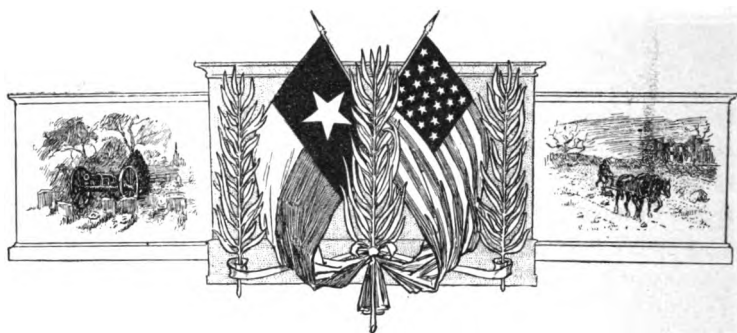




Period VIII.

THE RECONSTRUCTION PERIOD.—1865–1874.



CHAPTER XXIV.

**Presidential and Congressional Reconstruction ;
Throckmorton's Administration ; Pease's
Administration ; Texas under E.
J. Davis's Administration.**

**Assassination
of Lincoln,
April 14, 1865**

THE fall of the Confederate States was hardly assured, when the President of the United States, Abraham Lincoln, was assassinated, April 14, 1865. The Vice-President, Andrew Johnson, succeeded him, and a serious struggle at once began in regard to the course to be pursued towards the States lately belonging to the Southern Confederacy.

**Andrew John-
son, President**

**Theories of the
Republican
party in 1865**

According to the political theories of the Republican party of the North, a State could not successfully secede, the Federal government being "an indestructible Union of indestructible States." Upon this theory the Southern States were still in the Union, and only required to be *reconstructed*, so as to bring their governments and people into harmony with the changes brought about by the war. Just as the war was closing, Congress adopted two amendments to the Constitution, one of which abolished and prohibited slavery in the United States, and the other practically destroyed the control of the States over

**Thirteenth
and Four-
teenth
Amendments**

their own citizens and affairs by creating a United States citizenship superior in its rights of person and property to citizenship in the several States. These were the *Thirteenth* and *Fourteenth Amendments*, passed respectively in February and June, 1865, and were supposed to contain the practical results of the Civil War. In order for the amendments to become a part of the Constitution, they would have to be adopted or consented to by three-fourths of the States, and it required the votes of some of the Southern States to make up the necessary three-fourths. Here was a dilemma. The lately seceding States were still in the Union, and hence had the right to vote on the adoption of the amendments ; it was absolutely certain that, if those States were allowed to express their true and intelligent choice, they would never assent to the proposed changes, and yet it was necessary to secure enough of the Southern States to carry the amendments. What was to be done? *Reconstruction* was the method proposed, but there was great difference of opinion as to the course to be pursued in reconstructing the State governments of the South.

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—
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TO
1874
—

A serious
dilemma

Reconstruc-
tion proposed

President Johnson determined to adopt the plan of simply punishing the most prominent leaders in the late war by depriving them of all civil rights, and then he would appoint provisional governors in the Southern States and invite the people of those States to call conventions, reorganize their governments, and resume their former places in the Union. This was called *Presidential Reconstruction*, and it proved a failure so far as accomplishing the purposes of the North was concerned. The Southern States had never been without their regular constitutional governments ; there had been no destruction of their usual republican forms of government requiring to be reconstructed, and hence, when they were forced by military power to carry out the President's plan of reorganization, they simply re-enacted their former laws and constitutions and remained the same States they had always been, and unanimously opposed to the Thirteenth and Fourteenth Amendments. This was inevitable, and it was right and proper, if the theory of the Northern statesmen was correct, that the seceding States had never left the Union. But it did not serve the end the North had in view in

Plan of Presi-
dential Recon-
struction

A failure in its
operation

Why it was
a failure

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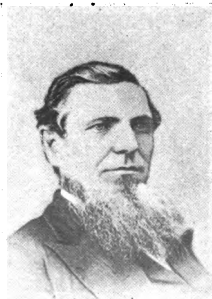
waging the war. To carry out the *Republican* ideas of government, the negro must be freed and clothed with all civil and political rights as a citizen of the United States, and a new definition of citizenship must be made, so as to give the Federal government power to override the States in enforcing the newly created rights of the recent slaves. Presidential Reconstruction evidently would not accomplish the purpose, and so Congress, ruled by the most violent of the radical Republicans, took hold of the matter in 1867 and 1868.

Plan of Con-
gressional Re-
construction

Congressional Reconstruction, as the methods pursued by Congress were called, consisted in placing the Southern States under the absolute and arbitrary control of the military power, disfranchising enough of the intelligent white citizens who had taken part in the war to place the Union men and negroes in the majority, and then adopting such State Constitutions and laws as would force upon the people the adoption of the amendments and the doctrines and institutions of the Northern Republicans.

Inconsistency
of the method

And it must be remembered that all these reconstruction measures were passed through Congress while the Southern States had not a Senator or Representative in that body, notwithstanding it was constantly asserted that the Union had never been dissolved and that the South had not in fact seceded.



A. J. HAMILTON.

The foregoing is necessary to be understood in order to explain the history of those times and to follow intelligently the course of events in Texas.

After the close of hostilities in April, 1865, there was a period of two or three months when the State had no government of any kind. Soldiers were returning home, some fleeing to Mexico, and everything was chaos and gloom. On June 19, 1865, General Gordon Granger, of the United States army, assumed military command over Texas, declared all that had

A. J. Hamilton,
provisional
governor

been done by the State government since 1861 null and void, and proclaimed the freedom of the negroes. In July, President Johnson appointed A. J. Hamilton *provisional governor* of Texas, and he began the performance of his duties on the 25th of that month. According to the plan of Presidential Recon-

struction before explained, a State Convention was called to amend the Constitution and reorganize the government. It met February 7, 1866, and adopted the Constitution of 1845, in force at the time of Secession in 1861, with certain amendments, thereby ignoring all that had been done by the Secession Convention. One of the amendments to the Constitution was to increase the judges of the Supreme Court from three to five. It was provided by the Convention that a general election should be held on the last Monday in June to choose all the State, district, and county officers, and members of the legislature, and for the ratification of the amendments to the State Constitution. Before adjourning, the conservative members of both parties in the convention agreed upon James W. Throckmorton as a proper candidate for governor, and George W. Jones for lieutenant-governor. George F. Moore, Richard Coke, Stockton P. Donley, A. H. Willie, and George W. Smith were also agreed upon for the new Supreme Court judges. At the election in June, 1866, Throckmorton and Jones were elected, receiving about forty-nine thousand votes as against about twelve thousand for E. M. Pease and L. Lindsey, the opposing candidates, and the gentlemen above named were elected to the Supreme Court.



J. W. THROCKMORTON.

On August 9, the legislature met, and the new State officers were installed. O. M. Roberts and David G. Burnet were elected United States Senators from Texas; and in the election held in the fall of 1866, members of Congress from the State to the Thirty-ninth Congress, then in session, and to the Fortieth Congress, were chosen. The members elected to the Thirty-ninth Congress were George W. Chilton, B. H. Epperson, A. M. Branch, and C. C. Herbert, from the four districts in the order named; and the same gentlemen were also elected to the Fortieth Congress, except George W. Chilton, in whose stead James M. Burroughs was chosen.

The legislature passed quite a number of needed laws for the protection of the frontier against Indians and to restore the prosperity of the State. The people were hopeful and industrious, the government moved smoothly, and nothing was wanting to

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Senators and
Representa-
tives in Con-
gress elected,
1866

Acts of the
legislature

Peace and
promise

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STRUCTION

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Disturbing
elements in
the country

"Carpet-
baggers" and
"Scalawags"

Texas refused
representation
in Congress

Use of the
military

Governor
Throckmorton
removed

E. M. Pease,
governor

Supreme
Court

make Texas again a thriving State in the Union, except the removal of the United States soldiers and the admission of her Senators and Representatives in Congress. But neither of these events happened. The new order of things did not suit the Republican party. The country was full of soldiers and Northern politicians who came with the army, and their influence was a continual source of trouble between the recently emancipated negroes and their former masters. The old Union men of Texas, who had opposed Secession and claimed to be the "truly loyal" citizens, were very much dissatisfied to see the government once more in the hands of the men they had resisted in 1861. There was much bitterness of feeling on both sides, and men's minds were not favorable to a harmonious settlement of existing differences. The Northern Republicans who came South after the war were called "Carpet-baggers," and the native Union men and Republicans were called "Scalawags." These terms indicate the odium in which the Reconstructionists were held by the Southern people, and such epithets did not increase the prospect of peaceful times.

In this condition of things, Congress took the reconstruction of the Southern States out of the hands of the President, and proceeded to inaugurate the measures known as Congressional Reconstruction, above described. The Senators and Representatives from Texas, like those of the other late Confederate States, were refused admission to Congress. Military governments were established throughout the South. On March 19, 1867, General P. H. Sheridan, in command of the military department which included Texas, issued an order placing General Charles Griffin in command of the district of Texas. Governor Throckmorton gave such aid as was requested of him in carrying out the new plan of reorganization; but on July 30, 1867, General Sheridan, by military order, removed him from the governorship, "as an impediment to reconstruction," and appointed Elisha M. Pease in his place. All officers were removed by the military power, and their places filled with those supposed to be in sympathy with the methods of Congressional Reconstruction. The Supreme Court as thus changed consisted of E. J. Davis, C. Caldwell, Amos Morrill, A. H. Latimer, and Livingston

Lindsey. No man could hold an office, or participate in any of the elections that were to be held, unless he could take the "Iron-Clad Oath," as it was called. This oath was to the effect that the person taking it had not taken part in the late Rebellion, or given aid thereto; which, of course, disfranchised nearly all the white voters in the State. The "Freedmen's Bureau" was established in Texas and the other Southern States,—being a military court composed of United States officers, whose special duty it was to protect the negroes in their recently acquired rights, and a great many rights that they had not acquired.

In opposition to these measures there was organized among the Southern people what was called the "Ku-Klux Klan," a mysterious secret organization, whose members would parade at night through the towns, on horseback and fully armed, clad in long white or black robes, with masks on their faces and high peaked hats,—claiming to be the returned spirits of dead soldiers who fell in the late war. Their formidable and ghostly array produced great terror among the negroes, and there is no doubt it had a wholesome effect to restrain an ignorant and deluded race of lately emancipated slaves, whose worst passions were being aroused by unprincipled white politicians. In some localities, however, in the South, the Ku-Klux and other lawless bands who assumed their name and garb did not confine themselves to mere displays of mysterious power. Many cruel outrages were perpetrated in their name, and the organization became a menace to the peace and order of society. It is not believed, however, that such lawless acts were ever committed to any great extent in Texas.

A convention was called to meet at Austin, June 1, 1868, to frame a new State Constitution, in accordance with the reconstruction measures of Congress. In selecting delegates to that convention, nearly all the white citizens of Texas were prevented from voting by the "Iron-Clad Oath;" and it was understood that Governor Pease and those acting with him proposed to still further disfranchise the Democrats of the State, by unjust rules and requirements in the registration of voters. This called out from General Winfield S. Hancock, then in command of the department at New Orleans, his famous order and letter, in

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"Freedmen's
Bureau"

"Ku-Klux
Klan"

Their methods

Lawless acts

Reconstruc-
tion conven-
tion of 1868

White citizen:
disfranchised

General W. S.
Hancock's
letter