Carolina, Lubbock had entered Texas in 1836. He quickly became involved in the politics of the Republic, serving as a clerk of the Texas Congress. Sam Houston appointed him comptroller for the treasury department. In 1839, Lubbock was elected district clerk for Harris County, a position he held until becoming lieutenant governor.¹²⁶

Like other lieutenant governors of the era, Lubbock admitted “a want of experience” and a “want of parliamentary knowledge” upon entering the office. Lubbock instructed the senators over whom he presided, “I will look for aid and support in the proper discharge of my official

¹²³ Harper, "RUNNELS, HARDIN RICHARD."

¹²⁴ Patsy McDonald Spaw, *The Texas Senate: Republic to Civil War, 1835-1861* (College Station: Texas A&M University Press, 1990), 275.

¹²⁵ Campbell, *Gone to Texas*, 237.

¹²⁶ Research Division, *Presiding Officers*, 27.

duties.”¹²⁷ Similarly, Lubbock played a minimal role in the affairs of the Texas Senate and the state. Writing in his memoirs, he noted:

While Lieutenant-Governor many questions of great importance were before the Senate. I however, having no vote unless in cause of a tie, took but little part in their determination. Furthermore, I did not care to become partisan, as I might be called on at any time to give a casting vote, and the body was almost entirely Democratic.¹²⁸

Lubbock lost his race for re-election in 1857, but he remained active in state and national politics. He served as a delegate to the 1860 national Democratic conventions in Charleston and Baltimore, walking out of both conventions due to dissatisfaction with the party nominees for president. Lubbock ultimately chaired the convention at Richmond, which nominated John C. Breckinridge. In 1861, he was elected governor. Following his service as governor, Lubbock entered the Confederate Army. He again held elected office after the Civil War, serving as state treasurer from 1878 to 1891.¹²⁹

The next lieutenant governor, Edward Clark, entered the office during a time of great turbulence as the United States crept closer to Civil War. Clark was no stranger to politics. A Georgian by birth, he had a father and grandfather who had been governors of the state. He came to Texas in 1842 where he became an attorney.¹³⁰ He served as a delegate to the 1845 Constitutional Convention and later in the state House of Representatives and Senate. From 1853 to 1857 he served as the Texas secretary of state. In addition to his political offices, during

¹²⁷ *Journal of the Senate of the State of Texas, Seventh Biennial Session* (Austin: John Marshall & Co., State Printer, 1853), 244.

¹²⁸ Francis Richard Lubbock, *Six Decades in Texas; or, Memoirs of Francis Richard Lubbock, Governor of Texas in War Time, 1861-63. A Personal Experience in Business, War, and Politics* (Austin: B. C. Jones & Co., printers, 1900), 230.

¹²⁹ Louis Mitchell, "LUBBOCK, FRANCIS RICHARD," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/flu01>), accessed November 26, 2013. Published by the Texas State Historical Association.

¹³⁰ Research Division, *Presiding Officers*, 29.

the Mexican War he was on the staff of General James Pickney Henderson. In the 1859 gubernatorial election, Clark ran on the ticket with Houston against Runnels and Lubbock. While Houston defeated Runnels by a margin of eight thousand votes, the margin between Clark and Lubbock was much closer. The governor and lieutenant governor were divided on the issue of secession. While Houston had run on the platform of “the Constitution and the Union,” Clark held firm to the principles of states’ rights and secession.¹³¹

The differences between Houston and Clark manifested themselves as Texas formally seceded from the Union. On February 1, 1861, the Texas Secession Convention approved an ordinance of secession by a vote of 166 to 8. The ordinance was then submitted to the people of Texas. The referendum was then submitted to the people of Texas for their approval. The referendum carried by a vote of 46,154 to 14,747.¹³² On March 5, the Convention formally sent Governor Houston notice of the results of the vote. Houston refused to recognize the actions of the Convention and informed the delegates that they had “exhausted” its powers.¹³³ On March 14 the Convention passed an ordinance requiring all state officers to take an oath of loyalty to the Confederacy. Any state officer who refused to take the prescribed oath would have “his office deemed and held vacant, and the same filled, and the duties thereof discharged as though he were dead or had resigned.”¹³⁴ That same day, Houston was notified by Oran M. Roberts, president of the convention, that he was to take the oath on March 16 at noon. When Houston received the

¹³¹ Le Anne Adams, “Edward Clark,” in *Ten Texans in Gray*, ed. W.C. Nunn (Hillsboro: Hill Junior College Press, 1968), 18-19.

¹³² Campbell, *Gone to Texas*, 242-244.

¹³³ William Winkler, ed., *Journal of the Secession Convention of Texas* (Austin: Austin Print Company, 1912), 112-113.

¹³⁴ John Sayles, *The Constitutions of the State of Texas, with the Reconstruction Acts of Congress, the Constitution of the Confederate States, and of the United States* (St. Louis: The Gilbert Book Company, 1888), 268.

notice he ordered that the communications and ordinances from the Convention be returned. In a letter to Roberts from George W. Chilton, Houston's secretary, the Governor again declared that he "did not acknowledge the existence of the Convention, and should not regard its action as biding upon him."¹³⁵

The prescribed hour on March 16 when Houston was to take his oath came and went. Houston refused to take the oath.¹³⁶ Therefore, the office of governor was declared vacant and Lieutenant Governor Clark was "authorized to exercise the powers and authority appertaining to the office of Governor."¹³⁷ Houston did not give his consent to Clark's assumption of the office, but neither did he provide any resistance.¹³⁸ Clark apparently went about the literal act of taking over the governor's office by arising earlier in the morning than Houston. A story told about the event quotes Houston as saying, "I went over to the Governor's office after breakfast expecting to proceed with the public business, but found little Edie Clark in possession. I verily believe he camped all night at the wood pile so as to be on hand at an early hour in the morning."¹³⁹ Upon entering the governor's office and seeing Clark sitting in his old chair, Houston greeted Clark saying, "Well, *Governor*, you are an early riser." Clark responded saying, "Yes, *General*, I am illustrating the old maxim, the early bird catches the worm." Houston retorted, "Well, *Governor* Clark, I hope you will find it an easier chair than I have found it." A confident Clark taunted

¹³⁵ Winkler, ed., *Journal of the Secession Convention of Texas*, 178-179.

¹³⁶ *Ibid.* 183-184.

¹³⁷ Sayles, *Constitutions of the State of Texas, with the Reconstruction Acts of Congress*, 269-70.

¹³⁸ Winkler, ed., *Journal of the Secession Convention of Texas*, 257.

¹³⁹ Norman G. Kittrell, *Governors Who Have Been, and Other Public Men of Texas* (Houston: Dealy-Adey-Elgin Co., 1921), 31.

Houston stating, “I’ll endeavor to make it so, *General*, by conforming to the clearly expressed will of the people of Texas.”¹⁴⁰

As a lieutenant governor, Clark, similarly to other lieutenant governors of the era, saw the office as one whose duties were “few and plain.” He told the Texas state senators over whom he presided that he would need their assistance in the discharge of his duties. While he recognized the limitations of his elected office, Clark noted in his inaugural address, “When considered with reference to the contingent duties and responsibilities annexed to it, and the channel through which it must be obtained, it assumes a dignity and importance not usually ascribed to it.”¹⁴¹ He attempted to win the governorship in his own right later in 1861. However, he was defeated by Lubbock by only 124 votes. Upon leaving the governor's office, he joined the Confederate Army, ultimately attaining the rank of brigadier general. He briefly fled to Mexico following the war, but he returned to Marshall, where he practiced law until his death in 1880.¹⁴²

With the transition from the United States of America to the Confederate States of America, a new state constitution was required. The 1861 Texas constitution largely resembled the 1845 statehood constitution. Most of the changes made to the constitution involved replacing references to the *United States of America* with the *Confederate States of America*. Other major changes included strengthening protections for slavery and states’ rights.¹⁴³ In addressing the post of lieutenant governor, no changes were made to the office itself. With a small exception,

¹⁴⁰ James L. Haley, *Sam Houston* (Norman: University of Oklahoma Press, 2002), 391.

¹⁴¹ *Journal of the Senate of Texas, Eighth Legislature* (Austin: John Marshall & Co., 1860), 175-176.

¹⁴² Research Division, *Presiding Officers*, 29; Ralph A. Wooster, "CLARK, EDWARD," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fcl04>), accessed April 21, 2015. Uploaded on June 12, 2010. Modified on March 4, 2011. Published by the Texas State Historical Association.

¹⁴³ Walter L. Buenger, "CONSTITUTION OF 1861," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/mhc04>), accessed December 11, 2013. Published by the Texas State Historical Association.

the sections detailing the office were identical to one another. The only change was a minor reference changing the day the governor and lieutenant governor took office from December to November.¹⁴⁴

The first individual elected to the office of lieutenant governor during the Civil War was John M. Crockett. Born in South Carolina, Crockett began his career as a businessman before moving to Tennessee and pursuing law. Crockett moved to Texas in 1847, eventually settling in Dallas, where he was elected to serve in the state legislature and went on to serve three terms as mayor.¹⁴⁵ In spite of being a wartime lieutenant governor, Crockett's time in office was relatively uneventful. When the legislature was not in session, he seems to have spent most of his time in Dallas. Several letters can be found in the records of Governor Lubbock from Crockett in which the lieutenant governor apprised the governor of conditions in North Texas. Among the most pressing concerns the lieutenant governor brought to the attention of the governor was the impact of the conscription act and the need to grow enough crops to support the war effort. In one such letter the lieutenant governor noted the impact of the conscription on a Lancaster pistol maker. Crockett noted that "several of the best mechanics are subject to the act" and the maker would soon be shorthanded. The lieutenant governor also wrote to the Confederate secretary of war asking that those subject to the draft be exempted or furloughed; just as he had asked the governor to do.¹⁴⁶

¹⁴⁴ *Constitution of Texas (1861)*, Article V, Section 12, Texas Constitutions 1824-1876, <http://tarlton.law.utexas.edu/constitutions/texas1861/a5> (accessed March 25, 2015).

¹⁴⁵ John Alan Hord, "CROCKETT, JOHN MCCLANAHAN," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fcr25>), accessed January 03, 2014. Published by the Texas State Historical Association.

¹⁴⁶ John M. Crockett to Francis R. Lubbock, April 29, 1862, Texas Office of the Governor, Records: Francis Richard Lubbock, Texas Office of the Governor, Archives and Information Services Division, Texas State Library and Archives Commission.

In other communications with the governor, Crockett stressed the importance of agriculture and the negative impact the draft had on raising crops. The lieutenant governor darkly noted, “I know, that if the agricultural pursuits shall fail, our army must inevitably fail.” Crockett expressed to Lubbock his belief that if “people forgo a cotton crop, an immense quantity of corn can be raised.”¹⁴⁷ He also revealed his fear to the governor that even if the rains were sufficient, the corn crop would still fall to the weevil. Crockett observed that the most reliable crop in the state was wheat. However, the wheat growing sections of the state possessed too few slaves. As the war continued and conscription began to impact Texans, Crockett once more wrote to Governor Lubbock, telling him, “Our people will not stand a draft. Nearly every man in the county will be swallowed.” According to Crockett’s estimate, there would not be enough men left to harvest one-twentieth of the crop.¹⁴⁸

Reports like those made by Crockett were noted by Governor Lubbock. When he called a special session of the legislature in February 1863, the Governor laid out a series of priorities and called on the legislature to pass legislation that would limit the cultivation of cotton and increase the growth of corn. Matters had become so desperate that he also called on the state legislature to pass measures that authorized his office to close distilleries because it was “of supreme importance to preserve the grain for the use of the army and people.”¹⁴⁹ Ultimately a bill came before the Senate to limit the cultivation of cotton. On a procedural matter, Crockett was called upon to cast a tie breaking vote. Crockett voted in favor of the bill saying, “I cast it

¹⁴⁷ Crockett to Lubbock, February 7, 1862, Records of Francis Richard Lubbock, Texas Office of the Governor.

¹⁴⁸ Crockett to Lubbock, March 14, 1862, Records of Francis Richard Lubbock, Texas Office of the Governor.

¹⁴⁹ *Senate Journal of the Ninth Legislature First Called Session of the State of Texas February 2, 1863-March 7, 1863* (Austin: Texas State Library, 1963), 23-24.

for the preservation of the institution of slavery—for the protection of the slave holder—I cast my vote in favor of *Government*, the only security of the property. I vote Yea.”¹⁵⁰ Despite Crockett’s support, the bill failed to muster the needed votes for final passage.¹⁵¹ Crockett did not seek a second term. After his term as lieutenant governor ended, he oversaw the operations of the Confederate pistol factory in Lancaster before entering the business field.¹⁵²

Fletcher S. Stockdale served as the lieutenant governor of Texas from 1863 to 1865. Stockdale, a native of Kentucky, came to Texas in 1846, settling in Calhoun County. A lawyer, land entrepreneur, and railroad investor, he held a seat in the Texas Senate from 1857 to 1861, when he was a delegate to the Texas Secession Convention. Elected as lieutenant governor in 1863, Stockdale presided over the Tenth Legislature. In May 1865, as the Civil War was coming to an end, Governor Pendleton Murrah vacated his office and fled to Mexico, boosting Stockdale into the governorship. Pendleton served as governor until June 1865, when he was replaced by Andrew J. Hamilton, the man appointed by President Andrew Johnson to serve as provisional governor. Stockdale returned to Calhoun County, where he resumed his law and business activities. He remained politically active, serving as a delegate to the 1875 state constitutional convention.¹⁵³

¹⁵⁰ Ibid, 85.

¹⁵¹ Spaw, *Texas Senate*, 31.

¹⁵² Hord, "CROCKETT, JOHN MCCLANNAHAN."

¹⁵³ Research Division, *Presiding Officers*, 33; "STOCKDALE, FLETCHER SUMMERFIELD," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fst60>), accessed April 21, 2015. Uploaded on June 15, 2010. Published by the Texas State Historical Association; James A. Marten, "HAMILTON, ANDREW JACKSON," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fha33>), accessed April 21, 2015. Uploaded on June 15, 2010. Modified on January 18, 2013. Published by the Texas State Historical Association.

The Civil War's end and the process of Reconstruction required Texas to create a new framework for government. The framers of the 1866 constitution approved ordinances which nullified secession, repudiated war debt, and abolished slavery. The new constitution was presented to the voters as amendments to the 1845 constitution.¹⁵⁴ The 1866 constitution's provisions for the lieutenant governor's office changed in several key ways. The lieutenant governor was elected at the same time, but separately from the governor. He was required to possess the same qualifications as the governor which included being thirty years old, a citizen of the United States, and a resident of Texas for six years immediately preceding his election to the office. Two key differences for the office were included in the 1866 constitution—a four year term of office, instead of the usual two, and term limits. Finally, both the governor and lieutenant governor were prohibited from serving more than eight years in any twelve year period.¹⁵⁵

As had become customary, the 1866 constitution empowered the lieutenant governor to be the President of the Senate, to have the right to vote and debate on all questions when the Senate was organized as the committee of the whole, and to cast tie-breaking votes when the Senate was equally divided. In the event that the governor's office became vacant, the governor was impeached, or he was absent from the state, the lieutenant governor exercised the duties and powers of the governor. The 1866 constitution did not set a specific salary for the lieutenant governor but stated that it was to be the same as that received by the speaker of the Texas House of Representatives.¹⁵⁶

¹⁵⁴ Janice C. May, *The Texas State Constitution* (New York: Oxford University Press, 2011), 18.

¹⁵⁵ *Constitution of Texas (1866)*, Article V, Section 4, Texas Constitutions 1824-1876, <http://tarlton.law.utexas.edu/constitutions/texas1866/a5> (accessed March 25, 2015).

¹⁵⁶ *Constitution of Texas (1866)* Article V, Section 12-13, Texas Constitutions 1824-1876, <http://tarlton.law.utexas.edu/constitutions/texas1866/a5> (accessed March 25, 2015).

The first and only man to be elected lieutenant governor under the 1866 constitution was George Washington Jones. Jones, a native of Alabama, arrived in Texas in 1848. He settled at Bastrop, where he was elected as district attorney. While he opposed secession, he served in the Confederate Army, attaining the rank of colonel. He served as a delegate to the Constitutional Convention of 1866.¹⁵⁷ After he was nominated for lieutenant governor, the *Houston Telegraph* warmly endorsed him, saying, “Col. Jones is known by all to be an uncompromising advocate of President’s Johnson’s policy of restoration, and to have no sympathy with the policy which would retain the South in a condition of territorial vassalage.”¹⁵⁸ In entering the office, Jones asserted that due to the circumstances of the time “the responsibilities belonging to the position are greatly enhanced.”¹⁵⁹

With Jones at the helm of the Senate of the Eleventh Legislature, the state of Texas enacted laws known as black codes, which served to keep former slaves in a state of subjugation, and sent Oran M. Roberts and David G. Burnet, both secessionists, to represent Texas in the United States Senate. In March 1867, Congress passed the First Reconstruction Act, which divided the Southern states into five military districts. The generals placed in command of these districts had greater authority than state officials. General Philip H. Sheridan was placed in command of the fifth military district, which included Texas.¹⁶⁰ Sheridan’s commander in Texas was General Charles Griffin. On March 2, 1867, Griffin wrote to Sheridan that none of Texas’

¹⁵⁷ Research Division, *Presiding Officers*, 35.

¹⁵⁸ *Dallas Herald*, May 19, 1866.

¹⁵⁹ *Journal of the House of Representatives. Eleventh Legislature, State of Texas* (Austin: Office of the *State Gazette*, 1866), 25.

¹⁶⁰ Kerek Darren Hogg, “‘Wash’ Jones: The Life of George Washington Jones ‘Economic Radical’ and Political Dissenter” (Master’s Thesis, Texas Tech University, 1993), 37-39.

civil officers could be trusted because they had permitted outrages against loyal whites and blacks to go unpunished. He insisted that the removal of Governor James W. Throckmorton and Lieutenant Governor Jones was “absolutely necessary.”¹⁶¹ In July 1867 the United States passed the Third Reconstruction Act, which gave commanding generals the power to remove state officials. On July 30, 1867, General Sheridan removed Jones and Governor Throckmorton from office, declaring that that they were “an impediment to reconstruction.” Elisha M. Pease, who had been governor of Texas before the Civil War, was subsequently appointed to serve again as the state’s governor.¹⁶² After the ouster of Jones, the Texas lieutenant governor’s office remained vacant until 1874.¹⁶³

Texas’ next round of constitution-making came in 1868. The new framework for government was largely the work of Republicans, who assumed power due to voting restrictions placed on those who supported the Confederacy.¹⁶⁴ The new charter, known as the Constitution of 1869, again made only minor changes to the office of lieutenant governor. While the new constitution kept the four year term of office, the term limits placed into the 1866 constitution were eliminated. The qualifications and duties of the office remained unchanged.¹⁶⁵ The pay of the lieutenant governor was to be twice the pay of a state senator, which was an increase over the previous requirement.¹⁶⁶

¹⁶¹ Charles William Ramsdell, *Reconstruction in Texas* (Austin: University of Texas Press, 1910), 150.

¹⁶² Hogg, “‘Wash’ Jones,” 39; Carl H. Moneyhon, *Texas after the Civil War: The Struggle of Reconstruction* (College Station: Texas A&M University Press, 2004), 74-75.

¹⁶³ Research Division, *Presiding Officers*, 35.

¹⁶⁴ May, *The Texas Constitution*, 19.

¹⁶⁵ *Constitution of Texas (1869)*, Article IV, Sections 4 and 15, Texas Constitutions 1824-1876, <http://tarlton.law.utexas.edu/constitutions/texas1869/a4> (accessed March 25, 2015).

¹⁶⁶ *Constitution of Texas (1869)*, Article IV, Section 16, Texas Constitutions 1824-1876, <http://tarlton.law.utexas.edu/constitutions/texas1869/a4> (accessed March 25, 2015).

In February 1870 the legislature was ordered to convene for the purposes of ratifying the Fourteenth and Fifteenth Amendments to the United States Constitution and selecting two United States Senators. With Texas still under martial rule, the military leadership ordered recently elected officials to assume their offices as a provisional government. James W. Flanagan served as the provisional lieutenant governor and presided over the provisional session of the Senate that met for sixteen days in February 1870.¹⁶⁷ Flanagan had settled in Texas in 1843 and served in the Texas Legislature prior to the Civil War. Despite being a Unionist, he contributed to the Confederate effort by running a tannery during the war. Prior to his selection as lieutenant governor, Flanagan served as a delegate to the conventions that produced the 1866 and 1869 constitutions. He vacated his position as provisional lieutenant governor upon his election by the Texas Legislature to the United States Senate in 1870.¹⁶⁸ Since Flanagan was never inaugurated as lieutenant governor, many lists showing the office's occupants do not formally list him.

The office remained vacant until Richard Hubbard became lieutenant governor in 1874. Hubbard was born in Georgia and came to Texas in 1853, settling in Tyler where he established a law practice. An active supporter of the Democratic Party, Hubbard served as a United States Attorney and a member of the Texas Legislature prior to entering the Confederate Army in 1861. Along with his law practice, Hubbard had business interests in railroad and real estate.¹⁶⁹

As lieutenant governor, Hubbard maintained a rigorous speaking schedule across the state, which cut into his personal income. He was also called upon to represent the governor and

¹⁶⁷ Spaw, *Texas Senate*, 419-421.

¹⁶⁸ Thomas W. Cutrer, "FLANAGAN, JAMES WINWRIGHT," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/ffl04>), accessed January 21, 2014. Published by the Texas State Historical Association.

¹⁶⁹ Research Division, *Presiding Officers*, 37.

the state at out of state functions. While he still had his law practice, he had little time to work with clients. Financial and personal difficulties caught up with Hubbard, causing him to decline speaking invitations and take on cases.¹⁷⁰ Hubbard was elected to a second term as lieutenant governor in 1876. Upon Governor Richard Coke's selection to the United States Senate in December 1876, Hubbard ascended to the governorship. He failed to win the office when he attempted a run in 1879. Hubbard completed his political career by serving as the United States minister to Japan from 1885 to 1889.¹⁷¹

Twelve men were elected to serve as the lieutenant governor of Texas from 1845 to 1876. For these men, the office did not exert great power and influence. While five lieutenant governors went on to serve as governor, only two—Hardin Runnels and Francis Lubbock—were elected to the office on their own accord. The other three ascended to the office and either did not seek or were unable to win a term on their own. Most of the men elected to the office served just one term. Only Alexander Greer and Richard Hubbard were elected to a second term. At the same time, the office did not expand greatly in power; in fact, many of those who held it considered its powers to be limited by the state constitution. A new state constitution forged in 1876 offered new opportunities for the office, and those who held it, to attain greater clout and status in Texas government.

¹⁷⁰ Jean Sutherlin Duncan, "Richard Bennett Hubbard: Texas Politician and Diplomat" (Ph.D. Dissertation, Texas A&M University, 1972), 68-74.

¹⁷¹ Research Division, *Presiding Officers*, 37.

CHAPTER 4

NEW BEGINNINGS, 1876-1917

Civil War and Reconstruction brought new beginnings to Texas. These changes were not merely societal and economic in nature, but also political. In 1876, a new state constitution was adopted. While the new constitution brought no significant changes to the office of lieutenant governor, the post-Reconstruction lieutenant governors began to assert more power in subtle ways. In prior years, the lieutenant governor's greatest power was the fact that the occupant was second in line to the governor's office, with many succeeding to that office because of various circumstances. The office did not vastly expand in scope and prestige in this era. However, after 1876 lieutenant governors began to assert more influence in the Texas Senate by recommending a course of legislation in their inaugural addresses, something largely unseen in earlier lieutenant governors. At least one lieutenant governor stepped into the legislative process by acting as a liaison between interested parties in order to ensure any approved legislation would be practical in application. When Reconstruction came to an end in Texas, there were calls to eliminate the office of lieutenant governor. By the close of the Progressive Era, the office had grown powerful enough that efforts emerged to curb the powers granted to the lieutenant governor under the rules of the Texas Senate.¹ Not only did the power of the lieutenant governor grow, but the duties of the office were burdensome enough for one lieutenant governor to write the Collector of Internal Revenue to ask for a thirty day extension to file his income taxes.²

¹ "Senate Refuses to Rob Hobby of the Committees," undated newspaper clipping, Teaxs Office of the Governor, Records: William Pettus Hobby, Archives and Information Services Division, Texas State Library and Archives Commission.

² William P. Hobby to A. S. Walker, February 17, 1915, *ibid.*

A whirlwind of events culminated in 1875 to bring about a convention for the purpose of writing a new state constitution. Reconstruction had brought Republican rule to Texas. The Twelfth Legislature, convening in 1870, enacted a program that included the organization of a state militia, created a state police, and expanded the governor's powers to declare martial law. Legislation also gave the governor appointive powers over offices at the district, county, and local levels. Further concentrating power in the hands of the governor was a voter registration bill that authorized the governor to appoint county registrars who were empowered to determine voter eligibility. The Twelfth Legislature took other action that included the extension of public credit to railroads, the enactment of taxes for roads, the creation of free public schools, and frontier defense. While many of these programs were noteworthy, many Texans found them repulsive due to the consolidation of power and the cost entailed. Adding to the discontent were accusations that the Republican administration suppressed civil rights, succumbed to railroad corruption, and malfeasance in the use of taxpayer dollars. When Democrats regained control of the Texas Legislature in 1873, they immediately went about dismantling Republican programs.³

Efforts to dismantle Radical Republican programs resulted in an 1875 convention to write a new constitution for the state. The document produced by the convention is described by S. D. Myers Jr. as "reflecting unmistakably the spirit of the times which produced it." Commenting upon the new constitution, Myers wrote, "Established at the end of the Reconstruction Period, it clearly evidences the determination of the people to overhaul the government completely and to make impossible in the future the abuses which they had suffered at the hands of an autocratic

³ J. E. Ericson, "An Inquiry into the Sources of the Texas Constitution" (Ph.D. Dissertation, Texas Technological College, 1957), 124-27; Carl H. Moneyhon, *Texas after the Civil War: The Struggle of Reconstruction* (College Station: Texas A&M University Press, 2004), 171-173.

Governor, a carpetbag Legislature, and a corrupt Legislature.”⁴ Influenced by the Grangers, a clear theme of “retrenchment and reform” permeated the convention and the constitution it ultimately produced. The new constitution placed limitations on the powers of government, restricted revenue and expenditures, shortened terms of office, and reduced salaries. Efforts at retrenchment ran so deep that an official journal of convention’s debates was not kept in order to save money.⁵ In producing such a constitution, Texas kept in step with other states producing constitutions during the nineteenth century.

As Texans looked to change their government, the lieutenant governor’s office became the target of retrenchment and reform efforts. On the convention’s nineteenth day, as delegates were discussing the legislative department, one of the delegates, W.D.S. Cook of Gonzalez, put forth a proposition to eliminate the office of lieutenant governor. Supporting Cook were J. Russell and J. B. Murphy. Russell expressed support for the proposition, citing the necessity for “retrenchment and reform.” Murphy echoed Cook in his call for retrenchment, adding that the office of lieutenant governor was “a useless expenditure.” When the ayes and nayes were called, the proposition lost by a vote of thirty-six to forty-three.⁶ Several days later, a second attempt to eliminate the office of lieutenant governor was undertaken when Russell once more urged its abolition. The office narrowly escaped elimination, winning by a vote of thirty-three to thirty-five.⁷

⁴ S. D. Myres, Jr., “Mysticism, Realism, and the Texas Constitution of 1876,” *The Southwestern Political and Social Science Quarterly* 9 (1928): 173.

⁵ Ericson, “An Inquiry,” 142-143.

⁶ S. S. McKay, ed., *Debates in the Texas Constitutional Convention of 1875* (Austin: University of Texas Austin, 1930), 96-97.

⁷ McKay, *Debates*, 152.

The new constitution, which took effect in 1876, made few changes to the office itself. Similar to earlier constitutions, the lieutenant governor remained president of the Senate. He was elected at the same time but separately from the governor. He retained the right to debate and vote on all questions when the Senate was organized as the committee of the whole. When the Senate was equally divided, the lieutenant governor was to cast the tie breaking vote.⁸ The new constitution stipulated the eligibility requirements for the office were the same as those as the governor—thirty years of age, United States citizenship, and residency in the state of Texas for five years immediately prior to the election. Differing from the Texas Constitution of 1869, the 1876 document reduced the term for the governor and lieutenant governor from four to two years.⁹

Similar to earlier constitutions, the 1876 constitution specified that the lieutenant governor would become governor in the event that the office became vacant or the governor was absent from the state. Differing from the 1869 constitution, which set the lieutenant governor's salary equal to that of the speaker of the house, the 1876 constitution made his equal to those of a state senator except when serving as governor, at which time his salary would be the same as that of the governor.¹⁰ The 1876 constitution added a specific limitation on the lieutenant governor who would succeed to governor—the individual would be subject to “the restrictions and inhibitions imposed...on the governor.”¹¹

⁸ *Constitution of Texas* (1876), Article IV, Section 16, <http://tarlton.law.utexas.edu/constitutions/texas1876/a4> (accessed April 26, 2015).

⁹ *Constitution of Texas* (1876), Article IV, Section 4, <http://tarlton.law.utexas.edu/constitutions/texas1876/a4> (accessed April 26, 2015).

¹⁰ *Constitution of Texas* (1876), Article IV, Section 17, <http://tarlton.law.utexas.edu/constitutions/texas1876/a4> (accessed April 26, 2015).

¹¹ *Constitution of Texas* (1876) Article IV, Section 18, <http://tarlton.law.utexas.edu/constitutions/texas1876/a4> (accessed April 26, 2015).

The thirteen men who served as lieutenant governor during the period between 1876 and 1917, or the end of Reconstruction until the impeachment of Governor James E. Ferguson, were almost cookie cutter images of one another in term of their backgrounds. Twelve of the men had prior experience as elected officials at the county, district (judge or attorney), or state level. Eleven had prior service in one or both houses of the legislature. While only one lieutenant governor during this time period was Texas born, all but one hailed from states south of the Mason Dixon line. Nine were practicing attorneys at the time they were elected to the office. One lieutenant governor, George Cassety Pendleton, was admitted to the bar in the years following his time in the lieutenant governor's chair. Those who were not attorneys had occupations in various fields, including business, farming, ranching, banking, and journalism. Military service was a characteristic of six lieutenant governors. All who served were part of the Confederate Army. With only slight variations, these men were cut from the same cloth.

The first individual to enter into the office of lieutenant governor under the 1876 Constitution was Joseph Draper Sayers. Born in Mississippi in 1841, Sayers came to Texas in 1851, settling in Bastrop. He entered the Confederate Army in 1861, attaining the rank of major. After a brief stint as a teacher, Sayers began practicing law in 1866. He entered politics in 1873 with his service in the Texas Senate during the Thirteenth Legislature, and he later chaired the Democratic state executive committee from 1875-1878. He was elected lieutenant governor in 1878 and presided over the Senate during the Sixteenth Legislature.¹²

Taking office in 1879, Lieutenant Governor Sayers served alongside of Governor Oran M. Roberts. The relationship between the governor and lieutenant governor was not smooth.

¹² Research Division of the Texas Legislative Council, *Presiding Officers of the Texas Legislature, 1846-2010* (Austin: Texas Legislative Council, 2010), 39; "SAYERS, JOSEPH DRAPER," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fsa41>), accessed April 21, 2015. Uploaded on June 15, 2010. Modified on March 8, 2011. Published by the Texas State Historical Association.

Sayers made it clear that he was not Roberts' puppet and made public efforts to chastise the governor. Roberts came to office on the heels of Reconstruction's end in Texas. At the time, the state was depressed economically and burdened by debt and high taxes. Revenue was exceeding expenditures. At the time of annexation, Texas had chosen to retain possession of its public lands. Governor Roberts saw these lands as an avenue to alleviate Texas' financial woes.¹³ In addition to making efforts "to retrench expenses from top to bottom," Roberts hotly advocated "disposing of the public lands at a fair value as soon as practicable to any purchaser that will buy them in any quantity, so as to meet the varied obligations of the government, increase the school fund and asylum fund, and thereby if possible relieve the present generation from the onerous burden of taxation imposed upon them."¹⁴

Lieutenant Governor Sayers was a supporter of public education. In his inaugural address, Sayers echoed Roberts' call for the sale of the public domain. Sayers specifically advocated the sale of public lands in order to fund public schools so that increased taxation would not be necessary. Sayers stated, "If the public school lands be properly handled, they will soon be taken up at their full value, and then will flow into the treasury funds amply sufficient to educate, to a moderate extent, every son and daughter of Texas."¹⁵ However, Sayers opposed Roberts' land policy because he believed that it would put too much property into the hands of corporations and capitalists, which would in turn become landholding monopolies, impeding the

¹³ Lelia Bailey, "The Life and Public Career of O. M. Roberts, 1815-1883" (Ph.D. Dissertation, University of Texas at Austin, 1932), 287-290.

¹⁴ *Journal of the House of Representatives State of Texas, being the First Session of the Sixteenth Legislature, Begun and Held at the City of Austin, January 14, 1879* (Galveston: A. H. Belo Co. State Printers, 1879), 112-113.

¹⁵ *Ibid*, 108.

ability of the lower classes to acquire land.¹⁶ Critics insisted the policy would actually inhibit homesteading, leading to Texans becoming victims of “landlordism” and “tenants.”¹⁷

Governor Roberts and Lieutenant Governor Sayers also diverged on the issue of public school funding. In 1879, Roberts vetoed the appropriations bill passed by the legislature, which dedicated one-quarter of state revenue to public schools. Roberts believed that such a large appropriation would leave the state with a deficit. He placed a higher budgetary priority on reducing state debt. When the legislature later met in a special session, it passed a budget that appropriated one-sixth of the state’s general revenue for education.¹⁸

Lieutenant Governor Sayers soon became a vocal critic of Roberts’ policies regarding public school funding and public land. In a March 1880 interview with the *Galveston Weekly News*, Sayers publicly expressed ill feelings towards being on the ticket with Roberts, stating, “I can not subscribe to many of the opinions and policies of Gov. Roberts as announced in his messages and could not there for stand upon a platform acceptable to him.” Sayers went on to explain his differences with Roberts, expressing strongly the need for increased appropriations for public schools, sales of state land to settlers, and frontier protection among other issues.¹⁹

Disagreement on these issues led to a very public split between the two men when Sayers ran against Roberts for the Democratic gubernatorial nomination in the summer of 1880. At the

¹⁶ Bailey, “O. M. Roberts,” 314.

¹⁷ Patrick G. Williams, *Beyond Redemption: Texas Democrats after Reconstruction* (College Station: Texas A&M University Press, 2007), 149.

¹⁸ Bailey, “O.M. Roberts,” 294; Caldwell Walton Raines, *Year Book for Texas, 1901* (Austin: Gammel Book Company, 1902), 364.

¹⁹ “Lieut. Gov. Sayers: Interview with a News Correspondent on the Gubernatorial Candidacy,” *Galveston Weekly News*, April 1, 1880.

state convention in August, Sayers authored a plank for the party platform that made clear his differences with Roberts:

That regarding the maintenance and perfection of an efficient public free schools as essential to good government, the Democratic party... solemnly declare that...elementary education is a subject of paramount importance in State legislation, and to that end will earnest favor the appropriation of the maximum amount of such revenue as permitted by the Constitution.

That the sale of our public and common free school lands shall be confined to actual settlers, and be in such quantities and upon such terms as shall put them in reach of persons of limited means, and to that end such methods as will lead to the speedy sale of such lands in the manner above indicated, should be immediately adopted.²⁰

This plank along with Sayers' attempt at the Democratic nomination were rejected in part due to Roberts' support from many rural areas. In his second inaugural address, Roberts emphasized the importance of public schools. Ultimately the legislature returned public funding to one-fourth of revenue.²¹

Despite losing the 1880 election for governor, Sayers had future successes in politics. From 1885 to 1899, he served seven terms in Congress. In 1898 he again ran for governor. He won this election, holding onto the office for two terms. After leaving the governor's office, Sayers served on the Board of Regents for the University of Texas and a variety of other state boards until his death in 1929.²² Unlike many of his predecessors, Sayers publicly made his views known, even when they diverged from those of the governor. He also stepped out of the traditional mold for early Texas lieutenant governors and recommended policy initiatives that he believed the state needed to pursue.

²⁰ Raines, *Year Book for Texas*, 364.

²¹ Alwyn Barr, *Reconstruction to Reform: Texas Politics, 1876-1906* (Austin: University of Texas Press, 1971), 79.

²² Research Division, *Presiding Officers*, 39; "SAYERS, JOSEPH DRAPER."

Leonidas Storey, who presided over the Senate during the Seventeenth Legislature from 1881 to 1883, recommended changes to state policy in a manner similar to his predecessor. Born in Georgia, Storey came to Texas in 1845. Similar to other lieutenant governors of the era, he practiced law and served in the Confederate Army during the Civil War. Legislative experience preceded his election to the office of lieutenant governor. He was elected to the Texas House for two terms in 1872. In 1876 he was elected to a single term in the Texas Senate before his election as lieutenant governor.²³

As lieutenant governor he used his inaugural address to recommend policies that he believed should be enacted. Such policies included a public school system that simply taught a student how to “read, write and calculate interest correctly upon an open account or promissory note.” In Storey’s opinion, any education beyond that point was an “unwarranted expenditure.” He believed that limiting the scope of education would permit more students to attend school and save tax dollars. To improve education in Texas, he advocated the establishment of normal schools to provide for the training of teachers and a “first class State university.”²⁴ In opening the Eighteenth Legislature, Storey again took the opportunity to give the Senate advice on legislation, advising the senators to consider constitutional amendments concerning the state judiciary and public school finance. He also encouraged the Senate to end the sale of school, university, and asylum lands, and instead lease the land.²⁵ Just days later, an act was passed

²³ Research Division, *Presiding Officers*, 41; "STOREY, LEONIDAS JEFFERSON," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fst66>), accessed April 21, 2015. Uploaded on June 15, 2010. Published by the Texas State Historical Association.

²⁴ *Journal of the Senate of Texas being the First Session of the Seventeenth Legislature, Begun and Held at the City of Austin, January 11, 1881* (Galveston: A. H. Belo Co. State Printers, 1881), 240.

²⁵ *Journal of the Senate of Texas. Regular Session of the Eighteenth Legislature, Begun and Held at the City of Austin, January 9, 1883*, (Austin: E.W Swindells, State Printers, 1883), 112-113.

repealing an 1879 law providing for the sale of such property.²⁶ Following his exit from the lieutenant governor's office, Storey stayed active in Democratic politics and was appointed to the Railroad Commission of Texas in 1892. He served on the commission until his death in 1909.²⁷

Serving a single term as lieutenant governor from 1883-1885 was Francis Marion Martin. Born in Kentucky, Martin came to Texas in 1853. Prior to his entry into politics, Martin was employed in a variety of fields, including working as a boat hand, clerk, and farming. He was first elected to office as a member of the Texas Senate in 1859, joining the ranks of lieutenant governors with previous experience in the Texas legislature. Despite opposing secession, Martin served in the Confederate Army. He re-entered politics in 1878, serving in the Texas Senate again from 1879-1883. He successfully ran for lieutenant governor in 1882. An active Prohibitionist, Martin unsuccessfully campaigned for governor in 1888. In 1892 and 1894 he attempted to regain the office of lieutenant governor under the banner of the Populists, but he was unsuccessful.²⁸

Also serving as lieutenant governor for a single term was Barnett Gibbs. Born in Mississippi in 1851, Gibbs came to Texas in 1873. Formally educated at Cumberland University and Cumberland University law school, Gibbs was a lawyer similar to many other lieutenant governors. He served as Dallas city attorney for three terms before his election to the Texas Senate in 1882. His promotion of agricultural interests gained him credit with the farm bloc,

²⁶ Patsy McDonald Spaw, ed., *The Texas Senate: Civil War to the Eve of Reform, 1861-1889* (College Station: Texas A&M University Press, 1999), 318.

²⁷ Research Division, *Presiding Officers*, 41; "STOREY, LEONIDAS JEFFERSON."

²⁸ Research Division, *Presiding Officers*, 43; Worth Robert Miller, "MARTIN, FRANCIS MARION," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fma56>), accessed April 21, 2015. Uploaded on June 15, 2010. Published by the Texas State Historical Association.

making him the Democratic nominee for lieutenant governor in 1884.²⁹ As lieutenant governor he was often required to serve as acting governor when Governor John Ireland was out of state. When acting as the state's chief executive he reportedly "acquitted himself with great credit, evincing remarkable qualities as a statesman and politician." Up to that time, he was the youngest individual to assume the office of lieutenant governor.³⁰ Early success in politics did not translate into future political success for Gibbs. While he was successful in his law and business pursuits and remained active in politics, he lost races for a congressional seat in 1886 and 1896. He also lost a race in 1898 when he ran as the populist candidate for governor.³¹

Thomas B. Wheeler served as lieutenant governor from 1887 to 1891. Unlike many of his contemporaries, he did not have prior experience in the legislature. However, he was a lawyer and held elected office prior to serving as lieutenant governor. Born in 1840, he came to Texas in 1854. He served in the Confederate Army, settling in Austin at the end of the war. In Austin, Wheeler studied law and was later elected county attorney and mayor of Austin. In 1880 he was elected to the bench serving as a district judge. He resigned from the bench to run for lieutenant governor in 1886.³²

Wheeler avoided discussion of any policy issues in his first inaugural address. However, as a more experienced Wheeler began his second term as lieutenant governor, he noted the need to ensure that all the children of the state received a free common school education, the great

²⁹ Worth Robert Miller, "GIBBS, BARNETT," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fgi42>), accessed June 15, 2014. Uploaded on June 15, 2010. Published by the Texas State Historical Association.

³⁰ L. E. Daniell, *Types of Successful Men of Texas* (Austin: Eugene Von Boeckmann, Printer and Bookbinder, 1890), 203.

³¹ Research Division, *Presiding Officers*, 45.

³² Research Division, *Presiding Officers*, 47.

importance of normal schools, and the need for ensuring that the “State University” be a first class institution.³³ As lieutenant governor, he acted as governor for several weeks during 1890. During that time, he did not hesitate to assert state sovereignty when United States Secretary of State James G. Blaine sent communications that the Mexican minister to the United States had requested that “local authorities...abstain from interfering in the settlement of questions affecting the boundaries between the countries.” Secretary Blaine informed the acting governor that the local courts should refrain from deciding cases relating to the matter. Acting Governor Wheeler replied that it was outside of his constitutional authority to limit “the cognizance and jurisdiction of the courts on our frontiers, or attempt to impede their legitimate functions.”³⁴

During the Twentieth and Twenty-first Legislatures, over which Wheeler presided, the Texas legislators passed an amendment to the State Constitution authorizing the creation of the Railroad Commission. The amendment was approved by voters in 1890.³⁵ Wheeler favored the creation of a commission, albeit a weak one, as he was also a railroad stockholder.³⁶ He also ran for governor in 1890, but he did not receive support from the incumbent governor, Lawrence Sullivan Ross, who decided to stay out of sight during the campaign, as both his lieutenant governor and attorney general, James S. Hogg, were running hard for governor.³⁷ Following his two terms as lieutenant governor, Wheeler relocated to Aransas Port, where he encouraged the

³³ *Journal of the Senate of Texas being the Regular Session. Twenty-First Legislature, Begun and Held at the City of Austin, January 8, 1889*, (Austin: Smith, Hicks & Jones, State Printers, 1889), 59.

³⁴ L. E. Daniell, *Personnel of the Texas State Government: With Sketches of Representative Men of Texas* (San Antonio: Maverick Printing House, 1892), 67-68.

³⁵ Research Division, *Presiding Officers*, 47.

³⁶ Barr, *Reconstruction to Reform*, 118.

³⁷ Judith Ann Benner, *Sul Ross: Soldier, Statesman, Educator* (College Station: Texas A&M University Press, 1983), 175.

building of a harbor and served as the superintendent of a Methodist Sunday school. He died in 1913 without serving again in a state office.³⁸

George Cassety Pendleton was the next occupant of the office following Wheeler. Pendleton occupied the office from 1891 until 1893, serving alongside of Governor Hogg. Pendleton was born in 1845 in Tennessee, coming to Texas with his parents in 1857. He served in the Confederate Army. Pendleton worked in a variety of fields, including spending over a decade as a traveling salesman. Pendleton was an active member of the Grange and Democratic Party. His career in elected office began in 1883, when he was chosen to serve in the Texas House of Representatives. He stayed from 1883 to 1890, serving as Speaker during his final term. In 1890 he was elected to the office of lieutenant governor.³⁹ Upon entering office, Pendleton did not use his inaugural address to advise the legislature on any specific areas of policy. Rather, he spoke about “good government,” noting that it was best when legislation did not interfere with men in their private affairs.⁴⁰ After his single term as lieutenant governor, Pendleton served two terms in the United States Congress. He was admitted to the bar in 1900 and practiced law until his death in 1913.⁴¹

Taking office as lieutenant governor after Pendleton was Martin McNulty Crane. Crane was born in Virginia in 1855. With both of his parents dying before he became an adult, Crane

³⁸ Claudia Hazlewood, "WHEELER, THOMAS BENTON," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fwh10>), accessed June 16, 2014. Uploaded on June 15, 2010. Published by the Texas State Historical Association.

³⁹ Brian Hart, "PENDLETON, GEORGE CASSETY," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fpe21>), accessed June 17, 2014. Uploaded on June 15, 2010. Published by the Texas State Historical Association.

⁴⁰ *Journal of the Senate of Texas, Twenty-Second Legislature [1891]* [http://www.lrl.state.tx.us/scanned/SenateJournals/22/senateJournal22ndLeg_001.pdf (accessed April 21, 2015.)], p. 71.

⁴¹ Hart, "PENDLETON, GEORGE CASSETY."

came to Texas at the age of seventeen, settling in Johnson County in 1870. He was admitted to the bar in 1877, and one year later he was elected county attorney. Holding the office for only a single term, Crane did not re-enter politics until 1884 when he was elected to the Texas House of Representatives. Once again, Crane only served one term in office. However, he would not stay out of politics long. He was elected to the Texas Senate in 1890. Governor Hogg appointed Crane to a special committee that lobbied for the establishment of a railroad commission.⁴²

Seeming to always be a reluctant politician, Crane attended the 1892 state Democratic convention with no intention to seek any new or higher offices. However, a divided convention led to his nomination and eventual election. The leading candidates for governor at the 1892 convention were Hogg, an advocate of a strong Railroad Commission, and George Clark, who supported a weak Commission. Clark's supporters, quickly realizing they were in the minority, bolted the official state convention and held a rump convention, nominating Clark as the Anti-Commission candidate for governor.⁴³

Up to that point the leading candidate for lieutenant governor was an opponent of the legislation creating the Railroad Commission. This created a problem as the 1892 convention's nominee for governor, Hogg, supported the recent legislation creating the Commission, while the intended candidate for lieutenant governor opposed the legislation. This created what Crane called "an inexcusable contradiction." The mix up created an opportunity, which led to Crane being unexpectedly nominated for lieutenant governor. Crane, who always seemed to be the reluctant politician, initially objected to his nomination, noting, "I had never had any ambition to

⁴² David Minor, "CRANE, MARTIN MCNULTY," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fcr04>), accessed June 17, 2014. Uploaded on June 12, 2010. Published by the Texas State Historical Association.

⁴³ Martin McNulty Crane, unpublished autobiography (Martin McNulty Crane Papers, 1834-1974, Dolph Briscoe Center for American History, University of Texas at Austin), p. 34.

preside over the Legislature or any other public meeting, but for the sake of harmony I felt it my duty to accept.”⁴⁴ Crane was the ideal candidate to run on the Democratic ticket with a nominee for governor who supported the Railroad Commission. As a state senator, Crane played a critical role in drafting and passing the legislation that created the commission. Crane, along with two other senators, had nighttime meetings with Governor Hogg to produce a bill for the purpose of creating the Commission.⁴⁵

Despite his reservations, Crane was successfully elected lieutenant governor. One of the issues facing the Twenty-Third Legislature over which Crane presided was legislation related to the amount of stocks and bonds that could be issued by a railroad corporation. Governor Hogg requested legislation that fixed the amount of stocks and bonds a railroad corporation could issue. The legislation that came before the Texas Senate limited the amount to the value of railroad property. Crane believed that the law was not only unconstitutional but would also stifle the ability of railroads to complete emergency repairs to rail lines if a railroad corporation had already maxed out its credit. Crane collaborated with the Railroad Commission’s chairman, John H. Reagan, to modify the legislation so that it would pass constitutional muster and permit railroad corporations to issue bonds beyond the value of railroad property in the event of a calamity.⁴⁶

Not finding the office of lieutenant governor to be very satisfying, Crane did not seek a second term as lieutenant governor, but instead sought the office of attorney general.⁴⁷ He

⁴⁴ Ibid.

⁴⁵ Barr, *Reconstruction to Reform*, 120-121; Robert C. Cotner, *James Stephen Hogg: A Biography* (Austin: University of Texas Press, 1959), 295.

⁴⁶ Ibid, 37.

⁴⁷ Ibid, 38.

served as attorney general of Texas for four years before running for governor during the 1898 elections. Campaigning as a reformer and with support from Hogg, Crane actively sought the governor's office during the winter of 1897-1898. However, after failing to secure a significant number of delegates, he withdrew from the race in May 1898.⁴⁸ While Crane did not hold elected office again, he continued to be politically involved, including serving as chief counsel in the impeachment proceedings against Governor Ferguson. He died in 1943.⁴⁹

The final lieutenant governor of Texas to have served in the Confederate Army was George Taylor Jester, the father of future Texas governor Beauford H. Jester. He served as lieutenant governor of Texas from 1895 to 1899. Differing from other lieutenant governors of the era, Jester was born outside of the South. He was born in Illinois in 1847, coming to Texas with his mother in 1858 after the death of his father. He abandoned his legal studies to join the Confederate Army. After the war, he worked in a variety of fields, including business, ranching, and banking. In 1890 he began his elected career in the Texas House of Representatives. As a member of the House during the Twenty-Second Legislature, Jester was influential in the passage of the legislation creating the state Railroad Commission.⁵⁰ He was also the author of a constitutional amendment that transferred one percent of the Permanent School Fund to the available fund to support public schools. After being approved by the Texas Legislature, the amendment was endorsed by the state's voters.⁵¹

⁴⁸ Barr, *Reconstruction to Reform*, 211-13.

⁴⁹ Minor, "CRANE, MARTIN MCNULTY."

⁵⁰ Julie G. Miller, "JESTER, GEORGE TAYLOR," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fje09>), accessed June 19, 2014. Uploaded on June 15, 2010. Published by the Texas State Historical Association.

⁵¹ Daniell, *Personnel of the Texas State Government*, 235-236.

After one term in the Texas House, Jester was elected to the state Senate. In 1894 he was elected lieutenant governor, serving under Governor Charles Culberson.⁵² In his inaugural address, he did not address any specific areas of policy for the state to pursue, but rather stressed the importance of crop diversification as overgrowth of cotton had led to falling prices. He also stressed the importance of increasing manufacturing in the state to help keep money at home.⁵³ As lieutenant governor under Charles Culberson, Jester was provided with the opportunity to serve as acting governor.⁵⁴ Speaking on his service as lieutenant governor, Governor Culberson praised Jester and noted the nature of their relationship saying, "It affords me genuine pleasure to say that he was a man of high character of and fine ability, a sterling and loyal Democrat, who co-operated with me in all my efforts for the public welfare."⁵⁵ Upon the completion of his second term, he returned to his home in Corsicana, where he continued in his civic and business interests. He held no further offices in government and died in 1922.⁵⁶

Following Jester's time as lieutenant governor, James Nathan Browning assumed the office from 1899 to 1903. Brown was born in Arkansas in 1850. His family came to Texas in 1866. Before his admission to the bar in 1876, he worked in ranching. Starting his political career as a justice of the peace, he went on to become a district attorney before being elected to

⁵² Miller, "JESTER, GEORGE TAYLOR."

⁵³ *Journal of House of Representatives being the Regular Session Twenty-Fourth Legislature, Begun and Held at the City of Austin, Texas, January 8, 1895* (Austin: Ben C. Jones & Co., State Printers, 1895), 44-45.

⁵⁴ James William Madden, *Charles Allen Culberson: His Life, Character and Public Service as County Attorney, Attorney General, Governor of Texas and United States Senator* (Austin: Gammel's Book Store, 1929), 108.

⁵⁵ Ibid, 72.

⁵⁶ Miller, "JESTER, GEORGE TAYLOR."

serve four terms in the Texas House of Representatives in 1882, 1884, 1886, and 1890.⁵⁷ As a member of the Texas House, Browning's constituency was the Texas Panhandle. He represented an area known as the "Jumbo District," which was composed of 49 organized counties and 22 unorganized counties. The unincorporated counties were part of Texas' public domain.⁵⁸ As the representative of this area, Brown was a leader in the free-grass movement, a group which led the opposition to the leasing of school lands to big stock raisers. Browning and his supporters believed that the best use of the land lay in opening it to settlers. During his final term in the Texas House, Browning was a candidate for speaker, coming within three votes of attaining the position.⁵⁹ Upon taking office for his terms as lieutenant governor in 1899 and 1901, Browning did not use his inaugural addresses as an opportunity to instruct legislators on matters of policy or legislation. Upon the conclusion of his two terms, in which he presided over the Twenty-Sixth and Twenty-Seventh legislatures, he continued to be active in politics. He was appointed to the University of Texas Board Of Regents by Governor Samuel W. T. Lanham. After a brief stint as a private practice attorney, he was elected to serve as a district judge, a position he held for eight years. He died in 1921.⁶⁰

Following Browning in office as lieutenant governor was George Douglas Neal. Neal was a two term lieutenant governor, serving from 1903 to 1907. While not the most well known of Texas lieutenant governors, Neal followed the typical mold of the era—born in the South,

⁵⁷ H. Allen Anderson, "BROWNING, JAMES NATHAN," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fbrad>), accessed June 20, 2014. Uploaded on June 12, 2010. Published by the Texas State Historical Association.

⁵⁸ Research Division, *Presiding Officers*, 55.

⁵⁹ B. B. Paddock, ed., *A Twentieth Century and Biographical Record of North and West Texas* (Chicago: The Lewis Publishing Co., 1906), 1:273.

⁶⁰ Anderson, "BROWNING, JAMES NATHAN."

attorney, prior elected office, and service in the legislature. Born in 1853, he came to Texas with his family in 1866. He was admitted to the bar in 1878. His career in elected politics began in 1881, when he was chosen to be county judge of Grimes County. He continued up the Texas political ladder, working as city attorney of Navasota from 1888 to 1896, being elected to the state Senate from 1903 to 1907, and being chosen as president pro tempore of the state Senate during the Twenty-Seventh Legislature. He capped off his political career with his election as lieutenant governor in 1903.⁶¹ As Neal began his first term in office, he made no specific recommendations for policy or legislation. Instead, he simply declared that he would work “to carry out the Democratic platform demands and to enact all good and wholesome measures recommended by the Governor of this state.”⁶² After serving two terms as lieutenant governor, he left office and practiced law until his death in 1916.⁶³

The next man to take charge as lieutenant governor was Asbury Bascom Davidson. Davidson’s profile was typical of many lieutenant governors during the era—southern born, attorney, held elected office, and served in the Texas Legislature. However, he broke the typical mold with his length of service. Davidson served three terms as lieutenant governor, from 1907 to 1913, the longest term of office for a lieutenant governor up to that time.⁶⁴ Davidson was born in Tennessee in 1855 and came to Texas during the 1860s. He became an attorney and,

⁶¹ "NEAL, GEORGE D.," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fne01>), accessed June 24, 2014. Uploaded on June 15, 2010. Published by the Texas State Historical Association.

⁶² *Senate Journal, Texas, 28th Legislature Regular and 1st Called Sessions* [1903] [http://www.lrl.state.tx.us/scanned/SenateJournals/28/senateJournal28thLeg_001.pdf (April 22, 2015)]. p. 71.

⁶³ "NEAL, GEORGE D.," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fne01>), accessed June 24, 2014. Uploaded on June 15, 2010. Published by the Texas State Historical Association.

⁶⁴ Reference Division, *Presiding Officers*, 59; Carolyn Hyman, "DAVIDSON, ASBURY BASCOM," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fda24>), accessed April 22, 2015. Uploaded on June 12, 2010. Published by the Texas State Historical Association.

along with a partner, established a private practice. In 1890, he was elected to serve as a Texas district attorney. He held that post for eight years before being elected to the Texas Senate in 1898 and again in 1902. Continuing his climb up the ladder in state politics, Davidson was next elected lieutenant governor in 1906, 1908, and 1910. After leaving office, he practiced law and served on the board of managers for what is now known as Texas A&M University. He died in 1920.⁶⁵

William Harding Mayes occupied the office for a single term from 1913 to 1915, after Davidson's three terms. Mayes very much fit the background of the typical lieutenant governor of the era—southern born, attorney, and held a prior elected office. He was born in Kentucky in 1861. He came to Texas in 1882 with a law degree in hand. He served as the county attorney for Brownwood County from 1882-1883. Beginning in 1887, Mayes began work as editor and publisher of a newspaper in Brownwood. In 1912, he ran for lieutenant governor, but made no efforts to seek the office beyond declaring he would accept the office if chosen by the voters.⁶⁶ In his opening address to the Senate of the Thirty-Third legislature over which he presided, Mayes made no efforts to instruct senators on legislation or policy, but instead told them to use the committee process to “perfect all legislation” and to listen to lobbyists because all people deserved a “respectful and patient hearing.”⁶⁷ He resigned as lieutenant governor in August 1914 to establish a journalism department at the University of Texas. He served as dean of this

⁶⁵ Texas Bar Association, *Proceedings of the Thirty-Ninth Annual Session Held at El Paso, Texas July 1st, 2nd and 3rd, 1920 and List of Members, Officers and Committees 1920* (Houston: C. C. Young Printing Co., 1920), 94-95.

⁶⁶ "MAYES, WILLIAM HARDING," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fma89>), accessed June 26, 2014. Uploaded on June 15, 2010. Published by the Texas State Historical Association.

⁶⁷ *Journal of the Senate of Texas Being the Regular Session of the Thirty-Third Legislature Begun and Held at the City of Austin, January 14, 1913, to April 1, 1913* (Austin: Eugene Von Boeckmann-Jones Co., 1913), 101.

journalism program until 1926. In his retirement he served on the Texas Centennial Committee. He died in 1939.⁶⁸

Following in Mayes' footsteps as lieutenant governor was William Pettus Hobby Sr. When assuming the office in 1915, Hobby commented that he would play a "small part" in the administration and that his position was "just a 'twilight' office lingering between the departing shadow of the Governor and the scintillating star of the Senate." However, events unfolded that placed Hobby as high as the noon sun in state government.⁶⁹ In many ways, he did not fit the mold of the typical Texas lieutenant governor in this era. He was not a lawyer. He had no prior experience in elected politics; however, his father and uncle had served in the Texas legislature. Most uniquely, he was the first lieutenant governor to be a native born Texan. Born in 1878, he entered the newspaper industry in 1895. In 1907, he became the manager of the *Beaumont Enterprise*, a paper which he later bought. While not a politician, he was active in Democratic politics, establishing the Young Men's Democratic Club of Houston and later serving as the secretary of the State Democratic Executive Committee.⁷⁰

Hobby did not plan on entering the 1914 lieutenant governor's race. However, on the last day to file for the Democratic primary, he was confronted by a group of friends and supporters who urged him to run for lieutenant governor. After some convincing, Hobby agreed to run for the office and filed with the Democratic Party shortly before the official deadline. Candidate Hobby supported aid to expand home ownership, minimum rentals for tenant farmers, flood

⁶⁸ Research Division, *Presiding Officers*, 61.

⁶⁹ *Journal of the Senate, State of Texas, Regular Session, Thirty-Fourth Legislature, Covenied in the City of Austin January 12, 1915 and Adjourned Without Day March 20, 1915* (Austin: A. C. Baldwin & Sons, State Printers), 111.

⁷⁰ Reference Division, *Presiding Officers*, 63; William P. Hobby Jr., "HOBBY, WILLIAM PETTUS," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fho04>), accessed April 22, 2015. Uploaded on June 15, 2010. Published by the Texas State Historical Association.

control, simplification of civil and criminal codes, a ban on corporate contributions to campaigns, and the creation of a two-primary system for the nomination of a party's candidates. He did not take a stand on the major issue of the day—prohibition.⁷¹

Hobby not only won the Democratic nomination, he also won the election and took office on January 19, 1915. Encouraging legislators and the executive departments to work together for the benefit of Texas, Hobby stated in his inaugural address, “The constitution of our state has provided for three separate and distinct departments of government, emphasizing that one shall not conflict with the other. But the constitution has not provided, and the people have never proclaimed, that these three departments of government should never cooperate.”⁷² With no opponent, Hobby ran for a second term in 1916 and won. As the Thirty-Fifth Legislature began to wind down, Hobby indicated that he intended to not seek another term and return to the private sector. Fate had other plans for Hobby.

As lieutenant governor, Hobby served on the board tasked with the responsibility of finding a location for a new agricultural and mechanical college. Serving on the board also were Speaker of the House F. O. Fuller, Commissioner of Agriculture Fred W. Davis, and Governor James E. Ferguson. In July 1917, it was announced that Abilene, the site favored by Ferguson, would be home to the new college. However, Hobby and others announced they had not cast their votes for Abilene.⁷³ Speaker Fuller attempted to have Governor Ferguson re-examine the results of the vote. However, the governor refused to do so. The mix-up, whatever the cause, added fuel to a fire that ultimately consumed Ferguson’s political career. The squabble played a

⁷¹ James A. Clark and Weldon Hart, *The Tactful Texan: A Biography of Governor Will Hobby* (New York: Random House, 1958), 45-51.

⁷² *Journal of the Senate, State of Texas, Regular Session, Thirty-Fourth Legislature*, 111.

⁷³ Clark and Hart, *Tactful Texan*, 65-70.

role in Fuller's calls for a special session of the legislature that would consider charges of impeachment.⁷⁴

Ferguson was a popular but controversial figure. In spring 1915, he had a spat with the acting president of the University of Texas regarding the university budget. Ferguson next insisted that six members of the faculty be fired, then ran for a second term as governor in 1916 and won. During the course of the campaign, his opponent, Charles H. Morris, made allegations that Ferguson had misused state funds and committed other acts of financial mismanagement. In May 1917, the university had still not fired the professors.⁷⁵ According to Roy B. Bedichek, city editor for the *San Antonio Express*, the only crime committed by the faculty members Ferguson wanted fired was, "the heinous offense of opposing you [Ferguson] politically."⁷⁶ When Ferguson vetoed the appropriation bill for the University of Texas, supporters of Morris, the university, and prohibition joined together to attack the governor.

Ferguson found himself indicted by a Travis County grand jury. Almost simultaneously, he announced he was running for a third term. A special session of the Texas Legislature soon convened and began work on impeachment proceedings. The Texas House of Representatives passed twenty-one articles of impeachment, fourteen of which dealt with Ferguson's financial dealings.⁷⁷ The 1876 state constitution provides for the suspension of an impeached governor and elevates the lieutenant governor to acting governor pending the outcome of an impeachment trial. Upon taking his post as acting governor, Hobby permitted Ferguson to continue to occupy

⁷⁴ Carol O'Keefe Wilson, *In the Governor's Shadow: The True Story of Ma and Pa Ferguson* (Denton: University of North Texas Press, 2014), 120.

⁷⁵ Randolph B. Campbell, *Gone to Texas: A History of the Lone Star State* (New York: Oxford University Press, 2003), 351-352.

⁷⁶ Wilson, *In the Governor's Shadow*, 79-80.

⁷⁷ Campbell, *Gone to Texas*, 351-352.

his regular office and make use of the governor's secretary and stenographer.⁷⁸ Two days after beginning his duties as the acting governor of Texas, Hobby wrote his mother using governor's office stationary, which still bore the name of disgraced Governor James Ferguson. He told his mother, "I have gone through a siege the last few days and I can not think of much else than this large responsibility that now rests upon me."⁷⁹

Within a week of taking the reins as acting governor, Hobby signed a bill providing appropriations for the University of Texas. He also called a second special session of the Texas Legislature for, among other purposes, a trial for Governor Ferguson based upon the articles of impeachment passed by the House. When the trial was over, the Senate found Ferguson guilty on ten of the twenty-one articles handed down by the House of Representatives. In a move to keep his political career alive, Ferguson formally submitted his resignation from the office of governor to the Texas Secretary of State on September 24, 1917. Ferguson's action did not stop the Senate from formally barring him from holding any future office under the state of Texas. In 1918, Hobby ran for governor in the Democratic primary against none other than Ferguson. Hobby defeated Ferguson in the primary and went on to be elected to the governor's office in his own right.⁸⁰

The office of lieutenant governor of Texas was not a post filled with glitz and glamour during the era from 1876 to 1917. While it was not the most powerful of state positions, some lieutenant governors were more passive than others. In his inaugural address before a joint session of the Texas Legislature, Lieutenant Governor Barnett Gibbs noted that under the Texas

⁷⁸ Clark and Hart, *Tactful Texan*, 72.

⁷⁹ William P. Hobby to his mother, William P. Hobby Sr. Family Papers, 1914-1997, 2011, Dolph Briscoe Center for American History, University of Texas at Austin.

⁸⁰ Bruce Rutherford, *The Impeachment of Jim Ferguson* (Austin: Eakin Press, 1983), 113-118.

Constitution the lieutenant governor was “to a great extent a silent member of the Senate.” In light of this fact, Gibbs refrained from making any remarks regarding legislation, noting that such matters were the “prerogative of his Excellency the Governor.”⁸¹ Expressing a similar view of the office and its role in state government was Thomas Benton Wheeler. Upon taking office in 1887, Wheeler said the office was “the least important position among the State officers.” He too refrained from addressing any pending legislative issues, saying that to do so would be “improper” as it was the governor’s constitutional prerogative.⁸²

In spite of views by some lieutenant governors that recommending legislation was not within the proper domain of the office, others did not hold themselves bound to such limitations. Taking office in 1883, Leonidas Storey noted that it was not the right of an “official occupying the humble position [of lieutenant governor]…to suggest a policy to the Legislature of Texas.” Following this self-deprecating remark, Storey noted the need for the Senate to “proceed at once, with…changes to the organic and statuary laws of the state.”⁸³ Thomas Benton Wheeler echoed similar sentiments, noting that it was not within his “province as Lieutenant Governor to make any suggestions regarding legislation” before giving the Senate a list of matters that he believed needed attention.⁸⁴ Others saw themselves as leaders within their respective political parties and expressed a view that it was their job to promote the policies of the party. Lieutenant Governor George D. Neal noted that he would use his official power “to carry out the Democratic platform

⁸¹ *Journal of the Senate of Texas, Being the Regular Session, Nineteenth Legislature, Begun and Held at the City of Austin, January 13, 1885* (Austin: E. W. Swindell, State Printer, 1885), 33.

⁸² *Journal of the Senate of Texas, Being the Regular Session, Twentieth Legislature, Begun and Held at the City of Austin, January 11, 1887* (Austin: Triplett and Hutchings, State Printers, 1887), 55.

⁸³ *Journal of the Senate of Texas Being the Regular Session of the Eighteenth Legislature, Begun and Held at the City of Austin, January 9, 1883* (Austin: E. W. Swindell, State Printer, 1883), 3.

⁸⁴ *Journal of the Senate of Texas Being the Regular Session, Twenty-First Legislature, Begun and Held at the City of Austin, January 8, 1889* (Austin: Smith, Hicks & Jones, State Printers, 1889), 59.

demands and to enact into laws...measures recommended by the Governor of this State.”⁸⁵

William P. Hobby expressed similar commitment to his party, noting that it was his purpose to enact “policies declared for by the people in the late Democratic primary.”⁸⁶

With lieutenant governors expressing varying willingness to push an agenda, Hobby noted the limits of the lieutenant governor to push legislation forward. When an interested party wrote asking him to use the powers of his state office to advance legislation promoting truthful advertising, Hobby noted, “I have no authority to initiate legislation, or to vote on a bill except in case of a tie. But I will inform myself on the subject sufficiently to reach a conclusion for that contingency.”⁸⁷ Lieutenant Governor Martin M. Crane provided an example of a lieutenant governor acting as a legislative liaison and working with interested parties when he reached out to John Regan, the director of the Texas Railroad Commission. Crane collaborated with the commission to ensure that legislation was constitutional and practical in application.⁸⁸

The office of lieutenant governor at times placed different demands upon its occupant, though in fact it appears not to have been a very demanding job. While not the most arduous of government posts, the post was not incredibly alluring either. The job could at times be filled with “punishment,” according to Lieutenant Governor Crane:

The truth is that the office of Lieutenant Governor ordinarily takes little more of a man’s time than that of being a State Senator. In the vacation he is free to engage in any kind of work he wishes that would not disqualify a Senator. The glory of presiding to the average man is offset by the punishment which is his in being compelled to sit and listen to so many speeches, remaining silent when he so much desires to enter the controversies. I am

⁸⁵ *Journal of the Senate of Texas*, Twenty-Eighth Legislature, 71.

⁸⁶ *Journal of the Senate, State of Texas Regular Session Thirty-Fourth Legislative Session Convened in the City of Austin January 12, 1915 and Adjourned Without Day March 20, 1915* (Austin: A. C. Baldwin & Sons, State Printers, 1915), 111.

⁸⁷ Hobby to Ed S. Henry, January 25, 1915, Records of William Pettus Hobby, Texas Office of the Governor.

⁸⁸ Crane, unpublished autobiography, 37.

sure that every man who has ever presided as Speaker of the House or President of the Senate, will agree with me in that statement.

Crane found the job of lieutenant governor so unappealing that he decided to seek out a different one. Crane wanted to make sure that the office would be “one that would keep me busy.” Crane found what he desired in the position of state attorney general.⁸⁹ While being the lieutenant governor left Crane feeling unfulfilled, the demands during the legislative session were enough to prompt Lieutenant Governor William P. Hobby Sr. to write to the Collector of Internal Revenue and request an extension in the filing of his income taxes noting that “enforced attendance” and “official duties” kept him from filing his income taxes in a timely manner.⁹⁰

The office of lieutenant governor was not a reliable stepping stone towards the Governor’s Mansion for the thirteen men that held the office from 1879 to 1917. Six lieutenant governors sought the Governor’s Mansion during the time period. Only two came to occupy the residence—Joseph Draper Sayers and William P. Hobby Sr. Sayers first attempted to become governor in 1880 but failed. He spent time in the United States Congress and finally won the office in 1898. Perhaps that second success was based more on the reputation he earned as a congressman than that he had developed as a lieutenant governor. Hobby ascended to the office with the impeachment of Governor Ferguson. Hobby won the office on his own accord in 1918. Others who attempted to seek the governor’s office but never achieved it included Francis M. Marion, Barnett Gibbs, Thomas Wheeler, and Martin M. Crane.

The lieutenant governor’s office, while not a reliable springboard to the Governor’s Mansion, did seem to help some of its occupants move into other positions in state and federal government. Sayers and Pendleton spent time in the United States Congress. Following his time

⁸⁹ Crane, unpublished autobiography, 38.

⁹⁰ Hobby to Walker, February 17, 1915, Records of William Pettus Hobby, Texas Office of the Governor.

as lieutenant governor, Storey served on the Texas Railroad Commission. Crane served as Texas' attorney general, a position he considered to be a promotion. Browning served as a district judge in the years following his departure from the office of lieutenant governor.

The office of lieutenant governor may not have become the center of Texas politics in the years following Reconstruction. In many respects the office, its powers, and the profile of the men who held the office remained largely unchanged from prior eras in Texas history. However, a number of Texas lieutenant governors in this period did use their role to suggest a course of legislation or at the least recommend that the policies of their political party be enacted into law. At various times during the history of Texas, discussions have arisen regarding the proper role of the lieutenant governor. As the Progressive Era came to a close, this conversation again took place as Lieutenant Governor William P. Hobby Sr., took office. A member of the Texas Senate introduced a resolution to change the Senate rules and strip the lieutenant governor of his power to appoint members to committees. The Texas Senate overwhelmingly rejected this resolution by a vote of twenty-two to five.⁹¹ As Texas moved into a new era and grew into a more urban and industrial state, the office of lieutenant governor not only held onto its power, but its role in state government actually increased.

⁹¹ "Senate Refuses to Rob Hobby of the Committees," undated newspaper clipping, Records of William Pettus Hobby, Texas Office of the Governor.

CHAPTER 5

TOWARD THE MODERN ERA, 1917-1949

Opportunities, powerful personalities, and an increase in the demands placed upon state government would lead to an increase in the power of the office of lieutenant governor during the more than three decades between the impeachment of Governor James E. Ferguson and the Texas Legislature passing budget that for the first time ever exceeded one billion dollars. The growth happened through the efforts of lieutenant governors who used their personal gravitas to take advantage of weak governors and changes in statutes. In spite of these changes a few things about the office did not change from previous periods. Most lieutenant governors had prior service in one or both houses of the Texas Legislature. Many had legal backgrounds. Finally, the lieutenant governors of this period remained largely unable to use the office to catapult them into the Governor's Mansion.

The impeachment of Ferguson led to the ascension of William Pettus Hobby Sr. from the office of lieutenant governor to governor in August 1917. The office of lieutenant governor was not filled until Willard Allard Johnson took office in January 1919. Johnson had been born in Minnesota in 1862. He came to Texas in 1881, first settling in Travis County before moving to Denison where he became established in the newspaper business, a profession he would keep until his death. In 1891, he re-located to West Texas, settling in Memphis, where he established a newspaper.¹ Johnson's entrance to public office began with service on the local school board, on which he served as president, and an appointment to the University of Texas Board of

¹ Research Division of the Texas Legislative Council, *Presiding Officers of the Texas Legislature, 1846-2010* (Austin: Texas Legislative Council, 2010), 65.

Regents by Governor Thomas Campbell. In 1910 he was elected to the Texas Senate, representing a district that covered forty-nine West Texas counties.²

During his four terms in the Texas Senate, Johnson worked to bring attention to the needs of West Texas. During the Thirty-Fourth Texas Legislature, he presented the first resolutions calling for investigations that would eventually result in the impeachment of Ferguson.³ During the course of the impeachment proceedings, Governor Ferguson addressed the Texas House of Representatives concerning the looming charges. The governor took the opportunity to launch a vitriolic ad hominem attack against Senator Johnson, who was in the chamber. Ferguson's angry comments sent the chamber "into an uproar unprecedented" that caused "almost every member and visitor upon his feet, every man shouting."⁴ Johnson's role in calling for an investigation of Governor Ferguson, along with the fact that he was considered to be "an active member of the Senate," led to his being chosen as president pro tempore of the Senate on September 29, 1917, when Hobby vacated his post as lieutenant governor and president of the Senate to assume the office of governor. This effectively made Johnson the acting lieutenant governor and second in line to the office of governor.⁵

Johnson's time in the Senate came to an end in 1919, when he formally became the lieutenant governor after winning election to the office in 1918.⁶ Trying to win a second term,

² "Who's Who in Texas and Why", *Austin American*, undated, Vertical File – Johnson, Willard Arnold, Dolph Briscoe Center for American History, The University of Texas at Austin.

³ Research Division, *Presiding Officers*, 65.

⁴ "Governor Causes Much Excitement," *The Galveston Daily News*, March 4, 1917.

⁵ "Texas Legislature Adjourns Sine Die," *Dallas Morning News*, September 30, 1917.

⁶ Research Division, *Presiding Officers*, 65.

Johnson lost the race for the Democratic nomination to Lynch Davidson in 1920.⁷ After the expiration of his term in 1921, Johnson returned home to Memphis, where he continued his newspaper business until his death in 1923.⁸

Davidson brought a sense of business acumen to the office of lieutenant governor. As a teenager, he began work at a saw mill. He learned the details of the industry and eventually became a lumber and logging baron. Born in Louisiana in 1873, his family came to Texas while Davidson was still in his infancy. His entrance into politics came in 1918 when he won a seat in the Texas House of Representatives. He briefly served in the Thirty-Sixth House but resigned his seat to accept an appointment to the Texas Senate. He quickly moved up the political ladder, being elected lieutenant governor of Texas in 1920. As lieutenant governor, Davidson pushed for increased funding for rural schools and eradication of the pink bollworm.⁹ In his capacity as lieutenant governor, Davidson acted as chair of the Texas State Railroad's board of managers. Prior to Davidson taking on this role, the railroad had been operating at a loss of sixty to eighty thousand dollars a year. Davidson was able to turn the railroad into a profitable enterprise.¹⁰ He also took a stand against the Ku Klux Klan, going so far as to advocate that a special session of the legislature be called to enact legislation that would "stamp out" the Klan. Davidson saw the organization as one that subverted the government. He noted that the government should be

⁷ Norman D. Brown, *Hood, Bonnet, and Little Brown Jug: Texas Politics, 1921-1928* (College Station: Texas A&M University Press, 1984), 220.

⁸ Research Division, *Presiding Officers*, 65.

⁹ Research Division, *Presiding Officers*, 67; H. Allen Anderson, "JOHNSON, W. A.," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fjo29>), accessed April 22, 2015. Uploaded on June 15, 2010. Published by the Texas State Historical Association.

¹⁰ "Davidson Tells of State Railroad," *Dallas Morning News*, August 26, 1921.

administered “by the duly elected authorities and not by secretly organized clans and gangs who tar and feather women and drag helpless men from their homes and firesides.”¹¹

The Thirty-seventh Legislature, over which Davidson served as the Senate’s presiding officer, was noteworthy for the lack of legislation it enacted into law. By mid-February 1921, 742 bills had been filed. By the time the regular session of the legislature adjourned, only thirty bills passed.¹² Davidson noted that the lack of productivity stemmed from the legislators’ belief “that the state is now law ridden” and that to enact further laws would “burden the people and the statute books.” The Lieutenant Governor in fact told newspaper reporters that “no piece of constructive legislation was enacted during the regular session.”¹³

Tension existed in the relationship between Governor Pat Neff and Lieutenant Governor Davidson. Following the unproductive session, Governor Neff called lawmakers back to Austin for a special session. Items listed in the Governor’s summons included appropriations for state government and institutions, new revenue, law enforcement measures, repeal of the suspended sentence law, and redistricting of legislative districts among other items.¹⁴ Davidson responded to Neff’s call, saying, “When the departmental bills for the various branches of the Government have been passed it seems to me that no wiser thing could be done than to adjourn and go home.” Davidson proposed to ignore all of the items on the Governor’s agenda. His opposition arose from the Lieutenant Governor’s belief that taxes were already too high, and because speeches

¹¹ “K.K.K. Legislation Urged by Davidson,” *Dallas Morning News*, October 8, 1921.

¹² Dorothy Blodgett, Terrell Blodgett, and David L. Scott, *The Land, the Law, and the Lord: The Life of Pat Neff, Governor of Texas 1921-1925; President of Baylor University 1932-1947* (Austin: Home Place Publishers, 1984), 99.

¹³ “Time Turned Back in Its Flight to Witness Legislature’s Ending,” *Galveston Daily News*, March 13, 1921.

¹⁴ *Journal of the House of Representatives of the First Called Session of the Thirty-Seventh Legislature Begun and Held at the City of Austin, July 18, 1921* (Austin: Eugene Von Boeckmann-Jones Co., 1921), 2.

made by the Governor accused the legislature of extravagance and not being aware of the state's financial condition.¹⁵ Furthermore, Neff was protective of his pardon power. He believed it had been abused by Ferguson and Hobby. Neff refused to leave the state in fall 1921, fearing that the lieutenant governor would grant pardons while serving as acting governor.¹⁶

As his term came to a close and the 1922 elections approached, speculation swarmed around Davidson concerning his next political move. Various supporters urged Davidson to declare himself a candidate for the United States Senate. Others urged him to run for governor. Davidson decided to sit out the 1922 elections and wait for the 1924 race, at which time he would run for governor. Davidson noted that the demands to run for office "created an almost irresistible lure."¹⁷ But he avoided the 1922 elections, noting, "I found it necessary to devote the intervening two years to my own business affairs, to set them in order for my absence when elected your Governor."¹⁸ Unfortunately for him, he failed to win the Democratic nomination for governor in the 1924 race. Eulogizing the former lieutenant governor upon his death in 1952, the *Austin American* recalled Davidson's decision to take a sabbatical from political life before seeking the governorship and remarked, "Had he not concluded it was his duty to drop out of the lieutenant governorship while running for governor, it was widely believed he would have been the Texas chief executive."¹⁹ Davidson's time as lieutenant governor did not launch him into any other political offices. At the end of his term, he continued to tend to his lumber business

¹⁵ "Notes of Discord Heart at Austin," *Dallas Morning News*, July 18, 1921.

¹⁶ Blodgett, Blodgett, and Scott, *The Land, the Law, and the Lord*, 113.

¹⁷ "Davidson is not a Candidate Now," *Dallas Morning News*, March 26, 1922.

¹⁸ "Lynch Davidson Opens Campaign", *The Semi-Weekly Farm News*, February 19, 1924, in Vertical File – Davidson, Lynch, Dolph Briscoe Center for American History, The University of Texas at Austin.

¹⁹ "Davidson's Choice Shaped History", *Austin American*, January 30, 1952, in Vertical File – Davidson, Lynch, Dolph Briscoe Center for American History.

and expanded his business interests into banking while maintaining roles in civic and charitable organizations.²⁰

Thomas W. Davidson, who was apparently no relation to his predecessor, occupied the office of lieutenant governor from 1923 to 1925. A native Texan, Davidson was born in 1876. He acquired his college education by attending East Texas Normal College, the University of Chicago, and Columbia University. He taught in a public school for five years while studying law, then in 1903 was admitted to the bar and began work as an attorney. His entrance into politics came in 1907 when he became the city attorney of Marshall, Texas, a post he held until 1914.²¹ In 1911 Davidson was elected to the Texas Senate to fill an unexpired term. He was re-elected to a full term in 1920. In 1922 Davidson threw his name in the hat for lieutenant governor and was successfully elected to the office.²² As lieutenant governor, he promoted highway construction and penal reform. He took a stand against the Ku Klux Klan even as threats were made against his life.²³ When Klan members showed up at the capital wearing their hooded masks, Davidson condemned the Klan from the presiding officer's chair and expressed his "unqualified disapproval of the masked demonstration staged in the Legislative Halls."²⁴

As lieutenant governor, Davidson was presented with the opportunity to serve as acting governor on a number of occasions, one lasting seventeen days. Davidson believed that in the

²⁰ Research Division, *Presiding Officers*, 67.

²¹ Robert S. La Forte, "DAVIDSON, THOMAS WHITFIELD," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fda29>), accessed January 13, 2015. Uploaded on June 12, 2010. Published by the Texas State Historical Association.

²² Research Division, *Presiding Officers*, 69.

²³ La Forte, "DAVIDSON, THOMAS WHITFIELD."

²⁴ *Journal of the Senate of Texas Being the Second Called Session of the Thirty-eighth Legislature Begun and Held at The City of Austin, April 16th to May 15th, 1923* (Austin: A. C. Baldwin & Sons, 1923), 99.

absence of the governor, the lieutenant governor succeeded to the office and was free to exercise its powers.²⁵ When serving as acting governor, Davidson deployed the Texas Rangers to investigate the Klan and keep the peace in places where violence occurred.²⁶ Also as acting governor, Davidson did not feel it was necessary to follow the wishes of the governor. He served under Neff, a governor who was not inclined to issue pardons. However, Davidson was willing to grant a pardon if there was merit for doing so. In such a case he was willing to grant a pardon “even if the governor might not have approved.”²⁷

Davidson attempted to capitalize on his quick move up the political ladder by running for governor in 1924. However, he failed to win the Democratic primary that year in what was a crowded field of nine candidates. The race that year resulted in the election of Texas’ first woman governor, Miriam A. Ferguson. After leaving office, Davidson returned to his home in Marshall, where he practiced law. Despite leaving office, Davidson maintained ties to politics. In 1931 he organized efforts in Texas to promote the nomination of Franklin D. Roosevelt for president. While never elected to office again, Davidson was appointed a federal district judge by President Roosevelt in 1936. Davidson held the position until his retirement in 1965.²⁸

Barry Miller was the next to hold the office of lieutenant governor. Born in South Carolina in 1864, Miller came to Texas in 1882. Like many other lieutenant governors, he was an attorney and had prior experience in politics. He opened his own law practice in Dallas in 1884. Miller served in both houses of the Texas Legislature. He was elected to the Texas Senate

²⁵ J. William Davis, *There Shall Also be a Lieutenant Governor* (Austin: University of Texas at Austin, 1967), 57.

²⁶ Research Division, *Presiding Officers*, 69.

²⁷ T. Whitefield Davidson, *The Memoirs of Judge T. Whitfield Davidson* (Waco: Texian Press, 1972), 19-20.

²⁸ Davis, *There Shall Also be a Lieutenant Governor*, 55-56.

in 1898 and 1900. He was first elected to the Texas House of Representatives in 1916 and was elected to two subsequent terms. In the interregnum between Miller's service in the Texas Senate and the Texas House of Representatives, he was appointed judge of the Second Criminal Justice Court, a newly created court. The court was created to relieve a heavy caseload. Once the docket was cleared, the legislature abolished the court at the recommendation of Miller.²⁹

Miller was elected lieutenant governor in 1924, presiding over the Thirty-Ninth through Forty-First Legislatures. He collided with Governor Dan Moody during his third term in office. Moody sought to overhaul the state prison system. Moody's plan included relocating the prison system's headquarters from Huntsville. Miller opposed the governor's plan.³⁰ As the Texas Senate considered the prison legislation, it met in the form of a committee of the whole. Under such circumstances, the lieutenant governor yields the chair to the president pro tem and is permitted to participate in debate and vote on matters. Lieutenant Governor Miller afforded himself of these privileges under the circumstances.³¹ Miller attempted to capitalize upon his three terms as lieutenant governor by running for governor in 1930, but he failed to secure the Democratic nomination. After leaving politics, he returned to legal work in Dallas until his death in 1933.³²

Following Miller's three terms, Edgar E. Witt was elected lieutenant governor. Like many lieutenant governors before him, Witt was an attorney. A native Texan, he was born in Bell County in 1876. Educated at the University of Texas, he began practicing law in 1912. He

²⁹ Research Division, *Presiding Officers*, 71; A. L. Weinberger, "MILLER, BARRY," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fmi11>), accessed April 22, 2015. Uploaded on June 15, 2010. Published by the Texas State Historical Association.

³⁰ Ibid.

³¹ "Fifth Prison Bill Goes to Legislature," *Dallas Morning News*, January 28, 1930.

³² Research Division, *Presiding Officers*, 71.

quickly entered politics with his election to the Texas House of Representatives in 1914. In 1918, he accepted a military commission. While serving in the European theatre, a vacancy occurred in the Texas Senate. Witt's name was placed on the ballot and he won the special election. In 1932 Witt put his name in the hat for lieutenant governor and was successfully elected to the office. He was re-elected in 1934.³³

The crisis brought on by the Great Depression gave Lieutenant Governor Witt an opportunity to influence the legislative agenda and challenge the governor. Texas' most important economic activities, oil and cotton, suffered from seriously low prices due to overproduction. Oil prices continued to plummet, prompting Governor Ross Sterling to call on the legislature to empower the Railroad Commission to enforce limits on production.³⁴ Desiring to bring falling oil prices under control, Sterling made known his plans to call a special session of the legislature to address the situation. Lieutenant Governor Witt did not believe such a bill would be "of material service to the oil industry." He further expressed doubts that enough legislators would support the bill for it to take immediate effect.³⁵ Witt reminded the Governor of a constitutional requirement that stipulated that a law cannot take immediate effect unless two-thirds of both chambers approve the bill. Otherwise, the bill could not take effect until ninety days after the adjournment of the session in which it was passed.³⁶ Lacking a supermajority, the bill would not take effect for nearly five months, making its intended effect largely null. The

³³ Jake Tirey, "WITT, EDGAR E.", Handbook of Texas Online (<http://www.tshaonline.org/handbook/online/articles/fwi73>), accessed January 19, 2015. Uploaded on June 15, 2010. Published by the Texas State Historical Association.

³⁴ Randolph B. Campbell, *Gone to Texas: A History of the Lone Star State* (New York: Oxford University Press, 2003), 381.

³⁵ "30c Cut in East Texas Oil Assures Extra Session Soon," *Dallas Morning News*, May 27, 1931.

³⁶ *Constitution of Texas (1876)*, Article III, Section 39, Texas Constitution Project, 1824-1876, <http://tarlton.law.utexas.edu/constitutions/texas1876/a3> (accessed April 1, 2015).

Dallas Morning News noted that the governor and lieutenant governor were “at cross purposes and [had] such diverse opinions as to produce an interesting situation if a special session is called on proration.”³⁷ When Sterling was not granted the authority he desired from the legislature, he declared martial law and deployed the national guard to stop oil production, a move that was later denounced by the Texas Supreme Court.³⁸

Witt attempted to be in the forefront of fighting falling cotton prices. Governor Huey Long of Louisiana organized a meeting of cotton growers to discuss the cotton crisis. Long proposed a “cotton holiday” for the year 1932 in order to bring prices under control. Lieutenant Governor Witt attended the meeting and presided over some of its proceedings.³⁹ Witt reached out to Sterling and asked that a special session of the Texas legislature be called for the purpose of passing legislation to reduce cotton production.⁴⁰ The legislature did enact a law cutting cotton production in the state by fifty percent. Exercising further leadership in the matter, Witt wrote letters to the governors of other cotton growing states, urging that legislation similar to that enacted in Texas be passed. If other states did not take action, the lieutenant governor declared that Texas’ efforts would “become a dead letter on the statue book.”⁴¹ Such actions demonstrated that a lieutenant governor could use the force of his personality to influence the state’s legislative agenda, and to expand the power of his office.

As lieutenant governor, Witt played a critical role in defining the power of the governor to appoint officials to posts within state government. As the Forty-Third Legislature began its

³⁷ “30c Cut in East Texas Oil Assures Extra Session Soon,” *Dallas Morning News*, May 27, 1931.

³⁸ Campbell, *Gone to Texas*, 381.

³⁹ “Long’s ‘No Cotton’ Cry Heard by Thousands of Farmers,” *Dallas Morning News*, September 10, 1931.

⁴⁰ “Witt Asks Governor to Call Extra Session,” *Dallas Morning News*, September 4, 1931.

⁴¹ “Cotton States Asked to Follow Lead of Texas,” *Dallas Morning News*, September 30, 1931.

work, newly elected Governor Miriam Ferguson asked that three nominations to the State Board of Education made by her predecessor, Governor Sterling, be returned. In sustaining a point of order, Witt ruled that once the governor sends a nomination to the Senate, it became the property of the legislative body and could not be withdrawn. The only relief available to the governor in such a situation was the rejection of the nominee by the Senate.⁴²

A second episode regarding a dispute in nominations occurred when the Senate rejected Ferguson's nomination of F. L. Denison to the Highway Commission. Just one day after the Senate rejected the nomination, Ferguson again submitted Denison's name for consideration. When Lieutenant Governor Witt made it known that he would again submit the nomination to the Committee on Governor's Nominations, a point of order was quickly raised that because the appointment had previously been rejected, it could not be submitted again.⁴³ In a fourteen to thirteen vote, the Senators narrowly rejected a motion to seek the opinion of the Texas Attorney General on the matter, meaning the decision rested in Witt's hands.⁴⁴ Ruling on the point of order, Witt upheld the governor's power to re-submit rejected nominations, noting, "The wisdom or folly of permitting the Governor to re-nominate a person after a previous nomination has been rejected is not involved in the question. The sole question is whether or not the governor has the legal right so to do...he is, of course, entitled so to do."⁴⁵

After the completion of two terms as lieutenant governor, Witt made a run for governor in 1934, but lost to James Allred. Despite the loss, the lieutenant governor's office did not prove

⁴² "Fergusons Reopen Battle on Naming Education Board," *Dallas Morning News*, January 19, 1933.

⁴³ "Governor Amazes Senate by Naming F.L. Denison Again," *Dallas Morning News*, February 10, 1933.

⁴⁴ "Fight on Denison Again Boils Over in Senate Session," *Dallas Morning News*, February 11, 1933.

⁴⁵ *Journal of the Senate of Texas being the Regular Session of the Forty-third Legislature Begun and Held at the City of Austin, January 10, 1933* [<http://texashistory.unt.edu/ark:/67531/metaph307695/m1/380/> (accessed April 22, 2015)], p. 374.

to be a dead end road for Witt. In 1935, he was appointed commissioner of a special Mexican Claims Commission by President Roosevelt, a position he held until 1938.⁴⁶ The commission was responsible for distributing \$5.5 million to those who made claims against the Mexican government for damages to American owned properties during revolutionary activity.⁴⁷ In 1943 Roosevelt again gave an appointment to Witt, naming him to be chairman of the United States Mexican Claims Commission, a position he served in until 1947. Witt was summoned for a third time by the president of the United States when he was named chief commissioner of the Indian Claims Commission by President Harry S Truman.⁴⁸ The commission heard claims from Indians with grievances against the United States government from broken or ignored treaties.⁴⁹ Witt remained on the commission until retiring in 1960. He died in 1965.⁵⁰

Walter Frank Woodul followed as the next lieutenant governor of Texas. Woodul had enjoyed success in law, business, politics, and the military. A native Texan, he was born in Laredo in 1892. After a brief stint as a teacher, he entered law school but left before his studies were completed in order to enter the National Guard. He eventually completed his education and attained his law license in 1917, the same year he entered the Texas House of Representatives. His service in the House was brief, as he accepted an appointment as Assistant Adjutant General of Texas. He later entered the army and attained the rank of captain. Upon returning to civilian life, he established a law office. He later became a division attorney for the International and

⁴⁶ Tirey, "WITT, EDGAR E."

⁴⁷ "Texan Edgar Witt Ends 42-Years Public Service", *Houston Post*, July 7, 1950, in Vertical File – Witt, Edgar E., Dolph Briscoe Center for American History, The University of Texas at Austin.

⁴⁸ Tirey, "WITT, EDGAR E."

⁴⁹ "Former Lt. Governor Quitting Indian Post", *Levelland Daily Sun News*, May 28, 1960, in Vertical File – Witt, Edgar E., Dolph Briscoe Center for American History, The University of Texas at Austin.

⁵⁰ Tirey, "WITT, EDGAR E."

Great Northern Railroad Company and later became the president of the company and stayed on as general counsel after it consolidated with the Missouri Pacific Lines. In 1928, Woodul returned to politics and ran for a seat in the Texas Senate. Taking his seat in 1929, he held the seat for three terms until being inaugurated as lieutenant governor in 1935.⁵¹ In his election for lieutenant governor, it was hardly necessary for Woodul to mount a campaign. He enjoyed the support of twenty-one senators, who held great influence in their districts. Endorsements from newspapers also aided his campaign. He made few public appearances or speeches during his campaign, instead relying on his contacts with newspapers, banks, and a handful of powerful political figures. Keeping his campaign costs to just five thousand dollars and making no use of radio, Woodul won the election.⁵²

As lieutenant governor, Woodul strictly enforced Senate rules and barred lobbyists from the floor.⁵³ Upon taking office, Lieutenant Governor Woodul made it known that the “Spinning of yo-yos, private chatting and scampering of children will not be countenanced.” Noting that Senate rules limited access to the floor, he flatly declared that “any doorkeeper or employee that permits an unauthorized person to enter” would be fired under the powers granted to him in the Senate rules.⁵⁴ Woodul took the philosophy that change is good in his appointment of chairs to Senate committees. No committee chairs from the previous session were reappointed. Instead a

⁵¹ Texas State Cemetery, “Walter Frank Woodul [2495],” http://www.cemetery.state.tx.us/pub/user_form.asp?pers_id=2495 (accessed January 28, 2015).

⁵² Davis, *There Shall Also be a Lieutenant Governor*, 59-60.

⁵³ Texas State Cemetery, “Walter Frank Woodul [2495].”

⁵⁴ “Woodul Declares Senate Must Obey Its Rules Strictly,” *Dallas Morning News*, January 4, 1935.

completely new slate of committee chairs was appointed. Explaining his reasoning to senators, Woodul stated, “I do feel we ought to pass the honors around.”⁵⁵

Woodul was interviewed for J. William Davis’ 1967 work *There Shall Also be a Lieutenant Governor*. Woodul expressed a few key insights on his views of the office. First he noted that he believed the basic function of the office was to move legislation through the Senate and direct the business of the Senate in an efficient manner. He noted that the key source of the lieutenant governor’s powers was the Senate rules and that such power must be exercised with care so as not to alienate too many Senators, who have to approve the rules. What the senators give, they can also take away. According to Woodul, the key powers granted to the lieutenant governor lie in his appointment of committees, referral of bills, and control of the calendar. He expressed the belief that as a state official elected on a statewide basis, the lieutenant governor should seek the good of Texas rather than local or special interests.⁵⁶

As lieutenant governor, Woodul served as chair of the 1936 Texas Centennial. His work related to the state festivities made a campaign unnecessary, allowing Woodul to easily attain a second term.⁵⁷ In 1938, as his second term was coming to a close, he made a run for state attorney general. He sought this office rather than the governorship because in his view, the office of attorney general presented “a greater challenge.” In Woodul’s view, the governor’s power was diluted by Texas’ plural executive and an ever increasing number of autonomous boards and commissions.⁵⁸ After leaving his post as lieutenant governor, Woodul continued to

⁵⁵ *Journal of the Senate of Texas being the Regular Session of the Forty-Fourth Session of the Legislature Begun and Held at the City of Austin, January 8, 1935* [<http://texashistory.unt.edu/ark:/67531/metapth142185/m1/15/> (accessed April 22, 2015)], p. 9.

⁵⁶ Davis, *There Shall Also be a Lieutenant Governor*, 60-61

⁵⁷ Ibid., 60.

⁵⁸ Ibid., 62.

serve the state as a political appointee. In 1945 Governor Coke Stevenson appointed him to the board of regents for the State Teachers Colleges. In 1959 Governor Price Daniel appointed him to the Board for Texas State Hospitals and Special Schools. He also maintained his position on the Imperial Sugar Company board of directors, a position he had held since 1939. He retired from practicing law in 1958 and moved to Austin, where he lived until his death in 1984.⁵⁹

The 1938 gubernatorial election may have resulted in one of the most colorful and inept governors in the history of the state. The Democratic nominee was none other than Wilbert Lee O'Daniel, better known as Pappy O'Daniel. O'Daniel started out as a flour salesman in 1925. By 1935 he owned his own company, which sold "Hillbilly Flour." He was best known for his radio show, which played western and religious music and featured a band called the Light Crust Doughboys. On Palm Sunday 1938, O'Daniel announced his candidacy for governor, claiming he received nearly 55,000 letters begging him to run. His platform was the Ten Commandments, and the Golden Rule served as his campaign motto. His only specific plan was a thirty-dollar a month old-age pension for Texans. O'Daniel's ineptness would open doors of opportunity for Coke Stevenson, the lieutenant governor who served under him.⁶⁰

Stevenson was described as "a man who brands his own cattle and cooked his own coffee in a two-bit pot."⁶¹ He was born in a log cabin in Mason County, Texas, in 1888. While still a teenager, he began his own freight service, which he sold to become a janitor at a local bank. He

⁵⁹ Research Division, *Presiding Officers*, 75.

⁶⁰ Campbell, *Gone to Texas*, 392-393; George N. Green, "O'DANIEL, WILBERT LEE [PAPPY]," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fod11>), accessed April 22, 2015. Uploaded on June 15, 2010. Modified on June 19, 2012. Published by the Texas State Historical Association.

⁶¹ John Wagner, "As Texan as a Steer Brand is State's Next Governor," *Dallas Morning News*, July 2, 1941.

worked his way up to cashier and studied law at night. Admitted to the bar in 1913, he became involved in a variety of businesses and served as a bank president. His entrance into politics came in 1914, when he was elected as Kimble County attorney, a position he held until 1918. From 1919 to 1921 he served as county judge. In 1928 he was elected to the Texas House of Representatives. He served in that body until 1939. He was chosen speaker of the house in 1935, becoming the first person to hold the positon for two successive terms.⁶² In 1937, as his second term as speaker was coming to a close, over one hundred members of the House signed a petition asking Stevenson to serve a third term. However, he refused the request, intent on never holding public office again. He was drawn into the race for lieutenant governor by State Senator Garrett H. Nelson, who had declared his candidacy for the office. Nelson proposed that the state constitution be amended to create a unicameral legislature. Opposing the measure, Stevenson tried to find someone to run against Nelson. Unable to find a willing opponent, he decided to enter the race himself. Candidate Stevenson ran a campaign free of showmanship and flare. He refused to have a platform or make campaign promises. Instead, he ran on his accomplishments. Stevenson likened a campaign platform to a Mother Hubbard Dress—they covered everything and touched nothing. He believed that platforms and promises were something forgotten once a politician was elected.⁶³

Taking office for the first time as lieutenant governor, Stevenson used his inaugural address to praise the Texas Constitution of 1876. Noting calls for scrapping the constitution, Stevenson questioned the motives of those wanting to write a new organic law for the state.

⁶² Eldon S. Branda, "STEVENSON, COKE ROBERT," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fst48>), accessed February 02, 2015. Uploaded on June 15, 2010. Published by the Texas State Historical Association.

⁶³ Robert A. Caro, *The Lyndon Johnson Years: Means of Ascent* (New York: Alfred A. Knopf, 1990), 164-165.

Stevenson called the state constitution “the highest expression of Texas people on the subject of representative government” noting that the document was “elastic enough to afford provision for all the social services to which we now becoming accustomed....[and] firm enough to be the refuge of every right that is enjoyed by any individual citizen.” He did not use his inaugural address as an opportunity to advise a course of legislative action, but instead told the state senators that they would be allowed to represent the interests of their constituents.⁶⁴

Governor O’Daniel came into office with virtually no knowledge of state government. He appointed unqualified persons to government posts. He vetoed critical legislation and proposed laws that stood little chance of passing. Under his watch the state deficit grew to thirty-four million dollars and state employees were often paid with treasury warrants. O’Daniel’s incompetence provided an opportunity for Lieutenant Governor Stevenson to direct the affairs of the state. Private conferences with legislators kept the government running.⁶⁵ Governor O’Daniel supposedly relied on the advice of Stevenson. A May 1939 *Dallas Morning News* article reported an interesting piece of political gossip:

It is not secret around the Capitol that Stevenson is called into almost daily conference with O’Daniel and the comment is that the recent statesmanlike messages and utterances emanating from the politically inexperienced chief executive had their inception in the advice given by the Lieutenant Governor, who is regarded as one of the most astute politicians in Texas. Friends say he is getting in practice and will be ready to occupy the Governor’s chair.⁶⁶

As Stevenson’s first term came to an end in 1940, speculation emerged that he might not seek a second term, but instead run for Chief Justice of the state Supreme Court.⁶⁷ Ultimately he chose

⁶⁴ *Journal of the Senate of the State of Texas Regular Session of the Forty-Sixth Legislature Convened January 10, 1939 Adjourned June 21, 1939* (Austin: Eugene Von Boeckmann-Jones Company, 1939), 78-81.

⁶⁵ Caro, *Years of Lyndon Johnson*, 168.

⁶⁶ William M. Thornton, “Gossip Starts Stevenson in Governor Race, *Dallas Morning News*, May 9, 1939.

⁶⁷ William M. Thornton, “Coke Stevenson Still Considers Running for Chief Justice Post,” *Dallas Morning News*, April 17, 1940.

to run for a second term and won by a wide margin. In his second inaugural address he focused on the need for the state to aid agriculture, protect labor, build a social security program, support the state's mental hospitals, regulate highways, and fund the state's higher education institutions. When the 1941 regular session of the legislature came to a close, Stevenson was able to cite a way in which the legislature addressed each of these issues.⁶⁸

In April 1941, United States Senator Morris Sheppard died. Intending to run for the office himself, O'Daniel appointed Andrew Jackson Houston, the eighty-seven year old sole surviving son of Sam Houston, to serve as interim United States Senator until a special election was held. O'Daniel entered the race, winning the election. Much of O'Daniel's support was not genuine. Many so-called supporters backed him in order to get him out of Texas. Stevenson's friends also backed O'Daniel. However, their support was not heartfelt; they just wanted to see Stevenson become governor.⁶⁹

On August 4, 1941, Stevenson became the governor of Texas as O'Daniel resigned the post to enter the United States Senate. Stevenson remained as governor until January 1947, thus becoming the longest serving governor in Texas up to that time. As governor, he focused on soil conservation, highway financing, a building program for the University of Texas at Austin, and an increase in salaries for the state's teachers. He attempted to build on his successes by running for the United States Senate in 1948. In a disputed election, he lost to future United States President Lyndon Baines Johnson. He found himself disillusioned with the Democratic Party and lent his support to the Republican Party until his death in 1975.⁷⁰

⁶⁸ Booth Mooney, *Mister Texas: The Story of Coke Stevenson* (Dallas: Texas Printing House, 1947), 31-32.

⁶⁹ George Norris Green, *The Establishment in Texas Politics: The Primitive Years, 1938-1957* (Norman: University of Oklahoma Press, 1979), 32-37.

⁷⁰ Branda, "STEVENSON, COKE ROBERT."

Stevenson was often called "Calculatin' Coke" because of the way he puffed on his pipe and thought matters over thoroughly before letting his views be known. John Lee Smith, who occupied the office of lieutenant governor from 1943-1947, was quite the opposite. Smith was described as having "opinions on everything from the atomic bomb to soil conservation." He was not one who had "to be urged twice to air his views." A 1946 article stated, "Pet peeves of Smith are labor racketeers, the CIO Political Action Committee and the Communists." These views dominated Smith's two terms as lieutenant governor and his futile run for governor in 1946.⁷¹

Smith was born in Chico, Texas in 1894. The son of a cotton farmer, he spent most of his youth and formative years in Throckmorton County. After completion of his college education, Smith entered military service and was assigned overseas. Upon his return stateside, he briefly studied law before being elected Throckmorton County judge in 1920. He left the post in 1926 to complete his legal studies and was subsequently admitted to the bar.⁷² His career next took him to the state board of education, where he served as a staff attorney until 1931, when he entered private practice. He re-entered politics in 1940 when he ran for the Texas Senate. He quickly moved up the political ladder with a successful run for lieutenant governor in 1942.⁷³

Smith was a lieutenant governor who let his views be known. He did not avoid conflict. As lieutenant governor, he attacked organized labor, state senators investigating the University of Texas, communists, the federal bureaucracy, and minorities. Such attitudes contributed to a cool

⁷¹ Allen Duckworth, "Smith: Man of Many Protests," *Dallas Morning News*, June 30, 1946.

⁷² H. Allen Anderson, "SMITH, JOHN LEE," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/fsm58>), accessed February 09, 2015. Uploaded on June 15, 2010. Published by the Texas State Historical Association.

⁷³ Research Division, *Presiding Officers*, 79.

relationship with Stevenson, cost him future appointments to government posts, and nearly lost the lieutenant governor his power to appoint the committees of the Senate. Before he was officially installed as lieutenant governor, Smith sent a telegram to President Roosevelt attacking the chief executive for not doing enough to stop strikes that Smith believed were hampering the war effort.⁷⁴ Smith did not shy away from further criticism of the federal government. He felt that the federal bureaucracy was too large, noting that there were 169,000 federal employees in Texas in contrast to the state itself only having 148,000.⁷⁵ In September 1943 Smith, believing that cuts to Texas' gas allowances under war time rationing policies were politically motivated, attacked Secretary of the Interior Harold Ickes. Ickes called out the lieutenant governor, "As you go forth, draped in the outer garments of patriotism and the underwear of self-interest, please remember that our tanks and trucks and jeeps cannot burn the crocodile tears that you shed."⁷⁶

Smith loathed many of the practices of organized labor. As lieutenant governor, he supported the Manford Act, which limited union political participation and required some unions to hold annual elections for officers.⁷⁷ He had strong feelings against unions that went on strike during wartime. Smith exclaimed, "I regard such strikes as treason to the men who do battle for us now."⁷⁸ Smith was not completely against the concept of worker rights or unions. He favored public works programs, a limited work week, a minimum wage, and unemployment benefits. His opposition was against the closed-shop. Smith expressed his views, "I am not

⁷⁴ "Lieutenant Governor Censures President," *Dallas Morning News*, December 30, 1942.

⁷⁵ Robert M. Hayes, "Smith Indicts Bureaucracy for Bungling," *Dallas Morning News*, July 17, 1943.

⁷⁶ William M. Thorton, "Smith Says Gasoline Cut is Political," *Dallas Morning News*, September 1, 1943.

⁷⁷ Research Division, *Presiding Officers*, 79.

⁷⁸ "Japs and Strikers," *Houston Post*, February 6, 1943, in Vertical File – Smith, John Lee Sr., Dolph Briscoe Center for American History.

saying there should be no labor unions, but only that if favorable legislation is enacted it should apply to all alike, union and non-union workers.”⁷⁹

A spat with senators investigating chaos at the University of Texas nearly resulted in the lieutenant governor being stripped of his power to appoint committee members. The crisis began when conservative members of the Texas Board of Regents appointed by Governors O’Daniel and Stevenson attempted to turn the University in a conservative direction by asserting control over professors and curriculum. The regents fired professors, weakened tenure rules, eliminated funding for social science research, and banned the book *U.S.A.* by John Dos Passos because of its supposed “obscene” and “perverted” content. University President Homer Price Rainey was incensed by these actions and made a statement to the faculty condemning the regents. The regents responded by firing him.⁸⁰

The chair of the Senate education committee launched an investigation into the matter. Lieutenant Governor Smith issued a letter to the committee chair, Senator Penrose Metcalfe, criticizing him of a biased hearing that showed partiality towards the ousted president, noting that an “attitude little short of hostility” was being shown towards the university’s board of regents. In a statement to the members of the committee, Smith stated, “Since I appointed your committee, I feel in a manner responsible for its acts.”⁸¹ The Senators retorted by stating that they had not asked to be appointed to the committee and threatened to strip the Lieutenant Governor of his power to appoint standing and conference committees. Such a move would

⁷⁹ William M. Thornton, “Smith Agrees to Legislative Labor Session,” *Dallas Morning News*, October 23, 1945.

⁸⁰ Campbell, *Gone to Texas*, 412.

⁸¹ “Make Hearings Impartial—Smith,” *Daily Texan*, November 26, 1944, in Vertical File – Smith, John Lee Sr., Dolph Briscoe Center for American History.

severely weaken the office as committees played an important role in shaping legislation.⁸² By the time the legislature was ready to convene for its 1945 regular session, flared tempers had calmed and Smith was permitted to make appointments to the Senate's committees.⁸³

Smith attempted to capitalize upon his two terms as lieutenant governor by making a run for governor in 1946. In his campaign, he did not have the support of Stevenson. His issues were a laundry list of items that included organized labor, the closed shop, the Fair Employment Practices Committee, African American participation in the Democratic primary, liberal school teachers, and new taxes. Among Smith's opponents in the Democratic primary was Rainey. Smith spared no opportunity to sling mud at the former university president. One historian of the era noted that "Smith emerged, in short, as the personification of...bitter fantasies and hostilities ...He was unable to control his contentiousness, his violent rhetoric, or his penchant for the most extreme position on a wide range of issues." Governor Stevenson quietly lent his support to Beauford Jester, who eventually won the 1946 race.⁸⁴

The less than warm relationship between Stevenson and Smith manifest itself in other ways as well. Smith considered efforts by Stevenson to limit strikes by forging "gentlemen's agreements" with labor unions as inadequate, noting the Governor's efforts would "not solve the problem created by organized labor." Smith cited several Texas strikes in which the Governor's efforts were not adequate and called for regulatory measures to "restrain labor groups who would rule or ruin."⁸⁵ The strained relationship also limited Smith's opportunities to serve as acting

⁸² William M. Thornton, "Senate May Attack Smith Committee-Naming Right," *Dallas Morning News*, December 3, 1944.

⁸³ William M. Thornton, "Choice of Key Chairmen in New Legislature Talked," *Dallas Morning News*, December 29, 1944.

⁸⁴ Green, *Establishment in Texas Politics*, 92-94.

⁸⁵ Alonzo Wasson, "Smith Debates Stevenson's Labor Views," *Dallas Morning News*, March 17, 1943.

governor. Smith urged Stevenson to call a special session of the legislature for the purpose of considering a variety of issues. Rumor persisted about the capitol that Stevenson deliberately kept close to his post in order to deny Smith the opportunity to call a special session while serving as acting governor.⁸⁶

After his exit from the office of lieutenant governor, Smith moved to Lubbock and practiced law. He made several attempts to re-enter politics. He first ran for congressman-at-large in 1952 and lost the primary.⁸⁷ In 1953, he was considered for the post of United States Attorney for the Northern District of Texas. However, the National Association for the Advancement of Colored People (NAACP) opposed his nomination on the basis of “a collection of statements” made during Smith’s 1946 race for governor. The NAACP accused the former lieutenant governor of opposing the participation of colored people in politics and expressing “other forms of race prejudice.”⁸⁸ Opposition from the NAACP stymied his nomination for United States Attorney, leading Smith to ask that his name be withdrawn for consideration.⁸⁹ In 1956, Smith attempted to return to his old job with a run for lieutenant governor. He focused on issues such as limits on the influence of lobbyists, improvements in care for the mentally ill, water conservation, and full payment of old age pensions. However, he held fast to his views on race and expressed opposition to the forced integration of public schools, believing the matter

⁸⁶ Weldon Hart, “It’s Gov. Smith Now, First Time in a Long Time,” *Austin American*, October 10, 1946.

⁸⁷ Anderson, "SMITH, JOHN LEE."

⁸⁸ “NAACP Asks Opposition to John L. Smith,” *Dallas Morning News*, March 9, 1953.

⁸⁹ “John Lee Smith Seeks Return As Texas Lieutenant Governor,” *Dallas Morning News*, May 5, 1956.

was best left to local school boards.⁹⁰ He lost, and did not return to politics again before he died in 1963.⁹¹

The next man to hold the office of lieutenant governor was Allan Shivers. Holding the office from January 1947 to July 1949, when he ascended to the office of governor upon the death of Beauford Jester, Shivers made a great impact on the office of lieutenant governor. In his work on the office, political scientist J. William Davis noted, "Shivers' ideas, practices, and techniques of leadership were probably most significant in turning the office of lieutenant governor in the direction it has since taken."⁹² Born in 1907 in Lufkin, Texas, Shivers entered the University of Texas in 1924. At the end of his first year, he dropped out of school to work in an oil refinery in Port Arthur. In 1928 he re-entered the University of Texas and graduated in 1931. That same year he passed the state bar exam. However, he did not receive his law degree until 1933. The following year, at the age of twenty-seven, Shivers was elected to the Texas Senate, serving in the Forty-Fourth through Forty-Ninth Legislatures. In 1943, he entered the United States Army, serving in North Africa, Italy, France, and Germany. Upon his discharge from the Army in 1945, Shivers decided to make a run for lieutenant governor.⁹³ His decision to enter the race was based on support from his colleagues in the Texas Senate. He was also driven

⁹⁰ John Lee Smith, "Smith's Statement," *Summer Texan*, July 13, 1956, in Vertical File – Smith, John Lee Sr., Dolph Briscoe Center for American History.

⁹¹ Anderson, "SMITH, JOHN LEE."

⁹² Davis, *There Shall Also be a Lieutenant Governor*, 65-66.

⁹³ Ben H. Procter, "SHIVERS, ROBERT ALLAN," Handbook of Texas Online (<http://www.tshaonline.org/handbook/online/articles/fsh40>), accessed March 05, 2015. Uploaded on June 15, 2010. Published by the Texas State Historical Association.

by a “natural inclination toward that office of Lieutenant Governor, after having served in the Senate for twelve years.”⁹⁴

The 1946 Democratic primary had three major candidates for lieutenant governor. Shivers won forty-seven percent of the vote in the initial primary, forcing a runoff in which he received fifty-six percent of the vote before achieving victory in the November general election.⁹⁵ Postwar Texas faced a variety of serious challenges that included issues such as transportation, public education, public health, civil rights, labor, and segregation. The Fiftieth and Fifty-First Legislatures over which Lieutenant Governor Shivers presided took up legislation that addressed many of these issues and transformed Texas into a modern state.⁹⁶

In his 1947 inaugural address before the Fiftieth Legislature, Shivers emphasized the necessity of state government exercising its powers and executing its responsibilities in order to avoid intrusion by the federal government. Shivers urged the legislature to adopt a program which included pay raises for teachers, benefits for returning veterans, a university for Texas’ African Americans, new highways, and labor reform.⁹⁷ The legislature in 1947 passed nine anti-labor bills.⁹⁸ These bills weakened the power of labor by banning the closed shop, prohibiting automatic deduction of union dues, placing limitations on picketing, and making unions subject to state antitrust laws.⁹⁹ Education was also addressed by Shivers and the Fiftieth Legislature.

⁹⁴ Allan Shivers, interview by Dr. Tom Brewer, October 2, 1965, transcript, University of North Texas Oral History Program, University of North Texas Library, Denton, Texas.

⁹⁵ Ricky F. Dobbs, *Yellow Dogs and Republicans: Allan Shivers and Texas Two-Party Politics* (College Station: Texas A&M University Press, 2005), 39-40.

⁹⁶ Ibid., 42.

⁹⁷ *Journal of the Senate of the State of Texas Regular Session of the Fiftieth Legislature Convened January 14, 1947 Adjourned June 6, 1947* (Austin: Eugene Von Boeckmann-Jones, Co., 1947), 59-60.

⁹⁸ Green, *Establishment in Texas Politics*, 137.

⁹⁹ Dobbs, *Yellow Dogs and Republicans*, 44.

The legislature established a pay scale for teachers that started at two thousand dollars per year and increased funding for rural schools.¹⁰⁰ Most importantly, Shivers organized a group to study “the Legislative problem of public school apportionment money each year—to get some sort of standard established between local support and state support of education.” The study group was composed of interested people, educators, and members of the legislature. While not an official group, the recommendations it made became the foundation for the groundbreaking Gilmer-Aiken laws passed by the Fifty-First Legislature in 1949.¹⁰¹

In regard to race relations, Shivers forced the ouster of the Good Neighbor Council’s director, Pauline Kibbe. The commission was established during World War II under federal and international pressure to combat race issues and labor abuse when Mexican laborers were coming to Texas to fill labor shortages in agriculture. Kibbe produced reports that promoted the interests of laborers and labor organizers. With wartime contingencies no longer needed, the legislature re-evaluated the role and necessity of the commission. In May 1947 Council director R. E. Smith and Lieutenant Governor Shivers negotiated an agreement that preserved the agency but ousted Klibbe.¹⁰²

Shivers also presided over the Fifty-First Texas Legislature. The 1949 meeting of the Texas Legislature was record breaking in two ways. It was the first Texas legislature to pass an appropriations bill exceeding one billion dollars. It also met for the longest session of any Texas legislature, organizing on January 11 and adjourning on July 6. The extended session brought

¹⁰⁰ Sam Kinch and Stuart Long, *Allan Shivers: The Pied Piper of Texas Politics* (Austin: Shoal Creek Publishers, Inc., 1973), 46.

¹⁰¹ Shivers interview by Brewer.

¹⁰² Dobbs, *Yellow Dogs and Republicans*, 43-44.

about legislation that pushed Texas toward being a modern state.¹⁰³ Upon taking the oath of office to begin his second term, Shivers used his inaugural address to urge the legislature to take action to empower the legislative branch of government and pass laws that modernized the state. In empowering the legislature, Shivers called for a full-time legislature, an annual session of the legislature for the purpose of preparing budgets, the creation of a legislative council, and four-year terms of office for state officials (instead of two). In other matters, he proposed education reform, prison reform, extension of farm to market roads, and conservation programs. The legislature acceded to most of Shivers' requests.¹⁰⁴

The committee that Shivers organized during his first term as lieutenant governor to look into options for reforming the state's outdated education system produced the Gilmer-Aikin laws. These abolished the state's appointed Board of Education and replaced it with an elective one. The laws abolished the elective office of state superintendent and replaced the office with an appointed commissioner who was charged with overseeing the new Texas Education Agency. The legislation provided for 175 days of instruction, consolidated smaller school districts, and increased state funding for public schools. The legislation also increased teacher pay. While the measure passed, it was controversial.¹⁰⁵ Shivers skillfully managed the Senate calendar and forced consideration of the first and most controversial part of the reform package early in the session. He also outmaneuvered a filibuster attempt on the bill. The first bill in the package passed in February and the other two passed with less fanfare in June.¹⁰⁶

¹⁰³ Campbell, *Gone to Texas*, 415.

¹⁰⁴ *Journal of the Senate of the State of Texas Regular Session of the Fifty-first Legislature Convened January 11, 1947 Adjourned July 6, 1949* (Austin: Eugene Von Boeckmann-Jones Co., 1949), 47-48.

¹⁰⁵ Campbell, *Gone to Texas*, 415.

¹⁰⁶ Dobbs, *Yellow Dogs and Republicans*, 50.

With an eye towards the future, the legislature created two new agencies to help it function more efficiently. Recommended by Shivers in his 1949 inaugural address, the legislature created the Legislative Council because state government was “too big for 181 lawmakers, who are fairly average citizens to learn the answers to its problems in four short months. However sincerely they try, the Representatives and Senators simply lack the time and facilities to study each proposal...The council would...allow better-informed action by the lawmakers.”¹⁰⁷ The council was tasked with investigating the functions and problems of state departments and agencies, and with conducting studies and reporting to the legislature. The council functioned when the legislature was adjourned.¹⁰⁸ As chair of the Legislative Council, the lieutenant governor could make appointments to study committees and set the direction or limit the scope of a study, thus influencing findings and recommendations to the legislature. The degree to which a lieutenant governor exercised this power has proven to be dependent upon personality. A lieutenant governor may take a hands off approach and allow the council be objective and impartial in its research, or he may not.¹⁰⁹

The legislature also created the Legislative Budget Board. The Budget Board was composed of ten members, with the lieutenant governor serving as its chair. The lieutenant governor appoints two senators to serve on the board. By statute, the chairs of the Senate Finance and State Affairs committees, appointed by the lieutenant governor, also serve on the committee. The Speaker of the House and four other House members are also on the committee. The board appoints a budget director, who is responsible for preparing recommendations for

¹⁰⁷ Richard Morehead, “Shivers Asks Fact Finding Council for Legislators,” *Dallas Morning News*, November 4, 1948.

¹⁰⁸ “Agency with Big Potential to Begin Work on Tuesday,” *Dallas Morning News*, October 18, 1949.

¹⁰⁹ Davis, *There Shall also be a Lieutenant Governor*, 26.

appropriations for state agencies and performs reviews of state agencies to guide budgetary decisions.¹¹⁰ As chair of the Budget Board, the lieutenant governor works closely with its director, approves all expenditures, and monitors its operations. Davis, writing on the lieutenant governor's role with the Budget Board, has stated, "Since money lies at the root of practically all state activity, the lieutenant governor is able in this way to exert a powerful influence on all legislative policy and public policy generally." While the board is not the only source of the lieutenant governor's power, his position as chair "can be viewed as a very substantial increment to the total body of powers to the office and the lieutenant governor's ability to influence state policy."¹¹¹ Shivers did not win every battle, however; his proposals to extend terms for state officials, hold annual sessions of the legislature, and provided legislators with full-time salaries failed.¹¹²

Shivers used the powers granted to him by Senate rules to appoint committees and assign legislation to committees to his advantage. He believed that those appointed as committee chairs should be friends of the lieutenant governor, as they would be depended upon to get legislation to the floor.¹¹³ Commenting on the matter of committee appointments, Shivers explained, "You look for experience and ability...You will always find more ability and experience among your friends than among your enemies." Shivers noted the necessity of appointing a committee chair

¹¹⁰ Laurie E. Jasinski, "LEGISLATIVE BUDGET BOARD," *Handbook of Texas Online* (<http://www.tshaonline.org/handbook/online/articles/mdl05>), accessed March 10, 2015. Uploaded on June 15, 2010. Published by the Texas State Historical Association.

¹¹¹ Davis, *There Shall Also be a Lieutenant Governor*, 23-25.

¹¹² Dobbs, *Yellow Dogs and Republicans*, 50.

¹¹³ Davis, *There Shall Also be a Lieutenant Governor*, 67.

who “can carry out the duties of chairman.” This meant having a lawyer chair the Judiciary Committee, an expert on finance and appropriations lead the Finance Committee, and so forth.¹¹⁴

One such example of Shivers using his power over committees involved a bill that the lieutenant governor wanted to be killed. Shivers originally assigned the bill to the State Affairs committee, headed by George Moffett. When Moffett scheduled the bill for a public hearing, Shivers reassigned the bill to the Finance Committee. Senator James E. Taylor noted the tight rule that the lieutenant governor then exercised over the Senate: “Shivers was the beginning of making the lieutenant governor as a powerhouse. When John Lee Smith was lieutenant governor the Senate ran the Senate. But Shivers began to take things over, and soon [he] was running the Senate, with the Senate’s consent.” In spite of having the consent of the Senate, an irate Shivers did not hesitate to make senators aware of his discontent. Taylor commented, “Shivers would really raise hell with you if you promised him something and didn’t deliver.”¹¹⁵

Senators were not the only ones who were forced to recognize the hold that Shivers held over the Senate. A bill came to the governor’s desk that transformed Lamar Junior College, located in Shivers’ home county, into a four-year institution. The lieutenant governor forced the legislation through the Senate. Governor Jester, not seeing the need for another four-year school, prepared to veto the bill. Warning Jester that a veto of the bill might hamper his legislative agenda, aide Weldon Hart noted, “Brother Shivers can operate in reverse as well as forward gear...If you are going to sign it, you ought to do a little bargaining first—enlisting Shivers’ aid for the higher education survey, the tax study, the water study, and the eleemosynary building program. He can be helpful, and he ought to be pledged.” Hart’s advice to Jester demonstrated

¹¹⁴ Shivers interview by Brewer.

¹¹⁵ Kinch and Long, *Allan Shivers*, 49.

the growing necessity of a governor being on good terms with the lieutenant governor if he or she wanted their legislative agenda to make progress.¹¹⁶

On July 11, 1949, Jester suddenly died, making Lieutenant Governor Shivers the new governor of the state. Shivers finished Jester's term and managed to be re-elected to the office three times, holding on for seven and one-half years.¹¹⁷ Shivers was the only lieutenant governor of Texas to succeed upon the death of a governor. The suddenness of Jester's death did not permit the outgoing governor to work with the incoming governor, allowing Shivers to become "acquainted with the immediate problems facing the governor." However, Shivers recalled that "Serving as Lieutenant Governor did give me close contact with them and knowledge of them."¹¹⁸ After leaving the governorship in 1957, Shivers maintained a variety of business and baking interests. In 1973, he was appointed to the University Of Texas Board Of Regents, serving as chairman for four years. He died in 1985.¹¹⁹

For the men who held the office of lieutenant governor from 1919 to 1949, the position did not serve as a reliable launching pad for those looking to serve in higher government posts. Nine men served as lieutenant governor from 1919 to 1949. Seven of the men who served as lieutenant governor during the time period made runs for governor. Of those seven men, only two served as governor—Stevenson and Shivers. Both ascended to the governorship when the office was vacated due to death or resignation, but both won successive terms. Some former lieutenant governors found political posts other than governor. Two former lieutenant governors managed to achieve posts in the federal government—Thomas W. Davidson and Edgar E. Witt.

¹¹⁶ Green, *Establishment in Texas Politics*, 119.

¹¹⁷ Procter, "SHIVERS, ROBERT ALLAN."

¹¹⁸ Shivers interview by Brewer.

¹¹⁹ Procter, "SHIVERS, ROBERT ALLAN."

President Roosevelt appointed Davidson as a federal district judge. Presidents Roosevelt and Truman appointed Witt to serve on multiple federal commissions. Former lieutenant governors Woodul and Shivers accepted appointments to state boards after leaving the office of lieutenant governor. Woodul, Stevenson, and Smith attempted to run for various state and federal offices in their post-lieutenant governor years, but were unable to win their elections.

These same men expressed varying opinions on the office. Thomas W. Davidson and Woodul noted that as presiding officer of the Senate, the lieutenant governor ought to be an impartial leader and avoid using a heavy hand to influence legislation.¹²⁰ Shivers made similar comments, remarking that one function of the lieutenant governor was to serve as an “umpire.” Shivers also stated that it was the lieutenant governor’s responsibility to ensure “minorities are protected from the power of the majority.”¹²¹ Shivers added that “the lieutenant governor is no figurehead. His office is one of the most influential in state government.”¹²² He believed that a lieutenant governor who put his personal interests ahead of the whole of Texas could “hamper the growth and progress of Texas.”¹²³ Stevenson expressed similar ideas, noting that the office was “one of responsible importance” and that occupants had “tremendous obligations” imposed upon them.¹²⁴ This is interesting, since both Shivers and Stevenson greatly expanded the power of the lieutenant governor while they were serving in that office.

¹²⁰ Davis, *There Shall also be a Lieutenant Governor*, 57, 62.

¹²¹ Radio Speech, Monday, June 24, 1946, Texas Office of the Governor, Records: Allan Shivers, Archives and Information Services Division, Texas State Library and Archives Commission.

¹²² “Allan Shivers Tells Two El Paso Gatherings ‘Lieutenant Governor Is No Figurehead’,” *Austin American*, August 18, 1946.

¹²³ Radio Speech, Thursday, July 18, 1946, Records of Allan Shivers, Texas Office of the Governor.

¹²⁴ *Journal of the Senate of the State of Texas Regular Session of the Forty-Sixth Legislature Convened January 10, 1939 Adjourned July 21, 1939* (Austin: Eugene Von Boeckmann-Jones Co., 1949), 78.

One constant in every Texas state constitution has been the separate election of a governor and lieutenant governor. The two are not a formal team by any stretch of the imagination. In his election as lieutenant governor, Shivers noted that while “the issues somewhat overlapped” between him and Jester, the two were “no running team.”¹²⁵ Other lieutenant governors, including Thomas W. Davidson, expressed the view that he was not on the governor’s team.¹²⁶ Echoing a similar perspective, Woodul remembered that he worked with the governor on some issues and opposed him on others.¹²⁷ The separation of the two offices was evident in the relationship between most governors and lieutenant governors, with friction being a trait of most relationships in this period. Examples of such friction can be found in simple disagreements over the course of legislation and a governor’s refusal to leave the state for fear that a special session of the legislature might be called. Such strained relations can lead an outgoing governor to not support a lieutenant governor’s candidacy for governor, as was the case with Stevenson and Smith. One notable exception can be noted to this pattern—the relationship between O’Daniel and Stevenson. In this case, the inept O’Daniel relied on Stevenson for advice and counsel on the important matters of the state.

A common trait linking all lieutenant governors of the 1917-1949 period was prior service in the one or both chambers of the Texas Legislature. All lieutenant governors were linked by prior service in the Texas Senate. This can be attributed to a few key factors. Support from one’s fellow state senators can be vital in an election. Woodul, for example, had the endorsement of twenty-one senators who helped influence the vote in their districts. This cut

¹²⁵ Shivers interview by Brewer.

¹²⁶ Davis, *There Shall Also be a Lieutenant Governor*, 57.

¹²⁷ Ibid., 62.

down on the need for campaigning.¹²⁸ Shivers was urged to run for the office by many senators. Fellow senators formally chose him to be a candidate in a Senate executive session. Ultimately, all but one senator lent support to Shivers. Most sent letters or postcards to their constituents urging them to vote for Shivers.¹²⁹ During his 1946 campaign for lieutenant governor, Shivers emphasized his service in the Senate as one of his qualifications. He also noted that after twelve years in the Senate, there was a “natural inclination toward that office [lieutenant governor].”¹³⁰ Another common thread that linked many lieutenant governors was being an attorney. Seven of the nine lieutenant governors from this period were attorneys.

As Texas grew into a modern and urban state, the power and influence of the office of lieutenant governor also grew. Lieutenant governors of this period openly criticized, disagreed with, and publicly opposed the governor on legislative matters. Witt demonstrated that the office had the potential to reach beyond state lines when he attempted to organize interstate efforts to control falling cotton prices. Woodul showed veteran Senators that he was in charge when he refused to re-appoint committee chairs. Stevenson demonstrated that an opportunistic lieutenant governor could reach beyond his own office and into that of the governor when the state’s chief executive demonstrated weakness. Under the auspices of Shivers, the office gained more power as the lieutenant governor was named chair of the influential Legislative Budget Board and Texas Legislative Council, tools created to aid the burgeoning modern state and growing state government.

¹²⁸ Davis, *There Shall Also be a Lieutenant Governor*, 59.

¹²⁹ Kinch and Long, *Allan Shivers*, 39-41.

¹³⁰ Shivers interview by Brewer.

By time Shivers exited the office of Texas lieutenant governor in 1949, the office was well on its way to becoming one of the most important and influential offices in the state. While not as well-known as the governor, the lieutenant governor has an ability to exert great influence on the lawmaking process and public policy through the powers granted to him. Some of those powers come through the Senate rules—the ability to appoint Senators to committees, assign bills, recognize Senators, and rule on points of order. Other powers come through statute—the lieutenant governor is the ex officio chair of various state boards and committees, including the Texas Legislative Council and Legislative Budget Board. The personality of the officeholder, circumstances, and growth in the state government has created opportunities for the power and influence of the office to increase, even beyond what it had in 1949.

CHAPTER 6

EPILOGUE: THE MODERN ERA, 1950-2015

During the latter half of the twentieth century and the early years of the twenty-first century, the office of Texas lieutenant governor has continued to be a heavyweight in Texas politics. As with lieutenant governors of earlier periods, those occupying the office have used their personal gravitas to enhance the power the office holds. Longevity in office has added to the influence a lieutenant governor wields. That longevity has been made possible by election to multiple and successive terms in office as well as a constitutional amendment which extended the term of the lieutenant governor from two years to four. While the lieutenant governor is a position of great power within Texas government, subtle reminders remain that the great power the office possesses has its limits. That power can be stripped by those over whom the lieutenant governor presides—the thirty-one members of the Texas Senate. The lieutenant governor is often regarded as the most powerful position in state government. This is made possible by the notion that the Texas governor is “weak.” However, longevity in office for one Texas governor has led to that notion being questioned.

Prior to the 1950s, no lieutenant governor had been elected to more than three two-year terms, with most serving one or two terms. That trend was broken by Ben Ramsey, who began his first of six terms as lieutenant governor in 1951. He occupied the office for over ten years before he resigned to take a position on the Texas Railroad Commission. He was replaced by Preston Smith. Smith held the office for three terms, or a total of six years. The trend of longevity in office would be extended further by William P. Hobby Jr., son of the former governor and lieutenant governor. Hobby served as lieutenant governor for eighteen years, from 1973 to 1991, being elected to the office five times. His second term, which began in 1975,

marked the transition from the two-year to four-year term of office for elected officials in the executive branch of Texas government. Hobby was not the only lieutenant governor to serve in excess of a decade. David Dewhurst became the lieutenant governor in 2003 and served a total of twelve years, being elected three times. Dewhurst hoped to serve a fourth term, but failed to win the Republican primary in 2014.¹

Ben Ramsey	1951-1961 (resigned to accept appointment to the Texas Railroad Commission)
Preston Smith	1963-1969
Ben Barnes	1969-1973
William P. Hobby, Jr.	1973-1991
Bob Bullock	1991-1999
Rick Perry	1999-2000 (vacated office to succeed George W. Bush as governor)
Bill Ratliff	2000-2003
David Dewhurst	2003-2015
Dan Patrick	2015-

Table 1. Lieutenant Governors of Texas, 1951-2015

Enhancing the ability of the lieutenant governor to serve extended periods of time was an amendment to the Texas Constitution approved by voters in 1972. The amendment was not specifically directed at the office of lieutenant governor. The amendment to Article IV of the Texas Constitution extended the term of office from two to four years for certain elected and appointed state officials. Those officials affected by the amendment included the governor, lieutenant governor, attorney general, comptroller of public accounts, treasurer, commissioner of the General Land Office, commissioner of agriculture, and secretary of state. With the exception

¹ Texas Legislative Reference Library, “Lieutenant Governors of Texas, 1846-Present,” <http://www.lrl.state.tx.us/legeLeaders/ltgovernors/ltgovbrowse.cfm> (accessed April 8, 2015).

of a brief period during Reconstruction, two-year terms of office had been the norm for officials in the executive branch of Texas government. During Reconstruction, the term of office for those in the executive branch was extended to four years. In an effort to weaken the power of state government, the authors of the Constitution of 1876 returned those in the executive branch to two year terms of office.

The amendment's supporters touted a variety of benefits. A four-year term would supposedly allow those holding executive office to spend more time governing and less time campaigning. Election of candidates to executive offices was to occur in non-presidential years, thus allowing for more focus on Texas state politics. The amendment also would supposedly encourage "greater integrity in office" as it would reduce campaign costs and make candidates less reliant on special interests for support. Also, Texas was one of the few states still clinging on to two-year terms. At the time the amendment was put before the voters, thirty-nine states had four-year terms of office for executive branch offices. Lastly, modern growth in state government made it necessary. Long range plans and programs were hampered by frequent changes in leadership created by two-year terms.

Opponents of the amendment warned against adoption. They argued that those holding office for a four-year term would be less responsive to voters since they faced election less often. Gubernatorial appointments, being made every two years on a six-year rotation, would give two-term governor serving a four-year term the ability to control every state board and commission. Opponents also warned that four-year terms would promote corruption and would permit "almost lifetime tenure for a powerful politician."²

² Texas Legislative Council, *14 Proposed Constitutional Amendments Analyzed: Analyses of Proposed Constitutional Amendments for Election—November 7, 1972* (Austin: Texas Legislative Council, 1972), 25-28.

Hobby believed that longevity in office was beneficial. Like a fine wine, Hobby believed that remaining in office made him better. He explained, “I served eighteen years as lieutenant governor—five terms. When I left office I was a far better public servant than when I was first elected in 1973. Governing is complicated business, and on-the-job training is all most of us get.” According to him, more time in office made a lieutenant governor more effective.³

Aside from the Senate rules, which grant the lieutenant governor a great deal of authority, some lieutenant governors have been very effective in using their personality to enhance their personal power, extend their influence, and get their way. Ramsey had no reservations about ordering the Senate parliamentarian to conveniently “lose” a bill when its sponsoring senator was not supporting an item on the lieutenant governor’s agenda. Once the recalcitrant senator agreed to vote for a bill favored by Ramsey, the Senate parliamentarian would conveniently find the bill. Ramsey supposedly had a habit of referring bills he found distasteful to the “Committee on S—t,” which could be found in the lower left hand drawer of his desk.⁴

Lieutenant Governor Bob Bullock was described as being “iron-fisted” in his rule of the Senate. When Bullock did not get his way, he was known to issue an “ass-chewing,” which was described by some as good natured curse-outs. Others saw them as belittling and abusive.⁵ His managerial style was described in an obituary: “Mr. Bullock played the legislature like a steel guitar, threatening, cajoling, keeping encyclopedic track of every important piece of legislation,

³ Bill Hobby and Sarah Tiede, *How Things Really Work: Lessons from Life in Politics* (Austin: Dolph Briscoe Center for American History, The University of Texas at Austin, 2010), 54.

⁴ Ibid., 9-10.

⁵ R.G. Ratcliffe, “Iron-fisted Bullock Leadership Leaves Senators Grumbling,” *Houston Chronicle*, March 28, 1995.

handing out favors, withholding others and generally presiding over the whole messy affair like a circus ringmaster.”⁶

While the lieutenant governor exerts great power in the Texas Senate, that power is not guaranteed by the state constitution. The Texas Constitution gives the lieutenant governor little real authority. The true source of the lieutenant governor’s power over the Senate is in that body’s rules. What the Senators grant to the lieutenant governor, they can also take. When Bullock announced in 1997 that he would not seek a third term, a bipartisan group of senators called for a re-examination of the lieutenant governor’s authority. The senators discussed stripping the lieutenant governor of his power to appoint committees and chairs, refer bills to committees, and setting the agenda for the debate by the Senate.⁷ Those in favor of limiting the power of lieutenant governor believed the office had become too powerful. Senator Tom Haywood wrote, “The lieutenant governor has become more powerful than was originally envisioned.” Noting that Bullock had been fair, Haywood stated, “The next person might not be so fair.” Others were more blunt. They wanted to re-assert the authority of the Senate. Senator Robert Duncan stated, “This is not about creating an ineffective lieutenant governor. It’s about the Senate taking more control.”⁸ Efforts to overhaul the lieutenant governor’s role dissipated when the Democrats participating in the discussions withdrew, citing a lack of support from their caucus.⁹

As recently as 2013, reminders of the limitations of the power of the lieutenant governor emerged. In the fanfare after Texas Senator Wendy Davis’ filibuster of legislation restricting

⁶ Rick Lyman, “Bob Bullock, a Titan of Texas Politics, is Dead at 69,” *New York Times*, June 19, 1999.

⁷ Kathy Walt, “Senators Seek to Trim Powers of Second Exec,” *Houston Chronicle*, June 18, 1997.

⁸ Anna M. Tinskey, “State Senators Examine Issue of Powers,” *San Angelo Standard Times*, June 20, 1997.

⁹ Kathy Walt, “Democrats Quit Senate Rules Talk,” *Houston Chronicle*, August 26, 1997.

abortion, speculation emerged that the Democratic senator might run for higher office. Some believed that Davis might make a run for lieutenant governor. Democratic strategist Matt Angle noted the folly of such a move, noting that a Republican-dominated Senate was likely to strip the office of the powers which make it worth occupying.¹⁰

The office of lieutenant governor is seen by many to be the most powerful office in Texas government. Lieutenant Governor Ben Barnes rejected calls to run for governor, stating, “Most of the things that I want to see done at the state level, I’ll have a better opportunity to get them done as lieutenant governor than I would as governor.”¹¹ When Texas Governor Rick Perry left office in 2015, he left with over fourteen years of service as the state’s chief executive. Under normal circumstances, the power of the governor is diluted by the fact that most posts in the executive branch are elective and not subject to appointment by the governor. Officials elected to such posts do not answer to the governor and are free to set their own agenda. The true source of the Texas governor’s power lies in his ability to appoint citizens to various boards and regulatory agencies. Such appointments are normally six-year terms. Longevity in the governor’s office permitted Perry to appoint all members of every state board and commission. Journalist Paul Burka commenting on this power noted, “His long tenure...has enabled him to establish what amounts to a cabinet style of government. He has appointed every member of every state board and commission and makes it clear that he expects them to follow his lead.”¹² While Perry and Dewhurst never challenged each other directly, the circumstances under which

¹⁰ Jonathan Tilove, “Davis Raises Money in D.C., But for What Office?” *Austin American-Statesman*, July 26, 2013.

¹¹ Ben Barnes, interview by Dr. Ronald E. Marcello, April 21, 1976, interview no. 38, transcript, University of North Texas Oral History Collection, University of North Texas Library, Denton, TX.

¹² Paul Burka, “The Terminator,” *Texas Monthly*, December 2009, <http://www.texasmonthly.com/story/terminator?fullpage=1> (accessed April 9, 2015).

Perry governed Texas give cause to re-examine which office is the most powerful in state government.

As the power of the Texas governor grew under Perry, Dewhurst's political career teetered on the edge. In 2012 he attempted to run for a seat in the United States Senate but ultimately lost the Republican nomination to Ted Cruz. Dewhurst faced similar circumstances again in 2014 as he attempted to win a fourth term as lieutenant governor. Running in a crowded field, Dewhurst was unable to attain the Republican nomination. Journalist and commentator on Texas politics Paul Burka commented on the circumstances behind Dewhurst's downfall, "The stories people tell about Dewhurst are not about his dedication to Texas, because—fairly or unfairly—his lack of natural political skills overshadows everything else. As a politician, he's all thumbs." Smart and intelligent Dewhurst may be, but a lack of gravitas in personality led to his time as lieutenant governor ending sooner than he planned.¹³

The office of lieutenant governor in Texas has been labeled "an approximation of Caesar."¹⁴ The sources of the power include the Senate rules, gravitas in personality, and more recently longevity in office. Statutes, such as that designating the lieutenant governor chair of the Legislative Budget Board, also add power to the office. Some lieutenant governors exerted more power and influence than others. Attempts have been made to eliminate the office and strip it of its most important powers. Bolstered by the growth in the state's population and demands placed upon government, the office has grown from one of relatively humble origins, to being a powerhouse in Texas state politics.

¹³ Paul Burka, "The Coup Against Dew," *Texas Monthly*, October 2013, <http://www.texasmonthly.com/story/coup-against-dew?fullpage=1> (accessed April 9, 2015).

¹⁴ George Will, "Texans in Senate Race Quite Similar," *Denton Record-Chronicle*, July 26, 2012.

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