

Leathercoat

The Life History of
A Texas Patriot . . .



JAMES W. THROCKMORTON

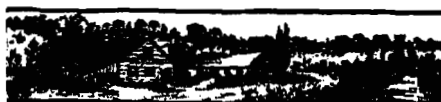
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The Life History of a Texas Patriot

By

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by
CLAUDE ELLIOTT

TO
ROBERT MITCHELL ELLIOTT
My Father

AND
MARTHA SMITH ELLIOTT
My Mother

A TRIBUTE

HE HAD all the honest devotion to the interests of the people which characterized General Houston but without his imposing and imperialistic tendencies, egotism, and vanity. He had all that moderation, discretion, and practical sense which characterized General Rusk and made him the universal favorite in the Senate, but with more versatility, tact, and adaptability to the exigencies of the hour than he had.

BEN H. EPPERSON
in *Galveston News*, June 13, 1878.

PREFACE

PRACTICALLY a century has elapsed since James W. Throckmorton, at the age of sixteen, with other members of his family, crossed the Red River into the Republic of Texas. Somewhat less than half a century has passed since his death. In the meantime no one has felt impelled to make a biographical study of him and the period in which his services fell. It is true that no one service of James W. Throckmorton to his State and Nation has great magnitude but it appears to me that the myriad of services which he performed should place him among the greater Texas statesmen of his time and thus justify the appearance of this biography. Furthermore, the period of Texas history to which he belongs, lacking some of the glamor and romance of an earlier period, has been somewhat neglected and remains a fruitful field for investigation. These facts have partially determined the character of this book. I have attempted to set forth the factual statements, and I have made little attempt to interpret either the man or his time. It is a factual study and not an interpretation.

The materials which have gone into the making of this book have been found at widely separated points, but for the most part have been found in the voluminous newspaper and manuscript collections of the University of Texas and of the Texas State Library at Austin. Most of the sources consulted are listed in the bibliography.

In the writing of this book I have received assistance from many people, and grateful acknowledgments are due them all. I have by no means forgotten that Miss Winnie Allen and Mrs. Mattie Austin Hatcher of the University of Texas Library and Miss Harriet Smither of the State Library gave their time graciously and liberally in assisting me in locating materials; nor have I forgotten that Mr. E. R. Dabney, custodian of the newspaper collection at the University of Texas, made many sacrifices that I might have access to the papers at unusual hours. Mr. Walter B. Wilson, Editor of the *McKinney Daily Courier-Gazette*, allowed me the use of his files of the early McKinney papers and also rendered valuable assistance in many ways. Grateful acknowledgment is due my friends, L. E. Derrick, Professor of English in the Southwest Texas State Teachers

College, who performed the laborious task of reading both the manuscript and the galley proofs; Dr. Ralph W. Steen, Associate Professor of History in the Texas A. & M. College, who read the galley proofs; and Dr. Charles W. Ramsdell, of the University of Texas, who, though he did not examine the final drafts, offered valuable suggestions in the early stages of the preparation of the manuscript. Mrs. J. R. Bailey and Mrs. R. W. Bennett, daughters of James W. Throckmorton, supplied helpful information and photographs. These acknowledgments, however, would in no sense be complete if I did not say that the constant inspiration and faithful assistance of my wife have made the preparation of this book more a pleasure than a task.

—*CLAUDE ELLIOTT.*

San Marcos, Texas,
November, 1938.

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Erected at McKinney, Texas, by the local Chapter of the Daughters of the Confederacy.		

Leathercoat

CHAPTER ONE
FORMATIVE YEARS

Those who have remarked the openess of James W. Throckmorton, his apparent guilelessness, and his perfect candor, need only go back to the free air of the Tennessee mountains, beside the unbound waters of the Calf-Killer River, near the banks of which he first drew breath on February 1, 1825.

—DALLAS NEWS.

• •

A Tennesseean by birth, a Texan by adoption.

—INSCRIPTION ON THE THROCKMORTON
STATUE, MCKINNEY, TEXAS.

• •

The trouble with the Indians continued. When the father was called away James W. took his place and filled it, so the survivors say, like he had been "to the manner born."

DALLAS NEWS.

• •

He had given the last drop of water out of his canteen to the sick, besides all his provisions, and had gone for days without food and water. That was Jim Throckmorton at the age of 21 and that was the kind of man he was all his life.

INCIDENT IN THE MEXICAN WAR
RELATED BY G. A. WILSON.

CHAPTER ONE

FORMATIVE YEARS

ON THE public square in the unpretentious little city of McKinney, Texas, there stands today an imposing marble statue of a Texas Patriot erected there by the local Chapter of the United Daughters of the Confederacy as a tribute to the memory of one who was loved and respected and even worshipped by the people of that vicinity more than any man could possibly deserve. The people of that town take pride in informing the stranger that the statue is that of James W. Throckmorton, or Jim Throckmorton, as they affectionately call him, who had once fought Indians when the country was a barren waste, who had represented them in the legislature and in Congress, who had been the bravest and most courageous Confederate of them all, and who had been governor of Texas until removed at the point of Federal bayonets.

The foundation of the career of this Texas Patriot whose life story is so closely interwoven with the history of Texas, was laid in the hardy stock of the Western pioneers — strong men who left their native homes in England for the new continent, and then pushed on into the unexplored Southwest. The bold, courageous Westerners, ancestors of the Throckmortons, helped to blaze the perilous trail from Virginia to Kentucky, to Tennessee, to Arkansas, and finally to far-away Texas.

The Throckmortons came to America from England; and their name, which evolved from the term "The Rock-Moor-Town," as the family manor was designated,

can be clearly traced through the annals of English history from the time of the Norman Conquest in 1066, and dimly even through the preceding century. At that time, without doubt, the local habitation of the family was the parish of Fladbury in Worcestershire, where it still holds lands. At the present time, although a portion of the family estate remains in Fladbury, the main branch occupies a position of prominence at Warwickshire, which change of homeland came about through inter-marriage.¹

The spelling of the name has changed more often than the centuries. Originally it was de Throkemordtune, and continued to be so spelled with the "de" up to about 1445, after which time the particle ceased to be used. During the fifteenth century it usually appeared as Throckmorton or Throgmorton, frequently appearing in both forms in the same letter or deed, while Throgmorton was the most frequent form used in England in the seventeenth and eighteenth centuries.²

The family was originally Saxon, but freely inter-married with the Normans after the Norman Conquest. It was also one of the early staunch Catholic families of England, although one branch embraced the Protestant faith. Both John Throckmorton, who settled in New England in 1631, and Robert Throckmorton of Ellington Hunts, who went to Virginia in 1637, were Protestants.

The American branch of this distinguished English family originally settled in Virginia, where Dr. William Edward Throckmorton, the father of James Webb Throckmorton, was born in 1795. He was reared and educated in Virginia, where in 1817, at the age of twenty-

1—C. Wickliffe Throckmorton, *History of the Throckmorton and Allied Families*, 1066-1926, p. 6, hereafter referred to as *The Throckmorton Family*.

2—C. Wickliffe Throckmorton, *The Throckmorton Family*, pp. 2-5. The following shows the evolution of the name: de Trokemordtune, de Throkemorton, de Throkemertone, de Throkemerton, de Throckemertone, de Throckemerton, de Throgemerton, de Throkemerton, de Throkemorton, de Trokemorton, de Throckmorton, de Throkemerton, de Throckmerton, Throkemortone, Throgton, Throcorton, Trokemerton, Throkemerton, Throckmorton.

two, he graduated in medicine, after which time he practiced in that state for some years. During that period he married Elizabeth Webb, and in about the year 1821 he moved to Tennessee and located at Sparta. It was there, on the wooded banks of the Calf-Killer River, that James Webb Throckmorton first saw the light of day on February 1, 1825. The family remained at Sparta until about 1836, when a second move was made, this time to Fayetteville, Arkansas.³

Soon after the arrival at Fayetteville, the death of Mrs. Throckmorton forced Doctor Throckmorton to send his children back to Tennessee, where they stayed with Governor Campbell of that State. However, the wanderlust of the ever-westward-moving pioneer had seized the father, and in 1841, after the children had rejoined him at Fayetteville, he took up the long and perilous trek to the Republic of Texas.

In the cool afternoon of an April day, 1841, the Throckmortons crossed Red River opposite the little settlement of Warren in the northern part of Fannin County, and took up their residence there pending the formation of further plans. It was not easy for Doctor Throckmorton to determine what course to take. Southward and westward lay thousands of fertile acres beckoning to him, but the occupation of these lands was fraught with danger and untold hardships. Back of him lay security, ease, and comfort; in front of him lay adventure, sacrifice, and adversity. The latter road led to an uninhabited land where danger was the watchword, and where life itself just hung by a thread, but it led to the land of adventure and of destiny. The cowardly, the effeminate, the timid, and the faint-hearted could travel the one road, while only the courageous, the brave, the

3—Fulmore gives the date of this trek to Arkansas as 1837. This is evidently incorrect as there is a record of the birth of Nancy Hampton Throckmorton to William E. Throckmorton and his first wife at Fayetteville on April 3, 1836.

intrepid, and the daring could travel the other. He decided to take the hazardous western road, and in November, after a few months residence at Warren on Red River, he set out, accompanied by eight men from the settlement, to find a suitable place to begin the new life. Their journey led them through uncharted lands to the east bank of the Trinity River, not far from the present town of McKinney, where Doctor Throckmorton proposed to make a settlement. A selection of land was made on Rowlett's Creek, instead, and Doctor Throckmorton then returned to Warren for his family. He was issued a conditional headright certificate by the Board of Land Commissioners of Fannin County in December, 1841, and with his family, in company with M. C. Clements and the families of his two married sons, Wesley and Buford Clements, started immediately for the scene of the proposed settlement. On reaching the locality, they found that the parties who had been with the surveyor on the first trip had taken up the land selected for the settlement. Pleasant Wilson, who acted as guide for pioneer families as a sort of profession, then proposed that the families return to the east fork of the Trinity where, he alleged, he could show them vast areas of fine timber and numberless acres of fertile rolling prairie lands that had not been surveyed. There, he said, their headrights could be located and, accordingly, he piloted the settlers back to a bubbling spring a few miles northeast of McKinney near where Melissa now stands.⁴ A suitable location was soon found and Doctor Throckmorton settled on a little creek which today bears his name. As Mr. Clements and his two sons were unimpressed by the possibilities of the new country, they returned to Warren, leaving only the Throckmortons, Pleasant Wilson, Edmund Dodd, W. R. Garnett, Garrett Fitzgerald, and Littleton Rattan to make the first white

⁴—*Dallas Morning News*, April 22, 1894.

settlement in what is today Collin County.⁵ Thus, in January of 1842, these intrepid pioneers began the transformation of this uninhabited and unproductive wilderness into a fruitful land inhabited today by teeming thousands of happy and prosperous people.

These settlers had been preceded by a few adventurers in Fannin County, but they were the first in what is now Collin, and their nearest neighbor was Captain Bailey English, who lived at or near the present town of Bonham. Fannin County was a vast unsettled area composed of about twenty-four hundred square miles of largely unexplored territory.⁶ It was a region as wild and savage as it was vast, where the lives of the settlers were in constant jeopardy from Indian raids. The government of the Republic of Texas, then under the presidency of Houston, was powerless to protect such remote frontiers, which left these settlements particularly exposed, since the nearest organized community was at Warren on the Red River, about one hundred miles away. Life here was indeed fraught with danger.

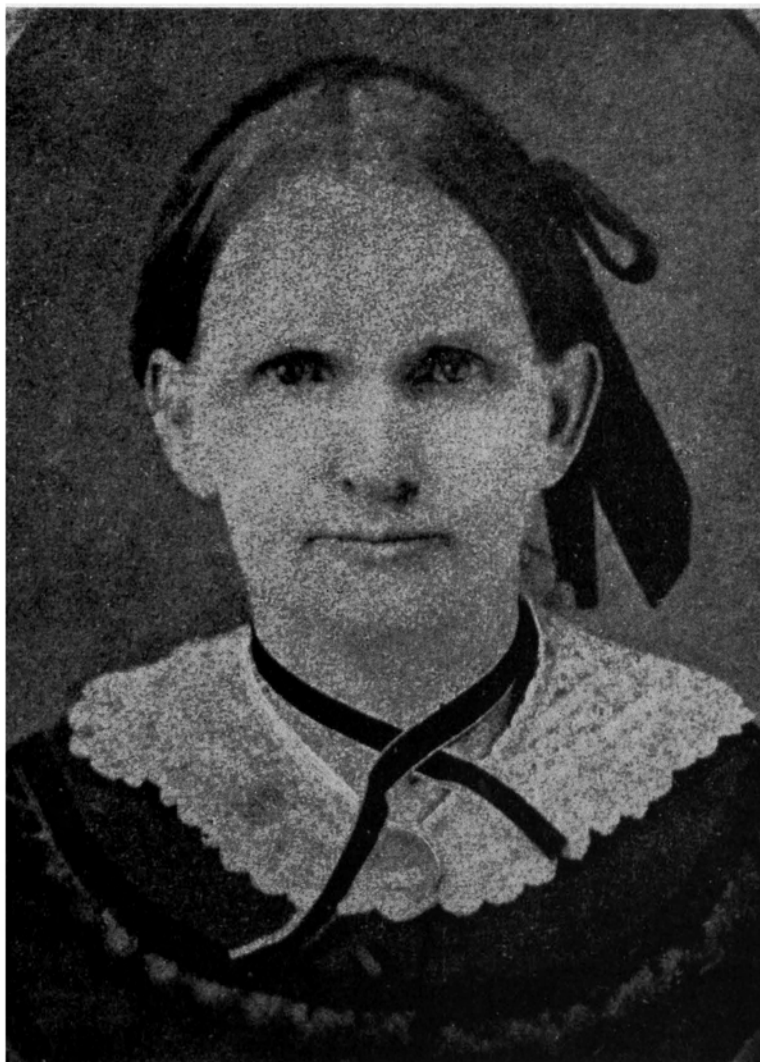
Doctor Throckmorton did not live to reap the fruits of his labor, for in October, 1842, scarcely a year after his emigration, he passed away. His death brought new and grave responsibilities to James Webb, who was then barely seventeen years of age. This new responsibility of assisting in the defense of the property of the settlement against Indian raids, and the protection of the women and children from the cruel tomahawk of the heartless redskin fell heavily upon the shoulders of this

⁵—*McKinney Advocate*, April 3, 1880.

⁶—W. Strickland, in the *Southwestern Historical Quarterly*, Vol. 3. It included the present counties of Fannin, Grayson, Cooke, Collin, Denton, Montague, Wise, Clay, Jack, Wichita, Archer, Young, Wilbarger, Baylor, Throckmorton, Hardeman, Ford, Knox, Haskell, Stonewall, King, Cottle, Childress, the greater portion of Hunt, and half of Collingsworth. The boundary started at Bois D'arc Creek on Red River and followed the meanders of that creek to the crossing at the residence of C. P. Clift; thence south far enough to make sixty miles; thence west to a point south of the head of the upper Wichita; thence north to Red River and along it to the place of beginning.

inexperienced youth; but responding manfully to this call, he became, along with Pleasant Wilson, one of the chief hunters and scouts of this pioneer settlement.⁷ In further service in defense of his home, he became a member of Captain Jesse Stiff's minute company of rangers, which was in the service of the Republic in 1842 and 1843, and as sergeant of a company of sixteen men did valiant service on the frontier of Fannin County. While a member of this ranging company, he, with five others of Fannin County, volunteered to join Somervell's expedition against Mexico, which was planned as a counter stroke to General Woll's invasion of Texas in September, 1842. He was kept out of this venture, and possibly out of the ill-fated Mier expedition, by a proclamation of President Houston which forbade the enlistment of volunteers from certain frontier counties, including Fannin.⁸

Throckmorton's early education was somewhat limited, but in 1844 he left Texas and went to study medicine with his uncle, James E. Throckmorton, at Princeton, Kentucky, where he remained about two and one-half years. The outbreak of the war with Mexico in 1846, however, lured him back to Texas where he volunteered as a private in Captain Robert H. Taylor's Company to serve for the duration of the war. On February 2, 1847, he joined the volunteers at Collin City, and was mustered into Taylor's Company at San Antonio, February 24, 1847.⁹ Taylor's Company, which was from Bonham, and George W. Adam's Company from Victoria, joined with Captain Walter P. Lane's Company at San Antonio to form a battalion, with Lane as senior captain. Lane, however, waived his rank and signified his willingness to accept as battalion commander Major



MRS. ANNIE RATTAN THROCKMORTON

Mike Chevallie, who was a gallant officer and a late major of the famous Hays' Regiment.¹⁰

None of the hardships of the war were greater than those suffered by these men on their way to Mexico. The barren, sandy, and uninhabited wastes south of San Antonio were almost impassable, and as a result, many of Taylor's men grew sick and too weak to proceed. Some of these were about to be left on the desert to die of sickness and thirst, when Throckmorton, the only man in the company who knew anything about medicine, volunteered to remain and help them. All were on the point of exhaustion from hunger and thirst, when George Wilson, a teamster and an early settler of Collin County, arrived with supplies. Wilson, who was a very old man at the time of Mr. Throckmorton's death in 1894, described this scene, in praise of the man he loved and admired.

I had gone down there ahead of our boys and enlisted. I knew what it was and I carried a large can of water in my wagon. It was a great big ten-gallon can. Well, sir, one day I was driving across the sandy wastes, southeast of San Antonio, when I came across a lot of sick men who had been left behind. They were nearly dying of thirst. I stopped my team and told them to come up and get some water. As soon as I yelled I saw Jim Throckmorton coming toward me. He wanted to know what I was doing there, and I told him that just then I was watering some sick soldiers. Throckmorton carried the water to the men, never touching a drop for himself until all the others had got enough. The men told me that Throckmorton had given every drop of water out of his can to the sick, besides all of his provisions, and had gone for days without food.¹¹

The exact date on which the Chevallie battalion reached General Taylor's army cannot be determined, but Throckmorton did not join it until long after Buena Vista, which battle was fought February 22, 1847. Soon after the arrival of the battalion in Mexico, Chevallie

¹⁰—W. P. Lane, *Adventures and Recollections*, 49.

¹¹—*Dallas Morning News*, April 22, 1894.

resigned and Walter P. Lane of Marshall, Texas, became commander.¹² The new commander was very active, and as a result many of his men were wounded. Doctor McMurtry was surgeon for the battalion and on one occasion he informed Lane that he had fourteen wounded men to care for in addition to his regular patients, and that he was in need of an assistant. Captain Robert H. Taylor, who was present at this conference, made the statement that a member of his company, James W. Throckmorton, was a graduate in medicine and qualified to act as assistant surgeon; and on his recommendation, Throckmorton became second surgeon in Lane's command. His commission was signed by General Zachary Taylor, and approved by Doctor Craig, who was the medical director of Taylor's army in Mexico.¹³

While in Mexico, Throckmorton was stationed at Monterrey, Saltillo, and near Buena Vista,¹⁴ but a disease which ultimately wrested success and prestige from his very clutches began to prey upon him and forced him out of service. He was paid, however, as a private soldier until April 30, 1847, serving as Doctor McMurtry's assistant from this time to June 8, 1847, when he was discharged on the presentation of a surgeon's certificate of disability.¹⁵

After his discharge he went, by way of McKinney, to Springfield, Illinois, where in February, 1848, he married Miss Annie Rattan, the nineteen-year-old daughter of Thomas Rattan, a descendent of Nathaniel Greene of Revolutionary fame. With his young bride Throckmorton immediately started for Texas. They made the trip in wagons, accompanied by the bride's older sister and some friends, and located a claim near the present city of McKinney on what is today called the

¹²—*Galveston Daily News*, March 30, 1879.

¹³—Walter P. Lane, *Adventures and Recollections*, 63.

¹⁴—*Houston Daily Post*, August 3, 1889.

¹⁵—*Official Records*, Adjutant General's Office, Washington, D. C.

old Dysart place, where Throckmorton built their first log cabin. The practice of medicine, however, took him away from home at frequent intervals and sometimes even for days, which made life at the cabin lonesome and dangerous. Throckmorton, therefore, built a room for Mrs. Throckmorton at her sister's home, where she stayed until the birth of their first child, after which they returned to the cabin which they had built on their arrival in Texas.¹⁶

The return to the little log cabin was the beginning, for Mrs. Throckmorton, of a long life of sacrifice and devotion to her husband and a fast growing family. During all the period while her husband was in the forefront of Texas politics, this wonderful wife, the mother of ten children, remained at home. Her nature was so full of love, faith, and loyalty that her life was one long day of sacrifice; yet so brave and womanly was she that she bore everything with courage and fortitude. In spite of her own large family she cared for a nephew of Mr. Throckmorton, two of his nieces, and his only sister. Besides these, a niece of Mrs. Throckmorton spent most of her girlhood days in this hospitable home.

Pearl Cashell Jackson in her little book, *Texas Governors' Wives*, says of Mrs. Throckmorton: "Annie Throckmorton's disposition was even and lovely — if anything too utterly unselfish and self-sacrificing. She was religious without being fanatical, living rather than talking her religion. She never wore any jewelry except her brooch and wedding ring. She never entered into any public work. How could she? In fact, her whole life was but the background for her successful husband's career; greater love hath no woman."¹⁷ It was said that she was so devoted to her husband that she read his dry medical journals, while he was a physician, and the still more dry Congressional Records, while he was in Congress,

¹⁶—Pearl Cashell Jackson, *Texas Governors' Wives*, 66, 67.

¹⁷—Pearl Cashell Jackson, *Texas Governors' Wives*, 71.

so that she could talk and write intelligently of the things in which Mr. Throckmorton was interested.¹⁸

After his marriage and return to Texas, Throckmorton engaged in the practice of medicine, in which profession he continued exclusively up to 1851. The profession was obnoxious to him, but circumstances seemed to combine to force him to follow it. The death of his father in 1842, a sense of loyalty to his uncle who had made a medical education possible for him, and the fact that he had not trained himself for any other profession seemed to leave him no choice. He explained his attitude toward the medical profession in a letter to his cousin James H. Throckmorton. In this letter he wrote:

In boyhood I had a yearning for the farm. I commenced life with my family without a home and without a dollar. I had studied medicine to gratify your grandfather. The profession was exceedingly distasteful to me, but an unrelenting necessity forced me to follow it.¹⁹

Circumstances later seemed to combine to force him to abandon the profession which he disliked, for the responsibility of a fast growing family, and his own failing health made the life of a country doctor impracticable for him. The influences which were to force him into a life of public service had begun with certainty.

¹⁸—Mrs. Annie Rattan Throckmorton was born in Carrollton, Illinois, March 25, 1828, died October, 1895, and today lies buried beside her distinguished husband in the McKinney Cemetery.

¹⁹—J. W. Throckmorton to James H. Throckmorton, February 10, 1867.

CHAPTER TWO

LAW MAKING

The men were armed with rifles, double-barreled shotguns, bowie knives, and revolvers to attack an old man broken in health.

—HEDGCOXE'S ACCOUNT OF PETERS'
COLONY TROUBLES.

• •

The law is unconstitutional, a fraud, a speculation, an attempted robbery, partial in its bearing, unjust, impolitic, calculated to engender litigation, and carrying upon its face unmistakable evidences of imbecility and corruption.

RESOLUTION OF LIMESTONE COUNTY
MEETING, APRIL 28, 1852.

• •

It proved to be the firebrand which ignited the resentment of an outraged and long abused people.

—EXTRACT FROM A PETITION TO GOVERNOR
BELL, 1852.



CHAPTER TWO

LAW MAKING PETERS' COLONY CONTROVERSIES

THROCKMORTON, since he was so unhappy in the medical profession, seized the first opportunity to quit it for law and politics, which he said, suited his "temperament and disposition." "In a few years," he wrote in 1867, "the situation of my section of the state and partial friends caused me to enter public life," and added that he did so with great reluctance because he felt that he was not financially independent, but he felt also that failing health was some justification for his decision.¹

William E. Throckmorton was a Whig of the Tennessee school; and politically, James Webb followed in his footsteps and allied himself with the Whig party in Texas. This alliance may have come as a result of his early life in Tennessee and the influence of his father, or it may have been sheer opportunism, as most of the voters in his section were of the Whig faith. It was as a Whig, therefore, in the August elections of 1851, that he sought election to a place in the Fourth Legislature, as a representative of the Twenty-fifth District, which was composed of Collin and Denton Counties. He had two opponents in this election, A. Johnson and Jacob Baccus, but was able to obtain a clear majority over the combined votes of these two men. In his home county

¹—J. W. Throckmorton to J. H. Throckmorton, February 10, 1867, in *James W. Throckmorton's Private Correspondence*, in Archives of the University of Texas.

of Collin he received one hundred fifty-seven votes, Johnson received one hundred thirty-two, and Baccus received twenty-five, though he fared better in Denton County, where he received sixty-three votes to his opponents' forty-four. The total vote in the district, therefore, was four hundred twenty-one, of which number Throckmorton received two hundred twenty.²

Throckmorton was twenty-six years of age at the time of his election to the House of Representatives — young and inexperienced but eager to serve and unacquainted enough with the ways of politics to believe that he was obligated to fulfill the pledges he had made to his constituents. "What a sap!" must have been the comment of the older politicians. Young Throckmorton, however, impressed with his new status, set out for Austin determined to render genuine service to his section. The opportunity he sought came when he was appointed on a select committee on the disturbances in Peters' Colony.

It was as a member of this select committee on Peters' Colony that Throckmorton was able to render valuable service to his district in the Fourth Legislature, for when he left for Austin to attend the legislative sessions there, his counties and others included in Peters' Colony, were in a state of turmoil and upheaval. The people in these counties were almost at the point of revolution over difficulties growing out of a controversy with the Texan Emigration and Land Company, the promoters of Peters' Colony; and Throckmorton and other representatives from the colonial area known as Peters' Colony had been charged with the responsibility of removing the cause for the discontent. They, therefore, had to face this responsibility when they arrived at Austin.

²—J. B. Wilmeth, Chief Justice of Collin County, to the Secretary of State, in *Election Returns*, filed in the Secretary of State's office, Austin, Texas.

The conflict between the colonists and the Texan Emigration and Land Company may be viewed briefly as follows. The Republic of Texas, by congressional act of February 4, 1841, authorized the President to contract with W. S. Peters, and others of Louisville and Cincinnati, to settle a portion of the vacant lands of Texas,³ and, pursuant to this law, President Lamar made, August 30, 1841, the proposed contract to settle six hundred families and thus created what came to be known as Peters' Colony. The original boundaries were fixed by the contract to begin on the east bank of the "Big Mineral" Creek where it emptied into the Red River, and to proceed thence due south to the southern boundary of Fannin County, thence twenty-two miles west along this boundary, and thence due north to the Red River. It was then to follow eastward along this meandering stream to the point where the "Big Mineral" formed a junction with the Red.⁴

At the time the Republic became a state, a bad condition of affairs existed in the colony. The colonists had repeatedly complained that the Texan Emigration and Land Company or the Peters' Colony Company, as it was called, had not complied with its contract to furnish them with cabins, guns, ammunition, and supplies, and that it had not brought in the required number of families. The conditions were such as to force the state constitutional convention of 1845 to take some cognizance of the situation. The convention, therefore, passed an ordinance, the preamble and the first and second sections of which declared that the Attorney-General or the District Attorney should institute legal proceedings against the company. It further declared that nullification of the contract should be the penalty, if an

3—H. P. N. Gammel, *Laws of the Republic*, Fifth Congress, Vol. II.

4—Contract Number One, in *Texas Miscellaneous Documents*, Number 26, Archives, University of Texas, Austin, Texas. See also Contracts Number Two, Three, and Four for extensions of this territory. These supplementary contracts were entered into on November 9, 1841, July 26, 1842, and January 20, 1843.

investigation should prove that the company had not kept its agreement; and that the legislature did not have the right to extend further time for the settlement of the requisite number of families, or, in any other way, to relieve the company from forfeiture resulting from non-compliance with the requirements of the contract.⁵ This ordinance, though it was duly ratified by the people at the ballot box, was in reality no part of the constitution, since it was not presented to the United States Government for its approval when Texas entered the Union.⁶

Because of the litigation which grew out of this ordinance, the company did not receive its stipulated patents; and the conditions, therefore, which were bad during the hectic days of the Republic, grew more complex and threatening under state control. The disorder became chaos, and this chaos was threatening revolution in the winter of 1848 and 1849, because the delays due to legal procedure had kept the colonists from getting titles, except on the very old locations. While the colonial families were awaiting the results of litigation and action from the company, the area was rapidly filling up with thrifty citizens from Kentucky, Tennessee, and Missouri, which caused alarm among the colonists, because the new settlers were proceeding without assistance from the company.

Another cause of complaint was the arbitrary action of the agent of the company, H. O. Hedgcoxe, whom the colonists blamed for their condition. The feeling against him reached a high pitch in 1848; and as a consequence of this bitterness, a sort of mob spirit developed, and a group of the more aggressive grumblers decided to expel him from the colony and take charge of the records of the company. The office of the company was then located near Denton, in Denton County, and it was

⁵—*Texas State Gazette*, May 22, 1852.

⁶—*Caleb Cushing's Opinion*, a Pamphlet in the Library of the University of Texas, Austin, Texas.

under the immediate supervision of Hedgcoxe. The mob proceeded to this office, but Hedgcoxe had fled, which only made matters worse, because the company was then without an agent.

The Third Legislature sought to allay this ill feeling by a legislative act, which law guaranteed to each settler who emigrated prior to July 1, 1848, a section or half section of land according to whether he was married or single.⁷ This law violated the stipulated rights of the company, because, under the second contract, it was not bound to give more than a quarter section, and under the last, no more than one-half section. This, in effect, was equal to giving lands to the colonists which previously had been given by the Republic or the State to the company, and, therefore, only made the affair more complex.⁸

This law of January, 1850, which aroused the ire of the company, led to the passage of another act in September, 1850. This law of September, however, which provided that "certificates issued by the commissioner of Peters' Colony may be located on any vacant land within the limits of said colony not otherwise appropriated, as other headright certificates are located," only served to complicate an already quite complex problem.⁹

Believing that this law authorized them to do so, many colonists, in the selection of their lands for location, disregarded the government reservation of alternate sections, the surveys of the company, and the sections of premium lands reserved by the company. By thus knowingly or unwittingly placing the wrong interpretation upon the law, the colonists came to occupy government lands, and also lands legally granted to the company, which condition formed the basis for further antagonism

7—H. P. N. Gammel, *Laws of Texas*, Vol III.

8—Joint House and Senate Committee Report, in *The Journal of the House of Representatives*, Fourth Legislature, 482.

9—H. P. N. Gammel, *Laws of Texas*, Third Legislature, Vol. III.

between the contestants, and served to bring forth another blundering law from the legislature on December 2, 1850. This law authorized settlers in Peters' Colony to intervene in colony contract suits where they had an interest.¹⁰ Troublesome litigation grew out of this, for, under the circumstances which then existed, titles could not be issued by the State, and as a consequence the company instituted suit against the General Land Office, which suit was pending when the Fourth Legislature met in November, 1851.¹¹

The usual routine of business, that of organization, took the time of the legislature for the first few days, but when this was done, the legislature immediately gave its attention to that portion of Governor Bell's message which pointed out the deplorable conditions in regard to land titles in Peters' Colony. It appointed a joint House and Senate Committee, with Representative R. P. Crump and Senator G. W. Hill, chairmen of the two divisions. It was the duty of the committee of which Throckmorton was an influential member, to investigate the charges which had been made against the company, and to determine their validity.

The colonists had employed John H. Reagan as counsel; and, through him as their agent, they presented their charges to the legislature. These charges were as follows: the company had not been ready with lands surveyed and cabins built for the settlers as stipulated in the contract; it had advised the colonists to settle on any section convenient to them, and then later forced them to abandon the even sections; it had scarcely built a cabin, if any at all; it had failed to furnish a gun or a round of ammunition as required by the contract; it had charged from eight to twenty dollars for a worthless certificate; it had returned men as colonists who settled

10—H. P. N. Gammel, *Laws of Texas*, Third Legislature, Vol. III, 844.

11—*Journal of the House of Representatives*, Fourth Legislature, 56, 57.

there before the contract was made; and finally, it had presented fictitious surveys.¹²

The committee made a thorough investigation of the charges. The voluminous records in the office of the Secretary of State were examined, together with numerous records and books of the trustees and agents of the company, and maps, plots, and field notes furnished by the Commissioner of the General Land Office, Thomas William Ward. The facts thus revealed showed that the company had made every effort to comply with the terms of their contracts to the letter; that it had fallen short only in minor details; and that it had fully complied with the spirit of the law.¹³

The question, however, was more than one of fulfillment of a contract. It was a question of how to give to the colonists security of tenure, and at the same time do for the company what the State had guaranteed to do for it. Largely through the efforts of Throckmorton in the House, and Armstrong of Dallas in the Senate, a compromise measure (usually designated as the Throckmorton compromise), designed to relieve the situation,

¹²—John H. Reagan to Editor of the *State Gazette*, September 18, 1852.

¹³—Special Joint House and Senate Report in *The Journal of the House of Representatives*, Fourth Legislature, 477-486. Dr. B. H. Good, in his Doctoral Thesis, *John H. Reagan*, dismissed this report with the statement, "Its report was the most complete farce ever presented to a legislative body." This is rather a severe criticism to offer in view of the findings of the committee, which findings he does not cite. The committee findings are briefly tabulated here.

Colonial Year	Number of Families	Cabins Built	Rifles	Muskets	Powder	Lead
Prior to July 1, 1844	197	305	286	35	254½ lbs.	566 lbs.
July, 1844, to July, 1845	341	484	361	—	37,250 rounds of ammunition	
July 1, 1845 to July 1, 1846	415	564	593	—	62,355 rounds of ammunition	
Ending July 1, 1847	228	267	299	—	28,150 rounds of ammunition	
Ending July 1, 1848	230	447	382	—	35,480 rounds of ammunition	

In addition to the tabulation there were enough additional families proved by Ward, and not on the books, to make 2205 families. Thus from February 1, 1841, to July, 1848, the company had introduced 2205 families.

was agreed upon in the committee room, and it was submitted to the legislature.¹⁴ This compromise provided that the contractors should dismiss their suit against the General Land Office, and suspend all their claims until the colonists located their lands. This would cause much delay, and it would also entail the loss to the company of the best lands in the colonial reserve; but, as a compensation for this loss, the company should receive additional lands to the amount of seventeen hundred sections,¹⁵ the certificates to the land to be granted to the company upon the relinquishment of its claim as outlined. By the compromise, each colonist was obliged to make his location and submit a description of his land prior to August 4, 1852, which seemed reasonable enough in view of the fact that the contract had expired in July of 1848. A bill, therefore, which embodied these terms was presented to the legislature by the special committee, passed both Houses on February 3, 1852, and was approved by the Governor on February 10.¹⁶

When the colonists learned of the report of the committee and the passage of the compromise bill, dissatisfaction swept through the whole colonial area. The people did not approve of the law which had completely exonerated the company; and furthermore, they objected to H. O. Hedgcoxe, who had previously been expelled from the reserve, but who had now been returned as the agent of the company. In a published circular Hedgcoxe interpreted the law so as to proscribe about four hundred colonists, when the law had specifically stated that nothing would be prejudicial to the interests of the colonists, all of which made Hedgcoxe very unpopular.¹⁷

This dissatisfaction gradually grew into riotous indignation, which expressed itself in public meetings

¹⁴—*The Southwestern*, Austin, January 29, 1853.

¹⁵—*The Journal of the House of Representatives*, Fourth Legislature, 484.

¹⁶—H. P. N. Gammel, *Laws of Texas*, Vol. III, 950-957. See also *Texas State Gazette*, April 3, 1852.

¹⁷—B. H. Good, *John Henniger Reagan*, 70.

throughout the region. At the first of these indignation meetings, which was held at Springfield, Limestone County, April 28, 1852, the delegates drew up a list of grievances which they harbored against the company. In this declaration of abuses, it was claimed that the company had disregarded most of the provisions of its charter; that it had harassed the colonists with arbitrary requirements; that it had charged from twenty to thirty dollars for a sort of nondescript certificate which it had no right to issue and receive pay for; that it had charged twelve dollars for surveying one-half section of land, a sufficient amount, it was claimed, to pay for the surveying of a full section; that it had reserved the best lands for its own use, and had forced colonists to move from desirable to less desirable lands; and that, finally, the company had engendered discord and invited resistance by the sale of certificates to lands already in possession of others.¹⁸

A similar venomous attack was made on the new law of 1852. It was declared to be unconstitutional because it violated an ordinance passed by the constitutional convention, first, by dismissing the suit against the company which that ordinance instituted, and second, by relieving the contractor from forfeiture resulting from non-compliance, a privilege specifically denied to the legislature by article two of the ordinance. In a resolution the delegates denounced the law as "unconstitutional, a fraud, a speculation, an attempted robbery, partial in its bearing, unjust, impolitic, calculated to engender litigation, and carrying upon its face unmistakable evidences of imbecility and corruption." Before adjournment a petition was prepared which asked the Governor to convene a special session of the legislature to "purge our statute books of this foul blotch." The resolutions adopted by the meeting further

¹⁸—*Texas State Gazette*, May 22, 1852.

urged mass meetings elsewhere, and warned the citizens of Texas and of the United States to refrain from the purchase of certificates from the company under the new law, because an "unconstitutional law can confer no rights." The delegates refused to censure their representatives, any more than the resolutions above cited were in themselves a censure, but indignantly asked them why they had given their vote and support to such a measure.¹⁹

On July 10, 1852, a similar mass meeting of citizens of Dallas County was held at Dallas, for the purpose of considering the "difficulties existing between the settlers of Peters' Colony and Hedgcoxe, the agent of the Texan Land and Emigration Company." At the meeting a committee was appointed to go to the office of the company, which was located near McKinney, and request Hedgcoxe to submit his records for investigation, and further try to arrange with him to allay the excitement. The meeting adjourned after agreeing to convene again on July 15, to hear the report of the committee, which for some reason failed to function, and could therefore make no report. The temper of this second meeting, however, was more aggressive than that of the first, and by resolution, Sam Bogart, senator from the Dallas district, was censured and asked to resign because, the resolution said, he had willfully misrepresented the people of Peters' Colony by supporting legislation detrimental to it, particularly the law of 1852.²⁰

After the meeting adjourned, a group of the more determined delegates, led by John J. Good of Dallas, decided to make a raid on the office of the company at McKinney, so keen was the resentment at the reappear-

¹⁹—Proceedings of the Springfield Meeting of April 25, 1852, in the *Texas State Gazette*, May 22, 1852.

²⁰—*Texas State Gazette*, July 31, 1852. Such men as John H. Reagan, John J. Goode, B. Warren Stone, J. W. Latimer, T. C. Hawpe, and J. M. Crockett took part in the two meetings.

ance of Hedgcoxe as agent of the company. According to one report there arrived in McKinney, on the morning of July 16, a group of about forty men, "the best in the colony, men of age, influence, and discretion."²¹ The group was joined by such men as J. M. McReynolds, Chief Justice of Collin County, and Robert Fitzhugh, the sheriff of that county. They did not reach the office of the company until late in the afternoon, and in the meantime, Throckmorton, who could not countenance such violent means of redress, had notified Hedgcoxe of the intention of the mob, so that by the time the men arrived, part of the records had been concealed in a neighboring cornfield. Hedgcoxe was forced to seek safety in the cornfield, also, and was warned to leave the colony within twenty-four hours on penalty of forfeiture of life.²² After the crowd dispersed, Hedgcoxe loaded the hidden records, books, and surveying instruments into a two-horse hack and took them to Bonham. From there they were finally sent to the main office of the company at Louisville, Kentucky, while the remaining ones were seized and deposited with the clerk of the Dallas County Court.²³

According to Hedgcoxe's account, the affair looked even more threatening. Of this incident he wrote:

A band of armed men numbering more than one hundred, many of whom were not colonists, violently entered my office, seized and carried away maps, books, and papers there deposited, with threats and force surrounded and entered my private residence, and seized and carried away a number of papers and books. Amongst these were nearly all the files made by the colonists. The men were armed with rifles,

²¹—B. W. Stone to De Morse, Editorial Correspondence, in *The Northern Standard*, August 31, 1852. The letter bore the date of July 20, 1852.

²²—*Texas State Gazette*, July 31, 1852.

²³—Reminiscences of T. B. Wilson, in the *McKinney Daily Courier-Gazette*, December 26, 1906. Wilson, who settled in Collin County in 1849, described this group as follows: "They, after tanking up on E. Whitley's corn juice, proceeded through the streets of McKinney to the office of the company. It was a motley crew."

double-barreled shotguns, bowie knives, and revolvers to attack an old man broken in health.²⁴

Whatever may have been the purpose of such radical action, the seizure of the records only served to aggravate the situation which most of the colonists wished to correct. As a consequence of this action, the agent could not make a complete return, and, as naturally followed, titles could not be issued by the General Land Office. Therefore, the process which everyone wished to expedite was retarded.²⁵

The excitement grew apace as a result of the seizure of the records by the mob at McKinney. In order to decide upon a course of action, a joint meeting of representatives from each county in the colonial area was agreed upon, the assembly to be held at McKinney, July 29, 1852.

In the meantime, July 20, 1852, a preliminary meeting was held at McKinney to counteract the work of those who were agitating the trouble, and thus forestall hasty action in the approaching joint session. Throckmorton took a minor part in this meeting, while leadership was assumed by such men as J. C. Easton, Sam Bogart, S. R. Campbell, Alex Berry, J. W. Berry of Ellis County, and Martin of Dallas County; yet the influence of Throckmorton and Senator Bogart can easily be detected in the resolutions which were adopted. In brief they were as follows:

We will use all honorable means of protecting our homes; we believe that the law of 1852, so much complained of, was well designed to serve the interests of the colony if it were administered according to its true construction; we commend

²⁴—Hedgcoxe to Bell, September 3, 1852, in *Bell Letters*, Texas State Library. Hedgcoxe took up the duties of his office on May 15. He was ejected July 16. In the meantime he had recorded 981 files from the colonists. The adjustment under the laws of 1852, therefore, was evidently proceeding with expedition.

²⁵—*The Journal of the House of Representatives*, Fourth Legislature, Extraordinary Session, 33, 34.

Throckmorton and Bogart for their efforts to serve their constituents, and utterly condemn all assaults on their character; we request the return to their proper place of all certificates and other evidences of ownership of homes and lands abstracted from Hedgcoxe's office on July 16; and finally we condemn the self-styled committee who pretended to act for the citizens of Collin County in the examination of the records and papers of Hedgcoxe's office.²⁶

On July 24, a group of disgruntled citizens assembled at Denton. This meeting is most interesting because its proceedings demonstrated the fact that the various assemblies of like character were rarely, if ever, guided by reason. The citizens here, however, did not in any way blame the law of 1852, but blamed Hedgcoxe and his construction of that law for all their ills. Their reasons for taking drastic action were that Hedgcoxe should not have been sent to them as agent after his expulsion in 1848, that he had tried to force settlers to abandon lands improved by them for lands which he might select, that he had tried to deprive them of their locations, and that he had otherwise construed the law of 1852 in a way unwarranted. They concurred in the action of their fellow citizens in taking the records and in expelling Hedgcoxe, and concluded their list of grievances by requesting Throckmorton to resign as their representative, and by declaring that they would defend their homes "peaceably if we can—forcibly if we must."²⁷ Thus Throckmorton stood condemned because he was responsible for the passage of a law to which his assailants had no objection. In fact, his thinking was wholly in accord with theirs, with one exception. Obedience to law and constituted authority was a passion with him; consequently he could not approve, as his consti-

²⁶—*Northern Standard*, August 7, 1852. This committee was composed of J. M. McReynolds, George H. Pegues, M. W. Allen, J. H. Wilcox, and James W. Parsons.

²⁷—Proceedings of mass meeting, Denton, Texas, July 24, 1852, in *The Northern Standard*, August 7, 1852.

tients in Denton had, the action of the mob in forcibly taking the company's records, while otherwise they were in complete accord. In a letter to the editor of the *South-western* in January, 1853, he expressed a sentiment which was almost identical with that of the Denton County resolutions, and in this letter he stated that the law of 1852 was well designed to meet the wants of the people.

The act of the 10th of February last was well adapted to the wants of our people, and if carried out according to its spirit and meaning would have silenced forever the clamor of the company and citizens. Had the agent of the company given the slightest demonstration of a desire to carry out the intentions of the law, the legislature never would have heard of the subject again. But the reserved construction of the company and settlers was unfortunate. The relations existing between the agent (Mr. Hedgcoxe) and the settlers for five or six years, had been of the most unpleasant and irritating character; and his return was hailed with prejudice, jealousy, and distrust. But still, had it not been for the strange course pursued by him in discharging the duties of his office, no difficulty would have arisen. His published circular; his refusing to receive files from assignees of colonists without a special power of attorney for that purpose; his refusal to receive files from administrators and guardians; his threats that the land office would be enjoined if a certain class of citizens filed their claims; his constant argument to those who divided their certificates, that they could have only the first piece surveyed, and would lose their float; and his reiterated declarations that those who were upon the even sections could not hold them . . . together with personal insults to hundreds of good citizens at his office, produced the excitement and unfortunate consequences.²⁸

Thus Throckmorton attributed the cause of the difficulties to the action of Hedgcoxe, as his constituents at Denton had done, and yet his resignation was requested.

The convention of representatives of the counties embraced in Peters' Colony, according to the previous plan, convened at McKinney, July 29, for a three-day

²⁸—Crockett and Throckmorton to De Cordova, January 22, 1853, in *South-Western American*, January 29, 1853.

session.²⁹ On the first day the convention perfected its organization by electing the Reverend Azariah Bone of Grayson County as president, B. P. Smith, also of Grayson County, as vice-president, and J. W. Latimer of Dallas County as secretary. The president immediately appointed a committee on address and resolutions, after which the convention adjourned until the morning of July 30,³⁰ and on that morning the committee reported a set of resolutions similar to the ones adopted at Denton with some additional ones. These resolutions declared that it was the policy of the convention to keep the company records until September 4, unless the legislature took action, that the report of the committee which recommended the law of 1852 was false, and that the next legislature should expunge it from the records of the House and Senate. The resolutions also contained a plan of action which called for a special session of the legislature, and for the appointment of a committee of citizens in each county, as vigilance committees to spy on the company. On the adoption of the resolutions, there was a division, but the vote was unanimous except on two of them. Throckmorton, Bogart, and Wilcox of the Collin County delegation, and Stone of Dallas voted against the further retention of the stolen records at Dallas, while Throckmorton and Bogart, of course, voted against the resolution which contained the censure of the Peters' Colony committee of which they were members.³¹

²⁹—*Northern Standard*, October 16, 1852. The counties represented were Collin, Cooke, Dallas, Denton, Ellis, Grayson, and Tarrant. The representatives from Collin County were Pleasant Wilson, J. H. Wilcox, George H. Pegues, Sam Bogart, J. Baccus, and J. W. Throckmorton. Notable delegates from other counties were J. M. Crockett, T. C. Hawpe, B. W. Stone, and J. W. Latimer of Dallas County, J. H. Reagan and E. H. Tarrant of Ellis County, and M. T. Johnson of Tarrant.

³⁰—John H. Reagan (Ellis), M. T. Johnson (Tarrant), J. H. Wilcox (Collin), J. W. King (Denton), W. S. Reeves (Grayson), J. M. Crockett (Dallas), Daniel Montague (Cooke), composed the committee on resolutions.

³¹—*Northern Standard*, October 16, 1852.

This convention, through one of its committees, memorialized Governor Bell to convene the legislature in extraordinary session to give the long-sought relief to the colonists. In the memorial to the governor the committee exonerated the sponsors of the law of February 10, but said that "the law of 1852 was properly intended;" yet in operation it had made "confusion worse confounded," and that it "proved to be the fire-brand which ignited the resentment of an outraged and long-abused people."³² In view of this unsettled condition in the colony and the need of legislative action in regard to frontier defense, Governor Bell called an extraordinary session of the legislature to meet in January, 1853.

In the meantime, Throckmorton, in compliance with the resolution of the Denton County meeting, resigned his place in the legislature and sought reelection in a special election in November.³³ His opponent was S. R. Campbell, who sought to make political capital out of the existing chaos and excitement, and made his campaign on the justice of the law of 1852. Campbell and the opposition advocated the repeal of this law, while Throckmorton defended it and advocated its amendment instead, so as to prevent further encroachment by the company or the company's agent. Of this issue he wrote:

The repeal of the act of 10th of February would create a convulsion of the most distressing character in the public mind of the community. In many respects the highest hopes and most sanguine expectation would be disappointed, and the fairest prospect of an amicable adjustment of a difficulty that has so long jeopardized their dearest rights . . . the rights of their homes forever blasted, and they and their descendants involved in an interminable and ruinous litigation to which the immediate abandonment of their homes would be preferred.³⁴

³²—Stone, Southwood, Wilson, *et al.*, to Bell, in *Executive Correspondence*.

³³—Throckmorton to Bell, September 15, 1852, in *Executive Correspondence*. See also *The Northern Standard*, November 13, 1852.

³⁴—Crockett and Throckmorton to De Cordova, January 22, 1853, *Editorial Correspondence in The Southwestern*, January 29, 1853.

On these principles Campbell and his loud-mouthed constituents were routed and Throckmorton was returned to the legislature. Thus the people, who had seemed to condemn him in July and August, sustained him in November.³⁵

When the special session convened in January, 1853, the party which stood for the repeal of all legislation concerning Peters' Colony since 1845 showed considerable strength. The first show of strength came when the committee on land claims reported that all legislation affecting Peters' Colony was contrary to an ordinance of the constitutional convention in 1845, (and accordingly, advised a bill which called for the repeal of all such legislation) and that "all laws passed since the adoption of the ordinance by the people, limiting, curtailing, excluding, or interfering with said rights of location and survey, are destructive of public faith, partial and unjust in their effects, are unconstitutional and void, and have operated to increase the boundless cupidity of the contractors and insatiable desires of the colonists."³⁶ The committee likewise demanded that the legislature repeal all such legislation. This report, together with all matters which concerned Peter's Colony, was submitted to a special committee appointed by the speaker.³⁷ This committee brought in a bill which its members thought would solve the problem, but Throckmorton, Crockett, and Bogart believed that it did not make sufficient concessions to the colonists, and the bill was amended to meet their approval. The amendments provided that the company should surrender or

³⁵—*The Journal of the House of Representatives*, Special Session, Fourth Legislature, 4. See also *Northern Standard*, November 13, 1852. Throckmorton's return to the House seemed to be very good evidence that the dissatisfaction was not as widespread as some agitators pretended.

³⁶—*Texas State Gazette*, February 5, 1853.

³⁷—*The Journal of the House of Representatives*, Fourth Legislature, 75. None of the men who had taken a prominent part in the Peters' Colony trouble was placed on the committee. The members were Johnson, Patrick, Hartley, Edwards, and Bryan of Brazoria.

give unqualified release to the state of "all its interests or claims to all sections, half sections, fractional sections, or alternate sections that is or may be owned, located, claimed, or settled upon by any colonist of the colony or their assigns, by virtue of Ward's certificates, or certificates issued by the county courts." The amendments provided further that when this had been done, and the colonists had been given a chance to select their lands, the company could then choose the land to which it was entitled. These amendments, five in number, were presented by the Committee on the Judiciary, of which Throckmorton was a member. Throckmorton moved the suspension of the rules in order to take up the bill and the report of the Judiciary Committee. A motion to lay the amendments on the table was defeated by a vote of eighteen to thirty-seven. Bryan of Brazoria offered a substitute bill which was withdrawn after Throckmorton moved that it be tabled, and the five amendments were then adopted by a vote of thirty-six to twenty. Three members of the committee, Edwards, Hartley, and Patrick, voted against the bill in its final form, and a fourth member, Johnson did not vote.³⁸

This bill which became a law on February 4, 1853, embodied virtually what Throckmorton had contended for in the preparation of the law of February 10, 1852, for in his report to the House prior to the passage of that law, he said that the settlers were "confined to a country they love but cannot improve" and that the only solution was for the company to "suspend its claims until the colonists locate."³⁹ This law virtually solved the question by thus placing the colonists in their full and entire rights as a primary step.

³⁸—*The Journal of the House of Representatives*, Extraordinary Session, Fourth Legislature, 252-254.

³⁹—*The Journal of the House of Representatives*, Fourth Legislature, 477-486.

The trouble between Hedgcoxe and the settlers of Peters' Colony had scarcely been solved when difficulties just as perplexing arose from another quarter. The legislature, in an act approved February 10, 1852 (above mentioned), reserved a large portion of the northern part of the State for colonial purposes and the land thus reserved was to remain so until August 10, 1854.⁴⁰ At the extraordinary session of the Fourth Legislature, in the winter of 1852-1853 following this reservation, a three hundred twenty acre preemption law was passed (approved February 3, 1853), and the Fifth Legislature, in the following winter, passed a one hundred sixty acre preemption law (approved February 13, 1854).⁴¹ Thus many settlers "squatted" within this colonial reservation after the passage of the three hundred twenty acre law but before the passage of the law which reduced preemption rights to one hundred sixty acres, and many settled there while the legislature which passed the law was still in session. They "squatted" there and were not molested by other colonists, the Peters' Colony Company, or the State, the only sources from which legal interference could have come. Their plans were to improve the land and apply preemption claims when the reservation expired in August, 1854, and if the reservation had been allowed to expire as planned and the area opened to settlement, perhaps no controversy would have arisen. The Fifth Legislature, however, by a law approved December 21, 1853, reserved for internal improvements a vast tract of land, which reservation included a part of the above colonial area which had been settled by "squatters." This was known as the Pacific Railroad Reservation, because it set apart lands for the purpose of promoting the building of a railroad to the

⁴⁰—Gammel, *Laws of Texas*, Vol. III. 72-79.

⁴¹—Gammel, *Laws of Texas*, Vol. III and IV. also Throckmorton before the House, November 28, 1855, in *The State Gazette Appendix*, November 30, 1855.

Pacific Coast, and it included "all vacant lands, unappropriated public lands belonging to the State of Texas east of the 103d parallel of longitude west from Greenwich and embraced between the parallels of 31° and 33° north, and all vacant and unappropriated lands of the State west of 103d parallel of longitude and embraced between the parallels of 30° 30' and 32° north latitude."⁴² It seemed, therefore, that those who settled the area prior to the one hundred sixty acre act would be entitled to three hundred twenty acres, and those after the one hundred sixty acre law, but prior to the Pacific Railroad Reservation, would be entitled to one hundred sixty acres; but those who settled after December 21, 1853, the date of the Pacific Railroad Reserve, would be entitled to nothing, according to the law; yet all of them claimed preemption.

In the August elections of 1855, Throckmorton was reelected to the legislature as a representative of Collin, Cooke, and Denton Counties; and he went to the first session of the Sixth Legislature in November pledged to relieve this class of preemptionists. Having always been a leader in matters of internal improvements, he was made chairman of the Internal Improvements Committee, to which committee the problem of preemption was submitted, because most of the preemptors were from the Pacific Railroad Reservation and the disposition of their claims would affect internal improvements. Therefore, the petitions from those seeking relief fell into his hands, as well as the various proposals for relief brought in by House leaders; and in November, 1855, he reported a bill for the relief of preemptionists which had been referred to his committee, and recommended its rejection.⁴³ The bill provided that the settlers might have three hundred twenty acres of land

⁴²—Gammel, *Laws of Texas*, Vol. IV, 12.

⁴³—*The Journal of the House of Representatives*, Sixth Legislature, 121.

regardless of the date of settlement, on payment of fifty cents per acre plus a surveying and patenting fee, the time of surveying to be limited to eight months.

Throckmorton opposed the bill, first, for the general reason that it did not give the relief to which he believed the colonists were entitled; secondly, it would be a partial policy to allow a certain class of people to purchase lands in the reserve without extending the privilege to all; and, thirdly, the individual who was willing to pay for his lands should not be limited to the Railroad Reserve.⁴⁴

On the same day, Throckmorton, as Chairman of the Internal Improvements Committee, brought in a bill which provided the relief desired by the colonists. It provided for the application of three hundred twenty acre preemption in cases where settlement was made after the three hundred twenty acre law but prior to the one hundred sixty acre law, and one hundred sixty acre preemption rights to go to those thereafter. Throckmorton argued that they were entitled to the above rights for several reasons. First, many of them settled there prior to the session of the last legislature, which reserved the territory for internal improvements, and therefore did not settle there in violation of that law. Secondly, many moved there during the winter the reservation was made, and while it was being made, and therefore knew nothing of the reservation.⁴⁵ Thirdly, he argued that such preemption rights granted to these preemptionists would greatly benefit the cause for which the reservation was made, because the speculator who had thousands of acres of certificates would be prevented from withdrawing the land from settlement until prices should advance to the point where they could sell advantageously. Such a plan of withdrawal would retard the

⁴⁴—*The Journal of the House of Representatives*, Sixth Legislature, November 28, 1855, 121.

⁴⁵—*The State Gazette Appendix*, Vol. I, 75, December 5, 1855.

development, whereas the actual settler would advance the value of lands. Of this situation, Throckmorton said: "These people are industrious and comprise a most valuable class of citizens. The country where they have settled was a few years ago a vast wilderness, an uncultivated waste; but now it is covered with fine farms and is indeed one of the most flourishing parts of the state." He attempted to win over the internal improvements group by the argument that settlements within the reservation would not only make the unoccupied lands sell for much more money, but that actual settlement would hasten the building of a railroad by furnishing produce along the route for shipment and people to whom supplies would be shipped in return. Furthermore, it would hasten the success of the railroad by harmonizing the interests of the cultivation of the soil with those of the railroad and thus positively benefit internal improvements.

The arguments were attacked on the basis that to allow settlers preemption here would be equivalent to offering a reward for the violation of the law, for settlements within the bounds of the reserve were prohibited by law. The plea of ignorance of the law had little weight, it was claimed, because the passage of the law was well known even in the United States.⁴⁶ The argument did seem somewhat strange, since they had settled there apparently to receive the benefit of a law of February, 1854, and yet they claimed to be totally ignorant of a law which had been approved in December, 1853.

When the bill came up for consideration on December 5, Mr. Hooker offered an amendment which excepted from the benefits of the law all those who settled after the passage of the Mississippi and Pacific Railroad bill, that is, December 21, 1853;⁴⁷ and by a vote of fifty-one

⁴⁶—*The State Gazette Appendix*, Vol. I, 57, I. N. Dennis of Wharton before the House.

⁴⁷—*The Journal of the House of Representatives*, Sixth Legislature, 189.

to thirty, the House refused to table the amendment and proceeded to a consideration of it. Throckmorton made another attempt to get relief for the colonists by defeating the amendment, and yet there was little to add to the arguments already adduced. "Again, sir," he said, "there have never been any boundary lines run showing just where the boundary line is. How is a man who wants a home to take the exact longitude and latitude of his little claim of one hundred sixty acres of land and determine for himself whether he is in the reserve or not?" Furthermore, Texas had always pursued a liberal policy in granting relief to settlers and to fail now would be to break a long established precedent, he concluded.⁴⁸ His efforts failed, and the amendment passed by a vote of forty-five to thirty-four. On the following day, Mr. Taylor, at the request of Throckmorton, moved a reconsideration of the vote on the amendment, but the House refused to reconsider, and the bill as amended was then recommitted to the Internal Improvements Committee.⁴⁹ Here Throckmorton seized a last chance to do something for the settlers by accepting a compromise which he had before helped to defeat. He reported, January 2, 1856, a bill so amended as to allow all those who settled on the reserve after December 21, 1853, to receive their lands upon the payment of fifty cents per acre to the Commissioner of the General Land Office, with three years to pay and with the understanding that there would be no further preemption rights except by a general law.⁵⁰ The compromise was rejected, and a bill granting preemption to those only who settled prior to December 21, 1853, was passed; and on January 26, 1856, it received the approval of the Governor.⁵¹

⁴⁸—*The State Gazette Appendix*, Vol. I, 83, December 6, 1855.

⁴⁹—*The State Gazette Appendix*, Vol. I, 87.

⁵⁰—*The Journal of the House of Representatives*, Sixth Legislature, 29, report of the Internal Improvements Committee made by Throckmorton.

⁵¹—Gammel, *Laws of Texas*, Sixth Legislature, Vol. IV, 200.

This closed the bitter debate only temporarily. It had been very largely a fight between two parties, the so-called Peters' Colony Party and the Internal Improvements Party; and, though Throckmorton was an old line Whig and a recognized leader of the Internal Improvements Party, this time he allied himself with the other group. Only ingratitude could have prevented his fight for the colonists, for having lived among these people since early manhood and having received gifts at their hands, he could not refuse to fight their battles. Then he differed from his colleagues as to what the effect of granting preemption rights would be on internal improvements. They thought that such concessions would be destructive to the project, while he believed it would enhance the value of lands and hasten the building of the thirty-second parallel railroad. In his opinion, the interests of the colonists and those of the advocates of a railroad, in this instance, exactly coincided.

Petitions for assistance kept pouring in, since the law did not remove the evils of which the colonists complained, nor did it silence the friends of relief. On August 18, 1856, Throckmorton made a report of the findings of the Internal Improvements Committee and presented a bill which authorized the location, sale, and settlement of the Mississippi and Pacific Railroad Reserve, which bill also made the concession to the colonists which he had recommended on January 2. That is, all persons who were settled upon any portion of the reserve could have their claim, not to exceed one hundred sixty acres, upon the payment of fifty cents per acre to the special school fund. This law was approved on August 26, 1856, and thus preemption troubles came to a close.⁵² Throckmorton, although he had failed to get everything which the colonists wanted, had earned their lasting friendship.

⁵²—Gammel, *Laws of Texas*, Vol. IV, 474-475.

CHAPTER THREE
THE GATHERING STORM

In view of the responsibility, in the presence of God and my Country — and unawed by the spirit of revolution around me, I vote 'no'.

—THROCKMORTON'S EXPLANATION OF HIS
VOTE AGAINST SECESSION.

• •

In 1860-61 the South was not ripe for revolution. There were few people who felt that they were going to war because of oppression, wrong, or outrage.

—THROCKMORTON TO WIGFALL.

• •

Mr. President, when the rabble hiss, well may patriots tremble.

—THROCKMORTON TO THE SECESSION
CONVENTION.

• •

I have no doubt that the time soon will be upon us when the clash of arms will be heard, and the blood of my countrymen be shed in a great civil war. When it comes I will be in its midst.

THROCKMORTON TO THE CONVENTION, 1861.

CHAPTER THREE

THE GATHERING STORM

STORM CLOUDS were gathering in the 1850s. During these memorable years issues and events were discussed which tended to agitate the momentous question of union or secession. Men everywhere in Texas began to reflect on whether or not our existence might be happier if we separated from the Union. Throckmorton took a decided stand against all of this agitation, and appeared frequently as peacemaker, but it seemed that nothing could avert the storm. It was inevitable.

The agitation of the question first came in a fight over the Kansas-Nebraska Bill in 1854. Houston, as United States Senator, voted against this bill; and he was backed in his vote by Throckmorton and other old line Whigs, by independent Democrats, and by others who predicted disastrous results from the agitation of the slavery question.¹ Partially as a result of the feeling aroused over this bill the party lines of the Unionists and of the state-rights group became more clearly defined in Texas. The lines grew even more distinct as a result of the bitter campaign of 1857 in which H. R. Runnels defeated Houston for the governorship. Then followed two years of disquieting activity on the part of certain radical Democrats who favored the purchase of Cuba and the reopening of the African slave trade. The agitation of these questions prepared the way for the gathering storm — secession.

¹—C. W. Ramsdell, *Reconstruction in Texas*, 12.

One element in this secession movement was undoubtedly the partisan fight between Sam Houston, who opposed the further extension of slavery, and certain southern rights leaders of the Democratic party. This contention, largely over personalities and the slavery issue, had been brewing for years, and had become apparent to all in the election of 1857.² The wrangle became more heated in the campaign of 1859, in which the issue was clearly one of Union or disunion. The campaign opened with the meeting of the self-styled "Regular Democrats" in a convention in Houston on May 2. The platform adopted by the convention endorsed the Cincinnati platform; expressed unshaken faith in the principles of the Kentucky and Virginia resolutions of 1798; readopted the Waco platform of 1857; declared the Dred Scott decision to be a true exposition of the constitution; asserted that territorial legislatures had no right to exclude slavery from a territory; and declared that Cuba should be procured at the earliest possible time.³ A resolution favoring the reopening of the slave trade was voted down by a vote of two hundred twenty-eight to eighty-one, while a resolution condemning that measure was tabled by a unanimous vote.⁴ The convention completed its work by nominating Hardin R. Runnels for a second term as governor.

The nomination of Runnels, who was known to be an uncompromising, fire-eating secessionist, alienated Throckmorton and other conservative Union men from the ranks of the Democratic party. Throckmorton, as a representative from 1851 to 1857, had fought every issue which had seemed to agitate the slavery and secession question; and as a senator, after his election in 1857, he continued the fight for four more years. In the election

²—Anna Irene Sandbo, *Beginnings of the Secession Movement in Texas*, in the *Southwestern Historical Quarterly*, XVIII, 56-58.

³—*Lubbock's Memoirs*, 244.

⁴—E. C. Barker, *Readings in Texas History*, 459.

of 1859 he faced the alternative of voting for Runnels and the radical secession group as a loyal Democrat, or for Houston and the preservation of the Union. He chose to support Houston, who called himself a Democrat, and he went on a speaking tour in his own section for the Houston ticket. The Runnels Democrats were on the defensive in regard to frontier protection and the African slave trade, with the result that the Houston or Independent ticket was successful. Houston received 36,327 votes, and Runnels, 27,900; Clark received 31,458 votes for lieutenant governor, and Lubbock, a Regular Democratic party nominee, 30,325.⁵

The election was decisive and the Conservative Unionists had won a victory. "The election is over," Throckmorton wrote to John H. Reagan, "the battle is fought and won. The enemy are routed horse, foot, and dragoons. The slave trade faction must go under." He attributed this victory, however, not to hostility to the Democratic party, but to an effort of the people to rebuke the Houston convention for its nomination of unfit men, and its efforts to lug in new issues and to pledge the Democratic party to them.⁶

The Conservative Unionists, although they had achieved victory, apparently had little party organization in Texas. Throckmorton knew this and realized that something must be done to give a real meaning to the victory of 1859, and to make the party equal to the trial of strength which was in the immediate future. He wrote B. H. Epperson, a representative from Red River, and a strong Unionist, of his plan for conserving the recent victory.

How can old line Whigs and conservative men best subserve their own interests? Why, I say by taking that material that approaches nearest our own notions of what is right. But

⁵—*Lubbock's Memoirs*, 254.

⁶—Throckmorton to Reagan, August 17, 1859, in *Reagan Papers*, State Library, Austin, Texas.

I wish to do more. I am for taking Reagan, and with him for a leader, build up a Conservative Union Party in Texas.

This can be done by showing him his true position — and the estimation in which he is held by the Runnels faction. They curse him in their heart of hearts. Necessarily he must fall with us. But we must manage so as to stretch out the arms of Pease, Johnson, Smythe, and Maverick and such like to catch him when he falls, and we poor devils who have always been for the union and the constitution without any other mixtures must stand somewhat in the background to sustain these gentlemen.⁷

About this same time Throckmorton wrote to Reagan in regard to his plan of reaping the benefit from the recent victory. He warned Reagan that the Runnels faction blamed him for their defeat, and that the leading men had supported him in the senatorial race from fear and from no friendly motive. Throckmorton was trying to convince Reagan that he was not among friends in the Regular Democratic party and that the organization of a Union party was a necessity. He pointed out the danger to Reagan's own political future if he refused to head this new party. "If such a plan of union is not pursued and carried out energetically," he said, "every living union man may see the state ruled by the secessionist and slave trade men. Whenever they have the strength they will make the attack on you," he pointed out.⁸

Reagan refused to give the proposed Union party his support, without which Throckmorton was certain that failure would attend the new organization. Consequently, he changed his tactics from that of the organization of a new party to that of a reformation within the Regular Democratic party. He proposed that those of the party who had advocated the slave trade and had attempted to fasten that doctrine on the whole organ-

⁷—Throckmorton to Epperson, August 18, 1859, in *Epperson Papers*, University of Texas Library, Austin.

⁸—Throckmorton to Reagan, August 17, 1859, in *Reagan Papers*, State Library, Austin.

ization back down entirely from their position. He advocated the cessation of the proscription of Union Democrats, and the adoption of a "good, strong, old-fashioned Democratic platform." He said the new platform should declare as follows: that Congress should have the power to protect slave property in the territories; that the slave trade should not be reopened; that the states should have the right of local self-government; that filibustering should not be tolerated; and that Federal aid to the construction of the Pacific Railroad should be encouraged. If such reforms as these could be brought about within the old organization, well and good; but if this could not be done, he believed that a bold step should be taken.⁹ He wrote Epperson later that perhaps "if an independent organization be gotten up the present organizers at their next convention would adopt a conservative platform, ignore the slave trade, be moderate generally, place their best men forward, and the Democratic masses would follow." The party, therefore, would only serve the purpose of forcing the Democrats to become conservative.¹⁰

While the bitterness engendered by the state election of 1859 still rankled in the hearts of the people of Texas, plans were launched for the national election of 1860. This momentous election resulted in the sectional triumph of the Republican party, and materially strengthened the secession wing of the Democratic party. Because of Throckmorton's failure to get the Conservative Unionists to organize, there was no organized opposition, and the secession sentiment grew apace. Secession seemed to be only a question of days. An analysis of the vote convinced the people of the South that they were henceforth to be subject entirely to sectional domination, to escape which they must secede. Lincoln

⁹—Throckmorton to Reagan, September 9, 1859, *Reagan Papers*.

¹⁰—Throckmorton to Epperson, September 13, 1859, *Epperson Papers*.

had been elected exclusively by the votes of the free soil states. The popular vote was as follows: Lincoln, 1,857,610; Douglas, 1,365,976; Breckenridge, 847,953; Bell, 590,631. Lincoln carried eighteen free states with an electoral vote of one hundred eighty; Breckenridge carried eleven slave states with an electoral vote of seventy-two; Bell carried the states of Kentucky, Tennessee, and Virginia, with an electoral vote of thirty-nine; and Douglas carried Missouri and New Jersey with twelve electoral votes.¹¹ Breckenridge, usually called the secession candidate, received 47,548 votes in Texas to 15,463 for Bell, the Constitutional Union candidate. Neither Lincoln nor Douglas received any votes in Texas, and Lincoln did not receive one hundred thousand votes outside of the states he carried. This made the sectional character of his vote apparent to every one. It should be said also that the vote of Breckenridge, too, was somewhat sectional, as two-thirds of his votes came from southern states.¹²

The election was a signal to the South Carolinians to take action. In less than a week after the election the South Carolina Legislature, which was then in session, called for a convention to meet on December 17. Almost simultaneous with this move was a similar one in Texas. On December 3, 1860, a group of secession leaders, mostly state officials at Austin, after failing to get Governor Houston to call a special session of the legislature, drafted and issued an address "to the people of Texas," calling for a convention to consider secession.¹³ The address suggested that each representative district hold an election on January 8, and elect twice as many delegates to the convention as it had representatives in the legislature, the delegates to assemble in convention at

¹¹—L. J. Wortham, *A History of Texas*, IV, 327-328.

¹²—Mary Scrugham, "Peacable Americans," in *University Studies*, XCVI, 23-35.

¹³—*Southern Intelligencer*, February 13, 1861.

Austin on January 28, 1861.¹⁴ On December 17, the day set for the South Carolina convention to assemble, Houston, realizing that the convention was destined to meet anyway, called the legislature to meet in special session on January 21, one week prior to the meeting of the convention. Three days later, December 20, 1860, South Carolina seceded.¹⁵

James W. Throckmorton opposed this headlong plunge into disunion with all the earnestness which he possessed. During the trying and stormy days which immediately followed the election, when the radicals were wild in their pronouncements for secession and against the Federal government, he countenanced moderation. He had an opportunity to wield all the influence of which a lone voice was capable in the various mass meetings of his section.

On December 13, 1860, only a few days after the issuance of the call for the convention, a meeting of the citizens of Collin County convened at Plano, a few miles south of McKinney. Secession sentiment was rampant in this meeting, which was made up almost entirely of citizens of Plano. Reverend T. J. Malone, the pastor of a Plano church, presided at the meeting, and he immediately appointed a committee to draw up resolutions expressive of the sentiment of the community.¹⁶ While the committee was preparing its resolutions, Throckmorton was invited to address the meeting. In his address he took a firm stand against the convention and against secession, and he proposed a convention of all the southern states to work out some cooperative plan as a substitute for secession. By cooperation he thought the southern states could force the Federal government

¹⁴—The address was drawn up by O. M. Roberts, associate justice of the supreme court; John S. Ford; W. P. Rogers; and George M. Flournoy, attorney-general. After some modification it was signed by sixty-one citizens over the state.

¹⁵—Wortham, *A History of Texas*, IV, 329.

¹⁶—*Dallas Weekly Herald*, January 2, 1861. The members of the Committee were Major John Spears, Joseph Spearman, and S. B. M. Fowler.

to give them the proper guarantee of their rights under the constitution without separation and without bloodshed. His plan was put to vote and was almost unanimously rejected. The resolutions committee then reported its resolutions, the third one of which declared that "we hold the Lone Star as the standard of our gallant state, and hope soon to see its light blended with the kindred beams of a great southern constellation." When the vote was taken on the resolutions, only one solitary "no" was heard. Thus the meeting declared openly for secession,¹⁷ and the "lone voice" was not heeded. The coming years, however, were to reveal its wisdom, and those who ignored it then listened mournfully to it three years later.

Owing to opposition from many sources, but mainly through the influence of Throckmorton, Collin County did not immediately put convention candidates in the field; but as it became certain that the convention would meet, candidates appeared representing each group. The secession group placed George W. Barnett in the field, while Throckmorton led the anti-secession or Conservative party.¹⁸ Barnett, urged by the secession papers, the *Dallas Herald* particularly, threw down the gage of battle on the basis that Throckmorton was disloyal to his section, and that he was a submissionist. These accusations were false. In the first place, the vote in Collin County proved that Throckmorton was more loyal to the sentiment of the people of his section than was Barnett, for Throckmorton was elected by a good majority, and secession was finally rejected by the county. In the second place, he was not a submissionist as alleged by Barnett and the *Dallas Herald*.¹⁹ He granted without

¹⁷—*Dallas Weekly Herald*, December 19, 1860, and January 2, 1861.

¹⁸—*Dallas Weekly Herald*, January 16, 1861.

¹⁹—*Dallas Weekly Herald*, February 20, 1861, said "The *McKinney Messenger* promised that Dr. Throckmorton would shed a good deal of light on the subject he was to discuss. We trust he did shed pretty freely, because *submission* is a very dark subject."

question that the southern states had some grievances, and that changes were desirable, but he did not believe that sufficient wrong or outrage had been practiced to warrant such grave revolutionary action. In regard to this he wrote to Louis T. Wigfall as follows:

In 1860-61 the South was not ripe for revolution. There were very few people who felt that they were going to war because of oppression, wrong, or outrage. There was not one in a thousand who felt that sufficient cause existed demanding of him his life, his all.²⁰

He did not believe in submission, but he differed with others only as to the gravity of the situation and in the remedy sought.

Not only was he accused of disloyalty and submissionism, but his name was also linked with a sinister plan of dismembering Texas. The plan was to create a small state out of the northern counties, including Collin and Denton, and ask for admission to the Union in case the state convention decided on secession. A written document which set forth such a plan and purported to have had its origin in the Throckmorton camp was extensively circulated in the northern counties. This strange document was dated January 15, 1861, and read as follows:

Whereas the political movements in the State of Texas indicate that the obligations that bind us to the Federal Government by the Constitution of the United States are about to be abrogated by a state convention; and whereas should said state convention so far disregard the wishes of the Conservative Union men of the State of Texas, and especially the northern portion of the state, as to declare the State of Texas out of the Union without submitting their action to the people of Texas for ratification at the ballot box; and whereas should the state convention act so as to disregard the anticipated action of the southern convention, therefore, we resolve, as a Dernier Resort, to make an effort to unite a sufficient number of the northern counties of Texas into a state, and make application at the proper time for admission into the Union.²¹

²⁰—Throckmorton to Wigfall, December 30, 1866, in *Throckmorton's Private Correspondence*.

²¹—*Southern Intelligencer*, January 30, 1861, Editorial Correspondence.

There is no proof known which shows that Throckmorton did or did not have connection with this scheme. It is a known fact, however, that he could have endorsed the document down to the point where it declared for the formation of a new state. He opposed secession, and demanded that the action of the convention should have the sanction of the voter at the ballot box before it became effective, as the above document provided. He also favored a convention of the southern states.²² At a later time, that is, after the war closed, he favored a division of the state, but his attitude on that question at this time cannot be determined.

Before the campaign for the election of delegates was over, and in the heat of the fight, Throckmorton set out for Austin, determined to stand firmly against hasty action of the legislature in its extraordinary session which was to meet on January 21. While en route to Austin, he was elected to the secession convention over Barnett, his secession opponent.

Throckmorton was alarmed at the turn of events, for he thought that the secessionist leaders were plunging the state headlong into destruction, without due deliberation. To stall off action, he attempted to get the Senate to ignore the convention which was to meet on January 28, the members of which had already been elected. On January 22 he introduced a bill which called for the election of delegates to a general convention of the people of Texas. The bill was read a first and second time, and it was then referred to the Committee on State Affairs, from which committee it never emerged.²³ Thus the effort to secure more time and a cooling-off period failed.

Though bitterly opposed to secession, Throckmorton refused to endorse coercion. He even believed that an

²²—*Senate Journal* Eighth Legislature, Extra Session, January 28, 1861, pp. 49, 50.

²³—*Senate Journal*, Eighth Legislature, Extra Session, January 22, 1861, page 37.

attempt on the part of the Federal government to coerce a state might justify the breaking up of the union; that is, he believed in the right of secession but not in the wisdom of its assertion.²⁴ His position was clearly shown in his vote on the Shepard resolution which was considered in the Senate on January 26, 1861. This resolution, among other things, declared that an appeal to coercion was subversive of the Constitution and would be "fatal to the existence of the union." It declared further that Texas would join any state in resistance to such unconstitutional action by the Federal government. The resolution was passed by a vote of twenty-eight to none, with such bitter-enders as Throckmorton, Paschal, Rains, Townes, and Hart voting for it.²⁵

Things moved rapidly now. On January 28, the day the convention assembled, the House, by a vote of fifty-six to twenty-four, passed a resolution justifying the popular call for the convention, and recognizing the convention itself.²⁶ The resolution was immediately sent to the Senate, where Throckmorton, Paschal, Rains, Hart, and Townes tried to defeat it by forcing a substitute by Gentry which called for a convention of the southern states. Quinan of the secession wing moved to table the substitute. Throckmorton's motion for a call of the Senate was sustained, but the substitute was laid on the table by a vote of twenty to ten.²⁷ Townes then offered amendments to the effect that the action of the convention should be submitted to the people for ratification or rejection; that the people should elect delegates to a general convention for the purpose of amending the state

²⁴—Throckmorton to R. S. Guy in *Dallas Weekly Herald*, July 22, 1865.

²⁵—*Senate Journal*, Eighth Legislature, Extraordinary Session, January 26, 1861, pp. 45, 46.

²⁶—*Journal of the House of Representatives*, Eighth Legislature, Extraordinary Session, January 28, 1861, pp. 57, 58.

²⁷—*Senate Journal*, Eighth Legislature, Extraordinary Session, January 28, 1861, pp. 49, 50. Those who voted against tabling the substitute were Throckmorton, Britton, Fall, Gentry, Hyde, Paschal, Rains, Schleicher, Townes, and Hart. Five of them were secessionists.

constitution to conform to the relations of the state to the Union at the time it assembled; and that, in case a new convention should not be called, and the convention whose members were elected on January 8 should adjourn to reassemble, there should be an election of delegates in those representative districts where the delegates were elected by less than a majority of the qualified voters, to sit with those who were elected by a majority vote.²⁸ Senator Herbert moved that the amendments be tabled, and on a call of the Senate they were tabled by a vote of twenty to ten. The Senate then suspended the rule, read the House resolution a third time, and passed it by a vote of twenty-five to five.²⁹ This occurred on January 28, and proved to be the final effort of this small anti-secession group of senators, as such, to stem the rising tide and halt the destructive movement toward secession.

The efforts of this small minority of senators, led by Senator Throckmorton and Governor Houston, to impede the secession movement in order eventually to defeat it, came to naught. The election had been held on January 8 as originally planned, and most of the counties had elected delegates. On January 28, also as planned, the convention, composed of 177 members, assembled at Austin.

Organization was completed the first day. Oran M. Roberts, who had been largely responsible for the issuance of the call for the convention, was elected president. After organization the convention proceeded at once to the consideration of the main issue before it, and drafted an ordinance severing the relationship of Texas with the Union, which ordinance was presented on January 30.³⁰ The convention was divided on the question as to

²⁸—*Senate Journal*, Eighth Legislature, January 28, 1861, pp. 50, 51.

²⁹—The nays were Throckmorton of Collin; Hart of Fannin and Hunt; Paschal of Bexar; Rains of Upshur and Wood; and Townes of Bastrop, Travis, and Burnet.

³⁰—D. G. Wooten, *A Comprehensive History of Texas*, II, 90.

whether the secession ordinance should be made effective from date of passage, or be submitted to the people for ratification. The debate on this question occupied the convention members during the evening of January 30, and into the evening of January 31, when it was decided that the ordinance should not become effective until ratified at the ballot box.³¹ It was decided also that the vote of the delegates on the secession ordinance should be taken at high noon of the following day, February 1.

Public announcement of the day and hour of taking the vote aroused considerable enthusiasm and brought great crowds to the hall of the House of Representatives to witness the voting. The high state officials, including Governor Houston, the lieutenant governor, and the judges of the supreme and district courts were seated on the platform with the officials of the convention.³² It had been agreed that there should be no explanation of votes or public discussion of the question. The vote was to be "aye" or "nay," but several of the members could not refrain from making some remarks. The first to speak was T. J. Chambers, who was called to order by many voices, but he was able to proceed with the explanation of his affirmative vote. As the roll call proceeded Thomas Hughes of Williamson County, Johnson of Lamar, Johnson of Titus, and A. P. Shuford of Wood voted in the negative without explanation or comment. By this time the convention was in an uproar of enthusiasm, and threats were being whispered against the anti-secession group by the less responsible of those present. Eight affirmative votes followed Mr. Shuford's "no," and the whole mass of humanity was thrown into confusion when the clerk called the name of James W. Throckmorton, for it was well known how he would vote. In response to the call of his name Throckmorton arose and said:

³¹—*Journal of the Secession Convention*, 86.

³²—Wortham, *A History of Texas*, IV, 336.

In view of the responsibility, in the presence of God and my country — and unawed by the wild spirit of revolution around me, I vote "no."³³

It took a superior type of courage to vote against secession in the face of the unfriendly crowds in the hall, and a few of the Unionists and the very close friends of Throckmorton among the secessionists, who admired him for his manly fight on secession, applauded him sincerely. As he took his seat a hiss was heard in the gallery, and he sprang to his feet and again addressed the chair. "Mr. President," he said, "when the rabble hiss well may patriots tremble."³⁴ That he was hissed by the whole convention was denied by Judge Brown, Throckmorton's law partner, who sat in the convention that day within ten feet of Throckmorton. Of this incident Judge Brown said:

A single person in the gallery, almost directly over the seat of Throckmorton, hissed in the manner of theatrical loafers. The response was so prompt and so apropos that the whole convention rapturously squelched the screech of the unknown disturber of the solemn scene.³⁵

The convention members had every reason to hold Mr. Throckmorton in the highest esteem, and to be studiously careful of his feelings. He had given his reasons earnestly and frankly for the stand he had taken on secession. He did not deny that the South labored under a burden, but he did deny that secession was the rightful remedy. To certain members of the convention he had distinctly announced that, if the ordinance should pass and be ratified by the people, and that if war should then follow, he would never draw a sword to stab the state he had served and dearly loved, but he would shoulder his musket and stand by it to the last. "Brave and noble words," said Judge Brown, "which won every secession heart in that convention and made Throckmorton per-

³³—*Houston Post*, August 3, 1889, quoting the *Hillsboro Reflector*.

³⁴—*The True Issue*, February 7, 1861.

³⁵—*McKinney Democratic Gazette*, November 25, 1915.

sonally the most popular man in it."³⁶ It seems unlikely, therefore, that the whole convention hooted and jeered Throckmoorton's speech and vote, as some accounts have declared.

Two other delegates, L. H. Williams and George W. Wright, both of Lamar County, voted "no" before the close of the roll call. The final vote was one hundred sixty-six to seven.³⁷

Little was left now for the convention to do. On February 2, the special committee appointed for the purpose, adopted and presented an address to the people setting forth the reasons for the action of the convention. Among the important reasons assigned for secession were the following: the controlling majority in the northern states was hostile to Texas and the other southern states and was keeping them from common territory reaching to the Pacific; the disloyalty of the North had allowed outlaws to war upon the southern citizens and their property; the Federal government had failed to protect the frontier from savages; a number of states had violated the fugitive slave law; a sectional party of the North had been sowing seeds of discord; by the combined sectional vote of seventeen northern states this sectional party had elected to the presidency and vice-presidency two men whose chief claim to those high positions was their approval of this long list of wrongs; and finally, that as six southern states had already seceded there was no course left for Texas but to secede or be left in the Union in a position of isolation.³⁸

On the same day the convention elected seven members to represent Texas at the convention of southern

³⁶—*Ibid.*

³⁷—*Journal of the Secession Convention*, 8. This *Journal* gives the names of eight who voted against the ordinance. See also Wortham, *History of Texas*, IV, 338.

³⁸—*Journal of the Secession Convention*, 61-86. See also M. L. Arnold, *The Later Phases of the Secession Movement in Texas*, 38, 39, M. A. Thesis, University of Texas, Austin, 1920.

states at Montgomery.³⁹ After deciding to reconvene on March 2, the convention adjourned on February 4.

There was yet one last chance to defeat secession, and that was to defeat it at the election which the secession convention had set for February 23. Before leaving Austin to hasten to his district to campaign against ratification, Throckmorton, with three of his associates in the Senate (Hart, Paschal, and Rains), together with fourteen representatives and six members of the convention, drew up an address to the people of Texas in which they ably set forth the anti-secession doctrine.⁴⁰

These men, in this address, argued eloquently and convincingly against the wisdom of secession. They acknowledged that the northern states cherished a feeling of hostility toward the institution of slavery; that the passage of personal liberty laws to prevent the enforcement of the fugitive slave law proved that the states did not possess the proper conception of their constitutional obligations; and that the election of Lincoln made the provision of additional securities for the institution of slavery a necessity; but that because of these grievances they did not regard the Union as an "accursed Union" and that they preferred to be remembered as men who "even under the present circumstances cherished and dared to confess, gratitude and veneration for the free and parental government framed by our fathers, rather than to be classed with those who deserted it in the day of gloom and danger without making a single effort to adapt it to a change of circumstances, so that it might continue to be in the future, as it has been in the past, the government of a great and united people."

The people had been egregiously deceived by the leaders in the present revolutionary movement, the

³⁹—The delegates were Senators Louis T. Wigfall and John Hemphill with John H. Reagan, John Gregg, W. S. Oldham, William B. Ochiltree, and T. N. Waul.

⁴⁰—*Southern Intelligencer*, February 13, 1861.



THE SEVEN WHO VOTED AGAINST SECESSION

Top row, left to right—A. P. Shuford, James W. Throckmorton, Lemuel H. Williams, Joshua Johnson.
Bottom row, left to right—William H. Johnson, George W. Wright, and Thomas P. Hughes.

address continued. They had been told that it was for the protection of slavery. On the contrary, a permanent disruption of the Union would prove a tremendously heavy blow to the institution of slavery. "Slavery would speedily be driven out of the border states and those states would become identified in interest — and gradually in feeling too — with the free states. By this continuous process the present limits of slavery would be constantly contracted."

The address closed with a proposed plan of action as follows:

We would have you remain true to every constitutional obligation although your northern brethren, in some respects, proved recreant to theirs. We would have you put forth your best efforts in aid of such of the slave holding states as may make the attempt to reconstruct the union. In the meantime, through the agency of your state government or what may perhaps be better through a convention called for that purpose, and clothed with full powers, we would make preparation for the worst that can come. And having done that, if you cannot by the help of others, restore the union, with every abuse corrected and all your rights fully secured, then change your form of government as you may think best.⁴¹

The group was bitterly criticised for the issuance of such a campaign document, which was compared to Helper's *Impending Crisis*, and the signers were accused of trying to array slave holders against non-slave holders.⁴² Intolerance of the hour was responsible for this groundless accusation. The address was simply a sober, sane effort to defeat secession by placing the bare facts before the people for their consideration in the election of February 23.

The above address was issued on February 6, and on February 9, Throckmorton addressed a large orderly

⁴¹—*Southern Intelligencer*, February 13, 1861. The representatives who signed this address were Armstrong, Bogart, Camp, Ellett, Epperson, Hancock, Haynes, Henry, Mundine, Norton, Owen, Redgate, Taylor, and Whitmore. The delegates who signed were Johnson of Titus, Rains and Schuford of Wood, Williams, Wright, and Johnson of Lamar.

⁴²—*Texas State Gazette*, March 2, 1861.

meeting at Buass hall in Austin. In his speech he followed the plan of reasoning set forth in the address of February 6. He then returned to McKinney, where he canvassed his district against secession, and influenced Collin County to reject the secession ordinance by a vote of 710 to 215. The vote in the state at large was 44,129 for the ordinance and 14,697 against it.⁴³

When Throckmorton returned to Austin after the state at large had accepted the ordinance, the convention was in session, and the vote was being taken on some important question when he entered the hall. When the roll call was finished, Mr. Locke, a member of the convention from Upshur County, addressed the chair, and asked that every member of the body vote unless excused, as that was one of the rules which they had adopted. Mr. Throckmorton then inquired what the question was, and he was informed that the vote was being taken on the adoption of the provisional constitution of the Confederate States. He then addressed the president and the convention as follows:

Mr. President, only a moment since I returned from my home where I had been to persuade the people of my district to vote against the ordinance of secession. I have the satisfaction to know that my constituency agree with me on that grave and momentous question. When I entered the chamber the vote was being taken upon a question unknown to me. When my name was called I did not vote. But since the gentleman from Upshur has called the attention of the chair, I have inquired and ascertained that the vote is upon the adoption of the provisional constitution of the confederate states. Not knowing its provisions if required to vote I shall vote against it. But Mr. President, while I am up if the convention will indulge me I beg to say a word. Sir, I had thought that I had satisfied every member of this body that I was not afraid to vote or express my opinion on any subject . . . my position has been well understood. But, sir, I desire to go a little further, and announce a determination known to my friends, but perhaps not generally known to members of this body. I believe we are on the verge of a long and bloody war, the con-

⁴³—*Journal of the Secession Convention*, 176.

sequences of which none can foresee. While my judgment dictates to me that we are not justified by the surroundings or the occasion, a majority of the people of Texas have declared in favor of secession; the die is cast; the step has been taken, and regardless of consequences I expect and intend to share the fortunes of my friends and neighbors. I wish to say especially for the benefit of those who doubt my devotion to my country that I have no doubt that the time will soon be upon us when the clash of arms will be heard and the blood of my countrymen be shed in a great civil war. When it comes I will be in its midst, and I doubt not will be there long before the gentleman from Upshur.⁴⁴

By a motion of Judge Ochiltree, Throckmorton was excused from voting on the question.

Throckmorton had one more opportunity while the convention was in session to prove his devotion to Texas and his desire not to embroil the people of his own state in a civil war among themselves. Houston had attempted to get General Twiggs at San Antonio to surrender the government arms and stores to him instead of to the convention. This was undoubtedly known in Washington, and gives color to A. W. Terrell's story that Lincoln wrote to Houston and offered him 5,000 troops to coerce Texas. This letter was delivered to Houston by George Giddings, a confidential messenger. When the letter arrived Houston called four of his personal friends, strong union men, to meet him in the private mansion. These men were James W. Throckmorton, Ben Epperson, David Culberson, and Houston's cousin, Colonel Rogers. Houston told the men that he had an important matter about which to ask their advice, and warned them to weigh the advice they gave, because he would follow it. He then produced the letter and read it to them in confidence. When the men were consulted one after the other and they advised him not to accept Lincoln's offer, as it would mean civil war in Texas, Houston tore the letter into shreds and threw it into the fire. Turning to the men he said, "Gentlemen, I told you I would follow

⁴⁴—*Houston Daily Post*, August 3, 1889.

your advice, and I will. But if I were ten years younger I would not."⁴⁵

Houston did follow their advice and on March 29, 1861, addressed a communication to Colonel Waite of the United States army at San Antonio in which he said that "I have received intelligence that you have received, or will soon receive orders to concentrate United States troops at Indianola . . . to sustain me in the exercise of my official functions. Allow me most respectfully to decline any such assistance from the United States government . . ."⁴⁶ Thus it seems that civil war in Texas was avoided, and Throckmorton had been instrumental in that accomplishment.

Three days prior to the sending of the above letter the convention adjourned *sine die*, and left the state government to resume the authority which had been exercised by the convention. At last the storm had broken in all its fury.

⁴⁵—*A. W. Terrell Papers*, Ms., University of Texas Archives, Austin. See also *Scribner's Magazine*, May, 1906, 586.

⁴⁶—*Official Records, War of the Rebellion*, Series 1, I, 551.

CHAPTER FOUR
SMOKE, POWDER, AND ORATORY

There were men who loved the Union with a devotion and veneration unexcelled — men who could not be overawed by the wild tumult of revolution nor made to cower before the fierce howling and threatenings of mobs, whose hearts have known no fear, even at the cannon's mouth.

—THROCKMORTON TO R. S. GUY.

• •

My most solemn convictions are that if we fail in this struggle, we become at once the most degraded people on the face of the earth.

—THROCKMORTON'S WARNING TO THE CITIZENS
OF GRAYSON AND COLLIN COUNTIES, 1863.

• •

Would that we had thousands of such patriots.

—REFERENCE TO THROCKMORTON IN
STATE GAZETTE.

• •

If the toilworn and blood stained soldier who had fought from Manassas to Gettysburg's bloody field and now wounded, and disabled for life, pallid, with the seeds of death sown in his constitution—if he, even such an one was to breathe a prayer for peace, and reconstruction to bring it about, was he to be mocked and scoffed at and treated as a traitor.

—THROCKMORTON ON THE RECONSTRUCTION
OF THE UNION.

CHAPTER FOUR

SMOKE, POWDER, and ORATORY

THROCKMORTON was among the first members of the secession convention to take the oath of allegiance to the Confederate government. The *Dallas Herald*, always a staunch friend of Throckmorton but differing with him on the matter of secession, happily noted this in its issue of March 27, 1861.

Among the members that have already taken the oath we see the names of J. W. Throckmorton and T. J. Nash. We are pleased to learn that Dr. Throckmorton is slowly learning 'the steps', and bids fair to become a pretty good secessionist. But tell it not in Gath! Henry of Grayson, Lewellin of Collin, and Whitmore of Harrison, all of them intense Union-anti-secession men have taken the bitter pill which they worried down rather than lose their per diem and mileage. Good boys—all of them, and will discharge their duty manfully.¹

When the convention adjourned, Throckmorton returned home resolved to carry into execution the promise he had made on the floor of the convention that, if the state fell under the heavy hand of war, he would enter into its defense. The opportunity to make his promise good, and to show that "per diem and mileage"

¹—*Dallas Herald*, March 27, 1861. The oath was as follows: "I----- do solemnly swear (or affirm) that I will faithfully and impartially perform and discharge all the duties incumbent on me as a -----, according to the best of my skill and ability, agreeable to the constitution and laws of the Confederate states of America, so long as the state of Texas shall remain a member of that Confederacy; and do further solemnly swear (or affirm) that since the second day of March, 1861, I being a citizen of this state, have not fought a duel with deadly weapons within this state, nor out of it, nor have I sent or accepted a challenge to fight a duel with deadly weapons, nor have I acted a second in carrying a challenge, or aided or advised or assisted any person thus offending,—so help me God."

had not influenced him to take the oath, came at a Collin County convention of friends of the Confederacy in the courthouse at McKinney on April 27, 1861. The convention was made up of men who had originally supported the secession movement, and no reconstructed Union men were allowed to take part in the deliberations of the body. When the meeting convened, it was made known that secession men only were wanted; whereupon D. C. Dickson, a close friend of Throckmorton, led a group of Union men to the Methodist church and held an independent meeting.² Throckmorton refused to follow the bolting group, but he failed to gain recognition while the meeting was in session at the courthouse. The principal purpose of the meeting was to select delegates to a convention to be held at Dallas, supposedly to promote the interests of the Confederacy, but actually to promote the political fortunes of the politicians in the approaching state election. After endorsing the Confederate constitution, the convention appointed twenty representatives to the Dallas meeting. Among these delegates was George W. Barnett, who had been Throckmorton's opponent for the nomination as a delegate to the secession convention.³

Apparently those in charge of the deliberations doubted Throckmorton's sincerity in his declaration of allegiance, and feared his influence; but when the meeting ended, he was called on to address the adjourned convention. In a short address, characterized by sincerity, patriotism, and good sense, he urged that all southern sympathizers be united in resisting the encroachments of the Federal government; that dissensions political or otherwise, be forgotten; that the Confederacy

²—*Northern Standard*, May 11, 1861. D. C. Dickson later went into the Confederate service, and lost his life at the battle of Shiloh.

³—R. De Armond was chairman of this convention, and George White was secretary. Other prominent men of Collin County who attended the meeting were J. J. Howe, J. C. Easton, F. L. Gates, J. J. Harrison, Isaac Graves, and M. W. Allen.

be sustained at all hazards; and that all political meetings be suspended for the period of the war. He concluded his address by again offering his services, and if need be his life, in the defense of the South. At the conclusion of the address, when a call for volunteers was made, Throckmorton headed the list; and forty others were quickly added.⁴ Thus in a brief space of three months Throckmorton had played a dramatic part in registering his objection to secession, in campaigning against the adoption of the secession ordinance by the people, in taking the oath of allegiance to a government the formation of which he had attempted to defeat, and finally in offering his services as a soldier to defend it.

Throckmorton did not believe that the circumstances justified the southern states in the action they had taken; but he was not a man to theorize, for he realized that actual conditions and not theories must be met. Furthermore, he saw ahead a much dreaded and bloody civil war in Texas if the Union men persisted in their opposition. He explained the promptings of his heart in a letter to Hamilton P. Bee.

The war came. I saw that unless I did something to prevent it, that neighbors and friends of my own immediate section of the state would be embroiled with each other in deadly conflict. I at once consulted with Epperson and Dickson and told them this must not be. The only way to prevent it was for ourselves to set the example. Our friends were calling on us to head the opposition. They agreed with me as to the course and I immediately called for men. . . . Our course saved the enactment of the scenes of Missouri.⁵

Although Throckmorton condemned secession, he could not agree that the Federal government had the con-

⁴—George White to the Editor of the *Dallas Herald*, April 27, 1861, in the *Dallas Herald*, May 8, 1861.

⁵—Throckmorton to Hamilton P. Bee, in *Throckmorton's Private Correspondence*. B. H. Epperson and D. C. Dickson were both strong Union men, and close friends of Throckmorton. However, both of them entered into the support of the Confederacy. Epperson sustained Throckmorton with money and influence, and Dickson raised a company for Confederate service.

stitutional authority to force a state to restore its relation with the Union once it had been broken. In the senate during the week preceding the convening of the secession convention he had shown his attitude on this question when he voted for a resolution which condemned coercion. In his speech, public and private, and in his correspondence he condemned coercion. In a letter to R. S. Guy in January of 1865, he explained his attitude, and portrayed his own mental anguish at the turn of events.

There were those who loved the Union with a devotion and veneration unexcelled, who took up arms, not to destroy the government of the United States, but because they believed that the constitution had not conferred the power upon the general government to coerce a state, and whose hearts bled with sorrow when the madness and the folly of the two extreme parties of the country brought about divisions and war—men who could not be overawed by the wild tumult of revolution, nor made to cower before the fierce howlings and threatenings of mobs, whose hearts have known no fear, even at the cannon's mouth.⁶

Throckmorton had, therefore, two reasons for casting his lot with the Confederacy. First, his whole being revolted at the thought of a civil war which might ensue within the borders of his own state if the Union forces should attempt to hold it; and, secondly, he doubted the constitutional right of the United States government to coerce a state.

The first task of the group of states near the Indian territory was to clear that region of the United States troops stationed at Forts Washita, Arbuckle, and Cobb. On March 18, General Winfield Scott had ordered Lieutenant Colonel W. H. Emory to proceed to Fort Washita and concentrate the troops of these three forts at that place. On April 17, two days after President Lincoln issued his call for 75,000 militia, and doubtless in antici-

⁶—Throckmorton to R. S. Guy, January 22, 1865, in *Dallas Weekly Herald*. July 22, 1865.

pation of the secession of Arkansas, General Scott ordered Colonel Emory, who had just arrived at his post, to abandon all those forts and withdraw the troops to Fort Leavenworth in Kansas. But Emory had already acted. He abandoned Washita on April 16.⁷

In the meantime Throckmorton, W. C. Young, and others had raised a volunteer force of Texans for the purpose of reducing these forts. This volunteer regiment was organized on Red River, three miles above Preston, on May 3, 1861. W. C. Young was elected Colonel; Throckmorton, Lieutenant Colonel; and Hugh F. Young, Major.⁸ On the same day Colonel Young dispatched a company of twenty-five men under the command of Lieutenant Bass to Fort Washita, on the left bank of the Washita River, twenty-two miles above its mouth. This advance guard reached the fort late on the night of May 3, and on the morning of May 4 Young received a dispatch from Bass to the effect that he had seized the fort and had sent twenty men on to Arbuckle to capture the wagon train of the United States troops.⁹ The company learned that the main body of the United States troops had left for Arbuckle on April 16. The conditions of the fort showed that the soldiers had left hurriedly and in some alarm. Considerable supplies of clothing, shoes, and hats had been left, together with about twenty wagon loads of corn and forage. Guns had been broken up, ammunition and explosives scattered over a considerable area, and the heavy shot and cannon balls sunk in a nearby stream to keep them from falling into the hands of the Texans.¹⁰

⁷—*Official Records, War of the Rebellion*, Series 1, Vol. I, 648, 656, 667, W. H. Emory's report of the evacuation of Washita, dated May 19, 1861.

⁸—*Northern Standard*, May 18, 1861.

⁹—W. T. Patton to J. W. Swindells, *Editorial Correspondence*, in *Dallas Weekly Herald*, May 8, 1861. Patton was a member of this expedition. Fort Arbuckle was located in the Chickasaw nation, four miles south of the Washita River. See T. H. Hamersly *Army Register of the United States*, Part II, 123.

¹⁰—J. W. Wells to J. W. Swindells, *Editorial Correspondence*, in *Dallas Weekly Herald*, May 15, 1861. Wells was a member of the expedition as far as Washita.

Young and Throckmorton, after receiving the news of the evacuation of Washita, left for Fort Arbuckle with about 530 men. They reached Arbuckle about May 11, but found the fort deserted. The expedition, which, according to one account, had grown to nearly 2,000, then proceeded to Fort Cobb, at the junction of Pond Creek and the Washita River, where the men hoped to encounter the enemy; but it had been abandoned. These three forts, Washita, Arbuckle, and Cobb, therefore, had fallen into the hands of the Texans without the firing of a gun.¹¹

The capture of these forts made an attack by the United States troops in the Indian territory unlikely. Throckmorton returned home, therefore, and attended court, which was in session at Sherman in Grayson County. He represented his clients there for a while, but soon began raising a company of men for active service. He secured the enlistment of one hundred volunteers for service in the cavalry, and went to Dallas to get them included in Colonel Greer's regiment, which was then in process of formation. He was unable to do this as Colonel Greer's regiment was complete before his arrival. His company was immediately received by Colonel William C. Young, however, and was slated for immediate service in the Indian territory.¹²

Throckmorton's company, with Young's regiment, went into the Indian territory during the last days of June, 1861, and remained there until the last days of August, their mission being to prevent the recapture of the forts there by the Federals, and to guard against Indian attacks from that quarter. In July Throckmorton was ordered to Arkansas to reinforce General Ben

¹¹—*Dallas Weekly Herald*, May 15, 1861. Collin County furnished about 300 men for this expedition, many of whom were original Union men.

¹²—*Dallas Weekly Herald*, June 19, 1861. The cavalry group of one hundred men had the following officers: J. W. Throckmorton, Captain; Gabriel S. Fitzhugh, First Lieutenant; Andrew Patterson, Second Lieutenant; L. M. Martin, Third Lieutenant; and S. T. Lewis, Orderly.

McCulloch. Preparatory to joining McCulloch he ordered his company to return to Sherman, where it arrived about September 1. It was to rendezvous there to secure a winter outfit and to await definite orders.

Throckmorton now decided to quit the state service and enlist under the banner of the Confederacy. The Confederate recruiting station for the district from which Throckmorton's men were drawn was at Camp Bartow, thirteen miles south of Dallas.¹³ He and his men reported there and were mustered in on September 16, in B. Warren Stone's Sixth Texas Cavalry. Throckmorton personally enrolled on September 12.¹⁴ After the ceremonies of mustering into the service were over, he went with his men to a point one mile north of McKinney, preparatory to the departure for McCulloch's headquarters at Camp Jackson, Arkansas.¹⁵

The regiment moved from McKinney in three divisions, the first under Major Sul Ross on September 21, the second under Lieutenant Colonel J. S. Griffith on September 22, and the third under Colonel Stone on September 23. They marched thus to the north fork of the Canadian River, where they united on October 3. The regiment then proceeded leisurely through the beautiful Chickasaw, Choctaw, and Cherokee country, the columns crossing the Arkansas River just above the point where it forms a junction with the Grand River. Considerable excitement prevailed there when dispatches came saying that a large force of abolitionists and Indians was coming down both sides of the Arkansas. High water forced Colonel Stone to ferry his men across, and the news of the approaching hostile force reached camp

¹³—*Dallas Weekly Herald*, September 11, 1861. This camp was named for the illustrious Georgian, Bartow, who fell at the battle of Manassas. The recruiting officer stationed here was Captain R. R. Garland, formerly of the United States Army, but now in the Confederate service, second regiment, Texas infantry.

¹⁴—*Official Records*, Adjutant General's Office, Washington, D. C.

¹⁵—*Dallas Weekly Herald*, September 25, 1861.

when only a few companies had crossed the river. These few companies were hastily brought back, only to find that the reports were unfounded.¹⁶ The march then continued, and the entire regiment reached McCulloch's headquarters at Camp Jackson on October 12. Four days later orders were given to prepare to march on the following day, with provisions for a fortnight. The columns halted on October 30 between Fayetteville and Springfield and made preparation to go into winter quarters.¹⁷ It was during the days which followed that Throckmorton visited the scenes of his early boyhood in Fayetteville, where he had lived for four years prior to his moving to Texas.

The first engagement of importance took place at Chustenahlah in the Cherokee nation, on December 26, 1861. About four hundred men of Greer's, Stone's, and Young's regiments, together with Bennett's Lamar County cavalry and one hundred fifty of McIntosh's regiment attacked the Creek Indians in the mountains between the Verdigris and Arkansas Rivers. These Creeks were Unionists who were being hard pressed by the Confederates under the command of General Cooper. They were fleeing to Kansas, where they hoped to receive either succor or refuge.¹⁸ Stone's regiment under command of Lieutenant Colonel Griffith, of which Company K, led by Captain Throckmorton, was a part, attacked from the right. An eyewitness reported the struggle as follows:

It was but a few moments until the hill was ours, and the surrounding country was covered with the fleeing enemy. We followed, fought, and killed them for twelve or fifteen miles, closing the engagement at four o'clock with a loss to them of three hundred eleven men, all their wagons, oxen, cows, sheep, and ammunition, and all their wives, children, and slaves.

¹⁶—J. S. Griffith to J. W. Swindells, October 6, 1861, *Editorial Correspondence* in *Dallas Herald*, October 9, 23, and 30, 1861.

¹⁷—*Dallas Herald*, November 13, 1861.

¹⁸—A. H. Abel, *The American Indian as Slaveholder and Secessionist*, 254-260.

Our loss was ten killed and about thirty wounded. Stone's Regiment suffered the most—fought under difficulties as to ground—did good execution and acquitted itself with great credit. Their most serious loss was lieutenant Gabriel S. Fitzhugh of Collin county, who fell at his post.¹⁹

Fitzhugh was a close personal friend of Throckmorton, and was lieutenant of his company.

Lieutenant Colonel Griffith in his report of the battle gave much credit to Throckmorton and two others for the defeat administered to the Indians. "To Throckmorton, Ross, and Wharton," he wrote, "I am much indebted for the success we had, by their fearless charges in front of their respective commands, which so signally routed the enemy from every point." He wrote further in his report that "I must return my sincere thanks to Captains Ross, Wharton, and Throckmorton for timely assistance rendered me when I was in imminent personal peril."²⁰

After the battle of Chustenahlah Throckmorton returned to McKinney with the remains of his friend and lieutenant, Gabriel S. Fitzhugh. He soon rejoined the forces at their winter quarters near Fayetteville, where on February 17, 1862, they received orders to move rapidly through the town and northward toward the enemy in the region of Bentonville. Within six hours after the order was given ammunition had been distributed, the men were in their saddles, and the supply train was en route. They made camp that same night on the north side of Boston Mountains twenty miles away, but were on the move the next day at the break of dawn and made fifty-four miles that day through rain, sleet, and darkness, arriving at Cross Hollow at ten o'clock in the night. The forces remained here for some time, where they had a skirmish with the enemy on March 5. They captured forty men, ten wagons, six mule

¹⁹—*Dallas Herald*, January 15, 1862. This report was written by J. J. Diamond of Young's regiment.

²⁰—*Official Records, War of the Rebellion*, Series 1, VIII, 28.

teams, and several horses. On March 6, the regiment joined in a skirmish at Bentonville, Arkansas.²¹

On the morning of March 7 occurred the battle of Elkhorn. As the Federal and Confederate forces were lined up in battle array, the left flank of the Sixth Confederate Cavalry was left exposed and was destructively fired upon, until Stone gave the order to charge. In the language of Stone the "heavens resounded with the tramp of warriors' steeds as they swept the field, and rushed impetuously on the enemy's battery. My regulars gallantly led in this most brilliant charge, which was but momentarily withstood by the enemy who left his guns in the most precipitous flight."²² The volunteers referred to were three companies under Captains Wharton, Throckmorton, and Bridges. In commenting on the work of these men, Stone said: "The first three companies under Captains Wharton, Throckmorton, and Bridges, poured a most destructive fire upon the enemy near his guns, killing eighty of his number. Thanks to these gallant officers for their promptness, valor, and success."²³ Notwithstanding the gallant action of these troops the army was defeated. Colonel W. P. Lane, in command of the Third Texas Cavalry, said, however, that "the defeat of our army was barren of results to the enemy as they were too badly crippled to pursue us a mile."²⁴

After this battle Stone's regiment retreated southward to Oliver's Store, at the foot of Boston Mountains. There it was relieved by Greer's Regiment; but on March 15 it was ordered to take up a position on the telegraph road to Lee's Creek, to protect Confederate means of communication.²⁵

²¹—*Official Records, War of the Rebellion*, Series 1, VIII, 301.

²²—*Official Records, War of the Rebellion*, Series 1, VIII, 303-304.

²³—*Official Records, War of the Rebellion*, Series 1, VIII, 304.

²⁴—W. P. Lane to Colonel E. Greer, March 18, 1862, in *Official Records, War of the Rebellion*, Series 1, VIII, 299-301.

²⁵—*Official Records, War of the Rebellion*, Series 1, VIII, 783, General Orders Number 74.

Shortly after these movements, owing to insufficient forage, the Sixth Regiment was dismounted and ordered to join Van Dorn across the Mississippi at Corinth, where Stone resigned his commission and returned to Dallas to raise a second regiment. Throckmorton continued with his company after the transfer to Corinth until his health broke down; and when the army was reorganized under conscription, he declined reelection and was honorably discharged on May 25, 1862.²⁶ He then returned home.

In opposing secession, Throckmorton had made some bitter enemies who would never forgive him and who would stop at nothing to undermine him. Upon his return home he found that they had been busy, and had circulated the report that he had left the service at Corinth because he had been crushed at being offered nothing more than a captaincy, and that he would offer his services to raise another regiment in the hope of securing a promotion. This was damaging to his patriotism, but not as much so as another blow aimed at him from another quarter. Some one, for sinister reasons, had presented his name to President Lincoln, and Lincoln had seen fit to appoint him as one of the "Commissioners for the collection of taxes in the Rebel District of Texas." It was intimated also that he had been in communication with men friendly to the United States. In short, he was accused of being a traitor. Information in regard to his appointment was published in some newspapers in the United States. Throckmorton, in a letter printed in the *McKinney Messenger* of July 20, 1862, made the best answer possible to this slander.

I have by no word, act, or deed countenanced in any manner whatsoever, or been privy to this or any other appointment. So far as I am concerned it is wholly unwarranted. Nor have I had any connection or correspondence with any person whatever since the war began who is in the confidence

²⁶—*Official Records*, Adjutant General's Office, Washington, D. C.

of, or friendly with, the government of the United States. Because I and thousands of others in our state believed that our southern leaders were too rash and precipitate and that other remedies should be resorted to before secession, is no reason why I should look on approvingly and see the mad hand of fanaticism kindle the flames that are to consume every city, town, and hamlet throughout the South.

He closed his defense by saying that "if no one in Texas holds a Federal commission until I do, I apprehend that none will be held."²⁷

Shortly after Throckmorton returned home, an ugly affair known as *the conspiracy of the peace party* was uncovered in the northern counties, particularly in Grayson, Wise, and Cooke. The peace party was made up of Union sympathizers and those who were loyal to neither side but who were dissatisfied with the war. The organization was secret, with signs, grips, and passwords. The members were first sworn to secrecy, and those who were found worthy were entrusted with three degrees. The first degree bound the member to secrecy and to avenge a Brother's blood. The second degree supposedly tested the candidate on the questions of robbery and jay-hawking, while the third pledged him to support a movement to reestablish the Old Union.²⁸ In detail the plan comprehended the secret organization of forces and a gradual accretion of numbers until their power and strength became sufficient to enable the order to arise suddenly everywhere, capture the Confederate stores and supplies, and render the people powerless to resist the coming of a Federal army.²⁹

The plot was uncovered when Newton Chance, a loyal Confederate of Wise County, was approached and asked to become a member of the secret order. He immediately reported to William J. Hudson, a Confederate

²⁷—*Dallas Herald*, September 20, 1862, quoting the *McKinney Messenger* of July 20, 1862.

²⁸—*Texas Republican*, November 1, 1862.

²⁹—C. D. Cates, *Pioneer History of Wise County*, 130.

officer stationed at Gainesville. This led to the arrest and execution of about fifty-five men.³⁰

Many of the members of the secret order were unscrupulous characters who deserved no quarter. At the same time many respectable citizens were inveigled into the organization under false pretenses, being told that the purpose was to promote the interest of peace and the settlement of the differences which separated the North and the South. Who would not endorse such a laudable proposal?

The loyal Confederates, in the campaign to exterminate these Union bushwhacker suspects, arrested about forty men in Grayson County. Some of these men were misguided Union men, neighbors and even friends of Throckmorton, who had been cheered, sustained, and confirmed in their loyalty to the Union by his own speeches before the fateful day of secession.³¹ These men were condemned to die without trial. Executioners had already been found, and the sentiment was so strong that no one had spoken against such a procedure, and no one dared to speak against it. Throckmorton, though not a citizen of Grayson, went to Sherman and interposed his own life between the condemned and death. His plea was that the blood of the victims would stain the hands of the people, unless the guilt of the men was first ascertained by due process of law. His counsel was heeded, and a court investigation showed that, with one exception, all were innocent.³²

In the meantime Stone, with the assistance of Throckmorton, had raised a second regiment of cavalry for Confederate service. Stone had issued his call in June of 1862, and the men had responded; but, because of failure to secure adequate regimental supplies, it was

³⁰—C. D. Cates, *Pioneer History of Wise County*, 131. One report put the number of executions as high as 171 in Cooke County alone — thirty-two were hanged on one tree.

³¹—*San Antonio Express*, May 8, 1867. --

³²—*The McKinney Courier-Gazette*, August 24, 1906.

not until February, 1863, that the regiment was ready to organize.

The exact date of Throckmorton's reentrance into the Confederate service is not known, as there are no files on record in the Adjutant General's office to show this. The regiment, however, was organized in February, 1863, with Stone as Colonel, Isham Chisum of Kaufman County as Lieutenant Colonel, and Throckmorton as Major. The rendezvous of these troops was at Fairfield in Freestone County, where they remained until March 5. The force moved from there to Navasota, where it arrived on March 12, and camped until March 23, when orders were received to report to Louisiana for service. As some of the men were absent on leave, an order was immediately issued for the men to join the command at Crockett, Nacogdoches, San Augustine in Texas, or Alexandria in Louisiana. The regiment then took up its march and reached Eutaw on April 26, 1863, Nacogdoches on May 6, and Cheyneyville on May 24, arriving on June 9 at Washington, Louisiana, en route for Port Hudson.³³

The regiment moved on down and joined the Confederate forces for a long and wearisome campaign of twenty-two days in lower Louisiana. The first attack of the combined forces resulted in the capture of the Federals at Brashear.³⁴ Fort Defiance on Bayou Le Boeuf and Thibadeauxville next fell into the hands of the Confederates. From Thibadeauxville the Confederates moved up to Donaldsonville, at the point where Bayou La Fourche forms a junction with the Mississippi. The bayou is navigable for gun boats for some distance. Above the town was Fort Butler, and below was Fort Donaldsonville. To take and hold the town of Donald-

³³—*Dallas Weekly Herald*, February 25, March 18, March 25, April 8, April 29, May 6, May 13, June 10, and June 24, 1863. This slow march was necessary to give absent troops time to join the command.

³⁴—For an account of the battle of Brashear see the *Houston Tri-Weekly Telegraph*, July 10 and July 21, 1863.

sonville, it was necessary to gain Fort Butler. The task of capturing the fort was given to Phillip's, Green's, and Hardeman's regiments, while the seizing of the town was entrusted to Stone and his soldiers. These simultaneous attacks were made on June 28. Colonel Stone, however, gained his position about midnight; and, being within easy range of the enemy and exposed to their artillery, he determined not to delay. He made the attack, drove the enemy out, and held the town until daylight under a concentrated and murderous discharge of cannon from the fort, which completely demolished the town. Not hearing the signal for the attack on the fort, and day dawning rapidly, he fell back. In the meantime the enemy had gained perfect range of the road by which the volunteers had entered the town, and it became necessary to find another route. Then came the shouts of the Confederates as they made the unsuccessful attack on Fort Butler. It was over in fifteen minutes, and thus the Confederate troops were repulsed in their attempt to take Donaldsonville.³⁵

The immediate fruits of the campaign in lower Louisiana were about one thousand prisoners, ten heavy guns, and a large amount of supplies of all descriptions. These operations also gave the Confederates command of the Mississippi above New Orleans. The campaign did not have the permanent result which was hoped for it, however, because the Confederate forces under General Taylor were not competent to hold what they had gained, especially after the fall of Port Hudson.³⁶

This swoop down into Louisiana was one of great hardship. Of this, Stone's account says that "day and night for twenty-two days the men were in the saddle and constantly on the move. They were so much fatigued that they literally dropped from their saddles." The

³⁵—*Houston Tri-Weekly Telegraph*, July 17, 1863, Stone's report.

³⁶—E. A. Pollard, *The Third Year of the War*, 91.

demands of the campaign proved to be too much for Throckmorton. A nauseating kidney disease which constantly gnawed at his vitals got the upper hand of him; and when the campaign was over, he was ill. He lay sick for several weeks near Vermillionville, during which time, and without his knowledge, he was elected to the State Senate from Collin and Grayson counties.³⁷ Generals Taylor and Smith thought he should accept the honor conferred on him by his constituents, but offered him the command of a regiment if he would accept it. He decided to return to the senate, and was discharged from the service September 12, 1863.³⁸ The *Dallas Herald*, in commenting on Throckmorton's return home, said that he had endeared himself to every man in the regiment.

When Throckmorton arrived home, he observed some indifference in his section toward the war. This indifference was only a symptom of the chaos which was soon to engulf the whole South. From his sick bed he sent out a letter addressed to the citizens of Grayson and Collin Counties in which he offered words of encouragement and also words of warning. After saying that he had been their representative in many dangerous scenes and on a number of bloody fields, he added: "I have returned to you broken down in all my physical energies and prostrated with disease, to accept once more the trust you have reposed in my keeping." He then proceeded to point out to them the dire consequences of failure in the war.

I tell you honestly and most earnestly do I impress it, that my most solemn convictions are that, if we fail in this struggle, we become at once the most degraded people on the face of the earth. Our own slaves will become our task-makers. Our inheritance will be divided out with them; our

³⁷—*Houston Daily Post*, August 3, 1889. See also *Dallas Weekly Herald*, September 30, 1863.

³⁸—*Official Records*, Adjutant General's Office, Washington, D. C.

property will be confiscated; our lands will be sold by the tax-gatherer, and Yankee capital will become the purchaser. Our whole country will be overrun by northern adventurers. Your ancestral homes will be filled with new faces of northern aspect. Your sons and daughters will mingle their blood with that of the New Comers. You and your sons will become renters of your own soil, and wanderers on the face of the earth.

This was the warning which he gave. He tried also to encourage those who were losing faith by comparing the condition of the Confederate army with that of Washington at Valley Forge. The men at Valley Forge were "unpaid, unshod, unclothed, and dying from cold, hunger, and disease." We had yet vast armies in the field, he said in substance. "They are better fed, better clothed, and better disciplined than they have ever been; and to give us renewed confidence we have better crops than since the war began."³⁹

The *State Gazette* characterized this letter as "one of the most patriotic appeals we have seen since the war began." The *Gazette* commented further as follows:

Would that we had thousands of such patriots, who, like him could distinguish between opposition to secession while it was a question to be decided by the people at the ballot box, and treason to his loved state after she took up arms to resist a war of robbery, plunder, confiscation, and subjugation.⁴⁰

Throckmorton did not reenter the Confederate service until the last days of the Confederacy; but while he was serving his term as senator in the Tenth Legislature, he joined the state forces for frontier defense. By a law of the Ninth Legislature, approved December 15, 1863, provision was made for the protection of the frontier against marauding bands of Comanche and Kiowa Indians. By the terms of the law those liable to military duty who were *bona fide* citizens of certain

³⁹—*Tri-Weekly Telegraph*, November 2, 1863.

⁴⁰—*Texas State Gazette*, October 28, 1863.

counties were to be enrolled in small companies.⁴¹ The governor was to divide these counties into not less than three divisions of equal area, and designate some officer to command each district. The commanding officer was instructed to exclude from his organization all those who were non-residents of the frontier area. One-fourth of the number was to be in active service all the time, and the officer in command was authorized to call out his entire force in case of threatened danger. The governor was empowered to order the commanders of the various districts contiguous to any scene of danger to take all or part of their respective forces to participate in repelling the Indians or other lawless bands, provided the commands could not be detailed from their respective districts for more than one month.⁴²

This law forced the new governor, Pendleton Murrah, to veer off from Governor Lubbock's policy of cooperation with the Confederacy. It was now incumbent upon Governor Murrah to force into the state organization all able-bodied men who were not in the Confederate service or were not exempted by state law. This led to a controversy between the Governor and General John B. Magruder, whose task it was to organize the reserves under the Confederate conscription law of February, 1864. General Magruder claimed that thousands of conscripts were enrolled and detailed by the Governor to useless duties. Murrah evidently hoped to maintain the state organization intact.⁴³

On January 6, 1864, Pendleton Murrah, Governor of Texas, divided the frontier area designated by the law of December, 1863, into six brigade districts; and on March 1, 1864, he appointed Throckmorton to the com-

⁴¹—Gammel, V, 676. These counties were Cooke, Wise, Parker, that part of Johnson west of the Belknap and Fort Graham road, Bosque, Coryell, Lampasas, Burnet, Blanco, Bandera, Medina, Kendall, Atascosa, Live Oak, McMullen, LaSalle, Dimmitt, and Maverick.

⁴²—*Official Records, War of the Rebellion*, Series 1, XLVIII, Part I, 1374.

⁴³—A. B. Moore, *Conscription and Conflict in the Confederacy*, 247, 248.

mand of the Third District as Brigadier General of state troops.⁴⁴ A few days later Murrah, realizing that he could not keep the troops in the service of the state, wrote to General Magruder, who was in command of the District of Texas, and offered the state troops, in brigades, to the Confederate service, to be used out of the state only in case of an emergency. He requested that, if Magruder consented to receive the troops, he state the number desired and define the emergency which required the presence of the troops in the field.⁴⁵ Magruder immediately answered that he declined the offer because "the law of Congress, and the decision of the President of the Confederacy" would not permit the acceptance of men in brigades.⁴⁶ Murrah, by this firm stand of Magruder, was forced to yield, though he did so reluctantly. The troops were finally organized under the conscription law of Congress.

As soon as Throckmorton received his commission, he issued all necessary orders, consulted with Brigadier General Henry E. McCulloch, who was in charge of the Northern Sub-District of Texas, and decided to make his headquarters at Bonham in Fannin County. He experienced difficulty in getting the conscript element to enlist, because the men felt that their section was the most exposed in Texas, many of the counties being exposed to the enemy on the Arkansas River, and to the enemy's cohorts in the Indian territory. He wrote to Murrah that the men feared that if they enlisted they would be "sent to Louisiana and their own section be left exposed and given up to pillage."⁴⁷ Not only was it

⁴⁴—*Official Records, War of the Rebellion*, 1, XXXIV, Part II, 1011. Districts one, two, four, five, and six were commanded by J. S. Ford, J. A. Griffith, R. H. Cumby, J. W. Barnes, and J. D. McAdoo, respectively.

⁴⁵—P. H. Murrah to J. B. Magruder, March 17, 1864, in *Official Records, War of the Rebellion*. Series 1, XXXIV, Part II, 1091-1092.

⁴⁶—Magruder to Murrah, March 19, 1864, in *Official Records, War of the Rebellion*, Series 1, XXXIV, Part II, 1093.

⁴⁷—Throckmorton to Murrah, March 28, 1864, in *Governors' Papers*, Texas State Library, Austin.

true that the men did not wish to enlist, but the conditions otherwise on the frontier were very bad. Of these conditions Throckmorton wrote to the Governor:

Every man of means and many who are not are ready to leave the country—many have already gone—and now that the few Confederate troops which have been here are ordered away, if my brigade should go too, the country will soon be depopulated. From a military viewpoint it would be the supremest folly to move them away, and an open invitation to the enemy to come and take possession.⁴⁸

The troops began to arrive at headquarters on March 20, and by April 7 about 800 men had reported for duty. The prospects in the other districts were not so encouraging, for by April 2 there were not enough men in the Fifth and Sixth brigades to form three full companies. Conditions were even less encouraging in the First District, and not much better in the Second and Fourth. Magruder was not, therefore, satisfied with the progress and wrote to Murrah and offered to accept the skeleton companies which had been formed, as a nucleus of the Confederate reserve corps for service in the state. He would accept, however, only those between the ages of seventeen and eighteen and between forty-five and fifty. The men between these ages were to report for duty or be conscripted. The men in the state troops between eighteen and forty-five were to be given thirty days to volunteer, and were to be subject to conscription at the end of that period.⁴⁹

The Governor tentatively refused to accept this offer, and so informed Magruder in a letter of April 7, in which he said he would be forced to wait until the legislature met to take definite and final action. The legislature met in extra session on May 9; and on May 16 Throckmorton, as chairman of the Senate Com-

⁴⁸—Throckmorton to Murrah, March 29, 1864, *Governors' Papers*.

⁴⁹—Magruder to Murrah, April 2, 1864, in *Official Records, War of the Rebellion*, Series 1, XXXIV, Part III, 739-741.

mittee on Military Affairs, introduced a joint resolution concerning the frontier in which he recommended that the organization authorized by the Ninth Legislature in December of 1863 should be continued as the best available means of defense. The resolution also authorized Governor Murrah to make what arrangements he could with General E. Kirby Smith, who was in command of all Confederate forces west of the Mississippi, for the payment and subsistence of this organization by the Confederacy, provided "the forces so organized are not to be withdrawn from the control of the Governor and the officers appointed by him." This resolution was passed on May 17.⁵⁰

In the meantime, because of a lack of cooperation between the Confederate and the state authorities, and in spite of the efforts of the brigade commanders, the frontier conditions in Texas, particularly in the Northern Sub-District, became daily less encouraging. Major General Magruder, in a letter to General Boggs, General Smith's Chief of Staff at Shreveport, Louisiana, described the condition as very gloomy. He said that the state of mind of the people was very unsatisfactory, and that disloyalty was rampant, but that the situation might yet be retrieved and order brought out of chaos if some influential man could be sent up there with a regiment from the immediate district. Therefore he urged the appointment of Throckmorton as a Brigadier General in the Confederate service in order to secure his influence and furnish a commander for a reserve brigade. "Throckmorton has, I am told, more influence in the Northern Sub-District than any other man," he wrote. "He is gallant and distinguished on the field."⁵¹ At about the same time a gloomy report came from another quar-

⁵⁰—*Ms. Records of the Proceedings of the Extraordinary Session of the Tenth Legislature*, May 9 to 28, 1864, in the office of the Secretary of State, file 90.

⁵¹—Magruder to W. R. Boggs, April 20, 1864, *Official Records*, Series 1, XXXIV, Part III, 779-780.

ter. Brigadier General McCulloch, commanding the Northern Sub-District, wrote to E. P. Turner, Assistant Adjutant General of the state, that it was the plan of the enemy to press into northern Texas, effect a lodgement somewhere on Red River, stir up and combine the disloyal element, hold that part of Texas, and use it as a base of operations into other parts of the South.⁵²

As this fear of immediate subjugation, uncertainty, disaffection, and gloom settled down over Texas, the Tenth Legislature met in extraordinary session on October 29, 1864. By this time the fortunes of the whole Confederacy were on the wane, and the subject of peace and the reconstruction of the Union was uppermost in many minds. So thoroughly had this idea engrossed the minds of a minority of the people of Texas, that it came to be a topic for the consideration of the legislature. Senator Hord introduced the first resolutions on the subject. They were resolutions of great violence and ultra-radical in doctrine, declaring with vehemence and in strong and unmistakable terms the unalterable determination of Texas to fight to the last ditch,⁵³ and never to reconstruct the Union. When these resolutions were passed around among the senators before they were introduced, Throckmorton advised against their introduction because he urged that they would only produce discussion which would extend to the people and serve to disunite rather than to harmonize.

Senator Wooten, supported by Throckmorton, offered a substitute for the Hord resolution; but it was laid on the table, whereupon Throckmorton introduced another. These resolutions declared that, since Texas had made an alliance with the southern states under a constitution which delegated to the Confederacy the

⁵²—McCulloch to E. P. Turner, April 6, 1864, *Official Records*, Series 1, XXXIV, Part III, 742-743.

⁵³—E. D. Wooten to B. H. Epperson, October 30, 1864, in *Epperson Papers*.

power to make peace and war, it was not within the power of the state to treat with the United States on the subject of the war or its termination by a treaty of peace. They declared further that such a course was dictated by the will of the people, by a regard for the faith which Texas pledged to her sister states, by a proper consideration for the safety of Texas, which would be endangered by separate action, and by the principle of preserving unity.⁵⁴ It was stated clearly that the question of peace and reconstruction must be determined by the Confederate government in consultation with state authorities. The inference was that the Confederate government could reconstruct the Union.

The members of the senate divided. Those for the Hord resolutions were known as the ultra-radicals and were led by Senators Hord, Parsons, Shepard, and Guinn. The conservatives were known as the "Diplomats" because they thought much might be gained by diplomacy and that to show their hand at that time would be unwise. This group was led by Senators Throckmorton, Stockdale, Wooten, and Lee.⁵⁵

The debate on these resolutions was indeed fierce and bitter. Senator Shepard, in the committee of the whole senate, asserted a higher law doctrine — a principle higher than mere written agreements — and said that any man who talked of reconstructing the Union by Confederate authority or otherwise, would be hanged. This statement was a challenge to Throckmorton, and in a speech of two hours he entered into a severe arraignment of the Confederate government and of all those who would dare say that the blood of any man should be spilled because he dared to hope for peace and the reconstruction of the Union. He wrote to Epperson later about this occasion, and enclosed a review of his speech.

⁵⁴—*Houston Tri-Weekly Telegraph*, November 9, 1864.

⁵⁵—E. D. Wooten to Epperson, October 30, 1864.

In reference to Shepard's radical enunciation of the higher law, he wrote as follows:

This brought me out in a review of the enthusiasm of the people and how they flocked to the standard in the beginning—How this enthusiasm was first damped by the conscript law, which had induced thousands of gallant soldiers to believe that they were serfs and slaves and not freemen—that this was a government in the opinion of these men not supported by the voluntary offering of a free people, but supported by a military despotism—that instead of being left to their chivalry and devotion to the cause of liberty to sustain the government they were hunted down like wild beasts and forced into the ranks of the army with the bayonet thrusting them along—Then cited the suspension of the Habeas Corpus act—the currency and Impressment laws—and then cited the mismanagement of the armies and the vast unconstitutional burdens and petty military officials, and stated that if our liberties were lost that these were the causes that would lead to it—Then I reviewed our actual condition—the loss of territory—the immense destruction of property—the thousands dead and thousands maimed and diseased—The million of men we had at first and what we had now—that first the conscription was 35—next 40—next 45—and now 50—Judging the future by the past, four more years would bring our armies to the waters of the Gulf and the conscription up to the age of 100—from a million of fighting men to none—If this mismanagement should continue—if Congress kept on centralizing the government—if the military were to continue to grind the people into the dust with the iron heel of tyranny—if our territory was all lost our fighting men all killed—our property all destroyed—If then, in such a fearful contingency, some old gray haired minister of God's holy church who had through years of weary toil and suffering prayed for our success, but should at length be driven by these dire calamities, to believe that the war should cease, and that reconstruction was the surest and best means to ensure it, was he, I asked, to be swung to a limb! If some aged father who had been a freeman before we were born—who had honorable scars received in defense of freedom's cause, who had already given five sons as offerings in this war who were now sleeping in bloody graves, if this old man was finally, when naught but ruin and desolation was before us, to believe that reconstruction was the best thing left, was he to be set upon by a mob of fanatics, who had contributed neither blood nor treasure, and be treated to a rope and a limb because he dared to express himself as a freeman!—If the lonely toiling wife, broken

hearted on account of her weary labors and long, long, hopes deferred, should in her midnight prayers, while kneeling in holy supplication before the throne of grace, ask that this cruel war should be brought to a close by reconstruction and her dear husband allowed to return from the scene of carnage and danger, and restored to her and his children, should she be executed and torn to pieces by a howling infuriated mob!

Or, if the toilworn and blood stained soldier who had fought from Manassas to Gettysburg's bloody field, and now wounded, disabled for life, pallid with the seeds of death sown in his constitution should, by God's mercy, once more reach his home and loved little ones—if he, even such an one was to breathe a prayer for peace, and reconstruction to bring it about, was he to be mocked and scoffed at, and treated as a traitor to that country for which he had poured out his blood, and for which he had beggared his family and sacrificed youth, health, and strength, and given all that he had of life that was worth giving!⁵⁶

The effect of the speech was electrical, so Throckmorton said; and as soon as it had ended, an adjournment was moved. Because of this incendiary attack Throckmorton was shunned. He said that no senator spoke to him that night; that some shunned him because they were afraid that if they talked with him they might be suspected; and that some thought that he might be taken up by violent hands. Their fears were groundless, for, though Throckmorton had claimed that the power to reconstruct the Union lay with the Confederacy and not with the individual states, he had made it clear that he favored separation and independence and not reconstruction. He had simply dared to lay bare the hideous gaping wounds which were festering and cankering in the public mind. On November 4 the vote on the resolutions was taken, the Hord resolutions passing by a vote of twelve to ten. Strong appeals were then made to pass them finally by a unanimous vote, but Throckmorton would not yield.⁵⁷ Reason seemed to be dethroned.

⁵⁶—Throckmorton to Epperson, November 3, 1864.

⁵⁷—Throckmorton to Epperson, November 3, 1864.

While the men in the legislature agitated their minds about peace and reconstruction, the conditions along the frontier of Texas grew worse. On November 1, 1864, Brigadier General E. Greer, of the Confederate conscript bureau of the Trans-Mississippi Department,⁵⁸ issued an order which seemed to be a direct effort to break up the frontier organization. This order required that all enrolling officers conscript and send to camp all men in the frontier organization subject to conscription.⁵⁹ Following this order and in the midst of the tumult caused by it, Throckmorton, in December, 1864, was assigned by executive order to the command of the First Frontier District, with rank of Brigadier General, with Major William Quayle second in command.⁶⁰

Headquarters for the First Frontier District had been established at Decatur in Wise County. The old Howell and Allen store was converted into an arsenal, and it was in this old store that Brigadier General Throckmorton had his office while in command at Decatur. Each of the militia companies was required to furnish a detachment of ten men to serve ten days at the post, so that there would be a force of about one hundred men present at Decatur at all times. Each company captain must assemble his company every two weeks for drill in tactics, and the local companies were required to perform Confederate service in their immediate localities whenever necessary. For instance, it fell to their lot to act as mounted police, with obligations to arrest suspicious characters, deserters from the fighting ranks, and those attempting to evade conscription.⁶¹

⁵⁸—*Official Records*, Series 1, XXXIV, 636. Greer had been appointed to this position by E. Kirby Smith, and his office was located at Marshall, Texas.

⁵⁹—Murrah to E. K. Smith, November 29, 1864, in *Executive Records*, *Register Book 155*, in the office of the Secretary of State.

⁶⁰—*Texas Almanac*, December, 1864. This district was composed of Cooke, Wise, Jack, Parker, Montague, Young, Palo Pinto, Knox, Baylor, Buchanan, Shackelford, Jones, Haskell, Hardeman, Archer, Clay, Throckmorton, Wichita, Wilbarger, Stephens, and Greer Counties.

⁶¹—Cates, *Pioneer History of Wise County*, 118.

Throckmorton knew the deplorable conditions in the region of his new command; and in acknowledging his commission, he urged Governor Murrah to adhere to the policy of maintaining the frontier organization intact, unless the Confederate authorities would agree to some amicable adjustment which would permit the men of the frontier counties to remain to protect their families:

The frontier, especially my part of it, is becoming the most vulnerable point in Texas, both on account of its easy access to Kansas Jay Hawkers and Indians and because of injury from driving away our beef. . . . Texas renegades, Jay Hawkers, and Indians are stealing our cattle from our border, and are supplying Federal forces in Arkansas and Kansas.⁶²

Throckmorton left his home in McKinney on December 10, and assumed command at Decatur on December 13. He immediately took steps to improve the frontier service and to add to the security of its inhabitants. In his first order he called the attention of the settlers to the necessity of their getting together and building blockhouses and stockades in which to live. "Four, five, or more families could get together in this way and thus insure the safety of the women and children. Convenient localities might be selected where the old men and the boys could cultivate the land and do other work, while the scouts could protect them." He urged that the officers and men of the frontier organization cultivate a friendly intercourse with the Confederate forces when they were serving in the same vicinity,⁶³ and began the process of ridding the organization of all those who were not *bona fide* citizens of the frontier on July 1, 1863. To do this, he issued orders to all company commanders to drop from their rolls all

⁶²—Throckmorton to P. H. Murrah, December 9, 1864, in *Governors' Papers*, Texas State Library, Austin.

⁶³—*General Order Number 1*, issued by Throckmorton at Decatur, Wise County, December 13, 1864, in *Governors' Papers*.

those who were in this class and turn them over to the Confederate authorities.⁶⁴ Throckmorton also set about recruiting and strengthening the frontier forces, so that by the close of December, 1864, there were twenty-six organized companies in his district with a total enlistment of 1,436 men.⁶⁵ To facilitate the apprehension of the lawless elements, he asked permission of the Governor to organize a spy company out of his organization, whose duty it would be to penetrate the Indian country and capture the property of the enemy. He proposed that the property thus captured should belong to the company and that the total valuation of the property should be deducted from their pay. This proposal, if adopted, would make the company self-sustaining; it would be a stimulus to action; and it would keep the entire frontier posted on raids and movements of the enemy.

In order to broaden the field of service of the frontier organization, Brigadier General Throckmorton entered into correspondence with the Confederate military authorities in regard to a short winter campaign north of Red River, also a more extended one in the spring. As a result General McCulloch, Colonel Bourland, and Lieutenant Colonel Barry held a consultation with him at his headquarters, where it was decided that a short campaign should be made immediately with about five hundred men, of which number the frontier organization should furnish two hundred. The men should rendezvous near the mouth of the Wichita River about February 1, 1865, and make an expeditious movement around and through the Wichita Mountains and sweep that region thoroughly. This expedition departed on February 1, 1865, with Major Roff in command of Colonel Bour-

⁶⁴—*General Order Number 2*, December 14, 1864, *Governors' Papers*.

⁶⁵—These men were distributed as follows: Wise County, five companies, 310 men; Parker, five companies, 306 men; Cooke, four companies, 223 men; Montague, two companies, 99 men; Jack, two companies, 103 men; Palo Pinto, three companies, 154 men; Stephens, two companies, 113 men; Young, three companies, 128 men.

land's regiment (C. S. A.) and Captain Earhart in charge of the state troops. Extremely severe weather, rain, sleet, and snow kept the expedition from being as extensive as planned. The men suffered great hardships and the horses gave out daily because of a lack of forage. Major Roff, therefore, after making certain that the enemy was not lurking in the mountains, gave the order for the return.⁶⁶

There were many difficulties in the way of such projects, as Throckmorton realized even before the expedition departed. "I am forcibly impressed with the necessity of making our service more efficient than it is now, or can possibly be under the present system," he wrote to Colonel Burke, "for nothing can be done as long as the men are half clothed and half fed, and the horses are too poor for a lengthy campaign." He therefore proposed a plan which he thought would improve conditions. He proposed to organize an active and constant force out of his organization and allow the Confederate authorities to have general direction and supply forage and provisions, the state to pay the troops if necessary. All organizations in active service and those for emergency were to agree to allow the quarter-master to draw all pay funds and spend three-fourths of it for provisions and transportation, the men to get only one-fourth pay. The advantages of such a plan were obvious. It would provide a regular force, enable the enforcement of discipline, make possible a quick and extended campaign, and permit industrial pursuits to go on, which were just as essential as military defense. The force, as Throckmorton had it organized, amounted to about four hundred men on active duty; but the men were never adequately prepared with arms, ammunition, and horses. Throckmorton said that they were equipped only with "squirrel rifles, shot guns, and six shooters."

⁶⁶—Throckmorton to John Burke, Adjutant and Inspector General of Texas, February 22, 1865, *Records* in Adjutant General's Office, Austin.

The inefficiency of the frontier military organization was fully revealed in Throckmorton's January, 1865, report to Colonel Burke. He did not know how many men he had, but he thought he had no more than twelve hundred. The captains, he said, had no paper on which to make reports to him; and he had record only of those on active duty, with no record of desertions, deaths, transfers, discharges, or Confederate enlistments. There was apparently little discipline or organization.⁶⁷

Throckmorton worked untiringly to bring order out of the chaos in his district, but the frontier organization was destined to go on in the same inefficient manner. Throckmorton, however, was to be called away from its perplexities for a more important service to the Confederacy, that of treating with the Indians. This was to be a last desperate effort to enlist the Indians in war against the United States. The Confederate star was rapidly sinking.

Early in 1865 the Confederate officials learned of a friendly attitude of the Indians, of their movement southward, and of their desire to treat with the Confederacy. In February of 1865, Captain M. L. Bell, Assistant Superintendent of Indian Affairs, (C. S. A.) dispatched Major J. C. Vore to find out the true reasons for the Indians' desire for a treaty with the South; but the information which he obtained was indefinite. The Comanches claimed that they came south because they already had treaties with the Confederacy and preferred its friendship to that of the North; the Kiowas said they preferred peace with the South and war with the North; the Arapahoes desired vengeance on the North because they and their friends had been whipped and driven from their homes; and the Cheyennes said they wished to bring their women to the South and leave them in safety and return to fight the Kansans and Nebraskans. The

⁶⁷—Throckmorton to Burke, January 29, 1865, in *Governors' Papers*.

Arapahoes represented to Major Vore that the Sioux, the Pawnees, the Cheyennes, the Shoshones, the Snakes, and the Blackfeet wanted to make peace with the Confederacy. These gestures of friendliness were probably caused by the Indian wars in Colorado and Kansas, and by the desire of the Comanches and Kiowas to winter further south. "All seem to pant for revenge," Vore wrote to Bell, "and the old fire of the Red Warrior can still be seen to gleam in their hearts."

All Confederate officials recognized the importance of directing the energy of the Indians against the United States, and Major Vore recommended a meeting of Confederate Commissioners with the representatives of the various Indian tribes for the purpose of making a treaty and planning a raid into Kansas. Acting on Vore's recommendation, Smith, without consulting Murrah, sent Throckmorton an appointment as Confederate Commissioner to the Indians. He then wrote Governor Murrah of his appointment of Throckmorton, and stated that he had acted under the advice of Brigadier General D. H. Cooper, who commanded the Indian territory. "Feeling that no more prudent or efficient man could be selected," Smith wrote to Murrah, "I have taken the liberty of enclosing him an appointment as such commissioner."

The selection of Throckmorton for this work was indeed wise since he was interested in the frontier and the welfare of the Indians. He was known and respected by the red men, and as proof of their esteem they bestowed upon him a name of their own choosing. Just as the beloved Sam Houston was called "The Raven," Throckmorton was renamed "Leathercoat." While working and living among them he always wore an ornamental heavily embroidered and beaded leather coat, which was a gift from his red friends. He could do much with these tribes and the officials recognized his influence.

Governor Murrah, therefore, immediately concurred in the action of Smith, and commissioned Throckmorton as the representative of the State of Texas to attend the council of Indians. He was authorized in the commission to express to the Indians that it was the desire of all Texas to live on terms of amity and good will with them; that the terms agreed upon in council would be carefully observed; and that it was the desire of the state to terminate hostilities so exhaustive in effect on both the Indians and the people of the frontier. In addition he was to make such other terms as his "good sense and judgment" should dictate.⁶⁸

Before May 15, the date set for the meeting, it was decided by Confederate authorities that it might be impolitic to appoint any one man from Texas as sole commissioner to the Indians, because of the constant warfare between the Texans and the Indians. It was important, also, to impress upon the Indian the national character of the meeting, and the appointment of a representative from another Confederate state would tend to give the council a more national character. Accordingly, General Albert Pike of Arkansas was appointed as a member of the commission to accompany Throckmorton.⁶⁹ General Pike, however, did not attend the meeting, but Colonel W. D. Reagan was sent instead.

Preparatory to Throckmorton's departure, Murrah appointed John W. Lane as Major to command the First Frontier District to relieve Throckmorton, who left Decatur for Council Grove in the Indian territory about May 1, 1865. On his way northward he consulted with Generals McCulloch at Bonham, Maxey at Fort Towson, and Brigadier General Cooper at Fort Washita.⁷⁰

In the meantime conditions developed which made it advisable to change the place of meeting. Scouting

⁶⁸—Murrah to Throckmorton, March 29, 1865, in *Executive Records, Register Book 155*, 120, Office of the Secretary of State, Austin.

⁶⁹—Smith to Throckmorton, April 7, 1865.

⁷⁰—H. S. Thrall, *Pictorial History of Texas*, Part II, 625, 626.

parties from Fort Smith to Fort Washita reported that the Federal General Blount was preparing to start into Texas with a cavalry force of about five thousand. General Cooper immediately notified Throckmorton at Cherokee Town that Blount would probably look in on the council or send a flanking party that way, and ordered him to send scouts eastward toward Fort Gibson and northward toward Walnut Creek to determine the movements of the Federals. He also advised him to hold the council on the Washita River, near Elm Springs, so that if a Federal force came from Fort Gibson, he could drop back into Texas by way of Gainesville.⁷¹

Throckmorton and Reagan selected a point on the Washita near the fort for the meeting place. On May 15 a host of chiefs and warriors of the Choctaws, Cherokees, Seminoles, Creeks, and Osages among the more friendly tribes, and representatives of various bands of Comanches, Cheyennes, Caddoes, Arapahoes, Lipans, Kickapoos, Kiowas, and a few of the Sioux tribe, met together for the council. The total number of Indians in the vicinity was about twenty thousand.⁷²

The original plan was to have a preliminary meeting of the delegates of the friendly allied nations; then when they had "washed out all the red spots" and made the "paths" between them "white," the representatives from the Confederate states were to be introduced. A tri-partite agreement in writing was to be made between the Indians, the Confederacy, and the State of Texas.⁷³ By an order from Cooper this plan was abandoned and negotiations were confined to securing friendly relations, while the contemplated raid into Kansas was deferred

⁷¹—D. H. Cooper to Throckmorton, May 13, 1865, in *Official Records*, Series 1, XLVIII, 1301.

⁷²—*Congressional Record*, Forty-ninth Congress, First Session, Vol. XVII, Part III, 2236 ff.

⁷³—D. H. Cooper, to S. S. Anderson, Assistant Adjutant General of the Trans-Mississippi Department, *Official Records*, Series 1, XLVIII, Part II, 1306.

indefinitely,⁷⁴ because the Confederate armies were breaking up and the end of the war was in sight.

The commissioners on the part of the Southern Confederacy tried to induce the Indians to sign an article in the treaty that they would not cross to the south side of Red River. The reason for urging this term was that the people of Texas could not distinguish one Indian from another because all of them dressed and looked much alike; and that if the Indians friendly to Texas would agree to the proposition, the people would know when they saw an Indian south of the stream that he was an enemy and not a friend. With one voice the chiefs participating in the council protested against such agreement. The debate was long and animated. Finally one of the prominent chiefs, of fine form and features, and of dignified mien, addressed the council with great seriousness and gravity, and assigned the reasons for his people's refusal to agree not to cross the Red River. In part he said:

The Great Spirit made for our use the wolf, the bear, and the buffalo; their meat supplies us with food, and their skins with raiment and material for our wigwams. . . . When the cold winds of autumn blow and the leaves begin to fall, the buffalo leaves the Great Lakes and the mountains and travels south, crossing the Missouri, the Platte, the Arkansas, the Canadian, and the Red Rivers and continues south where the winds are soft and the grass green. . . . As we cannot live in the North without the buffalo for support we are compelled to travel with them as they journey to the South.⁷⁵

The impression created by this speech was profound; and Throckmorton did not press the proposition further, but concluded the mere friendship agreement with the Indians and returned to Texas about June 10. In the meantime the break-up had come. The Confederate army was in a state of dissolution.

⁷⁴—Cooper to Throckmorton, May 16, 1865, *Official Records*, Series 1, XLVIII, Part II, 1307.

⁷⁵—*Congressional Record*, Forty-ninth Congress, First Session, Vol. XVII, Part III, 2236 ff.

CHAPTER FIVE
CONSERVATISM vs. RADICALISM

I assure you that I felt very much like I had fallen, if not among thieves, among a sorry set of patriots who were forgetting the great sufferings which our country had endured.

—THROCKMORTON TO EPPERSON.

• •

The people could have forgiven Hamilton's self-abasing conduct, his dissipations, his entire want of moral honesty, his self-abasement with prostitutes, if he could have risen and used the splendid talents God gave him for the good of his unhappy country.

—THROCKMORTON'S ARRAIGNMENT OF
GOVERNOR HAMILTON.

• •

If we are dogs, or slaves, or menials, or inferiors, let us not lick the hands that apply the ignominious stripes to a back already bruised and bleeding.

—THROCKMORTON TO EPPERSON.



CHAPTER FIVE

CONSERVATISM vs RADICALISM

THE Confederate break-up came in early June while Throckmorton was away on the headwaters of the False Washita River treating with the Indians, and with it came anarchic conditions in Texas. Rumors of severe punishment to be meted out to prominent Confederate rebels were abroad everywhere, and as a result there was a spirited emigration to Mexico and elsewhere. Among those making the exodus to Mexico were Generals Smith and Magruder, ex-Governor Clark and Governor Murrah. Senator Louis T. Wigfall of the Confederate Senate fled to England. With the flight of the high officials of the state, the state government ceased to function. The victors immediately took charge.

On May 29 General Sheridan was commissioned to command the Military Division of the Southwest, with headquarters at New Orleans, and on June 10 he ordered General Gordon Granger to occupy Texas with a force of eighteen hundred men. Granger arrived in Texas on June 19; and as rapidly as possible the troops were stationed at strategic points in the interior, the purpose of the occupation being to preserve order until the civil government could be reinstituted.¹

In the meantime all resistance in the Trans-Mississippi Department had broken down completely; and on June 17, 1865, President Johnson appointed A. J. Hamilton provisional governor of Texas. Hamilton had come to Texas in 1847 from his native state of Alabama and had

¹—C. W. Ramsdell, *Reconstruction in Texas*, 27-51.

become very prominent in politics prior to the war. He had been attorney-general of the state, and had been elected to Congress in 1859. He bitterly opposed secession and refused to support the Confederacy, but remained in Texas until 1862, when, threatened with military arrest, he fled to New Orleans and joined the Federal army. When the Brownsville and Red River expedition was projected, he received an appointment from Lincoln as military governor. Johnson, therefore, considered him as the logical man for provisional governor after the break-up. His appointment was received gladly in the camp of the Unionists, but with consternation among those who feared that, as provisional governor, he would attempt to wreak vengeance on those who had sought to arrest him in 1862.²

Throckmorton returned home from his mission to the Indians much depressed, somewhat bitter, and at first inclined to give up. This melancholy state of mind gave way to one of more optimism, and he determined to go to Austin in order to offer his counsel to Governor Hamilton and use his influence in hastening the return of order and local self-government in Texas. He hoped to find at Austin a spirit of harmony and the inclination to lay aside past differences, party strife, hatred, and bitterness; but such conditions he did not find. An inclination toward the proscription of all Confederate sympathizers seemed prevalent everywhere. Hamilton's speeches did not contain one single word intended to reconcile or to heal the deeply bleeding wounds of the stricken state. Throckmorton heard the bitterest invectives hurled against President Davis, mingled with the demand that bloody punishment should be meted out to him. He found but few Union men, among them Judge James H. Bell, ex-Governor Pease, and I. A. Paschal, who were willing to use their powers to heal the breaches

²—Ramsdell, *Reconstruction in Texas*, 39, 59.

in the ranks and to restore order. He found Hamilton determined to wreck the whole ship of state by an even more complete reorganization of the government than that required by President Johnson. Hamilton could not be turned from his plan to appoint all new men to office, and only such men as could stand the test of loyalty after a thorough investigation. Throckmorton saw literally hundreds of men from all parts of Texas with their pockets bulging with the names of those men whom they would recommend to fill the offices, from the highest to the lowest, including County Commissioners and Justices of the Peace.³

The situation in Austin was indeed discouraging, and Throckmorton wrote Epperson a description of the pitiable scene.

I assure you that I felt very much like I had fallen, if not among thieves, among a sorry set of patriots who were forgetting the great sufferings which our country had endured. My heart bled to contemplate the miserable picture, that after four years of such great trouble, when the people had expiated in sorrow and in blood, and endured the most terrible and unrelenting tyranny and oppression as atonement for their folly, instead of a liberal, wise, and manly policy the government was to be reinaugurated in a spirit of petty malice and to fall into the hands of a set of servile creatures.⁴

Undaunted by this condition, Throckmorton sought an interview with Governor Hamilton and laid a plan before him which he thought would bring about a speedy restoration. He insisted that he call a constitutional convention as early as the middle of October, 1865, because he said that an early election of delegates would result in the choice of Unionists, whereas if a policy of delay were pursued a reaction would set in, and the secessionist would rally and fill the convention. He further urged that the Governor issue a proclamation authorizing all

³—Throckmorton to B. H. Epperson, August 6, 1865, in *Epperson Papers*, University of Texas Archives, Austin.

⁴—Throckmorton to Epperson, August 27, 1865, in *Epperson Papers*, University of Texas Archives, Austin.

county officers to continue the discharge of their duties, and stating to the people that if any county officer rendered himself obnoxious by his bad conduct, he would be removed upon proper representation of misconduct in official affairs.⁵ This advice fell on deaf ears. Hamilton put the convention off because he wanted to make sure that when it was called the complexion of its membership would be such as to guarantee the abolition of slavery; and the policy of continuing county officers in their places was rejected because too much pressure for removals was applied.

Late in August, 1865, Throckmorton returned home with a heavy heart, for he could see only gloom and ruin ahead; and no convention was in sight before January, and perhaps not until the spring of 1866. He even believed that Hamilton would refuse to call the convention at all if there was any manifestation of a desire to dodge the unqualified abolition of slavery. However, the President of the United States, by the proclamation of June 17, 1865, had ordered the registration of voters and required the Provisional Governor to call a convention of loyal citizens to amend the constitution. Accordingly, on July 25, 1865, Hamilton issued a proclamation which provided for the proper machinery in each county to take care of the registration of voters.⁶ Registration was very slow; but as soon as the required majority of voters had registered, Hamilton called for an election of delegates to a constitutional convention, the election to be on January 8, 1866, and the convention to begin its deliberations on the seventh of the following February. The number of delegates should equal the number of representatives in the lower branch of the state legislature. Those excepted from the President's general amnesty proclamation were not eligible as delegates unless pardoned by the President. According to the

⁵—Throckmorton to Epperson, August 6, 1865.

⁶—Ramsdell, *Reconstruction in Texas*, 57, 58.

proclamation of June 17, 1865, only those who had taken the oath of amnesty and qualified according to the state laws in effect prior to February 1, 1861,⁷ could vote for a delegate.

The election passed off quietly, almost devoid of excitement. General bad weather over the state was partially responsible for the small vote, but Throckmorton explained it by pointing out that "the people have been muzzled, and they dare not express their sentiments. They feel no interest in the matter. They think we go there (Austin) simply to register the edicts of our masters." The people feared that they were to be made the instruments of their own humiliation, and thus manifested no interest.⁸

As an evidence of a general apathetic condition Throckmorton was elected with little opposition as a delegate to the convention from Collin and Grayson counties.⁹ There was opposition only for a moment in Grayson County. A man named Binkley, whom Throckmorton described as one of those who, during the war "skulked from danger and drew no sword in defense of either belligerent and who now flock around the slain carcass like filthy beasts and vultures," desired to make the race. Throckmorton assured Binkley that he did not wish the place and that if he would run there would be no opposition in Collin County. In the meantime Binkley went to Austin and fell completely under the influence of Hamilton, and as a result serious opposition developed to him even in Grayson County, because of the anti-Hamilton sentiment there. The people could not look favorably upon Hamilton, who had been sent to Texas on a mission of peace and good will and as the bearer of the olive branch, and who, instead of binding

⁷—*Dallas Weekly Herald*, December 2, 1865.

⁸—Throckmorton to Epperson, January 21, 1866.

⁹—*Weekly State Gazette*, January 27, 1866. See also *Dallas Weekly Herald*, January 13, 1866.

up the wounds, opened them and allowed them to bleed more profusely. Throckmorton wrote to Epperson that the people could have forgiven Hamilton's "self-debasing conduct, his dissipations, his entire want of moral honesty, his self-abasement with prostitutes, if he could have risen and used the splendid talents God gave him for the good of his unhappy country;" but they could not forgive his late career of domination and abuse by which he sought to pour out the long pent-up bitterness of his mind upon the people of Texas.¹⁰ So unpopular was Hamilton that the people of Grayson County refused to have Binkley as their delegate to the convention because he had been "Hamiltonized." Therefore, Throckmorton had no opposition in either county.

As Throckmorton looked ahead to the meeting on the seventh of February, he began to regret his election, for he saw only division and strife where there should have been harmony and good feeling. However there were two courses open to him in the convention. One was to act as peacemaker, and the other was to aid in widening the breach between the two factions. The spirit of peacemaker was not much in his heart, because he knew that he had been described by Hamilton, Albert Latimer, and others (many of whom he had saved from the military during the war) as unsound on the matter of *bona fide* hearty reconstruction. He wrote:

It makes me feel bitter and almost like a devil to think that I have spent a whole life in favor of the Union—that I sacrificed my peace of mind and property and left my family almost penniless and without help and risked my life in a cause I did not love or approve, in order that I might be of service to just such men—and now after all—they dare to insinuate that I am not exactly sound—D-m-n them I say—I begin to despise and loathe them.¹¹

Two things formed the basis of the insinuations that he was unsound. In the first place, he had failed to shout

¹⁰—Throckmorton to Epperson, January 21, 1866.

¹¹—Throckmorton to Epperson, January 25, 1866.

hosannas to the fall of the Confederacy — failed to rejoice at the humiliation of his own people. In the second place, the support which he received from the secessionists in the election was exceedingly obnoxious to extreme Unionists.

When the convention assembled at Austin, two parties were clearly discernible among the delegates, the Unionists and the secessionists. The Unionist group found in its ranks two followings, the moderates and the extremists. Of the moderate wing the more conspicuous were Throckmorton, who was opposed to all changes in the constitution "except those required of a degraded and fallen people" and who was reputed to have sold out to the secessionists; and John Hancock of Austin, who had defeated E. M. Pease in Travis County, and who favored yielding promptly to organic law preparatory to the resumption by the states of their rights in the Union. Hancock, however, desired to go no further than was necessary to satisfy the minimum requirements of the Federal government, and hence he was called a "soft" Unionist. I. A. Paschal was of the extreme type and caused the party lines to be more closely drawn in the convention when he introduced a resolution which required the constitutional oath of all members of the convention.¹² A. H. Latimer, R. H. Taylor, and E. J. Davis were also of the extreme wing of the Unionists. The secessionists were led by O. M. Roberts, who had served as president of the secession convention and who had failed to gain his pardon; J. W. Henderson, extreme secessionist of Harris County; and T. N. Waul of Gonzales.¹³

To guide the deliberations of the body, four candidates were proposed. Throckmorton, conservative Unionist; A. H. Latimer, extreme Unionist; Hardin R. Runnels, extreme secessionist; and William Taylor, a

¹²—*Dallas Weekly Herald*, January 20, 1866.

¹³—*Dallas Weekly Herald*, February 17, 1866.

moderate secessionist were the chosen candidates. O. M. Roberts of the secession group was nominated; but he declined the nomination and his name was withdrawn. Runnels also declined, but his name was not withdrawn. On the first roll call Latimer received twenty-four votes, Throckmorton twenty-two, and Runnels and Taylor eleven each. Runnels and Taylor then withdrew and threw their support to Throckmorton, who was elected on the second ballot by a vote of forty-one to twenty-four. It is evident, therefore, that Throckmorton drew his support from the secessionists and the moderate Union men, while Latimer drew the votes of the extreme Unionists. The fact that Throckmorton received the support of the secessionists, especially that which had originally gone to Hardin R. Runnels, caused much wagging of tongues at first, as this seemed to confirm the assertion that Throckmorton was unsound on the question of reconstruction and that he had sold out to the secessionists. However, because of his war record and political principles, he was considered the best man to harmonize the various factions.¹⁴

His election to the presidency of the convention was not only acceptable to the two factions in the convention, but it elicited favorable comment throughout the state and nation. The editor of the *Tyler Journal* said of his election that "no better selection could have been made and all parties should be satisfied. . . . It at least demonstrates the fact that the convention will be conservative in its course, and will do what it can honorably to restore the state to its place in the government." The *New Orleans Picayune* said that "Mr. Throckmorton is one of the most talented and influential men in Texas," while the *Houston Telegraph* insisted that the "Honorable J. W. Throckmorton stands confessedly in the front rank of the public men in Texas," and it predicted that

¹⁴—Wooten, *A Comprehensive History of Texas*, Vol. II, 152.

he would soon find his way into the United States Congress. The choice of a sane, sensible, conservative man had given a feeling of security and confidence to all factions throughout the state.

The short address of acceptance which Throckmorton made on taking the gavel showed his good sense, his desire to achieve a speedy restoration of the Union, and also his conservatism. He said nothing which could have caused offense to any group or faction, but made a strong appeal for harmony and cooperation. After speaking briefly of the "past momentous war," and of the responsibility which then rested on the shoulders of the delegates, he said:

Let us by our actions strengthen the hands of the executive of the nation, and by a ready and willing compliance with his suggestions, show to our northern brethren that we are in good faith disposed to renew our allegiance to the general government. Let us bury upon the altar of our common country, the recent past, with all its painful associations and recollections, and upon that altar, hallowed by the clustering reminiscences of three quarters of a century, renew our devotions to the government of our fathers — a government reared by their sufferings and consecrated by their blood, and in the glories of which we have an inheritance.

He concluded with an earnest prayer for the speedy return of peace and happiness to his stricken people.

I hope that our labors will enable Texas to hold up her head once more, and take that proud position among the states of the American Union to which she is unquestionably entitled—that peace, prosperity, and happiness, and a fraternal feeling may be restored, not only to us, but throughout our common country.¹⁵

With the inauguration over, the convention was ready to get down to work, which it did slowly and reluctantly. The issues which were to agitate the convention had been clearly sounded in the campaign for the election of delegates. The radicals demanded that the

¹⁵—*Dallas Weekly Herald*, February 24, 1866. See also the *Tri-Weekly State Gazette*, February 10, 1866.

secession ordinance be declared null and void from the beginning; that the laws and acts of the government of Texas in aid of the rebellion be proclaimed inoperative *ab initio*; that the war debt of Texas be rendered invalid and that the legislature be prohibited the right to pay it; and that the recent thirteenth amendment to the Federal Constitution be ratified; while some even demanded that suffrage be granted to the negro.¹⁶

On all these questions Throckmorton took a definite stand, and was with the majority in almost every instance. On the first question which came up for the serious consideration of the convention, he was voted down temporarily but ultimately was sustained. This happened on the third day, when, after preliminary matters of organization had been disposed of, I. A. Paschal (radical) introduced a resolution which called for the administration of the "constitutional" oath to all the members.¹⁷ A hot debate ensued and the convention adjourned until three o'clock. When it reassembled, O. M. Roberts offered a substitute for the Paschal resolution. This alternate plan, which did not require the "constitutional" oath, was supported by Reeves and Frazer, and approved by Paschal and Saunders. Roberts withdrew his substitute, however, when Hancock of Travis County offered an amendment to the Paschal

¹⁶—George W. Paschal, *Editorial Correspondence, Southern Intelligencer*, February 22, 1866.

¹⁷—The "constitutional" or "ironclad" oath was as follows:

"I, (A. B.), do solemnly swear (or affirm) that I have never voluntarily borne arms against the United States since I have been a citizen thereof; that I have voluntarily given no aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that I have neither sought nor accepted nor attempted to exercise the functions of any office whatever, under any authority or pretended authority in hostility to the United States; that I have not yielded a voluntary support to any pretended government, authority, power, or constitution within the United States, hostile or inimical thereto. And I do further swear (or affirm) that, to the best of my knowledge and ability, I will support and defend the Constitution of the United States against all enemies, foreign and domestic; that I will bear true faith and allegiance to the same; that I take this obligation freely, without any mental reservation or purpose of evasion, and that I will well and faithfully discharge the duties of the office on which I am about to enter, so help me God." *United States Statutes at Large*, Vol. XII, 502.

resolution which struck out the words "constitutional oath" and substituted therefor the words "amnesty oath as prescribed by the president's proclamation."¹⁸ This Hancock amendment was accepted, whereupon the Paschal resolution passed with little opposition. Throckmorton supported the original Paschal resolution because, as he had stated in his inaugural, he desired to show the northern section that the South was disposed to renew its allegiance to the general government, and he knew this refusal to take the constitutional oath would appear to the people of the North as an act of defiance and even of disloyalty. This came to be the general attitude; and on the morning of the tenth Hancock moved a reconsideration of his amendment, and on the question the "ayes" and "noes" stood seventy to eleven for reconsideration. Paschal then reintroduced his resolution of the ninth, and it was passed.¹⁹ In this instance Throckmorton had supported the radicals and voted with them.

The second perplexing question came up on February 13, when Albert Latimer, of Red River County, introduced an ordinance which declared the secession ordinance null and void *ab initio*, and denied the right of a state under the constitution to withdraw from the Union. This ordinance represented the view that the right of secession had never existed, as opposed to the view that it existed prior to the close of the war which had settled the question. One view was that secession was illegal, null, and void in 1861 when it was passed, whereas the other view was that it became a nullity in 1865. Hancock proposed a substitute which asserted

¹⁸—The amnesty oath was as follows:

"I, -----, do solemnly swear (or affirm), in the presence of Almighty God, that I will henceforth faithfully support, protect and defend the Constitution of the United States and the union of the states thereunder, and that I will in like manner abide by and faithfully support all laws and proclamations which have been made during the existing rebellion with reference to the emancipation of slaves. So help me God." *Messages and Papers of the Presidents*, Vol. VI, 310-312.

¹⁹—*Tri-Weekly Gazette*, February 10, 1866. See also Ramsdell, *Reconstruction in Texas*, 89-91.

that the constitution of the United States was the supreme law of the land, and that the secession ordinance was therefore legally void. The Latimer and Hancock resolutions were referred to a committee on the condition of the state. This committee made its report on February 23 in the form of a majority and a minority report. The majority simply reported that the secession ordinance was null and void and of no further effect, while the minority report made by Jones of Bexar recommended the *ab initio clause*.²⁰ The majority report did not come up for discussion until March 9, when Hardin Hart, whom Throckmorton had described as a man who had never had a noble pulsation and who was steeped in offenses against decency and morality,²¹ moved the substitution of the minority for the majority report. This failed, and on Monday, March 12, the majority report passed to engrossment by the narrow margin of forty-three to thirty-seven.²² Though Throckmorton supported the majority report, he did it largely in order to break the control of the radicals, and to prove his conservatism.

The status of the negro was one of the significant questions for the convention. The members agreed that the thirteenth amendment had abolished slavery, and that in taking the oath to support the constitution they had indirectly abolished slavery; but on the question of the direct ratification of the thirteenth amendment they were divided. Throckmorton, for instance, was bitterly opposed to concurring in the amendment. On this question he declared:

To make us concur in the amendment to the constitution is attempting to gorge us on a medicine none too palatable

²⁰—*Southern Intelligencer*, March 1, 1866.

²¹—Throckmorton to Epperson, August 27, 1865. Hart had been indicted by the grand jury in many cases for keeping his own dwelling as a gambling house and liquor shop, and his son had been indicted for murder.

²²—*Southern Intelligencer*, March 15, 1866. See also Ramsdell, *Reconstruction in Texas*, 96.

was applied by a regular physician in whom we have confidence, and when applied by fanatical quacks with the threat of the lash, I must confess that I feel a retching and heaving which almost forbids my making the attempt.

He indicated, however, that he might do so to please Dr. Andrew Johnson, because he believed "Dr. Andrew" was a good physician and interested in the recovery of the patient; but he said further:

When a parcel of experimenting, humbugging, rascally, fanatical hounds of hell, who have served the devil all their lives, obtrude themselves and threaten starvation, military commissions, and bayonets to make us swallow, then I am inclined to be stubborn.

Others felt the same about it and the convention decided not to make a formal ratification of the amendment, but to allow the taking of the constitutional oath to suffice.

A division again occurred on the question of admitting negro testimony in the courts. The majority favored admitting such testimony only in civil and criminal cases involving one of their own number. There was, however, a strong and militant minority, principally composed of the political adherents of A. J. Hamilton, which actively proposed that the freedmen should be admitted to the courts on an equality with the whites.²³ This was very repulsive to the popular mind, and a most bitter attack was made against it. Throckmorton believed that the negroes should be allowed to testify only in cases in which they were involved, and he made a vicious assault on the idea of granting more. In a letter to Epperson prior to the meeting of the convention, he expressed frankly the bitterness and the fear which he felt. He said that more should not be granted because the "hell hounds of radicalism" demanded it as a right while many of their own free states denied it, and because to yield further would be an entering wedge to the admission of negroes on juries, and finally to complete social

²³—Ramsdell, *Reconstruction in Texas*, 99.

and political equality. He said that if refusing more should cause the radicals to refuse Texas her place in the Union, Texas should stay out "and they be damned."

In the convention, however, he was more conservative and always used respectful and harmonizing language, though he stood firmly for his position. When Roberts of Smith County introduced an amendment to the ordinance in regard to the freedmen, which declared that Africans and descendants should not be prohibited, on account of their race or color, from giving testimony in any case involving the right of or injury to any of them in person or property, Throckmorton declared he would support the amendment. He had decided, however, to modify slightly his former position and offer a compromise in the form of an amendment to the Roberts' amendment and extend to the legislature the power to authorize testimony in all cases when it deemed such action wise. He offered this amendment and it was accepted by Roberts. Waul of Gonzales, Jones of Bexar, Johnson of Titus, and Jones of Bastrop, each took the floor against these amendments on the basis that they were prompted by prejudice and that with the passing of slavery the necessity for restrictions ceased, and that the restrictions must be omitted in order to sustain the President and secure readmission. In an animated speech from the floor Throckmorton attacked these arguments. He favored restrictions not because of prejudice, but because the shackles which had bound the mind of the negro so long would not permit him to testify correctly in all cases, even though the "manacles had been stricken from his limbs." As to the demand of the President, he said rightly that the President did not ask more than all there were willing to grant; and as to the party in the North, he said:

Let not that howling wail which is not calculated or intended to renew the affection of the southern people to the Union but to deaden and destroy it, drive you away from

what you believe to be the best interests of the people of Texas. There is a party in the North that will not be satisfied, whatever we may propose.²⁴

The conservatives had their way, and the cautious policy embodied in the Roberts' amendment and the Throckmorton compromise was adopted.

Throckmorton was ill during the closing days of the convention and, consequently, had little to do with its last deliberations. On the last day the convention passed an ordinance by a thirty-one to seventeen vote providing for a possible division of the state. This division Throckmorton favored for an obvious reason. Immediately after the war closed, and while he was in Austin looking over the political situation, he wrote Epperson in regard to a division. Epperson, like Throckmorton, had been a Union man but had supported the Confederacy. They could not therefore secure the undivided support of the Unionists. The Union sentiment in the West had been very strong, whereas in the North and East it was comparatively weak. In regard to this he wrote:

One thing is well worth our consideration — a division of the state when the convention meets or at least laying the ground work for it. Western Texas with the foreign element there now and that to come will unquestionably make this section purely radical. Think of this — keep it to yourself. With a new state east of the Brazos our section will have the votes.²⁵

With such an arrangement Throckmorton and Epperson would have been in political paradise. Throckmorton had already begun to hanker for a place in the United States Senate and had been urged at the close of the war to run for the senate, but he wrote Murrah that he did not wish it. He had too much political foresight to ask for senatorial honor then, for he looked down the

²⁴—*Dallas Weekly Herald*, March 24, 1866. Speech reported by E. R. Smith, Reporter of the convention.

²⁵—Throckmorton to Epperson, August 6, 1865.

months ahead and saw that no honor would attach to the office of senator during reconstruction days. But with a division of the state as proposed he could have this office, or any other which his section could give, when the time was ripe.

Early in the session the general election had been set for June, and the date of the inauguration of the new government had been set for August. This was particularly pleasing to the conservatives, for it would mean a return to self-government; but there were some who believed that the southerners owed it to their dignity and self-respect to refuse to send members to Congress as long as the test oath was required. Throckmorton was numbered among this group; and prior to the meeting of the convention, he had written to Epperson on this subject. Explaining his views he said that "if the southern states are not to be received back as equals in every sense — if they are compelled to go begging, cringing, and whining like whipped curs — if they have to send men to Congress who left the country in its hour of distress — who rejoiced in her degradation," he would not favor sending men there at all. He said further:

If we are dogs, or slaves, or menials, or inferiors, let us not lick the hands that apply the ignominious stripes to a back already bruised and bleeding.²⁶

Though he felt that the honor of Texas almost demanded a refusal to send men to Congress under such circumstances, he was not willing to advocate such a radical policy. In his heart of hearts he was one of the bitterest against the radical group and the so-designated "damned Yankees" in the convention or in Texas; but his good sense put him in a compromising attitude, and he never went as far as he would have gone had it not been for his desire to create harmony and to make political friends in both parties.

²⁶—Throckmorton to Epperson, January 21, 1866.

His bitterness toward the North was shown in his expressed opinion on the subject of immigration. Epperson, since he was engaged in railroad building financed largely by the sale of lands, was interested in increased immigration from the North. There is no record of Throckmorton's opposition to immigration in the proceedings of the convention, but he undoubtedly objected to any act, on the part of the convention, designed to encourage it. His views were openly and clearly stated in a letter to Epperson prior to the meeting of the convention.

I do tell you honestly & candidly — I wish to see no yankee in my neighborhood — I desire no foreigner of any class — and so help me God, I would go home & spend all the days of my life, teach my children honest industry, and live within the earnings of our own circle rather than to see these cheating canting hypocrites, or foreign scum among us — It is a mistaken idea my dear Sir that it will add to our prosperity — It will not — But it will people the country with a class I dont want — it will make new fields & put more ground in cultivation & build towns & cities — but pray for whose benefit and enjoyment? Surely not ours — but for more greedy psalm singing, lying, swindling yankees & sour krouts & blackguard irish — How does it affect us as a people, as a mass? — a few may grow rich — but as a whole we become corrupted with fast times — with follies & dissipations and luxuries — our children so grow up — they catch the spirit of speculation & fine & fast living and finally they marry these d—m—d negro worshipping skunks and southern blood is tainted & spoiled forever — I want none of it — . . .

But Epperson — if the present population of Texas was to rely upon their own energies, resources & industry we could be the greatest, happiest, purest best people on earth — We could raise nearly all the necessities of life — many of the staples of market for the world — and flocks, and herds sufficient to feed all New England. We could build our own school houses, & churches — erect manufactories — build steamboats — & railroads too — and above all we could regulate & form society — But with their mixture of Yankee & Dutch & Irish & Scotch — our own blood & manners will become corrupted — a mongrel mangy breed will be the consequence, and after the first cross on this new stock, the next will be a

graft on the rich mahogany of the negro — and then we will curse the hour we live to see such progress & prosperity. . . .²⁷

Throckmorton, however, was in the minority, and he did not oppose the question openly as he had to Epperson privately. Therefore, when the convention came to consider it, the policy was easily determined; and an ordinance was passed which gave the legislature the right to appoint a commission whose duty would be to collect information about the resources of Texas and invite immigration from the states and from other countries.

A few other minor problems came before the convention before its adjournment on the second of April. Its sessions had been more harmonious than anyone had dared to hope, and the ordinances bore the imprint of conservative thinking. Each ordinance had been hotly contested with the result that the party lines had been clearly drawn; and there was much bitterness on both sides, which was to find expression in the rapidly approaching election campaign.

²⁷—Throckmorton to Epperson, January 21, 1866.

CHAPTER SIX
ELECTION TO THE GOVERNORSHIP

*We could not avert the storm in 1861, and we
are just as powerless now to save what is left.*

—THROCKMORTON TO EPPERSON.

• •

I kept the cup away as long as I could.

—THROCKMORTON ON THE RACE FOR THE
GOVERNORSHIP.

• •

*In the darkest hour I ever expect to witness,
when reason seemed to be dethroned, I stood by
and saw him hissed when he dared to vote
against secession. The man who had the nerve
and the moral courage to stand firm amidst that
pressure, may be safely trusted to resist any
other which is likely to occur during the life of
the generation.*

—TRIBUTE TO THROCKMORTON
BY BEN EPPERSON.



CHAPTER SIX

ELECTION TO THE GOVERNORSHIP

AS EARLY as the spring of 1865 Throckmorton had a number of letters from men in Austin urging him to run for governor. There was also a general call from his own region and from the entire northern frontier where he had rendered such invaluable service during the last gloomy days of the war. He was determined, however, not to run, because he realized that the position of governor was not one to be coveted during the reconstruction days. His staunchest political and personal friend, B. H. Epperson, of Clarksville, also received solicitations from various sources; but he wrote Throckmorton on March 27, 1865, and stated his determination not to offer himself as a candidate. This decision Throckmorton heartily approved, for he said that ruin for Texas was inevitable, and that he did not believe anyone could prevent it. "We could not avert the storm (1861)," he wrote Epperson, "and we are just as powerless now to save what is left." In discussing this question, they could not foresee that there would be no general election for over a year, and that the candidates would be chosen by caucuses.

The last days of the convention witnessed the meetings of the various caucuses of the two factions of that body for the purpose of choosing candidates to represent them in the coming election, which had been set for June. The radicals easily agreed upon E. M. Pease and B. H. Epperson to head their ticket for governor and lieutenant governor; but the conservative-union men

could not so readily agree, since the ultra-conservatives hesitated to accept Throckmorton and Jones (of Bastrop), who were the men preferred by the remaining portion of the party.¹ The radicals seized this apparent opportunity, and attempted to unite with the conservatives by proposing that both accept Pease as the candidate for governor, Judge Bell (radical) for chief justice of the supreme court, and the conservative-union candidates for all other state offices except that of the attorney-general, which was to be agreed upon by negotiation.² This effort at fusion failed, however, and the radicals named a full ticket headed by Pease and Epperson.³

Much caucusing was necessary before the conservative-union men could agree upon a candidate. During the early days every convention member of the secession party except Runnels, Parsons, Selman, Bradshaw, and Norris had caucused with Throckmorton and had insisted that he make the race for governor; but either because he did not want the office or because he saw that he could not secure it with secession support alone, he had flatly refused. As the convention drew to a close, they were ready to approach him again. Only a few days prior to the adjournment of the convention, while he was yet ill, a committee composed of Judge Roberts, Walker, Reeves, Record, and others, including Jim Shepard, ex-Governor Henderson, Colonel Gentry, and General Whitfield, presented a formal solicitation to him to run for governor with Munson on the ticket for lieutenant governor. Throckmorton had declared time after time that he did not want the governorship; but the insistent solicitations of his friends were always very flattering to him, and he could never say "no." "I kept the cup

¹—Ramsdell, *Reconstruction in Texas*, 108.

²—The *Texas Republican*, April 17, 1866.

³—Frank White for land commissioner; Sam Harris for treasurer; J. B. Shaw for comptroller; Bell for chief justice; and Grayson for attorney-general.

away as long as I could," he wrote Epperson later. "I was more a dead man than a live one — could scarcely walk across the room, with a cough that was distressing — more like a living skeleton than a breathing human being with flesh and blood. I plead (*sic*) this and poverty but to no avail."⁴ He therefore yielded and promised to consider the candidacy only on the condition that his old Union friends who were not acting with the radicals be consulted. He made his acceptance contingent not only upon a consultation with the Unionists but upon the willingness of the two groups to bury their past differences and to support President Johnson's policy of restoration. These things the secessionists readily agreed to do, and the Unionists were invited into the caucus.

The list of candidates which had been selected by the secessionists was now considered by this new coalition group. They unanimously agreed that Throckmorton should head the ticket; and as an olive branch, George W. Jones of Bastrop replaced Munson on the ticket for lieutenant-governor with only four dissenting votes. This nomination was later made unanimous, and Munson was placed on the ticket for attorney-general. Royston, Mrs. Sam Houston's nephew, and a strong Union man, defeated George Durham for treasurer. Robards, also a Unionist, received the votes of the caucus for comptroller. The caucus then agreed to solicit George W. Smith of Colorado, Pink Hill, Donelly, Coke, and George W. Moore for the supreme bench, after Judges Roberts, Reeves, and Walker had refused to run. These choices were all practically unanimous, and there was apparent harmony. Even Bradshaw and Norris, two secessionists who had originally opposed Throckmorton, pledged their support to the ticket along with Runnels and Parsons. The only notable person who bolted was T. N. Waul of Gonzales, who refused support because

⁴—Throckmorton to Epperson, April 25, 1866.

he preferred Munson to Jones for the lieutenant-governorship, and because Hancock, his bitter enemy, was invited into the caucus.⁵

In accordance with the plan of the caucus, on April 2, the day of the convention adjournment, the conservative-union leaders addressed a letter to Throckmorton and Jones inviting them to allow their names to be used on the conservative-union ticket for governor and lieutenant governor in the election to be held on the fourth Monday of the following June. The list of names signed to the communication revealed a rather strange coalition between the secession leaders and fragments of the Union party. Bitter secessionists were supporting an original Union man for governor.⁶

This politically heterogeneous group could agree upon only a few general principles on which they would stand in the forthcoming campaign. These principles were, first, opposition to the hasty elevation of the negro to political equality; second, opposition to the radical program of congressional reconstruction; and third, cooperation with President Johnson. In this last thing they expected to go only so far as was necessary to secure a hasty restoration of Texas to the Union. These principles they set forth in their communication to Throckmorton.

In a letter to Hancock, Record, and others, Throckmorton acknowledged receipt of the communication, endorsed the principles therein set forth, and authorized them to use his name "as the candidate of the conservative-union sentiment of Texas for governor."⁷

⁵—Throckmorton to Epperson, April 17, 1866.

⁶—Among those signing the document were Hancock, a "soft Unionist"; Roberts, president of the secession convention; Runnels, bitter secessionist who had not received his pardon; Whitfield, Brigadier General, C. S. A.; Terrell, not yet pardoned; C. C. Herbert, member of Congress, C. S. A.; Henderson, secessionist; Parsons, secessionist. *Quitman Clipper* quoted in the *Southern Intelligencer*, June 14, 1866.

⁷—Throckmorton to Hancock, Record, and others, quoted in *Texas Republican*, May 5, 1866. *Flake's Daily Bulletin*, May 18, 1866, called Throckmorton conservative because "he could sing 'Dixie' and 'The Flag of Our Union' at the same time."

Throckmorton now found himself in a difficulty. In a number of communications to Epperson, his most intimate personal friend, he had declared that he would not consider the governorship under any circumstances. On the other hand, he knew that Epperson aspired to the office; and while in Austin in August of 1865, he wrote Epperson that "when the time comes if you desire to make the race for governor your support will be strong." He assured him that he had consulted enough with conservative men, Unionists and secessionists, to guarantee this, and that he had laid the predicate for his popularity among the conservative men.⁸ Now six months after this letter, Throckmorton was the avowed candidate for governor notwithstanding his many assurances that he would not be. More than this, he was in the field against his best friend, for whose candidacy he had previously solicited the aid of the conservative men of his party.

Not only was Epperson a good personal and political friend of Throckmorton, but he had a considerable political following which would very materially strengthen the Pease ticket. Epperson, therefore, must be induced to refuse to accept the nomination. Throckmorton went about this by convincing him of the radicalism of the Pease following, and by holding out to him a political plum more tempting even than the governorship.

Throckmorton assumed that Epperson would not run and wrote him a letter in which he bitterly attacked the leadership of the radical group. He declared the leaders to be as radical and as revolutionary as the men who deposed Houston in 1861; and as evidence of radicalism he recited their recent action. In the convention when they failed to pass the *ab initio* resolution, they had held a meeting in Judge Bell's office with the avowed purpose of breaking up the convention, and failed only because

⁸—Throckmorton to Epperson, August 6, 1866.

Hamilton would not promise to call another meeting at once. This same group had blocked the move to endorse President Johnson's reconstruction policy by at first refusing to suspend the rule to make possible the passage of a resolution endorsing him, and finally by walking out to break a quorum. Furthermore, Throckmorton declared that the platform of the Hamilton-Pease party in its original form was unconstitutional and revolutionary, and that it had been altered only because R. H. Lane denounced it in the caucus. In its final form it endorsed both the President and Congress, and thus avoided the only real issue. Moreover, Hamilton openly avowed himself to be a radical. William Alexander, Hamilton's attorney-general, was at the head of the *Loyal League*, and favored the elevation of the negro in all things. John W. Haynes, a tool of Hamilton was "more proscriptive and blood thirsty than Nero," so Throckmorton declared. E. J. Davis had introduced a resolution on the convention floor which called for the elevation of the negro to the rights of suffrage. There were other leaders equally as radical, among them James H. Bell, A. H. Latimer, and Robert N. Taylor.⁹ By thus showing Epperson the despicable leadership which he must acknowledge if he accepted the challenge to run for lieutenant governor on the Pease ticket, Throckmorton hoped to cause him to refuse.

Epperson probably had no intention of accepting the place on the ticket, for on April 16 he wrote to Throckmorton and evidently asked him to withdraw from the race. This would leave the field open for Epperson to beat Pease. In answer Throckmorton wrote "if I

⁹—Throckmorton to Epperson, April 17, 1866. In this letter Throckmorton said that Taylor had accused him and also Epperson of selling out to the secessionists. Taylor declared he could take the test oath even though he had sworn allegiance to the Confederacy as a state senator. "When did he commit perjury," Throckmorton wrote Epperson, "when he swore allegiance to the Confederacy or when he declared he could take the oath — one or the other certain."

were in a position to yield without seriously injuring both of us, and greatly endangering the great and good cause for which we are both battling I would do so without one moment's hesitation." He pointed out, however, that his withdrawal would ruin his own political standing and would be of little benefit to Epperson. In support of this he said, "Were I to decline, the field would not be left open for you to oppose Pease, but an out and out secessionist would take the field and Pease would sweep the platter."¹⁰ Then Throckmorton held out the political plum which was so tempting to Epperson, that of the senatorship. He wrote: "I think your refusal to run on the Pease ticket and your announcement of your support of me would be a death blow to them and place you in the front rank of conservative men — all eyes would then turn to you for senator." It seems that Throckmorton was too ambitious personally to step aside for his friend. It should be remembered, however, that Throckmorton kept his promise and tried to get Epperson into the senate.

Almost immediately Epperson wrote a letter to J. W. Thomas, editor of the *Paris Press*, in which he declared that he would not suffer himself "to be placed on the tail end of the Hamilton-Pease ticket;" that he was not a radical; and that he was not a candidate for governor or lieutenant governor. He also declared against the caucus method of nomination, which method had been used by both parties; discredited the charge of extreme radicalism against Pease; and pledged his unwavering support to the President's plan of reconstruction. Though he was a good friend of Throckmorton and an original Union man, many believed that this letter was designed to strengthen the radical ticket, since it weakened the charge of radicalism against Pease. At any

¹⁰—Throckmorton to Epperson, April 25, 1866.

rate, most of the radical papers of the state printed it in their columns.¹¹ Epperson was finally replaced by Judge Lindsay, a Kentuckian, and an unwavering Union man.

In the meantime the campaign went on. Throckmorton's acceptance was regarded favorably in all circles except in the radical camp, where the bitterest political hatred existed, and from which ranks attacks were soon to be made upon him and the conservative-unionists. The radicals could not so soon forget the overwhelming defeat which they had suffered at the hands of this coalition in the late convention. In an address "To the People of Texas" the radical leaders named the candidates agreed on in caucus and launched their offensive. First, they attacked the convention and its work, for the majority element of the convention was now supporting the Throckmorton ticket. They condemned it because it was a minority convention; because it had failed to declare the secession ordinance null and void from the beginning; for its greediness in raising the per diem of its members from five dollars per day to eight dollars; for its failure to endorse the President without reservation; and finally for sending four if its members to Washington to deliver the ordinances which it had passed.¹² Secondly, they expressed the fear that this element of politicians was seeking to perpetuate the evil conditions then existing, and to accomplish indirectly what the war had failed to accomplish directly. It was freely whispered abroad that Throckmorton, once elevated to the office of governor, would immediately forget his Union principles as he was accused of having done in 1861 after the people had endorsed the ordinance of

¹¹—*Southern Intelligencer*, May 17, 1866. Quoted from the *Paris Press*. See also *Texas Republican*, May 19, 1866.

¹²—*Southern Intelligencer*, April 12, 1866. The *Intelligencer*, a bitter radical organ, dubbed this an ordinance to "save postage." The amount appropriated by the convention to send delegates to Washington was \$3,200.

secession. The *McKinney Messenger*, a radical paper of Throckmorton's own home town, took this stand.¹³

There was no evidence to support such an accusation other than the fact that it was fairly clear that the conservatives, including Throckmorton, were willing to go only so far as was necessary for a speedy restoration. In a letter to the editor of *Flake's Bulletin* Epperson discredited this charge when he wrote:

As the intimate personal and political friend of General Throckmorton for years I would as soon doubt my own senses as to believe he is seeking to lead those who would wish to renew the war, if there be such, or that he is now a convert to secession, when all others have renounced it. In the darkest hour I ever expect to witness, when reason seemed to be dethroned, I stood by and saw him hissed because he dared to vote against secession. The man who had the nerve and moral courage to stand firm amidst that pressure, may be safely trusted to resist any other which is likely to occur during the life of the generation.¹⁴

The *Bulletin* dubbed this letter as two shilling novel sentiment, and asserted that men like Throckmorton who said secession was wrong and then fought for it were worse than those who believed in the doctrine of rebellion. The truth was that Throckmorton had not fought *for* secession, but *against* coercion.

In a speech at Gainesville, May 12, Throckmorton declared himself openly on the questions before the people. In the course of this speech he said:

I stand before you today as a representative of the conservative loyal men of this state, who believes the reconstruction policy of Andrew Johnson the best that has been presented; who believes in the sincerity of the people of Texas; . . . who does not believe that the negro is fit to be entrusted with the

¹³—*Southern Intelligencer*, May 3, 1866, quoting the *McKinney Messenger*. The *Messenger* announced for Pease, with the comment that "we admire his talents (Throckmorton's), and are to this day proud of the noble stand which he so fearlessly took in the revolutionary convention of 1861. But alas for the imperfection of human nature! His subsequent political career has been so erratic, that were he now to be elected governor the result could not be otherwise than damaging."

¹⁴—*Flake's Daily Bulletin*, June 16, 1866, Editorial Correspondence.

suffrage, qualified or otherwise; and who is opposed to the division of the present school fund with the freed children.

These were taken to be disloyal utterances and were freely quoted by the opposition. When investigations were made, however, it was learned that very few people favored the division of the school funds, and even President Johnson himself did not favor the indiscreet granting of suffrage to the freedmen. In the same speech he outlined a policy for himself and the people of Texas which at once disproved the accusation that he was a rebel. He said:

The president may be defeated in his policy; other laws equally as objectionable as the civil rights statute may be enacted; our northern countrymen may refuse to believe our professions of sincerity and loyalty; troops may be quartered amongst us where there is peace and quietude while the frontier remains unprotected. These things may happen. If they do it is our duty to bear them patiently.¹⁵

Throughout the campaign Throckmorton played well the role of the conservative politician. He always talked comfortingly, though a little chidingly to his Union friends; but he took care not to offend them. His speech at Grayson (Grayson County) in late April is typical of his campaign speeches. He refuted the charge that he had sold out to the secessionists, and used a little sarcasm against the charge of being a rebel. He exposed the fallacy of the statement that a majority of the late convention was rebellious or disloyal. He referred but slightly to the opposition, but called attention to the equivocation of the radical platform. He dwelt upon the difference between the President and the majority of Congress on the matter of the status of the southern states. On this point he implored his constituents to support the President in preference to the northern radicals who openly proclaimed social and political equality of

¹⁵—*Dallas Weekly Herald*, June 16, 1866, Throckmorton's address at Gainesville.



BEN H. EPPERSON

blacks with the whites, and who declared that the Constitution should be amended so as to disfranchise the whites of the South and enfranchise the negroes. He also pointed out that this radical party wished to consolidate and centralize the Federal government and make the states mere appendages without power to protect their citizens from the encroachments of tyranny and oppression. Such speeches made many votes for him wherever he went.

On most of the questions Pease tried to occupy a middle ground. He agreed with the conservatives that the negroes were not intelligent enough to exercise the privileges of citizenship, but if the granting of such rights were made obligatory for restoration then he favored granting them to those who could read and write understandingly.¹⁶ The opposition accused Pease of being a radical, but there was little in his speeches to support this accusation. Yet the charge that his party planned to "aid and abet Stevens and Sumner," extreme radicals in Congress, which had been made by the conservative-union caucus in their invitation to Throckmorton to run for governor, had not been disproved. Furthermore, as the election time approached, evidences of a dangerous coalition between them became more and more certain. This increased the anti-radical feeling which was already running high, and assured the victory of the conservatives.¹⁷ Throckmorton was elected by a majority of 37,109 out of a total vote of 61,455, while Jones secured a majority of 40,194 out of a total of 57,622. Conservatism had won a victory.

¹⁶—*State Gazette*, May 19, 1866.

¹⁷—The press of the state lined up to support Throckmorton and Jones and helped to create this feeling against the radical element. The only papers of note which came out in support of radicalism were the *Southern Intelligencer* (Austin), the *San Antonio Express* (San Antonio), and *Flake's Bulletin* (Galveston).

CHAPTER SEVEN

AT THE HELM

It is bitter degradation and humiliation.

—THROCKMORTON REFERRING TO THE 14TH
AMENDMENT.

• •

Davis meant to have Washington and dictate to the yankees from Bunker Hill. He gained the loss of slavery and for himself a prison.

You will come down to your proper level, come into the family a subdued Brother, or by the powers, your infernal spirit for the good of your state will be thrashed out of you.

Every d——d Traitor who deserted his post in Washington or threw up his commission in the army, should have been hung — It was our duty to have done it.

Johnson is an apostate, a poor fallen man, and takes his place along with James Buchanan. Congress will take care of him and you also.

—EXTRACTS FROM AN ANONYMOUS LETTER TO
THROCKMORTON DATED JAN. 28, 1867 AND
SIGNED A NORTHERN DEMOCRAT.

• •

I am harassed by the thought and cares of a heart lacerated by the knowledge of wrong imposed upon an outraged and suffering people, which I may witness, but have no power to avert.

—THROCKMORTON CONTEMPLATING RESIGNATION
FROM THE GOVERNORSHIP.

• •

J. W. Throckmorton, Governor of Texas, is an impediment to the reconstruction of the state under the law; he is therefore removed from that office.

—EXTRACT FROM THE INDECENTLY CURT ORDER
FROM SHERIDAN DISMISSING THROCKMORTON.



CHAPTER SEVEN

AT THE HELM

Frontier Defense, August, 1866, to August, 1867

AT THE time of the inauguration of Throckmorton, August 9, 1866, the whole Texas frontier was in a torn and bleeding condition. At that time the frontier extended from Red River along an irregular line of settlements to the Rio Grande, a distance of about seven hundred miles, almost every mile of which was exposed and without defense. Prior to the war Federal garrisons had been stationed at intervals along the entire line, at which time the Plains Indians had not generally come into intimate contact with the unscrupulous white man; and most of them were armed only with the ineffective bow and arrow. Some, however, had acquired arms from United States agencies to the north of Texas for "hunting," and used them against the Texas frontier. Even under such conditions the state legislature had found it necessary to organize troops to supplement those of the United States army, which, though commanded by such distinguished men as Van Dorn and Hood, had failed to furnish adequate protection. Even though this protection was inadequate, it was withdrawn entirely when the war broke out; and the United States forces were replaced by a few Confederate and state troops. During the continuance of the war these troops offered such protection as the existing adverse conditions permitted; but, when the Federal army triumphed, the Confederate forces were disbanded, and the frontier was practically abandoned to the merciless bands of marauding Indians,

then armed with the latest improved firearms, and led by daring desperadoes — deserters from the Federal and Confederate ranks.¹

The conditions along the frontier were alarming, and yet the state hesitated to send adequate armed forces to break up the Indian depredations lest the United States government misconstrue the motive. Throckmorton's own sympathies, however, were with the anxious and unhappy men of this region whose homes he had so often seen made desolate and dreary by the merciless tomahawk of the Indian, for all his days since early boyhood had been spent on the frontier. Indeed, many times he had anxiously approached his own home, after a short absence, fearful of what the Indian might have done to his family. His love for the frontier and his sympathy with its people was expressed in a speech at Galveston in which he said that "I have grown up with that country and I know its people. I have heard its valleys filled with the whoop of savages hungry for blood, and I have seen the red glare of their incendiary torches light up the heavens, while their tomahawks and scalping knives were doing the work of death." He wished to do something to relieve these stricken people.

In his inaugural address Throckmorton turned to the subject of frontier protection; and after describing the general desolate, depressed, and impoverished condition of Texas, he said:

We have today a frontier many hundred miles in extent being desolated by a powerful and murderous enemy — our devoted frontiersmen filling bloody graves, their property given to the flames or carried off as booty, their little ones murdered and their wives and daughters being carried into a captivity more terrible than death and reserved for tortures such as savage cruelty alone can inflict — unprotected by the government we support, with troops quartered in the interior where there is peace and quiet; unwilling to send

¹—*Dallas Weekly Herald*, October 13, 1866.

armed citizens to defend the suffering border for fear of arousing unjust suspicions as to the motive.

Though these deplorable conditions existed, Throckmorton held out hope to the terror-stricken areas by promising, as he had done in his campaign for the governorship, that he would endeavor to secure from the Federal government adequate and permanent protection by means of treaties which would guarantee the future security of the people. He further reassured the sufferers by promising to call out state troops if the Federal government failed to respond to his demands.

The inaugural had scarcely been said when petitions which described the reign of terror along the frontier began to pour into the governor's office, and with these glowing petitions began also the untiring efforts of Throckmorton to awaken the Federal government to its responsibilities in regard to protection. In doing this, he was confronted with two obstacles which were destined to make progress exceedingly slow and unsatisfactory. First, the Federal military authorities with whom he had to deal doubted that the conditions on the frontier were as bad as they had been represented to be; and, second, these same doubting officials distrusted the loyalty of the people of Texas. As a consequence of this distrust the four thousand Federal troops in Texas were stationed at interior posts, supposedly to check or curb disloyal demonstrations.² Therefore, to secure the co-operation of the Federal Government, Throckmorton had to convince the authorities of the truth of the representations concerning the frontier, and to prove the loyalty and trustworthiness of the masses in Texas. This he set out to do.

Proofs of the existence of terror and bloodshed on the frontier were abundant. T. C. Jackson, and others, of Lampasas County, wrote to Throckmorton on August

²—Ramsdell, *Reconstruction in Texas*, 140.

15, 1866, that many settlers had left the frontier because of insecurity from Indian raids. A similar letter from Mason County stated that "the Indians made a raid recently on the head of the San Saba, killed McDougal, wounded a Miss Schellenbarger, and drove off six thousand head of cattle and all the horses in the vicinity."³ The Reverend James M. Johnson, whose circuit ran through Menard, Mason, and San Saba Counties, wrote on September 1, 1866, that "the Indians are coming in greater numbers and are armed with superior guns. On August 1, twenty-four Indians met a party of citizens and wounded J. R. O'Neal. On August 26, they killed Mrs. Cooper on the Leon River in Erath County. At the same time other Indians were operating in Parker, Palo Pinto, Stevens, Bosque, Comanche, Brown, and Hamilton Counties. They show more boldness and courage than ever before."⁴ Judge Weaver of Denton County in a report to Throckmorton, dated September 2, 1866, said: "Indians, ten in number, came within fifteen miles of Gainesville during the last week in August, met James Box and family returning from Hopkins County, killed and scalped Box, and took his wife, two daughters, and other children into captivity."⁵ These reports together with a partial summary of the casualties for the year ending October 1, 1866, should have been very convincing to Federal authorities, for it showed that, in fourteen counties during that year, seventy-eight were killed, seven wounded, and eighteen captured.

Among the first pleas to the governor for assistance was one in the form of a petition from the citizens of Comanche County. This petition Throckmorton sent immediately to Major H. G. Wright, commanding the District of Texas, with the request that immediate relief

³—*Dallas Weekly Herald*, October 6, 1866.

⁴—J. M. Johnson to Editor of the *Dallas Herald*, in *Dallas Weekly Herald*, October 6, 1866.

⁵—Weaver to Throckmorton in *Executive Correspondence*.

be furnished.⁶ Wright immediately replied that he had no authority to act in such cases, but stated that the petition would be referred to General Sheridan, Commandant of Louisiana and Texas, who alone had the power to detach forces or establish new posts. Wright stated also that there were only a few troops in Texas and that the frontier could not be defended as long as the United States government pursued the policy of maintaining interior posts.⁷ Throckmorton promptly replied that such a policy was not necessary, as the laws could be "administered promptly, justly, and efficiently" without the aid of the military. He further pledged his utmost cooperation to Wright if he would use his influence to rid the interior of Federal troops and to secure their proper distribution along the suffering frontier.

Throckmorton did not, however, depend on any one source for the needed assistance on the frontier, and on August 25 he wrote to President Johnson in regard to it. In this letter he related the gruesome details of the recent outrages, expressed his apprehension as to more extensive raids in the future, and predicted a rapidly retreating frontier if protection were not afforded. He also urged on the President the utter futility of keeping soldiers stationed in the settled portion of the state, and expressed his supreme confidence in the civil authorities to establish and preserve order. He suggested not only the evacuation of the interior, but the occupation of the frontier by establishing a line, manned by two regiments, from the confluence of the Wichita and Red Rivers to Fort Clark, and stationing a force along the northern frontier to prevent raids on the northern settlements from the region of the Wichita Mountains.⁸

⁶—Throckmorton to H. G. Wright, August 11, 1866, in *Official Records*, Adjutant General's Office, Austin.

⁷—Wright to Throckmorton, August 14, 1866, in *Official Records*, Adjutant General's Office, Austin.

⁸—Throckmorton to Andrew Johnson, August 25, 1866, in *Executive Records*, Register Book 85, pp.60-62.

Throckmorton's relentless bombardment of the military authorities in regard to Indian affairs soon brought partial results. On September 3, Sheridan wrote him that in accordance with the Comanche petition referred to him by Major Wright, he had dispatched a cavalry force to Fredericksburg, and assured him, that as soon as other troops arrived in Texas, he would establish other posts along the frontier line wherever they were needed. He further informed the governor of his attitude in regard to interior garrisons when he said that "a very great desire is felt by myself to remove the troops from the settled portion of the state as soon as there is a practical illustration of good sentiment, and an entire security to every class of population in the state."

Indian raids into Medina through Uvalde and neighboring counties in the early days of September led Throckmorton to carry his pleas to Heintzelman, who was stationed at San Antonio as the Commander of the Western Division of Texas. He urged him to establish a new fort at Jacksboro; and, since the whole country north of Red River and east from the mouth of the Wichita was exposed to Indian depredations, he requested the permanent location of four companies of soldiers at the mouth of the Big Wichita River to watch for raids from the Wichita Mountains. This plan he had earlier presented to the President. He suggested as a temporary measure that the government station two companies at Jacksboro with the ultimate intention of removing them to Belknap, four companies at Mason, and two in the northeast corner of Comanche County to be later transferred to Camp Cooper.

In the meantime the matter of frontier protection had occupied the center of the stage in the legislature. In order to save expense to the state, the legislature authorized the raising of two battalions of mounted rangers, ten companies of one hundred each, to be ten-

dered to the United States government for service in the state, the rangers to serve under the direction of the Federal military authorities, and for as long a time as the government deemed necessary.⁹

This plan Throckmorton revealed to Sheridan at once and urged the acceptance of the Texas volunteers. He also broached the old subject of interior garrisons and pled for their removal, particularly of the negro troops. On several occasions General Sheridan had expressed the hope that the people of Texas would soon manifest such a feeling toward the United States government as to warrant the removal of troops from the interior. Throckmorton now suggested that the policy of maintaining troops at interior posts did not promote this loyal feeling, but rather antagonized the Texans, because the soldiers were not held in restraint, as was evidenced by the failure of the army officials to punish them for the most revolting crimes. Throckmorton insisted that the retention of the troops, especially when they were needed to prevent bloodshed and destruction of property on the frontier, was "obnoxious to a loyal people."

In the last days of September General Getty arrived in Galveston to take command of the District of Texas, and Throckmorton lost no time in apprising him of the deplorable conditions in the state. He reported to him that the Indian raids during the previous month of September in the counties of Cooke, Wise, Montague, and Jack, had resulted in the death of seven men and women, the capture of ten women and children, and the loss of five hundred head of horses and droves of cattle. Stating that George Washington, a Caddo chief, had warned him of a general Indian invasion, he asked Getty to use his

⁹—Those who were designated to raise companies for such service were as follows: G. B. Pickett, Decatur; Jack Cureton, Weatherford; J. B. Barry, Meridian; J. B. Davis, Round Rock; C. R. Perry, Blanco; W. C. Durand, San Antonio; J. W. Sansom, Hodges Mills; T. P. C. Hambrick, San Saba; W. H. Harris, Alvarado; J. B. Earhart, Decatur. These men were appointed by Throckmorton on October 8, 1866.

influence at military headquarters to promote a campaign against the "murderous Arabs of the Plains." He suggested the following plan:

One thousand men should start from the upper Red, say from the mouth of the Wichita, and five hundred of them should go through the mountains and north to the Canadian. The other five hundred should move further west and then north and the two meet high upon the Canadian. At the same time a body of troops should move from Kansas, and a body from New Mexico in the direction of the sources of the Pecos and the Red Rivers. When the Indians are pressed from any one of these points, they fall back toward the sources of the streams mentioned by me, and no one column can successfully damage them.

On October 4, the day following the dispatch of the above communication to General Getty, the citizens of Denton and surrounding counties held a mass meeting at Denton. At this meeting a memorial to the governor was drawn up which recited recent Indian outrages in that vicinity and urged Throckmorton in the "name of humanity" to send assistance. The memorial stated further that "the citizens of Montague, Cooke, Denton, and Wise counties are in terror because of frequent raids, and they have set October 20 to abandon their homes if they see no prospect of government help."¹⁰

While such reports and memorials were flooding the governor's office, Throckmorton's petitions to Sheridan, Heintzleman, Stanton, and Getty were being considered by Federal officials from the President and his cabinet down to the district commander in Texas. In reply to Throckmorton's letter of September 29 Stanton wrote that the President had considered the situation in Texas in a full cabinet meeting, and that he was deeply impressed and disposed to give all possible aid. "It is believed, however," he wrote, "that this may be done by the

¹⁰—H. Murphy, J. Hodges, and others, to Throckmorton, October 4, 1866, in *Executive Correspondence*, Throckmorton papers, State Library, Austin. See also *Dallas Herald*, October 13, 1866.

regular military forces of the United States without resorting to the local military forces and instructions to that end have been given to General Grant . . ."¹¹ As a result of the cabinet meeting, therefore, it was determined to give assistance, but to give it independently of state forces. On October 9 Sheridan so informed Throckmorton by telegram. "I am directed by the General-in-Chief," the telegram read, "to inform you that the volunteers authorized by the state will not be accepted." Sheridan seemed to doubt the real necessity of sending a force to the frontier, as was evidenced by his promise in the telegram that he would send an inspector to the frontier and that, if necessity dictated, new posts would be established in the early spring.¹² General Grant also wrote to Throckmorton that the state troops had been rejected because there were already as many United States troops in Texas as could be provisioned.¹³ On October 15 Sheridan wrote Heintzleman that the governor had offered one thousand volunteers to aid in the protection of the frontier, but that his offer had been refused. He told Heintzleman, however, to satisfy himself that Indian difficulties existed, and authorized him, if he deemed it necessary, to concentrate the ten companies of the Fourth Cavalry in West Texas, and the eleven companies of the Sixth in Central Texas, or at such other points as would assure adequate protection. He further promised additional troops if these twenty-one companies proved inadequate, and informed him that nine companies of the Seventeenth Infantry had been asked for, four of which were already en route for Texas. On the following day Sheridan wired Throckmorton that authority had been given to Heintzleman,

¹¹—E. M. Stanton to Throckmorton, October 11, 1866, in *Dallas Weekly Herald*, October 20, 1866.

¹²—Telegram, Sheridan to Throckmorton, October 9, 1866, in *Executive Correspondence*, Adjutant General's Office, Austin.

¹³—Grant to Throckmorton, October 20, 1866, in *Executive Correspondence*, Adjutant General's Office, Austin.

commanding the District of Texas, to concentrate the entire cavalry force under his command at exposed points on the frontier. This would mean the concentration of about two thousand men on the line.¹⁴

The scene had apparently changed. There was "a gleam of light — a hope in the future," as the *Dallas Herald* expressed it. But the lavish promises were slow of fulfillment, and full protection was not to be afforded until the state government had again passed into the provisional stage.

In accordance with the plan of sending an inspector to ascertain the state of affairs, Major G. A. Forsythe was dispatched to the northern frontier in the last days of October. When Throckmorton was informed of this by Sheridan,¹⁵ he wrote Major Forsythe and urged him to look especially at Montague, Jack, Palo Pinto, Erath, Comanche, Brown, San Saba, Llano, and Mason counties. He particularly urged the establishment of a four-company post in Montague County or between Montague County and the mouth of the Big Wichita River. On the same day he wrote to J. P. Dumas of Sherman that Major Forsythe was en route to that place *via* Waco, Weatherford, Jacksboro, Montague, and Gainesville to examine localities for frontier posts, and asked him to "fall in" with him and give him all the necessary information — "the full unvarnished truth about the number and amount of Indian depredations." Such a plan necessarily made relief work slow.

The progress was so slow that on November 5 Throckmorton wrote the commander of the Sixth United States Cavalry and made inquiry as to the reason why marching orders had not been given to his regiment, and declared that recent depredations would force him to

¹⁴—Telegram, Sheridan to Throckmorton, October 16, 1866, printed in *Dallas Weekly Herald*, October 27, 1866.

¹⁵—Sheridan to Throckmorton, October 25, 1866, in *Dallas Weekly Herald*, November 3, 1866.

muster the state forces unless immediate relief were afforded.¹⁶ On the following day Sheridan authorized Heintzelman to post the first battalion of the Seventeenth United States Cavalry along the frontier in addition to the Fourth and Sixth already authorized. These troops were to be distributed temporarily, with the ultimate purpose of establishing permanent garrisons in the spring. Heintzelman was also instructed to take full control, and in cases of emergency he was to move the troops without orders from headquarters.¹⁷ Possibly because he wished to have Major Forsythe's report before acting, he had not sent out the Fourth and Sixth battalions as he had been authorized to do; and in accordance with the new instructions he ordered the eleven companies of the Sixth Cavalry to proceed to Jacksboro and to go into winter quarters there, while the five companies of the Fourth Cavalry were ordered to Fort Mason. One company was to remain there, three were to proceed to Camp Verde, and one to Fort Clark. The station at Fredericksburg was discontinued, but the company at Fort Inge and two companies in the sub-district of the Rio Grande were retained. The ten companies of the first battalion of the Seventeenth Infantry were to be distributed as follows: two at Hempstead; two at Brenham; two at Houston; and four at Galveston.

Delay in giving marching orders forced Throckmorton and Adjutant General Gurley to plan the use of state troops to prevent further bloodshed until Federal troops should occupy the frontier line; and accordingly advertisements were placed in the various newspapers in the state calling for volunteers. The attention of General Sheridan was called to such an advertisement in the *Waco Valley Register* of October 13, and Sheridan

¹⁶—Throckmorton to Starr, November 5, 1866, in *Executive Records, Register Book 84*, p. 142.

¹⁷—Sheridan to Heintzelman, November 6, 1866, copy in *Executive Correspondence*, Adjutant General's Office, Austin.

notified Throckmorton at once by telegram that there could be no excuse for the employment of a voluntary state force since double the number of United States troops which the legislature had thought necessary had been ordered to the frontier.¹⁸ It became apparent, therefore, that an appeal to state force would not be permitted, and that all the state could do was to pursue a policy of waiting. Throckmorton so informed the Adjutant General and further plans to send out the frontier regiment were temporarily abandoned.¹⁹

Throckmorton now returned to the task of securing a proper distribution of the Federal troops. As soon as the plan of distribution was made known to him through Special Order Number Twenty-eight, he wrote to Heintzelman and urged him to station at least two companies on the Colorado River at or near Pecan Bayou, two companies between Pecan Bayou and Jacksboro, and four in Montague County.²⁰ A garrison was very necessary somewhere in Montague, or at least one east of the east end of the frontier line as contemplated by Sheridan and Heintzelman, since their plan left an exposed distance of about seventy-five miles along the line which had become notorious for the most extensive raids ever made upon the border in Texas. At the same time he notified Rowland, who had raised a company, the only one of the ten authorized by the legislature, to hold himself and company in readiness to go to Montague County if United States troops were not sent there.²¹ However, he was not forced to call out this company, as Forsythe, who had made a thorough inspection of the frontier, returned on December 10, with recommendations for the establish-

¹⁸—Telegram, Sheridan to Throckmorton, November 11, 1866, *Executive Records*, Adjutant General's Office, Austin.

¹⁹—Throckmorton to Gurley, November 15, 1866, in *Executive Correspondence*, Adjutant General's Office, Austin.

²⁰—Throckmorton to Heintzelman, November 19, 1866, *Executive Correspondence*, Adjutant General's Office, Austin.

²¹—Throckmorton to J. B. Rowland, December 3, 1866, in *Executive Records*, *Register Book 84*, p. 180.

ment of garrisons at Red River in Montague County, Buffalo Springs in Clay, at Belknap, and at Camp Cooper.²²

In the meantime the Fourth Cavalry had moved out to Fort Mason, but the Sixth did not get under way to Jacksboro until the middle of December. The first of the year, 1867, however, found the Fourth at Fort Mason to cover the line from Fort Clark to the Colorado River, and the Sixth at Jacksboro to protect the line from Red River to Camp Cooper.

The Fourth Cavalry adopted a clever and effective plan of breaking the depredations of the Indians. On the fourth day of each new moon the forces were detached to suitable points where camps were made, and from these camps scouting operations were carried on until the twentieth of the same moon, after which date the camps were broken up and the soldiers returned to their post. The soldiers were instructed to give careful attention to the passes by which the Indians reached the settlements, and to kill all Indians found in the district. Any fresh trail must be followed as long as there was any hope of overtaking the Indians. The plan was definite and successful. From Fort Clark a force was to scout north to the Nueces, and from Fort Inge a similar force was to watch the territory to the Medina. From Camp Verde one company was to make camp on the head waters of the Medina to scout from the Nueces to the north fork of the Llano. Two additional companies were to make camp on the San Saba to scout from the Llano to the Colorado.²³

Throckmorton had forced a reasonably fair distribution of Federal troops along the frontier line, and he now gave his attention to another phase of the same

²²—Throckmorton to Sheridan, December 11, 1866, in *Executive Records, Register Book 84*.

²³—Special Orders issued by Heintzelman, December 1, 1866, in *Executive Records*, Adjutant General's Office, Austin.

problem. During the war the Kickapoo Indians left Kansas and Missouri and moved down to Eagle Pass on the Rio Grande and there constantly harassed the southern border. Throckmorton believed that the Mexican authorities should break up these depredations, but he knew that it was useless to call upon them to do so. He therefore wrote to the Commissioner of Indian Affairs at Washington and asked that the Indians be removed to their old homes. At the same time he requested the commanding officer of the Southern Sub-District to send troops to break up their operations, and said that the people would attempt it if the government did not. Nothing resulted from these entreaties, but gradually the Indians broke up of their own accord and went back home.

Throckmorton was never quite satisfied with the arrangement of troops on the frontier. In one of his last communications to the secretary of war he complained that the forts along the line were too far apart, and urged that the exposed line along the Red from the mouth of the Big Wichita to Cooke County should be protected by a fort between Buffalo Springs and Cooke County.²⁴ In spite of his untiring efforts depredations continued. In his final report of his administration he said that since May, 1865, one hundred sixty-two persons had been murdered by the Indians, twenty-four wounded, and forty-three captured, of which twenty-nine had been reclaimed. These figures did not include those of Wise and Young Counties, two of the heaviest sufferers. Neither did they include the killed and wounded for the month of July, 1867, which number Throckmorton declared on good authority to have been eighteen.²⁵ Such bloodshed was sickening.

²⁴—Throckmorton to E. M. Stanton, August 5, 1867, in *Indian Papers*, Archives, State Library, Austin.

²⁵—Throckmorton to E. M. Stanton, in transcript of *Throckmorton Correspondence*, Archives, University of Texas, Austin.

The Military vs. the Civil Authority

On August 20, 1866, President Johnson issued a proclamation declaring that the insurrection in Texas was at an end, and that peace and order existed throughout the United States. Throckmorton regarded this proclamation as officially terminating the war and as establishing the supremacy of the civil over the military authority. To win the military officials over to this view, and to secure the recognition of the subordinate position of the military, became one of the chief aims of Governor Throckmorton. This task was difficult because every part of the presidential plan, which Throckmorton endorsed, was forced to run the gauntlet of Texas radical opposition, and that of the military officials, who were jealous of a superior civil power. Time after time in his effort to restore civil government to its proper place, Throckmorton came into conflict with these military men. Each time there was an appeal to the higher officials. In some instances the appeals bore fruit satisfactory to the Governor, but more often they did not. His failures, however, did not discourage him.

In addition to appeals, Throckmorton tried to accomplish his purpose by impressing on the sheriffs over the state the importance of quick execution of the law, and of securing speedy and impartial justice, through prompt court action, to Union men, ex-Confederates, and persons of color. Furthermore, there went out of the governor's office over his signature literally an avalanche of letters to citizens of influence over the state and to state officials. These letters systematically urged obedience to law and insisted on law enforcement. In regard to this he wrote that "it is a high duty devolving upon every citizen to see that the laws are vindicated and enforced. We must not allow our own citizens to violate them; if we do, the result will be the quartering of troops

among us until the laws are sustained and executed."²⁶ To Judge Good of the Fifth Judicial District he wrote that "it is hardly necessary for me to impress upon you the absolute necessity that exists that all good law abiding citizens of the country should unite in allaying excitement and prejudice and that no ill feeling should be indulged in toward those of our fellow citizens who adhered to the general government during the war."²⁷ The governor was anxious not to offend the military, but conflicts were inevitable, regardless of his sincere efforts to avoid them.

Most of the clashes were with Freedmen's Bureau officials. This bureau had been created by an act of Congress, March 3, 1865, to manage freedmen, refugees, and abandoned lands in the southern states; but it did not begin to function until December. The bureau had as its assistant commander for Texas General E. M. Gregory, who was succeeded by General J. B. Kiddoo on or about May 15, 1866. An act of July 16, 1866, had extended both the life of the bureau and the control of its officers over matters affecting the negroes. Throckmorton was inaugurated on August 9, and Kiddoo immediately wrote him and explained the purpose of the bureau and begged his co-operation in all the just measures the bureau might adopt. In answer Throckmorton wrote: "It will afford me great pleasure to aid you in upholding on a just basis the bureau of labor, to represent which you are placed here by the government of the United States." He promised co-operation in all measures which were calculated to result in the agricultural and financial good of the state and mutually benefit the employer and employee.²⁸

²⁶—Throckmorton to E. S. C. Robertson, Washington, and Walker of Belton, Texas, August 6, 1866, in *Executive Correspondence*, transcript in Archives of University of Texas, Austin.

²⁷—Throckmorton to John J. Good, April 29, 1867, in *Executive Correspondence*, transcript in Archives of University of Texas Library, Austin.

²⁸—Throckmorton to Kiddoo, August 28, 1866, in *Executive Records, Register Book 84*, p. 63.

While Throckmorton and Kiddoo were exchanging assurances of their good intentions, trouble was brewing. Captain Craig, an assistant commissioner of the Freedmen's Bureau, stationed at Brenham, arrested McGary, editor of the *Brenham Banner*. The arrest came about in this manner. There were in the vicinity of Brenham two colored teachers of freed children about whom McGary had published some comments. Craig notified McGary that these two teachers were under the protection of the bureau, and that any improper remarks would be dealt with severely. McGary published this notice together with a reply, whereupon he was arrested by Craig, and a fine of two hundred dollars was assessed. The editor refused to pay the fine and was therefore sent to jail. Throckmorton took up the matter with Kiddoo and protested against the arrest of McGary as a high-handed measure in violation of the right of freedom of the press. He protested also against the use of the county jail by the bureau. Kiddoo answered that he had refrained from taking any action against McGary as long as his self-respect and the respect of his agents permitted, but that the constant use of McGary's paper for unnecessary abuse of the bureau, its agents, and the United States army officers on duty at Brenham caused the editor's arrest.²⁹

Kiddoo yielded and ordered the release of McGary some time in September, but this did not end the difficulty with Captain Craig.³⁰ Craig desired court records in regard to Lieutenant Moore of the army, and demanded them of Wilcox, District Clerk of Guadalupe County, who, refusing to give up the papers, was immediately arrested by Craig. He did surrender the papers, however, when Craig threatened to take him to San

²⁹—Kiddoo to Throckmorton, September 13, 1866, in *Executive Correspondence*, Adjutant General's Office, Austin.

³⁰—Throckmorton to Kiddoo, September 18, 1866, *Executive Records*, Register Book 84, pp. 86, 87.

Antonio, for he feared to go there on account of an epidemic of cholera. Craig destroyed the papers, for which act he was indicted by the grand jury and placed in jail because he refused to give bail, but was released by the military after three days confinement. According to Craig's own account, Captain Hunt, acting under orders from General Hatch of San Antonio, surrounded the jail at Seguin with forty-five men and sent for the sheriff, whose name was Brown. Without opposition Brown gave up the keys, and Craig was removed to San Antonio. At the time of this forcible removal Judge Ireland, who had ordered the arrest, was away at Bastrop. Throckmorton entered his protest to Kiddoo and to Griffin without results.³¹

A more aggravated case and one more disastrous in its consequences was that of Duncan and Daws, or it may as well be called the "Carpenter and Lindley Case." Lindley was a notorious horse thief of Collin County and a bitter secessionist. He was run out of Collin, but, after the war, appeared in Lampasas County engaged in the same business. Because they possessed damaging evidence against him, he feared Duncan and Daws of Bell County; and he contrived to have them arrested. He reported to the military that his son and another man had been hanged during the war by a mob because of their Union sentiments. Without inquiry as to the facts in the case, a company of soldiers was dispatched to Bell County to arrest whatever persons Lindley might point out. Under cover of darkness Duncan and Daws were arrested. The men were placed under a special guard at the rear of the company as it moved out with Lindley, dressed in uniform, riding with Major Carpenter. When they had proceeded some distance, Lindley shot Duncan in cold blood. Certain witnesses complained to Car-

³¹—Goodrich to Throckmorton, Throckmorton to Kiddoo, Craig to Ellis, Throckmorton to Griffin, October 8 to December 22, 1866, in *Executive Correspondence*, Adjutant General's Office, Austin.

penter that no order for Lindley's arrest had been issued, whereupon Daws was also shot. Carpenter then rode down the company line and told the men that the prisoners had attempted to escape and were consequently shot.

Both Lindley and Major Carpenter were indicted by the Bell County grand jury; but the military officials insisted that they be tried by military commission, and it was so ordered. The trial was held in Austin on September 20. Major Morris in command at Austin notified Throckmorton of the trial and asked for all the information which he had. Throckmorton then requested the right to send the attorney-general to cross examine the witness, "not as a prosecutor but as a means of satisfying the people of the whole state that the military authorities are disposed and willing to have this unpleasant affair fully and fairly investigated."³² Morris replied on the same day that the commission was then in session and had decided not to grant his request. Governor Throckmorton expressed a loss to know why his request was refused, and asked the privilege of propounding written questions to the witnesses, and having the answers sent to him; but to this letter he received no answer. Needless to say both Lindley and Carpenter were acquitted. Lindley was again indicted by the Bell County grand jury, arrested, and jailed. The sentiment was rife against him, and in his fear he appealed to the governor and to Heintzelman for a guard to protect him from a Bell County mob. Heintzelman refused the guard and said he believed that the citizens of Bell County would mete out justice. The governor was assured by various citizens that Lindley was safe from the mob, and therefore he took no action.³³ Notwithstanding these assurances Lindley was taken from the jail and hanged by the mob.

³²—Throckmorton to Morris, September 21, 1866, in *Executive Records, Register Book 84*, p. 81.

³³—Throckmorton to E. S. C. Robertson, November 27, 1866, *Executive Correspondence*, transcript in Archives of University of Texas Library, Austin.

This affair was exceedingly unfortunate. Throckmorton had repeatedly expressed his confidence in the local courts, and in the ability of local officers to mete out justice. In most instances this faith which he had was justified by what transpired, but not so in this case. Lindley was praised as a martyr to the cause of Unionism, and this furnished the radicals a cause for complaint. Untold injury was also done to the cause of the civil authorities in their struggle for supremacy over the military. Throckmorton was also embarrassed and intimidated because he had given assurances that Lindley's case would take the regular course of law.

Another annoying situation existed at Victoria. The negro troops stationed there under the command of Captain Spaulding controlled the county jail and made it impossible to keep a negro or a Union man in jail there. "Our jail is still held by the military although I have applied for the keys myself," wrote Chief Justice Carson of Victoria. According to Carson, two negroes sentenced for horse stealing were allowed to escape together with an ex-Federal soldier placed there for robbery; and Spaulding refused to reveal the names of the guards around the jail at the time of the escape. A white man had been hanged for the murder of a negro, various citizens had been arrested and imprisoned arbitrarily, and the whole county was under a reign of terror.³⁴ Furthermore, Captain Spaulding had refused to give up Smith and Stanley, United States colored soldiers, for trial for the murder of William Walker, a citizen of Victoria County. Throckmorton wrote to Heintzelman and insisted that Spaulding be courtmartialed; that the freedmen be tried for the murder of Walker; and that the jail be turned over to the civil authorities. Heintzelman wrote that he was certain that many illegal acts had been

³⁴—C. Carson to Throckmorton, August 21, 1866, *Executive Correspondence*, Adjutant General's Office, Austin. See also Throckmorton to Heintzelman, September 27, 1866, *Executive Records*, *Register Book 84*, pp. 82, 83.

done by Spaulding and his company³⁵ and promised to intercede in behalf of justice at Victoria. He referred the matter to Sheridan, who did not take up the question until November, when he ordered that one of the soldiers be turned over to the civil authorities for trial. Throckmorton saw in this a great victory, for he had secured the actual recognition of the civil by the military, for which he had toiled day and night since his inauguration.

One of the most notorious outbreaks, and one which assumed a most dangerous aspect, was the burning of Brenham. Here a battalion of the Seventeenth Infantry was stationed under the command of Major Smith. On the night of the seventh of September, 1866, a group of drunken soldiers presented themselves at a negro ball. When pay was demanded they forced their way in, danced over the room, passed the bottle around, and broke up the ball. Then they pursued some negroes, who fled for protection to Duke's Dancing Hall, where the whites were holding a dance. The men here remonstrated with the soldiers, but were insulted. It seems that the men were unarmed at first, but quickly armed themselves and wounded two of the soldiers.³⁶ Major Smith appeared on the scene with his company shortly after twelve o'clock, and arrested L. Compton and Henry Curry, and demanded others, with the threat that the town would suffer if the men were not surrendered within an hour. In the meantime they patrolled the town, visited several places, and after the hour was up, proceeded to Wyatt's saloon, broke in at the order of Smith, and stole liquor and destroyed property wantonly. The whole camp joined Smith in front of Wyatt's, and proceeded to a nearby hotel and drank the stolen liquor. The company divided here and part returned to camp;

³⁵—Throckmorton to Heintzelman, September 8 and 27, 1866, in *Executive Records, Register Book 84*, p. 96. Heintzelman to Throckmorton, September 29, 1866, in *Executive Correspondence*, Adjutant General's Office, Austin.

³⁶—*Dallas Weekly Herald*, September 29, 1866, quoting the *Brenham Enquirer*.

the other marched to Compton's store. This party of six or eight men broke into the store and pillaged it. In about one-half hour this same or another party set fire to the building. The fire spread; and before it could be extinguished, the fairest portion of the west side of the square had been destroyed.³⁷

Throckmorton acted quickly. As soon as he heard of the outrages, he directed the sheriff of Washington County to summon discreet citizens to aid in preserving order; telegraphed Major Lathrop at Houston and urged him to go to Brenham to investigate; and sent a special message to the legislature in which he recommended that a joint committee proceed to Brenham with authority to take testimony as to the origin of the fire and the amount of property destroyed. He also wrote Colonel Mason, regimental commander at Galveston, and asked for the removal of Smith and his company from Brenham, and that those involved be turned over to civil authorities for trial.³⁸ On September 20, Sheridan telegraphed Throckmorton that he had notified Smith through the agency of Colonel Mason, whom he had sent to investigate, not to allow himself or any of his men to be arrested, and asked him to lend his support in allaying excitement. Throckmorton answered by telegram on the twenty-second of September and promised cooperation; but begged Sheridan to remove Smith and his company from Brenham. On the same day he wired Shepherd, in charge of the legislative investigation, to have no soldiers arrested.³⁹

³⁷—*Dallas Weekly Herald*, September 29, 1866. The report was made that one of the soldiers remarked on leaving the store that "all Hell can't save it now." Smith admitted breaking into the store, and the report was current that he was on his horse observing the activities of the soldiers when the building was being fired. Three dry goods stores, one drug store, one grocery store, one warehouse, and one printing shop were destroyed before daylight. There was not a soldier present at the fire.

³⁸—Throckmorton to Colonel Mason, September 14, 1866, in *Executive Records, Register Book 84*, pp. 84, 85.

³⁹—Telegram, Sheridan to Throckmorton, September 20, 1866, in *Executive Correspondence*, Adjutant General's Office, Austin. Throckmorton to Sheridan and Throckmorton to Shepherd, in *Dallas Herald*, October 6, 1866.

A clash became more imminent when General Order Number Five was issued on September 25. This order discontinued all guards, patrols, and armed parties regardless of authority; provided for the arrest by the military of all men found with arms; pledged the military to aid the Freedmen's Bureau in stopping outrages against freedmen; and warned the civil authorities to refrain from interference. This order did not dissolve the *posse comitatus* called out by Throckmorton, for its activities had been suspended on the twenty-first, when Smith agreed to keep his men out of town at night and also in the daytime unless under command of a non-commissioned officer.

Mason's report to Sheridan disclosed nothing except that the military desired to conceal the facts. The special legislative committee suggested by Throckmorton proceeded to Brenham, but Smith refused to allow the soldiers to be examined and encouraged the desertion of those implicated. Their report, however, showed Smith's complicity; he was subsequently indicted by a Washington County grand jury for arson and burglary; and Throckmorton asked Griffin to turn him over to civil authorities for trial.⁴⁰ Nevertheless, it proved to be an impossibility to bring Smith to trial; and, instead, he was completely exonerated by a special military order, and was promoted to a higher rank by Stanton, the Secretary of War.

Many similar instances could be cited wherein arbitrary action was taken by the military. In Anderson County Henry Black, a citizen of Walker County, made affidavit that a Federal soldier took a mule from his team on the public highway. Martin, justice of the peace, arrested the soldier, and after investigating the case returned the mule and released the soldier without cost. Captain Sayles, Captain Bradford, and eight soldiers

⁴⁰—Throckmorton to Griffin, February 27, 1867.

from Leon County arrested Martin and carried him off to the Millican guard house.⁴¹ Lieutenant Madden of the Sixth United States Cavalry went to Lockhart, mutilated and destroyed papers in certain cases pending there, and made affidavit that he acted under the orders of Major Wright. Lieutenant Colonel W. S. Abert, also of the Sixth United States Cavalry, released George P. Boyd from the custody of the sheriff of Grayson County, after Boyd had been indicted by the Grayson County grand jury for robbery and assault with intent to murder. This crime was committed on December 30, 1865; and on January 29, 1866, Boyd received appointment as United States government agent. Throckmorton protested against such outrages, but there was little he could do except protest. He appealed to the United States Attorney-General to intervene in behalf of the civil authority and to stop the high-handed measures of the military. He wrote:

I know what is due the civil officers and laws of the state and under ordinary circumstances would assert the undoubted constitutional prerogatives of the State government; but feeling sensibly the delicacy of the president's situation and knowing the efforts made by him to secure the people of the southern states the full protection guaranteed them by the constitution, I appeal to you that the president may be appraised of the unlawful measures of the military of this state.⁴²

There was another side to the story. Not all the illegal, fraudulent, and atrocious acts were committed by the military. There were repeated reports of outrages against freedmen, some of which may not be credited. The case of the freedman Perkins is a classic example. Perkins was wounded by his former master, Darwin, was thrown into jail and kept there without proper atten-

⁴¹—R. H. Bassett to Throckmorton, August 22, 1866, in *Executive Correspondence*, Adjutant General's Office, Austin.

⁴²—Throckmorton to Stanbery, October 12, 1866, in *Executive Records, Register Book 84*, p. 120.

tion. Nothing was done with Darwin. Perkins escaped five weeks later, gave himself up to the Freedmen's Bureau, was re-arrested on an illegal affidavit, shackled, handcuffed, and turned over to Darwin.⁴³ Townsend, Assistant Adjutant General of the United States army, took Perkins and refused to give him up.

Another bad situation was reported at Prairie Lea in Caldwell County. A group of citizens of this town sent a memorial to the Freedmen's Bureau stating that a "reign of terror is being inaugurated among Freedmen," that the freedmen were wronged in the settlement of their part in the crop, were chased frequently, and shot at occasionally. They requested military intervention for the protection of the freedmen.⁴⁴ W. C. Phillips wrote Throckmorton that "During my short stay here(Prairie Lea) I have seen freedmen run down by horsemen, run out of town and shot at. On December 8 I saw a freedman whipped because he addressed a young man whom he had know from infancy as Tom instead of 'Mas Tom'." He said that on another occasion Nelson Smith, a freedman, was shot down because he refused to give his bottle of whiskey to two reconstructed rebels.

Throckmorton did not seek to excuse wrongdoing whether by the military or by the citizens. In regard to the above alleged outrages he wrote Griffin that he had "only rumor to go upon," and asked him to make a full investigation. "If the citizens are wrong I do not wish to shield them," he said. To W. R. Cowan at Lockhart he wrote:

Statements have come to me of repeated outrages against freedmen at Prairie Lea, and other bad acts, which induced me to request a company of troops to go there. You are aware that our enemies charge upon us that we do not try to protect

⁴³—E. D. Townsend to Throckmorton, December 28, 1866, reporting a telegram from J. C. De Gress, Assistant Commissioner of Bureau, to E. M. Stanton, United States Secretary of War.

⁴⁴—Citizens of Prairie Lea to Freedmen's Bureau, December 10, 1866, copy in *Executive Correspondence*, Adjutant General's Office, Austin.

the lives of freedmen or those who were Union men. I know these things are false and have sought every occasion to announce it.

He suggested that Cowan get up a meeting of the citizens of Prairie Lea, and ask them to express a determination to see that the laws were enforced. He thought this would have a good effect on the military and United States officials and enable him also to ask for the withdrawal of the troops.⁴⁵

Such reports — the truth of some acknowledged, even though exaggerated and colored — had a bad effect and tended to injure the cause for which Throckmorton labored, and to postpone indefinitely the withdrawal of the military. Other damaging reports from high military officials in Texas found their way to officials in Washington. Sheridan had little first-hand information about actual conditions in the interior of the state, but the reports which reached him convinced him that Union men and freedmen were not treated fairly. In a letter to Throckmorton January 16, 1867, he said that "there are more casualties occurring from outrages perpetrated upon Union men and freedmen in the interior of the state than occurs from Indian depredations on the frontier," and added that they were induced by the old rebellious spirit. Throckmorton did not believe this to be true, and immediately entered his denial. In a letter of January 28, 1867, he wrote:

Perhaps if the people or authorities of Texas had been as persistent and mendacious in their version of these affairs to you and your officers as have been the howling crowd of canting, lying scamps who are doing everything in their power to produce alienation of feelings and make trouble between countrymen, you might not think so badly of us.

He assured Sheridan that there were numbers of men in Texas who claimed to be good Union men "who were

⁴⁵—Throckmorton to Griffin, April 6, 1867; Throckmorton to W. R. Cowan, in *Executive Records, Register Book 84*, p. 301.

brawling, blatant secessionists," and that some of them had even wished to hang him because he had voted against secession in the convention or because he had protected Union men during the late war. He asserted that he knew some of the "veriest rogues and scoundrels" who had applied to the military for protection and claimed that they were in danger because of their Unionism when in reality their Unionism had not been heard of prior to the surrender. This was true of Lindley and son. However, the radical newspapers proclaimed to the world that the mobbing of these men was because of their Union sentiments, when the facts were that they were thieves and at the outbreak of the war were indicted on several counts for stealing.⁴⁶

Throckmorton was determined in this case as in all others to ascertain the truth; and on February 9 he sent out an inquiry to the civil officers of the state, principally to county judges, in regard to the treatment of Union men and freedmen. He received the universal reply that these classes and secessionists alike received justice in the courts. Some of the reports mentioned certain irregularities, but attributed them to the existence of a floating element of lawless characters in their population which had drifted in during and immediately following the war. The county judge of Grayson County "confessed that many foul murders had been committed in his county, but insisted that they were the work of a band of outlaws from across the Red River in the Indian territory."⁴⁷

Throckmorton admitted the above to be true; "but with all these drawbacks," he wrote Sheridan, "and with this heterogeneous mass of rascality in our midst I flatter myself that Texas is not behind other older and more favored sections of the Union. The records of the courts

⁴⁶—Throckmorton to Sheridan, January 28, 1867, in *Executive Records, Register Book 84*, pp. 246, 247.

⁴⁷—Ramsdell, *Reconstruction in Texas*, 136.

of New York, Illinois, and Massachusetts will exhibit no more inviting picture than that presented in Texas."

Throckmorton's relations with the military had been unsatisfactory from the start; but his real troubles were only beginning, when, on March 2, 1867, the first great Reconstruction Act was declared a law. This act completely changed the status of Texas and the relations of the governor with the military authority. It declared that no legal state government existed in the southern states; that they should be divided into five military districts, Texas and Louisiana to constitute the fifth; and that the President should appoint an army official to the command of each. It further declared that offenders could be tried before military commissions or before the civil tribunals at the discretion of the commander. The existing state governments were declared to be "provisional only" and the people could restore themselves only by calling a convention and adopting a constitution in accordance with that of the United States. In addition the state legislature must adopt the Fourteenth Amendment. When these things had been done the senators and representatives of these states would be readmitted to Congress.⁴⁸ In accordance with the provisions of this law General P. H. Sheridan, who was in command of the Department of the Gulf, was made commander of the Fifth Military District, and General Charles Griffin was made commander of the District of Texas. Difficulties growing out of this law were ultimately to result in Throckmorton's removal.

The Removal of Throckmorton

The political and military enemies of Governor Throckmorton constantly made three charges against him from the time of his inauguration until his removal. These charges were that he allowed offenses

⁴⁸—Fleming, *Documentary History of Reconstruction*, Vol. I, 401.

against Union men and freedmen to go unpunished, that he did not have the general interest of the freedmen at heart, and that he refused to cooperate with military officials in the administration of military law in Texas. The records seem to point to the falsity of these charges.

Throckmorton desired the impartial prosecution of criminals regardless of their political leanings, race, color, or previous condition. He constantly, almost religiously, urged moderation in the treatment of Union men and freedmen, and he showed as much zeal for their protection as could reasonably have been demanded of him. If the charges were true that Union men could not secure justice in Texas, the blame could not justly have been placed on his shoulders, for he exerted himself to promote justice to all. For instance, when a group of Prairie Lea Unionists complained that freedmen and Union men were being murdered with impunity by "reconstructed rebels" the Governor immediately secured military interference to restore order. On another occasion, a request was made of him to have troops sent to Lampasas County to assist the courts in the administration of justice. At his suggestion this was immediately done. In April of 1867 he received notice from General Griffin that sixty citizens of Parker and Jack counties had, by petition, charged that certain Union men, acquitted by the courts during the administration of A. J. Hamilton, had been rearrested and were about to be tried again; that the judges of the courts in those two counties were the leaders in the rebellion against law and order; that the guilty escaped punishment in the courts; and that the murder and robbery of Union men went unnoticed by the civil authorities. In referring to these charges of the citizens of Parker and Jack counties, Griffin wrote Throckmorton that "such grave charges of maladministration if false should

be disproved without delay; if true the remedy must be swift and effectual." Throckmorton's answer to Griffin must have been entirely satisfactory.

In this sentiment I beg to concur most heartily. If the officers of the law are guilty, they should not only suffer the penalty of such guilt, but they should be removed from office as soon as their guilt can be established. It is but simple and unadorned justice that they should have an opportunity to acquit themselves of the guilt charged — they now have that opportunity—should they fail to do so or should an investigation show the truth of the statement, the law has clothed the military with the power and authority to make the *remedy swift and effectual*. I shall by no act of mine seek to smother investigation, screen guilt, or avert the blow where justice demands it should fall.

Throckmorton took immediate steps to guarantee justice to the men in those counties. On April 29, 1867, he addressed a communication to John J. Good, Judge of the Fifth Judicial District, in which he called attention to the charges made by the citizens and urged a full and fair investigation to determine the truth or falsity of them. As proof of his anxiety to have the law rigidly enforced, regardless of the offender, I cite his instructions to Judge Good:

Should your investigations prove the truth of a dereliction of duty on the part of the officers of the state or county you will have them prosecuted to the full extent of the law.

As further evidence of his desire to promote peace and harmony and to administer justice to all, including Union men, I quote further from his letter to Good:

It is hardly necessary for me to impress upon you the absolute necessity that exists that all good law-abiding citizens of the country should unite in allaying excitement and prejudice and that no ill feeling should be indulged in towards those of our fellow citizens who adhered to the general government during the war. I am aware of the fact from unquestioned information that there were persons adhering to the Confederate cause in Parker County who during the war committed many serious violations of the law—doubtless the

same has been true since the war—and while this is true I know it from equally good authority that persons in the same region who adhered to the general government have committed the same character of offences and it matters not who have been thus guilty they should be punished by the law.

He warned Good also that he would request General Griffin to send a discreet officer to observe his court, and stated that he hoped the officer would arrive before the close of the court then in session. On the same day he wrote to County Judge Hunter, of Parker County, and urged him to see that the law was enforced in that county, and said that if it could not be enforced by local authorities he would ask for assistance from the military. In a letter to Griffin on the following day he requested that a small force of about twenty-five soldiers under the command of an officer of discretion and good judgment be sent to Parker County. In a similar letter to Judge Weaver of the Seventh Judicial District he urged him to redouble his vigilance and exertions in ferreting out and punishing crime, particularly crimes against Union men and freedmen. He wrote to Weaver as follows:

I am aware of the exertions you have made to have crime ferreted out and punished in your Dist. but as it has been charged, by sixty of the citizens of Jack and Parker Counties that our rebel courts and juries do not attempt to protect the life and property of loyal Union men and that they are persecuted unjustly, &c. I have deemed it my duty to call your attention to these things in order that you may redouble if possible, your vigilance and energy in matters of this kind . . . I do not doubt your earnest desire to ferret out these matters, and I know it is not your duty or province to hunt up such things, but the condition of the country is such that I feel confident in making the appeal to you for your personal exertions in the matter.

The question of the treatment of Union men taxed the ingenuity of the Governor, but that of the status of the freedmen was even more perplexing. It was indeed

evident that no policy would please the entire populace, for there were those who wished to break down all barriers to political and social equality for the negro, while others wished to give the negro no rights whatsoever. These were the extreme groups, and there was every gradation between. Throckmorton belonged to the conservative or "in-between" group, as he usually did, and as necessity seemed to dictate now. His unwillingness, as he wrote Epperson, "to go the whole hog, hair and all," led to the accusation that he was not a friend of the newly enfranchised group.

He took up this momentous question in his inaugural address, and asserted that the sudden change in the relations between the two races would necessitate much thoughtful consideration. On this subject he said:

It is a duty we owe alike to ourselves and humanity to enact laws that will secure the freed people the full protection of all the rights of person and property guaranteed them by our amended constitution . . . I shall give the subject the closest attention, and shall not fail from time to time to make such suggestions as experience may dictate, in order to render this class of our population useful to themselves and the country. ⁴⁹

Throckmorton lost no time in making specific suggestions as to the solution of the problem. In a special message to the legislature, September 3, 1866, he recommended that the home life of the negro be made more stable and the race happier by a legislative enactment which would recognize as wedded all those who lived together and were reputed to be married. He further said that in the future all marriage laws which were applicable to the whites should also apply to the negro. His recommendations in regard to the carrying of weapons drew criticism from the radical group, who would blot out all distinctions between the races. The

⁴⁹—Inaugural Address, in *Executive Records, Register Book 84*, p. 32.

right to carry arms was a constitutional right which had been wretchedly abused, and Throckmorton saw danger in allowing vagrants and other unreliable people to carry arms. He therefore recommended that a tax in the form of a license be placed on all guns, and that the tax assessors be given the authority to seize the guns and sell them in case of failure to pay. He suggested that all travelers and men along the frontier be excepted from the operation of the law. This law was designed to take dangerous weapons out of the hands of irresponsible people, whether white or black; but since the negro would be most frequently delinquent in the payment of the license, the radicals accused Throckmorton of being the enemy of the negro.

The legislature did little about the suggestions of the Governor; and, in October, 1866, Governor Throckmorton again attempted to get some provisions made for the negro. It should be recalled that he had been instrumental in the Constitutional Convention of 1866 in having the rights of the negro to testify in court restricted to cases, civil or criminal, in which his person or property was involved, with the further stipulation that the legislature could confer additional rights if it thought such action wise. Believing that the time was ripe for such action, Throckmorton in a message to the legislature, pled with that body to pass legislation guaranteeing the negro his rights of person and property. He asked that the portion of the state taxes collected from freedmen be relinquished to the counties with instructions to the police courts that they use the amount to provide schools for the freedmen; that laws regulating marriage among the negroes be passed; that the counties be required to provide for the indigent among the freedmen; and that the superintendent of the lunatic asylum be authorized to provide for the treatment of unfortunates among the freedmen. He

expressed a desire to comply with the wishes of the President "to make all laws involving civil rights as complete as possible so as to extend equal and exact justice to all persons without regard to color."⁵⁰ If the legislature had been more diligent in following the advice of the governor, the disaster which ensued might have been averted. The legislature, however, was not willing to go so far, and most of the recommendations were ignored. There was one exception. A lunatic asylum for the colored was established. Property adjoining the asylum for the whites was bought and accommodations were provided for twelve or fifteen freedmen.

As a final proof of the interest which Governor Throckmorton took in the freedmen, his appeal for aid for paupers among them may be cited. He wrote Griffin that poverty would not permit the counties to levy a tax to support paupers of either race, but sincerely urged him to make some provision for the support of the freedmen.⁵¹ He thus proved his friendship for the freedmen, and he asserted it on many occasions. He wrote to Ashbel Smith that "no impediment should be thrown in the way of the newly enfranchised class, but every reasonable means and encouragement should be extended to them in order that they may enjoy without hindrance their new privileges."

In spite of his appeals to the legislature and to federal agents for aid for freedmen, and his frequent assertions of a friendly attitude, the radicals—those who wished for absolute political and even social equality of the two races—could not forget that Governor Throckmorton had always opposed the admission of freedmen to the rights of the elective franchise; that he had approved a labor law which embodied traces

⁵⁰—Special Message to the Legislature, October 31, 1866.

⁵¹—Throckmorton to Griffin, April 8, 1867.

of the slave code; and that he had approved a school fund law which excluded freedmen from its benefits. It is doubtful whether the radicals really wanted political and social equality of the two races. It is probable that they simply wanted to get Throckmorton out so they could gain political control, and that they made any charge against him which would be effective with the radicals in Washington.

That Governor Throckmorton opposed the granting of the right of suffrage to the freedmen is not, of course, open to question. In the campaign for election he had openly declared against negro suffrage, "qualified or otherwise," and not until it became certain that a radical congress would force upon the state some form of negro suffrage did he modify his view, and declare his willingness to accept the enfranchisement of the negro subject to state regulation rather than congressional. If friendship for the negro meant belief in unqualified suffrage for them, then Governor Throckmorton was not a friend.

There was little ground for the charge that the Governor did not cooperate with Congress and the military officials in the enforcement of the law. Suspicion that he might act with the old secession group in opposition to any radical program of negro equality was aroused by the content of his first message to the legislature. In this appeal he presented the joint resolutions of Congress which proposed a Thirteenth and a Fourteenth Amendment to the Constitution. He made no recommendation as to the Thirteenth Amendment since it had been adopted in December of 1865 and had been embodied in the new State Constitution of 1866, but he disapproved of the Fourteenth and recommended its rejection. His reasons for asking the legislature to reject the proposed Fourteenth Amendment

were given later in a letter to Nat M. Burford, Speaker of the House of Representatives:

The proposed amendments contain that which is far more objectionable than even unrestricted suffrage. They give congress, entire and full control, not only of the suffrage question, but grant the power to congress to enact any legislation that a factious or tyrannical majority may see proper to inflict upon a minority. They can put their own construction upon the carefully worded amendment, and under any pretense they may see proper to select, can legislate so as to allow negroes to vote, hold office, and etc. Besides, the amendment (14th) disqualifies thousands of the best men of our section from holding office. It relieves no one of pains or penalties. In a word, it is no relief to the south. It is bitter degradation, and humiliation — all this a pure unselfish patriot might submit to for sake of peace and for those who are to come after us—but the evil does not stop here. The great objection is, that the sacrifice we are called upon to make, does not relieve us or the country, but absolutely fastens the very feature forever upon the government, against the adoption of which we went to battle, viz; it centralizes the power of the General Government in Congress and denies to the states any rights whatever, over the great question of suffrage, or control of their domestic affairs. It breaks down effectually that barrier against centralization and power for which Patrick Henry, and those who followed in his steps, contended for, and which was indeed the mainspring to the late war.

The legislature followed Throckmorton's lead and refused to ratify the Fourteenth Amendment by a vote of seventy to five.⁵²

The charge that Throckmorton refused to cooperate with Federal officials was not based as much on his objections to the Fourteenth Amendment as on his alleged antagonistic attitude toward the military officials in Texas. His record, however, indicates that cooperation was the keynote of his whole policy. A congressional reconstruction act of March 2, 1867, declared military law in the southern states; divided the "rebel" section into five military districts, with Louisiana and

⁵²—*Dallas Weekly Herald*, October 26, 1866.

Texas as the fifth; and provided for the appointment by the President of a military commander over each district to protect all persons, suppress insurrection and disorder, and punish disturbers of the peace. To administer this law, General P. H. Sheridan, who was then stationed at New Orleans as commander of the Department of the Southwest, was appointed to command the Fifth Military District. When Sheridan issued his General Order Number One, Throckmorton hastened to communicate with him by telegraph to assure him of his desire to cooperate and to ask for a conference with him in order that the "civil authorities of this state may cooperate with the military in executing the late laws."⁵³ On the following day, anticipating the appointment of Griffin to the command in Texas, he wrote him that "should Texas be turned over to you I would be glad to render every aid in my power to facilitate your labors, and will confer with you if you deem it proper." Needless to say, there were no conferences in either instance. Sheridan, however, answered Throckmorton's telegram and pointed out that General Griffin was in charge in Texas and that his dealings would be direct with him. Throckmorton acknowledged Sheridan's answer in a letter of March 30. In this letter he said to Sheridan that the people of Texas regarded the laws as onerous and oppressive, but that they were determined to obey them. "As chief magistrate of the state," he wrote to Sheridan, "I shall lend a prompt assistance to carry into effect the laws referred to," and added that he would advise the people to participate in the reorganization with good feeling.

In regard to the enforcement of these laws Throckmorton wrote Ashbel Smith at Houston that he felt them to be unjust and harsh, that there was no good

⁵³—Throckmorton's *Address to the People of Texas*, 1. This address was issued soon after his removal, and was printed in the *State Gazette*, August 10, 1867, hereafter referred to as *Throckmorton's Address*.

reason why they should have been so severe, but that he would avail himself of every opportunity to assist in their enforcement. He said that it was neither wise nor patriotic to assume a sullen and indifferent attitude and continued:

There is every incentive to action. Peace, with her many attendants of prosperity, happiness, and good will invites it. Fraternal accord, with the renewal of respect and esteem among countrymen, suggest it. The perpetuity of the government of our fathers, disenthralled from sectional animosities and unembarrassed by fanaticism, demand it. The genius of the founders of American liberty implores it. The renewal of national relations requires it. The sad conditions of thousands of our suffering countrymen and disabled heroes plead for it. Our own powerless and helpless condition dictates it.

There is no reason to believe that Throckmorton was insincere, and his efforts at cooperation which immediately followed proved the sincerity of his declarations. Among the first requests which Griffin made to him was one that he furnish him with a list of the counties and county sites, together with copies of certain acts of the legislature of 1866. Throckmorton immediately complied with these requests, and thus proved his good sense as well as his willingness to aid the military.⁵⁴ In a further effort to cooperate and to avoid a conflict with the military he wrote Griffin to inquire how vacancies in state and county offices should be filled—whether by his (Throckmorton's) appointment or by elections called by him. Griffin referred the question to Sheridan who informed him that he could appoint to vacancies among his own appointees, but not to vacancies in elective offices. He furthermore curtly informed Throckmorton that he could not under any circumstances call an election. Calling of elections, therefore, was placed in the hands of the military. Throckmorton thus learned what the true situation was,

⁵⁴—*Throckmorton's Address*, 2.

and, though it was contrary to his wishes, he avoided conflicts.

On April 4, Griffin requested that Throckmorton furnish him with a list of all men, irrespective of color, who were qualified to act as registrars—men who could take the oath of office prescribed by Congress July 2, 1862. On April 8, Throckmorton issued a circular address to the county judges asking them to furnish him with the information requested by Griffin. In this letter he said to the judges, "I cannot too strongly urge upon you, and through you upon the people of your county, the propriety and absolute necessity of contributing *to the fullest extent every aid possible*, in order that the military authorities may be enabled to execute the acts of Congress with promptness and fairness." This further indicated Throckmorton's willingness and even his anxiety to aid the military, and the promptness of the county judges in complying with the request proved that the desire to aid was statewide.

Notwithstanding these evidences of good will the high military officials distrusted Throckmorton. On March 28, Griffin had written Sheridan that none of the civil officers of Texas was trustworthy, and charged that there was a semblance of obedience simply because no other course was open. He charged that Throckmorton was guilty of neglect in regard to the punishment of offenses against Union men and blacks, and urged his removal together with that of George W. Jones, Lieutenant Governor.⁵⁵ On April 2, Sheridan wrote Grant and enclosed Griffin's communication with the comment that he felt as Griffin did on the matter of removal. Grant replied at once that no removals of governors should be made, because there was a question as to whether this authority belonged to the military or to the Congress of the United States.

⁵⁵—Ramsdell, *Reconstruction in Texas*, 150.

The foregoing discussion shows that Throckmorton was not "guilty of neglect in regard to the punishment of Union men" as charged by Griffin, yet it is true that both Griffin and Sheridan had some cause to complain. The Governor constantly appealed to Washington over the heads of these two officers and this procedure always nettled them. For instance, this occurred in the case of the famous or infamous Order Number Thirteen, of April 27, 1867, usually referred to as the "Jury Order." This order simply prohibited any man who could not take the iron-clad oath from sitting on a jury in Texas. Copies of this order were sent to the Governor with instructions that he distribute them to the judicial officers of the state and see that the order was enforced. Throckmorton saw that the order, if enforced, would practically break up the action of the courts, but true to his theory that all laws should be enforced, he complied and sent it out as required, with the admonition to all officers to see that the laws were efficiently administered.

In the communication to the judges, however, he promised to transmit a copy of the order to the President of the United States for his consideration. Accordingly, he addressed the President and enclosed a copy of the "Circular Order Number 13." In this letter he said:

I ask your excellency in the most respectful manner to give this subject such consideration as its importance demands. If it is in accordance with the laws of the land, the authorities and the people of this state desire to comply therewith. Otherwise it is most desirable, for the furtherance of the ends of justice and the prompt administration of the laws of the state, that such orders as are proper shall be issued to prevent its continued enforcement.

Such appeals over the head of Sheridan irritated him.

Throckmorton had also offended Griffin. In March of 1867 General Griffin made the request through

Brigadier General Oakes at Austin that the Governor grant a wholesale pardon to two hundred twenty-nine freedmen then confined in the Huntsville penitentiary. He refused to comply and wrote General Oakes in regard to it as follows:

I most respectfully submit that my duty as chief executive of this state, having in charge the due enforcement of the law and the well being of every class and color, precludes the indiscriminate action on my part that is desired.

He explained that the freedmen were confined in prison for such offenses as murder, rape, attempt at rape, arson, robbery, burglary, assault with intent to murder, aiding prisoners to escape from jail, and theft. Many of them were confined for theft, but it was true also that most of them had been given the shortest term possible under the law. The request of Griffin had been prompted by the report of the Freedmen's Bureau. It seems that the agents had questioned the negro prisoners and had accepted their testimony without question. Throckmorton said this was a novel proceeding to ask the release of a prisoner on his own testimony, but assured Griffin through Oakes that if it could be shown that any prisoner deserved executive clemency, a pardon would be issued. This incident occurred just a few days prior to Griffin's request for the Governor's removal, and doubtless greatly influenced him in making it.

Throckmorton admitted that Sheridan had some cause to strike at him. In a letter to Charles R. Breedlove, he said:

He (Sheridan) has some reason for taking a lick at me. I have denounced his course in my correspondence to Washington. In one of my letters I said that the great misfortune the South labored under was being cursed by military satraps who had not the sense to appreciate the condition of the country, and whose hearts never had a patriotic pulsation.

Such language was not calculated to remove ill feeling and distrust which existed. Furthermore, Throckmorton distrusted Griffin, and in a letter to Epperson, he described him as follows:

He is a dog, mangy and full of fleas, and as mean as the meanest radical in Texas, and that is saying as mean a thing of a man as can be said.⁵⁶

As far as Throckmorton was personally concerned, removal would have come as a relief to him. He had not wanted the governorship in the first place, and the ceaseless toil and cares of the office—without the least assurance of the accomplishment of anything in the face of arbitrary military government—had borne heavily upon him since the day of the inauguration. As early as December, 1866, he wrote to Judge Burford of Dallas that he desired to resign:

I am much obliged for your friendly letter, because, it is seldom, you know that I get anything, except applications for mercy or office, or dreadful stories of the sufferings of the country; therefore a letter (of) genial exchanges of sentiment, falls upon my heart with more than usual gratification. The agreeable account you give me, of the high estimation in which I am held by the people, is truly a consolation. It is the only reward I seek or desire. It is all I can promise myself. The deprivations of home and unselfish friends, the loss of business, and the hard lot of abject poverty, to which I am doomed, at this juncture of life, when I should be working day and night for a growing family, makes it truly a severe task for me to remain here. Nothing but the condition of the country would keep me here twenty-four hours. If our future was bright, and I could resign the cares of my present position in a manner that would be acceptable to those whose confidence placed me here, I would gladly leave it, and feel greatly rejoiced to do so.

In a letter to his cousin, James E. Throckmorton, he gave expression to this sentiment which had been a weight upon his mind. In reference to his consent to

⁵⁶—Throckmorton to Epperson, September 5, 1867, *Epperson Papers*.

make the race for governor and his experiences as chief executive he said:

I recognize the duty which everyone owes to his country in times of need and peril. But I long for repose, for peace of mind and quietude. I know I shall have the consolation of serving my country faithfully, and I do not doubt the approbation of my people. But I am harassed by the thought and cares of a heart lacerated with a knowledge of *wrongs imposed upon an outraged and suffering people, which I may witness, but have no power to avert.*

He brooded over the sorrows and sufferings of the people he loved but could not relieve. He thought of resigning long before his removal, but he did not believe his resignation would bring any relief. When it became a certainty that the reconstruction bill, which provided for the organization of the South into five military districts, would become a law, his judgment and inclination dictated his resignation, but several difficulties arose. "Should I resign who would fill my place?" he wrote to Diamond. He did not believe that the military authorities could legally remove or appoint officers to fill the vacancy, but he believed they would do both. He feared the appointment of a radical to succeed him if he should resign, and furthermore his resignation would cause a stampede among the other officers. He decided, therefore, to remain in the office until removed.⁵⁷ The cares of the office, however, continued to burden him; and on April 29, he wrote Robinson that he was weary and "almost ready to give up the ghost. Almost every hour brings new troubles from the military." Removal, therefore, though humiliating, would have been welcomed by one so harassed by toils without compensation.

It is true that Throckmorton personally desired to give up the office; but, because he feared what would

57—Throckmorton to J. J. Diamond, April 16, 1867, *Transcript*.

befall the state if he resigned or was removed, he was willing to use drastic means to remain in office. He was inclined, even, to resort to the bribing of officials at Washington if it could be done. In regard to this he wrote Hamilton Stuart, editor of the *Galveston Civilian*, as follows:

I have a letter from George White at Washington which satisfies me that our friends intend to see what can be done with the use of money to save us from destruction. I have consulted with Hancock & he thinks we ought to make an effort to supply some funds. We both concurred in the propriety of writing to you to ascertain if you approved it, & if so, to get you to engineer the matter at Galveston. My suggestion is, that whatever may be obtained, say in your city, be placed in the hands of some friend there—and some of our friends in Washington be notified of the am't with instructions to draw for it &c. Judge L. D. Evans would be safe & reliable & would not use it without its legitimate application.

Hancock writes to Terrell at Houston on the same subject. Another gentleman will see what can be done in San Antonio. What is done in this way should be done at once. Mr. Epperson is gone north now & he might be kept in Washington if Congress meets. It is a dreadful state of affairs that renders such a course necessary—but I see no other way to save the government. It exists now only in form. Sheridan's late letter to Grant is indicative to me of a serious intention on the part of the radical party backed by their military friends to seize all the powers of Government, impeach the President, destroy the judiciary & give Congress all power . . . and the boasted free Government of this people becomes a by word, a mockery & a jest. I am filled with the gloomiest forebodings.⁵⁸

After writing to Stuart, Throckmorton approached some members of the legislature in regard to an appropriation for "unforeseen but certain" contingencies; but he was not encouraged in the project because of lack of money.⁵⁹

As time went on the probability of Throckmorton's removal increased, and on July 19 the second supple-

⁵⁸—Throckmorton to Hamilton Stuart, July 2, 1867, *Throckmorton's Private Correspondence*, Archives, University of Texas, Austin.

⁵⁹—Throckmorton to George White, July 14, 1867, in *ibid.*

mentary reconstruction act became a law. This law invested the military with the full power of removal, and thus removed the only obstacle in the way of the ousting of the Governor and his whole administration. Therefore, on July 30 Sheridan issued an order for his removal. The curt note of dismissal read as follows:

A careful consideration of the reports of Brevet Major General Charles Griffin, United States army, shows that J. W. Throckmorton, Governor of Texas, is an impediment to the reconstruction of that state under the law; he is therefore removed from that office. E. M. Pease is hereby appointed in place of J. W. Throckmorton, removed. He will be obeyed and respected accordingly.⁶⁰

The news of the removal was received with glee in the radical camps both in Texas and out. Comments were freely made in the press. The *Houston Telegraph* explained his removal by saying that he "fell because he weakly allowed himself to be controlled against his judgment by some who, however proper their motives, had not a tithe of his good sense." In searching for the real reason for the removal of Governor Throckmorton, the explanation given by Andrew Johnson is found to be significant. The Washington correspondent of the *Boston Post* asked Johnson if he did not think that Throckmorton had attempted to thwart General Sheridan in the proper execution of the reconstruction laws. President Johnson answered:

No, sir, the records prove the reverse. The governor of Texas placed the whole civil machinery of his state at the disposal of the military power, and aided it in every way possible, except in the manufacture of a radical majority of voters and in securing negro supremacy. That was Governor Throckmorton's sinning and for which he was arbitrarily removed by General Sheridan.⁶¹

The *Cincinnati Gazette* in anticipation of his removal

⁶⁰—*Throckmorton's Address*, 1, 2, Part of Special Order Number 105.

⁶¹—*Houston Daily Telegraph*, September 3, 1867.

said that "if Sheridan removes the Texas bogus state officers he will remove as pestiferous a set of rebels as ever poisoned the air they breathed." In commenting on the removal, the *Gazette* further said that the removal was necessary to restore peace and that Throckmorton's rule was but the continuation of "unchastened defiant rebellion"⁶²—a statement which his record shows to be without foundation.

⁶²—*Cincinnati Daily Gazette*, July 30, 1867, and August 3, 1867.

CHAPTER EIGHT

RADICALISM

Now they are arrogant, insulting, and right or wrong they are determined to perpetuate their power.

—THROCKMORTON'S STATEMENT REGARDING
NORTHERN RADICALS.

• •

What might suit them would be a constitution framed in Washington and conferred by Congress on the state, with a clause proscribing every Democratic voter.

—THROCKMORTON IN DALLAS WEEKLY HERALD,
AUGUST 14, 1869.

• •

To give to the world the names of all the criminals in Texas would be like publishing a Democratic directory.

—DAILY JOURNAL.

• •

As certain as a convention is held under present auspices a constitution will be framed that will drive us out of the country.

—THROCKMORTON'S PREDICTION.

CHAPTER EIGHT

RADICALISM

THROCKMORTON relinquished the office of Governor to Pease on August 8, and then busied himself with the preparation of his *Address to the People of Texas*, which occupied every moment of his time until August 10. One week later he set out for home. His eagerness to get away from Austin was eloquent testimony of his deep satisfaction upon being relieved of the responsibility of the Governor's office. "I was so glad to get away that I tarried not a moment longer than I was compelled to," he wrote to Epperson. "Throckmorton has settled down quietly at his home in Collin County," ran a news item in the *Dallas Weekly Herald* of November 9, 1867. Throckmorton had been in public life almost constantly for fifteen years and had not given his private affairs adequate attention; consequently he found himself in an embarrassing financial condition. "My sojourn at Austin left me twelve hundred dollars worse off than it found me, notwithstanding my economy," he wrote Epperson. He was forced to sell his gold watch — an old keepsake—to get a little currency. Though his condition was bad and his heart heavy, he set about his work with courage. He wrote Epperson further that "My business prospects — for work, but no immediate pay — good. I shall be much pressed for means to pay my debts and get along — but my health was never better, and with reasonable peace to the country I feel that I shall work through."

Throckmorton had not been out of the governor's office very long until he again became embroiled in the

political upheavals of the time. The reconstruction act of March 23, 1867, provided that the commanding officer in each district should cause a registration to be made of all qualified voters, and that an election should then be held at which election each voter should vote for or against a convention. Accordingly in the summer of 1867 this registration took place, but the call for the election was not made. Anticipating this call, however, the conservatives began their plans to prevent the call of the convention.

Throckmorton led the conservatives in the fight and threw the whole weight of his influence against the convention. Two motives actuated him in his procedure. In the first place, he felt that a great injustice had been done to Texas by the radicals of Congress in destroying the state government which had been set up. Mingled with this wounded patriotism, no doubt, was his own wounded pride at his summary and obviously unfair removal from the governor's office. In regard to this he wrote:

When it (the war) closed I remembered our northern countrymen as they were in '76. I thought of them as the children of a glorious race of men. I believed they could be magnanimous. I could not see that they had any charity or forgiveness to exercise—for unquestionably they were just as much to blame as those in the South who precipitated it. I went to work to reproduce a love and veneration for the government among our people, and to restore the ancient good feeling among the people of the two sections—and unquestionably that feeling was very generally strong, and growing for the next 15 or 18 months after the surrender. [This would include the period of his administration.] But since Congress commenced its programme in earnest to disfranchise thousands of the best and most intelligent of our people — making their former slaves in a political sense their superiors — and providing the means whereby the white race of the South are to be ruled by the negroes, the feeling of regard for our northern brethren has very sensibly decreased. Now they are arrogant, insulting and right or wrong they are determined to perpetuate their power.

In the second place, Throckmorton had become disgusted with the unfair way in which the radicals had manipulated the reconstruction laws, which would have been obnoxious enough if fairly and judiciously administered. Registration under the law of March 23 was so supervised by radical supervisory boards as to exclude many who were entitled to register. The law excluded those who had served as executive or judicial officers of the State and who had afterward engaged in rebellion against the United States. By Sheridan's interpretation, given in a secret memoranda, all persons were disqualified from voting who had held any office, from the highest in the state to the lowest in the city. Throckmorton wrote to Epperson that registration in Texas had been a complete farce, and charged that men were excluded for obviously unfair reasons. He wrote further:

Men are rejected because they say they do not approve of the late laws of Congress—others because they voluntarily aided the Confederacy—others because they say they do not believe a negro as good as a white man. Thomas causes his district to reject lawyers. It makes no difference what a man done (*sic*) or what office he held before the war if he is a radical now he can register. Some men are rejected because Union men or negroes charge them with offenses committed during the war—so under the management of affairs here, my personal opinion is that our folks should vote against the convention. As certain as a convention is held under present auspices a constitution will be framed that will drive us out of the country.

The boards were not satisfied, he said, with simply turning away thousands who were qualified to register, but went further and allowed every negro who was sixteen years of age or older to register and some of them twice.

On these same subjects of registration and a convention he expressed himself clearly to Ashbel Smith.

In this district lawyers, on account of their oath as attorneys, have been refused registration. The most impertinent

questions have been asked of others—as to which party they sympathized with during the war—if they would support the present and future laws of Congress—if they think negroes their equals, and if answers were not in accordance with the notions of loyalty of these petty scoundrels the parties were refused registration.¹

He said that a convention under such conditions would be the “death knell” to Texas, and would result in a constitution which would “bind the people of the state to the domination of negro rule and the malignancy and hatred of the white gentry who are dependent on the negro for support and consequent power.” He wrote Smith further that if a convention were called, all those who were then prohibited from voting and holding Federal office would still be among the disfranchised and would further be debarred from holding state office. Through such wholesale disfranchisement the radicals would control every branch of the government, and the state would have

a radical governor and state officers — a radical legislature to make the state laws, and a radical judiciary to expound them, and radical juries composed of the meanest class of God’s creatures, and negroes to enforce them, and radical members of Congress to aid in the subversion of the constitution and in the centralization of all Federal power in the hands of an unscrupulous Congress.

Throckmorton, therefore, in view of the calamity which might befall the state if a convention were called, decided to oppose it. He had been urged to make his views known in a signed letter to the public, but he had refrained from doing so because he feared that his motive would be misconstrued, and he knew that the radicals would ascribe his opposition to ill feeling caused by his removal. In the letter to Smith, above referred to, he expressed this view and made it plain that the letter was not for publication; but Smith ignored this request and

¹—Throckmorton to Ashbel Smith, September 21, 1867, printed in the first issue of the *Texas State Gazette*, October 26, 1867.

published it in the first issue of the *Texas State Gazette*. Epperson wrote Throckmorton that he thought Smith did right in publishing the letter. Throckmorton replied that he did not think so, but that he was willing for his views to be made known if it would help the cause any.²

Soon after the publication of this letter, Epperson wrote Throckmorton to remain aloof from the work of reconstruction, especially if he could not support it. Throckmorton valued the counsel of Epperson, but in view of the gross maladministration of the Act of March 2, and the supplements to it, he could not refrain from opposing it. He left nothing undone which was calculated to help defeat the law — particularly the calling of a convention. Aside from the Smith letter, he wrote the editors of most of the papers in Texas and enlisted their support in the campaign. He led off in a long article in the *Galveston Civilian* against the convention and kept it up in other papers in almost every conceivable form, though few knew that he inspired or wrote the various articles which appeared. In the campaign articles he advocated that the voters defeat the convention by remaining away from the polls, and in case of failure to do this, that they defeat any constitution which provided for negro suffrage. These things he did before the election was called.

On the day that Throckmorton left Austin for McKinney, Sheridan was transferred from the Fifth Military District, and General G. H. Thomas ordered to take charge. On August 27 General W. S. Hancock was substituted for Thomas, because of the ill health of the latter; but he did not assume command until November 29. In accordance with the Reconstruction Act of March 23, 1867, Hancock, on December 18, ordered an election to be held at each county seat in the following February to determine whether a Constitu-

²—Throckmorton to Epperson, September 5, 1867, in *Epperson Papers*.

tional Convention should be called and to elect delegates to it. He also ordered that the registry lists should be reopened and revised during the first five days of January, 1868.³

This daring plan of defeating the convention by staying away from the polls gave some promise of success until some of the leaders became alarmed because they feared that the radicals were certain of victory if the policy of refusing to vote were followed. In this panicky state a call was issued on January 2, 1868, for a conference of all conservatives to meet at Houston on January 20 to agree on a plan of action. Throckmorton did not attend; nor did he think the convention idea a wise one, for it was really too late for such action. When the convention assembled, only twenty counties were represented. It did not long remain in session; but in a long resolution it invited other parties to assist in preserving white supremacy, and outlined a policy for the voters to follow. The resolution read, in part, as follows:

We cheerfully concur with all parties who are opposed to the Africanization of the State.

Believing it to be the determination of the radical party to create a convention we recommend that the people of the state entitled to register do so and vote against a convention to guard against the contingency of its being successfully carried; and that they vote at the same time for the election of delegates to the convention on the basis of creating a constitution without negro suffrage.⁴

Such a plan, wise or unwise, had little chance of success because there was not enough time left before the election to make it known. The radicals may well have rejoiced at the calling of the Houston convention for the result of it was to bring out enough votes to make the meeting of the convention a certainty.

³—Ramsdell, *Reconstruction in Texas*, 180, 181, 195-196.

⁴—*American Annual Cyclopaedia*, 1868, pp. 729-732.

The business of registration was finished in January, and the election was held in February. The radicals were overwhelmingly victorious. The vote for the convention was 44,689 and 11,440 against it, making the total vote cast 56,129. Those who registered but refused to vote numbered 52,964. Thus the total vote was slightly more than half the total registration. If 1,583 of the 10,622 whites who voted against the convention had remained away from the polls the convention would have been defeated.⁵

The convention met on June 1, 1868, and organized by electing E. J. Davis, bitter radical, to the presidency, and W. V. Tunstall, secretary. Though composed largely of loyal Republicans, it soon became manifest that the assembly was divided into two factions which entertained widely different views on important questions — so much so that reconciliation seemed improbable. The factions disagreed on the status of legislation between February 1, 1861 — the date of the secession ordinance — and the close of the war. General Griffin had been petitioned by a number of persons to declare by military order all acts between those dates null and void from the beginning. The group which supported this view was dubbed the *ab initio* or radical party, and was led by Morgan C. Hamilton and E. J. Davis, whereas the moderate wing of the radical party was led by A. J. Hamilton and Colbert Caldwell, both members of the Supreme Court of Texas.⁶ Questions other than the *ab initio* nullification of legislative acts divided the party. The questions of the disfranchisement of the whites (ex-Confederates) and of the division of the state also drove the members into two hostile camps. For three months these opposing factions wrangled over

⁵—For a convention — whites, 7,757; negroes, 36,932; total, 44,689. Against a convention — whites, 10,622; negroes, 818; total, 11,440. Persons registered who failed to vote numbered 52,964; whites, 41,234; negroes, 11,730. See Ramsdell, *Reconstruction in Texas*, note 1, p. 199.

⁶—Ramsdell, *Reconstruction in Texas*, 200, 201.

these problems and made little progress toward framing a constitution. Failing to agree, the convention, therefore, adjourned on August 31 to reassemble on December 7.⁷ When it reconvened, the differences seemed more irreconcilable than ever, and the debates became bitter. Finally the more liberal party — combined with the twelve conservative members from the north and northeastern counties — aided constantly by Throckmorton, Epperson, and other conservatives outside the convention, prevailed; and the *ab initio* and radical disfranchising group was defeated. The convention ultimately broke up in disorder, but not until it had ordered an election for the first Monday in July, 1869, for the purpose of voting on the new constitution and of electing state officers.

There immediately ensued a controversy between the liberal Republicans and Democrats on the one hand and the Radicals on the other, over the postponement of the elections. The Radicals did not want an election at all, as the constitution was not to their liking, and, furthermore, an election might deprive them of some state offices, although this was very improbable. This contest was brought to a close when President Grant failed to approve such an early date and deferred the election to November 30, 1869.⁸

In the meantime the conservatives were busy with political matters preparatory to the Federal elections of 1868 and the election in Texas whenever it should be called. The State Executive Committee which had been appointed by the Houston convention met at Austin on May 18, 1868; and on May 19 the committee announced the names of those who were to represent the Democracy of Texas at the National Convention at New York, July 4, 1868. B. H. Epperson of Red River, Ashbel Smith

⁷—Brown, *History of Texas*, Vol. II, 449.

⁸—Bancroft, *History of the North Mexican States and Texas*, Vol. II, 497-499.

of Harris, S. Powers of Cameron, and Gustave Schleicher of Bexar were to be the delegates at large, with Carter, Throckmorton, Hancock, and Shannon as alternates. The committee further called for a conservative convention to meet at Bryan on July 7, and issued an address urging vigilance and the organization of conservatives in every county, town, and hamlet in Texas.⁹

The pre-election campaign really began with the conservative convention at Bryan long before the date for the election had been set. The convention met on July 7, 1868, elected Throckmorton as president, attended to matters concerning the national election in November, and then turned to state affairs. Since the party was practically certain of defeat, it was virtually decided not to put any candidates in the field for state offices, but to support a representative of the conservative Republican group, since it was believed that the Democrats held the balance of power between the two factions of the Republicans. Throckmorton addressed the convention at its close, and in a bitter denunciation of radicalism he heralded a plea for a united front against radical supremacy. He returned to McKinney and arrived at Dallas late in the evening of July 18 accompanied by Ben Epperson. A large gathering assembled at the court house that evening, and Throckmorton again attacked the military despotism and urged the careful organization of all true conservatives.¹⁰ He continued his efforts against the radicals privately and in public addresses at Paris, McKinney, and elsewhere until the convention adjourned. He then took the stump for the adoption of the constitution, and for A. J. Hamilton for governor. He opposed the provision of the constitution which provided that one-fourth of the tax and revenue from the sale of lands be used for the support

⁹—*Dallas Weekly Herald*, May 30, 1868.

¹⁰—*Dallas Weekly Herald*, July 25, 1868.

of schools because such a policy invited extravagance and embezzlement. He further opposed the immigration policy embodied in the constitution. Though opposing these provisions, he thought the interest of the conservatives and the state would best be conserved by its adoption. He tried to unite all conservatives for the constitution because his political enemies were against it; and in their opposition they were aided by the United States officials who postponed the election until November 30. The radicals were attacked because of this action, which mortified the people on account of the unnecessary delay and the continuation of military government. In regard to this Throckmorton said that "the extreme Radicals do not want an election at all. The constitution is not to their liking, although there were only eight democrats in the convention which framed it. What might suit the radicals would be a constitution framed in Washington and conferred by Congress on the state, with a clause proscribing every democratic voter."¹¹

The campaign for Governor was indeed bitter. The Conservative-Republicans and the Democrats supported A. J. Hamilton and the constitution, while the radical Republicans put forth E. J. Davis. The election lasted four days. The constitution was adopted by a vote of 72,466 to 4,928, of which approximately 47,000 were cast by colored voters. Davis received 39,901 votes while Hamilton received 39,092.

The fight to defeat Davis ended in failure, and it had to be resumed on other battle grounds. Pease, opposed to the mixed rule of the civil and the military, had resigned on September 30, and for more than three months the office was administered by an adjutant. On January 8, 1870, General Reynolds appointed Davis to the office of "provisional" governor until he could be formally inaugurated for the constitutional term.

¹¹—*Dallas Weekly Herald*, August 14, 1869, quoting the *New York Herald*.

On July 9, 1870, a Democratic conservative meeting was held in Major John A. Green's office at Austin. Ben Epperson was called to the chair on motion of Captain McLane. Several addresses urging a more thorough organization of the Democratic and Conservative people of Texas were made, and then Throckmorton introduced a resolution which laid the foundation for the future conservative fight on E. J. Davis. This resolution, which was adopted, provided that the chairman should appoint a committee to draft a call to the Democratic and Conservative masses of the state to a state convention, and that the committee further decide on the time and place of meeting and report back to an adjourned session on Saturday night, July 16.¹²

In accordance with the Throckmorton plan a second meeting was held on July 16, at which meeting a committee was appointed to draw up an address and a list of grievances. William M. Walton was appointed chairman of this committee.¹³ The grievances outlined in the address presented to the body at a third meeting on July 21 were numerous. They charged against Davis and the Davis regime that they had expelled duly elected members from the legislature and had seated in their places men who were not elected by majorities; had delayed prosperity by deterring immigration; created a multitude of new offices and swarms of new officers to harass the people; delayed necessary legislation and passed odious and oppressive laws to perpetuate the rule of tyranny; authorized a police force of 250 to prey on the people; aided in organizing secret political parties; vested too much power in the Governor; proposed to establish newspapers to preach their political heresies; planned to extend their term of office beyond the period prescribed by the constitution; arbitrarily put senators

¹²—*Dallas Weekly Herald*, July 30, 1870.

¹³—Walton was a strong friend of Throckmorton and served as his attorney-general during his governorship.

and representatives under arrest and while they were thus deprived of a voice in legislation, passed the militia bill, police bill, enabling act, registration act, election laws, and other laws no less odious; and had involved the state in enormous debt. Accompanying the list of grievances was an address advising the people to hold public meetings throughout the state to protest against the continuance of such laws as seemed to them oppressive and to petition the governor and the legislature for their repeal and Congress for a government representative in form.

Soon after this meeting in Major Green's office Throckmorton went north in the interest of the Memphis, El Paso, and Pacific Railroad and did not return until the late fall of 1870. In the meantime the plans for a meeting of the masses in a state convention did not go forward, due to a lack of leadership or to the fact that the time was not ripe. It was not until August 5, 1871, that the plans initiated by Throckmorton in July, 1870, were carried forward. On that day a group of citizens, taxpayers of the state, held a meeting at Austin. The members of this caucus issued a call to the people of every county in the state to hold meetings of protest against the exorbitant expenditure of the State's money; to elect delegates to meet in a state convention at Austin, September 22, 1871; to memorialize the legislature on expenditures and on taxation; and to force the legislature to call an election in compliance with the provisions of the constitution.¹⁴

According to the plan suggested, mass meetings were held throughout the state and delegates were chosen in ninety-four counties, Throckmorton being chosen by the voters in Collin County. The delegates

¹⁴—*Tri-Weekly Statesman*, August 10, 1871. Call signed by such men as Pease, Ashbel Smith, M. C. Hamilton, William M. Walton, N. G. Shelley, and others. The call was made regardless of party, and was made to solidify the opposition to Davis.

began to arrive early in the week ending September 23, and aroused much criticism from Davis quarters and particularly from the Davis newspaper the *Daily Journal*. This paper in an editorial on September 22 had the following comment on the convention and its members:

The tax-howlers are gathering much to the delectation of whiskey sellers. These fellows can't pay their taxes, but have money enough to travel hundreds of miles and pay heavy bar room bills in order to add a little fuel to the Ku-Klux disaffection and hostility that disfigures and disgraces the state. In after years to have been a member of the tax-howlers will be counted as discreditable in Texas as a copper-head is now in New England.

The article further declared that the convention was a Democratic ruse to collect from all parts of Texas the "sore-headed and chagrined politicians in order to devise measures to betray the state."¹⁵ The *Journal* also observed that no good could possibly come from "any movement supported by Throckmorton, Pease, Hamilton, and others of the unreconstructed rebel type."

The Hall of the House of Representatives was made available for afternoon and night sessions of the convention, and the first meeting was held there at two o'clock in the afternoon of Friday, September 22, 1871. French Smith of Guadalupe County called the meeting to order, George B. Erath of McLennan County was elected temporary chairman, and W. M. Rust was elected secretary. On the motion of Mr. Cullen of Dallas, E. M. Pease was chosen permanent chairman by acclamation.¹⁶ The election of Pease brought forth an editorial of ridicule from the *Daily Journal*. Though the call for the convention was non-partisan and was signed

¹⁵—*Daily Journal*, September 22, and 23, 1871. In the *Journal* of September 26, the convention was given the following appellations: Convention of soreheads; Tax-Howlers Convention; Great non-tax-payer's convention; the Democratic Ku-Klux Tax-Howlers Convention; Toothless snarlers and impatient failures of the Rebellion; Convention of disorganizers; the People's Pensioners; The Disloyal Democracy; The Rebel Tax Convention; Austin Ring Convention.

¹⁶—*Democratic Statesman*, September 23, 1871.

by several good Union men, it was decidedly and overwhelmingly a meeting of Democratic ex-Confederates. The *Journal* pointed out that the convention had chosen for its president a man who, as Governor in 1868, had urged the convention to disfranchise temporarily a sufficient number of those who participated in the rebellion to place the political power of the state in the hands of those loyal to the United States. He had further recommended seriously a "liberal provision by taxation upon property for the immediate establishment of public free schools for the education of every child in the state," a thing which the convention had now met to prevent.

Little was done at the Friday afternoon session. Judge Ireland moved the appointment of a committee of twenty-one to consider and report business for the convention. This motion was adopted, but the committee was not immediately appointed. Throckmorton realized that an attitude of conciliation toward Davis and the legislature was important if the convention hoped to bring about any reforms, and early sought to provide for a medium of communication between them. Consequently, he introduced a resolution which provided "that a committee of seven be appointed to confer with his excellency E. J. Davis upon the subject of the reduction of expenditures of the state government, and to invite his cooperation in securing that object, and that the same committee be authorized to confer also with any committee which the honorable legislature may appoint for a similar purpose, and that such action on the part of the legislature be most respectfully invited." This resolution was adopted. Only one other matter came up for discussion at the afternoon session. Mr. Daugherty of Cameron County moved the appointment of a committee of one delegate from each congressional district to ascertain from the Adjutant General's office the number of persons under indictment from each

county who were evading arrest. This motion was rejected on motion of A. J. Hamilton. The rejection of this resolution gave the *Daily Journal* an occasion for a fling at the convention. "Such an unveiling of family matters," it observed, "would not be advantageous to the Democracy. To give to the world the names of all the criminals in Texas would be like publishing a Democratic directory."¹⁷

The second session of the convention was held at seven o'clock, at which time Mr. Pease announced the personnel of the various committees. A. J. Hamilton headed the committee of twenty-one; and associated with him were such men as Throckmorton, Ireland, M. C. Hamilton, Walton, and T. J. Chambers. Throckmorton was made chairman of the committee of seven to confer with Davis. In addition to these two committees the president appointed one on statistics, with Judge Upson as chairman. As committee work was about all that the convention could do, it was decided to adjourn until two o'clock Saturday, at which time committee reports would be heard.¹⁸

At the session Saturday J. J. Hand was added to the committee to wait on Davis, and Hamilton reported that the committee of twenty-one had been divided into three sub-committees for convenience in doing its work. He reported further that the committees could not make reports before Monday, whereupon the convention adjourned until seven o'clock of that evening.¹⁹

Between the time of the adjournment of the convention on Saturday and its convening on Monday night an incident occurred which somewhat colored the proceedings on Monday. On Saturday night a mob or-

¹⁷—*Daily Journal*, September 23, 1871.

¹⁸—"Proceedings of the Taxpayers' Convention" in *Texas Pamphlets*, 1870-1876, Archives, University of Texas, Austin. Hereinafter referred to as *Proceedings*.

¹⁹—In the issue of the *Journal*, October 3, 1871, the convention was derisively compared to the secession convention in that both had a committee of twenty-one and also three sub-committees.

ganized itself at Buass Hall on Congress Avenue and marched to the capitol. Among them were about one hundred negroes. At the capitol Davis addressed the crowds and in his speech made reference to the purification of the capitol after the adjournment of the convention. The *Democratic Statesman* gave an account of the affair and attributed the following speech to E. J. Davis:

Fellow citizens (100 were negroes): In ancient times it was the custom of the people to purify their temples when defiled, by burning and sprinkling incense round about the same. This temple, our Capital, has been polluted by the presence of the tax payers of the state, and therefore it devolves upon you, my colored brethren, to purify the place. As we have no incense, I would suggest that you form in double ranks and march around the Capital singing those glorious hymns of freedom with which you are so familiar.

According to the *Statesman's* report, the one hundred negroes followed the suggestion of Davis, and marched around the capitol singing, "John Brown's Soul Is Marching On" and "Rally 'Round the Flag, Boys."²⁰

Although the above report is evidently prejudiced, that some such action as described by the *Statesman* took place there can be no doubt. At the Monday meeting C. S. West of Austin, a member of Throckmorton's committee of seven to confer with the Governor, resigned his position on the committee. He explained his resignation by saying that "I consider this an insult to the memory of the able men who have held that office before him. For this conduct on his part, I feel that personal respect and the duty I owe my constituents demand that I resign from that committee, and I trust the first act of this convention will be to rescind the appointment of the committee of conference with the Governor." As further proof of the obnoxious conduct of Davis, Throckmorton, at the seven o'clock Monday session, offered a

²⁰—*Democratic Statesman*, September 26, 1871.

resolution which called for the release of the Committee on Conference with the Governor "in view of the flagrant indignity offered the convention by Governor Davis on Saturday evening last, in remarks made by him as to the purification of the Capital after the sitting of the convention, and his conduct in connection therewith."²¹ In offering this resolution Throckmorton explained that he had witnessed the Governor's action only in part. The resolution was laid on the table by a vote of 71 to 56.²²

Reports of committees followed. The sub-committees appointed to report grievances returned a list of about twenty, the list being almost identical with that drawn up by the Austin meeting the year before. The arrest of some members of the legislature and the expulsion of others by the legislature; its establishing of numerous new offices; the failure of the executive to call an election; the passage by the legislature of the enabling act which made elective officers subject to appointment by the executive; and many other grievances were deprecated by the committee in its resolutions, which were readily adopted by the convention. In connection with the list of grievances Throckmorton, as a representative of one of the sub-committees of the committee of twenty-one, read a series of recommendations and asked the convention to adopt them. They recommended as follows: that the people refuse to pay the one per cent school tax, as it was illegal and void, and that they pay only one eighth of one per cent as levied by the legislature; that the committee prepare an address to the people of Texas advising them as to exact means of resisting illegal taxes; that if the governor and legislature should disregard the recommendations of the convention, the committee should prepare a memorial

²¹—*Proceedings*, 13.

²²—*Dallas Weekly Herald*, September 30, 1871.

to the Congress of the United States; that the convention deprecate all violations of law and order; and ended with an appeal to the world for support and aid.²³

There was considerable debate on the third resolution. It was always a vital question as to what the mode of redress should be in case the governor and his Republican cohorts in the legislature should refuse to comply with the demands of the taxpayers. Judge Upson of Bexar County opposed the resolution because he could not recognize the right of Congress to interfere in the internal affairs of a state. He favored the election of delegates by the sovereign people of the state to a convention to form a constitution and to set up a government for the state. He believed in a final resort to Congress only in the event that the radical element should resist the assembly of such a convention. He thought that direct appeal to Congress was a waiver of the indisputable right of the sovereign people to act in such a crisis. He was supported in this view by Judge Ireland and by Frank M. White from Jackson County.

Throckmorton thought the Upson plan was impractical because, first, he doubted if such a convention as Upson proposed would be allowed to meet, and second, if it should assemble and attempt to assume any sovereign or political power, Congress would interfere to the complete undoing of the state, and it would treat such action as open rebellion against the government. He did not attack the right of the people to intervene. Rather, his whole argument recognized the right of popular intervention, but simply waived the present exercise of that right as a matter of policy.²⁴ The plan of appeal to Congress was adopted.

One of the last acts of the convention was the appointment of a committee to memorialize the legisla-

²³—*Democratic Statesman*, September 28, 1871.

²⁴—*State Journal*, October 1, 1871.

ture. The committee was composed of W. M. Walton, Judge Ireland, J. W. Throckmorton, J. T. Harcourt, M. C. Hamilton, A. J. Hamilton, and C. S. West. On motion of Throckmorton, E. M. Pease was added to the committee. The Throckmorton committee of seven to confer with the governor which had asked the convention for release, was now dismissed, and the new committee empowered to confer. With this, the convention adjourned September 25.

The committee of seven was left to work out an address to the people of Texas and a memorial to the legislature. The address was issued on September 30. It was short and had nothing new in it. It stated that the one per cent tax was illegal and could not be collected; that the tax law was defective because it failed to name the property on which the tax was to be levied; that there was a conflict between sections five and eight, one levying a one per cent tax and the other a one-eighth of one per cent tax for the same purpose; and advised an injunction which would set forth the objections to the tax if any attempt were made to collect it. The injunction should enjoin the sheriff from the execution of a law which was null and void.²⁵

On October 2, the committee to memorialize the legislature completed its work. This memorial petitioned the legislature to reduce the state tax to one-third of one per cent, to reduce the county tax to one half that amount, and to repeal the school house tax. It asked further for the repeal of the police bill, the registration law, and the enabling act. It also prayed that the legislature pass a law calling for an election in the near future.²⁶ The last stroke of the pen on this memorial brought the work of the committee to an end, and the taxpayers convention was a part of history.

²⁵—*Proceedings*, 27, 28.

²⁶—*Proceedings*, 29, 30. This memorial was signed by all except M. C. Hamilton.

CHAPTER NINE

AMBITION

We may feel no disposition to hold office, but when politics are to govern you — when they are to shape the means that will allow you to be a free man, or a hewer of wood or drawer of water, you can not let them go to the devil.

—THROCKMORTON TO EPPERSON.

• •

Reagan wrote the Ft. Warren letter; Throckmorton voted against secession; Maxey did nothing — hence his election.

—DAILY JOURNAL ON MAXEY'S DEFEAT OF
THROCKMORTON.

• •

In 1871 defeated by J. C. Conner for Congress; in 1872 defeated by Willie and Mills for Congressman-at-large; in 1873 defeated by Coke for gubernatorial nomination; in 1874 defeated by Maxey for U. S. Senator; in 1875 — what?

—DAILY JOURNAL.



CHAPTER NINE

AMBITION

B. H. EPPERSON was perhaps Throckmorton's most intimate and most trusted friend and adviser. Late in 1867, about six months after Governor Throckmorton had been removed, Epperson wrote him and advised that he stay out of public life and "let politics go to the devil." To Throckmorton this was impossible of fulfillment. He could not leave politics alone — it was in his blood. In answer to Epperson's letter he wrote:

You say that I have brooded over the wrongs and injustices done to our people until I have become morbid, and that I need recreation. The last, but not the first, is true. I have worked all my life — my brain has been busy — mentally at times I have suffered much. It is vain for you to think you can let politics go to the devil. We may be disfranchised—that is bearable. We may feel no disposition to hold office, but when politics are to govern you—when they are to shape the means that will allow you to be a free man, or a hewer of wood or drawer of water, you cannot let them go to the devil.

The opportunity to meddle again in politics presented itself in the election of 1869, ordered by General Reynolds for November 30 to December 3, when E. J. Davis was the Radical Republican candidate for Governor, and A. J. Hamilton was the candidate of the Conservative Republican and Democratic coalition party. Throckmorton supported Hamilton, but took no unusual interest in the governor's race. His primary interest was in the Congressional race in the Second Con-

gressional District, where J. C. Conner was the Democratic candidate.¹

"The Democrats are getting out an army officer for Congress," Throckmorton wrote to Epperson. "He is an appointee of Reynolds to the County Clerkship of Grayson County — a carpet bagger of the veriest stripe and an ass. He claims to be an Indiana Democrat. Maxey, Weaver, and others are running him. I fear his election." Throckmorton's fears were well grounded, for when the election returns were given out by Reynolds on January 11, 1870, Conner was declared to be the choice from the Second District.

The election of 1869 was not the settlement but the beginning of the contest for the congressional seat in the Second District. By an act of Congress approved by President Grant March 30, 1870, Texas was readmitted to the Union; and all the senators and representatives except Conner were sworn in, Conner being later admitted to his seat. The fall of 1870 was the regular time for the election of representatives to Congress. The Davis Legislature, however, in order to extend the term of office of the radicals elected in 1869, postponed the date to 1871. In the meantime the contest raged.

Throckmorton had opposed Conner in 1869 for three reasons. First, he felt keenly the injustice which had been done the County Clerk of Grayson County — a maimed ex-Confederate soldier elected by the people — whom Reynolds had decapitated, in order to appoint

¹—Conner was born at Noblesville, Indiana, October 27, 1842. He entered the Federal army in 1862 as a Lieutenant in the 63d Indiana volunteers. He was an unsuccessful candidate for the Indiana legislature on the National Union ticket in 1866. Upon reorganization of the forces of occupation for the southern states in the fall of 1866 he applied for and obtained a captain's commission in the 41st colored infantry and served in Texas until he was transferred to the civil service by General Reynolds — the County Clerkship of Grayson County. *McKinney Enquirer*, May 27, 1871. The *Biographical Directory of the American Congress*, 840, gives date of birth as October 14, 1842.

The *Galveston News* of December 17, 1873, has the following interesting comment on Conner's parentage. "His father was an active station agent of the underground railroad. John was frequently sent to escort the dark haired fugitives from beyond the lines on their journey to Canada."

Conner as his successor. Secondly, he believed that a Texan should hold the office of representative from the Second District, and the fact that Conner was a carpet-bagger further prejudiced him. Thirdly, and perhaps most important of all, Throckmorton opposed Conner in 1869 because he wished to lay the foundation for his own entry into Congress as soon as his disabilities were removed.² He had, in fact, supported Joshua Johnson for the nomination; but after the selection of Conner by the Democrats he ceased all open opposition and made Democratic speeches over the district, although he said nothing to the credit of Conner himself.

There was as much interest in the race outside the congressional district as there was within it. The reason for this is easily found. In 1870 there were three parties in Texas — the Democratic, the Republican, and the Fusion or Coalition party. The Fusion party led by Hamilton, Pease, and others drew its support from the conservative ranks of the other two. Throckmorton leaned to the Fusion group, and the Republican leaders and the press tried to play him against the two parties in order to drive him into Republican ranks or else bring about a compromise on a good Republican candidate. On October 14, 1870, the *Houston Union* — a radical Republican organ — had the following editorial in regard to the race for Congress in the Second District:

North Texas opposes Conner. Dissatisfaction is being spread. Collin County, the *Enquirer*, and the *McKinney Messenger* are all against him. This means Throckmorton wants to go to Congress himself. But there is something deeper than all this. Conner is straight out Democratic and down on *Fusion* and so is all North Texas. Hamilton, Walton, Pease, Webb, and the coalitionists generally are seeking to get Conner out of the way to give North Texas to the *Fusion*. The *Fusion* is much the weakest party in that region, but it has all the old strong politicians with them, and then, too, the straight Democracy are at a disadvantage in having committed themselves to a little adventurer like Conner.

²—*Dallas Weekly Herald*, May 27 and June 10, 1871.

On November 9, the *Union* again returned to this North Texas political muddle. An editorial of that date ran as follows:

We sometime ago intimated that the little political monstrosity, Captain Conner,—Yankee adventurer, Federal soldier, nigger Captain, state rights, secession, rebel, anti-reconstruction, southern chivalry candidate for Congress—was going to have opposition. We understand that ex-Governor Throckmorton has determined to be a candidate to represent the Second Congressional District.

The *Union* intimated that Throckmorton's disabilities could now easily be removed and that it was unbelievable, since Conner had been picked up in the first place only to cover Democratic opposition to reconstruction under his Federal soldiership, that he would be allowed to run all the old politicians off the track. The *Union* prophesied that Throckmorton had too long "ruled the roost" in northern Texas to permit a boy adventurer to come in and "horn him off for good." The problem for Throckmorton, however, was very difficult because the press of the district, both Democratic and Fusion, had pledged itself to Conner. The *Sherman Courier*, *Cleburne Chronicle*, *Denton Monitor*, *Paris Press*, *Paris Examiner*, *Dallas Herald*, *Bonham News*, *Honey Grove Express*, *Clarksville Standard*, *Jefferson Republican*, and several others already had Conner's name at their mast heads. Conner, during September and October, had stumped the District, and had denounced Governor Davis, reconstruction, the Federal administration, and the Republican party, and had glorified the Southern Confederacy, the "Lost Cause," and the Confederate army. All this was pleasing to the people of the District, and large and enthusiastic crowds were attracted to hear him.³

Throckmorton was slow in getting his name before the public as a candidate, partly because of the universal

³—The *Houston Union*, November 9, 1870.

sentiment of the press for Conner, but mainly because his disabilities had not been removed. It was not until February, 1871, that he began to plan with his friends for the congressional race. In regard to the race he wrote Epperson:

I have been studying some way to get the *News* (Galveston) and *Telegraph* (Houston) to occasionally urge the necessity of sending me from this district, but I have not clearly seen the way. They are friendly. How would it do for you to write Ashbel Smith and make known Conner's calibre and suggest my disinclination and the propriety of the *News* and *Telegraph* speaking out?⁴

Five days later he wrote Epperson more fully on the same subject:

Our friends (yours and mine) should be active in making me the candidate—this will tend to break Conner down—already the talk of my candidacy has greatly weakened him—should my disabilities be removed and he vote against it, it will settle his hash. The moment my disabilities are removed I should be nominated by county meetings where it can be done. This would give a start at least. A convention would help. If you can manage to have the friends in Jefferson and the lower counties to take such steps it would help.

He wrote further that Epperson should open up a correspondence with James M. Hurt (a Democrat who had been allowed to retain the district attorneyship), J. C. D. Blackburn (a radical Republican), and Binkley and impress on them the importance of being active among the people. He urged him to write confidentially and to mark his letters so.

On April 9, 1871, Throckmorton wrote Epperson that his pardon (removal of Throckmorton's disability to hold office) had been defeated and that he had no showing in the race for Congress. This failure brought

⁴—Throckmorton to Epperson, February 1, 1871. *Epperson Papers*. The *Galveston News* had already spoken. The *Houston Union* of November 11, 1870, quoted the *Galveston News* as follows: "Governor Throckmorton would be a member of Congress of whom the District could justly feel proud and in his hands its interest would be well sustained."

his plans for the race to an abrupt end. The Republicans pounced with renewed energy upon this refusal to remove the disabilities and laid the blame on Conner. The *Houston Union* of May 12, 1871, carried the following:

The bill with Throckmorton's name was never read but passed the House very late in the session without reading through the efforts of General Clark. Conner clamored for the reading of the bill which would consume time. Foiled in this Conner took the bill from the clerk to delay engrossment. Defeated in this, he resorted to the Senate saying that the Amnesty bill with Jim Throckmorton's name on it should not pass and prevented its being called up in the Senate.⁵

Conner, in a very vague, meaningless letter to the editors of the *Bonham News*, attempted to deny his complicity in the affair. The letter read as follows:

Gentlemen: I see the *Houston Union*, *Austin Journal*, *McKinney Enquirer*, etc., charge that I voted against the removal of the disabilities of certain gentlemen. The charge is untrue. Please correct the error.⁶

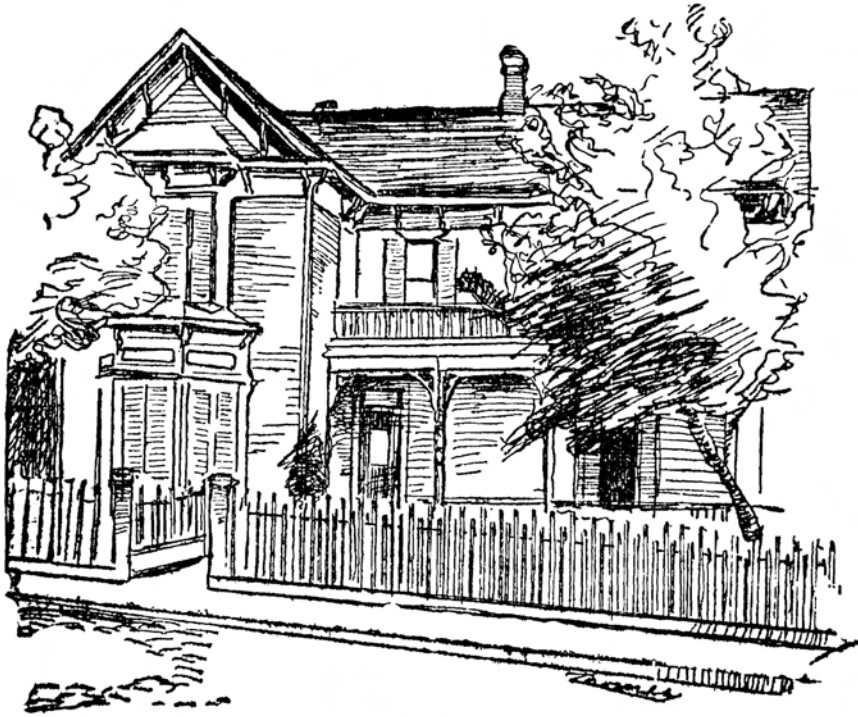
This vague denial meant nothing, and only spurred the *Union* and the *Austin Republican* to greater effort to completely alienate Throckmorton from the Democrats and to bring him into their fold and to the support of their candidate, S. M. Bryant. To spur Throckmorton to action against Conner, the *Union* said:

Governor Throckmorton has long been considered the leading public man in North Texas. Now the Democracy has suddenly thrown him overboard for a carpet bag adventurer and Union Renegade. North Texas has disgraced herself, and Throckmorton is not the man we thought him if he submits to this open insult in favor of his pigmy enemy, Conner. Governor Throckmorton was never a Democrat any more than Judge Hancock.

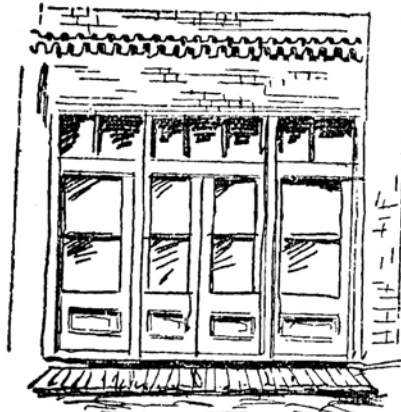
In the meantime Throckmorton was active, and he needed little encouragement from any source. As soon

⁵—The *Houston Union*, May 12, 1871.

⁶—*McKinney Enquirer*, May 6, 1871, quoting the *Bonham News* of April 28, 1871.



THROCKMORTON'S HOME



THROCKMORTON'S OFFICE

as it was certain that he could not become a candidate, he began a search to find someone who could beat Conner. He thought of J. M. Hurt, district attorney, who was of good ability, conservative, and sound. He wrote Epperson about John T. Ault, a young Democrat of Dallas, and expressed his confidence in Ault's ability to beat Conner. While Throckmorton was looking about for possible candidates, he was planning for a Democratic convention to meet in Dallas to nominate congressional candidates. He favored a convention to try to settle with Conner at once, and he wrote Epperson that "if we fail the opposition will be fixed and it will work itself out in due time."

While these more or less secret negotiations were in progress the campaign waxed hot. Throckmorton and Hurt confronted Conner on the stump throughout the district. "Hurt and I went for him and his friends at Sherman. We gave them hell generally and supecifically," he wrote Epperson. "On last Saturday I redressed him at McKinney, and at Greenville skinned and salted him." The *Houston Union* referred to this Greenville speech as "the sewer through which the filth of the radical party was being drained off." At the business of skinning and salting, however, Conner himself seems not to have been a novice. He circulated the story over the District that Throckmorton — "a chronic office seeker" — thwarted in his plans by failure to secure the removal of his disabilities, planned to try to secure the nomination of his son when the convention met in Dallas. Throckmorton wrote Epperson that Conner had started this story and added that Conner was undoubtedly "the most abominable liar ever known." The *Waxahachie Democrat* claimed that Mr. Throckmorton had written to a certain gentleman in Dallas, presumably J. W. Swindells, editor of the *Dallas Weekly Herald*, on this point and used the following language: "These

then presented a resolution of endorsement of James W. Throckmorton for Congressman-at-large or for the governorship.

The convention met on June 17 at Corsicana. Throckmorton was the strongest man in the state, as early balloting plainly showed. On the first ballot he had more votes than the total of his two opponents, who were finally nominated. After he had consistently led the field on the first six ballots, the weaker elements combined to defeat the stronger, and Asa Willie and Roger Q. Mills were selected. There was considerable dissatisfaction because both candidates were chosen from the Third District, which District cast the smallest Democratic majority of all.¹¹

When the balloting was over, Throckmorton addressed the convention in an animated speech, in which there was an absence of bitterness.

I feel that although I stand in the attitude of a defeated candidate but not of a disgraced man, I have been defeated by honorable men and in an honorable way. Although your standard has not been placed in my hands I do say that you could not have placed it in safer hands than those in which you have placed it.

There seems to have been no resentment in his speech, yet he somewhat chided the delegates for allowing one section of the state to rule the deliberations of the convention.

Galveston has been triumphant. She furnished the draft of the platform. She has nominated her congressman, and her delegation is jubilant. Galveston headquarters is in great jollification, and every fellow is crowing like a big rooster, that is, when he is not drinking champagne.

At the close of his speech (the *Northern Standard* says) Throckmorton moved that all nominations be made unanimous, which "was done with a whirlwind of applause."

¹¹—*Dallas Weekly Herald*, June 22, 1872.

dirty scamps, with Conner at their head, are the most damnable set of liars out of Hell.”⁷

The Connerites also circulated the story that Throckmorton, while in New York during the winter of 1870 on railroad and private business, had fallen under the influence of Sneed and Ray — Loyal Leaguers — and was intriguing for the betrayal of the Democratic party, for which he was to receive *money*. Such charges, though without foundation, or certainly without proof, tended to keep Throckmorton on the defensive much of the time. This last charge forced him to deny that he knew any such men or that he had ever communicated with them, and brought the *Dallas Herald* out in a tedious defense of the ex-Governor.

President Lincoln tendered Governor Throckmorton, during the war, the office of commissioner of revenue for the district of Texas. If he had desired money this certainly would have satisfied the most exacting. If he had desired the office of governor other than as the gift of the people he could have had it by giving his approval to the policy of the party of oppression.

Early in July, 1871, the Democrats held their congressional nominating convention at Dallas, at which Conner was nominated with very little opposition; and with the added prestige of a convention nomination, there was very little chance that the opposition could prevent his election. Throckmorton continued in the field, however, and made Democratic speeches; but he refused to endorse Conner. He wrote Epperson that “the Conner men have been after me to make a rally for him, but I have told them that they must fight his battles — when the proper occasion offers I will fight for the democracy but easy as to him.” The election took place at the county seats, from October 3d to 6th. Conner easily won over his Republican opponent by a vote of 18,285 to 5,948.⁸

⁷—*Dallas Weekly Herald*, June 24, 1871 quoting the *Waxahachie Democrat*.

⁸—Ramsdell, *Reconstruction in Texas*, 310.

No sooner had the polls closed in October than the Throckmorton and anti-Throckmorton factions began to squabble over the nomination of Congressman-at-large. In the meantime Throckmorton's disabilities had been removed, and as early as January, 1872, the *Dallas Herald* put him forth for the nomination. The *Sherman Courier* objected to this and insisted that it was inadvisable to discuss Throckmorton's claims in advance of his expressed desires. A few Democratic papers now attacked him because he opposed Conner in 1870-1871. The *Dallas Herald* pointed out, however, that after the Dallas convention nominated Conner, Throckmorton had supported him,⁹ though that support had been only very lukewarm.

In the meantime plans for the state elections went forward. A state convention at Corsicana was agreed upon, and preliminary district meetings were held over the state to agree on whom they would support at Corsicana. On May 6, 1872, a meeting was held at Dallas, and the resolutions of this group expressed full confidence in Mr. Throckmorton and recommended him to the Corsicana convention as one of the congressional candidates-at-large; or, if the state assembly should nominate state officers for election in November, the resolutions endorsed him as the choice of the delegates for the next Governor.¹⁰ A few days later a similar meeting was held at McKinney. Mr. Throckmorton was made chairman of a committee of seven to draft resolutions. The resolutions drafted by the committee and reported by Throckmorton declared for the "redemption of the state from misrule, oppression, and bankruptcy" of the Davis regime; invited all people of the state, regardless of political affiliations, to join in the fight; and endorsed the state convention at Corsicana on June 17. Mr. Allison, a member of the convention,

⁹—*Dallas Weekly Herald*, February 10, 17, April 20, May 4, 1872.

¹⁰—*Dallas Weekly Herald*, May 11, 1872

That there may be no misunderstanding in regard to my position I desire to say, through your paper, that I am not a candidate for governor—that under no combination of circumstances will I be before either the Democratic State Convention or the people. I came to Austin as a delegate to the convention from my county, with no other view than to work in the ranks and to promote democratic success.

The convention nominated Richard Coke for governor, and in the December election he was overwhelmingly successful over E. J. Davis, the Republican. With the nomination and election of Coke the chance for the governorship was rolled forward four years; and, if Throckmorton must have an office, as his enemies declared, he must seek it elsewhere. He had not long to wait, for the month of January, 1874, was the date for the election of Senators by the state legislature.

The contest for the senatorship began in earnest in January, 1874, with Throckmorton and Reagan as the chief candidates. The Republican organ, the *Daily Journal*, commented as follows on the race:

The great senatorial railroad war is now intense. The Texas and Pacific has its favorite in ex-Governor J. W. Throckmorton with D. B. Culberson as second choice. The International and Great Northern has John H. Reagan with Flournoy as second choice.

The *Journal* added that Throckmorton was the best of the "whole lot notwithstanding his railroad record." This partial endorsement by a disreputable radical paper perhaps did Throckmorton more harm than good.

The contest was more the result of the rivalry between two sections of the state than between two railroad companies. The North had some claim on the senatorship. It embraced about half the population, and more than one-half of the Democratic majority. Furthermore, it had never had the senatorship during the twenty-eight years since Texas entered the Union, while

No sooner had the delegates returned to their homes than Throckmorton's friends began to plan to place him before the people for the governorship when the election should be called. The *Sherman Courier* expressed the belief that many votes had been withheld from him in order to make him governor when an opportunity should present itself.

The Thirteenth Legislature met in January, 1873; and in the early spring the date for the next gubernatorial election was set for the first Tuesday in December.¹² On May 8, 1873, J. W. Swindells, editor of the *Dallas Herald*, wrote to Throckmorton and urged him to become an active candidate for the governorship, but in a letter to Swindells on May 18 Throckmorton declined to make the canvass.

You, as well as other friends, know that the support of my family depends upon my daily labor. For twenty years and more I have in one capacity or another, been in public harness. Whilst I have been devoted to the public interests, and particularly to those of my immediate section of the state, my private affairs have well nigh gone to ruin.¹³

This declination did not put an end to the talk of his candidacy, nor to the attacks on him by certain newspapers in the state. The Democratic nominating convention was to meet at Austin the first week in September, and many believed that Throckmorton would change his mind if he thought he could get the nomination. He was a delegate to the convention; and when he arrived in Austin, in order to stop speculations about his candidacy, he wrote a letter to the editor of the *Democratic Statesman* in regard to the approaching campaign.

¹²—*The Galveston News* of August 29, 1873, gave the following list of candidates for the governorship: De Morse (Clarksville), Taylor (Jefferson), Throckmorton (Collin), Devine (San Antonio), Ireland (Seguin), Adams (Dallas), Hobby (Galveston), Coke (Waco), Maxey (Palestine), Stockdale (Indianola), Flournoy (Galveston), Smith (Columbus), Reagan (Palestine), Pickett (Liberty), Henry (Smith County), Roberts, Winkler (Corsicana), Rogers (Jefferson), H. E. McCulloch, H. R. Runnels, C. B. Sabin, Jno. R. Baylor.

¹³—*Decatur Advance Guard*, June 5, 1873.

it had jealously watched the East and Southwest enjoy a monopoly of the two senatorships.¹⁴

In the legislature the Democrats had a clear and decided majority, and it was thought that a caucus would not be necessary; but it was feared that the radicals, about fourteen in number, would watch the contest between the Democrats and cast their votes at the opportune moment in order to decide the contest in favor of the most objectionable of the men. Consequently, a Democratic caucus was called on Monday afternoon, January 26. This caucus was necessary also because of the division in the democratic ranks. Senator Dillard called the meeting to order, and the radicals not entitled to stay were invited out. Guy M. Bryan, Speaker of the House, was made chairman; and the balloting on Throckmorton, Reagan, Maxey, and George Flournoy began. After the eighth ballot without a choice the caucus adjourned to meet at eight o'clock, at which time balloting continued. After the tenth ballot Reagan's friends tried to break down the two-thirds rule, one of Reagan's "time-honored principles of Democracy." This move was bitterly opposed by Epperson and Culberson, but it was finally made after the fifteenth ballot. The abandonment of this rule did not change affairs, and after the nineteenth ballot the caucus adjourned to reconvene at eight o'clock Tuesday morning.¹⁵ At this Tuesday morning caucus Throckmorton received a majority of one vote of those present, but not a majority of all elected Democrats, which by agreement, was necessary for a nomination. Consequently, the legislature proceeded to an election without any nomination having been previously agreed upon.¹⁶

¹⁴—*Dallas Weekly Herald*, June 10, 1874.

¹⁵—*Houston Daily Mercury*, January 28, 1874.

¹⁶—*Weekly Democratic Statesman*, February 5, 1874.

The fourteen radicals in the legislature were largely for Throckmorton, but they knew that there were many Democrats in the legislature who hated a radical worse than "the devil hates holy water," and who thought that a radical vote for a Democratic measure poisoned it beyond hope. This stripe of Democrat was following Maxey and Flournoy, and a few were in the Reagan camp. The radicals planned to scatter their votes and then flock to Reagan, which action they hoped would disgust the largest element in the Democratic ranks. Their plan was then to go solid for Throckmorton and give him the nomination. If this were blocked, they then planned to cause a rally to Throckmorton by declaring openly for Reagan.

Throckmorton was decidedly the strongest candidate when the balloting began on January 27. On the first ballot he received thirteen votes in the Senate and thirty-four in the House, a total of forty-seven. Reagan received nine votes in the Senate and thirty in the House, a total of thirty-nine, while Sam Bell Maxey did not receive a vote in the Senate and only seventeen in the House. Webster Flanagan, radical, received two votes in the Senate and eight in the House. The first ballot did not result in a choice, as fifty-eight votes were necessary for an election. On Tuesday night there was an informal caucus of many Democrats, at which it was decided to drop Reagan and concentrate the opposition to Throckmorton on Sam Bell Maxey of Lamar County. On Wednesday morning, January 28, the second ballot was taken, on which ballot Throckmorton received forty-four votes and Maxey fifty-nine — one more than was necessary for a choice. The vote was very disappointing, as everyone expected either Reagan or Throckmorton to succeed Flanagan. The choice of Maxey brought forth the following explanation from the *Daily Journal*:

Reagan wrote the Fort Warren letter; Throckmorton voted against secession; Maxey did nothing—hence his election. Anyone would have been better than this ultra-simon pure-secession-anti-reconstruction Democrat — Maxey.¹⁷

The *Dallas Weekly Herald*, always a staunch supporter of Throckmorton, deplored the defeat of its choice for the Senate, and launched an attack on three members of the legislature from the Dallas district — Bradshaw and Kimble of Ellis and Middleton of Tarrant — and accused them of being corruptly influenced by the Tuesday night caucus. The *Herald* dismissed the affair with a consoling editorial — an eulogy of Throckmorton:

He passed the fiery ordeal of reconstruction with the glare of wealth, high position for himself, and damnation to his people before him, and came out as pure as gold. He scorned the tempters, stood steadfast by his people, and came out poor. Passion may often ride over justice, but when these things come to be recorded as a part of the history of the state, the name of Throckmorton will be inscribed in letters of gold on the hearts of the people.

It was a part of Throckmorton's plan to make the race for Congress to represent the democracy of the new Third District if he failed of election to the United States Senate before the legislature in January, 1874.¹⁸ The combination of the weaker elements in the legislature to defeat Throckmorton, who was plainly the strongest candidate, led him immediately into the field.

There were many aspirants for the congressional honor. Captain A. J. Ball, supported by the *Weatherford*

¹⁷—The *Daily Journal*, January 29, 1874. The *Journal* also took a fling at Throckmorton in an article entitled *Throckmorton's Record*. It was as follows: "In 1871 defeated by J. C. Conner for Congress; in 1872 defeated by Willie and Mills for Congressman-at-large; in 1873 defeated by Coke for gubernatorial nomination; in 1874 defeated by Maxey for U. S. Senator; in 1875 — what?" —*Daily Journal*, January 28, 1874.

¹⁸—The Third District, a new one laid out on the basis of the census of 1870, was composed of the following counties: Grayson, Collin, Rockwall, Kaufman, Dallas, Ellis, Johnson, Hill, Hood, Erath, Eastland, Palo Pinto, Parker, Tarrant, Denton, Wise, Jack, Young, Cook, Montague, Clay and eleven unorganized counties.—*Dallas Weekly Herald*, July 11, 1874.

Times; Judge Silas Hare¹⁹ of Grayson County, supported by the *Sherman Courier*; John J. Good of Dallas, supported by *Denison News* and the *Fort Worth Standard*; Amzi Bradshaw of Ellis County; Hunt of Grayson County; and Throckmorton, supported by the leading newspapers in the district, all hoped to get the coveted prize.²⁰ The staunch support of the influential press of the Third District and of the State, together with his own popularity, made Throckmorton a great favorite to win the nomination when the district convention should convene at Fort Worth on July 29.

Judge Silas Hare formally entered the race on June 22. On June 17 Crooks, editor of the *Sherman Courier* and a bitter enemy of Throckmorton, fostered a meeting at Sherman of the followers of Judge Hare. This meeting was composed of one hundred eighteen laboring men, mechanics, and farmers of Grayson County. This group, under the leadership of Crooks, memorialized Hare to enter the race, declaring that their rights had been overlooked. An extract from the memorial ran as follows:

We want to send a man to Congress who has no personal tastes, ambitions, or interests to gratify except those of his people; a man who thinks as we do, and who will act in accordance with our expressed desires regardless of rings.

¹⁹—Hare was born in Ohio, 1827, and came to Texas in 1853. He served in the Confederate army, located at Sherman after the war, and aided in the establishment of the *Sherman Courier*. He remained with the paper only a short time. He practiced law until 1873, when he was appointed criminal Judge in the District of Dallas, Collin, and Grayson. He resigned this position, given him by E. J. Davis, to make the race for Congress in 1874.—*Encyclopedia of the New West*, 369, 370.

²⁰—*Fort Worth Daily Democrat*, June 13, 1874. The leading papers for Throckmorton: *Gainesville Gazette*; *Sherman Register*; *Decatur Advance Guard*; *Denton Monitor*; *Denton Review*; *Pilot Point Citizen*; *McKinney Enquirer*; *Weatherford Times* after Ball's withdrawal; *Fort Worth Democrat*; *Rockwall Banner*; *Cleburne Chronicle*; *Plano News*; *Sherman Patriot* (Republican); *Denison New South* (Republican); *Dallas Herald*; and the *Galveston News*. Papers without preference: *Ellis County News*; *Ennis Argus*; *Granbury Vidette*; *Stephenville Westward Empire*; and the *Terrell Press*. For Good: *Kaufman Star*; *Denison Daily News*. For Hare: *Sherman Courier*, the only paper in the whole district which made derogatory attacks on Throckmorton.—*Dallas Weekly Herald*, June to October, 1874.

We desire a man who is disconnected from all monopolies and money schemes and therefore free at all times to act for the whole people.²¹

Judge Hare answered the above communication and asserted that he was surprised at the invitation to make the race, that he did not wish political office, but that he would accept the nomination if tendered him by a convention or directly by the people at the ballot box. In this letter of acceptance he made a direct appeal for the vote of the laborer. He declared that labor was the basis of all economic good, and that all legislation should be subservient to it. He made a veiled attack on Throckmorton and a further bid for the support of labor in his condemnation of subsidies for railroads. He declared that Congress, in giving subsidies to railroad companies, wrenched all the profits from the laborer, and then insulted him by calling this cheap freights and transportation. He said:

These companies, subsidized by the Federal government, pocketing their ill-gotten gain, soon build up vast monopolies, become rich, insolent, and overbearing — enter the halls of Congress and by a judicious distribution of their favors control the passage of laws. When this be the truth well may the laborer cry for relief. It is to resist these encroachments, to throttle these insolent vampires that are sucking their life blood that the laboring class is now organizing.

As to his political principles, he claimed that his faith rested in the Democratic party. He declared for the application of these principles to all classes alike; for the subordination of all things to the interest of labor; for internal improvements at Federal expense — provided the government guarded well the interests of the laboring class; and finally, for the condemnation of every lobbyist to the prison cell.

²¹—George C. Dugan and 117 others to Silas Hare, June 17, 1874, in *Denison Daily News*, July 6, 1874.

Disregarding Throckmorton's popularity, the time was auspicious for his election. The people of the district believed that his arbitrary removal from the governor's office in 1867 entitled him to consideration; and this, coupled with the political combination made against him in the Corsicana convention in 1872 to prevent his securing the nomination for Congressman-at-large and his more recent failure to secure the senatorship because of an unfair legislative coalition, assured him a warm and enthusiastic support.

Throckmorton did not at once announce his candidacy, but it was understood everywhere that he would make the race. The *Waco Examiner* said that "Throckmorton must have something and the sooner the better." He announced his candidacy about July 1. He was not to make the race, however, without serious attacks being made on his record — without, as the *Herald* described it, "going through the smut mill." Most of these attacks issued from one source, the *Sherman Courier*, whose animosity dated back to Throckmorton's opposition to secession and to 1869 when he opposed Conner for Congress. Throckmorton had failed — with the assistance of the *KcKinney Register*, a radical sheet of the worst type — to elect Joshua Johnson to Congress. The *Courier* was the only paper in the district of thirty-two counties which made vigorous derogatory charges against Throckmorton.

The first charge made by the *Courier* was that Throckmorton had been a Democrat only since 1869. The paper asserted that he discovered through the election of that year that the Democratic party was largely in the ascendancy, and he immediately became a Democrat. Throckmorton grew up to be a Whig, as his father, W. E. Throckmorton, was an old line Kentucky Whig.

Throckmorton's record seems to refute this charge of the *Sherman Courier*. He had been elected to the legislature in 1851 and 1853 as a passive Whig, but by Demo-

cratic votes. The Whig party, never very strong in Texas had been dealt a death blow in 1852. The Know Nothing Party had grown partially out of the Whig ruins; but the party did not appeal to Throckmorton, and he became a Democrat. As a member of the House of Representatives in 1855 he had given his full cooperation in the selection of a Democratic Speaker and other Democratic officers, and had likewise given unreserved support to a democratic program.²² Throckmorton, however, evidently did not yet consider himself a full fledged Democrat, for on November 26, 1855, in debate on the floor of the House in regard to the approval of Sam Houston's vote against the Kansas-Nebraska bill, when Mr. Ochiltree, in the course of his remarks, said: "I stand solitary and alone on this floor, an old line Whig," Throckmorton arose, was recognized by the Speaker, and said: "I wish to call the gentleman to order. I claim to be in that situation myself." He was a member of the State Democratic convention at Austin in the winter of 1855, however, and helped to nominate Democratic presidential electors and a full Democratic state ticket. He was elected to the senate in 1857 as a Democrat, was again a member of the Democratic convention in the winter of 1857-1858, and was appointed by that convention as a member of the State Democratic Executive Committee. When the hectic days of 1860 came, he was a Union Democrat, and when most of the Democrats stampeded into the secession wing of the party, he tried to organize a Conservative-Union party with Reagan at its head. When the crisis came, he stayed with his party, and served in the army except at intervals when a painful and wasting disease made him unfit for service. He was a Democratic standard bearer for governor in 1866 in defiance of threats of arrest, imprisonment, and trial by a military commission. He was president of the Democratic State Convention at Bryan in 1868, at

²²—*Dallas Weekly Herald*, July 4, 1874.

which convention he was made a member of the Democratic State Executive Committee. During the period of reconstruction, particularly from 1868 to 1873, he was a leader of the Democratic Party in its death grapple with E. J. Davis and radicalism. He was a delegate to the Democratic convention at Austin in 1873 and served as a member of the committee on platform and resolutions.²³ His whole party history, with the exception of his early Whig proclivities, seems to be a fair refutation of the *Courier's* charge. Certainly there can be no doubt of his loyalty to the Democratic Party after 1860.

The *Courier's* second charge was that Throckmorton was the paid attorney of the Texas and Pacific Railroad; that his principal object in going to Congress was to promote the endorsement by the government of the bonds of that company; and that the interests of the people of Texas would be secondary with him to the interests of that corporation.

It further charged him with being a director and a stockholder in the company — a friend of monopolies and therefore hostile to the people. It is true that he was an attorney for the road and that for his services he received an annual salary of \$10,000. He was a director of the road, the only director in Texas. He was a stockholder to the amount of \$2,000. All this Throckmorton freely admitted and claimed that it was no discredit to him. If the charge of being a railroad attorney convicted one of disreputable conduct, then the *Courier's* charge was made weak by the fact that Judge Good had been the attorney of the Texas and Pacific, and Judge Hare, the favorite of the *Courier*, had been an attorney for the Missouri, Kansas, and Texas Railroad Company.

Throckmorton in his preconvention campaign over the district, answered all of these charges. Since the principal objection offered to him was his railroad record, and since this same accusation had entered into his

²³—E. W. Winkler, *Political Parties in Texas*.

defeat at Corsicana in 1872, I wish to insert here Mr. Throckmroton's defense of his connection with railroads, particularly the Texas and Pacific. In a speech at Sherman he went fully into his connection with railroads. From this speech I quote the following:

I come now to discuss my connection with the Texas and Pacific railroad. In 1852-3, after the national Congress had chartered the road from Vicksburg to Shreveport, I foresaw that there was bound to be an outlet for this road across our state to the Pacific coast. I was then in the legislature, and I introduced a charter for that road to run directly through the northern portion of the state. About this time, General Sam Houston and Thomas J. Rusk came home from Washington, and went before your legislature and insisted upon the charter for this road with a magnificent donation of land. The charter passed, thus inaugurating in Texas that road which will yet prove the greatest blessing to the state. General Rusk was your senator and may be said to have been the originator and projector of this great scheme of connecting the two oceans with rods of iron through Texas.

The illustrious Rusk, Texas' greatest and most far-seeing statesman, who, had he lived to fulfill the glorious promises of his early career would doubtless have occupied the presidential chair, was the great spirit that conceived this idea which it has taken so many years to develop, and he gave to it his earnest support. Was Rusk, whose memory is held so dear by Texans, wrong in laboring for this great enterprise? Was Houston acting in bad faith to the people of Texas in prevailing upon them to bind up this great body of land for the encouragement of this great enterprise? If so, then have I wronged the people, for I, in my humble capacity as legislator, labored to the same end.

After this I introduced the Memphis and El Paso charter, in order to have this road through our section of the state. This charter required \$500,000 in stock to be taken, and ten per cent of it paid in. Young, Morgan, Wright, and myself were the original charter members of this company. I made speeches asking people to take stock in this road, so that we might have the line surveyed and located, and attract the attention of capitalists to its importance, with the abiding faith that the time was near at hand when it would become a necessity, and would be built. We had no hope of building the road ourselves. We were not able to build railroads, but we wanted to get the route surveyed in the hope that others would then take the matter in hand and build it. It will be

remembered by some, that after this when the directors of this company brought suit against all the stockholders in this state for the full amount of stock subscribed, that I fought the suits in the courts, in behalf of the stockholders, because they were not in any event to pay more than ten per cent of the amount subscribed.

I will refer, fellow-citizens, to one other instance in which I fought for the interests of the people against this road. The charter of the Memphis and El Paso road gave them eight miles of land on each side of the road, along its entire length through the state, subject only to the claims of actual settlers. In 1858 this company came into the legislature and asked an extension of their charter. I was then a member of the senate. I came home and consulted with my people, and I found out that a great many persons had settled along in this reservation, who had no valid title to their land. Some had located their lands with fraudulent certificates, and some had no certificate, and the land which they had opened up would go to the railroad company. I went back to Austin, and I said to the gentlemen conducting that bill that they must allow me to amend the bill for relief so as to give these actual settlers twelve months within which to perfect their titles, and where parties had settled without any certificates, they were to have the right to buy certificates and locate one hundred and sixty acres of their land, to include improvements. On this question I had some of the members from the counties east of this to fight, but I succeeded in having the amendment made, and it stands upon your statute books today.

Remember, fellow-citizens, that at that time I was a stockholder in this road. I ask you if in this I fought for the railroad with which I was connected, or if I fought for the people?

Subsequent to this, the Memphis and El Paso company became bankrupt. In 1870 I went to Austin and asked from the legislature the privilege for the Transcontinental railroad company to purchase the charter and franchises of the Memphis and El Paso company. I asked no subsidy for the Transcontinental, but simply the right to purchase the Memphis and El Paso road. This privilege was granted by the legislature, and at the same time a subsidy of \$3,000,000 in bonds was granted to the Southern Pacific and \$6,000,000 to the International. I opposed this money subsidy. An attempt was made to induce me to advocate it. A large sum of money was offered me to advocate it, more than I could have made in a year from the practice of my profession, but I refused to do it, because I believed it was not right to grant money

subsidies. After this the Transcontinental company purchased the Southern Pacific line and congress consolidated the two under the name of the Texas and Pacific, with the name of Marshall Roberts, of New York, at its head.

The Texas and Pacific then applied to the Texas legislature for a consolidation charter, and subsidy. I was not at Austin at this time, but a printed copy of the bill was sent me by the member from Collin, and I wrote the members from this section of the state suggesting amendments to the bill. The bill granted a money subsidy of \$6,000,000. I suggested that no money ought to (be) granted, but it being a doubtful question whether the legislature could grant land under the constitution, I desired them to have the bill so amended that land could be substituted for the money whenever the constitution was so changed as to admit of its being done. I further urged upon them that a clause should be inserted, subjecting the road to the control of the state laws, in the way of freight and passenger tariffs, and that the state should have the right to name one-third of the directors. The bill was passed and the amendment requiring them to accept land in lieu of the money subsidy was adopted; the others were rejected.

After this, when the road was purchased by Colonel Scott, I went to Austin to make a settlement of the difficulties which had arisen out of this grant of the \$6,000,000 in bonds. A bill was introduced and passed as a compromise measure, giving the company twenty sections of land to the mile, in lieu of all land subsidies theretofore granted. The company at that time claimed to be entitled to the \$6,000,000 in bonds, and forty sections of land to the mile on the first six hundred miles of the road, and to sixteen sections of land to the mile on the remainder of the road. By this compromise bill an immense amount of land and money was saved to the state. By the terms of the act the company was to signify its acceptance of the compromise within fifteen days from the passage of the act. The time was short. I went immediately to Philadelphia, where the board of directors was then in session, and without any assistance except from Mr. Scott, who was satisfied with the act, I appeared before that board and by my personal effort, induced them to accept the compromise. I said to them that the original subsidies were too much for the people of Texas to pay, and while we might wring the amount from them by law, that it was not just to them, and not a wise course for the company to pursue. The compromise was accepted, and the matter finally settled. I appeal to you, fellow-citizens, to know if in this case I have

betrayed any trust, and if I have not worked for your interests?

But they charge that I am a stockholder in this road, therefore am not to be trusted. Now, I have but little stock, and that is in land grant bonds in the road, and I will sell that out to any one who will pay me what I have paid in. I have worked for Texas since the hour of my connection with this road. I say to you, fellow-citizens, that I have worked for this section of the state, and for the towns along the line of this road. I went with Mr. Scott to California, and while there I received a dispatch from the people of this place, asking me to use my influence with Mr. Scott to bring the road by this town. I did use my influence with Colonel Scott to have the road located along this line, and he finally agreed that if General Dodge, the chief engineer, would report this was the route, the road should be built along this line. I had him to telegraph General Dodge at St. Louis, to await our arrival at that point. When we reached St. Louis I brought General Dodge down here, and took him over the route, and convinced him that, although it would cost \$600,000 more to bring the road by Bonham and Sherman, than to carry it the route already adopted, it would, in the end, be the most advantageous route for the road.

I was opposed to passing within a few miles of the old towns and breaking them down by building up new towns. I told him that we should conciliate the people of Texas, that we would, perhaps, want favors from them and our policy should be not to tear down these old country towns, but to build them up. I prevailed upon him to adopt the present route and he made his report to that effect. In this, fellow-citizens, I have only done my duty to you and to the road, and I claim nothing for having done my duty.

But it is said that I am a director in this company, and that, therefore, I am not to be trusted. Texas has but one director in this great enterprise, which crosses her entire length, and is of such vast importance to all classes of her people. I am the only representative of the state's interest in the board of directors. Suppose you had no representative in that board and you were to select some one to represent your interests, would you have the one so selected held up to the world as a scare-crow, a by-word and a reproach among all honest men? Surely not.

Further than this, fellow-citizens, Governor Coke, your governor, elected by an immense majority, appointed George Moore to the supreme bench, while he was the paid attorney of the International road. He also appointed Peter W. Gray, who has been for years past the attorney of the Houston and

Texas Central railroad, to a seat on the supreme bench. These two distinguished citizens of our state, whose conspicuous ability as lawyers and jurists, pointed them out to Governor Coke as qualified to occupy seats on the supreme bench, were not held disqualified on account of their being the attorneys of railroads. Judge Moore is today looked upon by the people of Texas as an ornament to the highest tribunal of the land, and Judge Gray, though having resigned his position as supreme judge, is none the less honored. What different position on the railroad question then do I occupy from these honorable gentlemen who have been elevated to supreme judges by the governor of your choice? As to the part I took in securing the subsidy to this road in 1870, I refer you to your representative at that time, Mr. Cole, and in regard to the part taken by me in securing the extension in time granted to the road, I refer you to your senator, Mr. Trolinger.

The extension of time was absolutely essential to the life of the company. Within one year from the time the company commenced work in Texas they built two hundred and fifteen miles of road, and had one hundred more graded. What company has done more? The failure of the company to build the road on, was owing to the great panic which paralyzed every industry in the country. Mr. Scott went to Europe to negotiate the bonds of the company, to raise the money necessary to its completion, and had it not been for the failure of Jay Cooke, & Co., and the subsequent panic, would readily have sold the bonds, and the road would have been pushed ahead. I am asked almost every day when work will be commenced again on the road. I can state nothing definite on this subject, but my opinion is that the gap between Brookston and Texarkana, and the road from Dallas to Fort Worth will be built within this year. My opinion is formed from constant communication with the board of directors and managers of the road.²⁴

In the meantime, while the *Courier* was pouring out its wrath on Throckmorton and getting up what momentum it could in opposition to him, the Democratic county conventions were meeting and selecting delegates to the Democratic convention for the Third Congressional District at Fort Worth and instructing them how to vote there. Cooke County held the first convention on

²⁴—*Dallas Weekly Herald*, July 18, 1874.

July 4, and instructed for Throckmorton; and on July 11 the Tarrant County Convention met at Fort Worth with a like result. The enthusiasm of this meeting cooled the ardor of some of the followers of Hare, and his prospects looked gloomy as the time approached for the meeting of his own Grayson County Convention. The meeting was held at Denison on July 22. It was apparent that most of the delegates were for Throckmorton. After the usual formality of organization Captain Martin moved that the delegates from Grayson County be instructed for Throckmorton at the district convention at Fort Worth. Mr. Crooks of the *Courier* arose and asked to be allowed to read a communication from Judge Hare before the vote was taken on the motion of Mr. Martin. This was granted, and Crooks read the communication, which was addressed to Crooks and Dugan, and which was in the form of resolutions for the consideration of the assembled convention. These resolutions were as follows: first, that the name of Silas Hare should be withdrawn from the consideration of the convention; second, that the Texas and Pacific should be completed if proper regulation of freight and passenger rates were established and if the towns along the route were released from oppressive subsidies already imposed on them; third, that our delegates to Fort Worth be instructed for no man who does not declare against all aid for the Texas and Pacific, unless in consideration of such aid every town in Texas — Sherman, Dallas, Denton, Pilot Point, Fort Worth, and every town in the congressional district through which the road will pass in particular — be released from all subsidies; fourth, that the company should build through all towns within a reasonable distance without charge; and fifth, that when these things have been agreed upon our representative be instructed to work for congressional aid. When the reading of the resolutions was completed, Mr. McLain of Whitesboro moved the acceptance of

Judge Hare's withdrawal and the tabling of the resolutions. An amendment to change the motion to read the acceptance of the resolutions was voted down by a vote of 64 to 28. Hare's withdrawal was then accepted, and Throckmorton was nominated by acclamation.²⁵

The Dallas precinct held its meeting on July 17 to name delegates to the county convention, and the delegates named were instructed to vote for Throckmorton. Dallas had been the home of Judge Good for twenty years, where he had been one of the leading men of the bar. He had never held a political office; and this indication of final defeat in the district convention was so humiliating that he withdrew after the meeting, much to the chagrin of his followers.²⁶

The Collin County convention met at McKinney on July 25, and showed their confidence in Throckmorton by passing a resolution that "having an abiding confidence in the ability, patriotism, and true democracy of our fellow citizen, J. W. Throckmorton, as evidenced by a life time of unselfish devotion to the interests of the people of Texas, we hereby instruct our delegates to the Fort Worth convention to cast their ballots for Throckmorton for Congress first, last, and all the time." On the same day the Dallas County convention met in Dallas and instructed for Throckmorton with only one dissenting vote.²⁷

As the time for the district convention neared, the determination to nominate Throckmorton became more certain. Every county in the district except Parker and Hood had instructed for him, the Hood vote being divided. Parker County voters were not satisfied because Captain A. J. Ball had been practically forced out of the

²⁵—*Dallas Daily Herald*, July 25, 1874.

²⁶—In his letter of withdrawal he said: "According to democratic usage I promptly withdrew my name as a candidate for congress when the Dallas precinct instructed for Throckmorton. . . . I do not think that the result of the convention is a fair expression of the wishes of Dallas," and he expressed the belief that the work was the work of a ring.—*Dallas Daily Herald*, July 19, 1874.

²⁷—*Dallas Weekly Herald*, August 1, 1874.

race when Throckmorton entered after his defeat for the senatorship in January.

The district convention met and with little formality nominated Throckmorton, as there were no other names before the convention. A committee was appointed to notify him of his nomination. This they did, pledging him, if he accepted, to stand on the principles of the last Democratic platform adopted at Austin, and to accept the Fort Worth convention's endorsement of the state executive.²⁸ He immediately replied that he had read the platform and that he could stand upon its principles in the canvass. He said, however, that "truth requires me to say that some of the acts of the present administration have not had my unqualified approbation, but a difference of opinion or judgment on a question of detail in the administration is no reason why it (the administration) should not have the support of the democratic party of the state."

Just prior to the meeting at Fort Worth, I. P. Valentine, misled somewhat by opposition to Throckmorton in Parker County, entered the race as an independent candidate, but up to the very eve of the election he had not aroused much interest in his candidacy. Likewise the candidacy of H. B. Sumner, the Republican, attracted little notice. The opposition, therefore, found itself disorganized and without proper representation in the field. The only two papers in the district of any consequence which opposed Throckmorton were the *Sherman Courier* and the *Fort Worth Standard*. The *Courier* had been completely crushed when the unanimity of the people in the district for Throckmorton had forced its favorite out of the race. The duty now devolved upon the *Standard* to make one last effort to unite the opposition on one candidate. The editor, therefore, called a meeting which met in the lumber office of Boaz and Hatcher in Fort

²⁸—*Dallas Daily Commercial*, August 10, 1874. Jennings, Davis, Van Zandt to Throckmorton, dated August 4.

Worth on September 30. The dozen or less men who met there were ardent Good supporters or those who were impatient because the Texas and Pacific had not yet reached Fort Worth. This so-called mass meeting²⁹ agreed upon a resolution that the action of the district nominating convention in nominating Throckmorton did not in any way represent the wishes of the people, nor the feelings of the voters of the Third Congressional District. They decided also to call upon Colonel R. E. Beckham of Fort Worth to allow his name to be used in the forthcoming election, and appointed a committee to so inform him. The *Fort Worth Standard* announced the call to Beckham under the caption *Grangers To The Front*, intimating, without saying so, that the movement was backed by the Grange in Texas. This intimation was immediately repudiated by W. B. Tucker, master of Grange No. 7 of Fort Worth. In a letter to the *Fort Worth Democrat* he denied that the Patrons of Husbandry had anything to do with the call, or that it was made with their authority. Colonel Beckham very wisely refused to make the canvass, for, as he said, Throckmorton's popularity and his prestige as the nominee of the district convention would enable him to carry the district against any man who might announce.³⁰ Thus the last vestige of real opposition disappeared.

Although the nomination at Fort Worth was practically equal to an election, Throckmorton made a vigorous campaign of the entire district and laid fairly and squarely before its voters his attitude on public questions

²⁹—A party of gentlemen met in a lawyer's office to discuss some church matters. Pending the deliberations a gentleman from the country stepped in. Having heard of the so-called mass meeting held in the lumber office of Boaz & Hatcher, he supposed this meeting to be a similar one and discoursed as follows, using an oath now and then for emphasis: "Taint no use gentlemen. You can hold as many upstairs and back room meetin's as you're a mind ter, and bring out as many candidates as you please but old Throck's gunna beat h - - I outen all uv 'em." When he was informed that the meeting was religious in character he grunted approval and abruptly retired.—*Fort Worth Democrat*.

³⁰—*Dallas Daily Herald*, October 6, 1874.

and policies, and informed them how they might expect him to vote and act on those issues. He declared for adequate protection of the frontier and the reimbursement by the Federal government for losses sustained by the frontiersmen as a result of Indian depredations; for tariff for revenue only; and for a gradual return to the currency basis — saying that “hard money was the money of the constitution;” and, on the mooted question of the Texas and Pacific Railroad, he openly advocated government aid so as to assure a speedy completion of the road.

Long before the campaign closed, an easy victory for Throckmorton was apparent. So apparent was it that the people became indifferent about the election and the vote polled was very small. When the votes were counted, it was found that Throckmorton had 6,000; Sumner, the Republican candidate, had 70; Valentine, the Independent, had 280; and 333 votes were scattered among several candidates. Thus he carried the district nearly ten to one.³¹

³¹—*Norton's Union Intelligencer*, December 21, 1874.

CHAPTER TEN IN CONGRESS

It will bind all interests and sections of this great Republic together — creating a unity of interest so enduring that all the power on earth could not prevail against it.

—THROCKMORTON'S PLEA FOR THE BUILDING OF
THE TEXAS AND PACIFIC RAILROAD.

• •

The prostration of the South must have influence on the North. Whatever may be the political differences and social antipathies between the people of the different sections of the Union, we are so closely connected in our business relations that the prostration of the industries and trade of one important part of the Country cannot but injuriously affect the well being of the whole.

—THROCKMORTON: A PLEA FOR AID TO THE
SOUTH.



CHAPTER TEN

IN CONGRESS

THE *Galveston Daily News*, commenting on the congressional election, said that the vote was shamefully small in view of the distinguished candidate; and that "we know he will prove himself worthy, as he has always done, of the trust and confidence of the people of the whole state." The *News* also predicted that the "man who handles him in Congress will have to rise early and work hard."

In the election Throckmorton had pledged his support to government aid for the Texas and Pacific Railroad. The company organized to build this road had been incorporated by an act of Congress, approved March 3, 1871, which provided for the building of a road from a point near Marshall, Texas, and near the thirty-second parallel by a direct route *via* El Paso to the Colorado River; thence to San Diego, California, as nearly as possible along the thirty-second parallel. The company was required to complete one hundred miles of road west of Marshall by May 2, 1874, and not less than one hundred miles each year thereafter so as to complete the road to San Diego by May 2, 1882. Ten miles of the road east from San Diego was to be completed by the end of the second year. The company failed to comply with the requirements. It had not built any road from the western terminus, San Diego, while the charter required that thirty-five miles be built by May 2, 1875; and it had also fallen far short of the required miles from Marshall westward. This failure to comply with the terms of the charter had come about as

a result of the fall in value of all railroad securities in the money markets of the world as a consequence of the panic of 1873, and not as a result of mismanagement.¹

Thomas A. Scott, the president of the road, busied himself in the winter of 1874-1875 in laying the foundation for the campaign for aid before the Forty-fourth Congress which would assemble in December, 1875. His plan was to have the United States government guarantee the interest on bonds of the company to the amount of seventy millions in exchange for a mortgage on the road and all its rolling stock and lands. The bonds were to be issued at the rate of \$35,000 per mile, except in the mountainous area where the amount was to be \$40,000, and were to be issued on sections of twenty miles when accepted by the government. This plan conformed exactly to the plan advocated by Throckmorton in the congressional race and probably had been agreed upon between the two when Throckmorton entered the campaign.

When the Forty-fourth Congress assembled, Throckmorton was made a member of the committee on the Pacific Railroad. To get support for the coveted aid, Throckmorton, Scott, and others friendly to the Texas and Pacific, began by inviting petitions in behalf of the project. The result was an avalanche of petitions, largely from Pennsylvania, the home of Mr. Scott, but also representing the states of Ohio, North Carolina, Virginia, California, New York, New Jersey, and Indiana.² The Scott plan was presented to the Pacific Railroad Committee early in the first session, but consideration of it was indefinitely postponed. In the meantime, Throckmorton prepared a substitute measure which ex-

¹—*House Committee Reports*, Second Session, Forty-fourth Congress, Report No. 139, January 24, 1877.

²—For petitions see *Congressional Record*, Forty-fourth Congress, First Session, Volume 4, Part I, pp. 332, 426, 486, 514, 636, 728, 754, 780, 782, 847, 900, 933, 955, 991. See also same, Part 4.

tended the time for the completion of the road to 1890; required that the trunk line be completed to Fort Worth within a year; and that the company should build at least twenty miles annually from San Diego, the western terminus. The new bill did not provide for the guarantee of the company's bonds but continued the land grant system.³ The committee gave little attention to this new move; and Scott began to make plans for pushing the construction of the road to Fort Worth and westward so as to impress Congress, hoping to secure congressional aid the following year. Interest in Congress now turned to politics and centered on the election of 1876.⁴

The opposition to Throckmorton's re-election to Congress from the Third District centered largely around the Texas and Pacific controversy. The company, in order to get some of the rich lands north of Dallas, had spent much money on the building of a branch road from Sherman to Fort Worth, which displeased the people in the counties west of Fort Worth. The *Weatherford Times* gave expression to this opposition in a bitter editorial as follows:

Is Throckmorton partial to a particular place or people and does he ignore with impunity the great interest and importance of our country, or is his action to be attributed to a positive want of brains? He would leave us with our impoverished advantages for the attainment of that position which our geographical and commercial situation certainly suggests, to linger in isolation, burying in the obscured future our hopes. Our lands are unsettled, capital discouraged, improvements delayed, and activity slumbers . . . Our Congressman would provide for the completion of a road from Sherman to Fort Worth, giving a previousness of importance to that section of the state.⁵

The *Dallas Mail* criticised him because he had gone to the Democratic convention at St. Louis and had worked to defeat the nomination of Tilden. This sheet said that

³—*Galveston Daily News*, May 3, 4, 24, 1876.

⁴—*Galveston Daily News*, June 10, 1876.

⁵—*Weatherford Times*, May 27, 1876.

the "most able oratorical effort of Mr. Throckmorton's life was that delivered before the Texas delegation at St. Louis in opposition to the nomination of Mr. Tilden." The insinuation was that Throckmorton was in the pay of corrupt politicians and that he was supporting Hayes.⁶ The old complaint made in 1874, that he was in the employ of the Texas and Pacific Railroad Company, was brought up also and aired by the *Mail*.

While the opposition was organizing, plans were maturing for the meeting of the district convention. George N. Aldridge, chairman of the Democratic Executive Committee of the Third District called for the nomination by counties of delegates to meet at Dallas on August 30. There was a great deal of objection to a district convention among those who opposed Throckmorton. They recalled the Fort Worth convention of 1874, which it was claimed had been manipulated by Throckmorton enthusiasts. A correspondent of the *Dallas Mail* writing from Wise County presented the name of John J. Good as a suitable candidate, and condemned the convention method of nomination in the following severe language:

I am afraid of conventions. The Fort Worth affair of 1874 was an outrage upon the masses. Trickery and meanness predominated over principle and honesty. The western people are sick over the subject.⁷

The Collin County convention was among the first to meet to choose delegates to the Dallas convention. Unanimity of sentiment prevailed in the convention. Resolutions endorsing Throckmorton's congressional record and praising his "lofty statesmanship, unsullied

⁶—*Fort Worth Democrat*, August 5, 1876.

⁷—*The Fort Worth Democrat*, July 20, 1876. It is difficult to see how a convention of one hundred seventy-one members could be so completely dominated by trickery as to result in a unanimous vote for a candidate. Erath County gave its four votes to Ball on the first ballot and then voted for Throckmorton, making 165. Four of the votes of Parker and two of Hood were not cast. See *Fort Worth Democrat*, July 20, 1876.

devotion to the public welfare, unswerving integrity, and untiring energy" were passed; and the delegates were chosen and instructed to vote for the renomination of Throckmorton. The county conventions were held day after day, and the results were the same everywhere. Only in one county did the opposition solidify itself sufficiently to present an obstacle to Throckmorton's renomination. This was Dallas County. W. L. Cabell, chairman of the Democratic executive committee of Dallas County, issued a call for all the Democrats in the county to meet in their respective precincts on August 19 to choose delegates to the county convention at Dallas on August 26. The ward meetings in Dallas were arranged on different nights in order, it was said, to enable the anti-Throckmorton movement to manipulate the choices of the wards. Primaries were directed to be held on August 19, but the towns of Mesquite and Dallas were the only ones held on that day. With all the irregular practices, enough anti-Throckmorton men were chosen to the convention to control it. J. B. Simpson, a member of the convention and a friend of Throckmorton, introduced a resolution which endorsed the St. Louis platform; pledged support to Tilden and Hendricks; endorsed Throckmorton's record in Congress and instructed Dallas County delegates to vote for him for re-nomination. R. E. Burke, from the first ward in Dallas, moved the omission of the part of the resolution dealing with Throckmorton. The motion carried and the delegation was uninstructed. The Throckmorton friends had as much to say concerning the action of this county convention as the anti-Throckmorton men had said about the Fort Worth convention in 1874. The *Dallas Herald* came out openly against the action of the convention. A *Herald* editorial ran as follows:

From the opening of that convention to its hasty and unseemly adjournment no effort was spared to stack committees, run rough shod over the true exponents of the senti-

ment of this county, and to brow beat, overawe and break down any and all expressions of the Democratic fealty and Democratic principle.

Throckmorton had been in Washington during the early campaign, and he arrived in Dallas just on the eve of the district convention. A mass meeting was held in Dallas on Tuesday night prior to the convention on Wednesday. He was escorted by a group to Le Grand Hotel. At seven-thirty a torch light procession marched through the streets to music of the band. "It was the grandest political procession Dallas ever saw," the *Dallas Herald* said. "While the head of the procession was at the Le Grand, the torches at the other end still flickered on the window panes at the market house."

A platform had been improvised at Smith and Lamar Streets, where Throckmorton was introduced to the huge crowd by Captain Grove. After Throckmorton had spoken for two hours, resolutions were passed which expressed confidence in him and condemned his enemies as demagogues and disappointed office seekers.⁸

The district convention was held on August 30. A very strong effort to defeat Throckmorton was made by a small group made up of the Dallas delegation, and those of Ellis and Johnson Counties. David Boaz of Tarrant nominated Throckmorton. John M. Stemmons of Dallas presented the name of Amzi Bradshaw of Ellis County; and the votes of the counties of Dallas, Ellis, and Johnson were cast for Bradshaw. When the votes kept pouring in for Throckmorton, however, the delegates of Ellis County changed their vote before the roll call was completed, explaining that they only wished to compliment Mr. Bradshaw. Johnson County did likewise; and when the first ballot was finished, the vote was 274-5/7 for Throckmorton and 46-2/7 for Brad-

⁸—*Dallas Weekly Herald*, September 2, 1876.

shaw. General Cabell of Dallas asked that the vote be made unanimous, although he opposed Throckmorton and was himself an aspirant. The Dallas delegation voted as a unit until T. T. D. Andrews arose and announced his vote for Throckmorton, whereupon Colonel Stemmons called him a traitor. This broke the unit rule; and on Cabell's motion only two votes were recorded in the negative, those of Colonel Stemmons and Captain Sterrett.⁹

After the nomination, Throckmorton was introduced to the convention and he accepted the nomination in the following brief words:

I can only return my thanks for the honor you have this day conferred on me. This is a free country, a free people; the people have at all times the right to a free expression of sentiments. I have no resentment, no animosity in my heart against those who have opposed me here today.

J. C. Bigger, young, a finished scholar, lawyer, and a Republican of Dallas, was Throckmorton's opponent. He had no hopes of winning the race but took the field for the purpose of strengthening his party and of keeping up the organization.¹⁰ The *Austin Statesman* said, however, that selfishness prompted his candidacy, and that Bigger was sort of a "lachrymose, lackadaisical, snuffling, radical, republican candidate for Congress who proposes to get by his candidature some little post office if Hayes is elected president. But Piner, at Denton, pinned Bigger to the wall and flayed him alive and Bigger isn't as big as he used to be."

⁹—*Frontier Echo*, September 1, 1876. The *Dallas Weekly Herald* had the following to say about the work of the Dallas Delegation: "As the immortal forty-five sat in the convention, we thought of an old rickety ship on a stormy sea.

They hove and sat and sat and hove
And high their rudder flung
And every time they hove and sat
A wusser leak they sprung."

¹⁰—*Frontier Echo*, October 20, 1876.

The campaign was rather quiet, although Throckmorton made a thorough campaign of the district. In eight of the largest counties Throckmorton received 14,814 votes to 1,962 for Mr. Bigger, while in Dallas County Bigger received only 814 votes out of a total of 3,821. The frontier counties were solid for him.

The short session of Congress assembled in Washington in December, 1876. The committee on the Pacific Railroad met in executive session to consider a new compromise bill, arranged between Scott and Huntington, which would allow the Southern Pacific Company of California to build seven hundred miles of the western end and make the through line an open highway, rates for freight and passengers to be regulated by Congress.¹¹

Progress was slow in the committee for three reasons. It was difficult to arrange amicably an equitable arrangement for a division of profits between the two companies; there was a contest over fixing the terminus of the western end; and it was a perplexing problem to determine what branch lines should be built.¹²

Finally, January 24, 1877, Lamar, of Mississippi, for the majority and Kasson, of Iowa, for the minority made their reports for the committee. The bill was placed at the bottom of the calendar. An effort was made to suspend the rules so as to reach the bill during the session, but the managers were ordered from the floor.

At the time the bill was proposed the line was complete from Marshall to Fort Worth and from Texarkana to Sherman, and the new bill proposed to build the line from Fort Worth to San Diego. The Texas and Pacific Company was to construct the line from Fort Worth to the Rio Grande near El Paso, thence one hundred miles westwardly into New Mexico to a junction with the Southern Pacific. The Southern Pacific was to build from San Diego to or near Fort Yuma on the Colorado,

¹¹—*Galveston Daily News*, December 21, 1876.

¹²—*Galveston Daily News*, January 6, 11, 1877.

via Gorgonio Pass, thence eastwardly along the thirty-second parallel until it formed a junction with the Texas and Pacific. A third road, the Atlantic and Pacific, was to construct a line from its terminus at Vinita, in the Indian Territory, southwestwardly to intersect the main trunk at some point between the ninety-ninth and the hundredth degree of longitude if the company would surrender its right under a former charter to build to the Pacific, surrender its claim to 33,000,000 acres of land granted therein, and release the government from its obligation to extinguish Indian titles.

The bill provided that the road should be built in sections of ten miles. The president should appoint a committee to inspect the road; and when the committee reported that a section had been completed according to the bill, the United States treasury should deliver to the company its own bonds not to exceed \$35,000 per mile on the main trunk; \$30,000 per mile on the San Diego connection; and \$25,000 on the branches. The United States government should guarantee the interest on the bonds at the rate of five per cent. The government should be secured against loss by a first mortgage on the road, equipment, net earnings, and proceeds from land sales, the right to apply the amount due the companies for postal and army transportation to the payment of the interest on the bonds; and the privilege of withholding the companies' bonds to the amount of \$5,000 per mile if necessary.

The minority report made by Kasson pointed out the reasons why the proposed aid should not be given. First, the company had not complied with its charter because the charter had required that 200 miles be built on the eastern end by May 2, 1875, and in 1877 only 179 miles had been completed, while nothing had been done on the western end notwithstanding the charter had required the completion of 35 miles by May 2, 1875. Second, the security offered was insufficient. Proceeds from

the sale of lands could scarcely be considered security since it was a reservation of government property and also of uncertain value. The report alleged further that the reservation by the government of the cost of its own transportation was good as far as it went but that amount could not be large. Furthermore, the reservation of the company bonds to the amount of \$5,000 per mile was the obviously absurd plan of guaranteeing the government by a bond the value of which depended on the very guarantee it was supposed to secure. Third, the minority contended that the proposed Vinita branch would traverse a large territory where settlement was prohibited and in which remunerative traffic was impossible. The argument was also advanced that the proposed aid was unconstitutional.¹³ It was contended, however, by the friends of the bill that the aid was constitutional. They cited the fact that the Democratic conventions at Charleston and at Baltimore in 1860 had declared for aid, and that the Republican platform of the same year declared that "a Pacific Railroad is imperatively demanded by the interests of the whole country and the Federal government should render immediate and efficient aid in its construction."

Throckmorton did not favor the building of branch lines by government aid; but he knew that a bill for a trunk line only could not pass, and consequently he labored untiringly for the bill. He also proposed to offer an amendment which would provide for still another branch extending from Waco to the Texas and Pacific not further west than the one-hundredth meridian. He proposed to give the Houston and Texas Central the privilege of building this road and to have the interest on its bonds guaranteed by the government at the rate of \$25,000 per mile, provided the company would place itself under the same regulations as the other companies

¹³—*House Committee Report*, Number 139, Second Session, Forty-fourth Congress, Part 2, Minority Report.

which were to receive aid from the United States. In case the Houston and Texas Central refused the privilege the same would be extended to the Texas and Pacific. This he thought would shut up opposition of the commercial interests of Galveston, and give that city sufficient direct communication with the Texas and Pacific. The objection had been raised in Texas that the building of the Vinita branch would draw off the St. Louis trade which would naturally go to a Texas port.¹⁴

In a speech in the House of Representatives on March 1, 1877, Throckmorton made a masterly appeal for the passage of the bill.

Whether viewed as a measure for the especial benefit of that section of the Union, the industries and commerce of which are still prostrate from the effects of a long and desolating civil war, or as a measure for the benefit of the whole country, its importance cannot but command the serious attention of every member of this body . . . The prostration of the South must have influence on the North. Whatever may be the political differences and social antipathies between the people of the different sections of the Union, we are so closely connected in our business relations that the prostration of the industries and trade of one important part of the country cannot but injuriously affect the well being of the whole. . . . Let the cotton and sugar fields of the South no longer yield support to the cultivators of the soil, and tens of thousands of toilers in Northern factories will go home to cheerless hearthstones.

The benefits which Throckmorton claimed would accrue from the passage of the bill were as follows: first, the Vinita branch, traversing as it would the Indian territory from northeast to southwest, would reduce the cost of transportation of supplies to the Indians; secondly, the main line which would extend along nearly a thousand miles of the most exposed portions of the frontiers of Texas, New Mexico, and Arizona would give the government access to its forty military posts in that region and greatly reduce the cost of transporting men

¹⁴—*Galveston Daily News*, February 13, 1877.

and supplies; thirdly, it would promote friendliness with Mexico and tend to make Mexican raids less frequent; fourthly, it would greatly promote commercial intercourse between the Pacific and Atlantic coasts; fifthly, it would break up the monopoly of the one existing trans-continental road. On this last point he said:

Is the commerce of China and Japan, of the Indies and Australia . . . to be forever subject to the exactions of one great monopoly over which Congress seems to have no control, or shall American statesmanship strike off the galling shackles that now fetter it and allow the road to be built.

He claimed further that the building of the road would open up new fields of industry, provide homes for homeless, afford labor for the unemployed, and restore good feeling between the sections.

It will bind all interests and sections of this great Republic together so closely and firmly by ties so strong, so interwoven with every interior interest, and so expansive as to clasp the remotest and most distant sections of the country—creating a unity of interest and reliance of one section upon another, and so enduring, that all the power of earth could not prevail against it.

The bill did not come to a vote in the last session of the Forty-fourth Congress, but Hayes called the Forty-fifth in special session and the work was continued. The prospect for aid to the road, however, was weaker than in the Forty-fourth. The South as a whole did not support it wholeheartedly, and only two of the delegation from Texas, Throckmorton and Culberson, were really interested in government aid.¹⁵ The composition of the committee on Pacific railroads was not encouraging at first. Mr. Potter of New York was appointed chairman, and Throckmorton was promoted from sixth to second place on the committee. Potter refused to serve, which refusal seemed to leave Throckmorton to succeed to the chairmanship, though it was

¹⁵—*Galveston Daily News*, October 26, 1877.

contended by some that since the committee had not organized when Potter resigned that Speaker Randall could appoint a chairman if he so desired. Throckmorton expressed his willingness to remain second if the Speaker, by naming another chairman, could strengthen the committee.¹⁶ The committee, however, voted that under the rules of the House he should succeed to the chairmanship. Morrison, House, Chalmers, Elam, O'Neill, and Cole voted for Throckmorton, while Sanders, Blair, Rice, and Hewitt voted against him. Caswell was absent, and Luttrell was paired and did not vote.¹⁷

On March 1, 1878, the House Committee on Pacific railroads, by a majority vote decided to recommend the passage of the Texas and Pacific bill in the precise terms in which it was reported by the sub-committee in the last week of February.¹⁸

On February 21, 1878, Mr. House made the majority report for the committee. The plan was to ask for aid to apply only on a trunk line, and to allow the wants and demands of commerce and trade to determine the building of branch lines. Congress was to regulate rates and supervise the road generally. In return the government was to guarantee the interest on company bonds at the rate of \$20,000 per mile for 1,150 miles, and \$35,000 for 250 miles through the mountains. Means of security were similar to the plan of 1877, with one or two exceptions. Lands of the company were to be reconveyed to the government, and Congress was authorized to throw them open to settlement at once, sell under its own regulations, and retain one-half the proceeds as security on guaranteed interest. This was designed to stop the criticism that the company would hoard the lands and keep them from being opened to settlement. The bill thus con-

¹⁶—*Galveston Daily News*, November 14, 1877.

¹⁷—*Galveston Daily News*, December 20, 1877.

¹⁸—*Galveston Daily News*, March 2, 1878. Those who voted "aye" were as follows: Throckmorton of Texas; Chalmers of Mississippi; Elam of Louisiana; O'Neill of Pennsylvania; Caswell of Wisconsin; and Cole of Missouri.

tained many concessions which the Texas and Pacific Company was willing to make because the Southern Pacific proposed to take the lands granted to Texas and Pacific — seemingly forfeited by failure to build the road as agreed in the charter — and build the road from San Diego to some point on the Rio Grande without further aid from the government. There were minority reports which accompanied the report of the majority. All were read by the clerk and recommitted.

There was too much opposition to hope for the success of the project. By March, 1878, interest began to center on the congressional elections of that year, and Congress did not get back to the serious consideration of the proposition until December of 1879. The effort this time was simply a repetition of previous attempts. No major changes were made by the company — it still asked that the United States guarantee company bonds to the amount of \$31,750,000. Mr. Scott, president of the road; General Dodge, chief engineer; Mr. Bond and Mr. Brown, legal advisers of the company, made their plea before the committee, while Throckmorton took their cause to the floor of the House once the bill was reported out. On March 1, 1879, Throckmorton, in a speech in the House, attempted to show that the company offered sufficient security; that the company would be able to pay all interest; that the government would have no additional financial burden; and that the building of the road would result in the general good of the whole country.¹⁹ The arguments were identical with those which had been advanced each year since 1874.

In the meantime the road had been built only to Fort Worth, where it arrived in 1876. From 1876 to 1880 no more of the road was completed although a portion of the roadbed from Fort Worth to Weatherford was graded

¹⁹—*Congressional Record*, Forty-fifth Congress, Third Session, Appendix, Vol. VIII, Part 3, pp. 115-119. (Throckmorton's Speech.)

in 1879. When it became certain that Congress would give no aid, northern financiers, Jay Gould and Russel Sage, were admitted to active participation in the affairs of the company. They immediately began preparations to extend the road to El Paso and to the Pacific Coast.

The Texas and Pacific had not been very successful with private construction organizations, and for this reason a new one, *The Pacific Railway Improvement Company*, was organized, with G. M. Dodge as its president, to build the road from Fort Worth westward.

CHAPTER ELEVEN

CAMPAIGN LIES

Sam Bass would not have been guilty of such cowardly conduct to defeat the wishes of the majority of the Convention. Lone Wolf, the untutored Indian might be excusable for hurling the deadly arrow from ambush into the heart of his pursuers, but when it comes to pass that prominent members of the great Democratic Party creep about like slimy snakes and disseminate the vile poison of slander against the highest officials of the state, whose honesty and integrity have never been impeached, decency sinks into despair, and the blush of shame is frescoed on the escutcheon of the grandest commonwealth of the Nation.

—THE MARLIN BALL'S BITTER DENUNCIATION OF
THROCKMORTON'S TACTICS IN THE CONVENTION
OF 1878.

• •

I am not here to go into the record of Hubbard in detail. If I were to do so it would create such a smell as would drive all here out of the house.

—ARRAIGNMENT OF HUBBARD BY MARTIN,
EDITOR OF THE SHERMAN REGISTER.

• •

We want a restoration of those days of low taxes and security of life and property which marked his brief but brilliant administration.

—PLEA FOR THROCKMORTON'S NOMINATION
IN 1878.



CHAPTER ELEVEN

CAMPAIGN LIES

WHILE Throckmorton was making his fight for government aid for the Texas and Pacific, and long in advance of his expressed desire, his name, together with the names of Richard Hubbard and W. W. Lang, began to be coupled with the gubernatorial nomination for 1878.¹ The press of the state busied itself, more or less in a gossipy manner, in discussing the candidates. The *Dallas Weekly Herald*, always a firm follower of Throckmorton, took the lead. In an editorial of January 12, 1878, this paper made its wishes known.

A veteran attempt will be made to lug geographical considerations into the discussion. Now, we only care that a man lives within our borders, and in what quarter becomes a matter of supremest indifference; all we ask is that he be a person who knows Texas, her past history, present conditions, and future capabilities; who is honest, broad-viewed, and intelligent, and who has rendered her service and is willing to do it again.

In mentioning Throckmorton for the post of governor, the *Herald* said:

He is a man whose domicile is fixed in North Texas, it is true, but he is also one of those men who are not gauged by local considerations, and who annihilate geographical lines by reason of the breadth and catholicity of their patriotism.

The *Nacogdoches News* hoisted the name of Hubbard, while the *Marshall Herald*, *Texarkana News*, and

¹—Hubbard had been elected lieutenant governor in 1873, and was re-elected in 1876. When Coke resigned in December, 1876, he became governor. He had served a part of Coke's first term and was, at this time, serving his second term, though he had never been a candidate for governor. Lang was the Grange candidate.

the *Groesbeck New Era* declared for Throckmorton. The *Bonham News* declared that it preferred Throckmorton or "any other man" to Hubbard. The *Galveston Post* and the *Galveston Independent* declared against Hubbard, but failed to name their candidate.² The *Clarksville Banner* stated that the people could "swallow Throckmorton, Hubbard, or Lang, but do not hanker after either of them."³ The *Panola Watchman* disparaged the Throckmorton candidacy by pointing out that Throckmorton's own district was not a unit for him and offered as proof the fact that the *Fort Worth Democrat*, the *Sherman Register*, and the *McKinney Advocate* were against him. The *Fort Worth Democrat* referred to Throckmorton as a chronic office seeker. This paper stated that if he "rendered faithful service as the price of future elevation and reward, then there was neither patriotism nor integrity in the motive. Otherwise he only did his duty and deserves no special credit."⁴ The explanation of Fort Worth's opposition to Throckmorton may easily be found in his failure to secure for it the new Federal courthouse; and the indignity suffered was doubled when Dallas, Fort Worth's greatest rival, secured the coveted prize.⁵ The *Dallas Herald* defended him by saying that he was not a member of the committee which drafted the bill that gave the courthouse to Dallas, and that he did not see the bill until it was submitted in conference. The *Democrat* retorted that even this did not improve his position any, since he did not raise a voice against it when it was submitted.⁶ The *Granbury Vidette* averred that the *Democrat* was "sore

²—The *Texas Capitol*, January 13, 1878.

³—*Fort Worth Daily Democrat*, February 12, 1878, quoting the *Clarksville Banner*.

⁴—*Fort Worth Daily Democrat*, February 6, 1878, quoting the *Panola Watchman*. The *Watchman* incorrectly stated the position of the *Sherman Register*, as it supported Throckmorton throughout the campaign.

⁵—*Galveston Daily News*, February 23, 1878.

⁶—*Daily Democrat*, January 6, 1878.

because Throckmorton could not give it Tom Scott's printing." The *Vidette* asserted further that "two years ago the *Democrat* took a singular interest in the election of Mr. Throckmorton. Our district representative has not changed his views or policy on public matters, and has proved efficient in Congress. The *Democrat* is now seeking to weaken Throckmorton. We infer then that this is an effort to serve personal ends."

The *Galveston News* was not quick to take up its position on the race, but early published an article evidently intended to belittle Throckmorton, and to build up its fences in case it should ultimately oppose him. The *News* was apprised of Throckmorton's senatorial aspirations and supported the contention that if he had secured the nomination in 1873 — which he set out to do but withdrew at the last hour — he would have sought the senatorship from the vantage ground of the governor's office. The *News* also believed that his ambition was now to use the gubernatorial chair to boost him into the United States Senate. The *News* related the incident of 1873 in rather veiled language as follows:

Once upon a time a famished zebra, while bounding gaily over the prairies in search of provender, came upon a wide and deep ditch, on the opposite side of which were fresh fields and pastures new, from which also, an indistinct view could be obtained of the United States Senate. As the zebra was not in the habit of jumping ditches of that width, he went back a mile or two to obtain the impetus necessary to carry the election. But behold! before he reached the chasm, the bottom of which was lined with the bones of unsuccessful candidates, he grew short of wind and so weak in the flanks he felt it a duty to write a letter to the press regretting that the condition of his own private affairs, and a sense of the magnitude of the responsibility of the gubernatorial office compelled him to withdraw from the canvass.

Such attacks, some veiled and others open, continued while Throckmorton's intentions in regard to the gubernatorial race were still unknown. Rumors were

going around that he would be the Texas and Pacific candidate for governor, while in other circles such reports were denied. About January 20, a Washington correspondent of the *Dallas Commercial* wrote from the capital that he had interviewed Throckmorton, who had authorized him to say that he would not under any circumstances be a candidate for the governor's office.⁷ Throckmorton was certainly mending his fences wherever possible, however, preparatory to making the race. About the last of January, he wrote a letter to John G. Eakins, leading Greenback proponent and president of a Greenback club in Dallas, in which he made a definite bid for the Greenback vote in the approaching campaign. An extract from the letter follows:

In answer to yours of the 25th inst. I have to say that I voted for and advocated the remonetization of silver, to repeal the resumption act, and to make greenbacks (U. S. notes) receivable for all government dues, import as well as other dues.

He hinted to Mr. Eakins that he had been a very good Greenbacker all the time, and that he was not a new convert in view of the coming campaign, by pointing out that "these are not new opinions of mine, but were presented and advocated during my last canvass for Congress."⁸ The *St. Louis Republican*, in commenting on this letter, said that this endorsement of Greenbackers and greenbacks, in view of the bitter feeling between the Greenback party and the Democrats, would probably decrease Throckmorton's chance of the nomination for governor.⁹

That Throckmorton was definitely a candidate became generally known about March 12. On March 6 he wrote a friend in Cleburne that he had not sought the nomination, but that the solicitations, so numerous

⁷—*Fort Worth Daily Democrat*, February 20, 1878.

⁸—*Democrat*, February 22, 1878, quoting the *Marshall Herald*.

⁹—*St. Louis Republican*, February 13, 1878.

and respectable, had induced him to say that if nominated he would accept. He made it plain that he was not electioneering for the nomination, but that if his name were to be presented to the convention, he wished harmony and concert of action among his friends. On March 9, the Fort Worth correspondent of the *Galveston News* in a telegram to the *News* stated that he had seen a private letter from Washington which definitely placed Throckmorton in the field for governor. This news was published throughout the state, and the fight was on between Throckmorton and Hubbard.

The first problem which the two groups had to decide was the time and place for the convention. Without difficulty the time was set for July 17, but the selection of the place was not so easily made. Hubbard wished to have the convention at Tyler, while Throckmorton preferred Dallas. The friends of the two on the state executive committee could not agree on either of these places, and a compromise was agreed upon. Austin was chosen on the basis that it was centrally located and that it was a sort of neutral ground because of prejudice against the capital city. The *San Antonio Herald*, supporting Austin as the place of meeting, said that it would be "a fair field, free from local influences, where all candidates will stand on equal footing."¹⁰ In the course of the discussions Throckmorton's railroad connections were again discussed; and his enemies asserted that if Dallas were selected, Tom Scott's followers would "envelop the sessions like a cloud" to insure the election of Throckmorton — supposedly the Texas and Pacific candidate. This is only one evidence that the prediction of the *Goliad Guard*, that "Throckmorton must again go through the smut mill," was eminently correct.¹¹

The "smut mill" process was launched while Throckmorton was attending the sessions of Congress

¹⁰—*San Antonio Herald*, April 14, 1878.

¹¹—*Galveston News*, May 18, 1878, quoting the *Goliad Guard*.

at Washington. In these vile attacks Throckmorton's early connection with the Memphis, El Paso, and Pacific Railroad, and his later connection with the Texas and Pacific came in for a goodly part. All the old charges which had been made in 1872 and in the congressional races of 1874 and 1876 were repeated, and a very damaging one was added. It will be recalled that Throckmorton was an original incorporator of the Memphis, El Paso, and Pacific Railroad in 1856, and that he became associated in an active way with B. H. Epperson in promoting this road after the war. The company became involved in some shadowy transactions, through which money was fraudulently obtained for the promotion of the road. Whether Throckmorton was privy to this deal, and whether it was negotiated with his assistance, evidence does not show. Alex Berry, an eccentric lawyer of McKinney and an associate of Throckmorton, in a letter to the editor of the *Galveston News*, April 18, 1878, had this to say about the so-called Fremont swindle and Throckmorton's connection with it:

Since that Time Throckmorton has run the Memphis, El Paso, and Pacific, and the Texas and Pacific Railroads, and in conjunction with others of like calibre got money from France, through Fremont, the abolitionist candidate for the presidency, for the prosecution of their road, under the false pretense that their bonds were endorsed by the United States government, for which offense a brother-in-law of Fremont and a son-in-law of Thomas Hart Benton, a Frenchman by birth, died in prison in France.¹²

In connection with this charge the *Mexia Ledger* stated that Throckmorton received \$300,000 as his part of the swindle.

Throckmorton's honesty and integrity was attacked by the *Canton Chronicle* (Van Zandt County) by connecting his name with a defunct insurance company or-

¹²—Berry to Editor of *Galveston News* in *Fort Worth Daily Democrat*, April 24, 1878.

ganized in Dallas about 1875. The *Chronicle* stated that the company was organized on what was called the endowment plan, and that several took stock and also insured in the company. Some paid the first and second premium, and then the company failed. Only a few were repaid in full, some received only a part of the amount paid in, and some received no reimbursement. "What went with the money?" queried the *Chronicle*. "We ask for information, not to be inquisitive, no, not at all." The vague insinuation was that Throckmorton had fraudulently profited from his connection with the company, but gave no proof; and none can now be found, pro or con.

In the pre-convention campaign Throckmorton was also accused of betraying the South and the Democratic party in his support of the electoral count act in the Hayes-Tilden controversy in 1877. Much bitterness was engendered among certain irreconcilables in Texas because all of the Texas delegation except Mills supported the act which provided for the appointment of a commission of five senators, five representatives, and five members of the supreme court to count the electoral votes. Not only did they vote for this act, but they supported the findings of the commission after Tilden had been counted out. Much comment, derogatory in content, was made by the press at the time. The *Comanche Chief* had the following to say:

Culberson, Giddings, Hancock, Reagan, and Throckmorton are five Texas congressmen, alphabetically arranged, for whom the people have no further use after their present terms expire.¹³

The *Sherman Register*, *North Texan*, *Decatur Tribune*, *Fort Worth Democrat*, and the *Dallas Herald*, however, approved his stand, and the *Register* said that all approved except a few "soreheads." It was this same group

¹³—The *Galveston News*, March 28, 1877, quoting the *Comanche Chief*.

of irreconcilables over the state which now renewed the charge.¹⁴

In a letter to the *Galveston News*, Throckmorton explained the reasons why he and most of the Democrats supported the measure. In the count of the vote the Senate, being Republican, was determined to declare Hayes and Wheeler elected; while the House, being Democratic, was determined in such contingency to declare that there was no election, and, according to the constitution, proceed to elect Tilden and Hendricks. This would have meant that there would have been two men claiming the presidency and two claiming the vice-presidency. Between the two houses there was no arbiter. Without some such means as the electoral count act one house would have been forced to a disgraceful retreat or a civil war would have ensued, with the advantages all with the North. Throckmorton explained that this would have given the radicals at the North reason to renew the charge that the South was still rebellious, and would mean the renewal of military despotism, and certainly give the northern radicals a new lease on political power which they so much desired. He then agreed that the commission did not count the votes according to the law, but no alternative was left but to accept the results. They had agreed upon arbitration. The joint high commission had been given all the power which the houses had, jointly or separately, and honor demanded acceptance.

Throckmorton had made himself particularly conspicuous by favoring the acceptance of the commission's findings. When the result was announced and it was known that Hayes had been declared elected, a few of those who could not accept the result began to try to

¹⁴—While Throckmorton and others were blamed for voting for the act, Mills was not given credit for voting against it. The *Greenville Herald* said that Mills deserved no extra credit. "He simply adopted the tactics of the old Texas veteran, Emery Rains, whose plan was to vote NO on all doubtful issues. 'For,' said he, 'if it turns out well no one will care how I voted. If it turns out ill I will be free from all blame'."

defeat the whole affair by filibustering. David Field of New York was the leader of this group, and he openly impugned the motives of the southerners who supported the count. Throckmorton met Field in the lobby of the capitol and, after characterizing Mr. Field, as the *Fort Worth Democrat* said, "a scoundrel and a pimp," was about to engage in personal combat when some bystander took Field away. This incident had given Throckmorton much publicity in the matter.¹⁵

Various other means were used to discredit Throckmorton's candidacy. The *Fort Worth Democrat* charged that he would ask for re-election to Congress if he failed to get the nomination at Austin in July. The *Sherman Register*, however, announced that it was authorized to say that Throckmorton would not be a candidate for Congress under any circumstances. Following this announcement of the *Register*, the *San Antonio Express* carried the following disparaging paragraph:

The people and papers of Throckmorton's district, having succeeded in getting that gentleman to decline to run for Congress again, have almost dropped Throckmorton and the gubernatorial contest, and are ranting and raving about who shall fill his seat in Congress, just as though getting that gentleman out of the way of congressional aspirants was all they wanted all the time.

It was true that a great number of men in his district who aspired to his place had no chance as long as Throckmorton was in the race. Seven of these aspirants lived in Dallas. They were J. B. Simpson, Olin Wellborn, General Cabell, Colonel Stemmons, John J. Good, Colonel Hurt, and Colonel Crawford. In addition there were Hare of Sherman, Piner of Denton, Watts and Ball of Parker County, Ball of Jack County, and Bradshaw of Ellis County. The *Fort Worth Daily Democrat* added something to the insult offered by the *San Antonio Express* by stating that "if all the aspirants for Throck-

¹⁵—*Fort Worth Daily Democrat*, March 9, 1877.

morton's place in Congress would unite on his name his chances would indeed be bright."¹⁶

Throckmorton's candidacy for the governorship, though attacked from many quarters, was urged for various reasons. His political experience equipped him for the office, and it was further said that the people of Texas should return him to the office from which he had been removed at the point of Federal bayonets in 1867. His candidacy was also urged on the basis of party expediency. The *Galveston News* correspondent, writing from Dallas, explained that the candidacy of Throckmorton was necessary to keep the Democratic party intact. About sixty per cent of the population of northern Texas was from states north of Missouri. These were not Democrats when they came to Texas; but most of them fell into the ranks of that party, because it was the dominant one in Texas. They had helped to roll up large Democratic majorities in northern Texas, but had grown restless and were showing some disposition to bolt. They got the idea that the Democratic party of Texas was too fond of waving "the Confederate bloody shirt." Coke had defeated Hancock for the Senate by this method. These northern men observed this, and they also witnessed the fact that Hancock had been driven out of Congress by Finlay and Seth Shepherd through a similar procedure. The *News* correspondent stated that these men esteemed Throckmorton and would follow him as would the "bloody shirt shakers" themselves, because he had been a Confederate throughout the war.

Throckmorton did not arrive from Washington to take up the campaign until June 25, and in the meantime the conventions to choose delegates to the Austin meeting were being held. The Throckmorton group was anxious to hold these conventions early in

¹⁶—*Fort Worth Daily Democrat*, February 21, 1878.

the counties which were certain to instruct for their candidate. One of the first conventions to meet was that of Collin County, May 25; and the thirty-one delegates were instructed for Throckmorton without opposition. The resolutions adopted gave the reasons for so instructing their delegates.

Because we want a restoration of those days of low taxes and security of life and property which marked his brief but brilliant administration as governor; because of his illustrious statesmanship, broad views, disinterested patriotism, unswerving integrity, eminent conservatism, and total absence of sectionalism in his character. For these reasons we offer his name to the convention. . . .

Almost simultaneously with the meeting in Throckmorton's own county there was held the Travis County convention at Ausin. This was thought to be a Throckmorton stronghold because of the unceasing labor which he so zealously performed in behalf of Austin for the permanent capital. The vote of Austin had been instructed equally for Hubbard and Throckmorton, so that the control of the convention rested with the county vote. Judge B. Sheeks, a Throckmorton delegate, was made chairman; and immediately a county delegate presented a resolution to instruct the county convention for Hubbard. John A. Green, a Throckmorton man, proposed as a substitute that the county delegation be instructed to divide its vote equally. This substitute was tabled, and the final decision was to have the delegates from the precincts elect delegates to the convention. This was acceptable to both factions. The precinct delegations then separated and elected their delegates. Both Hubbard and Throckmorton claimed the delegation. Hubbard claimed seventeen out of twenty-three, while the Throckmorton forces regarded the chances good to control the majority.¹⁷

¹⁷—*Galveston News*, June 2, 1878.

On June 29, the Dallas County convention met at Dallas and adopted a very flattering resolution concerning Throckmorton's "honesty, integrity, and statesmanship" and heartily endorsed him for the governorship. While this and other conventions were in progress, the interest began to be concentrated on the convention in Lamar County, a county in Throckmorton's district (Second Congressional) and the home of Senator Maxey. The *Galveston News*, in an editorial of July 7, intimated that Throckmorton wished the governorship only as a stepping stone to the senatorial office in 1881. Anti-Hubbard men and Throckmorton supporters regarded this talk as an invention of political leaders to weaken Throckmorton with the friends of senatorial aspirants and more especially with the constituents of Sam Bell Maxey in the Second Congressional District. It was pointed out repeatedly that a repetition of the Coke program would, in this case, be impossible, since the legislature authorized to elect Maxey's successor in 1881 would be fresh from the electorate, and the governor elected in 1878 — unless re-elected in 1880 — would be a private citizen in 1881. Notwithstanding this, and the disavowal by all Throckmorton leaders of any connection with such a scheme, the speculation and gossip continued afloat, always supported by the known fact that Maxey was anxious about his own succession and that he warned his friends against giving Throckmorton any advantage. Whether true or not, in Lamar County, which was legitimately a Throckmorton county, a powerful opposition to Throckmorton developed. When the convention met, the delegates were instructed for Lang, Hubbard was made second choice, and Senator Maxey was endorsed. The *Sherman Register* asserted that this was proof enough that the Lamar convention was willing to permit anyone to be governor, provided he had no senatorial aspirations.

While the attack against Throckmorton was in full blast, one equally as bitter was being carried on against Governor Hubbard. Throckmorton abhorred personalities in politics, and because of the bitter invectives hurled against Hubbard by certain editors, friendly to the Throckmorton candidacy, he was constrained to communicate with those indiscreet enough to abuse the private character of Hubbard, and warn them that he "asked office on his own merits alone, and that he would not receive political honors when obtained at the expense of the good name of another." Nevertheless the attack against Hubbard went on unabated. The bombardment of the press consisted of various charges. He was said to have been guilty of cowardice at the battle of Jenkins Ferry — in the heat of the conflict he sought refuge behind a tree from which position he was driven by E. Kirby Smith and forced to rejoin his command over one hundred yards ahead. He was publicly chastised after the war closed for accusing Captain Sharp of trying to desert to the enemy — Sharp pulled his beard with no show of resentment on Hubbard's part. He collected money from R. Q. Mills for Dr. J. G. Chambers and appropriated it to his own personal use. He received from Burnett and Kilpatrick for the lease of the state penitentiary \$1,500 per month, which he did not put into the treasury. He made appointments solely to promote his own political future. As proof of this last charge a letter from Hubbard to a friend in Dallas in regard to the appointment to the judgeship in the Eleventh Judicial District was produced in which Hubbard asked whom he should appoint to promote his own political good. He was a paid servant of the International Railroad while he was lieutenant governor, and by his vote broke a tie in the senate in favor of a \$3,000,000 subsidy to that road.¹⁸

¹⁸—*Daily Democratic Statesman*, June 26, 1878, quoting the *Dallas Commercial*.

The campaign of abuse continued as the county conventions met to choose delegates to the convention at Austin. Forty-nine counties with three hundred sixty-six votes instructed for Hubbard. Twenty-two counties with a vote of three hundred four instructed for Throckmorton. Lang got five counties with one hundred three votes, while sixty-eight counties named their delegates without instruction. Throckmorton's support came mainly from his own region in North Texas, but he lost several counties even there, including Lamar and Parker.

Throckmorton returned from Washington on June 25 as noted above and made a short campaign. He spoke at Dallas, McKinney, Galveston, and San Antonio, and closed his whirlwind campaign at Austin on the night of July 8. In this closing campaign speech he reviewed his political career and defended it where it had been attacked. His strongest plea was that of economy, and reduction of the debt. He proposed that the cost of the administration of each department be reduced and that the pruning knife be used wherever it could be, wisely and judiciously. As a further means of saving money, he suggested that the ten per cent bonds be called in and reissued at a lower rate of interest. "You should reduce the fees of officers in felony cases, and the cost of transportation of convicts to the penitentiary," he said. He said he believed that the poorly administered penitentiary was one of the heaviest burdens of the government. He also recommended that the ten per cent which the assessors and collectors of taxes received was too high and that there might be an immense saving achieved by reducing this to about three per cent each. Then he proposed certain tax reforms. It is evident that he was only groping for some system which would work better than the old outworn system then in vogue, and that his own mind was indefinite on the question. It is interesting to note, however, that he proposed a form of

tax which is coming into use at the present time. His suggestions on taxation were as follows:

Now, it is a notable fact that the people of Texas, upon non-productive property which yields no income, are so taxed that this idle property is bearing the burdens of government today. Now, if the tax upon this non-productive property could be removed and put upon property that yields income, it would be better.¹⁹ It strikes me that the legislature might relieve the people who own non-productive property. As an illustration though it cannot be applied under our constitution, I might mention the fact in passing, that Pennsylvania has no tax on this type of property. Now, Pennsylvania supports its government by taxes upon every stranger and traveler that passes through its borders. He pays it when he pays his fare, and so small and imperceptible is it that he does not know it. Every pound of freight over its roads contributes to the taxes; it is collected off the railroads, and the railroad companies collect it from the people who patronize them. So one railroad paid \$800,000 last year, another \$600,000, and others in proportion to their business. I mention it not that the remedy may be applied, but that the people may be felt upon the question, so that in the future, if you have a convention, you can provide for other modes of taxation than those now in use. I will state that in some states every suit that is filed in court pays a state tax, and every litigant pays a tax. It is small in amount, but it is one of the little streams going to make up a grand total. Why can we not adopt some of these modes of taxation?²⁰

With this speech Throckmorton made his final bid to the people of Texas for the honor of being their governor.

The delegates, fourteen hundred eighty-eight in number, gathered at the Millet Opera House for the initial meeting at twelve o'clock on July 17. The opera house was not complete, and there was only a dirt floor. There were no chairs; and planks placed on empty, upright beer kegs served as seats for the delegates.²¹ Joseph D. Sayers of Bastrop, chairman of the State

¹⁹—This is exactly the trend of taxation in all the states today

²⁰—*Galveston Daily News*, July 11, 1878.

²¹—Representative Smith of the Forty-third Legislature, who was a member of this convention, said that there were many more empty kegs at the close of the convention than at its beginning.

Democratic Executive Committee, called the meeting to order. As soon as Mr. Sayers had finished a brief speech which formally opened the convention, Colonel Herndon of Tyler, who was to be the floor manager for Mr. Hubbard and his forces, arose and proposed Charles Stewart of Harris County as temporary chairman. Stewart was elected without opposition, and B. B. Paddock of Tarrant County was chosen temporary secretary. A committee on credentials was appointed, together with one on permanent organization, composed of one delegate from each senatorial district. When this preliminary work was finished, the three candidates, Throckmorton, Lang, and Hubbard, were invited to take seats in the convention and to make speeches. Throckmorton spoke first. In a short speech he declared for frontier protection; referred to his past services, including that to the Confederacy; and declared that, having made a short campaign, if he were chosen, it would be because he had been remembered in the hearts of the people. Hubbard simply reviewed his administration and claimed the nomination on his record and on his claim to a second term. When Hubbard had finished, the credentials committee made a majority and a minority report. The majority report, signed by fifteen of the committee, said nothing of allowing representation from unorganized counties but simply omitted the names of delegates from unorganized counties from the list of delegates, while the minority report signed by thirteen committeemen insisted that justice demanded that representation be given to these counties. The minority report contained a resolution which provided that the "unorganized counties of this state shall be entitled to one vote each, and the delegations from the counties to which said counties are attached be authorized to cast one vote for each county so attached for judicial or other purposes."

The arguments for and against the minority report were vigorous, heated, and even bitter. Colonel W. M. Walton of Travis, Throckmorton's floor manager, spoke earnestly in favor of the minority report along with the majority, as did Tom Ball of Jack, Holland of Dallas, and Shaw of Red River. Mr. Shaw read a resolution of the state convention at Austin in 1873 which gave representation to all unorganized counties and thus showed that precedent warranted the report of the minority. It was urged also that the dangers to which these frontier counties were subject made it only a matter of justice to allow them a choice in the nomination. J. H. McLeary of Bexar pointed out that such a policy would be ridiculous, and pointed to the case of Jack County, which had only three votes in the convention but had twenty unorganized counties attached to it. The adoption of the minority report, he said, would thus give Jack twenty additional votes "for counties inhabited only by buffaloes, prairie dogs, and coyotes."²² Holland of Dallas retorted that these counties were represented by men who had ridden two hundred fifty miles on horseback to get to the convention and that justice demanded that they be seated in the convention.

Bower closed the debate for the minority group and, when he had finished, moved the previous question, which was the adoption of the minority along with the majority report. The temporary chairman, Mr. Stewart, a Hubbard man, recognized Mr. Coleman, a Hubbard delegate, saying that the previous question was not seconded. Almost like a flash about five hundred delegates arose to second it. Bower made a point of order that Mr. Coleman could not speak, but amidst the din of yells and confusion he was ruled out of order. Bower appealed to the chair, but was again ruled out. Coleman then tried to speak, but the noisy delegates prevented.

²²—*Galveston Daily News*, July 19, 1878.

Herndon, standing in his seat, persuaded Coleman to yield to him. The cry of "no, no, no, down with Herndon" went up from five hundred delegates; and out of this din and confusion came a motion to adjourn, which was ruled out of order. Finally, Herndon was permitted to speak and moved the tabling of the minority report; and the vote was taken by counties. It was generally supposed that the vote of unorganized counties would go to Throckmorton; but some of the counties which had instructed for him voted to table, and the Lang men were generally against the minority report, so that when the ballot was counted the vote to table was 883-2/3 for to 579-1/3 against. The majority report was then adopted.

At the second session, July 17, 8:30 o'clock, Lang made his appeal. The reports of this speech indicate that it was more of an appeal for Throckmorton than for Lang, which gave color to the story that Throckmorton was in league with the Grange of Texas. When Lang finished, the committee on permanent organization made its report. The Throckmorton forces favored General Hamilton P. Bee for the position of permanent chairman, while Hubbard wished to have Colonel Bonner. The committee agreed on M. D. K. Taylor, a compromise candidate, for president; John Brookhart of Dallas, secretary; and a vice-president from each senatorial district. The report of the committee was adopted without protest, and Taylor took the chair.²³

The nominations were made at the evening session. Joel Bryan of Brazoria nominated Throckmorton. Burgess of Guadalupe seconded, he said, "because I hail from a western county, and it has been told that the West is a unit against Throckmorton. It is not so. There are many men in that region who hold the name of the Honorable J. W. Throckmorton second to no name in Texas." Simpson of Dallas, and Barziza of Harris both

²³—*Galveston Daily News*, July 18, 1878.

made speeches endorsing Throckmorton's nomination. General Young nominated Hubbard, Campbell of Fan-nin nominated Lang, and the convention proceeded with the balloting.

Hubbard led from the first. On the first ballot he led Throckmorton by one hundred nineteen votes, while Lang trailed along in third place with two hundred forty votes. After the third ballot Jones of Waco withdrew Lang's name, and most of his vote went to Throckmorton on the fourth ballot, leaving Hubbard only a marginal lead of twenty-five votes. The contest between the two continued through thirteen ballots. Through these ballots Throckmorton lost gradually from seven hundred thirty-three votes on the fourth to six hundred ninety-four on the thirteenth, while Hubbard increased from seven hundred fifty-eight on the fourth to eight hundred four on the thirteenth. Hubbard had a majority on each ballot from the fourth to the thirteenth inclusive.²⁴

After the thirteenth ballot Tom Moore of McLennan renominated Lang; and Walton, without holding a caucus, arose to withdraw the name of Throckmorton. Hubbard's friends tried to keep him from speaking, indulging freely in hisses and threats. Walton eulogized Throckmorton and said that he believed that he was the choice of the people of Texas for governor, and then endorsed Lang as the next best man. At this point confusion of applause mingled with hisses completely drowned Walton out, threats were made, and some of the Hubbard delegates approached Walton menacingly. Walton's friends formed a semi-circle around him, facing those who approached him. Walton then continued his eulo-

²⁴—While this convention was in session Sam Bass made his appearance at Round Rock, Texas, just a few miles from Austin. After the sixth ballot, some one moved that he be invited to Austin to vote for Hubbard. A gentleman from Comanche County, a Hubbard man, then suggested that this arrangement would be acceptable if they would bring Tom Scott to the hall and let him vote for Throckmorton.

gistic speech sanctioning Lang as "the farmer who knew finances." The fourteenth ballot was simply a transfer of Throckmorton support to Lang.

Much bitter discussion followed the fourteenth ballot. The Hubbard men argued that, since their candidate led Throckmorton on thirteen ballots, and Lang on the fourteenth, Lang should withdraw as Throckmorton had done and leave the field to Hubbard. This in effect would have been equal to the abandonment of the two-thirds rule. Martin of Grayson, editor of the *Sherman Register*, said that the forty-two votes of Grayson County had been instructed for Throckmorton "first, last, and all the time," and that now, if Lang and Hubbard were candidates in Grayson, Lang would receive nineteen-twentieths of the votes. Martin then launched into an attack on Herndon and Hubbard. He denied that Herndon, who claimed to be from Grayson County, was a citizen of that county or even of Texas, and that, since he had resided in the state only four months, he was therefore not entitled to a place in the convention. In referring to Hubbard he said: "I am not here to go into the record of Hubbard in detail. If I were to do so I would create such a smell as would drive all here out of the house."²⁵ Bower of Dallas also spoke against leaving the field to Hubbard. He said that Hubbard was not the choice of the Democracy of Texas as was evidenced by the fact that in the last election the counties which had instructed for Throckmorton gave 87,000 of the 102,000 Democratic majority in the state. He then nominated T. J. Devine of San Antonio. A gentleman from Callahan County then placed Bower's name before the convention; but Simpson of Dallas withdrew Bower's name and seconded Devine, whereupon Martin of Grayson withdrew Lang's name.

Major Dwyer of San Antonio managed the Devine forces. He was admittedly a better floor manager and

²⁵—*Galveston Daily News*, July 21, 1878.

strategist than was Judge Walton, who managed Throckmorton's forces. Walton was a close personal friend of Mr. Throckmorton, and he indulged in the bitterest invectives against the enemies of his candidate, which no doubt aided in Throckmorton's failure, though it was eventually to ruin Hubbard.

Balloting was then resumed, and Hubbard led Devine through the eighteenth ballot. On this ballot Hubbard received nine hundred six votes, which lacked only eighty-six of being the necessary number for the nomination. The Throckmorton and Devine delegates became panicky for fear that Hubbard might be nominated; and Dwyer, the floor manager, therefore, made a shrewd move. He proposed that, since Hubbard could not be nominated, yet had a majority, they would support any candidate the Hubbard men would agree on — provided Hubbard withdrew. The proposition was refused, and the refusal had the effect of spreading discontent in the Hubbard ranks. Since they failed to reach an agreement, the balloting continued. From the twenty-second through the twenty-seventh ballot Devine led. This reflected the disgust of some at the uncompromising attitude of Hubbard leaders. After the twenty-second ballot a resolution was introduced which provided for the appointment of a committee of thirty-one, one from each senatorial district, to confer and agree on a compromise candidate and present his name to the convention; but the resolution had very little strength. After the twenty-seventh ballot, Campbell of Fannin offered a resolution of a similar nature. This resolution called for a committee of nine to be composed of two Throckmorton appointees, and two appointed by Hubbard, two by Lang, two by Devine, and one by the chair. This was hissed down by the Hubbard men at once.

These two attempts were made and voted down on Monday, July 22. On the same day the Devine and Hubbard caucuses each appointed a conference committee—

the two to form a joint committee—to arrange to break the deadlock. Several names were submitted to the committee and the balloting began. The first ballot resulted in fifteen votes for John H. Reagan, two for W. P. Ballinger, five for John Ireland, three for R. Q. Mills, and one for Charles Stewart. After the first ballot the Throckmorton and Devine men, believing that the opposition had conferred and decided on Reagan, as their votes were cast for him, held a caucus and determined to make the nomination by voting for O. M. Roberts. The second ballot, therefore, gave Roberts sixteen, Reagan nine, Ireland one, Mills two, D. B. Culberson one, and Stewart one. On the third and fourth ballots Roberts received a majority but not the two-thirds necessary for the nomination. It was now evident that no man could receive a two-thirds vote; and, since Roberts had twice received a majority, the committee cut the Gordian knot by voting unanimously for Roberts.²⁶

At eleven o'clock, July 23, the convention assembled; and Colonel Bower, chairman of the Devine caucus committee, reported the deliberations of the joint commission. Colonel Herndon, acting for the whole committee, offered a resolution which provided that the names of Hubbard and Devine be withdrawn and that no name which had previously been before the convention could again come before it. The resolution passed and Herndon then placed Roberts in nomination. The result was nomination by acclamation. Joseph D. Sayers was nominated for lieutenant governor without opposition.²⁷

Perhaps no better choice could have been made by the convention, for Colonel Roberts was a man of distinguished record. Before the war he had been Judge of the Fifth Judicial District, Associate Justice of the Supreme Court of Texas, and President of the Secession

²⁶—F. R. Lubbock, *Six Decades in Texas*, 615.

²⁷—Other nominations were as follows: George McCormick, attorney-general; W. C. Wash, land commissioner; F. R. Lubbock, treasurer.

Convention. During the war he was colonel of the Sixteenth Texas Volunteer Infantry in the Confederate service. After the war he was elected United States Senator but was denied his seat; and later became Associate Justice of the Supreme Court, and Chief Justice of the Supreme Court, both by executive appointment and by election.²⁸

After the convention had completed its labors, Colonel J. B. Simpson, a Dallas delegate, was interviewed by a correspondent of the *Fort Worth Democrat*. He explained their defeat by saying that Throckmorton's name was taken down too soon, and that the leaders made a deplorable mistake by withdrawing Devine. Then he said that the admirable leadership of Herndon played a great part. In regard to Herndon's ability as a strategist Simpson said:

Under his able leadership Hubbard unhorsed and struck down three of the ablest men in the state . . . Even when the prize was in our hands, Herndon's admirable diplomacy wrested it from us, and turned defeat into victory. We were induced to sacrifice Devine and accept the nominee of a joint commission.²⁹

Representative Smith of Wood County, who was a delegate to this convention, attributed Throckmorton's failure to beat Hubbard to the fact that Hubbard lived at Tyler, which at that time was the political center of the state, though it later shifted to Waco, and finally to Dallas.³⁰

The *Marlin Ball*, in explaining why Hubbard did not win the nomination, laid the blame on Walton's withering invectives against Hubbard in his speech with-

²⁸—*Frontier Echo*, August 16, 1878.

²⁹—*Fort Worth Democrat*, July 28, 1878. Simpson evidently referred here to the mistake which the Throckmorton and Devine forces made in permitting an adjournment after the twenty-seventh ballot when Devine was leading sixty and one-half votes.

³⁰—Interview with Representative Smith.

drawing Throckmorton's name. This periodical had the following to say on this subject:

Sam Bass would not have been guilty of such cowardly conduct to defeat the wishes of the majority of the convention. Lone Wolf, the untutored Indian might be excusable for hurling the deadly arrow from ambush into the heart of his pursuers, but when it comes to pass that prominent members of the great Democratic Party creep about like slimy snakes and disseminate the vile poison of slander against the highest official of the state, whose honesty and integrity have never been impeached, decency sinks into despair, and the blush of shame is frescoed upon the escutcheon of the grandest commonwealth of the nation.

CHAPTER TWELVE
THE END OF THE VOYAGE

The Hogg platform, insofar as honest and truthful Democracy are concerned, is a Bastard Conceived in Sin and Brought Forth in Iniquity.

—THROCKMORTON'S APPRAISAL OF THE HOGG
PLATFORM, 1890.

• •

No one, not even those who may have differed with him, has ever charged him with betraying a trust, and he has never been charged with a dishonorable deed.

—HOUSTON UNION, APRIL 22, 1894.

• •

Without exception, the state has never produced a statesman more faithful to every trust, more courageous in the discharge of every duty, or more worthy to wear the honors of the highest office within the gift of the people — affording a noble example of patriotism and statesmanship worthy of presentation with those of Houston and Rusk.

—HOUSTON DAILY POST.

• •

As there never has been a man in this country so universally known so there never has been a man whose removal was so universally deplored.

—DALLAS NEWS.

• •

Brave, noble, generous, kind, a born leader of men, he was polished and finished after the highest model.

—FORT WORTH DEMOCRAT, APRIL 26, 1894.



CHAPTER TWELVE

THE END OF THE VOYAGE

THROCKMORTON served his state in the capacity of State Representative, State Senator, Governor, and Representative in the United States Congress. This service covered, intermittently, the period from 1850 to his death in 1894 — a period of forty-four years. The office which he most ardently desired, however, he was never permitted to enjoy—that of United States Senator. To hold this office was the one consuming political desire of his life, and his every energy was bent in that direction. Perhaps the only real chance which he ever had was in 1866. He emerged from the smoke of battle with a great deal of popularity, and his conservative record made him available for the senatorship. Many of his friends urged him to ask for the office, but his political foresight showed him that the office would not be desirable in the few years which would follow the war. As we have seen, he attempted to get into the Senate in 1874, but a combination of weaker elements in the legislature defeated him. In the gubernatorial canvass of 1878 his enemies claimed that he wished to use the governorship as a stepping stone to the senate. No proof of this can be offered, but if he had been chosen governor and an opportunity to get the senatorship had presented itself, there can be little doubt that he would have seized it.

Defeated in the convention at Austin, Throckmorton began his preparations to place his name before the legislature for the senatorship in January, 1881. However, a number of political affairs of the state engaged

his attention prior to the announcement for the senate. In April, 1880, he attended the Democratic Convention at Galveston. He (along with Hubbard, T. M. Jack, and John Ireland) was chosen as a delegate to the National Democratic Convention, which was to meet at Cincinnati. In the choice of delegates there were 431 votes cast, of which Throckmorton received 429. In this convention Throckmorton led the forces for the nomination of Winfield Scott Hancock for the presidency. The reasons he gave were as follows: Hancock had not been mixed up in the congressional bickerings; he had no hard or soft money record; he believed the civil should be superior to the military authority; he could carry Pennsylvania—"the only living hope to do so;" and he would get the vote of thousands of northern soldiers.¹

The gubernatorial race of 1880 next occupied Throckmorton's attention. In view of his senatorial aspirations the gubernatorial election was significant, because it was important to have a friend in the governor's chair when the senatorial election was held. Much of Throckmorton's interest in this race was provoked, therefore, by his interest in the senatorial election of 1881. The two main candidates for governor were O. M. Roberts, a candidate to succeed himself, and W. Jones, a candidate of the Grange. Throckmorton took the stump against Jones and met him in debate on several occasions. In regard to his debate with Jones at Sherman on July 23, the *Galveston Daily News* had the following to say:

The theories of the fiat champion were met by Governor Throckmorton with riddling logic, and so completely did this knight of Texas democracy unhorse his adversary, that the followers of Jones applauded him to the echo. The effect of Governor Throckmorton's defense of the financial attitude of his party was magical, and has made a tremendous breach in the fiat phalanx in Grayson County.

¹—*Galveston Daily News*, April 23, 1880.

So effective was this appeal that many of Jones' followers discarded the party badges they wore to signify the party to which they belonged.

In the nominating convention which met at Dallas in August Throckmorton supported Roberts, which gave rise to the rumor that there was a conspiracy between the two men — Throckmorton to support Roberts for governor and Roberts to aid Throckmorton in capturing the senatorship.²

Roberts, having been nominated at the Dallas convention, was re-elected in November, and the way was clear for the senatorial campaign. Throckmorton began by trying to enlist some men of influence to aid him before the legislature. He wrote Ashbel Smith and asked his assistance and incidentally explained one of his reasons for seeking senatorial honors.

I was sued in Federal Court on security of Colonel R. H. Lane's bond for \$250,000 with George Hancock et al—the others bankrupted and left me and George to make the fight. Lane died—Hancock died—we got through but it cost me over \$20,000—so far as I am concerned it took all I had and made since the war. Besides this I have some other security obligations, and I have now to begin life over anew—but I see daylight on the scene.³

In the campaign some effort was made to discredit Senator Maxey, whom Throckmorton hoped to succeed. The *Denison Weekly News* said that Maxey had visited Galveston in 1879, and had "a revenue cutter to pull him around over the water to determine what Galveston needed to make her a great commercial mart," and that while there he did a great deal of "wind work." The *News* pointed out, however, that at Washington it was

²—*Sherman Courier* quoted in the *Denison Daily News*, August 25, 1880. The *Courier* remarked that the fact that the three newspapers, *Austin Statesman*, *Dallas Times Herald*, and the *Houston Age*, which had so ardently supported Roberts for governor, now supported Throckmorton for the senate, proved that there was a covenant between them.

³—Throckmorton to Ashbel Smith, December 18, 1880, *Ashbel Smith Papers* in Archives, University of Texas, Austin.

Reagan who put the Galveston appropriation through the House, and that Senator Coke got the appropriation increased in the Senate.⁴ Maxey was again discredited because he had deserted President Hayes and Secretary Sherman in their attempt to remove Arthur from the office of customs collector of New York. Sherman charged that gross abuses of administration had increased during Arthur's incumbency; that he had continually paid men who rendered little or no service; that expenses of his office increased while receipts diminished; that gratuities in the form of bribes had been received by his subordinates; and that he had in no case supported the efforts to correct the abuses. Hayes wrote to Arthur that "you have made the custom house a center of partisan political management." Maxey left the ranks of the Democrats and joined Conkling against President Hayes, and Arthur was permitted to remain a little longer in the customs office. Maxey's friends did not deny this; but they said he was not bound to explain his vote, since the vote was taken in executive session. Maxey made no attempt to answer the charge.

Throckmorton had to answer the same charges which he had been forced to answer in every campaign since the war. His political enemies never found a new charge, nor did they cease making the old ones. They even dragged out of the closet the old skeleton that he had been a Democrat only since 1869. The favorite charge, however, was that he had conspired with railroad corporations against the interest of the people.

When the legislature met in January of 1881, the House of Representatives, by a resolution, authorized Maxey and Throckmorton to use the Hall for the discussion of public questions on Saturday, January 22; but Maxey was ill and Throckmorton would not take advantage by speaking without giving his opponent a chance to reply. The discussion did take place, however,

⁴—*Denison Daily News*, September 26, 1880.

on Monday evening prior to the election on Tuesday. The speakers did not stoop to personalities, but simply discussed the outstanding questions of the day with little, if any, difference between the two men. The *Galveston News* said that both men were applauded but that it was very apparent that the most applause was on the side of Throckmorton. As the voting later showed, they must have applauded Throckmorton and voted for Maxey.

The election took place at twelve o'clock, Tuesday, January 25. The Senate ballot showed twenty-two votes for Maxey, eight for Throckmorton, and one for E. J. Davis. In the House Maxey got fifty-one votes, Throckmorton got thirty-four, Davis five, and Reagan one.⁵

The years which followed were depressing and for the most part uneventful ones for Mr. Throckmorton because of the wretched state of his health. He had just recovered from a long, wasting illness and in reality left his sick bed to go to Austin in January. He went home a very sick man, and in March he became very ill and was confined to his bed until May. He then went to Hot Springs, Arkansas, for a short stay, which seemed to aid his recovery. The disease which had followed him during his life, however, was to follow him to his dying hour. In July, 1881, shortly after his return from Hot Springs, the old disease attacked him with renewed vigor in the form of acute gastroenteritis. The *Dallas Daily Herald*, always a true friend of Throckmorton, sent out regular bulletins in regard to his health. On July 8, the paper had the following announcement:

Governor Throckmorton was taken very bad with cholera morbus on Tuesday night and is still very low. Dr. Wiley stayed with him all night and reported his case as very dangerous, but with some hopes of recovery.

On July 9, the paper reported a telegram which stated that "Governor Throckmorton's health is better. He is

⁵—*Galveston Daily News*, January 26, 1881.

still very, very sick." On July 16, the *Herald* announced that he was much improved but that he was still confined to his room. The paper explained that "his being so zealous in his many cases at this term of court was the cause of his relapse." On August 6, the paper reported that Throckmorton had sufficiently recovered from his severe illness to go to the Indian Nation for a few weeks of recreation at the Springs near Atoka.

Throckmorton recovered his health sufficiently to run for Congress in 1882 and to administer a sound defeat to his Greenback opponent, General W. G. T. Weaver. He served this term without serious interference because of ill health and was re-elected in 1884. Soon after the election of 1884, and before he took his seat in the Forty-ninth Congress, he was overcome by another long illness. On July 2, 1885, the *Dallas Weekly Herald*, quoting the *McKinney Enquirer*, said:

Governor Throckmorton gladdened many friends by appearing in town last Saturday (June 27). He is greatly emaciated and very weak, but high hopes are entertained for his early and full restoration to health.

His illness continued, and he was scarcely able to appear at the polls in McKinney to vote in a local election in the autumn of 1885.⁶ Though ill and completely broken, he would not give up. He reported to Washington for the first session of the Forty-ninth Congress in December, 1885. Mere determination, however, of the most courageous cannot eliminate the pangs of illness; and on April 12, 1886, he sought leave of absence for twenty days, beginning April 13, because of illness. On June 28, leave of absence was granted him for one day. One week's leave was granted him on July 5, again because of illness. His friends implored him to give up the service, but he was devoted to his work and was reluctant to surrender. No doubt he thought that a surrender might

⁶—*Dallas Weekly Herald*, September 7, 1885.

be for all time, and he tried to hold on. However, on July 16, he was granted indefinite leave of absence.⁷

The state of his health would not permit him to ask for re-election in 1886, but he returned to Washington for the last sessions of the Congress in 1887. His health temporarily improved, and he was led to make some plans to run for Congress in 1888. On March 6, 1888, J. M. Waide of Bolivar, Texas, wrote to him that "I have been telling my friends here that it would be better to have you in Congress sick than any other man well, and at the next convention I will favor nominating you well or sick." T. E. Boman, editor of the *Sherman Register*, wrote and pledged his support and declared that "the night will not be too dark nor the roads too rough for me to travel for you if needed."

In an effort to find out what support he might expect in the congressional race, he got much encouragement. Such statements as "Clay County for you to a man," "If you put your hat in the ring it will be a walk-over," "If you announce the others will drop out," and "We are anxious to return you to Congress for the next session" came from many sections.⁸ Failing health, however, again intervened; and all that was left to Throckmorton were the usual letters of regret from many friends.⁹

There were many people in Texas who sincerely believed that the state owed Throckmorton a term as governor, since he had served only one year of the four to which he had been entitled as a result of his election to the governorship in 1866; and he himself probably

⁷—*Congressional Record*, Forty-ninth Congress, First Session, Vol. XVII, Part 4, 3391; Part 6, 6216, 6524; and Part 7, 7041.

⁸—W. J. Sparks, C. C. Potter, W. W. Merritt, R. E. Huff, J. H. Dills, and others to Throckmorton, March, April, 1888, *Throckmorton's Private Correspondence*, University of Texas, Austin.

⁹—Some friends wished him to allow his name to be presented at the convention regardless of his illness. Mr. Trolinger told one of his friends that "if Mr. Throckmorton had not been dead over three days he would vote for him over anyone else." W. A. Trolinger to Throckmorton, May 29, 1888.

shared this view, although he did not say so. The *McKinney Democrat* said that "Throckmorton is the only southern governor turned out by carpet-baggers, who was not re-elected." The *Tyler Courier* took a similar attitude. "We cannot afford to disparage his claims upon the people of Texas," the *Courier* said, "for if Texas ever had a son who was loyal and true to her best interests, in the darkest days of her statehood as well as in her seasons of prosperity, that man is Jim Throckmorton." The press of the state, particularly in his own section, was burdened with this same sentiment in the early spring of 1889; and Throckmorton, ever alert for political office and too weak to say no to his friends, determined to run. James S. Hogg, the young attorney-general of Texas, was also a candidate.¹⁰

At the very mention of Throckmorton's name every East Texas editor began to prepare scathing editorials to hurl at him, for they remembered that he had blocked the way of their favorite, R. B. Hubbard, to the governorship in 1878. The *Tyler Record* commented as follows:

There was a time when Texas did owe Throckmorton a debt, but the debt has been for years gone by settled and settled in full. Your Honorable Mr. Throckmorton settled the debt himself, when with a minority barely exceeding one-third the whole number, this Honorable Mr. Throckmorton ignored the will of the Democracy of Texas and defeated the nomination of his opponent, the Honorable R. B. Hubbard, who had distanced him almost out of reach in a great number of heats. Then and there, with deliberation and premeditation he squared accounts with the Democratic Party of the State.¹¹

Both Mr. Hogg and Mr. Throckmorton had a powerful following in Texas in 1890. Hogg had just achieved his popularity by fresh conquests before the people,

¹⁰—The *McKinney Democrat* commented as follows: "A Republican paper in Kansas is booming Throckmorton for governor. Sometimes a little good can even come out of Nazareth."

¹¹—The *Dallas Daily Times Herald*, September 7, 1889, quoting the *Tyler Record*.

while Throckmorton's following had been achieved through the years by a constant, earnest, and faithful devotion to the welfare of Texas. There were many who were afraid that the high esteem in which these two men were held in Texas would make the nomination of either impossible in a Democratic convention. To prevent a troublesome deadlock, the *Texas Farmer* addressed a letter to each candidate and advised that his friends be authorized to withdraw his name if he failed to get a bare majority of the convention. This would practically assure the nomination of one of the two. On February 25, 1890, Throckmorton answered this communication and gave the assurance that "when it is ascertained I have not a majority my friends will be authorized to withdraw my name."

The main issue in the campaign was that of the railroad commission. It was somewhat difficult to make this an issue between Hogg and Throckmorton since both favored a commission. Hogg wished to create a commission with vast powers, while Throckmorton, always conservative, wished to curtail the power of the commission. Throckmorton, however, as early as 1878, had openly advocated some sort of a commission to regulate railroads and eliminate abuses. In 1878 he wrote Ashbel Smith in regard to this question:

I also send you a report of the auditor of railroad accounts that has much valuable information. I send it, however, more that you may see how corporations are becoming masters of the people and the government than for any other purpose.

In the Legislature you or someone should move so as to regulate them in our state—their rates of fares and freights cannot be regulated by a fixed law—times, circumstances, changes, and various causes preclude this idea in my judgment. But there should be a commission appointed of men skilled in the knowledge of railroad transportation, their cost, construction, etc.—and this commission should be empowered to supervise and arrange, so as not to be oppressive to the

railroad companies, and with a care to preserve the capital invested, but at the same time to protect the interest of the people.¹²

These rather advanced views given in a private letter were not generally known, and he was early called on to make clear his stand on this momentous question. In an open letter to the press of the state in August of 1889 he discussed this question.

The fixing of rates by a commission composed of able business men, after due conference with railroad managers and thorough study of all questions connected with the subject, it seems to me would bring excellent results and would be better than fixing maximum rates . . . It seems to me that such a commission would be far more likely to secure stable and permanent good management of railroads and wise laws for the protecting of the interests of capital invested and the people, than to leave these great and perplexing questions to be constantly agitated by new and changing lawmakers, who rarely have the opportunity, and who cannot in the space of a session of the legislature study out and perfect such a problem—one of the greatest and most intricate of the age.¹³

The views of the two men, Throckmorton and Hogg, on the railroad commission differed only relatively. Both favored a commission, but Throckmorton, a conservative as he always was, wished to avoid giving the commission such powers as would enable it to interfere with railroad development or to curb the free activities of capital. This gave him an advantage over Hogg, whose views were radical. Throckmorton enjoyed another advantage—he was an old campaigner with a large loyal following throughout the state, which advantages made him the favorite of many to win the nomination. The *Dallas Daily Times Herald*, a Hogg organ, conceded as late as March, 1890, that "Hogg and Throckmorton would lock the convention." The *Coleman Voice* thought, perhaps

¹²—Throckmorton to Ashbel Smith, December 22, 1878, *Ashbel Smith Papers*, University of Texas, Austin.

¹³—The *Waxahachie Enterprise*, August 9, 1889, in *Waxahachie News Office*, Waxahachie, Texas.

rightly, that "Throckmorton can beat any man in Texas for governor before the people but he has no chance before a Democratic convention of the state."

Whether his chances were good or bad, he was not to be permitted to finish the campaign because of ill health, and in May, 1890, in a letter to the people of Texas, he formally withdrew from the race. In this rather pathetic letter he said:

When I announced myself a candidate for governor sometime since my health was better than it had been for the past ten years. Shortly after that announcement I was attacked with La Grippe, then an epidemic, and from over-exposure since I had frequent attacks of rigor, followed by fever, which rendered me totally incapable for days at a time of either mental or physical exertion. My experience on a recent trip to Belleville and my inability to speak at Cleburne convinces me that the hope of overcoming this trouble is not only delusive, but that my health will break more and more under the fatigue and exertions which the canvass demands. I have determined therefore to withdraw from the race.¹⁴

The Throckmorton followers were deeply grieved at the turn of affairs, for he had a very warm place in the hearts of all old Texans. Of his withdrawal the *Dallas News* said that in his brief address of withdrawal there was a "touch of unconscious pathos" and that literally thousands of the citizens of Texas would feel that they had lost "a Nestor of wise counsel and safe leadership in the retirement from the field of one combining such qualities of statesmanshiplike breadth, and ardent but well tempered patriotism as are blended in the character of ex-Governor J. W. Throckmorton."¹⁵ The Democratic Club of McKinney, informed of his intention to withdraw, met on Monday previous to the announcement of May 10, and passed resolutions of regret and sorrow. The resolutions expressed the deepest concern in regard

¹⁴—The *McKinney Gazette*, March 10, 1890.

¹⁵—The *Dallas News*, May 11, 1890.

to his health and anxiety for his speedy recovery. The resolutions went on:

To those throughout the state who, though opposed to Throckmorton, accorded him the consideration due his high character, we cordially extend this expression of our respect and kindly feelings, but to those whose hearts beat with ours, whose hopes and aspirations were in unison with ours and who are now in mourning with us in this sad ending of it all, they are indeed our very brothers.¹⁶

The Dallas Democratic Club passed similar resolutions expressing the hope that rest "may restore to him his health and to the state a citizen whose life long services have endeared him to her people."

The *McKinney Gazette's* observation that "his forced retirement at this time on account of failure of health, lost in the services of his country, is like the fall of a great general in battle" expressed adequately the depth of sorrow which pervaded the Throckmorton camp.

The brief effort to get the governorship in 1890 practically ended Throckmorton's political life. He took little part in the campaign which followed his withdrawal and which resulted in the election of Hogg. Yet he did not like the administration which followed, and in 1892 he opposed Hogg's re-election. His opposition to Hogg came about in this manner. The ranks of the Democratic party were split into two factions. One faction, favoring less railroad regulation and the adoption of the Chicago platform, followed George Clark of Waco; and the other supported Hogg. In a convention which met at Lampasas in the summer of 1892 the Clark faction administered a sound defeat to the Hogg group. This was only a skirmish preceding the real fight, which came at the state convention at Houston. Here the convention split into what were later called the "car-shed" group and the "Turner

¹⁶—The *McKinney Gazette*, May 10, 1896. These resolutions were signed by H. C. Mack, John A. L. Wolf, Aaron Caffey, R. T. Seay, and W. T. Beverly.

Hall" group.¹⁷ The split came over the admission of Hogg delegates who had been elected — it was claimed by the Waco faction — by men who were not Democrats and who were not entitled to vote for delegates to a Democratic convention. The "car-shed" delegates adopted a platform and nominated Hogg, while the "Turner Hall" group nominated Clark.

Throckmorton did not take a prominent part in the campaign which ensued. He refused to be interviewed by the newspapers, but his views became generally known when the newspapers published a letter which he wrote to Judge L. G. Harmon of San Antonio. In this letter he made known his reasons for supporting Clark, who was known as the "Little Giant of Waco." As this was Throckmorton's last important political declaration, I wish to insert here a lengthy quotation from it.

The truth is I feel that, politically, we have fallen upon evil ways and that danger threatens the democracy of the State. I have no hesitation in letting my friends know where I stand in the present conflict. While I do not think the Clark delegates were altogether right in withdrawing from the convention *when they did*, yet, had I been a member, on the rejection of the Clark platform, I should have then withdrawn. It is notorious that the delegates to Houston in favor of Hogg were in very many instances elected by the Alliance and third party men. The platform adopted by the Hogg people was in some respects a tub thrown to that class of his supporters — and the free silver plank was adopted to placate that class of voters and in my judgment it was also adopted with the other purpose of driving Mills to the support of Clark with the hope of defeating him for the senate.

As notorious as is the fact that almost every Hogg delegate to Houston was elected by the help of the Labor Party, Alliance, and third party people it is equally notorious, that, with few exceptions, these people did not participate in the election of delegates to the Lampasas convention. That convention,

¹⁷—When the convention met at Houston, it was found that there were many more delegates present than had ever attended a Democratic convention in Texas; and the only place large enough to accommodate the delegates was a shed which had recently been built to shelter Houston's street cars. When the Clark faction bolted, it adjourned to Turner Hall. Whence the names of the two factions.

almost entirely, was composed of Democrats, who adopted a silver plank which is in accord with the Chicago platform and the one adopted by the Clark convention at Houston. Believing this, and fully persuaded that the Hogg platform was cooked and seasoned for particular purposes and specially intended to antagonize the Chicago and Lampasas platforms, at the risk of being pronounced a traitor to the Democratic party and not fit to live, I unhesitatingly say to my friends that I stand by the Lampasas and Chicago platforms, and regard the Clark platform as in perfect accord with them, and that the Hogg platform, insofar as honest and truthful Democracy is concerned, is a *bastard conceived in sin and brought forth in iniquity*. Believing as I do, I cannot, without stultifying myself, do otherwise than support Clark.

This letter was written partly to make known his views, but principally to answer a whisper which was going about that he was to be read out of the Democratic party.

Throckmorton was a staunch friend of Cleveland, and therefore manifested as much interest in the national election as in the state. He had favored Cleveland's renomination in 1888, and now exercised as much influence as he could to make his re-election certain. Cleveland was re-elected and assumed the duties of office in March, 1893. According to Mr. William Daugherty of Gainesville, President Cleveland offered Throckmorton the office of Secretary of the Interior,¹⁸ but the latter refused it. His health had completely broken, and besides this he had promised Mrs. Throckmorton that he would not accept any office which would take him away from home. The death of two of his elder daughters had grieved him deeply and somewhat strengthened the family tie. When Mr. Daugherty approached the subject of the cabinet appointment, Throckmorton told him that Mrs. Throckmorton had reared the family and that the one great regret of his life was that he had been away from home so much. He therefore refused the appointment.

¹⁸—Mr. Daugherty was one of Throckmorton's contemporaries whom he idolized. He called him *Billy my Son*.

His health improved, however, as it did intermittently; and he accepted the receivership of the Choctaw railway and coal mines tendered him by President Cleveland. He did this because the proximity of McAllister, where his office would be established, would enable him to spend considerable time at home. He took up the duties at McAllister in the summer of 1893. He apparently did his work well, for in February plans were on foot to take the road out of the receiver's hands and make Throckmorton president of the road. While these plans were in progress, an accident occurred which was soon to end in his death.

On the eve of the tragedy Throckmorton had been engaged in a whist game with Colonel Bradford (a nephew of Jefferson Davis), Fielding Lewis, Jr., and others until about eleven o'clock, when he announced that he must go to his office to send a telegram. He transacted this business and left the office, but was only a short distance away when he lost his footing and fell. The night was dark and cold, and the hour was late. One or two coal workers straggled by; but cold and exhaustion made calling above a whisper impossible, and he was left there in the cold. The young people at Colonel Bradford's became alarmed at his extended stay and after a search found him in an almost lifeless condition with two ribs broken.

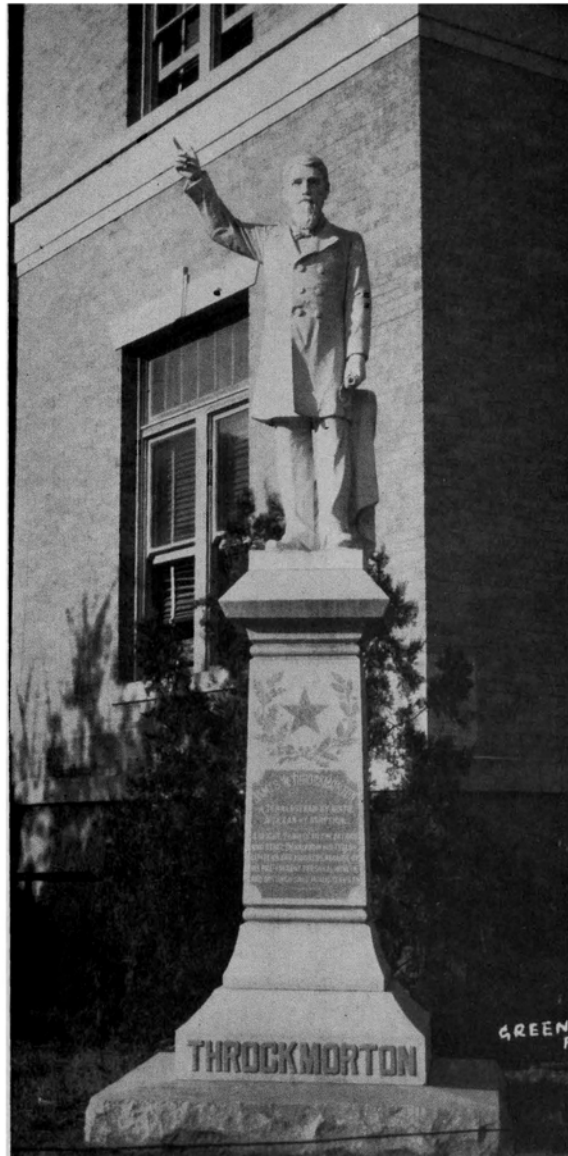
He was taken to McKinney by special train. He seemed to recover from this shock and went back to McAllister and assumed his duties, but remained only a few days before returning to McKinney to look after some law cases pending there. Renewed illness overtook him while in the courtroom in April, 1894. He went home and was confined to the bed from which he was never to rise. Toward the end he suffered terribly from urinic poisoning, and was totally blind for two days before his death. The end came at eight-thirty on April 21, 1894, Texas Independence Day. Conscious of his approaching

dissolution he drifted serenely from the forced repose of opiates to the lasting repose of death while all Texas was celebrating an independence which he helped to maintain if not to achieve.

On the following day, April 22, the columns of the papers of the state were filled with flattering eulogies, pompous and extravagant resolutions, and high sounding phrases of praise of the deceased, all of which would have appealed to the vanity of the man in whose honor they had been written. Even his bitterest enemies, whose invectives had been hurled at him in life, were now among the first to praise him. The judgments of his friends or enemies, however, whether favorable or derogatory, were premature, for time alone can determine one's place in history; but now, after the mellowing influence of forty years, Throckmorton's services to Texas can be accurately judged.

In the legislature, 1850-1860, he rendered notable service to the people of his district in getting their land titles for them, but this was purely a local matter, and in no way affected anyone outside. In the matter of railroad building his interests were broader, and he advocated a plan of construction which would tie the different portions of the state together with a network of roads. Though he did not neglect his district in this matter, he worked untiringly to formulate a plan and get it enacted into law which would promote building projects everywhere in the state. Indeed, without attributing too much to him, one may say that every significant bit of railroad legislation in Texas during the 1850s bears the imprint of his own mind and thinking.

In the latter part of the decade, 1850-1860, when the chasm between the North and the South was widening, he rose above the interests of his state, and thought in terms of national welfare. In these troublous days he saw the import of secession much more clearly than most of his contemporaries; and, conservative as he



THROCKMORTON MONUMENT
McKinney, Texas

always was, he advocated moderation and the preservation of the Union. He even went so far as to try to organize a political party which would promote this end, thus subordinating the well-being of his own state and section to that of the nation. This effort, of course, failed; but when the crisis came, he had the courage to face practically a universal condemnation and vote his sentiments on secession.

His thundering "No" on that memorable day of February 1, 1861, had a far wider significance in the days which followed than simply that of making him the most talked-of man in Texas. Its significance came about in this way. His sentiments were very strong against secession; but when the "die was cast," he went with the Confederacy, and gave, when his health permitted, unswervingly of his time and thought. Deep down in his heart, though perhaps he himself did not realize it, he was fighting for a cause which he did not love. His manner of thinking would not permit him to sanction the cause of secession, but loyalty to his friends and to his adopted state would not allow him to cast his lot with the Union forces. Thus, ground between two millstones, he stood, as it were, on a halfway ground between two elements extremely bitter against each other—the Secessionist and the Unionist. From this intermediate position he was nearer actual neutrality than any other man of influence in Texas, and was thus able to act as peacemaker. During the war and after it, he advocated tolerance toward the minority or Union element, and on many occasions he prevented clashes which might have precipitated civil war within the state.

When the thundering guns of the war were silenced in 1865, Throckmorton still held this strategic position; and as chairman of the Constitutional Convention of 1866 he was able to prevent radical action, and thus postpone the advent of radical government. As governor, 1866-1867, he was forced to run the gauntlet between his

two enemies, each prepared to strike if he veered too much in one direction. At the time he assumed the office, the affairs of the state were distracted to a degree never before known in Texas. Yet in the face of this, the denunciation of radicals, the slander of demagogues, and the interference of the military satraps, he maintained his position with dignity and a degree of success; and if he had not been deposed by the "three lines of pen marks" of a United States army officer, he might have served his full constitutional term and brought about the restoration of the state. One must say, however, that, as a matter of policy, he leaned too far in the direction of conservatism, and was too prone to criticise the United States army officials who were stationed in the state. In his criticisms he always sought to have right and the law on his side if possible; and if he had these he was always insistent, even to the point of obstinacy. He was not one of those men who wanted to "rule or ruin;" but, on the contrary, he was one who liked to negotiate with his enemies and compromise differences which arose. When he came into contact with the army officers, however, he encountered a group which was as uncompromising as death and unwilling to depart one iota from a certain pet mode of procedure merely for the sake of harmony. This domineering attitude seems to have produced in him a sort of defense mechanism, a spirit of resistance, which, justly or not, resulted in his deposal, and brought to an abrupt end his conservative influence.

There were two problems to which Throckmorton gave his best efforts as a member of the Texas Legislature, as Governor, and as United States Congressman, one of which was frontier protection, and the other railroad building. His services to Texas, in the first instance, and to Texas and the South, in the second, were undeniably distinguished, and credit for these achievements undoubtedly belong to him.

Though Throckmorton's career is important for these things, its real significance in Texas history lies perhaps more in the myriad of services which he performed, rather than in the magnitude of any one in particular. For forty-four years, 1850-1894, he was connected, directly or indirectly with the affairs of state, and for twenty-five of those years he held political office. Not only did he hold office, but he exercised great influence. At no time during this period, especially after 1860, did a politician of Texas ponder a move without first determining what "Old Throck" would think of it.

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