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THE  
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Province and the States

A HISTORY OF THE PROVINCE OF LOUISIANA UNDER  
FRANCE AND SPAIN, AND OF THE TERRITORIES  
AND STATES OF THE UNITED STATES  
FORMED THEREFROM

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IN SEVEN VOLUMES

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Weston Arthur Goodspeed, LL. B.

*Editor-in-Chief*

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VOL. III

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MADISON, WIS.  
THE WESTERN HISTORICAL ASSOCIATION  
1904.



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# State of Louisiana

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Hon. Benjamin Franklin Jonas

*Associate Editor*



# Louisiana

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## CHAPTER I

### Early Events, Public Land Claims, Etc.

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THE ACT of October 31, 1803, enabled the president to take possession of and occupy the territory ceded by France to the United States by the treaty of Paris April 30, 1803. It also provided "that until the expiration of the present session of Congress, unless provision for the temporary government of the said territories be sooner made by Congress, all the military, civil and judicial powers exercised by the officers of the existing government of the same, shall be vested in such person and persons and shall be exercised in such manner, as the President of the United States shall direct for maintaining and protecting the inhabitants of Louisiana in the free enjoyment of their liberty, property and religion." By acts approved November 10, 1803, congress made full provision to pay France for the province.

The act of March 19, 1804, provided that all money received for duties and taxes by officers in Louisiana, acting on behalf of the United States, should be paid into the public treasury. For the purpose of paying United States officials in Louisiana and for defraying other civil expenses therein from the time of taking possession to such date as a form of government should be adopted by congress, the sum of twenty thousand dollars was appropriated, the same to be expended under the direction of the president.

The act of March 26, 1804, divided the province into two territories. All that portion of the province south of Mississippi ter-



ritory and east of the river Mississippi and all south of the northernmost part of the thirty-third parallel west of the river Mississippi were constituted the territory of Orleans. The wording concerning that portion east of the Mississippi was designed to leave free from prejudice the claims of the United States to West Florida. By this act the executive power was vested in a governor to be appointed by the president and to hold office for three years unless sooner removed. He was constituted commander-in-chief of the territorial militia, was vested with power to grant pardons for offenses against the territory and reprieves for offenses against the United States until the decision of the president should be made known. He was given power to appoint all civil and militia officers not otherwise provided for, and was bound to see that all laws were duly executed. This act also provided for the appointment by the president of a territorial secretary whose term was to be four years.

The legislative power was vested in the governor and in thirteen of the most fit and discreet persons of the territory, to be called the legislative council, who should be appointed annually by the president from among citizens holding real estate therein and occupying no office of profit under the United States. The governor with the advice of the legislative council or a majority of them was empowered to modify or repeal the laws in force at the date of the approval of the act. This power was extended to all rightful acts of legislation; but it was provided that no law should be valid if inconsistent with the constitution and laws of the United States or if in contravention of the freedom of religious worship. The governor was directed to see that all laws passed were duly published. The governor and council were prohibited from exercising any power over the soil, from levying tax upon the lands of the United States within the limits of the territory and from interfering in any way with the many land claims. The legislative council was to be convened at the pleasure of the governor.

The judicial power was vested in a superior court and such inferior courts and justices of the peace as should be established by the legislative council. The judges of the superior court and justices of the peace were to serve four years. Three judges, either of whom was constituted a court, were to form the superior court. Provisions were made for trial by jury and for the privilege of habeas corpus. The governor, secretary, judges, district attorney, marshal and all general officers of the territorial militia were to be appointed by the president by and with the advice and



consent of the senate. A district court of one judge was established: he was required to hold four sessions annually in New Orleans. The salary of the governor was fixed at five thousand dollars, of the secretary, at two thousand dollars, and the judges, at two thousand dollars. The members of the council were to receive four dollars per diem. By this act (March 26, 1804) many of the laws of the United States were extended over the territory.

The same act provided that all laws then in force in the territory not inconsistent with the act should continue in force until altered by the legislature. The importation of slaves was prohibited. All lands of the territory held by the government of Spain prior to the treaty of San Ildefonso (October 1, 1800) were declared to be the property of the United States. Claims of a subsequent date were declared to be invalid; but the claims of actual settlers were properly excepted under certain conditions from the operations of this proviso. All citizens of the United States were prohibited from settling upon government lands within the territory. The president was authorized to stipulate for the removal of certain Indian tribes east of the Mississippi to the west side by an exchange of lands. The act of March 30, 1802, to regulate trade and intercourse with the Indians, was extended over the territory. The act of October 31, 1803, to enable the president to take possession of Louisiana, was continued in force to October 1, 1804, at which date it was to be superseded by the act of March 26, 1804.

In March, 1795, the Marquis de Maison Rouge, a knight of St. Louis and a royalist, who had been banished from France and whose goods had been confiscated by the revolutionists, entered into an agreement with Baron de Carondelet, Francis Rendon and Joseph de Orue, all prominent Spanish officials at New Orleans, to bring into Louisiana thirty families, none of whom should be Americans, for the purpose of forming a settlement on the Washita river. The object of the settlement was to raise wheat and manufacture flour; and the Marquis agreed to build grist-mills and make other important improvements. The Spanish government agreed to give to each family of one laborer a bounty of one hundred dollars; to one of two laborers, two hundred dollars; to one of three laborers, three hundred dollars, and so on in like proportion; and further agreed to assist them with guides and provisions from New Madrid to their destination, and to pay the cost of transporting their effects via the ocean and New Orleans to the Washita, provided the weight for each person did not exceed three



hundred pounds. Probably all of the families were French refugees and royalists, who had first found a harbor in the United States and who designed to pass down the Ohio river on their way to the Washita. In addition to all this assistance, Spain further agreed to give to each family of two laborers a tract of 400 arpents of land, or about 330 acres. Larger and smaller families were to receive in the same proportion, and the European servants, after six years, were to receive the same moiety. All were required to be laborers—carpenters, blacksmiths, locksmiths, farmers—and no single men were admitted to the establishment. The next year the Spanish authorities granted to the Marquis for this establishment “thirty superficial leagues,” or about 173 square miles. Tract No. I of this grant was located “on the right bank of the river Washita, commencing or starting five arpents below the mouth of the bayou Cheniere au Tondre till it reached the bayou Calumet with the depth necessary to complete or produce 140,000 arpents,” and tract No. II was located “on the left bank of the same river Washita, to start or begin two leagues below Fort Miro at the point called Laine, till it reaches the Prairie de Lee, with the necessary depth to complete or produce 60,000 arpents superficial.” There was enough more to complete a grand total of 208,344 superficial arpents.

After the lapse of many years and after many transfers of the property in parcels had been made to many individuals, the question arose, To whom was the grant of “thirty superficial leagues” made? The grant had been approved by the Spanish king, the settlement had been commenced, and the proceedings had been approved by the American commissioners, which sanction had been the basis of the many transfers. But in the decade of the forties the case went to the supreme court of the United States, where it was decided that the grant was not to Maison Rouge, but to the colony which he was authorized to form by the Spanish authorities. The grant was not to him individually, but to the establishment he was permitted to superintend. Thus, when the colony was abandoned, the land descended to the United States, which had become the owners of Louisiana province. Many cases of hardship resulted from the belief that the grant was made to Maison Rouge individually, but the supreme court was undoubtedly right.

The Spanish grant to Philip Henry Neri de Bastrop was similar in all particulars to that to Maison Rouge. He was simply the agent of the Spanish government, and was granted the large tract for the benefit of himself and his colonists. Individually,



he had no claim to the land; he was merely at the head of what was called his "establishment." He could offer no inducement of his own for the families to settle on the Ouachita, and consequently called upon the Spanish authorities for a large tract to be given to them gratis as an inducement to settle there. His profits were to come from his mills, his monopoly of the flour trade, and from such portion of the grant as he might get in the end. Accordingly, the Spanish government granted to his establishment a tract of "twelve square leagues" on the Ouachita. This grant was made in June, 1795, although the document is dated June, 1796. The Spanish authorities agreed to bear the expenses of the families from New Madrid to the Ouachita and to maintain them at the latter place for six months; but, in order that some limit might be placed on this expense, they stipulated that not more than five hundred families should be thus located. They further agreed that the inhabitants should not be molested in the observance of their religion, but prohibited them from religious ceremonies in public. They likewise agreed to furnish seed for their crops during the first six months. In 1796 another small tract was furnished, and upon the same flour and saw mills were to be built. At first no family was to have more than 400 arpents, but after the province passed to the United States this rule was violated. There was another provision to the effect that negroes for the cultivation of indigo should not be introduced, but this proviso was likewise changed afterward. It was provided that Don John Fathiol, the commandant of Ouachita, should "designate the twelve leagues square, half on the side of the bayou Siard and half on the side opposite the Ouachita for the purpose of placing there families which the said Baron may direct, it being understood that no greater concession of land is to be given to any one than 400 square arpents at most gratis and free from all duties." The principal grant was located on the Ouachita, about eighty leagues from its mouth; it touched the Ouachita river, and the bayous Ouachita, Bartholemi and Siard (written also Siar, Liard and Liar), but was not to interfere with the grant to the establishment of Maison Rouge on Prairie Chatellierian. The "twelve square leagues" embraced about 1,016,264 superficial arpents, or about 846,880 acres. It was provided that "after the lapse of three years, if the major part of the establishment shall not have been made good, the twelve leagues square destined for those whom the petitioner may place there shall be occupied by the families which first present themselves." By 1803 when the province passed to the United States, between twenty



and thirty families only had been located on this grant. The surveyor-general at this time was Don Carlos Laveau Trudeau. After many years the supreme court of the United States was called to pass on the question of title to this tract. It was claimed that the grant of "twelve leagues square" was to Bastrop individually, but this was shown by the court to have been impossible. The title of the United States was declared good.

By the act of March 2, 1805, the powers of the surveyor-general south of Tennessee were extended over all the lands of Orleans territory; but such surveys therein as he might make were to be under the immediate orders of the president. When the province passed to the United States, Antoine Soulard, former Spanish surveyor for the territory, stated that only 61,859 acres in all of Louisiana were granted on what were called registered titles, and that more than 1,500,000 acres were grounded on unregistered titles said to have been granted by the last two Spanish governments. "As that enormous difference between the old regular and the late irregular grants conveys a strong suspicion of fraud," he suggested an investigation. Not only was there great fraud perpetrated thus, but, after the United States took charge and, through the surveyor-general, appointed many deputy surveyors, additional frauds to an alarming extent occurred; so much so that the commissioner of the land office complained in July, 1805, and called attention to the deplorable state of affairs.

The plan of the government was to make the survey of Louisiana conform to the surveys east of the Mississippi—in the south particularly with that of the territory of Mississippi. It was recommended that a start should be made at the point where the thirty-first parallel intersected the Mississippi, and this recommendation was adopted by Isaac Briggs, the surveyor-general of Mississippi territory, who was also the surveyor-general of Louisiana, or rather of Orleans territory. That point in the Mississippi had been definitely established by Andrew Ellicott in 1797. Thus the thirty-first parallel became the base for all the surveys of Louisiana, except those in the southeast portion of the state. The surveyors were instructed to respect the rights of the Indians: where the villages of the tribes stood only the boundaries of the sections were to be located. Mr. Duplantier, under the direction of Mr. Madison, attorney in fact of the Marquis de La Fayette, located the tracts which had been granted to the latter: he selected them in the thrifty colony of Pointe Coupee, but as they included several old improvements, the title to which could



not be questioned, a new selection was necessary. Later, six different surveys of 1,000 acres each were rejected because the surveyor did not comply with the law by stating that there were no improvements on the tracts.

In many respects the most prominent persons in Orleans territory were the commissioners appointed to decide on the merits of the French, Spanish and other claims. It was in their power either "to commit great wrong or to set up great right." The territory was divided into two land districts, and land offices were established at New Orleans and Opelousas. The president was authorized to appoint two commissioners for each district, who were to act in conjunction with the receiver of their district, thus constituting a commission of three members for each district. The two commissions were authorized to convene on or before December 1, 1805, and were given vast powers to enable them to sift the merits of the claims to the bottom. They could summon witnesses, administer oaths, hear evidence, demand public records and adjourn to some other place if they thought best. At first the labors of the commissions were confined to claims prior to the treaty of San Ildefonso, October 1, 1800; but later subsequent claims were placed under their adjudication. Under the act of April 21, 1806, the back grants or claims came under their inspection. At this time also they were required to adjust claims which were actually occupied and cultivated by settlers on December 23, 1803, the day the province was actually transferred to the United States in the famous Cabildo at New Orleans. The commissioners were paid two thousand dollars each, or six dollars per day; their clerks one thousand five hundred dollars per year; their translators six hundred dollars per year, and the government agent, an attorney appointed to prosecute fraudulent claims, one thousand five hundred dollars per year.

The act of congress of April 21, 1806, authorized the president to offer for sale the lands of the Western district of Orleans territory, except sections 16, an entire township reserved for a seminary of learning, certain salt springs and the territory contiguous thereto. This public sale was to be continued for three weeks and no longer. About this time the secretary of the treasury was authorized to survey the gulf coast of Louisiana from the mouth of the Mississippi to Vermillion Bay and farther at his discretion, but the cost was not to exceed five thousand dollars. The act of March 3, 1807, confirmed New Orleans' claim to all the common within six hundred yards of the fortifications.

The tract between the Sabine and the Hondo, called for many



years the "neutral strip," was under the jurisdiction of Nacogdoches while Louisiana was a province of Spain. It also continued so while Louisiana belonged to France, because the strip was claimed by Spain as a part of the province of Texas. Even after the truce between Generals Wilkinson and Herrera in 1806, Spain still continued to exercise her jurisdiction over the strip to the extent of the land grants at least. The right of the United States to the strip was not definitely settled until 1819, at which time the national boundary was fixed in the Sabine river. During all this time Spain continued to exercise a sort of jurisdiction over the strip. All of the land entries made under Spain were entered at Nacogdoches; but in 1812, when that point was threatened by Guthrie and McGee at the head of a troop of revolutionists, Don Jose Montero, the commandant and about everything else there, fearing the capture of the place, took all the archives and decamped, passing westward to San Antonio. What became of the land and other records concerning the "neutral strip" is unknown, but they are supposed to have been destroyed by Montero or other royalists to keep them from falling into the hands of the Mexican rebels. The destruction of these records made it necessary for the United States commissioners to examine all the titles of the "neutral strip." All were thus placed on a new and permanent basis.

In May, 1805, James Trimble and Francis Vacher were appointed by the president commissioners for the Western district, and Benjamin Sebastian and John Coburn, commissioners for the Eastern district. At the same time also John B. C. Lucas and Clement B. Penrose were appointed commissioners for the territory of Louisiana (now Missouri), and at the same time seem to have had jurisdiction over a portion of Orleans territory, probably over the northern part. Joshua Lewis seems to have taken the place of one of the above men June 28, 1805. On January 17, 1806, John Thompson was appointed register for the Western district, and John W. Gurley, for the Eastern district. On April 4, 1807, Richard Cocke succeeded Thompson as register for the Western district. In April, 1807, William Spriggs became commissioner for the Eastern district, and in March, 1808, William Garrard became commissioner for the same district. In April, 1808, Benedict Van Pradelles succeeded as register for the Eastern district. Robert B. Robertson succeeded as commissioner of the Eastern district in April, 1808. Later land officers were as follows: Philip Grymes register of the Eastern district in February, 1809; Levin Wailes register of Orleans district in



April, 1810; Gideon Fitz commissioner of the Western district May, 1810; William Crawford commissioner of the Eastern district June, 1812; James O. Crosby commissioner of the Eastern district June, 1812; Leroy Posey receiver of the Eastern district January, 1813; William Garrard receiver of the Western district January, 1813; Columbus Lawson register for the Eastern district January, 1813; Samuel H. Harper register of the Eastern district February, 1815; Alfred Lorrainer receiver of the Eastern district April, 1816; Daniel I. Sutton register of the Eastern district March, 1817; Henry Bry receiver at Ouachita in 1821.

At the session of congress of 1825-26 a bill for the establishment of an independent land district for Louisiana with a separate surveyor-general was "pigeon-holed" and not acted upon by that body. The records do not show the cause or reason of this neglect: the interests of Louisiana certainly demanded such a change. However, the year 1831 saw the passage of such a law. This was a great relief from the deputy surveyors of previous years, because many abuses were at once corrected. The first surveyor-general of Louisiana seems to have resided at Donaldsonville. The Eastern land district was early divided into several districts—that at St. Helena was afterward (1837) changed to Greensburg. The first public sale of land in the New Orleans district occurred January, 1821; the first in the Ouachita (or Northern or Monroe district) occurred in November, 1822; the first in the Opelousas district took place in December, 1818; the first in the Greensburg (St. Helena) district occurred in November, 1829. On July 26, 1838, the Northwestern land district was created with land office at Natchitoches.

Owing to the fact that the early surveys of Orleans territory under the French and the Spanish governments were conducted on different lines from those of the United States, it became necessary, in many instances, to vary the plans of the United States surveys adjoining the former French and Spanish settlements. Nearly all the early claims were along the water-courses, upon which a frontage was deemed all-important: no attention had been paid to meridians or parallels of latitude. But all surveys of the United States were based upon such lines, and therefore it was necessary to adjust the discrepancies between the two systems. In all other cases the surveys were made to conform to the system of the United States. All the navigable waters of Louisiana province were declared to be public highways.

By the treaty of 1818 with the Quapaw Indians, the United States acquired in Louisiana about 2,492,000 acres, all in the



northern part. In 1825 all of the Indians of Louisiana were hunters, as distinguished from those who had partly assumed the customs of the white race and had begun to cultivate the soil. The statement is made in the report of the commissioner of the land office, that there was no information in the possession of the department as to the land claimed by the various tribes. But the following is given as the membership of the resident tribes at that date:

Biloxis 55, Apalachees 45, Pascagoulas 111, Addees 27, Yattas-sees 36, Coushattes 180, Caddoes 450, Delawares 51, Choctaws 178, Shawanese 110, Natchitoches 25, Quapaws 8, and Piankeshaws 27, total 1303.

The tract acquired from the Quapaws in 1818 was bounded as follows: Beginning at the mouth of the Arkansas river, the boundary passed up that stream to the Canadian and thence up the latter to its head, "thence south to Big Red river and down the middle of that river to the Big Raft, thence a direct line so as to strike the Mississippi river thirty leagues in a straight line below the mouth of Arkansas river." There was excepted from this grant the following reservation: "Beginning at a point on the Arkansas river opposite the present Post of Arkansas and running thence a due southwest course to the Washita river, thence up that river to the Saline fork, and up the Saline fork to a point from whence a due north course would strike the Arkansas river at Little Rock, and thence down the right bank of the Arkansas to the place of beginning." The consideration for the grant was four thousand dollars in goods at once, and one thousand dollars for goods annually thereafter. The above reserve was ceded at Harrington's November 15, 1824. For it the United States agreed to pay to each of the four principal chiefs five hundred dollars, and to the tribe four thousand dollars annually in goods and merchandise and one thousand dollars in specie annually for eleven years, in addition to the previous annuity. The Quapaws agreed to join the Caddoes and become a part of that tribe. The government agreed to pay seven thousand five hundred dollars which the tribe owed to a trader named James Scull, and further agreed that about a dozen half-breed Quapaws should have small reservations along the Arkansas river. On May 13, 1833, the Quapaws were granted a tract of one hundred and fifty sections west of Missouri.

After acquiring Louisiana from France in 1803, it was the settled policy of the United States to consider West Florida as a part of such purchase; however, complete possession was not obtained



until 1812 and 1813. The act of April, 1812, revived the powers vested in the surveyor-general south of Tennessee over the lands of Louisiana, which powers had devolved upon the principal deputy surveyors appointed under the act of April, 1806; but supreme authority over the surveys still remained with the president under the act of March, 1803. The act of February, 1811, formed three land districts of Louisiana: 1. The Eastern with the office at New Orleans; 2. The Western with the office at Opelousas; 3. The Northern with the office where the president should designate (Ouachita was named). The Western district did not extend south of Red river, nor the Northern district south of that stream. The act of February, 1811, provided that five per cent of the net proceeds of the sale of public lands in Louisiana should be applied to the construction of roads and levees as the legislature of the territory might direct. Subsequent events proved this to have been an important provision.

It may be said generally that the land laws of the Northwest territory were applied to Louisiana from the start. In 1820 the claim of the Ursuline Nuns of New Orleans to a small tract of about four squares bounded by Levee, Ursuline, Royal and Garrison streets, less certain contingencies, was confirmed by the United States upon recommendation of William Wirt, attorney-general. The acts of 1814 and 1816 permitted actual residents to file preemption claims to what were called back lands, i. e., tracts back of the ones they owned and occupied on some water-course. Subsequently, important amendments to these laws were made, particularly one of June, 1832, "to authorize the inhabitants of the state of Louisiana to enter the back lands." Strange as it may seem, the Opelousas and other districts committed the singular blunder of presuming that the law of June, 1832, had a prospective as well as a retroactive effect. It was clear that the language did not permit such a construction; but it was necessary for the land office sharply to put a stop to these innovations. The preemption laws permitted residents to enter lands elsewhere in the district, in case their back lands had been previously entered by others. The tracts thus entered became known as "floating rights," and where the source of innumerable frauds, even children, hired hands, and fictitious persons being employed to make the entries. The special law of June 19, 1834, did much to correct this abuse by preventing speculation in the "floats." The act of congress of April 5, 1809, directed the acting surveyor-general of Louisiana to lay out in the Western district a considerable tract for the "Alabama" Indians. The tract was not to exceed 2,500.

<http://stores.ebay.com/Ancestry-Found>

acres, and was to be vested in them for fifty years. They were prohibited from selling the land, and should they remove from it or abandon it they were to lose it. In September, 1810, Thomas Freeman was appointed surveyor-general for the lands of the United States south of the Tennessee; he began the survey of the back tracts of Louisiana under the act of March 3, 1811.

The Houma claim attracted attention in Louisiana for many years. Maurice Conway and Alexander Latil, with the consent of the Spanish governor-general of the province, purchased of the Houma Indians, at a date not stated, a considerable tract of land on the east side of the Mississippi near or at the spot where formerly stood the old villages of the tribe. Having purchased Latil's interest, Conway, in September, 1776, asked the Spanish authorities to put him in possession of his grant. Apparently, his claim was about forty arpents frontage on the Mississippi and about a Spanish league in depth, or about two and four-tenths miles. As the cypress trees had been cleared back for more than a league on this tract, as the tract was yet without fences, and as the sole dependence for such fences was upon such cypress trees, Conway, in September, 1776, asked that his grant might be extended back far enough to reach the woods, in order that he could procure fencing on his own land. Governor Unzaga accordingly directed Capt. Lewis Andry to put Conway in possession of the tract claimed and of enough more to enable him to secure the required cypress timber, provided that by doing so he should not interfere with or injure the interests of others. In October, 1776, Andry went up the Mississippi about twenty-two Spanish leagues to where the claim was situated, and having secured the assistance of the commandant there, Lewis Judice, and the latter having summoned the Houma chief, Calabe, who had been one of the chiefs to make the original grant, they proceeded to point out the tract and mark its boundaries. Andry found the tract to occupy ninety-six arpents on the Mississippi, "opening one hundred and twenty degrees toward its rear, owing to its situation in the bottom of the bend." Andry having found that a grant in the rear would not interfere with the interests of others, recommended that the request of Conway be complied with, whereupon, in June, 1777, Governor Galvez, who had succeeded Unzaga, extended the grant back from the river, but failed to fix a limit to the extension; in fact, left the grant in such condition that an indefinite extension could be claimed. And this was actually what occurred under subsequent claimants, until over 100,000 acres were added to the



original tract. For many years congress was called upon to settle the claims under this extraordinary grant.

The act of March 2, 1805, provided for ascertaining and adjusting the titles and claims to land within the territory of Orleans. All claims of persons who were actual residents on October 1, 1800, and who, prior to that date, had obtained from France or Spain while they had possession of the province any duly registered warrant or order of survey for lands lying therein, to which the Indian title had been extinguished and upon which such persons had lived, were confirmed to them, provided they were the heads of families and over twenty-one years old, and provided further that the terms of the grants had been fulfilled. Actual occupation and improvement of a tract, even without a warrant of registry, were declared sufficient to constitute a good title. The lands were to be surveyed and divided similar to those in the territory northwest of the river Ohio and above the mouth of the river Kentucky. Provisions for the survey of the tract for General Lafayette were made by this act. Congress appropriated the sum of fifty thousand dollars to carry into effect the various stipulations of this law. That body afterward made important changes in these provisions. (see acts of February and April 21, 1806).

In 1803 many scattered bands of Indians resided in what is modern Louisiana. The Attakapas, who had become nearly extinct, resided on bayou Vermillion, and a few others were scattered through that district. They probably did not exceed one hundred and fifty persons. Two villages of the Chetimachas, embracing about one hundred and twenty persons, stood on the left bank of bayou Plaquemine about a dozen miles from the Mississippi, and another village of the same tribe of about one hundred souls, was on lower bayou Teche, thirty-five or forty miles from the Gulf. On bayou Courtableau was a village of about one hundred Alabamos; a few others were in the same district of Opelousas. In Rapids parish were villages of the Biloxis, Choctaws and Pascagoulas aggregating from two to three hundred persons, their principal villages standing on bayous Boeuf and Crocodile. There were two other villages of the Choctaws at the Avoyelles and on the lake of the same name, both having from eighty to one hundred souls. Other villages of the same tribe were at the Rapides and on the Washita, there being in the district of the latter name more than one thousand persons. Several villages of the Cumhates, numbering in all about three hundred persons, stood on the Calcasieu river and its branches. At the Rapides was a village



of about one hundred Biloxis, and on bayou Canes was another half as large. A few Cadodaquins were in the northwestern part. About seventy persons of the Tunica nation lived on the Mississippi above Pointe Coupee. A small village of the Houmas stood on the left bank of the Mississippi not far from Baton Rouge. Wandering bands of Cherokees, Choctaws, Chickasaws and others roamed over the territory.

On July 1, 1835, the Caddo Indians at their agency in Louisiana ceded to the United States the following tract: "Bounded on the west by the north and south line which separates the United States from Mexico, between the Sabine and Red rivers wherever the same shall be defined and acknowledged to be by the two Governments; on the north and east by the Red river from the point where the said United States boundary line shall intersect the said Red river, whether it be on the Territory of Arkansas or the state of Louisiana, following the meanders of said river down to its junction with the Pascagoula bayou; on the south by the said Pascagoula bayou to its junction with the bayou Pierre; by said bayou to its junction with bayou Wallace; by said bayou and Lake Wallace to the mouth of the Cypress bayou; thence up said bayou to the point of its intersection with the first mentioned north and south line, following the meanders of the said water-courses; but if the said Cypress bayou be not clearly definable so far, then from a point which shall be definable by a line due west till it intersect the said first mentioned north and south line be the contents of land within said boundary more or less." For this cession the United States agreed to pay the tribe thirty thousand dollars in horses and goods immediately; an annuity of ten thousand dollars for four years, and ten thousand dollars to be paid in cash within one year from September 1, 1835. Jehiel Brooks was the commissioner on the part of the United States. At the request of the Indians certain reservations were given to Francis Grappe and his three sons, Jacques, Dominique and Belthazar and to Larkin Edwards.

By act of March 3, 1807, congress paid to Oliver Pollock, former commercial agent of the United States at New Orleans, a large sum of money to recompense him for various services and losses. By act of the same date, Lewis and Clark and their men were given large tracts west of the Mississippi, the leaders receiving 1,000 acres each, and all receiving double pay in addition. By proclamation of July 2, 1807, President Jefferson ordered the immediate departure of all armed British vessels from the ports



of the United States. This order seriously interfered with the commerce of New Orleans, but was rendered necessary by the outrageous acts of the British men-of-war.

The pre-emption act of April 12, 1814, was ordered extended to Howard county, Missouri territory, by act of March 3, 1819, that county having been established by the territory January 23, 1816, and afterward becoming a part of Arkansas. Under the proclamation of the president to take possession of West Florida, October 27, 1810, Governor Claiborne assumed the same jurisdiction over it as over the rest of Orleans territory. The president's proclamation of June 29, 1814, authorized the disregard of the British blockade along the gulf coast. Americans were directed to befriend the vessels of neutral powers, but to show no favors to those of the British. At the earnest request of the Spanish minister, President Madison cautioned the inhabitants of Louisiana from invading the dominions of Spain to the southwest. By act of February 27, 1815, congress thanked General Jackson and his men for their good conduct in driving out the enemy and particularly for the victory of January 8, 1815; a gold medal for General Jackson was ordered struck.



## CHAPTER II

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### The Territory of Orleans

ON NOVEMBER 28, 1803, in the United States senate, an important motion "that a committee of five members be appointed to prepare a form or forms of government for the territory of Louisiana" was laid on the table. It was taken up again on December 5 and passed, and the following members were appointed as such committee: John Breckenridge (chairman), Robert Wright, James Jackson, Abraham Baldwin, and John Quincy Adams. This committee reported a long bill on December 30, which was read and ordered to a second reading. Four days later it passed the second reading. There was so much novelty and lack of precedent in the step about to be taken, that the senate proceeded to examine the bill in all its aspects and to amend it in many important respects after protracted debate. On January 16, 1804, a motion to amend by adding the following words to Section IV, "The Legislative Council, a majority of the whole number concurring therein, shall have power to elect by ballot a delegate to Congress, who shall have a seat in the House of Representatives and shall have the right of debating, but not of voting," was lost by a vote of 12 yeas to 18 nays. A motion to amend by wholly striking out Section IV of the bill was lost, yeas 12, nays 18. This section related to the joint legislative powers of the governor and the legislative council. On January 17, a motion to amend the section relating to the compulsory employment of a jury "in all criminal prosecutions which are capital" by striking out the words "which are capital" was lost, yeas 11, nays 16. A week later another amendment to Section IV was lost by 14 yeas and 14 yeas. On January 26, a motion to



amend section VIII by prohibiting the importation of slaves from without the United States was carried by 21 yeas and 6 nays. Four days later an amendment restricting slavery and providing for the gradual manumission of the slaves was lost, yeas 11, nays 17. On the same day another amendment on the same subject passed, yeas 21, nays 7. On January 31, an attempt to modify still farther the introduction of slaves was lost, yeas 13, nays 15, but a month later the introduction of slaves into Louisiana was confined to the other states. An amendment extending the proposed jury service in Louisiana was carried on February 7 by 20 yeas to 7 nays. On February 10, a long amendment providing for the election of a house of representatives as well as for a legislative council was lost, yeas 5, nays 19. On the same day the senate ordered its secretary to subscribe for a copy of "The Plan and View of Louisiana" by T. L. Buquet de Woiseri and directed that the same be hung in the senate chamber. Three days later an amendment proposing to have the legislative council elected by the people instead of having them appointed by the president, was lost by 13 to 13. Numerous other amendments were proposed, and several were adopted. On February 17, an amendment to strike out the provision which stipulated that no slave should be introduced except by a bona fide settler upon his removal to the state, was lost by 9 yeas to 19 nays; and an amendment that all slaves taken to Louisiana in violation of this act should thereby become free was lost, 11 yeas to 17 nays. An amendment to prohibit the introduction of slaves from a state that should import them was lost, 8 yeas to 18 nays. Finally, after more than twenty amendments had been acted upon, the senate, on the 18th of February, passed the bill as amended by 20 yeas to 5 nays. The yeas were: Messrs. Anderson, Armstrong, Baldwin, Bradley, Breckenridge, Broan, Cocke, Condit, Ellery, Franklin, Jackson, Logan, Maclay, Nicholas, Potter, John Smith, Samuel Smith, Sumter, Venable and Wright; the nays were: Messrs. Adams, Hillhouse, Olcott, Plumer and Stone. Olcott and Plumer were from New Hampshire, Adams, from Massachusetts, Hillhouse, from Connecticut and David Stone, from North Carolina. This fight in the senate to restrict slavery appears to have been one of the most stubborn and hotly contested of the many early congressional battles against that institution; but all that the opponents of slavery succeeded in accomplishing was to restrict the importation. The bill was entitled "An act erecting Louisiana into two territories and making provision for the temporary government thereof."

Immediately after its passage in the senate, the bill was sent to



the house, where it was retained until the 17th of March, when it came back with many amendments by that body. The house amendment to vest the legislative power in the governor and thirteen citizens who should be called the legislative council, was lost by 6 yeas to 22 nays. Several of the house amendments were adopted; others were rejected. On March 22, the house agreed to recede from some of its amendments; but stated that it should insist on the incorporation of several others in the bill. The house asked for the appointment of a conference committee by the senate to meet one they should appoint to reconcile the various differences concerning the bill. In response to this request, the senate appointed Messrs. Jackson and Dayton. On March 23, the house announced that it had agreed to the bill reported by the conference committee. On March 23, the senate agreed to the conference bill and passed it by 15 yeas to 9 nays. The nine voting in the negative were: Messrs. Adams, Cocke, Hillhouse, Maclay, Olcott, Pickering, Plumer, Stone and Tracy, all of whom except Cocke and Stone lived north of Mason and Dixon's line.

The house received the senate bill on February 20, and having read it referred it to the committee of the whole. Mr. Leib of Pennsylvania spoke against the proposal to give the governor power to prorogue the legislative council. Mr. Gregg, of Pennsylvania, offered objections of a similar character, and opposed the proposition to give the president power to appoint the legislative council. He asked, how was the president to know of their qualifications, and favored giving that power for one year only, or until the territory could be laid off into districts and the people could have an opportunity to elect them. He therefore introduced a section, carrying his views into effect. Mr. Varnum, of Massachusetts declared that the bill proposed a measure such as never before had been known in the United States. He thought the people should be given power to elect the legislative council, and moved that the committee of the whole should rise and that the matter should be referred to a select committee instructed to make the required changes. Mr. Huger, of South Carolina, thought the bill should be proceeded with and passed as it was, in view of the information that lately had come from Louisiana. He said that the people of that province should be "looked upon as a certain portion of people among us and treated as such," meaning the negro slaves. But this seems to have been regarded as such an extraordinary proposition that the suggestion was dropped. Mr. Elliott, of Vermont, thought that after a few defects had been remedied by amendment the bill would answer the purpose and should be passed.



Mr. Eustis, of Massachusetts, spoke at considerable length. Among other things he said: "From the knowledge of this people which I have been able to acquire, I have formed an opinion that authority should be constantly exercised over them without severity, but in such a manner as to secure the rights of the United States and the peace of the country. The government laid down in this bill is certainly a new thing in the United States; but the people of this country differ materially from the citizens of the United States. I speak of the character of the people at the present time. When they shall be better acquainted with the principles of our government and have become desirous of participating in our privileges, it will be full time to extend to them the elective franchise. Have not the house been informed from an authentic source this session that the provisions of our constitution are inapplicable to them? If so, why attempt in pursuit of a vain theory to extend political institutions to them for which they are not prepared? I am one of those who believe that the principles of civil liberty cannot suddenly be ingrafted on a people accustomed to a regimen of a directly opposite hue. The approach of such a people to liberty must be gradual. I believe them at present totally unqualified to exercise it. If this opinion be erroneous, then the principles of the bill are unfounded. If, on the contrary, this opinion is sound, it results that neither the power given to the President to appoint the members of the council, nor of the governor to prorogue them is unsafe or unnecessary." He therefore favored the adoption and temporary employment of the bill.

Mr. Lyon favored the bill, because the governor was appointed by the president and could be required to prevent any improper course of the council. He favored letting the people elect the council, and opposed the policy of keeping them in a state of practical slavery until they could think and behave as freemen. Mr. Lucas, of Pennsylvania, thought that the people were not prepared for a government like that of the United States, and that because many of them had shed tears when the flag of France was pulled down and that of the United States was raised in its stead, they were more devoted to other interests than to those of their new sovereignty. He thought they should be made to wait until they showed their proper appreciation of the new order of affairs. He thought wise the plan to give the president large power over the governor and the governor large power over the legislative council, because of the checks that thus could be placed on any improper proceedings. He believed that the council should be composed of

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## MEMBERSHIP

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citizens of the territory, in order that they might be initiated in the new form of government. Upon their return to their constituents, he reasoned, they would talk of the new order of things, and thus the whole people would soon become familiar with the laws and constitution of the United States. "When this effect shall be produced it will be time and only then to give them a government as liberal and free as that contemplated by the amendment."

Mr. Macon, of North Carolina, moved to strike out all of Section IV concerning the appointment of governor and legislative council and other matters. His principal objection was that the section established "a species of government unknown to the laws of the United States." He believed the form of territorial government established by the old congress would be best adapted to Louisiana. It was in force in Mississippi territory, and Louisiana should have the same. "If they are as ignorant," he asked, "as some gentlemen represent them (and of this I know nothing), will they not expect the same grade of government with the inhabitants of the Mississippi territory, with whom they will have a constant intercourse?" He favored striking out the section, and referring the matter to a select committee.

In favor of striking out Section IV, Mr. Campbell, of Tennessee, made a long and strong speech. He said, "The principal question is, whether we shall give the inhabitants of Louisiana the right of self-government, or even the hope that they will hereafter enjoy the benefits of self-government, and of those rights which there is no doubt that they conceive themselves entitled to under the treaty with France. . . . On examining the section it will appear that it establishes a complete despotism; that it does not evince a single trait of liberty; that it does not confer one single right to which they are entitled under the treaty; that it does not extend to them the benefits of the Federal constitution, or declare when thereafter they shall receive them. I believe it will, on investigation, be found difficult to separate liberty from the right of self-government; and hence arises the question now to be decided, whether we shall countenance the principle of governing by despotic systems of government, or support the principle that they are entitled to be governed by laws made by themselves, and to expect that they shall in due time receive all the benefits of citizens of the United States under the Constitution. By the section all legislative power is vested in a Governor and thirteen counselors appointed by the President. The people have no share in their choice. The members of the Council are only to aid the Gov-



error; they have no right to make laws themselves; the words of the section are, 'The Governor, by and with advice and consent of the said Legislative Council or a majority of them, shall have power to alter, modify or repeal the laws which may be in force at the commencement of this act.' That is, the Governor makes the laws by and with the advice of the Council. They are not to deliberate on what shall be law; but he, like some ancient potentates, is to suggest to them what in his opinion is proper to be law. This is the proper construction of this section, or I do not understand it. They are not to make the laws and submit them to him for his approbation. He makes them and asks his creatures whether they will agree or not agree to them. I hope we are not prepared to establish such a system as this. . . . We have no evidence that the condition of the people of Louisiana is such as to disqualify them for the enjoyment of any of the blessings of liberty. . . . One principle cannot be denied: When power is vested in the people, they exercise it for their own benefit and to the best of their skill. They have no object in abusing it; for they are sure to be the first victims of its improper exercise. I ask, then, where is the danger of placing in the hands of the people the right of choosing those who are to regulate their own internal concerns? Surely, when gentlemen depict the great danger of this investiture of power, they do not consider that the very act before us, subjects all laws to the control of Congress, and that in all cases wherein Congress shall negative them, they will have no validity. Where, then, is the danger? . . . If the people are already hostile to the United States, it is evident that it is not the severity of despotism that will make them friendly. . . . Not long since, this people were congratulated on their releasement from a despotic government and were invited into the arms of a government ready to extend to them all the blessings of self-government. Now we are about to damp all their hopes and to send forth a few creatures to lash them with despotism, to make all their laws. We go further. We do not even hold forth the idea that at a future day they shall make their own laws. Our language is, if, notwithstanding the despotism we extend over you, like good subjects, you patiently bear your chains, we may withdraw them and let you govern yourselves. . . . How does a despot govern his subjects? He tells them and makes them believe that they are ignorant and unqualified to govern themselves; considering their ignorance he tells them he does them a favor by governing them and they have nothing to do but to obey. . . . Let us not say, the people are too ignorant to



govern themselves. No, give them an opportunity and they will acquire knowledge, at least sufficient to make a proper choice of those best qualified to superintend their concerns." He therefore favored letting the governor and judges administer the government of the territory until the people should choose their own legislature.

The debate to strike out Section IV, was renewed on February 29. Mr. Jackson, of Virginia, opposed the treatment to be accorded the Louisianians by Section IV, and took Mr. Huger to task for his statement that the people should be treated like the slaves. He said, "Look at the ensanguined plains of St. Domingo; the oppressed there have broken their chains and resumed their long lost rights. . . . And are the subjects of a monarchy, the inhabitants of Louisiana, more deficient in manly sentiment than the people of St. Domingo? This argument of incompetency in the people to govern themselves, is the essence of despotism; its language is, 'The people are a mob; a swinish multitude; and the Divine Goodness has pleased to send into the world kings and nobles to keep them in order.'"

Mr. Holland, of North Carolina, said that his ideas were very different from those of Mr. Jackson. He said, "The only question is, whether we shall extend to the people of Louisiana the right of free suffrage in its fullest extent and such as is enjoyed by the people of the United States. Gentlemen in favor of striking out this section, seem impressed with the idea that every gentleman friendly to the section is in favor of an absolute despotism—is inimical to their rights, is desirous of making the people of Louisiana slaves. They take the ground that, if we deny them this right, we deny them everything. But there is a wide difference between denying them the privilege of election and extending to them other high privileges; more, perhaps, than they are capable of enjoying. This law will extend to them the privilege of twenty-one acts of the United States, to which the freemen of the United States are subject. Is this nothing? Gentlemen say that they ought not to be subjected but to laws of their own making; but the whole form of this bill contradicts the assertion, as it principally consists in imposing laws which the people never made or ought to participate in making. Will the gentlemen take the broad ground that people should never be governed but by laws of their own making? This is indeed the amount of the argument, and, proving too much, it proves nothing. Mr. Huger said he believed the people of St. Domingo, who had been alluded to, not qualified to support a free govern-



ment—not possessed of sufficient knowledge. People who never had an opportunity to obtain knowledge, cannot be supposed to possess it, and no kind of knowledge was more difficult to obtain than that which qualifies men to be legislators. Can gentlemen conceive the people of Louisiana, who have just thrown off their chains, qualified to make laws? Under the late system the people had no concern in the government, and it was even criminal for them to concern themselves with it; they were set at a distance from the government, and all required from their hands was to be passive and obedient. Can it be supposed such a people made the subject of government their study, or can it be presumed they know anything about the Constitution of the United States? Would persons thus elected be of any service to the government? So far from being an assistance, they would be an incumbrance. Why then impose this burden upon them? The object of this bill is to extend the laws of the United States over Louisiana, not to enable the people of Louisiana to make laws. This extension, so far from being an act of despotism, will be an important privilege. If the laws of the United States were founded on injustice, they might have some right to complain; but we only apply to them laws by which we ourselves consent to be governed.

It is a fact that many of the most respectable characters in the country conceive the principle of self-government a mere bubble, and they will not consider themselves aggrieved if it is not extended to them. Does the history of nations show that all men are capable of self-government? No such thing. It shows that none but an enlightened and virtuous people are capable of it; and if the people of Louisiana are not sufficiently enlightened, they are not yet prepared to receive it. . . . When the people understand the value of laws equally and impartially administered, and begin to feel an attachment to the United States, and to inquire into the principles of free government, it will be time enough to give them the elective franchise."

Mr. Sloan expressed great surprise at the views of Mr. Holland. He asked, "Can anything be more repugnant to the principles of just government?—can anything be more despotic than for a President to appoint a Governor and Legislative Council, the Governor having a negative on all their acts and power to prorogue them at pleasure? What liberty, what power is here vested in the people? . . . The only thing I want to know to decide the present question is, are they human beings possessed of rational understanding? If so give them an opportunity to prove it." Mr. Smilie of Pennsylvania could not see the danger of giv-

the first of these, the United States, the second, the British Empire, and the third, the French Republic. The first of these, the United States, was the first to be founded on the principles of liberty and justice for all.

The second, the British Empire, was the first to be founded on the principles of power and glory. The third, the French Republic, was the first to be founded on the principles of equality and justice for all.

The United States, the British Empire, and the French Republic were the first three great powers of the world. They were the first to be founded on the principles of liberty, power, and equality.

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ing the Louisianians the elective franchise "while under the immediate control of the Government." Mr. Boyle of Kentucky advocated giving the people of Louisiana the privilege of electing their own representatives. A vote was then taken on the motion to strike out Section IV; it was carried by 80 yeas to 15 nays.

A substitute for Section IV, offered by Mr. Campbell, provided that the governor and judges or a majority of them should "adopt and publish in the territory such laws of the original states as might be necessary and best suited to the circumstances of the territory," and in addition should make such other laws as seemed conducive to the greatest good of the inhabitants. The substitute also provided that the territory should be subdivided into counties, and that the general assembly or legislature should consist of a legislative council and a house of representatives. An amendment to the substitute requiring a jury trial in all criminal cases and in all civil cases over twenty dollars was lost by a majority of 20 votes. The substitute was also lost, yeas 37, nays 43.

The bill again came before the house on March 14. A motion to reduce the governor's salary to three thousand dollars was lost by a majority of four votes. Another amendment to extend to the inhabitants the naturalization act was lost by thirty-two majority. An amendment inhibiting the importation of slaves from any of the United States and from foreign countries was carried by a majority of four votes. An amendment to strike out the provision inflicting a fine of one thousand dollars for settling on government land in the Purchase was lost by twenty-three votes. The provision to render null and void all land grants after October 1, 1800, was at first defeated, but was finally reconsidered and passed. Mr. Earle of South Carolina introduced a substitute for Section IV, which placed the legislative power in the hands of a governor and a legislative council appointed by the president. After the adoption of a few small amendments, the substitute was agreed to, yeas 58, nays 42.

President Jefferson, upon commissioning William C. C. Claiborne as governor of the Louisiana Purchase, gave him nearly all the powers previously held by the Spanish governor-general and intendant. Claiborne had previously been governor of Mississippi territory and was already in touch with the affairs west of the great river. Going from Mississippi territory, where he had exercised the powers only of an executive under the Federal constitution, he suddenly found himself called upon to administer the functions of the three departments: Executive, legislative



and judicial. But this did not last long. He had hardly looked over his field of responsibility before the law of congress extended the acts governing the Northwest territory over the Louisiana Purchase and limited his domain to the country south of the thirty-third parallel and west of the Mississippi, except the island of New Orleans.

His first important measure was to organize the territorial courts, but he failed for some reason to please his fellow citizens. They complained that he was unfamiliar with the Louisiana law, and that he favored Americans as against the Creoles and European French and Spanish residents. The act of March 26, 1804, changed this absolute despotism to the republican form of government under the Federal constitution. It was this law which bound him to the territory south of the thirty-third parallel; prior to its passage his rule over the whole of the Purchase was signal and absolute. When the Purchase was divided into the two territories, Orleans and Louisiana province, the people strenuously objected. They did not wish to see their former boundless domain diminished, and protested to congress against the division, but their protest availed nothing. They likewise thought that under the terms of the cession of Louisiana, they should be admitted to immediate statehood. But congress determined that as they were wholly unfamiliar with the United States laws and constitution, it would be better for them and for the other states if they should study the Federal institutions and laws a few years before their admission. The law prohibiting the importation of slaves except under certain conditions was not relished, but had resulted from the appeal to congress of an abolition convention which met in Philadelphia in January, 1804. Neither was the course of the United States in regard to the French and Spanish claims admitted to be just. In a letter to President Jefferson, Claiborne expressed the opinion that the inhabitants of Louisiana were incapable of self government. But the truth was that the people had altogether different ideas of government, and at the same time thought they were being imposed upon and oppressed. Claiborne said that the following were common and current expressions: "Is it in this way that we are secured the benefits that were to result to us from the cession of Louisiana by France? Are these the liberties of which she seemed to have guaranteed to us the preservation by an express clause of the treaty? Is it thus that she calls us to the enjoyment of the rights, advantages and immunities of citizens of the United States?" Laussat said



that insurrection against the United States was openly advocated in New Orleans.

Another important act of Claiborne was to establish the Bank of Louisiana. This was rendered necessary by the utter lack of the required ready money to effect exchanges. But the people seemed to think it was specially designed to rob them, as they had previously been deceived with paper money issues. But all disorder was prevented, doubtless because of the presence of United States troops which Wilkinson, previous to his departure for New York, had posted at New Orleans, Natchitoches, Fort Adams and Pointe Coupee. The law which stipulated that the legislative council of Orleans territory should be selected by the president of the United States, and that all laws should have their inception in the brain of Claiborne, still further roused the indignation and suspicion of the old citizens. Meetings were held and congress was petitioned, and finally a deputation was sent to Washington to secure a redress of grievances. These delegates were Derbigny, Sauvé and Destrehan. About this time the inhabitants of Feliciana and what is now East Baton Rouge, being mostly of English descent, and desiring to be attached to the United States, undertook to rebel against Spain, but were overawed by an expedition sent against them.

On the first of October, 1804, the government of the territory of Orleans commenced operations. The following men appointed by President Jefferson constituted the first legislative council: Bellechasse, Poydras, Boré, Roman, De Buys, Clark, Dow, Cantrelle, Kenner, Morgan, Wikoff, Jones, and Watkins. Deponceau, Prevost and Kirby were the first judges of the supreme court. Dominic Hall was the first United States district judge. Prevost opened the first court of the territory in November, 1804. Several of the appointees to the legislative council refused to accept their seats; they were not yet in harmony with the Claiborne government and thought their liberties were being curtailed. Claiborne filled in the blanks which had been left for the purpose the names of Pollock, Dorciere, Flood and Mather to take the places of the four who had resigned.

The council, having secured a scant quorum by the fourth of December, 1804, organized and prepared for business. The territory was divided into twelve counties, and each was given an inferior court, with one judge, and the court procedure was prescribed. This council also made provision for a civil and criminal code to be prepared by two attorneys, and five thousand



dollars was appropriated to recompense them for their labor. Acts were passed, chartering New Orleans, providing for the inspection of flour, beef and pork, creating a state university, establishing navigation and insurance companies, and providing for the formation of a public library. The first twelve counties were as follows: Orleans, German Coast, Acadia, Lafourche, Iberville, Attakapas, Opelousas, Pointe Coupee, Rapides, Concordia, Ouachita and Natchitoches.

Governor Claiborne seems to have taken a philosophical view of the action of the ancient Louisianians in entertaining prejudice against the American government. He said in 1804, "I received from the officers, civil and military, a zealous and able co-operation in all measures for the public good and from the people in general an indulgence and support which encouraged harmony and insured the supremacy of the law." But he also admitted the existing disaffection, and wrote to Mr. Madison in October, 1804, that the Spanish officers who still lingered in the territory encouraged the discontent. The task set Governor Claiborne was a difficult one. There sprang up from the start a strong jealousy between the "ancient Louisianians" and the "modern Louisianians," as the two factions came to be called. While Claiborne was regarded highly as an individual, his country was disliked by the old inhabitants, and it required years to uproot the racial prejudices. Numerous disagreements arose over almost every public question. The views were as different as the characteristics of the mixed races residing there. During it all the firmness, forbearance and fairness of Claiborne seem remarkable. In the case of Captain Garcia he exhibited great prudence and moderation. He softened the strictures of the law prohibiting the importation of slaves. The law itself was clandestinely violated, and many slaves were smuggled into the territory. In his message to the territorial legislature, he recommended the adoption of a system of public education and of measures to prevent the spread of yellow fever.

The prejudice which had been manifested against the Americans since the Revolutionary war by what has ever since been called the "ancient inhabitants" of Louisiana asserted itself almost as soon as Claiborne and Wilkinson had taken formal possession of the Province. The "ancient inhabitants" began by viewing all the acts of the Americans with jealousy and suspicion, resented the implied insinuation that they could not govern themselves, felt insulted because they were not granted at the outset political control of the territory, resigned often from public bodies when



their dictum was not accepted, publicly derided even the governor himself for the crudities and inelegancies of his manner and appointments, and steadily sowed the seeds of discord between their members and all the other inhabitants. The powers granted to Governor Claiborne, though no stronger than those exercised by the Spanish officials a short time before, were regarded with indignation, either actual or assumed. As a matter of fact, while they were not justified in thinking that the United States meditated doing them an injustice, appearances warranted them in believing that they were not to be accorded the rights guaranteed to them by the act of cession. In order to counteract so far as possible this feeling of hostility to his administration, Claiborne studiously endeavored to divide the political favors among the two factions of inhabitants. When he took the oath of office and delivered his address to the inhabitants, the same address was immediately re-read publicly and translated into French by Peter Derbigny. Many of the members of the first legislative council were chosen from the ranks of the "ancient inhabitants." But the three judges, Dominic A. Hall, Ephraim Kirby and John B. Prevost, were not thus chosen. What irritated the "ancient inhabitants" more than any thing else was the assumption of the Americans that they alone knew about all there was to be known concerning republican institutions. The Americans seemed to forget that the first declaration of independence was declared at New Orleans by these same "ancient inhabitants" against the transfer of the Province from France to Spain more than a quarter of a century before.

The petition sent to congress by the disaffected was duly considered. The delegates were heard in committee and all phases of the questions fully discussed. When the substance of these debates became known in the territory, all felt wounded by the aspersions cast upon the "ancient people." It was declared that they did not yet understand the Federal constitution, and that they were not yet susceptible of self-government. As a matter of fact, when one reads between the lines of these debates, it is apparent that neither congress nor President Jefferson believed that the people were incapable of self-government, but they simply thought it wise that the people should become familiar with the Federal institutions before being given too much authority and before being admitted to statehood. But the people took offense, and Governor Claiborne had a hard time of it. Randolph, leader of the administration party in the house, expressed the opinion that the Louisianians asked too much and were too precipitate,



but recommended that every indulgence within reason should be extended to them. This resulted in the act of March 2, 1805, by which the people were permitted to elect their house of representatives—twenty-five members in all, who were authorized to select ten citizens from whom the president of the United States was to select five to form the legislative council, or the senate. This law was not satisfactory, but was an improvement. The people duly elected the house, and named the following men from whom the council was to be chosen: Derbigny, Bellechasse, Bouligny, Destrehan, Sauv , Villere, D'Ennemours, Macarty, Gurley and Jones. From them the president selected the following council: Destrehan, Bellechasse, Macarty, Jones and Sauv . This was the first long step toward peace and harmony, but much discontent still remained.

The action taken at this time to quiet land titles and claims did much to appease the people. Commerce was stimulated by the war between Spain and Great Britain. But the Spanish officials still lingered in Louisiana with the expectation that the Province would be retroceded to Spain. They interfered in all the affairs of the territory, and were a thorn in the side of Governor Claiborne and an impediment to domestic tranquillity. Soon it was manifest that Spain had surrounded Orleans territory with a line of troops, both in West Florida and in Texas, and Claiborne asked Casa Calvo the meaning of it all. As a matter of fact, war between Spain and the United States was not improbable, owing to the rupture over diplomatic negotiations. It was reported and believed by the ancient people that Spain would exchange with the United States for the two Floridas all the country west of the Mississippi. Thus matters were pending when the conspiracy of Burr burst upon the turbulent scene.

Claiborne visited all portions of his territory principally to see that the militia was duly and extensively organized. The famous Orleans battalion of the militia was organized, and afterward in many emergencies rendered excellent service. Late in 1805 it seemed certain to Claiborne that the Spanish would advance in force upon New Orleans. They likewise menaced Natchitoches. In this year he called two special sessions of the territorial legislature to consider the state of public affairs. But the legislature was powerless to do anything better than to promote the organization of the militia. Previous to this a mulatto corps had been organized in New Orleans; it was composed of free colored persons residing there. In his message to the legislature of January, 1806, the governor recommended the revision of the judiciary

the same time, the American Medical Association has been successful in securing the passage of the Federal Food and Drug Act, which is a landmark in the history of the regulation of the food and drug industry. This act is a comprehensive measure which covers the entire field of food and drug regulation, and it is a significant step in the direction of the protection of the public health.

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system, the establishment of a penitentiary, the institution of a work-house and a refuge for the helpless, the improvement of the water-courses in the Attakapas and Opelousas country, care of the levees, improvement of commercial intercourse, and better facilities for public education. He said that youth should be considered the property of the state and educated accordingly. It was now that the prospect of war with Spain disappeared. But the legislature, now disposed to be bellicose, owing to the preponderancy of the ancient people, passed many objectionable acts, which the governor thought proper to veto. This led to several resignations. But near the close of the session many of the governor's recommendations were followed.

At the second session of the first legislature, held at New Orleans in January, 1807, the following acts, among others, were passed: To open district courts at New Orleans, Opelousas, Rapides, Pointe Coupee, and Donaldson; to divide the territory into nineteen parishes as follows: City of New Orleans and its precincts, St. Bernard, Plaquemines, St. Charles, St. John Baptist, St. James, Ascension, Assumption, Lafourche, Iberville and Galvez town, Baton Rouge, St. Francis at Pointe Coupee, Concordia, Ouachita, Rapides, Avoyelles, Natchitoches including St. Francis, St. Landry, and Attakapas called St. Martin. These nineteen parishes constituted twelve counties, and the following representation was assigned to the counties: Orleans county 6 representatives, German Coast county 2, Acadia county 2, La Fourche county 2, Iberville county 2, Attakapas county, 2, Opelousas county, 2, Pointe Coupee county 2, Rapides county 2, Concordia county 1, Ouachita county 1, Natchitoches county 1, total 25. Other laws passed were as follows: To confirm marriages which had been solemnized by certain persons; to regulate marriages; to authorize the governor to settle disputes over boundary questions in parishes; to fix a fee bill; to emancipate slaves; to authorize the governor to borrow twenty thousand dollars; to regulate roads, levees and the running at large of cattle; to provide a tax on lands and slaves; to regulate elections; to promulgate the territorial laws; to prevent the immigration of free negroes into Louisiana; to appoint two jurisconsults to prepare a civil code, and to authorize the governor to urge congress to build certain levees in the Manshac region. At this session, also, the state was divided into five superior court districts, as follows: 1. The parish of the city of New Orleans with its precincts, St. Bernard, "commonly called La Terre aux Boeufs," Plaquemines, St. Charles and St. John; 2. St. James, Ascension, Assumption, set-



tlement of La Fourche, parish of Iberville with the settlement of Galvez town; 3. That part of the territory known under the name of Baton Rouge, Pointe Coupee comprehending the parish of St. Francis, and the county of Concordia; 4. The counties of Ouachita, Rapides and Natchitoches; 5. The counties of Opelousas and Attakapas.

During the year 1806 occurred the threatened hostilities between the forces under General Wilkinson and General Herrera in the vicinity of Natchitoches. It was also at this time that Burr's conspiracy burst. It seemed certain that New Orleans would be attacked by a large army under that disaffected man. New Orleans was fortified to receive him, and intense excitement prevailed. The arrest of the leaders at that city, the issuance of the writs of habeas corpus, the suspension of the writs, the resignation of Judge Workman, the dictatorial course of Wilkinson, and the final evaporation of all the trouble in mist, are well-recorded matters of history.

About this time the famous *batture* cases were originated under the claims of Edward Livingston, an able lawyer. They were destined to establish an important precedent that has become permanent law in every state of the Union. The legislature of January, 1808, took steps to assist the state university, which had been left to the mercy of private contributions that were not forthcoming. It was now that the legislature saw with pleasure that the revenue of the territory was sufficient to meet the expenditures. The house of this legislature also passed an act to remove the seat of government about a hundred miles up the river from New Orleans, presumably to Donaldsonville. The legislature adopted a digest of the civil laws, that had been prepared by two able lawyers named Brown and Lislet, pursuant to an act of 1805, and was based upon the Code Napoleon and the Spanish judicial system.

The first delegate in congress from the territory of Orleans was Daniel Clarke, his appointment bearing date March 4, 1805. He served his term of two years and was reappointed. He was succeeded by Julian Poydras March 4, 1809. The latter had sided with Governor Claiborne in the disputes with the ancient inhabitants, and the selection of Poydras seemed proof that the old antipathy was dying out. In 1808 occurred the embargo acts of the United States, whereupon the militia of the territory was rendered still further efficient. In January, 1809, the legislature resumed its annual sittings. The governor deplored the failure of the legislature to provide public schools throughout the territory.



An act had been passed, but it had proved of no effect. Pointe Coupee was the only parish that had in any degree taken advantage of the measure. The governor expressed great gratification that private schools had started up in all portions of the territory. He advised the revision of the criminal jurisprudence and the construction of a penitentiary, called attention to the fact that war with Great Britain was probable, urged the better organization of the militia, advised that steps be taken to prevent the large escape of slaves to the Spanish dominion of Texas, and recommended internal improvements. In the spring of 1809 there were in and around New Orleans over 2,000 United States regular troops, placed there to be in readiness for any hostile movement against the mouth of the Mississippi. The legislature of 1809, passed a memorial to congress, asking the admission of Orleans territory to statehood, but Claiborne advised against it, as in his opinion the people were not ready for self-government. A census taken in 1806 had shown a total population of 52,998, of which 26,069 were white. The memorial to congress asking for statehood met considerable opposition in the house of representatives of the territory. It finally prevailed by the result of 11 affirmative against 7 negative votes. Claiborne said: "I much doubt whether, if a question as to the early reception of the Territory into the Union as a State was submitted to the people, there would be found a majority in its favor." He said further that, owing to probable war with Great Britain and to the pending revolt of the Spanish provinces, to ask for statehood at this time was inopportune.

Previous to the autumn of 1809 the citizens generally and particularly the "ancient inhabitants" were careless as to whether they exercised the elective franchise, but by that date they had learned that it made a great difference who made their laws and collected and spent the revenues. In his message of 1810 the governor said, "By the recent returns from the several counties, it is apparent that the body of the people are becoming sensible of the importance of the elective franchise and that its exercise is justly considered to be a duty." He reviewed the state of foreign affairs, and in view of a probable war with England, advised the thorough organization of the territorial militia. He noted that a large increase in the population, some 10,000, had recently arrived from St. Domingo; he also announced that in the territorial treasury was about forty thousand dollars. Claiborne complimented the legislature of 1810 upon the interest shown for the first time in their election. He advised special attention to the raising of



cotton and wool, urged that precautions against yellow fever should be taken, and asked congress to make some provision for the support of the public schools of the territory, particularly for the support of seminaries of learning. During this year the governor visited Baltimore, and during his absence the territorial secretary, T. B. Robertson, acted as governor.

In 1810 the people on the east side of the Mississippi in the vicinity of Bayou Sara, wishing to be freed from Spain, now determined to secure their independence. They captured Baton Rouge and set up a state government, and reported their proceedings to the president of the United States. The president refused to recognize the new state, and directed Governor Claiborne to take possession of West Florida and to organize counties or parishes and institute courts therein. It was announced that this was but a temporary step, to be settled later with Spain, when her neck should no longer be under the august feet of the First Napoleon. Claiborne went to Natchez in December, 1810, and from that point advanced at the head of a considerable body of militia to St. Francisville, where he hoisted the stars and stripes and formally took possession of West Florida. Thus that province was a colony of Spain, the state of West Florida, a part of Orleans territory and part of the state of Louisiana—all within two years. Thus do revolutions make swift changes.

The last territorial legislature assembled in January, 1811, and passed several important acts, among which were the following: To establish the Bank of Orleans and the Planters' Bank, to grant Livingston and Fulton the exclusive right to build and navigate boats of all kinds on the waters of Louisiana for the period of eighteen years, and to provide for the constitutional convention to determine the question of statehood. They made provision for the election of delegates to such convention, but did not thus include West Florida. Previous to their adjournment in April, 1811, the legislature was informed of the passage of the act by congress for the admission of Orleans territory into the Union, with permission to select their own name. With the adjournment of this legislature of 1811, the territory of Orleans came to an end.



## CHAPTER III

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### The State Under Governor Claiborne

THE enabling act was passed by congress on the 20th of February, 1811. By it the inhabitants of Orleans territory were authorized to form a constitution and state government preparatory for admission into the Union. The limits were the Sabine in part on the west, the thirty-third parallel on the north, and the rivers Mississippi and Iberville and the lakes Maurepas and Pontchartrain on the east. The proposed state was to include all islands in the Gulf within three leagues of the shore. Representatives not exceeding sixty, who were to meet at New Orleans on the first Monday in November, 1811, were to be elected by the inhabitants on the third Monday of September, 1811. The representatives were to determine whether to form a constitution and state government. The act provided that the government should be republican in form and the constitution should not be inconsistent with the laws and constitution of the United States. The people were required to disclaim title to the unappropriated and waste land within the state limits; and such land was required to be exempt from taxation. All navigable rivers were to be public highways. When the convention should assent to the requirements of the United States; when a copy of the constitution and the proceedings should be sent to Congress and when the proceedings of the convention should be approved by the latter body, the state, it was announced, would be duly admitted to the Union. Five per cent of the net proceeds arising from the sale of public lands after January 1, 1811, "shall be applied to laying out and constructing such public roads and levees in said state as the legislature thereof may direct."

The delegates having been duly elected, the convention to deter-



mine the question of statehood, assembled in New Orleans on the 4th of November, 1811. Julius Poydras, the territorial delegate to congress, was elected president of the convention. Mr. Watkins introduced the resolution looking to the formation of a state government. But it at once encountered emphatic opposition. Destrehan, Morgan, Porter and Hubbard spoke against the resolution. The vote upon it showed a large majority in its favor, the negative voters being as follows: Morgan, Destrehan, Dunlap, Goforth, Porter, Thibodeau and Hubbard. There was then appointed a committee of seven to prepare a plan for a state constitution, as follows: Destrehan, Magruder, Brown, Cantrelle, Johnson, Blanque and Bry. In six days they submitted a plan and it was duly considered. Whether West Florida should constitute a part of the new state, was the question of a long debate. Congress had not included that province in the boundaries of the proposed state, because the ownership of West Florida was still in dispute between Spain and the United States. Finally, all the conditions exacted by congress were adopted, the constitution was approved and accepted, and two delegates, Fromentin and Magruder, were sent with all the proceedings, to lay the same before congress for ratification. The convention adjourned without day on January 28, 1812, after having been in session over two months.

These important events had scarcely transpired before congress formally tendered to the new state the province of West Florida. It was promptly accepted by the first state legislature. Before congress had determined on this course, the question was fully and ably debated in committee of the whole house. Several important constitutional questions were involved. As able a man as John C. Calhoun, opposed the step on constitutional grounds. Henry Clay could see no constitutional objections. What amounted to the attachment of West Florida to the new state, was finally passed by the house by 77 yeas to 23 nays. But the United States senate disagreed, and that provision was stricken from the bill admitting Louisiana to statehood. Later, as above stated, West Florida was tendered, and accepted. This was done under the bill entitled, "An act to enlarge the limits of the State of Louisiana, etc.," approved by the president, April 14, 1812. Louisiana accepted the province on August 4.

At the election of the first state officers, Mr. Claiborne was chosen governor. This was ample evidence of the high esteem in which he was held. He appointed L. B. Macarty, secretary of state. Julian Poydras was the first president of the senate, and



P. B. St. Martin, first speaker of the house. Thomas B. Robertson, the former territorial secretary, was sent to congress. A. B. Magruder and J. N. Destrehan became the first United States senators from Louisiana. Claiborne appointed Derbigny, Hall and Mathews, judges of the state supreme court. The governor, in addressing the legislature, advised the elaborate organization of the militia to meet the requirements of the war just declared against England.

At the first session of the first general assembly, begun at New Orleans, July 27, 1812, the following among other important laws were passed: Accepting from congress an enlargement of the state by the addition of that portion of West Florida west of Pearl river, the language of acceptance being as follows: "Be it therefore resolved, and it is hereby resolved, that the Senate and House of Representatives of the State of Louisiana in General Assembly convened, do approve of and consent to the enlargement of the limits of the said State of Louisiana in manner as provided by the above in part recited act of Congress hereby declaring that the same shall forever be and remain part of the State of Louisiana;" fixing the governor's salary at seven thousand five hundred dollars per annum; giving that portion of Louisiana recently annexed due representation in the general assembly; establishing the boundaries of New Orleans from the Nuns' plantation above, down the river to Canal des Pecheurs, including the settlements of the Bayou St John, and dividing the city into eight wards; providing for the election of state and congressional officers, the latter at a special election; stating how vacancies in office should be filled; defining the boundaries of Natchitoches county; authorizing the governor to borrow twenty thousand dollars for one year to meet current expenses; appropriating three thousand dollars for the Charity Hospital in New Orleans; continuing the repairing and opening of certain roads; making appropriations for various contingent expenses; paying Bernard Tremoulet for the use of the building in which sat the general assembly; allowing Mr. Laizer a sum of money for certain repairs to the state house or government house, which had been damaged in a recent furious hurricane; authorizing the formation of a militia corps from among the Creoles of the state, the officers to be Creoles. At this session the following resolutions were passed: Declaring it expedient that the state should have a different seat of government—a place handier to the rest of the state—and appointing a commission of two members of the senate and three of the house to vi-w the different proposed locations, ascertain what dona-



tions could be secured and obtain estimates of cost; directing the removal of all the papers of the constitutional convention and of the territory of Orleans in the keeping of temporary officers, and the enrolled constitution of the state deposited in the Bank of Louisiana, to the office of the secretary of state, and authorizing the governor to borrow from the government 4,000 stands of muskets, 400 sabres, and as many pieces of artillery as he needed, and appropriating five thousand dollars for ammunition and five thousand dollars to pay transportation and other charges.

One of the first political contests was over the selection of the first delegate to congress. The majority in the legislature wanted a man in accord with the Madisonian administration, but a suitable man of that stripe could not be found, and the old delegate was permitted to hold over. A sharp contest occurred between the legislature and the governor in regard to the measures of the proposed bankrupt bill. As it had first been passed it was vetoed, but after it had been modified in accordance with his recommendations, he signed it. At this time no conventions were held for the purpose of nominating candidates for office. Tickets were made out and endorsed by meetings of citizens called for the purpose. In the vote for statehood, the territorial legislature had stood 35 for and 7 against, but the opponents were actuated by political motives, rather than by hostility to the step. When rumors of war with England were circulated, the Jeffersonians opposed the measure as one of Madison's follies. In the selection of the first state ticket, Jean Noel Destrehan was the candidate of the "ancient inhabitants" for the office of governor; Jacques Villere was the candidate of another branch of that faction. At this time there were strong calls for a "native Louisianian" for the chief magistracy, but Claiborne and the American element was too strong to be turned aside. In the selection of a name for the new state, it was suggested that the appendix "Lower" should be added to the term "Louisiana," but this movement in the legislature of the territory did not prevail. An article in one of the newspapers of that date signed "A Creole" ran as follows: "Let the free citizens of Louisiana vote for Mr. Destrehan or Mr. Villere for their chief magistrate; one or both will be returned to the General Assembly. Every man has his favorites but let no favoritism induce any one to throw away his vote on a member for either House of the General Assembly, that will not give his qualified vote for a "Louisianian" for chief magistrate." A handbill circulated in June, 1812, contained the following extract: "Louisianians: Awake from your slumbers. After having been



in a state of apathy for a century, light is restored to you. The Goddess of Liberty presides at your altars; scepters are at your feet; the usurpers of your rights are vanishing; and your happiness and prosperity are within your own control. It is therefore by nominating a Creole as your chief magistrate that you will prove your national spirit and secure your welfare; that you will satisfy the world that you are capable of self-government. It is then for you to select the man whose character, heart and qualities may inspire those sentiments which you ought to feel toward your chief magistrate. In whom can you find that man better qualified than in Mr. Jacques Villere, or one more entitled to your suffrages? The worthy son of a father who sacrificed his life in the defence of his country, can never forget that virtue, justice and honor are attached to his name. A Louisianian." The Louisiana Gazette of June 30, 1812, said, "The election opened yesterday at nine o'clock, for Governor, Senator and Representatives; the votes were, it is supposed, much in favor of the Creole ticket—not quite 400 votes were given. Let every independent elector come forward to the polls today and give his vote in favor of a *change, a radical change*—the happiness of our State depends on a change of officers."

The following is a partial result of the election for first governor of the state:

Counties.	Claiborne.	Villere.	Destrehan.	Livandais.
New Orleans. . . . .	537	318	46	3
German Coast . . . . .	136	10	33	0
Iberville . . . . .	210	17	2	0
Acaidia . . . . .	183	59	4	0
Pointe Coupee . . . . .	118	81	1	0
Opelousas . . . . .	198	159	0	0
Concordia . . . . .	56	0	4	0
Lafourche . . . . .	366	7	0	0

Thus Claiborne was elected by a large comparative majority in the whole territory. On the 28th of July, the legislature elected Claiborne by "a very large majority," according to the Louisiana Gazette. In his first message the governor dwelt largely on the war with Great Britain; advised the selection of electors for president and vice-president; recommended the revision of the judiciary system and the improvement of education. It was evident at this time that several important amendments to the new state constitution were absolutely and immediately necessary. It was imperative also to select United States senators. Eligius Fromentin was announced as a candidate for that position.



The constitution of Louisiana, adopted at New Orleans, January 22, 1812, provided that the government of the state should be divided into three distinct departments: Legislative, executive and judicial. It divided the legislative branch into two departments: Senate and house of representatives; the two together to be the general assembly. Representatives were to be chosen every two years and senators every four years. The general assembly was to convene on the first Monday in January of each year. Only free white males could become members of either branch of the assembly. To be eligible, representatives must be twenty-one years and senators twenty-seven years, of age. Free white male citizens of the United States, who had attained the age of twenty-one years and had resided in the county one year, and within six months had paid a poll tax, could vote at the elections for all state officers. The state was divided into fourteen senatorial districts. Upon the assembling of the first legislature, the senators were to be divided into two classes, the seats of the first class to be vacated in two years and of the second class at the end of four years. Senators were required to hold landed property to the valuation of one thousand dollars at least. A majority of the members of the general assembly was necessary to do business. Each branch was authorized to judge of the qualifications of its members. Compensation was fixed at four dollars per day. Members were privileged from arrest while attending the sessions, except in cases of treason, felony, breach or surety of the peace, and "for any speech or debate in either house they shall not be questioned in any other place." During his term of office, each was prohibited from holding any office of emolument created while he was a member of the assembly. Clergymen, priests and teachers were ineligible while exercising the functions of such. Collectors of state taxes were ineligible until they had obtained a quietus for the amount of their collections. It was also provided that no bill should have the force of a law until on three successive days it had been read in each house and free discussion invited thereon, unless four-fifths of such house should agree to a suspension of the rule in case of emergency. It was required that all revenue bills should originate in the house of representatives, but that the senate might propose amendments.

The governor was made the chief executive officer and was to be elected for the term of four years. His election was provided for as follows: The citizens throughout the state should first vote for the various candidates, after which the returns should be opened in the presence of both houses of the legislature, and the



two candidates having the highest number of votes should be ballotted on and the one receiving the highest number of the votes of the general assembly should be chosen governor. He was made ineligible for re-election, was required to be thirty-five years of age and the owner of landed property worth at least five thousand dollars. His term was to begin on the fourth Monday succeeding his election. No member of congress nor minister of a religious society was eligible to the office of governor. He was made commander-in-chief of the army and navy of the state. He was required to report regularly to the assembly the condition of the state, could call a session of the assembly on extraordinary occasions, was expected to see that all laws were faithfully executed and was required to visit the counties of the state at least once in two years to inform himself of the conditions of things. In case of a vacancy in the office of governor, the president of the senate was empowered to exercise the functions of the office. It was provided that every bill passed by both houses should be submitted to the governor for his approval or rejection; if approved, he should sign it, but if not he should return it with his objections, after which, in order to become a law, it was necessary that it should pass both houses by a two-thirds majority, the vote to be by ayes and nays and be entered on the journals. If any bill was held by the governor longer than ten days, it should become a law without his signature. "The free white men of this state shall be armed and disciplined for its defense; but those who belong to religious societies and whose tenets forbid them to carry arms, shall not be compelled to do so, but shall pay an equivalent for personal service." The organization of the militia was provided for.

The judiciary power was vested in a supreme court and inferior courts. The supreme court was given appellate jurisdiction only—in civil cases to amounts of over three hundred dollars. The court should be not less than three nor more than five, a majority forming a quorum, and their salaries were fixed at five thousand dollars. The state was divided into two districts: Eastern and Western, and the sessions were to be held in New Orleans and Opelousas. After five years the court might sit elsewhere than Opelousas, if so decided by the assembly. An attorney-general was provided for, as well as other prosecuting attorneys. The judges could hold office during good behavior.

Treason was defined to be levying war against the state or adhering to its enemies and giving them aid and comfort. A person who had given or offered a bribe to secure his election, was



disqualified from serving as governor. Money could not be drawn from the state treasury except in pursuance of appropriations made by law, "nor shall any appropriation of money for the support of an army be made for a longer term than one year." An account of the receipts and expenditures was required to be published annually. The right of every person charged with a crime to be heard was defined, and the "privilege of the right of *habeas corpus* shall not be suspended, unless when in cases of rebellion or invasion, the public safety may require it." Free speech and free press were specified, every citizen "being responsible for the abuse of that liberty." The seat of government was fixed at New Orleans, and all laws contrary to the constitution were declared null and void. The constitution might be amended by first submitting the proposed amendment to the people. The territorial government was merged into the new state government. "All laws now in force in this Territory, not inconsistent with this constitution, shall continue and remain in full effect until repealed by the Legislature."

The act of April 8, 1812, admitted Louisiana to statehood, but required that the Mississippi and all the rivers within the state borders should be free forever to all the people of the United States, without taxation and that all the other conditions imposed should be accepted and should be binding. It was further provided that until the next census and until the state's apportionment should be made, Louisiana should be entitled to one representative in congress. All laws of the United States not locally inapplicable were extended to the new state. All of the new state and all other territory comprehended in the territory of Orleans under the act erecting Louisiana province into two territories were formed into a United States district for judicial purposes with one judge who was authorized to hold four sessions of court each year at New Orleans. Provision for the appointment of the necessary marshal, clerks, etc., was also made. The act of May 12, 1812, transferred all causes, actions, indictments, libels, pleas, processes and proceedings from the courts established under previous laws to this court..

Among the many important decisions of the United States supreme court growing out of the purchase of Louisiana province, was one in *Foster et. al. vs. Neilson*; 2 Peters 254, where it was stated that the declaration of France that West Florida had not been ceded to her by Spain on October 1, 1800, was not conclusive, because "political considerations have too much influence over the conduct of nations." It was further held that the supreme



court was bound by the acts of Spain and the United States regarding the boundary of Louisiana in the absence of any definite previous boundary. The court could not act on questions involving the boundary of Louisiana, until the two governments should first settle such limits. It was likewise held that all grants of land in Louisiana by Spain after the treaty of San Ildefonso, on October 1, 1800, should be invalid.

The act of April 12, 1814, and other acts confirmed all rightful Spanish and French claims in Louisiana province. Such claims were defined as those existing "by virtue of an incomplete French or Spanish grant or concession, or any warrant or order of survey, which was granted prior to the twentieth of December, 1803, for lands lying within that part of the state of Louisiana which composed the late territory of Orleans," but with certain limitations and provisos. All persons who had really occupied and cultivated land not claimed by others were given the first right to pre-empt such tracts. The act of April 25, 1812, provided for ascertaining titles and claims to land in Louisiana east of the Mississippi and the island of New Orleans. The act of May 11, 1820, extended the time for completing all titles.

The terms upon which Louisiana was ceded by Napoleon to the United States, gave to the people of that province, for the first time, a fixed constitution, stable laws and self-government. Napoleon himself wrote that the people "should be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the federal constitution, to the enjoyment of all the rights, advantages and immunities of citizens of the United States; and that they should in the meantime be maintained and protected in the free enjoyment of their liberty, property and the religion which they profess." Even without these stipulations of Napoleon, the inhabitants of the Purchase would have been accorded all the rights and privileges enjoyed by the other colonies of the United States; but it must be conceded that the foresight of the first consul prevented the United States, had she wished to do so, from keeping the inhabitants of Louisiana for an unreasonable and indefinite time in a state of colonial dependency and subjection. It was made compulsory upon the United States to admit them in due time to all the rights and privileges of independent states. It thus came to pass, when Louisiana applied for admission into the Union, that she did not humbly sue on bended knees for the privilege, as later states were compelled to do; but she courtously demanded such admission as her right under the terms of the cession, and felt that congress



could find no justification for refusal or delay. Napoleon wrote, "Let the Louisianians know that we separate ourselves from them with regret; that we stipulate in their favor everything that they can desire; and let them hereafter, happy in their independence, recollect that they have been Frenchmen, and that France, in ceding them, has secured for them advantages which they could not have obtained from a European power, however paternal it might have been." Napoleon also bound the United States to carry into execution previous treaties made by Spain with the Indian tribes until other suitable articles could be mutually agreed upon.

It was to be expected, when once the war of 1812 had begun, that Great Britain would attempt the conquest of the lower Mississippi and the gulf coast. Indeed, there is good evidence to prove that the war was instigated by that country largely for the purpose of acquiring Louisiana and perhaps West Florida. Notwithstanding the fact that these designs of Great Britain were soon fathomed, and notwithstanding the repeated protests of Governor Claiborne, the government withdrew the Third regiment of regulars stationed in Louisiana, leaving the young state apparently incapable of repelling an invading army. Only about a regiment of regulars remained in the state; but Governor Claiborne issued orders for the mobilization of strong bodies of militia and otherwise prepared to meet the emergency with all the resources at his command. However, he was greatly handicapped by scarcity of arms and want of discipline. In addition to this, there was discernable here and there a pronounced feeling of lukewarmness easy to be accounted for.

Prior to 1803 the French and Spanish inhabitants had been taught to dislike the Americans, and after that date it was not easy to shake off the old feeling. Now, that they were called upon to fight for the people toward whom many of them still entertained unfriendly sentiments, it was but natural that there should be some hesitation and complaint. But it is probable that this condition of things would have cut no serious figure had it not been for the course of the British in sending emissaries among the people to incite them against the Americans. That this was done extensively cannot be denied. The result was considerable opposition to the course of Governor Claiborne in organizing the militia to resist the expected invasion of the British. However, such opposition was easily and speedily overcome, and in the end the Louisianians more than redeemed all former hesitation by their fidelity to the Union and their splendid courage in the field.



Everything possible to augment the forces in the state was done in congress by Senator Brown, of Louisiana; but troops were scarce, the coast line to be defended was long, the frontiers were ravaged by the savages and the wants of Louisiana could not be wholly supplied. Governor Claiborne ordered a detachment of militia to be held in readiness for actual service, and took steps to draft the necessary number should other measures fail to secure them. Quotas were assigned to the several brigades of militia throughout the state. It is not improbable that had a draft been necessary and had it been ordered, open resistance to its enforcement would have been encountered. As it was every act of the governor met with considerable opposition, but more from political motives than from an unwillingness to assist in expelling the enemy from the state or in fighting the battles of the government.

On the third of September, 1812, the legislature proceeded to the election of two senators of the United States, the final ballot standing Destrehan 21, Magruder 21, James Brown 16, Eligius Fromentin 5, Edward Livingston 3. In the selection of congressman the vote was as follows: Thomas B. Robertson 875, Johnson 567, Hopkins 450, Livingston 299, Fromentin 288. During the campaign for this office Fromentin had come out in a "book" as a strong Madisonian; the *Gazette* in speaking of this "book" as it was called said, "The book is below criticism."

The legislature was called to meet in extraordinary session on November 23, 1812, the object being the passage of the legislation necessary for choosing electors of the coming presidential election. The general assembly formally chose Messrs. Poydras, Thomas and Hopkins to be such electors. Thomas L. Posey succeeded Destrehan as United States senator, but Posey was succeeded by James Brown in December, 1812. Destrehan resigned before the state was admitted. He seems to have been in a very great hurry: in recent years the hurry seems to be to get in rather than get out. There were many resignations from the first state legislature, doubtless owing to the prejudice existing against the American members by the members who belonged to the elite of the ancient inhabitants. In March, 1813, Governor Claiborne issued a proclamation ordering the pirates at Baratania bay to disperse, but they continued, with the aid of many of the citizens, to carry on their unlawful proceedings. The governor finally offered a reward of five hundred dollars for the arrest of Lafitte, the leader of the pirates. There were two brothers of that name, Frenchmen, both formerly blacksmiths in New Orleans, their names being John and Peter, the former being chief of the pirates.



Eligius Fromentin succeeded Mr. Magruder in the United States senate in 1813.

During the last few years of the territorial administration, the finances were in excellent condition; in fact, the state found itself with a large sum in the treasury. But it was soon expended in holding the statehood convention, in donations to state institutions, in building levees, and in relieving sufferers from the insurrection of 1810. So that almost from the start, the governor, from a state of affluence was plunged into financial straits from which it was hard to emerge. The legislature of 1814, in order to meet this state of affairs and the drains incurred by the pending war, made suitable provision for an increase in the revenue. The pirates having killed several of the state's officers, it was resolved to wholly break up the band. But delays occurred, and the pirates continued to thrive. In March, 1814, the governor checked and thwarted a hostile expedition to the Spanish province of Texas. He brought the militia, with the assistance of the legislature, up to a high state of efficiency, a measure that was amply rewarded in the subsequent expulsion of the British. He suppressed several hostile movements of the Indians within the borders of the state, and was told that it was the intention of the British to wrest Louisiana from the United States and restore it to Spain. It may have been reports of this character that influenced some of the ancient inhabitants to oppose the organization of the militia. But when the war finally broke forth in Louisiana, Claiborne was ready to assist Jackson. Indeed, he contributed not a little to the success of the latter. Strange as it may seem, the pirates offered their services to assist in repelling the British and were accepted.

In November, 1812, Stephen A. Hopkins succeeded Mr. St. Martin as speaker of the house. The assembly at this time voted as follows for presidential electors: Madison ticket 23, Clinton ticket 16. This meant that the state favored the war with Great Britain, that being the principal subject of controversy at the time. But the anti-war element was strong at first, though it eventually softened and assisted General Jackson in his heroic defense of New Orleans. It was at this session also that the assembly voted for United States senator to succeed Destrehan resigned, the vote being as follows: First ballot, James Brown 20, Thomas Posey 14, Fulwar Skipwith 6, no choice; second ballot, Brown 26, Posey 14. By 1814 the opposition to the war had become decided and pronounced. The early defeats of the Americans were compared to the disasters that befell the army of



Napoleon in Russia. In addition there was raised the cry against embargoes, loans, stamp duties and taxes. In June, 1814, the candidates for congress in the Orleans district were John B. Prevost who favored peace and free trade, and Thomas Bolling Robertson who supported the war and commercial restriction. At the election Robertson received in Orleans 599 votes and Prevost 152. Robertson received a large majority in the district. The war party of Mr. Madison was in the ascendant. At this time there was very little opposition to the annexation of West Florida: all were wildly in favor of it.

In September, 1813, came the news of the massacre at Fort Mimms in Mississippi territory by Indians who had been incited and assisted by British emissaries and by runaway slaves. Claiborne promptly sent circulars to all the regimental commanders of the militia, urging them to increased vigilance to prevent similar massacres in the exposed portions of Louisiana. He even visited several of the parishes, going as far as Natchitoches, to see personally that the militia were in readiness, not only to quell any outbreak of the Indians, but to perform service against Great Britain. At Natchitoches, where many refugees had gathered for protection, he held a council with the Caddo chiefs for the purpose of securing a continuance of their existing friendship and of thwarting the hostile designs of the British emissaries. The rumors of impending invasion by a British army and the call of the government for a regiment of Louisiana militia for service outside of the state, still further roused Governor Claiborne to the seriousness of the situation and to the necessity of redoubled efforts.

While General Jackson was making preparations to repel the British, the legislature continued in session to be in readiness to act in any emergency that might arise; but, as the sequel showed, this legislature was destined to cause many disagreements and misunderstandings. They began by disagreeing with the governor concerning the organization of the militia. The Creoles and French objected to be commanded by American officers, and seem to have been sustained by the "ancient" members of the legislature. The legislature thus managed to thwart in a measure the course of the governor in preparing for war. All of this was fully depicted to General Jackson. In the meantime British emissaries among the people stirred them up against the Americans. The requisition of the governor for militia was opposed by the legislature, although they voted five thousand dollars to cover the expenses of a temporary muster. To meet the demands



of Jackson, Claiborne called upon the governors of Kentucky and Tennessee for assistance. In New Orleans a public meeting to aid Jackson was held. Edward Livingston was chairman and Richard Realf, the poet, secretary. Strong resolutions to aid in repelling the enemy were adopted. A committee of nine prepared a long address to the citizens urging assistance against the enemy. But the tone of this address showed that there was already some doubt in the minds of the committee as to the loyalty of all the populace. The address seems too much like an argument to sustain the government, when all argument should have been wholly unnecessary. British agents tried to incite the negroes to mutiny. Two proclamations issued by Jackson after the battle of Fort Bowyer did more than all else to unite the community against the common enemy. One of them was addressed principally to the free colored men and militia. This was objected to by many, as placing the colored people on too nearly an equality with the whites. Claiborne speaks at this time of defending Louisiana from attacks within and without. There was thus much disorder and dissension when Jackson arrived on December 1. His addresses stirred up every person disposed to assist him. On a proposed suspension of the habeas corpus the legislature promptly descended. On the proposition to tax the state for defensive purposes, they likewise fell, but subsequently modified their attitude, and appropriated considerable sums for defense. There was so much opposition to the war from many quarters that Jackson was prejudiced against New Orleans from the start.

Upon the first repulse of the Americans, Claiborne suggested the propriety of an adjournment of the legislature for twenty or thirty days, but they refused to be prorogued. Jackson was unfavorably impressed by this action of the legislature, and promptly proclaimed martial law and the suspension of the habeas corpus and other constitutional rights, and accompanied this act with a stinging address in which he expressed his astonishment to the opposition shown in the state. He proceeded to ignore the legislature and in every way to prepare for defense. Some 600 colored men were put to service. The pirate Lafitte, whose tender of services had been at first refused, was received by Jackson, and his small army was accepted. In the meantime, all judicial procedure against them was temporarily suspended by general consent. To aid those who had entered the army, the legislature temporarily suspended the collection of debts and postponed court cases until the first of May. In December, there arrived from



Tennessee and Kentucky some 5,000 troops,\* which greatly strengthened the army under Jackson. News having reached Jackson late in December that the legislature was likely to surrender the state to the British, he suggested that that body should be temporarily suspended. This was construed into an order, and Claiborne, on the 28th, closed the doors of the assembly, but ordered them opened the next day, when such was found not to be the intention of the legislature. This act led to much dissension afterward. During the preliminary proceedings and the battle of January 8, the city and vicinity was quiet and expectant. When victory was proclaimed all appeared happy, and yet the legislature which adjourned on February 6, refused to appropriate eight hundred dollars for a saber to be presented to General Jackson and refused to thank him, although all the other leading officers were publicly thanked. The truth was that the French members of the assembly held secret resentment against Jackson for his having suspected them of being indifferent to American success or of being more or less traitorous; but the facts show that Jackson was justified in his views by the attitude of many of the members. The subsequent arrest by Jackson of several citizens and the attendant circumstances are well known matters of history. Early in the spring came the news of the termination of the war, after which it was remarkable how fast New Orleans and all of Louisiana assumed the cheerful air of commercial prosperity and peace.

In his proclamation granting amnesty to the Barataria pirates, issued February 6, 1815, President Madison said, "It has long been ascertained that many foreigners, flying from the dangers of their own home, and that some citizens, forgetful of their duty, had co-operated in forming an establishment on the island of Barataria near the mouth of the river Mississippi for the purpose of clandestine and lawless trade. The Government of the United States caused the establishment to be broken up and destroyed; and having obtained the means of designating the offenders of every description, it only remains to answer the demands of justice by inflicting an exemplary punishment. But it has since been represented that the offenders have manifested a sincere penitence; that they have abandoned the prosecution of the worst cause for the support of the best; and particularly that they have exhibited in the defense of New Orleans unequivocal traits of courage and fidelity. Offenders, who have refused to become the as-

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\*The newspapers published in New Orleans at this time estimated the number of men from Kentucky and Tennessee at 5,000. Historians generally fix the figures much lower.



sociates of the enemy in the war upon the most seducing terms of invitation, and who have aided to repel his hostile invasion of the territory of the United States can no longer be considered as objects of punishment, but as objects of generous forgiveness. It has therefore been seen with great satisfaction that the General Assembly of the State of Louisiana earnestly recommend these offenders to the benefit of a full pardon." Accordingly, the president granted them a full pardon upon certain terms and conditions, among which was the following proviso: "That every person claiming the benefit of this full pardon, in order to entitle himself thereto, shall produce a certificate in writing from the Governor of the State of Louisiana, stating that such person has aided in the defense of New Orleans and the adjacent country during the invasion thereof as aforesaid." The president ordered that all "suits, indictments, and prosecutions for fines, penalties and forfeitures against any person or persons who shall be entitled to the benefit of this full pardon" should be stayed, discontinued and released. Congress passed the following resolutions on February 22, 1815:

*"Resolved*, That Congress entertain a high sense of the patriotism, fidelity, zeal and courage with which the people of the state of Louisiana promptly and unanimously stepped forth under circumstances of imminent danger from a powerful invading army in defense of all the individual, social and political rights held dear by man. Congress declare and proclaim that the brave Louisianians deserve well of the whole people of the United States.

*"Resolved*, That Congress entertain a high sense of the generosity, benevolence and humanity displayed by the people of New Orleans in voluntarily affording the best accommodations in their power and giving the kindest attentions to the wounded, not only of our own army, but also of the wounded prisoners of a vanquished foe.

"That the President of the United States be requested to cause the foregoing resolutions to be communicated to his excellency, the Governor of Louisiana, accompanied with a request that he cause the greatest possible publicity to be given to them for the information of the whole people of Louisiana."

With the close of the year 1816, the administration of Governor Claiborne honorably if not gloriously terminated. He complimented the legislature of November, 1816, on the conclusion of peace, and observed "that its auspicious influence on agriculture, commerce, and indeed all the pursuits of civil life was sensibly



felt." After giving excellent advice to Louisiana, he took an affectionate farewell and retired to private life. Thus after he had served the state for about thirteen consecutive years, his responsibilities were assumed by another. During all that time he was ever faithful to the welfare of Louisiana, both as a territory and as a state. Amid the most exacting and exasperating circumstances, when severe measures would have been wholly pardonable, he acted with a moderation that proved his wisdom, his patriotism, his integrity and his love for all the people under the Federal constitution. Although elected to the United States senate in 1817, he did not serve as such, but passed away on November 23 of that year.



## CHAPTER IV

## Events from 1816 to 1828

THE GOVERNORSHIP of the state was assumed by Gen. Jacques Villere in December, 1816. That gentleman had served with distinction in the recent defense of the state, and was rewarded by his fellow citizens. In his message to the legislature of January, 1817, he noted the great prosperity of the people, congratulated them on their liberty and laws, compared their present condition with that under the European kings, recommended more stringent laws against crime, suggested the adoption of measures to require good conduct from foreigners, and ended with the following sage conclusion: "By these additional means we shall be able to keep from our land ill-disposed persons, and to secure ourselves from the dangers to which we are exposed from those who are already among us." In his message of January, 1819, he congratulated the legislature that much of the internal disorders of which he had previously complained had disappeared, and attributed the improvement to a better execution of the existing laws against public offenses. He noted that party spirit had largely subsided, a fact then common to all the United States. This was the "era of good feeling" under President Monroe. The great prosperity of the state was glowingly commented upon. He recommended the passage of several laws which he deemed would still further improve and ameliorate the condition of the people of Louisiana.

Among the more important acts of the first session of the third legislature begun in New Orleans, November 18, 1816, were the following: Providing for the public printing; buying thirty copies of Martin's reports; providing for the publication of the full proceedings of the judicial practice throughout the state; prohibiting the importation of slaves or free colored persons who had



been convicted of crime; granting James Renker the right for twenty years to tow vessels through the English Turn on the Mississippi; granting special privileges to the towns of St Martinsville, St. Francisville and Madisonville; supplementing former regulations concerning the practice of medicine; establishing a medical board in each of the two districts of the supreme court; locating a seat of justice for St. Tammany parish; providing for a census of the electors of the state; instituting such bankruptcy proceedings as would make it possible for a debtor to avoid imprisonment by surrendering his property; accepting from the state of Pennsylvania the grant of five thousand dollars for a charity hospital in Louisiana, and the further grant of five hundred dollars annually for ten years for its support, the entire fund to be devoted to the care of Pennsylvanians taken sick in Louisiana and annual reports to be made to the Keystone state; establishing an explicit fee bill; specifying the punishment for many crimes and misdemeanors; incorporating the Female Orphan Society of New Orleans; ordering the purchase of all the papers, drawings, books, maps and plans of Laveau Trudeau, late surveyor-general of Louisiana. The following resolutions were adopted: Directing that a Te Deum be sung in the parochial church of New Orleans, January 8, 1817, to commemorate General Jackson's famous victory, the entire legislature and all public officials to attend in a body.

The Livingston resolutions of September, 1814, were signed by the following men: Edward Livingston, Pierre Foucher, Dusau de la Croix, Benjamin Morgan, George M. Ogden, Dominique Bouligny, Joel N. Destrehan, John Blanque and Augustin Macarty. In 1815, Moreau Lislet, became a candidate for the United States senate, vice Urquhart resigned, as did also J. B. Labatat, James Sterrett and Dr. William Flood. The summer of 1815 brought extraordinary prosperity to all of Louisiana. In 1816, an extreme effort was made in congress by the Louisiana delegation to have the duty on sugar placed at five cents per pound instead of at two and one half cents as proposed in the bill then pending. They succeeded in having it fixed at three and twelve one hundredths cents. They also tried hard for a lower duty on claret, declaring that it was a necessity to the people of Louisiana, owing to the peculiarities of the climate. Representative Robertson declared it was "not only necessary to the health but to the morals of the people." They were a sober people, he declared, and it was to save them from the ravages of Kentucky whisky that he wished to reduce the duty on claret.



In 1816, the candidates for governor to succeed Claiborne were Jacques Villeré and Joshua Lewis. A strong effort to unite the outsiders and the ancient inhabitants, or rather to prevent their open hostility to each other, was made at this time. The congressional candidates in the Orleans district were T. B. Robertson and Henry Johnson. During this campaign there was circulated throughout the state a hand-bill, recommending Villeré for governor and "denominating the native Americans by the sneering appellation of a 'New Population,' as alien to the true interests of the State and as enemies of our laws, usages and institutions." This and other efforts to widen the gulf occasioned a large public meeting at New Orleans, of which Martin Gordon was chairman. They passed the following resolutions: "*Resolved*, That we view our union with the American Confederation as the only true foundation of our political happiness; as having raised us from colonial vassalage, from subservience to foreign tyranny, avarice and caprice into the dignity and happiness of a sovereign State; *Resolved*, That penetrated with this sentiment we view with great regret any measures tending to draw a line between American citizens natives of Louisiana and American citizens natives of other States of the Union as measures springing from a spirit hostile to the stability, prosperity and tranquillity of the State: *Resolved*, That it is contrary to the spirit of the Constitution and an affront to the sovereign power of the State to endeavor to bind representatives by any pledge to disregard the possible voice of the people in the election of the Governor: *Resolved*, That this meeting will support the following ticket at the ensuing election: For Governor, Joshua Lewis; Congress, Thomas B. Robertson." In addition to these resolutions, the meeting issued an address to the public, in which occurred the following passage: "We lament that there is reason to believe that the real though unavowed motive of opposition is that on the list of candidates there are any citizens who trace their origin to any other part of the United States." This contest resulted in the election of Villeré for governor, the vote in Orleans standing for Villeré 590, for Lewis 292. The final result as announced by the general assembly was as follows: Villeré, 2,256; Lewis, 2,187. The legislature voted as follows: Villeré, 43, Lewis, 3, blank, 1. This election, so far as the governor was concerned, was a triumph of the Creole element, Villeré receiving in addition enough American votes to elect him. The *Gazette* of November 20, said, "This election excites in the minds of those who best know how to appreciate the true interests of Louisiana as a member of the American



Union forebodings that we sincerely pray may never be realized. Much will depend on the choice which the Governor elect will make of a Secretary of State—perhaps still more on that of a private secretary. Our opposition to him whilst the election was pending was undisguised. He has now been chosen to govern the State by a majority of the persons *who voted*—we are willing to believe that he will not intentionally do anything injurious to the country, but his friends in the Legislature have already shown that as regards appointments the enquiry will not be, 'Is the man fit for the office,' but 'did he vote on our side?' The misgivings of the editor were groundless, because the administration of Villeré was wise and pacific in the extreme.

In fact the administration of Villeré was "quiet, prosperous and healing." His election which took place after a hot contest, where two languages were sharply opposed to each other, was a pacific concession to the ancient inhabitants, who, it was at last seen by the Americans, did not intend wholly to upset the state and pitch it in the Gulf. It was largely through the diplomacy of Villeré that good result was accomplished. Afterward his administration "drew together the American and French populations and by making them better acquainted, threw down the barriers which a difference of language and heated prejudices had raised between them. By this union those evil and ambitious spirits who fattened on our differences which their artful calumnies had alone excited, were banished from political influence," said a correspondent of the *Louisiana Courier* July 19, 1822. It was revealed in the campaign of 1822 that out of 199 lucrative offices in the state, the following appointments had been made: 115 yielding two hundred and seven thousand three hundred dollars were occupied by Americans; 50 yielding one hundred and two thousand two hundred dollars were occupied by Frenchmen, and 34 yielding seventy-five thousand and fifty dollars were occupied by Creoles. Besides this, all the three congressmen and the two United States senators were Americans. The question was, who had the best right to the offices? It was pointed out that the Creoles had not thus been properly treated.

In January, 1817, Villeré took the oath of office before the two houses. A few days later Claiborne was elected to the United States senate by the following vote: Claiborne 27, James Brown 22. About this time the following correspondence appeared in the *Louisiana Gazette*. "When the inhabitants of Louisiana passed under the protection of the United States, some divisions arose among them. The privileged class of rich proprietors regretted the colonial system which favored their private



interests, but the greater number rejoiced at an event which rendered all citizens equal in the eye of the law and guaranteed public liberty. These divisions no longer exist. The minority after some vain attempts wisely yielded to the general will. They considered that it was useless and dangerous to struggle against the force of things and consented to be free and happy with the rest of the nation."

In January, 1818, the legislature elected Henry Johnson, United States senator on the second ballot, he having a total of thirty votes. This was a Federalist victory. The resignation of Congressman Robertson, in June, 1818, necessitated the election of a successor, the candidates being Thomas Butler and Edward Livingston, the former being elected by a large majority. The presidential campaign of 1816 occasioned very little interest. Monroe received the electoral vote of the state. This was the era of good feeling.

Among the important acts of the second session of the third general assembly, which convened at New Orleans, January 5, 1818, were the following: Exempting the Ursuline nuns from legal process in certain cases; punishing with death any slave or other colored person, who should assault a white female; incorporating the Medical Society of New Orleans; ceding to the government for light-house purposes, Frank's island, near the north-east pass of the Mississippi; establishing an additional court of criminal jurisdiction; granting ferries and opening roads; founding the Louisiana State Bank with capital of two million dollars, in which the state took a large block of stock, the bank to have branches at St. Francisville, St. Martinsville, Donaldsonville, Baton Rouge and Alexandria, each with one hundred thousand dollars capital; establishing a seat of justice for St. Tammany parish; dividing Feliciana parish into election districts; permitting the Charity Hospital to change its location; permitting Mr. Raoul, senior, to charge a bounty for the use of his discovery to destroy the grass nut (*Coco Americana*); appropriating five hundred dollars for the relief of the Female Orphan Asylum; reorganizing the militia; establishing a board of health with lazaretto, quarantine, etc.; creating the office of surveyor-general of Louisiana; amending the penal laws so that murder in the second degree should thereafter be known as manslaughter; providing for the relief and protection of persons brought to the state as redemptioners, and apportioning county and parish representation in the legislature as follows: Orleans county nine, German Coast county two; Acadia county—St. Jacques parish one, Ascension parish one; Iberville county—Iberville parish one, West



Baton Rouge parish one; Lafourche county—Lafourche Interior parish two, Assumption parish one, Pointe Coupee county one; Rapides county—Rapides parish two, Catahoula parish one, Avoyelles parish one; Ouachita county, one; Natchitoches county, two; Concordia county, one; Opelousas county, three; Attakapas county—St. Martin parish three, St. Mary parish one; Feliciana county—Feliciana parish three, East Baton Rouge parish two, St. Helena parish one, St. Tammany parish two.

At the first session of the fourth legislature begun in New Orleans, January 5, 1819, the following among other important laws were passed: To relieve the widow and heirs of the late Governor Claiborne; to pension certain persons injured in the War of 1812; to relieve the managers of the Hancock College lottery; to supplement the act incorporating the Masonic Grand Lodge; to authorize the Medical Society of New Orleans to raise fifteen thousand dollars for library, apparatus, etc., by means of a lottery; to require many of the inhabitants to keep clear the small streams, bayous, etc., on their lands; to improve the navigation of many of the smaller streams of the state; to authorize the translation of such parts of the *Partidas* as were considered to have the force of law in Louisiana; to grant the Louisiana Bank two years in which to liquidate; to appropriate annually thereafter for the use of public schools in each parish, the sum of six hundred dollars, the same to be dispensed by the police juries; to increase the annual appropriation to the College of New Orleans from three thousand dollars to four thousand dollars; to authorize the regents of the university to raise twenty-five thousand dollars by means of two lotteries; to relieve and support the Poydras Female Asylum of New Orleans; to incorporate an academy in the town of Natchitoches, giving it authority to raise six thousand dollars by lottery; to incorporate the College of Rapides, granting it authority to raise twenty thousand dollars by one or more lotteries; to incorporate the New Orleans Water Company; to allow the state treasurer, in lieu of a stated salary, four per cent of all the collections; to provide for recording all births and deaths; to incorporate several navigation companies to clear various streams and lakes for boats.

This legislature passed a resolution providing for the annual celebration of the 8th of January, on which occasion a *Te Deum* should be sung in the parochial church and an assemblage of all the public functionaries should fittingly observe the day. They further called on congress for the 1,500 stands of arms granted the state about six years before; requested that the conflicting land claims in the state should be settled as soon as possible;



demande that a sufficient naval force should be stationed on the gulf coast to protect the state from pirates, who ruined the trade with Vera Cruz and other commercial ports, and requested the governor to procure copies of the ordinances rendered on land grants in Louisiana under the Spanish government: viz, the ordinances of O'Reilly dated February 18, 1770; the proclamation of M. de Galvez after taking Baton Rouge; the ordinances of Cayoso de Lemos dated January 1, 1798, and the ordinance of the Intendant Morales dated July 17, 1799.

Strange as it may seem, Louisiana did not suffer as did the Northern states from a decadence of commerce during the years from 1817 to 1821 inclusive. She continued to prosper exceedingly, which fact was specially commented upon by the governor in January, 1820. The phenomenal development of the state from the former languid condition of the people under the government of Spain to that of the present, was brought forcibly by him to the attention of the legislature and the people. The yellow fever of the previous autumn was the only cloud on the commercial or health horizons. Again, in November, 1820, upon his retirement from the gubernatorial chair, he still enthusiastically dwelt on the prosperity of his fellow citizens. His successor, Thomas B. Robertson, the former territorial secretary and member of congress under the first state government, also feelingly commented upon the greatness of Louisiana as compared with the past. He even conjured up a beautiful picture of the possible future, when the great river should be thick with happy homes and thronged with a commerce, the extent of which no man could conceive. He extolled the general government, and splendidly compared it with the old world monarchies. He ended with many excellent recommendations for the consideration of the people and the legislature. He called attention to the Federal tariff, and to the restrictions placed on Missouri upon her request to be admitted to the Union, meaning the restriction of slavery in the act known as the "Missouri Compromise." He commented with much sarcasm on the attitude of the North against slavery, and expressed gratitude that Louisiana had been admitted to the Union before such sentiments had come up to injure her prosperity.

In 1820, the following important acts were passed: Incorporating the Academy of Baton Rouge, with authority to raise ten thousand dollars by means of a lottery; providing still further for the pensioners of 1812; incorporating the Physico-Medical Society of New Orleans; establishing Bogne Chitto as the tempo-



rary seat of justice of Washington parish; incorporating the New Orleans Turnpike Company; authorizing the formation of a lottery to raise twenty thousand dollars with which to build a bridge over Thompson's creek on the road from Jackson to St. Francisville; granting one thousand dollars to Poydras Female Asylum; authorizing the publication of all laws in French and English, side by side; organizing the militia into companies, battalions and regiments, to be called the Louisiana Legion; and incorporating the Feliciana Steamboat Company. This legislature further appropriated three thousand one hundred and one dollars and forty-four cents for Lucy B. Holland, widow of Francis Holland, who, in an emergency during his lifetime, delivered to Governor Claiborne at his solicitation the ship "Suffolk," "for the purpose of having the ship sunk in the crevasse that then existed at Macarty's plantation and which threatened the destruction of the property and lives of the citizens of New Orleans and its vicinity to an alarming degree." Provision to raise this amount on the taxables of Orleans parish was made by this legislature. They also passed the following resolution:

"WHEREAS, The Governor of this State is only authorized by law to present, in the name of the State, a stand of colors to each of the regiments or battalions of the Louisiana militia: *Resolved*, That the Governor be, and he is hereby authorized, to present one stand of colors to the uniformed companies of the city of New Orleans, on the 8th inst., as a token of gratitude for the eminent services of those companies at the time of the invasion of our territory by the British and as an acknowledgement of the services which they render every day."

Previous to 1820, the legislature adopted a resolution appointing a committee to correspond with the executives of the Western states and territories in relation to the establishment of certain hospitals in Louisiana, particularly along Mississippi and Red rivers, for the care of the traders who came down the rivers and were taken sick, and who otherwise did not receive proper attention. This committee reported in March, 1820, that both commerce and humanity demanded the erection of such hospitals; that many men in good health came down the rivers with their products, were soon taken sick, owing to the great change in climate, that on their way home they were unable to receive medical or very often any attention and even died in the fields; that they were often landed from their boats at small stations where no assistance could be given them; that they were mostly boatmen from Kentucky, Tennessee and Ohio; that Baton Rouge and



many other towns cared for them as well as possible; that the products brought down were absolutely necessary for Louisiana, in large sections of which nothing but cotton and cane was grown; that therefore, Louisiana, from commercial motives, if from no others, should build the hospitals for the care of these men. It was noted in the case of these men that while the desire to gain was stronger than the fear of death, Louisiana should foster the Western trade, which was fast being absorbed by the East through the medium of canals, turnpikes and steamboats. The lack of enterprise on the part of Louisiana at this juncture, would mean the loss of the Western trade, to gain which New York, Philadelphia and Baltimore were expending enormous sums of money. While recommending the erection of such hospitals at Baton Rouge, Covington, Natchitoches and other places, the committee submitted to the action of the legislature a resolution authorizing the governor to correspond with the executives of Missouri territory, Illinois, Ohio, Indiana, Kentucky, Tennessee and Mississippi to learn whether they would co-operate in the construction of such hospitals.

At this time, also, the legislature authorized the governor to urge upon the president the importance of completing the unfinished military defenses within the state. They took steps to locate and mark the northern boundary of the state and the western boundary of the same from the Sabine to the thirty-third parallel. They declared it expedient that Louisiana should have a penitentiary or state prison, and authorized the governor to receive plans for such a structure and to pay for the best one submitted the sum of three hundred dollars.

In July, 1820, the candidates for governor were Derbigny, Duncan, Robertson and Destrehan, and the congressional candidates were Livingston and Johnson. On July 3, the following communication appeared in the *Gazette*: "A few days since there appeared in one of the papers of this city an article in which several of the candidates who solicit your suffrages for the Legislature were reproached with having openly manifested a resolution formed beforehand, of rejecting an American even should he have a majority of votes for Governor. . . . Instead of a disavowal, a manifesto against the Americans is circulated in our streets; they are told that among us they are a proscribed race, and in order that all of them may know what to expect it is in their mother tongue that they are proclaimed outlaws. (Signed) The Friends of Mr. Destrehan." Thus the old factional strife between the "ancient inhabitants" and the Americans continued



to burn and irritate. Upon the retirement of Villeré, in December, 1820, from the governor's chair the assembly issued him a farewell address, in which his administration was warmly approved and he was thanked for his devotion, wisdom and patriotism. On November 27, 1820, the joint houses chose Messrs. Thomas, Todd and Grymes for presidential electors: their votes were cast for Mr. Monroe. The vote for governor in 1820 was as follows: Robertson, 1,903; Derbigny, 1,187; Duncan, 1,031; Destrehan, 627. The vote in the legislature was, Robertson 42, blank 2.

Among the important acts of the session beginning at New Orleans November 12, 1821, were the following: To organize a special volunteer company in the city of Natchitoches, the men to be paid two dollars per day when in pursuit of runaway slaves; to give to police juries, except in incorporated cities and towns, the sole right to establish patrols for the government of slaves; to define the limits of the port of New Orleans as follows: "From the lower limit of Bourg Declouet to the lower limits of Rouseau's plantation, on the left bank of the river Mississippi, and from the upper limits of the plantation of John McDonough to the lower limits of the plantation of Duverje on the right bank of the said river, including the whole width of the said river between those points;" to fix the permanent seat of justice for Washington parish at Franklin; to take a census of the electors of the state; to appropriate for the relief of sick and distressed strangers (probably boatmen from up the Mississippi) the sum of one thousand two hundred dollars; to incorporate the town of Opelousas; to extend and improve the system of public education in Louisiana, raising the annual appropriation from six hundred dollars to eight hundred dollars for each parish; to adopt an elaborate code of public health; to incorporate the Society of Mechanics in New Orleans; to pay to the widow and heirs of the late Governor Claiborne five thousand four hundred and forty-seven dollars for materials purchased on his personal credit to be used in stopping the crevasse at the Macarty plantation in 1816; to authorize the governor to borrow twenty-five thousand dollars to meet pressing expenses, and to authorize the governor to advertise in the Eastern papers a premium of five hundred dollars for the best plan for a penitentiary.

By the act of congress approved April 21, 1806, section number 16 of each township in Orleans territory was reserved for the use of public schools; and in addition an entire township was set apart for a seminary of learning. By the act of March 3, 1811, another township was reserved for the same purpose. In 1821



none of this land had yet been located. The legislature of 1821 recited these items, and called the attention of congress to the fact that, by reason of there being very little good land in the state except along the streams, the great majority of sections 16 above mentioned were comparatively worthless. They requested that the two townships above referred to be at once located.

In 1821 Louisiana was divided into the following congressional districts: First district—Orleans, German Coast, Acadia and Lafourche counties; second district—Iberville, Pointe Coupee and Feliciana counties; third district—Attakapas, Opelousas, Rapides, Natchitoches, Ouachita and Concordia counties, the state being entitled to three members of the lower house of congress. At this time, also, the state was reapportioned, agreeably to the census of 1820, for representatives in the lower branch of the legislature, as follows: Orleans county—Plaquemine parish, one, St. Bernard parish, one, second senatorial district, six, third senatorial district, one; German Coast county, two; Acadia county—St. James parish, two, Ascension parish, one; Iberville county—Iberville parish, one, West Baton Rouge parish, one; Pointe Coupee county, one; Concordia county, one; Ouachita county, one; Natchitoches county, two; Rapides county—Rapides parish, two, Catahoula parish, one, Avoyelles parish, one; Opelousas county, three; Attakapas county—St. Martin parish, three, St. Mary parish, one; Lafourche county—Lafourche parish, two, Assumption parish, one, Terrebonne parish, one; Feliciana county—Feliciana parish, four, East Baton Rouge, two, St. Tammany, one, Washington, one, St. Helena, two.

In January, 1822, Governor Robertson found fault with the government because it had not strengthened the defences of Louisiana, while large sums had been spent on other insignificant points. He further declared that Louisiana had hitherto been unrepresented in the president's cabinet and that the wants of Louisiana were neither considered nor understood by congress. He criticised the dispatch of a naval force to the shores of Africa, when on the Gulf could be witnessed scenes much more atrocious and much more to be desired stopped. He also declared that Louisiana was not given public lands within her borders as many of the Northern states were, and was shown scant attention in this and other regards by the government. He noted that immense tracts of land had been granted by congress to other states for educational purposes, and demanded that the same consideration should be shown them. He showed that the reservation of the sixteenth sections and the two townships, owing to the immense amount of overflowed land in the state, would yield very



little school revenue to the state. These strictures on the government were still further increased in his message of January, 1823. After reviewing what he considered the wrongs that had been heaped upon Louisiana, he asked, "Are we forever to be deprived of rights enjoyed by the original States of the Union?" He demanded that the public lands in Louisiana should be employed to aid her schools, her levees, and her public improvements generally.

The general assembly which convened at New Orleans January 7, 1822, passed several important acts: The Eighth judicial district of the state was established; the *Partidas* which had been translated by Louis M. Lislet and Henry Carleton, attorneys, was ordered distributed; that part of the great national road from Nashville to Madisonville, lying in Louisiana, was ordered built; Pearl and Red rivers, particularly the latter through the big raft, were ordered opened for navigation; New Orleans was authorized to borrow three hundred thousand dollars on its stock, the same to be expended in watering and paving the city; the inhabitants of Ascension, Assumption and Lafourche parishes were authorized to raise by lottery the sum of eight thousand dollars, with which to improve bayou Lafourche; all of the volunteer companies of New Orleans were constituted the First Brigade of the state militia, otherwise known as the Louisiana Legion; the marriage of Joseph Charles de St. Romes, uncle, and Maria Elizabeth Vion, niece, was legalized; in order to make a lottery or to sell tickets thereof, it was required to procure a license; the Female Charity Society of New Orleans was incorporated; the governor was authorized to appoint five commissioners whose duty should be to buy a tract of land within one league of New Orleans upon which they should have erected a penitentiary after the plans of Robert Mills, the whole expense, including ground and building, not to exceed two hundred fifty thousand dollars, which amount was to be borrowed by the governor on the credit of the state.

The treaty of 1819 with Spain settled the western boundary of Louisiana in the Sabine, and in March, 1823, the examination and adjustment of titles to the land between that stream and Rio Hondo was ordered. In 1820 congress decided to build an addition to the custom-house in New Orleans, and two years later three representatives in congress were assigned to Louisiana. In 1822 and 1823 many titles east of New Orleans and in the vicinity of Bastrop's grant were confirmed. In March, 1823, congress divided the state into two districts for the United States court:

1. Western district—Attakapas, Opelousas, Rapides, Natchito-



ches and Ouachita; 2. Eastern district—all the rest of the state. Three courts were to be held annually in New Orleans for the Eastern district, and one annually at Opelousas for the Western. One judge was deemed sufficient for both districts.

In June, 1822, it was announced through the newspapers that the French, Creoles and Americans had united in the selection of a ticket for congress and the state legislature, Edward Livingston being their candidate for congress. Later it appeared that the discordant factions had not united, because there were three separate tickets. The tickets were usually selected at a public meeting, and the announcements had headings similar to the following: "The following ticket for Representatives to the Legislature is presented for the consideration of the electors, particularly the American population of this city." In 1820 Josiah S. Johnston who was chosen to represent the Western district in congress became a strong factor in the political controversies. Owing to the terrible visitations of yellow fever, the quarantine question became all important. The protection of commerce from the Gulf pirates commanded attention. Private land titles continued to absorb attention. The ownership of the public land within the state was the particular object of comment and criticism. Governor Robertson said in 1822, "The sovereignty of the United States over the territory within our limits, if not utterly incompatible with the sovereignty of the State, is in the highest degree vexatious and inconvenient." He declared that no other state was treated so shabbily in this regard.

The administration of Governor Robertson came to an end in November, 1822, through his acceptance of the appointment as judge of the United States court for the district of Louisiana. H. S. Thibodeau, then president of the state senate, became governor according to the provisions of the state constitution until another governor should be elected and qualified. Henry Johnson was thus chosen; he took his seat in December, 1824. In his message he commented on the excellent financial condition of the state; but deplored the ill-feeling existing between certain factions of the people. In January, 1826, he reported the continuation of general prosperity. He had recently visited many distant portions and had found the people happy and contented. There was some trouble with the Texans along the Sabine, which had not been checked, although a detachment of troops had been stationed there by the government. He observed that the attachment of Texas to the United States was a matter of great importance to Louisiana. He sharply criticised the attitude of the government in regard to the public lands within the state, and



like several of his predecessors complained bitterly of the inattention of congress to the wants of Louisiana. He laid before the legislature resolutions from several Northern states on the abolition of slavery. He commented stringently on the impudence and meddlesome nature of these resolutions.

The legislature which met in New Orleans on January 5, 1824, enacted the following laws: Dividing the parish of Plaquemine into wards; laying out Vermillionville in Lafayette parish; abolishing the parish of Feliciana and creating the county of Feliciana, with the two parishes East and West Feliciana; incorporating a library society in Alexandria; appointing commissioners to survey West Pearl river; incorporating the Hibernian Society of New Orleans; authorizing the governor to borrow thirty thousand dollars; appointing three juriconsults to prepare a civil code, a code of practice and a commercial code, for which service each should receive four thousand dollars; providing for the inspection of beef and pork; incorporating the Touro Free Library Society of New Orleans, which already had about 1,000 volumes and had been promised a suitable building by Judah Touro, its benefactor; incorporating the Bank of Louisiana, with a capital of four million dollars, of which the state subscribed one-half, and with five branch offices of discount and deposit at Donaldsonville, St. Francisville, St. Martinsville, Alexandria and Baton Rouge, each with a capital of two hundred thousand dollars and each to loan money in the parishes in its vicinity.

In 1824 congress granted to the inhabitants of Pointe Coupee a tract there forty by forty arpents, fronting on the Mississippi, "on condition that said parish shall at all times hereafter keep a good and sufficient levee in front of said land upon the river." By act of 1820 congress granted to Anthony Cavalier and Peter Petit a tract of 2,065 acres, "being an island in the Mississippi river known by the name of Apple Island." In June, 1832, the claims of ninety-five persons on bayou Terre aux Boeufs in St. Pernard parish were confirmed in a bunch by congress. By act on June, 1834, congress granted to Gen. Philemon Thomas 1,280 acres in Louisiana "in consideration of the military services rendered by him in taking possession of that portion of West Florida included in the district of Baton Rouge." The act of March 2, 1849, was important to Louisiana. It provided that all swamp and overflowed lands unfit for cultivation should be granted to the state "to aid in constructing the necessary levees and drains to reclaim the swamp and overflowed lands of the state." Big grants of unoccupied, alternate sections were given to several railroads. Large grants were made to the owners of La Nana



and Las Ormezas claims to recompense them for tracts which had been sold by the United States from their lands. It was provided that such certificates or "floats" should not exceed a total of 17,477.62 acres.

So pacific and healing had been the administration of Governor Villeré that in 1824 he was again brought forward for the purpose of uniting the hostile factions. Opposed to him was Bernard Marigny, also a Creole. It was claimed that Marigny had been induced to become the standard bearer of a faction of the Creoles in order to divide the forces of Villeré. At this time the cry was for a Creole governor. But a short time before it was thought by many Americans that the election of a Creole governor meant the ruin of the young state. But the administration of Villeré had opened the eyes of these self-important gentlemen. The people had never before been so happy. The two languages were impoverished to find congratulatory words to express the general satisfaction. Now, when it was seen that the old hostilities were likely to be renewed, the cry again arose for Villeré, or in any event a Creole. He accordingly consented to stand. Johnson was the American candidate brought forward to oppose him. Johnson was elected, probably by reason of the division in the other ranks. This was again a success of the Federalists, or Democrats as they had been denominated, but which a few years later were merged into the Whigs. Livingston had become popular by reason of his having fought successfully for many years the substitution of the English Common Law for the Code Napoleon and the Spanish Civil Law. So that now he was much in evidence. The appointment of Mr. Brown, United States senator, as ambassador to France in 1823, necessitated the election of his successor in the senate. Livingston was prominently mentioned in this connection.

The strong protective tariff of 1824, which "changed the country from an agricultural and commercial one to a manufacturing one," was thought to be the ruin of Louisiana. The bill was carried by only a narrow margin in congress; every Louisianian voted and worked against it. But strange as it may seem the Louisianians strongly favored a high protective tariff on sugar and other products deemed vital to the interests of the state and the South. This was the attitude of the Louisiana delegation in congress almost from the War of 1812 to the Civil war of 1861-65, and even after the latter war. So that in nearly all instances, the Louisianians opposed a protective law as a whole, but favored it when it would benefit Louisiana.



The year 1824 is distinguished in Louisiana by the many public meetings held in advocacy of the election of General Jackson to the presidency. In nearly all such cases resolutions demanding the election of members of the legislature who should pledge themselves in Jackson's interest were adopted. He was extolled everywhere, and there seemed no end to the enthusiasm. A Jacksonian ticket for the legislature was placed before the people in June, 1824, all the candidates being pledged to Jackson. This ticket included the governor, and was as follows: Governor, James Villeré; congressman, Edward Livingston; state representatives, J. B. Labatut, J. R. Grymes, C. G. Dearmas, A. Morphy, R. A. Rousseau, and A. Davezac; this ticket being for the Orleans district. Other tickets were presented to the public. The sober yet exciting scenes of political contention were not without their witty and amusing incidents. A correspondent of the *Courier* suggested the following ticket: "Be pleased to publish the following ticket; it consists of gentlemen in favor of Villeré, Clay, Adams, Jackson, and seems to me the most independent of all those that have hitherto appeared:—State Representatives: F. Grima, C. G. De Armas, G. Eustis, E. Mazureau, C. Maureau and A. Morphy."

The election of Henry Johnson to the governorship proved that the Jacksonians had not yet mastered the state; it also showed that the majority did not want a Creole governor, but rather an American. As a matter of fact, while the Creoles took a deep interest in the affairs of Louisiana, they did not take the same interest in national politics. In order to inculcate in them such an interest, it was suggested in the *Courier* that Bouligny, a Creole, should be elected to the United States senate. It was noted at this time that with the single exception of Fromentin the congressional delegation from Louisiana had always been American. Another disturbing element at this time and a little earlier was the attempt to divide the population into city and country parties. At all elections the designs of the Americans were to split the "ancient inhabitants," who in spite of all efforts to the contrary maintained their distinctive integrity. Both the Americans and the "ancient inhabitants" disliked the "foreign French," against whom the cry of "mad dog" was raised. The cry of the Americans was that all should be Americans, as all really were in fact now. But it was a difficult task to scold the old population into American views and principles.

At the first session of the seventh general assembly begun at New Orleans November 15, 1824, the following acts were passed: "That the Governor of this State be and he is hereby authorized



to draw from the public treasury a sum not exceeding fifteen thousand dollars to give to General Lafayette such a reception in our State as will be worthy of the patriotic warrior whom the American nation delights to honor;" that congress be requested to build a canal from Lake Pontchartrain to the Mississippi of sufficient size for the passage of gunboats; that the sum of one thousand eight hundred dollars should be appropriated for equipping the artillery corps of New Orleans; that the time given Edward Livingston for the preparation of the criminal code be extended, owing to the accidental destruction of his manuscript by fire; that the officials of the Bank of Louisiana be instructed to discontinue all the branches except the one at St. Martinsville; that a company should be incorporated to build a toll bridge across Red river at or near Alexandria; that the capital of Louisiana should be removed from New Orleans to Donaldsonville; that the New Orleans Library Society should be authorized to make five annual lotteries for the purpose of realizing twenty thousand dollars; that the College of Louisiana should be incorporated, a goodly fund being appropriated for its support, the institution to be located at Jackson; that the city court of New Orleans should be created to take the place of the offices of justice of the peace; that the removal of the state capital to Donaldsonville should be postponed until 1829; that thirty thousand dollars should be appropriated, the same to be used to buy ground and put up buildings for the new capitol; that the electoral districts for president and vice-president should be as follows: First district, Orleans, Plaquemine and St. Bernard parishes; Second district, West Feliciana, East Feliciana, East Baton Rouge, St. Helena, Washington and St. Tammany parishes; Third district, St. Charles, St. John the Baptist, St. James, Ascension, Assumption, Terrebonne and Lafourche Interior parishes; Fourth district, Iberville, West Baton Rouge, Lafayette, St. Martin, St. Mary and St. Landry parishes; Fifth district, Pointe Coupee, Avoyelles, Rapides, Natchitoches, Ouachita, Catahoula and Concordia parishes.

The vote for governor in 1824 in all parishes of the state except St. Bernard and West Feliciana was as follows: Henry Johnson 2,847, B. J. Villeré 1,831, B. Marigny 1,427, P. Thomas 236, Thomas Butler 184, total vote 6,525. In the legislature the vote stood as follows: Johnson 41, Villeré 15, blank 1. H. S. Thibodeaux had served as acting governor for a short time. On November 22, 1824, the legislature elected a split electoral ticket as follows: For the Jackson ticket, P. Lacoste, J. B. Plauche and S. Hiriart; for the Adams ticket, William Nott and J. H. Shepperd. It required five ballots to arrive at this result.



As a matter of fact the period from 1824 to 1828 was one continued struggle for Jackson and the proclaimed Jacksonian principles, nearly all of which were based upon those of Thomas Jefferson. During the campaign of 1824 the negro question came up in the Second congressional district in the contest between Hamilton, a Jacksonian, and Gurley, an Adams man. The latter was then in congress, and was out for re-election. His opponents declared of him that he had voted for Adams and that therefore he intended to emancipate his slaves. This charge cut quite an important figure at the time. A Mr. Larché, previous to this time, had filed his application in congress for pay for a slave who had been killed in the War of 1812, but which payment had been refused by the government. In spite of the opposition Gurley was re-elected, thus showing the Adams strength.

At the election of 1826 the attempt to unite the Creole and American elements partially succeeded. The *Louisiana Gazette* of July, 1826, said, "To one not acquainted with the character of Louisianians there is an apparent apathy in relation to the election which is to commence on Monday next that would be most appalling; yet to those who have been long domiciled in New Orleans, who know the character of the people, there is an intensity of interest manifested, highly honorable to the inhabitants, exhibiting a knowledge of the importance of the elective franchise and an unbending determination to preserve unsullied our republican institutions." At this election Messrs. Livingston and Foucher were the opposing candidates for congress. The *Gazette* of July 6 said, "The election terminated yesterday at 4 o'clock p. m. From its commencement to the closing of the polls unusual excitement was produced, showing that the people are completely alive to the importance of the elective franchise. We could not perceive, nor do we believe that there was any collision between the populations who speak the French and the English languages. This is as it should be."

At the second session of the seventh assembly, begun at New Orleans January 2, 1826, the following acts or resolutions became law: Refusing to concur in the following amendment to the constitution of the United States proposed by the legislature of Georgia by act approved December 22, 1823: "That no part of the Constitution of the United States ought to be construed, or shall be construed, to authorize the importation, or ingress, of any person of color, into any one of the United States, contrary to the laws of such State;" authorizing the governor to borrow thirty thousand dollars, with which to build the capitol at Don-



aldsonville; refusing to concur in the resolutions of Ohio in 1824, proposing a plan for the gradual emancipation of the slaves; requesting congress to have the line between Arkansas and Louisiana run at an early date; creating a board of internal improvement, to consist of five commissioners to be named annually by the governor; prohibiting the introduction of slaves into Louisiana after June, 1826, for purposes of sale; authorizing the stoppage of bayou Manshac at its junction with the Mississippi; abolishing the College of Orleans and establishing two primary and one central school in the city of New Orleans; authorizing Percy Felix to set in order certain "ancient land titles bearing date from the year 1702 to the year 1771, as well as sundry other papers and documents affecting the rights of property in this State," and to make a general index of the same; reapportioning the state representatives; granting police powers to the board of trustees of the College of Louisiana, and defining the method by which a citizen could bring charges to bear against a public officer.

The following proceedings of the assembly in 1827 became law: Authorizing the Grand Lodge of Masons to raise by lottery the sum of thirty-five thousand dollars with which to build a hall in New Orleans; repealing the act incorporating the Academy of Baton Rouge, but continuing that institution under different auspices; incorporating the Agricultural Society of Baton Rouge, the object of which institution was "the improvement of agriculture, the amelioration of the breed of horses, of horned cattle and others, and in short of all the several branches relative to agriculture in the country;" extending to Andrew Jackson, "the hero of Orleans," an invitation to attend the celebration of January 8, 1827; providing for the support of parish schools by an annual appropriation (except for Orleans) of about two dollars and sixty-two cents for every voter according to the last census, no parish to receive more than one thousand three hundred and fifty dollars nor less than eight hundred dollars; exempting cotton and unrefined sugar from certain duties or taxes; incorporating "The Consolidated Association of the planters of Louisiana;" incorporating the New Orleans Savings Bank, the Bank of Louisiana, and several navigation and canal companies, and laying a tax on the sale of tickets of lottery companies not authorized by the legislature. At the same time the following became a law:

"Whereas, After a life devoted to the services of his country and that of the whole human race, Thomas Jefferson died, leaving to his children no inheritance save the example of his virtues and the gratitude of the people whose independence he had pro-



claimed to the world in language worthy the representatives of a great nation; and, whereas, the Legislature of Louisiana, a state acquired to the Union by his wisdom and foresight, in grateful remembrance of the illustrious citizen, to whom they are indebted for the blessings of political and civil liberty, wish to perpetuate to the latest posterity the memory of their deep sense of the unrivalled talents and virtues of their benefactor; Therefore, Be it enacted, etc., That the sum of ten thousand dollars in stock shall be forwarded by the Governor to Thomas Jefferson Randolph in trust for his mother, Martha Randolph, and her heirs; and be it further enacted, That for the payment of said stock the Governor shall execute in the name of the state one or more bonds transferable by delivery, bearing an interest not exceeding six per cent per annum, payable yearly and redeemable in ten years, or sooner if so determined by the Legislature." A later enactment somewhat modified the character of the bonds.

In 1828 the following measures became law: Incorporating the Covington Academy and authorizing the trustees to raise twenty-five thousand dollars by lottery; requiring the Louisiana congressional delegation to do their utmost to have a canal built by the government from Lake Pontchartrain to the Mississippi; incorporating a law library society in New Orleans; authorizing Louis M. Lislet to prepare a digest of the laws of the state; incorporating a society of architects in New Orleans; amending the civil code and the code of practice; incorporating a society of Israelites in New Orleans; improving the state school laws; incorporating many protestant church societies and navigation and canal companies; granting the right to certain sections to improve roads, canals, etc., by funds raised through lotteries; providing "that the act to prohibit the introduction of slaves for sale in this state be, and the same is, hereby repealed;" appropriating a sum not exceeding ten thousand dollars for the purpose of entertaining General Jackson on January 8, 1828, it being declared that "the said invitation is given solely in compliment to the military services rendered by the General in defense of Louisiana, and not for political purposes, or in any way to express an opinion on the approaching election of President of the United States;" and directing the board of commissioners on internal improvement to examine various rafts and other obstructions in several of the water courses of the state.

In 1827 the governor observed that the time had probably arrived when the government would voluntarily donate to the state a considerable tract of public land, and in 1828 he pronounced



a brilliant eulogy on the rights secured to all citizens under the Federal constitution. The bill passed by the legislature to prohibit free negroes and persons of color from entering Louisiana was vetoed by Governor Johnson on what he considered Federal constitutional grounds. He proceeded to discuss his position, and analyzed the political rights of such persons. In 1825 the people of Louisiana had been honored by a visit from the Marquis de Lafayette; they now in 1828 received with imposing ceremony Gen. Andrew Jackson, the "Hero of New Orleans." Mr. Johnson retired from the governor's chair late in 1828.



## CHAPTER V

## The State from 1828 to 1840

NOTWITHSTANDING that the state was strongly Federalist in the year 1824, three of the five electors chosen by the legislature voted for Jackson for president as before stated. But at the same time, an unswerving Federalist, Johnson, was elected governor by a large majority. These results merely showed the popularity of Jackson among the Federalists. And this popularity, instead of diminishing, continued to grow and augment far beyond any previous experience in American politics. The year 1828 is remarkable for the enthusiasm shown throughout Louisiana for General Jackson. Never before in the state had such an extraordinary contest been seen. All former political factions were torn asunder, and over their ruin arose the triumphant figure of the hero of New Orleans, the leader of the new Democracy. But on nearly all political questions former ideas to a large extent continued to prevail: the only important change in views by reason of the election of General Jackson was in regard to the United States Bank. The concentration and promulgation of Jacksonian principles caused the opponents likewise to unite in 1833-34 in the formation of the Whig party. In 1829, though the electoral vote of the state was cast for Jackson, the government of the state remained with the Federalists, still showing that the state was really of that faith. The Jackson electors in 1829 were as follows: J. B. Plauche, T. W. Scott, Trasimon Landry, Alexander Mouton and Placide Bossier. Adams was opposed at this election because he favored the tariff. The *Courier* said, "Louisianians prefer Jackson to J. Q. Adams because the administration of the latter is founded on principles repugnant to the spirit of Republican institutions—manufactures



have been fostered at the expense of Southern agriculture and commerce; the offspring of labor and industry has been depressed and shackled in its operations; and while one quarter of the Union has been the exclusive object of extensive solicitude, the South has been contemned, calumniated, denounced, sacrificed." The *Courier* further said, "Not a spadeful of earth has been removed in order to improve the navigation of our rivers or to connect them by inland canals. Where is the boasted National road over which the mail, it was said, would glide in ten days from Washington to New Orleans? Where are the canals that were to connect the Mississippi with the lakes? Where is the Military road intended to run from this city to the fort of Plaquemines?" These questions were asked at an immense political meeting held on October 25, 1828, on which occasion Modeste Le Febvre, a Revolutionary soldier, presided. The popular vote for presidential electors in 1828 was as follows: Jackson 4,604, Adams 4,095, total vote 8,699, Jackson's majority 509.

In 1829 the following laws were enacted: Instructing the Louisiana delegates in congress to learn why five per cent of the net proceeds arising from the sale of public lands within the state had not been turned over to Louisiana, as provided by the act of February 25, 1811; requiring important documents concerning public lands in the state to be secured from Cuba; requesting the government to station a stronger body of troops on the Texas frontier; requiring certificates of good character for all slaves brought into the state; authorizing an election to change the seat of justice from St. Francisville; requiring riparian proprietors to build levees and defining the comparative size of the improvements; incorporating the New Orleans Gas Light Company; taking steps to prevent a crevasse at Pointe Coupee; recommending an amendment to the constitution of the United States extending the presidential term to six years, but rendering the president ineligible to re-election, and declaring that the interests of Louisiana demanded that the public lands within the state should be under the control of the state and not under that of the general government. At this time it was noticed and deplored that immigrants, instead of seeking Louisiana, were pouring into the Northwest, and the cause was attributed to the biased proceedings of the land department. It was not yet realized by the legislature of Louisiana that slavery was the repellent magnet which prevented the immigrants from pouring in.

Late in 1828 Pierre Derbigny assumed the governorship, but there was nothing striking during his short term. After his death



in October, 1829, A. Beauvais and Jacques Dupre were acting governors until the last day of January, 1831, when Andre B. Roman assumed the reins of state government. He called the attention of the legislature to the greatness of the United States, declared that demagogues would never succeed in dissolving the Union, referred to the unwise course of the South Carolina nullifiers, revived the important question of the public lands, and stated that the United States had fallen into the chronic habit of forgetting the rights which had been secured to Louisiana by the cession of Napoleon in 1803. In 1833 the state was visited by the yellow fever, during which many were swept away. As showing the prosperity of Louisiana, the governor stated that the exports from New Orleans amounted to about thirty-six million seven hundred thousand dollars. He observed that the emancipation of the blacks after the pattern set by Great Britain in the West Indies meant the destruction of commerce in Louisiana, because the sugar trade was wholly dependent upon the labor of the blacks, such industry then being the principal one in the state. The organization of abolition societies in the North was deplored.

In January, 1830, the assembly met at Donaldsonville and enacted the following legislation: Incorporating the Pontchartrain Railroad Company, with a capital of one hundred fifty thousand dollars, and with authority to build a line from the lake to New Orleans; providing for the publication of the supreme court reports; urging the government to remove the rafts in the Atchafalaya and in bayou Pigeon; incorporating Clinton Female Academy; granting two thousand five hundred dollars annually to the Louisiana legion, instead of one thousand dollars as under the act of 1822; approving the act of the Vermont legislature "by which they have declared the law of 1828 on the tariff to be constitutional, expedient and harmless to the Southern States;" incorporating the Louisiana Sugar Refining Company, and amending the black code.

The first session of the tenth legislature convened at Donaldsonville on January 3, 1831, but on the 8th adjourned to New Orleans. Among other important acts passed were the following: Urging upon congress the importance of deepening at least one of the mouths of the Mississippi; incorporating the College of Jefferson in the parish of St. James; establishing the College of Franklin in St. Landry parish; incorporating the City Bank of New Orleans; purchasing three hundred copies of "an Historical Essay on Louisiana by Charles Gayarre," the cost of all not to exceed six hundred dollars (this act was later amended); making



liberal appropriations for the various colleges and academies of the state, and incorporating the West Feliciana Railroad Company, with a capital of one hundred fifty thousand dollars, and with authority to build a line from or near St. Francisville to the Mississippi state line in the direction of Woodville, Miss.

The political contest in 1830 was important and spirited. There were four candidates for governor, as follows: A. B. Roman, W. S. Hamilton, Arnaud Beauvais and David A. Randall, the two former being the two leading candidates. The result was as follows: Roman 3,638, Hamilton 2,701, Beauvais 1,478, and Randall 463. This was a decided Federalist or Whig triumph. (These terms are used for want of better ones). The most important question in this campaign was that of the removal of the existing duty on sugar. Many meetings were held throughout the state and such removal was strongly opposed. Another important question concerned the removal of the capital from New Orleans. The *Gazette* edited by Mr. St. Romes, said, "For many years the aristocrats of New Orleans have given law to the State—composed principally of men grown suddenly rich—of individuals of various political tenets and natives of different climes—they cannot bear the idea of sharing the government with the honest farmers and mechanics of the country. They are aware that should the seat of government be permanently fixed out of the vortex of their intrigues, the good sense of the country members of the Legislature will enable them to introduce reform into the State, check the influence of foreign capital working through New Orleans banks, and above all eradicate from our social system the remnants yet remaining of Spanish feodality. This may be emphatically termed the time for asserting the rights of the people—for laughing with scorn at the machinations of those knots of aristocrats who regard the workingman as nothing. And it will be disgraceful to the people of Louisiana if, at a time when the popular cause is so nobly progressing in France and the Netherlands, it should cower to a band of aristocrats on the banks of the Mississippi."

The contest for presidential electors in 1832 was one of the most exciting in the history of the state. Never before were there so many spirited public meetings and so many local political organizations. All of the parishes in the state gave the following result: Jackson electors 4,094, Clay electors 2,522. This was the first national contest where, in Louisiana, the Anti-Masonic party had a ticket in the field. The Jackson electors were J. B. Planché, T. W. Scott, Trasimond Landry, Alexander Mouton and Placide Bossier. In this campaign as in others the Jack-



son ticket was called Democratic-Republican. The United States Bank was an important and fruitful theme of controversy. The tariff question was also very important, the South generally denouncing the manufacturers of the North. The Jacksonians reprobated the rejection by the United States senate of the appointment of Mr. Van Buren as minister to England. The sugar duty was also an all-important subject. John R. Grymes figured prominently as a Jackson partisan in this election. The opposition denounced the spirit of nullification. At one of their large meetings, called by Governor Roman and fifty-seven others, nullification was disapproved, congress was memorialized to adjust the tariff, and a strong effort was made, in the interest of local harmony; Judge Lewis presided at this meeting. On the new tariff bill of 1832 the Louisiana congressmen divided, Thomas voting for it and Bullard and White against it. This was the period of Tariffites and Anti-tariffites, Masons and Anti-Masons, Close-constructionists and Latitudinarians, Nullifiers and Unionists, &c.

Early in 1832 many meetings were held for the purpose of opposing the nullification proceedings of South Carolina and approving the course taken by President Jackson in regard thereto. At one of these meetings Dominique Bouligny presided and Samuel Livermore, J. A. Maybin, John Nicholson, Nathan Morse and Bernard Maligny prepared a set of resolutions, the second and third being as follows:

*Resolved*, That the citizens of the several States are also citizens of the United States; that their primary allegiance is due to the United States, and that no legislation or convention of the people of any State can absolve its citizens from that allegiance or excuse acts committed in violation thereof.

*Resolved*, That we approve the tone, temper and reasoning of the President's proclamation, and we trust that it will be the means of recalling the majority of the people of South Carolina from their misguided purposes and prevent the effusion of blood in domestic strife."

The speakers were Samuel Livermore, Bernard Maligny and John R. Grymes. A similar meeting was held at Opelousas, and was presided over by Judge Lewis. Another presided over by Dempsey Kemp was held at Montpelier. A legislative committee also reported against nullification.

In 1832 the legislature authorized the construction of a penitentiary and incorporated the towns of Covington and Jackson. The following year they passed an act incorporating the Agricultural Society of Louisiana, with thirteen directors and with



authority to raise five hundred thousand dollars by subscription. In this connection it was designed to conduct a model plantation, where experiments in agriculture, horticulture, etc., could be turned to the benefit of the husbandman. This movement was really an anticipation of the more recent agricultural colleges and experiment stations, and speaks well for the early enterprise and sagacity of the Louisiana legislators; but it was too early for such an enterprise to succeed. Such movements have their periods of growth, just as agricultural products do. Another very important act of this legislature was the incorporation of a Board of Public Works and the creation of a fund for internal improvement "to be applied exclusively to the purposes of rendering navigable and uniting by canals the principal water-courses and of more intimately connecting by public highways the different parts of this state," the fund to be annually the sum of twenty thousand dollars, to be drawn from various state revenues. They also passed acts incorporating the New Orleans Commercial Library; prohibiting lotteries not sanctioned by the state; granting the government house in Donaldsonville to the police jury to be by them converted into a seminary of learning; authorizing the governor to subscribe for ten thousand dollars of stock in the West Feliciana Railroad Company; incorporating the New Orleans & Carrollton Railroad Company, with a capital of three hundred thousand dollars; incorporating the Clinton & Port Hudson Railroad Company, with a capital of one hundred thousand dollars, and with authority to build a line from Port Hudson to Clinton in East Feliciana parish; incorporating two railroad companies in Rapides parish: One, called the Alexandria & Chenyville Railroad Company, to extend a line from Red river in Alexandria to Chenyville on bayou Boeuf; and the other, called the Rapides Railroad Company, to extend a line from the south side of Red river at the mouth of bayou Rapides to the bend in the same near the center of Franklinport and Land; founding a state library, and constituting the secretary of state the superintendent of public instruction. At this date the Board of Public Works was very active, inspecting all the water-courses of the state, clearing them of their rafts and other obstructions, getting all levees under control and all built according to approved dimensions, and destroying the vast accumulations of decaying organic matter thrown up by the floods for centuries. It was a memorable period of enterprise and progress in a successful pursuit for better conditions.

The administration of Governor Roman expired in February, 1835. It was succeeded by that of Edward D. White. In his



first message Governor White regretted the act of congress in lowering the duty on sugar. He admitted that such step was a conciliatory measure that had shaken the Union to its foundations, but that the storm had finally been quieted by the "Compromise Bill" of Henry Clay. While realizing that Louisiana would be one of the sufferers under the new law, he expressed the hope that the Louisianians would by their industry overcome any serious results. He noted that congress had lately taken action in regard to the unsettled land claims in the state.

In 1836 he stated that not since the invasion of the state by the British had Louisiana been so profoundly shaken as over the trouble between Texas and Mexico. The clash of arms on the western border had plunged the state into tumult. So great was the interest of the Louisianians that many of them had rushed without regard to the consequences across the border to the assistance of the Texans. He had been compelled to issue a proclamation forbidding such hostile proceedings, but still the citizens continued to pour into Texas. The legislature, upon the recommendation of the governor, sent a considerable force to fight the Seminoles in Florida. The governor warned the legislature against the designs of the abolitionists in the North and West, and dwelt in detail upon the results likely to follow. He denounced the continued neglect of congress to grant lands to the state for the benefit of education and for public improvement.

In 1834 there were several candidates for governor. Judge J. B. Dawson was the Jackson candidate; Roman was the Whig candidate. Messrs. White and Prieur were also brought forward for the same position, the latter being a Jacksonian and the mayor of New Orleans. At the polls E. D. White was successful defeating the then present governor, Roman. At the election of United States senator in December, 1833, to succeed Josiah S. Johnson, deceased, the first ballot was as follows: Alexander Porter 31, Gen. Joseph Walker 30, Colonel Nicholas 1; second ballot, Porter 32, Walker 30. In 1835 Mr. Waggaman, then in the United States senate from Louisiana, wrote a strong letter to the legislature, entreating them to nominate and support Daniel Webster as the Whig candidate for the presidency.

The same old vexatious distinctions between the inhabitants continued to be made. The *Bee* of April 6, 1835, said, "Yet in Louisiana, scarcely emerging from infancy, an invidious distinction is attempted to be made between naturalized and native citizens, not indeed fortunately so much by native Louisianians as by native Americans or citizens of other States, whose fatuity points not only the finger of scorn against themselves, but affords an



opportunity for considering their claims and making them impartially be excluded from the very offices for which they are so ardently desirous. Those who are really Louisianians, or as they are commonly termed Creoles, must look on the contest as being urged by those whose claims for themselves are exceptionable and can as effectively use the species of arguments against Americans of other States enjoying the official advantages of Louisiana as those same Americans can against the natives of other countries. Those Americans migrate to Louisiana for the same purpose as foreigners, and they are entitled to the privileges of this State only by the same laws which entitle foreigners equally. If, then, these Americans pursue the system of exclusion toward foreigners it can equally be turned against themselves. May not a naturalized foreigner be as competent and eligible a citizen of Louisiana as a citizen of another state? If so, should a difference be made? If a preference should be made between candidates for an office, it should be undoubtedly given to natives of the state *ceteris paribus* when their qualifications are equal; but that native citizens of other States should be preferred to naturalized citizens of this State is what cannot be conceded in justice, propriety or policy. It is indeed advantageous for Louisiana to be populated with intelligent persons, but it is perfectly immaterial to her whether those persons have been born in other States or in other countries. They became her citizens without distinction and are now equally entitled to her privileges. When she denies those privileges to foreigners, she must in self-defense or reciprocal justice deny them also to American citizens not born in the State." A little later the same paper said, "Since Governor White has come into office he has made ninety nominations and of these he has appointed only eight or ten naturalized citizens to offices of profit. All the other appointments have been of native citizens. Does not this evince a want of patriotism and fully justify the outrage done to the hall of assembly?" The state senate confirmed the appointments of the governor, but the house endeavored to censure him and failed.

The debt of Louisiana in 1828 amounted to one hundred forty-five thousand five hundred and ninety-six dollars; by 1834 it had increased to two hundred sixty-six thousand seven hundred and ninety dollars. It was noticed by the newspapers at this time that the revenue had doubled in ten years. Although New Orleans had easily been carried by the Jacksonians, it was swept by the Whigs in 1834. The Democrats had carried it by about 500, but in 1834 White for governor and Johnson for congress carried it by about 415. The Whigs also elected a majority of the



legislature. During the campaign it was shown that White had saved the land owners of the state from speculators, and had secured many valuable appropriations from congress. But it was noted against him that he had voted for a gradual reduction of the duty on sugar. Dawson, the Democratic candidate, opposed rechartering the United States Bank, but the Whigs favored such procedure. The Citizens Bank bill was before the assembly at this time. It asked for a capital of twelve million dollars. The Whigs asked, if this demand should be granted, why refuse to recharter the United States Bank for thirty-five million dollars, the sum desired? In this campaign the Americans and "l'ancienne population" were again as usual arrayed against each other in spite of many efforts to the contrary. The legislature in December, 1833, considered the proposition of Mr. McDonough "praying to be allowed to educate and to emancipate afterward forty of his slaves with the intention of sending them to Liberia." The subject was discussed and finally laid on the table.

Several important acts were passed by the legislature in 1834. The most notable were those to incorporate the Montpelier Academy; to create and incorporate the New Orleans Chamber of Commerce; to incorporate a society for the relief of destitute widows and indigent females; to authorize the governor to purchase a set of the work of J. J. Audubon, "The Birds of America;" to empower the Board of Public Works to buy for the use of the state any number of slaves not exceeding one hundred and fifty; to incorporate the St. Bernard Railroad, with a capital of fifty thousand dollars, and with permission to construct a line from the Mississippi to some point on bayou Terre aux Boeufs, and to urge congress to remove the large raft in Red river. What was called the "grand levee" had been built by the inhabitants at great expense, many years before, above Pointe Coupee; but in 1834 it was found necessary to construct a new one at the point known as the "cut-off" in order to prevent a vast area of country from being inundated. The legislature authorized the police juries of the parishes interested to examine the situation and report whether such a "cut-off" should be built.

In 1835 the Atchafalaya Railroad & Banking Company was incorporated with a capital of two million dollars and with authority to construct a line from the Mississippi river in Pointe Coupee parish to a point near the courthouse in St. Landry parish. At the same session the legislature appropriated sixty-two thousand one hundred and fifteen dollars with which to buy slaves for the Board of Public Works. Immense improvements were to be



made on West Pearl, Bogue-Chitto, Bogue-Falia, Tanchi-Pahoa, Natalbany, Tickfaw and Amite water courses, the work to be carried on steadily for a period of five years. Montpelier Academy in St. Helena parish was incorporated. The New Orleans Drainage Company with a capital of one million dollars was incorporated at this time, the purpose of which was to drain the marshy ground and cypress swamps in the vicinity of New Orleans. Of the stock of this company the state took conditionally fifty thousand dollars; and the city took three hundred and fifty thousand dollars. Among other acts were the following: Incorporating the Firemen's Charitable Association of New Orleans and the Medical Society of the same city; placing in the hands of the police juries the power to locate the various parish boundaries; authorizing the governor to fix and mark the western boundary from the thirty-second parallel in the Sabine, north to the thirty-third parallel; incorporating the New Orleans & Nashville Railroad Company with a capital of six million dollars, of which a large amount was reserved for the state and the city of New Orleans, the directors being authorized to begin selling stock as soon as Mississippi should pass a similar act; making a large appropriation for the relief of Jefferson College; appropriating a large amount annually for the support of several colleges; incorporating the Red River Railroad Company, with a capital of three hundred thousand dollars and with authority to build a line from Alexandria to Chenyville and on to bayou Hufpower and further if desired; authorizing the governor to purchase for the Board of Public Works as many as two hundred able-bodied slaves, the price of each not to exceed one thousand dollars, and the cost to be charged to the internal improvement fund, which fund was to be increased by the issuance of bonds to the amount of five hundred thousand dollars; incorporating the Plaquemine Railroad Company with a capital of twenty thousand dollars; incorporating the Medical College of Louisiana and the Medical College of New Orleans; incorporating the West Feliciana Asylum and appropriating five hundred dollars annually for four years for its support, and urging upon congress the importance of removing certain large obstructions in the Red and Atchafalaya rivers.

In 1836 the Louisianians did not like the Harrison and Grainger ticket, because of Harrison's avowed hostility to slavery. The citizens were not unmindful of the course of the new abolition movement in the North, a movement which they saw had grown to powerful proportions by 1836. The movement boded interference with their private institution; rumors to the effect that the



slaves were to be bought and colonized were current. In this extremity many of the Whigs voted with the Democrats and many of the others voted for the brilliant Kentuckian, Hugh L. White. The result was that the Van Buren electors received 3,653 votes and the Whig electors 3,383. In December, 1836, Alexander Porter, United States senator, resigned, and was sharply criticised by the Whig and other papers for leaving at a critical time. It was in this year that a corps of Louisiana volunteers under the command of Col. P. F. Smith served in Florida against the Seminoles; they were finally paid by the government. It was at this time also that General Gaines asked for a brigade of Louisiana militia to serve along the Sabine, but this was refused, as it would have been a hostile act against Mexico. The Texas question became important at this time; of course, the Louisianians favored the annexation of that Mexican province to the United States. In 1837, the governor laid before the legislature the resolutions of abolition societies in many of the Northern states. He said, "In this posture of things it devolves on us, in common with those whose interests are identified with our own, to protect ourselves and ours against these pseudo-philanthropists. Let us carefully examine our statutes on this head with the view to give them all requisite efficiency. Beyond the measures of legal precaution, for the present, whatever alternatives the progress of events may offer, will form a proper subject of reflection when the necessity for the consideration shall present itself. In the meantime we should not deceive ourselves as to the possibility of a crisis. The agitators emboldened by impunity boast of increasing consequence and numbers."

Alexander Mouton and John Slidell were the opposing candidates for the United States senate vice Porter resigned, both being Van Buren men. John R. Grymes, also a strong Democrat, was a candidate for the same office. A. B. Roman was the Whig candidate for this place. Mouton won for the unexpired term and for the following term of six years. For the unexpired term the vote in the legislature was as follows: First ballot—Mouton 31, Slidell 28, blank 6; second ballot—Mouton 31, Slidell 28, blank 6; third ballot—Mouton 32, Slidell 28, blank 6; fourth ballot—Mouton 33, Slidell 26, blank 6. The Whigs made no contest on the unexpired term, but for the full term, Mr. Brashear nominated A. B. Roman. Mr. Slidell nominated Mr. Mouton, in a very graceful speech. The result was as follows: Mouton 40, Roman 21, blank 4.

In 1836 the following measures became law: Investing the



governor with power to appeal to the citizens of Louisiana for the purpose of raising a corps of volunteers to march as soon as practicable to the assistance of the inhabitants of Florida against the Seminoles, and placing seventy-five thousand dollars at his disposal to pay the necessary expenses, of which sum five thousand dollars was immediately appropriated for the use of those then ready to go; raising the annual appropriation for the Male Orphan Asylum from two thousand five hundred dollars established in 1828, to seven thousand dollars; authorizing the governor to expend fifty thousand dollars for the purchase of guns, pistols and other arms for the use of the militia of the state; removing the seat of justice from Russellville to the new town of Overton; incorporating the Springfield & Liberty Railroad Company with a capital of one hundred and fifty thousand dollars; incorporating the Livingston Railroad Company with a capital of one hundred and twenty-five thousand dollars; incorporating the Lake Providence & Red River Railroad Company with a capital of two million dollars; incorporating the Baton Rouge & Clinton Railroad Company with a capital of six hundred thousand dollars; incorporating the Claiborne Academy; incorporating the Iberville Railroad Company with a capital of one hundred and fifty thousand dollars; appropriating ten thousand dollars for the completion of the penitentiary; incorporating the New Orleans Catholic Association for the relief of male orphans; incorporating the West Feliciana Agricultural Society; asking congress to give United States titles to land in Florida, Feliciana county, La., the preference over Spanish grants, permitting claimants under the latter titles to select tracts elsewhere; authorizing the Board of Public Works to examine many water-courses with the view to their improvement, and incorporating two theatre companies in New Orleans.

Among the important laws enacted in 1837 were the following: To incorporate the Mandeville & Pearl River Railroad Company, the Madisonville & Covington Railroad Company, the Mexican Gulf Railroad Company, the Louisiana & Mississippi Railroad Company, the Natchez & Sabine Railroad Company, and the Vidalia, Harrisonburg & Alexandria Railroad Company; to appropriate annually but not exceeding in any one year, forty thousand dollars, certain revenues, such as forfeited bonds, fines, etc., for the support of Charity Hospital; to expedite the construction of the New Orleans & Nashville Railroad by the state's lending the company five hundred thousand dollars and taking a first mortgage on the property of the corporation; incorporating



the West Baton Rouge Academy, the Ouachita Female Academy at Monroe, the Louisiana Institute in Ascension parish, the Covington Female Seminary, the Fellenburg Institute and other educational organizations. At this time immense improvements were being made by the Board of Public Works. This legislature passed a resolution approving the recently expressed views of the governor concerning the proceedings of certain abolition societies and the views of the Kentucky and South Carolina legislatures on the same subject, embraced in late resolutions, proposing a convention of the slave-holding states "to inquire into and determine on the best possible means to obtain 'peaceably if they can, forcibly if they must' that respect for their institutions to which they are entitled by the positive enactments of the Federal compact and by the stronger law of self preservation."

In the contest for governor in 1838, the *Bee* said editorially, "There are several Richmonds now in the field, and before the election we should not be greatly surprised if there was one for each parish in the State. The strongest candidate and in our opinion the most preferable yet named is Mr. A. B. Roman. Should party spirit not prevail in the contest, he will receive an almost unanimous vote. His clear head and profound acquaintance with the interests of Louisiana, as well as his amiable and engaging manners have made him universally popular." Whether this suggestion had anything to do with his selection, he was chosen by the Whigs as their standard bearer and was elected by a majority of about 900 over many other candidates representing various factions of the Whigs and the Democrats. During his campaign the question of the annexation of Texas was discussed. On the slavery question, or rather the abolition question, the Democrats and the Whigs were a unit. The congressional bill to abolish slavery in the District of Columbia was denounced. All of the papers commented stringently on the acts of Northern men in assisting runaway slaves to escape. The many resolutions of abolition societies were vigorously opposed and disunion was openly threatened with the hope that it would put a stop to the violent course of the abolitionists. The speeches of Birney, Tappan, Garrison, Gerrit Smith and others in favor of abolition received unstinted condemnation.

The panic of 1837 obliged all the banks of Louisiana to suspend specie payments, nor did they resume again for several years nor without the assistance of the legislature. All business in the state suffered in common with that of other states. In February, 1839, Andre B. Roman was inaugurated the second time as gov-



error. He called the attention of the legislature to the outrage imposed upon Louisiana by a detachment of armed men from Texas, who invaded the state as far as Shreveport. He considered in detail the acts of the abolitionists of the North, and intimated that they were trying to dissolve the Union unless they could effect their detestable object. He stated that the state was then enjoying a fair degree of prosperity, and made several wise recommendations regarding industries and improvements.

In 1838 Louisiana received under the act of congress approved June 23, 1836, the sum of three hundred and fifty-five thousand dollars, and employed the same to discharge her obligations to the various banking institutions of the state, in which she had taken stock, and to the various educational institutions for the support of which she had made large appropriations. In this year, there were incorporated the Pontchartrain Railroad company, the Bath Railroad Company, the Poydras Academy in Point Coupee parish, the Caddo Academy, the College of Baton Rouge, the Johnson Female Academy in Donaldsonville, the Greensburg Female Academy, the towns of Plaquemine, Thibodeaux, Springfield, Port Hudson and others, the Franklinton Academy, and the Pine Grove Academy. The legislature passed a resolution approving the course of the Southern delegation in congress "in manifesting their determination manfully and with energy to resist by all constitutional means any attempt which may be made to abolish slavery in any portion of the Union by the action of Congress." In the preamble to this resolution, the legislature noted the attitude of the Northern congressmen on the slavery question, declared that congress had no constitutional power to interfere with slavery, announced that such an interference would operate to the dissolution of the Union, and rejoiced that recently the Southern delegation left their seats in congress in a body rather than "listen to charges false in their nature and insulting and dangerous in their tendency to the common welfare." An act establishing a state library and appropriating one thousand dollars annually therefor, was passed at this session.

The legislature, in 1839, increased the supreme judges to five members; incorporated the Milne Asylum for destitute orphan girls and a similar one for destitute boys, due to the generosity of Alexander Milne; established a commercial court in New Orleans; appropriated one thousand dollars annually for five years for the support of Spring Creek Academy; reinstated certain banks which had violated their charters in 1837 by suspending specie payments, and incorporated many towns. This legislature also authorized



the governor and treasurer to issue to the three municipalities of New Orleans, bonds of the state to the par value of one million four hundred thousand dollars for an equal amount of the bonds of those municipalities, providing that each municipality should first create a sinking fund for the retirement of its own bonds. The state bonds were to bear five per cent interest and run for thirty years, and the municipal bonds were to bear six per cent interest and run twenty-five years. The object of this act was to assist the city of New Orleans to make vast and much needed improvements. This legislature also went to the relief of the Clinton & Port Hudson Railroad, by lending it five hundred thousand dollars of state bonds and taking in pledge therefor the capital stock and the other property of the corporation. It was provided that the road should retire the bonds at maturity, and that, should it fail to do so, the property in pledge should belong to the state, though the company should have five years in which to redeem the same. This legislature passed a resolution to the following effect: "That in the opinion of this Legislature a national bank properly constituted (due regard being had to the rights of the states), cannot fail to be an important auxiliary in carrying into effect the power of Congress to create and regulate a currency of equal value, credit and use wherever it may circulate and to facilitate the fiscal operations of the general Government." For many years Louisiana had, through petitions and memorials, endeavored to induce congress to make arrangements for the final settlement of certain old Spanish and French claims, but apparently for no good reason that body had failed or neglected to comply wholly with the request. The legislature now passed a set of pungent resolutions courteously insisting on some definite action.



## CHAPTER VI

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### The Overthrow of the Whigs

THE CAMPAIGN of 1840 for presidential electors was as momentous and memorable as had been those of 1828 and 1832; the Whigs swept the state as Jackson had previously done. For years the cry of the Whigs had been for Henry Clay, but now the cry was for "Tippecanoe and Tyler too." Harrison was now deemed the only man who could save the country from ruin. The Democrats argued that as Harrison's nomination was effected by the influence of the abolitionists, Harrison, if elected, would favor those fanatics and prove hostile to slavery. In fact it was shown that Harrison had previously expressed a wish for the accumulation of an enormous revenue to be used in emancipating the slaves. The Whigs denounced the course of the Southern members in congress in refusing to have publicly read the many petitions of the abolitionists; they declared that the right to petition and the right to have them read and discussed by the people's representatives was a right guaranteed by the Federal constitution. The *Courier* of February 7, 1840, said, "The people of the South should no longer close their eyes to the danger which threatens their institutions and tranquillity—dangers which have greatly increased since a combination has been formed between the Blue-light Federalists of the Hartford convention School and the Abolitionists and Anti-Masons of New York and other States."

During the summer and autumn of 1840 numerous mass meetings of the adherents of both parties were held throughout the state with the greatest enthusiasm. All of the important public questions then agitating the minds of the people were fully discussed with



much rancor, bitterness and intrigue. The Democrats clung to the principles of Jefferson and Jackson; the Whigs to those of Adams, Clay and Webster. The Democratic state convention on February 22, was one of the largest in the history of the state. Bernard Marigny presided; T. W. Scott, C. Mouton, Cyrus Ratliffe, Dennis Prieur, George Blaire and E. G. W. Butler served as vice-presidents, and Horatio Davis, P. A. Morse, E. A. Canon and M. Morgan, as secretaries. The following electors were chosen: J. P. Plauche, T. W. Scott, Trasimond Landry, S. Hiriart and P. E. Bossier. Many strong and interesting speeches were made, and the principles of Democracy were sustained in stirring resolutions, reported by a committee consisting of Messrs Slidell, Davidson, Kenner, Hiriart and Downs. One of the resolutions was as follows:

"*Resolved*, That we look upon political abolitionism as a corroding cancer in the vitals of our country; that we deem such organization of party as not only mischievous and revolting, but anti-social, anti-national, anti-constitutional; that we behold in all its movements and its principles an utter disregard of all those sacred compromises in which the Constitution 'lives, moves and has its being'; the certain rupture of those fraternal ties which held together our fathers throughout all the storms of the Revolution and eventually brought the triumph of freedom and independence."

But despite all the efforts of the Democrats, the Whigs triumphed throughout the state, not only in national affairs, but in nearly all towns and parishes. Their meetings were characterized with a fervor, vigor, strength and ring that alone betokened victory. Alexander Mouton was named thus early as the Democratic candidate for governor. The Whigs controlled the legislature and hence named the United States senators. The *Courier* said in March, 1840, "Democracy has vast odds to contend with in Louisiana—for years the influence of 1,000 office holders under the State has been against us and a back-stair influence at Washington has been exerted in favor of old Federalists wearing the cloak of republicanism." In the spring of 1840 the Whigs elected their candidate for mayor of New Orleans—Freret—over the Democratic candidate—Genois. After recounting all the evils suffered by Louisiana, the *Courier* of January 1, 1840, asked: "Who are the authors of all these evils?—who but the imbecile or corrupt representatives calling themselves Whigs, but in reality aristocrats, to whom the people of Louisiana blindly confided the task of legislating for them?" At the July election the Whigs only about held their own for state offices, which fact greatly



encouraged the Democrats. At the November election the Whigs carried Orleans parish by about 933 votes. They also carried the state for Harrison by the following vote: Harrison 11,297; Van Buren, 1,617. The legislature on joint ballot was substantially Whig.

In 1840 the governor attributed the destruction of credit throughout the country to the refusal of President Jackson to charter the United States Bank. He observed that the suspension of specie payments by the banks had been resorted to again, because it was found impossible to meet the steady drain upon them for specie. It thus came about that there was a revival of the panic though in a milder degree. Great hardship ensued throughout the state, and continued during the year 1841, though the banks had by that time resumed under the protection of the legislature. In 1841 congress granted to Louisiana 784,320 acres for the benefit of her public schools. Thus after so many years of waiting and pleading, were the overflowed sixteenth sections made good. The year 1842 is principally noted for the assistance given to the banks by the legislature. That body provided for the liquidation of such banks as might be insolvent. Those that were really solvent were benefitted, but those the reverse were compelled to sink in the financial slough of depression. The consequent business disasters were numerous and were felt for many years afterward. The state revenues fell off immensely, and collections were the lowest ever recorded in the state. Aid to many worthy industries and institutions was refused. Public expenditures were curtailed in every manner consistent with honor. Repudiation was denounced by Governor Roman, though openly advocated by many.

In 1840 large appropriations were given to the cause of education throughout the state, and many institutions were incorporated. The act of March 28, 1840, abolished the old writ *capias ad satisfaciendum*, or imprisonment for debt, but only in a somewhat modified form. It was ordered that all debtors in actual custody on the tenth of May, 1840, should be discharged. The Louisiana Society of Natural History and Sciences and the Jefferson & Lake Pontchartrain Railroad Company were incorporated.

The legislature of 1841 passed laws providing for the submission to the people at the next election of the question of calling a convention to revise the state constitution; prescribing a heavy penalty for all lotteries not authorized by law; repealing the act incorporating the Agricultural Society of Louisiana and ordering



the sale of the model farm, the proceeds from which to be used in paying the state bonds that had been issued many years before in favor of the heirs of Thomas Jefferson; making it unlawful for any bank to issue for circulation any notes or other obligations "except such as are payable in gold or silver and on demand;" reviving the charters of all banks that should at once take effectual steps to resume specie payments; asking from congress an appropriation to complete the survey of all the lands that had not been surveyed; demanding that a stop should be put to the many wrongs and outrages committed by the Mexicans upon citizens of the United States; authorizing an election to decide upon the question of a constitutional convention; authorizing an investigation of the claim of Bernard Osmanlis that he had devised a process to manufacture white sugar by an inexpensive process; appropriating a sum of money to pay W. M. Carpenter, C. G. Forshey and V. Trastour for making a geological survey of Louisiana; providing for the liquidation of banks; incorporating the Louisiana Association, the object of which was to establish a national library in New Orleans and "to contribute by all honorable means to the political progress and improvement of the Louisianians;" preventing more effectually free persons of color from settling in the state; improving the discipline of the militia of Louisiana; providing for the assessment of a direct tax on real estate; making important changes in the school law; giving the officers of Charity Hospital the right to collect from vessel masters for the use of the hospital a per capita tax on all passengers brought in by such vessels; paying the interest on certain railway bonds which could not be met by the companies; employing colored male convicts on the public works, and urging the importance of a final settlement of the claims on the Maison Rouge grant.

In 1841 the Whigs named Henry Johnson for governor, and the Democrats named Alexander Mouton. The campaign was unusually warm, and Governor Roman advised the curtailment of party enthusiasm and all unfair measures. He said, "That party spirit, which has often confounded subjects entirely local with those which belong to the Federal administration must henceforth disappear from among us." He noted the enormous debt of the state to the banks, and called attention to the important fact that the expenditures were greater than the revenue. He denounced log-rolling in the assembly. The legislature of 1841 voted as follows for United States senator: Alexander Barrow 36, W. C. Nicholas 29, blank 1. The vote for governor in 1842 was as follows in Orleans parish: Mouton 977, Johnson 1,228;



but Mouton triumphed in the state as a whole, his majority being approximately 1,600.

The people having voted at the general election in the year 1842 in favor of holding a constitutional convention, the legislature appointed July 1, 1843, for an election of delegates to such convention. The legislature of 1843, took steps to remodel the insolvent laws of the state. It also incorporated the Medico-chirurgical society; made a new apportionment of the state for congressmen, now being entitled to four representatives instead of three, as heretofore; demanded the restoration to General Jackson by congress of the one thousand dollars which had been imposed upon him as a fine in March, 1815, by Judge D. A. Hall, and directed Louisiana to refund the same in case congress should refuse to do so; amended the black code; incorporated the New Orleans Female Orphan Asylum; incorporated the Louisiana Association of Veterans of 1814-15, and extended the thanks of the state "to Francis Gardère for his able, efficient and faithful administration of the finances of the state during the last fifteen years."

In 1843 Alexander Mouton succeeded Mr. Roman as governor of Louisiana. At the outset of his administration he called the attention of the people and the legislature to the fact that the government might in the end interfere with the institutions of the individual states, meaning with slavery. He told the people to rely more upon themselves and less upon the government in the days of financial depression. He likewise dwelt on the injustice of congress in neglecting for so many years to grant Louisiana lands similar to those granted to other states. He observed that many unadjusted claims to land in the state, after more than forty years of waiting, were still unsettled. Bills to that effect had been often introduced, but had failed of passage in that branch of congress having a majority of Northern members. He noted that the finances were in extremely bad condition, that the state owed heavily in many quarters, that interest on the state debt was unpaid, that the expenses of the state exceeded its income by about two hundred thousand dollars annually, that the treasury was exhausted, and that taxation was as much as the people would bear. He contrasted the present deplorable condition of commerce with that which had prevailed before the panic. But he made several wise recommendations, and the legislature passed several efficacious laws. He seemed to think the banks largely responsible for the prevalent distress.

In early years Louisiana was largely neutral on the question of national politics. At first her population took little interest in the



questions which agitated the East, but with the candidacy of General Jackson for the presidency she changed her apathy for active support of the "Hero of New Orleans." But previous to the war with Mexico, the state was in reality a Whig commonwealth, with occasional Democratic successes, sufficient to whet their appetite for the emoluments of office. From 1836, when Texas gained her independence, to 1844, when it became necessary for the state to decide on the question of Texas annexation, the state may be said, except in 1840, to have steadily changed from Whig to Democracy. In 1844, largely through the influence of John Slidell, the electoral vote of the state was cast for Mr. Polk and his election was thus made certain. This election settled the fate of Texas, because it was succeeded by the annexation of that immense domain and at the same time precipitated the war with Mexico. It was claimed by the Whigs at the time that Mr. Slidell had practiced gross frauds at the polls and in the campaign, but there is nothing to show that his enterprising course was illegal. After this memorable campaign, Mr. Slidell continued to wield great influence in the councils and campaigns of his party. The sugar interest had supported Mr. Clay for the presidency, because it was thought that the annexation of Texas would result in an overproduction of that staple. Many had supported Mr. Polk in order to secure an extension of slave territory. The vote for presidential electors in 1844 was as follows: Polk 13,782, Clay 13,083.

In the presidential campaign of 1844 the Whigs of the state pointed to the fact that Mr. Polk had voted in 1842 for a lower duty on sugar. The Whigs generally supported Clay, who had been defeated twice by General Jackson—1824 and 1832—and had been thrust aside in 1840 to make room for Harrison, but who now in 1844 was again brought forward to lead them to victory. In the state, Roman, White and Johnson had for years been the "trinity" of the Whigs, but the campaign of 1844 completely crushed the Whig power in Louisiana. Among the Democratic leaders at this time were John Slidell, Alexander Mouton, Pierre Soulé, Felix Huston, Seth Barton, George Eustis, J. R. Grymes, Charles Gayarre and J. B. Planché, who was called the "Father of New Orleans Democracy." Among the leading Whigs were J. P. Benjamin, Christian Roselius, Charles M. Conrad, Henry Johnson, E. D. White, A. B. Roman, W. C. C. Claiborne, John Albertson, A. Mazureau, M. Cruzat, A. Pilie, J. Lavergne, A. D. Crossman, D. F. Butler, F. Gardere and L. Dumguand. The Whigs declared that the election of Clay meant the restoration of a high duty on sugar and would thus greatly benefit Louisiana. In June,



1844, a large Democratic mass meeting denounced the two Whig United States senators—Barrow and Johnson—as “having forfeited the confidence of the people of their State and being no longer fit to represent it in the national councils and that they should at once resign.” This meeting demanded the immediate annexation of Texas. The election laws were in such a crude condition in 1844 that great confusion resulted at the polls. The Democratic leaders declared that the Whig inspectors wrongfully threw out over 1,600 Democratic votes, but this was denied by the Whigs, who likewise denounced the Democrats for their wrongs upon the elective franchise.

In 1844 the legislature urged upon congress the importance of confirming the remaining French and Spanish grants, as the delay was interfering with the settlement of the state; continued the policy of employing the convicts on the public works; divided the state into six electoral districts instead of five, as heretofore; asked for the protection of the Gulf that the harbor at Pensacola should be made “accessible to vessels of every class and to the placing of the navy yard there as speedily as possible in a condition to build, repair and equip men-of-war;” urged the clearing of the mouth of Red river, which was in danger of stoppage; ordered for July, 1844, an election of seventy-seven persons to serve as delegates to the state constitutional convention; provided for the establishment of a house of refuge for juvenile delinquents; created the office of state librarian; took steps for the settlement of the state debt proper; incorporated the State Agricultural and Mechanics Association and the Grand Lodge of Odd Fellows, and made full provision for the constitutional convention at Jackson.

In 1845 the legislature declared “that it is their deliberate opinion that a majority of the people of Louisiana are in favor of the immediate annexation of Texas to the United States by any lawful and constitutional means; provided, it be stipulated in the act of annexation that Texas shall enjoy all the rights and privileges now secured to that portion of territory ceded by France to the United States under the name of Louisiana and lying south of thirty-six degrees and thirty minutes north latitude.” This assembly also urged congress to build a custom-house in New Orleans; complained of the inefficiency of the postal service between Washington and Louisiana; appropriated thirty thousand dollars additional to the fifty thousand dollars previously appropriated to cover the expense of the constitutional convention at Jackson; revised and reduced the fee bill of the state, and



amended the act of 1841 authorizing New Orleans to establish therein public schools.

In 1845 the vote for governor was as follows: Debuys, Whig, 11,101; Johnson, Democrat, 13,380. The Democratic party was now all-important in Louisiana. In nearly all public meetings of either party the course of the Abolitionists was regarded with alarm and indignation, and with a growing determination to resist any interference with slavery. Giddings, in particular, was condemned, because he favored disunion in order to get rid of slavery. The Wilmot Proviso was likewise bitterly opposed. The *Daily Delta* of January, 1848, said, "We hold that any attempt to impose the anti-slavery clause upon any new territory which we may acquire would be a violation of the Constitution—a violation of natural right and an outrage not only upon the people of the South, but also upon the people of the new territory. If we acquire any new territory, it must be in terms of equal rights with the rest of our territory." In 1846-47, although the Democrats had a small working majority on joint ballot in the legislature, they gave the speakership to the Whigs in order to secure harmony and a unity of action. Thus P. W. Farrar of Orleans parish, was chosen over H. Phillips of DeSoto parish. Again, in 1847-48 Farrar was chosen over Phillips by a vote of 48 to 46. In 1848 the governor assailed the provisions of the Wilmot Proviso and the acts of ten states in instructing their representatives in congress to oppose an extension of slave territory, or any extension of territory where slavery was to be introduced.

From an early period the North and the South came in conflict in many ways on the subject of slavery. Soon it came to be a common occurrence for runaway slaves to seek and obtain refuge from their masters on board the ships from the North visiting Southern harbors. It was even the case that slaves who had long before escaped and had reached the free states came back as sailors to the South on board such vessels. The vessel masters made no scruple against assisting the runaways, and as a consequence the Southern owners were forced to invade the vessels with the necessary officers and force for the purpose of reclaiming the runaways. If a slave who had previously escaped was recognized he was arrested with the other runaways. It naturally occurred that sometimes free colored persons were arrested under the claim that they were escaped slaves and were taken on shore and reduced to slavery. The legislatures of several of the Northern states passed resolutions denouncing such action of the slave owners. Massachusetts authorized her governor at his option to appoint an agent at New Orleans to observe to what extent "free



colored citizens of Massachusetts were seized, imprisoned and whipped" under such circumstances. This did not deter Louisiana from continuing her previous course, and the governor of Massachusetts found that no one at New Orleans would consent thus to act as his agent.

In 1842 Massachusetts resolved that the imprisonment of any citizen of that state by the authority of any other state "without the allegation of the commission of any crime, and solely on account of his color, is a gross violation of the Federal Constitution, as well as the principles of rational liberty." The governor was authorized to take such cases into the courts but still no relief came. In 1843 Massachusetts authorized her governor to send to New Orleans for one year an agent instructed to note all cases complained of and to institute legal action for the purpose of setting free such free colored persons as were thus unlawfully arrested and held in Louisiana. Henry Hubbard was appointed as such agent at New Orleans. Samuel Hoar, who was sent to Charleston, S. C., for the same purpose, was driven from the state by the people, on the ground that he was "a dangerous emissary of sedition." Mr. Hubbard, though not driven from Louisiana, made no headway, as he was recognized in no way by the governor or other officials.

In March, 1845, Massachusetts strongly protested against the course of Louisiana as a violation of the Federal constitution; but the South took the ground that free negroes were not the citizens referred to in the constitution, where it is said that "the citizens of each state shall be entitled to all the privileges and immunities of citizens of the several states." Later in March, 1845, Massachusetts passed resolutions demanding such an extension of the laws of the United States as would give the citizens of Massachusetts (free colored persons) exemption from the acts of the South complained of. In response Louisiana passed the following resolution: "That the General Assembly of Louisiana do hereby protest against the interposition of the state of Massachusetts between the police regulations of this state and persons affected by them as an interference subversive of our domestic order and dangerous to the public peace; that this state will not recognize nor tolerate any mission, private or public, for the purpose of bringing and prosecuting suits in behalf of colored persons at the expense of that state with the view of testing the legality of their imprisonment."

The constitution of 1845, adopted May 14, made several important alterations in that of 1812. Among other things it provided that representatives and senators should be elected on the first



Monday in November; that the general assembly should meet every second year on the third Monday in January; that no representative should be eligible unless he had been in the state at least three years and no senator unless he had been in the state four years; that each parish should have at least one representative; that no parish should be created with less territory than 625 square miles; that the first enumeration under the constitution should be made in 1847, the second in 1855, and thereafter every ten years; that the total number of representatives should not be more than 100 nor less than 70; that electors must have resided in the state two years; that "in all apportionments of the Senate the population of the city of New Orleans shall be deducted from the population of the whole State, and the remainder of the population divided by the number twenty-eight, and the result produced by this division shall be the senatorial ratio entitling a senatorial district to a Senator;" that the senators should be divided into two classes to be elected biennially; that the sessions of the assembly should be limited to sixty days; that the state treasurer should be elected biennially by the joint action of the assembly; that when a United States senator was to be chosen the assembly should hold such election in the hall of the house on the first Monday following the meeting; that a lieutenant governor should be chosen; that the people and not the legislature should choose the governor and lieutenant-governor, except in case of a tie; that the governor must have been a resident of the state for the preceding fifteen years and should commence his term on the fourth Monday of January; that the governor should be eligible for one re-election, and that the lieutenant-governor should be president of the senate.

It further provided that the supreme court should consist of one chief justice and three associate justices and be appointed for a term of eight years; that the sessions should be held in New Orleans and elsewhere as determined by the justices; that the next assembly should divide the state into judicial districts and provide judges for the same; that such judges should hold their offices for six years; that the district courts should have original jurisdiction in civil cases of not over fifty dollars; that cases before justices of the peace should not be for over one hundred dollars; that a sheriff and coroner should be elected in each parish; that the house of representatives should be vested with the power of impeaching the governor; that in impeachment proceedings against the officers, they should be tried before the senate, a member of the supreme court to preside during such proceedings, and that judgments in cases of impeachment should extend



only to removal from office and disqualification from holding office.

It also provided that the duration of offices not fixed by the constitution should not exceed four years; that members of either house of the assembly might address such house in either the French or the English language; that emigration from the state should not be prohibited; that the next assembly, the first elected under this constitution, should designate and fix a new seat of government not less than sixty miles from New Orleans; that when so fixed four-fifths of the members of both houses should determine the removal, the sessions to be held in New Orleans until the end of 1848; that the legislature should not pledge the faith of the state for the payment of any bonds, bills or other contracts or obligations for the benefit or use of any person or persons, corporations or body politic, whatever; that the aggregate debt thereafter contracted by the legislature should not exceed one hundred thousand dollars, except in case of war, etc.; that no lottery should be authorized by the state; that the selling of lottery tickets within the state should be prohibited; that the state should not become a subscriber to the stock of any corporation or joint stock company; that the assembly should never grant any exclusive privilege or monopoly for a longer period than twenty years; that no officer, except justice of the peace, should hold more than one office; that the assembly should provide for the organization of all corporations, except those with banking or discount privileges, the creation of which was prohibited; that the city of New Orleans might change its form of government; that dueling should be punished by deprivation of office and the right of suffrage; and that the constitution and laws of the state should be published in both the French and the English language. This constitution provided for the election of 98 representatives and 31 senators.

The independence of Texas was succeeded by the earnest wish of Louisiana that it should be soon admitted into the Federal Union. The governor voiced this prevailing sentiment, and the legislature responded as desired, but only after many objections had been urged. It was at this time that the legislature realized the danger to the state of being a stock-holder in many banks, railroads, etc. Steps to end this condition of affairs were now taken. Thus the state debt was reduced by over three million dollars, leaving a balance of less than two million dollars, which could be settled by easy payments prior to 1872. The new constitution was adopted this year.



In 1846 Isaac Johnson became governor. Upon him devolved the duty of meeting the demands of the government for troops in the war with Mexico. The first distressed call of General Taylor was met by the immediate dispatch of a strong body of militia to his assistance. Every future demand was promptly met, for this was a war in which Louisiana expected to find advantage. In 1848 the governor expatiated on the sound condition of the banks that had weathered the previous storm of discredit. The new penitentiary was ready for occupancy, and great strides had been made under former salutary laws toward the internal improvement of the state. He advised meeting the Wilmot Proviso respectfully and temperately, but with firm and uncompromising resistance. The legislature was called in extra session in December, 1848, to make provision as required by the new constitution for the organization and support of public schools.

The election of Isaac Johnson as governor over William Debuys in 1846 placed the patronage of the state in the hands of the Democrats. At the joint session of the legislature in February, 1847, the following vote was had on the selection of United States senator: S. W. Downs, Democrat, 77; J. R. Grymes, 45; scattering, 4. Mr. Grymes, though a Democrat, was the candidate of the Whigs. This was the first time in the history of Louisiana, that the Democrats had both houses of the legislature and in addition the governor.

In 1846, when war with Mexico seemed inevitable, the legislature requested congress to erect "such fortifications and armaments as would effectually secure the city of New Orleans from invasion;" passed an act fixing Baton Rouge as the permanent capital of the state; asked to have located the lands granted to the state for school purposes by the Congress of 1826; authorized the organization of four regiments of volunteers "for the army in Texas," and appropriated one hundred thousand dollars for their equipment; organized district courts in the parish and city of New Orleans; suspended the collection of debts against all persons called into the service of the country against Mexico; authorized the payment to Major Louis Gally, Captain Henry Forno and Captain Bercier of five thousand seven hundred and nineteen dollars on their joint warrant "in payment of the officers, non-commissioned officers and privates of the battalion (Louisiana Battalion of Artillery) according to the amount due to each, by the regulations of the United States, concerning the pay of officers and privates in the army of the United States;" divided the state



into seventeen judicial districts; appropriated two hundred thousand dollars to pay the expenses of putting the volunteers of Louisiana in the field; authorized the treasurer of state to borrow that sum on the credit of the state; authorized the governor to organize two other regiments, to be called the Fifth and Sixth; urged congress to remove from bayou Lafourche the trees and other obstructions placed in that water-way by order of General Jackson in 1814-15 "in such a manner as to prevent the ascent of the British by that route;" borrowed nine thousand dollars from the Canal and Banking Company to pay the expenses of hurrying forward the troops to the relief of General Taylor; resolved, "That the thanks of the state of Louisiana be, and are hereby tendered to General Z. Taylor and the army under his command for the invincible courage, skill and devotion and for the additional lustre with which they have thus far covered our national arms in the war against Mexico;" ordered "that a bounty of ten dollars and one month's pay in advance be allowed to the battalion of Louisiana State Artillery commanded by Major Gally, mustered into the service of the United States, provided that said payment be made out of the appropriations already made;" thanking Gen. Edmund Pendleton Gaines for his services thus far in the war; authorized the state treasurer to sell the Clinton & Port Huron Railroad, which had fallen to the ownership of the state, and passed a resolution presenting to General Taylor a beautiful sword in consideration of his services generally and his services particularly in the battles of Palo Alto and Rio de la Palma.

In 1847 the legislature appropriated eight thousand dollars to cover the expense of recruiting and mustering into service the "Regiment of Louisiana Volunteers" enlisted for the Mexican war; requested congress to grant land to the citizen soldier of 1814-15 or his widow or orphan; appropriated three hundred dollars to buy a stand of colors for the First regiment of Louisiana volunteers then ready for the field; authorized advertising for plans for public buildings at Baton Rouge and appropriated one hundred thousand dollars with which to begin the buildings; established a department of the treasury consisting of the offices of the treasurer and the auditor of state; established at New Orleans, according to the constitution of 1845, the University of Louisiana; made liberal provision for settlement on the land granted by congress in 1841 for internal improvement; took steps to set apart a fund for the free schools provided by the constitution of 1845; established an insane asylum at Jackson and appropriated ten thousand dollars for its support for one year; assisted



in completing the Raccourci cut-off; provided for the liquidation of the Company of Architects of New Orleans; took steps to prevent loss to the state "on account of its liabilities for bonds issued for the use of the 'property banks;'" authorized the taking of a complete census of the state; adopted the plans of James Dakin for the main building of the University of Louisiana and appropriated twenty-five thousand dollars with which to begin work; thanked General Taylor for the victory of Monterey; thanked the Louisiana volunteers who also participated, particularly Col. Persifer F. Smith, Col. Bailie Peyton, Capt. Albert G. Blanchard, Capt. George M. Graham, Lieutenant Ten Brook, Lieutenants Nichols, brothers, Capt. Eugene Musoon, the Phoenix company of Louisiana volunteers and others; presented Gen. W. S. Worth a beautiful sword for his services at Monterey; provided for the incorporation of literary, scientific, religious and charitable associations; thanked General Scott and his soldiers for the siege and capture of Vera Cruz, and for the victory of Cerro Gordo, and presented the general a fine sword; thanked General Taylor for the victory of Buena Vista and appropriated ten thousand dollars for a gold medal to be presented to the general; made elaborate provision for an ample revenue for the support of the state government; provided for the establishment of free public schools throughout the state, by the assessment of one mill on the dollar on the ad valorem valuation of the taxable property in each parish; established the "Free School Fund" from the revenues derived from the sale of public lands granted by congress in 1811, the fund to be held by the state as a loan, and on which it should pay six per cent interest, and authorized New Orleans to establish a house of refuge for juvenile delinquents.

In January, 1848, the Whigs in an immense meeting at New Orleans endorsed Gen. Zachary Taylor for the presidency. In the call for this meeting were, among others, the following names: Maunsel White, C. M. Conrad, C. Roselius, Bailie Peyton, William Debuys, G. Burke, W. Henderson, T. K. Price, N. W. Wheeler, John Duggan, H. A. Bullard, Jacob Barker, L. Matthews, Ralph King, F. W. Herrick, Cuthbert Bullitt, V. Labatat, J. S. Barrow, Michael De Armas, Thomas Zachaire, C. Ducross, R. C. Nicholas, Henry Renshaw, W. Christy, J. B. Walsh, John Winthrop, P. S. Wiltz, J. M. Cuculla, John Cominger, John Culbertson, P. H. Skipwith, L. Pakenham, N. R. Jennings, C. T. Stewart, T. G. Morgan, and J. N. T. Richardson. The legislature in January, 1848, voted as follows for United States senator: First ballot, John Slidell 64, Duncan F. Kenner 64, R. C. Nicholas 1; second



ballot the same; in the third ballot Pierre Soulé was voted for, and soon was elected by a majority of 7. He was chosen by what was denominated "a Democratic *coup de état*." The *Courier* said, "We need not tell our readers either at home or abroad who Pierre Soulé is. His reputation as an orator is co-extensive with our Union. His former appearance in the Senate during the brief fraction of a term attracted much attention to our State and gave us a great consideration in that body."

In 1848 the Taylor and Fillmore electors were Jacques Toutant, J. P. Benjamin, Manuel Garcia, C. Adams, Jr., John Moore and James C. Campbell; the Cass and Butler electors were C. A. Daunoy, J. B. Planché, Isaac T. Preston, T. W. Scott, Andrew Martin and Henry Phillips. The contest throughout the state was characterized by vigor, enthusiasm and partisan intrigue and vituperation. Particularly was the battle fierce and strong in New Orleans. In 1844 Clay had carried that city by a majority of 412, but in November, 1847, on an election of state senators, it had gone Democratic by a majority of 236. In April, 1848, local interests divided the parties and divided the results. What to expect at the presidential election of 1848, was now the all-important question. The popularity of Taylor in Louisiana betokened, if not his success, at least a greatly reduced Democratic vote. The few weeks just prior to the election were almost a constant public meeting, either of one or the other party. The *Daily Delta* of November 7 said, "The illuminated procession of the Whigs last night was certainly a gorgeous and splendid affair. In variety of devices, in richness of banners, and in all the elements of a grand pageant it exceeded any similar display that has ever yet been made in our city. The procession extended in length about twenty squares, and was three-fourths of an hour in passing. There were about seven hundred men mounted." When the result of the election was announced it was seen that Taylor had carried New Orleans by a majority of 1,091, his total vote being 5,470. In the state the vote was as follows: Taylor 18,117, Cass 15,370. The *Daily Delta* of November 11 said, "There was a decided calm in the political circles yesterday. The Whigs seemed to have relieved themselves of their surplus joy and exultation, and the Democrats had got rid of their excess of horror and indignation and seemed to find much relief in dwelling upon the embarrassments which must surround the administration of General Taylor and the dissensions consequent upon the distribution of spoils. A great deal of apprehension is expressed by our Democratic friends lest the election of General Taylor proves



the rock upon which the Union must split—that it is the triumph of Free Soil and the surrender of the rights of the South and Millard Fillmore will be the chief instrument by whom it will be accomplished.”

The *Courier* said, “Colonel Hodge, Colonel Bullitt and other Whig editors and leaders are making a strong and apparently an organized effort to brand all individuals in the Southern States who oppose the abolition movement as disorganizers and enemies of the Union. These worthy gentlemen never allude to the causes which have excited alarm and discontent in the South; they have never raised their voices against the machinations of the Whig Abolitionists who for years past have been striving to destroy all the Constitutional guards and fences by which the property and lives of the Southern people are protected. We have seen the Whig party, North and South, rally round a self-confessed Abolitionist as their candidate for Vice-President of the United States and President of the Senate; we have seen the Whig members with only two or three dissenting voices giving their suffrages to elect another Abolitionist to be Speaker of the House of Representatives.”

In 1848 the legislature apportioned the state for representation under the new constitution; purchased the records, maps, surveys and papers of Francis Gonsolin, late surveyor of the Spanish government for the district of Attakapas; appropriated five hundred dollars for the purchase of a sword to be presented to Gen. Persifor F. Smith, the “hero of Contreras;” asked congress to establish a navy yard at Algiers; continued to apply the five per cent fund derived from the sale of public lands to the construction of roads and levees; divided the state into four internal improvement districts; employed a large force of men in the construction of levees, etc.; provided for the incorporation of all sorts of industrial companies; took steps to prevent the deterioration of the sugar cane of Louisiana; asked the consent of congress to extend the jurisdiction of the state over the strip between the middle of the Sabine river and the western bank; provided for the consolidation and revision of the statutes and codes of the state; authorized the sculptor Hiram Powers to carve for the state a statue of George Washington, and provided for the location of a State Seminary of Learning.

The congressional act of 1835 still further provided for the adjustment of land titles. Two years later the port of New Orleans was extended from the lower to the higher corporate limits. Under act of 1838, Henry M. Shreve was made govern-



ment agent for the removal of the raft on Red river. In June, 1842, congress gave Louisiana four representatives in that body instead of three as theretofore "and one additional representative to each state having a fraction greater than one moiety of the said ratio." This law took effect March 3, 1843. By act of May, 1846, congress granted one thousand five hundred and sixty-six dollars "for repairing the state artillery of the state of Louisiana, injured in the service of the United States in Texas during the summer and fall of 1845." Near the close of the Mexican war, congress built a marine hospital at New Orleans; in 1847 the customhouse at the same place was begun. In 1848 congress appropriated seven thousand five hundred dollars for furnishing the marine hospital, and the same year appropriated twenty thousand dollars for a depot of naval stores to be located there. Both of these buildings were a credit to the government, but required several years for their completion.

From 1850 to 1853 inclusive the gubernatorial chair was occupied by Joseph Walker. In his first message he deprecated the constant agitation of the abolition question. He declared that in his opinion the dissolution of the Union would be the greatest of calamities, but that the citizens would not weigh it in the balance with a tame submission to the abolition movement. The Board of Currency reported the banks of the state to be in a prosperous condition. The area of land granted by congress to the state in 1849 aggregated considerably over 2,000,000 acres. Thus the desires of Louisiana, expressed through many anxious years, were finally satisfied. Against the advice of the governor, the legislature decided to adopt a new constitution, and accordingly made arrangements to that effect.

In 1850 the legislature convened in Baton Rouge. They urged congress for a daily mail between New Orleans and Baton Rouge; appropriated three hundred dollars for a daily mail between those points during the session of the general assembly; gave to police juries the exclusive right to establish ferries and toll bridges; urged congress to grant bounty land to officers of the Mexican war; appropriated five hundred and fifty-three dollars to prepare the state library for the immediate use of the legislature; urged congress to remove the big raft on Red river; gave New Orleans large powers to save the city from overflow; granted many pensions to soldiers of the War of 1812; granted the right of way over state lands to any railway company that should build a line between New Orleans and Jackson, Miss.; provided for the government of New Orleans in case the three municipalities should



be united; made large appropriations for all departments of the University of Louisiana; authorized the sale of all that portion of the bature not needed for public purposes; established a mayor's court in New Orleans; made appropriations for the support of the battalion of Louisiana state artillery, the Washington artillery, the Cannoniers of Donaldsonville, the Crescent hussars, the Clinton light artillery, the West Feliciana cavalry, and the Washington guards of Baton Rouge, and asked congress for the co-operation of two or more of the members of the corps of topographical engineers "to assist in making a topographical and hydrographical survey of the delta of the Mississippi" with the view to prevent the annual inundations of many of the best portions of the state.

Again in 1850 Preston W. Farrar, a Whig, was elected speaker of the Louisiana house. The vote was, Farrar 54, E. W. Moise 43. At this time Gen. Joseph Walker was inaugurated governor. He had been elected by over 1,000 majority after a sharp contest. During the campaign the Whigs had sung doggerel songs set to negro melodies ridiculing the pretensions of General Walker. They had nominated as his opponent Col. Alexander Duclouet. The election of Walker was a Democratic victory. Governor Johnson, on retiring, said, "It is with feelings of lively satisfaction I see the South poising herself in a lofty and patriotic attitude in defense of her rights. . . . The repeated, galling and unprovoked aggressions of anti-slavery leave no room to anticipate a cessation of hostilities, and the South, I think, has been sufficiently warned that if it is wise to hope for the best it is equally prudent to prepare for the worst." He denounced the measures of the Wilnot Proviso, and recommended sending delegates to the Southern Rights convention to be held at Nashville in June, 1850. Governor Walker, upon taking the reins of government, said, "The anti-slavery agitation in the Northern States which has long been a source of irritation in the South, has within the last two years taken such a shape that fears are entertained by some that it is about to reach a crisis unfavorable to the stability of the Union. . . . Situated as we are, I think we owe it to ourselves—to our sister States of the South and to our Northern brethren—to declare that if unhappily the anti-slavery agitation, which has so long been allowed to insult our feelings, should be carried to the point of aggression upon our rights—if the equality between all the members of the Confederacy and the Constitution should be destroyed or trenched on by the action of the general Government, then we are prepared to make com-



mon cause with our neighbors of the slave-holding States and pronounce the Union at an end. For myself I do not hesitate to say that I should look upon the dissolution of the Union as the greatest calamity that could befall us; but that great as this calamity would be I am certain there is not one of our citizens who would be willing for a moment to weigh it in the balance against the dishonor of submission." He also recommended sending delegates to the Nashville convention. At this time the Democrats were outspoken in their condemnation of President Taylor for having done about all he could against the interests of the South. He had been elected, it was claimed openly, by Democratic votes.

In 1852 the general assembly asked congress to donate to Louisiana the military reservation at Fort Jesup for seminary purposes; consolidated the three municipalities of New Orleans into one government; made provision for holding a state constitutional convention; prohibited any person without authority from making a cut-off in the Mississippi river; contributed ten thousand dollars toward a statue of General Jackson; ordered built at a cost of thirty thousand dollars two hundred additional cells in the penitentiary; authorized owners of plantations to build levees to protect their lands from inundation; abolished the office of parish superintendent of free schools; encouraged ship building at New Orleans by offering a bonus of five dollars on every ton over one hundred tons; enacted that no slaves in Louisiana should be emancipated except upon condition that they should leave the state within twelve months, the owner to pay the cost of transportation to Liberia or elsewhere; established an institution for the deaf, dumb and blind, and exempted homesteads from execution.

The constitution adopted at Baton Rouge July 31, 1852, made several important changes in the previous organic law. It extended the parish of Orleans so as to embrace the whole of the city of New Orleans and included that part of the parish of Jefferson formerly known as Lafayette. New enumerations were provided for—1853, 1858 and 1865. Free white males over twenty-one years who had resided in the state a year and in the parish six months were declared electors. It provided that the secretary of state and the treasurer of state should be elected by the qualified electors of Louisiana. It constituted the supreme court of one chief justice and four associate justices, and directed the legislature to divide the state into four judicial districts, in each of which a justice of the supreme court was required to sit. Every person who should be convicted of having given or offered



a bribe to secure his election to office was disqualified from holding office. It was provided that the seat of government should remain at Baton Rouge, unless three-fourths of the assembly should order its removal. Probably the most important changes made, were those concerning corporations. The legislature was empowered "to grant aid to companies or associations of individuals formed for the exclusive purpose of making works of internal improvement, wholly or partly within the State, to the extent only of one-fifth of the capital of such companies, by subscription of stock or loan of money or public bonds." The aggregate amount of such liabilities was limited to eight million dollars. When contracting a debt in excess of one hundred thousand dollars, the legislature was required to provide means for its liquidation and to meet its interest. It further provided that "Corporations with banking or discounting privileges may be either created by special acts or formed under general laws; but the Legislature shall in both cases provide for the registry of all bills or notes issued or put in circulation as money, and shall require ample security for the redemption of the same in specie; the Legislature shall have no power to pass any law sanctioning in any manner directly or indirectly the suspension of specie payments by any person, association or corporation issuing bank notes of any description."

This constitution made the sending or accepting a challenge to fight a duel sufficient *ipso facto* to vacate the office held by such person; prohibited the diversion of the funds provided for drains and levees; created a Board of Public Works to consist of four commissioners; directed the legislature to divide the state into four improvement districts; authorized the legislature to provide for the election and compensation of such commissioners; stipulated their duties, and empowered the assembly by a three-fifths vote to abolish the Board when in their opinion it was no longer necessary.

The constitution of 1845 had provided for the appointment of a superintendent of public education, and made it the duty of the legislature to establish free schools throughout the state. They were authorized to provide means by taxation of property or otherwise for their support. The proceeds of land previously granted to the state for the use of schools and of lands thereafter granted or bequeathed to the state, and the proceeds of the estates of deceased persons to which the state should become entitled by law, were ordered held by the state as a permanent loan for the benefit of the free public schools, the state to pay an annual interest of six per cent. In the same manner the



lands previously granted for the benefit of a seminary of learning were to be sold, the proceeds to be likewise held by the state at an interest of six per cent for the use of such institution. This was the foundation of the present free public school fund. A university of the state was established at New Orleans.

The constitution of 1852 prohibited the legislature from abolishing the office of superintendent of public education "whenever in their opinion said office shall be no longer necessary." It was provided that all moneys raised for the support of free public schools should be distributed in each parish in proportion to the number of free white children between such ages as should be fixed by the general assembly. The interest of the trust funds deposited with Louisiana by the United States under the act of congress approved June 23, 1836, and all the rents of unsold lands, were appropriated to the use of the free public schools.



## CHAPTER VII

## Events from 1852 to 1860.

IN THE presidential campaign of 1852 Judah P. Benjamin, Christian Roselius and Randall Hunt were the leaders of the Whigs. The story of "Uncle Tom's Cabin" by Mrs. Stowe, cut an important figure in this contest, as showing the attitude of the North on the slavery question. The result was as follows: Scott 17,255, Pierce 18,647, Hale (Free Soil) 00. The *Daily Delta* of November 4 said, "The election excitement is passing; if it has not already passed away. The result has astonished both parties. The Democrats, it is true, went to the polls with a firm and abiding confidence of success, but the most sanguine of them never dreamt of so signal a victory. The Whigs felt—there is no doubt but they did—that the general result would be against them; still they were certain of carrying this State and resolved to do it. They had determined among the faithless to prove faithful to their flag. Pursuant to this opinion they entered on the fight with ardor, but their utmost efforts proved unavailing; their opponents in overpowering numbers rushed on them, broke their ranks, threw them into disorder, and obtained a victory such as is seldom achieved. Long live the Republic!" The two candidates for the governorship in 1852 were Louis Bordelon, Whig, and Paul O. Hebert, Democrat. The latter was easily elected, his majority being over 2,000 in the whole state. Both senate and house were Democratic. The compromise measures of 1850 and 1852, the Wilmot Proviso, the abolition speeches, free territory, etc., were the important questions.

In 1853 Paul O. Hebert took the governor's chair. In his message he seems to have favored the acquisition of Cuba in



order to prevent the proposed emancipation of the slaves there. The Lopez expedition, in which the South was much interested, had failed and the leader and many of his companions had been brought ignominiously to the scaffold. When their fate had become known in New Orleans the indignant people assaulted the Spanish consulate, for which act the United States later was called upon to make reparation. Many of the ill-starred expedition of Lopez had been residents of Louisiana, and their bloody and tragic fate occasioned great grief and indignation, partly because the citizens generally hoped to see the insurgents succeed. The freedom of Cuba, so thought the South, meant its early attachment to the Union and meant the retention there of slavery and additional slave territory to the Union. During the summer and fall of 1853, Louisiana was visited by an epidemic of yellow fever by far the severest ever suffered by the state. Large numbers of the people passed away before its fiery breath and the distress was general and overwhelming. In January, 1854, the governor remarked upon the general prosperity. He observed that the public schools were in better condition than ever before, that the construction of railroads was rapid and gratifying, that many works of internal improvement were in progress, but that the debt of the state had been increased.

The legislature of 1853 made it unlawful for any bank or person to emit money of less denomination than five dollars; granted telegraph companies the right of way over state lands; incorporated the South Western Industrial Fair Association; urged congress to erect a marine hospital in the Teche district; incorporated the New Orleans, Jackson & Great Northern Railroad, and the New Orleans, Opelousas & Great Western Railroad; granted large relief to the Charity Hospital, which, in five years ending in 1853, had extended assistance to 82,430 persons; urged congress to authorize the Charity Hospital to collect a per capita tax on citizens of the United States arriving in Louisiana, for the benefit of that institution; re-chartered the New Orleans Chamber of Commerce; subscribed largely to the stock of several projected railways; incorporated the Vicksburg, Shreveport & Texas Railroad, the Grosse Tete & Baton Rouge Plank Road and the New Orleans and Baton Rouge Railroad; repealed the act exempting from execution the home of a free-holder; provided for the advancement of medical education; took steps to rebuild the grand levee at Pointe Coupee; reorganized the free school system; re-divided the state into congressional districts; enabled riparian proprietors in incorporated cities and towns to recover "batture" when not needed for public use; established a



general system of free banking, and incorporated the New Orleans, Red River & Texas Telegraph Company, besides several educational and industrial societies.

In 1854 the legislature took steps to revise the statutes; favored the proposed Pacific railroad via the El Paso and Gila route; authorized New Orleans to subscribe largely in the stock of several railroads; established the free school accumulating fund; urged congress to open the big raft on Red river; asked congress for four townships to provide a fund for the education of the deaf and dumb and three townships for the education of the blind; deplored that course of Spain toward Cuba, which would tend to the abolition of slavery and the sacrifice by the whites of their arts, commerce and civilization "to a barbarous and nefarious race," and incorporated several educational associations.

The legislature of 1855 incorporated the Physico-Medical Society of Baton Rouge; still further improved the condition of persons imprisoned for debt; incorporated the Mississippi & Lafourche Railroad; regulated costs and fees and defined certain crimes and their punishments; regulated the mode of procedure in criminal prosecutions; made wide provision for the incorporation of associations for public improvement and utility; incorporated the Touro Almshouse Association; limited the indebtedness of New Orleans; incorporated the Southern Pacific Railroad; provided for the liquidation of the Consolidated Association of Planters; incorporated the South Eastern Railroad; improved court practice generally; incorporated several savings banks and institutions; provided for the sale of 1,000,000 acres of swamp and overflowed land granted by congress, and established an insane asylum.

In 1854 and 1855 the yellow fever again swept over the state, but with not the same deadly results as in 1853, though many died. The governor called the attention of the legislature to the large quantity of overflowed land which had been already reclaimed under the Federal grant. The report of the superintendent of public education was not satisfactory to the governor, who proceeded to shatter the so-called "system." He advised the improvement of the militia. The Know-Nothing party of Louisiana in favoring Catholic proscription was obliterated this year, owing to its expulsion from the convention at Philadelphia. It was a plant which had never flourished in Louisiana soil.

Upon the organization of the Know-Nothing party early in the decade of the fifties, a strong effort to defeat the Democracy



was made, but without avail. Fierce political contests characterized all the elections of this memorable period. The state was rent asunder by local and national issues, but the Democrats continued to control the ship of state until the guns of Sumter called to arms. The contests of 1853, 1854 and 1855 were sharp, but the field of battle was swept by the guns of the triumphant Democracy. The vote for United States senator in 1855 resulted as follows: Slidell 74, John Moore 38, scattering 7. The *Courier* (Democratic) said, "It is needless for us, in conjunction with the numerous friends of this gentleman, to express our satisfaction at this happy result. The valuable and manifold services rendered by him to our city and State, his indomitable championship of our rights whenever assailed, entitle him fully to the possession of this post of honor and confidence. He is one of those who have always proved true to the interests of the South." A little later the *Courier* also said, "Few persons have ever been so vehemently attacked as John Slidell, and but few could have weathered so successfully the storm of rancorous detraction, misrepresentation and slander which has been so liberally poured upon his head. . . . The re-election of Mr. Slidell should not by any means be regarded as solely the triumph of the man, but it should be looked on as that of the Democratic party over unusual combinations. The new political sect (Know-Nothing) which has grown up within the last year has made him the special butt of its hostility, and his exclusion from a seat in the senate after the expiration of his present term of service was a cherished object with its members."

In his message to the legislature in 1855, Governor Hebert said, "It is the duty of Louisiana—a duty which she owes to her own self-preservation and to her sister States of the South—to cultivate the martial spirit of her people. Her position exposes her to the first assaults of the enemy. She should be ready at all times to contribute her full share to defence. She must be prepared to meet the responsibilities which the spirit of fanaticism at home may impose upon her and which an attitude of firmness with all the preparation to maintain it may alone avert." The contest of 1855 for the governorship was between Robert C. Wickliffe, Democrat, and Charles Derbigny, American or Whig or both. The result was as follows: Wickliffe 22,952, Derbigny 19,755. The new Republican party which had so phenomenal a growth in the North had no corresponding growth in the South, owing to its pronounced hostility to slavery. In the presidential contest of 1856 that party does not appear to have had a ticket in the field



in Louisiana. The opponents of the Democrats were Whigs and Know-Nothings or Americans. The Kansas-Nebraska act was the all-absorbing topic. The Democrats at their meetings warmly approved the passage of that act, and extolled Stephen A. Douglas, the "Little Giant." The opponents of Democracy in Louisiana called themselves the American party, whose motto was "America for Americans." The Whigs were derisively called "the same old Coons." The following year the Buchanan and Breckenridge electors were C. J. Villere, W. A. Elmore, T. Landry, John McVea, T. O. Moore and H. Gray. The slavery question overshadowed all others in 1856.

At one of the Democratic meetings Pierre Soulé delivered one of his eloquent and masterly speeches, of which the *Courier* made the following report, "He then spoke of the true issues presented in this contest. Abolitionism had torn off its mask and raised as its war cry, 'Down with the Slave Power of the South.' Black Republicanism had its sturdy supporters even in Louisiana, who were ready under a false and spurious banner to give the vote of our State if possible virtually to the Black Republican candidates." The attack of Preston S. Brooks on Charles Sumner was endorsed as a necessary act to check the insults of the Abolitionists. Wendell Phillips was denounced as an "arch traitor and uncompromising enemy of the South."

The *Courier* said, "The choice of every Southern man must be between Buchanan and Fillmore. Colonel Fremont is entirely out of the question. There can be no uncertainty or indecision as to their course on the part of consistent Democrats or Know-Nothings. . . . The great and pervading issue of the canvass is, on all hands, at the South, conceded to be that of slavery. All or almost all of those which formerly divided Southern Democrats and Whigs have been decided or abandoned. . . . Mr. Buchanan . . . never gave a vote hostile to the South or her rights on this question. . . . Mr. Fillmore never gave a vote on the slavery question, no matter in what shape it was presented, which was not hostile to the South and her interests." In this contest the bitterness was so severe that the *Courier* was compelled to ask for the special protection of the police. At more than one polling place was blood shed. The first result announced was as follows: Buchanan 21,910, Fillmore 20,593, Fremont 00, with Morehouse and Vermillion parishes to hear from. When the result thus far was known, the *Courier* said, "The great struggle is over. The Democracy is triumphant and the country is saved at once from that fanaticism which would have raised the white race born abroad against the white race



born here and that scarcely worse fanaticism which aimed at raising the black race against all white races whatever. The giant of Democratic patriotism has crushed Sam with one hand and his brother Sanibo with the other and the country stands upright and strong with all its enemies under its feet." The final result was as follows: Buchanan 22,164, Fillmore 20,709. This was the most rancorous election ever suffered by the state.

After the election, and after it was realized by the South that their success had been achieved by the Northern Democracy, they saw that should that faction turn against them the safe-guards of slavery would be thrown down. As it was realized that this was likely to happen at some no distant date, it was seen that secession was a possible contingency of the near future. At the November election in 1857 the whole state went Democratic by increased majorities, the legislature being strongly of that party. The *Courier* of August 20 said, "While we admit that the Constitution guarantees the rights of the South, we do not agree that 'nobody in the North proposes to go behind that and attack slavery in the States where it now exists.' There is a party in the North, and a formidable one too, that aims at the ultimate extinction of slavery throughout the confederacy. . . . Their intention is, first, to prevent the admission of any more slave States; next, to repeal the Fugitive Slave Law; next, to abolish slavery in the Federal District, to forbid the acquisition of any more territory adapted to slave labor, to prevent the trade in slaves between the several States, to abolitionize every Northern State as thoroughly as they have Vermont and Massachusetts, thus to secure an anti-slavery Senate and an anti-slavery House, an anti-slavery President and an anti-slavery Supreme Court to put whatever construction upon the Federal Constitution their purpose may require. Give that party all branches of national power and slavery would be safe nowhere."

In 1856 Robert C. Wickliffe became governor. Like all the other recent chief magistrates, he commented at length on the attitude of the North on the question of slavery. In 1856 the elections had been attended with a spirit of such extreme bitterness, accompanied with riot and blood-shed, that the governor felt called to comment on the unhappy state of the country. He remarked that the course of the North, if unchecked, meant nothing short of a dissolution of the Union. He did not speak lightly, but in all seriousness. The course of the North was an unconstitutional assault on the private and sacred institutions of the South, such an assault as would not be borne. He advised unity



of action by the Southern states, and declared that their private institutions were more sacred than the constitution. In 1857 he congratulated the legislature on the selection of a Democratic president and vice-president. He expressed the hope that their administration would restore harmony to the Union. He asked the legislature to prevent the large immigration of free negroes to Louisiana.

In February, 1856, the legislature passed the following preamble and resolutions:

"WHEREAS, There is a determination on the part of many of our Northern brethren in the National Legislature to merge all prior differences of opinion and thrust upon the country a sectional issue that is utterly incompatible with the integrity of the Union; and,

"WHEREAS, It is the firm determination of the people of this state to sever all alliance with every party or faction entertaining views antagonistic to the vital interests of the South and to hold their party allegiance subservient to the great question of constitutional equality, and to use all proper means to sustain those patriots in the Northern States who revere the Constitution and are resolved to maintain it inviolable; therefore,

"Resolved, That the bold and unequivocal position assumed by President Pierce in his late annual message upon the constitutional relations of slavery meets the unqualified approbation of the people of this state."

The legislature of 1856 incorporated the Howard Association of Baton Rouge; thanked Elisha Kent Kane for his great discoveries in the arctic regions and ordered a gold medal presented to him; incorporated the New Orleans & Ohio Telegraph Lessees, and the Louisiana Central Stem of the Mississippi & Pacific Railroad; instructed the state engineer to report a complete system of internal improvement, particularly of keeping the Mississippi within its natural banks; enabled railroad companies to borrow money upon mortgages of their property; urged congress to remove the obstructions placed in Atchafalaya bayou by the orders of General Jackson in 1814-15, and appropriated two hundred eighty thousand dollars for the support of free schools. At this time the state paid the following interest upon its railroad bonds: Mexican Gulf Railroad, six thousand dollars; New Orleans, Jackson & Great Northern, fifty-six thousand five hundred and fifty dollars; New Orleans, Opelousas & Great Western, thirty-eight thousand four hundred and thirty dollars; Vicksburg, Shreveport & Texas, eight thousand one hundred and ninety dollars; Baton



Rouge, Grand Tete & Opelousas, one thousand two hundred and sixty dollars; New Orleans & Nashville, twenty-eight thousand nine hundred and eighty dollars.

By the act of June 3, 1856, congress made large grants of land to the following railroads: One extending from the Texas line west of Greenwood, via Greenwood, Shreveport and Monroe to a point on the Mississippi river opposite Vicksburg; one from New Orleans via Opelousas to the Texas state line, and one from New Orleans to the state line in the direction of Jackson, Miss. The railroads were given every alternate section of land designated by odd numbers for six sections in width on each side of the road bed. In the place of tracts occupied by actual settlers, the roads were permitted to select other lands.

In his message of 1857, Gov. Robert C. Wickliffe called the attention of the legislature to the determination of a faction at the North that there should be no more slave states; that it had opposed "the wise, safe and Constitutional doctrines, just to all parts of the common country, as contained in the Kansas-Nebraska bill;" that such "geographical party, composed of the worst of our people of the sixteen free States, had been formed, not for their protection, but for our ruin;" that now the principle of non-intervention on the part of congress either to extend or limit slavery had been settled by the supreme court, "and that the people had been left free to decide for themselves whether slavery should or should not exist." He remarked that the election of Buchanan and Breckenridge had settled the matter in all probability, but "should these bright and cheering anticipations which we now so fondly indulge not be realized, when freedom and equality in the Union are denied us of the South by the people of the North, "then Louisiana will take her position and maintain her rights by the strong arms and bold hearts of her brave sons." He called attention to the exposed position of Louisiana on the Gulf, and to the importance of maintaining the Monroe doctrine. From the report of the state auditor, he showed that Louisiana had a balance in the treasury of \$902,414, and that her receipts for the year 1856 had been \$2,223,868, and her expenses had been \$1,953,849. The common school system was in bad condition, and he wondered why. He noticed that the failure of the New Orleans & Nashville Railroad had caused a remarkable loss of confidence in such organizations. On December 31, 1856, the debt of the state was \$10,703,142. To banks alone the state owed \$6,322,551. At the same time the state assessment was as follows: Real estate \$67,160,115; slaves \$5,183,580; capital \$18,-



544,500, grand total \$91,188,195. On this there was a total state tax of \$466,476.

In February, 1857, the legislature passed the following preambles and resolution:

"WHEREAS, Our Senator in Congress, the Hon. J. P. Benjamin, has assumed a political and party position differing from that of his uniform political life, in the faith of which he was elected to a seat in the Senate of the United States; and,

"WHEREAS, It is but proper and befitting that an authoritative public expression should be given to the popular sentiment and opinion of the state in regard to such change in such public servant; therefore,

*"Resolved,* That we approve and endorse with sentiments of highest admiration and esteem, the recently assumed political position and course of our Senator in Congress, the Hon. J. P. Benjamin; that we view in that act of our public servant the noble triumph of the patriot over the partisan, in merging, as he did, all past party prejudices and antipathies in a superior devotion to his state's and his nation's good, and that we still recognize in him, though changed in his political relations, the true and faithful representative of the popular political opinions and sentiments of the state of Louisiana."

The general assembly of 1857 protested against the proposed removal of the existing protective duty on sugar established by the law of 1846 "until such time as all other articles are admitted free of duty." It incorporated the Washington Monument Association of New Orleans; appropriated twenty thousand dollars for the New Orleans School of Medicine, upon condition that it should open a free dispensary on certain days and permit certain students free of charge to attend the course of lectures; appropriated fifteen thousand dollars toward the cost of erecting the "obelisk" on the Chalmette battlefield, and incorporated the Baton Rouge & Clinton Railroad, the New Orleans, Shreveport & Kansas Railroad, the Grand Consistory of the Thirty-second Degree of Masonry, and several plank road and several educational associations.

In 1858 the assembly passed resolutions and acts urging congress to grant all government land in Louisiana to the state for public improvement; appropriating ten thousand dollars for supporting certain militia companies and keeping the war material of the state in repair; urging congress to establish a navy yard at Baton Rouge, and incorporating several educational institutions.



The legislature of 1859 passed acts to reapportion the representation in the general assembly; to require all water-crafts to have a free white person as captain; to permit free persons of African descent to select their masters and become slaves for life; to organize a board of public works and to divide the state into "Four Internal Improvement, Leveeing, Draining and Reclaiming Districts."

During the years from 1856 to 1860 all the various and momentous problems concerning slavery were thoroughly discussed in Louisiana. The Dred Scott decision was warmly approved by the pro-slavery partisans. The wild performance of John Brown at Harper's Ferry kindled wrath and indignation. The steady and constantly increasing assistance given to fugitive slaves in all quarters of the North inflamed the deadly hostility of the Southern people. There arose two factions of the Democratic party—Nationals at the North, and States Rights at the South. As there was no such anomaly in Louisiana as the Republican party, an attempt to reorganize the American or Know-Nothing party was made in 1858, but resulted in failure. The narrow escape of the South in 1856 roused the most direful misgivings as to the future of slavery and the Union.

In 1857 General Walker was arrested upon the charge of taking part in a hostile movement against Nicaragua and Costa Rico; he employed Pierre Soulé and Colonel Slatter to defend him.

On July 31, 1858, the *Courier* said, "It would be useless, even if it were advisable, for us of Louisiana and of the slave States generally, either to disguise or ignore the fact that the question of slavery is the great turning point in American politics. Imbecile politicians of a past age, surviving relics of the days when Federalism and protection were the cry of respectable mediocrity, may shrink from the 'Union at any price,' and deplore the degeneracy of these times. Amiable fossils of the cockade school may cry, 'Peace, peace, when there is no peace.' But at last and after all shutting our eyes to the real dangers around us would be the simple ostrich policy of hiding our heads in the sand when the pursuers were close behind us. The question of slavery is no new thing."

In 1858 the great speeches of Douglas and Lincoln in Illinois were read with intense attention and thoughtfulness. Many extracts from the speeches of each were published in the newspapers of the state and tersely commended upon. The *Courier* ridiculed unstintingly Lincoln's speech delivered at the Republican convention of June 16. Generally the quarrel between Buchanan



and Douglas was deplored, as it might lead, it was thought, to a dangerous division in the ranks of the Democracy, North and South. The *Courier* of August 5 said, "The principal field of contest at the present moment is the State of Illinois. There Douglas is waging mighty war against those who have combined to crush him and to set aside the principle of popular sovereignty as consecrated in his great bill of 1856, and there, too, unfortunately for the Democracy, their piebald opponents are tolerably well united while they themselves are divided. . . . All opposition to him at the present moment inures with frightful certainty to the benefit of the Black Republican candidate. . . . Those Democrats in Illinois who fail to vote for him will be practically aiders and abettors of Lincoln and the Black Republicans. A terrific battle is before us in 1860. We must soothe and not cherish divisions in our ranks." But in spite of all efforts to the contrary, the split in the ranks of the Democracy continued to grow, leading partly to the disaster of 1860 which placed Lincoln in the presidential chair.

But until the last moment the South continued to praise Senator Douglas. The *Courier* of October 29 said, "Each address is marked with the energy, directness, simplicity and power which have always characterized his oratory. Every speech is a political essay whose language is too plain and whose logic is too cogent to be misapprehended by his auditors or lost upon their understandings. . . . The question is not whether Mr. Douglas or another Democrat shall be returned to the Senate, but whether the Democrats of Illinois shall be victorious or be ground to powder under the feet of the odious and relentless sectionalists who oppose them. . . . What true Democrat will suffer his enmity to Douglas to go so far as to lead him to prefer a Black Republican victory with Lincoln to a Democratic triumph with Douglas?" When the news was received that Douglas had won the contest, the rejoicing was universal. The *Courier* said, "It is not necessary to express our gratification at this result—words could scarcely convey it. . . . There is a future for Northern Democracy and hope for the continuance of the Federal Union beyond March, 1861."

In December, 1858, Douglas visited New Orleans and delivered a powerful speech in Odd Fellows hall. At this meeting Pierre Soulé presided and likewise delivered a speech of great eloquence and strength. The local newspapers published the speech of Mr. Douglas in full.

At the election of governor in 1859 Thomas O. Moore, Demo-



crat, and Thomas J. Wells, Opposition, were the candidates. Moore received a total of 25,556 votes and Wells a total of 15,388, a majority unparalleled in the history of the state. The elections this year were attended with violence and blood-shed, as were the campaigns also. Bad blood and bad names prevailed. The *Courier* of November 1 said, "It would be difficult if not impossible to point to a phase in the political history of the country which has any resemblance to the present imbroglio of parties in New Orleans." What was called an Independent Democratic movement was pushed at New Orleans in the fall of 1859. The *Courier* supported it. It was an attempt to unite all factions of the Democracy and to defeat the united Americans, Whigs and Republicans, and succeeded.

In his message to the regular session of 1859, Governor Wickliffe urged the appropriation of twenty-five thousand dollars to the State Seminary of Learning at Alexandria, where forty-eight young men, one for each parish, could be taught the art of war, besides which, he observed, "we will have teachers born and reared in our midst, identified in feeling and interest with our institutions, and not be, as we are now, dependent upon other States for public school teachers." He further observed that the state was overrun with Northern agents (meaning commercial travelers), who paid no license, yet monopolized the trade. He dwelt at length on the Federal relations, reviewed the attacks on slavery, and throughout his demand was for "the Constitution as framed by our fathers." He recommended the reorganization and equipment of the militia in every parish, and that a convention of the slave states to consider the state of the Union should be held. He said:

"The North, its population considered, is a dependent section of the country; it exports comparatively nothing of its own products and imports nearly everything. It trades on other people's capital. It lives by the use of the products of the South—without the patronage of the South well nigh universal bankruptcy would ensue. The South, importing hardly anything, exports in fact three-fourths of the products of the country, which pay the debt of the country. If the cotton crop of the South were to fail for a single year there would not be a solvent bank capitalist, manufacturer, or ship-owner in the entire North. No business man will controvert this proposition."

He suggested a discriminating license or duty on the goods of the North, if legal, and predicted that the result would be to



make "New Orleans the largest importing, as she is now the largest exporting, city on the continent."

In his message to the legislature, January 23, 1860, Gov. Thomas O. Moore stated that up to that time not a dollar had been spent for a geological survey of the state. At this time the banking system was under the inspection of the Board of Currency. The New Orleans, Jackson & Great Northern Railroad was completed as far as Canton, Miss.; the New Orleans & Opelousas as far as Berwick Bay; the Vicksburg, Shreveport & Texas as far as twenty miles west of Vicksburg, and the Baton Rouge & Grosse Tete had reached Grosse Tete bayou. In regard to the political questions then agitating the whole country, the governor said:

"I cannot contemplate without the most serious alarm the condition to which the Southern States will be reduced, if a political party, organized only in one section of the country, and without followers or sympathizers in the other, should obtain possession of the Government, when the only foundation on which that party rests, is detestation of slavery, and when the minority slave section will be without the power to protect itself through the instrumentality of Federal authority. When that time arrives the Southern States will be practically without representation in the Federal Government and the South will occupy the position of subjugated States. The Union can not last without a recognition of the vital principles of the Constitution, that our States are equal in the confederacy. Every State must be permitted to determine her own social institutions and left to the enjoyment of them in peace; and the Territories, the common property of the States, must be freely opened to settlement by the people of the confederated equals. The insulting demand that there shall be no more slave States must be abandoned, because it not only tends to make us politically inferior, but because it brands as a disgrace an institution which we prize as a blessing. So a like offense is offered and wrong inflicted on the South by the heresy of popular sovereignty, by which slaveholders are to be excluded from the Territories by the unfriendly legislation of the Territorial governments. The Supreme Court of the United States has settled the principle that must rule: Neither Congress nor the Territorial governments can constitutionally exclude slavery from the Territories. A Southern man can therefore rightfully take his slaves into the Territories. . . . Louisiana does not wish to see these States severed from their present political connection. But no man who has watched the course of the public mind can



fail to have observed that in Louisiana, as in the other Southern States, the progress of disunion feeling has been marked and rapid."

The legislature of January, 1860, incorporated the Louisiana Historical Society, approved the course of the Louisiana delegation in congress during the late contest for speaker, and incorporated several educational institutions.

The legislature which convened in December, 1860, created a military board to buy arms and other war munitions, to put the state in a condition of defense, to organize volunteer companies, to arm and equip them, and to report a plan for a military bureau, and appropriated five hundred thousand dollars to carry these measures into effect; authorized the governor to communicate with the other governors of the Southern states in regard to the condition of the country; called a state convention to consider the interest and welfare of Louisiana; ordered an election of delegates to such convention to be held on January 7, 1861; fixed January 23 as the date of such convention to assemble, and appropriated twenty-five thousand dollars to cover the expenses thereof. After the convention which adopted the ordinance of secession, the legislature approved the act of Governor Moore in taking possession of the forts and arsenals within the state; thanked the military board for the "able, efficient and highly satisfactory manner in which they had discharged their important duties;" repealed the act of 1859 organizing a board of public works; established a normal department in the New Orleans schools; transferred five hundred thousand dollars from the Levee fund to the Defense fund; authorized the governor to borrow three hundred thousand dollars from the Louisiana State Bank; asked the state of Mississippi to cede to Louisiana Bunch's Island, which, by the change of the river bed, had become attached to the latter state, and incorporated several companies and institutions.



## CHAPTER VIII

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### The Civil War Period

THE views of Louisiana on the question of slavery were crystallized in 1820 by the congressional debates on the Missouri compromise. The state promptly sided with the South in order to protect her private institutions, and in congress her delegation fought for non-intervention and for the admission of a slave state whenever the admission of a free state was proposed. The wonderful growth of abolition societies throughout the North in the decade of the thirties was stoutly denounced by the Louisiana legislature and generally by the people at large. The annexation of Texas was desired partly to increase slave territory. The annexation of Cuba was favored for the same purpose, and therefore Louisiana covertly supported the ill-fated Lopez expedition. The Wilmot proviso kindled the indignation of the state. In the compromise measures of 1850, the state delegation in congress fought for the interests of the South. To the many memorials and petitions addressed to the South by Northern mass meetings and legislatures on the question of the abolition of slavery, Louisiana made positive reply that no interference whatever with her private institutions would for a moment be considered or tolerated. The Kansas-Nebraska debates in congress led the Louisiana legislature to publicly endorse the course of Mr. Douglas and the passage of the bill. The election of Mr. Buchanan as against Fremont was accompanied with the congratulations of the Louisiana assembly. John Brown's fanatical and revolutionary stroke at slavery was denounced in unmeasured terms. Repeatedly, the North was warned that interference with slavery meant the dissolution of the Union, dearly as it was loved by the South, and by none more than by Louisiana.



The decision of the supreme court of the United States in the Dred Scott case received the warmest endorsement of Louisiana, because it was thought to nationalize slavery—was thought to settle the question that any slaveholder could take his slaves into the free states and there maintain them, and that the territories were open to settlement by slaveholders. The speeches of Mr. Lincoln in 1858 proved to the South two years later that he would object to any increase in slave territory; in other words, that he would endeavor to secure a reversal of the decision in the Dred Scott case by reorganizing the United States supreme court. Then succeeded the great war.

Probably the most important convention in the history of the state was the one which adopted the ordinance of secession on January 26, 1861. On December 12, 1860, the assembly had provided for this convention, owing to the disturbed state of affairs on the political horizon. The convention assembled at Baton Rouge in the hall of the house of representatives at 12 o'clock M. January 23, 1861. Effingham Lawrence called the convention to order, and John Perkins, Jr., was made temporary chairman. On the same date Alexander Mouton was made permanent president and J. T. Wheat permanent secretary. Pursuant to a resolution adopted, the president appointed a committee of fifteen to draft an ordinance of secession from the Union. This committee was as follows: John Perkins, A. De Clouet, A. B. Roman, Edward Sparrow, Isaiah Garrett, Thomas J. Semmes, L. J. Dupre, A. Provosty, W. R. Miles, J. L. Lewis, A. Talbot, W. R. Barrow, J. K. Elgee, Christian Roselius and G. M. Williamson. Mr. Perkins, chairman of this committee, reported the ordinance on January 26. It was debated, some of the strongest speakers of the state opposing its adoption for one reason or another. Finally, it was adopted by a vote of 112 yeas to 17 nays. Both Roman and Roselius voted against it. The president of the convention was permitted to cast his vote in the affirmative, raising the yeas to 113. The president thereupon made the following solemn pronouncement: "In virtue of the vote just announced, I now declare the connection between the State of Louisiana and the Federal Union dissolved, and that she is a free, sovereign, and independent power." The convention thereupon adjourned to meet in the city hall in New Orleans on January 29.

It appears that the convention concluded not to adjourn sine die for some time, for as late as February 11, it adopted the "National Flag of Louisiana," succeeding which a salute of



twenty-one guns was fired. This convention, before it adjourned sine die, took up the state constitution of 1852, made such changes in it as would accord with the new order of things, and on March 23 adjourned without day. Had the Confederacy succeeded in winning its independence, all this would have been of the greatest import to the state; but as it failed the proceedings are slowly passing from the recollections of the few participants yet living. It should be said in this connection that the secession movement was far from being unanimous in Louisiana. This was shown when the question of holding the secession convention was submitted to the people, the vote being as follows: For secession 20,448, for co-operation 17,296, the secession majority being 3,152. This vote by parishes may be seen in the *Daily Delta* of March 28, 1861.

The convention declared the right of a state to secede from the Union under the constitution and announced that an attempt at coercion would be viewed as a hostile act to be resisted to the utmost extent. It provided for the organization of the military force of the state, and authorized the governor to transfer this whole force to the provisional government of the Confederate states, and further authorized the governor to turn over to the same power all the arms and ammunition acquired from "the late United States," or so much thereof as he might deem proper.

Many important events occurred in December, 1860, and January and February, 1861. In the legislature which assembled in December, 1860, were men who opposed armed resistance to the United States. The delegates to the secession convention were divided, the friends of Louisiana independence being called "Southern Rights Candidates." The vote for president in 1860 was as follows: Breckenridge 22,681, Bell 20,204, Douglas 7,625, Lincoln —. But this opposition to secession was lukewarm, and was easily overborne, because it was due as much to love for the Union as to a desire not to see the state independent. In many of the districts the secession delegates to the convention were defeated. The result of the election of delegates was no sooner known than it was also known that a secession ordinance would pass. The secession movement was thus all-powerful. Active operations in all directions were begun without further delay. The seizure of the revenue cutters, *Lewis Cass* and *McClelland*, followed. The mint containing one hundred eighteen thousand three hundred and eleven dollars and the sub-treasury containing four hundred eighty-three thousand nine hundred and eighty-four dollars were taken possession of. A draft of the United States for three hundred thousand dollars was



dishonored by the sub-treasurer. In the demands of the United States for possession of the revenue cutters occurred the memorable order of General Dix: "If any one attempts to haul down the American flag, shoot him on the spot."

The secession convention made it a penal offense for pilots to conduct vessels of war of the United States over the bar at Balize. The house of representatives considered a joint resolution inviting Southern Indiana and Southern Illinois, which had polled majorities against Mr. Lincoln, to form an independent state government and join the Confederacy. The state convention which reassembled on March 4, entertained General Twiggs, and directed the Louisiana delegates to the Confederate congress not to cede any part of the public lands within Louisiana to the Confederacy. A resolution to submit the constitution of the Confederate states to a vote of the people was rejected, ayes 26, noes 74. The permanent constitution of the state was adopted by 101 ayes to 71 noes. A resolution to amend the ordinance ratifying the state constitution by reserving to Louisiana the right to withdraw from the Confederacy at some future time was defeated by 92 ayes to 11 noes. A resolution to open free trade with all the Western states, free or slave, was carried. All of the government property was transferred to the Confederacy. Important banking ordinances were promulgated. The state promptly met every requisition of the Confederacy for troops. By June 1, Louisiana had raised and armed about 16,000 men. In September the banks, upon the request of the governor, suspended specie payments, the measure being deemed necessary to sustain the Confederate treasury notes. In November the governor reported that the state had expended of the war fund seven hundred sixty-eight thousand four hundred and forty-six dollars, and in addition six hundred forty-six thousand seven hundred and sixty-one dollars that had been borrowed from the banks. Two-thirds of the current tax was delinquent.

In February, 1861, congress passed a resolution giving its assent to any proceeding of Arkansas, Louisiana or Texas, "having for its object the improvement of the navigation of Red river by the removal of the raft therefrom." Any company that should remove the raft was permitted to charge toll for the period of thirty years, "but nothing herein contained shall authorize the said company to impair the navigation of Red Bayou." It was further provided that the government at the end of ten years could take possession of the improvements by paying to the company the cost of construction with seven per cent interest. Congress, by act of August 5, 1861, laid a direct tax of three hun-



dred eighty-five thousand eight hundred and eighty-six dollars and sixty-six cents upon Louisiana for war purposes; but the state, being then at war against the government, paid no attention to the levy. President Lincoln, by declaring in April, 1861, the Gulf coast in a state of blockade, occasioned great inconvenience and hardship to the South. By proclamation of August 16, 1861, he declared Louisiana in a state of insurrection against the government, and all commercial communication with the inhabitants was prohibited. The proclamation of May 12, 1862, opened to commerce the port of New Orleans, but prohibited the introduction of all contraband of war. In April, 1862, congress provided that pecuniary aid should be given to any state that should adopt the gradual abolition of slavery. The proclamation of Gen. David Hunter of May 9, 1862, that all slaves of Georgia, Florida and South Carolina should be free, was countermanded by President Lincoln ten days later; but on September 22, 1862, the president himself declared that on January 1, 1863, the slaves in all states, or parts of certain states designated, then in rebellion against the government, should be forever free. On January 1, 1863, Louisiana was one of the states of which a portion was not then at war with the United States. In consequence the slaves were declared free in all portions of the state "except the parishes of St. Bernard, Plaquemines, Jefferson, St. John, St. Charles, St. James, Ascension, Assumption, Terrebonne, Lafourche, St. Mary, St. Martin and Orleans, including the city of New Orleans." In February, 1865, congress declared that, as Louisiana was engaged in rebellion against the government on November 8, 1864, and as no valid election of electors for president and vice-president had been held on that date, the state was not entitled to representation in the electoral college.

The legislature which convened in November, 1861, took steps to secure the suspension of the duty on all foreign importations during the war; asked the Confederate congress to increase the pay of Louisiana troops from eleven dollars to fifteen dollars per month; appropriated fifty thousand dollars in December for the payment of volunteers; thanked Gen. G. T. Beauregard for his fidelity to the South and for his skill at Ft. Sumter, Bull Run and Manassas; appropriated three thousand dollars for a revolving gun invented by G. C. Taylor of Louisiana; thanked Flag Officer George A. Hollis and his men for their splendid victory over the fleet of Captain Pope near the Mississippi delta in October, 1861; appropriated the sum of two million five hundred thousand dollars to meet the heavy war tax levied by the Confederate congress; extended the hospitalities of the state to Gov-



ernor Jackson of Missouri, then in Louisiana; authorized in January, 1862, the issue of coupon bonds of Louisiana to the amount of one million dollars for military purposes; appropriated one hundred fifty thousand dollars for the care of sick and wounded Louisiana soldiers and sailors; incorporated the "Association for the Relief of Sick and Wounded Soldiers of Louisiana;" authorized free banks organized under the law of 1855 to issue circulating notes up to three-fourths of their capitalization; relieved all banks from liability for having violated their charters in suspending specie payments; acknowledged the indebtedness of Louisiana and the Confederate states to the women of Louisiana for their sacrifices, devotion and efforts in the struggle for independence; declared January 26, the day Louisiana passed the ordinance of secession, a legal holiday; placed the entire militia force of the state on a war footing; postponed the payment of state taxes; authorized the reception of Confederate States' treasury notes in payment of all public dues, and authorized the governor to borrow not to exceed seven million dollars for the prosecution of the war.

By January 1, 1862, Louisiana had furnished for the Confederate service seventeen regiments and several battalions of infantry, some eight or ten batteries of artillery, and had about 5,000 men enlisted but not mustered in. On December 20, 1861, Adjutant General Grivot reported that 23,577 Louisianians had been mustered into the Confederate service. Early in 1862, the governor, in response to the demands of General Beauregard at Corinth, dispatched to his assistance several thousand men. It was about this time that martial law was proclaimed at New Orleans, General Lovell being in command there. Late in April, as narrated elsewhere, the Federal authorities took possession of New Orleans. Preceding this occupation, the Confederate state authorities removed the seat of government to Shreveport, and continued to exercise their respective functions there during the remainder of the war. In the Confederate States' senate, Louisiana was represented by two senators, and in the Confederate house by six representatives.

Federal authority in and around New Orleans was instituted and maintained first by General Butler. Many of his civic acts were a decided benefit to the disorderly state of affairs. A Federal provost court, with J. M. Bell as judge, was established in June, 1862. In August, Gen. George F. Shepley became military governor of Louisiana and soon succeeded in establishing courts in three of the adjacent districts. In December, 1862, the United States provisional court for Louisiana, with Charles



A. Peabody as judge, arrived at New Orleans, having been sent out by President Lincoln. John S. Whittaker became one of the district judges.

The Confederate legislature of May, 1863, which convened at Shreveport, suspended all existing prescriptions during the war and for one year after the conclusion of a treaty of peace between the United States and the Confederate states; appropriated two thousand five hundred dollars for the sick and wounded soldiers then in the three hospitals at Natchitoches; limited the issuance of circulating notes to chartered banks of the state, with the exception that parochial authorities and incorporated towns and cities might issue circulating notes in denominations of one dollar and less to serve as change, providing provision was made for their redemption by the deposit of Confederate or state treasury notes or the notes of the chartered railroads of the state in the hands of the parish, town or city treasurer, who was required to countersign each note so issued. For a violation of this law, a heavy penalty was fixed. This legislature declared all offices vacant, district, parish and municipal, which, since January 26, 1861, when Louisiana seceded, had been occupied by an officer who had taken oath to support the constitution of the United States or had in any way declared allegiance, or had given aid or comfort, information or support, to the United States during the progress of the war. The state impressed slaves for work on fortifications and other defenses, but appropriated five hundred thousand dollars with which to pay owners for losses of such slaves by death or otherwise. The supreme court was authorized to hold a session at Shreveport in July, 1863. This legislature appropriated three hundred thousand dollars "for the relief of the destitute citizens and families lately expelled by the Federal authorities from New Orleans and vicinity," the act having the following preamble: "WHEREAS, The brutality of our public enemies, having expelled from New Orleans and vicinity, a large number of our citizens and families, residents of that city and vicinity, after having deprived them of their property and landing them destitute on the shores of the States of the Confederacy, the State of Louisiana sympathizes with the distress of those unfortunate citizens."

This legislature also withdrew from private entry or public sale all the public lands within the state, for the purpose of providing with the same permanent homesteads for the families of wounded or deceased soldiers who should serve in the armies of Louisiana or of the Confederate states. They made it lawful that, before a person could bring suit in the state before a justice of the peace, he should make oath that he had not taken the oath of allegiance



to the United States, had not aided nor comforted the public enemies, and had not transacted business with Federal soldiers. The governor was authorized to use five hundred thousand dollars of the fund appropriated the previous January for the support of soldiers' families for the purchase of cotton and wool cards to be given to the families of soldiers and officers at a price that would cover costs and charges. He was further authorized to contract for the construction of two iron-clad gunboats, which, if required, were to be sold to the Confederate government, and one million dollars was appropriated to cover the cost of the same. They prohibited during the war the distillation of "any kind of grain, sugar-molasses or cane-juice" into any sort of intoxicating liquor. They also enacted that any slave who should bear arms against the inhabitants of the state, or should engage in any revolt, rebellion, or insurrection, should, upon conviction, suffer death. They passed an act permitting the Confederate government to purchase a tract not to exceed one hundred acres in Caddo parish, upon which to erect an arsenal, and in a beautiful resolution deplored the death of "Stonewall" Jackson. They appropriated five thousand dollars for the removal of every department of the state government if necessary; authorized the governor to raise troops by voluntary enlistment for the defense of the state; transferred the public land fund to the general fund to be used for current war and other expenses; provided for the enrollment of all able bodied men between the ages of seventeen and fifty for military duty, granting no substitutes, and appropriated five million dollars to place Louisiana in the best possible state of defense.

Early in 1863 several important questions arose in New Orleans. A provisional judiciary must be chosen, a state government must be formed, and the emancipated negroes must be provided for. Immediately the state was divided into two factions, one desiring the election of new state officers under the old constitution changed to meet the new conditions, and the other upon the basis that the old order of affairs was dead and that the state government should be wholly reorganized. A petition sent to Washington to have the old constitution recognized was considered but avoided by President Lincoln. Early in 1864, Banks practically recognized the old constitutional party by ordering an election of all state officers, the election to be held February 22. Opposed to this step was General Shepley, with his "Free State Committee." Under Shepley, Michael Hahn and Benjamin F. Flanders were elected to the Federal congress in December, 1863, from the second and first congressional districts respectively; but early in 1864,



although they had been duly seated by congress, they became candidates for governor of reorganized Louisiana. Hahn was the Banks candidate, Flanders of the Free State Men, and J. Q. A. Fellows independent; the former being elected. The Free State Men declared that there was no legal state government, but Mr. Hahn was inaugurated amid imposing ceremonies on March 4, 1864. Eleven days later he was invested by President Lincoln with the powers of military governor.

Immediately succeeding the inauguration of Governor Hahn, General Banks ordered the election of delegates to a convention to adopt a state constitution; this order was sanctioned by Governor Hahn, who yet needed military assistance. The election was held March 28, and 97 members were chosen, of whom two were rejected. The convention was decided upon by a vote of 6,836 for, to 1,566 against. It assembled on April 6, organized the next day, and remained in session 78 days, adjourning July 25. The following men were named for congress: M. F. Bonzano, A. P. Field, W. D. Mann, T. M. Wells and R. W. Taliferro. A state legislature was elected, and seven electors for president were chosen. Late in 1864, three-fourths of the state was in possession of the Confederate forces, and the state government was in a languishing condition. The military arm was necessary to sustain order, although Judge Peabody still continued to officiate.

The constitution adopted July 23, 1864, necessarily made great changes in the former organic law of 1852. Slavery and involuntary servitude were forever abolished, and the legislature was prohibited from making any law that recognized the right of property in man. It was provided that the seat of government should not be changed, but that a session of the legislature should be held at New Orleans on the first Monday of October, 1864. It provided that the special election for members of the legislature should be held on the same day as the election for the ratification of the new constitution, and declared that "the term of office of the first General Assembly should expire as though its members had been elected on the first Monday of November, 1863." Every qualified voter was made eligible to a seat in the assembly. It was further required that the legislature, after making the enumeration, should apportion the representation in the assembly; that there should be 118 representatives and 31 senators; that whites resident of the state one year, and of the parish three months, should have the right to vote; that the legislature might extend the right of suffrage to other persons, "citizens of the



United States, who by military service, by taxation to support the Government or by intellectual fitness might be deemed entitled thereto;" that compensation of members of the assembly should be eight dollars per day; that the governor should receive eight thousand dollars per annum and the lieutenant-governor, five thousand dollars; that there should be a state auditor of public accounts; that the supreme court should consist of one chief justice and four associate justices; that no judgment should be rendered by the supreme court without the concurrence of a majority of the judges; that "the privilege of free suffrage should be supported by laws regulating elections and prohibiting under adequate penalties, all undue influence thereon from power, bribery, tumult or other improper practices;" that the right of the people against unreasonable searches and seizures should not be violated; that the power of the legislature to grant aid to corporations, except to charitable and industrial associations, should be limited; that the legislature should have the power to license the selling of lottery tickets and the keeping of gambling houses; that the seat of government should be at the city of New Orleans; that nine hours should constitute a day's labor on the public works; that there should be appointed a state engineer to have superintendence of the public works; that the assembly might create internal improvement districts; that the assembly might grant aid to such districts out of the funds arising from the sale of swamp and overflowed lands, and that this constitution should supersede that of 1852.

The constitution of 1864 fixed the salary of the superintendent of public education at four thousand dollars, and authorized the legislature, under certain circumstances, to abolish that office; required the legislature to provide for the education of *all* children of the state between the ages of six and sixteen years by maintenance of free public school by taxation or otherwise; that the exercises of the public schools should be in English; that a university should be established in New Orleans, to consist of four faculties, viz: Law, Medicine, Natural Sciences and Letters; that the Legislature should provide for its organization and maintenance; that the old fund for the support of the Seminary of Learning should be appropriated to the benefit "of literature and the arts and sciences;" and that "no appropriation should be made by the Legislature for the support of any private school or institution of learning, whatever, but the highest encouragement should be granted to public schools throughout the State."

The constitution of 1868 stipulated that the assembly should



establish at least one free public school in every parish of the state and should provide for its support by taxation or otherwise; that all children of the state between the ages of six and twenty-one, regardless of color, should be admitted to all public schools; that there should be no separate schools on account of race; that the general exercises of the public schools should be in English; that one-half of the poll tax fund should be used for the support of the free public schools and the University of New Orleans; that the state university at New Orleans should be composed of law, medical and collegiate departments, and should admit all students capable of matriculating, and that no law violating the spirit of this stipulation should be passed.

On October 7, 1864, Gov. Michael Hahn, in his message to the legislature, said: "While this State was momentarily placed, by the bad men who had conspired against the national authority, in armed hostility to the Union, no patriot ever conceded, or could with truth or propriety admit, that its people had ever sanctioned the atrocious doctrine of secession; and although for a time under the rebel control, as under the Federal military occupation, the inalienable rights of the State were in abeyance; they were neither lost nor surrendered."

In speaking of the constitutional convention of 1864, he said: "The convention thus called ably and patriotically performed its great work and the people have cheerfully and nobly ratified it. Slavery can no more exist; nor can man ever again in Louisiana have or pretend to have property in man. The framers of our new constitution, raised and educated amid peculiar institutions and with strong prejudices, seeing the existence of their proud nationality imperilled, acted like true patriots, cast aside those institutions, extinguished those prejudices, gave up their property, and nobly said, 'We will lose all rather than lose our country.'"

Concerning the reorganization of the state government, he said: "The unsettled condition of the country, the absence or destruction of most of the public archives and various other causes have conspired to throw much difficulty in the way of a full organization of a State government. The want of a Legislature and the sudden uprooting of many important yet unwise and illiberal laws and institutions by military orders, render it extremely difficult, if not impossible, for the Executive of the State to perform his duties satisfactorily and understandingly to the public or to properly reconcile and harmonize the various conflicting rules of government and interests of the State."

The president had invested Mr. Hahn "with the powers exer-



cised hitherto by the Military Governor of Louisiana." He was thus given wide authority—was really given the powers of both civil and military governor. He thus had no reason to offer excuses in advance for what he might do. In his inaugural address he had said, "For the moment civil government must necessarily harmonize with military administration. . . . The very object of the Army of the United States in remaining here is to maintain Louisiana and the neighboring States in the Union; and the only way of doing this is to disperse and overthrow those who pretend to set up a rebel government, and to guarantee to the loyal a republican form of State government." In view of the subsequent reconstruction policy of the government, it will be observed that Governor Hahn did not dream of what was to be the course of readmission to the Union. The military authorities as well as he himself, presumed that the seceded states could take up the responsibilities of self-government where they had been dropped by the Confederate state authorities. Under that presumption he went to work to do his best for the state. From March 4 to Sept. 30, 1864, the state treasurer received one million one hundred and eighty-five thousand one hundred and thirty-one dollars and paid out five hundred and forty-one thousand three hundred and forty-seven dollars, leaving a balance on hand of six hundred and forty-three thousand seven hundred and eighty-four dollars, the latter being in Confederate notes received from the former treasurer, which had been left in bank to the credit of the state when the Confederate state authorities fled in 1862.

Governor Hahn, realizing the impoverished condition of the people and the difficulty of collecting taxes, demanded strict economy in all proceedings of the legislature. He observed in his message that the banks, upon the approach of the Federal fleet, had removed the most of their valuable assets farther east within the Confederate lines, and that therefore no temporary assistance might be expected from that source. He criticised the banks sharply for this action, and declared that as they had sided with rebellion, they were not entitled to much consideration. Having shipped away all of their specie they were now practically insolvent and could therefore be closed. He ordered the enrollment of all able-bodied men in the state, and recommended such legislation as would speedily heal the wounds of war and the passage of the necessary appropriations.

Special order No. 69, issued by Gen. N. P. Banks on March, 18, 1864, demanded reports from thirty-nine different institutions and departments. The New Orleans banks had suspended in September, 1861; but in May, 1862, General Butler's order No.



3 forbade banks "to pay out any more Confederate notes to their depositors or creditors, but that all deposits be paid in the bills of the bank, United States treasury notes, gold or silver, authorizing them at the same time to receive the Confederate notes for any of their bills until May 27, 1862;" so that at the latted date all the banks were burdened with Confederate notes and still had them on hand in 1864, or had invested them in Confederate bonds bearing interest, or in cotton. The Louisiana State Bank had bought 15,000 bales of cotton. Against the Confederate notes the banks were required to issue their own notes, and had done so in the following amounts:

Louisiana State Bank .....	Forced circulation .....	\$2,000,000
Citizens Bank .....	Forced circulation .....	282,000
Mechanics and Traders Bank .....	Forced circulation .....	657,850
Union Bank .....	Forced circulation .....	255,375
Crescent City Bank .....	Forced circulation .....	57,667
Canal Bank .....	Forced circulation .....	330,100
New Orleans Bank .....	Forced circulation .....	917,570
Bank of Louisiana .....	Forced circulation over .....	1,200,000
Bank of America .....	Forced circulation .....	274,615
Total .....	.....	\$5,715,077

The order of General Butler worked a great hardship upon the banks, and was probably intended to do so. The First National Bank was organized at New Orleans early in 1864. In that year the Bank of Louisiana had liabilities immediate three million and twenty-two thousand three hundred and twenty-seven dollars, and estimated assets one million and sixty-nine thousand one hundred and sixty-two dollars; at the same time it had to its credit within the Confederate lines in Georgia gold to the value of two million four hundred and sixty-one thousand three hundred and ninety-five dollars.

Governor Hahn urged the legislature to render assistance to the families of volunteers who had entered the Union army. He said, "The Louisiana volunteers entered the Army of the United States solely from patriotic motives. They were not tempted to enlist by the offer of large bounties, nor had they the certainty, as did the soldiers of other States, that while they were away from their homes, fighting for their country, those who were dependent on them would be succored and cared for by the generosity of the State. The conduct of the Louisiana regiments for fortitude in the field, for faithful toil and patient endurance in post and camp needs no encomium from me. The various scenes of struggle which memorialize the campaigns of the Teche, the siege of Port Hudson and the expedition to the Red river, all



attest that for gallantry of conduct, for conspicuous bravery, the foot and cavalry of Louisiana, if they had many equals, had no superiors for devotion to the sacred cause or the honorable performance of duty."

He further said, "According to law the election of Presidential electors is to take place in November. I know of no reason why Louisiana should not participate in that election on a parity with the other States. She has forfeited her rights under no constitutional provision or Congressional statute. She has instituted civil rule and has a loyal State Government, embracing executive, legislative and judicial branches, all of which are in effective operation. In the attributes of State government she stands the peer of the loyal States, whose soil has never been trodden by the foot of the rebellion. That she has suffered by the rebellion and the temporary rule of the Confederacy is her misfortune; but so far as the laws at present stand, it is no abridgment of the rights of her loyal citizens."

The Federal legislature which assembled in New Orleans in October, 1864, being sustained by bayonets and not having any opposition, proceeded to enact many startling pieces of legislation. Desiring to place the state under the appearance of having returned to the Union, yet not having time to call an election of electors for president and vice president, they first repealed all existing laws of Louisiana regarding choosing electors and called the general assembly to meet on November 8 for the purpose of selecting by joint ballot seven electors to represent the state in the electoral college. At the same time they enacted that all subsequent electors should be chosen as before. On October 10 this legislature, by joint ballot, elected Charles Smith and R. King Cutler to the office of senators of the United States from Louisiana. Smith took the place of Benjamin, whose term was to expire March 4, 1865. They passed a long series of resolutions, congratulating the country on the restoration to the Union of the "free state of Louisiana," and remodeled many of the laws to meet the changed condition of affairs. They organized a supreme court and fixed its place of meeting in New Orleans. They extended the time for paying taxes; instructed the Louisiana delegation in the Federal congress to vote for the constitutional amendment prohibiting slavery; amended the civil code to read "free servants" instead of "free servants and slaves;" ratified the proposed Thirteenth amendment of the constitution; thanked Sherman's army for the fall of Charleston, S. C.; elected Michael Hahn to the United States senate, his term



to begin March 4, 1865; established a bounty fund for Louisiana volunteers for the Federal service; established a provisional Federal court for Louisiana; provided for the organization of a Federal militia; divided the state into five congressional districts; appropriated ten thousand dollars with which to repair Charity Hospital, and provided for increasing the state revenue.

During the winter of 1864-65 the affairs of the state continued to be administered by Governor Hahn at New Orleans and by Governor Allen at Shreveport, each having his adherents and his field of operations. Assisting each was a strong military force, without which the pronunciamientos of both were unavailing. The Federal government, in 1864, had considered that portion of the state around New Orleans as a part of the United States, had directed the enrollment of the able bodied loyal men, and had assigned a quota to each parish there. This resulted in the enlistment of several regiments of whites and many of colored. The representatives elected in 1864, owing to some informality, were not seated by congress. On the 4th of March, 1865, Governor Hahn was succeeded by J. Madison Wells. In May he abrogated the registration of the electors accomplished by Banks in 1864, and ordered a new registration; this act brought Wells and Banks in conflict. In June, 1865, Governor Allen at Shreveport, in an address to the people of the state, stated that the war was at an end, that the soldiers had gone to their homes, that there was no opposition to the United States authorities, and that his administration closed that day. He turned over the archives to the Federal authorities, and the Confederate state government forever ceased to exist.



## CHAPTER IX

## The Reconstruction Period

THE legislature which convened at New Orleans in December, 1865, resolved that Louisiana, having failed in her object of separation, now accepted the result, including the abolition of slavery, and wished to be restored to a position of political equality and looked to the Federal constitution and the Union of the states for her future political happiness and prosperity; authorized the governor to recover the statue of George Washington, which had been taken from Baton Rouge by Federal authorities in 1862; protested against the reception of Michael Hahn and R. King Cutler as United States senators from Louisiana, as they had been "chosen in flagrant violation of American principles and precedents by a Legislature representing but a small minority of the people and in which only a fraction of the state of Louisiana had any representation;" ratified the steps already taken to rebuild the levees; declared Randell Hunt and Henry Boyce elected to the United States senate; requested the Louisiana delegation in congress to obtain from the government the restitution of four million and thirty-nine thousand five hundred dollars of state and city bonds, coupons and other securities, which were surrendered to General Herron by B. L. Defreese, treasurer of state, when Shreveport capitulated; ordered the Mechanics' Institute fitted up for the sessions of the general assembly; made provision for the proper behavior of the many colored people thrown upon the state; appointed a committee to investigate the condition of the railroads, in which the state was a stockholder to the amount of several millions of dollars; authorized the appointment of a board of control for the penitentiary, and authorized the governor to issue not to exceed one million dollars in eight per cent twenty



year bonds, and pledged the public and swamp lands for the redemption of the same.

It was in 1866 that one of the important events occurred which meant that the white citizens of Louisiana would not submit to negro domination. The war was scarcely over before the whites of the state were divided into two factions: The disfranchised majority, the most of whom had rebelled against the government, and the enfranchised minority, consisting largely of the negroes and the white men from the North, who were in power by virtue of Federal bayonets and who wished to retain that power. Soon the question of a state constitution became paramount. Was that of 1864 legal and satisfactory? It was finally decided to reconvoke the convention of 1864, which existed no longer, for the purpose of amending it. R. K. Howell, the former president of that convention, issued a call to that effect, which was sanctioned by Governor Wells. It assembled in New Orleans July 30, but as it was composed largely of negroes and radicals, it encountered the enmity of the whites of the city at the outset, and finally a bloody riot ensued, during which the convention was broken up and many whites and blacks were killed and wounded. It was the first of many hostile actions by the white people of the state to prevent negro and military supremacy.

In 1866 the legislature passed resolutions and acts deploring the death of ex-Gov. A. B. Roman; authorizing the Governor to issue state certificates of indebtedness not to exceed two million dollars, with which to meet the necessary current expenses, the certificates to be payable in twelve months without interest and to be exchangeable for Louisiana six per cent, forty year coupon bonds, which, to the amount of one million five hundred thousand dollars, were ordered issued by this legislature; providing for the resumption of parish functions throughout the state; fixing the annual lottery license at ten thousand dollars and regulating the conduct of such institutions; suspending the collection of back taxes for the years 1861 to 1864, inclusive; permitting banks to discount paper at eight per cent; correcting mistakes made in the sale of land during the war; authorizing the sale of stamps to vendors of lottery tickets, each stamp to represent five per cent of the face value of the ticket; asking for an extension of time to railroad land grants; endorsing the course of President Johnson in declining to approve the act of congress to establish a bureau for the relief of freedmen, refugees and other purposes; organizing the supreme court and dividing the state into four judicial districts; establishing a soldiers' home; organizing a



bureau of immigration; providing for the recovery or procurement of lost or destroyed parish records; permitting farmers to sell merchandise to their hands without taking out a license as merchants, and urging congress to keep the passes of the Mississippi open.

In his message to the legislature, January 28, 1867, Gov. J. Madison Wells deplored the extensive breaking of the levees and the consequent heavy losses, and stated that the heavy rains and the army worm had cut off more than one-third of the cotton crop. The years of 1865 and 1866 had been attended with the same disasters. The result was to render it out of the question for the inhabitants to pay their taxes, and the state government was thus forced into the issuance of bonds to carry on the necessary state affairs. The total receipts for 1866 were four million two hundred ninety thousand four hundred and sixty dollars, largely from the sale of bonds, and the total expenditures, two million six hundred fifteen thousand seven hundred and five dollars, the latter being made up of Confederate notes four hundred seventy-one thousand two hundred and twelve dollars, state levee bonds seven hundred thousand dollars, state notes redeemed four hundred and twenty-five thousand dollars, state notes issued but not paid sixty-three thousand two hundred and thirty-five dollars, and United States treasury and city notes fifteen thousand three hundred and eight dollars. Thus very little of this balance was available.

The governor emphatically denounced the riots in the city of New Orleans in the spring of 1866 "as an unprovoked massacre of loyal citizens, headed by the police and assisted by a mob, to gratify their hatred of every man who remained true to the Government during the rebellion or abandoned its cause." He further said: "On full and deliberate consideration the people have pronounced in favor of the power of Congress to reconstruct these States. They have gone further and declared their purpose that these States shall not be restored to their former participation in the Government until suitable constitutional guarantees are provided against present disloyalty and future rebellion."

He informed the legislature that he had received one of the proposed constitutional amendments which he now submitted to them for their ratification. He observed, "I desire to say that I consider the amendment as just and proper, adjusting and settling, as it does, the rights of citizenship to all persons without reference to race or color, recognizes the validity of the public debt, repudiates the payment or assumption of any debt or obligation incurred in aid of insurrection or rebellion against the United



States, or any claim for the loss or emancipation of any slave, and imposes disfranchisement from holding office under the United States Government to a certain class of persons who have engaged in insurrection or rebellion against the Government of the United States. These provisions meet my full approval, but I am not willing to accept the amendment as a finality for the admission and restoration of the late rebel States. I consider it to be within the province and to be the duty of Congress to require of these States, as additional guaranties, that they shall by constitutional amendments recognize and establish equal political rights in the privilege of the ballot to all men. I believe such to be the fixed will and intention of Congress and I do not consider your ratification of the amendment would exercise any influence in changing or altering that determination. The idea and hope of readmission as a State on any other terms I regard as illusory, and the sooner the honest, well-meaning mass of the people realize the fact and make up their minds to submit and act accordingly, will they assist in adjusting and settling our political relations with the Federal Government on a peaceful and permanent basis."

The general assembly of 1867 refused to accede to the proposed Fourteenth amendment to the Federal constitution; provided for a constitutional convention to remodel the organic law of Louisiana; abolished the Board of Currency, the functions of which had disappeared under the currency laws of the government; authorized Baton Rouge to establish free public schools for white children, to levy a tax for the support of the same, and to exempt the property from the payment of any other school tax; authorized the governor to issue three million dollars six per cent forty-year bonds, the same to be marketed for not less than two million five hundred thousand dollars and to be exchanged for the latter amount of circulating notes of the city of New Orleans, which were in turn to be used to retire the certificates of indebtedness issued under the act of February 9, 1866; authorized New Orleans to issue its circulating notes to the amount of two million five hundred thousand dollars; legalized previous issues of "city money" to the amount of three million six hundred thousand dollars; made illegal all acts passed by New Orleans previous to the passage at the beginning of each year of an ordinance levying a tax for the redemption of the above-mentioned circulating notes; transferred Mississippi Island No. 92 off East Carroll parish in exchange for Bunch's Bend Island off Issaquena county, both in the Mississippi river; authorized the issue of four million dollars six per cent forty-



year bonds for the use of the levee commissioners, the same to be redeemed from subsequent sales of swamp land; repealed the act of 1865 authorizing the issue of one million dollars levee bonds; granted one hundred dollars annually to each veteran of 1814-15; repealed the act providing for a constitutional convention; made large special appropriations to close many large crevasses; paid Judge J. B. Robertson one thousand five hundred dollars for making a geological survey of the state; provided for the expenses of an exhibit at the Paris Exposition; established a board of flour inspectors at New Orleans; appropriated two hundred and fifty thousand dollars to pay the government tax on the two million five hundred thousand dollars circulating notes of New Orleans; granted fifty thousand dollars to the Mechanics' and Agricultural Fair Association, and incorporated several eleemosynary and industrial associations.

Governor Warmoth, in his message of July, 1868, said that they had not met to brood over the past, but to provide a better order of affairs for the future. As all persons were now politically equal before the law, he recommended immediate measures to repress riot, disorder, lawlessness, violence, outrage and murder. He said, "We have been cursed for our sins with war, scourged with epidemics, our crops blighted for a number of years, our fair State overflowed by the torrents of the Mississippi, commerce paralyzed, the people impoverished—the event of my inauguration is welcomed by the full restoration of civil government and readmission into the Union, the fairest prospect for crops, receding floods and improving credit." He added, "I need not recount to you the history of the past seven years, so full of startling and wonderful, as well as painful and terrible events—so pregnant with momentous issues, so productive of great and glorious results." On this occasion, also, Lieutenant-Governor Dunn delivered an address, in which he said, "The fact that the Senate of Louisiana is presided over by a man of my race, one who has ever been kept in obscurity, shows the progress which has taken place in the Southern States, a progress more rapid than that of the Northern States, east or west, and I hope that progress will continue everywhere throughout this land and intelligence will be respected whatever the color of the skin. . . . As to myself and my people we are not seeking social equality; that is a thing no law can govern. We all have our preferences. We all wish to select our associates, and no Legislature can select them for us. We ask nothing of the kind. We simply ask to be allowed an equal chance in the race of life; an equal opportunity of supporting our families, of educating our children, and of



becoming worthy citizens of this Government." The civil rights bill, which was designed to prevent railroad and steamship companies from discriminating against persons of color, was vetoed by Governor Warmoth in September, 1868. His reasons were that the constitution of the state already provided for the political equality of the two races, that such a law was unnecessary, that it tended to aggravate the white people—to form a barrier between the two races, and that it made criminal an act which should be remedied by a suit for damages.

At this date the number of miles of railroad in operation in the state was as follows: New Orleans, Milnesburg & Pontchartrain 6, New Orleans & Carrollton 8, Baton Rouge & Grosse Tete 17, Clinton & Port Hudson 22, West Feliciana 26, Mexican Gulf 27, Vicksburg & Shreveport 54, New Orleans, Opelousas & Great Western 80, and New Orleans, Jackson & Great Northern 206, total 446.

The legislature of 1868 passed an act appointing a committee to investigate the act of the previous assembly authorizing the issuance of four million dollars levee bonds; ratified the proposed Fourteenth amendment to the constitution; appointed a joint commission to investigate the conduct of the late elections; requested the president to furnish the civil authorities with sufficient force to protect the levees of the state from lawless mobs; required certain recantations from men who had borne arms against the United States; incorporated the Louisiana State Lottery with the following objects: 1. To save to the state the large sums sent outside for lottery tickets; 2. To establish a home lottery on terms and at prices to insure perfect fairness; 3. To provide a fund for eleemosynary and charitable purposes; fixed the capital of the lottery at one million dollars, and required from the institution the annual payment to the state of forty thousand dollars; provided for the revision of the statutes of a general character; re-divided the state into five congressional districts; authorized New Orleans to borrow not to exceed one million dollars; regulated the holding of office; instituted a uniformed militia; created a state board of registration; established a board of public works and divided the state into five improvement districts; ceded to the United States in perpetuity several cemeteries; incorporated the North Louisiana & Texas and the Mandeville & Sulphur Springs Railroads; asked congress to repeal the law prohibiting the organization of a state militia, and made additional provisions for the payment of the public debt.

The constitution of March 11, 1868, opened with the announce-



ment that: "All men are created free and equal and had certain inalienable rights; among these are life, liberty and the pursuit of happiness." It further declared that "all persons without regard to race, color or previous condition, residents of the State one year, were citizens of Louisiana, and that they owed allegiance to the United States, and that this allegiance was paramount to that which they owe to the State." It prohibited slavery and involuntary servitude, and declared that no law should be passed fixing the price of manual labor. It likewise provided that all persons, regardless of color, should have equal privileges in public conveyances and in public resorts; that the house of representatives should consist of 101 members and the senate of 36 members; that every male person over twenty-one years, etc., should be qualified to vote; that all persons should be restored to the right of suffrage, except the following: "Those who held office, civil or military, for one year or more, under the organization styled, 'The Confederate States of America,' those who registered themselves as enemies of the United States, those who acted as leaders of guerrilla bands during the late rebellion, those who in the advocacy of treason wrote or published newspaper articles or preached sermons during the late rebellion, and those who voted for and signed an ordinance of secession in any State." It also required that such person should neither vote nor hold office until he should have "relieved himself by voluntarily writing and signing a certificate setting forth that he acknowledged the late rebellion to have been morally and politically wrong and that he regretted any aid and comfort he may have given it." But it was further provided that no person who, prior to the first of January, 1868, favored the execution of the laws of the United States known as the Reconstruction Acts of congress and openly and actively assisted the loyal men of the state in their efforts to restore Louisiana to her position in the Union, should be held to be included among those above excepted. The privilege of free suffrage was required to be supported by adequate laws. It was stipulated that the legislature might levy an income tax and might exempt from taxation property actually used for school, church and charitable purposes and should levy a poll tax for school and charitable purposes; that debts contracted in aid of the rebellion should be void; that no law requiring a property qualification for office should be passed; that provision for the rights of married women should be made; that pensions should be granted to veterans of 1814-15 residing in the state; that the military should be subordinate to the civil power; that all agreements the considera-



tion of which was Confederate money, notes or bonds should be null and void; that Louisiana should never assume any debt in aid of the rebellion nor assume to pay for slaves emancipated; that the seat of government should be at New Orleans; that the militia of the state should be organized, and that the ordinance of secession adopted on January 26, 1861, should be null and void.

In 1868, the state passed from Federal control to that of all the citizens, a change that was fair to all alike. The whites by their superior intelligence, began to dominate public affairs, often resorting to violence to accomplish their rightful ends. They warned and threatened and intimidated, in order to avert the danger, degradation and social humiliation of negro supremacy. The negroes began to be incited by Republican leaders sent among them to assert themselves and join the radicals to control the state government, as it was seen that it could be done, owing to their combined numerical preponderance. The intervention of these outsiders thus to rouse the negroes to dominate the whites was opposed, and in the end, after many years of suffering, the white cause was carried to success. The Democratic convention in the spring of 1868, deplored the policy of the government toward the state, and declared that it would finally lead to the "lapse of Caucasian civilization into African barbarism," yet they hoped to see some light through the darkness. At the election of H. C. Warmoth as governor in April, the vote stood, for Warmoth 64,941 and for Taliferro, his opponent, also a Republican, 38,046; the Democrats generally not voting. In June the state by act of congress was restored to its former standing in the Union. It was in this year also that the test oath was boldly abrogated by the "disfranchised majority," only the usual constitutional oath being required of members of the legislature. The great mass of the people protested against the government of Warmoth and especially his legislature, composed two-thirds of ignorant negroes and "Carpet-bag Adventurers."

In his annual message to the legislature in January, 1869, Gov. H. C. Warmoth said: "Under the peculiar institutions of our State prior to emancipation, questions of personal liberty affecting large classes of our population were wholly interdicted by our combined and obstinate public sentiment, which had not, up to the late election, fully disappeared. The system of involuntary servitude built up in this State a sort of aristocracy, exclusive in its characteristics, and assumed by legislative restrictions and social distinctions to exact tests of citizenship incompatible with the theory of our Government and destructive of the liberties



not only of the then slave, but of all classes that did not reach its standard of nativity or possession. With the downfall of slavery, a revolution in society was accomplished and a different system obtained, but which required the late election to give it the endorsement of the national will and insure its full establishment. It was this system which was so bitterly contested. In our State the class fighting for exclusive power did not hesitate to use all of the machinery hitherto invoked by it to perpetuate its dominion. By violence and intimidation it terrified its opponents; by threats of social and business proscription classes conscientiously opposed to it were forced to join it; while the prejudices of race and the most selfish passions were addressed to secure the cooperation of the lower classes of white men in its efforts to repudiate the Government that made no test of color in civil or political rights. The events of the late contest were not unlike those of a few years ago, when a like effort was made by the same class and conducted principally by the same leaders to overawe and disfranchise our fellow-citizens of foreign birth. Then, as in the near past, secret political societies were organized, the members of which were bound together by strange oaths and recognized each other by particular signs and signals, pledging themselves to disfranchise all and support none for office and give none employment who were so unfortunate as to have first seen the light of the sun on some other land than ours, and resorted to the same practice of murder, assassination, intimidation and violence that prevailed throughout large portions of this State during the last campaign and election.

"In many parishes the late election was the occasion of most disgraceful acts of intimidation, eventuating in several instances in scenes of massacre shocking to the sense of civilized man and only finding parallels in the annals of savage warfare. These instances of savage cruelty, unprovoked, but willful and premeditated, seem to have been instigated by the hostility of certain classes to the laws of Congress, by which the Government has embodied the colored population into the body politic and vouchsafed to them equal civil and political rights. This course, even beyond what was perhaps intended by its authors, produced such terror and dismay throughout large portions of the State that the election was worse than a farce, for it was a crime against the whole people. The injury done our material interests by the occurrences immediately preceding the election is second only to that inflicted by the same leaders in their wicked efforts to destroy the



Union. They diverted emigration and capital from us, injured our credit, demoralized our laboring classes, diminished our commerce, sowed the seeds of personal discord which will require years to eradicate and produced a general feeling of insecurity and distrust, preventing thousands from voting, while hundreds were compelled to vote a ticket repugnant to their convictions and destructive to their civil liberty.

"The following statistics will give some idea of the manner in which the election was conducted: By contrasting the vote polled not quite six months before the ratification of the constitution with the vote cast for General Grant the absolutism with which one party ruled the election will be apparent. Out of forty-eight parishes in the State, seven towit: DeSoto, Lafayette, St. Landry, Vermillion, Franklin, Jackson and Washington polled in April for the ratification of the new constitution 4,704 votes, but did not give General Grant a single vote. Eight other parishes, towit: Bienville, Bossier, Caddo, Claiborne, Moorhouse, Union, St. Bernard and Sabine gave 5,520 for the constitution, but cast only ten votes for General Grant. Twenty-one parishes, casting for the ratification of the new constitution 26,814 gave General Grant 501; and the whole State polled in April for the constitution and the Republican State ticket 61,152 votes, or a majority of 17,413, but gave General Grant in November following only 34,859 votes. I give these statistics, not in a partisan interest, but to show you more clearly the utter disregard exhibited in large portions of the State for the rights of those opposed to the old governing class and the inadequacy of the laws to protect the citizens in the exercise of their civil and political rights."

Congress had divested the state authorities of the right to organize the militia, and when the Federal troops were withdrawn, the governor was powerless to prevent the open intimidation of the voters. But even if he could have called out an organized militia, it is not probable that they would have obeyed his orders to prevent such intimidation, because the opposition was against negro domination and not against law and order. The leaders of the opposition were the most enlightened, self-respecting and law-abiding in the state, but they were bound never to submit to negro rule. The emancipation of the slaves, the destruction of the principle of secession, the employment of Federal bayonets to foist the negro to political and therefore social equality, the ascendancy of Republicanism in a state that was overwhelmingly Democratic without the negro vote—all contributed to rouse the lion of liberty and the pride of a thousand years in the breasts of the old



and tried Louisianians. However, the legislature authorized the governor to call upon the president for assistance in enforcing the election laws, but President Johnson adroitly evaded the request; whereupon the governor took steps that would lead to the organization of the militia.

He recommended the passage of a vagrant law, and in that connection said, "The object of the Legislature of 1865, in the adoption of the vagrant law, was simply to re-enslave the colored people. The natural indignation aroused at it has caused an abolition of all such acts and leaves the State without authority to repress the growth of vagrancy." He advocated the abrogation of the 99th Article of the constitution, which placed strong political disabilities upon certain persons who had aided the rebellion. He recommended the building of many of the levees, and expressed the wish that the government should aid the state in these necessary improvements. The assessment rolls of 1868 showed a total of two hundred and fifty-one million dollars.

In 1869, the general assembly passed acts or resolutions to investigate the sale of certain levee bonds; to authorize New Orleans to refund its floating debt of circulating notes by the issuance of three million dollars of seven per cent, twenty-year bonds; to ratify the Fifteenth amendment to the federal constitution; to incorporate the Grand Lodge of Masons; to organize a Commission of Emigration; to regulate public education, and to incorporate several railroads and industrial companies.

The legislature of 1870 passed acts to regulate the conduct of elections; to improve public education; to change the name of the Mandeville & Sulphur Springs Railroad to New Orleans & Northeastern Railroad; to incorporate the Supreme Council of the Thirty-third degree Masons; to postpone indefinitely the collection of the taxes of 1861-64, and to incorporate savings banks, educational institutions, railroads and industrial associations.

In January, 1871, Governor Warmoth congratulated the legislature on the large crops of sugar and cotton and on the general prosperity. There had been a notable increase in commerce and in the price of real estate. In 1870 the people had accepted four amendments to the constitution: 1. Repealing the 99th Article of the constitution, which placed political disabilities upon several classes; 2. Limiting the state's indebtedness prior to 1890 to twenty-five million dollars; 3. Prohibiting certain delinquent officials from holding office; 4. Removing the inability of the governor to re-election. In regard to the first the governor said: "This article by reason of its disfranchisement of an influential



clement of our citizens for political reasons was obnoxious to them and their friends as the result has proved, and was distasteful to almost all. Incorporated in our constitution by an unwise spirit of retaliation, and by its peculiar phraseology serving mainly to irritate and humiliate, while debarring from suffrage and office only the most scrupulous and upright of the class it was aimed against and admitting all others, it had all the most odious features of disfranchisement with none of its good effects, if such there be. It is to the lasting credit of the first Republican administration of Louisiana that the amendment to strike out this last vestige of the war in our constitution was passed with the unanimous Republican vote of the General Assembly and indorsed unanimously by the people. It is no longer a part of the constitution. Henceforth in Louisiana all disabilities resulting from the war are removed."

At this time it was the unanimous sentiment in Louisiana that the general government should take upon itself the burden of maintaining the Mississippi levees. It was acknowledged that the state was powerless to prevent the annual inundations of the best soil within its borders. Rivers and harbors everywhere else were receiving assistance and why not here? it was asked. Before the state were the large problems of opening the various water-courses, the building of railroads, the care of the levees, the closing of crevasses, and the improvement of the ocean commerce. Finally, the legislature passed the bill granting the construction of levees for a term of years to a private corporation, but it received the prompt veto of the governor. Since its organization up to 1871 the Board of Public Works had built 6,058,750 cubic yards of levees at a cost of three million two hundred and seventy-three thousand dollars, and needed at least two million dollars more, with large annual revenues thereafter, to put them in fair condition. Notwithstanding his veto, the governor confessed that something different from the past should be done. It was about this time that congress first showed a willingness to assist the state with the levees; but, owing to the political troubles which almost immediately arose, postponed action indefinitely. The governor had recently organized the militia, and accepted several volunteer companies; he had been asked to form a partisan militia, but refused and accepted the adherents of all parties and factions. He addressed the following significant warning to the members of the legislature: "I warn you, gentlemen, against certain schemes of plunder which are already organizing and will continue to be organized and presented to you for your votes. These are propositions which, under the guise of



public improvements, or of claims against the State, are simply plans to rob the treasury and fill the pockets of unprincipled speculators." He declared that bribery in Louisiana was a common occurrence and should be stopped. At this time the bonded debt of the city of New Orleans was seventeen million three hundred and fifteen thousand dollars, and the rate of taxation there two and five-eighths per cent. City bonds were worth only about seventy-five cents on the dollar. The new city charter recently promulgated was not yet satisfactory, and should be amended. Heroic measures to relieve the city should be adopted. The debt which had been caused largely by the multiplicity of governments within governments should be simplified. Corruption and extravagance without a thought of the future had been indulged in ever since the war. He suggested refunding the debt at a low rate of interest. He noticed with gratitude that emigrants from Germany and from the Northwestern states were coming into Louisiana.

In January, 1872, he sharply criticised the act of the state auditor in publishing to the world that the debt of the state amounted to forty-one million, one hundred and ninety-four thousand four hundred and seventy-four dollars, when in reality the actual debt was but twenty-two million two hundred ninety-five thousand seven hundred and ninety dollars. The auditor persisted in adding to the actual debt a contingent debt of eighteen million eight hundred ninety-eight thousand six hundred and eighty-three dollars, and in this connection the governor said, "This is no more a debt, to be employed as such at the expense of our State credit than is the endorsement of a promissory note by an individual who is secured for the liability he assumes by a pledge of five-twenty bonds or real estate in the proportion of four dollars to one. In the first place there is not the slightest probability that any of these roads, except the New Orleans, Mobile & Texas, will be constructed; and, in the second place, if every one of them should be built, the State would be amply secured from ever having to pay the endorsement, for the reason that the roads chartered, if constructed, would be worth four times the amount guaranteed. This unwise course of the Auditor has tended to depreciate our securities and has given the enemies of reconstruction capital from which to misrepresent our government and to throw discredit upon us abroad. In 1861 our debt was ten million one hundred and fifty-seven thousand eight hundred and eighty-two dollars. In 1868, when the present administration came into power, it was fourteen million three hundred and forty-seven



thousand and fifty-one dollars, and it is now twenty-three million forty-five thousand seven hundred and ninety dollars. This increase consists in three million dollars employed for the repair of levees; three million dollars to take up the floating debt which had been increased prior to the inauguration of the present government; two million five hundred thousand dollars subscribed for stock of the New Orleans, Mobile & Texas Railroad Company, and seven hundred and fifty thousand dollars subsidy granted to the same company. . . . The bonded debt on which interest is being paid is nineteen million eight hundred and fifty-eight thousand three hundred dollars, the annual interest on which amounts to one million four hundred and three thousand eight hundred and twenty dollars. Of this debt one million three hundred and fifty-seven thousand dollars in State bonds have been purchased and are held by certain trust funds in the treasury, which, if cancelled, would reduce our interest paying debt to eighteen million five hundred and one thousand three hundred dollars and the annual interest to one million three hundred and twenty-two thousand four hundred dollars. The condition of our State finances demands your most serious attention. The report of the State Auditor will show a deficit for the past year of nearly two million dollars. This has been caused by the inefficiency of tax collectors and the enormous appropriations made at the last session of the General Assembly in excess of the revenue."

The governor declared that the previous legislature had passed reckless appropriations for the improvement of real and imaginary bayous, for the payment of real and fictitious claims against the state, for private charitable associations and for the extravagant compensation of public officials, all of which had told heavily against the state's credit. He insisted that the wealth of the state depended on the security of the levee system, and that now for the first time Louisiana had "one comprehensive plan" for their construction. All previous plans had proved ineffectual; the old riparian plan was obsolete, mainly owing to the change in the labor system. The act of February, 1871, had abolished the Board of Public Works and had created the Board of State Engineers. At the same time the legislature had contracted with the Louisiana Levee Company for the period of twenty-one years to take care of the levees of the state and to be paid a fixed sum on the assessed valuation of the state. The company was reputed to have a cash capital of five hundred thousand dollars and at its head were prominent citizens. It seemed that great improvements were about to take place. But



various delays had occurred, and by January, 1872, the company had done little or nothing.

As showing the extravagance of the previous legislature, the governor stated that the senate had cost one hundred and ninety-one thousand seven hundred and sixty-four dollars and the house seven hundred and sixty-seven thousand one hundred and ninety-two dollars, or an average of over six thousand eight hundred dollars for each member of the general assembly. He said: "A careful calculation of the expenses of the General Assembly for mileage and per diem, even at the enormous rate of twenty cents per mile each way, shows that the total expenses ought not to exceed one hundred thousand dollars for the sixty days of the annual session, and the legitimate contingent expenses of both houses ought not to exceed twenty-five thousand dollars; then what has become of the excess eight hundred and thirty-three thousand nine hundred and fifty-six dollars? It has been squandered by the officers of the Assembly in paying extra mileage and per diem of members for days' services never rendered; for an enormous crop of useless clerks, pages, etc., for publishing the journals of each house in fifteen obscure newspapers, some of which have never existed, while some of those that did exist never did the work they were employed to do, although every one has received the compensation for it; in paying committees authorized by the House to sit during the vacation and to travel throughout the State and into Texas and in a hundred other different ways. The enrollment committee of the House had over eighty clerks, the most of whom were under pay during the whole session at eight dollars per day, during which time only one hundred and twenty bills were passed, which did not require more than eight or ten clerks to perform the whole labor of enrollment." He advised fixed wages for all officials, and recommended a modification of the rigid requirements of the registration and election laws. He protested vigorously against the act of the United States authorities in interfering with the factions of the legislature of 1872.

The legislature of 1871 passed laws reapportioning the state for senators and representatives; incorporating the Louisiana Levee Company with a capital not to exceed twenty million dollars and with vast powers and privileges; creating a Board of State Engineers; securing homesteads to actual settlers; confirming the elaborate contract between the Louisiana Levee Company and the governor; creating a commission to secure a state-house in New Orleans; revising the state revenue laws; providing for the drainage of New Orleans; chartering the Upper Red River



Raft Company; establishing an institution for the deaf and dumb at Baton Rouge, and an institution for the blind in the same city; authorizing New Orleans to issue one million dollars with which to pay its unsettled floating debt, and incorporating several railroads and other public institutions.

In 1872 the assembly passed laws objecting to the removal of the existing duty on rice; memorializing congress to refund the amount of the cotton and sugar tax collected by the government in the South during the war; making Shrove Tuesday, or Mardi-gras, a legal holiday; urging congress to donate one million dollars to each state for the endowment of a college; establishing a hospital for contagious diseases; incorporating an Academy of Arts and Sciences and several railroads, and appointing a joint commission to prepare an address to congress "fully setting forth the political crisis existing in our state and the responsible authors thereof." The lower house of congress had before also appointed "a select committee to inquire into the impending situation of the public affairs of Louisiana, produced by the Carter revolutionists."

The serious turmoil in the state in 1871 and 1872 was occasioned by two factions of the people, each of which endeavored to gain control of the legislature. The first difference was between the governor and Lieutenant-Governor Dunn. The question of patronage was blended with the other conflicting interests. The governor was disliked by a large element, which made threats of impeaching him. The struggle to get possession of the speakership led to violence and measures of the most arbitrary character. Finally troops and the city police were required to prevent open combat. Back of all the dissensions was the steady determination of the better whites to rule the state, or rather not to be dominated by carpet-baggers, negroes or bayonets, the result of whose extravagant rule, or rather robbery, is only feebly set forth in the foregoing messages of Governor Warmoth. It was a saturnalia of corruption and speculation, unequalled in history, except maybe, in other reconstructed states, at the same period.

Never before were the people of the state in time of peace so torn in pieces by factions and dissensions as in 1872. After a summer of angry discord the Democrats, Reformers, Fusionists and Liberals united in naming John McEnery for governor, and the various Republican factions united in naming William P. Kellogg. At the succeeding election both elements resorted to any and every method to win and both claimed the success of their candidates. McEnery was probably elected by a fair vote.



The war was carried to the organization of the legislature. Under the order of a partisan Federal judge, two assemblies claimed to be legally elected, one of them without count or returns, or evidence of right. When open conflict seemed inevitable, the Federal government interfered with military authority, with the final result that Mr. Kellogg was recognized as the lawful governor by President Grant. But the opposition was dissatisfied and afterward referred to him as a usurper, who had been placed in power by Federal troops. The sinister feature of all this turmoil was the fact that the legislature finally recognized, contained at its organization sixty-eight persons of color not half of whom were elected. Several of the state officers installed were colored. Thus in reality it was still a war against colored and outside domination—a domination that had become both corrupt and unbearable. Corresponding contests occurred in all portions of the state. It was a war for supremacy, with the race problem menacing the future, and wholly supported and maintained by the use of bayonets and Federal power, against the protest of an immense majority of the white people, including Governor Warmoth and other Republicans, who joined in an ineffectual appeal to the president and congress.

Several important laws were passed in 1873 by this working legislature, among which were those regulating the conduct and maintaining the freedom and purity of elections; appointing a joint committee to investigate the recent election, particularly the acts of the returning boards; authorizing the governor to disorganize any military company that refused to obey his orders; urging congress to pass a "civil rights bill that would insure all classes of citizens their full rights and enjoyments as American citizens throughout the entire land;" requesting congress to locate a United States district court in Northern Louisiana; improving the public schools; declaring it a crime to usurp a public office; appropriating one hundred thousand dollars to arm, equip and maintain the state militia; protecting the civil rights of all citizens of whatever race or color; asking congress to quiet the titles of settlers on the Houmas grant, and incorporating several railroads, etc. They likewise passed the following preambles and resolution:

"WHEREAS, The paramount question in Louisiana is that of levees for the protection of our alluvial lands from overflow; and

"WHEREAS, The present tax of — mills on the dollar which is now assessed and collected to pay the Louisiana Levee Company



for the construction and maintenance of said levees is a grievous burden upon the property of the state; and

"WHEREAS, These levees are as much national work as the improvement of the rivers and harbors throughout this country for which money is now being drawn so freely from the national treasury; therefore,

"*Resolved*, That our delegation in Congress be respectfully requested to use their utmost efforts towards securing the passage at an early day of an appropriation by the national Government of an amount sufficient to put the levees in the Mississippi valley in a proper state of repair and thereafter to maintain them in that condition."

In 1874 the Coushatta affair, whereby several white Republican officials were killed, attracted the attention of the whole country. At the bottom of this bloody occurrence was the question, who shall rule the state? The white people of Red River parish afterward issued an address to the public, in which appeared the following statement: "To the colored people we have to say that our action in the present instance must fully convince you of the sincerity of our repeated declarations to you that our war was only against such of you as are silly and vicious enough to combine with the horde of scallawags and carpet-baggers, who, like vultures, have been preying upon our people for eight long years." It was another blow, and a severe one, against negro or outside rule, and was intended to strike terror to the hearts of the blacks, and prevent their general co-operation with the carpet-baggers in the attempt to dominate public affairs in the state. But it was a violation of existing law. Governor Kellogg promptly offered a reward of five thousand dollars for each person implicated in the Coushatta affair. The Committee of Seventy deplored the sad condition and in a series of resolutions adopted the following: "*Resolved*, That in our opinion the immediate restoration of the State Government to the hands of its legally elected officers, from which it was arrested by Federal power, is the true remedy and would quickly compose all our difficulties and restore peace and good order."

They meant the restoration of the McEnery state government. The whites who were opposed to negro rule and Federal interference, had organized throughout the state for the purpose, quietly or violently as the case demanded, of taking public affairs into their own hands, and were known as "White Leaguers." The same trouble arose at the elections of 1874, as had occurred



at those of 1872. It was a desperate struggle to gain control of the state government. Again troops of the United States were called in to prevent open war. The legislature which assembled in January, 1875, was sustained by Federal muskets and the other organization was destroyed. The house was organized by the Democratic members. It was reorganized by order of President Grant by military force, and the speaker and Democratic members were removed from their seats. A congressional committee finally settled the contests of 1874 in favor of the Kellogg party, but this settlement only postponed the inevitable conflict—the conflict as to who should rule the state. There could be no permanent peace until the white people should exercise the functions of state government. This meant the non-interference of the Federal government. The people rose in September, 1874, the 14th, and defeated Kellogg's metropolitan police, and installed Governor McNery in office, driving Kellogg from the state house. President Grant sent down a large military and naval force which restored him, meeting with no resistance from the people. The congressional committee referred to by what was called the Wheeler Compromise, restored the Democratic majority and control in the house of representatives.

In January, 1874, Gov. William Pitt Kellogg stated to the legislature that the collections in January, 1873, for the year 1872 did not reach the amount returned delinquent for that year. Warrants to the amount of nearly two million two hundred fifty thousand dollars had accumulated, and arrears of interest on the bonded debt of the state amounted to nearly three hundred thousand dollars. But a great change occurred in 1873, for during that year about four million dollars of revenue was collected. In January, 1874, the total funded and unfunded debt amounted to twenty-four million two hundred eighty-three thousand eight hundred and eighty-six dollars, thus being perilously near the limit of twenty-five million dollars. It was observed that the great state and municipal debt kept out emigrants, restricted commerce, excluded capital and oppressed the people. The governor recommended refunding the state debt in consolidated bonds, with forty years to run, to be offered bond creditors at sixty cents on the dollar. Under his recommendation the rate of taxation would be reduced from twenty-one and a half mills to fourteen and a half mills. Should his plan be adopted the debt would be reduced from over twenty-four million dollars to fourteen million five hundred seventy thousand three hundred and thirty-two dollars. He said, "Our bonds do not now average more than fifty cents on the dol-



lar. The purchaser of our six per cent bonds at this time really receives twelve per cent on his investment. Of this twelve per cent, six per cent represents his actual outlay, and six per cent is the insurance he receives on his investment, or the premium we pay on our discredit." This suggestion of the governor brought from all parts of the state the cry of "Repudiation." A considerable portion of the debt was thought to be illegal. The state was already fighting the bonds voted to the amount of two million five hundred thousand dollars to the Chattanooga Railroad; it was likewise contesting other bonded obligations. Although congress had appeared willing in 1870 to extend assistance to Louisiana for the construction of levees, the state, by contracting with the Louisiana Levee Company, had placed a bar in the way of such a step. While Mr. Kellogg had been in the United States senate, he and others had successfully urged the passage of a bill providing for the removal of the big raft from Red river. This had been accomplished in 1872-73, and was considered a brilliant engineering feat. The benefits remained to be seen. The state had no doubt suffered from the riots, assassinations, and murders between the two races, but there was a better feeling prevailing, because the white race was securing the ascendancy in spite of carpet-bag rule and other forms of Federal assistance. The unwavering determination never to submit to negro domination was succeeding and bearing fruit, though at a dreadful cost; but the results were worth the outlay. Another hopeful sign was that the colored population was beginning to buy, occupy and cultivate land, instead of idling or depending on the whites. The panic of 1873 did not seriously affect Louisiana. Of the 8,000,000 acres of arable land in the state, about 3,000,000 were largely under cultivation.

In 1874 the assembly authorized the issue of fifteen million dollars, or so much as was thought necessary, of "the consolidated bonds of the state of Louisiana" for the purpose of reducing and consolidating the floating and bonded debt of the state, the bonds to run forty years and bear seven per cent; levied a tax of five and one-half mills to provide for the payment of the principal and interest of these bonds; announced at the same time that it was the intention never to increase the indebtedness of the state prior to 1914 over fifteen million dollars; favored a system of national quarantine; consolidated the New Orleans, Jackson & Great Northern and the Mississippi Central Railroads; secured certain reductions in the tax levy for the Louisiana Levee Company; enabled farmers, planters, traders, etc., to pledge their growing



crops for advances in money, goods and other necessary supplies; incorporated the Fruit Growers' Association of the Gulf states; provided for a state exhibit at the Centennial Exposition in Philadelphia in 1876; incorporated a Society for the Suppression of Cruelty to Animals; incorporated a Workingmen's Bank; established the Louisiana State Agricultural and Mechanical College under the congressional act of 1862, and repealed the act creating the Commission of Immigration and established the Bureau of Immigration.

In January, 1875, Governor Kellogg called attention to the serious political disturbances, to the numerous crevasses and to the heavy taxation; but announced that for the first time since the war the state debt had not been increased in 1874. The legislature of 1873 had passed the act to refund the state debt and the people had ratified it. At the same time they had limited the debt to fifteen million dollars, had limited the state tax, exclusive of that for schools, to twelve and a half mills, had confined the revenues of each year to the expenditures, and had prohibited the issuance of warrants in excess of the revenue. He exhibited the following as showing the excess for a series of years of the warrants over the receipts:

Year.	Receipts.	Expenditures.	Excess.
1869.....	\$1,758,379	\$2,508,982	\$750,602
1870.....	1,481,218	2,569,533	1,088,314
1871.....	1,996,576	3,493,739	1,497,162
1872.....	985,854	2,101,595	1,116,040
1873.....	1,508,914	1,690,795	181,880

At this time the city of New Orleans was in sore straits. The governor had recommended that the city should be prohibited from running any farther in debt on any pretext and that no warrant should be issued except against money actually in the treasury. The legislature had passed a bill to this effect and it had been ratified by the people. Great good was expected from these measures. There were many large crevasses, and it was realized that unless the government came to the state's relief more serious damage might be expected. The object of the extra session of 1875 was "to give effect to an adjustment of past political differences." Considerable good legislation was effected.

The legislative session of 1876 was characterized by its attempt to impeach Governor Kellogg for high crimes and misdemean-



ors. The senate acquitted him, but the house refused to do so. It was claimed that the attempt to impeach him resulted from his refusal to agree to the passage of the house election bill. But the facts are that his administration was so aggressively against the views and best interests of the white people and was so thoroughly sustained, regardless of what course he might pursue for their humiliation, by the colored element and the rifles of the government, that they resolved to do everything in their power to accomplish his removal and to replace his administration with one of their own dictation. The State Central Committee of the Democracy made the following statement to the public: "The time for decisive action has arrived. The issues are few in number, and simple in their character. The course is plain and straight-forward. There must be an honest government in Louisiana—a State the fairest among all her sisters—or Louisiana, burdened with debt, exhausted by taxation, and suffering from the supremacy of ignorance over intelligence, will become a colony for convicts and the home of depravity. The people for whom this committee speaks, are resolved in this centennial of their liberties to test the relative strength of intelligence and ignorance. They will use no violence, but all the means in their power will be employed to defeat the further rule of the vicious and ignorant in this State." This meant nothing less than the defeat of colored and carpet-bag rule.

In his message of January, 1876, Governor Kellogg said that peace, good order and good crops prevailed. The legislature had wiped out the twenty-one million dollars of contingent debt. A large block of the consolidated bonds had been sold or rather exchanged for old ones and the exchange was continuing rapidly: Five million eight hundred eighty-two thousand six hundred and forty dollars had been issued prior to January 1, 1876. The state debt could not be increased over fifteen million dollars until 1914, at which date all the consolidated bonds would have been retired. At this time United States engineers reported that 7,000,000 acres of fertile cotton land and 2,500,000 acres of sugar land could be reclaimed by proper systems of levees throughout the state. January 1, 1876, the state debt was nineteen million sixty-four thousand six hundred and forty-five dollars. As early as 1845, John C. Calhoun had said, that as the Mississippi river was in reality an inland sea or an ocean river, it should be improved by the government. The commercial convention held at Louisville in 1860, had resolved that the Mississippi was a great national highway and should therefore be improved and controlled by the government. The United States Senate Commission



of 1871 reported in favor of the national control of that river. It was estimated that suitable improvements would cost thirty million dollars, which large amount seemed to be the stumbling-block for congress. But the question of governmental control was growing. The Louisiana Levee Company had failed to build the 3,000,000 cubic yards agreed upon annually; therefore, the state did not feel bound to pay that organization the ten per cent of the aggregate amount which the estimates thus made would call for. Owing to this failure of the company, the governor suggested that the contract with that organization should be abrogated. The total tax which had been levied for their benefit had been four mills, but had been reduced by certain concessions to three mills. It finally transpired that the contract between the state and the company was not a contract at all, and that the company was nothing more than the agent of the state. Prior to September, 1875, the company had built 5,619,530 cubic yards, for which they were paid by December, 1875, one million nine hundred forty-three thousand seven hundred dollars. During 1872 and 1873 their rate was four mills, and during 1874 and 1875 was three mills.

It was at this time that the important question of employing the state convicts on the levees came strongly before the people. There were over 500 available men there, who could handle 1,000,000 cubic yards per annum. Two important questions could be settled by thus employing them: The care of the levees and the care of the convicts. The affairs of New Orleans had gone on from bad to worse: the floating debt June 30, 1875, was twenty-three million two hundred eighty-eight thousand nine hundred dollars, while the total assessment of both real and personal property was one hundred twenty-four million five hundred eighty-two thousand and two dollars. The delinquent taxes due the city from 1870 to 1875 inclusive was two million three hundred fifty-two thousand one hundred and seventy-five dollars. Every additional year there was a big deficiency. There were really seven councils at this time, and the municipal machinery was ridiculous and cumbersome. Again the question of refunding the city debt came up for consideration: the premium bond and other plans were suggested.

In 1875 the assembly appropriated two hundred fifty thousand dollars with which to buy the St. Louis hotel property for a state capitol; revised the lists of registered voters; created the New Orleans Chamber of Commerce; incorporated many associations and companies, and resolved "that they would not disturb the present state government claiming to have been elected in



1872, known as the Kellogg government, nor seek to impeach the Governor."

The legislature of 1876 provided for the succession of the state offices; reapportioned the senators and representatives of the state; endorsed the act of General Sheridan in preventing bloodshed and riot on the night of January 4, 1876; asked congress to assume the construction of levees in the Mississippi valley; requested congress to stock the waters of the state with food fish; authorized certain cities to vote on the question of granting aid to railroads; authorized New Orleans to adjust, regulate and provide a plan for the settlement of its debt, which at this time amounted to over twenty-three million dollars, which "resulted from the occurrence of the Civil war and from the reckless expenditure of public moneys and which required a five per cent tax to insure the retirement of both principal and interest;" asked for the re-establishment of the assay office and mint at New Orleans, and authorized the city to issue refunding premium bonds.

Interest in the campaign of 1876 centered in the election of governor, S. B. Packard being the nominee of the Republicans and F. T. Nicholls that of the Democrats. The result was close, involved in doubt, and each party claimed success. The government of the United States sent a committee to watch the count of the State Returning Board. That body reported the election of the Republican candidates, the majority being fixed approximately at 4,000. This report was combatted by the Democratic party, who investigated the returns and announced the election of their candidates by about 6,000 majority. In January, 1877, each party organized what it claimed to be the legally elected general assembly. Each declared that its candidates for electors for president and vice-president of the United States had been chosen. Each inaugurated and installed its governor and other state officers. Then followed the appointment of the electoral commission, through whose report R. B. Hayes became president of the United States. Finally, after many months, the president resolved to withdraw the Federal troops from their menacing positions, whereupon the Packard government slowly faded away, and that of Nicholls assumed the administration of state affairs. Thus, for the first time since the war were the Louisiana people placed in charge of the state. The delay that never should have occurred, that tore the state into tatters for more than a decade, that caused many deaths and innumerable heart-burnings, that placed the colored people in a false position, was at last correctly settled, and the long reign of humiliation,



of misrule, of carpet-bag government and of colored and ignorant domination was at an end forever.

In his valedictory to the legislature, January, 1877, Governor Kellogg said that an organized plan of tax resistance had been inaugurated and an armed insurrection was threatened, in which emergency the legislature was appealed to for assistance. A revolutionary party, he said, had attempted to take possession of the lower house of the legislature and had made attempts to impeach the state officials. He declared that the state was clearly Republican and said that the legislature of 1865-66, under the reconstruction policy of President Johnson, "tabled the Fourteenth amendment by a unanimous vote in both houses and passed laws consigning the freedmen to virtual peonage. One of the first efforts to give practical effect to the new amendment when finally adopted by the country, was met by the terrible massacre of July, 1866." In 1868 the government through the instrumentality of bayonets had opened the way for the colored vote, with the result that the Republican ticket had been elected. "That administration was at once denounced as a usurpation thrust upon the people by Federal bayonets, and the young men of the State were invited by public resolution to form themselves into clubs and arm for its overthrow. The same year (1868) the Vice-Presidential candidate of the Democratic party, Blair, declared the Constitutional amendments void and the reconstruction acts a nullity and called upon the President to suppress the usurping Southern governments established under those enactments. The result was that only about 3,000 out of 48,000 colored voters were permitted to poll their votes for President."

In his message the governor called attention to the difference between the financial condition of the state in 1873 and 1877. In 1873 the actual debt was twenty-four million ninety-three thousand four hundred and seven dollars, and the contingent debt twenty-one million ninety thousand five hundred dollars, and the rate of taxation was twenty-one and a half mills; in 1877 the consolidated debt outstanding was nine million three hundred eighteen thousand three hundred and forty-two dollars, old bonds when funded two million five hundred thirty-seven thousand five hundred and eighty dollars, total eleven million eight hundred fifty-five thousand nine hundred and twenty-two dollars with a rate of only fourteen and a half mills.

In his message of 1877 Gov. S. B. Packard deplored the internal strife rampant throughout the state, where whipping, wounding, intimidation and assassination were every-day occurrences.



It seemed that the "bulldozers" had possession of the entire community. The governor said it was apparent that a minority was determined to rule the state government; but he was wrong, because it was only another movement against negro domination or carpet-bag rule, the result of which rule would be to make the negro the political, and, therefore, the social equal of the whites. The white majority were steadily pursuing their course to render nugatory all such attempts. It was not a question of politics, nor of controlling the state government, nor of oppressing the colored people, except incidentally, but was a movement, the ultimate object of which was opposition to the social equality of the two races. The governor only partly presented the case to the court of the world. He said that a pretended election had chosen an opposing governor and a full set of state officers. As a matter of fact, the governor and state officers referred to were recognized by President Hayes and became the legal administration.

First came the fusion frauds of 1872, then the massacres of Colfax and Coushatta, the white league riots of September, 1874, the violations of elections in 1876 and others. It was not possible to convict the leaders of the Colfax massacre, because the massacre was designed to be a terrible warning to the colored race that they could not dominate Louisiana. It was a bloody deed, but it seemed necessary. It meant that nothing short of constant Federal intervention on a large scale would prevent the white race from dominating the affairs of Louisiana. It meant that the existing laws were an outrage upon the whites of the state and should be modified or repealed. It did not mean that the whites desired the re-enslavement of the negro: they willingly agreed that slavery was dead forever, but "Louisiana is a whiteman's government," was the policy that actuated the mass of white people. The rule of the negro backed by the bayonet would never be permitted; the rule of the negro in any event would never be permitted. This was the cause of the upheaval, this was the rotten spot in Denmark, this was the negro in the woodpile.

Governor Packard said, "It is pointed out that in Georgia and Alabama and other Southern States which have been 'redeemed,' as it is called, from Republican rule, peace prevails and political murders are comparatively unknown. The very statement of this proposition carries with it confession of guilt. It discloses the fact that the disorders in the South are created by the opponents of Republicanism for the purpose of obtaining control of the Government, and that until they obtain possession of the offices, whether they have such a majority of the legal voters as would



justly entitle them to those offices or not, political turmoil will continue. . . . The first case of successful prosecution for political crime has yet to occur in Louisiana. . . . It may here be recalled that during the local election for State officers and Congressmen in 1874, the State Central Committee of the opposition passed a formal resolution pledging their influence to secure a discontinuance of political violence throughout the State upon certain conditions, which being complied with, open acts of violence against Republicans almost immediately ceased."

This statement was not denied officially then, nor is it denied in 1904. The "opposition," as it was called, had an object in view, and organized to carry that object into effect. That object they deemed a duty to them and their descendants for a thousand years. It meant the perpetuation of the white blood, the supremacy of the white civilization and the domination of the accumulated pride and social honor since Adam first stood in the golden garden of Eden. It meant the social separation eternally of the white and the black races. It was a rebuke to the fanatics of the North, for it meant the improvement of both the white and the black races in the lines of their color. It meant that an amalgamated race of mulattoes would not be sanctioned by the South, nor could such a diabolical and shameful policy of social degradation be sustained even with a multiplicity of Federal muskets. It meant the triumph and domination of Latin and Anglo-Saxon pride and glory and civilization. That object was to negative the amendments to the Federal constitution, which, backed by rifles, meant the humiliation, degradation and subjugation of the whites to the blacks. Another object was to gain by artifice the control of the state government, which otherwise would continue in the hands of the negroes and their political friends. Great sacrifices were made, but the objects were accomplished. The year of our Lord 1904 sees the majority of the North applauding the accomplishment by the South of making all of the United States a whiteman's government.

But it should be remembered that the above message of Packard was never delivered to a legal legislature. He was never legal governor *de jure* or *de facto* for a day; his so called legislature, after a fitful life of a few months, died and left neither journal, nor record, and never passed a statute.



## CHAPTER X

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### Events Since the Reconstruction Era

IN HIS message of 1878, Governor Nicholls announced that all was now peace, law, order and prosperity, whereas, the year before, all had been disorder and turmoil. In 1877 state war-rants had ranged from fifty-five cents in March to ninety-nine and seven-eighths cents in December, owing almost wholly to the political troubles. In January, 1878, the state debt was eleven million seven hundred eighty-five thousand two hundred and ninety-three dollars. During the extra session of 1877, the Board of State Engineers was re-created, and their efforts soon made it manifest that the levee system would have to be vastly improved, if almost annual inundations were to be prevented. The governor said in January, 1878: "During the troubles through which Louisiana has now happily passed, her sons coolly, quietly, but steadily and firmly stood ready to assert and maintain, even to the death, the supremacy of her legally constituted authorities; their patriotic devotion to duty, gallantry and endurance, were all called into requisition at that critical period and were specially exhibited on several conspicuous occasions under your own eyes. They deserve and have the warmest gratitude of their fellow citizens."

The legislature of 1877 constituted a State Board of Liquidation to carry into effect an elaborate plan for the reduction of the state debt; appointed a state fiscal agent; favored a subsidy to the proposed Texas & Pacific Railroad; made many important alterations in the school laws; provided for the protection of game animals and birds; memorialized congress to repair the state capitol at Baton Rouge; reorganized the State Board of Health and extended its duties; endorsed the policy of President Hayes to restore local self-government to the Southern states; re-enacted the act incor-



porating the Louisiana Historical Society; repealed the act creating the Louisiana Levee Company; repealed the act creating a State Board of Engineers, and incorporated the Louisiana State Fair Association.

The legislators of 1878 passed an act to unite the Louisiana State University and the Agricultural and Mechanical College under the combined names and to locate the new institution at Baton Rouge; urged congress to rebuild the levees along the Mississippi river; protested against the reduction of the duty on sugar and of the duty on rice; incorporated the Louisiana Land Reclamation Company; appointed a joint committee to examine the condition of the state finances; provided for submitting to the people the question of removing the capital to Baton Rouge; urged congress to improve the navigation of Red river; repealed the act of 1877 creating a State Board of Engineers and created the Board of State Engineers; levied a tax of thirteen mills for the support of the state government; appropriated many small amounts to cover deficiencies of former years, and incorporated many railroads.

In 1879 the legislature passed the following preamble and resolutions:

"WHEREAS, The Constitution of the United States has not conferred the right of suffrage upon any one, and the United States have no voters of their own creation in the states, but the matter of suffrage is left entirely with the states themselves, with the reservation of the provisions of the Fifteenth amendment, which has invested the citizens of the United States with a new constitutional right, to-wit: The exemption from discrimination in the exercise of the elective franchise on account of race or color or previous condition of servitude;

"WHEREAS, The functions of Congress under this Constitutional amendment are limited to prevent by proper legislation, the denial or abridgement by a state of the right of a citizen to vote when the denial or abridgement is on account of race, color or previous condition of servitude of the voters; therefore,

"Resolved, That sections 5506, 5507, 5508, and 5509 of the Revised Statutes of the United States are in derogation of the Constitution of the United States and of the amendments thereof, in this, that the Federal Government by these sections assume plenary jurisdiction of the matter of suffrage without reference to the action of the states, as such, and without interference on their part to deny or abridge the right of suffrage as indicated in the said Constitutional amendment;



*"Resolved*, That the proceedings in the United States Circuit court at New Orleans against citizens of various parts of the state of Louisiana and the subjecting of numerous citizens thereof to the hardships of arrest from distant homes, and their removal to New Orleans, to be there tried for alleged offenses against the above stated sections of the Revised Statutes, are pregnant with the gravest consequences, and the people of this state cannot but protest energetically against such harsh and unwarrantable prosecutions;

*"Resolved*, That this protest of the state of Louisiana, which, by her laws and her courts, does make no discrimination between her citizens on account of race, or color, or previous condition of servitude, be respectfully laid before the President of these United States and the Senate and House of Representatives of these United States."

The year 1878 is notable for the declaration of the legislature that W. P. Kellogg was not the lawful United States senator from Louisiana, that he had been chosen by the Packard legislature which had been decided illegal, and that Henry M. Spofford was the lawful senator. The congressional delegation was instructed to support the Bland Silver Bill. Serious political disturbances occurred in many parts of the state, no doubt growing largely out of former controversies; many persons were killed. During the summer Louisiana was visited by yellow fever, which took from among the living over 5,000 persons and plunged the whole state in mourning. For many months all business ceased, and every effort to battle the dread disease was made. Immense help from outside sources was received. This year it was made manifest, that the depth of water over the bar at the mouth of the Mississippi would be satisfactorily increased by the Eads system of jetties authorized by the government in March, 1875. It was estimated at this time that the total cost of the channel 350 feet wide at the bottom and 30 feet deep would reach five million two hundred fifty thousand dollars.

In 1879 it was settled in the United States circuit court, that Louisiana had the right to educate the children of different races or of different sexes of the same race in separate schools. The Democratic party demanded the seating of Mr. Spofford as United States senator and nominated Louis A. Wilz for governor. The Republicans nominated Taylor Beattie for governor. Wilz received 74,760 votes and Beattie 40,760. The legislature was strongly Democratic. In 1880 the legislature again protested against the continued recognition of Mr. Kellogg and demanded the admission of Mr. Spofford.



The legislature of 1879 provided for a revenue from licenses; took steps to hold a constitutional convention to frame a new state constitution; instructed the Louisiana delegation in congress to use their best endeavors "to secure the passage of a sugar tariff bill on a fixed duty, at two dollars and forty cents, the same being for the protection of the interest of the state of Louisiana;" repealed the act creating the Louisiana Lottery Company, and thanked the other states and foreign countries for having contributed relief to the Louisiana sufferers from the yellow fever epidemic of 1878.

In 1870 the people added several amendments to the constitution of 1868, one of which made the governor eligible for re-election, and another which limited the indebtedness of the state prior to 1890 to twenty-five million dollars.

The constitution of July 23, 1879, made several important alterations in that of 1868. It provided for 36 senators and 99 representatives, and stipulated that no change should be made therein prior to 1890; that the legislature should meet biennially on the second Monday of May; that the pay of members should be four dollars per day; that the power of the legislature to run the state in debt should be limited; that the legislature should not pass any specified local or special laws; that the state should be divided into four supreme court districts; that the state should be divided into five circuit court circuits for the court of appeals; that the state should be divided into not less than twenty nor more than thirty judicial districts, the parish of Orleans excepted; that until otherwise provided there should be twenty-six such districts; that the parish of Orleans and the city of New Orleans should have certain special courts; that the seat of government should be at Baton Rouge; that the general assembly should have authority to grant lottery charters or privileges, provided, each charter or privilege should pay to the state annually not less than forty thousand dollars, that all such charters should expire January 1, 1895; that the lottery licenses should be devoted to charity; that the legislature should be authorized to regulate the sale of alcoholic liquors; that the legislature should create a Bureau of Agriculture; that the wages of laborers should be secured; that strong restrictions should be placed over the qualifications and privileges of voters; that the state revenue service should be vastly improved; that a levee system should be supported by the state; that homesteads should be exempt from execution; that all corporations should be regulated, and that New Orleans should be permitted to modify its organic law.



The constitution of 1879 still further extended the public schools over the state. Parish superintendents were provided for, and the school fund was ordered distributed "to each parish in proportion to the number of children between the ages of six and eighteen years." "The school fund of this State shall consist of: 1. The proceeds of taxation for school purposes as provided in this constitution; 2. The interest on the proceeds of all public lands heretofore granted by the United States for the use and support of the public schools; 3. On lands and other property which may hereafter be bequeathed, granted or donated to the State or generally for school purposes; 4. All funds or property other than unimproved lands bequeathed or granted to the State not designated for other purposes; 5. The proceeds of vacant estates falling under the law to the State of Louisiana." It recognized the Louisiana State University and Agricultural and Mechanical College; authorized the assembly to provide for the support of the State University of Louisiana; established in New Orleans the "Southern University" for persons of color, and declared that the state owed the Free School Fund one million one hundred thirty thousand eight hundred sixty-seven dollars and fifty-one cents, the Seminary Fund one hundred thirty-six thousand dollars, and the Agricultural and Mechanical College Fund one hundred eighty-two thousand three hundred and thirteen dollars.

In 1880 the legislators again protested against the recognition of William P. Kellogg instead of Henry M. Spofford as United States senator from Louisiana; prohibited the adulteration of foods; took steps to secure for Louisiana a station for the propagation of food fish; created a Bureau of Agriculture and Immigration; provided ex-Confederate soldiers with artificial limbs; authorized the removal of the state archives to Baton Rouge; readjusted the state land office; established in New Orleans the Southern University for people of color; revised the license and poll taxes, and regulated the manner of registering votes.

The assembly of 1881 created a printing board; revised the license tax; made many small appropriations to supply former deficiencies, and decided to rebuild the capitol at Baton Rouge.

At the special session of 1881 Gov. Samuel D. McEnery, who had succeeded Louis A. Wiltz, deceased, stated that the objects of the session were to provide a revenue, to make the necessary appropriations and to regulate the state's finances. In a small measure the legislature carried out his recommendations. At the regular session in May, 1882, the assembly convened at Baton Rouge, pursuant to a previous act of the legislature. The gov-



error called attention to the awful calamity that had befallen the state—an unprecedented flood, by which the fairest portions of the alluvial lands had been covered with raging waters from some eighty-three crevasses in the levees of the Mississippi, Red and other rivers, with the result that the greatest damage in the history of the state had resulted—many millions of dollars. Congress, in session at the time, had come promptly to the rescue, and had distributed 1,966,000 rations at a cost of two hundred eighteen thousand six hundred and thirty dollars to 130,000 sufferers. The most pressing needs had been at the lower Ouachita, Black, Macon, and Tensas rivers. Again the executive of the state declared that it was impossible for Louisiana to build and repair the levees and insisted that the general government should shoulder that herculean task.

At this time the state bonded debt, exclusive of the baby bonds, amounted to eleven million seven hundred eighty-six thousand eight hundred and fifty dollars, financial affairs thus being in much better condition. But New Orleans was still overwhelmed with an enormous debt—fifteen million seven hundred ninety-nine thousand two hundred and seventy-two dollars certified and eight million five hundred thirty thousand eight hundred and thirty-four dollars open claims, or a total of twenty-four million three hundred twenty-nine thousand eight hundred and thirty-nine dollars, a burden almost too great to be borne. It had resulted from corruption, waste, extravagance and the irresponsible form of the city government.

The new judicial system, created by the constitution of 1879, was not wholly satisfactory, said the governor, and changes were recommended. He pointed out that imprisonment for debt was still countenanced by Louisiana—that a creditor could have a debtor arrested upon the fictitious charge that he was about to depart from the state and could thus force him to give bond for security for his presence in Louisiana when required. The governor said, "It is repulsive to the moral sense, and is not in accord with the present enlightened age." But the provision had been aimed at certain irresponsible and floating elements that made such a requirement seem like an act of simple justice to the responsible white people of the state. The governor noticed that excellent results had followed the quarantine, as yellow fever had either been confined to certain small areas or had been wholly banished.

At the regular session in 1882 the legislators urged congress to assume the task of preventing the annual inundations by the Mississippi; ordered the state house at New Orleans sold; incor-



porated the city of New Orleans; provided for an increase in the capital stock of corporations; regulated the practice of medicine and surgery; prohibited the adulteration of sugar or molasses with glucose, etc.; made provision for local boards of health, and revised the state revenues.

In 1884 the assembly appropriated one hundred thousand dollars for the World's Industrial and Cotton Centennial Exposition at New Orleans; ordered a revision of the statutes of a general character; thanked Paul Tulane "for his noble benefactions and donations in behalf of education in this state;" changed the name of the University of Louisiana to that of the Tulane University of Louisiana; urged congress to remove the raft that had formed in bayou Pierre; established a state normal school; granted relief to disabled Confederate soldiers; established an agricultural experiment station as an adjunct of the Louisiana State University and Agricultural and Mechanical College, and incorporated many industrial associations.

About the only political excitement of 1883 was the contest for the governor's chair by Francis T. Nicholls and Samuel D. McEnery. It was a fight in the ranks of the Democracy and resulted in the success of the McEnery faction. Reform in the administration of state affairs, was the cry. The Democratic convention declared against the lottery and demanded that the convicts should be put to work on the levees.

The Republican state convention assembled at New Orleans in March, 1884, and named John A. Stevenson for governor. At the succeeding election in April McEnery received 88,794 votes and Stevenson 43,623. The legislature was composed of thirty-one Democrats and five Republicans in the senate, and eighty-three Democrats and fifteen Republicans in the house. In this year the Republican electoral ticket received liberal support from the rice and sugar men who favored the protective tariff on these staples.

In 1885 the first prohibition convention ever held in the state assembled at Shreveport August 19. They declared themselves non-partisan and non-sectarian, and asked the co-operation of all, "without regard to race or party" for the suppression of the liquor traffic. They petitioned that the question of prohibition be submitted to the people of the wards or parishes, and if carried to be enforced.

The message of Governor McEnery, in May, 1884, announced that losses from the flood of 1882 had reached the enormous aggregate of twelve million sixty-one thousand nine hundred and ten dollars in twelve parishes, and that 606,674 acres of arable



land had been inundated. Again in 1884 the state was visited with vast inundations, accompanied with immense losses, but not so great as in 1882. Notwithstanding the fact that the levees in March, 1884, were in better condition than for twenty years before, great damage resulted. On Red river, the waters rose actually higher than the levees. The governor showed that there were outstanding baby bonds to the amount of one million three hundred eighty-one thousand two hundred ninety-four dollars, the first having been sold in 1880, in denominations of five dollars. He said that the election laws of 1877-82 were defective and recommended several important changes therein. He recommended the revision of the civil code, the code of practice and the revised statutes.

Two years later he congratulated the state on its good health, abundant crops, excellent schools, freedom from inundations, improvement of agricultural methods, revival of commercial interests, advancement of public order, larger collections of taxes, satisfactory financial condition and advancement in taxable property. The total assessment in 1880 had been one hundred seventy-seven million ninety-six thousand four hundred and fifty-nine dollars; in 1885 it was two hundred twelve million seven hundred twenty-five thousand five hundred and sixty-six dollars. Owing to unequal assessments, he recommended the creation of a State Board of Equalization, as was provided for in the constitution of 1879. He advised a heavier tax on corporate wealth, and showed that the total bonded and floating debt amounted to thirteen million nine hundred eighty thousand two hundred and sixty-four dollars. Fifty-seven miles of new levees had been built. He suggested the use of syphons instead of rice flumes, when water was required for irrigation. He recommended a constitutional amendment permitting the people of any locality to levy a special tax for the support of public schools. At this time the levees were higher, stronger and better than they had been for twenty-five years. Within the last few years about 1,000 miles of railroads had been built in the state, adding much to the wealth, but there was serious complaint against discriminating rates. Industrial strikes had come, and an insurance commission was recommended. The governor advised the abolition of grand juries. In 1884 the Bureau of Agriculture and Immigration had been divided into two bureaus, one for agriculture and one for immigration, the former under T. J. Bird and the latter under W. H. Harris. The experiment station was doing good work, and during 1884 and 1885 about 1,000 families had immigrated to the state and had found homes, mostly in the



western and southwestern parts. The governor recommended some other way of disposing of murderers than strangulation. At this time the state library contained 20,116 volumes.

The regular session of the legislature of 1886 was held at Baton Rouge. They passed acts deploring the death of General Hancock and extolling his public character and private virtues; endorsed the Irish policy of Gladstone and Parnell; authorized the Board of Liquidation to contract with any bank or capitalist to pay the interest on the consolidated or constitutional bonds of the state and to advance the sums necessary to pay the expenses of the general assembly and the warrants drawn against the general fund; regulated the employment of women and children; provided for the protection of the alluvial lands of the state; provided for the erection at New Orleans of a monument to General Zachary Taylor and the soldiers who fought under him at Palo Alto and Resaca de la Palma; urged upon congress the importance of investigating the animal disease called "charbon"; recommended the creation by the government of a perfect system of national defense; encouraged sheep husbandry, and established the order of preference of the privileges and pledges on crops.

In his message of May, 1888, Gov. Francis T. Nicholls indulged in a somewhat lengthy review of the past. He said that in 1877, when he took the oath as governor, he found the "whole power of the United States menacing the rights of the people of Louisiana in order to secure the ascendancy of the political party then dominant in the country. I found the capitol guarded by police and militia and in possession of pretenders, insolently and defiantly laying claim to be the Governor and General Assembly of this State and depending upon their party associates who then held high places in the Federal Government, to aid and support them in the suppression of our liberties. The events of preceding years had accustomed us to contests of dual claimants for the Government. We had witnessed the expulsion of the legal representatives of the people from the legislative halls. We had felt again the mailed hand of the Federal power fall heavily upon us, when just and successful revolution had swept away the pretenders and usurpers, whose outrages and oppressions could be borne no longer. Our people were goaded to desperation. Federal troops were in our midst with orders to suppress our government." In this emergency the opposition had struggled for their rights and had finally succeeded. The government had at last seen that it was wiser to permit the people to emerge from the havoc of reconstruction without the intervention of imported officials or bayonets—that any rule or law which



elevated the blacks at the degradation, oppression and cost of the whites was not a measure to insure domestic peace and civil harmony. So at last the inhabitants of the state were left to govern themselves.

In 1887 and 1888 there was a lively contest for the governorship between McEnery and Nicholls. The nomination was won by Nicholls on January 10. The Republicans nominated for that office H. C. Warmoth. The Democratic platform recommended the perfection of the levee system, insisted that convict labor should not be brought into conflict with free labor, and offered great inducements to immigrants. The Republicans condemned the free trade of the Cleveland administration as being inimical to the sugar and rice industries of Louisiana, favored protection, approved the appropriations of congress for experiment stations, invited immigration and opposed convict labor's being brought in conflict with free labor. In this year also the Young Men's Democratic Association demanded better local government in New Orleans. At the election Nicholls received a majority of 85,786 out of a total vote of 188,728. A reform ticket in New Orleans, supported by the Republicans, defeated the regular Democratic ticket by about 7,000 majority. The sugar interest of the state this year made a splendid showing against the proposed reduction of the tariff. The average output was placed at twenty millions of dollars annually.

The legislature of 1888 favored the proposed act of congress to incorporate the Maritime Canal Company of Nicaragua; asked for the surrender of the tax on cotton collected by the government in 1864-66; endorsed the passage by congress of the proposed Freedman's Savings Bank bill; favored the withdrawal from entry, by congress, of all public lands in Louisiana, except to "homesteaders"—about 2,300,000 acres; thanked congress for the donation to Louisiana of the United States barracks at Baton Rouge, with about two hundred acres of ground, for the benefit of the state university; asked for a naval station at Algiers; regulated the practice of pharmacy, and opposed the construction across the Mississippi of railroad or other bridges that would interfere with its navigation by steamboats.

The general assembly of 1890 expressed confidence in the existing levee system and condemned what was known as the "outlet theory;" opposed the McKinley tariff bill, which proposed to put sugar on the free list; thanked President Harrison for his prompt assistance during the great flood of 1890; appointed a joint committee to investigate the offices of auditor and treasurer of state; defined and prohibited prize-fighting; required railway companies



to provide separate cars for colored people; thanking the Chamber of Commerce of New York for its resolution recognizing that the work of controlling the Mississippi river should be done by congress; encouraged the raising of high-grade stock; reorganized the levee districts and prohibited stock from running at large thereon; asked congress to open bayou Plaquemine which had been closed during the war; made further provisions for the payment of the debt of New Orleans, and passed the following beautiful testimonial: "Jefferson Davis, the soldier, statesman, patriot and eminent citizen is dead; around his name there clings a host of memories as precious to Louisiana as her sacred honor. In recognition of the esteem in which he is held and the supreme position he occupies in our veneration and love as the South's noblest son, be it *Resolved*, That we learn with profound sorrow the tidings of the death of the Honorable Jefferson Davis, and we desire by this solemn expression to place upon his tomb this tribute of Louisiana's grief and undying love."

At the regular session, in May, 1890, Governor Nicholls discussed the question of employing the state convicts on the levees; recommended an improvement of the criminal laws; advised the passage of a law prohibiting prize-fighting; recommended an investigation of the alleged corruption of state officials; announced that the State National Guard and special militia numbered fifteen companies; reported that during 1888 and 1889, 8,374 people of other states and 6,668 foreigners had settled in Louisiana; stated there had been a marked advance in the collection of revenue; observed that in two years 110 miles of new levees had been built and 126 miles of old levees had been raised, and anticipated that the Louisiana Lottery Company would desire a renewal of its charter. He thought it probable that that company would ask to have the question submitted to the people as an amendment to the state constitution; but advised strongly against this course, because, before doing so, it would be necessary for the legislature to agree to such submission, thus apparently sanctioning a renewal of the charter. He said, "No proposition for a lottery should be entertained for a single moment." The people had already decided that after January 1, 1895, no lottery should be permitted in the state. He said that the Louisiana Lottery Company had boasted with truth that it was the only lottery that had ever been recognized in a state constitution and that, as the organization was instituted for gambling purposes, it was the shame and humiliation of Louisiana and should be suppressed. He observed that the lottery company claimed a contract with the state, but stated



that the supreme court of the United States had declared it possessed nothing but a license. While paying an annuity of only forty thousand dollars, the company had grown immensely rich, and of course desired a perpetuation of its life. The par valuation of the stock was one hundred dollars, while the market value was one thousand two hundred dollars. Concerning its origin, the governor dryly remarked, "Nothing better could have been expected of the Legislature of 1868." He further said, "I am addressing men of Louisiana who know as well as I do the value of my words, when I say to them that should this lottery get firmly planted in this State, it will own and hold the purchasable vote in the hollow of its hands forever and through it and by it the liberties, the property and the honor of the people of Louisiana. It would make and unmake governors, judges, senators, representatives, commissioners of election, returning officers, assessors and all other officials at its will." He recommended its expulsion from the state.

In 1890 the waters of the Mississippi at the upper line of the state were three feet higher than they had ever been known to be before, and in the lower part were one foot higher than any previous record. The whole Tensas basin was flooded. Large crevasses were formed in Pointe Coupee, West Baton Rouge, and Concordia parishes and along the Atchafalaya. However, the crevasses of 1890 were less than three miles in extent, while in 1882 they were ten times longer and in 1884 four times longer.

In 1890 and 1891 the state was torn in tatters over the lottery question—first in the legislature and the courts and then before the people. The Democracy was rent asunder, one faction favoring and the other opposing the lottery, with the result that two candidates for the governorship were placed in the field by that party—Murphy J. Foster and Samuel D. McEnery. The Foster faction roundly denounced the lottery and opposed the proposed amendment to the constitution favoring that institution. The McEnery wing decried the split in the ranks of the Democracy and favored the submission of the lottery amendment. The Republicans named for governor Albert H. Leonard, protested against the methods of the Democracy which was called a "usurping power" that had "for years maintained itself by force and fraud combined," favored a continuation of the bounty on sugar, opposed monopolies, trusts and the lottery, declared that the doctrine of white supremacy was "rank political heresy, destructive of the rule of the majority," denounced lynching, and demanded the repeal of all caste or class legislation "and particularly of the



separate-car law." The Republican party was also divided, a faction being headed by H. C. Warmoth, who finally, however, withdrew, at the earnest suggestion of the state executive commission. However, a ticket of the Republicans headed by John Ebreaux for governor was placed in the field, as was a People's party ticket headed by R. L. Tannehill. The following was the result of the election of April 19, 1892: Foster 79,176, McEnery 40,006, Leonard 20,062, Ebreaux 12,012, Tannehill 8,479. The Farmers' State Union made a strong demonstration this year for their rights.

By 1893 it was seen that the effect of the sugar bounty was to stimulate greatly the production of that commodity in the state. The average yield per acre had increased to two tons. The production of rice had likewise grown enormously, the area having centered in the Calcasieu section. New Orleans was seen to be the great banana market of the country. Strong steps in favor of immigration were taken by the citizens. All branches of agriculture were specially favored as the basis of wealth. A general demand for the remodeling of the suffrage clause of the constitution was revealed throughout the state.

Among the laws of 1892 were those prohibiting the sale of any and all lottery tickets after December 31, 1893; making an appropriation for the Louisiana exhibit at the World's Columbian Exposition; attempting to recover one hundred thirty-five thousand dollars of state bonds carried from the state during the Civil war; preventing the formation in Louisiana of trusts and combinations in restraint of trade, and protecting and encouraging the development of the oyster industry.

The legislature of 1894 provided for the removal of the state library to New Orleans; placed the Chalmette monument under the care of the Daughters of 1776 and 1812; provided for an exhibit at Atlanta; provided for holding teachers' institutes in the several parishes; created the Industrial Institute and College of Louisiana "for the education of white children in the arts and sciences," and authorized the colleges of the state to grant diplomas to women for the practice of law, medicine and pharmacy.

At the session of 1896 the following acts were passed: Memorializing congress to grant belligerent rights to the Cuban republic; providing for an exhibit at Omaha in 1898; creating a board of commissioners for the port of New Orleans; favoring an amendment to the Federal constitution providing for the election of United States senators by a direct vote of the people,



and making provision for a convention to revise the state constitution.

In 1893 the sugar crop was worth thirty-five millions of dollars; the cotton crop, twenty-one millions; the rice crop, three millions; fruit and vegetables, two millions; corn, oats and hay, ten millions; oranges, one million; live stock and other products, three millions. There were three experiment stations in operation—one at Audubon Park, New Orleans, one at Baton Rouge and one at Calhoun. In 1884 the Northern immigrants began to enter the state. In that year there was one rice harvesting machine in the state, the next year there were two, in 1886 there were fifty, in 1887 there were two hundred, in 1888 there were four hundred, in 1890 there were one thousand, in 1892 there were two thousand, and in 1893 there were three thousand, these figures being, of course, in round numbers and estimates. In 1884 there were shipped out two hundred and fifty cars of rice; in 1893 there were shipped out ten thousand cars of rice. In 1893 occurred the Screwmen's Benevolent Association riot, a movement against working with colored men. Congress was memorialized by a water-ways convention at New Orleans and by the council and various commercial bodies of that city for funds to improve the harbor and the internal water courses of the state.

The interest of the sugar planters became an important problem politically and economically in 1895. The crop of 1894 was estimated at eight hundred forty-five millions of pounds, upon which the government bounty amounted to sixteen million dollars. The planters had made large investments in the expectation of a continuance of this bounty; its removal meant serious loss, if not annihilation. Generally, the sugar planters resolved to support the Republican doctrine of protection to the extent, at least, of a bounty or a tariff on that commodity. It seemed at first that such a course meant the defeat of the Democracy, but that party elected all its candidates for congress, though it was charged by the Republicans that gross fraud had been practiced in the First, Second and Third districts. Test suits were brought to prevent the stoppage of the bounty payments. The Court of Appeals decided in January, 1895, that the bounty law was unconstitutional. The State Board of Agriculture was called upon to supervise the crop, in order that a reliable record might be kept, and other steps were taken to secure the bounty on the crop of 1894. In 1895 means of getting at the immense deposits of sulphur in Calcasieu parish were devised, the beds there being estimated to be worth from thirty to one hundred millions of dollars. New



Orleans had come greatly to the front during the last few years as an export city. From 1894 to 1895 the exports had almost doubled. In 1896 the United States supreme court sustained the constitutionality of the Louisiana law requiring railroads to provide separate coaches for colored passengers. The legislature this year consisted of twenty-eight Democrats and seven Republicans and one Populist in the senate, and sixty Democrats, twenty-four Republicans and fourteen Populists in the house. In May, by a vote of 86 to 48 it was decided not to go behind the returns.

In this year the Republicans, National Republicans and the Populists united and presented a combination ticket to the people of the state. The National Republicans consisted mostly of the sugar planters and their friends. They first nominated E. N. Pugh for governor, but later accepted J. N. Pharr, and refused to admit negroes to their conventions. The Republicans eventually accepted the same candidate. Twenty amendments to the constitution were voted on at this election. The important questions were the sugar interests, the suffrage question, free coinage of silver, the tariff, free and fair elections, and machine politics. Mr. Foster was renominated by the Democracy. The result was, Foster 116,216, Pharr 90,188. There was much intimidation at this election.

In May, 1897, the Mississippi river was higher at New Orleans by more than a foot and a half than ever before, and yet the levees stood remarkably well, there being only a few breaks. It was found this year that the registration law had the effect of greatly curtailing the aggregate vote at all elections. Steps to build the great government dry dock at Algiers, the cost not to exceed eight hundred fifty thousand dollars, were taken in 1898. From 1892 to 1898 there was spent on the state levees eight million nine hundred nine thousand one hundred and ninety dollars, a considerable portion of which was borne by the government. From 1896 to 1898 about 10,000 immigrants came into the state, largely from the North, and bought in round numbers 250,000 acres for about one million dollars. The most important event of the year was the adoption of the new constitution, with its momentous changes in the suffrage and election laws. The vote on the constitutional convention was 36,178 for and 7,578 against. Up to March, 1899, there had been approved 1,024 claims for pensions under the law granting the same to disabled Confederate veterans. In December, 1899, the Waterways Convention was held at New Orleans; a strong bid was made for governmental assistance. In June of this year a special session of the



legislature was called, primarily to pass an act to enable New Orleans to vote a two mill tax for the purpose of constructing a sewerage, drainage and pure water system, with a total contemplated expenditure of fourteen million dollars.

At the legislative session of 1898 the following measures became law: Asking from congress authority to permit Lieut. Jacques de Lafitte to raise a regiment of immunes; memorializing congress to name one of the battleships "Louisiana;" forbidding a levee commissioner to have any interest in a levee building contract; making it a misdemeanor to deal in futures on agricultural products or articles of necessity when the intention is not to make a bona fide delivery; empowering railroads to mortgage their property; asking from congress such legislation as would destroy water hyacinth; prohibiting gambling with slot machines; appropriating twenty thousand dollars to pay the expense of filling the quota of Louisiana in the war with Spain; pensioning indigent Confederate soldiers; preventing adulteration and fraud in the sale of commercial fertilizers; assessing a license tax on certain corporations; reorganizing the Institution of the Blind; authorizing a special committee to utilize the Hotel Royal building for the supreme court, etc.; requiring banks to maintain certain reserves; reorganizing the Institution of the Deaf and Dumb; affording additional protection to game animals; creating on the Gulf coast a biologic station for the special investigation of problems affecting fish and fisheries; preventing the artificial improvement of rice for the market; widening the powers and operations of the Board of Health; creating a commission to draft a code of criminal law, procedure and correction; providing a general fee bill, and establishing a permanent Leper Home.

In the presidential campaign of 1898 the various parties clung close to national issues, the principal topics being imperialism, militarism, annexation of the Philippines, wars of conquest, trusts, levees, etc. An amendment to the constitution to increase the appropriation for disabled Confederate soldiers from fifty thousand dollars to seventy-five thousand dollars was carried by a vote of 31,329 to 1,440. The "Lily Whites" in their address to the public made the following statement: "The excuse for padding the registration, stuffing the ballot boxes and forging the election returns heretofore given by the Democratic leaders has now disappeared and even the instruments of their conspicuous and admitted frauds will not dare to perpetrate them again. \* \* \* All of the important industries of Louisiana are dependent upon Republican policies. The sugar, rice, lumber, salt, cotton, iron, tobacco and other industries are



directly dependent on the protection accorded them by the Dingley bill. \* \* \* Louisiana is a Republican state on a free vote and a fair count." The vote for president was very light, 53,671 for Bryan to 14,233 for McKinley.

In 1901 the Rice Association of America was formed at Crowley. Many oil wells came to light this year, and the people of the state saw that the southwestern portion was a part of the great Texas oil field. The big dry dock which had been built at Baltimore and had been floated down to Algiers this year had a lifting capacity of twenty thousand tons. The rice crop of the state this year (1901) was estimated at 2,650,000 bags. At the election of congressmen in November, 1902, only 26,265 votes were polled in the state out of a possible 235,344. In New Orleans where there were about 40,000 qualified voters only about 16,000 were registered.

The constitution of May 12, 1898, provided that the number of representatives should not exceed 116 nor fall below 98, and that the number of senators should not be more than 41 nor less than 36. It prohibited the legislature from running the state in debt and from passing many local or special laws, and generally made great improvements in every department of the state government. It made the qualifications for registration and suffrage dependent upon ability to read and write, or in lieu thereof the ownership of property valued at not less than three hundred dollars on the assessment roll of the current or preceding year. Other strict requirements were stipulated. The state levee system was adequately regulated and provided for. Corporations were restricted and taken care of. The following commissions were created: Railroad, Express, Telephone, Telegraph, Steamboat and other Watercraft, and Sleeping Car. Riparian rights were specified. A State board of Charities and Corrections was instituted; likewise a Board of Health and State Medicine. Special attention for the first time was given to public roads. Disabled Confederate veterans were pensioned. The Louisiana State Board of Agriculture and Immigration was recognized as an integer of the state government. Agricultural fairs and organizations were encouraged, and New Orleans was put on a new and better footing. Many other changes were made.

The constitution also provided that white and colored children throughout the state should be educated separately; that the Assembly should establish a State Board and Parish Boards of Public Education; that the school fund, except from poll tax, should be distributed to the parishes in proportion to the number of school children; that the poll tax should be spent in the parish



only where it was levied and collected; that the tax for the support of free public schools should not be less than one and one-quarter mills of the six mills tax levied and collected by the state; and that Tulane University, the Louisiana State Normal School, the Louisiana Industrial Institute and Southern University should be recognized, and provision for their maintenance was made.

In July, 1899, the Jackson Democratic Association of Louisiana was organized partly with the object of uniting the factions of the Democracy. They issued a declaration of principles which opposed trusts, asked for fair elections, insisted on the strict enforcement of the franchise provisions of the new constitution and fitness for public office, demanded that the governor should not interfere in the elections of United States senators, and required honest primaries and reasonable rotation in office. The first election under the new constitution was held in New Orleans and showed that the negro vote was almost wholly eliminated. It even materially restricted the white vote. As in 1896, so this year the Jackson Democracy united with the Citizens' League in order to secure cleaner politics and better government. The Democracy nominated W. W. Heard for governor, and in their platform denounced trusts, favored government appropriations for the improvement of the Mississippi, advocated the construction of the canal across the Isthmus of Panama or elsewhere, praised Governor Foster's administration, and congratulated the state on the practical workings of the franchise clause of the new constitution. The Regular Republicans, in February, 1900, nominated Eugene S. Reems for governor. The Sugar wing of the Republicans, or "Lily Whites" as they were denominated, named C. Taylor Cade for governor. The People's party nominated D. M. Sholars for the same position. An Independent Fusion ticket named Donelson Caffery for governor. The last named candidate made the following extraordinary statement to the people:

"The sole memento of the vanished question of race supremacy is found in Democratic majorities based on negro votes counted but not cast; and having fought and prevailed against an unbearable and now impossible domination, it becomes necessary for our people to resist the domination of overgrown power armed with the weapons intrusted to the officers of state for the defense of our civilization. Under our government of majorities without votes, we have learned that there may be a more odious form of oppression than taxation without representation. \* \* \* The registration must not be a partisan weapon. All candidates must



have the right of naming their commissioners of election. The trick laws governing the representatives at the polls must no longer throttle opposition to the candidates of the party in control, and as the whole system of registration and election laws was designed to prevent the growth and formation of opposing parties and the building up of that spirit of independence which is the life breath of the republic, a new system must be introduced which holds out to the people all the opportunities now denied them."

Of the total registration of 129,729, only about 7,000 were colored. The vote was as follows: Heard, 60,206; Reems, 2,449; Caffery 14,215.

At the regular session in 1900 the legislature endorsed the act of Rep. R. C. Davey, of Louisiana, who introduced in congress a bill appropriating one hundred thousand dollars for the destruction of water hyacinth; authorized police juries to divide the parishes into drainage districts; made preparations for the elaborate celebration of December 23, 1903, the centennial of the actual transfer in the Cabildo of the province of Louisiana to the United States, the old building still standing and occupied by the supreme court; rendered more effective the work of the railroad commission; levied a license upon corporations of other states doing business in Louisiana; authorized the appointment of receivers for defunct corporations; approved the expressions of Bourke Cochran in a speech at Montgomery, Ala., advocating the repeal of the Fifteenth amendment; provided a system of recording state agricultural yields and conditions; appropriated twenty-five thousand dollars for a permanent Leper Home; required banks to maintain a surplus fund; created a Bureau of Labor Statistics and a State Museum; favored the proposed Universal Inter-Oceanic Exposition in New Orleans the year the canal should be completed and opened; asked congress to pay for having destroyed the state house in 1862; requested an appropriation to preserve the monument on the Chalmette battlefield; created an oyster commission; provided further for the protection of birds, etc.; asked congress for the improvement of many bayous, streams, etc., and incorporated many associations, companies, etc.

The assembly of 1902 approved the protest of Governor Heard against permitting the British to use the Louisiana ports and waters as a base for their operations against the Orange Free State and the South African Republic; authorized the attorney-general to institute proceedings against the ice trust for violations of the law; ceded to the government jurisdiction over a portion of Chalmette monument place; divided the state into seven con-



gressional districts; asked congress to refund to the Southern states the cotton tax collected by the government in 1865-6-7, the same aggregating about sixty-six million dollars; required street railways to provide separate cars or compartments for colored people; authorized the appointment of a commission to determine the location of the twenty-six Louisiana organizations which participated in the siege of Vicksburg; provided for the erection of a court house in New Orleans, the cost to be borne jointly by that city and the state; appropriated one hundred thousand dollars to cover the cost of the Louisiana exhibit at the Louisiana Purchase Exposition; established an insane asylum for colored people; appropriated twenty-five thousand dollars for the celebration of December 23, 1903, the centennial of the transfer of Louisiana province; authorized the governor to accept the title to the Camp Moore Confederate Cemetery; thanked John Hill for the donation of thirty thousand dollars to the state university; provided for reclaiming many fresh water islands; created the Board of Commissioners of the Judah Touro Alms-house Fund; ordered the survey of certain unsurveyed lands; redivided the state into representative districts; still further encouraged the oyster industry; regulated the conduct of banking associations and savings banks, and provided for the construction of dams, locks, etc. by the people of Vermillion parish to irrigate their rice fields, with the permission of congress.

In 1864 the state did not vote for president. In 1868 the vote stood as follows: Seymour 43,189, Grant 27,911. In 1872 the popular vote stood: Greeley 66,467, Grant 59,975, but the returning board announced the following result: Grant 71,663, Greeley 57,020. In 1876 the popular vote stood: Tilden 83,723, Hayes 77,174, but the returning board issued the following result: Hayes 75,135, Tilden 70,036. In 1880 the popular vote was: Hancock 65,067, Garfield 38,628, Weaver 00. In 1884 the popular result was, Cleveland 62,529, Blaine 46,347, St. John 337, Butler 120. In 1888 the contest resulted as follows: Cleveland 85,032, Harrison 30,484. In 1892 the result was: Cleveland 87,922, opposition 26,553. In 1896 the result was: Bryan 77,175, McKinley 22,037. In 1900 the result stood: Bryan 53,671, McKinley 14,233.



## CHAPTER XI

## Wars of 1812, With Mexico and With Spain

WAR WITH ENGLAND was declared by the United States on June 19, 1812, and it was hoped that the struggle would be comparatively light, owing to the conflict then raging in Europe, wherein Napoleon still attracted the attention and admiration of the world. All the early movements of the war were confined to the East and North, although it had been anticipated that one of the first movements of the British would be against Louisiana, the mouth of the Mississippi and the Gulf coast generally. The armies of the United States were generally successful in the North and East, many of the engagements being signally brilliant and momentous. As soon as Napoleon was crushed at Waterloo, large British forces were free to cross the Atlantic and strike the Gulf coast; and immediate preparations to send to that quarter 14,000 of Wellington's veterans, fresh from their victories on the peninsula, and a fleet of 50 ships, were made. By throwing a heavy force upon the mouth of the Mississippi, Great Britain hoped to retrieve some of the fortunes of war lost in the North and East. Accordingly, she dispatched a force of ten or a dozen regiments, which reached the American coast near Mobile in December, 1814. Gen. Andrew Jackson, then in command of the Americans in that quarter, at once made preparations to fittingly receive the redcoats. He had little except a rabble to draw from, but fortunately that rabble were all expert marksmen. He made his headquarters in New Orleans, and proceeded to fortify all the approaches leading to the city, well knowing that the city would be the chief object of attack sooner or later. He proceeded to fell trees in the bayous, establish batteries at several



points and plant cannon along the Mississippi and on the lakes north and east of the city.

As soon as it was announced that the British had arrived, a flotilla of small gunboats was sent to watch, and, if possible, check their operations; but this inadequate force was soon dispersed by the superior ships and equipment of the enemy. Another small force sent for the same purpose, shared the same fate. In the meantime, Jackson was making herculean efforts to recruit his army from the militia of the upper Mississippi valley and from the vicinity of New Orleans. Jackson was not the man to stop at trifles, nor for any obstacles, nor any disparity of numbers, but he realized that confronting him was a far superior force of well-disciplined veterans, and he therefore did his best with the means at his disposal. He had but 550 "perfectly-armed, well equipped and disciplined" men of the First regiment of citizens militia. Several battalions of colored men were added to his nondescript army. Detachments were sent to guard the various approaches to New Orleans. His whole force consisted of two half battalions of militia, several companies from the Second United States regiment, one company of artillerists from the regulars, a company of marines, a detachment of carbineers, a body of riflemen from Tennessee and Kentucky\* and a small company of Americans mainly from the North and East, reputed to be fine marksmen. The pirates of Barataria, under Lafitte, sent a request to join Jackson's forces, and were accepted. The boast of Packenham, the British commander, that he intended to gain possession of the "booty and beauty" of New Orleans, roused the highest degree of military ardor in the Crescent City. Whether in reality such a boast was made or not, it served even as a mere rumor to nerve every man to do his best.

Late in December, 1814, the British forces landed near Lake Borgne and advanced through the woods and swamps in the direction of New Orleans. The news of their approach reached Jackson on December 23. The British first captured the American piquet, and then advanced and occupied and fortified Villeré's plantation. Here an American gunboat and a considerable land force, gave the enemy their first serious setback, by a sharp attack after dark, during which the British lost about 400 men and the Americans 24 killed, 115 wounded and 75 missing. Several other small engagements occurred from that time until December 28, at which date the entire British force advanced toward New Orleans.

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\*The newspapers published in New Orleans at this time placed this body of men at 5,000.



At the English Turn, the Americans were encountered entrenched and severe fighting ensued on land and from the boats on the river. Jackson's lines ran along the limits of the Rodriguez and Chalmette plantations about five miles from New Orleans. Here a parapet had been raised, very irregular but very strong in places, all the fences in the vicinity having been called upon for supplies of pickets. By January 8, this parapet was practically rifle and cannon proof. The American line was about a mile long, over half extending back of their left flank to a cypress swamp well nigh inaccessible. Although Jackson had a total of about 4,000 men, only 3,200 were actually engaged in the battle of January 8. From January 1 to 8, the time was occupied in fortifying, maneuvering and cannonading. During this period, it became apparent to the British commander that the American works would have to be carried by storm. Accordingly, on the morning of the 8th, at a very early hour, they advanced to cross the ditch and scale the parapet. A heavy fire was opened upon them from all along the American line, but they continued to advance until they were close enough for the best results from the Tennessee and Kentucky rifles, when the fire became so deadly and so many were strewn upon the ground that they quailed and seemed on the point of flying. Their officers rallied them; but during this eventful time, the British commander, Packenham, fell mortally wounded. They continued to advance amid much confusion, the officers having all they could do to prevent a disorderly retreat. Some reached the parapet, which was in one place scaled, but after about twenty-five minutes they all broke and ran back to shelter or out of range.

In a deep ditch about 400 yards from the parapet, a considerable column rested, reorganized and being reenforced by a heavy column from the rear, finally advanced rapidly to a second attack. Again they met the same deadly fire; but again, just before reaching the works, broke and fled in great confusion. By 8:30 a.m., the battle was over, except an artillery duel which continued until the middle of the afternoon. In this battle, the British lost about 3,000 in killed, wounded and missing, and the Americans 13 killed and wounded. During the succeeding night, the British wounded were removed and a truce the next day enabled them to bury their dead. The enemy retreated during the night of January 18; but Jackson made ample preparations for their reception should they venture to return. On the 21st all of the American troops, except the Seventh regiment returned to New Orleans, and such another scene of triumph and rejoicing was never before



witnessed in the Crescent City. All were overwhelmed with congratulations and thanksgivings.

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The war with Mexico succeeded the annexation of Texas to the United States in 1845. In July of that year, the "Army of Occupation" under Gen. Zachary Taylor, numbering about 1,800 men, was sent to Corpus Christi, Tex. While here, not having any mounted batteries, General Taylor called upon General Gaines, then in command at New Orleans, for a body of skilled artillerymen. The call for these men was the first received by Louisiana. At the same time it was reported that the small force under General Taylor would likely be cut to pieces by the Mexicans. The resulting excitement at New Orleans was intense. Every uniformed battery of the city promptly, urgently, tendered their services, and from their midst General Gaines selected two batteries—one under Captain Forno and the other under Captain Bercier—and dispatched both under the command of Major Gally on the steamer "Alabama" to Corpus Christi. As this was merely a temporary call for the possible relief of Taylor, they returned after three months' service, the mounted batteries of the United States having reached the Rio Grande.

Soon after this, Taylor and the Mexicans became engaged, whereupon calls were hurriedly made upon the governors of Louisiana and Texas for an auxiliary force of about five regiments. This was late in April, 1846. Isaac Johnson was then governor of the state. The requisition dated April 26, was received from General Taylor on May 2, and asked for four regiments to be sent at the earliest moment possible. The governor hesitated to incur this responsibility without special authority; but the legislature, happening then to be in session, promptly instructed him to rush forward the regiments and appropriated the sum of one hundred thousand dollars to cover the expense. Calls were immediately issued by many of the leading military men, and volunteers' names went down by the dozens and with unparalleled speed, so that on the 9th, 10th, and 12th of May, a full regiment of 1,000 men was raised and sent on their way by steamer to the Rio Grande. This was the First or Washington regiment under the command of Col. James B. Walton. In the meantime, on May 8, occurred the battle of Palo Alto in which 2,111 Americans with 10 guns participated and forced the Mexicans back to Resaca de la Palma, where another battle was won by Taylor the next day amid many heroic deeds of valor. Soon after this date, the



Mexican General Arista retired wholly from this vicinity, and the scene of the war was transferred from Texas and along the Rio Grande, far into Mexican territory, the result desired by "Old Rough and Ready," as Taylor was lovingly called by the army.

After the departure of the First regiment, the enlistments did not languish, but were continued with great spirit in all parts of the state. The legislature rendered this step possible by appropriating three hundred thousand dollars to cover the expenses. The Second regiment under Col J. H. Dakin; the Third under Col. S. T. Marks; the Fourth under Col. Horatio Davis; the Fifth under Col. Bailie Peyton and the Sixth under Col. Edward Featherstone, were raised about the same time and dispatched to the Rio Grande, where they were consolidated into the Louisiana Battalion under the command of Brig. Gen. Persifor F. Smith. Later General Smith was appointed to the command of a regiment of mounted rifles in the United States service and served with great distinction in the army under General Scott on its march to the Mexican capital.

During the summer of 1846, New Orleans was the gayest city in the United States. Thousands of troops from up the river passed down and stopped temporarily there and were invariably welcomed with some fitting ceremonial that would serve still further to kindle their military enthusiasm. When the Louisiana regiments, one by one, took the steamers and started down the river for the Gulf, they did not depart without tears and heart-burnings, and were in all instances sent away amid the beautiful ceremonies of flag presentation, the loving farewells of the ladies and the thundering acclamations of the assembled citizens. Thus the six regiments were sent by Louisiana to the war that added a princely domain to the United States. In December, 1846, a regiment was raised, placed under the command of Colonel De Russy and dispatched to Tampico, and in May of the following year, a battalion of five companies were added to the Louisiana volunteers in the field. In the service, also, were several independent organizations. Several regiments of Louisiana militia were mustered into the United States service, but saw no duty outside of the state. In 1847, a battalion of mounted volunteers from Louisiana was received for the United States service, Lieut.-Col. W. F. Biscoe being their commander. They saw service at Vera Cruz and in the engagements leading up to the capture of the City of Mexico. About 4,500 men were in the Louisiana Battalion on the Rio Grande. Enough more were in other com-



mands to raise the total men furnished by Louisiana to fully 6,000, after full allowance is made for men from other states who enlisted in Louisiana regiments, and there was quite a large number. Fully as many more were raised in the state, but could not be accepted, but were held in order until the end of the war, ready for any possible call. Singular as it may seem, the Louisiana volunteers, aside from a few skirmishes, were not given an opportunity to show their fighting qualities in any pitched battle during the war with Mexico. At the close, the government reimbursed the state for much of its outlay in sending the volunteers to the field. The regiments sent out were based upon the old militia organizations, which retained their integrity afterward, and several of them became famous in the Civil war.

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In the war with Spain, Louisiana promptly met all the requirements of the government. The president's proclamation of April 23, 1898, for 125,000 men was followed two days later by that of Governor Foster to fill the quota of two regiments required from Louisiana. In his proclamation the governor announced that, in accordance with the recommendation of the president, preference would be given to the organizations of the National Guard. In consequence the First regiment of volunteers for the war was organized from Companies B, D, E, F, G, H and K of the First regiment, National Guards, and the Third separate Company of the Guards, the most of which former had constituted the Sixth Battalion of the Guards. The officers of this regiment were as follows: W. L. Stevens, colonel; R. G. Pleasants, lieutenant-colonel; C. J. Bartlett and S. K. Knapp, majors; F. E. Artaud, surgeon and major; and the following captains in order beginning with Company A: C. F. Pool, F. P. Stubbs, Jr., A. N. Muller, J. R. Parish, T. W. Lee, E. L. Kidd, Lucius O'Brian, T. W. Cate, H. P. Hill, E. W. Terry, A. E. Phillips, T. S. Ellis. The First regiment was organized and mustered in at New Orleans, May 8 to 18, 1898, with 46 officers and 977 enlisted men. Leaving New Orleans, it arrived at Mobile, June 1, where three days later it was assigned to the First Brigade, First Division, Fourth Army Corps. On June 25 it was transferred to the First Brigade, First Division, Seventh Army Corps. The next day it moved to Miami, Fla., but August 10, reached Jacksonville, where it remained until October 3, when it was mustered out of service with 42 officers and 1,114 enlisted men. Its casualties



were four officers died of disease, ten enlisted men died of disease, one killed by accident, one drowned, one murdered and ten deserted.

The Second regiment of volunteers was made up of the Third, Fourth and Seventh consolidated battalions of the National Guard, and was officered as follows: Elmer E. Wood, colonel; W. C. Defour, lieutenant-colonel; W. L. Hughes and G. M. Hodgson, majors; J. J. Archinaud, surgeon and major; and the following captains in the order of the companies, beginning with A: W. E. Hogue, H. A. Benners, A. W. Jacobs, L. A. Livaudais, Jr., F. W. Matthews, C. C. Fredericks, Adolphe Roquet, G. A. Cooper, E. G. Defour, W. H. Hoffman, J. B. Waterman, and Louis Lamothe. The Second was organized and mustered in at New Orleans, May 11 to 20, 1898, with 46 officers and 960 enlisted men. It left New Orleans, May 30, and arrived at Mobile the next day, and was assigned to the Second Brigade, First Division, Fourth Army Corps, on June 4. It was transferred to the Second Brigade, First Division, Seventh Army Corps, on June 25. Four days later it arrived at Miami, Fla., and on August 3 reached Jacksonville. On October 23 it arrived at Savannah, and was there transferred to the First Brigade. On December 24, it boarded the steamer *Mobile* and on December 27 was landed at Havana. There it remained doing guard duty until March 20, 1899, when it sailed for Savannah, arriving there March 24, and was there mustered out on April 18, with 45 officers and 797 enlisted men. Its casualties were 3 officers and 13 enlisted men died of disease, one killed by accident and 44 deserted.

Under the proclamation of the president of May 25, 1898, Louisiana was authorized to raise three batteries of light artillery. This was promptly done. Battery A, Louisiana Field Artillery, consisting of 106 enlisted men, was officered as follows: J. P. Sullivan, captain; W. M. Stout, first lieutenant; F. W. Foreman, second lieutenant. Battery B, Washington Artillery, consisting of 106 men, was officered as follows: F. W. Kornbeck, captain; E. B. Stafford, first lieutenant; A. H. Parker, Jr., second lieutenant. Battery C, Donaldsonville Cannoneers, also consisting of 106 enlisted men, was officered as follows: Richard McCulloh, captain; E. N. Pugh, first lieutenant; C. K. Fuqua, second lieutenant. In addition there were over 100 men under the command of Lieut. Com. L. W. Bartlett, on the monitor *Passaic* and other vessels, a small squad of about 10 men on the *Tacoma*, 97 men in the Auxiliary Navy, and 23 men in the signal service, total in the navy, 19 officers and 214 men. The three artillery



companies above mentioned were organized and mustered in at New Orleans, July 6 to 7, 1898, with 9 officers and 318 enlisted men. On September 2, all were furloughed for thirty days, and on November 12, all were mustered out at New Orleans, the three companies then having 9 officers and 312 enlisted men. The only casualties were 1 man died of disease and 1 deserted. The twenty thousand dollars which the state appropriated for the equipment of these troops was returned by the government. It will be seen that Louisiana furnished more than its full quota under all calls.



## CHAPTER XII

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### The Civil War

THE FIRST definite action taken by Louisiana in the Civil war was the dispatch of an expedition of about 250 men of the state militia under the command of Col: J. B. Walton on January 9, 1861, to seize the United States arsenal at Baton Rouge and occupy the barracks there, a small force to take possession of Fort McComb at Chef Menteur, and another to occupy Fort Livingston on Barataria bay. At the same time small detachments of troops were sent to gain possession of Forts Jackson and St. Philip below the city of New Orleans and Fort Pike at the Rigolets. Thus a considerable quantity of war material was secured, among which were over 400 cannon. As the precaution was taken to send along enough men to overwhelm the small Federal garrisons in charge of these works, no trouble was experienced. Previous to these decisive steps, other acts of a warlike character had occurred. The election of Lincoln and Hamlin was immediately succeeded by the proclamation of Governor Moore under date of November 19, 1860, convening the legislature in extraordinary session on December 10. Intimating in his message that Louisiana would never submit to the presidency of Mr. Lincoln, he left that body without further ceremony to settle the question of what was to be done. The report of the adjutant-general revealed the poverty of military equipment possessed by the state, and further showed that at least one million dollars would be required to organize and equip the Louisiana militia for field service. The legislature called a convention to assemble at Baton Rouge on January 23, set a day for the election of delegates thereto, and appropriated five hundred thousand dollars to cover the expenses. Delegates were accordingly elected, early in January. They assembled on the



23d and three days later solemnly passed the ordinance of secession from the Federal Union.

If there had been any hesitation in the preparation for war before the passage of this ordinance, there was certainly none afterward. On St. Barbe's day the Orleans artillery was tendered for the field. In every parish could be heard the stirring calls. Many of the parishes in enthusiastic meetings, ratified the action of the secession convention. Everywhere the militia began to organize, drill and equip as well as it was possible with the meager means at hand. The old militia companies and the political clubs of the previous autumn were the bases of the new organizations. It is impossible to state what organizations were tendered or were ready first, as all was confusion, and many important events escaped notice amid the multiplicity of war-like scenes. It may be said with truth that even before January 1st, many companies were ready so far as organization and discipline were concerned. The State Board of Military Commissioners, appointed at the special legislature, took charge of all organizations, and did everything possible to fit them for the field. The secession convention also provided for the appointment of a delegation to represent Louisiana at the convention to be held in Montgomery February 4 to form a Southern Confederacy. At the secession convention was unfurled for the first time the "National Flag of Louisiana," the state by its act of secession having become a separate and distinct power among the nations of the world. The act of secession was followed by the resignation of all the United States officers residing in the state.

The first general gathering in New Orleans after the passage of the secession ordinance was on February 13, when the entire populace turned out to witness the raising of and salutation of the "National Flag of Louisiana." Lafayette Square was thronged with cheering thousands. Washington's birthday was also fittingly celebrated with the beautiful ceremony of flag and sword presentations to the various military organizations. Thus from the start Washington was claimed by both the North and the South, as was also the same God of battles. The precepts of both were quoted to prove the righteousness of the cause of the two factions rapidly preparing to face each other in battle array.

On April 14 came the news that Fort Sumter had surrendered to the Confederate forces at Charleston, and everywhere pride was expressed that a Louisianian, General Beauregard, had been permitted to strike that first blow. The next day the Crescent Rifles and the Louisiana Guards left for Pensacola, and on the



16th the Shreveport Grays, Grivot Grays, Louisiana Guards and Terrebonne Rifles were consolidated into a battalion at Pensacola. Every parish reported companies or parts of companies ready for the service, and the claims of every organization were pushed to see which would succeed in reaching the field first. As fast as possible all were accepted, blent with others into regiments and battalions and sent forward under the orders of the Confederate war department. The principal rendezvous was at the Metairie race track, but a little later was removed to Camp Moore on the Jackson railroad. General Beauregard, a Louisianian, had "won his spurs" at Sumter, the first of the war, but not the last by thousands.

The Louisiana battalion which enlisted for one year, was sent to re-enforce General Magruder in Virginia. The First Louisiana infantry was organized at Pensacola, to which point many of the early organizations were sent. Early in May, the famous Washington artillery, despairing of having their services accepted at all, tendered themselves directly to the Confederate government and were promptly accepted and ordered to Lynchburg, Va. By this time practically a dozen regiments had been offered to the Military Board and all had been accepted to meet the first levies of the Confederate congress. As fast as possible they were sent to points which needed them the most.

In the summer of 1861, Gen. D. E. Twiggs was placed in command of the lower Mississippi and the defenses of New Orleans, but on October 7 he was relieved by Gen. Mansfield Lovell. In December came the report that the Federals had captured Ship Island, and that another formidable fleet was on its way to capture New Orleans. General Lovell made the best possible preparations to give them a warm reception. The forts below were strengthened, and the city was soon defended with earthworks and all the available militia. But for a time cold weather put a bar on active military operations. In February, 1862, came urgent calls from General Beauregard then located at Jackson, Tenn., for reinforcements to be sent to the army concentrating in his department to operate against the Federals then near Fort Donelson. As fast as possible his requests were complied with until he had in all from Louisiana ten infantry regiments and four batteries of artillery, as follows: The First, Fourth, Eleventh, Twelfth, Thirteenth, Sixteenth, Seventeenth, Eighteenth, Nineteenth and Twentieth infantry regiments. Besides, there were the Crescent battalion, the Confederate Guards, the Response battalion, the Thirteenth battalion of Orleans Guards and the Fifth Company of Washington Artillery. This heavy drain left General



Lovell less than 3,000 effective militia with which to repel the formidable force advancing upon New Orleans from the Gulf. But more than all else to be dreaded was the powerful Federal fleet, consisting of twenty-one mortar schooners under Commodore Porter and twenty-six armed sloops of war and steam gunboats all carrying over 200 guns and under the command of Admiral Farragut. Beauregard sent to his assistance the ram *Manassas*, from which much was rightfully to be expected. In addition he gathered together some eight or ten other vessels, among them being three rams, rendered them bullet proof with cotton bulkheads, provided them with iron prows for ramming, and placed them under the command of Capt. J. K. Mitchell, with orders to dispute to the last the passage of the Mississippi. He likewise stretched strong obstructions across the river between Forts Jackson and St. Philip.

Late in March the Federal fleet entered the mouth of the Mississippi, but did not attack the forts until April 18, on which date a terrible fire was opened upon them. They replied with equal fury, and for six days did the dreadful din proceed. Then under darkness they attempted to run past the heroic batteries and succeeded. Later the two forts, commanded by General Duncan, were forced to surrender. After passing the forts the Federal fleet was free to move upon New Orleans save for the feeble ships of war which had been hastily prepared by General Lovell. When it came to the crucial test, these proved worse than useless. Even the *Manassas* was unable to effect any striking result. New Orleans, the magnificent, was at the mercy of the enemy.

On April 25 the Federal fleet reached Chalmette, and there encountered some resistance, but pushed on toward the city. The Confederate forces in New Orleans, at 5 o'clock p. m. on the 25th, evacuated the city, partly to prevent its bombardment and partly to escape capture, and marched to Camp Moore, there to watch the enemy and await an opportunity to strike. Under orders of the Confederate secretary of war, much of the cotton and tobacco in the city was burned to prevent its falling into the hands of the Federals. On the same day, Friday, the 25th of April, came the summons to surrender; but the negotiations of the civil authorities and the Federal commander, about which there has since been much dispute, postponed the actual surrender until the following Tuesday, April 29. It was necessary for the Federal soldiers to lower the Confederate flag over the public buildings, as every citizen refused to do so. This technicality and delay caused several citizens to think that perhaps the inev-



itable might be avoided; whereupon Mr. W. H. Mumford, in his enthusiasm and defiance, mounted to the top of one of the public buildings and hauled down a Federal flag which had been hoisted there by a group of soldiers from the Federal fleet. For this act he was later, by order of General Butler, tried for treason and executed. At the worst, imprisonment would have been a sufficient punishment for the offense, but execution was as much out of place as would have been that of any other citizen of New Orleans or Louisiana guilty of an overt act against the United States government, and practically all were thus guilty. Why should Mumford have been executed, when only a few months before the Federal flag had been hauled down all over Louisiana and was being kept down and fired upon by hundreds of others? Why not continue the work of extermination against all who were thus guilty of treason against the United States? But General Butler, who was appointed military commander of the Department of the Gulf, was one of those who would have executed every Confederate leader could he have had his way. He saw treason not only in the act of Mumford, but in the acts of every man in the Confederate army, or who had committed acts similar to that of Mumford.

General Butler took possession of the city on May 1. Naturally, the citizens were unfriendly and sullen. They made the first mistake of dallying over the surrender and of obstructing in an irritating and independent manner the preliminaries of turning the city over to the Federals. Had they accepted the inevitable, which was unavoidable, and gracefully surrendered while retaining the semblance of their loyalty to the Confederacy and every scintillation of their honor, it is probable that Mumford would not have been misled and General Butler would not have been goaded into resentful acts.

Order No. 28 of General Butler was wholly unnecessary, was an insult to the South and to civilization, and inexcusably stupid and brutal. It directed that when "any female shall, by word, gesture, or movement, insult or show contempt for any officer or soldier of the United States, she shall be regarded and held liable to be treated as a woman of the town plying her avocation." What serious matter if the ladies of New Orleans did make faces at the soldiers, or slam the doors upon them, or even spit in their faces? Was such a trifling act so galling and unbearable to the rough soldiers as to be resented with unpardonable insult? Were the bold soldiers, many of whom swore, drank or caroused, so shockingly humiliated and damaged by a few such acts that their lacerated feelings must be healed by an insult to all womanhood



that has ever since been the shame of American chivalry? How much better it would have been had the sturdy soldiers paid not the slightest attention to such trifles. These and other arbitrary measures placed an impregnable barrier between General Butler and the citizens of New Orleans.

In accordance with the harsh rules of war, General Butler proceeded to take possession of all the railway lines, of the supplies, and, in short, of everything which might be of benefit to the Federal army or would tend to weaken or fret that of the Confederates. He scattered the small remnants of Louisiana militia, and everywhere demanded and enforced obedience to his orders, if he did not secure respect for his authority or adherence to the Federal cause. Cotton, sugar and tobacco were everywhere seized as contraband of war. Cattle from Texas destined for the Confederate army, were cut off and captured. Small but sufficiently large expeditions were sent in all directions to compel the entire department to contribute to the Union arms. He sent a force of several thousand men under General Williams to take possession of Baton Rouge; they encountered no resistance. The Confederates had scattered with the design of assembling in the Southwest to offer resistance after they had become organized and accoutered. The southern and western parts of the state were admirably adapted to the movements of small forces, owing to the swamps, the bayous, the lakes, the navigable streams and the isolated ridges of high ground. And Louisiana was destined to introduce to the world another "Swamp Fox," another Marion, to harass without intermission and finally to defeat the Federal army sent against him.

Before the capture of New Orleans the dreadful battle of Shiloh was fought on the 6th and 7th of April, 1862. In that historic engagement were pitted the bravest and best blood of the Northwest against that of the Southwest—young men, full of fight and valor, brave to rashness, undaunted at the frightful face of death, each with the holy merits of his cause ringing in his ears and tingling in his veins, eager to rashness to be the first to strike the foe, and even anxious to bear galling yet honorable wounds for his respective country. The Confederates were on their own soil, and had the wonderful incentive of driving the invader across the border. The Federals had back of them the national pride of nearly a century—the determination to prevent the division of the Union which they had been taught to love and revere. The Southerners had the dash and daring of the cavalier; the Northerner the sturdiness and invincibility of the Teuton and the Anglo-Saxon. Out of this heroic material



was fought the first great battle of the West. In it were many Louisianians, with the praises and prayers of their wives and mothers still fresh in their hearts. There was the First under Colonel Gladden, the Fourth under Colonel Allen, the Eleventh under Colonel Marks, the Twelfth under Colonel Scott, the Thirteenth under Colonel Gibson, the Sixteenth under Major Gober, the Seventeenth under Colonel Hough, the Eighteenth under Colonel Mouton, the Nineteenth under Colonel Hodge, the Twentieth under Colonel Reichard, the Crescent Guards under Colonel Smith, the Confederate Guards, the Response battalion, the Fifth company of Washington artillery under Captain Hodgson and a few other smaller detachments—perhaps a total of about 4,500 Louisianians. It was the first great loss to the state, the dead being counted by hundreds, but no one faltered.

After the bloody battle of Shiloh, both shattered armies rested and recuperated. In the battle of Farmington between Van Dorn and Pope several Louisiana regiments participated. In the battle of Iuka, the Third infantry particularly distinguished itself, as it did also at Corinth, where Watson's battery and Depiere's zouaves also did excellent service. After Shiloh Beauregard succeeded the lamented Albert Sidney Johnston, but was himself succeeded by Bragg early in May, 1862.

Late in 1862, when General Sherman undertook to make the conquest of Chickasaw bayou, he encountered Gen. Stephen D. Lee, with whom were the following Louisiana commands: The Seventeenth, Twenty-second, Twenty-sixth, Twenty-eighth and Thirty-first infantry regiments. Much of the success of Sherman's defeat was due to the fierce fighting of the Louisianians; they fully sustained their splendid reputation gained thus early in the war. Again at the siege of Vicksburg were the following Louisiana troops: Parts or the whole of the Third, Fourth, Seventeenth, Twenty-first, Twenty-sixth, Twenty-seventh, Twenty-eighth and Thirty-first infantry, Eighth artillery battalion, three companies of the First artillery battalion (Beltzhoover's), two companies of the Twenty-second artillery and two companies of the Twenty-third artillery. Other smaller detachments were also there. Their excellent deportment in that long and trying siege is yet the boast and pride of Louisiana. Many of the state's most gallant sons fell in those deadly trenches—gave their lives for independence from Federal interference and power.

In the summer of 1862 Gen. Earl Van Dorn succeeded General Lovell in command of the Louisiana department. At this date the whole Red river country was yet unsullied by the foot of the invader. There were the herds of cattle and horses, the corn



and other provisions, which poured across the Mississippi via Vicksburg to supply the wants of the great armies farther east. By the same route came immense supplies of the same war material from the plains and plantations of Texas. This fact became known to the Federal authorities, whereupon one of the first objects of the Federal campaign in the Southwest was to gain possession of the Red river country for the double object of securing these valuable supplies for the Union armies and of preventing them from reaching the armies of the Confederates. On the other hand it was vital to the latter to retain this invaluable adjunct—this store-house of the war. One of the first steps having this object in view was the expedition of about three thousand troops under General Breckinridge, which was sent to recapture Baton Rouge. In this movement he was promised the assistance of the powerful ram *Arkansas* and perhaps other vessels. With his force were the Fourth and the Thirtieth Louisiana infantry, Boyd's and Semmes' Louisiana batteries and probably other detachments. Breckinridge attacked the strong works of the Federals and drove the enemy from point to point to the river bank. The *Arkansas* had failed to co-operate, and the Federal vessels kept throwing shot into his ranks. Without assistance from the river, and without promised and needed reinforcements, Breckinridge was unable to maintain his advantages and accordingly retreated. A few days later the place was evacuated by the Federals, and both commanders claimed the victory. The Federal commander, Williams, had been killed.

Van Dorn decided to make Port Hudson a central point of defense, whereupon the force under General Breckinridge was sent to occupy that place. There General Ruggles succeeded him in command. In May, 1862, that part of Louisiana east of the Mississippi was attached to Department No. 2, and all west of the river to the Trans-Mississippi Department, and about the same time Gen. Paul O. Hebert assumed command of Western Louisiana and Texas. In June Eastern Louisiana was under the command of Gen. Braxton Bragg. A little later Gen. Richard Taylor succeeded General Hebert.

The design of General Butler was to place under Federal control as soon as possible a large part or the whole of Louisiana, induce the citizens loyal to the United States if there were any, to reorganize the state government, secure from among the Louisianians troops for the Union army and elect state and congressional officers. In this design he was partly successful. The first step was to secure military control of the state. With that object in view he dispatched General Weitzel with a considerable



force in October first to Donaldsonville, thence to Napoleonville, thence down the Lafourche, in the vicinity of which it had been learned that the Confederate General Mouton was operating with a considerable body of troops and one or more vessels. Mouton made immediate preparations to dispute the progress of Weitzel. With him were parts of the Eighteenth, Crescent, the Thirty-third, the Terrebonne Guards, part of the Second Louisiana cavalry and Ralston's and Semmes' batteries—probably a total of 1,200 effectives. The Federal force was considerably larger. Two miles above Labadieville, Mouton fortified a strong position on both sides of the bayou and awaited the appearance of Weitzel. The battle was fought on October 27, and, through unfortunate and unforeseen circumstances, Mouton was forced to retreat to a new position south of Labadieville. But the Federal force was too strong to be withstood, and he finally moved intact across the Atchafalaya. In the battle his troops had shown conspicuous gallantry and he exceptional skill. His retreat with all his supplies and with the spirit of his soldiers unquenched should be ever memorable. The Federal gunboats compelled him to evacuate his new position, whereupon he marched to the Teche and fortified, but was again soon compelled to change his ground. He now had to assist him the Confederate gunboat Cotton and two small steamers. With these he offered battle on November 3 to four gunboats under Lieutenant Buchanan and the army of Weitzel, and, although forced back after nearly two hours of fighting, he had the satisfaction of seeing the Federals retreat to Berwick bay. Thus the movement resulted in a Confederate victory. Later Weitzel again advanced, probably with heavy reinforcements, and succeeded in destroying the gunboat Cotton, whereupon Mouton retired into the interior and Weitzel returned to Brashear City.

In December, 1862, Gen. N. P. Banks succeeded General Butler in command of this Federal department. Banks ordered 10,000 men under General Grover to advance to and occupy Baton Rouge. At this time about the same number of Confederate troops under Gen. Franklin Gardner held Port Hudson. Van Dorn with a large force was at Vicksburg. There was now a shifting of commands. General Sibley with a few hundred men advanced from Opelousas to New Iberia. Gen. Richard Taylor with a larger force occupied Opelousas, he being now the commander of this Confederate department. Gen. E. Kirby Smith was in command in Northwest Louisiana. Banks was given a large and well-equipped army and told to take possession of the Red river country, the ultimate objective to be Shreveport. He



first planned to clear the southern portion of the state of the Confederates, and ordered Grover to advance to Donaldsonville and thence to Thibodeau. But General Taylor, fresh from his recent training in the art of war under "Stonewall" Jackson in the valley of the Shenandoah, had gathered together on the Teche a strong force of experienced troops numbering between 4,000 and 5,000, among them being many Texans and the following Louisiana commands: The Eighteenth, the Crescent regiment, the Twenty-eighth, the Second Louisiana cavalry, the Yellow Jacket battalion, Semmes' battery and the St. Mary cannoneers. This force was stationed at Fort Bisland on the Teche. As early as March, 1863, General Taylor had captured the Federal gunboat *Diana* on the Atchafalaya, and had armed and manned her for his own use. As a side movement and with the assistance of Maj. J. L. Brent, Taylor, in February, 1863, destroyed the Federal gunboat *Indianola*.

About the middle of April the Federals advanced in force up the Teche to attack the advance guard of the Confederates under General Mouton. The latter checked them for two days with desperate fighting, but was then compelled to retreat before superior numbers. He reached Franklin, ten miles distant, on the 14th and found General Taylor. It was decided that the Confederate force was not large enough to withstand the much larger force of the Federals, whereupon it was concluded to adopt the tactics of doing them all the damage possible without sacrificing the integrity of the Confederate command. None on either side knew better how to do this than General Taylor. His experience in the Army of Northern Virginia was now invaluable. However, a vigorous resistance was offered, and finally the *Diana* was destroyed and Taylor marched to Vermillion bayou and thence by easy stages to Opelousas. Before such a largely superior force, which was advancing rapidly, this was a masterly performance. Upon the appearance of the Federals at Opelousas about the first of May, Taylor retreated toward Natchitoches and Mouton with a strong force moved toward the Southwest. Early in May the Federals moved from Opelousas toward Alexandria, but upon reaching that point were directed to co-operate with the movement to secure an "open Mississippi" under General Grant, and accordingly marched back via Opelousas and New Iberia to Brashear City. There he left a force to hold the place and marched toward Port Hudson. Soon Taylor again appeared, fell upon the enemy at Brashear City and captured an immense store of supplies of all kinds and 1,500 prisoners and took possession of the city and vicinity.



Taylor now began to show his resourcefulness and power. With his old command and reinforcements from Arkansas to the number of several thousand men, he promptly took possession of the Federal post on Berwick bay with many prisoners, an immense supply of medical and other army stores and 5,000 new rifles. He proceeded to take possession of the entire Lafourche country, and designed to cut off Banks' communication with New Orleans and perhaps succeed in reaching the latter city. Mouton was not idle, and had collected at the mouth of the Teche about fifty small water crafts. Camp Butler, near Donaldsonville, was too strong to be taken by the Confederate General Green. The Confederates were thus again in possession of much of Southern Louisiana.

But now there came a change. Vicksburg and Port Hudson fell, and thus the entire Mississippi was in possession of the Union forces. This left a large force free to operate in the Red river valley. About the middle of July, Generals Weitzel, Grover and Dwight, at the head of a force of about 6,000 troops, came down the river to Donaldsonville, and thence marched down the Lafourche, intending to find and strike the forces operating under Mouton and Taylor. But Taylor was too shrewd a soldier and tactician to be caught. He skirmished and evaded the large Federal force, finally passing northwest in advance of the enemy, opposing every obstacle he could to his advance, fighting fiercely occasionally as opportunity promised advantage. In October, 1863, the Federal army moved to Vermillion bay, thence to Carencro and so on in a northwest direction, Taylor ever retreating before them yet ever touching them with his gaffs. In this Federal army were 11 brigades of infantry, 2 of cavalry, and 5 batteries of artillery under Gen. W. B. Franklin. General Taylor retreated from Opelousas to Washington, near which place in November, General Green defeated a strong Federal force under General Washburn. Colonel Vincent defeated another strong force near New Iberia. The Federal army was now well advanced on the second Red river expedition.

In the spring of 1863, General Gardner was in command of about 12,000 Confederates at Port Hudson. In March the Federals tried to run the batteries there, but only part of their vessels succeeded. The two that succeeded in getting through immediately blockaded Red river. It was in May, 1863, that Gen. Joseph E. Johnston recommended that General Gardner should evacuate Port Hudson, owing to the probability that Vicksburg would soon fall and that the whole Mississippi would thus



fall into the hands of the Federals. The loss of Vicksburg to the Confederates meant the loss of Port Hudson. But General Gardner did not take the advice of General Johnston, and accordingly General Banks proceeded to invest that important point. This was begun late in May, and was continued until the middle of June, when he demanded the surrender of the place. Gardner politely declined the invitation, and the cannonade continued, but when Vicksburg fell early in July, Port Hudson also surrendered, Gardner yielding to Banks July 9. At Port Hudson were the following Louisiana commands: Fourth Louisiana detachment, Ninth infantry battalion, Ninth battalion of partisan rangers, Twelfth heavy artillery battalion, Thirteenth infantry battalion Louisiana legion, Boone's battery, Watson's battery and perhaps other small commands.

Immediately after the fall of Vicksburg, the Red river expedition of the Federals was begun again in earnest. The Federal force in Southern Louisiana advanced toward Alexandria via Opelousas, while a large fleet of gunboats with many troops proceeded to cooperate up Red river. The Federal army was under the command of General Banks. The Confederates began to concentrate in his advance to offer battle. At the head of this force was placed the Stonewall Jackson of Louisiana, Gen. Richard Taylor, one of the ablest commanders of the great war. He was joined by Generals Green, Walker and Mouton, who in their spheres were scarcely inferior to Taylor himself. This concentration was at Pleasant Hill, northwest of Natchitoches. Soon with Taylor were nearly 9,000 effective men, while opposed to him were three times as many. All eyes began to be turned in this direction, regardless of the important events transpiring elsewhere. The Confederate president and the state of Louisiana had the utmost confidence in Taylor, and did not fear to pit him with a much smaller force against the political soldier Banks. It was believed that his prudence, sagacity, dash and boldness would fully overcome the disparity in force, and this judgment in the end proved correct. When the large army under Banks reached Natchitoches, Taylor fell back to Mansfield, and silently there prepared for battle. In the meantime, a fleet of Federal vessels had advanced up Black river against General Polignac at or near Harrisonburg, but owing to the skill of the latter did not accomplish much and accordingly continued on up the Ouachita. The Federals captured Fort De Russy, a water battery below Natchitoches about the middle of March.

The large force under General Banks reached Natchitoches



about the 1st of April. Gen. Kirby Smith was at Shreveport with his eyes on the Federals in Southern Arkansas and also upon the operations of General Banks. The importance of strengthening Taylor was apparent to him, at the same time he was obliged not to let it appear that he was weakening himself. He had brought troops and munitions from Camden, Ark., to fit him for the struggle with Banks, should Taylor not succeed in stopping or defeating the Federals. However, he sent several strong detachments to Taylor's assistance. With Taylor at Mansfield, was Mouton with the Eighteenth, Crescent, Twenty-eighth, Beard's battalion, Fournet's battalion and Faires' battery. With everything in readiness, Taylor was attacked by the Federals on the 8th of April, 1864, but the latter ran against a stonewall and were flung back discomfited. Taking advantage of this check, he threw Mouton's division of nearly 2,500 effectives against the strong position of the enemy. Down a long slope, across a wide valley and up a steep ascent charged those heroic men, meeting at every step a deadly fire from musketry and artillery, leaving the ground strewn with their dead and wounded, and at last literally throwing themselves upon the enemy on the crest. So desperate were the men and so fierce was the onset, that the Federals were flung back amid much disorder. They endeavored to rally, fighting hand to hand, but were soon scattered, and finally fled in wild dismay, throwing aside everything that impeded their stampede, each looking out for himself and bidding the devil take the hindmost. In this terrible charge the brave Mouton was killed, and was immediately succeeded by the able French general, Polignac. In this charge also fell between 700 and 800 men, the pride of Louisiana, who, by their dash and gallantry, scattered like chaff the whole Thirteenth Army Corps of the Federals and immortalized themselves in one of the most brilliant charges and most telling victories of the whole war.

The Thirteenth Army Corps, thoroughly routed and defeated, fled for many miles, leaving the ground strewn with their accoutrements, and were vigorously pursued and punished by the elated army under Taylor. At the distance of four miles the rout encountered the Nineteenth Army Corps, which was likewise attacked by the invincible Confederates, and likewise flung back and sent flying in great disorder with the rest of the rabble toward Natchitoches. In this headlong flight the Confederates secured practically the whole equipment of the enemy, which was abandoned regardless of its value. In this battle and rout, the brigades of Mouton, Major, Bagby, Green and Randal on the left,



and Bee, Walker, Waul and Scurry on the right did valiant service, scarcely stopping short of Natchitoches itself.

Taylor now felt that he could capture the whole army of Banks with half a chance. He therefore began to hector and injure the enemy in every way possible, watching like a hawk at the same time for his opportunity. He was reenforced until he had about 12,500 effectives, and felt confident of crushing Banks with even chances. Bank had a total of from 18,000 to 20,000. Early on the morning of the 9th, the Federals were encountered entrenched at Pleasant Hill, but could not be attacked until late in the same evening, when desperate fighting ensued until darkness closed the bloody day. During the night Banks retreated rapidly to Natchitoches, the retreat much resembling a rout. Thus, both at Mansfield and Pleasant Hill, the Confederates gained splendid victories, mainly owing to the genius of Taylor, the protege of the great Jackson.

Without losing a moment of his advantage, Taylor sent a force under General Green early on the morning of the 10th to cut off the Federal gunboats above Grand Ecore. Green attacked the boats from the shore; his sharpshooters picking off the gunners and strewing the Federal decks with their dead and wounded. In this terrific battle, the gallant Green was killed, a serious loss to the dashing army of Taylor. For his splendid operations on these memorable days, Taylor received the thanks of the Confederate congress and the unbounded and undying gratitude of all Louisianians. The entire South was ringing with his praise and the whole North with the brilliancy of his victory.

After this great victory Taylor continued to pursue Banks, and Kirby Smith turned his attention toward the Federal General Steele in Arkansas. On April 22 Taylor struck a strong detachment of the Federals near Natchitoches and defeated it; four days later he destroyed a gunboat and a transport on Red river, where the brave Captain Carnay of the St. Mary's cannoneers was killed. Taylor's plan was to pen Banks between the streams at Monett's Ferry, but the failure of General Bee to do what was expected and necessary to that end caused the Confederate lines to open and permitted the enemy to pour across and escape. Had it not been for this failure, Taylor would almost certainly have crushed Banks and perhaps captured his whole army. At least that is the belief to this day of the Louisianians. Banks retreated down the valley, closely pursued by Taylor, who offered battle at every opportunity. There were sharp engagements on Avoyelles Prairie, and at Mansura and Moreauville. Upon the evacu-



ation of Alexandria, the Federals burned the city, but claimed it was done by accident. On May 18, a sharp fight took place at Yellow bayou. The next day the Federals crossed the Atchafalaya, and here the pursuit ended. With other strong forces of the Federals within striking distance, Taylor did not deem it prudent to advance farther, and accordingly returned up the river, after which his force, magnificent in every soldierly quality, was free to be used elsewhere, as not another gun was fired in Western Louisiana during the remainder of the war, thanks to the splendid skill of General Taylor and the bravery of his men. Only the immensely superior force of the Federals prevented the destruction of the army of Banks after the defeat at Mansfield and Pleasant Hill. In April, 1865, Banks was relieved at his own request, and was succeeded by Gen. E. R. S. Canby, who saw no fighting in Louisiana. Taylor's success caused his appointment to the command of the Military Division of Alabama, Mississippi and Eastern Louisiana from President Davis, and gave him undying fame and honor.

In January, 1865, the following force was located at Alexandria: The Seventeenth, Twenty-sixth, Twenty-seventh, Twenty-eighth and Thirty-first infantry, the Crescent regiment, Weatherly's battalion, and Wade's light artillery, all under the command of Gen. S. B. Buckner, then at the head of the department. The Third infantry was at Shreveport; the Seventh cavalry was near there; Vincent's brigade was stationed down toward Opelousas, and here and there were other detachments, located to preserve order and watch the operations of the enemy. But they had nothing to do, as the brilliant Taylor had freed the state of the invader to all practical purposes. It was not until May 8, 1865, that General Taylor went through the perfunctory ceremony of surrendering to General Canby at Citronville, Ala. This was the first time he ever lowered the Confederate flag, after having fought twenty battles for the South. Previous to his surrender he took part in the engagement at Mobile, where the following Louisianians were likewise engaged: The First, Sixteenth and Twentieth consolidated, the Fourth, Thirteenth and Thirtieth consolidated, the Nineteenth and Twenty-fifth sharpshooters and one company of Washington artillery, the Fifth.

In May, 1861, the Third infantry under Col. Louis Hebert was sent to Little Rock and a little later joined Gen. Sterling Price in Missouri at the request of Governor Jackson of that state. It participated in the brilliant battle of Wilson's Creek with great distinction, and joined in the rout that followed. It wintered at



Fort Smith and the following March fought again at Elkhorn Tavern, and soon afterward was sent to Mississippi, to be used against the Federals advancing down the river.

In the autumn of 1861, occurred the battle of Belmont in Southeast Missouri, a short distance below the mouth of the Ohio. Opposed to the Confederate forces was Gen. U. S. Grant, and this was his first important engagement. The Louisiana troops present were the Eleventh and Twelfth infantry, the Fifth battalion of the Twenty-first infantry and Pointe Coupee and Beltzhoover's batteries. The latter particularly distinguished itself. Though the troops of Grant were thrown back, they were not followed, the Confederates contenting themselves for the time with preventing the Federals from crossing the Mississippi. A little later, at Island No. 10, the above mentioned Louisianians, except Beltzhoover's battery, participated with spirit and distinction.

In the Kentucky campaign from East Tennessee there were several Louisiana commands. The "Louisiana Brigade" was with Bragg in his advance toward Cincinnati or Louisville—the Thirteenth, Sixteenth, Twentieth, and Twenty-fifth infantry; also the Fourteenth sharpshooter's battalion, the First infantry, and the Fifth company of Washington artillery. The First regiment participated in the fight at Richmond, Ky., and all the Louisianians participated in the battle of Perryville in October, winning the praise of the critical and exacting General Bragg by the brilliancy of their performances.

Bragg returned to Tennessee and took a strong position at Murfreesboro on the bank of Stone river. Here he was soon confronted by a powerful army under General Rosecrans. In the battles which succeeded on December 31 and January 2 several Louisiana commands bore a gallant and important part. There were present the Thirteenth and Twentieth consolidated, the Sixteenth and Twenty-fifth consolidated, the First cavalry, Austen's sharpshooters and the Fifth company of Washington artillery. On January 2 particularly did the Louisianians suffer severe losses, for the Federals were massed in their front and were smarting at the destruction of their right wing three days before. After this engagement Bragg retreated to Chattanooga, Rosecrans followed and Bragg finally halted at Lafayette, Ga. On September 19 and 20, 1863, was fought the desperate battle of Chickamauga, where the Louisiana brigade, out of a total strength present of about 1,320, suffered a loss of 429 in killed, wounded and missing. They and other detachments won imperishable fame on that sanguinary field.



In the battles of Lookout Mountain and Missionary Ridge and in the Atlanta campaign were many Louisianians fighting for their cause. The Louisiana brigade, the First, Thirteenth, Sixteenth, Nineteenth, Twentieth and Twenty-fifth infantry, Fourth battalion, Fourteenth battalion, the Louisiana cavalry and two batteries of artillery participated in all or a part of the engagements. At Resaca there came with General Polk to the relief of General Johnston the Fourth, Twelfth and Thirtieth infantry, and Fenner's artillery. Some of these men were in almost every battle of the almost continuous engagements occurring as the Confederate army was pressed back by the overwhelming forces of General Sherman. When Hood struck north for Nashville, the Pointe Coupee battery did splendid service at Allatoona and Slocumb's battery at Dalton. In Hood's army the Louisianians were in Gibson's brigade, Clayton's division, and besides there were the Twelfth infantry, Fenner's battery, Pointe Coupee battery, Slocum's Washington artillery, and Nutt's cavalry. In Gibson's brigade were the First, Fourth, Thirteenth, Sixteenth, Nineteenth, Twentieth, Twenty-fifth, and Thirtieth infantry, the Fourth battalion and the Fourteenth battalion of sharpshooters. Thomas was at Nashville and Schofield was sent to Franklin to check Hood, and there was fought probably the bloodiest battle of the war. Here, in the fierce and headlong charges on the Federal line, fell many of the bravest and most competent soldiers and leaders of the South. After this several of the Louisiana batteries participated in a side movement to Murfreesboro, against General Rousseau who was stationed there. Then Hood's whole army was advanced against Nashville, and here again the Louisianians were called upon to resist the Federal onslaught when Thomas emerged from his works. In the engagement and the succeeding retreat, many brave fellows fell in one of the closing battles of the great war. Then all fell back and prepared to make the stand in the Carolinas, where there was very little to oppose General Sherman.

Down to the Carolinas or to the Army of Northern Virginia went nearly all the Louisianians who for so long a time had fought and suffered in the West. At Averysboro, Battery A of the Orleans Guards lost everything save honor. The major part of the Louisianians were under Walthall and Loring at Bentonville, but could now make little showing against the great army of Sherman. However, in nearly all the skirmishes and battles of the Carolinas the Louisiana commands participated, usually being consolidated to secure proper numerical strength, still fighting with their old vigor, but realizing at last that the Confederacy



was doomed. The surrender to General Sherman finally shut down the curtain on the bloody tragedy of war.

In the early operations of the Confederacy in Virginia were several Louisiana commands. At the battle of Bull Run were the Sixth under Colonel Seymour, the Seventh under Colonel Hays, the Eighth under Colonel Kelly, the Louisiana Tigers under Colonel Wheat and the original Washington artillery. At the battle the very name of "Wheat's Tigers" seemed to inspire the Federal troops with terror and send them flying back to Washington. Late in July the Ninth regiment joined the others, and immediately afterward all were united into the Eighth brigade of the Army in Virginia. About this time, also, came the Donaldsonville cannoneers under Captain Maurin. Over the Eighth brigade was placed the already distinguished Gen. Richard Taylor, afterward the idol of Louisiana. All of these Louisianians, and in addition, Bowyer's battery, went into the Shenandoah valley with Stonewall Jackson. Often during this memorable campaign was Taylor called upon by Jackson to turn the tide in some desperate encounter, and as often did he meet the expectations of his chief; in fact, it is said that the two Confederate victories of Port Republic and Winchester were determined by Taylor's brigade. In fact, from beginning to end the efficiency of Jackson's corps during the time he was in the Shenandoah valley and after he joined the main army to the east may justly be said to have been due largely to the Louisianians under Taylor and others. Where there was desperate fighting to be done, there they were to be found. In nearly all of the great battles, were some of the boys from Louisiana. In Jackson's whirlwind movements they often formed his chief support or his heaviest bludgeon. Other commands came to aid Lee at later stages of the war. In July, 1862, the First, Second, Ninth, Tenth and Fifteenth infantry, and Coffin's battalion were formed into the Second brigade of the Army of Northern Virginia. After July 26 the First brigade was under the command of General Harry Hays (the Fifth, Sixth, Seventh, Eighth, and Fourteenth infantry). At this time there were also in Virginia four companies of Washington artillery, Donaldsonville cannoneers, Louisiana Guards artillery and Madison battery. From time to time changes were made, but these commands on the whole remained in Virginia until the close of the war. They were on the Chickahominy, on the peninsula, on the James, in the Maryland campaign, in the Pennsylvania campaign, in the Wilderness, in the movements around Petersburg, in the closing scenes at Appomattox.



tox, and some of them were the body guards of President Davis when he attempted to escape.

It is probable that the only body of negro soldiery in the Confederate service during the Civil war was a company that was organized in April, 1861, at New Orleans and enrolled as a part of the state militia. It embraced free colored persons resident of that city and vicinity, was part of the First division of militia, and its officers were commissioned by the governor. But the act of the legislature, approved January 23, 1862, excluded this command from the service, requiring that the militia should consist of the "free white males capable of bearing arms." However, when it seemed certain that the city would fall in the spring of 1862 the governor issued an order containing the following clauses: "The Governor and commander-in-chief- relying implicitly on the free colored population of the city and State for the protection of their homes . . . and believing that the military organization which existed prior to the 15th of February, 1862, (the date when the act of January 23 went into effect) . . . should exist for and during the war, calls upon them to maintain their organization, and to hold themselves prepared for such orders as may be transmitted to them." They were known as "Native Guards." They did not leave the city when the Confederates evacuated on April 25. On August 22, General Butler called upon "all members of the Native Guards" to enlist in the Federal service. The unsigned roll of Capt. Louis Lainez' "Company of Infantry called the Louisiana Native Guards," and endorsed, "Report of Louisiana Native Guards on Parade November 23, 1861," is on file in the war department at Washington.

The old Confederate "Native Guards" companies of free colored persons were made the basis by General Butler of colored regiments for the Union service. On August 22, 1862, his General Order No. 63 directed the organization of three such regiments, all subject, however, to the orders of President Lincoln. This preliminary step was afterward changed and improved until there were in the Federal service some twelve or fifteen regiments, in whole or in part, of colored persons. They were known by their numbers from First up, and in all cases were officered by whites. They saw little service outside of Louisiana, but participated in many battles not without distinction. In June, 1863, at Milliken's Bend the Ninth Louisiana colored in a desperate conflict, fighting hand to hand, lost 62 killed and 130 wounded; and in the same engagement the Eleventh Louisiana colored lost 30 killed and 120 wounded. And this loss was not without com-



pensation from the Confederates. Several white regiments were recruited in the state for the Union service. In October, 1863, General Banks reported to the government that he had provided for the conscription of the loyal men of New Orleans and vicinity, and had authorized the organization of two regiments of white volunteers. He said that there were in or near New Orleans many Northern men who had gone down there to escape the enlistments at home and were largely engaged in speculation, and that they should be made to assist to bear the burdens of the government. All this was sanctioned by President Lincoln. The result was the formation of two regiments of cavalry and four regiments of infantry, known respectively as the First and Second Louisiana cavalry, and the First and Second Louisiana infantry and the First and Second New Orleans infantry. It should be stated, however, that these commands were not strictly made up of Louisianians, so many of the members being outsiders, though Banks stated to the government that he thought he could enlist from 4,000 to 5,000 loyal men in the state. These white regiments, whatsoever may have been their origin, saw considerable hard fighting in the state to oppose General Taylor. Several of them were in the army of General Banks in the Red river expedition. The first enrollment by Banks extended only to the First and Second congressional districts. In September, 1863, he offered a bounty of one hundred dollars, and the men thus secured were denominated "New Orleans Volunteers." Several colored battery detachments were likewise organized during the war. It must be admitted that the Federal army at New Orleans made important improvements in the sanitation of that vicinity and that throughout the portion of the state occupied by them they suppressed and prevented disorder and lawlessness of all kinds. In September, 1863, General Banks reported that General Butler had supported some 11,000 families which were more or less destitute; but that he had reduced the number to about 6,000 families, or some 24,000 persons. He also reported ten large asylums in operation.



## CHAPTER XIII

Public Institutions, Production  
· Etc.

THE FIRST capital of the territory of Orleans was at New Orleans, and by general consent, it remained the capital in 1812 after the formation of the state. There it remained until the decade of the thirties, although several times, notably in 1814, an attempt was made to remove it to some other situation. In the thirties it was moved to Donaldsonville, but after two sorry years it was returned to the Crescent City. But there seems to have been a general dissatisfaction with its location at New Orleans, and a constitutional convention of 1846 made provision for a new capital in 1849 to Baton Rouge. The legislature of 1849 appropriated three hundred thousand dollars for the necessary expenses. The citizens of Baton Rouge donated the site and furnished the plans, and a gothic structure was erected on the site of the present building. In December, 1862, it was almost wholly destroyed by fire while under the occupation of the soldiers, but was rebuilt and beautified in 1868. During the flight of the Confederate legislature in 1862, the sessions at Shreveport, were they held one session. During the Civil war and after its conclusion, New Orleans was the capital, because the state could not secure a new capital at Baton Rouge and was too poor to build new one. A new capital was located until 1882 when it was re-established at Baton Rouge in accordance with the constitution of 1846. It has since remained.

Originally, Louisiana had no state emblem, but in 1878 the "National Flag of Louisiana" was adopted.



ceremonies attending the adoption of the latter in New Orleans in 1861 were dramatic in the highest degree, and had the South succeeded in establishing an independent republic that flag would have continued the state emblem. However, since the war, by common consent it would seem, the blue flag is usually displayed as the emblem of Louisiana. Both were much the theme of song and romance during the war. It may be stated here, also, that the legislature of 1900 formally adopted the magnolia blossom as the state flower, certainly a most appropriate choice.

The State Seminary of Learning was founded by congress, which granted land for educational purposes in 1806 and 1811. But it was many years before any conclusive step was taken. In 1855 the legislature located the institution near Alexandria, and in 1860 it was opened as a military school with William Tecumseh Sherman at its head. The war closed it the following year, but it was reopened for short intervals, though finally closed until the cessation of hostilities. In 1865 Col. D. F. Boyd was placed at its head, and four years later he graduated a class of eight young men. In 1869 the buildings were burned to the ground, but the exercises were continued at Baton Rouge. It had many ups and downs and some years did not graduate a single person, but during the period of its career was efficient and a credit to Mr. Boyd, its most faithful servant.

The Louisiana State University arose from the ashes of the old Seminary of Learning. In 1877 it was united with the project of the government in 1862 to endow each state with land enough to found an Agricultural and Mechanical College. The project of the government was accepted by the legislature in 1873, and a temporary location was fixed at New Orleans. After the two projects had been united, the name Louisiana State University and Agricultural and Mechanical College was selected, the old Seminary of Learning wholly disappearing. In 1886 the government donated its present spacious grounds, the same having been previously for many years the site of the United States barracks. The union of the two institutions has resulted in the creation of one of the most efficient educational institutions in the whole country. It furnishes a liberal education in all studies and many branches or departments and is in the highest degree a credit to its trustees and faculty, to the state, and to the government which added the industrial features. The results of its experiment station are quoted far and wide and have proved of incalculable value to the entire South. It ranks not far behind the best educational institutions of the United States.



Tulane University of Louisiana was founded in 1884 upon an agreement between the state and the trustees of the Tulane Education Fund, under which the old University of Louisiana became the Tulane University of Louisiana and the beneficiary of the splendid bequest of the philanthropist, Paul Tulane. The institution had its origin back in 1834 as the Medical College of Louisiana, which granted the first professional degrees in the Southwest. It had four departments: Medicine, Law, Natural Science and Letters. Its early career was somewhat humble, but it was assisted regularly by the legislature. For sixteen years, beginning with the Civil war, it remained idle, but was finally reopened in 1878. The constitution of 1879 made provision for its maintenance, and the bequest of Mr. Tulane, aggregating about one million fifty thousand dollars, made it probably the strongest institution of learning in the South. It has received other important donations: One of one hundred thousand dollars from Mrs. Josephine Louise Newcomb to found a department "for the higher education of white girls and young women," and has since added to her original donation; one of one hundred forty thousand dollars in 1891 by Miss Ida A. Richardson for a building for the medical department, and one of fifty thousand dollars in 1900 by Mrs. Caroline Tilton for a library building. The state has exempted the institution from taxation, which enables it to use all its endowment for purposes of instruction. The institution is a credit to the whole country, already so well filled with enlightenment and its means of acquirement. Advanced education in any branch of learning may be obtained at this model educational institution.

The Louisiana State Normal School was established by the legislature in 1884, and the first session was opened at Natchitoches the following year under the direction of Dr. Edward E. Sheib. It is supported mainly by annual appropriations from the legislature. A portion of its income is derived from the Peabody Education Fund. The sole object of its establishment is to train teachers for the common schools of the state. Through its instrumentality normal institutes are held annually throughout the state, the parishes thus seeing the direct benefits. Its buildings were once the property of the Convent of the Sacred Heart. It is doubtful if even the big colleges accomplish so much good among the masses as this small institution. Its teachers are found in every parish, and the poor receive the direct benefits.

The Louisiana Industrial Institute at Ruston is another institution to prepare youth for the manual labor of life. It was



established by the legislature in 1894 "for the education of the white children of Louisiana in the arts and sciences." The first session opened in September, 1895. Annual appropriations sustain somewhat inadequately this worthy educational institution. From 202 students in 1895, the school has grown to 524 students in 1902. It merits a much larger appropriation.

The Southwestern Louisiana Industrial Institute was founded by the legislature in 1898 and was located at Lafayette. The people of that city and vicinity offered a tax of two mills for ten years on the assessed valuation of the parish, a suitable site, and several cash donations to secure the institution. The school has substantial buildings, and is fitted to give the youth of the state instruction in all industrial branches and pursuits. The first session opened in 1901 with about 150 students in attendance. The institution reaches a class that is not touched by the more pretensions educational organizations of the state.

The Gulf Biologic Station is an important adjunct of the educational organizations of the state. It was founded in 1898 by the government upon the request of the legislature, and was at first somewhat too closely confined to pisciculture, but was soon extended to oysters, crabs, shrimps, and all other sea food products. The building was completed in 1902. The station is now prepared to carry out the useful objects of its origin.

The Southern University for persons of color receives annually from the state ten thousand dollars. It was established under the constitution of 1879 and was located in New Orleans. The building was begun in 1885 and finished two years later. An agricultural and mechanical department has been added in recent years. Full courses of study are given to the colored students.

Straight University is another institution for the education of colored students. It was founded through the instrumentality of the American Missionary Society. The government gave the ground and buildings in 1869-70, the institution taking its name from one of its benefactors, Seymour Straight. The building was burned in 1877, but another structure was erected the following year. The institution furnishes full courses to colored students.

The New Orleans University, founded in 1873, is open to the youth of all races, but is principally attended by colored students. It is sustained by the Freedmen's Aid and Southern Educational Society of the Methodist Episcopal church. It has branches in other parts of the state and gives full courses and a liberal education.

The Charity Hospital was founded in 1727 and is thus one of



the oldest, if not the oldest, institutions of the kind in the United States. It was founded by the Ursuline Nuns, and is often spoken of in the old records of the province. Its first important buildings were erected in 1784, at which time it received a donation of one hundred fourteen thousand dollars from Don Andres Almonos-ter y Roxas, under whose family management it remained until 1811, when it became public property. In 1815 a substantial building was erected in New Orleans, but in 1832 it was sold to Louisiana to be used as a state house, and from the proceeds, one hundred twenty-five thousand dollars, and several donations the present site was purchased and buildings were erected. The state of Pennsylvania assisted the institution in early years upon consideration that it would care for the Pennsylvania boatmen taken sick or otherwise left helpless in Louisiana. It covers two squares of ground, and at the present time has sixteen or eighteen buildings. It has received many valuable donations—one of one hundred thousand dollars from Mrs. D. A. Milliken, one of seventy-three thousand dollars from W. T. Richards, and one of fifty thousand dollars from an unknown philanthropist. The state almost from the start has granted it substantial appropriations annually. It is a famous institution, around which cling the imperishable vines of tender memory and Christian usefulness.

The Louisiana Institution for the Blind was established in 1852 when a bill was introduced in the legislature providing for the care of the deaf, dumb and blind. The same year the work of educating these unfortunates was begun in New Orleans. Substantial buildings were not completed until 1858, and in the meantime, as before, the helpless persons were provided for in other benevolent institutions. Little was done during the war, but in 1871 the institution was revived and provided with buildings at Baton Rouge, having been driven from its home by the Seminary of Learning. In 1882 the new buildings were occupied and additions were made in 1888, since which time the establishment has been much more efficient.

The Institution for the Deaf and Dumb was founded in 1852 with an appropriation of twenty-five thousand dollars and located at Baton Rouge. It opened in 1853 and prospered until the Civil war and was then occupied by soldiers. In 1869, in common with the Institution for the Blind, it lost its buildings to the Seminary of Learning, whereupon the trustees leased other buildings and continued the good work. It is distinctively an educational institution and not an asylum, having full lines of instruction and suitable equipment. In 1886, when the State University moved



to the old United States barracks, the Deaf and Dumb Institution returned to its old buildings.

The care of the insane was first provided for in 1847, when the sum of ten thousand dollars was appropriated to found an institution, which was located at Jackson. It was first opened in 1848 with eighty-five patients taken from the Charity Hospital where they had been previously taken care of. By 1902 the number of patients had increased to 1,284. New Orleans took care of her own insane during the war and afterward until 1882, confining them in the old Marine Hospital, but after the latter date all were sent to Jackson. There is a ward in the asylum for colored patients, there being confined therein in 1902 465 of that race.

In 1822 the legislature made provision for the incarceration and maintenance of the criminals of the state by providing for the erection of a penitentiary at New Orleans. The building was built and occupied, but the institution was removed to Baton Rouge in about 1832, the first buildings there being completed in 1834. The first gang of convicts, numbering twenty-one, was taken there in the same year. In 1838 the state provided the necessary machinery for the manufacture of cotton and woolen goods by the convicts. Improvements were added to the buildings from time to time. In 1844 the state leased the institution to private persons, but in 1849 such changes were made that the state received from the lessee four thousand dollars for the convicts annually. Early in the fifties the buildings as they are today were finished. In 1855 the institution reverted to the state, but two years later was again leased. The war threw open the doors of the penitentiary, but they were again closed in 1865. The lease system was soon adopted and has continued down to the present with small exceptions. The convicts have been largely employed in building levees and in agriculture. In 1902 they raised about 5,300 acres of cotton, sugar and corn. The institution is now under the management of a Board of Control. It is more than self-sustaining.

The Confederate Memorial Hall in New Orleans is designed to collect and preserve the relics of the Civil war, particularly those of Louisiana. It was established in 1889 from several separate and smaller associations. Mr. Frank T. Howard offered to erect a building which was completed and occupied in 1891. It receives a small appropriation annually from the state, but is mainly sustained by collections from the Confederate veterans and



their friends. There have been gathered together over 15,000 articles, many of them of almost priceless value.

In 1866 the legislature established a Soldiers' Home and appropriated twenty thousand dollars to commence operations. The institution was located at Mandeville, and was continued until 1868, when it was discontinued. In 1882 it was revived and located near Esplanade avenue and named Camp Nicholls. It has since fulfilled the expectations of its founders.

The Touro Infirmary, a Hebrew institution, was founded in 1854 by Judah Touro, at which time the Touro Infirmary Society was incorporated. But it was not until 1869 that the proper buildings were ready for occupancy and the infirmary was opened to the public. It united interests with the Hebrew Benevolent Association, but still the objects were not wholly attained. In 1881 larger grounds were purchased, and the following year good buildings were erected, since which the institution has realized the objects of its benevolent founder.

The State Library was founded by the legislature in 1838, but for many years had a sorry growth and existence. To Charles Gayarre is due its first important revival. In the forties he put the institution on its feet, added largely to its collections, and made it of importance to the legislature. Others assisted him and gradually the library came to be regarded as one of the most valuable of the state establishments. So well was this work done, that in 1860 about 30,000 volumes graced the shelves, many of them both rare and valuable. The war destroyed almost the whole of this valuable collection, which was then in the state house at Baton Rouge. Since the war the system of exchanges has made the library one of the most valuable in the Southwest.

The Howard Library was founded in 1889, when Miss Annie T. Howard, in the name of her father, Charles T. Howard, donated for that purpose a tract of ground with buildings valued at one hundred thousand dollars, about 8,000 books valued at twelve thousand dollars, and one hundred fifteen thousand dollars in cash for a permanent revenue fund. The library was opened in March, 1889. The same year Frank T. Howard provided for the erection of an annex for the preservation of Confederate relics, and finally of all interesting Louisiana objects. As soon as built the structure was transferred to the Louisiana Historical Society, which was reorganized for that purpose at the time. This institution is the pride of New Orleans, indeed of all Louisiana.

Governors of Louisiana under French rule: Marquis de Sauvolle, 1699-1700; Bienville, 1701-12; Lamothe Cadillac, 1713



-15; De L'Epinay, 1716-17; Bienville, 1718-23; Boisbriant (ad interim), 1724; Perrier, 1725-31; Bienville, 1732-41; Marquis de Vaudreuil, 1742-52; Baron de Kerlerec, 1753-62; D'Abadie, 1763-66.

Under Spanish rule: Antoine de Ulloa, 1767-68; Alexander O'Reilly, 1768-69; Luis de Unzaga, 1770-76; Bernardo de Galvez, 1777-84; Estevan Miro, 1785-87; Francisco Luis Horter, Baron de Carondelet, 1789-92; Gayoso de Lemos, 1793-97; Sebastian y Caso Calvo y O'Farrill, 1798-1799; Juan Manuel de Salcedo, 1801-1803.

Territory of Louisiana: W. C. C. Claiborne, 1804-12.

State of Louisiana: W. C. C. Claiborne, 1812-16; Jacques Villere, 1816-20; Thomas Bolling Robertson (resigned), 1820-22; Henry S. Thibodeau, president of the senate (acting governor), 1822-24; Henry Johnson, 1824-28; Pierre Derbigny (died in office), 1828-29; A. Beauvais, president of the senate (acting governor), 1829-30; Jacques Dupre, 1830-31; Andre Bienvenu Roman, 1831-35; Edward White, 1835-39; Andre Bienvenu Roman, 1839-43; Alexander Mouton, 1843-46; Isaac Johnson, 1846-50; Joseph Walker, 1850-53; Paul O. Hebert, 1853-56; Robert Charles Wickliffe, 1856-60; Thomas Overton Moore, 1860-64; Gen. G. F. Shepley, military governor, 1862-63; Henry Watkins Allen, under Confederate government, 1864-65; Michael Halm, under Federal government, 1864; James Madison Wells, president of senate (acting governor), 1864-66; James Madison Wells, 1866-67; Benjamin Flanders, under military authority, 1867-68; Joshua Baker, under military authority, 1868; Henry Clay Warmoth, 1868-73; John McEnery (counted out by the Returning Board), 1873; P. B. S. Pinchback, lieutenant governor, acting governor, 1873; William Pitt Kellogg, governor *de jure*, 1873-77; Francis T. Nicholls, 1877-79; Louis Alfred Wiltz (died in office), 1880-81; Samuel Douglas McEnery, lieutenant governor, succeeded him as governor, 1881-84; Samuel Douglas McEnery, 1884-88; Francis T. Nicholls, 1888-92; Murphy James Foster, 1892-96; Murphy James Foster, 1896-00; William Wright Heard, 1900-04.

Louisiana congressmen: Ninth congress—March 4, 1805, to March 4, 1807. Delegate: Daniel Clarke. Tenth congress—March 4, 1807, to March 4, 1809. Delegate: Daniel Clarke. Eleventh congress—March 4, 1809, to March 4, 1811. Delegate: Julian Poydras. Twelfth congress—March 4, 1811, to March 4, 1813. Delegate: Julian Poydras, until April 8, 1812, when Louisiana was admitted into the Union.



Senators: Allen B. Magruder, to serve from September 3, 1812, to March 4, 1813. Jean Noel Destrehan, elected in December, 1811, to serve until March 4, 1817, but resigned before the state was admitted, and was succeeded by Thos. Lloyd Posey, the Governor's appointee, who served until December, 1812, when James Brown, the elect of the Legislature, took his seat. Representative: Thomas Bolling Robertson.

Thirteenth congress—March 4, 1813, to March 4, 1815. Senators: James Brown, Eligius Fromentin, successor to Allen B. Magruder. Representative: Thomas B. Robertson.

Fourteenth congress—March 4, 1815, to March 4, 1817. Senators: James Brown, Eligius Fromentin. Representative: Thomas B. Robertson.

Fifteenth congress—March 4, 1817, to March 4, 1819. Senators: Eligius Fromentin, Wm. C. C. Claiborne, successor to James Brown.

Sixteenth congress—March 4, 1819, to March 4, 1821. Senators: Henry Johnson; James Brown, successor to Eligius Fromentin to serve until March 4, 1825. Representative: Thomas Butler.

Seventeenth congress—March 4, 1821, to March 4, 1823. Senators: Henry Johnson, James Brown. Representative: Josiah Stoddart Johnson.

Eighteenth congress—March 4, 1823, to March 4, 1825. Senators: James Brown, until December 23, 1823, when he resigned to accept the position of minister to France, and was succeeded (January 15, 1824) by Josiah S. Johnston. Henry Johnson, re-elected; to serve until March 4, 1829; but in 1824 resigned to become governor of the state, and was succeeded (November 19, 1824,) by Dominique Bouligny. Representatives: Wm. L. Brent, Henry H. Gurley, Edward Livingston.

Nineteenth congress—March 4, 1825, to March 4, 1827. Senators: Josiah S. Johnston; his own successor; to serve until March 4, 1831; Dominique Bouligny. Representatives: William L. Brent, Henry H. Gurley, Edward Livingston.

Twentieth congress—March 4, 1827, to March 4, 1829. Senators: Josiah S. Johnston, Dominique Bouligny. Representatives: William L. Brent, Henry H. Gurley, Edward Livingston.

Twenty-first congress—March 4, 1829, to March 4, 1831. Senators: Josiah S. Johnston, Edward Livingston, successor to Dominique Bouligny, to serve until March 4, 1835. Representatives: Walter H. Overton, Henry H. Gurley, Edward D. White.

Twenty-second congress—March 4, 1831, to March 4, 1833. Senators: Josiah S. Johnston, re-elected for six years; Edward



Livingston, resigned and succeeded, (November 19, 1831,) by George A. Waggaman. Representatives: Henry Adams Bullard, Philemon Thomas, Edward D. White.

Twenty-third congress—March 4, 1833, to March 4, 1835. Senators: Josiah S. Johnston, killed May 19, 1833, by steamboat explosion on Red river, and succeeded, (December 19, 1833,) by Alexander Porter, George A. Waggaman. Representatives: Henry A. Bullard, resigned in 1834 to become a member of the Louisiana supreme court, and was succeeded by Rice Garland; Philemon Thomas; Edward D. White (resigned in 1834 to become governor, and was succeeded by Henry Johnson).

Twenty-fourth congress—March 4, 1835, to March 4, 1837. Senators: Alexander Porter, resigned January 10, 1837, and succeeded January 12, 1837, by Alexander Mouton; Charles Gayarre, successor to George A. Waggaman, resigned in December, 1835, and was succeeded by Robert Carter Nicholas. Representatives: Rice Garland, Eleazar W. Ripley, Henry Johnson.

Twenty-fifth congress—March 4, 1837, to March 4, 1839. Senators: Robert C. Nicholas, Alexander Mouton, elected for six years to succeed himself. Representatives: Rice Garland, Eleazar W. Ripley, (died March 2, 1839), Henry Johnson.

Twenty-sixth congress—March 4, 1839, to March 4, 1841. Senators: Robert C. Nicholas, Alexander Mouton. Representatives: Rice Garland, resigned in 1840 to become one of the judges of the Louisiana supreme court, and was succeeded by John Moore; Thomas Withers Chinn, Edward D. White.

Twenty-seventh congress—March 4, 1841, to March 4, 1843. Senators: Alexander Mouton, resigned April 1, 1842, to become governor, and on April 14, 1842, was succeeded by Charles M. Conrad; Alexander Barron, successor to Robert C. Nicholas for term ending March 4, 1847. Representatives: John Moore, John B. Dawson, Edward D. White.

Twenty-eighth congress—March 4, 1843, to March 4, 1845. Senators: Alexander Barrow, Alexander Porter (successor to Chas. M. Conrad for term ending March 4, 1849), died January 13, 1844, and was succeeded by Henry Johnson. Representatives: John Slidell, Alcée Labranche, John B. Dawson, Placide E. Bossier, died April 24, 1844, and Isaac E. Morse elected to fill unexpired term.

Twenty-ninth congress—March 4, 1845, to March 4, 1847. Senators: Alexander Barrow, died December 29, 1846, and Pierre Soulé elected to vacancy February 3, 1847; Henry Johnson. Representatives: John Slidell, in 1846 resigned, having been appointed minister to Mexico, and Emile La Sere elected



to the vacancy; Bannion G. Thibodeau; John B. Dawson, died June 26, 1845, and John H. Harmanson elected to the vacancy; Isaac E. Morse.

Thirtieth congress—March 4, 1847, to March 4, 1849. Senators: Henry Johnson, Solomon W. Downs, successor to Pierre Soulé for term ending March 4, 1853. Representatives: Emile La Sere; Bannion G. Thibodeau, John H. Harmanson, Isaac E. Morse.

Thirty-first congress—March 4, 1849, to March 4, 1851. Senators: Solomon W. Downs, Pierre Soulé, successor to Henry Johnson, for term ending March 4, 1855. Representatives: Emile La Sere, Charles M. Conrad, in July, 1850, resigned to become secretary of war, and in November, 1850, Henry A. Bullard was elected to the vacancy; John H. Harmanson, died October 25, 1850, and in November, 1850, Alex. G. Penn was elected to the vacancy; Isaac E. Morse.

Thirty-second congress—March 4, 1851, to March 4, 1853. Senators: Solomon W. Downs, Pierre Soulé. Representatives: Louis St. Martin, J. Aristide Landry, Alexander G. Penn, John Moore.

Thirty-third congress—March 4, 1853, to March 4, 1855. Senators: Pierre Soulé, resigned in March, 1853, to become minister to Spain, and April 12, 1853, John Slidell was elected to the vacancy. Judah P. Benjamin, successor to Solomon W. Downs, for term ending March 4, 1859. Representatives: William Dunbar, Theodore G. Hunt, John Perkins, Jr., Roland Jones.

Thirty-fourth congress—March 4, 1855, to March 4, 1857. Senators: Judah P. Benjamin, John Slidell, to succeed himself for six years. Representatives: George Eustis, Jr., Miles Taylor, Thomas Green Davidson, John M. Sandidge.

Thirty-fifth congress—March 4, 1857, to March 4, 1859. Senators: Judah P. Benjamin, John Slidell. Representatives: George Eustis, Jr., Miles Taylor, Thomas G. Davidson, John M. Sandidge.

Thirty-sixth congress—March 4, 1859, to March 4, 1861. Senators: Judah P. Benjamin, to succeed himself for term ending March 4, 1865; but on Feb. 4, 1861, retired, because of the secession of Louisiana from the Union. John Slidell; retired Feb. 4, 1861, because of the secession of Louisiana. Representatives: John E. Bouligny, Miles Taylor, Thomas G. Davidson, John M. Landrum. (Taylor, Davidson and Landrum retired on Feb. 4, 1861, because of the secession of the state).

Thirty-seventh congress—March 4, 1861, to March 4, 1863. Louisiana unrepresented in the senate. In the house Benjamin F.



Flanders represented the First district from January 10, 1863, to March 4, 1863; and Michael Hahn, the Second district, for the same brief period.

Thirty-eighth congress—March 4, 1863, to March 4, 1865. Louisiana unrepresented in either house.

Thirty-ninth congress—March 4, 1865, to March 4, 1867. Louisiana unrepresented in either house.

Fortieth congress—March 4, 1867, to March 4, 1869. Senators: Wm. Pitt Kellogg, from July 17, 1868, for term expiring March 4, 1873. John S. Harris, from July 17, 1868, for term expiring March 4, 1871. Representatives: J. Hale Sypher, J. H. Menard (colored), Michel Vidal, John P. Newsham, W. Jasper Blackburn; all five served only from July 17, 1868.

Forty-first congress—March 4, 1869, to March 4, 1871. Senators: William Pitt Kellogg, John S. Harris. Representatives: First district: Louis St. Martin, elected by 653 majority over J. Hale Sypher, but the latter contested and was seated. Second district: Lionel A. Sheldon. Third district: Adolph Bailey, elected by 7,497 majority over Chester B. Darrall, but the latter contested and was seated. Fourth district: Michael Ryan, elected by 4,779 majority over John P. Newsham, but the latter contested and was seated. Fifth district: Geo. W. McCranie, elected by 7,684 majority over Frank Morey, but the latter contested and was seated.

Forty-second congress—March 4, 1871, to March 4, 1873. Senators: William Pitt Kellogg, resigned in December, 1872, to become governor; and P. B. S. Pinchback (colored), was elected to succeed him, but was never admitted. J. Rodman West, successor to John S. Harris. Representatives: J. Hale Sypher, Lionel A. Sheldon, Chester B. Darrall, James McCleary, died in 1872, and Aleck Boorman elected to the vacancy; Frank Morey.

Forty-third congress—March 4, 1873, to March 4, 1875. Senators: J. Rodman West. Second seat vacant. Representatives: At large: Vacant until February, 1876, when Geo. H. Sheridan was seated. First district: Effingham Lawrence elected, but J. Hale Sypher contested and was seated subject to contest, in February, 1875; the seat was allotted to Lawrence. Second district: Randall Lee Gibson was elected, but Lionel A. Sheldon contested and was seated. Third district: Chester B. Darrall. Fourth district: Edward C. Davidson was elected, but George A. Smith contested and was seated. Fifth district: Frank Morey.

Forty-fourth congress—March 4, 1875, to March 4, 1877. Senators: J. Rodman West. Vacant until February 10, 1877, when James B. Eustis was seated. Representatives: Randall Lee Gib-



son, E. John Ellis, Chester B. Darrall, Wm. Mallory Levy, William B. Spencer, C. E. Nash (colored).

Forty-fifth congress—March 4, 1877, to March 4, 1879. Senators: James B. Eustis, Wm. Pitt Kellogg, successor to J. Rodman West. Representatives: Randall Lee Gibson, E. John Ellis, Joseph H. Acklen, J. B. Elam, J. E. Leonard, died June, 1878, and in November, 1878, John S. Young was elected to the vacancy; Edward W. Robertson.

Forty-sixth congress—March 4, 1879, to March 4, 1881. Senators: Wm. Pitt Kellogg, B. Frank Jonas, successor to Jas. B. Eustis, for term ending March 4, 1885. Representatives: Randall Lee Gibson, E. John Ellis, Joseph H. Acklen, J. B. Elam, J. Floyd King, Edward W. Robertson.

Forty-seventh congress—March 4, 1881, to March 4, 1883. Senators: William Pitt Kellogg, B. Frank Jonas. Representatives: Randall Lee Gibson, E. John Ellis, Chester B. Darrall, Newton C. Blanchard, J. Floyd King, Edward W. Robertson.

Forty-eighth congress—March 4, 1883, to March 4, 1885. Senators: B. Frank Jonas, Randall Lee Gibson, successor to William Pitt Kellogg, for term ending March 4, 1889. Representatives: Carleton Hunt, E. John Ellis, Wm. Pitt Kellogg, Newton C. Blanchard, J. Floyd King, Ed. T. Lewis.

Forty-ninth congress—March 4, 1885, to March 4, 1887. Senators: Randall Lee Gibson, James B. Eustis, successor to B. Frank Jonas, for term ending March 4, 1891. Representatives: Louis St. Martin, Michael Hahn, died in April, 1886, and N. D. Wallace elected to succeed him; Edward J. Gay, Newton C. Blanchard, J. Floyd King, Alfred Briggs Iron.

Fiftieth congress—March 4, 1887, to March 4, 1889. Senators: Randall Lee Gibson, James B. Eustis. Representatives: Theodore S. Wilkinson, Matt. D. Lagan, Edward J. Gay, Newton C. Blanchard, Churubusco Newton, Edward W. Robertson, died in August, 1887, and his son, Samuel M. Robertson, was in November, 1887, elected to fill the vacancy.

Fifty-first congress—March 4, 1889, to March 4, 1891. Senators: Edward D. White, of Orleans; Randall Lee Gibson, of New Orleans. Representatives: First district, Theo. S. Wilkinson of Plaquemine; Second district, H. Dudley Coleman of New Orleans; Third district, Edward J. Gay of Iberville; Fourth district, Newton C. Blanchard of Caddo; Fifth district, Charles J. Boatner of Ouachita; Sixth district, Samuel M. Robertson of East Baton Rouge. Edward J. Gay died and was succeeded by Andrew Price of Lafourche.



Fifty-second congress—March 4, 1891, to March 4, 1893. Senators: Edward D. White, of Orleans; Randall Lee Gibson, of Orleans, (died, and succeeded by Donaldson Caffery, 1892). Representatives: First district, Adolph Meyer of Orleans; Second district, Matt. D. Lagan of Orleans; Third district, Andrew Price of Lafourche; Fourth district, Newton C. Blanchard of Caddo; Fifth district, Charles J. Boatner of Ouachita; Sixth district, Samuel M. Robertson of East Baton Rouge.

Fifty-third congress—March 4, 1893, to March 4, 1895. Senators: Edward D. White, of Orleans; Donaldson Caffery, of St. Mary. (Edward D. White having been appointed associate justice of the supreme court of the United States, Newton C. Blanchard, of Caddo, was appointed to fill the vacancy). Representatives: First district, Adolph Meyer of Orleans; Second district, Robert C. Davey of Orleans; Third district, Andrew Price of Lafourche; Fourth district, Newton C. Blanchard, of Caddo (Harry W. Ogden, of Bossier, was elected to fill vacancy caused by appointment of Newton C. Blanchard to the United States senate); Fifth district, Chas. J. Boatner of Ouachita; Sixth district, Samuel M. Robertson of East Baton Rouge.

Fifty-fourth congress—March 4, 1895, to March 4, 1897. Senators: Donaldson Caffery, of St. Mary; Newton C. Blanchard, of Caddo; Samuel Douglass McEnery, of Ouachita, elected by general assembly to succeed N. C. Blanchard. Representatives: First district, Adolph Meyer of Orleans; Second district, Charles F. Buck of Orleans; Third district, Andrew Price of Lafourche; Fourth district, Harry W. Ogden of Bossier; Fifth district, Charles J. Boatner of Ouachita, (contested by Alex Benoit, and seat declared vacant, and at election held on June 10th, 1896, Charles J. Boatner was re-elected); Sixth district, Samuel M. Robertson of East Baton Rouge.

Fifty-fifth congress—March 4, 1897, to March 4, 1899. Senators: Donaldson Caffery of St. Mary; Samuel Douglass McEnery of Ouachita, successor to Newton C. Blanchard (for terms beginning March 4, 1897, ending March 4, 1903). Representatives: First district, Adolph Meyer of Orleans; Second district, Robert C. Davey of Orleans; Third district, Robert F. Broussard of Iberia; Fourth district, Harry W. Ogden of Bossier; Fifth district, Samuel T. Baird of Morehouse; Sixth district, Samuel M. Robertson of East Baton Rouge.

Fifty-sixth congress—March 4, 1899, to March 4, 1901. Senators: Donaldson Caffery of St. Mary; Samuel Douglass McEn-



ery of Ouachita. Representatives: First district, Adolph Meyer of Orleans; Second district, Robert C. Davey of Orleans; Third district, Robert F. Broussard of Iberia; Fourth district, Phanor Brazeale of Natchitoches; Fifth district, Samuel T. Baird of Morehouse (died in ——— 1899), and Joseph E. Ransdell of East Carroll, elected on August 29, 1899, to fill vacancy; Sixth district, Samuel M. Robertson of East Baton Rouge.

Fifty-seventh congress—March 4, 1901, to March 4, 1903. Senators: Samuel Douglass McEnery of Ouachita; Murphy James Foster of St. Mary (successor to Donaldson Caffery, term beginning March 4, 1901, ending March 4, 1907). Representatives: First district, Adolph Meyer of Orleans; Second district, Robert C. Davey of Orleans; Third district, Robert F. Broussard of Iberia; Fourth district, Phanor Brazeale of Natchitoches; Fifth district, Joseph E. Ransdell of East Carroll; Sixth district, Samuel M. Robertson of East Baton Rouge.

Presidents of the legislative councils—Territory of Orleans: Julian Poydras, 1804-05; Jean Noël Destréhan, 1806; Pierre Sauvé, 1807; Julian Poydras, 1808; J. D. Dégouton Bellechasse, 1809-10; Jean Noël Destréhan, 1810-12.

Presidents of the senate—State of Louisiana: Julian Poydras, 1812-13; Fulwar Skipwith, 1814-15; Nathaniel Meriam, 1816-19; Julian Poydras, 1820-21; Bernard Marigny, 1822; H. S. Thibodeau, 1823-26; A. Beauvais, 1827-29; Isaac A. Smith, 1830-31; Charles Derbigny, 1832-37; Joseph E. Johnston, 1838; Jacques Duprè, 1838; Felix Garcia, 1839-45.

Lieutenant-governors\*—Ex-officio presidents of the senate: Trasimond Landry, 1846-49; Jean Baptiste Plauche, 1850-55; William Wood Farmer (died in office), 1853; Robert Charles Wickliffe, president pro tem., 1854-55; Charles Homere Mouton (resigned), 1856; William F. Griffin, president pro tem., 1857-59; Henry M. Hyams, 1860-64; Benjamin W. Pearce, *de jure*, 1864; J. Madison Wells (*de facto*), succeeded by Michael Hahn, governor *de jure*, 1864; Charles Smith, president pro tem., 1864; Charles W. Boyce, president pro tem., 1864; Louis Gastinel, president pro tem., 1864; Victor Burtie, president pro tem., 1865; Albert Voorhies, 1866-68; Oscar J. Dunn (colored), died in office, 1868 71; P. B. S. Pinchback (colored), president pro tem., 1871; C. C. Antoine (colored), 1872-76; Louis Alfred Wiltz, 1877-80; Samuel Douglass McEnery (succeeded to Gov. L. A. Wiltz), 1880-81; Dr. W. A. Robertson, president pro tem., 1881;

\*This office was created under the constitution of 1845.



George L. Walton, president pro tem., 1881-82; Robert C. Davey, president pro tem., 1884-88; Clay Knobloch, 1884-88; James Jeffries, 1888-92; Charles Parlange (appointed judge of the supreme court), 1892; H. R. Lott, president pro tem., 1894; R. H. Snyder, 1896-1900; Albert Estopinal, 1900-04.

Speakers of the house of representatives—Territory of Orleans: John Watkins, 1806-07; Thomas Urquhart, 1808-10; Magloire Guichard, 1811-12.

Speakers of the house—State of Louisiana: P. B. St. Martin, 1812; Stephen Hopkins, 1813; Magloire Guichard, 1814-17; David C. Kerr, 1818-19; A. Beauvais, 1820-22; Andre Bienvenu Roman, 1822-26; Octave La Branche, 1827-29; Andre Bienvenu Roman, 1829-30; Alexandre Mouton, 1831-32; Alcee La Branche, 1833-37; Joseph Walker, 1838; William DeBuys, 1839-40; William C. C. Claiborne, 1841-42; Charles Derbigny, 1843-44; Antonie Boudousquie, 1845; David A. Randall, 1846-47; Preston W. Farrar, 1848; E. Warren Moise, 1850; John E. King, 1852; E. Warren Moise, 1853; John M. Sandidge, 1854-55; William W. Pugh, 1856-59; Charles H. Morrison, 1860-61; Adolph Olivier, 1862-1863; Simeon Belden, 1864-65; Duncan S. Cage, 1866-67; Charles W. Lowell, 1868-69; Mortimer Carr, 1870; George W. Carter, 1871; O. H. Brewster, 1872; Charles W. Lowell, 1873-74; Michael Hahn, 1875; Louis A. Wiltz, 1875; E. D. Estilette, 1875-76; Louis Bush, 1877-78; John Charles Moncure, 1879; Robert N. Ogden, 1880-82; Henry W. Ogden, 1884-88; S. P. Henry, 1888-92; G. W. Bolton, 1892-96; S. P. Henry, 1896-00; Jared Y. Saunders, 1900-04.

Judges of the superior court—Territory of Orleans:\* George Mathews, 1804-12; Joshua Lewis, 1804-12; John Thompson (died in office), 1804-06; Francois Xavier Martin, 1806-12.

State of Louisiana:\*\* Dominick A. Hall, 1812-15; George Mathews, 1812-36; Pierre Derbigny, 1813-20; Francois Xavier Martin, 1816-46; Alexander Foster, Jr., 1821-35; Henry A. Bullard, 1832-45; Henry Carleton, 1835-39; Isaac T. Preston, 1837; Pierre Adolphe Rost, 1838-39; George Eustis, 1838-39; George Strawbridge, 1837-39; Alonzo Morphy, 1838-45; Edward Simon, 1840-45; Rice Garland, 1846-52; George Eustis, chief justice, 1846-52; Pierre Adolphe Rost, associate justice, 1846-52; George Rogers King, 1846-52; Thomas Slidell, 1846-52; Isaac T. Preston, 1850-52; William Dunbar, 1852-53;†

\*Appointed by the President of the United States.

\*\*Appointed by the Governor.

† Under the constitution of 1852 this office was made elective by the people.



Thomas Slidell, chief justice, 1853-55; Cornelius Voorhies, associate justice, 1853-59; Abner Nash Ogden, associate justice, 1853-55; James G. Campbell, associate justice, 1854; Henry M. Spofford, associate justice, 1853-55; Edwin T. Merrick, chief justice, 1855-62; Alexander M. Buchanan, associate justice, 1855-63; John N. Lea, 1855-62; Josiah L. Cole, 1855-59; Thomas T. Land, 1858-62; Albert Voorhies, 1859-62; Albert Duffel, 1860-64; Peter E. Bonford, appointed by the governor, 1863-64; Thomas Courtland Manning, appointed by the governor, 1863-64; William P. Hyman, chief justice, 1865-68; Zenon Labauve, associate justice, 1865-68; Rufus K. Howell, 1865-68; R. B. Jones, associate justice, 1865; James T. Taliaferro, associate justice, 1866-68; James T. Ludeling, chief justice, 1868-76; James T. Taliaferro, associate justice, 1868-76; Rufus K. Howell, associate justice, 1868-76; William J. Wiley, associate justice, 1868-76; William W. Howe, associate justice, 1868-72; Joseph E. Leonard, associate justice, 1872; Philip Hickey Morgan, associate justice, 1873-76; Thomas Courtland Manning, chief justice, 1877-80; Meibiadès DeBlanc, associate Justice, 1877-80; William B. Egan, associate justice, 1877-80; William B. Spencer, associate justice, 1877-79; Robert H. Marr, associate justice, 1877-80; Edward D. White, associate justice, 1879-80; Edward Bermudez, chief justice, 1880-92; Felix P. Poche, associate justice, 1880-90; Robert B. Todd, associate justice, 1880-88; William M. Levy, associate justice, 1880-86; Charles E. Fenner, associate justice, 1880-84; Thomas Courtland Manning, associate justice, 1882-86; Charles E. Fenner, 1884-96; Lynn Boyd Watkins, 1886-98; S. D. McEnery, to succeed R. B. Todd, 1888-1900; Joseph A. Breanx, 1890-1902; F. T. Nicholls, chief justice, 1892-1904; Chas. Parlange, to fill vacancy of C. E. Fenner, 1884-96; H. C. Miller, vice Chas. Parlange, 1884-96; H. C. Miller, 1896-1908; Newton C. Blanchard, vice S. D. McEnery elected to United States senate, 1898-1900; Lynn B. Watkins to succeed himself, 1898-1910; Frank Adair Monroe, vice H. C. Miller (deceased), 1896-98; Newton C. Blanchard, to succeed himself, 1900-12; O. O. Provosty, vice L. B. Watkins (deceased), 1898-1910.

New Orleans is the only city in Louisiana that had a population in 1900 of more than 25,000, and for this city, a summary is presented in the following table, showing the population from 1810 to 1900, inclusive, together with the increase by number and per cent during each decade:



## POPULATION OF NEW ORLEANS, 1830 TO 1900.

Census Years.	Population.	INCREASE.	
		Number.	Per cent.
1900.....	287,104	45,065	18.6
1890.....	242,039	25,919	12.0
1880.....	216,040	21,672	12.9
1870.....	191,418	22,743	13.5
1860.....	168,675	52,300	41.9
1850.....	116,375	14,182	13.9
1840.....	102,193	72,156	243.7
1830.....	29,737	2,561	9.4
1820.....	27,176	9,931	9.4
1810.....	17,212		

According to this summary, New Orleans, beginning with a population of 17,242 in 1810, increased but little, compared with the early growth of other cities, for two decades, but from 1830 to 1840, the population of the city increased from 29,737 to 102,193, or 243.7 per cent. Since then the rate of increase has been relatively low, although in the decade from 1890 to 1900 it is somewhat greater than it has been in any decade since 1860.

## POPULATION OF LOUISIANA, 1810 TO 1900.

Census Years.	Population.	INCREASE.	
		Number.	Per cent.
1900.....	1,384,625	263,058	23.5
1890.....	1,118,587	178,611	19.0
1880.....	939,916	213,631	29.3
1870.....	726,915	18,913	2.7
1860.....	708,002	190,210	36.7
1850.....	517,762	165,351	46.9
1840.....	352,411	136,672	63.4
1830.....	215,739	62,816	41.1
1820.....	152,923	76,367	99.8
1810.....	76,556		

## COTTON PRODUCED IN LOUISIANA FROM 1833 TO 1883, 1890 AND 1893 TO 1899

1883 ... ..	490,200 bales	1893. ....	473,000 bales
1881 ... ..	485,200 bales	1894. ....	721,561 bales
1885 ... ..	187,722 bales	1895. ....	513,813 bales
1886 ... ..	157,825 bales	1896. ....	567,251 bales
1887 ... ..	501,622 bales	1897. ....	788,325 bales
1888 ... ..	416,778 bales	1898. ....	717,717 bales
1890 ... ..	659,180 bales	1899. ....	699,476 bales

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AND  
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93	94	95	96
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QUANTITIES OF CANE SUGAR AND MOLASSES PRODUCED IN LOUISIANA,  
1852 TO 1900.

Year.	Sugar, pounds.	Molasses, gallons.	Year.	Sugar, pounds.	Molasses, gallons.
1852-53	368,129,000	25,700,000	1876-77	190,672,570	12,024,108
1853-54	495,156,000	31,000,000	1877-78	147,101,941	11,237,280
1854-55	385,227,000	23,113,620	1878-79	239,478,753	13,218,401
1855-56	254,563,000	15,274,140	1879-80	198,902,278	12,189,180
1856-57	81,373,000	4,882,390	1880-81	272,982,899	15,255,029
1857-58	307,066,700	19,578,790	1881-82	159,874,500	9,691,101
1858-59	414,796,000	24,887,760	1882-83	303,066,258	15,716,755
1859-60	255,115,750	17,858,105	1883-84	287,712,230	15,277,316
1860-61	265,063,000	18,414,550	1884-85	211,402,963	11,761,608
1861-62	528,321,500	31,216,000	1885-86	286,626,486	17,863,732
1862-63	96,810,000	7,619,000	1886-87	181,123,872	10,251,894
1863-64	81,500,000	2,303,000	1887-88	353,855,877	21,980,241
1864-65	10,800,000	765,000	1888-89	321,526,781	15,228,580
1865-66	19,900,000	1,128,000	1889-90	287,490,271	18,431,988
1866-67	42,903,000	2,570,000	1890-91	483,489,856	25,000,000
1867-68	41,400,000	2,800,000	1891-92	360,180,306	16,429,868
1868-69	95,051,225	6,081,907	1892-93	452,068,627	17,025,197
1869-70	99,452,916	5,721,256	1893-94	595,473,371	18,169,529
1870-71	168,878,592	10,281,419	1894-95	710,827,438	28,334,513
1871-72	146,906,125	10,019,938	1895-96	532,191,652	21,663,410
1872-73	125,346,493	8,898,640	1896-97	631,699,561	20,820,130
1873-74	103,241,119	8,203,914	1897-98	695,101,878	22,241,510
1874-75	131,504,691	11,516,828	1898-99	549,947,417	21,852,183
1875-76	163,418,070	10,870,516	1899-1900	329,968,450	14,971,313

VOTE OF THE STATE SINCE 1872.

	Dem.	Rep.	Maj.
1872—President	66,467	59,975	6,492 D.
1872—President	*57,029	71,063	14,034 R.
1876—President	84,723	77,174	7,549 D.
1876—President	*70,036	75,135	5,099 R.
1880—President	65,097	34,628	30,469 D.
1884—President	62,529	46,347	16,182 D.
1888—President	85,032	30,484	54,548 D.
1892—Governor	Dem. †126,009	Rep. ‡40,135	F. A. 8,502
1892—President	87,922	26,553	61,369 D.
1896—Governor	116,216	50,135	66,081 D.
1896—President	Dem. 77,175	Rep. 22,037	Nat. Dem. 1,834
1900—Governor	80,206	2,119	Fusion. 9,277
1900—President	53,671	14,233	39,438 D.

\* Count of the Republican returning board.

† Combined Democratic vote.

‡ Combined Republican vote.

Louisiana is blessed with a soil of extraordinary fertility. Sugar and cotton have been grown since the earliest times, but the culture of rice is of a comparatively recent date and has been brought to perfection within less than two decades, mainly by emigrants from the Northern states. There was shipped out of Southwest Louisiana in 1886 2,000,000 pounds of rice. The next



year the amount shipped was doubled. In 1889 16,000,000 pounds were shipped. In 1892 the amount under remarkably favorable conditions was increased to nearly 200,000,000 pounds. The shipments then fell off, but in 1896 amounted to 127,600,000 pounds of clean rice. Since then the amount has increased to over 200,000,000 pounds.

Parishes.	Area.	Incor- porated.	Seat of Justice.	Population, 1900.
Acadia .....	634	1886	Crowley .....	23,483
Ascension .....	373	1807	Donaldsonville .....	24,142
Assumption .....	327	1807	Napoleonville .....	21,620
Avozelles .....	813	1807	Marksville .....	29,701
Bienvenue .....	856	1848	Sparta .....	17,588
Bossier .....	774	1843	Benton .....	21,153
Caddo .....	852	1838	Shreveport .....	44,499
Calcasieu .....	3,400	1843	Lake Charles .....	30,428
Caldwell .....	535	1838	Columbia .....	6,917
Cameron .....	1,545	1870	Cameron .....	3,952
Catahoula .....	1,350	1808	Harrisburg .....	16,351
Claiborne .....	765	1825	Homer .....	24,029
Concordia .....	620	1807	Vidalia .....	23,559
De Soto .....	856	1843	Mansfield .....	25,063
E. Baton Rouge .....	395	1807	Baton Rouge .....	31,153
E. Carroll .....	400	1877	Lake Providence .....	11,373
E. Feliciana .....	450	1811	Clinton .....	20,443
Franklin .....	550	1813	Winnsborough .....	8,890
Grant .....	578	1809	Colfax .....	12,502
Iberia .....	536	1808	New Iberia .....	29,015
Iberville .....	646	1807	Plaquemine .....	27,006
Jackson .....	576	1845	Vernon .....	9,119
Jefferson .....	595	1825	Groton .....	15,321
Lafayette .....	262	1825	Lafayette .....	22,825
Lafourche .....	1,023	1807	Thibodeaux .....	25,822
Lincoln .....	485	1873	Ruston .....	15,898
Livingston .....	575	1832	Springville .....	8,100
Madison .....	670	1839	Tallulah .....	12,332
Morehouse .....	760	1814	Hastrop .....	16,631
Natchitoches .....	1,200	1807	Natchitoches .....	33,216
Orleans .....	187	.....	New Orleans .....	287,101
Ouachita .....	610	1807	Monroe .....	20,917
Plaquemines .....	930	1807	Point-a-la-Hache .....	13,039
Pointe Coupee .....	575	1807	New Roads .....	25,777
Rapides .....	1,498	1807	Alexandria .....	39,578
Red River .....	386	1871	Coushatta .....	11,548
Richland .....	578	1868	Rayville .....	11,116
Sabine .....	1,008	1803	Munoy .....	15,421
St. Bernard .....	680	1807	Arabi .....	5,031
St. Charles .....	281	1807	Hahnville .....	9,072
St. Helena .....	413	1811	Greensburg .....	8,479
St. James .....	308	1807	Convent .....	20,197
St. John .....	190	1807	Edgard .....	12,330
St. Landry .....	3,642	1807	Opelousas .....	52,906
St. Martin .....	648	1811	St. Martinsville .....	18,910
St. Mary .....	.....	1811	Franklin .....	34,115
St. Tammany .....	.....	1811	Covington .....	13,335
Tangipahoa .....	790	1809	Amite City .....	17,625
Tensas .....	612	1812	St. Joseph .....	19,070
Terrebonne .....	1,806	1822	Houma .....	24,461
Union .....	883	1839	Farmerville .....	18,520
Vermillion .....	1,226	1811	Abbeville .....	20,705
Vernon .....	1,540	1871	Leesville .....	10,327
Washington .....	668	1819	Franklinton .....	9,628
Webster .....	504	1871	Minden .....	15,125
W. Baton Rouge .....	210	1807	Port Allen .....	10,285
W. Carroll .....	340	1877	Floyd .....	3,655
W. Feliciana .....	302	1811	St. Francisville .....	15,994
Winn .....	915	1852	Winnfield .....	9,618



## COST OF THE LOUISIANA PURCHASE.

Original price .....	\$15,000,000
Interest on same .....	8,529,353
United States citizens' claims (additional) .....	3,738,268
	<hr/>
	\$27,267,621

## AREA IN SQUARE MILES.

Arkansas .....	53,850
Colorado (north of Arkansas river and east of a line from its source north, est.) .....	57,100
Iowa .....	56,025
Indian Territory .....	31,400
Kansas (except s. w. cor., est.) .....	73,542
Louisiana (west of the Mississippi, but in- cluding New Orleans Island, est.) .....	44,500
Minnesota (west of the Mississippi, est.) .....	57,531
Missouri .....	69,415
Montana (east of the divide, est.) .....	125,210
Nebraska .....	77,510
North Dakota .....	70,795
Oklahoma .....	39,100
South Dakota .....	77,650
Wyoming (east of treaty line and the divide, est.) .....	67,360
	<hr/>
Total square miles .....	900,988
Total acres .....	576,632,320





EDWARD W. BROWN



# State of Arkansas

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Ex-Governor Daniel Webster Jones

*Associate Editor*

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Maro O. Rolfe

*Author*



# Arkansas\*

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## CHAPTER I

From 1541 to 1819 and Later

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FOR many years there was contention among some of the best-informed citizens of Arkansas as to the correct pronunciation of the name of their state, most persons pronouncing it as it was spelled, while others, especially the early settlers and their descendants, pronounced the name as if spelled "Ar kan-saw," following, as they believed, the pronunciation used by the Arkansas Indians, the aborigines of this country, from whom the territory derived its name. Finally, to settle the question and bring about a uniformity of pronunciation, the general assembly of 1881 appointed a learned and able committee to investigate the subject. This committee made a critical and exhaustive examination, and the general assembly unanimously adopted the following concurrent resolution, based on its report prescribing the correct pronunciation of the name of the state of Arkansas:

"WHEREAS, Confusion of practice has arisen in the pronunciation of the name of our State, and it is deemed important that the true pronunciation should be determined for use in oral official proceedings; and,

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\*The author of these chapters acknowledges obligation to Fay Hempstead, of Little Rock, for valuable counsel and for generous permission to quote from his *Pictorial History of Arkansas*.



"WHEREAS, The matter has been thoroughly investigated by the State Historical Society of Little Rock, which has agreed upon the correct pronunciation, as derived from history and the early use of the American immigrants, be it, therefore,

*"Resolved, By both houses of the General Assembly, that the only true pronunciation of the name of the State, in the opinion of this body, is that received by the French from the native Indians, and committed to writings in the French word representing the sound, and that it should be pronounced in three syllables, with the final 's' silent, the 'a' in each syllable with the Italian sound, and the accent on the first and last syllables, being the pronunciation formerly universally and now still most commonly used, and that the pronunciation with the accent on the second syllable with the sound of 'a' as in man and the sounding of the terminal 's' is an innovation to be discouraged. The name of the State is, accordingly, pronounced 'Ark-an-saw.'"*

Arkansas has an area of 33,824,000 acres. It is larger than New York or Pennsylvania. It is only one-fifth smaller than all the New England states combined. In its broader significance, its early history is included in the history of Louisiana and Missouri territories. It will be attempted here to treat it in a sense characteristically local. The first white man to visit the territory now included in Arkansas was Hernando DeSoto. In 1539 he sailed from Cuba and landed on the coast of Florida, and at once began to explore the country to the north and west. In May, 1541, he discovered the Mississippi. He crossed the river and continued his journey in a northwesterly direction and is thought to have gone as far north as the head of White river, and to have spent the winter of 1541-42 in the Ozark mountains. Tradition fixes the exact spot of his winter camp at or near where the town of Boonsboro, Washington county, now stands. In the following spring he may have continued his journey in a southwesterly direction, crossing the Arkansas river somewhere between Fort Smith and Dardanelle. He probably spent some time at Hot Springs, the wonderful medicinal properties of whose waters were then well known to the Indians. From Hot Springs, possibly Cayas, he turned south down the Ouachita, and at the mouth of Red river he sickened and died, and, in order to conceal his death from the Indians, his body was sunk at night in the mighty river he had discovered. There is much uncertainty and difference of opinion as to the locality of points in Arkansas visited by DeSoto and his adventurous followers. Pacaha, Capaha or Kappa (as variously spelled) has been identified by some writers as Old



Town, fifteen miles below Helena. Quiguat would appear to have been in the southern part of Arkansas county, on the Arkansas river, and may have been near the site of Toltec, or on bayou Meta. The Casqui towns were possibly in the southern part of Phillips county, south and west of Old Town, and one of them is believed to have been Indian Bay, on the White river. Caligoa has been unconvincingly referred to Northern Arkansas and more plausibly, but not definitely, to Jackson, Independence or Lawrence county. Tatalicoya was possibly on the Arkansas river. Quipana may have been on the site of Mound Prairie, Hempstead county.

After the death of DeSoto more than a century elapsed before the Arkansas country was again visited by Europeans. In 1673, Marquette, a devoted Catholic missionary, and Joliet, a fur trader, who had spent years among the Indians on the lakes, came down the Illinois and Mississippi rivers as far as the mouth of the Arkansas river. Marquette made the first map of the country west of the Mississippi. On this map dated 1673, the "Arkansen" Indians are located near the mouth of the river that bears their name. No earlier mention of them has been found. The next explorer to visit the country may have been Father Louis Hennepin, in 1680. After him, in 1682, came LaSalle, who took formal possession of the country, and named it Louisiana, in honor of Louis XIV, then king of France. LaSalle returned to Canada and thence to France, leaving the Chevalier Henri de Tonty in command. The first settlement in Arkansas was made June, 1680, under the auspices of Tonty, about three leagues below the historic post of Arkansas by Contere and De Lamay, and four other Frenchmen, all of whom, except the two named, not having heard from Tonty, soon returned to St. Louis. This was the first white settlement in Arkansas. LaSalle came back to Louisiana and in 1687 was murdered by several of his companions on or near the Trinity river in Texas.

During the period 1699-1766, the province of Louisiana including Arkansas, a vast region extending west from the Mississippi from its source to its mouth, was under French control. The French governors were: Sauvolle, 1699-1701; Bienville, 1701-13; Du Mays; Cadillac, 1713-16; De l'Épinay, 1716-18; Bienville (2nd term), 1718-24; Boisbriant, 1724-26; Perier, 1726-32; Bienville (3d term), 1732-43; De Vaudreuil, 1743-53; Kerlerec, 1753-63; D'Abadie, 1763-65; Captain Aubry, 1765-66. Sauvolle and Bienville were brothers. Bienville, the greater of the two, ruled in Louisiana nearly thirty years.



Their brother, Pierre Lemoyne, the *Sieur D'Iberville*, who explored the waters of Louisiana in 1688-99 and was the chief promoter of early colonization, was greater than either of them. He has passed into history as "the father of Louisiana." At the end of the French and Indian war, France ceded Canada to England, and Louisiana to Spain. Spain did not want Louisiana, but wanted to prevent England from obtaining it. Spanish control of Arkansas extended through the period 1762-1803. The Spanish governors were: D'Ulloa, 1766-68; Captain Aubry, 1768-69; General O'Reilly, 1769-70; Unzaga, 1770-77; Galvez, 1777-85; Miro, 1785-92; Carondelet, 1792-97; Gayoso, 1797-99; Casa Calvo, 1799-1801; Salcedo, 1801-1803. The population of all Arkansas settlements in 1766 was eighty-eight. The total French population in what is now Arkansas was only 196 in 1785; in 1799 it was 308. The population of Arkansas in 1810, after seven years of American rule, was 1,062; in 1820, there were 14,255 people within the present limits of the state. From 1820 to 1830 Arkansas outstripped all the states in the Union in increase of population, except Indiana, Illinois and Michigan. From 1830 to 1840, Michigan was the only state that excelled it in this respect. From 1840 to 1850, it kept pace with all the states except Iowa and Wisconsin, while from 1850 to 1860 it outstripped all the states except Iowa, California and Texas. The Civil war, many engagements of which were fought within the borders of the state, did not stay its growth, and when peace blessed the country with prosperity, Arkansas made the remarkable record of almost doubling its population in the sixth decade of its existence. Each succeeding census has shown a marked increase in its population until in 1900 it numbered 1,311,564 souls. In 1838 the entire taxed wealth of this state was, in round numbers, fifteen million dollars. In 1860 this had grown to one hundred and twenty-two million dollars. The Civil war closed showing a taxed valuation of about thirty-eight million dollars. The loss of more than eighty million dollars in property, besides other ravages of war, was a tremendous blow to the energies and hopes of the people, but their recuperative powers and the remarkable natural resources of the state enabled them in less than a quarter of a century, not only to regain the full taxed value of 1860, but to increase it more than sixty per cent. The assessment of all the real and personal property of Arkansas to-day amounts to more than two hundred million dollars. The entire wealth of the United States increased from \$16,902,993-543 in 1880, to \$25,246,589,804 in 1890, a gain of \$7,346,596,261, or 43.46 per cent. Arkansas increased from \$86,409,364 in 1880,



to \$174,737,755 in 1890, a gain of \$88,228,391, or 102 per cent. That is to say, its increase in taxed wealth during the decade 1880-90, was greater than the whole amount of its property in 1880. Thus, while the population had increased more than forty per cent, the wealth had increased more than 100 per cent. Both of these elements indicated a condition of health in its industries that invites the work, the wealth and the wisdom of other states. Thousands of men come to Arkansas each year from the North, the West and the South—many foreigners come—bringing their wives and children, their property and their hopes. They come to search for greater prosperity and happiness, and the increasing percentage of advance in population favors the inference that they find what they seek. Let us look more closely into the history and resources of this state, confident that they will interest and invite men representing the vigor, valor and virtue of every clime.

Arkansas Post, according to M. Dumont's "Historical Memoirs of Louisiana," as translated in "French's Historical Collections," part V, was "properly only a continuation of the establishment formed by the French around the stake-encircled house which Joutel and his companions reached in the month of July, 1687, and where, before arriving, they perceived a cross planted, which consoled them in their pains and hardships." Joutel thus describes his sensation and those of his companions on beholding the cross: "It is easy to imagine what inward joy we conceived at the sight of the sign of our salvation. We knelt down, lifting up our hands and eyes to heaven, to return thanks to the Divine Goodness for having conducted us so happily." They were welcomed by Coutere and DeLaunay, the two original Arkansas settlers, and all tarried some days, making friendships with the Indians, and one, Bartholomew, a Parisian, remained with the Frenchmen resident there. Settlement at Arkansas Post had begun, but it was to be slow, though the post was a point of importance in territorial history. Hoping to make the settlement on the Arkansas permanent, Tonty granted the church a site for a mission and offered to provide for the support of a missionary for three years. His deed to the church, given at Fort St. Louis, within the present limits of Illinois, November 20, 1689, was for several thousand acres of land including Arkansas Post and lying on either side of the river. Father Allouez was the first missionary sent by the church under this plan, and during the eighteenth century his successors, braving sickness and violent death and accepting either or both, labored among the Indians in this vicinity. Tonty's interest in the settlement never flagged, and when



he died at Biloxi in 1704 his faith in it had not wavered; but after France had expended millions to promote settlement in the Mississippi country and John Law's enterprise had failed, little growth or development had come to Arkansas Post. Still the valley of the Mississippi remained a wilderness. All its patrons—though among them it counted kings and high ministers of state—had not accomplished for it in half a century a tithe of that prosperity which, within the same period, sprung naturally from the benevolence of William Penn to the peaceful settlers on the Delaware. It required the feebleness of the grand monarch to discover John Law, the father of inflated cheap money and national financial ruin. Law was an Englishman—a humbug, but a magnificent one, so marked and conspicuous in the world's history that his career should have taught the statesmen of all nations the simple lesson that debt is not wealth and that every attempt to create wealth wholly by legislation is sure to be followed by general bankruptcy and ruin. In September, 1717, Law's Company of the West was granted the commerce and control of Louisiana. Law arrived at New Orleans with 800 immigrants in August of that year. Instead of coming up the Mississippi, they landed at Dauphine island to make their way across by land. The reign of the Company of the West over Louisiana was a romance or a riot of folly and extravagance. It was to people and create a great empire on cheap money and a monopoly of the slave trade. For fourteen years it controlled Louisiana; then it gave up the trust, the dreams and illusions of ease and wealth passed away, and but wretched remnants of colonies existed, in the extremes of want and suffering. But, after all, a permanent settlement of the great valley had been made. A few of the settlers were located at Arkansas Post, up the Arkansas river and on Red river, and like most of the others of Law's followers, they made a virtue of necessity and remained because they could not get away.

"The people sent by Law came," says Dumont, "and settled about a league from the Arcancas Post, in the depths of the woods, where they found a beautiful plain surrounded by fertile valleys, and a little stream of fine clear, wholesome water. . . This settlement began to prosper; pavilions were already erected for the officers, and cabins for the workmen; almost all, as I have said, were Germans, married men. Large store houses were even built, and everything seemed to promise that it would soon become flourishing, when those who composed it, learning of the fall of their patron, disbanded." When M. LeBlanc sent men to take possession of the grant made to him on the Yazoo river about



1728 by the Company of the West, the little garrison kept till then by the company at that place retired to the Arkansas Post, then commanded by the *Sieur de la Boulage*. Writing of Arkansas Post about 1740, Dumont said, "There is no fort in the place, only four or five palisade houses, a little guard house, and a cabin which serves as a store house."

The post is depicted on maps of English, French and Spanish possessions of 1745 and on a well known French map of forty-five years earlier. On Joutel's maps of LaSalle's expedition of date about 1695 a French fort is designated practically on the site of Arkansas Post. According to tradition, the real settlement of the town began about the time of the relinquishment of French possession. County records contain entries concerning this locality of date as early as 1760 and there are extant baptismal and burial records relating to this place dated 1772-93. William, Gabriel and Elisia Winter and Joseph Stillwell and their families settled at the post in 1798, on lands granted the previous year to the men named by the Baron de Carondelet. In 1803, when the territory was ceded to the United States, the post was the official residence of the commandant. The names of early commandants are not obtainable. Captain Chalmette was in command in 1780; Captain Don Joseph Valliere probably in 1786-90; Don Carlos Villemont, 1790-1801; Francis Caso y Luengo, 1802-03; Ignace el Leno in 1804. In the spring of 1804 El Leno resigned the post to Maj. James B. Many, who had been sent by General Wilkinson to receive it. Fort Esperanza (Camp Esperance), on the site of Hopfield, was transferred to American authority at the same time. This was the second town established within the territory of the present state of Arkansas. March 26, 1804, congress divided Louisiana into the territory of Orleans and the district of Louisiana. The latter division, embracing the present Arkansas, included that part north of the thirty-third parallel and was often called Upper Louisiana. Its government was attached to that of Indiana territory, of which General Harrison was governor. In the autumn of 1804, Governor Harrison and three judges established courts at St. Louis and Major Many was continued in authority at Arkansas Post.

Gen. James Wilkinson, commander of the American armies, was governor of the district and the territory of Louisiana 1805-07. June 27, 1806, the legislature of the territory of Louisiana constituted the southern part of the district of New Madrid, the district of Arkansas, the first deputy governor of which, Stephen Warrel, was soon succeeded by Robert W. Osborne. As a



part of the plan of exploration of Lieut. Zebulon M. Pike, whose name is perpetuated in that of Pike's Peak, Lieut. James B. Wilkinson was, in 1806, sent to explore the Arkansas river from the Great Bend to its mouth, a task which he and his party accomplished with two canoes between October 27, 1806, and January 9, 1807. He made a map of that part of the river between the mouth of the Poteau, (the present site of Fort Smith), and Arkansas Post, showing Hot Springs and (probably) Magazine mountain and noting no human beings by the way except a party of French hunters near the present site of Little Rock and another near the present site of Pine Bluff. The Hot Springs had been visited in 1804 by Dunbar, who had been commissioned by President Madison to explore the Ouachita river, and by Don Juan Filhiol, one time commandant at Ouachita post, who described the region in detail and later claimed the springs under an alleged grant from Governor Miro. In 1806, occurred the historic events that resulted in the discovery of Burr's conspiracy, by which he is said to have sought to plant on the Ouachita a government, founded on the separation of Louisiana from the United States, of which he aspired to be the head, with the further design of overthrowing Spanish authority in Texas and Mexico. Less than twenty years before, General Wilkinson had been accused, but not proven guilty, of treasonable intrigue with Spain. Burr sought his aid and Wilkinson exposed him to the government.

Gen. Meriweather Lewis, a Virginian, a famous explorer and a personal friend of President Jefferson, was governor of Louisiana from August, 1807, until his death two years later. In the summer of 1808, ill feeling between the governor and certain Osage Indians resulted in the withdrawal of governmental protection from the Osages. The rapid settlement of the country displeased the Osages and an offer on their part to sell their land to the United States led to the treaty at Fort Clark, November, 1808, by which 48,003,815 acres between the Missouri and the Arkansas rivers, the Mississippi and a line north and south between Fort Clark, in Southwest Missouri as states are now bounded to a place on the Arkansas, now in Crawford county, designated as Frog bayou, were transferred to the United States. Of this land, 14,830,432 acres were in Arkansas.

By cessions in 1819 and in 1825, the Osage Indians transferred to the United States all remaining lands of the Great and Little Osages in Arkansas and in the tracts between the Arkansas and Red rivers and north of the Arkansas river, between the Verdi-



gris and the western Osage boundary, known as Lovely's Purchase. Thus was extinguished the Indian title to 46,149,735 acres, almost 16,000,000 acres of which were in Arkansas. Major Lovely, a soldier of the revolution, had become a friend of the Cherokees and an Indian trader on the Arkansas. As an Indian agent, he had bought the lands of the Lovely Purchase irregularly from the Osages and his claim was not recognized by the government. By treaties in 1818 and in 1824 the land of the Quapaws passed to the proprietorship of the United States. Of the Osages and Quapaws the government had now bought 85,000,000 acres, of which 33,406,720 acres, including Arkansas as now bounded, was a part. According to Indian tradition, as stated by Shinn, "the Indians occupying the vast region of what is now Arkansas, Missouri, Iowa, Minnesota, Kansas, Nebraska and the Dakotas were of one stock or family"—the Dakotas, a people made up of Quapaws, Osages, Missouris, Iowas, Kansas, Arapahoes, Otoes, Omahas, Poncas, Sioux, Crows, Assiniboines, Mandans and Mimetarees, fourteen tribes in all. "The ancestors of the various tribes which make up this family came from the East. They traveled down the Ohio, possibly driven westward by the Algonquins. At the mouth of the river they separated; the Omahas, Poncas, Osages and others went up the Mississippi—the rest went down that river. Those who went up were called 'Umaha' or 'Omaha'—'to go against the wind and stream.' Those who went down were called 'Ugappa' or 'Quapaw,' from 'ugappa' or 'ugaha'—'to float down the stream.'" The Quapaws came into this grand domain at what is now the northwest corner of the state and made settlements and built towns along the Mississippi. Later they occupied most of the country south of the Arkansas. The Osages extended their settlements throughout what is now Southern Missouri and thence as far south as the Arkansas. When these treaties were made the Quapaws were the only remaining representatives of the Arkansas tribe of which they were a part. Both the Osages and the Arkansas have left remains of archaeological value; those of the Arkansas are more valuable. In an area including contiguous parts of Missouri, Arkansas, and Tennessee having Pecan Point, Ark., nearly in its center, many relics have been discovered. The finding of many near Pecan Point is taken as evidence that once Indians were numerous in what is now Mississippi county. Nearly all of the territory of this state was once possessed by the Osages and Arkansas. The Caddo Indians lived in the southwest part and wandered at will in all parts of the present state, but



never claimed much of its lands. In 1825, when they withdrew from the territory, the Quapaws numbered some 700 souls, the Great and Little Osages in Arkansas, 1,200.

In 1817, about 3,000 Cherokees lived on lands in Arkansas which were claimed by the Osages and Quapaws. Their first settlement was on the St. Francis river and they abandoned it for another on White river. They had been coming over from Tennessee since 1785. In the interest of harmony, the government induced them to relinquish part of their old domain east of the Mississippi for an equal area between the White and Arkansas rivers. The treaty was opposed by the upper or former Cherokees but was concurred in by many Lower Cherokees who joined their people in Arkansas, rejoicing in the acquisition of new and promising hunting grounds. Soon the Osages laid claim to a part of the Cherokees' new possessions and assumed a hostile attitude toward them. Thus began a series of difficulties in which the Cherokees were involved, first with their red and later with their white neighbors, in none of which do they appear to have been willful aggressors, and which were not finally settled until 1828. Then the Cherokees, who had, 1821-25, been moved on to their reservation, exchanged 4,240,000 acres of land and their improvements there for 7,000,000 acres in Indian territory and other considerations, including an annuity of five hundred dollars to George Guess, inventor of the Cherokee alphabet, and numerous other annuities, besides fifty thousand dollars in cash and corn mills to be erected on their new reservation to replace those they had in operation in Arkansas, where they were also growing cotton. A factor in reconciling conflicting interests, establishing peace between the Cherokees and Osages and amicable relations between Indians and whites and bringing about the removal of the Cherokees, was a government agency set up convenient to the disputed territory. In 1820, the American Board of Foreign Missions established the Dwight mission station and school which exerted a constant and potent influence for good. It was named in honor of Pres. Timothy Dwight of Yale college and at its head was the Rev. Cephas Washburn, called by the Cherokees Oo-kuh-squah-fuh. Hempstead states that "he was assisted by his brother-in-law, the Rev. Alfred Finney, and Messrs. Orr and Jacob Hitchcock. During September, 1820, two cabins were erected, and the Revs. Washburn and Finney departed for Elliott, a mission station in the Choctaw country, where their families and Miss Minerva Washburn had been left in January, 1820. They returned to the Dwight mission May 10, 1821.



During the summer of 1821 considerable was done in the way of putting up buildings and making arrangements for commencing a boarding school. In December, 1821, the mission was reenforced by the arrival of Miss Ellen Stetson and Miss Nancy Brown and Mr. Asa Hitchcock. Shortly after the arrival of the party there were two weddings at the mission. Miss Minerva Washburn married Mr. Orr and Miss Nancy Brown married Mr. Jacob Hitchcock." This was the first protestant mission in Arkansas. It was located at Old Dwight, near Russellville. On the way to it, Mr. Washburn preached in "a small cabin made of round logs with the bark on," at Little Rock, July 4, 1820, to fourteen men, no women being present. The only dwelling near it was that of Col. Moses Austin, erected a year before. The Cherokees were at war with the Osages and there was much to discourage Mr. Washburn, but in two years a hundred Cherokee boys and girls were pupils in his school, in which he employed seven assistant teachers, and which later attracted patronage from many of the leading white families in the territory. It antedated any other organized institution of learning in Arkansas.

After the Quapaw treaty of 1818, the western boundary of the domain ceded to the government by the Quapaws, a line intersecting the sources of the Kiamishi and Poteau rivers, was popularly accepted as the western boundary of Arkansas. Settlements were made east of it and some west of it. In 1819 two hundred settlers west of this line were required to relocate east of it. In 1820, by the provisions of a treaty, the Choctaws in Alabama and Mississippi gave their lands east of the Mississippi for lands in Indian territory and in Arkansas south of the Arkansas river and west of a line described by Shinn as "beginning on the Arkansas river, opposite the termination of the old Cherokee line at Point Remove and running southwestwardly to a point on the Red river three miles below the mouth of Little River." This was the beginning of new trouble for the Choctaws, for many settlers in Arkansas and for the state and general governments. Hardly had the Indians begun to settle on the north shore of Red river and on the south shore of the Arkansas, than, in 1821, a survey of the line from Red river 115 miles to Point Remove revealed the fact that 2,625 whites, constituting 375 families, were living on Choctaw lands between the old western boundary and the new one. The Choctaws refused to recognize the Kiamishi-Poteau line but consented in 1825 to accept lands between the Red river and the Arkansas river west of a line extending from the bank of the Arkansas 100 paces east of the old fort at Fort Smith



directly south to Red river. The few settlers on the eastern edge of the reservation were given other land west of the new line by the government. By this treaty much of Miller county was included in the Choctaw lands. Another portion of it fell within Texan territory, and in the course of events the county was abolished. A strip forty miles wide, off the western side of Arkansas, had been added to Indian territory.

From 1809 to near the end of 1812, Gen. Benjamin A. Howard, of Kentucky, was governor of Louisiana territory by appointment of President Madison. The character of the population was changing. The Frenchmen, sedate and serene, had given place to the typical backwoodsmen, honest, but adventurous, generally belligerent and usually American; and following the latter came other men who looked like them but who were schemers or tools of schemers. Thousands of fraudulent so-called Spanish land grants were sold to persons, who, passing as settlers under Spanish grants, demanded of the government the protection in their pretended rights that had been accorded by treaty to actual Spanish settlers. In 1811 occurred the New Madrid earthquake, breaking up the land so that large tracts, especially southwest from New Madrid, were submerged and have since been known as "sunk lands," causing a loss of farms and improvements to settlers on those parts. Not a few of these unfortunates were within the present limits of Arkansas. In 1812, under the name of Louisiana, Orleans territory was admitted to statehood and Louisiana territory became known as Missouri territory and was divided into six districts of which the district of Arkansas, not quite as large as the present state, was one, with Arkansas Post as its seat of justice. In 1812 the population of Arkansas Post is said to have been considerable. The settlement at Esperance had then been abandoned.

The government of Missouri territory was organized December 1, 1812. William Clark was governor; Edward Hempstead the representative in congress; Col. Alexander Walker the delegate from Arkansas district to the territorial legislature. Arkansas Post was then the seat of justice of a district almost as extensive as the present state of Arkansas. Colonel Walker journeyed to and from St. Louis on horseback. Arkansas county was erected by the legislature of Missouri territory, December 31, 1813, and, excluding the northwestern angle of Arkansas, was two thirds as large as the present state. It is the oldest surviving county of Arkansas formed while Arkansas was a part of Missouri territory and was the last but one of nine counties erected



in Missouri. By the act creating it, all of the present state of Arkansas and some of the adjacent territory was divided into two counties, the other of which was named New Madrid. The line between them extended from Island No. 19, in the Mississippi river, southwesterly to the mouth of Little Red river, up that river to its source and thence west to the Osage line. All of the territory so divided north of the line described was New Madrid county, which has been absorbed by counties of late formation; all south of it and west of the main channel of the Mississippi river was Arkansas county. The area of Arkansas county has been diminished from time to time by the formation of other counties from its territory. A part of Phillips county was added to it in 1821; Quapaw purchase was divided between Arkansas and Pulaski counties in 1827.

The "Village of Arkansaw" was designated in the creative act as the seat of justice of Arkansas, the mother of counties. Thomas Nuttall thus describes the place as he saw it in 1819: "The town, or rather settlement, of the Post of Arkansas, was somewhat dispersed over a prairie nearly as elevated as that of the Chickasaw Bluffs and containing in all thirty or forty houses. The merchants there, who transacted nearly all the business of the Arkansa and White rivers, were Messrs. Brahm and Drope, Mr. Lewis and Monsieur Notrebe, who kept well assorted stores of merchandise supplied chiefly from New Orleans, with the exception of some heavy articles of domestic manufacture obtained from Pittsburg. The improvement and settlement of this place proceeded slowly, owing, in some measure, as I am informed, to the uncertain titles of the neighboring lands. Several enormous Spanish grants remained still undecided. That of Messrs. Winter, of Natchez, called for no less than one million acres, but the congress of the United States seems inclined to put in force a kind of agrarian law against such monopolizers; had laid them, as I was told, under the stipulation of setting up on this immense tract a certain number of families. The first attempt at settlement on the banks of the Arkansa was begun a few miles below the bayou which communicates with White river. As extraordinary inundation occasioned the removal of the garrison to the borders of the lagoon, near Madam Gordon, and again disturbed by an overflow, they at length chose the present site of Arkansas." Commenting on a historic event of a hundred years before, Nuttall added: "Had the unfortunate grants of Mr. Law been carried into effect, which proposed to settle in and around the present village of Arkansas 9,000 Germans from the Palatinate, we should



now probably have witnessed an extensive and flourishing colony in place of a wilderness still struggling with all the privations of savage life."

There were citizens of Arkansas Post in 1819 whom Mr. Nutall did not mention. Prominent among them was Hewes Scull, born in Philadelphia, Pa., about 1783, who came, aged nineteen, while the Spaniards still held possession. He was locally prominent in an official way in affairs of Missouri territory and successful as a merchant. When Arkansas territory was organized, he was the first sheriff of Arkansas county, occupying that position from 1819 to 1823; he was clerk of the court from 1830 to 1833, and, had he not died in the latter year, he might have risen to still higher distinction. Other merchants there in 1819 were Farrelly & Curran, who had come from Pittsburg, Pa.; Mr. Thomas, a partner of Lewis; Horace P. Hyde, and William Montgomery. Frederick Notrebe, referred to by Nutall as Monsieur Notrebe, came as early as 1816. James Scull had a gristmill and cotton gin and William A. Luckie & Co. a tannery in operation in 1819, and William E. Woodruff, Sr., was publishing the *Arkansas Gazette*. Thomas Terrell was a land agent. Perly Wallace, Rufus P. Spaulding, James H. Lucas, S. Dinsmore, Henry Casady and Jason Chamberlain were lawyers. H. Armstrong, Capt. William O. Allen, William Craig, Jacques Gocio, James Hamilton, Benjamin L. Haller, John Jordolas, Elijah Morton, David Maxwell, John Maxwell, Pierre Mitchell, Attica Nodall, Richmond Peeler, Manuel Roderique, Charles Roberts, A. P. Spencer, Thomas Stephens, A. B. K. Thetford, Nathaniel Vasseau and Stephen Vasseau were all there then or within a year thereafter. James H. Lucas, one of the pioneer lawyers, was county judge from 1833 to 1835 and, removing to St. Louis, became one of the wealthy, useful and distinguished men of that city. Terence Farrelly, of the merchandising firm of Farrelly & Curran, was a county Cavan man. He came, little more than a boy, to Pennsylvania and thence in 1818, at the age of about twenty-six, to Arkansas and lived near the post until his death in 1865. He was a member of the legislature, speaker of the house and a member of the constitutional convention of 1836. Thomas Curran, his partner, went early to Independence county and there, in 1821, was born his son James M. Curran, who distinguished himself as a lawyer. Benjamin L. Haller was county judge. Other early residents of Arkansas Post were officials of Arkansas county. Three tailors, J. B. Burk, John O'Regan and Stokeley H. Coulter, were in the village in 1819.



About two years before, William E. Woodruff, Sr., after having gained some experience as a printer, left his Long Island, N. Y., home, to seek his fortune in the West. He was then about twenty-one years old. Reaching Wheeling, W. Va., he, with a companion, went by canoe to Louisville, Ky. Thence he walked to Nashville, Tenn., and thence, after working a year as a printer, to Franklin, that state. After considering the advisability of locating in Nashville, St. Louis and Louisville, he decided to become a newspaper publisher in Arkansas. Buying press, type, etc., at Franklin, Tenn., he consumed three months in transporting them by water, by keel boat and canoe, a most difficult undertaking, to Arkansas Post, where he arrived with the outfit October 30, 1819. On the twentieth of the following month, the first number of the *Arkansas Gazette* was issued. The last issue at the post was dated November 24, 1821, the first issue at Little Rock, December 29, following. Until 1830 it was the only paper published in the territory. In 1820 Mr. Woodruff was made printer of the territory. The after history of the paper and of its publisher belongs to a later date. Judge Sam C. Roane, from New York, came to the Post about 1820, young and poor, but talented and ambitious. Later he took up his residence at Pine Bluff. Suggestions of his prominence and influence in the state are to be found in many places in these pages. He died in 1853, aged sixty years. The Hon. Andrew Scott, judge of the superior court in the district of Arkansas, came to Arkansas Post in 1818 and brought his family to the place in 1819. The Hon. Robert Crittenden came soon after Judge Scott.

The Post of Arkansas was often visited by Roman Catholic missionary priests in the early years of the nineteenth century, and many residents thereabout, including Indian converts, were Catholics. The Rev. John P. Carnahan, Cumberland Presbyterian, the first protestant minister there, preached there as early as 1811. In early official records and documents the post was designated as the "Village of Arkansaw." The postoffice of Arkansas, Missouri territory, was established July 1, 1817, with Eli J. Lewis as postmaster. In 1819 its name was changed to Arkansas, Arkansas territory. It took the name Arkansas Post December 27, 1831. The village called Arkansas did not come into existence until 1820. With the idea that it would become the seat of justice of the county, William O. Allen platted a town so-called and Robert Crittenden and Elijah Morton gave to Arkansas county a block of lots within its borders on condition that necessary county buildings be erected thereon. In 1825



Benjamin L. Haller, Hewes Scull and James Maxwell were appointed to receive donations for town and county buildings and Louis Bogy, Robert McKay, Isaac McLane, Hewes Scull and Harold Stillwell were constituted a committee to select a site for such structures. The name of the postoffice was changed to Arkansas Post, Arkansas county, December 27, 1831. The village that grew up there and was incorporated October 26, 1836, covered considerable ground, though much of the space was vacant. It extended from the river to Grand Prairie. Some of the houses of the French style, built in De Villemont's time, were standing in 1836 and later, noticable for their high chimneys, high gabled roofs and heavy exterior timbers. "These old houses," afterward wrote Pope, "presented a sad but interesting picture. In many instances, the tall chimneys had fallen down and trees of considerable size were growing out through the roofs and chimney places. There were, however, a few modern buildings, situated near the bank of the river, among them two brick houses, one of which was the store and warehouse of the opulent Frederick Notrebe. The other was pointed out to me as having been the printing office of William E. Woodruff, Sr., publisher of the *Arkansas Gazette*." The town was destroyed in January, 1863, by United States land forces under General McClelland and naval forces under Admiral Porter. In 1900 its population was 100. The seat of justice of Arkansas county was moved to Dewitt in 1855.

Lawrence county was formed out of the territory of the now extinct county of New Madrid, January 15, 1815. It was named in honor of Capt. James Lawrence, the hero of the Chesapeake. The first court was held at the house of Solomon Hewitt, on Spring river. The seat of justice was located at Davidsonville, founded in 1815 and until 1828 the land office town of that part of the territory; in 1829 it was removed to Jackson, about 1832 to Smithville, in 1868 to Clover Bend and in 1869 to Powhatan. Walnut Ridge is a shire town. The first postoffice in the territory was established at Davidsonville, June 28, 1817, four days before the opening of the postoffice at Arkansas Post. For a time mail was carried once in thirty days from St. Louis, via Davidsonville and Arkansas Post, to Monroe, La. Adam Ritchey was postmaster at Davidsonville; and R. Richardson in 1827. Col. Hartwell Boswell was appointed register of the land office in 1819 and John Trimble, a Kentuckian, was receiver of public moneys. Richard Searcy came to the county from Tennessee in 1817. John Rodney, William Thompson, William Jarrett, Samuel Gibson, Fiedling Stubblefield, John Bridges and John Wills were, in



1828, appointed commissioners to locate proposed county buildings. Eli Thornburgh, mayor and magistrate, was for two decades postmaster at Smithville, the third county seat. Between 1820 and 1840, J. M. Kuykendall, James Campbell, Joseph Hardin, H. R. Hynson, H. Sanford, D. W. Lowe, T. McCarroll, William Jones, J. M. Cooper, C. Stubblefield, J. S. Ficklin, David Orr, William Humphreys and others settled in the county. The Hon. Milton D. Baker, the Hon. George Thornburgh, Eli Thornburgh's son, and Charles Coffin, editor and lawyer, were prominent. Official lists show that some of the above mentioned gentlemen were more than once called to public service.

Clark, Hempstead and Pulaski counties were created from Arkansas and Lawrence counties, December 15, 1818. The boundaries of Lawrence county were not changed materially. The creative act directed that courts of Clark county, named in honor of Governor Clark, be held at the house of Jacob Barkman. The seat of justice was moved to Clark court house, two miles from the Barkman place; in 1825 it was removed to Biscoeville; in 1827 to Adam Strand's house; in 1830 to Greenville (now Hollywood), and in 1842 to Arkadelphia. The Barkmans were half brothers of John Hemphill and Jacob developed into a man of great business ability and enterprise. He was postmaster at Clark court house at the establishment of the postoffice there in 1819. Daniel Ringo, who came in 1825, was postmaster there and was succeeded by Moses Phillips. As early as 1812, Barkman engaged in trade with New Orleans and intermediate points along the Mississippi. He began navigating the river with a pirogue and his round trips consumed six months time. He took bear skins, oil and tallow down the river and brought up lead, flints, powder and coffee and sugar and cards for working cotton and wool. His enterprise at Blakeleytown resulted in the organization at New Orleans of a (for that time) great warehouse and commission business of which he was the head. His steamboat—the Dime—became a regular packet between Arkadelphia and the Crescent City. He opened up a large cotton plantation and built on the Caddo river the first cotton factory in Arkansas. This plant, which cost thirty thousand dollars, was destroyed by flood. Mr. Barkman died, wealthy, in 1852. Judge Sam C. Roane came early to Clark county and represented it in the legislative council in 1821. In 1827 John Callaway, Archibald Huddleston and Wentthrop Coldbreath were made commissioners to build a court house, county office, etc., and Lee Petit, William Stroope and Jacob Wells commissioners to solicit and receive donations for the purpose. In



1831, Jacob Stroope, John Rose and James Swan were commissioned to sell lots and promote the establishment of the county seat at Greenville. Early settlers at and near Blakeleytown (Arkadelphia), about 1810, were Adam Blakeley, Sr., Sam Parker, Isaac Cates and Abner Hignite. The family of Le Bocuf (French) lived near there. John Hemphill, from South Carolina, came with his family and Mary Dixon, his mother-in-law, and the Barkmans, John and Jacob, in 1811. Hemphill put salt works in operation about 1815 and died five or six years later. In 1820, Mrs. Dickson bought 320 acres, eight miles southwest of Blakeleytown, the first government land sold in Arkansas. The first Methodist church in the county was established by her. She died in 1843, aged ninety-one. Adam Stroud and George, Jacob and William Stroope from Louisiana, John Callaway, William Amett, William Bennett, the Logans, Brittons and Huddlestons from Missouri, and the Wellses, Crows, Calbaths, Wingfields, Southermans and McLanghills came to the county in 1817-18. Callaway, who located a few miles from Blakeleytown, died about 1830. John Wilson, who, as president of the first constitutional convention and otherwise was much in the public eye in territorial and early state days, settled at McNeill's Bluff and built a gristmill on the stream since known as Mill creek. About the same time, Judge William Jones, James Swan, Scott McKinney and the Hardins came from Lawrence county. Benjamin Dickinson, Sineon Buckner, Nat K. Jones, Michael Bozeman, David Francis, Jr., Joseph and William Browning, the Rogerses and Gray S. Manning and Lewis Randolph came in 1835-36. The latter, who had been secretary of the territory, began the improvement of a farm on the Terre Noir, near the Missouri, and died in about two years and is buried there. A personal friend of President Jackson, he had married Betty Martin, one of the historic beauties of the white house. After his death, she married President Jackson's adopted son, Andrew Jackson Donelson, afterward a candidate for the vice-presidency of the United States.

Hempstead county was named in honor of the Hon. Edward Hempstead, who represented the territory of Missouri in congress from January 4, 1813, to November 12, 1814, and was speaker of the house of representatives of that territory in 1816. He died August 9, 1817. Mr. Hempstead was not only the first delegate to congress from Missouri territory but one of the first from west of the Mississippi river who sat in our national councils. He was born in New London, Conn., June 3, 1780. Mound Prairie (near the present site of Columbus) was one of the early territorial set-



tlements. Judge Daniel T. Witter is authority for the statement that the first court of record in the county, a court of common pleas with restricted jurisdiction in civil and criminal affairs, was held at the house of John English, the temporary seat of justice, in 1819, by Judges English, Woodward and Wheaton, and the first circuit court by Judge Neal McLean in the spring of 1820; that the Rev. William Stevenson, Methodist, who came in 1819, was the first minister; that Dr. N. D. Smith, who came in 1819, was the first resident physician; that A. M. Oakley, who came in 1822, was the first lawyer, and that W. H. Etter, who established the *Washington Telegraph* in 1840, was the first editor. On the same excellent authority, it may be stated that the first cotton gin in the county was built by Ben Clark, Sr., on the old Paup place in 1819 and the first saw mill by John Johnson on Mine creek in 1830. The *Enterprise*, the first steamboat built in Arkansas, was built by John Johnson at the Saline landing in 1822 for traffic on the Ouachita. The original Bowie knife was made at Washington, in pioneer days, by James Black, blacksmith and silver-smith, from a pattern designed by James Bowie. Washington was platted and became the county seat in 1824. Judge Witter came to Washington in 1820 and died there in 1886. He was receiver of public moneys at Washington 1832-49 and held other offices. Samuel B. Davis, James Moss, Allen M. Oakley, Elijah Stewart, Simon T. Sanders, Edward Cross and Benjamin Clark were early settlers; J. W. Judkins, lawyer, came in 1828; Dr. Benjamin P. Jett in 1829; Grandison D. Royston in 1833. Such distinguished men as William Trimble, Daniel Ringo, John R. Eakin, Burrill B. Battle, James K. Jones, Augustus H. Garland, Dan W. Jones, Bernard F. Hempstead, A. B. Williams, Thomas H. Simms, Orville Jennings, W. W. Andrews, Wyatt C. Thomas, Col. J. R. Gratiot, Prof. Ernest Wiedeman and C. A. Bidewell have, from time to time, lived in this county. Allen M. Oakley was postmaster at Washington in 1828. In 1830 Governor Pope visited the town officially and was entertained at a famous dinner given at the public house of William P. Heckman. During the civil war, from 1863, Washington was the seat of the Confederate government of Arkansas. John R. Eakin edited the *Washington Telegraph* 1860-65.

It has been deemed probable that Natsoo, a settlement planted by La Harpe in 1719, when he explored Red river, was in Hempstead county, at or near the mouth of Little river.

Pulaski county originally embraced "all the country from the mouth of Little Red river to the Arkansas river, at Plum bayon,



thence up the Arkansas river, and with the Cherokee lines, to a point north of Little Red river, thence down the Little Red river to the beginning."\* Quapaw purchase was divided between Pulaski and Arkansas counties, October 13, 1827. This county was named in honor of Count Pulaski, who fought under Washington for American independence. Little Rock had not come into existence when the county was created, and the first courts were held in the house of Judge Samuel McHenry. December 18, 1818, Edward Hogan, who had been an officer in the United States army, was appointed a justice of the peace for the Pulaski county township, and one week later Lemuel R. Curran was appointed sheriff and Judge McHenry to preside over the court of common pleas. June 28, 1820, the seat of justice was located at the Cadron, which had appeared thus to Nutall only a little more than a year before: "On the 27th of March, we arrived at the Cadron settlement, containing in a contiguous space about five or six families. Mr. McHenry, one of the first, is at present the only resident on the imaginary town plat. A cave of rocks here affords a safe and convenient harbor and a good landing for merchandise." No village or town except Arkansas had as yet risen beside the Arkansas, nor a gristmill; at the post flour sold for twelve dollars a barrel. Maize was milled by means of hand motors and improvised horse mills. Sugar was twenty-five cents a pound, coffee fifty cents. The United States had begun the survey of lands along the Arkansas which were to be ready for sale about 1821. "One of the surveyors, Mr. Pettes, was now laying out the lands contiguous to the Cadron into sections. Another surveyor is also employed in the Grand Prairie, and proceeding at this time from the vicinity of Arkansas to this place." The settlement at and near the site of Little Rock, Nutall described thus: "In the evening [of March 25, 1819] we arrived at Mr. Hogan's, or the settlement of the Little Rock, opposite to which appear the cliffs [or Big Rock]. . . . The hills appear to be elevated from 150 to 200 feet above the level of the river, and are thinly covered with trees. There are a few families living on both sides, upon high, healthy and fertile lands; and about twenty-two miles from Hogan's [near the site of Benton] there is another settlement of nine or ten families, situated toward the source of the Saline creek, of the Washita, which enters that river in thirty-three degrees, twenty-seven minutes. This land, though fertile and healthy, cannot be compared with the alluvions of the Arkansa, notwithstanding which, I am informed, they were

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\*Hempstead.



receiving accessions to this population from the states of Kentucky and Tennessee. The great road to the southwest connected with that of St. Louis, passing through this settlement, communicates downwards also with the Post of Washita, with the remarkable thermal springs near its sources, about fifty miles distant and then, proceeding 250 miles to the settlement of Mound Prairie, on Saline creek, of Red river, and not far from the banks of the latter [near the site of Columbus] continues to Natchitoches." And this small isolated settlement was, only two years later, the capital of a great territory rich in natural resources, peopling rapidly and promising grandly, destined in its maturity to make good the promise of its youth.

Francis Imban settled on the site of Little Rock as early as 1803. The Lefaves, Francis and Leon, settled in the county about 1807 when the latter was only about ten years old. Jacob Peyceatt and his brother, Maj. John Peyceatt, who had done patriotic service in the Revolutionary war, settled, with their families, at Crystal Hill, above Hogan's. The former, with others, soon moved up the river to the mouth of the Cadron; the latter, assisted by other pioneers, began cutting out a road toward Arkansas Post. The Peyceatts came from Tennessee. Sampson Gray, from North Carolina, also a pioneer, died in 1834. Archibald McHenry who lived ten miles southwest of Hogan's about 1819, died in 1839. Hutson Martin lived north of the river in 1819. David Rorer, lawyer and ferryman, located north of the river in 1827. C. F. M. Robinson, a Virginian, came to Pulaski county in 1827. Post offices were established at the Cadron and at Crystal Hill in 1820. Thomas H. Tindall was postmaster at the Cadron; the other postmaster was Edmund Hogan. From 1821 to 1832, a log building served as a court house. When it became too rickety for longer occupancy, the courts moved to one of several brick houses on the site of the present city hall. Land now a part of the post-office block was in 1821 conveyed to the county by William Russell's bill of assurances, on the condition that a court house be built on it before 1831. No adequate attempt was made to carry out this provision and the proffered land was lost to the county. The courts occupied the east wing of the state house 1840-83, and then were ousted by stubbornly contested legal proceedings. The courts and county offices occupied rented quarters until 1888, when the present fine court house, a structure of Arkansas granite from the Fourche mountain, was completed at an expenditure of eighty thousand dollars.

Meanwhile settlement in the territory had been begun in other



quarters and was progressing steadily if slowly. "From 1792 to 1799, during the administration of Carondelet and Gayoso, many grants were made to Americans for lands in Arkansas, which brought new families to the state," says Shinn. "Prominent among these arrivals were the Winters, Stillwells, and Phillipses. . . . The old families of French extraction, Bogy, Vaugine, Varsier, De Chassin, Bonne, Clossein and Notrebe antedate all these arrivals. In 1766 Francois D'Armand entered the province of Louisiana, and fixed his residence on the Mississippi river above the mouth of the White, at what was afterwards called Montgomery's Landing. Here he acquired great wealth as a trader in furs, and also an influence that extended to all parts of the country. The houses of D'Armand were still standing in 1833. The property passed into the hands of Gen. William Montgomery, and became one of the most widely known landings in Arkansas. A French settlement was made near Clover Bend in Lawrence county, prior to 1800. The grant was made to John Baptiste Janis, and was held valid by the United States. Lauratown was established upon this grant a few years later. The French settlers were headed by Antoine Janis. The Vincents (Vinsons), Le Bass's, Le Mieux, and Janis's are still represented in Lawrence county. Another valid grant to Peter Guignolet lies near the present town of Portia, in the same county. Buried treasure amounting to nearly four hundred dollars in Spanish coin was plowed up in a newly cleared field on the grant at Lauratown, a few years since. From Lauratown, on the banks of the Black, down to the mouth of the White, many old French settlements were made during the eighteenth century, but all traces are now obliterated. These traces existed, however, at the beginning of the last century." Notwithstanding numerous imperfect and, legally, worthless titles were made by commandants or lieutenant-governors, purporting to convey large tracts of land—notwithstanding the arbitrary and tyrannical regulation of settlers by the Spanish government tended to retard settlement—pioneers located in many places in Southern and Eastern Arkansas. It was necessary for an intending settler to obtain permission from officials at Arkansas Post or Esperance before locating and no settler was permitted to venture more than twenty miles from his home without a passport stating his destination and stipulating by what road he should travel. Some of the dwellings built during this period, most of them of French architecture, were standing as late as 1830 in company with the ruins of others of an earlier date. A settlement was made at Dardanelle by John B. Dardelle, who was



joined in 1798 by Michael Grenlick. In 1801 Francis Francure settled on the White river below its confluence with the Red river and Peter Mullike located on the Little Red river. John B. and Francis Gravier settled in 1793 on Black river, near Anthony Janis. In 1800 Joseph Guignolett located near Janis. The latter was yet there in 1801. Ten years later he and his sons, Francis, Nicholas and John Baptiste, sought government recognition of their land claims and, failing to obtain it, sold out to an adventurer who later perfected his title to the land. In 1797, Col. Sylvanus Phillips located at the mouth of the St. Francis. Early in 1800, a settlement was made at Little Prairie, south of the mouth of the St. Francis river, by a trio of Kentuckians and William Patterson, traditionally a local Methodist preacher, erected a warehouse on the site of Helena. John James, soldier of the revolution, from Missouri, settled in what is now Randolph county in 1809; William Hudson, in what is now Independence county, in 1812. At the Greenbrier settlement, near Batesville, a colony of Kentuckians was planted in 1814, and in 1815 it included nineteen families. Among the earliest here was the family of Samuel Miller, father of Gov. William R. Miller; there were also John Moore, the Magnesses and the Beans. The names of all these families are permanently identified with the history of Arkansas. In the colony of 1815 were the brothers Richard, John, Thomas and James Peel, sons of Thomas Peel, a Virginian and a Kentucky companion of Daniel Boone. Thomas Curran, also one of the later colonists from Kentucky, was a relative of the great Irishman, John Philpot Curran. In the 1815 colony were also Old Ben Hardin—hero of Indian wars—his brother Job, and William Griffin, Thomas Wyatt, William Martin, Samuel Elvin, James Akin, John Reed, James Miller and John B. Craig. Before Arkansas territory was created, there were settlements at Arkansas Post, Helena, Cadron, Greenbrier, Benton, Columbus, Davidsonville, Fort Smith, Hot Springs, Biscoeville, Blakeleytown, Crystal Hill, Mound Prairie and Marlbrook. In 1819, the first permanent settler located on the site of Pine Bluff. He was Joseph Bonne, a French trapper and hunter. In 1825 he built a primitive house on ground now caved into the river, near where Sarrasin had his camp, this humble home, a rifle, a dog, a canoe and his scanty wardrobe constituted his entire worldly wealth. At that date, John Derresseaux chose a plantation near Pine Bluff. A Mr. Prewett was also on the site of Pine Bluff, with Joseph Bonne, their two houses constituting the visible settlement. Among those scattered along the river on the north side were



Ambrose Bartholomew, Antoine Duchesson, David Musick, Euclid Johnson, the Dardennis, some Duchessons, the Vaughnines, Israel Dodge the widow Collar, Francis Villier, an old man named Racine, a Mitchell family, Mrs. Emery and son, the Masons, Mrs. Hackett, the Vassars, Rigues, Barracques, Palmers and Hollands; while on the south side were Bailey, Morrison, Arrington and a few others chiefly engaged in hunting and the raising of a little corn and cotton. Between the settlements mentioned were the little cabins of widely separated pioneers. Much of the country was swampy; roads were few and in some places almost impassable. The bridgeless streams were a convenience or a hindrance to travel according to the direction and destination of the traveler. There were in olden times, three famous hostelrys on the Arkansas river. Nick Peay's at Little Rock, James L. Buck's at Pine Bluff and that of Mary John, a slave of Col. James Scull, at the Post of Arkansas. These hostelrys were the visiting lawyers' homes when on the circuit, and right royally were they entertained at them.

Persons who had lived on "snuk lands" at the time of the submersion of large tracts by the earthquake of 1811 were in 1815 permitted by congress to locate other lands not exceeding 160 acres to any one family. The documentary authorizations of such selections were called New Madrid certificates. Many claims in Arkansas were made under such certificates, among them claims covering land on which Hot Springs and Little Rock now stand.

As early as 1818 the oil and whetstones of (now) Garland county were boated down the Ouachita and Mississippi to New Orleans. There they came to be known as "Washita stones," and by that name they have since gained worldwide fame. Other natural resources of the present state had begun to be talked about beyond her borders. Arkansas began its separate existence as a territory in 1819. Within ten years after that date, as has been seen, the Indian lands in Arkansas were acquired by the government, and as rapidly as was possible thereafter they were opened for settlement. The early settlement of Arkansas has been traced in preceding pages. The consideration of its history as a territory, 1819-36, is now in order.



## CHAPTER II

## Arkansas as a Territory

ON MARCH 2, 1819, congress enacted that, after July 4, that year, all that part of Missouri territory south of a line beginning on the Mississippi river at thirty-six degrees north latitude, running thence west to the St. Francis river and up said river to thirty-six degrees and thirty minutes north latitude, thence to the western terminal line of Missouri, should be a separate territory to be known as "Arkansaw" territory. While the name of the new territory was, in the creative act, spelled as above, it is noteworthy that on the seal adopted by the territorial authorities it was spelled with a final s, instead of a final w. There was probably no more authority for so spelling this word in the act than for spelling the name of the St. Francis river, St. "Francois," as was done in the same paper. The author of the act was John Scott, congressional delegate from Missouri territory, who secured its passage. The act decreed that the seat of government be located at "Arkansaw" Post on the "Arkansaw" river. Perhaps Mr. Scott thus early had in mind the correction of the pronunciation of the word Arkansas.

James Miller, of New Hampshire, was appointed governor of Arkansas territory March 3, 1819; George Izard, March 4, 1825; John Pope, March 9, 1829; William Fulton, March 9, 1835.

Robert Crittenden, of Kentucky, was appointed secretary of Arkansas territory March 3, 1819; William Fulton, April 8, 1829; Lewis Randolph, February 23, 1835.

George W. Scott was territorial auditor of Arkansas, August 5, 1819, to November 20, 1829; Richard C. Byrd, November 20, 1829, to November 5, 1831; Emzy Wilson, November 5, 1831, to November 12, 1833; William Pelham, November 12, 1833, to July 25, 1835; Elias N. Conway, July 25, 1835 to October 1, 1836.



James Scull was territorial treasurer August 5, 1819, to November 12, 1833; S. M. Rutherford, November 12, 1833, to October 1, 1836.

James Miller, the first governor of Arkansas territory, was born at Peterborough, N. H., April 25, 1776, and died at Temple, in his native state, July 7, 1851. He was, says Hempstead, "a distinguished officer in the war of 1812. He was the same who, as lieutenant-colonel of the twenty-first New Hampshire volunteers, distinguished himself at the battle of Maguaga, August 9, 1812, and more particularly at the battle of Landy's Lane, July 25, 1814. At this latter battle, General Ripley, his commanding officer, indicated to Colonel Miller a battery of the British guns in a commanding position, and asked Miller whether he could storm it with his, Ripley's old regiment, the twenty-first. Colonel Miller, well knowing the perilous nature of this duty, modestly replied: "I'll try, Sir!" and immediately put his regiment in line for the assault. To the amazement of the whole British line, Colonel Miller steadily and silently advanced up the eminence, until within a few paces of the enemy's cannon, when he impetuously charged upon the artillerists, and after a short but desperate contest, carried the whole battery and then formed his line in its rear, upon the same ground on which the British force had previously been posted. Colonel Miller's words, 'I'll try, Sir!' were afterwards worn on the buttons of the twenty-first regiment and otherwise became historic." He came to Arkansas at the age of about forty-three years and was governor of the territory until late in 1824. He was collector of customs at Salem, Mass., 1825-49. When President Jackson entered upon his administration, an attempt was made to have Colonel Miller removed from that office. In view of Miller's bravery on the battlefield, the president is said to have instructed his adopted son and secretary, A. J. Donelson, to advise him that he should be collector at Salem as long as Andrew Jackson should be president. In the absence of the governor from the territory, the secretary was clothed with executive power, and Secretary Crittenden, though only twenty-two years old organized the territorial government. Governor Miller did not arrive until the day after Christmas, 1819, and was absent from the territory much of the time in later years of his administration. The Arkansas, a finely appointed keelboat from St. Louis, bound for Fort Gibson, with military supplies for the garrisons there and at Fort Arbuckle, brought the governor and several army friends and a number of Northern young men seeking their fortunes in the South to the



territorial capital and passed up the river to its destination. On April 8, 1820, S. Dinsmore and R. P. Spaulding were designated by the governor to be his aides de camp.

The first, or provisional territorial legislature, composed of the governor and the supreme judges of the territory, was held at the Post of Arkansas, July 28 to August 3, 1819. Robert Crittenden was acting governor; Charles Jonett, Robert P. Letcher and Andrew Scott were judges of the supreme court. Charles Jonett was speaker; George W. Scott, clerk. A special territorial legislature was held in the house of Mr. Crittenden, at the Post of Arkansas, from February 7 to 24, 1820. This session was convened by the territorial governor under the law forming Arkansas territory, and was properly the first regular territorial assembly of Arkansas. A special session of the general assembly of Arkansas was held at the Post of Arkansas, October 2 to 25, 1820, in a house hired of John Larquier. Council: President—Edward McDonald; secretary—Richard Searcy; Arkansas county, Sylvanus Phillips; Clark, Jacob Barkman; Hempstead, David Clark; Lawrence, Edward McDonald; Pulaski, John McElmurry. House of representatives: Speaker, Joseph Hardin; clerk, J. Chamberlain; Arkansas county, W. B. R. Horner and W. O. Allen; Clark, Thomas Fish; Hempstead, J. English and W. Stevenson; Lawrence, Joseph Hardin, Sr., and Joab Hardin; Pulaski, Radford Ellis and T. H. Tyndall. William Stevenson was elected speaker, served one day and resigned "on account of indisposition," and Joseph Hardin was elected in his place.

On October 24, 1820, a bill providing for the removal of the seat of government to Little Rock, June 1, 1821, was passed by both branches of the assembly. During the short time the territorial capital was at Arkansas Post, no effort had been made to erect public buildings, as from the first it had been understood that the location was only temporary. Soon after moving to Little Rock, Governor Miller bought a large tract of land at Crystal Hill, about fifteen miles further up the river and near the geographical center of the territory, and erected on it several large two-story double log buildings and some smaller ones and tried unsuccessfully to have the seat of government removed to that point.

James Woodson Bates was the first delegate in congress from Arkansas territory, 1820-23. In 1823 he was defeated for the same office by Henry W. Conway, who was re-elected in 1825 and again in 1827. Mr. Conway died November 29, 1827, and Ambrose H. Sevier was elected to succeed him and served until 1836.



As has been seen, Judges Scott, Letcher and Jouett constituted the superior or United States court in 1819. Benjamin Johnson of Kentucky, was judge of this court from 1820 to 1836 under President Monroe, John Quincy Adams and Jackson. Judge Scott filled the office until 1827. Other judges of this court were appointed as follows: Joseph Selden, of Virginia, 1821; William Trimble, 1824; Thomas P. Eskridge, 1827; James Woodson Bates, 1828; Edward Cross, 1830; Charles S. Bibb, 1832; Alexander Clayton, 1832; Thomas J. Lacy, 1834; Archibald Yell, 1835. The court consisted of three members 1819-28; of four members 1828-36. Its sessions, after the first, held at Arkansas Post, January, 1820, Judge Scott presiding, were held at Little Rock "in the Baptist meeting-house" until the statehouse was ready for its occupancy. In 1820, William Trimble was appointed United States district attorney in Arkansas.

Arkansas was daily receiving new accessions to its population by immigration. Settlements were started at Greenbrier, old Batesville, Oil Trough Bottom, Big Bottom and other points. Among settlers not already mentioned were, Hilger and Turoski on the Little Red river; Spanger, Von Sackendorf and Fisher at Little Rock; Strong and Saint near the St. Francis; Hamilton at Black Fish lake; Magness in Oil Trough Bottom; Dunn between L' Anguille and the White river; Harriot on the Cache; Pearce on Brushy lake; Rankin, Hogarth, Kelfer, Haller and Kean on the Fourche La Pave; Collman on the Ouachita; Slow-trap and Curley in Yell county; Davis on the Mulberry and Conwell on the Boston mountain divide. In 1820, the legislature created Miller, Phillips, Crawford and Independence counties. Miller county was abolished in 1836 and re-established in 1874. Post-offices established about this time were, Cadron, Thomas H. Tindale, postmaster; Hempstead county, John English; Clark county, Jacob Barkman; White Run, Peyton Tucker. Amos Wheeler was appointed postmaster at Little Rock; Richard Searcy at Davidsonville, and Col. Edmund Hogan at Crystal Hill. Colonel Hogan, who had been an officer in the United States army was in 1820 appointed by Governor Miller a brigadier-general in the territorial militia. The Dwight mission was established in 1821. In 1820 the president appointed Col. Davis Brearley agent for the Cherokee Indians. In 1820-21 Governor Miller endeavored, without immediate results, to bring about peace between the Cherokees and Osages. This and other Indian troubles in Arkansas were settled, one after another, and in 1828 final treaties led to the vacating of lands within the borders of the territory



by Indans, thus rendering them accessible to white settlers. William Rector was surveyor of lands in Illinois, Arkansas and Missouri from 1814-24; William Clark, 1824-25. James S. Conway, the first surveyor-general of Arkansas, held office until 1836. The office of the Arkansas surveying district at Little Rock was established in 1832 and discontinued in 1859. The president appointed William Douglas Simms register and Henry W. Conway receiver of the land office at Arkansas and Henry Boswell register and John Trimble receiver of the land office of the district of Lawrence in 1820. As the advance of settlement demanded them, other land offices were opened. The survey of government lands in Arkansas was begun between the Arkansas and St. Francis rivers in 1815. Lands so surveyed were not offered for sale but were allotted as bounties to enlisted soldiers and sailors in the war of 1812. It was not until 1818 that Mr. Rector was instructed to survey sixty townships for sale. He completed the survey in 1819, but there were no sales of the lands for two years after that. For some years after the passage of the preemption law in 1814, the land offices and the Arkansas courts were assailed by speculators who had acquired the rights of squatters, many of whom had removed to other parts of the country.

The second territorial legislature was held at Little Rock from October 1 to 24, 1821. Council: President—Sam C. Roane; secretary—Richard Searcy; Arkansas county, Neil McLane; Independence, Peyton Tucker; Clark, Sam C. Roane; Hempstead, Robert Andrews; Lawrence, Wm. Jones; Miller, Claiborne Wright; Pulaski, Benjamin Murphy. House of representatives: Speaker—William Trimble; clerk—A. H. Sevier; Arkansas county, W. W. Trimble; Clark, Eli Langford; Hempstead, John Wilson; Pulaski, Thomas H. Tyndall; Independence, Robert Bean; Miller, Stephen R. Wilson; Phillips, W. B. R. Horner.

Among the more important acts of this assembly was one empowering the governor to borrow ten thousand dollars for the use of the territory. Another constituted James Billingsly, Sam C. Roane and Robert Bean a commission to locate the seat of justice of Pulaski county. They located it at Little Rock and the county records were taken there from Cadron where they had been kept.

The third territorial legislature was held October 6 to 31, 1823. Council: President—Sam C. Roane; secretary—Thos. W. Newton; Arkansas county, Andrew Latting; Clark, Sam C. Roane; Crawford, John McClean; Hempstead, Matthew Scooby; Pulaski, — Mathews; Independence, T. Dickson; Lawrence, William



Humphreys; Miller, David Clark; Phillips, Daniel Mooney. House of representatives: Speaker—Terence Farrelly; clerk—D. E. McKinney; Arkansas county, T. Farrelly; Clark, H. L. Biscoe; Crawford, John Nicks; Hempstead, John Wilson; Pulaski, A. H. Sevier; Independence, Robert Bean; Lawrence, Thomas Culp; Miller, John Evans; Phillips, W. B. R. Horner. This legislature created Chicot county, October 25, 1823. Its chief service, however, was the erection of three judicial districts within the territory and the creation of the office of prosecuting attorney. James Woodson Bates had been appointed judge of the first circuit August 3, 1819. He had resigned to stand for congress. Stephen F. Austin had succeeded him July 10, 1820. He had been succeeded by Richard Searcy November 11, 1820, after having sat at one term of court. Neill McLean had been appointed judge of the second circuit August 25, 1819, and had resigned December 10 1820, and had been succeeded by Thomas P. Eskridge. Mr. Eskridge became judge of the courts of the new first circuit December 10, 1823; Richard Searcy, judge of the courts of the new second circuit December 10, 1823; Samuel S. Hall judge of the courts of the third circuit, December, 1823. W. B. R. Horner became prosecuting attorney on the new first circuit, November 1, 1823; on the same date R. C. Oden and Townsend Dickinson became prosecuting attorneys on the new second circuit; Townsend Dickinson became prosecuting attorney on the third circuit, January 10, 1823. A. H. Sevier became prosecuting attorney on the second circuit January 19, 1824. He resigned in 1825. A. F. May assumed the duties of the office March 29, 1825, and served until his death. D. L. F. Royston became prosecuting attorney on this circuit July 25, 1825. James Woodson Bates became judge of the courts of the second circuit November, 1825, and served until 1836. Sam. C. Roane became prosecuting attorney on the second circuit September 26, 1826. Andrew Scott became judge of the courts of the first circuit April 11, 1827, and April 21, W. H. Parrott became prosecuting attorney on the second circuit. Thomas Hubbard became prosecuting attorney on the first circuit November 5, 1828. Charles Caldwell became judge of the newly organized fourth circuit December 27 following. Sam C. Roane, who had been prosecuting attorney in the second circuit, became judge of the courts of the first circuit April 17, 1829, and served until 1836. A. D. G. Davis became prosecuting attorney on the third circuit June 21, 1829. E. T. Clark became prosecuting attorney on the fourth circuit February 13, 1830, and was succeeded by J. C. P.



Tolleson February 1, 1831. Bennett H. Martin became prosecuting attorney on the second circuit January 30, 1831. S. S. Hall assumed similar duties on the same circuit August 31, 1831, and S. G. Sneed, on the third circuit, November 11, 1831. G. D. Royston became prosecuting attorney on the first circuit September 7, 1833, and ten days later, J. W. Robertson assumed similar responsibilities on the same circuit. W. K. Sebastian became prosecuting attorney on the fourth circuit, January 23, 1833, and David Walker on the third circuit, September 13 following. Shelton Watson became prosecuting attorney on the first circuit and Thomas Johnson on the third circuit October 4, 1835. A. G. Stephenson became prosecuting attorney on the first circuit and William F. Denton prosecuting attorney of the third circuit January 23, 1836, and B. B. Ball became prosecuting attorney on the second circuit July 19, 1836. The judges and prosecuting attorneys last appointed on each of the several circuits served until courts organized under the territorial government were superseded by state courts.

Mr. Conway secured the passage, May 26, 1824, of an act of congress, adding a strip forty miles wide to the western side of the territory; but, as has been related, about the same area was cut off of Arkansas and added to Indian territory a few years afterward.

Governor Miller's first term expired March 23, 1823, and his renomination did not reach the senate until December 16. During his absences in 1821 and 1823, and after his final departure, Secretary Crittenden, who had been acting governor previous to his rather tardy arrival in 1819, served likewise until the appointment of Governor Izard in 1825, and proved himself an able executive. The annual salary of the governor was two thousand dollars, of the secretary one thousand dollars.

George Izard, son of Ralph Izard, a wealthy and influential South Carolinian, was born in Charleston, September, 1777, and was about forty-eight years old when he became second governor of Arkansas territory. Accompanying his father to Europe, he began his education in Paris, continued it in Germany and returning to the United States, finished it at Columbia college. He went into the war of 1812-14 as colonel of the Second artillery and was promoted to be brigadier and later major general and given command of the Northwest frontier. After the war he lived quietly at Philadelphia until he came to Arkansas. He died at Little Rock, November 22, 1828, in a little brick cottage at Spring and Second streets which had been his gubernatorial residence. He



was, wrote Judge Witter, "of princely presence, and of noble physique—a true type of the southern gentleman of the old school." Secretary Crittenden had sought the governorship and his claim to it because of his splendid record as acting governor had been urged unavailingly by Mr. Conway. Mr. Crittenden was reappointed territorial secretary and ably filled the office until 1829, ten years after his original appointment to it.

The fourth territorial legislature was held October 3 to November 3, 1825. Council: President—Jacob Barkman; secretary—Thomas W. Newton; Arkansas county, B. Harrington; Clark, Jacob Barkman; Crawford, William Quarles; Hempstead, D. T. Witter; Independence, J. Jeffrey; Lawrence, J. M. M. Kuykendall; Phillips, J. W. Calvert; Pulaski, A. S. Walker. House of representatives: Speaker—Robert Bean; clerk—David Barber, Arkansas county, Wm. Montgomery; Clark, John Callaway; Crawford, John Nicks; Hempstead, John Wilson; Independence, Robt. Bean; Lawrence, John Haynes; Phillips, H. L. Biscoe; Pulaski, A. H. Sevier.

Conway county was created October 20, 1825; Crittenden county, October 22, 1825; and Izard county, October 27, 1825, thus perpetuating in the nomenclature of Arkansas the names of three of its useful and eminent early citizens. It is said that Governor Izard erased the final *s* from the name of the territory before signing any document on which the impertinent and stubborn letter was printed or written and that he signalized the early part of his administration by refusing to sign legislative enactments granting divorces and was influential in diverting such business from the legislature to the courts. Governor Izard and Secretary Crittenden did not get on well together, a coolness which began between them soon after the former was seated was intensified by an acrimonious newspaper controversy; the public took sides and two parties arose, at the head of one of which was Mr. Crittenden, Henry W. Conway heading the other. Thus began the unfortunate opposition of these two men to each other, which grew more offensive when in 1827 Mr. Crittenden espoused the candidacy of Robert C. Oden for delegate to congress as against that of Mr. Conway, who was re-elected. October 29, that year, under the provisions of the dueling code then in vogue in the Southern states, Messrs. Crittenden and Conway met on the field of honor in Mississippi opposite the mouth of the White river, and Mr. Conway fell mortally wounded. A few weeks before, at Point Remove (on Cherokee land) shots had been exchanged, without injury to either, between Ambrose H. Sevier who now soon became



Mr. Conway's successor in congress, and Thomas W. Newton, because of complications growing out of a newspaper contribution attacking Mr. Conway, that was written by Mr. Newton and was publicly condemned by Mr. Sevier. Before the first anniversary of the birth of the territory, on Choctaw land near Arkansas Post, Colonel Oden had himself fought a pistol duel arising from a most trivial affair, with Col. William O. Allen, in which he had been slightly and his antagonist mortally wounded. Colonel Oden is said by Pope in "Early Days in Arkansas," to have been the second of Judge Joseph Selden in the latter's fatal encounter with Judge Andrew Scott, across the Mississippi from Montgomery's Point, in 1820. An abrupt and disputatious, but not intentionally insulting, remark made by Judge Selden to a lady who was Judge Scott's partner in a game of cards against Judge Selden and a second lady, at the home of one of the ladies at Arkansas Post, had mortified the lady to whom it had been addressed. Judge Scott had demanded that Judge Selden offer her an apology, and Judge Selden had done so through Judge Scott. There the matter might have ended had it not been for the officious intermeddling of others. One exchange of shots resulted in the death of Judge Selden. Judge Andrew Scott, a Whig, was a candidate against Colonel Sevier, a Democrat, for election as delegate to congress to succeed Mr. Conway, and at the same time Gen. Edmund Hogan, a pioneer, a man of influence and a warm supporter of the candidacy of Colonel Sevier was a Democratic candidate for member of assembly. The Rev. James W. Moore, an early preacher at Little Rock, made this entry in his diary, May 31, 1828: "This afternoon, in this town, in the billiard room, General Hogan and Judge Scott (brother of the marshal) quarreled. Hogan knocked Scott down with his fist. Scott, as he arose, drew the dirk from his cane and stabbed Hogan in the breast. Hogan expired in a few minutes." General Hogan is said to have weighed 250 to 300 pounds and to have been dictatorial and belligerent. Judge Scott, who weighed only about 130, gave himself up to the marshal, was taken before a justice, plead self-defense and was released. In Arkansas, as elsewhere in the United States, men of all classes concur in the opinion that the abolition of "the code" was righteous. Dueling was the outgrowth of social and political conditions that, happily, no longer exist. In Arkansas it never assumed phases or proportions more reprehensible than those that characterized it in some of her sister states. There was an ending of another tragedy—there was further cause for excitement—at Little Rock on that last day of May, 1828. One Strickland, a soldier from Fort Gibson, was



hanged about a mile from the town for the brutal murder of a comrade named Ducon. That was the first judicial hanging in the territory.

March 2, 1827, congress granted twenty sections of land to the territory with the provision that all proceeds from the tract should be used for the establishment in Arkansas of an educational seminary. The fifth territorial legislature was held October 1 to 31, 1827. Council: President—D. T. Witter; secretary—Thomas W. Newton; Arkansas county, T. Farrelly; Chicot, John Weir; Clark, I. Pennington; Conway, A. Kuykendall; Crawford, John Dillard; Crittenden, G. C. Barfield; Hempstead, D. T. Witter; Independence, D. Litchfield; Izard, Jacob Wolf; Lawrence, William Humphreys; Miller, J. H. Fowler; Phillips, E. T. Clark; Pulaski, Edward Hogan. House of representatives: Speaker—A. H. Sevier; clerk—Andrew Roane; Arkansas and Chicot counties, W. Montgomery; Clark, Joseph Hardin; Conway and Pulaski, A. H. Sevier; Crawford, Mark Bean; Crittenden and Phillips, John Johnson; Hempstead, John Wilson; Independence and Izard, J. Ringgold; Lawrence, G. S. Hudspeth; Miller, James Clark. This legislature created St. Francis and Lovely counties October 13, 1827, and Lafayette county October 15, 1827. A special session was held October 6 to 28, 1828. E. T. Clark was president of the council; John Clark, secretary. John Wilson was speaker of the house and Daniel Ringo clerk. Lovely county was abolished October 17, 1828, and on the same day Sevier and Washington counties were created. The territory of Lovely county had been lost to Arkansas through the Cherokee treaty of that year. Nothing further of general interest was accomplished by the legislature at this session except the division of the territory into four judicial circuits, congress having provided for the appointment of a fourth judge of the superior court: First circuit—Clark, Miller, Sevier, Hempstead and Lafayette counties, William Trimble judge; second circuit—Conway, Crawford, Pulaski and Washington counties, Benjamin Johnson judge; third circuit—Izard, Lawrence and Independence counties, Thomas P. Eskridge judge; fourth circuit—Phillips, St. Francis, Arkansas and Crittenden counties, James Woodson Bates judge. These circuits were unchanged during the after existence of the territory.

On January 24, 1828, Captain Pennywit brought to Little Rock the Facility, the first steamboat to ascend the Arkansas river. As the year neared its end, Governor Izard died, and until Governor Pope succeeded him by appointment of President Jackson, gubernatorial responsibility again devolved upon Secretary Crittenden.

Traveling Protestant preachers appeared in Arkansas about



1810. The Rev. John Carnahan, Cumberland Presbyterian, preached at Arkansas Post in 1811. Four years later Methodists organized Spring River circuit and in 1816 they built and worshiped in Henry's chapel at Mound Prairie. In four years more, the Pecan Point, Hot Springs, Arkansas and White River circuits had been organized and the number of white Methodists in the territory was 511, the number of colored Methodists 25. In 1820, the Rev. Cephas Washburn, Congregationalist, preached in a primitive building which had only one neighboring building, at Little Rock to a few men and no women. Under the auspices of the American Board of Foreign Missions, he was then en route to establish the Dwight mission. In 1825, the Baptists built a log meeting house on Third street between Main and Scott streets. That was the first church at Little Rock. Not long afterward the Presbyterians built a log church there which they permitted the Methodists to use. Later the Methodists worshiped in a warehouse till 1833, when they built a plain little brick church on Second street between Main and Louisiana streets. Soon after 1830, the Christians were organizing societies in the territory. An influence was at work which was destined to produce incalculable results for good; but, beneficent as it was, it was not soon to be felt in the political life of the territory. In 1827 partisanship began to divide the people. "Up to 1825," says Hempstead, "there had been the utmost harmony in all directions. At that date little bickerings began to arise which were augmented by concurring events until they obtained such full headway as to produce the utmost discord and distraction and which even resulted in bloodshed." Colonel Sevier was rising to political power. He was repeatedly re-elected to congress, serving until 1836; and then, and again in 1842, he was elected to the United States senate. He was laboring ably and successfully for the material development of the territory, was personally popular, was a logical and effective speaker and at the polls he was long invincible. As a leader, he had succeeded Mr. Conway, and pitted against him was Robert Crittenden, Mr. Conway's and Governor Izard's old opponent. As party names, "Crittenden men" and "Sevier men" were in everybody's mouths. It is to be believed that both Mr. Crittenden and Colonel Sevier deplored this. In 1833, on becoming a candidate for congress, as a Whig, against Colonel Sevier, Democrat, Mr. Crittenden said: "When Governor Izard reached here in 1825 we had been six years a territory, yet up to that time no party spirit had distracted our country. We might then have challenged the Union to show a more united or harmonious people. We were then one, and recognized a common interest. No newspaper scribblers had then



been found hardy enough to hint at discord, or those party feuds and conflicts which have since distracted us at home and sunk us in the estimation of the good and virtuous abroad." This bitter party feeling invaded the church and the home circle. It had not been induced by the acts or words of any one man.

John Pope, the third governor of Arkansas territory, was a Democrat of Democrats. Though John Quincy Adams was his brother-in-law, he voted for General Jackson in 1824 and in 1828 electioneered for Jackson in Kentucky and Virginia. As a man he was pure and honest. As a public official he put the interest of the state above all private concerns. He was the first governor of Arkansas who came with his family, his servants and his portable belongings, to live in Arkansas. He was then about fifty-five years old. He established his home in a one-story four-room brick cottage at Louisiana and Second streets, Little Rock. He liked Arkansas and her people. "In justice to the people of this territory," he said, "I declare in the face of the world, and on the responsibility of my public and private character, that among no people with whom I am acquainted are the ordinary offenses against the property and peace of society less frequent; stealing and robbery are rare; nowhere are the moral and social relations maintained with more fidelity and even the black population seem to acquire a laudable pride and elevation of character the moment they breathe the Arkansas atmosphere." Born in Westmoreland county, Va., in 1770, he began the practice of law in Lexington, Ky., at twenty-four, and was soon influential politically, and in 1806 was elected to the United States senate. He was appointed governor of Arkansas in 1829 and again in 1832. In 1835 he went back to Kentucky and was unsuccessful in a race for congress against Ben Hardin. He was elected, however, in 1838, and in 1840. He died in 1844.

May 21, 1829, William S. Fulton, of Alabama, succeeded Mr. Crittenden as secretary of the territory and was acting governor until the arrival of Governor Pope, before the end of the month. The new governor entered most seriously into a study of such problems as confronted him. He early brought about the transportation of mails between Little Rock and Memphis by steamers, doing away with a primitive overland route. In August, 1829, an election for delegate to congress resulted in 2,061 votes for Ambrose H. Sevier and 1,756 for Richard Searcy. Colonel Sevier had already filled the unexpired term of Henry W. Conway. The sixth territorial legislature was held October 5 to November 21, 1829. Council: President—Chas. Caldwell; secretary—John Caldwell; Arkansas county, T. Farrelly; Chicot, John Weir; Clark,



David Fish; Conway, A. Kuykendall; Crawford, Gilbert Marshall; Crittenden, G. C. Barfield; Hempstead, George Hill; Independence, Aaron Gillett; Izard, Jacob Wolf; Lafayette, J. Douglass; Lawrence, C. Stubblefield; Miller, G. T. Lawton; Phillips, F. Hanks; Pulaski, Charles Caldwell; Sevier, Benjamin Patton; St. Francis, John Johnson; Washington, James Billingsley. House of representatives: Speaker—John Wilson; clerk—Daniel Ringo; Arkansas county, Wm. Montgomery; Chicot, B. L. Miles; Clark, John Speer, Jos. Hardin; Crawford, Mark Bean, J. L. Cravens and R. C. S. Brown; Crittenden, W. D. Ferguson; Hempstead, J. Wilson and E. King; Independence, C. M. Manley and C. McArthur; Izard, Robert Livingston; Lafayette, James Burnside; Lawrence, George Hudspeth and John Rodney; Miller and Sevier, James Clark; Phillips, E. T. Clark; Pulaski, A. S. Walker and W. Rector; St. Francis, W. W. Elliott; Washington, John Alexander. In accordance with a recommendation in a message to this body from Governor Pope, it enacted a law providing for the election of officers after December first, as required by the act of congress authorizing elections by the people. On November 2, 1829, this legislature erected Pope, Hot Spring, Union, Monroe and Jefferson counties, and three days later it erected Jackson county. Settlement was rapid in 1830. The census of that year showed a population of 30,388, an increase of 16,104 in ten years, divided as follows between the twenty-three counties then in existence: Arkansas, 1,426; Chicot, 1,165; Clark, 1,369; Conway, 982; Crawford, 2,440; Crittenden, 1,272; Hempstead, 2,506; Hot Spring, 458; Independence, 2,032; Izard, 1,266; Jackson, 333; Jefferson, 772; Lafayette, 748; Lawrence, 2,806; Miller, 358; Monroe, 461; Phillips, 1,152; Pope, 1,483; Pulaski, 2,390; St. Francis, 1,805; Sevier, 634; Union, 640; Washington, 2,182. The colored population of the territory was 4,710. The survey of the boundary line between Arkansas and Louisiana, by William Pelham of Batesville and James S. Conway of Lafayette county, on the part of Arkansas, and R. A. Crane of Alexandria, La., on the part of Louisiana, was begun November 1, 1830, and ended January 30, 1831. This survey was made in compliance with the requirements of a congressional act passed May 19, 1828. March 31, 1830, Charles P. Bertrand issued, at Little Rock, the initial number of *The Advocate*, a newspaper claiming to be "Republican in politics" and which was recognized as the organ of the territorial party in sympathy with the "national republicans." Arkansas having then no influence in presidential elections, the newspaper's political activity was restricted to local matters. The politics of the time was almost



inconceivably partisan and bitter, the newspaper controversies over public men and affairs were fiercely personal. Until 1835, when Mr. Bertrand sold *The Advocate* to Albert Pike, the inky warfare between the Whig *Advocate* and the Democratic *Gazette* was picturesquely strenuous. Out of an article in *The Advocate* attacking Governor Pope and another reflecting on Maj. William Fontaine Pope, the governor's nephew, both written by C. F. M. Noland, a Virginian who had settled at Batesville, grew a duel between the two young men, at Lost Prairie, Miller county, February 5, 1831, in which Major Pope was mortally wounded. Governor Pope tried vainly to prevent this meeting. Red river was first navigated above the raft June 29, 1831.

The seventh territorial legislature was held October 3 to November 7, 1831. Council: President—Charles Caldwell; secretary—Absalom Fowler; Arkansas county, T. Farrelly; Chicot, W. B. Patton; Clark, M. Collins; Conway, R. J. Blount; Crawford, Robert Sinclair; Crittenden, E. H. Bridges; Hempstead, D. T. Witter; Hot Spring, John Wells; Independence, James Boswell; Izard, Jacob Wolf; Jackson, R. Tidwell; Jefferson, W. P. Hackett; Lafayette, Jesse Douglass; Lawrence, David Orr; Monroe, William Ingram; Phillips, J. H. McKenzie; Pope, Isaac Hughes; Pulaski, Charles Caldwell; Sevier, B. G. H. Hartfield; St. Francis, G. B. Lincicum; Union, I. Pennington; Washington, Robert McCamy. House of representatives: Speaker—William Trimble; clerk—G. W. Ferebee; Arkansas county, H. Stillwell; Chicot, John Gibson; Clark, John Wilson; Conway and Hot Spring, N. Menifee; Crawford, C. Wolf and R. C. S. Brown; Crittenden, James Livingston; Hempstead, W. Trimble and T. N. Scott; Jefferson, N. Holland; Independence and Jackson, Morgan Magness and C. S. Manley; Izard, Fred Talbott; Lawrence, G. S. Hudspeth and Robert Smith; Miller and Sevier, John Clark; Phillips, T. Hanks; Pulaski, S. M. Rutherford and P. T. Crutchfield; Pope, Andrew Scott; St. Francis and Monroe, S. W. Calvert and S. Fillingin; Washington, James Pope and A. Whinnery. "In politics, the Crittenden men were in the majority in this body," says Hempstead, "for, although on the congressional issue Sevier had been elected, yet dividing on local issues and personal popularity, a majority had been chosen who were the other way." On the last day of the session, Little Rock was incorporated, and it was the first town in Arkansas to be so distinguished. By an act of congress, March 2, 1831, ten sections of land (to be selected by the legislature) were given to the territory upon which to raise money to build a statehouse, and the expenses of the legislature were made a charge upon the national, instead of the territorial



treasury. This legislature passed a bill authorizing the exchange of these ten unlocated sections of land for a brick residence and a small brick office on the same lot, on Seventh street between Scott and Cumberland streets—the first brick buildings in Little Rock—which Robert Crittenden had built four years before. For reasons which he deemed good and sufficient, and in the public interest, Governor Pope vetoed this bill, and his action so incensed those who had secured its passage that they petitioned congress for his removal from office. That body delegated to the governor exclusive authority to select and sell the land and build a capitol. In 1833 the land sold for thirty-one thousand seven hundred twenty-two dollars, Mr. Crittenden's residence for six thousand seven hundred dollars. This difficulty really retarded the construction of much needed public buildings, and, when it was generally understood in all its hearings, the people approved the governor's action. The circuit court had never had any but temporary quarters and, as Hempstead states, "had frequently to sit in the depth of winter in miserable hovels destitute of every comfort." The office of the clerk of the courts had no place except in his house or boarding place. The territorial auditor and treasurer had no better ones. As long as he was secretary, Mr. Crittenden kept the governor's and secretary's records in his house and personal office. Mr. Fulton sheltered them first in a frame structure not larger than fifteen feet by fifteen, which was attached to his house on the east side of Scott street, between Third and Fourth streets, and was the office in common of the governor, the secretary and the clerk of the superior court. Pope says that for a time the executive office was in a three-room brick building on Markham street, which belonged to Colonel Ashley and was near his residence. The front room was the postoffice, the two other rooms were the governor's. Early in the history of the territorial government at Little Rock, a cheap one-story frame building containing two rooms, each about twenty feet by twenty and separated by a hall, was erected on the block now bounded by Main, Scott, Fifth and Sixth streets; and in that unfurnished makeshift for a territorial capitol the legislature held its biennial sessions. These accommodations are characterized by Hempstead as "insufficient and altogether abominable." He adds that "when the legislature of 1829 assembled, the first day of the session was one of excessive rain, and as Hon. Edward Cross, judge of the superior court, stood in the legislature to administer the oath to members he was quite drenched with rain which fell upon his head and saturated not only his clothing but the credentials of the members as they were presented—so bad was the roof."



In the fall of 1832 some 7,000 Choctaws and Chickasaws, accompanied by government officials and surgeons, passed through Little Rock on their way to Indian territory. Though the citizens had been put on their guard, these Indians stole many things in the town. The men wore only breechclouts, leggings and moccasins. The squaws rode ponies astride and some of them had papooses hanging on their backs in blankets. "These two tribes," says Pope, "were attended by their principal chiefs, Pittman Colbert, a French-Chickasaw halfbreed, and Greenwood Le Flore, a French-Choctaw halfbreed. These men were well educated and had considerable refinement. They were very wealthy and traveled in great style and comfort, having large, roomy carriages and numerous baggage wagons and large numbers of negro slaves. Their state and authority resembled those of the patriarchs of old. They were looked up to as the fathers of their people, whose word was law." Soon afterward, about 13,000 Cherokee, Choctaws and Seminole Indians were driven across Arkansas by United States officers and soldiers, who had charge of their removal from old reservations east of the Mississippi to new ones in Indian territory. In these days, droves of cattle are not treated as brutally and unfeelingly as were those tired, sick and homeless travelers. They contracted cholera, and many of them died by the wayside. No time was permitted to the living to bury their dead. The bodies were covered only with leaves and twigs. These scarcely kept off the vultures, thousands of which followed the party, and were no barrier against wolves and other ravenous animals which soon scattered the bones of the dead in all directions. Money paid by the government for the proper and humane removal of these Indians went to enrich contractors who literally starved some of them to death. Some of those who survived obtained food only by selling all they possessed to unscrupulous purchasers. In many instances good horses brought only two or three dollars, but to the ill and famished Indian it was not a question of profit but one of life or death. These Indians were not permitted to come to Little Rock, but crossed the river several miles below and reached the military road via Fourche. The cholera thus brought to Arkansas prevailed to some extent among its people, not a few of whom succumbed to it. Many Creeks under chiefs Rolla and Chillee, passed westward in 1833; the Seminoles, with other Creeks 1834-39. Creeks from Alabama and Mississippi and Cherokees from Georgia and North Carolina were brought up the Arkansas. Warned by early experiences, the government employed boats in the removal of many Indians.



In January, 1832, congress donated 1,000 acres of public land, the proceeds of which were to be devoted to the erection of a jail and courthouse for Pulaski county. This land was sold, for the territory, by Governor Pope, for twenty thousand dollars. This fund, except a small sum, which with an appropriation by the county court was used to erect a jail, became a part of the state-house fund. In that year also, congress appropriated twenty thousand dollars to be expended under direction of the governor to construct a road from Little Rock to Memphis. In December it created the office of territorial surveyor-general, and James S. Conway was appointed surveyor of public lands, and in January, 1833, opened his office at Little Rock. In 1832 partisan zeal and political animosity led to an abortive attempt to impeach Judge Benjamin Johnson, then in his twelfth year on the superior court bench, who was continued in his high office nearly eighteen years thereafter. About this time, on different dates, Little Rock was visited by Gen. Sam Houston and by Washington Irving and Prof. James Audubon. In May, 1833, a semi-weekly mail was established over the Little Rock and Memphis road. This was rendered possible by a congressional appropriation for the improvement of that part of the road between the St. Francis and Mississippi rivers. During that month rain fell copiously and almost constantly. The rivers rose twenty to thirty feet, in places submerging fifteen feet of the trunks of trees in the bottoms. Many lives were lost, stock was drowned, houses and outbuildings were carried away, crops were ruined and plantations were devastated. In July the publication of the *Helena Herald*, the third newspaper in the territory was begun by Messrs. Steele, Smith and Lindsay. Col. John W. Steele was its editor. That year Mr. Crittenden and Colonel Sevier engaged in the most exciting congressional campaign in the history of the territory. At the election, in August, Colonel Sevier received 4,476 votes, Mr. Crittenden 2,520. Colonel Sevier was then about thirty-two years old, Mr. Crittenden about thirty-five.

The eighth territorial legislature was held October 7 to November 16, 1833, in a one-story frame building at Main and Third streets, Little Rock. This structure was about twenty by eighty feet in area and contained two twenty by twenty-foot rooms and one twenty by forty-foot room, the latter made by the removal of a partition. The assembly met in the large room, the council in one of the smaller ones. Rooms in a shed leanto were used by committees. Council: President—John Williamson; secretary—Wm. F. Yeoman; Arkansas county, T. Farrelly; Chicot, Thos.



Anderson; Clark, Asa Thompson; Conway, A. Kuykendall; Crawford, Robert Sinclair; Crittenden, W. W. Elliott; Hempstead, J. W. Judkins; Hot Spring, J. L. T. Calloway; Independence, James Boswell; Izard, Jacob Wolf; Jackson, R. Tidwell; Jefferson, J. H. Caldwell; Lafayette, G. G. Duty; Lawrence, T. H. Ficklin; Miller, James Clark; Monroe, L. Jones; Phillips, W. T. Moore; Pope, John Williamson; Pulaski, Allen Martin; Sevier, J. W. M. Hare; St. Francis, C. H. Alexander; Union, Hiram Smith; Washington, Mark Bean. House of representatives: Speaker—John Wilson; clerk—James B. Keatts; Arkansas county, H. Stillwell; Chicot and Union, T. J. Thurmond; Clark, John Wilson; Conway, J. C. Roberts; Crawford, William Whitson and B. H. Martin; Crittenden, (record incomplete); Hempstead, Wm. Shaw and H. Burt; Hot Spring and Sevier, John Clark; Independence, Peyton Tucker and Morgan Magness; Izard, Hugh Tinnin; Jefferson, I. Bogy; Lafayette and Miller, Jacob Buzzard; Lawrence, G. S. Hindspeth and J. B. Hammond; Phillips, M. Hanks; Pope, W. Garrett; Pulaski, S. M. Ruthford and R. C. Bird; St. Francis, Jackson and Monroe, J. C. Saylor and John Hill; Washington, J. B. Dixon, J. Reagan, J. Alexander and J. Byrnsides. This legislature created Pike, Carroll and Mississippi counties November 1, 1833, and Scott and Green counties November 5. At Little Rock in December, 1833, appeared the *Political Intelligencer*, a Democratic paper supporting the territorial administration. Its editor was Col. John W. Steele, who had recently edited the new paper at Helena; its publisher was Andrew J. Hunt. Before this time, the public printing had been transferred from the *Gazette* to the *Advocate*. In 1834, settlement was advancing rapidly and river navigation and road construction had grown into paramount importance. Colonel Sevier, who had already secured a government appropriation of fifteen thousand dollars for river improvement, secured forty thousand dollars for the improvement of the Arkansas river and fifty thousand dollars for the improvement of the Red river, besides one hundred sixty thousand dollars for the Little Rock-Memphis road, to improve that portion between the St. Francis river and Memphis, twenty thousand dollars for a road from Jackson to the Red river and ten thousand dollars for a road from Little Rock to Columbia. In August, 1834, Capt. H. M. Shreve, the inventor of a boat fitted up with appliances for the removal of snags from rivers, brought a fleet of his "snag-boats" up the Arkansas and accomplished so much for the improvement of that river that he was banqueted at Little Rock by many of the prominent men of



the territory. An overflow of the Red river in February, 1834, caused a considerable loss of life and the destruction of most of the improvements in that valley. The river rose fifteen feet in a day; men, women and children saved their lives only by climbing trees, from which they were taken by passing steamers. Congress appropriated three thousand dollars to pay the expense of compiling and printing a digest of the territorial laws, and Governor Pope brought upon himself much censure by letting the contract for the compilation and manufacture of the book to John W. Steele, a lawyer and the editor of the *Political Intelligencer*, who, for the privilege of publishing and selling the digest, engaged to deliver 600 complete copies to the territory without charge, which he did early in 1835. The basis of the book was a digest compiled by James McCampbell, of Jackson county, an old lawyer, who had been trying two years to issue it by subscription. Ex-Sec'y Robert Crittenden died in Mississippi December 18, 1834, aged about thirty-seven. The son of a revolutionary soldier, at the age of sixteen he entered the United States army as an ensign and served under Capt. Ben Desha until the close of the war of 1812. He read law with his brother, John J. Crittenden of Kentucky, and, though chiefly self educated, was a man of wide information and great talent for public affairs. As an orator he was probably the peer of any Arkansan either before or since his time.

On March 9, 1835, President Jackson appointed William S. Fulton fourth governor of Arkansas territory. Lewis Randolph, Thomas Jefferson's grandson, succeeded Mr. Fulton as secretary of the territory and entered upon the duties of the office May 12. William Savin Fulton was born in Cecil county, Md., June 2, 1795, and was about forty years old when he succeeded Governor Pope whom for six years he had assisted in an administration which was honest and patriotic and in most respects wise, and whose place he had filled, as acting governor, during Governor Pope's temporary absence in Kentucky in 1832. In the Creek war and in the war of 1812-14, he had been an aide on General Jackson's staff. He was admitted to the bar and, while yet a young man, went to Florence, Ala., where he edited the *Florence Gazette*, which brought Jackson into prominence as a presidential candidate in 1824. He was living at Florence when he was appointed secretary of Arkansas territory. He was governor until Arkansas was admitted into the Union; afterward he was United States senator until his death, August 15, 1844. In 1835 the population of the territory was 51,800, an increase of 21,421



since 1830. The colored population was 9,838. In August Colonel Sevier was for the fifth time elected to congress. The Texan revolution was now in progress, and two parties of young men went from Little Rock to fight for the patriot cause; David Crockett, en route for the seat of hostilities, was dined at Jeffries' hotel; Benjamin R. Milam, from Lost Prairie, was slain in the assault on San Antonio; Arkansans were killed at San Jacinto. A three days' barbecue on the plantation of John Bowie below Helena, in encouragement of the Texan republic, was a memorable Arkansas gathering of territorial days. It resulted in the recruiting of several companies to aid the Texans. Governor Fulton, fearful that Mexicans and Indians would unite in an attack on the Arkansas frontier, sent six companies of volunteers to protect it.

The ninth and last territorial legislature was held in the old Henderliter or Thorn house, a two-story, weather-boarded log building at Cumberland and Third streets, Little Rock, October 5 to November 16, 1835. Council: President—Chas. Caldwell; secretary—Simon T. Sanders; Arkansas county, James Smith; Chicot, John Clark; Conway, Amos Kuykendall; Crawford, Richard C. S. Brown; Clark, Abner E. Thornton; Carroll, Thomas H. Clark; Crittenden, Wright W. Elliott; Greene, George B. Croft; Hempstead, James W. Judkins; Hot Spring, Hiram A. Whittington; Izard, Jacob Wolf; Independence, John Ringgold; Jackson, Rowland Tidwell; Jefferson, Richard H. Young; Johnson, John W. Patrick; Lafayette, Jacob Buzzard; Miller, James Lattemore; Mississippi, Thomas J. Mills; Monroe, Isaac Taylor; Phillips, William F. Moore; Pike, Elijah Kelly; Pope, John Williamson; Pulaski, Charles Caldwell; Sevier, Joseph W. Kean; St. Francis, Mark W. Izard; Union, Hugh Bradley; Washington, Mark Bean; Van Buren, John L. Lafferty. House of representatives: Speaker—John Wilson; clerk—L. B. Tully; Arkansas and Union counties, Bushrod W. Lee and Charles H. Seay; Carroll, John E. Stallings; Chicot, Hedgeman Triplett; Clark and Hot Spring, John Wilson; Conway and Van Buren, Thomas Mathers; Crawford, James Logan and Andrew Morton; Crittenden and Mississippi, John Troy; Hempstead, William Shaw and James H. Walker; Independence, William Moore and Morgan Magness; Izard, Brown C. Roberts; Jackson, St. Francis and Monroe, John Hill and E. D. W. Scruggs; Jefferson, M. R. T. Outlaw; Johnson, John Ward; Lawrence and Greene, Joseph Porter, William Janett and A. Henderson; Lafayette, Thomas Jefferson Peel; Miller, N. Dandridge Ellis; Phillips, John J. Bowie; Pope,



Lahan C. Howell; Pulaski, William Cummins and Absalom Fowler; Sevier and Pike, James Holman; Washington, Abraham Whinnery, David Walker, Francis Dunn, Thomas H. Tennant, Onesinus Evans. The names of the members of this legislature do not appear in any territorial record, but were rescued from oblivion by Hempstead, who searched them out in contemporary issues of the *Arkansas Gazette*. This body created White county, October 23, 1835; Randolph county, October 29, 1835; Saline county, November 2, 1835, and Marion county, November 3, 1835.

Since 1831 the question of the admission of Arkansas to statehood had been under discussion. For a time there had been a lack of population and of revenue for the maintenance of a state government. Colonel Sevier, Mr. Crittenden, Governor Pope and others, while anxious for the change, felt that the time for it had not arrived. In 1833 Colonel Sevier had instituted congressional proceedings looking to an inquiry by the committee on territories as to the expediency of the admission of Arkansas. A bill reported from the committee and taken up by the house June, 1834, contained a provision for the admission of Michigan also, and discussion came to nothing but the laying over of the bill in July. Congress had taken no further action, but Arkansas was advancing in wealth and population and the people began to clamor for statehood. In 1835, public meetings were held in all sections of the territory, and an election, September 29, resulted in a vote of 1,942 for admission against a vote of 908 against admission. This legislature authorized a constitutional convention, to meet at Little Rock January 4, 1836, and a petition to congress for the admission of the territory into the Union of states.

The constitutional convention met in the Baptist church at Little Rock. President—John Wilson; secretary—Chas. P. Bertrand; delegates—Arkansas county, Bushrod W. Lee; Arkansas and Jefferson, T. Farrelly; Carroll, John F. King; Clark, John Wilson; Chicot, John Clark, Anthony H. Davies; Conway, Nimrod Meniffee; Crawford, J. W. Bates, John Drennon, B. C. S. Brown; Crittenden, J. D. Calvert, W. W. Elliott, Wm. D. Ferguson; Greene, G. L. Martin; Hempstead, G. D. Royston, J. H. Walker; Hot Spring, James S. Conway; Independence, John Ringgold and Townsend Dickinson; Izard, Charles R. Sanders; Izard and Carroll, John Adams; Jackson, John Robinson; Jefferson, Sam C. Roane; Johnson, Lorenzo N. Clark; Johnson and Pope, Andrew Scott; Lafayette, Josiah N. Wilson; Lawrence, Robert Smith, Thos. S. Drew, D. W. Lowe, Hy. Slavens; Miller, Travis G. Wright; Monroe, Thomas J. Lacy; Phillips, H. L. Biscoe, G. W.



Ferebee; Pike, Elijah Kelly; Pope, Thomas Murray, Jr.; Pulaski, White and Saline, W. Cummins, A. Fowler, J. McLean; Scott, Gilbert Marshall; Sevier, Joseph McKean; St. Francis, Wm. Strong, C. S. Manly; Union, Andrew J. May; VanBuren, W. W. Trimble, John L. Lafferty; Washington, D. Walker, M. Bean, A. Whinnery, Wm. McK. Ball, James Boon, Robert McCamy. Wm. D. Ferguson contested the seat of W. W. Elliott and John L. Lafferty the seat of W. W. Trimble, and were seated in their stead. The session ended January 30. A constitution was adopted, which was believed to be adapted to the needs of the people, and C. F. M. Noland was appointed a messenger to take it to Washington, where, despite the earnest effort of Colonel Sevier and others friendly to the measure, its adoption was delayed until June 15, when it was passed, receiving the president's signature the next day. The contest in the lower house was memorable. The senate passed the Arkansas admission bill and sent it to the house. A bill for the correction of the Ohio boundary line and a bill for the admission of Michigan were attached to it. Thus in the house were four factions—the Ohio, the Michigan, and the Arkansas factions and another, headed by John Quincy Adams, which opposed the admission of Arkansas with slavery. A second objection was that the adoption of a constitution without congressional authority had been irregular. The act admitting Missouri was accepted as a conclusive answer to the first objection, as Arkansas was south of the line established therein. As to the second objection, the Hon. Benjamin F. Butler, attorney-general of the United States, held that the people had a right to assemble peaceably and petition, and that the convention was merely a peaceable assemblage of the people and the constitution a petition for admission into the Union as a state. The state was allowed one representative in congress until the next census was taken.

The new capitol was so far constructed as to admit of its occupancy by the first state legislature, September, 1836, but was not completed until four years later. The amounts expended on it to that time were as follows: From the sale of ten sections, thirty-one thousand seven hundred and twenty-two dollars; from the sale of 1,000 acres for courthouse, sixteen thousand six hundred and fifty-seven dollars; from the sale of five sections, thirty-eight thousand dollars; from appropriation by the legislature of 1840 to finish, thirty-seven thousand dollars—total, one hundred twenty-three thousand three hundred and seventy-nine dollars. With funds in hand, amounting to twenty-four thousand five hundred and four dollars, and four hundred dollars subscribed by



Chester Ashley, Joseph Anderson, R. C. Byrd, William E. Woodruff and A. H. Sevier, Governor Pope bought blocks eighty and eighty-one of Little Rock. Chester Ashley, David G. Eller and William Russell donated a portion of the ground, and Governor Pope bought the remainder from Mr. Russell for eight hundred dollars, and conveyances from Messrs. Eller and Russell of date of January 4, 1833, were taken in the name of Governor Pope, in trust for the territory of Arkansas. Gideon Shrylock, architect, of Lexington, Ky., who had designed the capitol building of Kentucky, prepared plans and sent them by George Weigart, who was recommended to superintend their being carried out. Governor Pope and Mr. Weigart abridged these plans to bring them within the means at command. A contract for the brick and stone work was made with Thorn & Cook, and the work was begun. Mr. Weigart was architect, Col. Chester Ashley, superintendent.



## CHAPTER III

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### The State in Ante-Bellum Days

ARKANSAS was a state. It contained considerably more than 50,000 people. On this people and their descendants and successors must fall the burden of its future problems and destiny. In its constituent elements this people was complex, but it was a unit in its patriotism. The Spanish attempts at colonizing were practical failures. The French were the first permanent settlers in Arkansas, and descendants of those people are still there. Many bearing the oldest French names have attained to position among the great men of the trans-Mississippi country. Some of their names have been so corrupted as to render them unrecognizable as belonging to men of the early illustrious stock. English-speaking people, pronouncing French names phonetically, soon changed some of them completely. French Canadians came, bringing little or nothing except the few simple clothes they wore and their old flint-lock gun with which to secure game. They colonized after the French mode, with villages and long strips of farms and a public common. As best they could, they propitiated neighboring Indians. They worked, worshiped and enjoyed themselves, living honestly and dealing justly with all about them. The mouth of the Arkansas river was the attractive point for immigrants on their way to the Arkansas country, and they ascended that stream to Arkansas Post. As soon as Louisiana became a part of the United States, a small but unceasing stream of English-speaking people turned their faces westward and crossed the Mississippi. Those bound for Arkansas established Montgomery Point, at the mouth of the White river, making that the transfer place for all shipments inland, and for years it was the principal shipping and commercial point. By this route were



transferred freights for Arkansas Post. The highway from Montgomery's Point to the post was a slim and indistinct bridle-path. The immigrants came down the Cumberland and Tennessee rivers to the Ohio in keelboats and canoes. Many of the first English-speaking settlers were Tennesseans, Kentuckians and Alabamians. The earliest came down the Mississippi river, and then, penetrating Arkansas at the mouth of the streams from the west, ascended these in their search for future homes. The Carolinas and Georgia also gave their small quotas to the pioneers of Arkansas. Northern states furnished a few. From the states south of Tennessee, the route was overland to the Mississippi river, or to some of its bayous, and then by water. A few pioneers from the Southern states brought considerable property and some of them negro slaves, but not many of them were able to do this. The general rule was to reach the new country alone and clear a small piece of ground, and as soon as possible after the family had been established to buy slaves and set them to work in the cotton fields. A few of the pioneers were survivors of the Revolutionary war, and a larger number of the War of 1812-14. A considerable number of Indians, most of them having only a slight mixture of Indian blood, remained in the state and became useful, some of them influential, citizens. Among them were prominent farmers, merchants and professional men. The Cherokees especially have always held kindly intercourse with the people of Arkansas.

So much for the fibre out of which the population of Arkansas was formed. It is now important to consider the warp and woof of the political fabric of which these pioneers and their descendants and successors became a part. President Monroe had appointed the first territorial officers and the fact that Crittenden, a born Whig, was secretary is evidence that at the time politics was not running very high; but soon the country was to feel the influence of the rivalry between Clay and Jackson, two of the most remarkable types of great political leaders that this country has produced—Henry Clay, the superb; "Old Hickory," the man of iron; the one as polished a gem as ever glittered in the political heavens, the other the great diamond in the rough, who was of the people and who drew his followers with hands of steel. These opponents were destined to clash, and it is well for the country that they did. It would seem that in the early days in Arkansas the Whigs stood upon vantage ground in many important respects. By the time Adams was inaugurated, the war political to the death between Clay and Jackson had begun. The



question was whether Arkansas should be Whig or Democratic. Jackson induced some young men of promise, from his ranks in his own state, to come to the territory. President Adams turned out Democratic officials and put in Whigs and Robert Crittenden long seemed to hold the territory in his hand. Jackson's superiority as a leader over Clay was manifested in the struggles between the two in Arkansas. Clay's followers here were men after his fashion as were Jackson's after his mold. As a great orator, Clay has never been excelled, and he lived in a day when the open sesame to the world's delights lay in a silver tongue; but Jackson was a hero, a great one, who inspired other born heroes to follow him even to the death. Taking Crittenden as the best type, he was little inferior to Clay himself in his magnetic oratory and in other qualities of leadership; while Jackson sent here Sevier, the Conways, the Rectors, men of the people and of matchless resolution and force of character. No two great commanders ever had more faithful or more able lieutenants than were the respective champions of Old Hickory and Harry of the West in the formative days of the state of Arkansas. Crittenden met defeat and died before the era of statehood. As elsewhere in the Union, Jackson triumphed in hard strife, and Arkansas entered the Union, by virtue of a bill introduced by James Buchanan, as a Jackson state and has never wavered in its political integrity.

At the time of the admission of the state, party animus between Whigs and Democrats was apparent in every county. In the constitutional convention, the party leaders on both sides had appointed state central committees to call conventions, arrange representation and provide for other political work. This system of committees has been in vogue in the state since that day. Party candidates are chosen by a series of primaries beginning in the township and ending in the counties. Delegates from these primaries may or may not be instructed. The county delegates, in convention at some appointed place, select the party candidates. The latter, known as nominees of their respective parties, claim full party support. Final choice is made by the voters at the polls. The constitution of 1836 embraced the three-fifths rule making the whole number of both whites and blacks the basis of representation in the legislature. The first Democratic state convention met at Little Rock, April 12, 1836, more than two months before the admission of the state, and nominated James S. Conway, surveyor general, for governor and Archibald Yell, judge of the superior court, for delegate to congress. The Whig convention met one week later and nominated Absalom Fowler, an old, able



and respected citizen of Tennessee birth, for governor and William Cummins, a native of Kentucky, for twelve years a citizen of Arkansas and a leader at the bar of Little Rock, for delegate to congress. Mr. Fowler and Messrs. Yell and Cummins "took the stump" in support of their claims as nominees, but Mr. Conway who believed that he could not give his time to the canvass without neglecting his official duties, gave his views on all questions at issue in a printed letter, which was distributed in all the counties, thus leaving his cause in the hands of the people. This first state canvass was the more interesting because until now no candidate for governor or for presidential elector had come before the people of Arkansas. Mr. Conway was elected first governor of the state of Arkansas by a majority of 1,102, the total vote cast having been 7,716. At the presidential election in November, Van Buren received 2,400 votes, Harrison 1,162; the total vote was 3,638. The central building of the statehouse had been erected. The old representative hall was the apartment later utilized as a senate chamber. There was as yet no plastering in any part of the brick building and the assembly halls were furnished with pine board tables and old fashioned splint bottomed chairs, made in Little Rock. The first state legislature met in this structure, September 12, 1836, and next day Governor Conway was inaugurated and delivered his inaugural address. James Sevier Conway was born in Greene county, Tennessee, December 5, 1796, the second of seven sons of Thomas and Ann Conway, all of whom became distinguished, and was scarcely forty years old when he became governor. In 1816 he emigrated to St. Louis and in 1820 came thence to Arkansas on a surveying expedition. In 1823 he settled on a farm on Red river, in Lafayette county. In 1825 he surveyed the western boundary line of the territory and in 1831 the southern boundary. In 1832, on the creation of the office, he became surveyor-general of the territory. At the time of his gubernatorial nomination his home was in Hot Springs county. He served as governor one term of four years, 1836-40. He died at Walnut Hills, Lafayette county, March 3, 1855, aged fifty-eight years.

Robert A. Watkins was secretary of state September 16, 1836, to November 12, 1840; Elias N. Conway was auditor October 1, 1836, to May 17, 1841; William E. Woodruff was treasurer, October 1, 1836, to November 20, 1838, and John Flutt, November 20, 1838, to February 2, 1843. The supreme court of the state of Arkansas was organized in 1836 with Daniel Ringo as chief justice and Thomas J. Lacey and Townsend Dickinson as associate jus-



tices. Albert Pike was the first reporter of the court. Elias Rector was appointed marshal and H. Haralson, clerk in 1836. The legislature of 1836 elected Ambrose H. Sevier and William S. Fulton the first senators in congress from Arkansas.

Acts of this legislature of great import and of such far reaching influence as could not have been dreamed of at the time, were the creation of the State Bank and the creation of the Real Estate Bank. The state issued bonds to be sold to constitute the banking capital of these historic institutions. After a few years, they both failed, involving the state and many individuals in debt. The constitutional convention had been sharply divided on the bank question. Friends of the measure had urged that the establishment of these home banking institutions would drive out of circulation in the state the notes of foreign banks and give the Arkansas bank notes a par value. The opposition, led by Mr. Fowler, the Whig nominee for governor in 1836, had contended that the establishment of banks would create a large debt which the state would ultimately have to pay and that their issue would have little or no value outside the state. After much debate, the bank ordinance was adopted and became a part of the organic law. Like all such enterprises of that day in any of the states, the State Bank was, demoralizing in the financial affairs of the people, encouraging extravagance and debt and, with the appearance of wealth, deceiving men to their ultimate ruin. Its principal office was at Little Rock and it had branches at Arkansas Post, Batesville and Fayetteville. Maj. Jacob Brown, U. S. A., was its president. The Real Estate Bank was for the purpose of loaning money on real estate security. Up to that time, the American farmer had not learned to base his efforts upon anything except labor. If, while his crop was maturing, he needed subsistence he went to his merchant and bought the fewest possible necessities on credit. It was an evil hour when he was tempted to become a speculator. Yet there were instances in which loans on real estate resulted in enabling men to make finely improved cotton plantations. But the rule was to get the people in debt and at the same time exhaust the cash in the bank. The bank could collect no money, and the real estate owner was struggling under mortgages he could not pay. Both lender and borrower were sufferers, and the double infliction of a public and individual indebtedness was upon them. The Real Estate Bank made an assignment in 1842, and was long the source of much litigation. It practically ceased to do business years before it had its doors closed and was wound up and the titles to such lands as it had become the possessor of passed to the



state. Its principal office was at Little Rock, and branch offices were established at Columbia, Helena, Van Buren and Washington. John Wilson was its president.

The constitution of 1836 had recognized the importance of popular education and made it the duty of the general assembly to provide by law for the improvement of such lands as had been or might be granted by the United States for the use of schools, and to pass such laws as should be calculated to encourage intellectual, scientific and agricultural improvement. March 2, 1827, congress had given the territory, seventy-two sections of land for the purpose of establishing a "seminary of learning." A supplemental act was passed by congress, June 23, 1836, one week after Arkansas became a state, offering certain propositions for acceptance or rejection; that one section of land in each township, the sixteenth if that had not been disposed of, should be granted to the state for school purposes; that twelve salt springs be reserved for the use of the state; that five per cent of the net proceeds of the sale of government lands in the state, expenses deducted, be reserved for constructing roads and canals; that five sections of land be granted to complete public buildings; that two townships be granted for seminary purposes; that the state should not tax government lands or interfere in their sale; that non resident proprietors be taxed no higher than resident proprietors; that all bounty lands in the state, granted for services in the war of 1812 should be exempt from taxation for three years from the date of their patents. October 18, 1836, the state accepted the propositions entire; and the legislature passed the act known as "the ordinance of acceptance and compact." There was much work for this first state legislature. All the machinery of state life was to be put in operation. Public buildings were to be erected. Courts were to be brought into being. Militia was to be provided for. Numerous bills were to be passed to define the duties of officials and to safeguard public interests. The taking of a census must be arranged for. The seal of the territory was adopted substantially as the seal of the state. Madison and Benton counties were created September 30, 1836. A. W. Lyons, from Nassau Hall, N. J., taught a famous school at Batesville in 1836. The first academy to be incorporated was at Batesville in September, the second was at Fayetteville, in October, 1836. These were the pioneers of ninety-one academies and seminaries, incorporated between 1836 and 1860.

An adjournment of the legislature was had November 8, 1836, until November 6, 1837. Then the legislature was in session



until March 5, 1838. The president of the senate was Sam. C. Roane, the secretary, N. J. Greer. The speaker of the house was John Wilson, the clerk was Samuel H. Hempstead.

Mr. Wilson was expelled December 4, 1837, for killing J. J. Anthony and Grandison D. Royston was elected in his stead. The territorial legislature, in common with all other legislatures of that day, had passed some laws which would have been much better not passed and others that remained a dead letter on the books. Among other good laws which were never enforced was one against dueling. Not all of the personal "affairs" of Arkansas have a legitimate place in the history of the state. The writer does not intend even to mention them all. The unfortunate encounter by which the new capitol was baptized in blood took place on the floor of the legislative hall, December 3, 1837. It has been seen that John Wilson was several times speaker of the territorial legislature and that he was president of the constitutional convention of 1836. He was a leader in the Jackson party. Mr. Anthony aspired to leadership in the Whig party. Unfriendly feelings had grown up between the two men. Anthony angered Wilson by a tantalizing reference to the Real Estate Bank. Wilson was indicted by the grand jury for murder in the first degree, but upon a change of venue to Saline county, was acquitted on the grounds of "excusable homicide," a verdict that, though it appeared that Anthony had had a knife in his hand when he received Wilson's fatal thrust, sent a thrill of indignation throughout the state. He returned to his home in Clark county, but was not welcomed by his old neighbors and went to Pike county, whence, in 1842, he was sent to the legislature, where he tried to rehabilitate himself and might have succeeded had not his ill temper betrayed him into menacing the Hon. Lorenzo Gibson of Hot Spring county, with a knife. Doctor Gibson, had taunted him with the murder of Anthony, but the situation recalled the tragedy too vividly. Wilson had come to Arkansas from Kentucky, a very young man, in 1820, and had displayed great native ability and a talent for politics and large affairs and had it not been for his ungovernable temper, he might have risen to almost any place of eminence in the state. At that time, politics among the active of each faction meant personality. It was little else than open war, and the frontier men of those days generally went armed. Mr. Wilson removed to Texas not long after the scene last referred to, locating at Cedar Grove, near Dallas, where he died soon after the Civil war. His wife was a Hardin, of the noted family of Kentucky, a sister of Joseph Hardin, of Lawrence



county, who was speaker of the first house of representatives of the territorial legislature.

Franklin county was created December 19, 1837; Poinsett county, February 28, 1838. The state library was started March 3, 1838. At first solely a reference and exchange medium, it now has an annual allowance for purchasing books and contains more volumes than can suitably be accommodated. The supreme court library was not established till January, 1851. Its volumes include all the reports and the leading law works. Besides the officers mentioned, the members of the historic legislature of 1836 and 1837-38 were as follows: Senators: Arkansas and Jefferson counties, S. C. Roane; Chicot and Union, John Clark; Carroll, Searcy and Izard, C. R. Sanders; Conway and Van Buren, A. Kuykendall; Crawford and Scott, R. C. S. Brown; Crittenden and Mississippi, W. D. Ferguson; Hempstead and Lafayette, George Hill; Independence and Jackson, J. Ringgold; Johnson and Pope, J. Williamson; Lawrence and Radolph, Robert Smith; Phillips and Monroe, James Martin; Pike, Clark and Hot Spring, A. E. Thornton; Pulaski, White and Saline, R. C. Byrd; Sevier and Miller, J. W. McKean; St. Francis and Greene, M. W. Izard; Washington, W. McK. Ball, R. McCamy. House of representatives: Arkansas county, James Maxwell, James Smith; Carroll, L. B. Tully, W. D. Reagan; Chicot, D. L. F. Royston, A. H. Davies; Clark, John Wilson; Conway, John Linton; Crawford, John Drenan, John Lator, A. Morton; Crittenden, C. N. Blake-more, J. Calvert; Greene, Alex. Tucker; Hempstead, J. W. Judkins, G. D. Royston; Hot Spring, S. W. Rayburn; Independence, T. Dickinson; Izard, Thomas Culp; Jackson, R. Tildwell; Jefferson, W. Phillips; Johnson, E. B. Alston, Sam Adams; Lawrence, J. Hardin; Miller, A. G. Milton; Mississippi, P. H. Swain; Monroe, Isaac Taylor; Phillips, J. C. P. Tolleson, J. J. Shell; Pike, Asa Thompson; Pope, M. G. H. Teevault, J. J. Moose; Pulaski, J. H. Cocks, R. C. Byrd; Randolph, W. Pibourn, J. Anthony; Saline, Charles Caldwell; Scott, James Logan; Searcy, B. C. Brown; St. Francis, P. Little, C. Frank; Union, A. J. May; Van Buren, Luke Grimes; Washington, A. Whinnery, James Boone, J. C. Blair, J. M. Hoge; White, Martin Jones. For the special session, 1837-38, W. B. Moody was elected in place of J. M. Hoge; John Bruton in place of M. G. H. Teevault; D. M. Mason in place of John Linton; Beal Gaither in place of L. B. Tully; W. S. Lockhart in place of Charles Caldwell; J. W. Calvert in place of P. Little; W. S. Bradley in place of A. J. May; W. F. Moore in place of J. C. P. Tolleson; T. M. Collins in place of C. M. Blake-



more; C. H. Moore in place of Rowland Tildwell; Peter Hanger in place of D. L. F. Royston.

In November, 1838, four Masonic lodges from Fayetteville, Little Rock, Washington and Arkansas Post, met at Little Rock and established a Grand Lodge. The first grand master was William Gilchrist and the first grand secretary, George C. Watkins.

The second state legislature was held November 5, to December 17, 1838. Senate: President—Mark W. Izard; secretary—J. M. Stewart. House of representatives: Speaker—Gilbert Marshall; clerk—Samuel H. Hempstead. This legislature passed an act prohibiting cities, towns or corporations from issuing shimplasters or notes or bills designed for circulation in lieu of money. It authorized the sale of the state's seminary lands previously referred to. It created Desha county, December 12, and Searcy county December 13, 1838. It chartered numerous stock companies including several turnpike and railroad companies which proposed to make public improvements which they never brought into existence. It promulgated the then new revision of the state laws. Sam. C. Roane and William McK. Ball had, in 1836, under the authorization of a legislative enactment, been appointed by Governor Conway to revise and arrange the statute laws of the state and prepare a code of civil and criminal law by which its people should thereafter be governed. This work, with notes and index by Albert Pike, was now ready for distribution. An appropriation was made for a state penitentiary at Little Rock. The buildings completed in 1842, cost with the ground on which they stood, seventy thousand dollars. The arsenal at Little Rock was now in course of construction. Its erection had been begun by the government in 1836. It became a store house for arms and ammunition and became in the Civil war a point of much importance. In 1818, the name of Fort Smith was given to a military post that had been established at Belle Point the previous year. A stockaded blockhouse had been erected. When the territorial line was moved west forty miles, old Fort Smith was abandoned and Fort Gibson was built and occupied in its stead. In 1837 the government bought 300 acres of land at Fort Smith and established there a new fort and a national cemetery. Temporary fortifications occupied by Captain Belknap while the new fort was being constructed were known as Fort Belknap. Fort Smith has been occupied by troops since 1842 and Jefferson Davis, Gen. Zachary Taylor, General Arbuckle, Gen. Winfield S. Hancock and Gen. B. L. E. Bonneville were early in authority there. The



latter is the original of a character in Washington Irving's "Sketch Book."

In August, 1839, Edward Cross was elected to succeed Archibald Yell as representative in congress. By re-election he was continued in office till 1845. In the spring of 1840 the boundary line between Arkansas and the republic of Texas was established by commissioners appointed by their respective legislatures. Dr. John R. Conway, a brother of Governor Conway, was the commissioner making the survey on the part of Arkansas. The line was surveyed from the thirty-third degree of latitude, on the northern boundary line of Louisiana, north to Red river. By this survey a large part of Miller county was found to be within the limits of Texas and was thus authoritatively cut off. The line thus established is the present boundary line between the two states.

In the thirties, when the Indians were taken from their Eastern reservations through Arkansas to new ones in Indian territory, most of them were peaceable and whites along their line of march had little of which to complain except some petty stealing. Every possible precaution was taken against any of the savages obtaining liquor enroute, but this could not always be prevented. At Fayetteville, a grocer sold whiskey to the Indians and to white men in the town and a number of both races became intoxicated. A white man insulted a Cherokee woman, an Indian named Nelson Orr interfered in her behalf and the white man killed him. The Cherokees refrained from attacking the town only when assured that the slayer of their companion had fled. "This incident," says Shinn, "divided the citizens of Fayetteville into two factions, for and against the murderer; it led to other murders and gave the town much trouble for many years thereafter." About 1838, trouble between rival factions in the Cherokee nation, assumed alarming proportions and in 1839 culminated in the assassination of several of the leaders of one of the factions. Lawless white men settled on the line between Arkansas and Indian territory to sell whiskey to the Indians and to plunder reds and whites alike. With "groceries"—so their buildings were called—that literally "straddled" the state and territorial line, these miscreants by walking from one end of the room to the other were able to defy officers with warrants from either side. In the summer of 1839, William Wright's house on Cane Hill, Washington county, was burned and Wright and five children were killed. Mrs. Wright escaped and soon an alarm of an Indian attack was sent in all directions, for the murderers of her husband and chil-



dren had been dressed and painted as Indians. Hundreds of people gathered at Boonesboro next day. It was learned that white men had done the murderous work. Thirty-six reputable men, two of them ministers of the gospel, organized themselves into a vigilance committee. On the 29th of July, more than 1,000 persons witnessed the hanging, without due form of law, of Ellery Turner, John Richmond and James Barnes. The committee did not relax its vigilance. Another of the murderers, William Baily, who had left the state, returned to Little Rock and was sent for, tried and hanged. The verdict of good citizens ever since that day has been that the work of this committee of thirty-six was no less just than thorough and that, while devoid of legal form, it was for the public good and the public safety. Yet, misrepresented, it has been made much of by writers whose highest aim has been to write something sensational about Arkansas.

Archibald Yell, Democrat, was elected second governor of the state of Arkansas in 1840 and inaugurated November 4, serving until in April, 1844. Governor Yell was born in North Carolina in 1797 and became governor at the age of forty-three. While yet young, he located at Shelbyville, Tenn., whence, in January, 1831, he came to Little Rock, to fill the position of receiver of public moneys in the land office, which he resigned late in 1832. In 1833 he entered upon the practice of law at Little Rock and in 1835 was appointed judge of the superior or United States court of Arkansas territory. He represented the state of Arkansas in congress 1836-40 and was governor 1840-44. In 1846, while serving again in congress, he accepted the command of an Arkansas cavalry regiment in the Mexican war and was killed at Buena Vista, February 23, 1847. He was succeeded in congress by Thomas W. Newton, chosen at a special election in 1847. Mr. Newton, who had been Governor Yell's private secretary, was the only Whig ever elected to congress from Arkansas. Governor Yell was buried on the field and in 1847 was reinterred in Arkansas. At Fayetteville, where he had lived and was loved as friend and neighbor, a fitting monument has been erected to his memory.

D. B. Grier was secretary of state, November 12, 1840 to May 9, 1842, and was succeeded by John Winfrey who served until August 9, 1842, from which date, Mr. Grier filled the office until his death, September 3, 1859. Elias N. Conway was state auditor October 16, 1836, to May 17, 1841. A. Boileau filled the office May 17, 1841, to July 5, that year, and from the latter date until January 3, 1849, it was again filled by Mr. Conway. John Hunt



was state treasurer, November 20, 1838, to February 2, 1843. John C. Martin, February 2, 1843, to January 4, 1845. Robert W. Johnson became the first attorney-general of the state in 1843. George W. Paschal became an associate justice of the supreme court in 1842, W. K. Sebastian in 1843.

W. K. Sebastian became judge of the courts of the First judicial circuit, November 19, 1840, and served till appointed to the supreme bench. J. C. P. Tolleson became judge on this circuit February 8, 1842; John T. Jones, December 2, 1842. A later judge on this circuit was Thomas B. Hanley. In 1840, Isaac Baker became judge of the Second circuit, November 23; Thomas Johnson, of the Third circuit, November 13; J. M. Hoge, of the Fourth circuit, November 13; J. J. Clendenin of the Fifth circuit, December 28; William B. Conway, of the Sixth circuit, December 19, and R. C. S. Brown of the Seventh circuit. S. S. Tucker became prosecuting attorney on the First circuit, January 20, and W. S. Mosley, November 14, 1842. In that year, John S. Roane became prosecuting attorney on the Second circuit, November 15; N. Haggard, on the Third circuit, November 13; Alfred M. Wilson on the Fourth circuit, November 13. R. W. Johnson became prosecuting attorney on the Fifth circuit, December 29, 1840; G. D. Royston, on the Sixth circuit, November 11, 1840, and John M. Wilson, on the Seventh circuit, November 20, 1840. A. J. Grier, became prosecuting attorney on the First circuit, November 9, 1841. Alonzo Thomas assumed the duties of prosecuting attorney on the First circuit, August 5, and W. N. Stanton, December 2, 1842. Samuel Wooly became prosecuting attorney on the Second circuit, September 19, 1842; O. F. Rainey, on the Sixth circuit, June 12, 1842; and on the Third circuit, S. S. Tucker became prosecuting attorney January 20; Samuel H. Hempstead, in February, and A. R. Porter, December 2, 1842. In 1843, John Field became judge of the Sixth circuit, February 2; J. W. Bocage prosecuting attorney on the Second circuit, November 29, and N. M. Foster, prosecuting attorney on the First circuit, December 4. Isaac T. Tupper became prosecuting attorney on the Sixth circuit, January 18, 1844, and George Conway became judge of the Sixth circuit, August 1, 1844.

The third legislature was held November 2 to December 28, 1840. Senate: President—Mark W. Izard; secretary—John Widgery. House of representatives: Speaker—George Hill; clerk—S. S. Tucker. This legislature passed acts regulating the Real Estate Bank, donating forfeited lands within the state to settlers, making provision for levee construction on the Mississippi in Chicot county, and authorizing the governor to sell the



seminary lands. Well county was created December 5, and Bradley and Perry counties December 18, 1840.

The census of 1840 gave Arkansas a population of 97,574, an increase of 67,186 since 1830. Coal mined at Spadra was in 1841 burned in a fireplace in a basket grate; a large load of the coal was soon brought from the mine. Small manufacturers began to flourish and a hat factory was put in operation. In 1841, the general government donated to the young state, half a million acres of land to be sold to make a fund for internal improvements. In due time the proceeds were expended to improve roads and waterways. William M. Harrison, fourteen years a supreme judge of the state, taught school at Columbia, Chicot county, in 1841. John Anderson, graduate of Belfast, had a celebrated school at Spring Hill. Senator Garland was a student there. The father of Judge S. W. Williams, Rev. Aaron Williams, gained distinction teaching and preaching throughout the state. Rev. J. W. Moore and Jesse Brown were noted early teachers. Moses Eastman taught in the state about sixty years. Mr. Ingham was a famous teacher at Searcy. Joseph Desha Pickett, afterwards state superintendent of public instruction in Kentucky, had a school at Little Rock.

The fourth legislature was held November 7, 1842, to February 4, 1843. Senate: President—Samuel Adams; secretary—John Widgery. House of representatives: Speaker—W. S. Oldham; clerk—S. S. Tucker. The general assembly of 1842 established a system of common schools in the state, by an act which became a law February 3, 1843, providing for the sale of the sixteenth section, and election of school trustees in each township, to expend the money from the sale of land in the cause of education. The act required schools to be maintained in each township "for at least four months in each year," and provided that orthography, reading, writing, English grammar, arithmetic and good morals should be taught. The trustees were required to visit the schools once in each month, and the school age was fixed at from five to twenty-one years. The act also provided for the establishment of manual labor schools. It went to the extent of appropriating a sum of money for the purchase of text-books. This was a long step in advance of any other state at that time. To the fund arising from lands, the act added "all fines for false imprisonment, assault and battery, breach of peace, etc." This act of the assembly is an enduring monument to the men of that legislature. Under this law the reports of the county commissioners of education were ordered to be made to the state auditor, but no such reports



can be found in the state archives. A state board of education was provided for and the board was required to make a complete report of educational matters, and also to recommend the passage of laws for the advancement of the cause of education. The introduction of the system was at the time impossible. The whole wealth of the state was twenty-two million dollars, the total tax collected for all purposes was thirty thousand dollars. The law helped the schools then in existence and it made the people think. Ouachita county was created November 29, Montgomery county December 9, Newton county December 4 and Fulton county December 21, 1842. The legislature of 1842-43 authorized a geological survey of the state, but the work was not begun until 1857. It was finished in 1858, and its results were made public in "A Geological Reconnoissance of the Northern Counties of Arkansas" by David Dale Owen, principal geologist. In February, 1843, high water again devastated the Red river country and destroyed numerous human lives. Captain Crooks, with his steamer, "Hunter," rescued more than 100 persons. The steamer "Napoleon" rescued others. Some were necessarily left to perish. Some died before help arrived. The calamity afforded examples of personal heroism. The northern boundary line of Arkansas, or dividing line between Arkansas and Missouri, was surveyed for the second time, 1843-45, by Davis Thompson, commissioner for Arkansas, and Governor Dunklin first, and after his death, Dr. George Penn, commissioner for Missouri.

After Governor Yell resigned, April 1844, Samuel Adams of Johnson county, president of the senate and next officer in rank, was acting governor until the following November. Mr. Adams was born in Virginia, June 5, 1805, and was in his thirty-ninth year when he assumed gubernatorial responsibilities. He grew to maturity in Tennessee and settled in Johnson county, Ark., in 1835, where he lived until 1846, when, having been elected state treasurer, he moved to Little Rock. He died in Saline county, February 27, 1850. In his message to the legislature of 1844-45, Acting Governor Adams announced that, of two hundred and eighty-eight thousand four hundred and twenty dollars appropriated by the previous legislature for government maintenance, only one hundred and sixty-three thousand and five dollars had been expended, leaving on hand one hundred and twenty-five thousand four hundred and twenty dollars subject to the control of the incoming general assembly.

The year 1844, brought on an exciting gubernatorial campaign. The Democratic convention named Elias N. Conway for governor



and David I. Chapman for congress. Mr. Conway declined to make an active canvass. Mr. Chapman was offered his place on the ticket and refused it and the Hon. Thomas S. Drew, of Randolph county, was nominated. Archibald Yell became the Democratic nominee for congress. Dr. Lorenzo Gibson, of Hot Spring county, and David Walker, of Washington county, were the Whig nominees for governor and member of congress respectively. Mr. Drew received a plurality of 1,731 in a total vote of 17,384. Thomas Stevenson Drew, third governor of the state of Arkansas, was born in Tennessee August 25, 1802, and was descended from the Drews of Virginia. He settled on the Ouachita river, about twenty miles from Camden, in 1818. He was clerk of Clark county 1823-25 and represented Lawrence county in the constitutional convention of 1836. Becoming governor at about the age of forty-two years, he was re-elected in 1848 and resigned soon after his second election for the reason, as he stated, that the salary of his office was not large enough for the maintenance of his family. In 1879 he died near Lipan, Tex.

John Williamson was acting governor from April 9 to May 7, 1846; Richard C. Byrd from January 11 to April 19, 1849. D. B. Grier was secretary of state, November 12, 1840, to September 3, 1859, except during a short time in 1842. Elias N. Conway was state auditor, July 5, 1841, to January 3, 1849. J. C. Martin was state treasurer, February 2, 1843, to January 4, 1845; Samuel Adams, January 4, 1845, to January 2, 1849. George C. Watkins succeeded Robert W. Johnson as attorney general, October 1, 1848, and served until February 7, 1851. Thomas Johnson became chief justice of the supreme court in 1844; W. S. Oldham and Edward Cross became associate justices in 1845; William B. Conway became an associate justice in 1846, David Walker in 1847, C. C. Scott in 1848. Luke E. Barber was clerk of the supreme court, 1845-68, 1874-86. Elbert H. English was supreme court reporter, 1846-53, and was succeeded by Luke E. Barber. Judge English was in 1846 authorized by the legislature to make a new codification and annotation of the state laws and Samuel H. Hempstead was appointed examiner for the preparation of this volume.

William B. Conway became judge of the Third judicial district of the state of Arkansas, November 15, 1844, and J. M. Tebbetts became prosecuting attorney on the Seventh circuit, December 5, 1844. W. H. Sutton became judge of the Second circuit, January 11, 1845, and S. G. Sneed became judge of the Fourth circuit, November 18, 1845. A. B. Greenwood became prosecuting attor-



ney on the Fourth circuit, January 4, 1845, and George C. Watkins on the Fifth circuit, January 11, 1845. W. C. Scott became judge on the Third circuit, December 11, 1846; W. H. Field, on the Fifth circuit, December 24, 1846; W. W. Floyd of the Seventh circuit, November 30, 1846, and C. C. Scott of the Eighth circuit, December 2, 1846. S. B. Jones became prosecuting attorney on the Second circuit, April 20, 1846; S. C. Walker, on the Third circuit, December 2, 1846. A. W. Blevins became prosecuting attorney on the Sixth circuit, January 11, 1847; Richard Lyons on the eighth circuit, February 5, 1847. William Davis became judge of the Eighth circuit, July 3, 1848. By an act approved December 29, 1848, the state was divided into six circuits, hence the Eighth circuit was abolished by operation of law. Josiah Gould became judge of the Second circuit, February 26, 1849, and on the same date T. F. Sorrells became prosecuting attorney on that circuit. J. J. Clendenin became prosecuting attorney on the Fifth circuit, February 17, 1849, and served until September, 1854. John Quinlin became judge of the Sixth circuit, March 2, 1849. A. H. Ringo became prosecuting attorney on the First circuit, March 2, 1849, and A. H. Byers became prosecuting attorney on the Third circuit, March 5, 1849. In August, 1844, Sen. William S. Fulton died and was succeeded by Chester Ashley to serve the unexpired part of his term.

The fifth legislature was held November 4, 1844, to January 10, 1845. Senate: President—John Williamson; secretary—John M. Ross. House of representatives: Speaker—John S. Roane; clerk—S. S. Tucker. December 18, 1844, the general assembly asked congress for a modification of the seminary grant, so as to authorize the legislature to appropriate these seventy-two sections of land for common school purposes. Congress assented to this on July 29, 1846, and the lands were added to the free school fund. The Far West Seminary in Washington county was established in 1844. Polk county was created December 30, 1844, Dallas county, January 1, 1845.

Since 1837 a proposition to annex Texas to the United States had been favored by the South and opposed by the North, chiefly for the reason that if admitted to the Union it would be a slave state. Its independence of Mexico had been recognized by the United States, England, Holland and France. It had not been formally acknowledged but it had been constructively admitted by Mexico. Arkansas had from the first favored annexation and very early the territorial legislature had called on Arkansas senators to vote for any measure calculated to promote that end, and Senator Ashley had made an able speech, urging the admission of our



sister republic as a state. Congress admitted Texas, December 29, 1845, regardless of a notification from Mexico that such action would be regarded as cause for war, and, by instruction of President Polk, General Taylor established himself on the Texas side of the Rio Grande, opposite Matamoras, to defend Texas soil from Mexican invasion, and war was begun by Mexico by attacks on Fort Brown, within General Taylor's lines and on other points. At Fort Brown, Maj. Jacob Brown, first president of the State Bank, was killed.

The people of Arkansas were filled with the war spirit and the state responded promptly to the president's demand for troops, sending its quota, a regiment for service in the field and a battalion for border service. More companies were organized in the state than the war department could accept. Companies from Lawrence, Independence, Washington, Sebastian, Pope, Crawford, Hempstead, Sevier, Franklin, Saline, Hot Spring, Phillips, Johnson, and Pulaski counties marched to Washington, Hempstead county, where they were formed into a regiment enlisted for twelve months, with Archibald Yell as colonel, John Selden Roane as lieutenant colonel, Solon Borland as major, Gaston Mears as adjutant, Josiah Houston as sergeant-major, Dr. Craven Peyton as surgeon and William Quesenbury as quartermaster. Colonel Yell had enlisted in Captain Borland's company as a private. The total number in this regiment, the First regiment of Arkansas cavalry, was 870. The battalion for the defense of the frontier against Indian incursions to garrison forts vacated by the United States regular troops who moved to the seat of war, consisted of 478 men, and was commanded by Lieut. Col. William Gray with Caleb Davis as adjutant and Oliver Basham as sergeant major. Two companies of the Twelfth United States infantry regulars enlisted for the war or longer were recruited from the state, and one of them including about thirty men recruited at and near Little Rock by Second Lieut. Alden M. Woodruff, was commanded by Capt. Allen Wood of Carroll county. The total number of troops furnished by the state of Arkansas in this war was about 1,400 men.

Colonel Yell's regiment was early put into active service. In January, 1847, thirty-five of its members, with Major Borland and Captain Danley, were made prisoners of war by General Minon's cavalry at the Hacienda of Encarnacion and were inhumanly confined until near the end of the war. Eleven of them died. A small detachment of Kentucky soldiers, among them Lieut. (late general and governor) Thomas J. Churchill, shared their hardships.



In the principal battle of the war, at Buena Vista, February 23, 1847, in which General Taylor gained a complete victory over a greatly superior force of Mexicans, the First regiment of Arkansas cavalry participated most gallantly and Colonel Yell was killed, together with Capt. Andrew Porter; and Corporal Saunders, the standard bearer of Company "D," John Pelham and a number of others were either killed or wounded. Lieutenant Colonel Roane, upon whom the command of the regiment devolved, reformed its lines and checked the deadly onslaught of the Mexican lancers. Eighty-four members of the regiment re-enlisted at the expiration of this term of service, in a company commanded by Capt. Gaston Mears, the regiment's adjutant, and served until the end of the war. Capt. Allen Wood and the Twelfth regiment United States infantry regulars fought bravely at Contreras and Cherubusco and in recognition of his services, Captain Wood was breveted a major.

Soon after the end of the war, Albert Pike, in a Little Rock newspaper, criticised the conduct of a part of the Arkansas regiment at Buena Vista, and Lieutenant-Colonel Roane, considering that he had been thus personally affronted, challenged the soldier-poet. A meeting took place in Indian territory, opposite Fort Smith. After two exchanges of shots, the matter was ended honorably to both parties.

In 1846, Cherokee Indians, dissatisfied with their environments in Indian territory, came over into Benton county and destroyed property and spread alarm among the people. Governor Drew caused Colonel Ogden to send a company of militia cavalry, consisting of twenty-three men under command of Capt. Washington A. Alexander, to the scene of the trouble. The soldiers did guard duty thirty days and meantime, the Indians returned to their reservation without further hostilities. In the summer a desperate attempt of prisoners to escape brought about the burning of the state prison. No one was killed except a convict named Morgan, one of the leaders in the mutiny. The prisoners were put in the Pulaski county jail.

The sixth legislature was held November 2 to December 23, 1846. Senate: President—William K. Sebastian; secretary—John M. Ross. House of representatives: Speaker—Albert Rust; clerk—Jonas M. Tebbetts. This legislature created Prairie county, November 25, 1846, and Drew county next day. November 9, it re-elected Chester Ashley senator for six years from March 4, 1847. It amended the constitution to authorize the election of circuit judges and prosecuting attorneys by the people,



changed the mode of voting at elections from the viva voce system to the ballot system and provided for the rebuilding of the penitentiary. The penitentiary was rebuilt in 1849, the ballot law was repealed in 1850. At an election, held January, 1847, by special proclamation of Governor Drew, Thomas W. Newton was elected to fill out the unexpired term in congress, of the late Colonel Yell, defeating Albert Rust for that honor. At the regular election that fall, Robert W. Johnson, Democrat, was elected to congress. He was twice re-elected, serving until 1853.

Governor Drew was re-elected and again inaugurated in 1848. The seventh legislature was held November 4, 1848, to January 10, 1849. Senate: President—R. C. Byrd; secretary—John M. Ross. House of representatives: Speaker—E. A. Warren; clerk—Jonas M. Tebbetts. This legislature had three places to fill in the United States senate. Colonel Sevier had resigned to be one of the commissioners of the United States to negotiate peace between the United States and Mexico. Chester Ashley had died after having served one year of his second term. Maj. Solon Borland succeeded Colonel Sevier, Judge W. K. Sebastian succeeded Mr. Ashley, and November 28 Major Borland was elected to succeed himself for a term of six years. Ashley county was created November 30. Colonel Sevier died on his plantation, December 31, 1848. Born in Tennessee November 4, 1801, he had come to Arkansas when little more than a boy. Long in public life he had labored ably and successfully for the material development and prosperity of the territory and state. In 1821, when he was not yet twenty years old, he was elected clerk of the house of representatives. His services as member of this body, as its speaker, and as prosecuting attorney, in territorial days, were noteworthy. In 1827, he succeeded Henry W. Conway in congress and was repeatedly re-elected, serving until 1836. He was elected to the United States senate in 1836 and in 1842, but resigned in 1847 to become minister to Mexico, a position which he soon gave up to again become, this time unsuccessfully, a candidate for the senate. Over his grave in Little Rock is a handsome monument erected by the state in memory of his distinguished public services.

November 10, Governor Drew announced to the legislature his resignation to take effect on the last day of the session. Richard C. Byrd, who became acting governor, January 10, 1849, issued a proclamation, appointing an election for governor to be held April 10, at which John S. Roane, Democrat, was chosen by a majority of 163, in a total vote of 6,809. Richard C. Byrd was



acting governor in 1849, John R. Hampton in 1851. During this administration, D. B. Grier was secretary of state. C. C. Danley was state auditor, January 31, 1849, to September 16, 1854. William Adams was state treasurer January 2, 1849, to January 10, 1849; John H. Crease January 10, 1849, to January 26, 1855. J. J. Clendenin succeeded George C. Watkins as attorney general February 7, 1851, and filled the office until September 8, 1856. Peter V. Daniel, judge of the supreme court, did circuit court duty 1850-61. In October, 1849, Judge Benjamin Johnson, Federal judge in Arkansas since 1820, died and was succeeded as United States district judge by Daniel Ringo, who served until 1861, and 1851 in the courts of both the Eastern and Western districts. In 1851, the Hon. Jesse Turner was appointed district attorney for the Western district. By an act approved December 20, 1849, the state of Arkansas was divided into six judicial districts, hence the Seventh circuit was abolished by operation of law. John C. Murray became judge of the Second circuit, August 18, 1851. B. N. Nealey became judge of the Third circuit, February 28, 1851. A. B. Greenwood became judge of the Fourth circuit, March 3, 1851. H. A. Badham became prosecuting attorney on the First circuit, March 12, 1851. E. A. Warren became prosecuting attorney on the Sixth circuit, March 3, 1851. C. W. Adams became judge of the First circuit, November 2, 1852.

The college of St. Andrew at Fort Smith was established in 1849.

When John Sheldon Roane became fourth governor of the state of Arkansas, he was about thirty-two years old. He was born in Tennessee January 8, 1817. He was about twenty years old when he came to Arkansas and settled at Pine Bluff. In 1842 he moved to Van Buren and was living there at the beginning of the Mexican war, in which he participated as lieutenant-colonel of the First regiment of Arkansas cavalry, which he commanded after the death of Colonel Yell. He was a brigadier-general of the Confederate army in the Civil war and died at Pine Bluff, April 7, 1867, aged fifty years.

The population of Arkansas was now 209,879 including a colored population of 47,708. The eighth legislature was held November 4, 1850, to January 13, 1851. Senate: President—John R. Hampton; secretary—John M. Ross. House of representatives: Speaker—T. B. Flournoy; clerk—Benjamin T. Duval. This legislative session was notable for its warm discussion of the banks and of the relations of the state to the Union. The admission of California as a free state, the annulment of the



fugitive slave law by certain Northern states and Northern meddling with Southern affairs were condemned and recent congressional enactments unfavorable to Southern interests were protested against. While expressing attachment to the Union of states, Arkansas now put herself on record as devoted to the interests of the South as opposed to those of any or all other sections. Calhoun county was created December 6, 1850, Sebastian county, January 6, 1851.

In 1851 congress created the Western district of the United States circuit court with jurisdiction over Indian territory and Western Arkansas and designated Van Buren as its local seat. In 1872 the seat of the court was moved from Van Buren to Fort Smith. In the Eastern district court is held at Little Rock, Helena, and Batesville, and in the Western district at Fort Smith and Texarkana. Prior to the year 1889 the district court only was held at Helena and Texarkana, in the Eastern district of Arkansas, and at Fort Smith in the Western district, but in January, 1889, a law was passed by congress by which circuit courts were directed to be also held at Helena and Texarkana in the Eastern district, and at Fort Smith in the Western district. Texarkana has since been taken from the Western district by act of congress.

In June, 1849, a grand lodge for Arkansas of the Independent Order of Odd Fellows was established at Little Rock by Far West Lodge, No. 1, Little Rock; Telula Lodge, No. 2, Helena; Frontier Lodge, No. 3, Fort Smith, and Independent Lodge, No. 4, Batesville. The combined membership of the several organizations was 144. In 1849 and 1850, several parties went from Arkansas, via Cape Horn, to the California gold fields, and in 1850 others went overland. The letters sent back via the cape, each called for forty cents to several dollars postage. That was before the era of cheap postage and postage stamps. Troubles of long duration, the outgrowth originally of political differences between the Tutt and Everett families and their adherents, culminated in a small feudal war, and in 1849 Governor Roane sent a company of militia in command of Capt. Allen Wood to Marion county, to enforce a cessation of hostilities. The Everetts and their followers fled to Searcy county and were followed by Captain Wood and his men and arrested. Though they were forcibly liberated by friends from the jail at Smithville, they realized that the day had come when they must submit to the law and perhaps answer to it for some of the murders they had committed, and they went to Texas. By this time, most of the Tutts were dead. Thus ended the "Marion county war," the only considerable fam-



ily feud in the history of Arkansas. The State Deaf Mute School was originally organized at Clarksville in 1850, but for lack of funds was forced to suspend. In 1860 at Fort Smith, it was reorganized upon a better basis, but was crushed by war. St. John's College, Little Rock, and Soulesburg College, Batesville, were established in 1850. Academies at Spring Hill and Washington, Hempstead county, and at Rocky Comfort, Sevier county, were efficient and well known.

Elias Nelson Conway was elected fifth governor of the state of Arkansas in 1852 and inaugurated November 16. He was then about forty years old. He was re-elected in 1856 and after delay caused by illness was inaugurated a second time January 15, 1857. This diligent and conscientious public servant, who held the office eight years, was elected as a Democrat by a majority of 3,027 in a total vote of 27,857 and re-elected by a majority of 12,363 in a total vote of 42,861. He was born in Tennessee, May 17, 1812, a younger brother of Henry W. Conway and James S. Conway, and was taken by his father, at the age of six, to St. Louis and later to Glasgow, Mo. He took up his residence in Little Rock in 1833 and two years later became territorial auditor, continuing as auditor of state till 1849.

D. B. Grier was secretary of state until September 3, 1859, when he died. His successor, Alexander Boileau, served until January 21, 1860. C. C. Danley resigned the office of state auditor September 16, 1854. W. R. Miller filled it from that date till January 23, 1855, and from January 23, 1857, to March 5, 1860, A. S. Huey serving from January 23, 1855, to January 23, 1857. John H. Crease, state treasurer, was succeeded January 27, 1855, by A. H. Rutherford, who filled the office until February 2, 1857, and was succeeded by his immediate predecessor, who, February 2, 1859, gave place to John Quindley, who died December 13, 1860. Thomas Johnson succeeded J. J. Clendenin as attorney general, September 8, 1856. J. L. Hallowell became attorney general, September 8, 1858, and served in the office three years.

George C. Watkins became chief justice of the supreme court in 1852. He resigned in 1854 and was succeeded by E. H. English, a Confederate. Thomas B. Hanley and F. I. Batson became associate justices of this court in 1858. H. M. Rector became an associate justice in 1859, but each soon terminated his official career by resignation. F. W. Compton who was also called to this office in 1859 was a Confederate and was ousted by Gen. C. H. Smith, military commander of the sub-district of Arkansas, under reconstruction acts. H. F. Fairchild, also a Confederate, was



associate justice of the supreme court from 1860 until his death. In this administration the Pulaski chancery court, the first chancery court in the state, was established. H. F. Fairchild was chancellor from July 30, 1855, to July 2, 1860, and was succeeded by U. M. Rose. The first clerk of this court was A. J. Smith. His successors until 1874 were Gordon N. Peay, W. H. Bevens, William Hunter, E. C. Bronough and D. P. Upham.

T. F. Sorrells became judge of the Second judicial district of the state of Arkansas, August 22, 1853. F. I. Batson became judge of the Fourth circuit, August 20, 1853. W. P. Grace became prosecuting attorney on the Second circuit, August 22, 1853. H. F. Thomasson became prosecuting attorney on the Fourth circuit, September 6, 1853. Orville Jennings became prosecuting attorney on the Sixth circuit, August 23, 1853. J. J. Clendenin became judge of the Fifth circuit, September 6, 1854, and Liberty Bartlett became judge of the same circuit, November 12, 1854. Thomas Hubbard became judge of the Sixth circuit, August 22, 1854. E. W. Gantt became prosecuting attorney on the Sixth circuit August 22, 1854. George W. Beasley became judge of the First circuit, September 6, 1855. He was succeeded by Mark W. Alexander, who served until August 25, 1858, when E. C. Bronough assumed the duties of the office. March 3, 1859, O. H. Oates became judge of this circuit and served until August 23, 1860, when Judge Bronough succeeded him. L. L. Mack became prosecuting attorney on the First circuit, September 6, 1855. W. C. Bevans became judge of the Third circuit, August 23, 1856. A. B. Stith became judge of the Sixth circuit, February 7, 1856. S. F. Arnett became prosecuting attorney on the Second circuit, August 23, 1856; La Fayette Gregg, on the Fourth circuit, August 23, 1856; S. W. Childress, on the first circuit, August 30, 1856; W. K. Patterson, on the Third circuit, August 30, 1856. John C. Murray became judge of the Second circuit, August 22, 1858; Len B. Green, of the Sixth circuit, April 5, 1858. J. L. Hollowell became prosecuting attorney on the Fifth circuit, September 8, 1858, and served until 1860. Shelton Watson became judge of the Sixth circuit, September 26, 1858. J. M. Wilson became judge of the Fourth circuit, February 21, 1859. August 23, 1860, W. R. Cain became judge of the Third circuit, and J. J. Green of the Fourth circuit, and Lincoln Featherston became prosecuting attorney on the First circuit. Sam W. Williams became prosecuting attorney on the Fifth circuit, May 10, 1860. August 30 following, D. W. Carroll became prosecut-



ing attorney on the Second circuit, F. W. Desha on the Third circuit, and James K. Young on the Sixth circuit.

Cane Hill College at Cane Hill, was established in 1852.

The ninth legislature was held November 1, 1852, to January 12, 1853. Senate: President—Thos. B. Hanley; secretary—John M. Ross. House of representatives: Speaker—Benj. P. Jett; clerk—James H. Hobbs. Columbia county was created December 17, 1852. This legislature divided the state into two congressional districts, passed a homestead exemption law and, February 9, 1853, incorporated the Cairo and Fulton Railroad Company, now the St. Louis, Iron Mountain & Southern Railroad Company. On the last day but one of the session, the secretary of state was made ex-officio state commissioner of common schools and required to report to the governor the true condition of the schools in each county, which report the governor presented to the general assembly at each regular session. The provisions of an act of January, 1855, related to the sale of the sixteenth section and defined the duties of the school trustees and commissioners. Article VIII in the constitution of 1868 is substantially of the purport of the provisions of the law of 1836. Arkansas College, Robert Graham, president, opened in 1853 with six professors, and 150 to 200 students from ten states and territories attended before the Civil war, and the United States used it for the education of Indian youths. Many men later distinguished in state affairs were graduated from this institution, the first in Arkansas to confer a literary degree.

William K. Sebastian was re-elected United States senator for six years, 1853-59. Reports showed that the state had, 1838-52, expended on account of the penitentiary one hundred twenty-seven thousand five hundred and eighty-eight dollars and had, 1848-52, distributed to counties eighty-two thousand six hundred and fifty-four dollars of the internal improvement fund and, 1834-52, twenty-four thousand six hundred and ninety-seven dollars of the seminary fund, leaving in the treasury, twelve thousand seven hundred and twenty-eight dollars of the former and nine thousand and seventy-one dollars of the latter fund. In 1854 surveys were made for the Cairo and Fulton, the Little Rock and Fort Smith and the Memphis and Little Rock railroads.

The tenth legislature was held from November 6, 1854, to January 22, 1855. Senate: President—B. C. Harley; secretary—W. L. D. Williams. House of representatives: Speaker—Samuel Mitchell; clerk—James H. Hobbs. Senator Solon Borland, having been appointed minister to Central America and having



resigned his senatorship, Robert W. Johnson had been, in June, 1853, appointed by Governor Conway as his successor, and at this session, he was elected for the full term ending 1861. The petitions for the passage of a prohibitory liquor law which were presented to this legislature and which brought no immediate results were the beginning of the prohibition movement in the state. In 1854, A. B. Greenwood was elected congressman from the First district, E. A. Warren from the Second.

The eleventh legislature was held, November 3, 1856, to January 15, 1857. Senate: President—J. R. Hampton; secretary—John D. Kimball. House of representatives: Speaker—Samuel Mitchell; clerk—Samuel M. Scott. The message of Governor Conway presented to this body showed that October 1, 1856, there was in the state treasury for the ordinary expenses of the state, one hundred forty-two thousand one hundred and fifty-four dollars in specie; all Arkansas treasury warrants ever issued, except less than two hundred dollars not presented for payment, had been redeemed, the whole amount being two hundred ninety-seven thousand six hundred and forty-three dollars; forty-eight thousand two hundred and twenty-four dollars of the seminary fund had been distributed and there was on hand six thousand four hundred and eleven dollars in specie; one thousand seven hundred and twenty-two dollars of the saline fund had been distributed and there was on hand three thousand five hundred and twenty dollars in specie; the amount of swamp land script redeemed was one million five hundred ninety-seven thousand seven hundred and eight dollars; the taxable property of the state aggregated seventy million five hundred fifty-eight thousand and forty-five dollars, an increase in four years of twenty-seven million eight hundred fifty-seven thousand nine hundred and sixty-five dollars. The sale and improvement of swamp lands was progressing satisfactorily and levee and ditching work was being pushed. The commissioners' report two years before had stated that they had "caused to be leveed and secured from overflow, almost the entire portion of the state fronting on the Mississippi, and a large portion of the Arkansas river, and considerable portions elsewhere in the state." Notwithstanding the growing burden of indebtedness caused by the failure of the State and Real Estate Banks, Arkansas was prospering along most economic lines and was growing rapidly in wealth and population. These banks having suspended payment, were put in liquidation by the legislature of 1842-43. In 1858, sixteen years after the beginning of efforts at collection, and after all the available assets of the State Bank had been realized, there still



remained a deficiency of nearly one million two hundred thousand dollars, for which Arkansas was responsible as endorser. At the same time, the Real Estate Bank still owed nearly two million two hundred thousand dollars, for the payment of which its available assets amounted to only about nine hundred thousand dollars, leaving a deficiency of nearly one million three hundred thousand dollars for which the state was responsible by reason of its guaranty bonds. It was involved to the amount of about two and a half million dollars on account of both banks. At this session of the legislature, state taxes were reduced to one-sixth of one per cent. Samuel H. Hempstead was appointed solicitor general. The Hon. Josiah Gould of Drew county was appointed to make a revision and digest of the state laws. The digest was published in 1858 under the supervision of the Hon. George C. Watkins, examiner. December 15, 1856, a law was passed prohibiting the sale of liquor in quantities less than forty gallons within three miles of Falcon Male and Female Academy in Columbia county. Thus the three mile legislation to protect schools and churches originated in this state. Between 1856 and 1860 six similar laws were enacted.

In 1843 the state militia had numbered 17,137, in 1854 it had numbered 36,054, but had been equipped only with "one twelve-pounder bronze howitzer, with implements complete, and fifty muskets, with implements incomplete." In 1856, Arkansas had received from the government at Washington, an adequate supply of arms and accoutrements, which, with other arms formerly kept in Dallas county, the governor had consigned for safekeeping to the arsenal at Little Rock.

Political change was pronounced and rapid. Events were hastening the day of Civil war. The decline of the great Whig party had begun in 1850, when Fillmore was president and the party had been overthrown with the defeat of General Scott in 1852. Out of the "Order of United Americans" then started, came later the "Knownothing" party, of which the chief promoter in Arkansas was Albert Pike. Andre J. Hutt becoming first president of the state council. Whigs and Democrats joined it and in 1854 it captured the legislature and every state office filled by that body except secretary of state. Soon, however, it ceased to be a factor to be reckoned with. James Yell, "Knownothing" candidate for governor in 1856, was defeated by Mr. Conway by a large majority. Albert Rust, Democrat, defeated Absalom Fowler, "Knownothing" nominee for congress, and thus entered upon relations in which he gained national notoriety by caning



Horace Greeley. Now the Republican party had come into existence, the slavery question was paramount and on both sides of Mason and Dixon's line, pro-slavery men and abolitionists were becoming more and more outspoken and antagonistic. The slavery question was affecting the integrity of the Democratic party in the North, but it was solidifying the Democracy in the South and bringing into affiliation with it many Southerners who had been Whigs. Reference to the presidential vote of Arkansas from the year 1836 up to and including the election of 1856 will serve to show in a general way the political complexion of the state during that period. The elections have resulted as follows—scattering votes not being given: 1836—Van Buren, 2,400; Harrison, 1,162; total 3,638. 1840—Harrison, 5,160; Van Buren, 6,049; Birney, 889; total 11,209. 1844—Polk, 8,540; Clay, 5,504; total 15,050. 1848—Taylor, 7,588; Cass, 9,300; total 16,888. 1852—Pierce, 12,170; Scott, 7,404; total 19,577. 1856—Buchanan, 21,910; Fillmore, 10,787; total, 32,697.

The election of Buchanan and Breckinridge was regarded as a triumph of constitutional principles, and in favor of the Union. In Arkansas a joint resolution was adopted by the legislature, January 15, 1857, declaring:

"WHEREAS, The contest of 1856 for President and Vice-President of the United States was a struggle of the friends of the Constitution and the rights of the States against fanaticism and treason in the North, and,

"WHEREAS, By the defeat of the Black Republican party and the success of the National Democracy, the Constitution has been vindicated and the rights of the States preserved and the continued existence of the Union insured, therefore, be it

*Resolved*, That the thanks of the people of Arkansas are hereby tendered to all those citizens of the North, and to the Old Line Whigs of the South who supported the Democratic nominees; and be it further

*Resolved*, That the people of Arkansas, in common with the whole people of the South, ask nothing but what is right and will submit to nothing that is wrong, and while pledging an adherence in good faith to the letter and spirit of the Constitution, they demand of the people of the North a patriotic and honest compliance with all the requirements of the Federal compact as the only means by which the Union can or ought to be perpetuated."

In September, 1857, 120 emigrants from Arkansas were assassinated by Mormons and Indians at Mountain Meadows, Utah. Seventeen children under nine years old, were saved and held



prisoners by the Mormons, till they were returned by United States authorities to their relatives in Arkansas. One of these was Miss Sarah Dunlap, later for years a teacher in the School for the Blind at Little Rock. Albert Sydney Johnston said of this party: "This company was made up of farmers' families, allied by blood and friendship, and far above the average in wealth, intelligence, and orderly conduct. They were Methodists and held religious services regularly mornings and evenings." Its leader was Captain Fancher of Carroll county. The Mormon leader was John D. Lee, who in 1876 was tried and put to death for his participation in this awful crime. This affair grew out of the shooting at Van Buren, of Perley P. Pratt, a Mormon leader, by Doctor McLean, for the seduction of the latter's wife and the abduction of two of McLean's children. The massacre was an act of vengeance against Arkansas.

In 1857 the Arkansas Manufacturing Company put in operation at Royston, Pike county, a factory for the manufacture of cotton and woolen yarn and thread. The superintendent was W. W. Bell. The year 1858, witnessed the first railroad building in Arkansas. The section of the Memphis & Little Rock Railroad from Hopefield, opposite Memphis, to Madison, was completed and operated. In October there was in the treasury subject to draft for ordinary state expenses, two hundred and thirty-five thousand one hundred and ninety-four dollars in specie, an increase of ninety-three thousand and forty dollars in two years. The amount expended on the swamp land system in 1857-58 had been fifty-seven thousand four hundred and four dollars less than in 1855-56. Nearly a million cubic yards of ditch and levee work had been done in the past two years. Thomas C. Hindman was elected, Albert Rust reelected to congress in 1858.

The twelfth legislature was held, November 1, 1858, to February 21, 1859. Senate: President—Thomas Fletcher (of Arkansas county); secretary—John D. Kimbell. House of representatives: Speaker—O. H. Oates; clerk, Samuel M. Scott. Among the more important acts of this assembly, beyond the filling of certain official vacancies, was one providing for the continuation of the geological survey of the state, another authorizing the increase of salaries of judges of the supreme court, and an act passed February 19, 1859, creating Craighead county. The Arkansas School for the Blind was incorporated February 4, 1859, and opened to pupils the same year in Arkadelphia. In 1868 it was removed to Little Rock, and suitable grounds were purchased at the foot of Center street, on Eighteenth street. This is not an asylum for the aged and



infirm, nor a hospital for the treatment of disease, but a school for the young of both sexes in which are taught literature, music and handicraft. In 1859-60, that part of the Memphis & Little Rock Railroad between Little Rock and Duvall's Bluff, was constructed. The route of travel was from Madison by stage, or from Memphis to Duvall's Bluff by boat, from there to Little Rock by rail. The central division of the railroad was not finished until four or five years after the end of the Civil war. In 1860, the first telegraph line in Arkansas, from Memphis to Little Rock, was established.

The growth of churches kept full pace with the development of the state, and houses of worship were built in town and country. The Christian church was organized in 1832 at Little Rock, by Elder B. F. Hall. Its prominent preachers were the Revs. John T. Johnson, Thomas Ricketts, W. W. Stevenson and Joseph Desha Pickett. The Baptists formed a state association in 1847, and in 1860 had twelve associations in the state. The Revs. J. B. Hartwell, B. F. Courtney, H. H. Bayliss and Isaac Perkins were well known Baptist preachers. The Methodists were well organized throughout the state when the Civil war began. Prominent Methodist preachers were the Revs. W. P. Ratcliff, Andrew Hunter and A. R. Winfield. Presbyterian synods were then established. Leading Presbyterian clergymen were the Revs. J. W. Moore, Thomas R. Welch and Aaron Williams. Bishop Leonidas Polk began active work for the Episcopal church in 1840. Prominent rectors were the Rev. Andrew Freeman, the Rev. Dr. Yearger and the Rev. J. T. Wheat. The Catholic diocese of Little Rock was created in 1843 and the Rt. Rev. Andrew Byrne was its first bishop. Prominent Catholic priests were the Rev. Fathers McGowan, Patrick O'Reilly and James Donahoe. Some of the other sects now numerous in the state were well established.

Schools were prospering and multiplying. Arkansas seemed to be established in the ways of progress and prosperity. Immigration was rapid and constant. The days of the pioneer were gone and the state was in the hands of small farmers who were making money. The resources of Arkansas were being brought to light; internal improvements were in progress, and a careful and economical policy was being pursued in the administration of public affairs; so that when Governor Conway passed out of office, he left about three hundred thousand dollars in specie in the state treasury. The total amount of real and personal property at the first state assessment in 1838 was fifteen million five hundred and sixty-four thousand two hundred and eighty-four dollars. In 1860



it was one hundred and twenty million four hundred and seventy-five thousand two hundred and thirty-six dollars. The actual wealth of the state was in round numbers, two hundred and forty million dollars. There were in the possession of private owners 10,479,231 acres of land and 17,194 town lots valued together at sixty million four hundred and ninety-nine thousand three hundred and forty-one dollars, and slaves assessed at forty-five million dollars. Goods and merchandise were valued at two million three hundred and sixty-two thousand five hundred and twenty-seven dollars. There were nearly 100,000 horses and mules and 250,000 cattle. There were one million one hundred and twelve thousand and forty dollars in money at interest. There were no banks. Manufactures were few. The total population was 435,450.

There was to be a long, expensive and bloody war and many of its battles would redden Arkansas soil. It would destroy all these hardly earned and most encouraging values and set the state back several decades in her struggle for position among her sister states. For a time it would baffle and embitter, but it would not daunt the spirit of her people.



## CHAPTER IV

## Arkansas During the Civil War

ARKANSAS had no distinctive part in the march of events which culminated in the Civil war. It was one of the Southern states, and within its borders and among its people had grown up political and economic conditions similar to those which had obtained in other Southern states. Those conditions affected the wealth and the material welfare of its people. In a sense, they comprehended largely the results of its people's enterprise thus far and its people's prospects for advancement and prosperity. To the time of President Lincoln's first call for men to serve in arms against the South, these conditions were more domestic and economic than political. The people of Arkansas were loyal to the Union in the majority and to the heart's core. They loved the general government that had been founded by their forefathers of the South and of the East, but they loved more the state that they themselves had founded. The history of the events, North and South, out of which these conditions had grown, is a part of the history of the whole vast extent of country embraced within the Louisiana Purchase, and so important a part of it that it is interwoven with that of the material progress of that great empire from the days of the pioneer down to that day of readjustment when men who had worn blue and men who had worn gray, and who respected each other for the scars they bore, put dead issues under their feet and stood shoulder to shoulder in the struggle for American supremacy in its broadest sense. It is the province of the writer to consider chiefly the part taken by Arkansas in making history in the period 1860-65.

Henry M. Rector, who in 1860, became the sixth governor of the state, was born in St. Louis, Mo., in 1816, a son of Col. Eliás



Rector, and came to Arkansas in 1835 to take in hand and manage some landed interests at Hot Springs that had been left him by his father. Until 1859, when he became judge of the supreme court, he gave his attention largely to farming. When he became a gubernatorial candidate he resigned his seat on the bench. As governor, he served actively and aggressively until 1862, when he was succeeded by Harris Flanagin. Thomas Fletcher of Lincoln county was acting governor November 4-15, 1862. A crisis had been reached in national politics. There were two branches of the Democratic party—one headed by Breckinridge and Lane; the other by Douglas and Johnson. Another party, composed of the former elements of the American party and some of the Whig members, was known as the Constitution and Union party and was headed by Bell and Everett. Opposed to these was the Republican party, now grown strong and having for its candidates Lincoln and Hamlin. In the election, which took place in November, Lincoln and Hamlin were chosen. The vote of Arkansas was given for Breckinridge and Lane. Richard H. Johnson was the regular nominee of the Democratic party of Arkansas for governor, but Judge Rector became an independent Democratic candidate for the office. The total vote cast at this election was 61,198, out of a population of 435,450 in the state as given by the census of that year. This population was a gain of 225,553 persons, or more than a quarter of a million over the census of 1850. Judge Rector's majority was 2,461.

S. M. Weaver was secretary of state January 21, 1860, to March 20, 1860; J. I. Stirman, March 24, 1860, to November 13, 1862. H. C. Lowe was acting state auditor March 5, 1860, to January 24, 1861. W. R. Miller entered upon the duties of the office January 24, 1861, and performed them until April 18, 1864. Jared C. Martin succeeded John Onindley, deceased, as state treasurer, December 13, 1860, and gave place, February 2, 1861, to Oliver Basham, who filled the office until April 18, 1864. In the office of attorney-general, J. L. Hollowell was followed by C. T. Jordan, September 7, 1861, and the latter was succeeded by Sam. W. Williams in 1862. H. F. Fairchild, a Confederate, became an associate justice of the supreme court in 1860 and held the office until his death.

William Byers became judge of the Seventh judicial district of the state of Arkansas, July 8, 1861. James D. Walker became judge of the Eighth circuit, July 25, 1861. In this year, L. L. Mack became prosecuting attorney on the Third circuit, July 8; Pleasant Jordan, on the Fifth circuit, September 7; Elisha Baxter,



on the Seventh circuit, December 7; N. J. Temple, on the Ninth circuit, July 8; LaFayette Gregg became prosecuting attorney on the Eighth circuit, November 13, 1862.

Arkansas had started permanently along the road of triumphant Democracy, from which it never would have varied, except for the war times which brought to the whole country confusion and political chaos. Being a Jackson state, dominated by the blood of the first governor of Tennessee—Gen. John Sevier, a man little inferior to Jackson himself—only the most cruel circumstances could have forced the state into secession. March 4, 1861, a state convention assembled in Little Rock. The election of delegates was on February 18, preceding. The convention met on the day Abraham Lincoln was inducted into office as president of the United States. The people of Arkansas were deeply concerned. The conservative minds of the state loved the Union as sincerely as they regretted the wanton assaults that had been made upon them by the extremists of the North. The members of that convention had been elected with a view to the consideration of those matters already visible in the war-clouds lowering upon the country. The test of the Union and disunion sentiment of that body was the election of president of the convention. Judge David Walker (Union) received forty votes against thirty-five votes for Judge B. C. Totten. E. C. Boudinot was elected secretary. The members of the convention were: Arkansas county, James L. Totten; Ashley, M. L. Hawkins; Benton, A. W. Dinsmore, H. Jackson; Bradley, Josiah Gould; Calhoun, P. H. Echols; Carroll, W. W. Watkins, B. H. Hobbs; Chicot, Isaac Hilliard; Clark, H. Managin; Columbia, George P. Smoote, I. C. Wallace; Conway, S. J. Stallings; Craighead, not represented; Crawford, Henry F. Thomasson, Jesse Turner; Crittenden, Thomas B. Hanley; Dallas, R. T. Fuller; Desha, J. P. Johnson; Drew, W. F. Slemmons, J. A. Rhodes; Franklin, W. W. Mansfield; Fulton, S. W. Cochran; Greene, J. W. Bush; Hempstead, A. H. Carrigan, R. K. Garland; Hot Spring, Joseph Jester; Independence, M. S. Kennard, U. E. Fort, F. W. Desha; Izard, A. Adams; Jackson, J. H. Patterson; Jefferson, J. Yell, W. P. Grace; Johnson, F. I. Batson, W. W. Floyd; Lafayette, W. P. Cryer; Lawrence, M. D. Baber, S. Robinson; Madison, I. Murphy, H. Bollinger; Marion, Thomas F. Austin; Monroe, William M. Mays; Montgomery, A. M. Clingman; Mississippi, F. R. Lanier; Newton, I. Dodson; Ouachita, A. W. Hobson; Perry, L. D. Hill; Phillips, T. B. Hanley, C. W. Adams; Pike, S. Kelly; Poinsett, H. W. Williams; Polk, Archibald Ray; Pope, William Stout; Prairie, B. C. Totten;



Pulaski, A. H. Garland, J. Stillwell; Randolph, J. W. Crenshaw; Saline, J. M. Smith; Scott, E. T. Walker; Searcy, John Campbell; Sebastian, W. M. Fishback, S. L. Griffith; Sevier, B. F. Hawkins, J. S. Dollarhide; St. Francis, J. N. Shelton, G. W. Laughinghouse; Union, H. Bussey, W. V. Tatum; Van Buren, J. H. Patterson; Washington, D. Walker, J. H. Stirman, J. A. P. Parks, T. M. Gunter; White, J. N. Cypert; Yell, W. H. Spivey. S. W. Cochran resigned and George C. Watkins was elected in his stead. Messrs. Stillwell and Garland were returned as elected, but were declared not elected by resolution of the convention and the president was directed to order another election for delegates from Pulaski county.

The Hon. Henry F. Thomasson introduced a series of conservative resolutions, condemning disunion and looking to a convention of all the states to "settle the slavery question" and secure the perpetuation of the Union. The resolutions were passed and the convention adjourned to meet again August 19, following or sooner pursuant to a possible call by the president. Other important acts of the convention were a measure to submit to a vote of the people the question of secession or cooperation with the administration at Washington; the election of Samuel H. Hempstead, Albert Rust, T. H. Bradley, E. A. Warren and J. P. Spring as delegates to a border state convention, proposed by Virginia and Missouri, to be held at Frankfort, Ky., May 17, and a vote of thanks to the Hon. Stephen A. Douglas, John J. Crittenden and Albert Rust for efforts toward a feasible solution of the troubles of the time. This filled the wise and conservative men of the state with great hope for the future. But, most unfortunately, when the convention again met, war was already upon the country, and the ordinance of secession was passed with but one negative vote. The few days between the adjournment and reassembling of the convention had not made traitors of this majority that had so recently condemned disunion. The swift moving events, everywhere producing consternation and alarm, called out determined men, and excitement ruled the hour. There was practically no Union sentiment in Arkansas after President Lincoln's first call for 75,000 men "to put down the rebellion." Simon Cameron, secretary of war, made requisition on Governor Rector for 780 Arkansas soldiers, and April 22, 1861, Governor Rector sent to him this brief but suggestive reply: "In answer to your demand for troops from Arkansas to subjugate the Southern States, I have to say that none will be furnished. The demand is only adding insult to injury. The people of this commonwealth are



free men, not slaves, and will defend to the last extremity their honor, lives and property against Northern mendacity and usurpation."

April 20, two days before, President Walker had called a session of the convention for May 6. Now war was an actuality and most of the Gulf states had seceded. Every one knew that war was in progress, but few realized its immensity. The convention did not rush hastily into secession. An ordinance for secession was introduced on the afternoon of May 6, by Col. W. Porter Grace, chairman of the committee on ordinances and resolutions. Its adoption was moved by Mr. Yell, of Jefferson county. Mr. Dinsmore, of Benton county, moved an amendment providing for the submission of the question of secession to a popular vote in June following. The amendment was tabled on motion of Mr. Patterson, of Jackson county. A roll-call revealed a vote of sixty-five for secession and five against secession. Expressions of deepest attachment to the Union and the old flag were heard. The most fiery and vehement of the secessionists in the body were cautious and deliberate. There was but little even of vehement detestation of the abolitionists manifested. A hurried, whispered conference went on and an effort was made to have the result unanimous. Before the vote was formally announced, four of those who had voted against secession changed their votes. The final vote was cast about four o'clock in the afternoon. When the name of Isaac Murphy, of Madison county, afterward the military governor, was reached, it was passed and the roll-call continued. It was so far unanimous, with Mr. Murphy's name still to call. The clerk called it. Mr. Murphy arose and, in an earnest and impressive manner, in a few words explained the dilemma he was in; but said, "I cannot violate my honest convictions of duty—I vote 'No.'" Delegates were present in anxious attendance from the Carolinas, Alabama and Georgia. They knew that the fate of their action largely depended upon the attitude of Arkansas. If Arkansas voted 'no,' then the whole secession movement would receive a severe blow. "Every member," wrote one who was present on that memorable occasion, seemed impressed with the importance of the vote he was giving. The hall of the House of Representatives was crowded almost to suffocation. The lobby, the gallery and the floors of the chamber were full, and the vast crowd seemed excited to the very highest pitch. A profound stillness prevailed all the time, as vote after vote was taken and recorded, except occasionally, when a well known Union man would arise and preface his vote



with expressions of patriotic southern sentiments, the crowd would give token of its approbation, but the adoption of the ordinance of secession was the signal of one general acclamation, which shook the building to its very foundation. Doubtless each member realized when he gave his vote that it meant a conflict, but what else could be done? Since the North had already begun the attempted subjugation of the South, it was war if we remained in the Union and war if we went out. It was war waged by us and through us if we stayed in and war waged on us and against us if we went out. But every principle of honor and right dictated that we should rather be made war upon than that we should, either actively or passively, suffer ourselves to aid in making war upon the other southern states." The announcement of the vote was greeted with wild cheers by the assembly and by those in the densely packed lobbies and galleries, and by an artillery salute by the guns of Capt. William E. Woodruff's Pulaski artillery, near the river, back of the statehouse.

The convention repealed its former act, submitting the question of "secession" or "no secession" to a vote of the people and adopted a new state constitution which passed into history as the constitution of 1861. Under this constitution, the state of Arkansas was admitted to the Southern Confederacy May 20, 1861. The provisional congress of the Southern states was then in session at Montgomery, Ala., and A. H. Garland, Robert W. Johnson, Hugh F. Thomasson, W. W. Watkins and Albert Rust were sent to it as delegates. A military board was brought into existence. It consisted of Gov. Henry M. Rector, Benjamin C. Totten and Christopher C. Danley and was empowered to arm and equip troops. Samuel W. Williams, who succeeded Captain Danley in this board, went into the service and was succeeded by L. D. Hill. Albert Pike was commissioned to secure the co-operation of the Choctaw and Cherokee Indians with Arkansas in the now inevitable conflict. President Davis authorized Messrs. James B. Johnson, T. C. Hindman and Thompson B. Flournoy to recruit regiments in the state. The military board called for 10,000 volunteers and the men of the state responded promptly, and during the war, out of a voting population of 61,198, as counted in 1860, fully 50,000 men entered the Confederate service. Most of the organizations first enlisted entered the service as state troops. Brigadier-Generals James Yell and N. B. Pearce were appointed by the convention. General Pearce's brigade consisted of Gratiot's, Walker's and Dockery's regiments of infantry and Carroll's artillery. In September, 1861, General Hardee, commissioner and



representative of the Confederate states, came to Arkansas and brought about the transfer of all state troops to the Confederate service, and Pearce's brigade disbanded and its members formed new commands. Each man was offered honorable discharge if, for any reason, he should not want to be so transferred. The records of the military board are lost or destroyed. There is no roster of Arkansas soldiers and officers of the Civil war, though the compilation of one has recently been provided for. The following, derived from Hempstead, from Shinn and from newspaper files and other historical sources, is believed to be a nearly correct and measurably complete list of regiments, battalions and artillery commands raised in Arkansas for the Confederate service, 1861-65. As space is somewhat limited the commanders of each of the organizations are named in the order of their succession, and the principal engagements, campaigns or movements in which each organization participated are mentioned. It is not possible to refer to all service in detail.

First Arkansas Infantry, Confederate: Col. James F. Fagan, Col. J. W. Colquit; fought at Missionary Ridge, Franklin, Nashville, Manassas, Shiloh, Chickamauga, Murfreesboro, Chattanooga. First Arkansas Infantry, State: Col. Patrick R. Cleburne, Colonel Patton; fought in engagements under Johnston, at Franklin, Nashville, Shiloh, Richmond, Murfreesboro, Chickamauga. This regiment was later known as the Fifteenth Arkansas Infantry, Confederate. First Arkansas Mounted Rifles: Col. T. J. Churchill, Col. D. H. Reynolds, Col. R. W. Harper; Oak Hill, Murfreesboro, Chickamauga, Franklin, Nashville, Bentonville, N. C. Second Arkansas Infantry, Confederate: Col. T. C. Hindman, Col. D. C. Govan; Richmond, Perryville, Murfreesboro, Chickamauga. This regiment was included in Hindman's Legion. Second Arkansas Mounted Rifles: Col. James McIntosh, Col. Harris Flanagin, Col. J. A. Williamson, Col. J. T. Smith, Col. James P. Eagle; Pea Ridge, Oak Hill, Chickamauga, Franklin. Second Arkansas Cavalry: Col. W. F. Slemmons; Booneville, Iuka, Poison Spring, Pilot Knob. Second Arkansas Battalion: Col. Bart Jones; Iuka, Corinth, Fort Pillow. This organization was consolidated with the Eighteenth and Twenty-third regiments. It surrendered at Fort Pillow. Third Arkansas Infantry, Confederate: Col. Albert Rust, Col. Van Manning; Chickamauga, Wilderness, Cold Harbor, Petersburg, White Oak Swamp, Malvern, Sharpsburg, Fredericksburg, Gettysburg. Second Arkansas Infantry (known as Gratiot's regiment): Col. John R. Gratiot; fought at Oak Hill, disbanded in 1861, and re-enlisted in other commands. Third Confederate Infantry: Col. John S. Matma-



duke, Col. Cameron; participated in Bragg's Kentucky expedition and fought at Shiloh. This regiment was included in Hindman's Legion. Third Regiment Arkansas Infantry: Col. De Rosey Carroll; fought at Oak Hill, disbanded in 1861 and re-enlisted in other commands. Third Arkansas Cavalry: Col. Solon Borland, Colonel Gee, Colonel Earle, Col. Benjamin F. Danley; Corinth, Iuka, Forrest's campaign. Third Arkansas Infantry, State: Col. David Walker; fought at Oak Hill and participated in campaigns in Arkansas. Fourth Arkansas Infantry, Confederate: Col. Evander McNair, Col. H. L. Bum; New Hope, Atlanta, Franklin, Nashville, Elkhorn, Murfreesboro, Jackson, Chickamauga, Resacca. Fourth Arkansas Battalion: Col. Francis A. Terry; Columbus, Island Number Ten, Murfreesboro, Corinth. This regiment was consolidated with the Fourth Arkansas. Fourth Arkansas, State: Col. Thomas P. Dockery; disbanded and re-enlisted in other commands, notably the Nineteenth Arkansas. Fifth Arkansas, State: Col. David C. Cross, Col. L. Featherston, Col. John E. Murray, Colonel Howell; Perryville, Murfreesboro, Franklin, Nashville. Fifth Cavalry: Col. R. C. Newton; took part in campaigns in Arkansas and Missouri. Fifth Arkansas Battalion (Sixth Arkansas Infantry): Col. Franklin W. Desha, Col. Richard Lyons, Col. A. T. Hawthorne, Col. Samuel G. Smith; Murfreesboro, Franklin, Nashville, Columbus, Shiloh, Corinth, Tupelo, Chickamauga. This regiment was consolidated with the Seventh Arkansas. Seventh Arkansas Infantry ("the Bloody Seventh"): Col. R. G. Shaver, Col. D. H. Gillespie, Col. Peter Snyder; Shiloh, Perryville, Murfreesboro, Chickamauga, Missionary Ridge; in every engagement of the Army of Tennessee. Eighth Arkansas Infantry: Col. William K. Patterson, Col. J. H. Kelley, Col. G. T. Barcum; Shiloh, Chickamauga, Missionary Ridge, Atlanta, in Bragg's campaign and in Johnston's battles. Ninth Arkansas Infantry: Col. John M. Bradley, Col. S. J. Mason, Col. Isaac Dunlop; Shiloh, Corinth, Atlanta, Nashville, and in the engagements of Johnston's campaign. This organization contained forty-two Methodist preachers and was known as "the Parsons' Regiment." Tenth Arkansas Infantry: Col. T. D. Merrick, Col. A. R. Witt; Belmont, Shiloh, Port Hudson and in Price's campaign. Eleventh Arkansas Infantry: Col. Jabez M. Smith, Col. John L. Logan; Port Hudson, Fort Pillow, Iuka, Island Number Ten. This regiment was consolidated with the Seventeenth Arkansas. Twelfth Arkansas Infantry: Col. E. W. Gantt, Col. T. J. Reid; Fort Donelson, Port Hudson; sent to Johnson's Island. Thirteenth Arkansas Infantry: Col. J. C. Tappan, Col. J. A. McNeely; Belmont, Shiloh, Perryville, Murfreesboro,



Chickamauga. Fourteenth Arkansas Infantry: Col. M. C. Mitchell, Col. Pleasant Fowler; Oak Hill, Elkhorn, campaigns in Arkansas. Fifteenth Arkansas Infantry: Col. James Gee, Col. Ben. W. Johnson; Columbus, Fort Henry, Fort Donelson, Port Hudson. Sixteenth Arkansas Infantry: Col. John F. Hill, Col. David Province; Pea Ridge, Iuka, Corinth, Port Hudson; sent to Johnson's Island. Seventeenth Arkansas Infantry: Col. G. W. LeMoyne, Col. Jordan E. Cravens; Fort Pillow, Corinth. This organization, known as S. W. William's regiment, was consolidated with the Twenty-first Arkansas. Seventeenth Arkansas Infantry: Col. Frank Rector, Col. John Griffith; Elkhorn, Iuka, Corinth, Port Hudson. This regiment was consolidated with the Eleventh Arkansas. Eighteenth Arkansas Infantry: Col. D. W. Carroll, Col. J. J. Daly, Col. W. N. Parrish, Col. Robert H. Crockett; Fort Pillow, Iuka, Corinth, Port Hudson. Nineteenth Arkansas Infantry: Col. C. L. Dawson, Col. A. S. Hutcheson; Elkhorn, Arkansas Post, and in Johnston's and Hood's campaigns. Nineteenth Arkansas Infantry: Col. H. P. Smead, Col. W. S. Dismukes, Col. Thomas P. Dockery; Fort Pillow, Corinth. This regiment was captured on Black river near Vicksburg. It was consolidated with the regiment just mentioned after the battle of Arkansas Post. Twentieth Arkansas Infantry: Col. George King, Col. Henry P. Johnson, Col. Dan W. Jones; Fort Pillow, Corinth, Iuka, Champion's Hill, Big Black River, Vicksburg, Mark's Mill, Jenkins' Ferry, Poison Springs. Twenty-first Arkansas Infantry: Col. J. S. McCarver; Corinth. Twenty-first Arkansas Infantry: Col. Dandridge McRae; participated in campaigns in Arkansas. This regiment was known also as the Fifteenth Arkansas. Twenty-second Arkansas Infantry: Col. J. P. King, Col. Frank Rector, Col. John Wallace; Prairie Grove, Helena, Little Rock, Red River expedition. Twenty-third Arkansas Infantry: Col. Charles W. Adams, Col. O. P. Lyles, Col. A. A. Pennington; Iuka, Corinth, Port Hudson, Missionary Ridge. Twenty-fourth Arkansas Infantry: Col. E. E. Portlock; Arkansas Post, Chickamauga, Missionary Ridge, Georgia campaign, Hood's campaign. Twenty-fifth Arkansas Infantry: Col. C. J. Trumbull, Col. John Hufstедler; Fort Pillow, Shiloh, Richmond, Murfreesboro, Chickamauga and in Johnston's and Hood's campaigns. Twenty-sixth Arkansas Infantry: Col. Asa Morgan, Col. Pitts Yell, Col. I. L. Brooks; Prairie Grove, Mansfield, Jenkins' Ferry, Pleasant Hill. Twenty-seventh Arkansas Infantry: Col. J. R. Shaler. This regiment was consolidated with the Thirty-eighth Arkansas. Twenty-eighth Arkansas: Col. Dandridge McRae, Col. J. E. Glenn, Col. J. M. Davie; Oak Hill, Iuka, Elkhorn.



Twenty-ninth Arkansas Infantry: Col. J. C. Pleasant, Col. Sam S. Bell; participated in campaigns in Arkansas. Thirtieth Arkansas Infantry: Col. A. J. McNeill; in campaigns in Arkansas. Thirty-first Arkansas Infantry: Col. T. H. McCray; Richmond, and in campaigns in Arkansas. Thirty-second Arkansas Infantry: Col. C. H. Matlock, Col. J. E. Glenn; in campaigns in Arkansas. Thirty-third Arkansas Infantry: Col. H. L. Grinstead; in campaigns in Arkansas. Thirty-fourth Arkansas Infantry: Col. W. H. Brooks; in campaigns in Arkansas. Thirty-fifth Arkansas Infantry: Col. A. T. Hawthorne; in campaigns in Arkansas. Thirty-sixth Arkansas Infantry: Col. Lucien C. Gause; served in Arkansas under General Holmes. Thirty-eighth Arkansas Infantry: Col. R. G. Shaver; Pleasant Hill, Jenkins' Ferry and in Arkansas campaigns. Thirty-ninth Arkansas Infantry: Col. R. A. Hart; in campaigns in Arkansas. There has been mention of the Forty-fifth and Forty-seventh regiments, Arkansas Infantry, but the names of their colonels and the places of their service have not been recorded. The First Arkansas Cavalry, Col. James C. Monroe, fought at Prairie Grove, Pine Bluff, Elkin's Ferry and Poison Springs. Baber's Cavalry: Col. M. D. Baber; Arkansas campaigns. Woodruff's Artillery, under Maj. William E. Woodruff, saw service at Oak Hill, Little Rock, Helena, Jenkins' Ferry and elsewhere. Col. W. L. Anderson's Battalion and the regiments of Col. Sam S. Bell, Col. Lucien C. Gause, Col. A. S. Dobbins, Col. T. R. Freeman, Col. McGee, Col. George Rutherford, Col. Coleman, Col. J. C. Wright, Col. C. A. Carroll, Col. T. M. Gunter, Col. William Crawford, Col. L. L. Thompson and Colonel Hobbs, all participated in campaigns in Arkansas. Venable's Cavalry, S. B. Thomasson's Infantry, B. T. Embry's Second Mounted Rifles and the battalions of Commanders W. F. Rapley, J. M. Harrell, Check, McCairn, Pat H. Wheat, Charles W. Pfeiffer, W. H. Trader, Cook, Chrisman, Witherspoon and Hill, and Col. John R. Homer Scott's Squadron performed gallant service. The following artillery organizations were in the service: Capt. W. D. Blocker's Battery, Capt. C. B. Etter's Battery, Capt. Henry C. West's Battery, Captain Anderson Mills' Battery, Captain Clarkson's Battery, Captain Reed's Battery, Captain Gaines' Battery, Capt. T. Roberts' Battery, Captain Hart's Battery, Capt. J. T. Humphrey's Battery, Capt. F. A. Shoup's Artillery, Capt. Francis McNally's Artillery, Capt. J. A. Owens' Artillery, Capt. Ras Stirman's Sharpshooters, Capt. Homer Thrall's Heavy Artillery, Captain Deshler's Battery, Captain Merrick's Battery, Captain Logan's Battery,



Captain Provence's Battery, Captain Sims' Battery, Captain Young's Battery, Captain McCown's Artillery, Captain Trigg's Artillery, Captain Hubbard's Artillery, Captain McCairn's Battery, the Appeal Artillery and the Helena Artillery.

The first seven regiments were authorized as the first exuberant war expression of the state. They were state troops, armed and equipped by the state; but the fact is that the poorest men went into the army at their individual expense and armed and equipped themselves. This was the rule—the ranks were filled not by men only who were fighting for their slave property, but largely by men who had never owned or expected to own a slave. When the Union army under General Curtis was bearing down to invade Arkansas, ten more regiments were authorized and responded to this call and seven additional regiments were raised and mustered into the state's service. Fourteen infantry regiments besides the cavalry and artillery had been a strong demand on the people, but the calls for men were increased. By voluntary enlistments more than twenty infantry regiments were at length in the field. Including cavalry and artillery, Arkansas had about 25,000 volunteer soldiery. Then came conscription. The number of years before old age exempted was lengthened and the age of youth exempting was shortened. Besides its large quota to the Confederate army, the state furnished soldiers to the Union army, and today the Grand Army of the Republic and the United Confederate Veterans' Association are both well represented in the state. In the history of wars it is doubtful if there is anything to exceed this in the heroic sacrifices of any people. The following mentioned Union regiments, of whom about 5,500 were negroes, numbering, all told, about 13,000, and other organizations, were formed in Arkansas, principally in the northern and eastern counties, in the years indicated: White troops—First Arkansas Cavalry, Col. M. Larre Harrison, 1862; Second Arkansas Cavalry, Col. John E. Phelps, 1862; Third Arkansas Cavalry, Col. Abraham W. Ryan, 1862; Fourth Arkansas Cavalry, Col. Lafayette Gregg, 1863; Fourth Arkansas Mounted Infantry, Col. Elisha Baxter; First Arkansas Battery, Col. Henry M. Easter, 1863; First Arkansas Infantry, Col. James M. Johnson, 1863; Second Arkansas Infantry, Col. M. L. Stephenson, 1863; Fourth Regiment (one company), Capt. Ira D. Bronson; First Arkansas Battalion, Col. John C. Bundy, 1862. Colored troops—Eleventh Regiment (five companies), Col. James M. Steele; Forty-sixth Regiment, Eliphat Whittlesly; Forty-fourth Regiment, John E. Cone; Fifty-seventh Regiment, Thomas D. Seawell; One Hundred and Thirteenth Regiment.



Soldiers from Arkansas were present in every part of the wide field of the war. Of those in the Confederate army, many fought in Virginia under Lee, Johnston, Jackson, Longstreet and Beauregard during practically the entire period of the struggle; others fought in Kentucky under Kirby Smith and Braxton Bragg; others in Georgia and Tennessee under Bragg, Hood and Johnston; others in Missouri under Price and in Mississippi under Price and Van Dorn; others in Louisiana under Dick Taylor; others in Arkansas under Holmes and Hindman. Among engagements, of more or less importance in Arkansas, were the following, Bentonville, Pea Ridge, Leetown, Elkhorn Tavern, March 6-8, 1862; Salem or Spring River, March 18; Talbot's Ferry, April 19; Searcy Landing, May 19; Big Indian Creek, May 27; Smithville, June 17; St. Charles, June 17; Little Red River, June 25; Grand Prairie, July 6; Bayou Cache, July 7; Aberdeen, July 9; Batesville, July 14; Fayetteville, July 15; Boonesborough; Jonesboro, August 3; Clarendon, August 13; LaGrange, October 11; Helena, October 11; Marianna, November 7; Cane Hill, November 28; Boston Mountain, November 28; Helena, December 5; Prairie Grove, December 27; Arkansas Post, January 10-11, 1863; LaGrange, May 1; Helena, July 14; West Point, August 14; Austin, Bayou Meto, Brownsville, August 25-31; Reed's Bridge, August 27; Terry's Ferry, September 7; Little Rock, September 10; Pine Bluff, October 24; Clarksville, November 8; Waldron, December 30; Martin's Creek, January 17, 1864; Batesville, February 19; Long View, Mount Elba, March 26-30; Augusta, April 1; Spoonville, April 2; Okolona, April 3; Roseville, Stone's Farm, April 5; Moscow, April 13; Camden, Liberty, April 15-16; Poison Springs, April 18; Cotton Plant, April 21; Mark's Hill, April 25; Princeton, April 30; Jenkins' Ferry, April 30; Richlands, May 3; Clarendon, June 25-29; Lake Chicot, June 26; Pine Bluff, July 2; Farris Mill, July 14; Wallace's Ferry, July 26; Massard Prairie, July 27; Fort Smith, August 24; Jones Hay Station, August 24; Searcy, September 6; Douglas Landing, February 22, 1865; Chalk Bluff, May 11. "Besides the battles which were fought on her own soil," wrote Hempstead, "soldiers from Arkansas were engaged on the Confederate side in all the great battles in Virginia, Maryland and Pennsylvania, from Manassas to the surrender of Lee at Appomattox; in those of Oak Hill, Shiloh, Corinth, Murfreesboro, Chickamauga, Missionary Ridge, and all the engagements of Johnston's army from the opening of the campaign of 1864 until his surrender in North Carolina, after the surrender of Lee. They were at Fort Donelson; at the siege of Vicksburg and Port Hudson, in each of which



places many were made prisoners; and at other important points where the varying events of the conflict called them. The loss sustained by them in the progress of the great struggle was terrific. Regiments which entered the service with 1,000 men and more had less than 100 men left at the close of the struggle, and some even less than forty men. Other regiments were so far depleted as to entirely lose their identity and become merged with others." The ill-fated Brig.-Gen. John E. Murrey was, at the age of twenty-two, killed in battle at Atlanta. Cleburne, the idol of the army and of the state, fell at Franklin. Other brave officers were killed or died or were wounded. The graves of Arkansans who gave up their lives for their convictions dot the land from Gettysburg to New Orleans.

Gen. N. B. Pearce was sent to Northwestern Arkansas, where was fought, March 7, 1862, the first battle on Arkansas soil—Pea Ridge, or as it is better known in the South, Elkhorn. March 6, Price and McCullough had attacked Sigel at Bentonville and forced him to retreat to Curtis' main wing. That at Elkhorn was a severe engagement, but hardly a decisive one. Pearce's troops were included in the command of Gen. Earl Van Dorn, who was opposed by the Federal, Gen. Samuel R. Curtis. The Confederates, though outnumbered and eventually somewhat disconcerted by the death on the field of Gens. Ben McCullough and James McIntosh, held their ground bravely, and in his report General Van Dorn said: "The enemy's position was a strong one, but we drove him from it and slept on our arms on the field of battle." Referring to his soldiers, he said: "The Old Guard of Napoleon was not composed of better men; I have never in battle seen their equals." At Pea Ridge, Van Dorn had 15,000 men, Curtis 20,000. Van Dorn and Price were opposed to Curtis, McCullough and McIntosh to Sigel. The battle has been called the Buena Vista of the war. Gen. Albert Pike participated in it with his Cherokee brigade, which acquitted itself creditably. During the night of the 7th the Federal forces retreated to a better position; on the 8th Van Dorn retired southward. After a few days, Curtis withdrew to Batesville, thence to Helena. Van Dorn reformed his army round about Van Buren and ordered a rendezvous at Duval's Bluff. The advance of Curtis' army into Arkansas had been checked. Beauregard was pressed by the Federals east of the Mississippi, and Van Dorn's forces were withdrawn and taken across the river to oppose the advance of the enemy down the river to Vicksburg. After that, Arkansas was unprotected until, that summer, President Davis created the Trans-Mississippi Department, including Arkansas, Texan and



Louisiana troops, and placed Gens. Theophilus H. Holmes and Thomas C. Hindman in command in this state. General Hindman and Gen. John S. Roane got an army together and held their own with Curtis in a skirmish near St. Charles, June 17, and in another at Cache River (Cotton Plant), July 7, 1862.

July 15, 1862, the "Arkansas," a Confederate ram that had been completed near the mouth of the Yazoo river, steamed out of that river, sailed down the Mississippi and passed a fleet that was watching and waiting to capture it. The successful running of the fiery gauntlet was one of the most exciting scenes ever witnessed on Western waters. Proudly the devoted craft kept on its course, sending volleys into vessels to the right of it and to the left of it, and at nearly every turn of its wheels encountering new enemies. A Federal surgeon of the Union fleet said that that wonderful dash of the "Arkansas" reminded him of an Irishman's advice on going into a "free fight"—"Wherever you see a head, hit it."

Payetteville was taken by the Union cavalry June 15, 1862, and General Cabell tried vainly to retake it. There were skirmishes at Pittman's Ferry and Cane Hill and the Confederate arsenal and munitions of war at Yellville were burned. General Hindman moved to Cane Hill, whence he was forced to retire by a Federal attack by General Blunt and his forces November 28. The Unionists, about 16,000 in number, planted themselves at Prairie Grove and Cane Hill. General Hindman attacked General Herron at Prairie Grove December 7, 1862. Though Herron was reinforced by Blunt's division, the aggressiveness of Hindman succeeded. Gen. James F. Fagan's men did gallant service in this engagement. The Confederate victory was without immediate fruitage, for General Hindman, crippled by lack of supplies, had to retire, and the Federals again occupied the field from which they had been routed. Soon Hindman went down into the country south of the Arkansas and the Union troops took position near Van Buren. General Curtis remained alert but inactive, at Helena, General Holmes at Little Rock. The Federals were warily watching for another Confederate invasion of Missouri. Sherman planned a land and naval attack on Fort Hindman, which had been erected at Arkansas Post and was garrisoned by about 4,000 Confederates under command of Gen. Thomas J. Churchill. January 10, 1863, the fort was assailed by a land force of 22,000 men under General McClelland and nine gunboats and eighty-five transports under Admiral Porter. General Churchill had received orders from General Holmes, who could not have fore-



seen such a formidable attack, to "hold the fort until reinforcements should arrive or all were dead," and for two days he and his devoted men withstood shot and shell and fire, repulsing several determined charges. Then, through a mistake made by a Texan regiment, the white flag was displayed and the survivors of the garrison were made prisoners of war January 11. It has been said that General Grant did not favor the attack on Arkansas Post and called it a "wild goose chase." Sherman, who was present, under McClernand, said that Fort Hindman was constructed with great care. At the burning of Napoleon, January 17, he said: "We all deserve to be killed unless we can produce a discipline wherein such disgraceful acts cannot go unpunished—no man has labored harder than I have to check this spirit in our soldiers." That month, General Gorman made an expedition up the White river, capturing Confederate stores and taking prisoners at St. Charles, Des Arc and Clarendon.

July 4, 1863, one day after the defeat of Lee's army at Gettysburg and the very day of the fall of Vicksburg, General Holmes made a brilliant but unsuccessful attack on the force of Curtis at Helena, where it was strongly fortified. In the face of a terrible fire, the Confederates attacked the Union defences and carried some of them, but they were driven back with fearful loss and retreated across the country to Little Rock, where General Holmes was succeeded by General Price. Port Hudson fell, and the Confederacy was practically cut in two. July 13, 1863, Gen. E. Kirby Smith wrote from Shreveport, headquarters of the Trans-Mississippi District, to Governors Thomas C. Reynolds, F. R. Lubbock, Harris Flanagin and Thomas O. Moore, calling on them, as the heads of their respective states, to meet him at Marshall, Tex., August 15, following. "I have attempted to impartially survey the field of my labor. \* \* \* I found on my arrival the headquarters of Arkansas district at Little Rock. \* \* \* Vicksburg has fallen. The enemy possesses the key to this department. \* \* \* The possession of the Mississippi river by the enemy cuts off this department from all communication with Richmond, consequently we must be self-sustaining and self-reliant in every respect. \* \* \* With God's help and yours, I will cheerfully grapple with the difficulties that surround us," etc. This was a gloomy but a correct view of the situation west of the Mississippi river after the fall of Vicksburg. Now the Federals planned to capture Little Rock, and General Curtis ordered General Steele to institute hostilities against that point. General Steele was occupied in the expedition



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from Helena to Little Rock, from August 1, to September 10. The cavalry under General Davidson had to scour the country to the right and left as they made their slow advance. The Confederates had no breastworks South of the Arkansas, but had them at several points north of the river, and the Federal advance from Helena to Little Rock was contested by cavalry movements between Wittsburg and Clarendon August 1-8, later by skirmishes or more important engagements at West Point August 14, at Harrison's Landing August 16, at Grand Prairie August 17, at Brownsville August 25, at Bayou Meta August 26, at Reed's Bridge August 27, at Shallow Ford August 30, at Ashley's Mills September 7, and at Fourche Bayou September 10. The engagement at Bayou Meta, twelve miles east of Little Rock, was a heavy skirmish, indeed a regular battle, being the first serious effort to check the Federal advance upon the capital. At the last stand made in defense of the city there was heavy fighting, and Confederate Colonel Coffee of Texas, was killed. In a short time Davidson's cavalry appeared in Argenta and trained their field pieces on the city and fired a few shots, when the place was surrendered by the civil authorities. The Confederates had evacuated but a few hours before the Federal cavalry were galloping through the streets and posting sentinels here and there. There was no confusion, no disorder, and none of the usual crimes of war under similar circumstances. In an hour after General Steele was in possession of the city, he had it under strict control and order prevailed. General Reynolds was put in command at Little Rock. The Confederates wisely retreated to Arkadelphia. They were pursued by the Federals as far as Malvern, but no captures were made and no heavy skirmishing occurred. General Price took position on and near the Ouachita, where his command remained through the ensuing winter. After the occupation of Little Rock the Federals dominated all that portion of the state north and east of the Arkansas and yet their actual, occupied posts were the only grounds over which Confederate rangers were not frequently roving with impunity. The Confederates exercised ruling power all south and west of the Ouachita river, and for a while the territory between the Arkansas and Ouachita rivers was a kind of "No Man's Land" so far as the armies were concerned. October 25, General Marmaduke made an unsuccessful attack on Pine Bluff which was occupied by Federal forces under command of Gen. Powell Clayton. Part of the Confederate troops in Arkansas were later temporarily transferred to Louisi-



ana and fought under Gen. Dick Taylor at Mansfield and Pleasant Hill.

General Steele remained at Little Rock until the spring of 1864, when, reenforced, he marched toward Arkadelphia, and Price retreated to Camden, where the Confederates had several factories for the manufacture of war materials. Suffering defeat at Poison Spring, April 18, and at Mark's Mill, April 25, Steele found it expedient to fall back to Little Rock. At Jenkins' Ferry, April 30, he was engaged in a fierce battle, in which his force was roughly handled, narrowly escaping capture as a whole. Then he made good his retreat to Little Rock. Banks' expedition had ascended Red river, the plan being to catch Price between Banks and Steele and destroy the Confederate army. Price and Gen. Dick Taylor did not wait for Banks, but met and overwhelmingly defeated him. Having defeated Banks, they turned and gave Steele battle at Jenkins' Ferry. After Steele's return to Little Rock there was little notable warfare in Arkansas until about September 1, 1864, when General Price, leaving Southwest Arkansas, made his famous raid through Northern Arkansas and Southern Missouri, fighting numerous battles and meeting defeat at Pilot Knob, Mo., and reverses at Marias des Cygnes, Kan., after which he brought his army back to Arkansas. This was the end of active war in Arkansas, though the Confederates held the southwestern counties. Lee surrendered in Virginia April 9, 1865; Johnston in North Carolina April 26, and, in June Kirby Smith surrendered the Trans-Mississippi Department. Hood surrendered May 31. Col. R. G. Shaver surrendered at Shreveport, La., June 9, and was supplied with a boat with which to bring his regiment home. A little later and the last gun had been fired in the great conflict. The war was over. The South had lost; but it had also gained more than its people knew or its victors guessed.

The following named officers from Arkansas rose to the rank of major-general in the army of the Confederacy: Thomas J. Churchill began his military career as colonel of the First Arkansas mounted rifles, became a brigade commander, then a division commander, and served east of the Mississippi till transferred to the Trans-Mississippi Department. Patrick Ronayne Cleburne, an Irishman by birth, enlisted as a private and went into the war as captain of a Helena company, the Yell Rifles. He became colonel of the First Arkansas infantry, state troops (afterwards the Fifteenth Arkansas), and was later a brigade commander in Kentucky and still later in Hardee's corps. He won a vote of



thanks from the Confederate congress for his efficient defense of Ringgold Gap, November 7, 1863, and was killed November 30, 1864, while leading his men at the battle of Franklin. James F. Fagan rose from the colonelcy of the First Arkansas infantry to be a brigadier-general and then a major-general, and was at the head of a division east of the Mississippi. Thomas C. Hindman, colonel of the Second Arkansas infantry, became a brigade commander east of the Mississippi. As major-general, he established and commanded the Trans-Mississippi Department. Later he was a major-general under Hood and Johnston. Evander McNair, colonel of the Fourth Arkansas infantry, became a brigadier-general, then a major-general in service east of the Mississippi. These rose to the rank of brigadier-general: Charles W. Adams, colonel of the Twenty-third Arkansas infantry, became a brigade commander late in the war. Seth M. Barton, major of the Third Arkansas regiment, succeeded Colonel Rust in its command and was soon after promoted to command a brigade in Virginia. W. N. R. Beall was a West Point officer from Arkansas and a captain in the Second United States cavalry. He resigned his commission, and, entering the Confederate service, commanded a cavalry brigade at Corinth and later an infantry brigade at Port Hudson. His fortification and defense of the last named point marked him as an able officer. N. B. Burrow commanded a brigade of state troops. William L. Cabell, a United States army officer, resigned to enter the army of the Confederacy, and after commanding an infantry brigade east of the Mississippi, commanded a cavalry brigade west of the Mississippi. Thomas P. Dockery, colonel of the Third regiment of Arkansas troops, rose to the command of a brigade in the Trans-Mississippi Department. D. C. Govan, captain of Company "F," Second Arkansas infantry, was advanced to the command of a brigade in Cleburne's division and Hardee's corps, Army of Tennessee, under Hood, Bragg and Johnston. A. T. Hawthorne made a good record as a soldier and as a commander. John H. Kelley was lieutenant-colonel, then colonel, of the Eighth Arkansas, and rose to the command of a cavalry brigade in Cleburne's division. James McIntosh commanded McIntosh's regiment, state troops, then was a brigadier-general in service west of the Mississippi until he was killed at the battle of Pea Ridge (Elkhorn), March 7, 1862. Dandridge McRae, colonel of McRae's battalion, was advanced to the command of a brigade in Egan's division in the Trans-Mississippi Department. John Edward Murray began his military service as drill-master, became lieutenant-colonel of the Fifth Arkansas and



was killed at Atlanta July 22, 1864, only a few hours after being commissioned a brigadier-general. N. B. Pearce, formerly a United States army officer, was appointed a brigadier-general by the Military Board at the beginning of the war and served in Arkansas until his brigade was disbanded in 1861. Charles W. Pfeiffer, a battalion commander, became a brigade commander and as such served with bravery and ability. Albert Pike, commissioner to the Choctaw and Cherokee Indians, organized and led a brigade of Cherokees in the service west of the Mississippi. At one time he commanded all state troops in Northwest Arkansas. Daniel H. Reynolds, a captain in the Arkansas Mounted Rifles, became commander of McNair's old brigade and served east of the Mississippi under Hood and Johnston. John Selden Roane, appointed brigadier-general by President Davis, helped to organize and was a brigade commander in the Trans-Mississippi Department. Albert Rust, colonel of the Third Arkansas, became a brigade commander east of the Mississippi, later at Port Hudson, and was transferred to the Trans-Mississippi Department. James C. Tappan, colonel of the Thirteenth Arkansas, rose to the command of a Trans-Mississippi brigade. Marsh Walker, colonel of a regiment of Tennessee and Arkansas men, became a brigade commander in the Trans-Mississippi Department, in which capacity he served until, in 1863, he fell in a duel with Gen. John S. Marmaduke, near Little Rock. That was the last duel fought in the state. James Yell was appointed a brigadier-general by the convention of 1861 and assigned to the command of state troops.

Col. Elisha Baxter (Federal), Lieut. James H. Berry (Confederate), Maj.-Gen. Thomas J. Churchill (Confederate), Brig.-Gen. Powell Clayton (Federal), Lieut.-Col. James P. Eagle (Confederate), Col. Harris Flanagin (Confederate), Lieut.-Col. Simon P. Hughes (Confederate), Col. Dan W. Jones (Confederate), and Isaac Murphy (Federal), each became governor of Arkansas. Some account of their military service is given in biographical sketches which appear on other pages of this work. Other men who have been otherwise prominent in state affairs did gallant service in the Civil war.

Meantime, the state was making civil history. In 1860 T. C. Hindman had been re-elected and E. W. Gantt had been elected to congress, but the Civil war prevented their taking their seats. The fourteenth legislature was held November 5 to December 1, 1862. Senate: President—Thomas Fletcher (of Arkansas county); secretary—J. D. Kimball. House of representatives: Speaker—John Harrell; clerk—Alden M. Woodruff. Cross county was



created November 15, and Woodruff county November 26, 1862. It transpired that a defect in the constitution of 1861 would leave the gubernatorial term of office two instead of four years, thus nullifying a change which it had been sought to make. The supreme court decided that the provision of the last constitution on this point was still operative and Governor Reector resigned November 4. Thomas Fletcher became acting governor and J. R. Hampton was elected president of the senate in his stead. Harris Flanagin was elected seventh governor of the state at a special election in 1862 and inaugurated November 15 that year and served a year and a half. Governor Flanagin was elected as a Confederate, by a majority of 10,012 in a total vote of 26,266. At the beginning of the war he had become captain of Company "E," Second Arkansas mounted rifles. He had risen to the colonelcy of the regiment and was commanding it at the time of his election. Born at Roadstown, Cumberland county, N. J., November 3, 1817, he was about forty-five years old when he became seventh governor of the state. He came at the age of twenty to Arkansas from Illinois, where he had fitted himself for his profession, and, settling at Greenville, Clark county, engaged in the practice of law. He lived there until 1842, when the county seat was established at Arkadelphia, where he afterward lived until his death, which occurred October 23, 1874, when he was nearly fifty-seven years old. He was a member of the legislature in 1847 and of the constitutional convention of 1874.

November 13, 1862, O. H. Oates succeeded John I. Stirman as secretary of state and filled the office during this administration, though Robert J. T. White was made provisional secretary of state January 24, 1864. W. R. Miller was state auditor January 24, 1861, to April 18, 1864. Oliver Basham was state treasurer February 2, 1861, to April 18, 1864. Sam W. Williams was attorney general 1862-64 and was succeeded by R. S. Cantt. W. W. Wilshire became chief justice of the supreme court in 1863 and resigned about a year afterward. T. D. W. Yonley succeeded him in 1864. In that year E. Baxter assumed the duties of the office under the provisions of the new Murphy constitution. Albert Pike, Confederate, became an associate justice in 1864. November 28, 1862, H. B. Stuart became judge of the Ninth judicial circuit of the state of Arkansas. December 1, that year, Z. P. H. Farr became prosecuting attorney on the First circuit, B. J. Brown on the Fourth circuit. Y. B. Sheppard became judge of the Fourth circuit, May 9, 1863. Sam W. Williams became prosecuting attorney on the Fifth circuit, July 6, 1863.



Charles B. Mitchell and Robert W. Johnson were, in 1862, elected Confederate state senators and served as such. Mitchell died September 18, 1864, and A. H. Garland was elected to fill the vacancy. Johnson and Garland served until the fall of the Confederacy. In 1862 an election for representatives of Arkansas in the Confederate congress resulted in the choice of Thomas B. Hanley from the First district, Grandison D. Royston from the Second district, A. H. Garland from the Third district, and Felix I. Batson from the Fourth district. September 22, 1862, President Lincoln issued a proclamation providing that, on the first day of January, 1863, all persons held as slaves in any state or part of any state, the people whereof should be in rebellion against the United States, should be "thenceforward and forever free." On the day designated the proclamation terminated the chattel condition of 111,259 negroes, who had been slaves in Arkansas. Their market value had been more than sixty million dollars.

When the year 1862 drew to a close, the everyday hardships of the people of Arkansas had become very serious and harassing from the scarcity of numerous articles of ordinary necessity. A rigid blockade of all the ports of the entire South prevented communication with the outside world, and articles of household consumption which had been brought from Northern states, or foreign markets, had been used up. Tea, coffee, black pepper, drugs, medicines and like materials the people were obliged to do without. Some used such substitutes as could be found or improvised. Confederate money which was the purchasing medium in use, had become greatly depreciated. A pound of black pepper would bring three hundred dollars, a turkey twenty dollars, a sheep fifty dollars, a pair of boots eighty dollars, a pair of shoes thirty-five dollars in Confederate notes, and other articles brought amounts in corresponding proportions. The people were literally thrown on their own resources, and the hardships they endured were not less than those with which pioneers in the state had had to contend. Kerosene, in use by the people of the North, was to this people unavailable. Pine knots and tallow dips afforded the only light in the house at night. Looms that had been long in disuse were dragged forth and put in operation, new ones were improvised; homespun cloth was made in all parts of the state, but not enough to supply the demand. Clothing and shoes were hard to get at home, even to those who were not exactly poverty stricken, but the soldiers in the field could not be supplied with them and many of them went hatless and barefooted in the dead of winter.



They were sustained by a patriotism as heart-born as that which sustained Washington's suffering soldiers at Valley Forge. They loved their homes, where their half famished children cried for them and their worn and shivering wives prayed for them, and, from their point of view, they were waging as righteous a war for liberty as did their forefathers from Virginia and from New York and from Massachusetts, three-quarters of a century before. When they bethought them of their mild Southern climate, they were thankful that sometimes God really does temper the wind to the shorn lamb.

Soon after the occupation of Little Rock by the Federal forces, a growing sentiment in favor of the setting up of a state government was manifested by the people. A Union meeting was held at Little Rock, with Dr. John Kirkwood as president and Dr. E. D. Ayers as secretary. Isaac Murphy, E. P. Filkins, W. M. Fishback, E. W. Crowe and C. V. Meador were appointed a committee to draft and forward to President Lincoln resolutions offering loyalty to the United States government and urging the early establishment of a state government. In a proclamation issued December 3, following, the president extended full pardon and amnesty to all participants in the rebellion (except ex-United States officials above certain ranks) who would swear fealty to the government at Washington. With a view to availing themselves of this offer, citizens of some counties in Arkansas in Federal possession met at Fort Smith and made provision for the election of delegates to a constitutional convention to convene at Little Rock, January 4, 1864. Delegates from twenty-three counties were present: Crawford county, L. C. White, J. Austin, J. Howell, C. A. Harper; Clark, M. L. Langley, J. M. Strapp, C. T. Jordan, J. Burton; Columbia, John H. Hiflin; Dallas, R. M. Stanfield, A. J. Eden; Drew, William Cox; Hot Spring, T. Whitten, W. H. Davis; Independence, C. C. Bliss; Jackson, John Box; Jefferson, H. B. Allis, Peter Finnerty, Thomas W. Clegg, Jr.; Madison, G. W. Seamans; Montgomery, J. C. Priddy, R. Lamb; Newton, John McCoy; Ouachita, R. T. Turner, Ralph Seats; Phillips, J. A. Butler, J. B. Miles, T. M. Jacks, Thomas Pearce; Pike, W. Jones, L. D. Cantrell; Polk, James Huey, Thomas Young; Pope, William Stout; Pulaski, T. D. W. Yonley, E. Maynard, E. D. Ayers, F. A. Sarasin; Saline, J. T. Swafford, J. M. Dement, W. Holleman, E. H. Vance; Sebastian, H. L. Holleman, J. R. Smoot, R. D. Swindle; Sevier, Samuel Helms; St. Francis, A. B. Fryrear; Yell, B. Johnson, Elias G. Cook. Mr. Miles, of Phillips county, having left the convention without any



explanation and gone home, his name by resolution was stricken from the roll. John McCoy was elected president, R. G. T. White secretary of the convention. The polls had been opened chiefly at the Federal military posts and the majority of delegates were really refugees from many of the counties they represented. It was simply an informal meeting of the Union men in response to the president's wish and most of them made their own credentials. The Federal army occupied points on and north of the Arkansas river, while the southern portion of the state was held by the Confederates. It is said that the convention was largely influenced on important legal questions by the Hon. T. D. W. Yonley, of Pulaski county. The convention chose Isaac Murphy provisional governor; practically re-enacted the constitution of 1836; made slavery illegal; divided the state into three congressional districts, and created the separate office of lieutenant-governor instead of the former ex-officio president of the senate. The convention wisely did its work and adjourned January 23. The constitution was submitted to the people at a general election for state and county officers, March 14-16, 1864, and was adopted by a majority of 12,177 in a total vote of 12,443. William Byers was elected congressman from the First, G. H. Kyle from the Second and James M. Johnson from the Third district, but as the state had not been restored to the Union, they were never admitted to the national congress.

Isaac Murphy, Federal, then serving as provisional governor, was duly elected eighth governor of the state of Arkansas and was inaugurated April 18, 1864, and served four years. Governor Murphy was born near Pittsburg, Pa., October 16, 1802, a son of Hugh Murphy, a manufacturer of paper, and was sixty-one years old at the time of his election. He acquired a classical education, taught school in Tennessee and came to Arkansas in November, 1834, and settled at Fayetteville, where he again taught school. A year later he was admitted to the bar. As United States surveyor he surveyed much land in Eastern and Northwestern Arkansas. He was a member of the legislature of 1848-49. After that he spent four years mining in California, acquiring valuable interests of which he was defrauded. He moved to Huntsville in September, 1854, and continued to teach and practice law, residing there the remainder of his life. He was elected senator in 1856, and was the only member of the Arkansas convention of 1861 who voted against secession. He later fled from his home for safety and was made a member of General



Curtis' staff. He served as governor until July, 1868, and died at Huntsville, September 8, 1882, in the eightieth year of his age.

The Federal or United States court was reopened at Little Rock, Henry C. Caldwell being appointed district judge. The fifteenth legislature was held from April 11, to June 2, 1864, from November 7, 1864, to January 2, 1865, and from April 3, to April 22, 1865. Senate: President—Lieut.-Gov. C. C. Bliss; secretary—A. N. Hargrove; Carroll and Newton counties, J. McCoy; Chicot, Drew and Ashley, W. C. Valandingham; Clark, Pike and Polk, L. D. Cantrell; Conway, Perry and Yell, F. M. Stratton; Dallas and Bradley, R. H. Stanfield; Franklin and Crawford, L. C. White; Fulton and Lawrence, J. J. Ware; Independence, E. D. Rushing; Jefferson, Arkansas and Desha, I. C. Mills; Johnson and Pope, William Stout; Hempstead, Sevier and Lafayette, F. W. Gilpin; Hot Spring, Saline and Montgomery, E. H. Vance; Madison and Benton, E. D. Ham; Marion and Searcy, Thomas Jefferson; Mississippi and Crittenden, D. Lamberson; Calhoun and Ouachita, W. H. Harper; Phillips and Monroe, J. Q. Taylor; Perry and Pulaski, Truman Warner; Randolph and Greene, J. M. Lemons; Scott and Sebastian, Charles Milor; St. Francis and Poinsett, A. B. Fryrear; Van Buren and Izard, King Bradford; Washington, J. M. Gilstraps; White and Jackson, James Nanny. House of representatives: Speaker—H. B. Allis; clerk—F. M. Sams; Arkansas county, G. C. Cressen; Benton, R. H. Whimpey, J. Shortis; Bradley, W. W. Scarborough; Calhoun, E. A. Ackerman; Carroll, J. W. Plumley, J. F. Seaman; Clark, G. N. Green; Conway, G. W. Galloway; Crawford, J. Austin, J. G. Stephenson; Crittenden, F. Thrueshby; Dallas, James Kennedy; Drew, William Cox, F. H. Boyd; Franklin, F. M. Nixon; Fulton, Simpson Mason; Hempstead, J. Boen, L. Worthington; Hot Spring, James Whitten; Independence, P. Misener, J. Clem, Alexander Harper; Izard, J. B. Brown; Jackson, H. T. McLarue; Jefferson, H. B. Allis, D. C. Hardeman; Johnson, J. Rogers, A. P. Melsom; Lafayette, J. C. Hall; Lawrence, R. Shell, E. Sharp; Madison, T. H. Scott, G. W. Seamans; Marion, J. W. Orr; Monroe, E. Wilds; Montgomery, J. C. Priddy; Newton, James R. Vanderpool; Ouachita, G. W. Neill; Perry, George A. Cunningham; Phillips, J. A. Butler, J. F. Hanks; Pike, M. Stinnette; Polk, John Ware; Pope, Robert White; Prairie, J. B. Claiborne; Pulaski, O. P. Snyder, S. L. Holman; Saline, Warren Holliman; Scott, Thomas Canthron; Searcy, James J. Barnes; Sebastian, J. R. Smoot, J. Snyder; Sevier, J. Gilcoat, A. Musgrove; St. Francis, R. A. Moore, C. S. Still; Washington, J.



Pearson, W. H. Nott, Y. D. Waddle, William J. Patton; White, John F. Randall; Van Buren, L. M. Harris; Yell, Bert Johnson. Mr. Sams was succeeded as clerk by W. A. Counts. The names of members from Ashley, Chicot, Columbia, Craighead, Desha, Mississippi, Poinsett, Randolph and Union counties do not appear in the journal. The chief work of this legislature in its first session was to provide for the institution of the state government. Later it passed an act ratifying the Thirteenth amendment to the constitution of the United States which prohibited slavery, an act to prevent "bushwhacking," an act to provide for a military organization for public defence, and an act repealing the common school law of 1861.

Robert J. T. White, provisional secretary of state from January 24, to April 19, 1864, filled the office regularly from the latter date until January 6, 1873. J. R. Berry was state auditor April 18, 1864, to October 15, 1866; W. R. Miller, October 15, 1866, to July 2, 1868. E. D. Ayers was state treasurer April 18, 1864, to October 15, 1866; L. B. Cunningham, October 15, 1866, to August 19, 1867, when, under military authority, he was superseded by Henry Page. R. S. Cantt was attorney general until January 31, 1865; R. H. Deadman from that date until July 21, 1868. David Walker became chief justice of the supreme court in 1866. J. J. Clendenin became an associate justice in 1866 and in 1868 was ousted by Gen. C. H. Smith, military commander of the sub-district of Arkansas under reconstruction acts. In 1868, T. M. Bowen and L. Gregg became associate justices under the constitution of that year. L. Gregg succeeded U. M. Rose as chancellor of the Pulaski chancery court November 12, 1865. The next chancellor, T. D. W. Yonley, assumed the office February 12, 1867. Justice Stephen F. Miller of the Federal court came to the Eastern district as circuit judge in 1865. Judge Henry C. Caldwell of the Eastern district sat in the court of the Western district 1864-71. Charles P. Redmond became district attorney on the Eastern district in 1864; Orville Jennings in 1865; John Whytock in 1866; W. G. Whipple filled the office 1868-73. E. D. Ham became district attorney on the Western district in 1865. Robert J. T. White was clerk of the Federal court at Little Rock in 1864 and 1865; Ralph L. Goodrich later filled the office and was serving in 1873. In the Western district, Alexander McLean was clerk 1851-65; Samuel F. Cooper, 1865-67; James O. Churchill, 1867-75, when Stephen Wheeler succeeded him. The following circuit judges were seated in 1865: James M. Hanks, First judicial district, September 17; W. M. Harrison,



Second circuit, May 17; Thomas Boles, Fourth circuit, August 3; A. B. Williams, Sixth circuit, January 28; J. T. Elliott, Sixth circuit, October 2; Elias Harrell, Eighth circuit, May 8; H. N. Hargrove, Ninth circuit. The following named prosecuting attorneys assumed office in 1865: B. C. Brown, First circuit, January 7; C. C. Godden, Second circuit, May 17; T. J. Ratcliff, Third circuit, July 8; J. E. Cravens, Fourth circuit, January 7; John Whytock, Fifth circuit, December 19; Robert Carrigan, Sixth circuit, September 13; W. S. Padgett, Seventh circuit, August 29; C. G. Ragan, Eighth circuit, January 7; N. W. Patterson, Eighth circuit, October 25; A. T. Craycraft, Ninth circuit, January 7. L. L. Mack became judge of the Third circuit, March 15, 1866; J. T. Rearden, of the Sixth circuit, September 15, 1866; R. H. Powell, of the Seventh circuit, May 11, 1866. On the 15th of October, 1866, P. O. Thweatt became prosecuting attorney on the First circuit, W. F. Slemmons on the Second circuit, M. D. Baber on the Third circuit, Squire Boon on the Fourth circuit, R. H. Deadman on the Fifth circuit, J. F. Ritchie on the Sixth circuit, V. R. Cody on the Seventh circuit, T. N. Gunter on the Eighth circuit, B. C. Parker on the Ninth circuit. February 19, 1866, E. J. Searle became prosecuting attorney on the Ninth circuit. William Story became judge of the Eighth circuit, March 27, 1867, E. J. Searle became judge of the Ninth circuit, February 25, 1867. N. J. Temple became prosecuting attorney on the Ninth circuit January 20, 1867. T. B. Gibson became prosecuting attorney on the Sixth circuit, January 11, 1868. William N. May became judge of the Fourth circuit, April 24, 1868. The (Murphy) legislature of 1864 elected Elisha Baxter, W. M. Fishback and W. D. Snow to the senate, but neither of them was admitted.

Meanwhile, in the part of the state held by the Confederates, a state government existed with Gov. Harris Flanagin at its head—a government owing allegiance to the government at Richmond. The session of the legislature known as the Confederate legislature was held at Washington, September 22, to October 2, 1864. Senate: President—Thomas Fletcher (of Arkansas); secretary—S. H. Bayless; Benton county, J. Dunagin; Bradley and Dallas, J. R. Hampton; Calhoun and Ouachita, E. H. Whitfield; Carroll and Newton, Bradley Bunch; Chicot, Drew and Ashley, J. Belser; Clark, Pike and Polk, I. W. Smith; Crawford and Franklin, H. F. Carter; Hempstead, Lafayette and Sevier, A. B. Williams; Hot Spring, Montgomery and Saline, F. Leech; Independence, J. S. Trimble; Izard and Van Buren, A. Adams; Jefferson, Arkansas and Desha, T. Fletcher; Johnson and Pope, Ben T. Embry;



Prairie and Pulaski, James Stillwell; Union and Columbia, I. C. Wallace; Yell, Perry and Conway, W. C. Hunt; Greene, Randolph, Craighead, Lawrence, Fulton, Marion, Searcy, Mississippi, Crittenden, Phillips, Monroe, Poinsett, St. Francis, Sebastian, Scott, Washington, White and Jackson counties do not appear to have been represented. House of representatives: Speaker—J. F. Lowry; clerk—E. Burgevin; Ashley county, Robert Tucker; Benton, W. B. Fain; Bradley, J. R. Collins; Calhoun, B. T. Teague; Chicot, J. F. Lory; Clark, S. M. Scott; Columbia, C. A. Gantt, T. A. Goodwin; Craighead, Z. Stoddard; Crawford, R. C. Oliver; Dallas, E. M. Harris; Desha, Alexander Harding; Drew, Benjamin Collins, E. H. Haynes; Franklin, A. L. Berry; Greene, Samuel Wilcoxon; Hempstead, J. B. Robbins, M. V. Cheatham; Hot Spring, E. C. Jones; Jefferson, W. Williams, W. H. Connelly; Johnson, W. H. Connelly; Lafayette, Alexander Byrne; Montgomery, C. C. Hurt; Onachita, H. N. Furr; Perry, William Wilson; Pike, W. B. Gould; Polk, J. W. Miller; Pope, John McFadden; Prairie, B. M. Barnes; Pulaski, Thomas Fletcher; Scott, L. Leming; Sebastian, John Carnall, C. B. Neal; Sevier, A. D. Hawkins, H. K. Brown; St. Francis, E. Maloney; Union, Robert Goodwin, Lewis Murphy; Washington, E. H. Phillips, R. C. Byrd; Yell, William Sissell. The senate and house journals of this session do not give the counties of senators and representatives save in a few instances, and it may be that some of the members are assigned to wrong counties. Arkansas, Carroll, Conway, Crittenden, Fulton, Independence, Izard, Jackson, Lawrence, Madison, Marion, Mississippi, Monroe, Newton, Phillips, Poinsett, Randolph, Saline, Searcy, Van Buren and White counties do not appear to have been represented in the house. On May 10, 1861, R. W. Johnson, A. H. Garland, H. F. Thomasson, Albert Rust and W. W. Watkins were elected delegates to the provisional Confederate congress at Montgomery, Ala. At the general election of 1862 the following persons were chosen representatives to the Confederate congress at Richmond: Thomas B. Hanley, First district; G. D. Royston, Second district; A. H. Garland, Third district; F. I. Batson, Fourth district. At the general election of 1864 the following persons were chosen representatives to the Confederate congress at Richmond: Thomas B. Hanley, First district; R. K. Garland, Second district; A. H. Garland, Third district (resigned), D. W. Carroll, vice A. H. Garland; F. I. Batson, Fourth district. Mr. Garland became senator and D. W. Carroll succeeded him in the house.



## CHAPTER V

## Arkansas After the War, 1864-80

THE restoration of peace brought Arkansas face to face with difficulties new, peculiar and distressing. But "when the last echo of hostile cannon died away over her blasted fields and left silence brooding in the midst of desolation, she did not sit down in idle grief, like Rachel, weeping for her children, but like David, when his son was dead, she restrained her unavailing tears and re-entered nobly upon her duties." There was bitterness of spirit, and Union sympathizers blamed their neighbors who were Confederate sympathizers and Confederate sympathizers blamed their neighbors who were Union sympathizers for their mutual misfortunes and the untoward future that menaced all alike. But the men who had made Arkansas what it was before the war had demonstrated their willingness to die for her. They would repair the ravages of war. They would plant new industries. They would bring Arkansas out of the darkness of rapine into the light of peace. Now it was a ruin and a place of death. They would make it a garden, a mart, a field of industry, a place of peace, of hope and of prosperity. But before all that could be brought to be there would be dark days. The wise ones knew that. Poverty and devastation were not the only troubles. The most serious and the most discouraging ones arose from the attitude and action of the authorities in power. Proceedings were instituted in the Federal court, to confiscate the property of prominent men who had espoused the Confederate cause. Nearly 250 well known citizens were indicted for treason; some of them were temporarily imprisoned, some were released only under excessive bail; none was formally prosecuted, and many were pardoned by



President Lincoln. The "test oath," a declaration that the man subscribing to it never had aided or abetted the Confederacy or been disloyal to the United States government, practically disbarred nearly every lawyer in the state until it was declared unconstitutional by the United States supreme court. The death of President Lincoln was a blow to the South. President Johnson's attitude toward the conquered states, at first unfriendly, later became favorable, and he proclaimed pardon and amnesty to all persons lately in rebellion and sought to pave the way for an easy return of the prodigal states to the old family circle. Thus he aroused the opposition of an extremist faction which became known as the radical wing of the Republican party, and in the thirty-ninth congress his policy was assailed and an almost successful attempt was made to convict him upon impeachment. An act proposing the Fourteenth amendment to the Federal constitution and the reconstruction act, entitled "An Act for the more efficient Government of the Rebel States," were passed. The first provided that no person should be a senator or representative in congress or elector of president and vice-president, or hold any office civil or military, under the United States or under any state, who, having previously taken the oath as a member of congress, as an officer of the United States, as a member of any state legislature or as an executive or judicial officer of any state, to support the Federal constitution, should have engaged in rebellion against the United States government or given aid and comfort to its enemies—and the act further provided that congress might, by a two-thirds vote of each house, remove such disability. The second declared that no legal state governments or adequate protection for life or property existed in "the rebel states" of Virginia, North Carolina, South Carolina, Georgia, Mississippi, Alabama, Louisiana, Florida, Texas and Arkansas, and that it was necessary that "peace and good order should be enforced" in those states until "loyal and republican state governments" could be legally established. Congress passed this act over President Johnson's veto. Under its provisions five military districts were set up in the South, each under a military commander. Arkansas and Mississippi, comprising the Fourth district, were placed under the command of Gen. E. O. C. Ord, and the sub-district of Arkansas under that of Gen. A. C. Gillem. Neither Arkansas nor any other Southern state had had a vote in the passage of this act, and for four years Arkansas had had a state government every executive member of which was a Republican.

The sixteenth legislature was held at Little Rock, November



5, 1866, to March 23, 1867. Senate: President—Lieut.-Gov. Andrew Hunter; secretary—W. C. Thomas. House of representatives: Speaker—Bradley Bunch; clerk—John King. This legislature, largely Democratic, and the otherwise Republican state government headed by Governor Murphy inevitably clashed, and it passed several acts over the governor's veto, notably one declining to accede to the Fourteenth amendment of the constitution of the United States, as proposed by congress, and another authorizing the state treasurer to reserve annually ten per cent of the state revenue not exceeding thirty-five thousand dollars for the support of wounded and disabled soldiers and indigent widows and children of deceased soldiers and for the purchase of artificial limbs for maimed soldiers, provided that all beneficiaries of the act should be men or members of the families of men disabled in the late war and not already provided for, by pension, bounty or otherwise, by the United States government. Acts were passed creating Little River county; locating at Arkadelphia the Arkansas Institute for the Blind which had been incorporated in 1859; providing for additional buildings in connection with the state penitentiary; offering the credit of the state in aid of railroad construction; annulling obligation to pay interest on purchases of internal improvement, saline and seminary lands between May 6, 1861, and May 6, 1865, and assenting to the donation to Arkansas by the general government of lands to provide a fund for agricultural and mechanical colleges. This legislature made a marked forward movement in the cause of education. It passed an act stipulating that a tax of twenty cents on every one hundred dollars worth of taxable property should be levied to establish and maintain a system of public schools. The second section of the act made this fund sacred—to be used for no other purpose whatever. The fourth section provided for a superintendent of public instruction and defined his duties. The eighth section provided for a school commissioner to be chosen by the electors of each county, who should examine applicants for a position as school teacher and grant to those qualified to teach, certificates of fitness, without which such applicants could not be legally employed to teach. Before that time a license as teacher had not been essential, and no one had been authorized to examine applicants or grant certificates. The congressional township was made the unit of the school district, the act setting forth that in the event of the trustees failing to have a school taught in the district at least three months in the year the districts should thereby forfeit its portion of the school revenue. It should be borne in mind that these wise



and liberal arrangements were made by a people bankrupt by war and suffering the hard trials of reconstruction. John T. Jones and the Rev. Andrew Hunter were elected senators by this legislature. Mr. Hunter declined the office and A. H. Garland was elected in his stead. Jones and Garland were denied admission to the senate.

The Confederates were disposed to favor the constitution which had been adopted by Federal sympathizers in their absence, and which was then in full force in the state. All state officers were under control of the Unionists. In 1867, General Ord caused a registration of the voters to be made throughout the state. Many Democrats were not permitted to register and many who might have registered declined to do so. In November, an election of delegates to the state constitutional convention of 1868 was held under military authority and supervision. Many registered voters did not vote. Most of the delegates chosen were Republicans. The convention was held at Little Rock, January 7, to February 18, 1868. Thomas M. Bowen was president and John G. Price was secretary. The other members were: Arkansas county, John McClure, J. H. Hutchinson; Ashley, W. D. Moore, G. W. Norman; Benton, W. W. Reynolds; Bradley, John M. Bradley; Calhoun, William G. Hollis; Chicot, James W. Mason; Clark, S. Exon, M. L. Langley; Carroll, Joseph Wright; Columbia, William A. Beasley, G. W. McCown; Conway, Anthony Hinkle; Craighead and Mississippi, F. R. Poole; Crawford, Thomas M. Bowen; Crittenden, Asa Hodges; Cross and Poinsett, J. A. Houghton; Dallas, Gale H. Kyle; Desha, Clifford Stanley Sims; Drew, R. G. Putney, S. J. Matthews; Franklin, Robert Hatfield; Fulton and Searcy, William A. Wyatt; Greene, Hampton T. Allen (never present); Hempstead, J. R. Montgomery, S. D. Belden, Richard Samuels; Hot Spring, John W. Harrison; Independence, Peter G. Misner, George W. Dale; Izard, W. W. Adams (present one day); Jackson, W. H. Pickett (never present); Jefferson, S. W. Mallory, O. P. Snyder, James M. Gray, William Murphy; Johnson, James Newton Sarber; Lafayette, Alfred M. Merrick, Monroe Hawkins; Lawrence, Bouldin Duvall; Little River, George S. Scott; Madison, F. M. Sams; Marion and Newton, A. P. Williams; Monroe, A. H. Evans; Montgomery and Perry, J. C. Priddy; Ouachita, James P. Portis, Nathan N. Rawlings; Phillips, Joseph Brooks, Thomas Smjltli, William H. Gray, James T. White; Pike and Polk, Elijah Kelley (never present); Pope, Walter W. Brashear; Prairie, Robert S. Gantt, William F. Hicks; Pulaski, James L. Hodges, James Hinds,



Henry Rector, Thomas P. Johnson; Randolph, Ham W. Ratcliffe (present one day); Saline, James H. Shoppack; Scott, Charles H. Oliver; Sebastian, Moses Bell; Sevier, Joseph H. Corbell; St. Francis, Daniel Coates; Union, R. C. Van Hook, I. L. Wilson; Van Buren, Jesse Millsap; Washington, Charles W. Walker, James M. Hodge; White, Jesse M. Cypert, Thomas Owen; Woodruff, W. H. Gray (never present); Yell and Franklin, Monroe Rounsaville. This convention made sweeping changes in fundamental laws of the state. The most important were the disfranchisement of a large majority of the white voters, the enfranchisement of the negroes, and provision for a complex and plastic system of registration. This movement and its severe character throughout were a part of the reconstruction measures emanating from congress. Many of the intelligent tax payers of the state were indiscriminately excluded from the polls, and new voters and new men came to the front with grievances to be avenged and ambitions to be gratified. The unusual experiment of the reversal of the civic conditions of ex-slaves and their former masters was boldly undertaken. Impetuous men now prevailed in the name of patriotism. The fateful reflex swing of the pendulum of events had been made—the anticlimax to the constitutional convention of 1861 was this convention of reconstruction.

The constitution of 1868 contained many excellent features which might have won the approbation of the people had it been adopted under a different policy. The majority looked upon it, however, as an instrument set up by force to punish them for their attempted secession. But there was in the situation somewhat of encouragement. Governor Murphy, who had found the state treasury without a dollar, had not only paid the state's way but had accumulated in the treasury about two hundred and four thousand dollars and was able to hand his successor about sixty-five thousand dollars, as a contribution to the school fund, and United States bonds to the value of fifty thousand dollars. The state debt amounted to three million one hundred and sixty-three thousand dollars, but it consisted of the bonds which in 1836 had been loaned to the State Bank and the Real Estate Bank and the fruitage of interest which they had borne. The new constitution had created some wise amendments to the previous laws. It had made schools free to every child in the state and school revenues had been increased. In addition to that of state superintendent, the office of circuit superintendent was created and also a state board of education. Besides, the new constitution opened the way to needed internal improvements. It was adopted and sus-



tained and Arkansas was readmitted to representation in congress by an act passed May 13, 1868, over the veto of President Johnson. Powell Clayton, Republican, was elected governor March 13, 1868, and inaugurated July 2, that year. Ozro A. Hadley became acting governor January 17, 1871, and served nearly two years.

Powell Clayton, ninth governor of the state of Arkansas, was born in Delaware county, Pa., August 7, 1833, and was about thirty-five years old at the time of his election. In 1855 he went to Kansas and became a civil engineer at Leavenworth. He was a captain in the First Kansas cavalry at the beginning of the Civil war, and afterward lieutenant-colonel, then colonel, of the Fifth Kansas cavalry. He served under General Curtis at Helena and under General Steele at the capture of Little Rock, and as commander at Pine Bluff defended that place against the attack of the Confederate forces under General Marmaduke. He was afterward promoted to brigadier-general for gallantry at Pine Bluff and at Mount Elba. After the war, he remained a citizen of Arkansas, and was governor 1868-71, when he was elected United States senator and served until 1877, since when he has lived at Eureka Springs, Carroll county. In 1897 he was appointed ambassador to Mexico. From the beginning of the history of the Republican party in Arkansas until to-day he has been its most influential leader.

Robert J. T. White was secretary of state during Governor Clayton's administration. W. R. Miller was succeeded as state auditor July 2, 1868, by J. R. Berry, who filled the office until January 6, 1873. Henry Page, who had held the office by military appointment, was elected state treasurer in 1868 and served until May 24, 1874, when he resigned. J. R. Montgomery was attorney-general July 21, 1868, to January 8, 1873. J. M. Lewis was commissioner of immigration and state lands July 2, 1868 to October 15, 1872. Thomas Smith was superintendent of public instruction 1868-73. New associate justices of the supreme court in 1868, under the constitution of that year, were, T. M. Bowen and L. Gregg. J. E. Bennett became an associate justice in 1871; M. L. Stephenson and E. J. Searle became associate justices in 1872. In 1871 Chief Justice Walker was ousted by Gen. C. H. Smith, military commander of the sub-district of Arkansas, under reconstruction acts, and was succeeded by John McClure. William Story became justice of the Western Arkansas district of the Federal court in 1871. J. H. Huckleberry became



district attorney, Eastern district, 1869; Newton J. Temple became district attorney, Western district, 1872.

July 23, 1868, John E. Bennett became judge of the First judicial district of Arkansas; William Story, judge of the Second circuit; Elisha Baxter, judge of the Third circuit; M. L. Stephenson, judge of the Fourth circuit; E. D. Ham, judge of the Fifth circuit; William N. May, judge of the Sixth circuit; John Whytock, judge of the Seventh circuit; E. J. Searle, judge of the Eighth circuit; G. W. McCowan, judge of the Ninth circuit; H. P. Morse, judge of the Tenth circuit. December 12, 1868, J. F. Lowery became judge of the Second circuit. D. D. Leach became prosecuting attorney on the Second circuit, December 10, 1868; W. A. Innan became prosecuting attorney on the Third circuit, December 8, 1868; Elias Harrell became prosecuting attorney on the Fourth circuit, August 11, 1868; N. J. Temple became prosecuting attorney on the Fifth circuit, August 15, 1868; E. W. Gantt became prosecuting attorney on the Seventh circuit, July 31, 1868; J. R. Pratt became prosecuting attorney on the Eighth circuit, July 23, 1868; J. R. Page became prosecuting attorney on the Ninth circuit, January 9, 1869 and J. McL. Barton prosecuting attorney on the Tenth circuit, March 29, 1869. C. C. Waters became judge of the First circuit, February 23, 1871, and was succeeded by M. L. Stephenson, March 24, 1871. W. C. Hazeldine became judge of the Second circuit, April 14, 1871. C. B. Fitzpatrick became prosecuting attorney on the First circuit, March 16, 1871, and one week later assumed the responsibilities of the judgeship of the Fourth circuit. W. H. H. Clayton succeeded Judge Fitzpatrick as prosecuting attorney on the First circuit, March 23, 1871. Charles C. Reid, Jr., became prosecuting attorney on the Sixth circuit, April 30, 1871. George A. Kingston became prosecuting attorney on the Eighth circuit, July 26, 1871. H. King White became prosecuting attorney on the Tenth circuit, April 20, 1871. J. H. Huckleberry became judge of the Fourth circuit, April 10, 1872. Arch Young became prosecuting attorney on the Fifth circuit, August 24, 1872. Logan H. Roots and James Hinds were elected to congress to serve 1867-69. Mr. Hinds died and was succeeded by James T. Elliott. In 1868 the congressional candidates were Logan H. Roots (Republican), Charles S. Cameron (Democrat), First district; A. A. C. Rogers (Republican), James T. Elliott (Democrat), Second district; Thomas Boles (Republican), L. B. Nash (Democrat), Third district. December 5, Governor Clayton proclaimed Messrs. Roots, Rogers and Boles elected. The legislature elected Alexander McDonald and



Benjamin F. Rice to the United States senate. Arkansas had not been represented in the Federal congress since 1861.

The seventeenth legislature was held April 2, to July 23, 1868, and from November 17, 1868, to April 10, 1869. Senate: President—Lieut.-Gov. J. M. Johnson; secretary—I. W. Carhart. House of representatives: Speaker—John G. Price; clerk—F. E. Wright. This first legislature under the constitution of 1868 passed most liberal laws to aid railroads and other internal improvements and provided a system of internal revenue laws to meet the new order of affairs. During 1869–71 railroad aid and levee bonds to the amount of ten million four hundred and nineteen thousand seven hundred and seventy-three dollars and seventy-four cents were issued. This legislature adopted the fourteenth amendment to the Federal constitution according civil rights to negroes; extended the provisions of the public school law to the colored population of the state; established the Arkansas Industrial University and the Arkansas Deaf Mute Institute; removed the School for the Blind from Arkadelphia to Little Rock; repealed the amnesty act; provided for a revision of the registration act, and enacted a law for the registration of voters.

July 21, 1868, Governor Clayton divided the state into ten military districts with a mustering and inspecting officer in each district. These officers were relieved on September 30, at which time thirty-seven companies had been organized with an aggregate number of 1,600 men and all had been placed under the command of Gens. Robert F. Catterson, Daniel P. Upham, Thomas J. Hunt, and Col. Samuel Mallory. November 7, the ten districts were abolished and four districts were substituted. The registration of voters had gone on peaceably in all counties of the state and had been completed. Registration was set aside, October 6, in Ashley, Bradley, Columbia, Mississippi, Lafayette, Greene, Sharp, Craighead, Woodruff, Hot Spring and Sevier counties, and November 1, in Randolph county, thus disfranchising 1,400 registered voters. The vote, as counted, stood as follows: Grant (Republican), 22,112; Seymour (Democrat), 19,078; total 41,190; and the electoral vote was cast for Grant and Colfax, for president and vice-president respectively. November 4, the day after the election, the governor declared martial law in Ashley, Columbia, Bradley, Mississippi, Lafayette, Craighead, Woodruff, Little River, Greene and Sevier counties. According to his proclamation, life and property were insecure in these counties and civil officers were impotent to maintain a semblance of peace; according to the statement of leading men in the counties such a



condition did not exist. Lists of "suspected bad characters," containing the names of many good and law abiding citizens of the state, were sent from the governor's headquarters to the military commanders, with instructions to arrest the men named therein and deal summarily with them. Collisions of citizens with the militia occurred and many lives were sacrificed. The conduct of the militia was harassing and in many cases it was beyond their authority. The last of the militia disbanded in 1869, and the legislature passed a law absolving them from legal accountability for any acts done in service. This militia war was looked upon by good citizens as a blot on the fair repute of Arkansas, and it was not calculated to popularize the new constitution. When the troops were mustered out, the adjutant general reported that the force employed consisted of 214 commissioned officers, 674 non-commissioned officers and 4,597 men, an aggregate of 5,485. On the other side, there was an unorganized body of electors who claimed a right to vote and denied the right of the authorities to disfranchise them, either by refusing them registration or by putting aside the registration after it had been made. The Republican members of the congressional committee to investigate the troubles in the Southern states said of the registration law of 1868: "This law seems to vest large discretion in the registrars and thereby opens the door to abuse. The voter is at the mercy of the board without remedy." The Democratic members of the committee, Messrs. Blair, Robinson, Waddell, Beck, Van Trump, Cox, Bayard and Hanks, declared that five of the Southern states (naming Arkansas as one) were free from even the suspicion of lawlessness on the part of their people, "whatever might be the fact as to their rulers." During this period, occurred the war-like "Affair of the Hesper," so known in history. In October, 1868, Governor Clayton sent north and bought 4,000 muskets. At Memphis they were reshipped for Little Rock on the steamer "Hesper." This boat was boarded by a party of masked men, from the pursuing steamer "Nettie Jones," about twenty miles below Memphis, and the gun boxes were broken open and the guns were thrown into the Mississippi. This party was recruited in Memphis by an Arkansan. Sharp county was created by the legislature July 18, 1868, Grant county, February 4, 1869, and Boone county, April 9, 1869. These were the sixty-first, sixty-second and sixty-third counties in the state in the order of their erection.

In 1869-70 the old bonds of the state issued to the State and Real Estate Banks were taken up and new ones issued for the



amount of the principal and interest to date. The amount so refunded was about two million five hundred twenty thousand dollars. The Holford bonds were also refunded at their full face value, making an additional indebtedness of one million seven hundred eighty-seven thousand one hundred and twenty-nine dollars. To pay the expenses of the militia seventy-five thousand dollars was appropriated. In 1869-70 aid was extended to the Memphis & Little Rock Railway Company, the Arkansas Central Railway Company, the Little Rock, Pine Bluff & New Orleans Railway Company, the Little Rock & Fort Smith Railway Company and the Mississippi, Ouachita & Red River Railway Company, to assist them to build and equip their several lines, the total amount of bonds issued for this purpose being five million three hundred fifty thousand dollars, and bonds to the amount of one million nine hundred eighty-six thousand seven hundred and seventy-three dollars were issued to levee boards to build levees along the navigable streams at points of overflow. Thus the debt of the state was raised to eleven million six hundred forty-three thousand dollars.

The policy of the governor did not have the approval of all the leading Republicans of the state. A large number of this party opposed his administration and a coalition with other political elements was made to defeat him. Governor Clayton then, in a public speech, declared himself in favor of removing all political disabilities growing out of the war. His followers were known as "Minstrels;" his Republican opponents were dubbed "Brindles." Each party looked to the Democrats for assistance, and for a year factional warfare made regular political affiliation insecure throughout the state. In the fall of 1870, O. P. Snyder was elected from the First, John Edwards from the Second and James M. Hanks from the Third district to represent the state in the forty-second congress of 1871-73. Thomas Boles successfully contested the election of Mr. Edwards. According to the census of 1870, there were in the state 484,471 white and 362,115 colored persons, an increase in total population of 49,021 since 1860.

The eighteenth legislature was held from January 2, to March 25, 1871. Senate: President—Lieut. Gov. J. M. Johnson; secretary—R. L. Archer. House of representatives: Speaker—C. W. Tankersley; clerk—J. R. Richards. An important duty of this legislature was to elect a successor to U. S. Sen. Alexander McDonald, whose term would end March 4, that year. The Republicans, comprising the majority in the body, favored the



election of Governor Clayton to that office. Lieutenant-Governor Johnson had developed an opposition to the policy of his superior, and it was not deemed politic to advance him to the head of the state government. Mr. Johnson had declined to resign his office, an attempt to oust him by *quo warranto* proceedings came to nothing, and a proposition to impeach him was defeated in the house. So long as Mr. Johnson's succession was possible, Governor Clayton declined to consider the senatorship. At length an arrangement was made by which, March 14, Mr. Johnson resigned the lieutenant-governorship and succeeded Robert J. T. White as secretary of state and Sen. Ozro A. Hadley, of Pulaski county, was elected president of the senate. On the same day, Governor Clayton resigned and Mr. Hadley became acting governor. Mr. Hadley was born in Chatauqua county, N. Y., June 30, 1826, and was a farmer in Minnesota 1855-59. He became a merchant in Little Rock in 1865. Ten years later, after having been acting governor, he became register of the United States land office at Little Rock. He was postmaster at Little Rock 1878-81, and in 1882 took up his residence in Colorado.

The session of 1871 was one of almost unparalleled bitterness and turmoil. The coalition of a small but able and obstinate Democratic contingent with the Liberal Republican membership, constituted, not a majority, but an opposition with which the Radical Republican forces had seriously to reckon. Threats of impeachment were rife. The seats of one senator and several members of the house were contested. Among the noteworthy laws passed by this body were three to create the counties of Sarber (Logan), Nevada and Lincoln; one to bond the state for the public debt; one to provide for the making of a new digest of the state laws with annotations; one to provide for the collection of the school fund; one to provide for building and repairing public levees; one to provide for the issue of interest bearing certificates on bank note paper; one to establish criminal courts; one to authorize the bonding of counties for the building of jails and courthouses and an act providing an amendment to the constitution, which when adopted, should be substituted for one which provided for an extensive disfranchisement of citizens. The governor, in furtherance of his conciliatory policy, had recommended to the legislature that the disabilities of Confederates be removed. During this year, the public peace was assailed by the "Pope county war," and by the rioting of two mobs of armed and menacing negroes at and near Osceola, Mississippi county. One of those mobs was dispersed by the persuasiveness of the Hon. H. M.



McVeigh, the other by the armed opposition of a party of white men under the leadership of Capt. Charles Bowen. The trouble in Pope county appears to have grown out of a combination of personal animosities with political differences and resulted in the killing of several people. It was investigated by the legislature and threatened with suppression by martial law, but seems to have spent its fury and come to an inevitable end.

In 1871-72 the St. Louis, Iron Mountain & Southern Railroad was finished from the Missouri line to Little Rock. This road was chartered in 1854, as has been stated, under the name of the Cairo & Fulton Railroad. In 1873-74 it was extended to Texarkana. Late in 1871 the buildings of the Arkansas Industrial University were completed and on January 22, 1872, the university opened its doors to students. Prof. N. P. Gates, the first president, was assisted by a faculty of eight professors. The number of students the first year was about one hundred. This was the promise, if not the immediate fulfillment, of one of Arkansas' most important state institutions.

In 1872, the regular Republican party nominated Elisha Baxter for governor and the Reform Republicans nominated Joseph Brooks. The Democrats had no candidate. The contest resulted in Mr. Baxter's favor. Mr. Brooks contested the election before the legislature, but it declared for Mr. Baxter, and he was inaugurated January 6, 1873. Governor Baxter received a majority of 29,048 in a total vote of 80,721. In the presidential election that year, Arkansas gave Grant (Republican), 41,377 votes; Greeley (Union), 37,927; total, 79,304.

Elisha Baxter, tenth governor of the state of Arkansas, was born September 1, 1827, in Ruthertford county, N. C., and was about forty-five years old when he was called to this high office. He had lived in Arkansas since 1852. For a time he had been a merchant at Batesville and later he had worked as a printer in the office of the *Independent Balance*, a newspaper then issued at Batesville, and studied law. He gradually acquired a law practice and was twice elected a member of the legislature. As a Union man, he opposed the war but at first maintained a discreet neutrality and took no part in it. Annoyances to which he was subjected caused him to go to Missouri for safety. There he was captured by Confederates and was paroled by Colonel Newton and ordered by him to report to General Holmes at Little Rock, where, by Confederate authority, he was arrested and imprisoned. Being threatened with indictment for treason, he escaped and went to Jacksonport, where he recruited a Union



regiment of which he was elected colonel. On the establishment of the Murphy government, 1864, he was elected a judge of the supreme court. In 1868 he became a registrar in bankruptcy and later that year was appointed judge of the Fourth judicial circuit. The latter office he resigned to become governor. He had filled all these offices faithfully and efficiently.

J. M. Johnson, who had succeeded Robert J. T. White as secretary of state, March 14, 1871, served in that office until November 12, 1874. Stephen Wheeler succeeded J. R. Berry as state auditor, January 6, 1873, and filled the office until November 12, 1874. Henry Page was state treasurer through Governor Baxter's administration. T. D. W. Yonley succeeded J. R. Montgomery as attorney-general January 8, 1873, and served until May 22, 1874. W. H. Grey became commissioner of immigration and state lands October 15, 1872, and officiated in that capacity until June 5, 1874. J. C. Corbin succeeded Thomas Smith as superintendent of public instruction July 6, 1873, and filled the office until December 18, 1875. S. R. Harrington was Federal district attorney, Eastern district, 1873-77; W. H. H. Clayton, Western district, 1874-89. John McClure, chief justice of the supreme court, was removed from office in 1874 and was succeeded by E. H. English, who died in 1884. David Walker and W. M. Harrison were elected and J. T. Bearden was appointed associate justice in 1874. W. I. Warwick became judge of the Pulaski chancery court, April 28, 1873; J. R. Eakin succeeded Judge Warwick November 6, 1874.

T. G. T. Steele became judge of the Eighth judicial district of the state of Arkansas February 23, 1873. W. H. H. Clayton became judge of the First circuit and James W. Butler judge of the Third circuit, March 10, 1873, and April 26, 1873, J. T. Elliott became judge of the Ninth circuit; J. W. Fox, judge of the Eleventh circuit; P. C. Dooley, judge of the Twelfth circuit; M. D. Kent, judge of the Thirteenth circuit; George A. Kingston, judge of the Fourteenth circuit; J. D. Belden, judge of the Fifteenth circuit; Elisha Mears, judge of the Sixteenth circuit. On the same day, S. W. Peel became prosecuting attorney on the Fourth circuit; J. H. Howard, on the Eighth circuit; J. M. Bradley, on the Ninth circuit; H. M. McVeigh, on the Eleventh circuit; D. D. Leach, on the Twelfth circuit; W. C. Langford, on the Thirteenth circuit; Duane Thompson, on the Fourteenth circuit, and G. G. Latta, on the Fifteenth circuit. April 23, 1873, Thomas Barnes became prosecuting attorney on the Fifth circuit and served until October 31, 1873, when he gave place to J. P. Byers.



Eugene Stephenson became prosecuting attorney on the First circuit, April 23, 1873. M. McGehee became prosecuting attorney on the Tenth circuit, April 29, 1873; J. M. Harrell on the Seventh circuit, May 5, 1873; R. H. Black on the Second circuit, May 6, 1873, and H. R. Withers on the Sixteenth circuit, September 27, 1873. In 1874, J. N. Cypert became judge of the First circuit, October 30; W. F. Henderson, judge of the Second circuit, April 26; L. L. Mack (succeeding Henderson), judge of the Second circuit, October 31; William Beyers, judge of the Third Circuit, October 31; J. M. Pittman, judge of the Fourth circuit; October 31; L. J. Joyner, judge of the Eighth circuit, October 31; J. K. Yonge, judge of the Ninth circuit, October 31; Benton J. Brown became judge of the Fifth circuit, September 30, 1874, and was succeeded by W. W. Mansfield, October 31 following. J. J. Clendenin became judge of the Seventh circuit, May 29, 1874, and was transferred October 31, 1874, to the Sixth circuit, and was succeeded on the Seventh circuit by Jabez M. Smith. D. W. Carroll became judge of the Tenth circuit, October 28, 1874, and gave place October 31, 1874, to T. F. Sorrells. H. N. Hutton became judge of the Eleventh circuit, July 24, 1874, and was succeeded October 31, 1874, by John A. Williams. October 31, 1874, C. A. Otey became prosecuting attorney on the First circuit; J. L. Abernathy, on the Third circuit; J. W. Martin, on the Sixth circuit; M. J. Henderson, on the Seventh circuit; Dan W. Jones, on the Ninth circuit; J. C. Barrow, on the Tenth circuit; Z. I. Wise, on the Eleventh circuit. Y. B. Sheppard became prosecuting attorney on the Sixteenth circuit, April 30, 1874. Duane Thompson became a prosecuting attorney on the Eighth circuit, January 4, 1874. Rufus D. Hearn became a prosecuting attorney on the Eighth circuit, July 6, 1874, and served in the office three successive terms. J. D. McKay became a prosecuting attorney on this circuit, October 31, 1874.

The following named members of the forty-third congress, 1873-75, were seated: Asa Hodges, First district; O. P. Snyder, Second district; Thomas M. Gunter, Third district, and William J. Hinds, congressman at large. There were contests for all the seats thus occupied. Governor Baxter had been the nominee of his party on the same ticket with Grant. Brooks had been nominated on a mixed ticket, made up by disaffected Republicans, but on a platform liberal toward the Democrats. In the canvass Judge Baxter had promised to administer the government impartially, as the governor of the whole state, and not of one party only, and that he would do all within his power to have the dis-



franchising features of the state constitution abolished. On the face of the first returns the Greeley electors and the Brooks ticket were in the majority, but when the votes were finally canvassed, such changes were made from illegal voting or bulldozing, it was claimed, as to elect the Grant and Baxter tickets. Under the constitution of 1868, the legislature was declared the sole judge of the election of state officers. The nineteenth legislature was held from January 6, to April 25, 1873. Senate: President—Lieut.-Gov. Volney V. Smith; secretary—W. W. Orrick. House of representatives: Speaker—C. W. Tankersley; clerk—Henry M. Cooper. Brooks took his case before this body and it was decided against him and the supreme court affirmed the decision. Baxter had peacefully administered the office more than a year, when Brooks went before Judge Whytock, of the Pulaski circuit court, and instituted *quo warranto* proceedings against Baxter. The governor's attorneys filed a demurrer, and the case stood over. April 15, 1874, Judge Whytock, in the absence of Baxter's attorneys, overruled the demurrer, giving judgment of ouster against Baxter; and Brooks, with an officer, hastened to the state-house, demanded the surrender of the office and arrested Baxter. Thus a stroke of the pen by a mere circuit judge plunged the state into tumult. The politicians who controlled Arkansas, finding that they could not use Baxter for their purposes, or in other words that they had counted in the wrong man, were boldly proceeding to undo their own acts, dethrone Baxter and put Brooks in the chair of state. Governor Baxter declared martial law and called out the militia to his support. "Governor" Brooks and his followers were in armed occupation in the statehouse and those who had rallied to the support of Baxter were close at hand. Several collisions occurred, with considerable bloodshed and loss of life. If there can be a comedy in a tragedy, it is furnished here in the fact that in the twinkling of an eye the adherents and voters of the two governors had changed places and each was now fighting for the man whom he had opposed so vehemently. And in all these swift changes the supreme court had shown the greatest agility. By some remarkable legerdemain, Brooks, who was intrenching himself, had had his case again placed before the supreme court and that court promptly reversed itself and decided that the circuit court had jurisdiction. In the division of the people the blacks, led by whites, were mostly on one side, while the whites were arrayed on the other. Congress sent the historical Poland committee to investigate Arkansas affairs. President Grant submitted all legal questions to his attorney-general. The president, at



the end of thirty days' forcible possession of the office by Brooks, sustained Baxter. The climax of reconstruction in Arkansas had come. Peace entered as swiftly as had war a few days before. The sincerity and intensity of the people's happiness in this final ending are found in the fact that when law and order were restored no one was impeached, no one was imprisoned for treason.

The legislature of 1873 divided the state into five congressional districts. It provided for the maintenance of a system of free common schools. It created Clay and Baxter counties March 24; Garland, April 5; Faulkner, April 12; Lonoke, April 16; Cleveland, Howard and Lee, April 17, and Stone, April 21. It elected Stephen W. Dorsey, United States senator to succeed Benjamin F. Rice and to serve 1873-79. It submitted to the people the amendment to the constitution proposed by the last legislature, removing disfranchisements, which was voted on March 3 and was declared ratified by gubernatorial proclamation April 19. This amendment left so much power to registrars without appeal that no voter was yet secure in his rights. The fifth digest of the state laws was prepared by Edward W. Gantt and examined by Judge Henry C. Caldwell this year and was published in 1874. The Arkansas State Lunatic Asylum was authorized by the legislature of 1873, when suitable grounds were purchased and improved and buildings were erected.

An extraordinary session of the legislature was convened by Governor Baxter, May 11, to May 28, 1874. Senate: President—Lieut. Gov. Volney V. Smith (not present—J. G. Frierson, temporary president); secretary—W. W. Orrick. House of representatives: Speaker—James H. Berry; clerk—C. C. Reid, Jr. To pay recent expenses of the militia and the legislature, this body authorized the issue of the historic "Baxter War Bonds," of one hundred dollars to five hundred dollars each, to an amount not more than two hundred thousand dollars, bearing interest at ten per cent and payable in ten years, or after five years at the discretion of the state. From a market value of thirty cents on the dollar they came into demand at one hundred and three cents on the dollar and were all paid on or before maturity. The moment that President Grant officially spoke, the reconstruction constitution of 1868 was doomed. A new constitution was proposed; the people demanded it by a vote of 80,259 for it to 8,547 against it.

The constitutional convention of 1874, with the above results fresh in mind, met to formulate a new, more beneficent state constitution. Grandison D. Royston, last surviving member of the constitutional convention of 1836, was president and T. W. New-



ton, secretary. The delegates were: Arkansas county, James A. Gibson; Ashley, Marcus L. Hawkins; Baxter, John W. Cypert; Benton, H. H. Patterson, A. M. Rodgers; Boone, William W. Bailey; Bradley, John R. Hampton; Calhoun, Benjamin W. Johnson; Carroll, Bradley Bunch; Chicot, F. Downs; Clayton (Clay), E. Foster Brown; Clark, Harris Flanagan (died during session), J. A. Ross; Columbia, George P. Snoote, D. L. Kilgore; Conway, William S. Hanna; Craighead, John S. Anderson; Crawford, Hugh F. Thomasson; Crittenden, W. L. Copeland; Cross, J. G. Frierson; Dallas, W. D. Leiper; Desha, Xenophon J. Pindall (resigned), J. P. Jones; Dorsey (Cleveland), John Niven; Drew, James P. Stanley; Faulkner, John Dunaway; Franklin, William W. Mansfield; Fulton, Edwin R. Lucas; Garland, Henry M. Rector; Grant, Davidson, O. D. Cunningham; Greene, Benjamin H. Crowley; Hempstead, Grandison D. Royston, John R. Eakin; Hot Spring, W. C. Kelley; Howard, Jacob Custer; Independence, James W. Butler, J. Rutherford; Izard, Ransom Gulley; Jackson, Franklin Doswell; Jefferson, John A. Williams, W. Murphy, Cyrus Berry; Johnson, Seth J. Howell; Lafayette, Volney V. Smith; Lawrence, Phillip K. Lester; Lee, Monroe Anderson; Lincoln, Reason G. Putney; Little River, James H. Williams; Lonoke, James P. Eagle; Madison, John Carroll; Marion, Roberson J. Pierce; Mississippi, Charles Bowen; Monroe, Simon P. Hughes; Montgomery, Nicholas W. Cable; Nevada, Rufus K. Garland; Newton, George H. S. Dobson; Ouachita, Elijah Mosely, H. G. Bunn; Perry, William H. Blackwell; Phillips, John J. Horner, J. T. White, R. Polk; Pike, Henry W. Carter; Poinsett, Roderick Joyner; Polk, Steven C. Bates; Pope, John R. Homer Scott; Prairie, David F. Reinhardt; Pulaski, James F. Fagan (resigned without taking seat), George N. Perkins, Jesse Butler, Sidney M. Barnes, Dan O'Sullivan (chosen to fill place of James F. Fagan, resigned); Saline, Jabez M. Smith; Sarber (Logan), Ben B. Chism; Scott, J. W. Sorrels; Searcy, William S. Lindsey; Sebastian, R. B. Pulliam, William M. Fishback; Sevier, Burton H. Kinsworthy; Sharp, Lewis Williams; St. Francis, John M. Parrott; Stone, Walter J. Cagle; Union, H. G. P. Williams, Robert Goodwin; Van Buren, Allen R. Witt; Washington, Benjamin F. Walker, M. F. Lake, T. W. Thomasson; White, Jesse N. Cypert, Joseph W. House; Woodruff, William J. Thompson; Yell, Joseph T. Harrison. The session lasted from July 14, to October 31, 1874. The convention framed a new constitution which was submitted to the people October 13, 1874, and was



ratified by a vote of 76,453 as against a dissenting vote of 24,807. Under this fundamental law of the state, which did away with all disfranchisements and registrations, state officers are elected for a term of two years, supreme court judges for eight years. In early territorial days most positions were filled by appointment. Governor Pope greatly enlarged the number of elective officers. The constitution of 1836 enlarged it still more, but left appointive offices still too numerous. The constitution of 1868 reduced the number of elected officers and broadened the appointing power of the governor. Under the present constitution almost every official is elective and the powers of officials are restricted. The people select their school directors, magistrates, constables, municipal officers and county officers and all state officers, legislative, executive and judicial. The taxes that may be levied by the legislature are specified and limited in amount and additional taxes may be imposed only by popular vote. The public schools are supported by a general tax of two mills on all property in the state, and this tax is distributed per capita to all children between specified ages; each district must supplement its fund by taxation of property within its borders on a basis of not to exceed five mills. Thus the people have taken upon themselves the decision of political and economic questions. Of course they have made mistakes, but they have acquired the power to govern themselves wisely, economically and in a patriotic spirit. The state government is managed practically on a cash basis.

At the time of the adoption of the constitution an election for state and county officers was held. The Republicans made no nominations and the entire Democratic ticket, headed by Augustus H. Garland, gubernatorial candidate, was elected, Governor Garland's majority being 76,453. Col. Lucien C. Gause was elected congressman for the First district; W. F. Slemmons for the Second; W. W. Wilshire for the Third and T. M. Gunter for the Fourth, to serve 1875-77. J. M. Johnson was secretary of state until November 12, 1874, and was succeeded by B. B. Beavers who served until January 17, 1879. R. C. Newton was state treasurer May 23, 1874, to November 12, 1874; T. J. Churchill, November 12, 1874, to January 12, 1881. W. R. Miller succeeded Stephen Wheeler as state auditor November 12, 1874, and served until January 11, 1877. J. L. Witherspoon, successor to T. D. W. Yonley, was attorney-general May 22, 1874, to November 12, 1874; S. P. Hughes filled that office November 12, 1874, to 1875. J. N. Smith was commissioner of immigra-



tion and state lands June 5, 1874, to November 18, 1878. G. W. Hill succeeded J. C. Corbin as superintendent of public instruction December 18, 1875, and filled the office until October, 1878.

The Sixteenth judicial district of the state of Arkansas was established in 1875 and re-established in 1891. October 13, 1876, D. D. Leach became prosecuting attorney on the First circuit; J. E. Riddick, on the Second circuit; E. J. Stirman, on the Fourth circuit, and B. W. Johnson, on the Ninth circuit. Isaac C. Parker of the Federal court became judge of the Western district of Arkansas in 1875; Charles C. Waters was district attorney, Eastern district, 1877-85.

Augustus H. Garland, eleventh governor of the state of Arkansas, who was inaugurated November 12, 1874, aged about forty-two years, was born in Tipton county, Tenn., June 11, 1832. In the following year, his parents settled in Hempstead county, Ark., where he was reared to manhood. He read law and in 1853, was admitted to the bar at Washington and practiced his profession there until 1856, when he located at Little Rock. He was a delegate to the state convention of 1861 and was a member of the Confederate congress, first as a representative in the lower house and later as a senator. After the war, he distinguished himself in the practice of law at Little Rock. Two of his most important achievements as a lawyer were in the case of *ex-parte* Garland, in United States supreme court on the constitutionality of the test oath for lawyers, and in the case of Osborne vs. Nicholson, in the same court, in which was established the validity of contracts for slaves. He was governor for two years, 1874-76, and in January, 1877, was elected United States senator to succeed Powell Clayton and in 1882 he was again elected for six years to March, 1889; but when Grover Cleveland became president, Mr. Garland, as attorney general of the United States, became a member of his cabinet and was the first citizen of Arkansas to hold a cabinet position. James H. Berry filled out Mr. Garland's unexpired term in the senate from 1885 to 1889. Soon after Governor Garland's inauguration, Volney V. Smith, who had been lieutenant-governor under Baxter, attempted to usurp his authority by declaring himself the rightful successor of Baxter, on the absurd theory that the new constitution and all acts under it were null and void. The governor ordered his arrest, but he left the state and soon went abroad under a consular appointment by General Grant. Governor Garland found an empty state treasury and a large public indebtedness. A loan of two hundred thousand dollars, which was made at the time from sheer necessity, was paid in 1876.



After some preliminary troubles, Garland's administration was peaceful and successful, internal improvements were made, there was a revival of immigration, and the state began to prosper. But state affairs had not always been managed so wisely. A debt had accumulated and was still accumulating that would have to be disposed of sometime. The twentieth legislature was held November 10, 1874, to March 5, 1875, and from November 1, to December 10, 1875. Senate: President—Bradley Bunch; secretary—Thomas W. Newton. House of representatives: Speaker—A. A. Pennington; clerk—J. W. Gaudling. It adopted a joint resolution of thanks to ex-Governor Baxter for the fidelity and merit of his governorship. Its most practical and suggestive labor was a review of the past three administrations. Here are the eloquent figures in which the legislature epitomized Arkansas' financial history made in the six years 1868-74: (1) Amount in treasury at beginning of that period, \$319,237; amount since received, \$6,674,511; total, \$6,993,748. (2) Expenses during the period (approximately), \$1,800,000; expended for militia and claims (approximately), \$200,000; expended for sinking fund and interest (approximately), \$515,204; expended for public buildings (approximately), \$100,000; total, \$2,615,204. (3) Amount to be accounted for, \$4,378,554. (4) The last sum, with the public debt that had been created to date—\$13,563,567—amounted to \$17,942,111. The floating debt was taken up by the issue of 2,500 Loughborough six-thirty one thousand dollar bonds to mature in 1905. This measure was proposed by James M. Loughborough. The supreme court of the state decided that the railroad-aid and levee bonds, amounting to eight million six hundred four thousand seven hundred seventy-three dollars, had not been issued upon essential legislative authority and were therefore null and void. The "Baxter War bonds" were promptly paid. These transactions marked the beginning of a movement complex in its elements and tendencies which, in a way, was to result in the wiping out of the state's great and growing indebtedness. The legislature of 1874-75 reestablished Miller county (December 22, 1874), fixed the legal rate of interest and defined usury, prohibited the carrying of deadly weapons, enacted a general election law, provided for bridges on public roads, regulated the contraction of marriages, passed a three-mile liquor law, divided the state into four congressional districts, appropriated fifteen thousand dollars for an exhibit of the resources of the state at the Centennial exhibition of 1876 and made other provisions and appropriations. The State Medical Society was formed May, 1875.



William R. Miller was elected governor in 1876, and inaugurated January 11, 1877, and re-elected in 1878, and inaugurated the second time January 17, 1879, serving four years. Governor Miller (Democrat), was elected by a majority of 32,215 in a total vote of 108,683 and was reelected by a majority of 88,730. L. C. Cause, W. F. Slemmons, J. E. Cravens and T. M. Gunter were in 1876 elected to congress to serve 1877-79. Poindexter Dunn, W. F. Slemmons, J. E. Cravens and T. M. Gunter were in 1878 elected to serve 1879-81. J. D. Walker was in 1879 elected to the United States senate to serve 1879-85. January 17, 1879, Jacob Frolich succeeded B. B. Beavers as secretary of state and served until 1885. John Crawford succeeded John R. Miller as auditor January 11, 1877, and served until January 17, 1883. T. J. Churchill was treasurer through Governor Miller's administration. W. F. Henderson, successor of S. P. Hughes, was attorney-general January 11, 1877, to 1881. As commissioner of state lands, J. N. Smithce gave place to D. W. Lear, who held the office October 21, 1878, to November, 1882. October 13, 1878, G. W. Hill was succeeded as superintendent of public instruction by J. L. Denton, who served until October 11, 1882. Jesse Turner and J. R. Eakin were elected associate justices of the supreme court in 1878. D. W. Carroll succeeded J. R. Eakin as chancellor of the Pulaski chancery court, November, 1878.

John S. Little became prosecuting attorney in the Twelfth judicial district of the state of Arkansas, April 2, 1877, and filled the office three successive terms. J. H. Berry became judge of the Fourth circuit, October 21, 1878. Thomas W. Round became judge of the Fifth circuit, September 9, 1878, and was succeeded October 31, 1878, by W. D. Jacoway. J. W. Martin became judge of the Fifth circuit, October 31, 1878, and on the same date H. B. Stuart became judge of the Eighth circuit, and X. J. Pindall became judge of the Eleventh circuit. F. T. Vaughan became prosecuting attorney of the Sixth circuit, September 16, 1878, and served until 1880. P. D. McCulloch became prosecuting attorney of the First circuit, October 4, 1878, and served three terms. T. B. Martin became prosecuting attorney of the Eleventh circuit, October 10, 1878. W. H. Cate became prosecuting attorney on the Second circuit; Charles Coffin on the Third circuit; A. S. McKennon on the Fifth circuit; James B. Wood on the Seventh circuit and H. A. Dinsmore, on the Fourth circuit, October 14, 1878, the latter serving three terms. E. F. Brown became prosecuting attorney on the Second circuit, May 5, 1879, and was succeeded October 30, 1880, by W. B. Edrington, who served four



terms. T. C. Trimble became prosecuting attorney on the Sixth circuit, October 30, 1880, and served until 1884. J. M. Elliott served as prosecuting attorney on the Eleventh circuit five terms, beginning October 10, 1880. John Cook became prosecuting attorney on the Ninth circuit, October 4, 1880.

William R. Miller, twelfth governor of the state of Arkansas, was born at Batesville, Independence county, Ark., November 3, 1823. He was fifty-three years old when he was called to the governorship. He was clerk of Independence county 1848-54, and was auditor of state September 16, to December 26, 1854, 1856-64, 1866-68, 1874-76 and 1886-88. He filled the gubernatorial office two terms 1876-80 and died at Little Rock, November 29, 1887. The twenty-first legislature was held January 3, to March 8, 1877. Senate: President—James K. Jones; secretary—Jacob Frolich. House of representatives: Speaker—D. L. Kilgore; clerk—Thomas W. Newton. This legislature passed many laws concerning questions which arose in the former period of political disturbance and laws looking to the development of the state and providing for payment of interest on the public debt. Needed buildings were provided at the penitentiary and the several counties of the state were authorized to hire out county convicts. In the fall of 1878 there was an epidemic of yellow fever in the South. In Arkansas a quarantine was established and made effective and there was no contagion except for a few cases at Argenta and Hopefield. Dr. J. C. Easley, a popular physician of Little Rock, went to aid the sufferers at Memphis and died of the fever. In 1879 the disease broke out again, but the efforts of the state board of health and those of local boards and citizens saved the state from a general infection.

The twenty-second legislature was held January 13, to March 13, 1879. Senate: President—M. M. Duffie; secretary—L. T. Kretchmar. House of representatives: Speaker—J. T. Bearden; clerk—John G. Holland. This legislature asked congress for an appropriation of twenty thousand dollars to protect the city of Pine Bluff from encroachment by the river. The appropriation was made and wisely expended under the supervision of Capt. H. S. Taber of the United States engineer corps. The laws making the Holford bonds and coupons receivable for taxes were repealed. The legislature provided for the submission to the people of the Fishback amendment, to prohibit the state from ever in any manner paying any part of the principal or interest of the Holford bonds, which had been refunded in 1870, though prior to that time the state had always denied obligation on account of



them. The original 500 bonds called for five hundred thousand dollars, and the interest on them had never been paid. In 1870, 1,268 new six-per-cent bonds were issued to cover the principal and interest, amounting to one million two hundred sixty-eight thousand dollars. At the general election of 1880 the amendment was defeated. Governor Miller, refusing to declare martial law, quelled murder and riot in Scott and Union counties by civil authority. An impetus was given to the public schools of the state by a notable meeting of the Arkansas State Teachers' Association, June, 1880, which was attended by many distinguished educators from abroad. This association was organized in 1869. Governor Miller's two terms of office were not marked by any other event of prominence, but were characterized by a steady growth of the state in all its material interests. In 1880 the population was 802,525, a gain of 318,054 since 1870.



## CHAPTER VI

## The Arkansas of Yesterday and To-Day

THOMAS J. CHURCHILL was elected governor in 1880 and inaugurated January 13, 1881, and served two years. Governor Churchill was elected by the Democrats by a majority of 52,761 in a total vote of 115,619. Poindexter Dunn, James K. Jones, J. E. Cravens and T. M. Gunter were, in 1880, elected to congress to serve 1881-83. Jacob Frolich was secretary of state and John Crawford was auditor during Governor Churchill's administration. W. E. Woodruff, Jr., was treasurer January 12, 1881, to January 12, 1891. C. B. Moore succeeded W. F. Henderson as attorney-general January 12, 1881, and filled the office until 1885. W. P. Campbell succeeded D. W. Lear as commissioner of state lands October 30, 1882, and served until March 31, 1884. J. L. Denton was superintendent of public instruction until October 11, 1882; Dunbar H. Pope, October 11-30, 1882; W. E. Thompson, October 30, 1882, to October 30, 1890. In 1882, W. W. Smith became an associate justice of the supreme court and served in that office until his death, seven years later.

M. T. Sanders became judge of the First judicial district of the state of Arkansas, October 30, 1882. On the same date R. H. Powell became judge of the Third district and served three terms. J. G. Frierson became judge of the Second circuit; J. M. Pittman judge of the Fourth circuit; F. T. Vaughan judge of the Sixth circuit and J. B. Wood judge of the Seventh circuit, October 31, 1882, the last mentioned serving two terms. G. S. Cunningham became judge of the Fifth circuit, October 31, 1882, served three terms and resigned September, 1889. R. B. Rutherford became judge of the Twelfth circuit, October 2, 1882. C. E. Mitchell



became judge of the Ninth circuit, October 31, 1882. B. F. Askew became judge of the Tenth circuit and J. A. Williams judge of the Eleventh circuit, October 30, 1882. Judge Williams served two terms and resigned. M. N. Dyer became prosecuting attorney on the Third circuit, October 30, 1882, and served two terms. J. G. Wallace became prosecuting attorney on the Fifth circuit, October 31, 1882, and served two terms. J. P. Henderson became prosecuting attorney on the Seventh circuit, October 31, 1882, and served three terms. T. E. Webber became prosecuting attorney on the Ninth circuit, October 31, 1882, and served four terms. C. D. Wood became prosecuting attorney on the Tenth circuit October 30, 1882.

Thomas J. Churchill, thirteenth governor of the state of Arkansas, was born in Kentucky, near Louisville, March 10, 1824, and was fifty-six years old at the time of his election. He was reared and educated in his native state and in 1846 enlisted in the First Kentucky mounted riflemen and served in that organization during the Mexican war. In 1848 he located at Little Rock and operated a plantation near by. He won distinction in the Confederate army, in the Civil war, rising to the rank of brigadier-general, from which for brilliant service he was promoted to be a major-general. He was elected state treasurer in 1874, in 1876 and in 1878. His next official position was that of governor which he held two years, until the end of 1882. He is now major-general, commanding the Arkansas division of the United Confederate veterans. The twenty-third legislature was held January 8, to March 10, 1881. Senate: President—H. C. Tipton; secretary—J. G. Holland. House of representatives: Speaker—George Thornburgh; clerk—Paul M. Cobbs. This legislature appropriated one hundred fifty thousand dollars to erect, near Little Rock, buildings for a state insane asylum and ten thousand dollars for the establishment of the Pine Bluff Branch Normal College, and it authorized the trustees of the Arkansas Industrial University to establish a medical department. During Governor Churchill's administration, lawlessness developed in Prairie county which resulted in the murder of a local editor and in other outrages. The governor protected the law-abiding people with troops until civil law could resume its sway. The population of 1880 affording the state five congressmen and the legislature not having redistricted the state, a congressman at large was elected in 1882, besides the four congressmen to represent the four old districts. In 1881-82, the railroad from Little Rock to Pine Bluff was completed, making a continuous line from Fort Smith to



Monticello, and the St. Louis, Arkansas & Texas Railroad was built across the state, from the Missouri line southwestward to Texas. The State Board of Health was established by the legislature March, 1881.

James H. Berry was elected governor in 1882 and was inaugurated January 13, 1883, and served two years. Ben T. Embry was acting governor from September 15-30, 1883. Governor Berry, a Democrat, was elected by a majority of 28,481, the total vote cast having been 147,169. In 1882, Poindexter Dunn, James K. Jones, John H. Rogers, Sam W. Peel and C. R. Breckinridge (the latter representing the state at large) were elected to congress to serve 1883-85. Jacob Frolich was continued in office as secretary of state during the administration of Governor Berry. January, 1883, A. W. Files succeeded John Crawford as state auditor and served until January, 1887. W. E. Woodruff, Jr., was state treasurer during his administration and C. B. Moore was attorney general. March 31, 1884, P. M. Cook succeeded W. P. Campbell as commissioner of state lands. W. E. Thompson filled the office of superintendent of public instruction. E. H. English, chief justice of the supreme court, died in 1884 and S. R. Cockrill succeeded him in the office and served as chief justice until in 1893.

W. F. Wallace became prosecuting attorney on the Thirteenth judicial district of the state of Arkansas, June 5, 1883. Judge J. G. Frierson died in March, 1884, and on the 17th of that month W. H. Cate was appointed to his seat on the bench of the Second circuit. September 1, 1884, Judge Cate was elected to succeed himself. A. B. Williams became judge of the Ninth circuit, September 10, 1884, succeeding Judge Mitchell, who resigned. L. A. Byrne was elected judge of this circuit, November 4, 1884. Greenfield Quarles became prosecuting attorney on the First circuit, October 30, 1884, and on the same date J. Frank Wilson became prosecuting attorney on the Fourth circuit. W. M. Green became prosecuting attorney on the Eighth circuit, October 30, 1884, and served three terms. A. C. Lewis became prosecuting attorney on the Twelfth circuit, September 29, 1884, and served two terms. H. P. Smead became prosecuting attorney on the Thirteenth circuit, October 30, 1884, and served three terms. R. J. Lea became prosecuting attorney on the Sixth circuit, October 30, 1884.

The twenty-fourth legislature was held January 8, to March 28, 1883. Senate: President—J. B. Judkins; secretary—John G. Holland. House of representatives: Speaker—W. C. Braley; clerk—T. W. Newton. This legislature created Cleburne county,



February 20, 1883; resubmitted the Fishback amendment to the people, to be voted on in 1884; dissolved the state finance board, a ways and means organization that had outlived its usefulness; created the Board of Railroad Commissioners; appointed Judge W. W. Mansfield to revise the laws of the state and Judge U. M. Rose to examine the new (sixth) digest, which was finished in 1884 and printed in 1885, and made appropriations to exploit the resources of the state at the Louisville Exposition of 1883 and the New Orleans Cotton Centennial of 1884. Cotton grown in Lee county was sent to Louisville, spun into yarn, woven into cloth, cut and fitted, and made into a suit of clothes for Governor Berry, within forty-eight hours from the time it was picked in Arkansas. The success of these exhibits led Governor Berry to recommend the establishment of the Bureau of Agriculture, Mines and Mining. Before the election of 1884 the state was divided into five congressional districts.

James H. Berry, the fourteenth governor of the state of Arkansas, was born in Jackson county, Ala., May 15, 1841, and was elected governor at the age of forty-one. In 1848 his father settled in Carroll county, Ark., where Berryville, a town which was named in his honor, has grown up. There the future governor was reared to manhood. When the Civil war began, he enlisted in the Sixteenth Arkansas infantry, Confederate army, and was second lieutenant of company "E." He lost a leg at the battle of Corinth, October 4, 1862. After the war, he taught school and read law, and he was admitted to the bar in 1866. That year he was elected to the legislature from Carroll county. In 1869 he moved to Bentonville and there continued the practice of his profession. In 1872 and again in 1874 he was elected to the legislature from Benton county and at the session of 1874 he was chosen speaker of the house. He was elected circuit judge and served four years, 1878-82. He was governor 1883-84 and in 1885 was elected United States senator for the unexpired term of Sen. A. H. Garland, 1885-89. By successive re-elections he has served to the present time. A notable event in his governorship was his subjugation of a negro uprising in Howard county, in which by his personal influence he averted mob action and vindicated the adequacy of the law.

Simon P. Hughes was elected governor in 1884 and inaugurated January 17, 1885, and was re-elected in 1886, serving four years. In his first term John W. Stayton was acting governor, and in his second term D. E. Barker. Governor Hughes, a Democrat, was elected by a majority of 45,236 in a total vote of

THE HISTORY OF THE  
CITY OF BOSTON  
FROM 1630 TO 1800  
BY  
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OF THE  
BOSTON PUBLIC LIBRARY  
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1890

156,310, and re-elected by a plurality of 17,411, the total vote having been 163,889. Poindexter Dunn, C. R. Breckinridge, John H. Rogers, Sam W. Peel and James K. Jones were, in 1884, elected to congress to serve 1885-87. James K. Jones was elected to the United States senate and in 1885 T. C. McRae succeeded him in congress. In 1886 Poindexter Dunn, C. R. Breckinridge, T. C. McRae, John H. Rogers and Sam W. Peel were elected to congress to serve 1887-89. J. H. Berry was elected to the United States senate in 1885, and by re-election is still serving. By re-election Senator Jones has also been continued in office to 1903.

Simon P. Hughes, fifteenth governor of the state of Arkansas, was born in 1830, and has lived in Arkansas since 1844. In 1849 he engaged in farming in Monroe county. He was admitted to the bar in 1857. He was sheriff of Monroe county 1854-56. In 1861 he entered the Confederate army as captain of a company in Col. Charles W. Adams' regiment. Later he was promoted to the lieutenant colonelcy of that regiment. Upon the reorganization of his regiment, he became a private in Morgan's Texas battalion (cavalry), and served until the war ended. In 1866, he was elected to represent Monroe county in the legislature and he was a delegate to the constitutional convention of 1874. He was attorney-general 1874-76, and governor 1885-89, when he was elected judge of the supreme court, a position which he has since held. At that time the population of the state had reached a million, and under constitutional provision the number of supreme judges was increased from three to five.

In the general election of 1881, the Fishback amendment was adopted by vote of the people. The vote for it was 119,806, the vote against it 15,492. It is now a part of the state constitution. Under its provisions it is unlawful for the legislature to provide for the payment, wholly or in part, of indebtedness or interest thereon, arising from the following mentioned bonds:

Date of Issue	Rate of interest.	Description of Bonds.	Amount of principal.
Jan. 1, 1870.	6 per cent...	Funding Bonds, No. 491 to 1860, inclusive of both numbers.....	\$1,370,000 00
April 1, 1870	7 per cent....	Memphis & Little Rock Railroad Aid.....	1,200,000 00
April 1, 1870.	7 per cent....	Mississippi, Ouachita & Red River Railroad Aid.....	600,000 00
April 1, 1870.	7 per cent ...	Little Rock, Pine Bluff & New Orleans Railroad Aid.....	1,200,000 00
April 1, 1870.	7 per cent....	Little Rock & Fort Smith Railroad Aid ..	1,000,000 00
April 1, 1870	7 per cent....	Arkansas Central Railroad Aid.....	1,350,000 00
Mar 23, 1871	7 per cent.	Levee Bonds .....	3,005,846 05
		Total.....	\$9,725,846 05



E. B. Moore succeeded Jacob Frolich as secretary of state January, 1885, and served four years. W. R. Miller succeeded A. W. Files as state auditor January, 1887, and died in office November, 1887. W. R. Dunlop was appointed as his successor. W. E. Woodruff, Jr., was continued in office as state treasurer. Daniel W. Jones succeeded C. B. Moore as attorney-general January, 1885, and served until 1889. P. M. Cobbs, commissioner of state lands, served through this administration, as did also W. E. Thompson, superintendent of public instruction. B. B. Battle became an associate justice of the supreme court in 1885. In 1886 D. W. Carroll was appointed to succeed himself as chancellor of the Pulaski chancery court. Joseph W. House was Federal district attorney, Eastern district, 1885-89; H. M. Sanders, Western district, 1885-89.

J. E. Riddick became judge of the courts of the Second judicial district of the state of Arkansas and J. W. Martin judge of the Sixth circuit, October 30, 1886. R. D. Hearn became judge of the Eighth circuit, October 30, 1886. His successor was J. D. Conway, who has served continuously since December 3, 1897. C. E. Mitchell was again elected judge of the Ninth circuit, October 30, 1886. C. D. Wood became judge of the Tenth circuit, October 30, 1886. John S. Little became judge of the Twelfth circuit, October 30, 1886, and resigned and was succeeded by J. H. Rogers April 20, 1887. C. W. Smith became judge of the Thirteenth circuit, October 30, 1886. S. Brundidge became prosecuting attorney on the First circuit, W. B. Padgett on the Third circuit, J. V. Walker on the Fourth circuit, H. S. Carter on the Fifth circuit, Gray Carroll on the Sixth circuit on the same date. C. D. Wood resigned as prosecuting attorney of the Tenth circuit, and was succeeded September 23, 1886, by M. L. Hawkins, who was duly elected to the office October 30, 1886. J. W. Butler became judge of the Third circuit, May, 1887. R. H. Powell became judge of the Fourteenth circuit, May, 1887, and at the same time DeRoos Bailey became prosecuting attorney on that circuit. October 30, 1888, J. D. Block became prosecuting attorney on the Second circuit, S. M. Johnson on the Fourth circuit, W. H. Martin on the Seventh circuit. R. C. Fuller on the Tenth circuit, and J. B. McDonough on the Twelfth circuit. J. L. Abernathy became prosecuting attorney on the Third circuit, October, 1888, and R. J. Lee a second time became prosecuting attorney on the Sixth circuit, October 31, 1888.

The twenty-fifth legislature was held January 12, to March 28, 1885. Senate: President—R. B. Weaver; secretary—John G.



Holland. House of representatives: Speaker—J. P. Eagle; clerk—T. W. Newton. This legislature reduced the jurisdiction of the Pulaski chancery court which had formerly included the whole state to include a district to be known as the First chancery district. There are now seven chancery districts in the state. It appropriated five thousand dollars for state representation at the New Orleans Exposition. It enacted a game law and a law for the government of cities and towns. It authorized the improvement of the capitol building under the superintendency of the secretary of state, the state land commissioner and the clerk of the chancery court. The plans adopted resulted in an entire change of the arrangements of the rooms, amounting to almost a remodeling of the whole of the interior. Eight years before the state coat of arms from the Arkansas building at the Centennial Exposition had been placed on the front of the central building over the main entrance and the fountain which was also used at the Centennial was set up in the grounds opposite the front of the main building. The fountain was purchased by the organized efforts of ladies' centennial associations throughout the state.

In June, 1883 the board of railroad commissioners had organized and proceeded to assess the property of the railroads for taxation. They were enjoined by the Pulaski chancery court on the petition of the St. Louis, Iron Mountain & Southern and the Memphis & Little Rock Railroad Companies which claimed exemption from taxation by their charters and contended that the authorization of the tax was a violation of the Federal constitution. Governor Berry employed Judge Rose to assist Attorney-General Moore in defending these suits. The right of the state to tax railroads was sustained in every court and in 1884 the board assessed the railroads at six million three hundred and fifty-two thousand nine hundred and eighty-five dollars. At the first meeting of the board after the inauguration of Governor Hughes the assessment was raised to nine million six hundred and twelve thousand seven hundred and seventy-three dollars; in 1886 it was thirteen million seven hundred and four thousand six hundred and thirty-eight dollars and in 1895 it was twenty-one million three hundred and thirty-three thousand two hundred and thirty-two dollars. The total railroad mileage in the state then was 2,373; in 1902 it was 3,177. The state was empowered to tax the roads from 1883, but no taxes having been paid 1874-83, the state began suits to collect back taxes, and the Iron Mountain Company paid the state two hundred and fifty thousand dollars in full of all back claims upon its main line and branches. In 1886



occurred a strike of railroad employes in Arkansas, Missouri and Texas that threatened the peace of this state. The presence of militia at Texarkana averted violence and bloodshed.

The twenty-sixth legislature was held January 10, to March 31, 1887. Senate: President—D. E. Barker; secretary—John G. Holland. House of representatives: Speaker—J. M. Hewitt; clerk—J. W. Callaway. Important acts of this session were, provision for a state geological survey, for the payment of the state debt, for the publication of early supreme court reports and for submitting to the people the question of holding a constitutional convention. This legislature also created the office of state geologist and a state debt board composed of the governor, secretary of state and the auditor, "to superintend the settlement of the valid and undisputed indebtedness of the state." In 1887 the Arkansas State Exposition at Little Rock was the greatest home display of the resources of the state to that time. In that year Arkansas fruits took the first premium at a pomological exhibition in Boston, and in 1888 Arkansas apples won awards in California and in Illinois. A convention in which were represented most of the counties of the state met at Little Rock, February 1, 1888, and organized a bureau of immigration. Later many county bureaus were organized. Funds were raised by private subscription and pamphlets describing the state were widely circulated. This movement resulted in the creation by the legislature, early in 1889, of the Bureau of Mines, Manufactures and Agriculture.

James P. Eagle, sixteenth governor of the state, was born in Maury county, Tenn., August 10, 1837. In 1839 he was brought to Arkansas by his parents, who settled northeast of Little Rock. In 1844 they moved to a point on the military road east of the state capital. His early life was passed on a farm and he attended college after he was thirty years of age and after he had served through the war. In 1857, he moved to Lonoke county. In the course of events, he became a Baptist minister, and he has many times been elected president of the Baptist state convention. He was a deputy sheriff in Prairie county in 1859. He entered the Confederate army as a private in the ranks and at the close of the war was lieutenant-colonel. He was seriously wounded at Atlanta, July 17, 1864, and was surrendered with Johnston's army in North Carolina, in April, 1865. In 1873 he was chosen to represent Prairie county in the legislature, and he was a member of the extra session of 1874 and that year was a delegate to the state constitutional convention. He represented Lonoke county



in the legislature in 1877, and again in 1885 when he was speaker of the house. In 1888, when he was fifty-one years old, he was elected governor and he was re-elected in 1890, serving four years in the office. C. C. Hamby was acting governor in 1892.

Governor Eagle, Democrat, was elected by a majority of 15,606 in a total vote of 187,397 and re-elected by a majority of 21,086 in a total vote of 191,448. T. C. McRae, John H. Rogers and Sam W. Peel were elected to congress in 1888 to serve 1889-91. W. H. Cate was elected for the same term, but was ousted by L. P. Featherston. Clifton R. Breckinridge was elected for this term also, but his seat was declared vacant. In September, 1890, he was re-elected to fill the vacancy. Sam W. Peel, Clifton R. Breckinridge, W. H. Cate, T. C. McRae and W. L. Terry were, in 1890, elected to congress to serve 1891-93. B. B. Chism succeeded E. B. Moore as secretary of state January, 1889. W. S. Dunlop, who had served by appointment as state auditor since November 30, 1887, served by election from January, 1889, to January, 1893. W. E. Woodruff, Jr., was, January, 1891, succeeded as state treasurer by R. B. Morrow. January, 1889, Daniel W. Jones was succeeded as attorney-general by W. E. Atkinson, who served till January, 1893. Paul M. Cobbs, commissioner of state lands, died in office October 30, 1890, and C. B. Myers succeeded him by appointment and was continued in office until 1894. J. H. Shinn succeeded W. E. Thompson as superintendent of public instruction October 30, 1890. M. F. Locke was appointed commissioner of mines, manufactures and agriculture January, 1889, and later served in that office by election September 1, 1890, until in 1892. John D. Adams, his successor, was elected September 5, 1892, and died December 7 following, when George M. Chapline was appointed to fill his unexpired term.

David J. Brewer of the Federal court became circuit judge in the Eastern district in 1889. Judge Henry C. Caldwell came in 1890. M. H. Sandels was elected an associate justice of the supreme court April 2, 1889, to fill a vacancy caused by the death of W. W. Smith. W. E. Hemmingway and S. P. Hughes were elected associate justices of the supreme court in 1889 under an act of the general assembly of that year increasing the court to five members. Judge Sandels was elected to succeed himself in 1890 and died soon afterward. W. W. Mansfield was elected to succeed him January 26, 1891. D. W. Carroll was appointed to succeed himself as chancellor of the Pulaski chancery court in 1890. The Second chancery district was created April 4, 1891. James F. Robinson was its first chancellor. J. M. Elliott became



judge of the Eleventh judicial district January 22, 1889, and was elected to succeed himself September 1, 1890. J. E. Cravens became judge of the Fifth circuit, September 11, 1889; H. F. Thomasson, judge of the Fifteenth circuit, April 2, 1889, succeeding Judge Belden, and served until his death in 1893. O. L. Miles became prosecuting attorney on the latter circuit, April 2, 1889. October 30, 1890, Grant Green, Jr., became judge of the First circuit, J. E. Riddick succeeded himself as judge of the Second circuit, J. W. Butler was continued as judge of the Third circuit, E. S. McDaniels became judge of the Fourth circuit, J. G. Wallace judge of the Fifth circuit, R. J. Lea judge of the Sixth circuit, A. M. Duffie judge of the Seventh circuit; C. E. Mitchell was a third time made judge of the Ninth circuit, C. D. Wood succeeded himself as judge of the Tenth circuit, C. W. Smith began a new term as judge of the Thirteenth circuit and B. B. Hudgins became judge of the Fourteenth circuit. Judge Riddick resigned and was succeeded March 30, 1890, by W. H. Cate. T. C. Humphrey was appointed judge of the Twelfth circuit, March 30, 1890, and was succeeded October 30, 1890, by E. E. Bryant. J. M. Taylor succeeded J. M. Elliott as prosecuting attorney on the Eleventh circuit, June 22, 1889. He was elected to succeed himself September 8, 1890, and was succeeded by S. C. Martin, October 31, 1902. October 30, 1890, J. P. Roberts became prosecuting attorney on the First circuit, J. M. Stayton on the Third, J. M. Peel on the Fourth, Jeff Davis on the Fifth, W. H. Pemberton on the Sixth, J. D. Shaver on the Eighth, James H. McCollum on the Ninth, R. M. Wallace on the Thirteenth, J. C. Floyd on the Fourteenth; and J. D. Block entered upon a new term on the Second circuit, W. H. Martin on the Seventh, R. C. Fuller on the Tenth, J. B. McDonough on the Twelfth and O. L. Miles on the Fifteenth. Judge Mitchell of the Ninth circuit resigned May 1, 1891, and was succeeded by W. P. Feazel. The Sixteenth circuit, abolished in 1875, was re-established in 1891, and June 20, J. B. McCaleb became its judge and R. B. Maxey its prosecuting attorney. October 31, 1892, H. F. Rolleson became prosecuting attorney on the First circuit, J. N. Tillman on the Fourth, C. V. Teague on the Seventh, J. M. Carter on the Eighth, J. D. Shaver on the Ninth, H. W. Wells on the Tenth, T. N. Sanford on the Twelfth, Sam R. Chew on the Fifteenth, J. B. Baker on the Sixteenth; and J. M. Stayton was continued as prosecuting attorney on the Third circuit, Jeff Davis on the Fifth, H. P. Smead on the Thirteenth, J. C. Floyd on the Fourteenth. W. W. Bandy became prosecuting attorney on the Second circuit in 1892.



The twenty-seventh legislature was held January 10, to March 31, 1889. Senate: President—W. S. Hanna; secretary—J. G. Holland. House of representatives: Speaker—B. B. Hudgins; clerk—J. G. B. Simms. Evils in the state convict system were remedied by this legislature by the creation of the office of prison inspector and by providing a more humane system for the care and employment of state prisoners than the "lease system" which had been in force since 1873. This legislature also accepted a congressional appropriation for agricultural experiment stations in trust for the Arkansas Industrial University, the trustees of which institution established stations for experiments in agriculture, horticulture and stockraising at Camden, Newport, Pine Bluff and Fayetteville. The Hon. John M. Clayton an able, influential and highly respected citizen was, on the evening of January 29, 1889, shot to death through a window of a hotel at Plummersville, where he was gathering evidence to be used in contesting the seat of the Hon. Clifton R. Breckinridge in congress. By authorization of the legislature, Governor Eagle offered a reward of five thousand dollars for the apprehension of his slayer, and other rewards were offered, but the perpetrator of this dastardly crime has never been identified. In 1890, Arkansas had a population of 1,128,179, an increase of 325,654, since 1880. The number of whites was 804,658.

The twenty-eighth legislature was held January 12, to April 3, 1891. Senate: President—James P. Clarke; secretary—John G. Holland. House of representatives: Speaker—E. W. Rector; clerk—J. G. B. Simms. This legislature created the office of inspector of mines. In 1891 the superintendent of public instruction induced the legislature to make an appropriation to establish several short term normal schools in the state. Other appropriations for this purpose were made in 1893 and in 1895 and for one month in each year a school for the training of teachers was available to students in every county. Meantime the people of the state were planning for an Arkansas exhibit at the Columbian Exposition of 1893, at Chicago. In 1861 congress levied a direct tax on the real estate of the various states to defray the expenses of the Civil war. This tax was collected in Arkansas only in 1865 and in 1866. The United States supreme court having declared this tax unconstitutional, congress refunded to the states the money so paid. The amount that had been collected in Arkansas was one hundred and fifty-six thousand two hundred and seventy-two dollars. After all of the taxpayers of twenty-five years before or their heirs, had been found and repaid, fifteen



thousand dollars of the amount was unclaimed and was appropriated by the legislature to defray the expenses of the state at the World's Columbian Exposition. In 1892, the arsenal property at Little Rock was exchanged by the United States government for a new site on the hill above the city. The old arsenal grounds were converted into a city park and a military post was located on Big Rock.

William M. Fishback, elected seventeenth governor of the state of Arkansas in 1892, served two years. Clay Sloan was acting governor in 1893. Mr. Fishback was born at Jefferson, Va., November 5, 1831, and was sixty-one years old when he became governor. Educated at the University of Virginia, he taught school and became a lawyer. After living a year in Illinois, he came to Arkansas in 1858. He was a delegate to the state convention in 1861 and a member of the Murphy legislature of 1864. In the latter year he was elected to the United States senate, but was not seated. In 1865 he was appointed special agent of the treasury department. He represented Sebastian county in the constitutional convention of 1874 and was elected to represent that county in the legislature in 1872, 1876, 1878 and 1884. In 1888 he was a prominent candidate for governor. He was the author of the Fishback amendment to the constitution. At the expiration of his term as governor he retired from public life. He died February, 1903. As a Democrat, he was elected by a plurality of 56,071 in a total vote of 126,186. In 1892 the Poll-tax amendment to the state constitution was ratified by the people by a vote of 75,817 against a vote of 19,258. The adoption of this amendment, which made the payment of the annual poll-tax levied by the state a condition of voting and denied suffrage to every man, white or black, who had not paid it, greatly mitigated the race feeling in politics. P. D. McCulloch, T. C. McRae, W. L. Terry, Hugh A. Dinsmore, Robert Neill and Clifton R. Breckinridge were in 1892 elected to congress to serve 1893-95. There were now six congressional districts. Mr. Breckinridge resigned August, 1894, and J. S. Little was elected to fill his unexpired term. January, 1893, H. B. Armistead succeeded B. B. Chism as secretary of state and C. B. Mills succeeded W. S. Dunlop as state auditor. R. B. Morrow was state treasurer until January, 1895. J. P. Clarke became attorney-general January, 1893. October 30, 1894, C. B. Myers, commissioner of state lands was succeeded by J. F. Ritchie, and J. H. Shinn, superintendent of public instruction, by Junius Jordan. George M. Chapline, commissioner of mines,



manufactures and agriculture, resigned March 30, 1893, and was succeeded by W. G. Vincenheller.

H. G. Bunn succeeded S. R. Cockrill (resigned) as chief justice of the supreme court May 3, 1893. W. E. Hemmingway was re-elected associate justice in 1893 but soon resigned. A vacancy on the bench was filled by the appointment of R. H. Powell as associate justice, and at a special election C. D. Wood was chosen to succeed Judge Hemmingway. Judge Wood resigned and was succeeded October 31, 1894, by M. L. Hawkins. J. E. Riddick was appointed associate justice in 1893 to fill a vacancy and was elected September 3, 1894. The Third chancery district was created February 2, 1894. Its chancellor, Leland Leatherman, has served since February, 1894. J. H. Evans was appointed judge of the Fifteenth judicial district, September 2, 1893, to succeed H. F. Thomasson, deceased, and was elected to succeed himself in 1894, 1898 and 1902. H. N. Hutton became judge of the First circuit, October 30, 1894, F. G. Taylor judge of the Second circuit, October 31. On the date last mentioned the following circuit judges were reelected: R. H. Powell, Third circuit; E. S. McDaniels, Fourth circuit; J. G. Wallace, Fifth circuit; R. J. Lee, Sixth circuit; W. P. Feazel, Ninth circuit; J. M. Elliott, Eleventh circuit; E. E. Bryant, Twelfth circuit; C. W. Smith, Thirteenth circuit; B. B. Hudgins, Fourteenth circuit; J. B. McCaleb, Sixteenth circuit. The Seventeenth circuit was created March 13, 1894, and J. S. Thomas was appointed its judge and George M. Chapline its prosecuting attorney and they were elected to succeed themselves September, 1894. C. V. Teague entered upon a new term as prosecuting attorney on the Seventh circuit and W. W. Bandy on the Second circuit and Paul Butler became prosecuting attorney on the Third circuit in 1894. October 31, that year, J. N. Tillman succeeded himself as prosecuting attorney on the Fourth circuit; H. W. Wells on the Tenth circuit; S. C. Martin on the Eleventh circuit; T. N. Sanford on the Twelfth circuit; H. P. Smead on the Thirteenth circuit; Sam R. Chew on the Fifteenth circuit, and J. B. Baker on the Sixteenth circuit; and C. C. Reid, Jr., became prosecuting attorney on the Fifth circuit, J. T. Hicks on the First, J. H. McCollum on the Eighth, Hal L. Norwood on the Ninth, Frank Pace on the Fourteenth.

In the period 1889-93, United States government offices in Arkansas were held by Republicans; in the period of 1893-97, by Democrats. Many good positions out side of the state were



given to Arkansans. The Hon. Clifton R. Breckinridge, ambassador to Russia, was the first citizen of Arkansas appointed to such a position.

The twenty-ninth legislature was held January 9, to April 8, 1893. Senate: President—E. B. Kinsworthy; secretary—John W. Howell. House of representatives: Speaker—T. C. Humphrey; clerk—D. N. Halliburton. In 1893 the Ex-Confederate Home near Little Rock passed to the ownership and maintenance of the state. A building was erected and opened for the reception of Confederate soldiers. The exhibit of Arkansas at the Columbian Exposition was the most comprehensive ever made by the state and that of the department of education was so notable that the department was granted forty-two awards, thirty-nine of which were for the schools. In the horticultural department of the exposition seven awards were made to Arkansas counties for apples and in the agricultural department three for cotton. The general railroad strike of 1894 extended to Arkansas. Attempts to stop trains were made. The troubles got beyond control of sheriffs, and order was restored by militia.

James Paul Clarke was elected eighteenth governor of the state of Arkansas in 1894, at the age of forty, and served two years. J. C. Pinnix was acting governor in 1896. Mr. Clarke was born in Mississippi, August 18, 1854, and located at Helena in 1879. In 1887 he was elected to represent Phillips county in the legislature and in 1889 in the senate, and in the session of 1891 was president of the last mentioned body. In 1893 he was elected attorney-general. After serving one term as governor he refused to again become a candidate for that office and engaged in the practice of law at Little Rock. Governor Clarke was elected by the Democrats by a plurality of 48,724 in a total vote of 126,986. In 1894, P. D. McCulloch, J. S. Little, T. C. McRae, W. L. Terry, Hugh A. Dinsmore and Robert Neill were elected to congress to serve 1895-97. H. B. Armistead was secretary of state and C. B. Mills state auditor during this administration. Ransom Gulley succeeded R. B. Morrow as state treasurer and E. B. Kinsworthy succeeded Mr. Clarke as attorney-general January, 1895. J. F. Ritchie served through this administration as commissioner of public lands, W. G. Vincenheller as commissioner of mines, manufactures and agriculture and Junius Jordan as superintendent of public instruction.

H. G. Bunn was elected chief justice of the supreme court in 1896 and S. P. Hughes was re-elected associate justice. T. P. Martin was appointed chancellor of the Pulaski chancery court



January 21, 1895. The following named prosecuting attorneys were re-elected in 1896: J. T. Hicks, First judicial circuit; J. N. Tillman, Fourth circuit; C. C. Reid, Fifth circuit; R. B. Maxey, Sixteenth circuit; George M. Chapline, Seventeenth circuit; Hal L. Norwood, Ninth circuit; H. W. Wells, Tenth circuit; Paul Butler, Third circuit. The following new prosecuting attorneys were elected: James A. Gray, Sixth circuit; D. M. Cloud, Seventh circuit; J. M. Carter, Eighth circuit; Jo Johnson, Twelfth circuit; T. J. Gaughan, Thirteenth circuit; George A. Mansfield, Fifteenth circuit; W. J. Crump, Fourteenth circuit; O. N. Kilgough, Second circuit.

The thirtieth legislature was held from January 14, to April 10, 1895. Senate: President—Gibson Witt; secretary—Charles T. Gordon. House of representatives: Speaker—J. C. Colquitt; clerk—George C. Naylor. Amendment No. 3 to the constitution was adopted by this legislature. It authorized the filling of vacancies in township, county, district or state offices by appointment of the governor instead of by re-election. A further appropriation was made to pay the expenses of county institutes and in that year nearly 5,000 teachers were in attendance at their sessions. In this year, 42 counties of the state entered upon an experience of the local option liquor law. An exhibit of the resources of the state was made at the Piedmont Exposition, Atlanta, which opened September 18. The Southern Educational Association convened at Hot Springs, December 31, 1895. Nearly 600 Southern teachers were present.

Daniel Webster Jones was elected nineteenth governor of the state of Arkansas in 1896 and was re-elected in 1898, serving four years. At different times during his two administrations, J. C. South, J. C. Tappan and R. I. Lawrence served as acting governors. Governor Jones, who was about fifty-six years old at the time of his election, was born in Bowie county, Tex., December 15, 1839, when the state was an independent republic, and his father, Dr. Isaac N. Jones, a member of its congress. From infancy, however, Governor Jones was reared in Arkansas and he was educated at the academy of Benjamin J. Borden at Washington. He entered the Confederate service at the beginning of the war, served in Gratiot's regiment until it was mustered out, and at twenty-three years of age was colonel of the Twentieth Arkansas Infantry. Though dangerously wounded at Corinth, he was on duty to the end of the war, at the close commanding a brigade, and was made a prisoner of war at the capitulation of Vicksburg. In 1865, he began a prominent career in civil life, gained eminence



as a lawyer, was prosecuting attorney on the Ninth circuit, 1874-76 and was attorney-general of the state 1884-88, and governor 1896-1900. In 1876 and again in 1880 he was a presidential elector. In November, 1903, he was appointed adjutant-general and chief of staff, with the rank of colonel, to Maj.-Gen. T. J. Churchill, commander of the Arkansas division of the United Confederate Veterans. Governor Jones, a Democrat, was elected by a plurality of 55,288 in a total vote of 141,801, and was re-elected by a majority of 38,827 in a total vote of 111,897. P. D. McCulloch, J. S. Little, T. C. McRae, W. L. Terry, Hugh A. Dinsmore and S. Brundidge, Jr., were in 1896 elected to serve in congress 1897-99, and they were re-elected in 1898 to serve 1899-1901. Alexander C. Hull succeeded H. B. Armistead as secretary of state and Clay Sloan succeeded C. B. Mills as state auditor January, 1897. T. E. Little succeeded Ransom Gulley as state treasurer and Jeff Davis succeeded E. B. Kinsworthy as attorney-general, January, 1899. J. W. Colquitt succeeded J. F. Ritchie as commissioner of state lands October 30, 1898. Junius Jordan resigned the office of state superintendent of public instruction October 30, 1898, and J. W. Kuykendall was appointed to fill the vacancy. Frank Hill succeeded W. G. Vincenheller as commissioner of mines, manufactures and agriculture October 30, 1898.

H. G. Bunn was re-elected chief justice of the supreme court in 1896 and S. P. Hughes was again elected associate justice. J. E. Riddick was re-elected associate justice in 1898. Marcus L. Hawkins succeeded James F. Robinson as chancellor of the Second chancery court March, 1899. The Fifth chancery court was created June 24, 1897. Edward D. Robertson, its chancellor, has served since that date. The Fourth chancery district was created March 1, 1899 and John M. Elliott has been its chancellor from that date. In 1898, H. N. Hutton entered upon another term as judge of the First judicial circuit; J. M. Pittman, Fourth circuit; R. J. Lea, Sixth circuit; F. G. Taylor, Second circuit; A. M. Duffie, Seventh circuit; W. P. Feazel, Ninth circuit; C. W. Smith, Thirteenth circuit; J. B. McCaleb, Sixteenth circuit; J. M. Elliott, Eleventh circuit; and S. T. Rowe became judge of the Twelfth circuit, George M. Chapline, of the Seventeenth circuit, F. D. Fulkerson of the Third circuit, W. L. Moose of the Fifth circuit, Z. T. Wood of the Tenth circuit, E. G. Mitchell of the Fourteenth circuit. Judge Elliott resigned and A. B. Grace was appointed to succeed him March 3, 1899. In 1898, R. B. Macon became prosecuting attorney on the First circuit; S. D. Campbell, Third circuit; W. M. Green, Eighth circuit; J. M. Walker, Fourth circuit; Law-



rence Russell, Fifth circuit; J. S. Steele, Ninth circuit; W. R. Quinney, Tenth circuit; W. B. Sorrells, Eleventh circuit; F. E. Brown, Seventeenth circuit; and James A. Gray was re-elected prosecuting attorney on the Sixth circuit, E. M. Cloud on the Seventh circuit, Jo Johnson on the Twelfth circuit, T. J. Gaughan on the Thirteenth circuit, W. J. Crump on the Fourteenth circuit, George A. Mansfield on the Fifteenth circuit, R. B. Maxey on the Sixteenth circuit. Mr. Crump resigned and was succeeded May 19, 1899, by James M. Shinn. Mr. Mansfield resigned and was succeeded January 28, 1899, by E. H. Mathes. John N. Tillman succeeded J. M. Pittman, by appointment, as judge of the Fourth circuit court, August 27, 1900. October 30, 1900, A. B. Grace entered upon another term as judge of the Eleventh circuit; R. B. Macon entered upon a new term as prosecuting attorney on the First circuit, S. D. Campbell on the Third circuit, S. D. Russell on the Fifth circuit, W. H. Martin on the Seventh circuit, W. M. Green on the Eighth circuit, J. S. Steele on the Ninth circuit, W. B. Sorrells on the Eleventh circuit, F. E. Brown on the Seventeenth circuit, W. R. Quinney on the Tenth circuit, and S. R. Simpson became prosecuting attorney on the Second circuit, J. S. Maples on the Fourth circuit, J. H. Hamiter on the Sixth circuit, Ben Cravens on the Twelfth circuit, J. M. Barker on the Thirteenth circuit, James H. Shinn on the Fourteenth circuit, Robert L. Rogers on the Fifteenth circuit, P. H. Crenshaw on the Sixteenth circuit.

The thirty-first legislature was held from January 11, to March 11, 1897; a special session from April 26, to June 16, 1897. Senate: President—William L. Moose; secretary—John W. Howell. House of representatives: Speaker—J. C. Tappan; clerk—O. C. Ludwig. The regular session adjourned without passing appropriation bills for the current expenses of the state government. The special session, called by the governor, passed appropriation bills and enacted the Smith railroad bill, the Bush bill, and the law levying a tax to pay the interest on the "permanent school" and "sixteenth section" funds. By the provisions of the Smith railroad bill the state, with a view to increasing the railroad mileage, gave 1,000 acres of its forfeited lands to the Springfield, Little Rock & Gulf Railroad Company for every mile of railroad the company should build within its borders. The Bush bill authorized the use of convicts on railroads to be built on state account. The overflow of the Mississippi river in April, 1897, was one of the greatest floods in the history of the state and nearly all of Eastern Arkansas was submerged. Levees broke above and



below Helena, and Marion was overflowed and Helena and Osceola were partly under water. Railroads were washed away and there was great damage to property. Relief societies were organized throughout the state and country; congress appropriated one hundred thousand dollars for the sufferers and sent boats and crews to aid them. The flood did not subside until early in May. On the night of January 11, 1898, a terrible tornado killed about fifty persons at Fort Smith, maimed others, rendered many homeless and destroyed property valued at one million dollars. Public sympathy was aroused by the disaster and the sufferers were given prompt relief by their fellow citizens.

Under the constitution, the militia of Arkansas consists of all able bodied male persons, residents of the state, between the ages of eighteen and forty-five years, except such as are exempted by the laws of the United States or this state, to be organized, officered, armed and equipped in such manner as may be provided by law. The governor, when the legislature is not in session, has power to call out volunteers or militia, or both, when there is adequate demand for such action. Governor Jones found the state guard disorganized and ineffective. It consisted of two regiments of infantry, one battery of artillery, one troop of cavalry and one signal corps. Two new regiments, the Third and Fourth infantry, another cavalry troop and another battery were soon organized. There being no appropriation by the state for militia purposes, these organizations were equipped as far as possible with the antiquated equipment then on hand. This was the condition of the militia at the beginning of the Spanish war. The declaration of war was anticipated throughout the state and the governor was besieged with offers of service by organizations and individuals. April 25, 1898, the president's call for two regiments of infantry of 1,000 men each was received. Cash must be forthcoming. Through the Bankers' Association, Governor Jones called on the banks of the state for a loan of sufficient money to mobilize these two regiments, assuring them that if the United States government should fail or refuse to refund it he would ask the general assembly to do so. The banks promptly supplied him with six thousand six hundred dollars; the Hon. Jacob Treibler, United States district attorney, tendered him five hundred dollars, the Hon. Nathan Adler, of Batesville, two hundred and fifty dollars, which he accepted, giving the same promise that he had given to the bankers. Other expenses, necessarily incurred after these loans were exhausted, brought the total amount to about ten thousand dollars. No two regiments of the state guards were well



enough organized and equipped to be mustered in intact and the governor made up two regiments from selected companies of the state guard from different parts of the state. The companies were recruited to 100 or more men each and in May the troops concentrated at Camp Dodge, Little Rock. The First regiment, Col. Elias Chandler, was mustered in May 20; the Second regiment, Col. Virgil Y. Cook, May 25. The First regiment was ordered to Chickamauga Park, Georgia, and arrived there May 27, and was assigned to the First brigade, Second division, Third army corps. It was fully equipped and was ordered to Porto Rico, with General Wade's proposed expedition; but the order was countermanded because of cessation of hostilities. The regiment returned to Little Rock and was mustered out at Fort Logan H. Roots, October 25, 1899, without having engaged in active service. The Second regiment arrived at Chickamauga Park, May 30, and was assigned to the Second brigade, Second division, Third army corps, and fully armed and equipped. September 9 it was ordered to Camp Shipp, Anniston, Ala., where it remained in winter quarters till February 25, 1899, when it was disbanded and mustered out. During this period it was successively in the Third, Fourth and Second army corps.

The thirty-second legislature was held from January 9, to April 19, 1899. Senate: President—M. J. Manning; secretary—John W. Howell. House of representatives: Speaker—A. F. Vandeventer; clerk—J. G. B. Simms. In his message to this legislature, Governor Jones urged the creation of a commission to enforce, by adequate penalties and forfeitures, the laws against abuses and unjust discrimination and excessive charges by railroads, canals and turnpike companies for transporting freight and passengers. In his opinion, the people of Arkansas had borne such injustice with great patience and now it should be brought to an end. He endorsed the Bush bill passed in 1887 to create a state board to locate, establish, survey, build and operate state railroads and telegraphs, but pointed out imperfections in the act that had rendered abortive the attempt of the board established under it to secure capital to construct a line from Little Rock northward, through counties needing a railroad, and recommended an amendment to the law making its provisions definite and certain and authorizing the board to lease any road when built to responsible lines not owning or controlling any rival line. He believed that the board should be empowered to sell or dispose of any state lands within twenty miles (instead of twelve as the act provided) of the track of any railroad so built by the state. He deplored the undis-



puted fact that the Missouri-Pacific Railroad Company had such a monopoly of railroad interests in the state that it had been impossible to get capital for railroad building here, and pointed out that capitalists were willing to furnish money for building railroads to be built by the state. He recommended a revision of the laws relating to the chartering of railroad companies, with a view to preventing irresponsible parties or obstructionists from obtaining such valuable privileges and holding them to the detriment of the state and against others who would really construct railroads if the way was clear. He recommended a complete revision of the state revenue laws, especially in their relation to the ascertainment of value of corporate property and the powers and duties of assessors and boards of equalization. He recommended the co-operation of Arkansas with other states to bring about uniformity in state laws. He favored the election of United States senators by popular vote. He characterized the contract system in vogue as "a system of human slavery" and advised improvement in the manner of dealing with prisoners convicted of misdemeanors. He recommended the adoption of a system of reform for juvenile offenders, differing radically from the system in force. With reference to the penitentiary, he recommended its removal from the city limits and suggested that its site would be an admirable one for a new state house. He had encouraged the growing sentiment in favor of the erection of a new state capitol, and now he stated that competent architects and builders whom he had consulted had advised him that a durable and beautiful building adequate to the needs of the state could be erected in six or seven years at an expense of about six hundred thousand dollars. This estimate was based on the employment to some extent of convict labor. The governor favored quadriennial instead of biennial elections for all except legislative offices and an express provision that the governor should be ineligible to succeed himself.

The thirty-third legislature was held from January 14, to May 4, 1901. Senate: President—Robert J. Wilson; secretary—J. F. Hurley. House of representatives: Speaker—T. H. Humphreys; clerk—A. S. Hays. In his final message before this legislature, January 18, 1891, Governor Jones stated that through legislation the actual bona fide public indebtedness of the state, long an uncertain quantity, had at length assumed definite proportions, and, after deducting items not properly debts, was found to be one hundred fifty-eight thousand dollars. He recited that, under an act approved April 17, 1899, the board of state capitol commissioners created by that act had employed George R. Mann as architect



to prepare plans, specifications and detailed drawings for the state capitol building, and to superintend the erection of said building until completed. Mr. Mann had furnished and delivered to the commission a complete set of such plans, specifications and detailed drawings, which the board had found to be suitable and had accepted for the state. With the convict labor provided for by the act, the necessary excavations had been made and the foundation laid upon the old site of the penitentiary. The board had secured a valuable option for a nominal consideration upon granite lands for a quarry, but had found it inexpedient and unnecessary to obtain a piece of land suitable for the manufacture of brick, brick from old buildings taken down having answered all purposes thus far. He recommended that the building be erected and completed under the sole management and control of the board of commissioners, aided by the architect, that it should not be let out by public contract to any builder, and that the present board should hold office, as had been provided, "until the completion of said building and the acceptance thereof by the state." The act providing for the new state house had required it to be located on the site of the penitentiary and invested the board of penitentiary commissioners with authority to abandon said penitentiary grounds and turn them over to the statehouse board. It also authorized the penitentiary board to procure new grounds in Pulaski county, cause new buildings and walls to be constructed for use as a penitentiary and pay for same out of the funds at its disposal. In compliance with this act the penitentiary board had abandoned the penitentiary grounds and purchased fifteen acres of land in Pulaski county and had begun the construction thereon of the walls and part of the buildings of a penitentiary. The work thus far done had been fully paid for out of the proceeds of the labor of the convicts and without cost to the state. The governor renewed his recommendations contained in his message to the last legislature respecting county convict farms. All the reasons for a change in the present law then urged still existed. The abuses and excessive punishments imposed for misdemeanors under the present system were a blot on the civilization of the state. He also renewed recommendations contained in his inaugural address in 1897 for a reform school for juvenile offenders. He believed that the sentiment in favor of such an institution was growing among the people of the state. In conclusion, Governor Jones took up the cause of indigent Confederate soldiers, who had been but inadequately provided for under the act of 1891, and recommended a more liberal law on the subject. The aid of the



state had been practically inaccessible to otherwise needy applicants who owned homesteads. He contended that, instead of refusing help in such cases, the state should pay the taxes of the old veteran and make him and his wife comfortable during their few remaining days. "Let the law be so framed," he said, "as to keep out the imposter, but let it not be such as to humble the pride of the proudest men who ever stepped to the wild music of war, in any country, at any time, in the whole world's history."

A memorable incident of Governor Jones' administration was the christening of the United States battleship *Arkansas* by his daughter, Miss Bobbie Newton Jones.

The population of the state in 1900 was 1,311,564 as against 1,128,179 in 1890, representing an increase since 1890 of 183,385, or 16.25 per cent. In 1860 there were 652 schools; today there are more than 7,000. In 1872 there were fifty-six newspapers; there are now more than 200.

Jefferson Davis, who was elected twentieth governor of the state of Arkansas in 1900 and re-elected in 1902, is a native of Arkansas and is one of the few comparatively young men who have been called to the gubernatorial office. After finishing his literary education, he read law, was admitted to the bar and established himself at Russellville in the practice of his profession. He was prosecuting attorney on the Fifth circuit, 1890-94 and attorney-general 1899-1901. He was elected to the governorship as a Democrat by a majority of 44,295 in a total vote of 132,979, and was re-elected by a majority of 34,967 in a total vote of 119,741. In 1900, J. S. Little was elected to congress to serve 1901-03. In 1902, R. B. Macon, S. Brundidge, Jr., Hugh A. Dinsmore, John S. Little, Charles C. Reid, Joe T. Robinson and R. Minor Wallace were elected to congress to serve 1903-05. There were now seven congressional districts. January, 1901, John W. Crockett succeeded Alexander C. Hull as secretary of state, T. C. Monroe succeeded Clay Sloan as state auditor, and George W. Murphy succeeded Mr. Davis as attorney-general, their terms of office to expire January, 1905. H. C. Tipton was appointed state treasurer April 12, 1901, to succeed T. E. Little. In 1902 he was elected to the same office to serve until 1905. October 30, 1902, F. E. Conway succeeded J. W. Colquitt as commissioner of public lands, for a term ending in 1904, and on the same date and for the same period H. T. Bradford succeeded Frank Hill as commissioner of mines, manufactures and agriculture. October 30, 1898, J. J. Doyne succeeded J. W. Knykendall as state superintendent



of public instruction and served until October 30, 1902, when he was succeeded by J. H. Hinemon.

B. B. Battle was re-elected an associate justice of the supreme court in 1902. The Sixth chancery district was created April 2, 1901, and its chancellor, James D. Shaver, was appointed April 6. W. R. Quinney, prosecuting attorney on the Tenth circuit, died, and was succeeded February 2, 1901, by T. B. Morton. October 30, 1902, W. N. Hutton succeeded himself as judge of the First circuit, F. D. Fulkerson Third circuit, A. B. Grace Eleventh circuit, S. T. Rowe Twelfth circuit, George M. Chapline Seventeenth circuit, and Allen Hughes became judge of the Second circuit and J. W. Meeks judge of the Sixteenth circuit. October 31, 1902, John M. Tillman succeeded himself as judge of the Fourth circuit, W. L. Moose Fifth circuit, R. J. Lea Sixth circuit, A. M. Duffie Seventh circuit, J. D. Conway Eighth circuit, Z. T. Wood Tenth circuit, C. W. Smith Thirteenth circuit, F. G. Mitchell Fourteenth circuit, and J. S. Steele became judge of the Ninth circuit. On that date, S. R. Simpson succeeded himself as prosecuting attorney on the Second circuit, J. S. Maples Fourth circuit, J. H. Hamiter on the Sixth circuit, W. H. Martin Seventh circuit, Ben Cravens Twelfth circuit, J. M. Barker Thirteenth circuit, James M. Shinn Fourteenth circuit, Robert L. Rogers Fifteenth circuit, P. H. Crenshaw sixteenth circuit, F. E. Brown Seventeenth circuit, and P. R. Andrews became prosecuting attorney on the First circuit, R. L. Lawrence on the Fifth circuit, J. A. Bradley on the Eighth circuit, H. W. Wood on the Tenth circuit, W. D. Jones on the Eleventh circuit, W. A. Oldfield on the Third circuit. The Seventh chancery district was created in 1903. Among the acts passed by the thirty-third legislature were the following: An act permitting the United States government to purchase sites for public buildings in the state and ceding jurisdiction over them to the United States; an act authorizing cities of the first class to establish public libraries; an act to provide pensions for Confederate soldiers and sailors or their widows; an act to suppress and punish gambling; an act to repeal the state railroad law approved June 24, 1897; an act to provide a chaplain for the Old Soldiers' Home.

Under the provisions of a legislative act approved May 1, 1901, the management of an Arkansas exhibit at the World's Fair at St. Louis, in 1904, is vested in a Board of Directors of the Louisiana Purchase Centennial International Exposition for the State of Arkansas; which board is thus constituted: George R. Belding, Hot Springs, president; James C. Rembert, Helena, secretary;



George T. Lake, Fayetteville; H. T. Bradford, Little Rock; C. L. Watkins, Little Rock, clerk. Thomas W. Milan is manager; Miss Lizzie Gage is lady assistant manager. In 1901, the legislature appropriated thirty thousand dollars to defray the expenses of this exhibit; in 1903 it appropriated fifty thousand dollars more. Headquarters were established in the senate chamber at Little Rock and were removed to St. Louis early in 1904. The Arkansas state building, on the exposition grounds, was erected at a cost of seventeen thousand five hundred dollars, from designs by Architect F. W. Gibbs, of Little Rock. The building of booths for exhibits in different departments received careful attention. Special exhibits were assigned to the superintendency of J. H. Hinemon, superintendent of education, Little Rock; John P. Logan, superintendent of horticulture, Siloam Springs; A. H. Purdue, superintendent of mines and metallurgy, Fayetteville; H. T. Bradford, superintendent of agriculture and forestry, Little Rock. There will be exhibits also in the fish and game and liberal arts buildings. As a whole, this exhibit of Arkansas' resources and progress will surpass the finest and most complete ever made by the state.

The thirty-fourth legislature which convened at Little Rock April 12 to April 30, 1903, passed an act to regulate the practice of medicine and surgery and providing for the appointment of three boards of medical examiners; an act ceding jurisdiction to the United States over part of the Hot Springs Mountain reservation; an act ceding jurisdiction to the United States over a site for a dam and lock in Ashley and Union counties; an act appropriating a sum toward the erection at Little Rock of a monument to the Confederate dead; an act ceding to the United States jurisdiction over a jail, hospital and cemetery site at Fort Smith; an act to relieve sufferers from a tornado which swept over portions of Van Buren, Cleburne and White counties April 7, 1903; an act to regulate the practice of osteopathy and to provide for a state board of osteopathic examiners.

The new state capitol will be of the Ionic order of architecture, with first, second and third floors, basement and sub-basement. It will be 167 by 437 feet, with large central dome 228 feet high and with two smaller domes on either wing. The central dome is to be surmounted by a statue of victory with four smaller emblematic figures about the base, two at each end, and over the front, or main entrance, will be a group of six, representing agriculture, manufactures, mining, commerce, science and art. Other



groupings of statuary will relieve the harsher architectural lines and add much to the symmetry and harmonious effect. The walls of the basement story will be constructed of light gray granite and the entire exterior of the upper stories of Arkansas marble. The interior finishings also are to be done in these beautiful marbles, of variegated hues, and wherever it is necessary to use wood, the native hardwoods of the state are to be utilized. The structure will be as nearly fireproof as it can be made. The site is commanding.

#### COUNTIES IN ORDER OF FORMATION—RECAPITULATION.

Name.	Date of Formation.	Name.	Date of Formation.
Arkansas .....	December 13, 1813.	Franklin .....	December 19, 1837.
Lawrence .....	January 15, 1815.	Poinsett .....	February 28, 1838.
Clark .....	December 15, 1818.	Desha .....	December 12, 1848.
Hempstead .....	December 15, 1818.	Yell .....	December 5, 1840.
Pulaski .....	December 15, 1818.	Perry .....	December 18, 1840.
Miller .....	April 1, 1840.	Bradley .....	December 18, 1840.
Phillips .....	May 1, 1820.	Ouachita .....	November 29, 1842.
Crawford .....	October 18, 1820.	Montgomery .....	December 9, 1842.
Independence .....	October 20, 1820.	Newton .....	December 14, 1842.
Chicot .....	October 25, 1821.	Fulton .....	December 21, 1842.
Conway .....	October 20, 1825.	Polk .....	November 30, 1844.
Crittenden .....	October 22, 1825.	Dallas .....	January 1, 1845.
Izard .....	October 27, 1825.	Prairie .....	October 25, 1846.
Lovely* .....	October 13, 1827.	Drew .....	November 26, 1846.
St. Francis .....	October 13, 1827.	Ashley .....	November 30, 1848.
Lafayette .....	October 15, 1827.	Calhoun .....	December 6, 1850.
Sevier .....	October 17, 1827.	Sebastian .....	January 6, 1851.
Washington .....	October 17, 1828.	Columbia .....	December 17, 1852.
Union .....	November 2, 1829.	Craighead .....	February 19, 1859.
Pope .....	November 2, 1829.	Cross .....	November 15, 1862.
Monroe .....	November 2, 1829.	Woodruff .....	November 26, 1862.
Jefferson .....	November 2, 1829.	Little River .....	March 5, 1857.
Hot Spring .....	November 2, 1829.	Sharp .....	July 18, 1865.
Jackson .....	November 5, 1829.	Grant .....	February 4, 1869.
Mississippi .....	November 1, 1831.	Boone .....	April 9, 1869.
Pike .....	November 1, 1833.	Nevada .....	March 20, 1871.
Carroll .....	November 1, 1833.	Logan .....	March 22, 1871.
Greene .....	November 5, 1833.	Lincoln .....	March 28, 1871.
Scott .....	November 5, 1833.	Baxter .....	March 24, 1873.
Van Buren .....	November 11, 1833.	Clay .....	March 24, 1873.
Johnson .....	November 16, 1833.	Garland .....	April 5, 1873.
White .....	October 23, 1835.	Faulkner .....	April 12, 1873.
Randolph .....	October 29, 1835.	Lonoke .....	April 16, 1873.
Saline .....	November 2, 1835.	Cleveland .....	April 17, 1873.
Searcy .....	November 5, 1835.	Howard .....	April 17, 1873.
Marion .....	September 25, 1836.	Leo .....	April 17, 1873.
Madison .....	September 30, 1836.	Stone .....	April 21, 1873.
Benton .....	September 30, 1836.	Cleburne .....	February 20, 1853.

\* Abolished October 17, 1828.

Around the historic Arkansas state house soon to be supplanted by the modern capitol, cluster the memories of the pioneer statesmen to whose wisdom and patriotism is due much that Arkansas is to-day. Its halls have echoed with the burning eloquence of the orators of ante-bellum and war time days. In the dark period



of the reconstruction it was still the center of the state's political activities as it has since been during the years of Arkansas' wonderful development and progress. Although the period of its usefulness is now almost at an end, the old capitol has served its purpose well and its memory will be kept green in the state long after the building itself has been torn down and removed from its site.



# Oklahoma Territory

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Ex-Governor Cassius McDonald Barnes

*Associate Editor*





WILLIAM H. HARRIS



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407

# Oklahoma

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## CHAPTER I

### Explorations, Reservations, Forts, Trails, Etc.

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THE territory of Oklahoma has been called the "pet of congress," and this favored child has proved to be an infant prodigy. Although just entering its teens it has taken a place in the front rank of American commonwealths. Abundantly blessed by Providence with a fertile soil and temperate climate, inhabited by a composite type of American citizen resulting from a blending of the virtues of the rugged New Englander, the hospitable Southerner, and the breezy, pushing Westerner, and watched over by the congress of the United States in the capacity of a fond parent, Oklahoma has become the home of peace, progress and prosperity. The history of the territory of Oklahoma spans but a brief few years, every one of which, however, has been crowded with events throbbing with human interest. Its progress and development has been typically American, in the broadest sense of the word; the citizens of every section of the country, from Maine to California, from Oregon to Florida, have had a part in its upbuilding.

Before it was opened to settlement in the spring of 1889, Oklahoma was still an uninhabited country, save for a few thousand red men corraled on reservations set apart from the public domain for their occupancy. It was then a part of the so-called Indian



country and located near the center of these United States. Although the broad lands of Kansas, Nebraska and Colorado, were settled on the north, and the Empire State of Texas created on the south, the march of civilization was deflected at the border line of the Indian country. The overflow from Kansas, Colorado and Nebraska, and the oncoming hordes from the Middle states, pushed northward into Dakota, over the mountains into Oregon, and Southwest into Southern California, New Mexico and Arizona. Still the western half of the Indian country, equal in area to the state of Ohio, had not succumbed to the onslaught of the pioneer. The law, in all its majesty, barred the path of civilization. Efforts were made to disregard the law, but behind the law was the mailed fist of the military, and such efforts proved futile. Then the people, who made the law, exercised their right and repealed it.

The result was the opening of the western half of the Indian territory to settlement by the whites. The tide of immigration surged over the Kansas and Texas borders, just as the waters of the lower Mississippi surge through a break in the levee. In a single day Oklahoma was peopled by 50,000 prospective citizens, who in the thirteen years following have increased to 500,000. These half million citizens of Oklahoma territory are to-day clamoring for statehood and are backing their claims with such a formidable and imposing array of statistics, showing the miraculous development of the territory that congress is about to add another star to the constellation of states forming the Union.

The early French and Spanish explorers visited this section of the American continent, but it was not until it became part of the territory of the United States, by cession from France, that it became a known quantity on the map of the world. It was many years later still before its rivers, prairies, valleys, uplands and mountains became definitely located. On the official and unofficial maps of the thirties and forties it was distinguished as the hunting grounds of the wild western tribes of Indians, and with the exception of a few traders, hunters and trappers, was seldom traversed by white men.

One of the earliest accounts of this section of the country, and of the Indians occupying it, is furnished us by the letters of George Catlin, explorer and artist, who accompanied a military expedition in July and August, 1834, which started from Fort Gibson in the Cherokee nation, for the purpose of opening friendly negotiations with the Comanches, Pawnee Piets, Wacoos, Kiowas and affiliated tribes. This expedition was made by about 450 men



comprising the First regiment of dragoons, under the command of Col. Henry Dodge. General Leavenworth, commanding at Fort Gibson, Cherokee nation, at that time the frontier post of the Southwest, led the troops as far as a camp at the junction of the Red and (false) Washita rivers in Chickasaw nation, where the expedition rested, one half of the men being sick with fever. General Leavenworth and many of his men died on this ill-timed march, starting as it did in the hot months of summer, when the creeks were dry and pasturage scant. From the camp on the Red river, Colonel Dodge led 250 men into the country of the Comanches and Kiowas, which covered the southwestern part of the present limits of the territory of Oklahoma and the lands contiguous thereto. The Comanches at this early date, were a nomadic tribe, following the haunts of the buffalo, and having no permanent villages. They lived by the hunt altogether and made no pretensions to tilling the soil. With the Kiowas and Pawnee Picts (or Wichitas and affiliated tribes), the Comanches were allied for purposes of mutual defence. Their enemies were the Osages on the east and the wild Mexican tribes on the southwest, with whom they were perpetually at war. Colonel Dodge's command also visited a village of the Pawnee Picts, where they found a young lad, Matthew Wright Martin, who had been recently captured by the Indians at the time his father, Judge Martin of Texas, had been killed. A number of the chiefs of the Comanches, Pawnees, Kiowas and affiliated tribes consented to return with Colonel Dodge to Fort Gibson, where presents were given them and a "big talk" was held with the "Captain Grande" of the Americans and the representatives of the five civilized tribes of Indians, inhabiting the eastern part of the territory. The Spaniards were in touch with these prairie Indians before the arrival of the Americans, as shown by their knowledge of the Spanish language, and the presence of Spanish women among them, who had been captured in early youth and eventually became members of the tribe.

The accounts of Catlin and other early explorers, traders and hunters, relate the presence on the "Grand Prairie" of many herds of buffalo, their number being estimated at several millions. These writers describe the wanton slaughter of these animals by troops, hunters and Indians alike, which has continued until they have been practically exterminated.

That intrepid prairie traveler and trader, Josiah Gregg, made a trip through Indian territory from east to west in 1839, on his way from Van Buren, Ark., to Chihuahua, Mexico, via Sante Fe.



His party consisted of about twenty-four men and was accompanied as far as the border of the United States by forty dragoons under Lieutenant Bowman. Gregg had fourteen road wagons, filled with merchandise to the value of twenty-five thousand dollars. These wagons were drawn by mules and oxen, eight animals to a team. Two swivels, one brass and the other iron, were carried along for use in case of an Indian attack. At night the wagons formed two lines, drawn up in the shape of an oval, within the enclosure the party encamped. Captain Gregg found a wagon road from Fort Gibson, Cherokee nation, to a point on the Canadian river, in the Cross Timbers, where he camped near a deserted stockade, called Fort Chouteau, after its builder, Colonel Chouteau, a trader, who died in 1838. This trading post near Camp Holmes appears to have been the extreme western point reached by civilization at that time, and was the scene of a "big talk" in 1835, between Gov. M. Stokes, Brig.-Gen. M. Arbuckle and F. W. Armstrong, acting superintendent of the Western territories, commissioners representing the United States, and chiefs of the Comanche, Wichita and associated bands, together with representatives of the Cherokee, Muscogee, Choctaw, and other civilized tribes. On August 24, 1835, a compact was entered into which granted free and friendly intercourse between the civilized and wild Western tribes, and permission for all to hunt and trap on the Great Prairie, west of Cross Timbers, to the "western limits of the United States."

The "Cross Timbers" is the name given by early travelers to a strip of forest, from five to thirty miles in width, which traverses Oklahoma territory from north to south, from a point on the Arkansas river, to the Brazos river in Texas. This forest is the eastern limit of the great ocean prairie, which stretches in a long incline to the Rocky mountains. In 1839 Gregg's caravan followed the south fork of the Canadian river, through the center of the present territory of Oklahoma, and along the route now taken by the Atlantic & Pacific Railroad. Like all early travelers he was enthusiastic over the character of the country he was traversing.

Capt. R. B. Marcy, U. S. A., in 1849, explored, located and marked out a wagon road from Fort Smith, Ark., to Santa Fe, N. M., along the divide between the two forks of the Canadian river. In 1852 this officer, assisted by Captain McClellan traced the north branch of the Red river to its source, and thence taking a southerly direction reached the south branch and made an exploration of that stream.



On May 15, 1846, at Council Springs, Robinson county, Tex., near the Brazos river, a treaty was made and concluded between P. M. Butler and M. G. Lewis, commissioners on behalf of the United States, and certain chiefs of Comanche, Ioni, Anadarko, Caddo, Lipan, Keechie, Wichita, Waco, and other affiliated tribes of Indians. This treaty contained agreements on the part of the Indians to cease stealing the horses and cattle of their white neighbors; regulated the sale of ardent spirits, and provided for the protection of traders and trappers.

A third treaty of peace, friendship and amity, between the United States of America, represented by Thomas Fitzgerald, Indian agent, and the chiefs and head men of the Comanche, Kiowa, and Apache Indians, inhabiting the territory south of the Arkansas river, was made and concluded at Fort Atkinson, I. T., July 27, 1853. By the terms of this treaty the Indian tribes covenanted to make restitution for any injuries done by any band or any individuals of their respective tribes to the people of the United States who might be lawfully residing in or passing through their said territories; to abstain from levying contributions on, or molesting them in any manner, and so far as in their power, to render assistance to such as needed relief, and to facilitate their safe passage. The United States agreed to pay eighteen thousand dollars per annum for ten years, payment to be extended five years at the discretion of the president, to the Comanche, Kiowa and Apache tribes aforesaid, the same to be given them in goods, merchandise, provisions, or agricultural implements. This treaty was amended by the senate on April 12, 1854, and the amendments were ratified by the Indians on July 21, 1854.

Under treaty rights, the five civilized nations, Cherokee, Creek, Choctaw, Chickasaw and Seminole, claimed title to the lands in the western half of the Indian country over which roamed the Comanches, Kiowas, Wichitas, Southern Cheyennes and Arapahoes, all known as the wild Western tribes. When peace was declared at the close of the Civil war, owing to the part they had taken in it, these civilized Indian nations found themselves at the mercy of the Federal government. New treaties were made by the terms of which they retained possession of the lands in the eastern half of the Indian country where they lived, but ceded their western hunting grounds to the government. There it was proposed to locate in reservations, such friendly Indians from different sections of the country as it might be found expedient to remove from their former homes.

As early as 1855 the Wichitas and affiliated bands had been



assigned a reservation on their native lands in the southwestern part of the Indian country. These lands lying west of ninety-eight degrees west longitude, contained about 7,713,239 acres, and, according to the terms of Article IX, treaty of June 22, 1855, were leased for eight hundred thousand dollars, by the Choctaws and Chickasaws to the United States. After the war according to Article I of the treaty of April 28, 1866, in consideration of three hundred thousand dollars, the Choctaws and Chickasaws ceded to the United States all their lands west of ninety-eight degrees west longitude named in the treaty of 1855.

The Civil war afforded an extraordinary opportunity for the development of the inherent war spirit among the Indians on the Western borders, and murders, thefts, and the destruction of property resulted therefrom. Efforts on the part of the government through the Indian Bureau were made to turn the most disaffected to the interests of peace. Commissioners visited the unfriendly Cheyennes, Arapahoes, Apaches and Comanches south of the Platte river, and treaties were concluded with these tribes for the settlement of all difficulties, but these Indians did not voluntarily follow the "white man's road," and scarcely had the compacts been proclaimed when depredations and hostilities were renewed. The killing of friendly Cheyenne men, women and children in December, 1864, by Colorado troops, was in a large measure the cause for this bad feeling. The Cheyennes sought the aid of the war-like Comanches and Apaches, who raided the frontier settlements in Texas and New Mexico. By act of congress passed July 20, 1867, the president appointed a commission consisting of Hon. H. G. Taylor, commissioner of Indian affairs, Hon. J. B. Henderson, chairman of the senate committee on Indian affairs, Messrs. S. F. Tappan, John B. Sanborn and Brevet Maj. Gens. Wm. S. Harney, C. C. Augur and A. H. Terry, to ascertain the reasons for the hostile attitude of the Indians; to negotiate treaties for the removal of just causes of complaint; for the peace and safety of the whites; for security of public thoroughfares and public and private property, and for the selection of reservations as permanent abodes for the Indians east of the Rocky mountains. On October 21, 1867, at Council camp on Medicine Lodge creek, seventy miles south of Fort Larned, Kan., this commission succeeded in negotiating a treaty with the Kiowa and Comanche Indians; these tribes being represented by Sitting Bear, White Bear, Ten Bears, Painted Lips and other chiefs. By the terms of this treaty the Kiowa and Comanche Indians were given a reservation on the lands in the Indian country ceded to the United States by the



Choctaws and Chickasaws. This was a section which would be included within the limits of a line drawn from the ninety-eighth meridian on the east along the Washita river on the north to a point thirty miles west of Fort Cobb, thence due west to the North fork of the Red river, thence south along the North fork of the Red river to the Red river, thence east along the Red river to the ninety-eighth meridian and thence north along the ninety-eighth meridian to the starting point.

By Article XVI, treaty of July 19, 1866, the Cherokees ceded to the United States, the authority to settle friendly Indians on any part of their lands lying along the Southern Kansas line and west of ninety-eight degrees west longitude. These lands aggregated 8,140,884 acres and the Cherokees were to be paid for them when thus occupied by other Indian tribes. The Osage Indians, natives of this section, were removed from their lands in Kansas and located on the Cherokee strip according to the terms of the above treaty. This reservation contained about 1,567,308 acres and was bounded on the north by the Kansas line, on the east by the ninety-sixth meridian and on the south and west by the Arkansas river. By act of congress, June 5, 1872, title to this territory was granted to the Osage Indians on condition that the Kansas or Kaw Indians be allowed 101,141 acres in the northwest section of the reservation. The price paid to the Cherokees for these lands was seventy cents per acre. By an act of congress dated April 10, 1876, the Pawnee Indians were assigned to a reservation on the Cherokee strip containing 283,020 acres, for which the Cherokees were paid fifty-nine and nine-tenths cents per acre. This was bounded on the north by the Arkansas river and on the south by the Cimarron river and with the exception of two townships, embraced ranges 4, 5 and 6.

According to Article III of the treaty of June 14, 1866, the Creek Indians ceded the western half of their entire domain, at thirty cents per acre, to the United States to be sold and used as homes for such other civilized Indians as the United States might choose to settle thereon. In the treaty of March 2, 1866, Article III, the Seminoles ceded at fifteen cents per acre, their entire domain to the United States, and in lieu thereof accepted a strip of 200,000 acres in the Creek cession valued at fifty cents per acre. Of the lands ceded by the Creeks and Seminoles, there were sold to the Sac and Fox nation 479,667 acres under a treaty dated February 18, 1867. Their reservation was adjoining the country of the Creeks on the west and lay between the North fork of the Canadian and the Red fork of the Arkansas rivers. These



Indians, who had been removed from Kansas, had formerly been noted warriors and in 1846 were 2,478 strong but in 1872 their numbers had dwindled to 463.

The Pottawatomies, a tribe which had once inhabited the state of Michigan and had been removed to Kansas, were given 222, 668 acres in the Indian country on what was known as the "thirty mile tract." Under the provisions of a treaty made in 1861 with this tribe when in Kansas, the members thereof became citizens of the United States and received allotments of land. Many of them disposed of their share and removed to the Indian territory. It was to provide for these Indians that the treaty of February 27, 1867 was negotiated and a reservation thirty miles square and adjoining the Seminoles on the west, was given to them. As these Indians had already become citizens of the United States it was found they could not hold lands as a tribal organization, so congress passed an act on May 23, 1872, allotting their lands in severalty, giving 160 acres to each head of a family and to every other person twenty-one years of age, and 80 acres to minors.

The Absentee Shawanese, so called because they had wandered away from the main branch of the tribe and about 1842 settled in the "thirty-mile tract," supported themselves. By an act of congress May 23, 1872, 80 acres of land was given to the head of each family and 20 acres to each child under twenty-one years of age. As far as possible the lands on the north of Little river were allotted to the Pottawatomies, and the lands on the south to the Shawanese. These tribes had roamed along the headwaters of the Arkansas and, subsequent to the war, gave the government a great deal of trouble, engaging in a war against the whites that struck terror to the hearts of the peaceable settlers all along the frontier. The chief of the Southern Cheyennes, Black Kettle, and thirty-seven of his followers were killed in 1867 on the Washita by General Custer. Generals Sheridan, Carr and others also led troops against these Indians in 1868 and 1869. They were finally subdued, and in February, 1869, were transported as prisoners to Camp Supply, in the northwestern part of the Indian territory. They refused to remain on lands in the western part of the Cherokee strip, allotted to them by treaty, and by a provision dated August 10, 1869, were placed on a large reservation of 4,297,771 acres south of the Cimarron river and north of and adjoining the Kiowa and Comanche reservation. They proved troublesome until 1875 when Chief Stone Calf surrendered at Fort Sill. The agency for these tribes was situated at Anadarko. Out of the tract upon which the Southern Cheyennes and Arapahoes were



located, by a provision dated October 19, 1872, a reservation was set aside for the Wichitas and affiliated bands.

In 1876, a band of the Northern Cheyennes joined Sitting Bull and the Sioux and aided in the massacre of Custer and his men. They surrendered in 1877, and were sent to Fort Robinson, Neb., and finally transported to the Indian territory. In the summer of 1877 they were placed on the reservation with the Southern Cheyennes and Arapahoes. In September, 1878, about 300 of these Northern Cheyennes under the leadership of Dull Knife, Little Wolf, Wild Hog and Old Crow, escaped from the agency and endeavored to return to their old homes in the North. They were followed through Nebraska by United States troops, with whom they engaged in a running fight and by whom they were finally captured and held prisoners at Fort Robinson. While there they rose in revolt and several of their number were killed. The remainder were sent back to the Indian territory. In 1881 permission was granted to 235 of the Northern Cheyennes, under Little Chief, to return north and locate on the Pine Ridge agency in Dakota, and in 1883 the remainder, 391 Cheyennes accompanied by 41 Arapahoes, were also sent to this reservation.

Attempts to settle Northern Indians in the Indian territory were uniformly disastrous. When removed from their old hunting grounds and the vicinity of the graves of their ancestors, they were subjected to climatic diseases and were never contented with the fertile lands of their new abode. On this account efforts to remove the Sioux were abandoned. The experience with the Northern Cheyennes was duplicated in the case of the Nez Perces of Idaho. A band of malcontents from this tribe and under the leadership of Chief Joseph went on the war path against the whites in 1877. They were pursued by United States troops, through Wyoming and into Montana, where they surrendered to Colonel Miles and were subsequently held as prisoners of war at Fort Leavenworth, Kan. By the Indian appropriation bill of May 27, 1878, an appropriation to cover the expense of removing this band to the Indian territory was given to the secretary of the interior. On July 21, 1878, they were placed upon the Onapan reservation in the northeastern part of the territory, but were subsequently located on a tract in the Cherokee strip, west of the Ponca reservation where the Shakaskia empties into Salt creek. This tract embraced townships 25 and 26 north, range 182 west, and contained 90,710.89 acres. Here they remained without giving any further trouble, but their faces were continually turned northward and in 1885, 118 of their band were sent back to Idaho,



while the remaining 150 were taken to the Colville agency in Washington territory. For their removal the government paid eleven thousand three hundred and fifty-four dollars and one cent. In October 1884 the Tonkawa Indians were removed from Texas to the Iowa reservation in the Indian territory, and in June, 1885, were settled on the lands vacated by the Nez Percés.

A census of the Indians in the western half of the Indian territory taken in 1880, gives the population of the respective tribes as follows:

Kiowas .....	1 139
Comanches .....	1 413
Apaches .....	334
Wichitas .....	198
Wacoés .....	47
Towaconies .....	146
Keechies .....	538
Comanches (of Wichita) .....	155
Delawares .....	78
Osages .....	2 008
Cheyennes .....	3 767
Arapahoes .....	2 132
Pawnees .....	1 306
Poncas .....	530
Nez Percés .....	344
Absentee Shawanese .....	660
Sacs and Foxes (Mississippi) .....	421
Mexican Kickapoos .....	300
Pottawatomies .....	90
Iowas .....	46
Sacs and Foxes (Missouri) .....	32
Black Bob Shawanese .....	60
Kansas Pottawatomies and Kickapoos .....	50
Total .....	15 794

The Poncas proved to be the exception to the rule. They lived on a reservation in Southeast Dakota where they were persecuted by the warlike Sioux and were glad to transfer their lodges to the hospitable Southern country. According to acts of congress approved August 15, 1876, March 3, 1877, May 27, 1878 and March 3, 1881, they were placed on an agency in the Cherokee strip, containing 101,804 acres.

The Otoes and Missouris from Nebraska and Kansas, by act of



Congress dated March 3, 1881, were given lands south of and adjoining the Poncas and west of and adjoining the Pawnees. By the executive order dated August 15, 1883, the Iowas and other Indians were given 228,152 acres in the Creek and Seminole cession, and by another order of August 15, 1883 the Mexican Kickapoos were given 204,466 acres on the same tract.

At the time the Indian country was opened to white settlement the Indian population was about the same as it had been in 1880, ten years before, but notwithstanding these small numbers, Oklahoma territory has to-day more "blanket" Indians than its neighbor, the Indian territory.

The Indian reservations noted herein did not embrace the entire western half of the Indian country and large areas of land remained unoccupied. These lands included those sections popularly designated as the Oklahoma district, Cherokee strip, Greer county and the Public Land strip. The Oklahoma district lay in the very heart of the old Indian territory and was part of the tract ceded to the United States by the Creeks and Seminoles in 1866. It was bounded on the north by the Cherokee strip, on the east by the Sac and Fox reservation, on the south by the Chickasaw nation and on the west by the Cheyenne and Arapahoe reservation, and was 125 miles long and from 50 to 116 miles wide. It contained 1,887,800 acres of unassigned lands. Oklahoma is an Indian name and means "beautiful land." It was the name proposed for the Indian country, by the Creek and Cherokee radicals when the Indian tribes should have become a people and their hunting grounds a state.

The Cherokee strip was a section of prairie land extending from the lands of the Cherokee nation in the East to the western limits of the Indian territory and was guaranteed to this tribe by various treaties as a Western outlet for hunting purposes. Under the terms of the treaty with the Cherokees in 1866 it was thrown open for occupancy, to the other Indian tribes, and the Osages, Pawnees, Nez Percés and others were assigned reservations thereon. The western portion of the strip, however, remained unassigned, and consisted of a large stretch of prairie, on which were located the great salt plains or salines. After the war it became a refuge of border ruffians of every description.

Greer county is located in the southwestern corner of Oklahoma territory, between the north fork and main branch of the Red river, and for many years jurisdiction over this section was claimed by the United States and the state of Texas.



The Public Land strip, now known as Beaver county, Okla., is bounded on the north by Colorado and Kansas, on the east by the Cherokee strip, on the south by Texas and on the west by New Mexico. It was never actually a part of the Indian country, as it was acquired by the United States from Mexico under the treaty of Guadalupe Hidalgo in February, 1848. It was claimed by Texas and was included in the lands for which the United States paid Texas ten million dollars. In fixing the northern border line of the Texas "Panhandle" and the southern Kansas line, this strip of land,  $34\frac{1}{2}$  miles wide and 167 miles long containing 3,687,360 acres, became a part of the public domain. The Public Land strip, or "No Man's Land" was claimed by the Cherokee nation as a part of the "western outlet" ceded to them in 1838, and was included on the early maps of the General Land office as a part of the Indian country; but as the United States did not obtain possession of this strip until the treaty with Mexico in 1848, ten years after the aforesaid treaty with the Cherokees, this claim was never allowed. After Southwestern Kansas was settled the pioneers pushed over into this Public Land strip and several thousand people found homes there. It was made a part of the territory of Oklahoma by the enabling act approved May 2, 1890.

In 1872 the Cheyenne and Arapahoe agency was located at Darlington, on the North fork of the Canadian river at a point where a public road from Wichita, Kan., (the nearest railroad point), to Fort Sill crossed the stream. The Wichita agency was located at Anadarko on the Washita river along the same road, 35 miles south of the Cheyenne and Arapahoe agency and 40 miles north of Fort Sill. The Kiowa and Comanche agency was situated on Cache creek,  $1\frac{1}{2}$  miles from Fort Sill. The latter post was located at the junction of Cache creek and Medicine Bluff creek. It was established March 4, 1869 as Camp Wichita and its name was changed to Fort Sill July 2, 1869. Col. B. H. Grierson, U. S. A., was the first commanding officer, and the troops D, E, L and M of the Tenth Cavalry and Companies C and E of the Sixth Infantry, were stationed there at that time. The reservation set apart for this fort contains an area of 49,920 acres, of which 23,040 acres were originally reserved as a military post and 26,880 acres afterwards added as a wood reserve. A military road connected Fort Sill with Fort Arbuckle in Chickasaw nation, the road continuing east to Atoka, Choctaw nation, a point on the Missouri, Kansas & Texas Railroad. A tri-weekly stage ran



from Atoka to Fort Sill, a distance of 165 miles, and mail for the three Indian agencies mentioned passed over this route.

Fort Reno was established in 1875, the reservation containing 9,493 acres, being declared February 1876. Lieut.-Col. F. H. Neill, U. S. A., was the first commanding officer, and troops B, G, H and K, Fifth Cavalry, and troop E, Sixth Cavalry, were originally stationed there. This post was located on the North fork of the Canadian river and about two miles southwest from the Cheyenne and Arapahoe agency at Darlington, and is on the edge of the Oklahoma district. In 1884 the Indian agent at Darlington, near Fort Reno, wrote of the post as follows: "Fort Reno is only one and a half miles southwest of the agency, on the south side of the river, situated on a sloping hill. It stands within full view. The parade ground is in the center of the enclosure and is large enough to make quite a park. The large stone, brick and frame structures surround it, broad graveled roads with stone walks lie between the buildings and the grassy square, and on either side healthy trees are growing fast to beautify the place. The residences of the officers, fronting as they do the drive about the parade grounds, are of brick and frame. They are large square structures built in the southern style, with entrances in the center, and appear large enough for small hotels with wide piazzas. They are beautifully furnished. West of the parade ground a broad road separates the corrals, wagon and feed lot, and runs south past the immense establishment of the "post trader." To the west of this and down the slope are the white tepees of the Indian scouts and their families. This is a splendid little post, fitted as it is with all the comforts for six companies; and as we daily hear the bugle's melodies and the boom from field piece proclaiming the military day ended, we are reminded by their thrill that Nation with a big 'N' is a reality."

Neal W. Evans & Co., were the post traders at Fort Reno, and are reported to have had the largest and best assortment of goods in the West. Their store was two stories and a half in height and contained many departments, such as a store, post-office, shoe-shop, tailor-shop, livery stable, furniture and carpet rooms, bar, billiard hall and hotel. The lumber out of which the building was made had to be freighted a distance of 200 miles. The profits derived from these trading posts were large and there was keen and often bitter competition to secure the appointments.

Fort Supply was established November 18, 1868, as Camp Supply, and was located in the Cherokee strip, near the junction of



Beaver and Wolf creeks, which combine to form the North fork of the Canadian river. Dodge City, Kan., on the Atchison, Topeka & Santa Fe Railroad, was the nearest railroad station, and was distant ninety-one miles. The designation of this post was changed to Fort Supply on December 30, 1878. The military reservation was declared by the president April 18, 1882 and was enlarged by executive order January 17, 1883. Most of the troops were withdrawn from this post on October 6, 1894, a detachment remaining until February 25, 1895, when the post was transferred to the jurisdiction of the interior department. Capt. J. H. Page was the first commanding officer of Fort Supply, having under him Companies B, E, F, Third Infantry and Company G, Thirty-eighth Infantry. A cantonment was also established on the North fork of the Canadian river between Forts Reno and Supply. Other military post in the Indian territory, which were abandoned long years since, are Old Fort Cobb on the Washita and Old Camp Augur on Red river.

During the latter sixties and early seventies the white covered prairie schooners of the pioneer settlers reached the southern part of Kansas, and ranches, farms and towns, sprang rapidly into existence. Only an imaginary line divided the state of Kansas from the Cherokee strip in the Indian territory, across which the homesteader was forbidden to pass. Among the border towns that appeared like magic on the rolling expanse of prairie in Southern Kansas, were Baxfer Springs, Chetopa, Coffeyville, Montgomery, Hunnewell, Caldwell and Arkansas City. These towns became the termini for roads and trails extending into and through the Indian country.

Indians, freighters and cattlemen opened up many roads and trails that in time marked the western prairies like a checkerboard. Texas cattlemen annually drove immense herds of beeves northward across the Indian territory to the nearest points on the Kansas & Pacific Railroad, where they were shipped to Chicago and other Eastern markets. These cattle trails became distinctly marked and in time regulations were adopted by the Indian Bureau forbidding the trails from being closed by fences or otherwise. Grazing lands along these trails, where the cattle were given a breathing spell on their long northward march, were known as reserves. The cattle kings were a powerful clique in the piping times of the seventies and closely guarded their interests. Any attempt to encroach upon these open trails was regarded by them as an infringement of their vested rights and was vigorously



resisted. An organization of Texas ranchers at one time advocated legislation by congress making the principal trail a perpetual open track, some 30 or 40 miles wide, with reserves surveyed and laid off at frequent intervals.

The largest of these cattle trails crossed the Indian territory from the Texas to the Kansas border, running in a northwesterly direction and not far from the western line of the territory. The destination of this trail was Russell, on the Kansas & Pacific Railroad. It was called the Great Texas Cattle trail. The Abilene Cattle trail entered the Indian territory from the north at Caldwell, Kan., which town is about two miles from the border line. It was sometimes called the Chisholm trail after the man who drove cattle over it for the first time in 1868. The destination of this trail was Abilene, Kan., a point on the Kansas & Pacific railroad, 100 miles from the border line. Another trail, called the Ellsworth Cattle trail, after the railroad town by that name where the trail ended, made connection with the Abilene trail at Pond creek, Indian territory, a score or more miles from the Kansas line. The Abilene trail was also the stage route from Caldwell to Fort Sill via Fort Reno, a distance of 150 miles. Stage ranches or stations were established along this route at frequent intervals, where stops were made for fresh horses. Among the stage ranches, where the usual type of frontier shanties was in evidence, may be mentioned First and Last Chances, Pond Creek, Buffalo Creek, Bull Foot, Skeleton Creek, Baker and Kingfisher. Poker, faro, chuck luck and other seductive games of chance were always in full swing at these ranches.

A freighter by the name of Pat Hennessey and several others in his party were massacred by Indians July 13, 1874, near Buffalo Spring ranch, and a rough monument of stones was erected at the spot where the murder occurred. The thriving town of Hennessey has arisen at this point.

The Abilene stage line was conducted by the Southwest Missouri Stage Company, which had the government contract for carrying mails and supplies into the Indian country. It was a red letter day at Caldwell when the dusty stage, of the type made familiar to the younger generation by Buffalo Bill's Wild West aggregation, drawn by six foam-lathered horses, careened up to the entrance of the clapboard hotel and discharged its cargo. The stage driver was considered a man of parts and entitled to as much respect as the mayor and town marshal. He was always a man of great personal courage, a reckless driver and a sure marksman.



From him the latest rumors were gleaned of threatened Indian outbreaks, and the news he disseminated never lost interest in the telling.

When the Atchison, Topeka & Santa Fe Railroad was extended to Arkansas City, this town became the point where many trails passing through the Indian territory converged. Reference has been made to the cattle trails. The Indians established many trails of their own from one reservation to another and from reservation to the border towns of the white men, which they frequently visited and where they traded good ponies and valuable furs for bad whisky and cheap, gaudy-colored blankets.

For a number of years the supplies to the Indian reservations were conveyed under private contract. In 1879 the Indian Bureau adopted the plan of having this freighting done by the Indians. An idea of the extent of this business may be gathered from a report of one of the Indian agents at the Comanche and Kiowa agency, made in 1881, wherein it is stated that 435,160 lbs. were freighted to this agency from Caldwell, 150 miles distant, and 500,000 lbs. from Arkansas City, 175 miles distant, making a total of 935,160 lbs. For this service the government paid seventy-five cents per hundredweight or eleven thousand four hundred forty-five dollars and fifty-six cents. Subsequent to the year 1882 supplies for Fort Sill and the neighboring reservation were freighted from Henrietta, Tex., 100 miles distant.

One of the Indian trails from Arkansas City ran in a south-westerly direction from that point for about twenty miles, thence south through the Nez Perce reservation on the Salt fork of the Cimarron river and thence through the Cherokee strip along a divide to the north line of the Oklahoma district, and then southwest to Fort Reno and Fort Sill.

Another trail from Arkansas City traversed the "Black Jack" or Jack Oak hills, a thick jungle of small stunted oak trees, covering a thousand acres of uplands. In the fall the ground in this jungle was covered with acorns and mast and was hardly passable to man. By this trail it was 30 miles from Arkansas City to Ponca reservation, 38 miles to Otoes reservation, 55 miles to Black Bear creek, 90 miles to the Cimarron river ford, and 130 miles to Wells' store on the Canadian river.

The Cheyenne and Arapahoe trail led to the reservation and agency at Darlington, near Fort Reno; other trails to the west led to Beaver City in the Public Land strip, and to the Texas panhandle. Those bearing in a southeasterly direction led to the Seminole agency and to the Cherokee nation.



The trail from Coffeyville, on the southeastern border of Kansas, known as the Old Whisky trail, along which an illicit traffic in fire water was carried on, extended southwesterly via Bruner's crossing of the Arkansas river to the Sac and Fox agency, and was the shortest route to the Oklahoma district from Southwestern Missouri.



## CHAPTER II

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### “Boomer” Colonies, Land Openings, Cattle Leases, Etc.

IN THE winter of 1878 and 1879 articles in newspapers throughout Kansas and Missouri called attention to the unoccupied lands embraced in the western half of the Indian territory, and announced that they were a part of the public domain, purchased from the Indians under treaties in 1866, and were therefore subject to settlement under the homestead laws of the United States. These articles were copied by the Eastern press and the attention of the Indian Bureau was called to the matter by the receipt of letters from would-be settlers writing for further information. The government was also advised that an organized effort was about to be made to enter the Indian country under the belief that no steps to prevent such an attempt if made by sufficient numbers would be taken by the government. The secretary of the interior, however, appealed to the president and secretary of war, to assist him in repelling any unlawful invasion of the Indian country. Accordingly the president issued the following proclamation, viz.:

*“Whereas, It has become known to me that certain evil-disposed persons have, within the territory and jurisdiction of the United States, begun and set on foot preparations for an organized and forcible possession of, and settlement upon, the lands of what is known as the Indian territory, west of the State of Arkansas; which territory is designated, recognized and described as Indian country, and as such is subject to occupation by Indian tribes, officers of the Indian Department, military posts, and such persons as may*



be privileged to reside and trade therein under the intercourse laws of the United States; and

*"Whereas, Those laws provide for the removal of all persons residing and trading without express permission of the Indian Department and agents, and also of all persons whom such agents may deem to be improper persons to reside in the Indian country;*

*"Now, therefore, for the purpose of properly protecting the interests of the Indian nations and tribes, as well as of the United States in said Indian Territory, and of duly enforcing the laws governing the same, I, Rutherford B. Hayes, President of the United States, do admonish and warn all such persons so intending or preparing to remove upon said lands or into said Territory without permission of the proper agent of the Indian Department against any attempt to so remove or settle upon any of the lands of said Territory; and I do further warn and notify any and all said persons who may so offend that they will speedily and immediately be removed therefrom by the agent, according to the laws made and provided, and, if necessary, the aid and assistance of the military force of the United States will be invoked to carry into proper execution the laws of the United States herein referred to.*

*"In testimony whereof, I have hereunto set my hand and caused the seal of the United States to be affixed.*

*"Done at the City of Washington, this twenty-sixth day of April, in the year of our Lord, eighteen hundred and seventy-nine, and of the Independence of the United States the one hundred and third.*

*"RUTHERFORD B. HAYES."*

*"By the President:"*

*"WM. M. EVARTS, Secretary of State."*

In addition to the above proclamation further precautions were taken by the secretary of war, Geo. W. McCrary, to prevent the seizure of the lands in the Indian Territory. He directed Gen. P. H. Sheridan, commanding the division of Missouri, with headquarters at Chicago, to instruct Gen. John Pope, commanding the department of Missouri, to use his available troops to execute the terms of the president's proclamation. General Pope was instructed to order small detachments of troops to the vicinity of Coffeyville and Baxter Springs and to patrol the country in the Indian territory along the Old Whisky trail, warning all immigrants entering the territory that they were acting in violation of law and would be ejected by force if they persisted. An agent of the Indian Bureau was sent posthaste to Coffeyville to learn the extent of the threatened invasion. He reported that the excite-



ment had subsided and was due to a false idea of the status of the lands in the Indian country, which the people had derived from the publication of newspaper "specials." The only invasion attempted at this time was by a few settlers who entered the Quappaw reservation in the northeastern corner of the Indian territory and marked out claims on trees, but leaving the territory upon being apprised of the tenor of the president's proclamation. The Indian Bureau was also advised by their agent at Coffeyville that one C. C. Carpenter, of Black Hill's notoriety, was endeavoring to secure a following with the avowed purpose of entering the forbidden lands, his method being to obtain donations from merchants of Coffeyville as an inducement to make that town a rendezvous for his prospective colonists.

It was generally claimed at this time and subsequently that the movement to settle the unoccupied lands of the Indian territory was originated by certain railroads which would be large gainers thereby. According to the charters of the Atlantic & Pacific Railroad (now the St. Louis & San Francisco) and the Kansas & Neosho Valley Railroad, granted them in 1866, alternate sections of land on either side of their tracks were to be given to these roads upon the completion of their lines through the Indian country within a stipulated time, provided the Indian title to the lands through which the railroads passed should ever be extinguished. There was also a provision in these charters preventing the railroads from taking an active part in any movement having for its purpose the extinguishment of the Indian title. However incipient the threatened invasion of the territory in 1879 may have been, the interests of the people of Kansas, Missouri, Arkansas and Texas, as well as in other parts of the country, was aroused, and from this time on their interest never flagged until legislation finally opened the way for the settlement of the Oklahoma lands.

Every popular movement has a leader; generally a man who thinks while his followers sleep, who acts while the populace stand idly by shouting approval. Such a man was the leader of the Oklahoma "boomers," Capt. David L. Payne, a typical Kansas frontiersman, who was not only familiar with the lands in the Indian territory along the Cimarron and Canadian rivers, but who acquainted himself with the legal status of these lands during an incumbency of the post of doorkeeper to the house of representatives at Washington. From 1879 until his death at Wellington, Kan., in 1884, this man devoted his whole time and energy in endeavoring to secure a foothold in the Indian territory, which would serve as an entering wedge for the final settlement



by the whites. The method he pursued was consistent with the strenuous life he had led on the frontier, among wild animals and treacherous Indians, where it behooved one to act first and reason afterwards. Captain Payne made enemies who maligned him and endeavored to brand him as a common outlaw, but subsequent events prove that the opening of Oklahoma to settlement was due in a large measure to the aggressive and persistent work of this man. He refused to see defeat in temporary reverses and had such sublime faith in the justice of his mission that his adherents steadily grew in numbers.

Capt. David L. Payne was born in Grant county, Ind., December 30, 1836. In the spring of 1858 he started west with his brother intending to engage in the Mormon war. He did not get farther than Doniphan county, Kan., however, where he pre-empted land and went into the lumber business, erecting a saw mill on his property. The investment proved a failure, and being of a restless and withal adventurous spirit, Payne turned hunter, of which vocation he made a success from the start. During his hunting trips he explored the Southwest as far as the Magillon mountains of New Mexico and became familiar with the country embraced in the Indian territory, particularly the lands along the Cimarron river. Payne's knowledge of the Indian country made his services valuable as a guide and Indian scout, earning him the sobriquet of "Cimarron Scout." He was employed in these capacities by traders and by the government. He is said to have been well acquainted with Kit Carson, Wild Bill, California Joe, Buffalo Bill and other hardy representatives of the frontier.

This adventurous frontiersman served with credit in the Civil war, enlisting in 1861 as a private in Company F, Tenth regiment Kansas volunteers. In 1864 at the expiration of his term of enlistment, he was elected to the Kansas legislature, serving for two years. In 1865 he again volunteered as a private in the army and is said to have taken the place of a friend, who was drafted. During Payne's second enlistment he was enrolled in Company G, Eight regiment of Western volunteers, from March, 1865, until March, 1866. He was afterwards commissioned as captain of Company D, Eighteenth Kansas cavalry, serving as such from October, 1867, to November of the same year. His last service was in the regular army as captain of Company H, Nineteenth Kansas cavalry, and extended from October, 1868, until October, 1869. He was at different times postmaster of Fort Leavenworth, sergeant-at-arms for two terms of the Kansas state senate, and



from 1875 to 1876 was a doorkeeper to the house of representatives at Washington, D. C.

Organizations of prospective colonists were started in Kansas and Missouri, the original of which was known as "Payne's Oklahoma Colony." In the main the purpose of these organizations was to keep the Oklahoma question before the people and push forward plans for a settlement of the disputed lands. A small initiation fee was required, and in return the holder of a certificate of membership was entitled to certain benefits to accrue when the proposed townsites were established. Each organization boasted a constitution and by-laws and had a full quota of officers, including a surveyor and generalissimo. William H. Osborn, for several years associated with Payne as his secretary, forsook the banners of his chief, whose method he considered too radical and not productive of results, and organized a colony, known as "Osborn's Oklahoma Petitioners to Congress." The object of the Osborn faction was to present the claims of the "boomers" to congress and secure by legislation what Payne's association was endeavoring to secure by force. Legislation was the only solution to the matter, but there is no doubt that the continued efforts of Captain Payne, although made in violation of the law, gained the moral sympathy of the people, and opened the way for subsequent legislation. The "boomers" published several newspapers, among which may be mentioned the *Oklahoma War Chief*, edited by Wm. F. Gordon at South Haven, Kan., the *Oklahoma Pilgrim*, published at Burton, Kan., by W. H. Osborn, and the *Oklahoma Chief*, issued at Arkansas City, by S. J. Zerger.

Early in 1880 rumors being rife that renewed attempts to invade the Indian territory were about to be made, President Hayes, on February 12, 1880, issued a second proclamation nearly identical to the first one. Similar proclamations were also made, warning citizens from intruding on the Indian lands, by Presidents Arthur and Cleveland, on July 1, 1884, and March 13, 1885, respectively. About May 15, 1880, the military forces arrested Captain Payne and eleven of his followers at a camp about forty miles east of Fort Reno in the Oklahoma country and one and one-half miles south of the North fork of the Canadian river, where they had established a camp. The "boomers" were taken to the Kansas line and discharged.

On July 15, 1880, Payne and twenty associates were again discovered attempting to enter the Indian Territory and in pursuance of an order of the president, Payne was turned over to the United



States marshal for the Western district of Arkansas, to be held for prosecution under United States laws relating to intruders of the Indian country. Captain Payne was released on bail and his trial set for the November term of the United States district court. At the subsequent May term of said court a civil suit in the nature of an action of debt brought against Payne, in the name of the United States, to recover the statutory penalty of one thousand dollars, was tried and judgment rendered against the defendant. The case was argued before Judge I. C. Parker, and the government was represented by Wm. H. Clayton, United States district attorney, assisted by D. W. C. Duncan. Messrs. Thos. H. Barnes, Wm. Walker, and James M. Baker appeared in Captain Payne's behalf.

In brief, the merits of the case rested on the question of the title to the Oklahoma lands, the defense claiming that the Indians relinquished all their right, title and interest in the said lands by virtue of certain treaties of cession, executed in 1866, and that the lands were therefore a part of the public domain and subject to the homestead laws. On the other hand the government maintained, and was sustained by the court, that the cession of the Oklahoma lands by the Creeks and Seminoles made in 1866 was for an express purpose, viz., the locating of freedmen and other Indians thereon, and to open them to settlement by the whites would be a breach of faith on the part of the United States.

The preamble to the treaty with the Creeks of June 14, 1866 (14 Stat. 786), recites that "the United States require of the Creeks a portion of their lands whereon to settle other Indians," and by the third article of that treaty it provided that, "in compliance with the desire of the United States to locate other Indians and freedmen thereon, the Creeks hereby cede and convey to the United States, to be sold and used as homes for such other civilized Indians as the United States may choose to settle thereon, the west half of their entire domain to be divided by a line running north and south; and in consideration of the said cession of the west half of their lands, estimated to contain 3,250,560 acres, the United States agrees to pay the sum of thirty cents per acre, amounting to nine hundred and seventy-five thousand one hundred and sixty-eight dollars, in the manner hereinafter provided." \* \* \*

\* \* \* The preamble to the treaty with the Seminoles of March 21, 1866 (14 Stat., 755), recites that, "the United States in view of its urgent necessities for more lands in the Indian Territory, requires a cession by said Seminole Nation of a part of its present reservation, and is willing to pay therefor a reasonable price, while at the same time providing new and adequate lands



for them;" and the third article of that treaty provides that, "in compliance with the desire of the United States to locate other Indians and freedmen thereon, the Seminoles cede and convey to the United States their entire domain, being the tract of land ceded to the Seminole Indians by the Creek Nation under the provisions of article 1, treaty of the United States with the Creeks and Seminoles, made and concluded at Washington, D. C., Aug. 7, 1856. In consideration of said grant and cession of their lands, estimated at 2,169,080 acres, the United States agree to pay said Seminole Nation the sum of fifteen cents per acre."

Judgment in the sum of one thousand dollars was rendered against the defendant, but as Payne had no means wherewith to satisfy the same, he was permitted to go free. The arrest of the intruders in the Indian territory was made as provided in the Intercourse Laws, (Sections 2147 to 2150, U. S. R. S. inclusive). Section 2147, U. S. R. S., provided that: "The Superintendent of Indian Affairs and Indian agents and supply agents shall have authority to remove from the Indian country all persons found therein contrary to law; and the President is authorized to direct the military to be employed in such removal."

The manner in which the military force could be used was prescribed by Section 2150, U. S. R. S., as follows: "The military force of the United States may be employed in such manner and under such regulations as the President may direct: First, in the apprehension of every person who may be in the country in violation of the law and in removing him immediately from the Indian country by the nearest convenient and safe route to the civil authority of the Territory or judicial district in which said person shall be found, to be prosecuted against in due course of law." Section 2148, U. S. R. S., provided for a penalty of one thousand dollars if the offense should be committed a second time. No provision of law was made for the imprisonment of intruders.

Payne's colony camped on the banks of Bitter creek, near Arkansas City, in December 1880, and numbered over 200 men. From this point the colony moved to Hunnewell, and the original band was greatly augmented by the presence at the camp of near by inhabitants, who were drawn there by sympathy or curiosity. On Sunday, December 12, there was a dress parade in which over 500 men participated. Divine service was held in the afternoon conducted by the chaplain of the colony, who selected as the text for his discourse a line from Exodus: "The Lord commandeth unto Moses, to go forth and possess the promised land." Troops under Colonel Copinger kept in close touch with this colony, but



did not interfere with their progress so long as they did not cross the border line. The "boomers" moved on to Caldwell on December 14, where the people turned out en masse to welcome them. A council was held, speeches were made, and resolutions were adopted. It was expected that some modification of the president's proclamation would be announced, and the failure to receive this encouragement dampened the spirits of the less enthusiastic members of the colony, and in a few days the "citizen army" quietly dispersed.

During 1882 two attempts were made to enter the forbidden lands, the first in May, when the colonists were apprehended and released on the border line, and again in the latter part of August seven men and two women, with an outfit of horses, wagons, etc., were captured by the soldiers. Refusing this time to leave the territory peacefully, the party was disarmed and taken to Fort Reno as prisoners, but subsequently turned over to the civil authorities at Fort Smith, Ark., where they were afterwards released to appear at the following term of the United States court to answer civil suits for the recovery of the prescribed penalty of one thousand dollars.

From an examination of the reports to the general commanding the army by his subordinates, whose duty it was to patrol the Oklahoma lands and apprehend "boomers," it would appear that the repeated invasion of the territory by Payne and his followers caused great annoyance, inconvenience and even suffering to the troops, as they were called upon to make long marches at all times of the year to arrest men who were apparently immune from imprisonment. It became necessary to establish a new military division, called the Oklahoma division, which had its headquarters at Fort Reno. Detachments were sent out from there, to patrol the border line, and a temporary camp was established, known as Camp Russell. Gen. John Pope, commanding the department of the Missouri at this time, expresses very forcibly his opinion of the police duty which his men were compelled to perform and suggests harsher measures be instituted against the "boomers," in the following extract taken from a report made by him in 1882.

"This one man under sentence by the United States courts publicly enacts this performance about once a year and the Government appears to have no remedy except to keep a company of cavalry simply to watch and to rearrest and remove him from the Territory. It would be simple to stop all this brazen outrage upon law and upon respect for the authority of the Government



by simply confining Payne in the guard-house at the post in the Indian Territory nearest to which his arrest by the troops is made and compelling him for a time to work for his living, a thing probably very unusual and painful to him; but I presume that process cannot be pursued under the law. Meantime Payne brings suit in the courts for twenty-five thousand dollars damages against me for my acts as Department Commander in having him ejected from the Indian Territory, proclaims his purpose publicly to repeat his invasion this autumn, and then repairs to Washington City, as is stated in the papers, to confer with the interior and war departments on the subject of his next attempt to invade and occupy the Indian Territory."

The secretary of war returned General Pope's communication with the endorsement that the annoyance was fully understood, but it was not deemed prudent to punish the intruders by imprisonment when the law failed to provide for such punishment. Several unsuccessful attempts were made, to amend the intercourse laws and provide for the imprisonment of intruders in the Indian country, and among the bills being presented to congress along this line was Senate Bill No. 1545, as follows: "To amend Section 5148, United States Revised Statutes, in relation to trespassers on Indian lands." The bill passed the senate at the first session of the 48th congress, and provided for a fine of five hundred dollars and imprisonment at hard labor for one year for the first offence, and a fine of one thousand dollars and imprisonment at hard labor for two years for each and every subsequent offence.

Two attempts to enter the territory were made in 1884 by the "boomers". The first was made in May by a party of fifty under the leadership of Payne, and an attempt made, to effect a settlement on the land south of the Cimarron river, from which point they were dislodged, but not without considerable show of resistance. Again in June of the same year, with increased numbers, Payne established himself on the Cherokee outlet, south of Hunnewell, locating settlements at Stafford or Pearl City on the Bois d' Arc and at various points on the Arkansas river, with headquarters at Rock Falls on the Chickasha river, four miles south of the Kansas line. The number engaged in this invasion is variously estimated at from 500 to 2,000 and it is stated that from 6,000 to 10,000 claims were located and surveyed on the Cherokee lands. On August 7, Payne and other leaders, among whom were Cooper, Miller, Couch and Eichelburger, were turned over to the civil authorities at Fort Smith.

After Payne's death in 1884, the leadership of the "boomers"



fell to W. L. Couch. He gathered together another colony, about 450 men in all, and with his staff, composed of H. H. Safford, secretary, G. F. Brown, treasurer and E. S. Wilcox, generalissimo, entered the Oklahoma district and established his headquarters at Stillwater. These colonists suffered many hardships as the winter was a severe one and their only habitations rudely constructed dugouts. Several ineffectual attempts were made by the military to eject Couch and his followers from the territory, and at one time it looked as if bloodshed would be the result of the friction between the soldiers and the "boomers." The cold weather, however, compelled Couch to retreat to the Kansas line, where he was arrested by the civil authorities and bound over for trial.

Like other enterprises of this character the Oklahoma movement proved enticing to many ne'er-do-wells, who saw an opportunity to get rich without much effort on their part. Every Western land boom was participated in by a class of adventurers and hangers-on who joined in the general rush when new lands were opened to settlement under the mistaken idea that fortunes were waiting to be had for the asking in each new Eldorado. In the beginning some of these people were honest in their intention to settle in the lands thrown open to the public, but failing to locate a claim, or otherwise disappointed, and the land fever still remaining with them, they idled along for years at a time until some other section of the country was opened up to settlement, where they encountered similar misfortunes.

Others were the victims of dishonest land agents, investing all their small capital, representing the savings of years, in a "boomer's" outfit, with the expectation of striking it rich in the new country, described in glowing terms by the specious agents. After discovering that the rich and fertile lands which they were told they would find proved to be only barren wastes, or the town-site upon which a second Chicago was to rise out of the sage brush of the prairie, existed only on paper, they were rudely awakened from their dream of affluence, and left without means or ambition to return home and begin all over again. These victims eked out a precarious existence, living here and there, residing in their "boomers" tents in summer and in shanties in winter, finally joining the other "movers" as they were called, who journeyed from one new settlement to another, ever in search of an illusive will-o-the-wisp. Land booms attracted them to Kansas, Nebraska, Colorado, Dakota, Washington, New Mexico,



Arizona and Utah, and, when the news was spread broadcast that the Indian territory, said to be the richest section of all the Western country, was to be opened up to the white settlers, this army of movers joined the "boomers" under Payne, Couch and other leaders of the Oklahoma colonies.

During the year 1883 rich cattle corporations of Missouri, Kansas and Texas succeeded in leasing from the Indians all of the unoccupied lands in the Indian territory, where immense ranches were established and fenced in with wire fences. It is estimated that there were thirty-two of these leases, covering in all 12,018,234 acres of land. The Cherokee Live Stock Association leased from the Cherokee nation 6,000,000 acres of grazing lands in the Cherokee strip; 3,832,120 acres were leased to other parties in the Cheyenne and Arapahoe reservations; 380,000 acres in the Osage reservation, and the remainder 1,806,114 acres in the reservation of the Kiowas, Comanches and Wichitas, Sacs, Foxes, Poncas, Otoes, Missouris, Ottawas, etc. A rental of a few cents per acre was paid for these grazing privileges. The Cherokee Live Stock Association paid one hundred thousand dollars per annum for the 6,000,000 acres covered in its lease, and sub-let the lands to many cattlemen.

It is estimated that 200,000 acres of the Oklahoma district were covered by these leases. The interior department, upon being informed of this fact, ordered the fences removed, but the military forces in the district were compelled to destroy the fences as the cattle kings took no steps to remove them. The "boomers" and others interested protested against the occupancy of the Indian lands by the cattlemen, with the apparent sanction of the government. The Indian department took the position that whereas the law prohibited the United States from leasing these lands, there was nothing in the statutes to prevent the Indians from exercising that right. The protest of the farmers against the alleged favoritism shown the cattle kings resulted in a congressional investigation, which was set on foot in 1885, when the senate committee on Indian affairs heard a great deal of testimony and submitted voluminous reports on this matter and other affairs relative to the Indian territory.

In the meantime the demand for some action on the part of congress, looking to the opening of the Indian lands to settlement became universal. At each session of congress bills were introduced, providing for the establishment of a territorial government over the Indian country. The earlier measures of this character did not contemplate the separation of the western half



of the Indian lands from those occupied by the five civilized tribes, and as a consequence their passage was prevented by the appeal of these civilized Indians, and the desire of the government to keep faith with the red men. H. M. Teller, secretary of the interior department, in a letter to the president, dated January 26, 1885, makes the following comment regarding the situation :

"No leases or licenses for grazing cattle upon said lands (unoccupied lands in Indian Territory) have been allowed by this Department. No freedmen have at any time been settled upon the lands in question, and it is not probable that any will be so located thereon. Small tribes of friendly Indians from time to time have been located on selected tracts of these ceded lands. At this time there are no Indians whose removal to these lands is contemplated, and it is not probable that the condition of any of the tribes outside of the Indian Territory will in the near future, be so changed as to render practicable their removal and settlement in the Indian Territory. That portion of the lands commonly known as the Oklahoma country comprising 1,887,800.47 acres, will continue to be the source of trouble while it remains in its present status. The land is valuable for agriculture and stock raising, and it is difficult to satisfy the people desiring homes on the public lands that it should not be treated as public lands and settlement allowed thereon. The game having disappeared from the Indian country, there remains no longer any useful purpose for their roaming over immense tracts of unoccupied lands. It is believed that there will be found at all times in the United States a wholesome public opinion that will demand of the Government that its contracts heretofore made with the Indians be respected in all cases where they do not conflict with the interests of the Indians and are not unjust to the people of the United States; but contracts or treaties impossible of execution, unjust and unfair to both whites and Indians, ought to be abrogated or modified by legislative action. It is not beneficial to the Indians to have millions of acres of valuable land remain unoccupied around them. There is a general sentiment that these lands should not be withheld from settlement because they were included within the boundaries of the Indian Territory. These lands are desirable for agriculture and grazing purposes and every year the difficulty of keeping them from settlement will increase. That they can be so maintained for any considerable length of time is hardly possible. Objection will be made to the occupation of any part of the Indian Territory by others than Indians on the ground that the Government set apart the Terri-



tory for the exclusive use of the Indians, and covenanted that no others should reside therein. It is not denied that the treaties so provided. It is, however, within the power of the Government, with the consent of the Indians interested, to change this provision of the treaties so that these desirable unoccupied lands may be placed within the lawful reach of the settlers. Steps should be taken at once to change the present condition of affairs in the unoccupied portion of the Indian Territory. It can be done without the violation of treaties or without subjecting the Government to the charge of bad faith. The power that made the treaties may in like manner abrogate or modify them. It is not proposed to despoil the Indians nor to compel them to accept less than the full value of whatever they surrender. It will not be wise to take an acre of this land needed by these Indians, or by the coming generation of them; but the lands now owned by the Government for the purpose before mentioned may be opened to settlement with the consent of the civilized tribes, or segregated from the lands occupied and owned by the Indians, and then opened to settlement."

Following this recommendation of the secretary of the interior, congress, by Section 8 of the Indian appropriation act, approved March 3, 1885 (923 Statutes at Large, p. 384), gave the president authority to "open negotiations with the Creeks, Seminoles, and Cherokees, for the purpose of opening to settlement under the homestead laws the unassigned lands in said Indian Territory ceded by the several treaties of August 11, 1866, March 21, 1866, and July 19, 1866; and for that purpose the sum of five thousand dollars, or so much thereof as may be necessary, be, and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, his action hereunder to be reported to congress."

Several years elapsed between the time of the passage of the above act and the date when treaties were consummated with the aforesaid Indian nations and ratified by congress. In the meantime the settlers anticipated an early opening of the Indian lands, and in order to be on the ground in ample time many homesteaders started immediately for the border line of the Indian territory. The result was the existence for several years of large camps of "boomers" along the dividing line between Kansas and the Indian territory. These "boomers" grew restive at the delay in opening the new country and congress was besieged with petitions from all sides, to enact the legislation necessary to throw the land open to settlement. On the other hand the cattle men



who were leasing the lands from the Indians used all their influence to prevent such legislation, which would destroy their prestige and deprive them of rich grazing lands which they enjoyed at a minimum cost.

A number of bills were introduced in congress, having the same object in view, the opening of the Indian country to white settlement. In 1889 H. R. Bill No. 1277, known as the Springer (William) bill from the name of the chairman of the committee on territories, and also the Oklahoma bill, was drafted and approved by the committee on territories. After a spirited debate on the floor of the house that branch of congress passed the bill on February 1, 1889, by a vote of 148 to 102. This bill was called, "An act to organize the Territory of Oklahoma and for other purposes."

Section 1 defined the boundaries of the Territory.

Section 2 provided for the appointment of a governor and other territorial officers.

Section 3 defined the jurisdiction of the courts.

Section 4 declared that the Public Land strip was a part of the public domain of the United States and open to settlement under the homestead laws.

Section 5 provided for the disposal of lands in the Oklahoma district to actual settlers at one dollar and twenty-five cents per acre, subject, however, to the consent of the Creek and Seminole nations to be obtained by treaty negotiations.

Section 6 gave the president authority to fix the date of settlement.

Section 7 established four land offices and set forth the method to be followed in order to acquire title to lands.

Section 8, further regulations relative to acquisition of title.

Section 9, regulations relative to establishment of town sites.

Section 10, stating the lands open for settlement.

Section 11 provided for the appointment by the president of five persons to form a commission to open registration.

Section 12 prescribed that no occupation could be made by proxy.

Section 13 abolished all existing leases within the bounds of the Territory.

Section 15 prohibited the legislative assembly, counties, townships, towns or cities from contracting any indebtedness for any work of public improvement or in aid of any railroad.

Section 16 postponed the provisions of the act as to Greer county, until the question of jurisdiction pending between Texas and the United States should be settled.



This bill was defeated in the senate, but in the last days of congress an amendment was tacked onto the Indian appropriation bill, providing for the lands ceded by the Creek and Seminole Indians to be opened for settlement under proclamation of the president. This proclamation which is given in full was promulgated March 23, 1889:

"WHEREAS, Pursuant to Section eight, of the Act of Congress approved March 3, eighteen hundred and eighty-five, entitled 'An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June 30, 1886, and for other purposes,' certain articles of cession and agreement were made and concluded at the City of Washington on the nineteenth day of January, in the year of our Lord eighteen hundred and eighty-nine, by and between the United States of America and the Muscogee (or Creek) Nation of Indians, whereby said Muscogee (or Creek) Nation of Indians, for the consideration therein mentioned, ceded and granted to the United States, without reservation or condition, full and complete title to the entire western half of the domain of the said Muscogee (or Creek) Nation, in the Indian Territory, lying west of the division line surveyed and established under treaty with said nation, dated the fourteenth day of June, eighteen hundred and sixty-six, and also granted and released to the United States all and every claim, estate, right, or interest of any and every description in and to any and all land and territory whatever, except so much of the former domain of said Muscogee (or Creek) Nation as lies east of said line of division surveyed and established as aforesaid, and then used and occupied as the home of said nation, and which articles of cession and agreement were duly executed, ratified and confirmed by said Muscogee (or Creek) Nation of Indians by act of its council, approved on the thirty-first day of January, eighteen hundred and eighty-nine, and by the United States by act of Congress approved March 1, eighteen hundred and eighty-nine, and

"WHEREAS, By Section twelve of the act entitled 'An act making appropriations for the current and contingent expenses of the Indian Department, and for fulfilling treaty stipulations with various Indian tribes, for the year ending June thirtieth, eighteen hundred and ninety, and for other purposes,' approved March second, eighteen hundred and eighty-nine, a sum of money was appropriated to pay in full the Seminole Nation of Indians for all the right, title, interest and claim which said nation of Indians



might have in and to certain lands ceded by article three of the treaty between the United States and said nation of Indians, concluded June fourteenth, eighteen hundred and sixty-six, and proclaimed August sixteenth, eighteen hundred and sixty-six, said appropriation to become operative upon the execution by the duly appointed delegates of said Nation, specially empowered to do so, of a release and conveyance to the United States of all right, interest and claim of said nation of Indians, in and to said lands, in manner and form satisfactory to the United States, and

"WHEREAS, Said release and conveyance, bearing date the sixteenth day of March, eighteen hundred and eighty-nine, has been duly and fully executed, approved and delivered, and

"WHEREAS, Section thirteen of the act aforesaid, relating to said lands provides as follows:

"Section 13. That the lands acquired by the United States under said agreement shall be a part of the public domain, to be disposed of only as herein provided, and Section 16 and 36 of each township, whether surveyed or unsurveyed are hereby reserved for the use and benefit of public schools to be established within the limits of said lands under such conditions and regulations as hereinafter enacted by Congress.

"That the lands acquired by the conveyance from the Seminole Indians hereunder, except the sixteenth and thirty-sixth sections, shall be disposed of to actual settlers under the homestead laws only, except as herein otherwise provided (except that section 2301 of the Revised Statutes shall not apply): *and provided further*, That any person who having attempted to, but have in any case failed to secure a title in fee to a homestead under existing laws or who may enter under what is known as the commuted provision of the homestead laws shall be qualified to make a homestead entry upon said lands; *and provided further*, that the rights of honorably discharged Union soldiers and sailors in the last Civil war as defined and described under sections 2304 and 2305 of the Revised Statutes shall not be abridged; *and provided further*, that each entry shall be in square form as nearly as practicable, and no person be permitted to enter more than one quarter section thereof, but until said lands are open for settlement by proclamation of the President, no person shall be permitted to enter upon and occupy the same, and any person violating this provision shall not be permitted to enter any of said lands or acquire any right thereto.

"The Secretary of the Interior may, after said proclamation and not before, permit entry of said lands for town sites, under



Sections 2387 and 2388 of the Revised Statutes, but no such entry shall embrace more than one-half section of land.

"That all the foregoing provisions that relate to lands to be acquired from the Seminole Indians, including the provisions pertaining to forfeiture shall apply to and regulate the disposal of the lands acquired from the Muscogee (or Creek) Indians, by articles or cession and agreement made and concluded at the City of Washington, on the nineteenth day of January in the year of our Lord eighteen hundred and eighty-nine."

"Now, therefore, I, Benj. Harrison, President of the United States, by virtue of the power vested in me by said act of Congress approved March 2, eighteen hundred and eighty-nine, aforesaid, do hereby declare and make known, that so much of the lands, as aforesaid acquired from or conveyed by the Muscogee (or Creek) Nation of Indians, and from the Seminole Nation of Indians, respectively, as is contained within the following described boundaries, viz.:

"Beginning at a point where the degree of longitude 98 west from Greenwich, as surveyed in the years 1858 and 1871, intersects the Canadian river; thence north along and with the said degree to a point where the same intersects the Cimarron river; thence up said river along the right bank thereof to a point where the same is intersected by the south line of what is known as the Cherokee lands lying west of the Arkansas river, or as the 'Cherokee Outlet,' said line being the north line of the lands ceded by the Muscogee (or Creek) Nation of Indians to the United States by the treaty of June 14, 1806; thence east along said line to a point where the same intersects the west line of the lands set apart as a reservation for the Pawnee Indians by act of Congress approved April 10, 1876, being the range between ranges 4 and 5 east of the Indian meridian; thence south on said line to a point where the same intersects the middle of the main channel of the Cimarron river; thence up said river along the middle of the main channel thereof to a point where the same intersects the range line between range 1 east and range 1 west (being the Indian meridian), which line forms the western boundary of the reservation set apart respectively for the Iowa and Kickapoo Indians by Executive orders, thence south along said range line or meridian to a point where the same intersects the right bank of the north fork of the Canadian river; thence up said river along the right bank thereof to a point where the same is intersected by the west line of the reservation occupied by the Citizen Band of Pottawatomies and the Absentee Shawanese Indians, set apart under the provisions of the treaty of Febru-



ary 27, 1867, between the United States and the Pottawatomie tribe of Indians, and referred to in the act of Congress approved May 23, 1872; thence south along the said west line of the aforesaid reservation to a point where the same intersects the middle of the main channel of the Canadian river; thence up the said river along the middle of the main channel thereof to a point opposite to the place of beginning, and thence north to the place of beginning (saving and excepting one acre of land in square form in the northwest corner of section nine, in township sixteen north, range two west of the Indian meridian in Indian Territory, and also one acre of land in the southeast corner of the northwest quarter of section fifteen, township sixteen north, range seven west of the Indian meridian in the Indian Territory, which last described two acres are hereby reserved for government use and control,) will at and after the hour of twelve o'clock noon, of the twenty-second day of April next, and not before, be open to settlement, under the terms of and subject to all the conditions, limitations and restrictions contained in said act of Congress, approved March 2, 1889, and the laws of the United States applicable thereto.

"And it is hereby expressly declared and made known that no other parts or portions of the lands embraced within the Indian Territory than those herein specifically described and declared to be open to settlement at the time above named and fixed are to be considered as open to settlement under this proclamation or the act of March 2, 1889, aforesaid; and

"Warning is hereby again expressly given that no person entering upon and occupying said lands before the said hour of twelve o'clock, noon, of the twenty-second day of April, A. D., 1889, hereinbefore fixed, will ever be permitted to enter any of said lands or acquire any rights thereto, and that the officers of the United States will be required to strictly enforce the provisions of the act of Congress to the above effect.

"In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

"Done at the City of Washington this twenty-third day of March, in the year of our Lord, 1889, and of the independence of the United States the one hundred and thirteenth."

(Seal) "BENJ. HARRISON.

"By the President:

"JAMES G. BLAINE,

"*Secretary of State.*"



## CHAPTER III

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### The Settlements, the Territory Formed, Statistics, Etc.

THE EFFECT of the president's proclamation opening to settlement 1,887,800 acres of land in the Indian territory was not anticipated by the authorities at Washington. It was known that there were not enough quarter sections in the Oklahoma district to supply the demand, but the vast number of people throughout the country from Maine to California, who caught the land fever and started for the border lines of the "Boomer's Paradise," was unprecedented and totally unexpected.

Oklahoma colonies were organized as far east as Chicago and as far west as Denver. The newspapers published columns about the climate, soil and natural resources of the new country. Whole towns were depopulated, old and young citizens leaving settled communities for the slim chance of locating farms or town lots in the Indian country. Well-to-do farmers sold out and invested in elaborate boomer outfits. Corporations were organized for the purpose of establishing town sites and of selling town lots therein to eager customers, the operation of the law relative to the manner of acquiring title not being taken into consideration. Doctors, lawyers, and other professional men joined the throng of pilgrims on their way to the promised land.

Arkansas City, Kan., on the line of the Atchison, Topeka & Santa Fe Railroad, and near the Southern Kansas border, was the rallying point of the settlers who expected to enter the new lands from the North, while Purcell, in the Chickasaw nation, Indian territory, and also on the same railroad as Arkansas City, was the rendezvous for all who expected to enter Oklahoma from



the South. Arkansas City suddenly grew from a town of ten thousand inhabitants to one of twenty thousand or more. The old camp of the original boomers on the outskirts of the town became the temporary headquarters for a vast army. Every train that arrived subsequent to the date of the president's proclamation brought in prospective colonists and all the roads leading to the city were crowded with emigrant wagons.

The secretaries of war and interior conferred together relative to the best method to pursue to carry out the terms of the proclamation. It was necessary to prevent any intrusion of the Oklahoma district before the date fixed by the proclamation for them to be thrown open, and a cordon of troops was placed along the border lines of the Oklahoma district for this purpose. Between Oklahoma and the Kansas line lay the Cherokee outlet, across which the colonists had to move to reach the new lands. To enable those who were in wagons or on foot to have an equal chance as those who expected to cross the Cherokee strip by train, the interior department announced that the settlers could start on their journey across the strip on Friday, the 19th of April, waiting on the Oklahoma line until 12 o'clock noon, on Monday, April 22nd, when the signal for the grand rush across the border would be given.

Early on Friday morning camp was broken at Arkansas City and long lines of white covered schooner wagons entered the three trails leading across the strip. Most of these wagons were brand new, their white tops glistening in the sun, and making a picturesque aspect as they wound along the snaky trail across the prairie. But here and there could be distinguished wagons, the tops of which had turned to a dirty brown from age and hard usage, and were covered with patches of muslin and sacking. These were the wagons of the original boomers, who had been patiently waiting for years on the borders of the Indian territory for the government to declare it open to settlement. These wagons had been in the camp in the Santa Fe park near Arkansas City, and some of them had not been moved since 1884, when the owners first pitched their tents at this place. When the start was made on the morning of the 19th both wagons and harness in many cases threatened to fall to pieces. Sets of harness were improvised out of rope, wire, and strips of the canvas covering of the wagons. It is related that one of the boomers' wagons was drawn by two colts, three and four years old, which had been born in camp. The old mare followed the wagon and was loaded down with a heterogeneous collection of camping utensils.

The trip of the settlers across the prairies was not without dan-



ger. Severe rain storms prevailed for several days prior to the opening day, making the roads well nigh impassable at places and swelling the low banked streams flowing through the Cherokee strip. But the average emigrant was not to be side tracked by inclement weather, and rude bridges were constructed across streams that were too high to be forded. Misfortune overtook many of the contestants in the wild race over the prairies, wagons breaking down and horses drowning, but those who sustained such losses never hesitated, shouldering their packs and joining the infantry contingent.

The scenes in Arkansas City for a week before the 22nd of April beggar description. Night and day the hotel lobbies, streets, and depot were thronged with people. Citizens of Ohio and Illinois touched elbows with citizens from Kansas and Nebraska. All were there with a common purpose in view, and so intense was the excitement that the slightest rumor would either raise their hopes to the sky or dash them to the ground.

This invasion of the Indian country was a peaceable one. The hosts that made up the invading army were also unorganized. One was at liberty to travel alone or in one of the numberless squads or colonies. Although shot guns, rifles, revolvers and bowie knives were in evidence, the principal arms which this army of peace carried were spades, shovels, picks and hatchets.

The swindlers and the professional gamblers were numerous in Arkansas City at this time. The former styled themselves real estate agents and found ready victims. One fake concern sold lots in Oklahoma City, supposed to be situated in the panhandle of Texas, and right on the border of the Oklahoma lands. These lots were sold for two dollars, an additional fee of one dollar being asked for the recording of the deed. A competitive company advertised lots in New Oklahoma, another fake city. Each swindler accused his rival of being a fraud, but all managed to do a "land office" business.

The Santa Fe road being the only line to enter the Oklahoma district was taxed beyond its capacity, but superhuman efforts were made to provide for the final rush on April 22nd. Many who had started from a distance purchased tickets clear through to Guthrie or Oklahoma City stations, at the time mere dots on the map, but upon their arrival at these places they were either not allowed to get off or were forced to return on the next train. It was reported that the Santa Fe road was offered a fabulous sum to charter the first train entering Oklahoma after twelve o'clock noon on April 22nd, but the offer was refused.

Passenger trains and freight trains from the North blocked the



line to such an extent that it became necessary to side track many cattle trains on their way from Texas. There were no facilities for watering the cattle packed on these trains and as a result hundreds of them died before they reached their destination.

Arrangements were made for the first emigrant train to leave Arkansas City at 9 o'clock a. m. on the 22nd of April, in order that it might be timed to reach the Oklahoma line as near the noon hour as possible. This plan was carried out and in all ten trains were sent forward carrying 6,000 people into Oklahoma before three o'clock. The supply of passenger coaches was soon exhausted and flat cars fitted up with plank seats were attached to some of the trains.

The first train left Arkansas City shortly after nine o'clock and reached Guthrie, near the northern boundary of Oklahoma, at 12:15. It is reported that 1,024 tickets were collected on this train. The first coach was reserved for the members of the press, who were well represented. Two ladies rode on this train, viz., Miss Brita Hult of Topeka, and Miss Nellyes of the same town. They were each equipped with a light boomer's outfit and are said to have succeeded in locating claims upon arrival at Guthrie. One hundred and eighty members of the Old Soldiers' colony, under the command of Capt. Thomas Hicks and C. W. Holden were on this train and got off at Seward. Their purpose was to start a town and locate a Grand Army post.

As the first train slowed down at the Guthrie station men sprang to the ground and ran for the land office or to locate a claim, and as each succeeding train came in the same mad scramble from the depot took place, until lots were staked out covering three times the 320 acres set aside by the land office for the town of Guthrie.

The same thing happened at Oklahoma City, to the south of Guthrie. The latter town was principally settled by boomers from the South coming by way of Purcell, although the overflow from the North helped to swell the number who got off the trains at this point. The original allotment of land for this town also not proving sufficient, lots were laid off in the surrounding quarter sections.

It became evident to the boomers who had waited until the time fixed by the president's proclamation to enter the new territory that they were forestalled, and that many of the best quarter sections and town lots were already claimed by men who had succeeded in evading the vigilance of the soldiers and getting into the territory prior to the legal hour. These people were divided into two classes; those who had been hiding in the bushes and



those who had succeeded in getting into the country as employes of the government, principally as deputy United States marshals, resigning their commissions at the stroke of twelve and taking their pick of valuable town lots. Great was the indignation of the honest, law abiding boomers against the "sooners," as the squatters and claim jumpers were called who were in the country before the legal hour.

The deputy marshals were appointed to assist the military in keeping out the "sooners" and in preserving order. It was not contemplated that they would use their official positions only as a cloak to cover their treacherous plans. Their action in resigning promptly at noon on the 22nd of April and before the arrival of the first train filing claims to the choicest town lots in both Guthrie and Oklahoma City was reported to the interior department at Washington. Full reports were made to the department by special agents on the ground, but before any official action was taken in the matter the citizens organized a vigilance committee and either scared or forcibly ejected many of the erstwhile deputies from their claims.

Throughout the farming districts, however, it was not practicable to determine who were "sooners" and who had complied with the law. Considerable litigation grew out of the attempt to eject "sooners" and by reason of the fact that in many cases the same quarter sections and town lots had half a dozen claimants.

The town of Guthrie, which at noon on April 22, 1889, was merely a name on the map, a little red station house by the railway, was at nightfall a booming city of seven hundred tents and nearly eight thousand people. It boasted a newspaper, which issued its first edition from a freight car; a bank with a capital of fifty thousand dollars doing business over a counter in front of a tent, and a hotel, called the Guthrie House, the guests of which slept under a canvas roof. Twenty-eight land lawyers hung out their shingles and did a thriving business. The lawyers, however, differed as to whether prior filing or prior occupation gave the best title, and the result was considerable confusion. When other sections of the Indian territory were opened to settlement, regulations were made by the land department and laws enacted by congress the object of which was to avoid the confusion that was a marked feature of the first rush.

Besides the two towns of Guthrie and Oklahoma City there also sprang into existence on the 22nd of April, 1889, towns of a thousand or more population at Kingfisher, Norman, Edmond and Stillwater. Before the towns of Guthrie and Oklahoma City



were a day old, movements were set on foot by the citizens of each, to secure its selection as the capital city of the future territory to be organized.

For several weeks both of these two towns had dual and triple sets of municipal governments. In Oklahoma there was a Northern and Southern faction, and in Guthrie the first provisional council proved unpopular and a rival organization was effected. These factions did not result from any especial lack of order, but were to be expected when several thousand men from the east, West, North and South were brought together in the same community.

The failure of the Springer bill left the 50,000 people that entered Oklahoma on the 22nd of April, 1889, without any form of government, whatever. The country which these white people had settled was still a part of the Indian territory, and therefore under the control of the interior department. General Merritt, commanding the department of the Missouri, was directed by the president to act in conjunction with the United States marshals in preserving the peace. But there were no wild scenes of disorder that were the rule at frontier towns of the West. Before the opening of the district a lawless element made trouble at Purcell, in the Chickasaw nation, and the newspapers reported several murders as a result of contests over land claims during the rush, but the preponderance in numbers of the honest and law abiding citizens over the toughs, gamblers, and other lawless members of society, peace and order in the new country, even without the presence of the troops. The settlers were too busy improvising temporary dug-outs, huts, or log cabins, and turning the sod of the sage brush covered prairies in readiness for their first planting, to bother much about the lack of a form of government for the new country.

At the beginning of congress in the fall of 1889 steps were taken to provide for a territorial form of government over that part of the Indian territory which had been opened to settlement under the terms of the president's proclamation and also the strip of land lying outside of the Indian territory, and known as the Public Land strip.

A number of bills were introduced in congress with this object in view. Some of these bills provided for a territorial form of government for the whole Indian territory, not only embracing the small section in the heart of the Indian country which had been recently settled by the whites, but including all the reservations of the Indian tribes in the western part as well as the lands of the five civilized nations in the eastern half. Congress



and the government, however, were not ready to change the established policy that had prevailed since the foundation of the republic relative to the treatment of the Indians. It was claimed by the opponents of these measures that the Indians were not in condition to have the rights of citizenship conferred upon them, that the establishment of a white man's government in the Indian country would destroy the Indian autonomy, and finally that the lands occupied by the Indians were held in common, and that it would take several years to divide them in severalty. The five civilized tribes were ably represented at this congress and protested vigorously against any invasion of their rights, which they claimed had been given them under numerous treaties.

The bill that found favor with the committees of both branches of congress, excluded the lands occupied by the five civilized tribes from the new territory, but did include the reservations of the Indians inhabiting the western part of the Indian country, generally known as the "wild" or "blanket" Indians. These Indians had made but little progress toward civilization, refusing as a rule to till the soil and living on the bounty of Uncle Sam. Statistics furnished by the interior department showed that 12,000 of these Indians were living on 11,685,025 acres of land, which had been originally granted them for hunting purposes, but which no longer served for that purpose as the buffalo and elk had long since disappeared. The names of these tribes, the number in each, the total amount of land in their reservations, the estimated acreage per capita, the acreage required for each tribe, and the amount of surplus lands are given in the following table:

Name of tribe.	Population.	Acreage of reservation.	Acreage per capita.	Acreage required by Indians.	Surplus.
Osage.....	1,252	1,470,059	977 $\frac{1}{2}$	62,000	1,407,979
Kansas (Kaw).....	225	100,137	445 $\frac{1}{2}$	5,000	95,137
Pawnee.....	1,043	283,120	2,09 $\frac{1}{2}$	41,800	241,224
Sac and Fox.....	457	479,667	1,049 $\frac{1}{2}$	18,200	461,367
Pottawatomie.....	550	575,877	1,047	22,400	553,877
Tonkawa.....	92	100,000	1,087	3,180	96,320
Ponca.....	514	101,891	17 $\frac{1}{2}$	8,610	93,281
Otoe and Missouri.....	255	19,113	485 $\frac{1}{2}$	10,610	118,473
Iowa.....	80	228,118	2,866 $\frac{1}{2}$	3,200	225,158
Kickapoo.....	346	205,436	590 $\frac{1}{2}$	11,500	190,876
Cheyenne and Arapaho.....	3,609	4,297,771	1,19 $\frac{1}{2}$	111,160	4,154,611
Wichita.....	189	713,610	3,300	7,500	706,010
Kiowa, Comanche and Apache.....	3,032	2,968,891	979	121,280	2,847,611
Total .....	12,026	11,685,025	.....	462,910	11,220,989

President Harrison in his message to congress at the beginning of the first session of the Fifty-first congress, referred to the lands opened to settlement in the Indian territory, to the failure of con-



gress to provide civil government for the people who had settled therein, and to the imperative necessity for prompt legislation by congress on the subject. He said:

"The land remaining and available for settlement consisted of 1,887,796 acres, surrounded on all sides by lands in the occupancy of the Indian tribes. Congress had provided no civil government for the people who were to be invited by my proclamation to settle upon these lands, except as the new court, which had been established at Muscogee, or the United States courts in some of the adjoining States, had power to enforce the general laws of the United States.

"In this condition of things I was quite reluctant to open the lands to settlement. But in view of the fact that several thousand persons, many of them with their families, had gathered upon the borders of the Indian Territory, with a view to securing homesteads on the ceded lands, and that delay would involve them in much loss and suffering, I did, on the 23d day of March last, issue proclamation declaring that the lands therein described would be open to settlement under the provisions of the law on the 22nd day of April following, at 12 o'clock noon. Two land districts had been established, and the offices were open for the transaction of business when the appointed time arrived.

"It is much to the credit of the settlers that they very generally observed the limitations as to the time when they might enter the Territory. Care will be taken that those who enter in violation of law do not secure the advantage they unfairly sought. There was a good deal of apprehension that the strife for locations would result in much violence and bloodshed, but happily these anticipations were not realized. It is estimated that there are now in the Territory about sixty thousand people; and several considerable towns have sprung up, for which temporary municipal governments have been organized. Guthrie is said to have a population of almost 8,000. Eleven schools and nine churches have been established, and three daily and five weekly newspapers are published in this city, whose charter and ordinances have only the sanction of the voluntary acquiescence of the people from day to day.

"Oklahoma City has a population of about 5,000, and is proportionately as well provided as Guthrie with churches, schools and newspapers. Other towns and villages having populations of from 100 to 1,000 are scattered over the territory.

"In order to secure the peace of this community, in the absence of civil government, I directed General Merritt, commanding the



Department of the Missouri, to act in conjunction with the marshals of the United States to preserve peace, and upon their requisition to use the troops to aid them in executing warrants and in quieting any riots or breaches of the peace that might occur. He was further directed to use his influence to promote good order and to avoid any conflicts between or with the settlers. Believing that the introduction and sale of liquors, where no legal restraints or regulations existed, would endanger the public peace, and in view of the fact that such liquors must first be introduced into the Indian reservations before reaching the white settlements, I further directed the general commanding to enforce the laws relating to the introduction of ardent spirits into the Indian country.

"The presence of the troops has given a sense of security to the well disposed citizens, and has tended to restrain the lawless. In one instance the officer in immediate command of the troops went further than I deemed justifiable in supporting the *de facto* municipal government of Guthrie, and he was so informed and directed to limit the interference of the military to the support of the marshals on the lines indicated in the original order. I very urgently recommend that Congress at once provide a Territorial government for these people. Serious questions, which may at any time lead to violent outbreaks are awaiting the institution of courts for their peaceful adjustment. The American genius for self government has been well illustrated in Oklahoma, but it is neither safe nor wise to leave these people longer to the expedients which have temporarily served them."

Congress was practically a unit relative to the necessity for a territorial form of government for the white peoples who had settled in the Oklahoma district and in the Public Land strip. In the latter section several thousand settlers had occupied the vacant lands and had organized a provisional government of their own, which they called the territory of the Cimarron, with headquarters at Beaver City. They had memorialized congress, requesting a territorial form of government, and were willing to be placed in the same territory as their brethren in Oklahoma.

While congress had decided to pass the bill establishing the territory of Oklahoma, considerable filibustering took place before the bill finally became a law. The question of the sale of whisky in the new territory formed the chief topic for the filibusters to harangue about. Their objections, however, were swept aside and congress passed the act without serious opposition.

The act establishing the territory of Oklahoma was entitled:



"An act to provide a temporary government for the Territory of Oklahoma, to enlarge the jurisdiction of the United States Court in the Indian Territory, and for other purposes." It was approved on May 2, 1890. The preamble recites: "That all that portion of the United States now known as the Indian Territory, except so much of the same as is actually occupied by the five civilized tribes, and the Indian tribes within the Quapaw Indian Agency, and except the unoccupied part of the Cherokee Outlet, together with that portion of the United States known as the Public Land Strip, is hereby erected into a temporary government by the name of the Territory of Oklahoma." Provision was made that "whenever the interest of the Cherokee Indians in the land known as the Cherokee Outlet shall have been extinguished and the President shall make proclamation thereof, said outlet shall thereupon and without further legislation, become a part of the Territory of Oklahoma."

Care was taken that the wards of the government, who were domiciled within the limits of the new territory should still have the paternal protection of the Great White Father at Washington: Section I of the above act continues as follows: "*Provided*, That nothing in this act shall be construed to impair any right nor pertaining to any Indians, or Indian tribe in said Territory under the laws, agreements, and treaties of the United States, or to impair the rights of person or property pertaining to said Indians, or to affect the authority of the Government of the United States to make any regulation or to make any law respecting said Indians, their lands, property, or other rights which it would have been competent to make or enact if this Act had not been passed." Sections II and III provide for the appointment of a governor and secretary, each to hold office four years. "Section IV. The legislative power and authority is vested in the governor and a legislative assembly, the latter to consist of a council of thirteen members and a house of representatives to consist of twenty-six members. Members of the assembly to serve two years. Sessions to be held biennially and to continue for sixty days. Provision is made for the first session to continue for one hundred and twenty days." Seven provisional counties were named, to be called First, Second, Third, Fourth, Fifth, Sixth and Seventh counties, names for which were to be voted for at the first election of members of the assembly. The Seventh county to embrace the Public Land strip, and the boundaries of the other counties to be determined and fixed by the governor. The county seat of the first county was fixed at Guthrie, of the Second county at Oklahoma City, of the



Third county at Norman, of the Fourth county at El Reno, of the Fifth county at Kingfisher City, of the Sixth county at Stillwater and of the Seventh county at Beaver City. Provision was made for a census to be taken. Section V prescribed the qualification of voters. Section VI defined the legislative power and provided for the enactment of laws. Section VII provided for the appointment of township, district and county officers.

To prevent the new territory from going into debt to subsidize railroads, congress wisely inserted the following paragraph under Section VII, viz.: "It is further provided that the legislative assembly shall not authorize the issuing of any bond, script, or evidence of debt by the territory, or any county, city, town, or township therein for the construction of any railroad." Section VIII prescribed that a member of the legislature should not be eligible to hold any public office created or the salary of which was raised during the term for which he was elected. Section IX: The judicial power was vested in a supreme court, district courts, probate courts, and justices of the peace. The territory was divided into three judicial districts and the jurisdiction of each defined. Jurisdiction over that portion of the Cherokee out-t not embraced in the boundaries of the territory was conferred upon the territorial district courts. Section X, enacted regulations relative to the manner and place for holding trials. Section XI, provided that those chapters and provisions of the compiled laws of the state of Nebraska, in force November 1, 1889 and in so far as locally applicable, and in conflict with laws of the United States or with this act, should be extended to and put in force in the territory of Oklahoma until after the adjournment of the first session of the legislative assembly of said territory.

Provision was made by the same section, for the counties to be divided by the governor into election precincts and other political sub-divisions other than school districts as required by the laws of the state of Nebraska. Section XII granted jurisdiction to district courts in Oklahoma territory over all controversies arising between members or citizens of one tribe of Indians with the members or citizens of other tribes of Indians, but not between the members of the same Indian tribe as long as a tribal relation existed. Section XIII provided for the appointment of a marshal and United States attorney for the territory. Section XIV prescribed the manner of qualifying for territorial officers, and provided for annual appropriations for salaries and expenses of the territorial government. Section XV fixed the meeting of the first



assembly at the city of Guthrie, "at such time as the governor thereof shall appoint and direct; and at said first session, or as soon thereafter as they shall deem expedient, the governor and legislative assembly shall proceed to locate and establish the seat of government for said territory at such place as they may deem eligible, which place, however, shall thereafter be subject to be changed by the said governor and legislative assembly." Section XVI provided for the election of a delegate to the house of representatives. Section XVII amended the national bank act relative to the qualification of directors of national banks, providing that persons otherwise qualified to act as directors should not be required to have resided in said territory for more than three months immediately preceding their election at such. Section XVIII reserved sections number 16 and 36 in each township for the purpose of being applied to public schools in the state or states hereafter to be erected out of the territory.

Another paragraph of Section XVIII refers to the settlement of the Public Land strip and the method of acquiring title to the lands therein. It reads: "All the lands embraced in that portion of the territory of Oklahoma shall be open to settlement under the provisions of the homestead laws of the United States, except Section 2301 of the Revised Statutes which shall not apply; but all actual and bona fide settlers upon and occupants of the lands in the Public Land strip at the time of the passage of this act shall be entitled to have preference to and hold the lands upon which they have settled under the homestead laws of the United States, by virtue of their settlement and occupancy of said lands, and shall be credited with the time they have actually occupied their homesteads, respectively, not exceeding two years, in the time required under said laws to perfect titles as homestead settlers."

The future settlement of other lands in the territory at the time occupied by the Indian tribes, after these lands should be allotted to the members of these tribes in severalty, was provided for in the following paragraph under Section XVIII: "Whenever any of the other lands within the Territory of Oklahoma, now occupied by any Indian tribe, shall by operation of law or proclamation of the President of the United States, be open to settlement, they shall be disposed of to actual settlers only, under the provisions of the homestead law, except Section 2301, of the Revised Statutes of the United States, which shall not apply: *Provided however*, That each settler, under and in accordance with the provisions of said homestead laws, shall before receiving a patent for his homestead pay to the United States for the land so taken by him, in



addition to the fees provided by law, a sum per acre equal to the amount which has been or may be paid by the United States to obtain a relinquishment of the said Indian title or interest therein, but in no case shall such payment be less than one dollar and twenty-five cents per acre. The rights of honorably discharged soldiers and sailors in the late Civil war, as defined and described in Sections 2304 and 2305, of the Revised Statutes of the United States, shall not be abridged except as to such payment. All tracts of land in Oklahoma Territory which have been set apart for school purposes, to educational societies, or missionary boards at work among the Indians, shall not be open for settlement, but are hereby granted to the respective educational societies or missionary boards for whose use the same has been set apart. No part of the land embraced within the territory hereby created shall inure to the use or benefit of any railroad corporation, except the rights of way and land for stations heretofore granted to certain railroad corporations. Nor shall any provision of this act or any act of any officer of the United States, done or performed under the provisions of this act or otherwise, invest, any corporation owning or operating any railroad in the Indian Territory or Territory created by this act, with any land or right to any land in either of the said Territories, and this act shall not apply to or affect any land which, upon any condition on becoming a part of the public domain, would inure to the benefit of, or become the property of any railroad corporation."

The portion of the above paragraph relating to railroads was inserted in the act to prevent the railroads which had been authorized by acts of congress in 1866 to extend their lines southward from Kansas and given large grants of land in the Indian territory upon the extinguishment of the Indian title to the lands through which the roads passed, to have any legal claim to same. One railroad was to be granted ten sections per mile and the other twenty sections per mile. The charter of the Atlantic & Pacific Railroad to cross the territory from east to west contained a similar provision. The railroads in question lost what right they had to any such lands in the Indian territory by not completing their lines within the time specified by their charters, but to prevent any possible litigation the above amendment was embodied into the act of establishment of the territory of Oklahoma. Section XIX made the Public Land strip a public land district. Section XX, enacted regulations relative to homestead procedure. Section XXI, prescribed that a patent should be granted to all persons, after a residence of twelve months, who settled on lands in



accordance with the proclamation of the president of April 1, 1889, upon the payment of one dollar and twenty-five cents per acre. Section XXII, enacted laws relative to the reservation and sale of town-sites, and made provision for parks in said town-sites for school and other purposes, of not less than ten or more than twenty acres. Section XXIII prescribed that public highways should be reserved, four rods wide, between each section of land, the section lines to be the center of the highways.

In order to avoid, in the future, the fraudulent practices of speculators and others in obtaining lots and quarter sections, experienced in the settlement of the Oklahoma district, congress inserted in the act of establishment the following section, viz.: Section XXIV. "That it shall be unlawful for any person, for himself or any company, association, or corporation, to directly or indirectly procure any person to settle upon any lands open to settlement in the Territory of Oklahoma, with intent thereafter of acquiring title thereto; and any title thus acquired shall be void; and the parties to such fraudulent settlement shall severally be guilty of a misdemeanor, and shall be punished upon indictment, by imprisonment not exceeding twelve months, or by a fine not exceeding one thousand dollars, or by both such fine and imprisonment, in the discretion of the court."

The bounds of the new territory did not include "Greer county" which was claimed by both the United States and by the state of Texas until the controversy should be decided in favor of the United States by the supreme court. This subject was treated in Section XXV, as follows: Section XXV. "That inasmuch as there is a controversy between the United States and the state of Texas as to the ownership of what is known as Greer county, it is hereby expressly provided that this act shall not be construed to apply to said Greer county until title to the same has been adjudicated and determined to be in the United States; and in order to provide for a speedy and final judicial determination of the controversy aforesaid the Attorney-General of the United States is hereby authorized and directed to commence in the name and on behalf of the United States, and prosecute to a final determination, a proper suit in equity in the Supreme Court of the United States against the State of Texas, setting forth the title and claim of the United States to the tract of land lying between the North and South Forks of the Red River where the Indian Territory and State of Texas adjoin, east of the one hundredth degree of longitude and claimed by the State of Texas as within its boundary and a part of its land, and designated on its map as



Greer County, in order that the rightful title to said land may be finally determined, and the court, on the trial of the case may, in its discretion, so far as the ends of justice will warrant, consider any evidence heretofore taken and received by the Joint Boundary Commission under the act of Congress approved January 31, 1885; and said case shall be advanced on the docket of said court, and proceeded with to its conclusion as rapidly as the nature and circumstances of the case permit."

Section XXVI appropriated funds for the expenses of census, common schools, salaries and provisional government. Section XXVII declared that the rights of the occupants of any portion of the territory shall not be impaired by this act but such claims adjudicated by the land department. Section XXVIII. The laws and constitution of the United States were made applicable to the new territory and all acts in conflict with the provisions of this act were repealed, provided that Section 1850, of the Revised Statutes of the United States was not to apply to the territory of Oklahoma. The remaining sections of the act, viz., sections 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, and 44 applied to that portion of the Indian territory occupied by the five civilized tribes, and not embraced in the bounds of the territory of Oklahoma.



## CHAPTER IV

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### The Territorial Era

A WESTERN journalist, writing on the eve of the opening of the Oklahoma lands, uttered the following prophecy relative to the new commonwealth about to be created:\*

"To the south and adjoining Kansas lies Oklahoma, 'the land of the red men.' From her loins will spring vigorous communities to people the inchoate state which is now forming. Products more varied and a greater vegetable life will spring up from her teeming soil. As the civilization of the West and the East are planning and uniting to form a more vigorous and compact growth, so the products of the more northern and the extreme southern regions will furnish the greatest yields in this warm soil and genial climate from comparatively the forces that dwarf their development in the Gulf States and lake regions or the mountainous areas of New England. The ideal western commonwealth will there be formed. Climatic conditions are perfect. Topographically inspirations are not wanting. The atmosphere is electric and full of life-giving properties. The struggle for the possession of Oklahoma has been long and arduous. The cattle syndicates made a desperate and prolonged contest. But the appeals of the settlers have finally been heard. Soon the vast unpeopled solitude of this mighty domain will be filled with the hum of machinery and the voices of the productive industries, and the opening of farms and the building of cities will possess the place where desolation and solitude now reign. From the great conquest an ideal State will spring, and a type of the best civilization of the age will finally be found in Oklahoma. It will be vigorous, independent, strong, but conservative and cosmopolitan and it will be the

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\*Milton W. Reynolds.



product of that civilization which is the resultant of the westerner, not of twenty-five years ago, but of the young men of the plains as we see them marching in battalions, strong, fresh from the colleges and schools, manned and equipped for the highest duties of a social life that demands and is content only with the best results.

"Oklahoma has fulfilled this and all other prophecies. The people were ready and eager for a territorial form of government. As a rule they profited by the experience of older territories and avoided their mistakes. The unparalleled prosperity of the Territory has also been a potent factor in establishing an 'ideal commonwealth.'"

The first governor appointed for the new territory was the Hon. George W. Steele, of Indiana. He received his commission on May 15, 1890, and arrived at Guthrie, the temporary seat of government, on May 22nd. The new governor was born in Fayette county, Ind., December 13, 1839, and was educated in the common schools with one term at the Ohio Wesleyan University, Delaware, O. He studied law and was admitted to the bar in 1861. In April of that year he entered the Union army and served until the close of the war, being commissioned a lieutenant-colonel June 1, 1863. After the war he remained in the army until 1876, serving in the Fourteenth regiment United States infantry on the frontier. From 1876 until 1880 Mr. Steele engaged in farming and pork-packing. From 1881 until 1889 he was a member of the lower branch of the national legislature, and upon retiring from congress was appointed governor of the territory of Oklahoma.

Mr. Steele was governor for twenty months, and during his incumbency of that office the political machinery for the new territory was put in motion by the appointment of county officers and the election and organization of the territorial legislature. As President Harrison said in his message to congress, the capacity of the people of Oklahoma for self-government had already been demonstrated during the year in which they had been left to shift for themselves, and the task of the first governor in this respect was not difficult. There were many problems, however, that had to be solved. While the courts were busy deciding land titles the legislature was drafting a code of laws, and endeavoring to locate a seat of government. Although the first legislature occupied too much time with the various "capital removing schemes" and not enough with the consideration of the new code, considerable progress was made in the latter direction.

One of the first acts of Governor Steele was the taking of a cen-



sus of the new territory. The number of inhabitants was shown to be 60,417, divided among the several counties as follows:

First county (now Logan).....	11,254	Fifth county (now Kingfisher).....	8,837
Second " (now Oklahoma).....	12,794	Sixth " (now Payne).....	8,836
Third " (now Cleveland).....	7,011	Seventh " (now Beaver).....	2,982
Fourth " (now Canadian).....	7,703	Total.....	60,417
Whites.....	57,117	Oklahoma City.....	5,086
Colored.....	3,289	Stillwater.....	625
Chinese.....	11	El Reno.....	519
Males.....	34,464	Norman.....	764
Females.....	25,953	Kingfisher.....	1,278
Guthrie.....	5,884		

These figures differ slightly from those published by the census department for the same year, the total population of the territory as shown by the latter being 61,834, including 2,674 in Beaver county and 5,338 in Greer county. Immigrants were arriving every day in the territory and many disappointed homeseekers were also leaving for their former homes, and an accurate census at that time was not practicable. A conservative estimate places the number of inhabitants of Oklahoma at 75,000 by the end of the year 1890. Since then the population has increased not steadily, but by jumps and bounds. Every time a new section was thrown open to settlement the number of inhabitants was swelled by thousands in a day; the opening of the Cherokee strip added 125,000, Greer county brought 15,000, and the occupation of the Kiowa, Comanche and Apache reservation increased the grand total by over 50,000. The twelfth census places the total population at about 400,000, but today there are over half a million people living in Oklahoma territory.

The number of persons of voting age in the territory in 1900 was 109,191, and of school age 147,656. Only three and one-half per cent of the total population was foreign born. The following table shows the population by counties for 1900 and 1890, as published by the census department:

POPULATION OF OKLAHOMA BY COUNTIES.

Counties.	1900.	1890.	Counties.	1900.	1890.
Beaver.....	3,051	2,674	Oklahoma.....	25,915	11,742
Blaine.....	10,658	.....	Pawnee.....	12,366	.....
Canadian.....	15,981	7,155	Payne.....	20,999	7,215
Cleveland.....	16,388	6,603	Pottawatomie.....	26,412	.....
Custer.....	12,264	.....	Roger Mills.....	6,190	.....
Day.....	2,173	.....	Washita.....	15,001	.....
Dewey.....	8,819	.....	Woods.....	31,975	.....
Garfield.....	22,076	.....	Woodward.....	7,469	.....
Grant.....	17,273	.....	Kaw Indian Reservation.....	768	.....
Greer.....	17,922	5,338	Kiowa, Comanche and		
Kay.....	22,530	.....	Apache Ind'n Reservat'n.....	4,968	.....
Kingfisher.....	18,501	8,332	Osage Indian Reservation.....	6,717	.....
Lincoln.....	27,007	.....	Wichita Indian Reservat'n.....	1,420	.....
Logan.....	26,583	12,770	Total.....	395,331	61,831
Noble.....	14,015	.....			



No crops were raised during the first year of the occupancy of Oklahoma, and during the second year a severe drought prevailed in that section of the country, causing a scarcity of crops, and subsequent suffering on the part of many of the settlers, who had used the small means at their disposal in getting into the country and in buying farm implements, so that they were not prepared to meet the emergency. The governor, however, came to their rescue, and appealed first to the railroads, and the Atchison, Topeka & Santa Fe and the Chicago & Rock Island railroads responded by supplying the settlers with twenty thousand dollars worth of seed wheat. Congress also came to the aid of the needy by appropriating a balance in the treasury of a fund donated to the sufferers of the Mississippi flood.

The first legislature was elected August 5, 1890, and met for the first time at Guthrie on August 27. At the time of the election of the members of the assembly the names for the seven counties were chosen, with the result as indicated above. The members of the first legislature were as follows:

Canadian county: *Council*—Jos. Snielser; *house*—John A. Wimberly, M. A. Daniels, D. W. Talbott.

Kingfisher county: *Council*—W. A. McCartney, Daniel Harader; *house*—J. C. Post, D. C. Farnsworth, G. I. Currin, E. C. Tritt.

Payne county: *Council*—G. W. Gardenshire; *house*—J. L. Matthews, I. N. Terrill, S. W. Clark.

Logan county: *Council*—Chas. E. Brown, John Foster, J. F. Linn; *house*—W. S. Robertson, W. H. Merten, R. J. Barker, J. L. Smith, W. H. Campbell, Samuel Lewis.

Oklahoma county: *Council*—J. L. Brown, L. G. Pittman, J. W. Howard; *house*—C. G. Jones, H. G. Trospen, Moses Neal, D. W. Perry, S. D. Pack.

Cleveland county: *Council*—R. J. Nisbett; *house*—T. R. Wagner, W. C. Adair, J. M. Stovall.

Beaver county: *Council*—C. F. Grimmer; *house*—E. H. Long.  
Delegate at large: A. M. Colson.

The political complexion of the first legislature was peculiar. Oklahoma and Cleveland counties elected Democratic delegations, the representatives of Logan and Kingfisher counties were Republican; those from Payne county were allied to the Independent or Alliance party, and the balance was about equally divided among the three parties mentioned. When it came to an election of presiding officers it was found that the Independent or Alliance party held the balance of power and succeeded in seating men of that faith as speaker of the house and president of the council.



G. W. Gardenshire, of Payne county, was elected president of the upper house, and M. A. Daniels, of Canadian county, of the lower house.

Early in the session, which lasted one hundred and twenty days, as specified in the organic act, the question of the permanent location of the seat of government, came up for discussion and was the cause of a long and bitter fight between the rival cities for the honor, viz., Guthrie, Oklahoma City and Kingfisher. Governor Steele took a prominent part in this contest, vetoing the bill removing the seat of government from Guthrie to Oklahoma City, and sending the bill making Kingfisher the capital city, back to the legislature for revision, which practically amounted to a veto. With the governor's aid the city of Guthrie came out of the contest with flying colors and is still the capital city.

During the first session of the territorial legislature it was necessary to enact all the future laws of the territory, as the Nebraska laws placed over the territory expired at the close of the session. While the council contained a number of able lawyers the lower body did not boast of a single lawyer, agriculture being the principal vocation of its members. For this reason many errors crept into the laws enacted, but were, however, subsequently removed.

Oklahoma has always followed a liberal policy with reference to the public schools of the territory and has been upheld and assisted in this respect by the national legislature.

The first settlers appreciated the importance of the public school and during the first winter, before the establishment of the territory, their children enjoyed a term at schools supported by voluntary subscription, the school houses being rudely constructed huts with thatched roofs. The second year the huts were replaced by substantial log houses and these in turn made way for the handsome frame and brick structures that are to be seen in every district today.

In the beginning the township was the unit of organization for the school system, but later the district system was adopted, embracing rural, town and city divisions, together with higher educational institutions. Each county has a superintendent, elected every two years. There is also a territorial superintendent. The school system is under the supervision of a board of education, consisting of the territorial superintendent, the president of the university, president of the normal school, and one city and one county superintendent appointed by the governor. This board grants teachers' certificates, diplomas, and shapes the policy to be followed with reference to curriculum, methods, etc.



The organic act appropriated one hundred thousand dollars to be expended in the cause of education in the new territory. In addition sections 16 and 36 in each township in the original Oklahoma district, and in Beaver county, and in the Cheyenne and Arapahoe, Iowa, Sac, Fox, and Pottawatomie reservations, were reserved from settlement and held in trust for the use of the public schools.

When the Cherokee outlet was opened to settlement congress provided for the setting aside of four sections in each township; sections 16 and 36 for the benefit of public schools, section 13 for the benefit of the higher institutions of learning and section 33 for the benefit of public buildings. In place of lands lost to the territory in the Cherokee outlet, in the Osage and Ponca reservations and through allotments to Indians and other causes, there were selected in 1894 tracts of land in the Kickapoo reservation and in Woodward county (Cherokee strip), containing 101,188 acres and 21,840 acres respectively, and which were known as indemnity lands. When other sections were thrown open to settlement, including Greer county, the same liberal reservations were made by the government of four sections of land in each township for school and other purposes.

To Governor Steele belongs the credit of originating a scheme by which the territory could realize a profit by these lands immediately. The usual policy pursued with reference to such lands in other territories had been to allow them to remain unused until the state governments were organized. Governor Steele conceived the idea of leasing these lands at a fair rental and using the money obtained thereby for the public schools. He made a trip to Washington on purpose to urge congress to agree to this plan, and succeeded in having that body pass an act which was approved March 3, 1891, giving him authority to lease these public lands. A considerable sum of money was made immediately available by this means for the use of the public schools, and up to the present time the territory has realized considerably over a million dollars from this source. By act of congress approved May 4, 1894, a school land department was organized, and a board created having in charge the business of leasing the public lands. The board was composed of the governor, secretary of the territory and the superintendent of public instruction.

Three higher institutions of learning were established by the first legislative assembly, viz., the Territorial University of Oklahoma, the Agricultural and Mechanical College, and a Territorial Normal school. The University of Oklahoma was located at Norman, an ideal town for this purpose, eighteen miles south of Okla-



homa City on the Atchison, Topeka & Santa Fe Railroad. The town donated ten thousand dollars and forty acres of land for the use of the university. The first session opened September 6, 1892, with sixty-nine students. The university boasts of a large main building, containing twenty-six recitation rooms and a large chapel. The large campus of forty acres has been planted with shade trees of elm, ash, locust, etc. The scope and purposes of the university are set forth in the following sections of the act establishing the same:

(6787) Section IX. "The object of the University of Oklahoma shall be to provide the means of acquiring a thorough knowledge of the various branches of learning connected with the scientific, industrial and professional pursuits, in the instruction and training of persons in the theory and art of teaching and also the fundamental laws of the United States and this Territory in what regards the rights and duties of citizens."

(6789) Section XI. "The University shall be open to female as well as to male citizens, under such regulations and restrictions as the board of regents may deem proper, and all able-bodied male students of the University, in whatever college, may receive instruction and discipline in military tactics, the requisite arms for which shall be furnished by the Territory."

The first legislative assembly provided for the support of the university levying a general tax of one-half mill upon each dollar of valuation on the assessment roll of the territory. In addition congress set aside section 13 in each township in the Cherokee strip as a reserve from settlement in aid of the university, normal school and agricultural college.

The university is divided into the following departments or colleges: 1. College of arts and sciences. These courses lead to the degrees of A. B. and B. S., respectively. 2. School of pharmacy. This course is of two years' duration and leads to the degree of pharmaceutical chemist. 3. Premedical department. Embraces two years of the regular course leading to degree of doctor of medicine. 4. School of music. This department is divided into preparatory teachers', artists' and graduating courses. 5. Preparatory school. Embraces three years' study leading to freshman class. This school was later on separated from the university and placed at Tonkawa, Kay county.

The act establishing the Oklahoma Agricultural and Mechanical college took effect upon the territory's accepting the provisions of the "new Morrill Act," an act of congress approved August 30, 1890, whereby colleges starting agricultural experiment stations received certain benefits and annuities. The sum of fifteen thou-



sand dollars was received from this source. The college was located at the town of Stillwater, which voted the sum of ten thousand dollars in bonds and 200 acres of land. The first session began in 1891 with sixty students in attendance and four instructors. The sessions were held in different church edifices until 1894 when the main building was erected. There are now four stone or brick buildings and three wooden buildings on the campus. The attendance has increased to nearly four hundred, and the endowment and apparatus and appliances for use in the mechanical engineering and electrical engineering departments have increased in a corresponding proportion. The curriculum covers many branches, any of which leads to the degree of bachelor of science. There are also special courses in stenography, typewriting and printing. The college has a special course of eight weeks during the winter term in agriculture and mechanic arts.

The first normal school was located at Edmond. Oklahoma county, in which Edmond is situated, donated five thousand dollars in bonds and the town gave forty acres and bonds amounting to two thousand dollars. The building was begun in the summer of 1892. The legislature of 1894 donated additional amounts for building purposes and now the school has a fine, commodious structure of brick and red sandstone, which cost fifty thousand dollars. The school is maintained by a tax of one-half mill and one-fifth of the rentals from the section reserved for school purposes in the Cherokee strip. The special function of this normal school is to train and equip teachers for their work. The first school year began November 9, 1891, with twenty-three students. The annual attendance now is over four hundred. The school is distinctly a "farmers'" school, the student body being drawn from the farming districts. Five members were graduated in 1897, eleven in 1898, ten in 1899, twenty in 1900.

In recent years two other normal schools have been established. The Northwestern Territorial Normal school was founded in 1897 by the fourth legislative assembly, and is located at Alva, Woods county. This school opened September 20, 1897, with fifty-five pupils in attendance. This number increased in one year to one hundred and sixty-six, and the present enrollment is near five hundred. A splendid building, containing thirty-six rooms, was first occupied September 11, 1899. By legislative enactment, dated March 8, 1901, provision was made for the Southwestern Normal school, which is located in the southwestern part of the territory, and will undoubtedly meet with as great a success as the other schools.

Until late years the colored students were allowed to attend



the Agricultural and Mechanical college at Stillwater, but they now have a university of their own at Langston. Part of the Morrill fund was transferred from the Agricultural and Mechanical college and given to this institution and it is rapidly progressing. It boasted of one hundred and eighty-seven students in 1900.

The Sacred Heart college is the oldest institution in the territory, having been established about 1877 by the Jesuit Fathers at Sacred Heart Mission in Pottawatomie county, at that time an Indian reservation. Its purpose was originally to furnish a school for the Indians, but over a hundred white boys now attend this school.

The Congregational college at Kingston has an annual attendance of about two hundred and the Baptist college at Blackwell has a large patronage. The Friends have a number of academies throughout the territory. Other private institutions are springing up on every hand.

The government maintains a number of Indian schools in Oklahoma territory. The largest of these is the Chilocco Indian Industrial school which was opened January 1, 1884, on a reservation containing 859,833 acres in what is now Kay county, bordering on the Kansas line and about six miles directly south of Arkansas City, Kan. This school has an average attendance of over four hundred pupils, forty Indian tribes being represented. In addition to the above school the government supports fourteen reservation boarding and one day school for the Indians of the territory. Five Indian mission schools are conducted by religious denominations.

Hon. Abraham J. Seay, of Oklahoma, and formerly of Missouri, became the second governor of the new territory. He was born in Amherst county, Va., November 28, 1832, removing with his parents in 1835 to Orange county, Mo. Mr. Seay spent his boyhood days on a farm until he was twenty-one. He attended the Steelville academy and subsequently studied law. In 1861 he entered the Union army, serving until the close of the war, and holding every grade from private to the colonelcy of the Thirty-second Missouri volunteer infantry.

In 1872 and 1874 Colonel Seay was a candidate for congress on the Republican ticket and was defeated by "Silver Dick" Bland. From 1875 to 1887 he was a circuit judge, and from 1890 until his appointment as governor he was an associate justice of Oklahoma. Governor Seay occupied the gubernatorial chair about one year, being removed for political reasons by President Cleveland



in 1893. He has since been engaged in farming, stock raising and banking, and resides at Kingfisher, Okla.

The first section to be thrown open to settlement after the establishment of the territory of Oklahoma was the land lying to the east and southeast of the original Oklahoma district, and occupied by the Sacs, Foxes, Iowas, Citizen band of Pottawatomies, and Absentee Shawanese Indians. The agreement with the Sac and Fox nation was made June 12, 1890, and ratified by congress February 30, 1891; the agreement with the Iowas was dated May 20, 1890, and ratified by congress February 30, 1891. The agreements with the Citizen band of Pottawatomies and Absentee Shawanese were executed June 25 and 26, 1890, and ratified by congress March 3, 1891. These Indians were given an allotment of lands by the commission appointed by congress for this purpose and known as the Dawes commission. Under a proclamation of the president, dated September 18, 1891, the four reservations mentioned were thrown open to settlement at 12 o'clock noon, Tuesday, September 22, 1891, and all the available lands were immediately occupied. Two provisional counties were formed out of these lands, known as A and B respectively. Three counties now exist in place of these two provisional counties and are called Lincoln, Pottawatomic and Cleveland.

The second tract to be thrown open to settlement was the Cheyenne and Arapahoe Indian reservation, situated on the west of the original Oklahoma district. Under an agreement made with these tribes dated in October, 1890, conveyed their lands to the United States and accepted an allotment in severalty. The lands of the Wichita and affiliated tribes, which formed a part of this reservation and were set apart by executive order, were not included in this agreement. Congress ratified the agreement made with the Cheyenne and Arapahoe Indians on March 3, 1891, and declared the lands open to settlement on a date to be named by the president. In a proclamation dated April 12, 1892, President Harrison set the date for the opening of these lands, viz., April 19, 1892, at 12 o'clock, noon.

Congress had divided this reservation into six provisional counties, C, D, E, F, G and H, which are now known as Blaine, Dewey, Custer, Washita, Roger Mills and Day. The eastern portion of these lands, bordering on the original Oklahoma district, was settled immediately; but the extreme western portion was not taken up at once, being in what is known as the arid belt. The whole western half of Oklahoma, including all of the Public Land strip, originally lay in this arid belt, but as that section has become



more thickly settled and the lands cultivated, the arid region has moved westward. Today there is practically no arid belt in the whole territory, except perhaps a portion of the extreme western part of the Public Land strip.

On May 7, 1893, Hon. William Cary Renfrow received his commission as governor of Oklahoma, having been appointed by President Cleveland in place of Governor Seay, removed. The new governor was born in Smithfield, N. C., March 15, 1845, and received his education in the common schools of that state. He served in the Confederate army from 1861 to 1865, moving at the close of the war to Arkansas. In 1889 he joined in the rush for the new country opened up in the Indian territory and engaged in banking at Norman. He served as governor for four years, his term expiring May 24, 1897. His inauguration, which took place May 10, 1893, at Guthrie, was a notable affair, the former secretary of the interior, John W. Noble, and other prominent men being present on the occasion.

During the first year of Governor Renfrow's term of office, the Cherokee strip, embracing several million acres of land, was thrown open to settlement. Part of this land was occupied by the Tonkawas and Pawnees, their rights being ceded under agreements dated October 21 and November 23, 1891, respectively. The agreement with the Cherokees for their interest and claim to this strip was not effected until May 17, 1893. By an act of congress dated March 3, 1893, these three agreements were ratified and provision was made to throw the lands open to settlement.

Indians who had resided on or made improvements on any portion of this strip were each allowed to hold one-eighth of a section and their wives and children a similar amount. The lands of the Osages, Kans, Otoes and Missonris, lying in the eastern portion of the strip were not thrown open to settlement.

Congress stipulated that sections 13, 16, 33 and 36 should be reserved for school purposes. The following counties were named, and county seats provided, viz., Counties K, L, M, N, O, P and Q, and the county seats named were Newkirk, Pond Creek, Alva, Woodward, Enid, Perry and Pawnee, respectively. County K is now Kay county; L has become Grant county; M, Woods county; N, Woodward county; O, Garfield county; P, Noble county, and Q, Pawnee county. The interior department established four land districts in the strip, viz., one at Perry for counties K, P and Q, one at Enid for counties L and O, and one at Woodward for county N. Besides the county seats mentioned other town sites which were surveyed and platted were Cross,



Ponca, Waukomis, Hopkins and Mound City. President Cleveland's proclamation throwing these lands open to settlement was dated August 10, 1893, and the date set when the settlers could enter upon the lands was September 16, 1893.

A vigorous effort was made on the part of the land department to prevent fraudulent entry of these lands by "sooners," and in addition to scouring the strip and ejecting all those who were unlawfully upon the same, it was endeavored to further protect the honest settler by establishing registration booths at Arkansas City, Orlando, Guthrie, and other convenient places, at which it was necessary for the would-be settler to obtain a certificate indicating his right to file a claim. But with all these and other precautions adopted, and in spite of the fact that there was a penalty for prior and fraudulent settlement, a large number of sooners secured choice quarter sections.

A vast army of citizens, estimated all the way from 100,000 to 150,000 joined in the rush for homesteads on the Cherokee outlet. The day set for the lands to be thrown open was oppressively hot and there were many cases of heat prostration. The same scenes and incidents that took place at the previous openings were repeated at this one, the only difference being that the number of people engaged was several times larger. In a few hours after the rush began tented cities, each of a thousand inhabitants or more, sprang into being, as if by magic; in a few weeks frame buildings had taken the place of the tents and the erstwhile cattle lands had submitted to the civilizing influences of the plow; and in a few months the whole strip presented the appearance of a flourishing settled country, with roads, churches and schools.

The second legislative assembly appropriated fifteen thousand dollars for the purpose of exhibiting the products and resources of Oklahoma at the World's Columbian Exposition at Chicago. This exhibit was confined principally to agricultural products. The wheat from Oklahoma excelled that of all other competitors and her flour took second premium. The following is a schedule of the awards given Oklahoma:

Group 1—C. G. Jones, Oklahoma City, flour; C. G. Jones, Oklahoma City, wheat; Oklahoma territory, Cleveland county, corn, oats, buckwheat, grass and peanuts.

Group 3—Oklahoma territory, Guthrie, red sorghum.

Group 5—A. J. Seay, Kingfisher, squashes.

Group 9—Oklahoma territory, Guthrie, cotton.

Group 91—Manufactures, Mrs. S. D. McKay, Guthrie, painted china.



The second official census was taken early in the year 1894, and the following is the result by counties:

Beaver.....	2,316	M.....	16,000
Blaine.....	5,899	N.....	2,241
Canadian.....	13,259	O.....	14,294
Cleveland.....	12,716	Oklahoma.....	20,523
D.....	1,640	P.....	7,570
Day.....	245	Payne.....	13,407
G.....	2,512	Pottawatomie.....	12,875
K.....	14,379	Q.....	5,613
Kingfisher.....	15,155	Roger Mills.....	1,023
L.....	14,032	Washita.....	1,800
Lincoln.....	14,574		
Logan.....	19,532	Total.....	212,635

At the time of the opening of the Oklahoma lands to settlement this half of the Indian territory boasted of only two railroads, the Atchison, Topeka & Santa Fe railroad crossed Oklahoma territory from north to south and the Chicago, Rock Island & Pacific railroad had extended its line as far as Kingfisher. The latter road eventually completed its line into Texas, running nearly in a parallel direction to the Atchison, Topeka & Santa Fe. A short railroad was built soon after the establishment of the territory and connected the two roads above mentioned, running from El Reno to Oklahoma City, a distance of thirty miles. This road was completed in a few years eastward into Arkansas and was known as the Choctaw, Oklahoma & Gulf railroad. In the meantime the Kiowa division of the Atchison, Topeka & Santa Fe was built across the northwestern corner of the territory into the Texas panhandle.

The different legislative assemblies had taken up so much time with the attempts to remove the capital from Guthrie to other rival cities that congress inserted an amendment in the appropriation bill for legislative, executive and judicial expenses for the fiscal year ending June 30, 1895, prohibiting the territorial legislature from considering any proposition or passing any bill to remove the seat of government of said territory from its location at that time.

The agreement with the Kickapoos providing for the cession of their lands to the United States made September 9, 1891, was ratified by act of congress on March 3, 1893, and by proclamation of President Cleveland dated May 18, 1895, 206,662 acres of fertile lands were thrown open to settlement at 12 o'clock noon on May 23, 1895. In six years the small area originally thrown open to settlement had been increased until the lands already settled or



in process of settlement embraced a veritable empire in extent. The acreage of these lands is shown in the following table:

Sac, Fox, Iowa, etc., reservations .....	1,282,434
Cheyenne and Arapahoe reservation .....	4,297,771
Cherokee outlet .....	6,014,239
Kickapoo reservation .....	206,662
Total .....	11,801,106

On March 16, 1896, the supreme court of the United States rendered a decision declaring Greer county as a part of the public domain and not the property of the state of Texas. On the same date, March 16, 1896, President Cleveland issued a proclamation declaring the said Greer county in a state of reservation until the validity of the claim of the Choctaw nation to this territory had been duly determined, and warning settlers from entering the county for the purpose of settling on the lands thereof.

The claim of the Choctaws not being allowed, however, congress prepared the way for the opening of the lands in Greer county to settlement under the homestead laws, by passing an act "to establish and provide for the government of Greer county, Oklahoma, and for other purposes." Section I of this act provided for the transfer of all public property from Greer county, Texas, to Greer county, Okla., and made the laws of Oklahoma applicable to the said county. Section II declared the judicial proceedings in the Texas courts binding. Sections III and IV provided for the transfer of all pending suits, court records, for the filing of contracts, etc., and for validation of judgments, etc., of the state courts prior to March 16, 1896.

Following this legislation congress passed a law January 18, 1897, opening the lands in Greer county, Okla., to settlement and giving preference rights to settlers who were occupying the lands in good faith. These prior settlers were given six months in which to perfect their claims. All lands not occupied, cultivated, or improved, or not included in any townsite or reserve, were made subject to settlement under the provisions of the homestead law. Prior settlers on townsites were given preference rights, sections 16 and 36 were reserved for school purposes and sections 13 and 33 for such purpose as the legislative assembly of the future state of Oklahoma might prescribe. All lands occupied for religious or charitable purposes, churches, cemeteries, etc., were patented to the proper persons. A land office was established



at Mangum in Greer county. The act was made effective on the day of its passage, January 18, 1897.

The election of a Republican president in 1896 caused a change of territorial officers, and Governor Renfrow was succeeded in May, 1897, by the Hon. C. M. Barnes. The latter was born in New York, August 25, 1845. When still a lad Mr. Barnes was a telegraph operator at Leavenworth, Kan. At the age of sixteen he enlisted in the Union army and served as private secretary to General Lyon in the military telegraph and engineer corps. After the war he was a chief deputy United States marshal of the Western district of Arkansas at Fort Smith; in 1889 he was given a position in the land office at Guthrie. Mr. Barnes was admitted to the Oklahoma bar in 1893. He took an active part in politics and served in the third and fourth legislative assemblies, in the former as speaker. His term as governor expired in 1901. He was nominated last spring (1903) as the Republican candidate for mayor of the city of Guthrie, which is equivalent to an election. During Governor Barnes' administration the territory entered upon a period of phenomenal prosperity along all lines, which has continued to the present day.

At the beginning of the Spanish-American war the young men of Oklahoma were eager to serve their country. Permission was given the governor to organize a troop of cavalry, or specially mounted riflemen, to form a part of the first regiment of United States volunteer cavalry, popularly known as the Rough Riders. The following men were accepted by the recruiting officers and served with this organization in the Cuban campaign, participating with credit at El Caney and La Quasima:

Captain—Robert B. Huston; first lieutenant, Schuyler A. McGinnis; second lieutenant, Jacob Schweizer.

Sergeants—Orlando G. Palmer, G. A. Webb, G. H. Sands, Jos. A. Randolph, Chas. E. Hunter.

Corporals—Calvin Hill, David V. McClure, George Norris, John D. Rhoades.

Trumpeter—Starr M. Wetmore.

Farrier—Thomas Moran.

Privates—William D. Amrine, Lyman F. Beard, Percy H. Brandon, Fred M. Beal, Peter F. Byrne, Jas. T. Brown, William Bailey, George Burgess, Leslie C. Chase, Forest L. Cease, Roy V. Cashion, Henry S. Crosley, William S. Crawford, Walter M. Cook, William E. Cross, Isom J. David, Alexander H. Denham, Matthew Douthett, Elzie E. Emery, William A. Faulk, Theodore Folk, Elisha L. Freeman, Edwin M. Hill, Robert A. Hulue, Thomas M. Holmes, James V. Honeycutt, Paul W. Hunter,



Shelby F. Ishler, Edward W. Johnston, Andrew M. Jordon, Walter Joyce, Arthur A. Luther, Henry K. Love, Edgar F. Loughmiller, Henry Lusk, Robert L. McMillen, Henry Meagher, Volney D. Miller, Roscoe V. Miller, William McGinty, Lorrin D. Muxlow, William H. Mitchell, Marcellus L. Newcomb, Warren Norris, William Pollock, Joseph H. Proctor, William F. Palmer, John F. Page, Scott Reay, Albert P. Russell, Clyde H. Stewart, Cliff D. Scott, Edw. W. Shipp, Francis M. Staley, Clare H. Stewart, James M. Shockey, Dick Shanafelt, Fred Smith, William L. Taner, Albert M. Thomas, Jas. E. Vanderslice, John F. Weitzel, Frank M. Wilson, Wm. O. Wright, John A. Woodward.

In addition to this troop of Rough Riders, Oklahoma was allowed one full battalion of infantry, which became a part of a regiment recruited from Arizona, New Mexico, Oklahoma and Indian territory. The following is a list of the officers of the Oklahoma battalion:

Major—John F. Stone.

Surgeon—William P. Baker.

Chaplain—Job Ingram.

Captains—Harry C. Barnes, Roy V. Hoffman, Robert A. Lowry, Fred L. Boynton.

First Lieutenants—James P. Neal, Jeremiah J. O'Rourke, Henry A. Platt, Jas. M. Wheeler, Ira I. Morrison.

Second Lieutenants—David B. Arrell, Gordon L. Finley, John A. McFadden, Simon W. Switzer.

Sergeants—Chas. N. Stewart, Chas. F. Barrett, Jerome S. Workman, Seymour Foose.

Hospital Steward—Ralph E. Morrison.

Oklahoma is nominally Republican, and with the exception of two years, 1897-98, has been represented in congress by Republican delegates. The first delegate, D. A. Harvey, was elected November 4, 1900, and served two years. He was succeeded by Dennis T. Flynn, a Republican, and a valuable and persistent worker for the territory which he represented. The Hon. D. T. Flynn was born at Phoenixville, Pa., February 13, 1862, removing in early life to Kansas. He was appointed postmaster of the city of Guthrie when that town was first settled and early identified himself with the politics of the new territory. He was elected a delegate to congress in 1892 over O. H. Travers, the Democratic candidate, and N. M. Ward, the candidate for the People's party.

He had hardly been seated when the scandals under Hoke Smith, secretary of the interior, in connection with the Cherokee strip opening were assailed by him on the floor of the house. His statements were decisive and gave him a standing which he has



always maintained, not only with the members of his own party, but with the opposition. It was in this congress that the first "free homes bill" was introduced by him. The provisions at that time applied only to the Cheyenne and Arapahoe, Sac and Fox, Iowa, and Pottawatomie reservations. The bill was adversely reported and nothing done at that time.

Mr. Flynn was re-elected to the Fifty-fourth congress, and Speaker Reed having taken a fancy to him, assisted him. The "free homes bill" was favorably reported and passed the lower house. Flynn was renominated a third time by his party, and was defeated by a combination of Democrats, Silver Republicans and People's party adherents. His successor, James Yancy Callahan, had been a resident of Oklahoma since 1892 and was engaged in farming. He had been a local minister of the Methodist Episcopal church and had also engaged in sawmilling and mining. He was nominated by the Democrats and Populists on the Free Silver ticket. The house of representatives being Republican, Mr. Callahan was unable to accomplish much during his term of two years, and the "free homes bill" did not obtain recognition.

Over his vigorous protest Flynn was again nominated by his party in the fall of 1898, when it was believed that a Republican could not possibly be elected in the territory, but he was successful and obtained a majority of about 10,000. It was after his election to the Fifty-sixth congress that the "free homes bill" was again introduced, passed the house and senate and received the approval of President McKinley May 17, 1899.

The stipulations of this bill provided a relief to homesteaders throughout the United States, but applied principally to the settlers of the Oklahoma territory. The agitation for its passage had been persistent and general. In February, 1895, a free homes convention was held at Perry, Oklahoma territory, and a Territorial Free Homes League was organized. In 1896 planks were inserted in each of the platforms of the three parties advocating legislation along this line. It is estimated that its passage assured relief to the struggling homesteaders of the territory of Oklahoma in the sum of seventeen million dollars or about thirty-seven dollars per capita. The bill is given below in full:

"AN ACT PROVIDING FOR FREE HOMESTEADS ON THE PUBLIC LANDS FOR ACTUAL AND BONA FIDE SETTLERS, AND RESERVING THE PUBLIC LANDS FOR THAT PURPOSE.

*"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That all*



settlers under the homestead laws of the United States upon the agricultural public lands, which have already been opened to settlement, acquired prior to the passage of this act by treaty or agreement from the various Indian tribes, who have resided or shall hereafter reside upon the tract entered in good faith for the period required by existing law, shall be entitled to a patent for the lands so entered upon the payment to the local land officers of the usual and customary fees, and no other or further charge of any kind whatsoever shall be required from such settler to entitle him to a patent for the land covered by his entry, *Provided*, That the right to commute any such entry and pay for said lands in the option of such settler and in the time and at the price not fixed by existing laws shall remain in full force and effect: *Provided, however*, That all sums of money so released, which if not released would belong to any Indian tribe shall be paid to such Indian tribe by the United States, and that in the event that the proceeds of the annual sale of public lands shall not be sufficient to meet the payments heretofore provided for agricultural and experimental stations by an act of Congress, approved August 30, 1890, for the more complete endowment and support of the colleges for the benefit of agricultural and mechanical arts, established under the provisions of an Act of Congress approved July 2, 1862, such deficiency shall be paid by the United States; and *Provided further*, That no lands shall be herein included on which the United States government had made valuable improvements, or lands that have been sold at public auction by said Government.

"Section II. That all Acts, or parts of Acts inconsistent with the provisions of this Act, are hereby repealed."

Mr. Flynn was renominated and elected to the Fifty-seventh congress, from which he later retired, having absolutely declined a renomination, but nevertheless worked energetically for his successor, Mr. Maguire. The committee on public lands in the house at its last meeting passed a eulogistic resolution of regret on the retirement of Mr. Flynn from congress and from the committee.

Hon. Wm. M. Jenkins, secretary of the territory from 1897 to 1901 under Governor Barnes, succeeded the latter in the gubernatorial chair. Mr. Jenkins was born in Alliance, O., April 25, 1856. In his youth he attended the Mount Union college at Alliance. Subsequently he removed to Shelby, Ia., where he was admitted to the bar in 1883. He removed to Arkansas City in 1884 and in 1888 was a delegate to the Republican national



convention. He was an "original McKinley man." He was appointed by President Harrison a special Indian commissioner in Oregon. Mr. Jenkins removed to Oklahoma in 1893. He resides at Guthrie.

In the fall of 1902, the resignation of Governor Jenkins was demanded by President Roosevelt, on account of charges brought against him relative to the conduct of the institution for the insane. Governor Jenkins was acquitted upon investigation of the charges of any dishonest act, but as he was a stockholder of the insane institution, the president stated that he did not feel justified in reappointing Mr. Jenkins as governor. The position was given to the Hon. Thompson B. Ferguson, an editor of prominence and chairman of the Republican territorial committee.

In 1898 the territory was well represented at the Trans-Mississippi and International Exposition at Omaha, Neb. The exhibition was an agricultural and horticultural display, and the following awards were captured:

Oklahoma territory, silver medal for state agricultural exhibit, bean exhibit, grain exhibit, cotton exhibit; Eagle Mills, Edmond, gold medal for soft wheat flour and hard wheat flour; Ponca City Roller Mills, silver medal for Oklahoma flour; Perry Mill Company, silver medal for Oklahoma flour; Hennessey Roller Mills, gold medal for "Perfection" flour; Kingfisher Milling Company, gold medal for Oklahoma flour; Oklahoma Mill Company, Kingfisher, gold medal for Oklahoma flour; Canadian Milling Company, Elreno, bronze medal for Oklahoma flour; Elreno Mill & Elevator Company, silver medal for Oklahoma flour.

Nowhere else in the United States can the three great staples, wheat, flour and cotton, be successfully grown upon the same quarter section, with a half dozen other farm products besides garden vegetables and luscious fruits. Five successful crops in succession have made Oklahoma a great wheat country. In 1897 16,000,000 bushels of wheat were thrashed, and the crop for 1901 aggregated about 25,000,000 bushels. The average per acre for the wheat crop is 22 bushels, but in numerous localities 30, 35, and 40 bushels are harvested per acre. The railroads are kept busy handling the wheat and there are 249 elevators in which it is stored.

About 75,000,000 bushels of corn were raised in 1901, the crop per acre being from 50 to 90 bushels in the valleys and from 25 to 50 bushels in the uplands. In the valleys of the Arkansas, Salt Fork, Cimarron, Canadian and Washita rivers is raised the finest corn in the West.



Cotton is raised in sixteen of the twenty-three counties, Lincoln county leading the rest. Oklahoma cotton was given the highest award at the Paris Exposition. Potatoes, oats and kaffir corn are raised in the territory to a considerable extent. While certain sections are devoted principally to wheat or corn, the Oklahoma farmer has found that a diversity of crops brings the best returns.

The sandy soil of certain parts of the territory, particularly in the vicinities of Lawrie, Waterloo, Bliss and Blackwell, is well adapted to the growing of watermelons and cantaloupes. Over five hundred car loads of melons were shipped from the territory in 1902. The raising of castor beans is found to be a profitable industry in certain sections, about 14,000 bushels being raised in 1900, which sold at prices ranging from ninety cents to one dollar and fifteen cents per bushel. This crop is confined principally to Logan, Payne, Kingfisher, Blaine, Dewey, Garfield and Noble counties. Peanuts also flourish in the territory, and are successful where other crops fail on account of lack of rain.

The last of the public lands to be opened to settlement, were the reservations of the Kiowas, Comanches and Apaches, and the Wichitas and affiliated tribes, containing 3,712,503 acres, and lying in the southwestern part of the territory. They were probably in many respects the richest lands thrown open to settlement in the whole United States.

Congress ratified the agreement with the Wichita and affiliated tribes March 2, 1895, and that with the Comanches, Kiowas and Apaches, made October 21, 1892, on June 6, 1900. By the same act congress declared the lands of these tribes public lands and open to settlement under proclamation of the president. A large amount of lands in these reservations was withheld from settlement under the provisions of the bill. A large tract of grazing lands for the Indians was reserved, also a forest reserve in the Wichita mountains, and sections 13, 33, 16 and 36 which were set aside for the public schools and public buildings of the future state of Oklahoma. Each Indian was allotted quarter sections in this tract and given first choice.

To avoid the rush that took place at subsequent openings and prevent "sooners" from entering the lands and selecting the best quarter sections, the interior department devised a scheme, which resembled a "grand land lottery." The manner in which these lands were given away by the government has been criticised severely, while it has also been highly commended.

The proclamation of President McKinley relative to the opening of these lands to settlement was dated July 4, 1901. Under



its terms two land districts were established, one at Elreno for the northern portion, called Kiowa county, and one at Lawton (near Fort Sill) for the southern portion, to be known as Comanche county. Settlers were required to register at one or the other of these land offices, registration beginning at 9 o'clock A. M. Wednesday, July 10, 1901, and ending at 6 o'clock P. M. Friday, July 26, 1901. Each applicant was given a non-transferable certificate entitling him or her to enter the lands in advance of the drawings in order to examine same. The "lottery" was in charge of three judges of unimpeachable character. The name, age, residence, and description of every applicant was placed on a card, which was placed in an envelope, and then sealed. These envelopes were placed in a big box and kept there until the drawings took place. There were over 167,000 applications and the government had only 13,000 farms of 160 acres each to give away. Each of the applicants had a long shot at a dozen choice claims, worth from twenty-five thousand to fifty thousand dollars each. There were present at the registration booths, school teachers from Maine, woodsmen from Oregon and cotton raisers from Alabama. On July 29th the drawings commenced. The first name drawn from the box gave that person the first choice of all the claims in that district. The order of names drawn from the box indicated the order of choice. Fifty thousand people were massed on a sloping hillside near Elreno, on the day of the drawing, standing shoulder to shoulder, under a boiling sun. Ten beardless boys were selected to draw the names from the box. A struggling clerk drew the first prize claim and a telephone girl secured second choice. The first took a quarter section adjoining the new town of Lawton, which was to be the chief town of the reservation. One hundred and twenty-five names were called each day until the whole thirteen thousand were drawn. After sixty days the lands were thrown open to settlement and the homesteader who had been unsuccessful in the drawings was given a chance to locate on a claim which had not been claimed by the person drawing the same. In this way many fairly good farms were settled.

Three towns had been surveyed and platted by the government. They were Lawton, Hobart and Anadarko. By an act of congress approved March 3, 1900, the town lots were sold at auction, and the proceeds were to be turned into the town treasury. By this method four hundred fourteen thousand eight hundred and forty-five dollars was realized from the sale of lots in Lawton, one hundred eighty-eight thousand five hundred and ninety-five



dollars in Hobart and one hundred thirty-two thousand five hundred and ninety-three dollars in Anadarko. These towns have each had a wonderful growth, particularly Lawton.

The following Indian lands still remain in the territory of Oklahoma, and are located in the northeastern section. They will be shortly thrown open to settlement, upon the completion of the allotments to the Indians occupying the same.

Tribe.	No. Indians.	No. acres in reserva- tion.
Osage.....	1,783	1,470,068
Kaw.....	215	100,134
Ponca.....	566	26,328
Otoe and Missouri.....	372	129,113
Total.....	2,936	1,725,647



## CHAPTER V

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### Miscellaneous Events, Statistics, Etc.

BARELY had the mantle of territorial government been thrown around Oklahoma before her citizens were clamoring for statehood. The phenomenally rapid development of the country along all lines was one of the causes for this apparent haste on the part of the new commonwealth to assume the dignity of a state, but perhaps the principal reason for the early efforts in this direction was due to the fact that ninety-six per cent of Oklahoma's population is American born, and these Americans, having once enjoyed the full privileges of American citizenship in their former homes, were loath to have these privileges taken away from them. Personal liberty and the protection of the law was theirs in the new country, but that priceless attribute of American citizenship, the right to choose rulers and representatives and those who make and administer the law, was denied them. It is therefore with great unanimity and persistency that the people of Oklahoma are forcing their claims to statehood upon congress.

Every governor of the territory has recommended statehood in his annual report, the delegates to congress have introduced bills at every session since 1893, and organizations have been formed and conventions held by the citizens to keep up the agitation. In support of her claims Oklahoma has presented to congress a formidable array of statistics covering the population, wealth and literacy of the territory; the solidity of her social, industrial, and political systems, and general preparedness for statehood.

As shown by the returns of the county assessors in 1902 the population of Oklahoma is 541,480, of which only four percentage is foreign born. This population is greater than any territory ever admitted to statehood and greater than twelve different states



of the Union at this time. The percentage of illiteracy is five and one-half per cent. The increase in the value of property has kept pace with the increase of population. The valuation of property shown by the returns of the assessors aggregates seventy-two million six hundred sixty-seven thousand four hundred and twenty-three dollars, and is divided as follows:

Value of farm lands as returned . . . . .	\$22,614,650
Value of town property as returned . . . . .	11,629,199
Value of railroads as returned . . . . .	6,339,462
Value of moneys and credit as returned . . . . .	3,068,273
Value of other property as returned . . . . .	29,025,839

The taxable valuation is greater than that of any state at its admission, and as only one-fourth of the actual value of the property is returned by the assessors the real value of taxable property is about three hundred million dollars. The territorial tax levy for 1902 was seven and sixteen twentieth mills, the resulting revenues from which are estimated at five hundred and fifty thousand dollars. In 1902 there were listed for taxation 6,344,662 acres of farm land, being an increase of 1,792,815 over 1901, and the railway mileage as returned for taxation in March, 1902, was 1,413.23 miles of main track and 178.55 miles of side track. Over 500 miles of railroad were built during the year 1902.

The territorial indebtedness on November 30, 1902, was four hundred sixty-six thousand nine hundred fifty dollars and forty-three cents, or about eighty-five cents per capita. A bond interest fund has been created which it is expected will so increase that at an early date the bonds may be redeemed. The public building fund now aggregates about two hundred fifty thousand dollars, which can be utilized toward the erection of a penitentiary, reform school, insane asylum, deaf mute school, and blind asylum, upon the favorable settlement of the statehood question.

In 1901 there were 2,278 schools in session, with an aggregate attendance of 116,971, of which 112,048 were white and 4,923 colored. The school population is nearly twice the average population of all the states when granted self-government. The number of national banks has increased during 1902 from 31 to 60, and the territorial banks from 113 to 152.

Average reserve held by banks, per cent. . . . .	54.1
Total capital stock . . . . .	\$1,247,940.26
Total deposits . . . . .	6,962,120.00
Total capital stock national banks . . . . .	1,949,800.00
Total deposits . . . . .	10,000,917.00



There are twenty cities of the first class in the territory, of which 5 were incorporated during the year 1902. There are 338 registered pharmacists and 141 licensed dentists in the territory. There are 12 companies in the National Guard, a troop and battery comprising 825 men. There are 231 manufacturing establishments, employing 3,051 hands; 125 wholesale establishments, employing 959 hands; 228 grain elevators having a combined capacity of 2,857,000 bushels, and 48 flour mills having an output of 8,760 barrels per day. Twenty-two daily, 168 weekly, 20 monthly, and 4 semimonthly newspapers and periodicals are published in the territory. At the election in 1902, the following vote for delegate to congress was cast:

McGuire .....	45,803
Cross .....	45,409
Socialist .....	1,963
Prohibitionist .....	1,035
Total .....	94,210

In view of these facts and the persistent efforts of the citizens of Oklahoma to gain a recognition of her claims, congress cannot hold out much longer in refusing to grant statehood rights. Conventions of the two great political parties in 1900 adopted planks in their platforms advocating the principle of home rule and the early admission of Oklahoma to statehood, but it was not however, until the first session of the Fifty-seventh congress that serious consideration was given to the matter of statehood for Oklahoma, and also for her neighbors, New Mexico, Arizona and the Indian territory. A number of bills were introduced in the house of representatives for the admission of one or more of these territories. The committee on the territories, to whom was referred H. R. 4570, "To authorize single statehood for Oklahoma and Indian Territories as the State of Oklahoma, and for other purposes;" H. R. 9675, "To provide for the union of Oklahoma Territory and the Indian Territory, and to enable the people thereof to form a constitution and state government, and to be admitted into the Union as the State of Oklahoma on an equal footing with the original states, and to make donations of public lands to said state;" H. R. 11802, "To enable the people of Oklahoma to form a constitution and state government and to be admitted into the Union on an equal footing with the original states;" H. R. 12543, "To enable the people of Oklahoma, Arizona, and New Mexico to form constitutions and state governments and be admitted into



the Union on an equal footing with the original states," reported the last named bill without amendment and recommended that it pass. The bill became known as the "Omnibus bill," called so from the fact that three territories were provided for therein. It passed the house without much opposition and was then referred to the senate for consideration. That part of the Omnibus statehood bill pertaining to the admission of Oklahoma is identical with H. R. 152 and H. R. 11802, introduced by Delegate Flynn, who had long been a champion of Oklahoma's cause.

As stated the bill provides enabling acts for the admission of Oklahoma, Arizona, and New Mexico. In the case of Oklahoma it is provided that the constitutional convention shall by irrevocable ordinance express the consent of the new state that congress may attach all or any part of the Indian territory to the state of Oklahoma, should the events of the future justify such action.

Section VII of the bill provides for granting to the state, sections 16 and 36 in every township in the territory, or indemnity land equivalent thereto, for the support of the common schools. These lands are to be disposed of only at public auction to the highest bidder, preference right to purchase being given to the lessee at time of sale, the proceeds to constitute a public school fund, the interest of which only shall be expended in the support of such schools; but it is provided that the lands may be leased for a period not to exceed five years under such regulations as the legislature may provide.

In Section VIII of the bill, section 13 in every township is granted to the state under the same conditions for the equal use and benefit of the university, the normal schools, and the Agricultural and Mechanical College.

Section XXXIII in every township is granted for charitable and penal institutions, and is to be disposed of as the legislature of the state may provide.

All of these lands have heretofore been reserved to the territory under various acts of congress.

In addition to these grants the bill provides that, in lieu of grants of land for the purpose of internal improvements heretofore made new states by acts of congress, the following grants shall be made to Oklahoma: For the benefit of the territorial university, 200,000 acres; for the benefit of the Agricultural and Mechanical College, 250,000 acres; for the benefit of the Colored Agricultural and Normal University, 100,000 acres; for the benefit of normal schools, 250,000 acres, and to be disposed of as the legislature may provide, 650,000 acres, all of said land to be



selected by the state with the approval of the secretary of the interior.

The bill provides that until the next general census the state shall be entitled to two representatives in the lower house of congress. The constitutional convention is authorized to provide for the election of officers for a full state government, members of the legislature, and representatives in congress, but said state government shall remain in abeyance until the state shall be admitted into the Union.

By senate resolution adopted June 27, 1902, a subcommittee of the committee on territories of the United States senate, was authorized to visit the territories of New Mexico, Arizona, Oklahoma and Indian territory, for the purpose of investigating conditions relative to the admission of said territories to statehood. This subcommittee was composed of Senators Beveridge (chairman), Dillingham, Burnham and Heitfield. The subcommittee visited the territories mentioned during the month of November, 1902, and heard a great deal of voluntary testimony from witnesses which was included in a report submitted to the senate committee on territories upon the return of the subcommittee. Nothing in this report was disparaging to the territory of Oklahoma; in fact everything tended in her favor. The question, however, of statehood for Oklahoma alone or statehood with the contiguous Indian territory, was decided by the subcommittee in favor of the latter proposition. The result of the subcommittee's work, therefore, was the substitution of a bill which provided for the admission only of Oklahoma and Indian territory, and these two as one state, in place of H. R. 12543, under the terms of which Oklahoma, Arizona, and New Mexico, were to be admitted and no provision made for Indian territory. This substitute was presented to the senate on December 3, 1902, by Hon. Knute Nelson, senator from Minnesota and chairman of the senate committee on territories. The minority members of the committee on territories, under the leadership of Hon. Matthew Quay, senator from Pennsylvania, submitted an adverse report to that of the majority, advocating the passage of H. R. 12543, known as the Omnibus bill.

Oklahoma was provided for on the passage of either bill, but there was a division of sentiment in the territory as to the best policy, statehood alone, or statehood with Indian territory. The advocates of single statehood pointed to the geographical location of the two territories, the junction of which would make a regular



parallelogram (with the exception of the Public Land strip), bounded on the north by the state of Kansas, on the east by the state of Arkansas and a part of Missouri, on the west by the state of Texas, and on the south by the state of Texas, or rather by the Red river. It was claimed that the union of the two territories as one state would give the proposed state clear, well-defined, homogeneous boundaries, and would avoid the broken and ragged boundaries that exist between the two territories. Single statehood partisans maintained that the union was ideal for the further reason that the Indian territory was rich in coal, minerals, building stone, and timber, of which there was a dearth in Oklahoma. A single statehood convention was held in Oklahoma City, on January 6 and 7, 1903, at which there were present 900 delegates from the Indian territory and 700 from Oklahoma. This convention endorsed the Nelson bill and voted an expression of confidence in the purity of the motives of Senator Beveridge and associates. John F. Palmer, of Pawhuska, an Osage Indian, was made temporary chairman, and "Senator" Gid Morgan, a Cherokee Indian, of Tahlequah, I. T., was made permanent chairman. Henry Johnson, a Chickasaw Indian, was made temporary secretary, and Joseph Dunn, of Alva, Okla. T., was made permanent secretary. This convention was the seventh of its kind for the purpose of furthering statehood for Oklahoma and the Indian territory.

On the other hand there is a strong sentiment against a union of the two territories as a single state at this time, it being claimed that it is the better policy to make a state of Oklahoma territory at once, with a provision in the enabling act for attaching the Indian territory thereto at a later date, when the allotment of the lands to the Indians has been completed and these allotted lands become liable to taxation. The opponents to single statehood also point to the fact that no lands have been set aside in the Indian territory for school purposes, while Oklahoma derives a large revenue for schools and colleges from this source. Many prominent men in the affairs of the territory have placed themselves on record as opposed to single statehood, and several prominent newspapers have taken the same position.

In the fight on the floor of the United States senate both Senator Quay and Senator Nelson claimed a majority of the senators at their backs, but both sides resorted to a great deal of filibustering, and a decisive vote on the question was delayed from day to day. Although both champions of the two bills were members of



the dominant political party, political motives lay beneath the delay in bringing the matter to an issue one way or the other, and it is stated that grave national questions were involved in the great fight that took place in the senate. The result was a deadlock, which lasted till the end of the session and compels a renewal of the arduous controversy again in future, as Oklahoma territory will be found knocking at the doors of every congress until she has been admitted as a peer among other states of the Union.



# Indian Territory

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Ex-Governor Cassius McDonald Barnes

*Associate Editor*

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Archer B. Hulbert

*Author*



# Indian Territory

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## CHAPTER I

### The Indian Tribes

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ANY RECORD of the development of the Indian territory, from early times to the present, must follow closely the varying fortunes of five civilized tribes of Indians, viz., Cherokees, Creeks, Choctaws, Chickasaws and Seminoles, who have been domiciled within its borders. The territory is not an organized territory and is the only one of its kind in the United States, the Indians being allowed to govern themselves under the supervision of congress.

For years the red men hunted or tilled the soil in their Indian Eden without interference from the white men, who cast longing eyes at the land, but were held in check by treaty rights granted the Indians. The intercourse law forbade traffic by whites with the Indians except through licensed traders. The white men were not allowed to own land in the territory and for a long time the government agents, a few traders and missionaries, and the soldiers stationed on the reservations were the only citizens of the United States within the territory.

But the barriers were finally broken down, Oklahoma was organized as a territory and thrown open to settlement, and the "land of running waters and of flowers," where the Indians pursued the elk and buffalo, kindled their camp fires and met in council, is teeming with evidences of western progress and civilization. Cities have sprung up, factories been built, and the iron steeds have long since taken the place of the fleetest Indian ponies.



Oklahoma and Indian territories are at this time knocking at the door of congress demanding statehood. When this request is granted, and the Indian lands, so long held in common, are partitioned in severalty, the prestige of the Indian as a race will be gone, and the "Indian Question" which has agitated the country since the two races came in contact will be a matter of history.

This transition, which is now taking place, from the position of conditional independence to full citizenship, has been made possible through education and intermarriage with the whites. The change, however, has been a gradual one, the metamorphosis taking a century in its accomplishment.

The history of the five civilized tribes reads like a romance. Driven from their early homes in the east, forced to reside in the western wilderness, and subjected to the avariciousness of dishonest agents, they have overcome all obstacles; seminaries have been established, hospitals and orphan asylums built, local government has been perfected, banks have been opened, and in many and devious ways have they kept pace with their white brothers. Today these Indians are living examples to prove the fallacy of the worn out assertion that the only good Indian is a dead Indian.

At the time of the acquisition by the United States of the country west of the Mississippi river from France, the "Indian Country," as it was called, embraced a large indefinite tract. Early maps of this period show the location of the different tribes, and to the west a large section of undiscovered territory was noted as "Indian Hunting Grounds." Later the bounds of the country set aside for the Indians by the government as a permanent abiding place, became more definitely fixed, and the "Indian country" became known as the "Indian territory." This designation of the Indian lands has been given for convenience only, as no form of territorial government has ever been established within the present bounds of the "Indian territory," although large sections have been chopped off the original allotment of territory to the Indians, and states and territories formed thereof.

Josiah Gregg's map of 1844 gives the bounds of this territory as the Platte river on the north, the Red river on the south, the wild tribes of prairie Indians on the west and the states of Arkansas and Missouri on the east. The contraction of the territory to its present limits has been accomplished partly by persistent encroachments by the white settlers and partly by treaties made with the Indians, by which they ceded to the government large tracts of their original grants.

The new territory had hardly been acquired from France before congress was petitioned to remove all the Indians from the east



to the west side of the Mississippi river, and the fifteenth section of the act of March 26, 1804, provided for their removal and for the laying off of the prospective Indian lands. No sketch of Indian territory would be complete without referring to the efforts on the part of the government to remove the five civilized tribes from their old homes to the Western lands and the hopeless struggle on their part against the inevitable.

On January 27, 1825, President Monroe, in a message to congress, urged the removal of the Indians, particularly those tribes in the Southern states and in Ohio and Indiana, to the country west of the Mississippi river. This recommendation of the president was the result of the persistent demands of the state of Georgia that the United States fulfill an agreement made with her in 1802. By this compact (the only one of the kind ever entered into between the United States and a separate state) the United States government agreed to extinguish all Indian titles to lands in the state of Georgia as soon as it could be done peaceably and on reasonable terms. The Cherokee Indians, whose lands extended into that state, had organized an independent government, and Georgia protested against this disregard of her rights of sovereignty. President Monroe said in his message:

“\* \* \* Experience has clearly demonstrated that, in their present state, it is impossible to incorporate them (the Indians) in such masses, in any form whatever, into our system. It has been demonstrated with equal certainty, that, without a timely anticipation of, and provision against, the dangers to which they are exposed, under causes which it will be difficult, if not impossible, to control, their degradation and extermination will be inevitable. The great object to be accomplished is, the removal of those tribes to the territory designated, on conditions which shall be satisfactory to themselves and honorable to the United States. This can be done only by conveying to each tribe a good title to an adequate portion of land to which it may consent to remove, and providing for it there a system of internal government, which shall protect their property from invasion, and, by regular progress of improvement and civilization, prevent that degeneracy which has generally marked the transition from one state to another.”

In 1826, the secretary of war, Hon. James Barbour, drafted a bill for the consideration of congress, relating to the removal of the Indians. In connection with this bill he reported as follows:

“The condition of the aborigines of this country and their future destiny, have long engaged the attention of the philosopher and statesman, inspiring an interest correspondent to the import-



ance of the subject. The history of the past presents but little on which recollection lingers with satisfaction. The future is not more cheering unless resort be speedily had to other counsels than those by which we have heretofore been governed. From the first discovery of America to the present time one master passion, common to all Americans, that of acquiring land, has driven, in ceaseless succession, the white man on the Indian. The latter, reluctantly yielding to a force he could not resist, has retired from the ocean to the mountains, and from the mountains to more hospitable recesses, wasting away by suffering and wars, foreign and intestine, till a wretched fragment only survives of the numerous hordes once inhabiting this country, whose portion is to brood in grief over their past misfortunes, or to look with despair on the approaching catastrophe of their impending doom.

\* \* \* Can it be a matter of surprise that they hear with unmixed indignation of what seems to them our ruthless purpose of expelling them from their country? They see that our professions are insincere—that our promises have been broken, that the happiness of the Indian is a cheap sacrifice to the acquisition of more lands; and when tempted to be soothed by assurances that the country to which we propose to send them is desirable, they ask us, what new pledges can you give us that we shall not again be exiled when it is your wish to possess these lands. It is easier to state than to answer this question. \* \* \* Either let him retain and enjoy his home, or, if he is to be driven from it, abstain from cherishing illusions that mean to disappoint, and thereby make him to feel more sensibly the extent of his loss."

The bill of the secretary of war provided for the removal of the Indians by individuals and not by tribes, that a territorial government be maintained by the United States over the country to which the Indians should be removed, that all tribal relations should cease and the members be amalgamated in one mass, and that all property should be held by individuals and not in common. The policy outlined in this bill was not, however, in accordance with the views of congress at that time, and the bill was not favorably acted upon. Instead, congress advocated that most solemn guarantees should be given to the Indians of perpetual and undisturbed possession of the lands to be selected and that they should be forever exempt from the jurisdiction of state or territorial government. It was claimed that the welfare of the Indians depended on their being separated from the whites and living under their own laws, and for that reason it was desired to give them, in exchange for lands within states then rapidly becoming populous, territory that could be protected from



encroachment. The latter policy of paternal protection has been followed by the government in its dealings with the Indians up to recent times, when now the recommendations of secretary of war in 1826 are being practically put into execution.

Georgia took the question of the failure of the United States to fulfill its agreement to the supreme court, and President Jackson in his first annual message, December 8, 1829, dealt with the Indian problem. Finally in February, 1830, both the senate and house committees on Indian affairs made reports in favor of removal and before the close of the session a law was passed entitled: "An Act to provide for an exchange of lands with the Indians residing within any of the states or territories, and for their removal west of the river Mississippi."

This act was approved by the president May 28, 1830. Prior to this date the United States acquired by treaty with the Kansas and Great and Little Osage Indians the territory west of the Mississippi and Arkansas, south of the Great Nemaha and north of the Red river, bounded on the west by a line drawn from the head source of the Nemaha to the source of the Kansas river, thence southwardly through Rock Saline to the Red river.

Capt. Z. M. Pike, the explorer, in his narrative relating his travels, writes enthusiastically of the lands bordering on the Arkansas river, which he termed a terrestrial paradise for the wandering savages. In his opinion there were buffalo, elk and deer in sufficient numbers on the banks of the Arkansas alone, if used without waste, to feed all the savages of the United States a full century.

The Great and Little Osages, or Wa-saw-see, as they called their tribe, appear to have been the only Indians indigenous to the country now known as Indian territory. They were great wanderers, their villages being found at one time along the headwaters of the White river and even along the Missouri and Mississippi, from which points the earliest settlers drove them south and west. The Kans, or Kaws or Konzas were an offshoot of the Osages. The traditional enemies of the Osages were the Pawnees and Comanches on the west, against whom they often went on the war path, although numerically inferior. Other neighboring tribes on the north were the Pottawatomies, Omahas, Otoes and Quapaws. On the west were the wild tribes such as the Comanches and Arapahoes, and on the southwest, along the Brazos and Red rivers, were the hunting grounds of the Wacoos, Wichitas, Towackanoes, Keechies and Inyes.

George Catlin, the celebrated traveler, whose gallery of Indian portraits is now in the National Museum at Washington, spent



several months among the Osages in 1834, at Fort Gibson, which was the extreme southwestern post on the frontier, and at that time occupied by the Seventh regiment of United States infantry under General Leavenworth. This fort was established by Brevet Brig.-Gen. M. Arbuckle (then colonel) in 1824, and was located on the Grand or Neosho river near its confluence with the Arkansas. Article 9 of the treaty made with the Cherokees in 1828 provides for a military reservation at Fort Gibson two miles wide and six miles long, and also a military road between Fort Gibson and Fort Smith, across the line in Arkansas. Josiah Gregg's map of 1844 shows two roads in the Indian territory, the road provided for in the above treaty, and another running from Fort Smith in a southwesterly direction to Fort Towson on the Red river, the latter post being established in 1833. Fort Gibson was abandoned as a military reservation in 1857, re-established in 1863, and finally abandoned in 1890. The first traders and sutlers located at this point in 1854 and became the pioneers of what today is a flourishing town, named after the old fort.

At the time of Catlin's visit to Fort Gibson the Osage Indians numbered 5,200, their number having been greatly reduced by repeated ravages of the small-pox. According to this intrepid explorer and artist, the Osages were the tallest men on the continent, many of them being over seven feet in height and most of them six feet or over. Their chief at that time, Black Dog, was blind in one eye, weighed over two hundred and fifty pounds and measured six feet six inches in height.

Like a number of other tribes the Osages shaved their heads with the exception of the "scalp-lock" on the top. Their children were bound to boards slung on their mothers' backs, and the head of each child was bound so tight as to force in the occipital bone and create an unnatural deficiency on the back part of the head and an unnatural elevation on top. This was supposed to give them a bold and manly appearance. They also cut and slit their ears to which were suspended great quantities of wampum and tinsel ornaments.

J. M. Stanley visited the Osages in 1843. He describes them as living in three villages, their wigwams being built of bark and flags, or reeds. Their villages were located on the headwaters of the Arkansas, Neosho and Grand rivers, and were forty, sixty and eighty miles distant, respectively, from Fort Gibson. This tribe studiously rejected everything pertaining to civilized customs, with the exception of the army blanket which they were persuaded to exchange for their buffalo robe.

The emigration of the five civilized tribes from their old homes



in the Southern states east of the Mississippi to the Western wilderness took many years in its accomplishment. The Chickasaws inhabited the upper part of Mississippi and the Choctaws the lower part of the same state. These two tribes spoke practically the same language and eventually united as one nation. They commenced moving west in 1801 and by 1830 had exchanged all their lands for grants in the Indian territory. During all their relations with the French, Spanish, English and Americans, they were never at war with either. In early times they were nicknamed "Farmer" Indians on account of their diligence in tilling the soil.

Apushamataha was a famous Choctaw chief, who was born about 1764. He was presented with a complete military suit by General Jackson, with whom he allied himself against the Creeks in 1812. He died at Washington December 24, 1824, when there as a member of a delegation from his nation. His dying request was that the "big guns on the hill" be fired in his honor after his death, and it is stated that this was done.

The Creeks were found in Alabama and Georgia. The first treaty was consummated with them August 7, 1790, after the Revolutionary war, during which they had fought on the side of Great Britain. Between that date and February 12, 1825, seven additional treaties were made with them, by the terms of which all of their lands were ceded to the United States. In one of these early treaties it was stipulated that the dividing line between their lands and those of their white neighbors was to be a line of felled trees, twenty feet wide. The treaty made by them with General Jackson on August 9, 1814, was one of capitulation after a disastrous war.

On April 4, 1832, this tribe ceded to the government all their remaining lands east of the Mississippi and accepted in exchange therefor a tract of land in Indian territory immediately north of the lands allotted to the Choctaws, the latter occupying the southeastern part of the territory.

According to the terms of this treaty each emigrating warrior was given a rifle, mounds, wiper and ammunition and each family presented with a blanket. In addition the government pledged itself to pay the tribe an annuity of three thousand dollars for the education of their children, and to furnish one blacksmith when one-third of the tribe had emigrated and another blacksmith when two-thirds had crossed the Mississippi, together with one ton of iron and two hundred weight of steel annually.

The Cherokees made their camp fires in the mountains of Tennessee, the Carolinas and Georgia, and were known as the "Moun-



taineer Indians." James Oglethorpe when he landed at Charleston, S. C., in 1733 made friends with a branch of this tribe and gave the Indians presents on behalf of his Majesty, King George II. In return the Indians sold the white men corn from their well-stocked cribs, and as a token of respect the Cherokee chiefs sent their "Great White Father" across the seas a letter in black and red hieroglyphics on dressed buffalo skin. There was then no question of land titles to be settled between the two races; primeval forests, apparently unlimited in extent, stretched north, south and west.

In November, 1785, at Hopewell, the United States entered into a treaty with the British allies, the Cherokees, guaranteeing them protection and proclaiming the bounds to their hunting grounds.

The treaty of Holston river was next negotiated in February, 1792, between United States commissioners and Cherokee chiefs, by which certain lands were ceded to the government in return for an annuity of one thousand five hundred dollars. Again on May 17, 1804, another treaty was made ceding more land and further annuities and payments made therefor. In all sixteen treaties were made with these Indians before they were finally removed to the Indian territory.

The Cherokee nation was probably further advanced in civilization than any other tribe of Indians, due in a large measure to their cordial relations with the missionaries. In 1800 they began the manufacture of cotton cloth and by 1820 a spinning wheel was found in nearly every family. Before their final exodus to the West they boasted a printing press and a newspaper. They were greatly attached to their homes and their hunting grounds and vigorously protested whenever they were asked to cede more land. But their position as an independent nation within the limits of several sovereign states could not continue long without friction and in spite of their protests they were compelled to cede strip after strip.

A part of this nation voluntarily emigrated to Arkansas about 1810, and on May 28, 1828, a treaty with these "Old Settler Cherokees" was negotiated at Washington, the preamble to which reads as follows:

"WHEREAS, It being the anxious desire of the Government of the United States to secure to the Cherokee Nation of Indians, as well as those now living within the limits of the territory of Arkansas, as those of their friends and brothers who reside in states east of the Mississippi, and who may wish to join their brothers of the West, a permanent home, and which shall, under



the most solemn guaranty of the United States be and remain theirs forever—a home that shall never in all future time be embarrassed by having extended around it the lines, or placed over it the jurisdiction of a territory or state; \* \* \* the parties hereto do hereby conclude the articles, etc.”

Among the cash payments made to the Indians on account of this treaty may be mentioned fifty thousand dollars cash, annuity of two thousand dollars for three years, eight thousand seven hundred and sixty dollars for spoiliations committed, one thousand dollars for the use of Thomas Graves, a Cherokee chief, for losses sustained in his property and for personal suffering endured by him when confined a prisoner on a criminal but false accusation; five hundred dollars for the use of George Guess, another Cherokee, for great benefits conferred upon the Cherokee people, the use of the alphabet discovered by him; two thousand dollars annuity for ten years for the education of the children, and one thousand dollars for the purchase of printing press and types.

George Guess, mentioned in the above treaty, was a half-breed Cherokee, uneducated, who at the age of fourteen was a silversmith. He noted that the white people talked to each other by means of signs on paper and conceived the idea of inventing a similar system for the Indians. The result of his long labors and studies was the Cherokee alphabet of eighty-six characters, which is in use at this day. This man became a member of the national council of the Cherokees and held other positions of trust. He died on a journey to Mexico where he had gone in an endeavor to bring back members of the tribe who had wandered into that country.

The final treaty was negotiated with the Cherokees remaining in the East was concluded at New Echota, state of Georgia, on the 29th of December, 1835, Gen. Wm. Carroll and Rev. John F. Schermierhorn acting as the commissioners for the United States and John Ross and nineteen other chiefs and headmen for the Cherokee nation. By this treaty they gave up lands larger in area than Massachusetts, Rhode Island and Connecticut and received in exchange five million dollars in cash and seven million acres of land in the Western territory.

This treaty was very unpopular with the majority of the members of the nation and was repudiated in their councils, many of them refusing all aid of any character from the government. In 1838 General Scott was sent to compel them, by force if necessary, to abide by the terms of the treaty. His proclamation had the desired effect and the long journey to the new lands in the West



was finally accomplished, although it required one year for the caravan to make the trip, the travelers suffering severely from cold and exposure.

For centuries the Seminoles had erected their wigwams in the everglades of Florida, and although a treaty was made with them at Payne's Landing, Ocklawaha, Fla., on May 9, 1832, by which the agreed to exchange their swamps for the fertile lands of the Indian territory, receiving a bounty of fifteen thousand four hundred dollars and a blanket and a homespun frock for each warrior, woman and child, a few hundred warriors however refused to leave Florida and waged a relentless war against the United States. During this war, which lasted from 1835 to 1842, the government expended thirty-two million dollars and several hundred brave soldiers were sacrificed—so secure were the handful of Indian braves in the recesses of the swamps and everglades. Coo-coo-chee or Wild Cat, one of their Indian chiefs at this time, gives his view of the white man's policy :

"I was once a boy. Then I saw the white man afar off. I hunted in these woods, first with a bow and arrow and then with a rifle. I saw the white man, and was told he was my enemy. I could not shoot him as I would a wolf or a bear. Yet like those he came upon me. Horses, cattle and fields he took from me. He said he was my friend. He abused our women and children and told us to go from the land. Still he gave us his hand in friendship. We took it. Whilst taking it he had a snake in the other. His tongue was forked. He lied, and stung us. I asked for a small piece of these lands—enough to plant and live upon—far south, a spot where I could lay the ashes of my kindred, and even this has not been granted me. I feel the irons in my heart!"

The secretary of war, in 1829, estimated the number of Indians in the five Southern tribes as follows: Creeks 20,000, Cherokees 12,000, Choctaws 20,000, Chickasaws 3,600, and Seminoles 4,500. The number of acres claimed by these tribes and which they afterwards surrendered in the states of North Carolina, Georgia, Tennessee, Alabama and Mississippi was reported to be 33,573,176.



## CHAPTER II

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### Indian Policy and Status

THE real history of the Indian territory begins with the settlement of the Indians in their new lands, patented to them and their posterity by the United States. The patent of the Cherokee nation to the lands granted them was dated December 31, 1838; the Choctaws received their patent March 23, 1842, and the Creeks obtained their patent August 11, 1852. These three patents embraced all the lands in the present Indian and Oklahoma territories, and part of Kansas, with the exception of the northeast corner of Indian territory, which was claimed by the Senecas. The lands allotted to the Seminoles were obtained by the government from the Creeks.

The five civilized tribes settled in the eastern part of their new domain. The western half of the territory was called the "Western outlet" and became the scene of stirring events in later days, prior to, and subsequent to its being thrown open to settlement. In the forties this "no man's land" was the hunting ground of the wild Western tribes, such as the Arapahoes, Comanches, Nez Percés, and others. Clashes between Western fortune seekers and these Indians were frequent and the strong arm of the military was often called upon to disperse some roving band of redskins who had gone on the war path. For some years Fort Gibson was the Southern outpost. Later Forts Reno, Sill and Arbuckle were established further west in what is now Oklahoma.

The Cherokees were located in the northern and eastern section of the Indian territory, the Osages being assigned lands on their western border. The Creeks occupied the middle lands and the Choctaws and Chickasaws were domiciled in the southern section. The new Indian country became a haven for many other tribes,



who were being ousted from their original homes, and eventually over twenty tribes were removed to the Indian territory from adjacent and remote parts of the country. Among these tribes may be mentioned the Arapahoes, Cheyennes, Comanches, Kaws, Kiowas, Modocs, Miamis, Osages, Ottawas, Pawnees, Peorias, Poncas, Nez Perces, Pottawatomies, Quapaws, Sacs, Foxes, Senecas, Shawanese, Wichitas and Wyandottes. The greater number of these tribes, the members of which were few in number, were incorporated into the governments of the five civilized tribes. The Comanches, Kiowas, Arapahoes, Cheyennes, Osages and some of the smaller tribes, however, preserved their old tribal organizations, costumes, and diversions. Most of them settled in the western part of the territory.

Here in the very heart of the continent, over all of which their forefathers were masters, the few remaining thousands of American Indians built their cabins and planted their corn and cotton, their lands free for a time at least from the covetousness of the white men. At first they loved not their country, but they soon learned to appreciate its fertility of soil and mildness of climate. The wooded hills, grassy uplands, rushing creeks and rivers, virgin forests and illimitable prairies appealed to the Indian's love of nature, and although originally a race of wanderers they became content to live and die within the boundaries of the land of their forced adoption.

In studying the history of the five civilized tribes, the fact must be taken into consideration that they were three-fourths civilized when they were removed to the Western country, due to their long residence in the East among the whites, with whom they had intermarried to a considerable extent. They had abolished the blanket, top feathers, ornaments, ear-rings, beads and paint, that characterized the savage, for the garb of civilization, and when they accepted the clothes, they also accepted the religion and customs of their white brothers, and endeavored to emulate them in learning and the science of government.

The influence of the half-breed and "squaw men" upon the development of the Indians has tended to overcome their racial prejudices and enable them to keep step with the rest of the country in the march of progress. This influence, however, has not always told for good. As was true in other frontier sections a lawless element thronged to the borderland of the Indian territory, taking advantage of the credulity of the Indians to seek an alliance with them for their own aggrandizement. The Chickasaws and



Creeks, situated as they were on the Texan and Western borders, came more often in contact with this disturbing element.

The laws prevented the whites from owning land or settling in the Indian territory unless they were citizens of one of the Indian nations. If a white man chose an Indian bride he was given all the privileges of citizenship in the nation to which his wife belonged, such as the right to vote, hold office and own property. No titles in fee simple were given to land, which was held in common possession, and occupation only being necessary to guarantee proprietorship. For a number of years the licensed traders, missionaries and government agents, were the only white persons residing in the territory. Squatters invaded the country only to be ejected by the United States authorities. It was impossible to stem the tide forever, however, and the whites managed to get in finally in considerable numbers.

At one time one of the Indian nations passed a law expelling forthwith every white bachelor found in the nation. The result was an epidemic of marriages, the brides being Indian girls. Marriage licenses were raised to fifty dollars and one hundred dollars but the number of "squaw men" increased. In addition to the advantages to be derived by a marriage with an Indian maiden, many of them were not lacking in beauty and womanly graces.

The half-breeds built up the towns, while the full-bloods continued to be the agriculturalists of the territory. The former were destined to lead in the political affairs of the nations, but the full-bloods were by no means content to stay in the background and kept an active hold on the administration of the government. Today but few full-bloods are to be found in the whole territory, and in a few years the Indian as a distinctive type will cease to exist even in the Indian territory.

Party feuds rent asunder the Cherokees for several years following their arrival in the Western country. These dissensions originated partly in the jealousy existing between the "Old Settlers," who had occupied the country for a number of years, and the "Eastern Cherokees" or newly arrived emigrants; and partly on account of two rival factions existing among the latter, known as the "Ridge or Treaty" party and the "Ross or Opposition" party.

In June, 1839, a conference of emigrants and old settlers was held to adjust their differences. The emigrant faction proposed that representatives of the two parties meet and draft a constitution and laws for the whole Cherokee nation, to be ratified by a vote of the people. The old settlers, however, insisted that there



was no necessity for a new constitution as their laws were then in force and the newcomers must wait for vacancies in the several departments before they could be elected to office. The emigrant Indians, who were largely in the majority, refused to acknowledge the laws of the old settlers and called a convention to be held on July 1, 1839, to adopt a constitution for the Cherokee nation.

On June 22, before this convention met, however, three prominent members of the Eastern Cherokees, Elias Boudinot, John Ridge and Major Ridge were foully murdered. These men had advocated and signed the treaty of December 29, 1835, by which the Cherokees ceded all their remaining lands in the East, and which was exceedingly distasteful to the majority of the tribe. John Ross, principal chief, headed the opposition faction and succeeded in having the council repudiate the treaty. Ross was accused of instigating the killing of these men, which accusation he stoutly denied.

The excitement became intense; the followers of Ridge fled to Fort Gibson and sought protection from the United States authorities, while the remaining Eastern Cherokees rallied at the house of John Ross. The Ridge party united with the "Old Settlers" and civil war was threatened. Among those who sought refuge at Fort Gibson were Stand Watie, John A. Bell, Tom Star, Smith and West. Among the victims of the political murders at this time was James Star, the father of Tom Star. The latter became an outlaw and over thirty assassinations were traced to this man, who killed for revenge only. In later years when the Ridge party gained the ascendancy, Star accepted amnesty and lived a quiet and respectable life until his death.

John Ross and his subordinates issued a call for a convention to be held on the Illinois river, inviting the "Old Settlers" to participate. The executive council of the latter, consisting of John Brown, John Looney, John Rogers and John Smith issued an address also, setting forth their grievances. The correspondence between the two factions was very pacific, but a reign of terror existed in reality. Col. M. Arbuckle, U. S. A., commanding at Fort Gibson, endeavored to act as peacemaker and to bring about a conference between the leaders of both sides, but his efforts proved unavailing. Meanwhile desertions occurred in the ranks of the "Old Settlers," the deserters won over no doubt by the superior number of the emigrants. John Ross held his convention as he had planned, the rallying point on the Illinois river being called the Illinois Camp Ground. A law was passed offering pardon to all who had signed the obnoxious treaty if they applied



for such within a stipulated time, but the signers maintained they had committed no crime for which they should be pardoned.

For several years these feuds kept the nation in a fever of excitement and retarded its progress. Delegations from each side, headed by John Ross and Stand Watie, journeyed to Washington and laid their grievances before the authorities there. The outcome was the withholding of interest payments to the Cherokees, which in the end had the desired effect, and a truce was patched up by a treaty in 1846. The progress of the Indians from the time of their occupancy of the territory until the Civil war was remarkable. The work of the missionaries was responsible in a great measure for this early development. Several denominations established missions among the different nations, who welcomed them with open arms. The Cherokees more than any other aboriginal tribe, was willing to receive instruction from the whites. These Indians had no established religion of their own and for that reason the work of the missionaries prospered. They believed in a Supreme Being and in the existence of an evil spirit, who was supposed to reside in the setting sun.

One of the principal evils with which the missionaries and the Indian councils had to contend was the love of the red man for intoxicating liquor. A temperance society was early organized among the Cherokees and boasted of an enrollment of over 3,000 names. The Indian governments, however, legislated in vain against the importation of whisky, and their light-horse, or Indian police, was kept busy tracing and destroying shipments of contraband goods of this character.

For a number of years the Cherokees had striven to imitate the whites in the management of their affairs. As early as 1820 the nation was reorganized and divided into eight districts, each of which had the privilege of sending four members to the legislature. The pay of the members was established at one dollar per day, that of the speaker at one dollar and a half, and the chiefs were allowed one hundred and fifty dollars per year. Their laws prohibited polygamy and the bringing of spirituous liquors into the nation by white men. If a white man married a Cherokee woman he must marry her according to their laws. Embezzlement, and intercepting and opening sealed letters, were punished by a fine of 100 lashes on the bare back.

Some of the early laws were Spartan in their severity. In 1829 the Cherokees committed to writing an old law making death the penalty for selling any lands by treaty, which explains in a measure the political murders in 1839. In the same year (1829)



the Choctaws passed a law prohibiting the killing of witches and wizards without a fair trial. The Cherokees had an unwritten law making the discovery of mines punishable with death. This law had its origin in the lust of the white men for the lands of the Indians when it became reported that coal had been discovered thereon, and prevented the opening of coal mines in the western country for a number of years.

The constitution of the Cherokees, as revised shortly after their removal to the Indian territory, has been subjected to very little change. It is the pattern according to which the other nations have modeled their laws.

This constitution sets forth the boundary of the lands and proclaims that the lands of the Cherokee nation shall remain common property, but the improvements made thereon and in possession of the citizens of the nation are the exclusive and inalienable property of the citizens respectively, who may be rightfully in possession of them. No citizen shall dispose of such a farm to citizens of the United States, and after two years' abandonment the farm becomes part of the public domain, and may be settled and taken possession of by other citizens. Property of a deceased citizen can be disposed of by will or where no will is made according to the laws of inheritance.

The government is divided into three departments, executive, legislative and judicial, and no person or persons belonging to either department shall exercise the powers of any other department, except in cases where expressly directed or permitted by the constitution.

The national council exercises the functions of a state legislature, and consists of a senate and council. The executive power is vested in the principal chief. He is elected by a viva voce vote of the majority and serves four years. The other officials are a treasurer, assistant treasurer, national auditor, nine sheriffs, one for each political district, many deputy sheriffs, one district clerk for each of the nine political districts and also deputy clerks, solicitors or prosecuting attorneys for each district. The chief is allowed four secretaries at one thousand two hundred and fifty dollars per year. He has an advisory board called the executive council.

Until superseded in recent years by United States courts the Indian nations had their own judiciary, that of the Cherokee nation consisting of nine district courts, three circuit courts and one supreme court. A motion to abate or dismiss a suit or demurrer overruled in the circuit court could be appealed to the



supreme court. The wife was allowed to hold property in her own name not subject to the will of the husband. No person who denied the being of God, or a future state of reward and punishment, can hold any office in the several departments of the nation. Freedom of worship is guaranteed forever.

The board of education consists of three persons of liberal literary attainments, appointed by the chief, and confirmed by the senate. This board has the entire charge of the schools, with power to adopt its own rules and regulations. Teachers must have a proper certificate from an examining board before they can be appointed.

The cost of maintaining the several governments of the nations in 1879 is as follows: Of the interest on the money held by the United States in trust, the Cherokees spent annually eighty thousand dollars for executive, judicial and legislative purposes. The Creeks paid members of their council eighteen thousand seven hundred and fifty dollars per annum, judiciary thirteen thousand dollars, and delegates to Washington six thousand dollars. The Chickasaws paid the executive and judiciary twenty thousand dollars and the legislative department one thousand five hundred dollars. The Choctaws paid the council seven thousand dollars and the executive and judiciary twenty-nine thousand dollars. The cost of the Seminole government was eleven thousand two hundred dollars.

These governments have no inherent and organic power to levy war or repel an invasion, or contract diplomatic relations, or dispose of territory. The congress of the United States has always retained sovereignty over the Indian territory and its people. But although they may be called straw governments which the Indians have organized, so far as they reach they have contributed materially to tribal peace, safety and happiness.

Education has been the Indian's stepping stone to civilization. The missionaries were the first promoters of education among the five civilized tribes, but it was not long before the Indians established schools of their own. Seminaries for girls and academies for boys were built, their maintenance being in a measure provided for by treaties with the United States government. The Methodists, Presbyterians, American Board of Commissioners for Foreign Missions, Baptists, Moravians and the Catholic Society of St. Louis supported mission schools, many of the teachers and ministers employed in their work being half breed Indians.

The Cherokees took the lead in educational matters as in other progressive movements. While they were still residing in the East they had published a newspaper, called the *Phoenix*; which



was ably edited by Elias Bondinot, a half breed who had been educated at the mission school in Cornwall, Conn., and who had won for himself a white bride, Hattie Gold, of Cornwall. This paper was published under the auspices of the national council and had a large circulation. Half of the paper was printed in English, the other half in Cherokee. By a trick the plant fell into the hands of a company of Georgia militia, and the paper was arbitrarily suspended, a gross violation of the freedom of the press.

In 1843 the Baptist mission commenced the publication of the *Cherokee Messenger*, and in 1844 the nation inaugurated the *Cherokee Advocate*, which suspended in 1854 but started again in 1870. This paper was the official organ of the nation and was edited by W. P. Ross, a graduate of Princeton college. It is a curious fact, vouched for by different persons, that illiterate Indians, who were unable to read a word of English, mastered the Cherokee alphabet in a few hours. That part of the *Cherokee Advocate* printed in Cherokee was therefore read by all the Indians with enthusiasm.

In the early forties the mission at Park Hill, under the control of the American Board of Commissioners for Foreign Missions, Rev. S. A. Worcester in charge, printed and issued the following publications in the Indian languages:

In Cherokee: Treatise on Marriage (two editions), Cherokee Primer, Epistles to Timothy, Cherokee Hymns, Cherokee Almanac (1845). In Choctaw: Child's Book on Creation, Bible Stories, Character and Works of God, New Birth, Sinners in the Hands of Almighty God. In Creek: Muscogee Hymns.

During the gold rush in 1849 one of the Southern routes to the new Eldorado led from Fort Smith, Ark., through the Indian territory, but the Indians with few exceptions, refused to be enticed from their homes by the prevalent greed for gold.

In the years immediately preceding the Civil war, the inhabitants of the Indian territory were a notably wealthy people. For example, as far back as 1826 the Cherokees were in possession of a large amount of this world's goods, represented by 22,000 cattle, 7,600 horses, 4,600 swine, 2,500 sheep, 762 looms, 2,488 spinning wheels, 172 wagons, 2,043 plows, 10 saw mills, 31 grist mills, 62 blacksmith shops, 8 cotton machines, etc.

This wealth was greatly multiplied in the Western country. In 1860 there were many large farms of corn, cotton, hemp and tobacco, comfortable buildings, and thousands of cattle and horses. A flourishing trade was carried on with New Orleans



and other Southern cities. Slavery prevailed among some of the tribes, particularly the Choctaws, Chickasaws and Cherokees, and a few wealthy planters owned as many as 500 negroes. This wealthy class drove costly carriages and wore rich clothing and a profusion of jewelry.

Although the questions that agitated the country prior to the war were more or less brought to the front in the Indian territory, the disposition of the five civilized nations was to avoid entanglements with either party. But the whole country had been inoculated with the virus of internecine dissensions and no state or territory was permitted to maintain a neutral position. Kentucky tried it and failed; the Indian territory for a time held aloof from any participation in what it termed a "foreign" war, only to be finally caught in the irresistible maelstrom. The Indian territory was situated like the border states of Maryland, Virginia, Kentucky and Missouri, and the pendulum that indicated public sentiment oscillated between secession and union. The fact that the inhabitants of the territory were to a large extent slave owners, and their intercourse had been mainly with the Southern people, accounts for the strong sentiment in favor of an alliance with the Southern Confederacy. On the other hand, the influence of many of the missionaries with strong anti-slavery views, and the respect as well as fear with which the Indians held the government at Washington, created a strong conservative party, which advocated neutrality.

Stand Watie, leader of the old Ridge party, organized a secret society called the Knights of the Golden Circle, the membership of which was composed of men with pro-slavery views. The full-bloods also organized a society, which took the name of Kee-too-wha, and is supposed to have been started by Rev. Evan Jones to offset the influence of the half-breeds. The members of this society became known as "Pin" Indians on account of the copper pin which each wore in a certain position on the hunting shirt. The "Pin" Indians frustrated an attempt made by Stand Watie's band to raise a Confederate flag at Tahlequah.

In May 1861, Gen. Albert Pike, was requested by the secretary of state of the Confederate States to act as a commissioner to visit the Indian territory and assure the Indians of the friendship of the Southern states. This officer and Gen. Benjamin McCulloch were waited on at Fort Smith by a delegation of Indians under Stand Watie and preliminary negotiations entered into for a future treaty between the Indian nations and the Confederate States of America.



General Pike, was aware, however, that the cooperation of John Ross, principal chief of the Cherokees, was necessary before such a treaty could be made possible with his people. A conference with Ross was held at Park Hill, but the old chief was firm in his determination to maintain a neutral attitude during the impending struggle. The following is a copy of a letter addressed to John Ross by General McCulloch on the question of enlisting Indians in the Confederate army ostensibly as home guards:

"Headquarters McCulloch's Brigade,

"Fort Smith, Arkansas, June 12, 1861.

"Sir: Having been sent by my government (the Confederate States of America) to take command of the district embracing the Indian Territory, and to guard it from invasion by the people of the north, I take the first opportunity of assuring you of the friendship of my government, and the desire that the Cherokees and other tribes in the Territory unite their fortunes with the Confederacy. I hope that you, as chief of the Cherokees, will meet me with the same feelings of friendship that guide me in coming among you, and that I may have your cooperation in our common cause against a people who are endeavoring to deprive us of our rights. It is not my desire to give offence or interfere with any of your rights or wishes, and shall not do so unless circumstances compel me. The neutral position you wish to maintain will not be violated without good cause. In the meantime those of your people who are in favor of joining the Confederacy must be allowed to organize into military companies as home guards for the purpose of defending themselves in case of invasion from the north. This, of course, will be in accordance with the views you expressed to me, that, in case of an invasion from the north, you would lead your men yourself to repel it.

"Should a body of men march into your territory from the north, or if I have an intimation that a body is in line of march for the territory from that quarter, I must assure you that I will at once advance into your country if I deem it advisable.

"I have the honor to be, sir, your obedient servant,

"BENJAMIN McCULLOCH,

"Brig.-General Commanding.

"His Excellency John Ross,

"Chief of the Cherokee Nation."



To this communication John Ross replied in part as follows :

“Executive Department,

“Park Hill, C. N., June 17, 1861.

“Sir: \* \* \* In regard to the pending conflict between the United States and the Confederate States, I have already signified my purpose to take no part in it whatever, and have admonished the Cherokee people to pursue the same course. The determination to adopt that course was the result of considerations of law and policy, and seeing no reasons to doubt its propriety, I shall adhere to it in good faith, and hope that the Cherokee people will not fail to follow my example. I have not been able to see any reason why the Cherokee Nation should take any other course, for it seems to me to be dictated by their treaties and sanctioned by wisdom and humanity; it ought not to give ground for complaint to either side, and should cause our rights to be respected by both. Our country and institutions are our own. However small the one or humble the other, they are sacred and as valuable to us as are those of your own populous and wealthy State to yourself and your people. We have done nothing to bring about the conflict in which you are engaged with your own people, and I am unwilling that my people shall become its victims. \* \* \*,

“You demand that those people of the nation who are in favor of joining the Confederacy be allowed to organize into military companies as home guards for the purpose of defending themselves in case of invasion from the north, is most respectfully declined. I cannot give my consent to any such organization, for very obvious reasons: 1st, it would be a palpable violation of my position as a neutral; 2d, it would place in our midst organized companies not authorized by our laws, but in violation of treaty, and who would soon become efficient instruments in stirring up domestic strife, and create internal difficulties among the Cherokee people. \* \* \*

“JOHN ROSS,

“Principal Chief of the Cherokee Nation.

“Brig. General Ben. McCulloch,

“Commanding Confederate Forces in Arkansas.”

The situation in the Indian territory became acute. Forts Gibson, Washita and Arbuckle had been abandoned by the government, and the Indians felt that the protecting arm of the Great Father had been withdrawn. The natural consequence was a desire to make the best possible terms with the new Confederacy, the prestige of which was apparent in that section of the country.



After the battle of Wilson's Creek or Oak Creek, Ark., August 10, 1861, in which the Federal forces were defeated, John Ross abandoned his position of neutrality. No doubt he concluded that the success of the new Confederacy was already an established fact and that it would be the wisest policy to make favorable terms with the new government. After the war this man was charged with disloyalty, which he denied, claiming that he and his people were coerced into an alliance with the Confederacy. At this day, the truth or falsity of the charge is not material. The fact remains that he had always the interests of his people at heart. With him it was not a question of loyalty or disloyalty—of union or secession, but one of preserving the identity of his little principality from the ravages of war. For forty years this man, of Scotch and Indian ancestry, dictated the policy of the Cherokee nation, swaying his people according to his will. He was a statesman, politician and scholar; his Indian blood made him crafty, his white blood ambitions.

Acting upon his new position of open sympathy for the South, John Ross organized a regiment of Home Guards. John Drew was made colonel; Wm. P. Ross, nephew of John Ross and secretary of the nation, was made lieutenant-colonel, and Thomas Pegg, president of the national committee, was given the majority.

While John Ross was busy organizing his regiment of Pin Indians, Gen. Albert Pike, the new Indian commissioner for the Southern states, was in the Southwest seeking treaty alliances with the Indians of that section. In May 1861, General Pike held a council with the Creeks at Eufaula; the following chiefs of that nation being present: viz., Chillie McIntosh, Rolla McIntosh, Judge E. W. Stidham, Moty Kanaw, Itcho Harjo, Watt Grayson, Tuckabatchie Mico, Jacob Denisaw and D. N. McIntosh. On July 10, 1861 he concluded a treaty with the Southern sympathizers of this nation.

Several thousand Creeks, however, under the leadership of O-poth-le-yo-ho-la refused to abide by the terms of this treaty, elected a new chief, and with a party of Seminoles, asserted their continued allegiance to the United States.

In August, 1861, at the call of Chief Ross, a convention of Cherokees was held at Tahlequah and was attended by over 2,000 citizens of the nation. After a "talk" by their chief, the Cherokees unanimously adopted a resolution favoring an alliance with the Confederacy.

Following this convention John Ross addressed letters to O-poth-le-yo-ho-la and chiefs of the various Indian tribes, recom-



mending that a council be held at Antelope Hill to discuss the questions then agitating the Indian people. The report of this "talk" or council, between the representatives of the Indian tribes, does not appear of record, but General Pike asserts in a letter to the commissioner of Indian affairs, written after the war, that he understood the object of this council was to form plans for the launching forth of an independent Indian confederation. Such a plan, if it existed, must have originated in the fertile brain of John Ross. By taking advantage of the conflict between the North and the South, he saw, no doubt, possibilities for the establishment of such an Indian federation, the object of which would be the re-establishing of Indian supremacy on the American continent.

The council in question did pass resolutions of a conservative nature, favoring a neutral position, but its plans and dreams, if any such were indulged in, came to naught. Before the councilors had reached home, General Pike had negotiated treaties with many of the tribes. The dates of these treaties are as follows:

Creek Nation, July 10, 1861; Choctaws and Chickasaws, July 12, 1861; Seminoles, August 1, 1861; Shawanese, Delawares, Wichitas and affiliated tribes, residing on leased territory, August 12, 1861; Comanches of the prairie, August 12, 1861; Great Osages, October 2, 1861; Senecas, Senecas and Shawanese (Neosho Agency), October 4, 1861; Quapaws, October 4, 1861; Cherokees, October 7, 1861.

The treaty with the Cherokees was consummated by General Pike at Park Hill. This officer wrote the Cherokee declaration of independence and while at Park Hill presented the regiment of Home Guards with a flag. Another regiment was afterward recruited by General McCulloch and Stand Watie given the command. This regiment saw much active service in the Confederate cause.

In the following December, O-poth-le-yo-ho-la, and his Creek and Seminole warriors, accompanied by their squaws and children, finding themselves harassed on all sides and in danger of annihilation, left their homes and country and started northward toward the Kansas border and the Federal lines.

Col. D. H. Cooper, C. S. A., and a body of Texan and Indian troops started in pursuit of the fugitives. The Pin regiment under Colonel Drew accompanied Colonel Cooper on this raid, but in the battle that followed at Bird's creek, refused to fight their brethren, and the attacking force was repulsed. Later the refugees were again overtaken and scattered, suffering large losses from exposure and lack of supplies. It is told that their trail to Kan-



sas, a trek of several hundred miles, could be traced by the blood on the snow. These fleeing Indians were finally rounded up in Kansas at a rendezvous on the Verdigris river and later at Leroy, having been scattered over a large tract. Rations and clothing were supplied these destitute Indians, but fifteen per cent of their number died after their arrival at Leroy. They numbered 864 men, 2,040 women and 2,583 children, being divided among the different tribes as follows: Creeks, 3,619, Seminoles, 919, Chickasaws, 165, Cherokees, 223, Kickapoos, 400, Delawares, 89, Ionies, 19, Keechies, 53, 5,487 in all.

The First regiment of Indian home guards was mustered in on May 22, 1862, at Leroy, Kan., and was formed from these Indian refugees. Col. Robert W. Furnas commanded at the organization of this regiment. He was reported missing in January, 1863, however, and Col. Stephen H. Wattles assumed command, which he held until the regiment was mustered out of service at Fort Gibson on May 31, 1865. This regiment participated in over twenty battles in Arkansas and the Indian territory, among which may be mentioned: Old Fort Wayne, Camp Babcock, Cane Hill, Prairie Grove, Bentonville, Fort Blunt, Fort Gibson, Greenleaf Prairie, Honey Springs, Cabin Creek, Creek Agency and Barren Fork.

In the meantime the battle of Pea Ridge was fought in Arkansas, extending over three days, March 6, 7 and 8, 1862. Both Stand Watie's regiment and Colonel Drew's Pin regiment of home guards shared in the defeat of the Confederate forces. After the battle correspondence ensued between the commanding Union officer and the Confederate commander relative to alleged scalping of wounded Union soldiers by the Indians.

Three important events took place after the battle of Pea Ridge; first, the Confederates were compelled to evacuate western Arkansas; second, the Union army invaded the Cherokee nation, establishing headquarters at Fort Gibson; third, the Confederate war department found itself unable to pay its troops in anything but Confederate money—nearly worthless. The Indian troops appear to have been paid twenty-five dollars each in Confederate scrip, and a supply of clothing was issued to them, which was promptly confiscated by two regiments of their white allies.

Brigadier General Pike, in command of a mixed force of Texans and Indians, retreated to the Choctaw country, and about twenty-five miles from the Red river and the southern border of the Indian territory, established his headquarters behind intrenchments on the



open prairie, calling the fortification, Fort McCulloch, in honor of his brother officer who was killed at Pea Ridge.

General Pike reported that he had enrolled under his command 10,000 Indian troops, of which number 3,453 were on duty at Fort McCulloch. This force was made up of the following commands:

Choctaw nation: Col. D. H. Cooper's First Choctaw regiment, Colonel Fulson's Second Choctaw regiment, Major Fulson's First Choctaw battalion.

Creek nation: Col. D. N. McIntosh's First Creek regiment, Lieut.-Col. Chilly McIntosh's Creek battalion, Captain McSmith's Independent company.

Chickasaw nation: Lieut.-Col. Harris's First Chickasaw battalion.

Seminole nation: Lieut.-Col. Jumper's First battalion.

Cherokee nation: Col. Stand Watie's First Cherokee regiment, Col. John Drew's Second Cherokee regiment.

Soon after the Union army entered the Cherokee country in July, 1862, the last named organization deserted from the Confederate army in a body. "Unpaid, unclothed, uncared for, unthanked even, and their services unrecognized," it was natural that they should abandon the Confederate flag.

General Pike was ordered by his senior, Maj.-Gen. T. C. Hindman, in command of the Confederate forces in Arkansas, to advance northward from Fort McCulloch via Fort Smith, and make an effort to drive the enemy from the neighborhood of Fort Gibson. General Pike refused to obey the order, which was repeated. That officer contended that General Hindman had exceeded his authority in issuing the order, as the peculiar relations between the Confederate government and their Indian allies did not contemplate their being brought within the jurisdiction of the Confederate commander in Arkansas, their treaties stipulating that they should not be ordered out of the territory without their consent. In addition General Pike considered that his force was inadequate to carry out the order, and forwarded his resignation as a brigadier general in the Confederate service, which was promptly accepted. Before leaving Fort McCulloch he issued an address to the Indians, with whom he was well acquainted, having acted as their attorney at Washington for a number of years. In this address General Pike states his grievances as follows:

"\* \* \* General Van Dorn took from me, at Fort Smith and Little Rock, two regiments of my infantry, six of my cannon, all of my cannon powder and many rifles, and let his soldiers take



nearly all of the coats, pantaloons, shirts, socks and shoes, I had procured for you. By other orders all the rest of my infantry and all the artillery, except one company with six guns have been taken away. \* \* \* \* The President and government are not to blame for this, nor am I; nor am I to blame because your troops have not been paid. Moneys have been sent to us long ago and stopped on the way, just as your clothing is and the arms and ammunition I provided for you. By and by these things will be remedied. To make certain that this shall be done, and that you shall have justice done you and your rights, I have resigned in order to go to Richmond to make known to the President the manner in which you have been treated. As far as it is in my power every dollar due your troops and the people shall be paid. Remain true, I earnestly advise you, to the Confederate States and yourselves. Do not listen to any men who tell you that the southern states will abandon you. They will not do it."

Col. Douglas H. Cooper succeeded Pike in command of the Indian troops. He had been an Indian agent and was very popular with them. With the exception of the Cherokee Pin Indians, the Confederate Indians followed Pike's advice and remained true to the Confederacy to the last.

In June and July, 1862, a second regiment of Indian home guards was mustered into the Union army at Big creek and Five Mile creek, Kansas. Company E of this regiment was composed of Osage Indians, who deserted in September, 1862, and a new company of Cherokees organized in their place, November 11, 1862. Col. John Ritchie, afterward breveted brigadier general, commanded this regiment, which fought at Shirley's Ford, Cane Hill, Prairie Grove, Fort Blunt, Honey Springs and Cabin Creek.

The Third regiment of Indian home guards, which with the other two Indian regiments formed the Indian Brigade, was mustered into service at Carthage, Mo., September 16, 1862, and was commanded by Col William A. Phillips. This officer was the senior officer in command of the Indian Brigade, which disbanded at Fort Gibson, May 31, 1865. The Third regiment participated in the battles of Spring River, Neosho, Newtonia, Fort Gibson, Old Fort Wayne, Rheas Mill, Cane Hill, Salina, Prairie Grove, Cow Creek, Cherokee Nation, Fort Smith, Fourteen Mile Creek, Barren Fork and Greenleaf Prairie.

A fourth regiment of Indians was started and partly organized but never mustered into service. One authority states that about 5,000 Indians served in the Union army and about three times that number were in the Confederate service. A partial census taken



after the war places the number of Cherokees at 17,000, of whom 6,500 allied themselves with the Southern states. The Creeks numbered 15,000, of whom 6,500 took sides with the South. Of the 3,500 Osages, 1,000 joined the South. The Quapaws and allied tribes, some 670 in all, sought refuge during the war in the Ottawa reservation. The Seminoles, numbering a few thousand were about equally divided between the North and South. The Choctaws aggregated 12,500 and the Chickasaws 4,500, the total 17,000, including 5,000 slaves. With the exception of two or three hundred these Indians allied themselves with the South.

In 1864 Cooper's Indian cavalry division, as it was called, forming a part of the Second army corps of the Trans-Mississippi Department of the Confederate armies, was made up of the following organizations:

First Indian cavalry brigade, Brig-Gen. Stand Watie, commanding (Watie was made brigadier general in May, 1864); First Cherokee regiment, Col. Robert C. Parks; Second Cherokee regiment, Col. Wm. P. Adair; Cherokee battalion, Maj. Jos. A. Scales; First Creek regiment, Col. Daniel N. McIntosh; Second Creek regiment, Col. Chilly McIntosh; Creek squadron, Capt. R. Kenard; First Osage battalion, Maj. Broke Arm; First Seminole battalion, Lieut.-Col. John Jumper.

Second Indian cavalry brigade, Col. Tandy Walker, commanding; First Chickasaw regiment, Lieut.-Col. Lemuel M. Reynolds; First Choctaw battalion, Lieut.-Col. Jackson McCurtain; First Choctaw and Chickasaw battalion, Lieut.-Col. James Riley; Second Choctaw battalion, Col. Simpson N. Polson; Reserve squadron, Capt. George Washington.

The Confederate Indians fought with credit at Honey Grove, Berryville, Grand River, Pea Ridge, Poison Spring, Monk's Mill, Tucker's Ferry and in many smaller skirmishes. At Poison Spring the Choctaws and Chickasaws are reported to have held the Eighteenth Iowa regiment at dead lock for some time.

In February, 1863, following the invasion of the territory by the Federal forces, a convention of the Cherokee chiefs was held at Cowskin Prairie, at which the treaty with the Confederate States was abrogated, and a convention of the people called to approve the act; further, a delegation was appointed with suitable powers and instructions to represent the Cherokee nation before the United States government, consisting of John Ross, principal chief, Lieut.-Col. Lewis Downing, Capt. James McDaniel and Rev. Evan Jones; a general Indian council was authorized to be held at such time and place as the principal chief should designate;



the officers of the nation who were in arms against the United States were deposed; the purchase of supplies by the treasurer was approved and their distribution was ordered, and lastly slavery was abolished in the Cherokee nation.

The flames of the old feud between the Ridge and Ross parties in the Cherokee nation, sprang up anew when Stand Watie, leader of the Ridge party, retreated with his regiment and Southern sympathizers south of the Arkansas, after the arrival of Colonel Weir and the Northern troops. The desertion of the Ross party to the Union side and the continued alliance of Stand Watie and his followers with the Confederacy, caused a widening of the breach between the two factions of this tribe. The Ross party took advantage of the absence of their fellow citizens and in addition to deposing them from office, as set forth above, confiscated their property. The Ridge party retaliated by organizing raiding parties which dashed into the Cherokee country leaving a trail of smoke behind them.

The end of the war found the lands of the Indians bare and desolate, with only chimney monuments to show that men had once lived there in domestic peace and happiness.

While the Indians were fighting the battles of the white men and sacrificing everything they held dear in a war not of their own making, unprincipled white men invaded their lands and stole their horses and cattle. The promoters of this nefarious practice reaped handsome profits therefrom, one authority estimating that 350,000 head of cattle were stolen from the Indians during the war, the loss varying from two to three millions of dollars. The method employed by these thieves was simple. Two parties acted in concert; the first party crossing into the Indian territory from Kansas and rounding up the herds, which would be driven to the Kansas border and sold to their accomplices, who styled themselves cattle brokers, and to give the transaction a semblance of honesty, fictitious receipts were given for the animals. The latter were then driven to market.

In 1865 the president appointed a commission to proceed to Fort Smith, Arkansas, and hold a conference with the representatives of the various tribes of the Indian territory, with a view to consummating new treaties. The commission was composed of D. N. Cooley, commissioner of Indian affairs; Hon. Elijah Sells, superintendent of the Southern Indian superintendency; Thomas Wistar, a leading member of the Society of Friends; Brig.-Gen. W. S. Harney, U. S. A., and Col. Ely S. Parker, U. S. A., a member of General Grant's staff.

These commissioners reported at Fort Smith on September 8,



1865, and for two weeks held daily "talks" with the Indian delegation. It was not the policy of the government to take advantage of the fact that the Indians were practically at its mercy, having violated all treaties in force at the beginning of the war, by making treaties with the Southern states and taking up arms against the United States. It was remembered also that a large proportion of the Indians had fought and suffered for the North, and subsequent negotiations were made with this fact in mind.

The commission on behalf of the government submitted the following propositions:

1st, That each tribe must enter into a treaty for permanent peace and amity among themselves, each other as tribes, and with the United States.

2d, The tribes to bind themselves, at the call of the United States' authorities to assist in compelling the wild tribes of the plains to keep the peace.

3d, Slavery to be abolished and measures taken to incorporate the slaves into the tribes with their rights guaranteed.

4th, A general stipulation as to the final abolition of slavery.

5th, A part of the Indian country to be set apart, to be purchased for the use of such Indians, from Kansas or elsewhere, as the government might desire to colonize therein.

6th, That the policy of the government to unite all the Indian tribes of the Indian territory into one consolidated government should be accepted.

7th, That no white persons, except government employes, or officers or employes engaged on internal improvements authorized by the government, would be permitted to reside in the country, unless incorporated with the several nations.

The treaties were not concluded at the conference at Fort Smith, owing to the fact that all the delegations were not authorized by their people to sign them, and also because each tribe had two delegations present, the one representing the loyal Indians and the other representing those who had taken up arms against the government. The commissioners decided that these internal dissensions must be settled before further steps could be taken. The feud between the two factions of the Cherokees was particularly bitter, and the only one that did not offer a prompt solution. John Ross had returned from exile in the North, and although he had been superseded as chief of the nation, was influential in guiding the course of the delegation of "loyal" Cherokees in their appeal to the commission.

These Cherokees claimed that they had never in spirit been disloyal to the United States; that their participation with the South



for a short time, had been due to their isolated position, away from the Union lines, and practical coercion on the part of the Confederate army. Proofs were submitted for and against this claim and the time of the commission was largely occupied in endeavoring to reach a decision that would do justice to the Cherokees who had fought for the government and also to bring about a reconciliation between the two factions.

But in the main the Indians were willing to accept in substance the propositions submitted to them, and delegations were sent to Washington in January, 1866, to conclude the treaties. As at Fort Smith, however, there were double delegations in each case, and the work of consummating the treaties was delayed on this account.

The first treaty was concluded with the Seminoles on March 21, 1866. By this treaty 2,169,080 acres of land, secured to this tribe in 1856, were ceded to the government for three hundred twenty-five thousand three hundred and sixty-two dollars. The tribe was assigned a new reservation of some 200,000 acres at the junction of the Canadian with the North fork, for which they paid one hundred thousand dollars. Of the money paid this tribe fifty thousand dollars was set apart to reimburse the loyal Seminoles for losses sustained by reason of the war. Permission for railroads to secure a right of way through their reservation was one of the stipulations of this treaty, a clause which was inserted in all the treaties.

Another provision inserted in the treaty with the Seminoles, as well as in those with the other civilized tribes, created a general council to be held annually in the Indian country, which was to have supervision over all matters not coming under the jurisdiction of the several nations, such as the protection of the rights of the freedmen, and the policing and government of the tract known as Oklahoma, ceded to the government for the colonization of Indians from Kansas and other parts of the country. A superintendent or governor was provided for, and clauses inserted making arrangements for a secretary of the council, pay of members, appointment of marshal, etc.

By a treaty concluded April 28, 1866, the Choctaws and Chickasaws ceded "leased lands" amounting to 6,800,000 acres for three hundred thousand dollars, and agreed to set apart 40 acres for each freedman.

The treaty with the Creeks was made June 14, 1866, and by its terms the freedmen were given full equality in the national soil and funds. They ceded 3,250,560 acres and received therefor nine hundred seventy-five thousand one hundred sixty-eight dol-



lars. Of this sum one hundred thousand dollars was set apart to repay losses sustained by the loyal Creeks during the war.

Considerable difficulty was encountered when a treaty was attempted with the Cherokees, on account of the two factions existing and the claim of the Ross party that they had always been loyal to the government. The Ridge or Watie party insisted on the establishment of a separate government and a division of the funds and lands, which was as vigorously opposed by the Ross party. Finally the government concluded a provisional treaty in June with the Watie delegation, as the national party had refused to meet certain propositions. This treaty was afterward withdrawn and a new treaty made with the whole tribe on July 19, 1866. By the terms of this treaty the followers of Watie were located in a specific part of the domain of the Cherokee nation, called the Canadian district, but the original government of the nation was allowed to remain intact. The freedmen were allotted 160 acres each, in the same tract as that occupied by the Watie faction. Provision was made for a United States court to be established in the territory.



## CHAPTER III

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### Indians Under Recent Changes

LIKE other Southern states the Indian territory passed through a reconstruction period following the Civil war. In nearly every tribe there existed two warring factions. The guerrilla warfare which had existed during the conflict and laid waste the land, inspired a lawless spirit, which resulted in many crimes being committed in the years immediately following the war.

The Indians were broken in spirit. They clearly foresaw by the wording of the treaties of 1866, which they were forced to sign, that the United States government intended to take a hand in the management of the affairs of their country. But notwithstanding these fears they accepted the pledges of good faith on the part of the government that they would be undisturbed in their possession of the country.

Two features of the treaties of 1866 alarmed the Indians. The first was the stipulation that railroads should be granted right of way through their country, and the second was the evident intention of congress, as voiced therein, to establish a general government for the Indian territory.

In July, 1866, the United States granted charters to two railroads to enter the Indian territory, and these roads, viz., the Missouri, Kansas & Texas railroad and the Atlantic & Pacific railroad began the extension of their lines under these charters. By the terms of these charters these railroads were granted alternative sections of land along their lines, provided the Indian title to the lands was extinguished and they became part of the public domain, or if they were voluntarily ceded to the roads by the Indians.



Many of the Indians laid the blame for the loss of their former prestige to the entrance of the railroads into their country. There is no doubt that the building of these roads brought the Indian country into closer relations with the rest of the United States, and opened up the way for an invasion of the whites. A lawless element followed along the lines of the railroads, and as a result the territory soon became known as a refuge for fleeing criminals from other states and territories, contiguous thereto. These outlaws organized themselves into bands, held up trains, robbed postoffices and banks, committed murders, and other heinous crimes. When pursued they fled across the line into Indian territory, where the tribal courts were too weak to cope with them and where the jurisdiction of the courts of the United States did not extend.

The Indians complained to their agents that the whites were intruding upon their lands and many arrests were made and the intruders ejected. Being naturally an indolent race, however, the Indian landholders sought help to till their fields, and a great many white laborers were imported. These farm hands were allowed to reside in the territory under permits granted by the Indian authorities, who became dissatisfied with the permit law and repealed it. Application for a permit was then made to the agents of the government. At the expiration of these permits many of the holders remained in the territory, some in employment and some out.

The influence of the half breeds and squaw men began to be felt more than ever in the organization of the local governments. The full-blood had no other ambition than to live quietly in his cabin in the foothills, provided he received his share of the government patrimony. When he had expended his income from this source he looked to his richer neighbors to feed and clothe him. The control of affairs soon passed into the hands of a few men in each nation, who acquired the possession of vast tracts of land to which they had no better right than other citizens. These lands they leased to whoever paid rent therefor. In this manner town lots were rented to whites and the little stream of white immigration into the territory swelled into a river. The inauguration of this feudal system caused the administration of the national governments to become corrupt. Bribery became the customary method for obtaining favorable legislation. The Indian republics ceased to exist and in their stead there arose white oligarchies.

The provision in the treaties of 1866 for the establishment of a general council or assembly, which was intended to meet annually and legislate for the general welfare, was not received with



enthusiasm by the Indians. They thought they saw a snake in the grass. There is no doubt that the provision referred to was incorporated into the treaties as an opening wedge looking to the ultimate organization of the Five nations into a territory. The language of these treaties relative to this section is not identical, but the matter is provided for in each treaty. In the treaties with the Choctaws and Chickasaws, even the name of the proposed territory, is mentioned, viz., the territory of Oklahoma, and the superintendent of Indian affairs, who was to be the executive officer, is designated therein as "governor."

There was nothing in this section of the treaties of 1866 that made it obligatory on the part of the Indians to take steps to organize a territorial form of government; that being optional with them. They interpreted the language of the treaties to mean that this general council or assembly was to provide for a discussion of inter-tribal problems, and the adoption of milk and water policies for the general welfare. They met annually as provided for in the treaties, but failed to legislate along the lines advocated and suggested in the treaties, and congress at that time omitted to appropriate funds for the support of the assembly. The hope of congress that the Indians would of themselves organize some sort of general government that would be satisfactory, was doomed to disappointment. At one time the so-called Indian assembly adopted a constitution and sent it on to congress, but it was so widely at variance with the provisions of their treaties, that congress would not ratify it. This constitution was drafted by William P. Ross, a descendant of John Ross, and under its provisions a practically independent government was to be established. The officers were to be sworn to support the constitution of the Indian territory and not the constitution of the United States. The Indian leaders had not ceased to dream of an Indian empire or Confederate government.

Thus we see that the Indians themselves were opposing any form of territorial government for their country. But the question of some form of territorial government, which would guarantee law and order in that section of the country, give the whites and freedmen, settled therein, equal privileges with the Indians, was agitated at each session of congress. Many bills were drafted for this purpose, but the Indians have to this day been successful in preventing such legislation.

While these bills did not contemplate, as a rule, the abolishment of the tribal organizations and Indian autonomy, they did provide for the division of the lands in severalty. This segregation of lands was contemplated in the treaties of 1866, a provision was



made therein for the surveying and laying off of the Indian lands in sections.

In opposition to these measures for a territorial government, the Indians claimed that congress in passing such legislation would be violating treaty obligations, and that the measures were backed by railroad corporations and whites who desired to possess themselves of the lands of the Indians. This contention of the Indians was supported by a large element throughout the country, who cried out against the Indians being robbed.

While the Indians had never denied the supervision of congress over their country, they maintained that their lands had been patented to them and their posterity and that congress had no right to take it away from them without their consent. In opposition to these claims it was set forth that the United States had never ceased to assert in legislation, in judicial decisions, and in the conduct of wars with the Indians, the rightful political supremacy of the United States over them as individuals and as local governments. It was denied that their titles and rights to their lands were those of sovereigns such as states possess, but only rights of occupancy subject to the will of congress.

The political relations of the United States with the five tribes of the Indian territory have been defined by several decisions of the supreme court. The first case relative to the power of congress to abrogate or modify treaties made with the Indians came before the supreme court in 1870 and was known as the Cherokee Tobacco case. The question presented by the record in that case grew out of a conflict between the Federal internal-revenue law and a provision in a Cherokee treaty. The government attempted to collect internal-revenue taxes on certain tobacco owned by citizens of the Cherokee nation, and when the tax was refused endeavored to confiscate the tobacco. The point was made that the internal-revenue law did not apply to the Indian territory, and, if it did apply, it was in violation of Section X of the treaty of 1866, which exempted the Cherokee Indians from the payment of any taxes on farm products, merchandise, manufactured products, etc. The court ruled that the act of congress prevailed over the treaty. The supreme court, in a recent decision delivered by, Justice White, says:

"Prior to the Act of March 3, 1871 (16 Stat., 544, 566, now Section 2079 of the Revised Statutes), which statute, in effect, voiced the intention of Congress thereafter to make the Indian tribes amenable directly to the power and authority of the laws of the United States by the immediate exercise of its legislative power over them, the customary mode of dealing with the Indian



*tribes was by treaty.* As, however, held in *Cherokee Nation v. Southern Kansas Railway Co.* (135 U. S., 641, 653, reaffirmed in *Stephens v. Cherokee Nation*, 174 U. S., 445, 484), while the Cherokee Nation and other tribes domiciled within the United States had been recognized by the United States as separate communities, and engagements entered into with them by means of formal treaties, they were yet regarded as in a condition of pupilage or dependency, and subject to the paramount authority of the United States.

"Reviewing decisions of this court rendered prior to the act of 1871, and particularly considering the status of the very tribe of Indians affected by the present litigation (Cherokees), the court commented upon a declaration made in a previous decision that this Government had 'admitted, by the most solemn sanction, the existence of the Indians as a separate and distinct people, and as being invested with the rights which constitute them a state, or separate community.' It was observed of this declaration that it fell 'far short of saying that they are a sovereign state, with no superior within the limits of its territory.'

"In *re* the Indian title to the lands they hold, the court said in the case of *Beecher v. Wetherby* (95 U. S., 525):

"But the right which the Indians held was only that of occupancy. The fee was in the United States, subject to that right, and could be transferred by them whenever they chose. The grantee, it is true, would take only the naked fee, and could not disturb the occupancy of the Indians; that occupancy could only be interfered with or determined by the United States. It is to be presumed that in this matter the United States would be governed by such considerations of justice as would control a Christian people in their treatment of an ignorant and dependent race. Be that as it may, the propriety or justice of their action towards the Indians with respect to their lands is a question of governmental policy, and is not a matter open to discussion in a controversy between third parties, neither of whom derives title from the Indians."

As long as the Indian country remained a thousand miles from the centers of population, congress had been content to allow the Indians to live and die in their own way, without let or hindrance; but when that leveler of all races, the railroad, ploughed its way into the Indian Canaan, bringing with it an army of whites, the conditions soon became such that congress was compelled to step in and assume control.

Recuperating from their losses sustained during the war, the Indians in a few years found themselves again in a prosperous



condition. Statistics for 1878, published by the commissioner of Indian affairs, show that the five nations had 245,000 acres of land under cultivation, on which were raised that year 494,400 bushels of wheat, 2,642,000 bushels of corn, 201,000 bushels of oats and barley, 320,000 bushels of vegetables, 17,500 tons of hay; the Indians owned 40,000 horses, 4,750 mules, 236,000 cattle, 173,000 swine and 22,500 sheep. The following table, published at the same time, gives a fair idea of effects civilizing influences had had upon the Indian race:

Nation.	Popu- lation.	Horses.	Chieftains of school age.	No. of school buildings.		Attendance one month.		Amount ex- pended for education.	No. who can read.	Church buildings.	No. of mis- sionaries.
				Boys.	Girls.	Males.	Females.				
Cherokee . . . . .	18,372	3,750	1	4	80	1,000	1,400	\$ 3,441	15,000	30	36
Choctaw . . . . .	16,640	4,200	1	3	50	800	600	27,531	10,000	21	7
Creek . . . . .	14,040	4,000	1	2	32	315	311	15,000	3,000	35	4
Seminole . . . . .	2,116	600	1	2	5	80	100	2,000	100	3	2
Chickasaw . . . . .	5,600	1,000	1	2	20	250	100	21,000	2,500	10	3

A number of the young men and women were annually sent east to be educated at Carlisle, Hampton and other Indian schools. Although many of the full bloods remained in ignorance, there was a good deal of rivalry among them as to whose sons and daughters should be sent away to these schools, the graduates of which were given prominent positions in the local governments, if they chose to enter public life. The local schools were not supported by taxation, but by interest payments on the funds held in trust by the United States, the specific purpose for which such payments should be used being generally designated in the several treaties.

That district lying immediately west of the Creek and Seminole lands, and ceded to the government by those nations in the treaties of 1866, was known as Oklahoma, and became the bone of contention over which many a bloodless battle was fought, first on the lands of the district itself and then in the halls of congress. The invasion of this land by Capt. David L. Payne and his colonies in 1880, and subsequently, and the contest that waged between these "boomers" as they were called, and the cattle kings, already in possession of the coveted lands under leases belongs to the history of the territory of Oklahoma and need only be touched upon in this sketch to show the events that led to the opening up of the western part of the Indian territory to white settlement and the carving of separate territory therefrom.

The land was acquired by the government from the Creek and



Seminole Indians, for the express purpose as stated in the treaties, of locating Indian tribes thereon, from other parts of the country. Years elapsed, however, without any attempt on the part of the government to carry out its expressed intention. It is true an agreement was entered into with the Sioux Indians in 1876 for their gradual transfer to the Indian territory, but congress made haste to strike out of the Indian bills any such provision.

In the meantime, these lands, and other vast tracts, some of them containing several millions of acres, were leased by the Indian nations to cattle kings, who fenced in the lands, and prevented any one from settling on them without their permission. The "boomers" from Kansas, claiming that the cattle kings held their leases unlawfully, that the land known as the Oklahoma district particularly, was part of the public domain and subject to the homestead laws, made repeated raids on these leased lands, and by orders from Washington were as often ejected from the territory. President Hayes, in a proclamation dated April 26, 1879, warned trespassers off the disputed lands, which he followed by a second proclamation on the same subject on July 1, 1884, and discussed the matter in a message to congress January 27, 1885.

Finally congress took cognizance of the alleged unlawful leases of Indian lands, and the senate committee of Indian affairs, under resolutions dated June 11 and December 3, 1884, and February 23, 1885, was directed to inquire into the conditions that prevailed in the Indian territory.

This committee visited the territory in May, 1885, and heard a great deal of testimony relating to the leasing of the lands by the live stock corporations, and the methods pursued by them. The Indian bureau took the position that no authority rested with it to determine the validity of the leases under the law, but, when made, the lessees were entitled to protection by the government. The foes of the cattle kings, in demanding an abrogation of the leases, quoted Section 2116, U. S. R. S.:

"No purchase, grant, lease, or other conveyance of lands or of any title or claim thereto from any Indian nation or tribe of Indians, shall be of any validity in law, unless the same be made by treaty or conveyance entered into pursuant to the Constitution. Every person, who, not being employed under the authority of the United States, attempts to negotiate such treaty of conveyance, directly or indirectly, or to treat with any such nation or tribe of Indians for the title or purchase of any lands by them held or claimed, is liable to a penalty of one thousand dollars."

On the other hand the cattle kings maintained that they were



acting under the authority granted by inference in Section 2117, U. S. R. S.:

"Every person who drives or otherwise conveys any stock or horses, mules, or cattle to range and feed on any land of any Indian or Indian tribe, without the consent of such tribe, is liable to a penalty of one dollar for each animal of such stock."

The conditions in the territory became intolerable, and grew worse and worse. The Indian governments became partisan, arbitrary and corrupt. Property was amassed by a few at the expense of the masses. The inpouring white settlers were without protection of law and without courts, except the tribal courts, to which they had no access.

The first relief was the creation and establishment of a United States court by the act of 1889. Following upon this came the act of May 22, 1890 (26 Stat., p. 81), establishing the territory of Oklahoma. A brief of the sections of this act which affect the Indian territory follows:

Section XXVIII of the act defines and describes the boundaries of the Indian territory; limits the jurisdiction of the United States courts established in Indian territory under the act of March 1, 1889 (25 Stat., p. 783), to the Indian territory as defined in the act.

The court established by the aforementioned act of March 1, 1889, was given exclusive jurisdiction over all offenses against the laws of the United States committed within the Indian territory not punishable by death or imprisonment at hard labor.

The court was given jurisdiction in all civil cases between citizens of the United States residing in the Indian territory, or between citizens of the United States or of any state or territory therein, or any citizen or person residing or found in the Indian territory, when the value of the thing in controversy or the damages claimed shall amount to one hundred dollars or more, but no jurisdiction was conferred upon the court in respect to controversies between persons of Indian blood. Final judgments of this court, where the amount of controversy exceeds one thousand dollars, could be reviewed and reversed or affirmed by the supreme court of the United States. Two terms of the court were to be held at Muskogee. All proceedings were to be in the English language.

By Section XVII the Chickasaw nation and a part of the Choctaw nation were annexed to and made a part of the eastern judicial district of Texas for judicial purposes.

By Sections 20, 21, 22, 23, 24, 25, and 26 certain crimes and



misdemeanors are defined and punishment prescribed for the same, but the provisions of the same shall not apply to the offenses committed by one Indian upon the person or property of another.

By the act establishing the territory of Oklahoma, hereinbefore referred to, the act of 1889, establishing a court in the Indian territory, was largely amended. The court was given jurisdiction, in addition to that conferred by the act of 1889, in all civil cases in the Indian territory, except cases where tribal courts have exclusive jurisdiction, and in all cases on contracts entered into by citizens of any tribe or nation with citizens of the United States; that for the purpose of holding terms of court the territory was divided into three divisions, 1, 2 and 3, and the boundaries of each division established.

Crimes were to be prosecuted in the division in which the offense was committed and civil suits instituted in the division where the defendant lives. The act provided, however, that the judicial tribunals of the Indian nations should retain exclusive jurisdiction in all civil and criminal cases arising in the country in which members of the nation shall be the only parties, and in respect to such cases the laws of the state of Arkansas extended to the Indian territory should not apply.

Section XXXI extends certain general laws of the state of Arkansas to and puts them in force in Indian territory. The act further provides as follows:

"But nothing in this act shall be so construed as to deprive any of the courts of the civilized nations of exclusive jurisdiction over all cases arising wherein members of said nations, whether by treaty, blood, or adoption, are the sole parties, nor so as to interfere with the right and power of said civilized nations to punish said members for violation of the statutes and laws enacted by their national councils where such laws are not contrary to the treaties and laws of the United States."

Exclusive original jurisdiction is given the United States court in Indian territory to enforce the provisions of chapter 4, title 70 of the Revised Statutes of the United States entitled "Crimes against justice."

By Section XXXVI jurisdiction is conferred upon the United States court in Indian territory over all controversies between members and citizens of one tribe and members or citizens of another tribe, and a citizen of one tribe who commits an offense or crime against the person or property of another tribe shall be subject to the same punishment as though he were a citizen of the United States. The United States court in Indian territory is given



power to appoint United States commissioners as United States circuit courts, etc. Such commissioners shall exercise the powers of the justices of the peace as prescribed by laws of Arkansas, and appeals may be taken from final judgments of such commissioners to the territorial United States court. Appeals and writs of error may be taken from the United States courts in Indian territory to the supreme court of the United States as in cases from the circuit courts of the United States.

By the act of March 1, 1895 (28 Stat., 693), Indian territory was divided into three judicial districts, defined and described in the act, and provision was made for the appointment of two additional judges, making three judges in all, or one judge for each district. Provision was made for the appointment of an attorney and marshal in each of said districts, as well as for clerks of the courts. Each of the judges was given the power to appoint court commissioners within his district. Certain portions of the criminal laws and criminal procedure of Arkansas was extended to Indian territory. The United States commissioners were to have the power of justices of the peace in preliminary criminal examinations. Appeals could be taken from the commissioners to the United States courts.

By Section IX the United States court in Indian territory was given exclusive original jurisdiction of all offenses committed in said territory of which the United States court then had jurisdiction, and after the 1st of September, 1896, to have exclusive original jurisdiction of all offenses against the laws of the United States committed in said territory except such cases as the United States court at Paris, Tex., Fort Smith, Ark., and Fort Scott, Kan., had acquired jurisdiction of before that time. And should also have original jurisdiction of civil cases in the United States court in Indian territory and appellate jurisdiction of all cases tried before the commissioners. And all laws theretofore conferring jurisdiction upon the United States courts held in Arkansas, Kansas and Texas, outside of the limits of Indian territory as defined by law as to offenses committed in said Indian territory, as herein provided, are repealed, to take effect on September 1, 1896; and the jurisdiction now conferred by law upon said court is hereby given on and after the day aforesaid to the United States court in Indian territory.

That the several judges of the United States court in Indian territory shall constitute a court of appeals, to be presided over by the senior judge as chief justice. Said court was to have the like



jurisdiction and power over inferior courts in Indian territory as the supreme court of Arkansas has over the inferior courts in that state, with the same jurisdiction in respect to appeals and writs of error; and the laws of the state of Arkansas, in respect to appeals and writs of error, are made applicable and extended to and put in force in Indian territory. Writs of error and appeals from said appellate court in Indian territory may be taken to the circuit court of appeals for the eighth circuit in the same manner and under the same conditions as appeals from the circuit courts of the United States.

By the act of June 7, 1897 (30 Stat., p. 83), it was provided:

"That on and after January 1, 1898, the United States courts in said Territory shall have original and exclusive jurisdiction and authority to try and determine all civil causes in law and equity thereafter instituted and all criminal causes for the punishment of any offense committed after January 1, 1898, by any person in said Territory, and the United States courts in said Territory shall have and exercise the powers and jurisdiction already conferred upon them by existing laws of the United States as respects all persons and property in said territory; and the laws of the United States and the State of Arkansas in force in the Territory shall apply to all persons therein, irrespective of race, said courts exercising jurisdiction thereof as now conferred upon them in the trial of like causes; and any citizen of any one of said tribes otherwise qualified who can speak and understand the English language may serve as a juror in any of said courts."

This act also provides for an additional judge in said territory, making four judges in all.

By Section XVI of an act of congress, approved March 3, 1893, the Dawes commission was appointed, taking its name from the chairman, Henry L. Dawes, for many years a member of the senate committee on Indian affairs, and recently deceased. The other members of the commission were Maj. M. H. Kidd of Indiana, and Capt. A. S. McKennon of Arkansas, the commission being increased later on to five members. The avowed purpose of this commission was to prevail upon the five civilized tribes by friendly negotiation if possible to abandon their tribal relations and prepare to become citizens of the United States. To persuade these Indians, numbering 80,000, by friendly conference and without the interference of congress to consent to the division of their lands in severalty, proved a hopeless undertaking. The Dawes commission, after two years of labor, so reported to congress and advocated legislation to gain the desired end.



The Curtis act, dated June 28, 1898, followed, and is the most important piece of legislation affecting the Indian territory and the solution and final settlement of the Indian problems.

By the Curtis act, jurisdiction is given to the United States courts in the territory to pass upon the claims of citizenship or membership in the respective tribes and claims to property as such in the tribes.

By Section XI, when the roll of citizenship of any one of said nations is completed and the survey of the land finished, the segregation of the lands shall commence by allotments under the Dawes commission, etc.

Provision is made for the leasing of oil, coal, asphalt and other mineral lands in the territory.

Provision is also made for the incorporation of towns and cities and the election of officers thereof, and the establishment of schools, and for these purposes the laws of the state of Arkansas are applied and extended.

Provision is made for surveying and laying out town sites and for the disposal of the lots.

Provision is also made for making up the rolls of citizenship, including that of freedmen, and rules are laid down for the establishment of such citizenship.

Leasing of agricultural or grazing lands after the 1st of January, 1898, by the tribes or any member thereof is absolutely prohibited and declared null and void, and all such leases, made prior to that time, shall terminate on the 1st of April, 1899.

Section XXVI provides, that after the passage of the act the laws of the various tribes or nations of Indians shall not be enforced at law or in equity by the courts of the United States in Indian territory.

Section XXVIII provides:

That on the first day of July, 1898, all tribal courts in Indian territory shall be abolished, and no officers of said courts shall thereafter have any authority whatever to do or perform any act theretofore authorized by any law in connection with said courts, or to receive any pay for same; and all civil and criminal causes then pending in any such court shall be transferred to the United States court in said territory by filing with the clerk of the court the original papers in the suit: *Provided*, That this section shall not be in force as to the Chickasaw, Choctaw, and Creek tribes or nations until the first day of October, 1898.

Section XXVIII of this act contains a ratification of an agreement between the Dawes commission and the Choctaw and Chick-



asaw tribes providing for allotments of land, etc., giving various details; also provides for the right of way of railroads. Provision is also made for the laying out of town sites and for the operation of coal, asphalt, and other mines.

Provision is also made for the jurisdiction of United States courts in certain cases.

Provision is made for the continuance of the tribal governments for eight years from the 4th of March, 1898.

Section XXX provides for the ratification of an agreement with the Creek Indians. This agreement contains provisions for the allotment of land for town sites. Also for the jurisdiction of courts.

By the act of February 18, 1901 (31 Stat., p. 794), certain provisions of the laws of Arkansas, in relation to corporations, etc., are extended to and put in force in the Indian territory.

By the act of March 3, 1901 (chapter 868, 31 Stat., p. 1447), every Indian in the Indian territory is made a citizen of the United States.

In March, 1902, Mr. Moon, from the committee on the territories of the other house, submitted a report to the house of representatives (Report No. 956, first session Fifty-seventh Congress) to accompany H. R. 12268, which recommended the creation of Jefferson territory out of the area now embraced within the borders of Indian territory. In that report the committee considered the question of taxable property and reported as follows:

The real estate in the Indian territory is at present exempt from taxation, the title to the whole body of the lands outside of the towns being yet in the Indians, but the taxable property is sufficient to support a territorial government. The following data, obtained from reliable sources, give a conservative estimate of some of the property subject to taxation.

Ninety incorporated towns, including only about 75,000 of the population, have an assessed valuation of taxable property of twenty million dollars. A conservative estimate of the taxable value of unincorporated towns is five million dollars. There are 1,500,000 head of cattle, 400,000 head of horses, 65,000 head of mules, about 400,000 hogs, and 25,000 head of sheep. There is invested in coal-mining and coke-oven properties about four million dollars. There are 1,415 miles of railroad in operation, and about 300 miles now under construction. A conservative estimate of the entire taxable wealth of the territory could not be less than sixty million dollars. No estimate is made of corn, wheat, oats and cotton, which are also extensively produced in the territory.



In view of the current legislation that is about to be enacted by congress relative to the Indian territory, the following estimate of alienable and inalienable lands in the territory, and when alienable, is of moment:

Seminole, 253,418 acres, alienable when patent issues.

Seminole, 110,160 acres (40-acre homesteads); inalienable in perpetuity.

Cherokee, 3,631,351 acres, alienable in five years after issue of patent.

Cherokee, 1,400,000 acres (40-acre homesteads); inalienable during life of allottee, not exceeding twenty-one years.

Creek, 2,560,853 acres, not alienable without consent of secretary of interior till five years after approval of supplemental treaty (June 30, 1902).

Creek, 596,960 acres (40-acre homesteads); inalienable for twenty-one years after date of deed.

Choctaw and Chickasaw, 5,780,935 acres (160-acre homesteads); inalienable during life of allottee, not exceeding twenty-one years from date of certificates of allotment.

Choctaw and Chickasaw, 5,000,000 acres, alienable—one-fourth in one year, one-fourth in three years, and one-half in five years after issue of patent.

The political conditions prevailing in the territory today are peculiar. The Indians (embracing all who possess the coveted "head right") hold fast to the reins of government and the right to own lands outside of the towns. The whites, outnumbering the Indians by three to one cannot make roads and other public improvements as they have no power to raise taxes, and above all have inadequate school facilities.

The question of statehood is now the paramount issue before the people of the Indian territory as well as the territory of Oklahoma. The majority of the people of these two territories appear to desire single statehood, and the following bills have been introduced in congress looking to this end:

H. R. 4570, introduced by Mr. McRae, December 10, 1901, to authorize single statehood for Oklahoma and Indian territories as the state of Oklahoma, and for other purposes.

H. R. 9675, introduced by Mr. Stephens, January 21, 1902, to provide for the union of Oklahoma territory and the Indian territory, and to enable the people thereof to form a constitution and state government, and to be admitted into the Union as the state of Oklahoma on an equal footing with the original states, and to make donations of public lands to said state.



S 3368, introduced by Mr. Patterson, January 30, 1902, to provide for the union of Oklahoma territory and the Indian territory, and to enable the people thereof to form a constitution and state government, and to be admitted into the Union as the state of Oklahoma on an equal footing with the original states, and to make donations of public lands to said state.

H. R. No. 12543, known as the Omnibus bill, and passed by the house of representatives, provides for the admission of Oklahoma, Arizona and New Mexico as states. It was introduced in the senate May 12, 1902, read twice and referred to the committee on territories. During the summer of 1903 a subcommittee of the committee on territories, consisting of Senator Beveridge (chairman), Senator Dillingham, Senator Burnham, and Senator Heitfeld, visited the territories named in the above bill, and also the Indian territory, for the purpose of investigating conditions relative to the admission of said territories to statehood. This subcommittee made an elaborate report and as a result of their work a majority of the committee on territories, Senator Nelson of Minnesota, chairman, amended the Omnibus bill by rejecting the claims of Arizona and New Mexico for statehood and on December 3, 1902, reported a substitute providing for the admission of Oklahoma and Indian territories as a single state. The minority of this committee, under the leadership of Mr. Quay of Pennsylvania, advocate the admission of Arizona, New Mexico and Oklahoma (exclusive of Indian territory) and the question is at this writing before the senate for consideration.

The resources of the Indian territory, which Senator Nelson states is the richest section of this country, should be touched upon. The soil of Indian territory is adapted for farming and grazing purposes, but it is abundantly supplied with timber, coal, asphalt and oil lands, and also granite, limestone and other building stone. It has been estimated that there are 1,000,000 acres of commercial timber in the territory, most of which is in the mountain districts of the Choctaw nation. The varieties of timber are pine, oak, hickory, elm, maple, ash, walnut, hackberry and pecan. The pecan trees annually yield a large crop.

The coal fields have been only recently developed. They are said to underlie from 1,200 to 1,500 square miles of territory at a conservative estimate. They lie in the Choctaw, Chickasaw, and Creek nations, principally. The secretary of the interior, in his report for 1902, says:

"The output of coal for the year ended June 30, 1902, was, 2,741,797 tons, an increase over that of the preceding year of



15,739 tons; the value of the coke production was two hundred three thousand five hundred and thirty dollars.

"The number of operators producing coal during the current year was 60, as against 28 for the preceding year. The number of mine openings have increased; 8 slopes have been abandoned; 4 new shafts have been sunk; 30 new slopes and 3 new drifts, showing a net increase of 29 openings for the current year over the preceding year.

"The total number of men and boys employed in the mines for the current year was 6,234. For the preceding year 5,272 were employed, thus showing an increase of 962 men and boys.

"As contemplated by the agreement with the Chickasaw and Choctaw nations, practically all of the coal and asphalt mining operations, which have heretofore been carried on under national contracts, are now under formal leases entered into by the mining trustees and approved by the Department, with good and sufficient bonds securing the performance of the stipulations of such leases, payment of royalties, etc. These leases have been made for a term of thirty years, with a royalty on coal of eight cents per ton, mine run, and on asphalt ten cents per ton on crude and sixty cents per ton for the refined material. But few leases have been made during the year except such as were in the nature of renewals of old national contracts, the policy of the Department being to discourage speculative applications.

Lead, iron and zinc are known to exist in the Cherokee, Choctaw and Creek nations, and some gold and silver have been found, but to what extent they do exist is an unknown problem. Fables of old Spanish silver mines are current in every community.

The following statement relative to Indian territory, including its size, population, resources, political conditions prevailing, and reasons for joint statehood with Oklahoma territory, was prepared by Rev. A. Grant Evans, president of the Henry Kendall college, of Muscogee, I. T., at the request of Senator Beveridge of Indiana.

The Indian territory contains 19,776,286 acres, or about 31,000 square miles. The territory of Oklahoma contains 39,000 square miles, so that the state made by the union of these two territories would contain, in round numbers, 70,000 square miles. This would make it about equal in area to either Missouri or North Dakota. In size it would be the fifteenth state of the Union, and would be as large as the whole of New England, with the state of New Jersey added. It would have a much smaller proportion of arid and otherwise unproductive land than the majority of the



great states of the West, so that in area of lands capable of being made immediately productive it would rank much higher than fifteenth in the list of states. It has an almost ideal diversification of surface and an unsurpassed climate. While the agricultural wealth of Oklahoma is immense, it is deficient in mineral resources. The Indian territory not only well supplies this deficiency with its vast coal fields, but is also very rich agriculturally, besides having considerable wealth in timber. The climatic conditions are such that the characteristic crops of the North and the South can both be raised advantageously.

With reference to the mineral wealth of the Indian territory, according to the report of the Indian agent for the five civilized tribes for the fiscal year ending June 30, 1902, there were produced in that year approximately 2,800,000 tons of coal. The development of the coal fields has only begun. About 500,000 acres are being segregated as coal lands, and will not be allotted, but sold for the benefit of the tribes. The government surveyors estimate that there are not less than 1,000,000,000 feet of soft lumber, principally Norway pine, and there is much very valuable hard wood timber. The agent also reports for the year ending June 30, 1902, the following agricultural products for the Indian territory alone:

Wheat, corn, and oats.....	bushels..	4,500,000
Vegetables .....	do....	4,000,000
Cotton .....	bales..	60,000
Hay .....	tons..	75,000

The climate and soil are admirably adapted to fruit culture, and this will undoubtedly be a considerable source of wealth in the future. Raising quantities of raw materials and having vast supplies of fuel, there would seem to be every probability that the state thus formed would take advantage of its advantageous location, within easy reach of the Gulf ports, to develop considerable manufacturing importance. It has every natural advantage for this. The population of the two territories, according to the census of 1900, is as follows: Oklahoma, 398,000, and Indian territory, 392,000, making a total of 790,000. It is claimed on all hands that there has been an unprecedented increase in population in both territories during the past two years.

A very conservative estimate of population of the two territories is 1,000,000. If, combined, they come in as a state with this population, the new member of the Union would be more than twice as great in population as any state of the Union was at the time of its admission. It would rank as to population not lower than



twenty-eighth, which is to say that only three-fifths of the states are at present larger than this new state would be. According to the census for 1900 the new state would also be very remarkable for the proportion of native-born Americans in it. Of the population of the Indian territory in 1900, ninety-eight and seventy-six hundredths per cent are reported as native Americans and only one and twenty-four hundredths per cent foreign born. Almost as remarkable a showing is made in Oklahoma; so that the two territories united would make a thoroughly American state, fairly up to the average of the great Western states in area, with an ample population, and with such resources as would insure its taking very high rank among the states of the Union.

During the past year nine different lines of railroad have been under construction, and about 400 miles of new roads have been completed and put in operation.

Taking the figures of the last census, with such particulars as to exact number of Indian citizens as may be gathered from the reports of the Dawes' commission and the Indian inspector, we find that of the 392,060 population about 85,000 are Indian citizens. This includes the freedmen who were given the privileges of citizenship by the treaties of 1866. Analyzing the figures a little more closely, we find the whole population made up as follows:

	Per cent.
Whites .....	76
Indians .....	16.77
Negro citizens .....	4.78
Other negroes .....	2.45
<hr/>	
Total .....	100

It will thus be seen that over three-fourths of the entire population are white people, only a very insignificant proportion of whom are foreign born.

While the proportion of illiterates in the Indian territory is unfortunately rather large, it is smaller than that of some of the states in proximity with it, and this condition is directly traceable to the anomalous conditions existing at present, and makes the strongest kind of argument for statehood, which would give these people the power, which they have been praying for, of establishing a public school system.

It has been stated that the large number of crimes reported in the Indian territory indicate the unfitness of its people for statehood. In that connection it should be borne in mind that the



Federal courts have to place upon their dockets and report a very large number of minor offenses which under any organized government would be disposed of in the lower courts. It should also be remembered that a very large number of the cases reported are of a crime peculiar to the Indian territory, known as "introducing" or more fully "introducing intoxicating liquors." Deducting these from the whole number reported would make the showing for the Indian territory not a bad one as compared with the states of the Union.

As far, however, as the charge that the Indian territory has an exceptionally large proportion of criminals can be substantiated, the claim for statehood for these people is made stronger rather than weakened. A very large proportion of the criminals are very young men, and nothing is more largely responsible for the number of this class of criminals than the want of educational facilities, which the people are pleading for some means of remedying. But the highest proof of the law-abiding character of the overwhelming majority of the white people in the Indian territory is found in the fact that they have borne themselves so patiently for so long a period under almost intolerable conditions. There is a tendency in some quarters to class all these people as trespassers or intruders upon the lands of the Indians. There has always been a way for the Indian tribal governments, with the aid of Federal officials, to rid the territory of real intruders, and, as a matter of fact, only a very few of the white people of the Indian territory can with any propriety be said to belong to this class. As a rule they have come at the invitation of the Indians and in compliance with their laws to rent farms from them or to engage in business or practice some profession or occupation among them, always paying a tribal tax or license for the privilege of doing so.

The marvelously rich heritage which is being divided among the Indians today would have been utterly undeveloped and of comparatively small value had it not been for this class of people. So far from being regarded as trespassers, they are surely entitled to special consideration in the settlement of the future status of the country which they, under so many disadvantages, have brought to its present advanced state of development. For the land they have used they have paid to the individual Indian citizens good rent; as laborers they have rendered him valuable services, and in their professions they have been of unspeakable benefit to him. For him they have made an unexplored wilderness blossom into a land of abounding riches. Socially, their influence upon the Indians has been such that these tribes have become



justly entitled to the proud distinction of being known as the five civilized tribes. In addition to all this, these white people have contributed vast sums to the treasuries of the Indian tribes. For example, during the fiscal year ending June 30, 1902, the following sums were collected from these people by the government officials and placed to the credit of the Indian tribal governments:

Merchandise and occupation tax.....	\$11,967.20
Coal and asphalt royalties.....	255,462.13
Timber, stone and gravel royalties.....	85,213.89
Hay royalty .....	7,422.31
Cattle and pasture tax .....	6,248.00

Total .....	\$356,313.53
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Thus in actual taxes in the last fiscal year, ending June 30, 1902, these people have paid to the Indian governments the sum of three hundred fifty-six thousand three hundred thirteen dollars and fifty-three cents. Not one cent of this amount is to be used for making roads, for providing schools for white children, or in any other way for the amelioration of the condition of the white people. The merchandise and occupation tax has been especially galling, but the white man has submitted to this taxation with the utmost patience. For years the laborers in the mines had to pay a monthly tax for the privilege of being allowed to do manual labor. Surely it says much for the law-abiding character of this people that they have submitted so patiently to this taxation, not only without representation, but also without any expectation that any part of the taxes paid will be used in any way to ameliorate their condition.

There can be no question that without the labor and enterprise of the white man not one of the coal mines in the Indian territory, which in the past four years have paid seven hundred thousand dollars into the Indian treasuries, would have been opened. The half a million acres of coal lands which are to be sold for the benefit of the Indians and which will add a magnificent sum to the value of their estate would have been explored, and would have brought very little to them. But it is not only in values returned to individuals and in the payment of taxes that the white man has been benefiting the Indian. Nearly 200 towns have been surveyed and platted. The lots in these have been appraised and the occupiers of these lots are paying the Indian tribal governments for them. The work of appraisement is not yet completed and the report of the Indian inspector for the year ending June 30, 1902,



only gives the figures for some of the towns in the Choctaw, Chickasaw and Creek nations.

The appraised valuation for the towns where the work is complete is two million two hundred seven thousand four hundred and twenty-three dollars. When the appraisement is completed it will show an immense sum of money to be paid by the residents of the towns, who are nearly all white people, into the Indian treasuries. During the past year the Indian inspector reports having collected and placed to the credit of the Indian tribal governments for town lots the sum of two hundred thirty-seven thousand seven hundred twenty-five dollars and thirty-nine cents. It is undoubtedly the white man's presence and enterprise that has given any substantial value to the lots in these towns, so that he is now paying to the Indian largely for the values which he himself has created. From the above figures it will be seen that in addition to what has been paid in rent and in other ways to the individual Indian citizens, the white men have contributed to the Indian treasuries during the last fiscal year in taxes and for town lots a total of about six hundred thousand dollars.

Thus, so far from being a lawless class of trespassers on the domain of the Indians, these people have certainly placed not only the Indians, but the whole nation, under some obligation to render them fair and equitable treatment. More in number than the entire population of Arizona and New Mexico, essentially American, manifesting a determined spirit of enterprise in the face of tremendous discouragements, law-abiding under circumstances calculated to try the patience of the best citizens, these people, gathered from every state in the Union and representing much of the most vigorous manhood and enterprise of all, have shown themselves to be preeminently the material of which great states have been built in the past, and which can be trusted to make great states today.

According to the last census there were 392,000 people in the Indian territory, nearly 300,000 of whom are white American citizens. The development in the last two years has been tremendous, so that there are probably at least 400,000 people in the Indian territory today who are not citizens of any of the Indian tribes. The omnibus bill leaves these people without any immediate relief and with a prospect suggested of being ultimately absorbed piecemeal into a state now to be created, which has a population about equal to that of the Indian territory, and which has not as great natural resources. It leaves the 400,000 people without any means for providing themselves with such essentials of American civilization as the public-school system. Being



utterly unorganized, except as regards a judicial system, there is no way in which they are allowed to make public roads, to establish asylums for the insane and other helpless classes, and, above all, to establish schools for the education of their children.

Government officials estimate that there are at present in the Indian territory 100,000 children of school age. A study of the provision made for these is fearfully suggestive. Under the Curtis act and subsequent treaties with the Indian governments it was made possible for incorporated towns in the Indian territory to tax themselves for the support of public schools. The report of the government superintendent of schools for the year ending June 30, 1902, shows that 16 towns have taken advantage of this privilege. Various missionary boards have schools which have been doing excellent work, to which both white people and Indians are admitted. Each of the Indian tribes has its school system now under the oversight of government officials. To some of the Indian day schools white children are admitted upon payment of a stipulated fee. A good many are shown to have attended, but a close examination of the reports shows that in the great majority of cases the attendance has been for so short a period that not much advantage could have been reaped.

The following table shows the entire educational provision as reported by the superintendent of schools for the year ending June 30, 1902:

	Whites.	Indians.	Negroes.	Total.
Private and mission schools .....	1,158	540	.....	1,698
Public schools .....	6,511	748	568	8,257
Indian schools .....	6,652	10,702	1,957	19,351
Total .....	14,391	11,990	2,925	29,306

The above figures give the total enrollment, which in a great number of cases is only for a very few weeks of the year. It is thus seen that out of an entire school population of 100,000 less than 30,000 have been enrolled in any kind of school, and for the remaining 70,000 no provision whatever is made, and there is at present no legal way of making it. A very serious aspect of this is the fact that under existing conditions the more intelligent class of people who are anxious to lease or rent Indian lands and make their homes in the territory are discouraged from coming. The best settlers will not go where they can not get school advantages for their children. Thus the country is in danger of being left more and more for the illiterate, ignorant, and shiftless class of



settlers. It seems a cruel mockery under these conditions to taunt these people with their illiteracy. The marvel is under the circumstances, that the percentage is so low.

In the rural districts may be met the Indian children and the children of negro citizens of the tribes coming home from their schools, but for the white American citizens there is no school at all. A not uncommon incident in the towns is the visit of some sturdy and intelligent white farmer, who has to stoop to go round, hat in hand, begging the merchants and others for a contribution to help the white people in his neighborhood get a small building in which they can attempt to carry on a subscription school. Present conditions are such as to altogether discourage this class of citizens and drive them away, leaving the country for those who care for none of these things. If relief is not given, and that speedily, there is great danger that the problem in the Indian territory may change from its present form of "How may the people be supplied with the schools for which they are begging?" to the far more difficult one of "How can the people be interested in schools and made willing to have them?"

There is a vigorous claim made in some quarters that there should be no change in conditions in the Indian territory until the final extinction of the Indian tribal governments on March 4, 1906, and that under old treaties the Indians should be given the first voice in deciding as to their future status. This claim can hardly be put forth seriously by those who are advocating an arrangement by which the Indian territory may be absorbed piecemeal into another state in the making of the constitution and the founding of the institutions of which it has had no voice. When the Indian becomes a citizen of the United States, as he is today, he can claim no more than influence in direct proportion to his numbers. Surely it is not unprecedented or impracticable that in the organization of a state the new government should be bound to make no arrangements which would in any way interfere with the pledges given by the Federal government. In any legitimate change of government the fulfillment of such pledges must always be considered essential.

A very small proportion of the Indian citizens need or expect any different treatment from that given white people. In many cases there is far more white than Indian blood in their veins. Only a very small minority speak the Indian languages and are unable to speak English. These are the fullbloods to whom every consideration of justice and humanity demands that we should accord the tenderest and most generous treatment. For them more than for any class it is imperative that there should be imme-



diate relief from present conditions. In three years the Indian will have no longer the protection of the tribal or the Federal government. He will have to stand or fall for himself. The worst and most cruel thing we can do for him is to maintain such conditions as will inevitably surround him with white neighbors and negroes belonging to the most shiftless, ignorant and degraded classes, and the best thing we can do for him is to make such conditions that his neighbors will belong to the opposite classes, and his children be given the opportunity of learning the English language and American citizenship, where it can be most effectively taught in the common school.

It is hard, almost impossible, to get any general or reliable expression of their desires from these people. There are plenty of white Indians who have become wealthy under existing conditions and are not anxious for a change, but for the masses of the poorer Indians, especially the full-bloods, no voice is competent to speak. Wisdom and justice can alone be our guide in deciding as to their destiny. Could anything more just be offered than that he should be given the right to his fair proportionate share of representation in the organizing of a great state in the territory which was not so very long ago occupied entirely by Indian tribes, with the right of full citizenship in it? And could anything be more mercifully wise, in his behalf, than that steps should be taken without delay to enable that part of the state in which he has had and will have his home to be the abode of thrifty and intelligent citizens? The Indian citizens have carried on for over half a century governments republican in form; they are familiar with republican institutions. For whites and Indians alike it may be said that never has a state been admitted to this great Union whose citizens were better prepared for the duties and responsibilities involved in such admission than the people of this great territory are now.









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