VI

THE PERIOD OF REHABILITATION, OR GEORGIA'S RISE FROM THE ASHES OF WAR. 1872-1916.

CHAPTER I

GEORGIA'S REDEMPTION FROM CARPET-BAG RULE—JAMES M. SMITH TAKES THE OATH OF OFFICE AMID GREAT REJOICING—HIS INAUGURAL ADDRESS—CHIEF JUSTICE LOCHRANE RESIGNS—ONE OF GEORGIA'S MOST BRILLIANT PERSONALITIES—HIRAM WARNER BECOMES CHIEF JUSTICE—EX-GOV. CHARLES J. JENKINS EMERGES FROM RETIREMENT—RESTORES THE SEAL OF THE EXECUTIVE DEPARTMENT—HIS LETTER TO GOVERNOR SMITH—PRESENTED WITH A FACSIMILE OF THE SEAL—A DRAMATIC INCIDENT—THE LEGISLATURE APPOINTS A COMMITTEE TO INVESTIGATE THE FRAUDULENT BONDS OF THE BULLOCK ADMINISTRATION—THOMAS J. SIMMONS—JOHN I. HALL—GARNETT MCMILLAN—THE COMMITTEE'S ARDUOUS TASK—IN SESSION FOR TWO MONTHS—BONDS TO THE AMOUNT OF $7,957,000 FOUND TO BE FRAUDULENT—ACTS PASSED DECLARING THESE BONDS NULL AND VOID—UNSUCCESSFUL EFFORTS TO ARREST THE FUGITIVE EX-GOVERNOR—RETURNS TO THE STATE WHEN PUBLIC FEELING SUBSIDES—SUBMITS TO ARREST—IS TRIED IN FULTON SUPERIOR COURT—BUT THE CASE IS DISMISSED, DUE TO A LACK OF EVIDENCE TO CONVICT—BENJAMIN H. HILL, JR., HIS PROSECUTOR—JUDGE HILL'S OPINION—GOV. BULLOCK'S LAST DAYS—HIS CHARACTER—EXTENUATING CIRCUMSTANCES.

Georgia's redemption from carpet-bag rule was formally signalized on January 12, 1872, when a favorite son of her own choice was duly inaugurated governor and placed at the helm of civil affairs. This simple but impressive ceremony ended the regime of reconstruction. Promptly at high noon, Hon. James M. Smith, governor-elect, accompanied by the acting governor, Hon. Benjamin Conley, Judges Hiram Warner and Henry K. McCay, of the Supreme Court, Hon. David G. Cotting, secretary of state, together with other State House officers, appeared in the representative chamber. Hon. L. N. Trammell, president of the Senate, called the joint session to order and signaled the two bodies to rise as the inaugural party moved down the main aisle toward the speaker's desk. To witness the inauguration of a governor who embodied in his person the highest type of moral excellence, who possessed the unbounded confidence, respect, and love of the people, and whose election to this high office, bespoke Georgia's resumption of sovereign statehood, there was assembled in the galleries and on the floor of the House a vast multitude of spectators, including many ladies, and this assemblage was truly representative of the social and intellectual aristocracy of Georgia. The hall was packed to its utmost capacity and the scene was paralleled in brilliancy only by the stately ceremonies of ante-bellum days. The governor-elect's opening sentence sounded a key-note of optimism. Said he:*

* House Journal, 1872, pp. 31-34.

"I appear in this presence today, in obedience to the Constitution and Laws, to take the oath of office and assume the duties of Governor of Georgia. I come in response to the call of the people of my native State, a people who, having been scourged by fire and sword, have had their patience still more severely tried by want of integrity in office and by corruption in high places. But, after a long and cheerless night of misrule, let us unite in indulging the hope that a brighter day bringing with it peace, happiness and prosperity to our stricken people, is already dawning upon our beloved State."

With reference to the unceremonious departure of Governor Bullock from the state, he continued:

"The late Governor, whose unexpired term of office I have been chosen to fill, is a voluntary fugitive from the State of his adoption. During his brief incumbency, there has been an addition of untold millions to the public debt. He has left the finances of the State in the utmost disorder and confusion; so that as yet it cannot be said what bonds are legal and what illegal. To correct these and other abuses much time and labor will be required. * * * But it may here be proclaimed that the people of Georgia have no thought of repudiating any part of the indebtedness of the state. It is their purpose to respect vested rights, to require a faithful discharge of public duty on the part of officials, to protect and elevate the public faith and credit. We desire to live in peace, to restore our waste places, and to bring back the government of our State to the ancient landmarks of the fathers."

At the conclusion of his address, the governor-elect took the oath of office prescribed by the constitution, Judge Hiram Warner administering the oath, after which he was duly declared by the president of the Senate to be "duly elected and qualified governor of the State of Georgia, for the unexpired term of Rufus B. Bullock, late governor, resigned."

With the incoming of the new administration, Chief Justice O. A. Lochrane relinquished the judicial ermine, desiring to return to his lucrative law practice; and one of the first official acts of Governor Smith was to appoint Judge Hiram Warner to this august seat. His commission was dated January 19, 1872. Judge Warner had already worn the mantle of chief-justice, but under the Bullock administration had been reduced to the rank of an associate. As Judge Warner's successor, Governor Smith appointed to the bench, Judge W. W. Montgomery, of Augusta. The personnel of the bench at this time was as follows: Chief Justice, Hiram Warner; associates, W. W. Montgomery and H. K. McCay.

Judge Lochrane's career on the bench did not add materially to his fame, though he possessed rare powers of analysis and rendered a number of important decisions, the effect of which was far-reaching. It was in the role of an advocate that he achieved his most brilliant triumphs; and whether on the platform or before a jury in the courtroom, he was well-nigh pre-eminent. Wit, humor, satire, eloquence, invective, repartee, anecdote—these were weapons instantly at his command; while a vast fund of general information and a wide range of acquaintance with the world's best poetry, made him one of the most charming of public speakers. Despite the fact that he was identified with the reconstructionists, his genial Irish temperament kept him from sharing to any

extent in the popular odium. His eloquence, perennially refreshing, was like the Tugalo River at Tallulah Falls—it rolled in music over granite rocks and lifted rainbows while it molded cataracts.

It was not long after Governor Smith's induction into office as Georgia's chief-magistrate that former Gov. Charles J. Jenkins emerged from his retirement, bringing with him the executive seal which, for months of expatriation, had been the constant companion of his exile, both in Nova Scotia and in Europe. The time had now come for him to surrender into lawful hands this untarnished emblem of Georgia's statehood—this sacred heirloom—which, at the peril of his own life, he had kept from falling into the hands of military usurpers. On March 15, 1872, ex-Governor Jenkins, having lately returned to his home in Summerville, near Augusta, Georgia, addressed an extended letter to Governor Smith, in which he gave a full account of his stewardship; and this letter, in the summer following, was transmitted to the general assembly, for appropriate action. Governor Smith, in transmitting this letter said:

"The fact that this is the only authentic account of the action of the Executive at this time, when the government of the State was wrested from her people by the strong hand of military power, invests this paper with peculiar interest and importance. The manly struggle made by my distinguished predecessor to avert this dire calamity will never fade from the memory of a grateful people. Unaided, save by the prayers and sympathies of the good and true, he nobly strove to maintain our right of local self-government and only ceased the struggle when the cause became hopeless. The books, papers, and seal referred to are now in the Executive office."

To reproduce in full the letter of ex-Governor Jenkins will exceed the limits of space allowed for a discussion of this dramatic episode in our state's history; but its careful perusal will well repay the student of our political annals.* It is a somewhat lengthy document but replete with interest and couched in language such as the pen of its gifted author alone could command. Most of the facts recited in this letter have already been reviewed in a former chapter, but some of its salient paragraphs will impart a spice of interest to the topic now under consideration. The letter begins:

"Sir: Since my removal from the office which you now hold, in January, 1868, by Major-General Meade, of the United States Army, commanding the Department of Georgia, I have refrained from communicating with the de facto government of the State. Had there been no interference of the Federal government, my term of office would have expired in November, 1867, and there would then have been assembled a Legislature to whom I would have rendered an account of my stewardship. There having been neither a Governor nor Legislature elected in 1867 I, under a provision of the Constitution, held over; but there was no Legislative assembly. From the time of my removal until the installation of the present Governor and Legislature, these departments have not in my judgment been filled by persons rightfully representing the people of Georgia or faithfully guarding their interests."

* House Journal, 1872, pp. 405-419.

The writer then goes on to say that such a communication to a state executive from a predecessor was unusual if not unprecedented; but he felt that the circumstances of the case fully justified him in taking this course and he wished this letter, containing a formal account of certain transactions, to be preserved in the state's official archives. Next he proceeded to review the matter of Georgia's bonded indebtedness prior to 1868. With respect to certain bonds which Governor Bullock demanded and received from certain banks, under a resolution passed by the Legislature of 1868, he expresses himself thus:

"The precise amount so delivered I know not but suppose it could have varied little from $600,000. I am, of course, ignorant of what disposition has been made of them. If they have been faithfully applied to the objects intended, they have not increased the indebtedness of the State, but have only postponed to a more convenient time its payment, pro tanto, and the relief has accrued or will accrue to administrations succeeding mine. If otherwise, the misapplication is chargeable to the Executive who, rather than come to an account with the fairly elected and honest representatives of the people he was charged with having plundered, ingloriously fled the State. In no event can those bonds be set down as an original indebtedness incurred by the State during my official term and by my advice."

Concerning the fraudulent bond issues and endorsements of the Bullock administration, Governor Jenkins is silent, for the reason that he possessed no positive or direct information upon this subject. Nor was it germane to the matter under discussion. But he discussed at some length the circumstances leading to his expulsion from office by General Meade, the prolonged but futile effort made by him, without cost to the state, to obtain redress before the Supreme Court of the United States, the debt of obligation due to generous friends who had given him legal assistance in his effort to establish the unconstitutionality of the reconstruction measures—these and other topics he discusses at some length. In conclusion, he told of his departure from the state. Said he:

"When I left the Executive office, I took with me the record of warrants drawn upon the treasury, the book of receipts for them, and other papers therewith connected, and the seal of the Executive Department. It was my purpose to retain these things in my own custody until I should see in the Executive office a rightful incumbent and then to restore them. The removal of the books and papers was merely a precautionary measure for my own protection. Not so with the seal. That was a symbol of the Executive authority, and though void of intrinsic material value was hallowed by a sentiment which forbade its surrender to unauthorized hands. Afterwards whilst I was in Washington, vainly seeking the interposition of the Supreme Court, a formal written demand was made upon me by Gen. Ruger for a return of these articles, with which I declined to comply. The books and papers I herewith transmit to your Excellency that they may resume their place in the archives of the State. With them I also deliver to you the seal of the Executive Department. I derive high satisfaction from the reflection that it has never been desecrated by the grasp of a military usurper's hand, never been prostituted to authenticate official misdeeds of an upstart pretender. Unpolluted as it came to me, I gladly place it in the hands of a worthy

son of Georgia—her freely chosen Executive—my first legitimate successor."

This letter was transmitted to the Legislature on August 15, 1872. It is one of the most precious documents in the archives of Georgia and one to be sacredly preserved while the commonwealth endures. Coincident with its reception by the law-making body, a resolution was introduced in the House by Hon. Joseph B. Cumming, then holding the office of speaker, in which the patriotic services of Governor Jenkins to the state were fittingly eulogized. It was also ordered that a fac simile reproduction in gold of the seal of the executive department be struck, at the expense of the state, and to bear this additional inscription:

"Presented to CHARLES J. JENKINS by the State of Georgia. In arduis fidelis."

It was furthermore ordered that said seal be presented to Governor Jenkins as a token of esteem from a grateful state. This resolution passed both houses by an overwhelming vote and, on August 22, 1872, was approved by the governor. The full text of the resolution is as follows:*

"Whereas, The Honorable Charles J. Jenkins, when expelled by usurpers from the office of Governor of this State, had the firmness and the courage to save the public treasure from the plunderers, and applied it to the obligations of the State, and also removed the archives of the State Treasury, and saved from desecration the Seal of the Executive Department; and whereas, his efforts to save the people of Georgia from oppression relaxed not with his hold upon the Executive office, but in the midst of discouragement were continued before the Supreme Court of the United States so long as there was any hope of success; and whereas, preserving the archives and the seal until, in better times, he might restore them to his first rightful successor, he has delivered them to his Excellency the Governor; and whereas, gratitude to a great and good man, deference to the feelings of the people of Georgia, and the encouragement of patriotism and virtue in the generation to come, alike render it good that we should make and put in imperishable form a recognition of his fidelity to his trust; therefore be it—

"Resolved by the General Assembly of the State of Georgia, That his Excellency the Governor be authorized and instructed to have prepared, and, in the name of the people of Georgia, to present to the Honorable Charles J. Jenkins, a seal, to be the fac simile of the one preserved and restored by him, except that in addition to the other devices, it shall have this inscription: 'Presented to Charles J. Jenkins by the State of Georgia'; and this legend: 'In arduis fidelis.'"

But this is anticipating. On December 19, 1871, the Legislature appointed a special committee to investigate the fraudulent bond scandals of the Bullock administration. This committee consisted of three members, to wit: Thomas J. Simmons, from the Senate, and John I. Hall and Garnett McMillan, from the House. Its distinguished personnel deserves to be carefully noted, as it will give an emphasis to the course which they subsequently recommended with respect to these bonds. Thomas J. Simmons became in after years chief justice of the Supreme

* Acts 1872, 520-521.

Court of Georgia. John I. Hall, during President Cleveland's second administration, became an assistant attorney-general of the United States. Garnett McMillan was perhaps the most brilliant young member of the House. His zeal to extinguish what he considered a blot upon Georgia's honor and his eloquence in debate when the fraudulent bonds were under discussion, caused him to be placed on this committee of investigation. The reputation which he achieved at this time made him a national figure; and such was the prestige which he gained at home that even the plume of the great Benjamin H. Hill went down before him in a contest for the democratic nomination to Congress in 1874. He defeated Mr. Hill by a pronounced vote, but died a few months later, and his vacant seat fell to the lot of his illustrious competitor.

The act authorizing the appointment of this committee was entitled: "An act to protect the people of the State of Georgia against the illegal and fraudulent issue of bonds and securities, and for other purposes connected with the same." Its duty was to ascertain and report the number of bonds and endorsements issued and put into circulation by Rufus B. Bullock the aggregate amount thereof, by whom the same were sold, the amount of money paid therefor, the time when and the persons to whom such payments were made, and all other facts connected with the history of said bonds.*

This committee, having given due notice, on December 12, 1871, began its deliberations in Atlanta on March 1, 1872, and remained in session almost continuously until May 1, 1872, a period of two months. No stone was left unturned in an effort to ascertain the exact truth. Incidentally, the committee visited New York, where an extended session was held, at the nation's financial center. Hundreds of witnesses were orally examined, while voluminous depositions were taken in England, France, Germany and other European countries; but all efforts to bring Governor Bullock himself before the committee signally failed.

However, the committee's work was exhaustive, thorough, and complete in every detail, and when the Legislature reassembled in the summer of 1872 a report was submitted whose findings fully satisfied the General Assembly as to the fraudulent character of certain bonds aggregating in value $7,957,000. These bonds were particularized as follows:

Gold bonds in the hands of Henry Clews & Co.	$ 102,000
Gold bonds, second issue to Brunswick and Albany Railroad	1,880,000
Currency bonds	1,500,000
Endorsement Brunswick and Albany Railroad Bonds	3,300,000
Endorsement Bainbridge, Cuthbert and Columbus R. R. Bonds	600,000
Endorsement Cartersville and Van Wert R. R. Bonds	275,000
Endorsement Cherokee R. R. Bonds	300,000
	$7,957,000

Adopting the recommendations of this report, the Legislature in a series of acts approved respectively August 15th, 16th and 23d, declared null and void the state's endorsement upon the bonds of the Bainbridge, Cuthbert and Columbus Railroad; also null, void and unconstitutional

* Acts 1871, pp. 14-15.

the issue of state gold bonds to aid the Brunswick and Albany Railroad, under act of October 17, 1870; also null and void the state's endorsement on the bonds of the Cartersville and VanWert Railroad; also null and void the state's endorsement on the bonds of the Brunswick and Albany Railroad, under act of March, 1869; and also void and without binding force against the State of Georgia certain quarterly gold bonds of this state, issued under act of September 15, 1870. At the same time the governor of Georgia, the state treasurer and other officers were enjoined from paying either principal or interest on these bonds declared to be fraudulent.* Subsequently a constitutional amendment was adopted, grafting a prohibitive clause to this effect upon Georgia's fundamental law. Governor Bullock, in issuing and endorsing these bonds, had acted without the consent of the people of Georgia and in open violation of the sovereign rights of the state. Payment, therefore, was rightfully refused. Nor did Georgia's credit in the financial centers suffer impairment for any length of time by reason of this so-called repudiation. If a hardship was entailed upon a few individuals, it was no greater hardship than fell to the lot of thousands of people who held Confederate bonds; and it was justified as an act of imperious necessity to the people of a great state, whose sufferings from the ravages of war were dire enough without the added burden of this monumental iniquity.

To bring ex-Governor Bullock to the bar of justice became the fixed resolve of the state authorities. Charges were preferred against the former chief magistrate. In a resolution which became operative through lapse of time, on November 13, 1871, Governor Conley refusing to sign it, a committee was appointed "to examine all the house and kitchen furniture, silverware, and all other articles and implements connected with the executive mansion," to see if anything was missing subsequent to Governor Bullock's flight. Moreover, an officer was sent to New York, armed with the requisite papers for effecting his arrest; but the fugitive ex-governor was not to be found. Several years later, when the pulse-beat of men was calmer and the outlook for an impartial review of the facts without acrimony began to offer the prospect of a vindication, Governor Bullock submitted to arrest, returned to Georgia and stood for trial. But the evidence was not sufficient to support the charges and, on failure of proof to convict, a verdict of acquittal was returned. It is only fair to ex-Governor Bullock to say that, while he lent himself as an executive to the infliction of great political wrongs upon the state and was guilty of numerous high-handed acts of usurpation, there is little to justify the belief that he was individually or personally a corrupt man or that he reaped any large harvest of pecuniary reward. Judge Benjamin H. Hill, who was the prosecuting officer of the state in the trial of Governor Bullock, and whose father was perhaps the most powerful foe of the whole Reconstruction regime in Georgia, does not hesitate to pronounce him "an honest man and a gentleman." This expression is used in the latter's life of Senator Hill; and underneath in a footnote he adds this explanatory paragraph:

"I speak advisedly. Gov. Bullock was indicted for embezzlement as Governor. I was Solicitor-General at the time and aided in his prose-

* House Journal, 1872, pp. 5-8.

cution. The most scathing investigation failed to disclose any evidence of his guilt and he was promptly acquitted by a Democratic jury. This much a sense of justice induces me to write."

Subsequent to his acquittal Governor Bullock spent more than twenty-five years of his life in Atlanta, where his dignified reserve, his exemplary walk and conversation, his uniform courtesy, his unfailing public spirit, and his active leadership in promoting the state's commercial, industrial and educational development, won for him a host of friends and conciliated many of his former enemies. It must be conceded that much of the hostility which his administration of affairs provoked was due to the turbulent and restless character of the times, to the necessity for vigorous initiative on the part of one occupying the helm at such a crisis, to the inflamed condition of the public mind caused by the humiliating sting of defeat, by the mischievous work of the carpet-bagger and by the insolence of the negro voter, and to numerous other considerations, all of which influenced to some extent, unjustly, no doubt, the popular estimate in which Governor Bullock was held. When well past the age of seventy, he died while on a visit to his old home in Rhode Island; and there, amid the friends of his early youth, most of whom wore the Federal uniform, he sleeps his last earthly sleep—a man of northern birth but of southern adoption, a Confederate volunteer against whose record as a soldier no whisper of detraction has ever been heard, but a radical governor who usurped authority, under the infamous carpet-bag regime, and to whose name on the historic page will always attach much of the odium of reconstruction.

CHAPTER II

DR. GUSTAVUS J. ORR APPOINTED STATE SCHOOL COMMISSIONER—AN INCIDENT IN HIS COLLEGE LIFE RECALLED—RELINQUISHES THE FIRST HONOR OVER BENJ. H. HILL RATHER THAN DIVULGE A SECRET—DOCTOR ORR'S PIONEER WORK IN ORGANIZING THE DEPARTMENT OF EDUCATION—THE W. AND A. LEASE APPROVED—HALF THE PROCEEDS TO BE GIVEN TO THE COMMON SCHOOLS—THE LAND SCRIP FUND—HOW IT WAS SAVED BY GOVERNOR SMITH—THE COLLEGE OF AGRICULTURAL AND MECHANIC ARTS FOUNDED—HOW THE CONVICT LEASE SYSTEM ORIGINATED—A HERITAGE FROM RECONSTRUCTION—DIFFICULTY BETWEEN GENERAL TOOMBS AND EX-GOVERNOR BROWN OVER THE MITCHELL PROPERTY—AN UNFOUGHT DUEL—HENRY W. GRADY'S AMUSING ARTICLE—JUDGE LOCHRANE'S CARD—THE CAMPAIGN OF 1872—STRONG OPPOSITION IN GEORGIA TO HORACE GREELEY—PRESIDENT GRANT RE-ELECTED—APPOINTS AMOS T. AKERMAN, OF GEORGIA, ATTORNEY-GENERAL—THE NEW APPORTIONMENT—THE NEW CONGRESSIONAL DELEGATION—GEN. PHILIP COOK—COL. JAMES H. BLOUNT—HON. HENRY R. HARRIS—COL. HIRAM P. BELL—ONLY TWO REPUBLICANS ON THE DELEGATION—GOVERNOR SMITH'S RE-ELECTION—THE NEW GENERAL ASSEMBLY MEETS.

To the office of state school commissioner, Governor Smith, within a few days after his inauguration, appointed a distinguished educator and scholar, Dr. Gustavus J. Orr; and much of the benefit which has since inured to the children of Georgia from the work of this department is due to the wise forethought, to the vigorous initiative, and to the patient zeal of this eminent pioneer worker in the educational ranks. With such men as Dr. J. L. M. Curry, Dr. Patrick H. Mell and Bishop Atticus G. Haygood, he was one of the most powerful factors in the South's rehabilitation, one of the leaders in what may be termed its renaissance; for, with the vision to behold a great ideal, he also possessed the wisdom, the patience, and the genius to achieve great results. Doctor Orr was a classmate of the renowned Benjamin H. Hill at the State University and succeeded in winning the first honor over his brilliant competitor; but refusing as a matter of principle to divulge to the faculty his knowledge of a certain difficulty between students, he forfeited the distinction to which he was rightfully entitled. Upon his withdrawal from the class, on the eve of graduation, the first honor was awarded to Mr. Hill. This incident will serve to illustrate the rugged molds of character in which Doctor Orr was cast and to emphasize his descent from ancestors who did their own thinking and fighting among the highlands of Scotland. Down to the day of his death, it is said that he never once divulged the secret even to the members of his own household. In the

realm of education, Doctor Orr's work was basic. He was a pioneer, a pathfinder, an establisher of precedents. He found the department unpopular. Its work was hampered by restricted means. The people of the state were poor. But he lived to organize it upon solid foundations and to make it instrumental in developing what is today Georgia's chief glory: her system of free popular education.

Under the Constitution of 1868, the Legislature was authorized to provide for the establishment of common schools, free to all the children of the state; and accordingly in 1870 an act was passed putting this provision into effect. As we have already seen, Gen. J. R. Lewis, a one-armed Federal veteran, was Georgia's first commissioner of education, receiving his appointment from Governor Bullock. Without any disposition to minimize his work, it is enough to say that he was not in touch with the masses and that for years the department itself was invested with all the unsavory associations of scalawag government and carpet-bag rule. But Doctor Orr soon redeemed it from these evil associations and made its leavening influence felt in the remotest hamlet of the mountains.

There was much wrangling throughout the state over the lease of the Western and Atlantic Railroad to a company headed by former Gov. Joseph E. Brown. But the Legislature of 1872, after a spirited debate, approved the lease. It was to run for a period of twenty years, at a fixed rental of $25,000 per month, or $300,000 per annum. This same Legislature enacted a new school law, giving half the rental of the Western and Atlantic Railroad to the common schools of Georgia; and with this substantial help the prospects of the department began materially to brighten.* According to this same act, the governor, the attorney-general, the secretary of state, the comptroller-general and the state school commissioner were to constitute the Georgia State Board of Education. Twenty years later, under the leadership of Dr. Wm. H. Felton, a new lease of the road was negotiated with the Nashville, Chattanooga and St. Louis Railroad, at a fixed rental of $35,000 per month, all of which was to be given to the common school fund. Doctor Orr died in 1887, having occupied the office of state school commissioner uninterruptedly for sixteen years.

Congress, in 1862, passed an act donating certain public lands in the states and territories for the establishment of agricultural and mechanical colleges, each state to have 30,000 acres of land for each senator and representative in Congress. Georgia's part, therefore, was 270,000 acres. The various states accepting the donation were allowed until the 2d day of July, 1872, to establish the colleges. The script issues to the State of Georgia, under the provisions of this act of Congress, were sold by Governor Bullock at 90 cents per acre, making the sum total of $243,000. In his message to the Legislature of 1872, Governor Smith explains how this fund was saved to the State of Georgia. Said he: †

"Finding that the time in which the college in this state must be established, if established at all, would expire before the meeting of the General Assembly, and unwilling to apply to Congress to extend the time, for the reason that such application, in all probability, would have been used as a pretext for attaching to the donation conditions which would have rendered the same odious to the people, I determined that it was my duty to exercise the power conferred upon the Executive by the Legislature and save this great fund to our people. The act of the Legislature, approved Dec. 12, 1866, conferred upon the Governor all the power necessary to save the fund to the State, but the act of Congress making the donation required that the college should be actually established by the second day of July, 1872. There was no such college in existence in this State and I had no authority to create such an institution. The Legislature had failed to organize a college for this purpose or to dispose of the fund, and would not assemble in time to take the necessary action. What then could be done? By the terms of its charter, the trustees of the University of Georgia, located at Athens, possessed ample powers to establish such a college and it was only by the prompt exercise of these powers that the fund did not become forfeit. The trustees held a meeting in this city, on the 30th of March last, when they organized a college in conformity to the law granting the donation, made formal application for the use of the fund, and received an Executive order bestowing the same upon the University of Georgia."

Thus the College of Agriculture and Mechanic Arts came into existence, one of the most important members of the state's university system.

Governor Smith, in this same message to the Legislature, states that under an act, approved March 14, 1871, authorizing the governor to farm out the convicts in the penitentiary, he proceeded after due notice to lease the same for a term of two years to Messrs. Grant, Alexander and Co., at the sum of $50 per capita, per annum. The number of convicts in the penitentiary on the day the lease was executed was 432.

To find the beginnings of the convict lease system in Georgia, we must go back to 1868, when the state was in the hands of the reconstructionists.* Until the close of the Civil war, convicts in Georgia were confined in a penitentiary located at Milledgeville, then the capital of the state. According to official records for 1860 the number of convicts then imprisoned at Milledgeville was 250, all of whom were white. The absence of negro convicts is explained by the fact that under the old slave regime minor offenses were punished by the master and only the most serious crimes came within the jurisdiction of the state authorities.

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* Acts 1872, pp. 64-75.

† House Journal, 1872, p. 75.

* From the Governor's Special Message.

Executive Department, Atlanta, Ga., December 10, 1886.

To the House of Representatives:

In response to your resolutions calling for information in regard to what is known as the Georgia Convict Lease from its origin down to the present time, I have the honor to submit the following:

"The lease system in Georgia seems to have had its origin in the action taken by Brevet Brigadier General Thomas H. Ruger, of the United States Army, while acting as Provisional Gover[illegible] this State.

"On May 11, 1868, as shown by the records in this department, General Ruger leased out for one year to William A. Fort, one hundred convicts, who were to be, by the terms of the agreement, able-bodied and healthy negro convicts. On July 3, 1868, General Ruger leased to William A. Fort and Joseph I. Printup one hundred able-bodied convicts, as shown by the same records.

"On June 28, 1869, His Excellency, Rufus B. Bullock, then Governor, leased to

But when the edict of emancipation went into effect, it became necessary for the state to deal with all offenses committed by the negro population, both great and small, and soon the capacity of the prison was overtaxed by the increasing number of law-breakers. Either to enlarge the penitentiary or to find some other method of handling the prisoners was the problem which the State Government at this crisis was called upon to meet. But the bankrupt condition of the state, due to the disasters of war, made an expenditure of money for penitentiary purposes inexpedient, in the light of existing conditions; and accordingly, in 1866, the policy was adopted of leasing convicts to contractors engaged on public works. Afterwards the policy was modified so as to permit the leasing of convicts to private individuals.*

Whether wisely or unwisely the convict lease system thus originated. It was justified in a measure by the logic of necessity; but if those who voted for the adoption of this measure in 1866 could have foreseen the maltreatment of prisoners, the ravages of disease, and the long catalogue of abuses which were destined to spring up in the wake of this legislative concession, some other solution of the problem would undoubtedly have been found. In 1874 the leasing of convicts for a term of five years was legalized by statutory enactment and in 1876 the Legislature extended the limit to twenty years. The law required that the convicts should work only ten hours a day and should be given sufficient food and clothing, in addition to sleeping accommodations and medical attendance; but even with this humane provision of the law there was room for flagrant wrongs and these eventually created in the public mind of the state such a revulsion of feeling that the overthrow of the system was at last decreed by an aroused public sentiment. But the final extinction of the system is reserved for a future discussion.

To this period belongs a dramatic episode. On June 27, 1872, there appeared in the Griffin News, over the signature of Robert Toombs, a letter addressed to the editor of that paper, in which Governor Brown was charged with having engineered through the Legislature a bill for

Grant, Alexander and Co., for two years, all the convicts then confined in the Georgia penitentiary. In this contract, reference is made to a former contract entered into on November 5, 1868, but this last named contract does not appear to be of record in this office.

"By the act of December 14, 1871, the Governor was authorized to farm out the convicts for not less than one nor more than two years. By section 6 of this act, the contract entered into with Grant, Alexander and Co., which had expired on June 28, 1871, was recognized and declared valid, and extended until April 1, 1872.

"Under the act of 1871, his Excellency, James M. Smith, Governor, on March 7, 1872, leased and farmed out all the convicts of the State to Grant, Alexander and Co., for the term of two years. This last contract expired April 1, 1874.

"On March 3, 1874, an act was passed authorizing the Governor to farm out or lease the convicts of the penitentiary for not less than one nor longer than five years. In pursuance of this act, his Excellency, Governor James M. Smith, farmed out and leased to different individuals and companies all the convicts, for different periods, as allowed by the act, and as the short leases expired other leases were made.

"At the expiration of the leases made in 1874 the convicts were leased for twenty years under the act of February 25, 1876, to Penitentiary Companies Nos. 1, 2 and 3, at which time the present system was inaugurated. * * *

"J. B. GORDON."

* "House Journal 1886, pp. 412-416.

* "History of Georgia," R. P. Brooks.

the sale of a piece of property in Atlanta then owned by the state but known as the town park. It was an enclosed area just opposite what is now the main entrance to the old passenger depot. Notwithstanding a bona fide offer of $100,000 from General Austell it was charged in this letter that the Legislature was persuaded to accept an offer of $35,000 from Lochrane, Kimball and Brown, who engineered the bill through the Legislature, in the name of the Mitchell heirs. Such a letter emanating from a man like General Toombs was well calculated to produce a boomerang in Georgia politics. Governor Brown had not only been governor of the state but chief-justice; and Judge Lochrane had succeeded him in the latter exalted position. Before going upon the bench, Governor Brown had represented the Mitchell heirs but when judicial appointment was accepted by him Judge Lochrane took over the case. As to General Austell's offer of $100,000, it was not made in seriousness and was not a bona fide offer. Besides, some concession was due to the heirs of Samuel Mitchell, whose father had donated to the State of Georgia five acres of land in the heart of the city for terminal facilities when the state road was completed. Incensed by the charges contained in this letter Governor Brown, ordinarily a man of calm poise, replied at once to the charges in a letter which ended with this paragraph, a fine specimen of vigorous Anglo-Saxon:

"Now, if Gen. Toombs intends by his language to say that I have been guilty of bribery in engineering this bill through the Legislature, I pronounce his statement an infamous falsehood and its author an unscrupulous liar."

General Toombs made no reply to this letter but some few days later Col. John C. Nicholls, acting on his behalf, called upon Governor Brown to know if his church relations would embarrass him in giving satisfaction to General Toombs under the code. This method of paving the way for a duel was somewhat irregular and unceremonious and the ex-governor replied by saying that General Toombs had nothing to do with his church relations and that if he wished to issue a challenge to mortal combat he would give him an answer in due form when the challenge came to hand. "But you can say to Gen. Toombs," he added, "that I hold myself ready to give him any satisfaction to which he may be entitled as a gentleman." However, the duel between these two distinguished Georgians failed to occur. General Toombs did not issue his contemplated challenge and Governor Brown in a lengthy letter reviewed his connection with the Mitchell case, setting forth the facts with some degree of fulness. Henry W. Grady, in a well-written sketch, full of his characteristic humor, has touched upon this contemplated duel; and from Mr. Grady's account of the affair we quote the following paragraph, in which he indulges in a playful vein of speculation:*

"While I join with all good men in rejoicing that this duel was arrested, I confess that I have been wicked enough to speculate on its probable result—had it occurred. In the first place, Gen. Toombs made no preparation for the duel. He went along in his careless and kingly way, trusting, presumably, to luck and a quick shot. Gov. Brown, on the contrary, made the most careful and deliberate preparation. He

* Avery's "History of Georgia," p. 485.

made his will, put his estate in order, and then clipped all the trees in his orchard practicing with the pistol. Had the duel come off—which fortunately it did not—Gen. Toombs would have fired with his usual magnificence and his usual disregard of rule. I do not mean to imply that he would not have hit Gov. Brown; on the contrary, he might have perforated him in a dozen places at once. But one thing is sure—Gov. Brown would have clasped his long white fingers around the pistol butt, adjusted it to his gray eye and sent his bullet within the eighth of an inch of the place he had selected. I should not be surprised if he drew a diagram of Gen. Toombs, and marked off with square and compass the exact spot he wanted to hit."

Judge Lochrane also dipped his pen in vitriolic ink and replied to the implications of General Toombs in a letter replete with epigrams. Judge Lochrane's letter is a gem of literature worthy to rank with the satires of Horace and equal to anything in this branch of art ever written by the kingly Georgian himself. Said Judge Lochrane:

"Too long have the interests of Georgia been cursed by the bewildering folly of Toombs. May the God of justice interpose to save the State from the further infliction of his pestilential influence and as the State has heretofore been spared his precedent may Providence in the future spare her the curse of his parallel."

Governor Smith's election to the governorship at the special election held in 1871 was only for the unexpired term of Governor Bullock. But he possessed the undivided support and confidence of the democracy of Georgia and felt reasonably sure of endorsement at the polls. Moreover, he was anxious for the success of certain policies. Therefore, at the proper time, he announced himself a candidate for re-election.

But the year 1872 was tense with political excitement. The time for the presidential election was drawing near and the apple of discord was already producing serious division in the democratic ranks. There was a strong movement among the democrats at the North to nominate Horace Greeley for President. The liberal republicans, having lately revolted from the extreme radical element of the party, had already tendered him its nomination; and to the eyes of northern democrats an opportunity for success in the national election seemed to be offered by this condition of affairs. Horace Greeley had been a man of pronounced views on African servitude and as an editor had wielded a powerful pen in support of an anti-slavery sentiment. But subsequent to the war, he had assumed a magnanimous attitude toward the South and had even gone so far in his friendship toward this section as to sign the bond of ex-President Davis, when the latter's release from Fortress Monroe was permitted by the Federal authorities.

But there was bitter opposition in Georgia to Mr. Greeley's nomination, and it was led by some of the state's foremost public men. Alexander H. Stephens, former Confederate vice-president, bought a newspaper and through its columns from week to week kept up an incessant editorial fusilade.* He made few speeches; but Linton Stephens and Robert Toombs took the stump and made the welkin ring throughout Georgia. The whole state was thrown into a maelstrom of excitement.

* The Atlanta Sun.

Bitter factional issues were sprung, and as time went on the fight became almost feudal. However, the state sent an uninstructed delegation to the Baltimore convention. It included such men as Henry L. Benning, Alfred H. Colquitt, John B. Gordon, Ambrose R. Wright, Julian Hartridge, Thomas Hardeman, Isaac W. Avery, and Charles T. Goode—all picked men. Horace Greeley was nominated by the democrats. But Mr. Stephens continued his opposition to Mr. Greeley and supported a straightout democratic ticket headed by Charles O'Connor of New York.

At a state democratic convention held on July 24, 1872, over which Col. Thomas Hardeman presided, there were 624 delegates present, from 136 counties. This convention endorsed the Baltimore platform, altogether with its candidates, Greeley and Brown; it also nominated Hon. James M. Smith for re-election as governor, and chose the following presidential electors: Wm. T. Wofford, Henry L. Benning, Washington Poe, Julian Partridge, Henry G. Turner, Robert N. Ely, W. J. Hudson, J. M. Pace, H. R. Casey, J. N. Dorsey and E. D. Graham. The first four of these were from the state at large; the others were district electors. Before adjourning, the convention paid a well-deserved tribute to the memory of Judge Linton Stephens, whose untimely death at this crisis of affairs entailed a severe loss upon the commonwealth. George F. Pierce, Jr., of Hancock, son and namesake of the great bishop, pronounced an exquisite eulogy upon his illustrious fellow-townsman.*

Not long after the adjournment of this body, a straight convention was held, with fifty-seven delegates in attendance from twenty-three counties; and by this convention Charles O'Connor was endorsed for President. The republicans of the state met at about the same time with John S. Bigby as chairman and besides endorsing the Grant electoral ticket, nominated Dawson A. Walker for governor.

The fight continued until the day of election and was carried into every precinct. But the returns left nothing in doubt. Governor Smith was re-elected over Dawson A. Walker by 58,444 votes, an overwhelming majority in view of the strong republican organization at this time in Georgia. The vote in the presidential campaign was as follows: Greeley, 75,896; Grant, 62,485, O'Connor, 3,999; total, 142,370. Greeley's majority over Grant in this state was 13,411; over O'Connor, 71,895. Thus he secured Georgia's electoral vote, despite the combined Toombs and Stephens opposition. But he lost the presidency to General Grant. The activities of a strenuous campaign, with its resultant pang of disappointment, proved too severe a test for one of Mr. Greeley's advanced age. He sank under the burden, and on the day before the vote was formally cast in the electoral college, he breathed his last.

President Grant, soon after his re-inauguration, called into his cabinet as attorney-general, Hon. Amos T. Akerman, of Georgia. Colonel Akerman, though a pronounced republican, enjoyed the unfeigned respect of his democratic friends and neighbors and was a man of the most rigid inflexibility of character. Born at the North, he fought in the Confederate army and made a gallant record as a soldier. He was never a rabid or bitter partisan; and because he refused to pervert the powers of his office to serve political ends he was virtually forced from

* Sparta, Georgia.

the cabinet by the moneyed interests; but neither his courage as a man of honor nor his high order of talent was ever questioned.

Under the new apportionment, based on the census of 1870, Georgia was now entitled to nine representatives in Congress and the delegation chosen in the general election of 1872 was as follows: Morgan Rawls, R. H. Whiteley, Philip Cook, Henry R. Harris, James C. Freeman, James H. Blount, P. M. B. Young, Ambrose R. Wright, and Hiram P. Bell. Only two members of the delegation were republicans—Messrs. Whiteley and Freeman. The rest were democrats, and of these all were new members, except General Young, who was returned from the Seventh District. General Wright did not live to take his seat in Congress and Mr. Stephens was chosen to succeed him several months later. He was a brave Confederate officer and a brilliant editor, for years at the head of the Augusta Chronicle. General Cook, as commander of his brigade, succeeded the gallant Doles at Cold Harbor. He was first elected to Congress in 1865, but he did not take his seat at that time, on account of political disabilities. However, he served in the constitutional convention of 1865, called to meet under President Johnson's plan of reconstruction. He redeemed his district from carpet-bag rule in 1872, and was eventually succeeded by his law-partner, Judge Charles F. Crisp, who afterwards became speaker of the National House of Representatives. On retiring from Congress, General Cook became Georgia's Secretary of State. He was also one of the commissioners entrusted with the building of the present state capitol. Col. James H. Blount began at this time a career in Congress destined to continue without interruption for twenty years. During President Cleveland's second administration, he was sent as a special commissioner to the Hawaiian Islands. Henry R. Harris was afterwards an assistant postmaster-general under President Cleveland. It was in this election that the historic Ninth Congressional District—fated to be the battle-ground of many a fierce contest—was placed for the first time upon the political map. Hiram P. Bell, an ex-member of the Confederate House of Representatives, was its first congressman.

When the new Legislature convened on January 9, 1873, Hon. L. N. Trammell, of the Forty-third District, was re-elected president of the Senate, by a viva voce vote, having no opposition; and Hon. Augustus O. Bacon, of Bibb, was chosen speaker of the House. Mr. Bacon was destined to succeed himself repeatedly in the speaker's chair and to attain an almost unrivalled distinction as a parliamentarian. Later he was to wear the toga of the Federal Senate and to wield on more than one historic occasion the gavel of the American House of Peers.

CHAPTER III

GOVERNOR SMITH RE-INAUGURATED—THE SENATORIAL FIGHT OF 1873—MAINLY BETWEEN GORDON AND STEPHENS—GENERAL GORDON WINS—THE SCENE DESCRIBED BY AN EYE-WITNESS—THE HERO OF APPOMATTOX—GEN. AMBROSE R. WRIGHT'S DEATH CREATES A VACANCY IN CONGRESS—MR. STEPHENS IS RETURNED TO THE NATIONAL COUNCILS—NEW STATE HOUSE OFFICERS CHOSEN—ALL DEMOCRATS—"THE CRIME OF 1873"—THE NORTH GEORGIA AGRICULTURAL COLLEGE FOUNDED—COL. WM. P. PRICE—COL. DAVID W. LEWIS—STATE AID REPEALED—TWO NEW DEPARTMENTS: THE DEPARTMENT OF AGRICULTURE AND THE GEOLOGICAL SURVEY—GEORGIA THE FIRST STATE TO ESTABLISH AN AGRICULTURAL DEPARTMENT—DR. THOMAS P. JANES—DR. GEORGE LITTLE—THE CONGRESSIONAL ELECTIONS OF 1874—A SOLID DEMOCRATIC DELEGATION—DR. WM. H. FELTON—HIS DRAMATIC CAREER—DESTINED TO BECOME A LEADER OF GEORGIA INDEPENDENTS—MRS. FELTON—CAPT. W. E. SMITH—JULIAN HARTRIDGE—MILTON A. CANDLER—CHANGES ON THE SUPREME BENCH—REVIEW OF GOVERNOR SMITH'S ADMINISTRATION—ITS CONSTRUCTIVE POLICIES—EX-GOV. HERSCHEL V. JOHNSON DISAPPOINTED—IRREGULARITIES IN THE TREASURY DEPARTMENT—"HONEST JACK" JONES REMOVED

On January 10, 1873, in the hall of the House of Representatives, Governor Smith was formally re-inaugurated for a full term of four years. In addition to the state house officers, there were several distinguished guests in the inaugural party, among them, ex-Gov. Herschel V. Johnson and Hon. John Erskine, judge of the United States Court for the District of Georgia. The oath of office was administered by Chief-Justice Warner. One of the first matters to engage the attention of the new Legislature was the election of a United States senator to succeed Hon. Joshua Hill. This race for the toga was a contest between giants, all of whom were favorite sons. Those contesting for the vacant seat were: Gen. John B. Gordon, Hon. Alexander H. Stephens, Hon. Benjamin H. Hill, Hon. Herbert Fielder, and Hon. Amos T. Akerman. Each of these distinguished Georgians enjoyed a national reputation. On the first joint ballot the vote was as follows: Gordon, 84; Stephens, 71; Hill, 35; Akerman, 14; and Fielder, 8. Thereupon ensued a deadlock. During several successive ballots Mr. Stephens made distinct gains and at one time his election seemed to be assured. But nothing is certain in politics. Mr. Stephens had been for some time at variance with the popular currents of opinion in Georgia. He had been on strained relations with most of his Confederate colleagues. There was no clamour of successful military achievement attaching to his name; but his prestige as vice president of the late Southern Confederacy served

to keep alive the popular enthusiasm for an old idol. Under all the circumstances, Mr. Stephens made a phenomenal race. At times the excitement rose to fever heat. Col. Isaac W. Avery who was present in the hall has preserved the following account of this contest. We quote only one paragraph. Says he:*

"On the fifth ballot Gordon ran to 101 and Stephens to 76, when men began to change amid as wild an excitement as ever existed in a deliberative body. Three of Gordon's men broke to Stephens—Mattox, Brantley and Scott. Nine of Hill's men followed to Stephens. Two of Akerman's men added themselves to this growing tide. Two of Stephen's men rushed to Gordon to give variety to the battle. Nine of Hill's men followed suit. Three of Akerman's joined this current. Baker of Bartow changed from Stephens to Gordon and back to Stephens. Watt did the same. Dorsey, not to be outdone plumped from Hill to Stephens, and then from Stephens to Gordon. Excitement was at fever heat. The galleries were packed. At one time it was said by some investigating mathematician, who traced out the changing phases of the ballot, that Mr. Stephens was elected by one majority. The transfer of ballots was so swift and mixed that men were in perplexity but, amid the torrent of confusing changes, Gordon went up steadily until the ballot was announced, Gordon 112 and Stephens 86, and in a hurricane of shouts, the atmosphere variegated with tossing hats, Gordon was declared elected."

Before the last ballot was taken, Mr. Hill and Mr. Fielder both withdrew. Mr. Akerman remained in the race, but registered only seven votes on this final test of strength. General Gordon's victory aroused great enthusiasm throughout the state. Though still short of forty, he had entered the race with the prestige of a brilliant military reputation. He had touched elbows with the great Lee, and at the last sad council of war beside the Rappahannock, had been selected by his chieftain to perform a most important task. This was to command the main body of Lee's army in the last fateful charge at Appomattox. General Gordon was not a West Pointer. He had first appeared upon the scene of war as captain of a company, known as the "Raccoon Roughs," a nondescript body of mountaineers, each of whom was provided with a coon skin cap. Tall and erect, he towered like a pine on the Blue Ridge heights. He possessed a superb figure—especially when mounted on horseback. His bearing was magnificent. His manner, unassuming, courteous and frank, always invited approach, always inspired confidence; while his face, open, genial, and sunny, bore the mark of a sabre, but instead of marring his countenance, this sabre-wound only intensified its nobility of expression. Whether upon the field of battle or on the hustings, his voice rang like a bugle; and when to these considerations is added the fact that our great Civil war, with its martial memories, was still a recent occurrence, it is not surprising that General Gordon outdistanced his competitors in this election. Mr. Hill was a superb orator. In the Confederate Senate, he had been the champion of President Davis; when encompassed by Federal bayonets, in the days of Reconstruction, he had denounced the usurpers in language whose

* Avery's "History of Georgia," p. 506.

burning syllables recalled the philippics of Demosthenes. But the civilian is no match for the soldier, especially when the latter calls to his standard men who were once his comrades-in-arms; and neither Mr. Hill nor Mr. Stephens—both idols of the people—could withstand the plumed knight of Appomattox.

But there was balm in Gilead for Mr. Stephens. His return to public life led through an unexpected door-way, permitting him by a sort of special providence to resume his old seat in Congress. Gen. Ambrose R. Wright, a newly elected member of the state's delegation, having died during the interim, there was a vacancy in the national House of Representatives. On the day after his defeat for the Senate, Mr. Stephens was announced for Congress from the Eighth District. General Toombs undertook to get his consent and, in the meantime, gave directions for a vigorous plan of campaign. It was like a bolt from the blue to rival aspirants, but one by one these all retired from the race, leaving an unopposed field to Mr. Stephens. Thus the Great Commoner returned to Congress, the scene of his splendid services both to state and nation for sixteen years, under the great ante-bellum regime; and here he remained until Georgia crowned him for immortality with her gubernatorial laurels.

At this same time, Hon. Andrew Sloan, of Savannah, was chosen to succeed Hon. Morgan Rawls, of Dayton, as congressman from the First District, the latter's election having been successfully contested.

The State House officers elected by the Legislature of 1874 were Col. Nathan C. Barnett, to succeed David G. Cotting as secretary of state; Col. John Jones, treasurer, to succeed N. L. Angier; and Hon. Washington L. Goldsmith, comptroller-general to succeed Madison Bell. Colonel Barnett and Colonel Jones had both been removed from office by the military power, and there was a suggestion of poetic justice and a well-earned meed of reward in the return to office of these patriotic and faithful public servants, neither of whom entertained any thought of self when Georgia's honor was imperiled. Col. N. J. Hammond retained the office of attorney-general, throughout Governor Smith's administration. This office was not elective until after the constitution of 1877 went into effect.

During the month of January, 1873, the doors of the North Georgia Agricultural College, at Dahlonega, were opened to students. This institution was organized as a branch of the State University, and to provide a nucleus for the plant Congress permitted the trustees to use the old government mint, which had been abandoned since 1861. To Col. W. P. Price, of Dahlonega, is due in large measure the successful establishment of this school. During the Forty-second Congress, of which he was a member, Colonel Price, in supporting this measure, told his colleagues that the mountaineers of Georgia were as a class loyal to the Union, throughout the entire Civil war; that, in the main, they were of pure revolutionary stock; and that it was largely for the purpose of educating the children of these Georgia mountaineers that the use of the building was sought. Moreover, he pledged himself to devote the remainder of his life to furthering the interests of the institution. This promise he faithfully kept; and for more than a third of a century, he served as president of the board of trustees. The first executive head

of the college was Hon. David W. Lewis. His grave on the campus bears an appropriate memorial, telling of his pioneer labors as an educator of the youth of Georgia, while at the same time it attests the love in which he was held by his old students. In 1878 the mint was destroyed by fire but in its place a new and handsome building was erected, more commodious than its predecessor, besides which other buildings have since been added. The first diploma, with the degree of A. B., ever received by a woman from a state institution, was conferred by the trustees of this college in 1878.*

In 1873 Congress passed an act, the effect of which was virtually to demonetize the white metal and to put the finances of the country upon a gold basis. It provided for the coinage of gold in such a way as to make the coinage of silver subsidiary thereto, and restricted the coinage of the latter to fractional amounts. This legislation was denounced in after years as "the crime of 1873;" and to it not a few of the financial evils of a later period were attributed by the champions of free silver, especially during the Bryan campaigns.

One of the first acts of the Legislature after the Christmas holidays was an act repealing the vicious policy of state aid to railroads. This act was approved February 25, 1874.† It marked a red-letter day in Georgia's history, but the good work was not consummated until General Toombs, some three years later, grafted a clause to this same effect upon the constitution of 1877. Thus an effectual check was at last applied to what had become, especially during the Bullock regime, a fruitful source of pecuniary embarrassment, corruption, and scandal. But to return to the act of 1874. Except in cases where rights had become vested, this act repealed all provisions contained in charters heretofore granted, under which the state's endorsement was authorized upon the bonds of these corporations. But the North-eastern Railroad, a short line extending from Lula to Athens, was exempted by special resolution from the operations of this act—an exemption which gave rise to one of the live issues of the Colquitt administration.‡

Two important departments of the state government were inaugurated during the administration of Governor Smith—the Department of Agriculture and the Geological Survey, both of which have been of priceless value in safeguarding the material interests and in developing great natural resources of the state. The Department of Agriculture was created by an act approved February 20, 1874.** It was the first department of this kind created in the United States. Dr. Thomas P. Janes, of Crawfordville, became Georgia's first commissioner of agriculture, by appointment of Governor Smith. He entered at once upon the duties of the office and to his ripe experience as a practical farmer is due in large measure the successful organization and subsequent rapid growth of the department. As specified in the original act, some of the duties of the commissioner were as follows: (1) to prepare a hand-book; (2) to distribute seeds for the United States Government,

* Miss Willie Lewis, a daughter of Col. David W. Lewis, was the recipient of this degree.

† Acts 1874, p. 98.

‡ Acts 1874, p. 437.

** Acts 1874, pp. 5-8.

also to import seeds from foreign countries, to exchange seeds, etc.; (3) to study various insects injurious to crops, plant, fruits, etc.; (4) to examine into any question of interest to horticulturists and fruit-growers; (5) to study diseases incident to grasses, fruits, and other crops; (6) to have in charge the analyses of fertilizers, etc. The commissioner's salary was fixed at $2,000, in addition to which he was allowed $1,200 for a clerk. The sum fixed for the maintenance of the department was $10,000. Dr. Janes resigned in 1879 and was succeeded by Hon. John T. Henderson, of Newton County, Georgia, under whom the activities of the department were greatly stimulated and enlarged. Millions of dollars have been saved to the farmers of Georgia through the department of agriculture. Yet strange to say when the bill creating the department was put upon its passage there was a tie vote, and it was Speaker Bacon who saved the day.

It was during the administration of Governor Schley in 1836 that the office of state geologist was first created. Georgia led all the states of the Union in grasping the needs of a geological survey; but for some reason, not fully disclosed in the records, this office was abolished in 1840. Thirty-four years elapsed; and during this time nothing seems to have been done towards exploiting the state's marvelous resources. But finally the department was re-created by an act approved February 27, 1874,* and to this position Governor Smith appointed Dr. George Little. His salary was likewise fixed at $2,000, and he was given two assistants, with salaries of $1,200 each. Dr. Little began a thorough survey of the state and accumulated a splendid collection of minerals. He submitted two annual reports, showing progress in his work, but subsequent Legislatures failed to appreciate the needs of this department and money for its maintenance gradually ceased.† However, the department was revived in 1889, at which time it was re-established upon a permanent basis.

In the fall elections of 1874 a solid democratic delegation was chosen to Congress: Julian Hartridge, William E. Smith, Philip Cook, Henry R. Harris, Milton A. Candler, James H. Blount, Wm. H. Felton, Alexander H. Stephens, and Garnett McMillan. The last named gentleman died on the eve of taking his seat and was succeeded by Hon. Benjamin H. Hill whom he had previously defeated for the nomination in his district. Dr. Wm. H. Felton, one of the most stalwart figures in Georgia politics, destined to become the recognized leader in the state of an independent faction, now entered the arena of national legislation for the first time. As a natural orator, Doctor Felton has rarely been surpassed, especially in the use of invective. He was a Methodist

* Acts 1874, pp. 99-100.

† Says Prof. S. W. McCallie, state geologist: "During Dr. Little's term of office, he made two annual reports of progress, one of 36 pages, for the period from September 1 to December 31, 1874, and the other of 16 pages, bearing date of 1876. In addition to these two reports of progress, Dr. Little also published in 1876, in what was designated a Hand-book of Georgia, gotten out by the Agricultural Department, a paper of 126 pages, treating of the geology, mineralogy, climate, water-powers, soils, etc., of the State. The above publication, together with a sixteen page catalogue of minerals and woods, selected for the Paris Exposition, are apparently the sum total of the publications of the Survey up to its abolishment in 1879."—History of the Geological Survey of Georgia.

preacher, a farmer, a physician, and a man of affairs. Infirm, by reason of a paralytic affliction, he presented a picture of helpless decrepitude, but when aroused by the fire of combat he resembled a volcano in action. He served six years in Congress after which he took his seat in the Legislature of Georgia. His career in politics was a turbulent one, full of bitter antagonisms. Doctor Felton's biography, written by his brilliant wife, is a racy commentary upon his times.* The scrap-books kept by Mrs. Felton proved a great help to her husband. These, for more than a quarter of a century, were the dread and terror of politicians. The Feltons constituted a wonderful pair. Mrs. Felton always managed the doctor's political campaigns. It was charged that she even wrote his speeches. This was false, but her marvelous brain was a dynamo of intellectual energy, she did prove a great help to Dr. Felton and she did furnish many of the lightning flashes which accompanied his peals of thunder. Today at the age of eighty-one (1916), her eye is still bright, her step elastic, and her mental vigor unabated. She writes a smooth, running hand. There is not the suggestion of a tremor in her penmanship, the characters of which are most exquisitely formed, resembling an engraver's model. Her sister, Mrs. McLendon, one of the pioneers of equal suffrage in Georgia, is in many respects equally gifted. Doctor Felton, despite his physical infirmities, reached the advanced age of eighty-seven years. His career in the Georgia Legislature constitutes a dramatic episode of the state's history; but this will be discussed in a subsequent chapter.

Going back to his campaigns for Congress, Doctor Felton twice defeated Col. Wm. H. Dabney and once Col. George N. Lester, both splendid lawyers. But finally he met his Richmond in the person of a new arrival upon the field of combat, young, handsome, resourceful and alert, Hon. Judson C. Clements. Judge Clements afterwards served in Congress for a number of years. He is now the distinguished chairman of the Interstate Commerce Commission, a position which he has ably filled under several presidential administrations. The defeat of Doctor Felton for re-election to Congress in 1880 transferred the leadership of the independent hosts to younger shoulders; and the brilliant master of strategy to whom the discomfited faction turned in this extremity was Emory Speer, then a congressman from the ninth district. But more of this later.

Wm. E. Smith, a member of the delegation elected to Congress, with Doctor Felton, in the fall of 1874, was the first democrat to rescue the second Georgia district from carpet-bag rule. He overthrew the power of Richard H. Whiteley and made the district a democratic stronghold. Capt. Smith was a gallant Confederate soldier. He left one of his limbs on the battlefield, but this loss did not disturb his equilibrium as a man of principle, whose stalwart courage was firmly rooted in deep convictions. On the floor of Congress he boldly denounced the fraud which placed Rutherford B. Hayes in the white house, and for his courageous course at this time General Toombs paid him a unique compliment, declaring that Georgia owed him a monument tall enough to reach the clouds.

* "My Recollections of Georgia's Politics," by Mrs. Wm. H. Felton.

Julian Hartridge, of Savannah, and Milton A. Candler, of Decatur, were both strong members of the delegation elected in 1874. Mr. Hartridge died a few years later while serving in Congress. He had been a member of the Confederate House of Representatives and a delegate to the famous Charleston Convention of 1860, besides which he had served in two national democratic conventions since the war. He was a man of brilliant gifts. Colonel Candler enjoyed a recognized prestige at the North Georgia bar. He spoke with great rapidity of utterance, and with an impetuous rush of thought and in debate was a man to be dreaded. Colonel Candler was a brother of the afterwards famous bishop of the Methodist Episcopal Church, South.

During Governor Smith's administration, several changes occurred on the supreme bench. Judge Robert P. Trippe succeeded Judge Montgomery, on February 17, 1873, but served only two years, at the expiration of which time he was succeeded by Hon. James Jackson, who afterwards became chief justice. Judge Henry K. McCay, in 1875, tendered his resignation, and was succeeded by Hon. Logan E. Bleckley, for whom the highest honors of the court were likewise reserved.

Governor Smith's administration was characterized by its constructive policies. The era was one of rehabilitation. Besides the two departments to which extended reference has been made, a state board of health was created by an act approved February 25, 1875. At this same time the new county of Oconee was carved out of territory taken from Clarke. During this session an act was passed extending the operations of the convict lease system and authorizing convicts to be leased for twenty year terms.* The department of education was also placed upon a secure basis. The public credit rose. Securities formerly rated at 30 per cent discount began to sell at par. On entering office Governor Smith found a floating debt of $1,277,788, all of which had been paid. Besides, the state had been relieved of fraudulent bonds. School attendance increased from 42,914 whites in 1871 to 121,418 in 1877; and from 6,664 colored in 1871 to 57,987 in 1877. State aid to enterprises whose object was the development of Georgia's material resources promised in the beginning to be fruitful of good results; but the experience of the state with carpet-bag rule convinced thoughtful minds that such a policy was fraught with grave dangers, and on February 24, 1874, a measure was approved, repealing all acts, in which guarantees of state aid had been granted to railways, except in cases where the right had become vested. Governor Smith, in his message to the Legislature, on January 14, 1875, calls attention to this fruitful source of irritation. Says he:†

"Reflection has satisfied me that additional legislation is required to check the evils likely to flow from the unwise policy of granting the aid of the state to works of domestic improvement. Experience has shown it to be almost impossible to so guard the public interests as to prevent injury to the same under these grants. The largest portion of our financial troubles of late years may be traced directly to this mischievous policy."

* Acts 1876, pp. 40-45.
† House Journal, 1875.

Pursuant to this recommendation of the governor, other corrective measures were applied, but it remained for Robert Toombs effectually to close the doors of Georgia's State Treasury to the demands of corporate greed by his last great work in the Constitutional Convention of 1877.

Governor Smith's administration was signalized by its progressive achievements. But an unfortunate controversy with ex-Governor Herschel V. Johnson, who aspired to a seat on the Supreme Bench, resulted in the temporary estrangement of not a few political friends. Still another element of discord made its appearance in the treasury department. Col. John Jones, a man of proven fidelity to the interests of Georgia, had succeeded Doctor Angier as state treasurer, with the outgoing of the Bullock regime; and while the integrity of Colonel Jones was not seriously questioned, he was the victim of loose methods of bookkeeping employed in his office; and, due to this fact, he unwittingly paid a second time with interest, certain bonds which had already been paid to Henry Clews and Co., of New York, but which had not been cancelled. This was brought to light by a committee of investigation, appointed in 1875. On recommendation that a competent man be appointed to aid the treasurer in straightening out the affairs of his office Governor Smith appointed to this position, Dr. James F. Bozeman, who immediately entered upon his work, in the treasury department, with gratifying success. An utter lack of system was found to prevail; and deeming the treasurer's bond insufficient Governor Smith issued an executive order requiring said official to furnish a new bond. With this requisition the treasurer refused to comply, and on November 26, 1875 was removed from office by the governor. He was succeeded in office by a most competent gentleman, Hon. James W. Renfroe, formerly tax collector of the County of Washington, but he, too, was destined to sail on troubled waters and to find the treasurer's office a "stormy Petrel."

Meanwhile the deposed state treasurer was made defendant in a series of suits at law and against him a judgment of $96,000 was eventually found. The trial lasted for nearly two years, extending far into Governor Colquitt's administration. His sureties, John T. Grant and C. A. Nutting, were called upon to make this sum good. Colonel Grant, in settlement of his liability, made a cash offer of $35,000 which was accepted by Governor Colquitt, on advice of the state's counsel. Due to these unfortunate transactions, the old state treasurer closed his career under a dark cloud. But evidence to convict him of criminality was entirely lacking and there will always attach to his memory the sobriquet which he well earned by reason of his fidelity to trust, during the days of reconstruction, that of "Honest Jack Jones."

CHAPTER IV

THE CENTENNIAL YEAR AN EVENTFUL ONE IN POLITICS—FIVE CANDIDATES FOR GOVERNOR—L. J. GARTRELL—HERSCHEL V. JOHNSON—JOHN H. JAMES—THOMAS HARDEMAN—ALFRED H. COLQUITT—THE LAST NAMED CANDIDATE INHERITS HIS FATHER'S GENIUS—THE STATE DEMOCRATIC CONVENTION MEETS—GENERAL COLQUITT THE NOMINEE—OPPOSED BY JONATHAN NORCROSS, THE REPUBLICAN CANDIDATE—COLQUITT'S OVERWHELMING MAJORITY—GEORGIA'S VOTE CAST FOR TILDEN AND HENDRICKS—ONLY ONE CHANGE IN THE STATE'S DELEGATION IN CONGRESS—ORGANIZATION OF THE NEW STATE LEGISLATURE—COLQUITT INAUGURATED—URGES ECONOMY IN EXPENDITURES—GEORGIA EMBARRASSED BY BANKRUPT ROADS WHOSE BONDS BORE HER ENDORSEMENT—TO AMEND THE ORGANIC LAW, A STATE CONSTITUTIONAL CONVENTION IS CALLED—OFFICE OF STATE CHEMIST CREATED—BENJAMIN H. HILL ELECTED TO THE UNITED STATES SENATE—DEFEATS THE INCUMBENT, THOMAS M. NORWOOD—TWO EX-GOVERNORS ALSO CANDIDATES—STATE HOUSE OFFICERS ELECTED—THE STATE CONSTITUTIONAL CONVENTION OF 1877—SOME OF THE PROMINENT DELEGATES—EX-GOVERNOR JENKINS MADE CHAIRMAN—TOOMBS, THE MASTER-SPIRIT OF THE CONVENTION—A FOE TO CORPORATIONS—SOME OF THE CHANGES MADE IN THE ORGANIC LAW—FRAUDULENT BONDS REPUDIATED—GOVERNOR'S TERM OF OFFICE REDUCED TO TWO YEARS—OFFICE OF ATTORNEY-GENERAL MADE ELECTIVE—SALARIES REDUCED—STATE CONTROL OF RAILROADS—FUNDS FOR DEFRAYING THE EXPENSES OF DELEGATES EXHAUSTED—TOOMBS TO THE RESCUE—A DRAMATIC SCENE—THE NEW CONSTITUTION SUBMITTED—TOOMBS GOES BEFORE THE PEOPLE—THE NEW CONSTITUTION IS RATIFIED—ATLANTA IS CHOSEN THE PERMANENT SEAT OF LEGISLATION—THE HOMESTEAD LAW OF 1877 ADOPTED.

The centennial year of American independence was a most eventful one in the history of politics, both state and Federal. It witnessed the nomination of Tilden and Hendricks by the national democracy and brought to light the colossal frauds perpetrated by the republican party in falsifying election returns, so that notwithstanding a pronounced majority in the popular vote for Tilden and Hendricks, the democracy was counted out in the electoral college. Excitement has seldom risen higher than during the heated presidential campaign of 1876. It was a period of unrest fraught with imminent peril to the nation.

But the state's political cauldron was scarcely less ebullient. Toward the close of Governor Smith's administration, the number of prospective candidates for the governorship began to thicken. One of the first to enter the field was Gen. L. J. Gartrell, an ex-member of both Federal

and Confederate congresses, and a brigade commander during the Civil war. On the field of Manassas, General Gartrell had caught in his arms the bleeding Bartow, when the latter fell mortally wounded. He was perhaps at this time the ablest criminal lawyer in the state. It is said that after a great speech made by him in defense of the celebrated Gaines Chisholm his tongue turned black and for days adhered to the roof of his mouth. Former Gov. Herschel V. Johnson was also groomed by his friends for this high office. He had been a Confederate States senator and a candidate for vice president of the United States on the Douglas ticket in 1860. But Governor Johnson made no active political campaign and his following, though a large one, was not organized. John H. James, a shrewd banker of large means, whose elegant Peachtree home had recently been purchased by the state for an executive mansion, entered the field as an avowed candidate and made a vigorous business man's campaign. Mr. James built the first palatial home on Atlanta's famous thoroughfare. Col. Thomas Hardeman, one of Georgia's purest and best men, legislator, soldier, orator, and Christian gentleman, was also among those mentioned for the governorship, and his friends were numerous throughout the state. Colonel Hardeman won his spurs as a soldier while captain of the Floyd Rifles, a company which he commanded at the beginning of the war. When finally paroled, he held a commission as colonel of the Forty-fifth Georgia Regiment. He was afterwards a delegate to the National Democratic Convention of 1872, which nominated Horace Greeley for president. In 1882, he was elected to Congress.

But the candidate upon whose personality the eyes of the state were fixed at this time and in whom the converging lines of destiny seemed to center as the day approached for holding the state convention, was Maj.-Gen. Alfred H. Colquitt, the gallant "Hero of Olustee." General Colquitt was the worthy son of an honored sire. Judge Walter T. Colquitt—often designated as the elder Colquitt—was in some respects the most versatile man of his day, a born strategist, and a consummate master of assemblies. His son, in a marked degree, inherited the paternal genius. With the prestige of his military renown as a Confederate major-general; with a splendid record of service in the national House of Representatives, prior to the war; and with the leverage of an important office as president of the Georgia State Agricultural Society, he entered the race with victory already assured. The laurels of the governorship awaited him by universal prediction. Like his father, General Colquitt was a minister of the Methodist Episcopal Church, though never at any time a pastor; and like his father also he was destined to occupy a seat in the Senate of the United States. Perhaps the only respect in which the elder surpassed the younger Colquitt was in the dramatic power of speech. General Colquitt was an orator, but not the equal of his father as a hair-lifter. To quote Judge Richard H. Clark, the elder Colquitt was Spurgeon, Garrick and Sheridan, all united in one. It is one of the traditions in regard to Judge Colquitt that, while presiding on the bench at a murder trial, he delivered a political speech in the afternoon, chastised a political opponent on his way to supper, and preached a sermon in one of the local pulpits at night.

On the second day of August, the State Democratic Convention met

in Atlanta. Hon. George F. Pierce, Jr., was made the temporary presiding officer, while the permanent chairmanship was awarded to Hon. Clifford Anderson, of Bibb. There were 550 delegates in attendance, from 135 counties. Great enthusiasm prevailed for Colquitt. His rivals, Herschel V. Johnson and John H. James, both retired; and without much ado the nomination was given to the Hero of Olustee. Amid a storm of applause, General Colquitt was borne into the hall upon the shoulders of his friends and, in a ringing speech of acceptance, returned his thanks to the convention.

Two weeks later, the republicans, in session at Macon, nominated Jonathan Norcross for governor. Mr. Norcross was a Northern man, thrifty in money matters, somewhat eccentric, and with no skill whatever in party management. He was an early pioneer resident of Atlanta,

ALFRED H. COLQUITT
Governor and United States Senator

built the town's first planing mill and became one of its ante-bellum mayors.

Colquitt's popular majority over Norcross in the fall election was 77,854,* a majority unexampled in the annals of the state up to this time; and he took his seat in the executive chair as the recognized leader of a unified democracy. Only one change was made this year in the state's delegation in Congress. Hon. Hiram P. Bell, an ex-member of the Confederate Congress succeeded Hon. Benj. H. Hill in the Ninth, the latter having entered the race for United States senator. All the other members were re-elected, to wit: Messrs. Hartridge, Smith, Cook, Harris, Blount, Felton and Stephens. Congressman Julian Hartridge died on January 8, 1879, near the close of his term.†

The electoral vote of Georgia in the presidential election was given

* House Journal, 1876, p. 41.
† Biographical Congressional Directory, 1777-1911, p. 282.

to Tilden and Hendricks by a majority equally as pronounced. The state's presidential electors were: From the state at large—Alexander R. Lawton and J. W. Wofford; district electors—A. M. Rodgers, R. E. Kennon, J. M. DuPree, W. O. Tuggle, F. D. Dismuke, F. Chambers, L. N. Trammell, Dudley M. DuBose, and J. N. Dorsey.

On January 10, 1877, the newly elected State Legislature assembled in Atlanta and organized by electing Hon. Rufus F. Lester, of the First District, president of the senate, and Hon. Augustus O. Bacon, of Bibb, speaker of the house. Two days thereafter, accompanied by the retiring chief executive, by the members of the Supreme Court, and by the full staff of state house officers, General Colquitt was formally inaugurated Governor of Georgia, for a full term of four years. His address on this occasion was brief but impressive, emphasizing the unity of interests which bound all Georgians together, for weal or for woe, and the need of retrenchment in governmental expenditures. With respect to the state's outstanding obligations, he said:*

"These obligations, gentlemen, are sacred. The interest on our debt, now about $11,000,000, must and will be paid, and our credit, at any and every cost, must be maintained. In this exigency we are driven to the alternatives: retrenchment or increased taxation. The latter, if possible, must be avoided."

Likewise, in his first message to the Legislature, transmitted some few days later, he urged economy upon the law-makers and recommended the abolition of certain offices, the duties pertaining to which could be performed by others, to wit: the physician to the penitentiary, the superintendent of public works, and the superintendent of wild lands.

What the wrath of Achilles was to Greece, the endorsement of railroad bonds by state officials was to Georgia; the spring of woes unnumbered. Included among the legacies bequeathed to Governor Colquitt by preceding administrations were several bankrupt railroads, whose bonds were endorsed by the State of Georgia. It was necessary for the state to take these roads over, in order to collect the interest due on the unpaid bonds; and for years there was no end of trouble, caused by the unwise policy of granting state aid to works of internal improvement. As far back as the administration of Governor Jenkins, state aid to the amount of $1,950,000 had been given to the Brunswick and Albany Railroad, and for an additional sum during Governor Bullock's administration, but the latter had been repudiated. In the school of experience, states no less than individuals learn useful lessons, but often at heavy cost.

On February 26 ,1877, an act was approved calling for a State Constitutional Convention to assemble in Atlanta, on the second Wednesday in July thereafter, the purpose of which was to amend the organic law of the state and to form a new state constitution to supersede the old one formed under the regime of reconstruction. The constitution of 1868 was in some respects well adapted to the period of upheaval in which it originated. But it was never popular with the masses, due to its unsavory associations with the carpet-bag regime. Moreover, certain

* House Journal, 1877.

alterations were needed to meet changed conditions. As a basis of representation, there was to be one delegate chosen to this convention for every 6,000 inhabitants; and the sum of $25,000 was appropriated to meet its necessary expenses. Hon. Allen D. Candler, of Hall, introduced the bill, under which the State Constitutional Convention of 1877 was called. But the real power behind the movement was Robert Toombs.

This Legislature also created the office of state chemist, a wise provision demanded by the state's growing agricultural needs. It was made the duty of the commissioner of agriculture to appoint an experienced chemist to analyze all fertilizers or chemicals for manufacturing same and to make such other analyses as might be required.* Dr. H. C. White, professor of chemistry at the State University, was Georgia's first state chemist, under the provisions of this act. His successors in office have been as follows: George F. Payne, John M. McCandless, and R. E. Stallings. The last named gentleman has held office uninterruptedly since January 1, 1908.

It was the duty of this Legislature to elect a successor to Hon. Thomas M. Norwood in the United States Senate, for a term of six years, beginning March 4, 1877. Colonel Norwood was a candidate to succeed himself, but opposition ran strong. Benjamin H. Hill's political star was once more in the ascendant. As the result of his famous tilt with Mr. Blaine on the floor of Congress he had scored one of the most brilliant achievements of his career in public life and had forever endeared himself to the people of Georgia. It was at this time that he made his masterful defense of Andersonville Prison, putting the responsibility for its alleged brutalities upon the Federal Government whose policy made medicines contraband of war. Moreover, in spite of the destitute conditions in the South, incident to the last days of the war, General Grant had refused to exchange prisoners. Never was a speech more powerful or an argument more convincing than was Mr. Hill's magnificent reply to the plumed knight from Maine. It punctured the latter's political ambition, so far at least as the presidential campaign of 1876 was concerned. Moreover, it produced consternation in the republican camp and more than any other single agency it helped to produce the great political landslide and to swell the great democratic popular majority in the November elections.

Two ex-governors were also in the senatorial race this year: James M. Smith and Herschel V. Johnson. The republicans supported Dawson A. Walker. On January 24, 1877, both houses began to ballot. The consolidated vote on the first day was as follows: Thomas M. Norwood, 96; Benjamin H. Hill, 78; James M. Smith, 27; Herschel V. Johnson, 11, and Dawson A. Walker, 4. There was no election. Two days later, however, most of the Smith following came to Mr. Hill's support. On a final count the ballot stood: Hill, 114; Norwood, 85; Smith, 5; Johnson, 5; not voting, 4. Mr. Hill was thereupon declared Georgia's new senator-elect and with his announcement there rose a deafening roar of applause, in which the house fairly rocked. This same Legislature also elected Hon. N. C. Barnett, secretary of state; Hon. J. W.

* Acts 1877, p. 38.

Renfroe, state treasurer, and Hon. W. L. Goldsmith, comptroller-general.*

Pursuant to a call of the General Assembly, ratified at the ballot-box, there assembled in Atlanta, on July 11, 1877, a convocation since known in the history of the state as the great Constitutional Convention of 1877. The intelligence, the wisdom, the experience, the virtue, and the patriotism of the state were represented in this splendid body of delegates, and with the exception of the Secession Convention of 1861 it was doubtless the ablest assembly of Georgians ever convened. There were 197 delegates enrolled. Each district sent its picked men. Glancing somewhat casually over the list of delegates, we find the following names, each associated with some distinguished achievement in the public life of Georgia: Ex-Gov. Charles J. Jenkins, ex-Senator Joshua Hill, Gen. A. R. Lawton, Gen. L. J. Gartrell, Judge Thomas G. Lawson, afterwards a member of Congress; Judge M. L. Mershon, Judge A. H. Hansell, Hon. Nelson Tift, Hon. T. L. Guerry, Judge W. M. Reese, Judge D. B. Harrell, Hon. Timothy M. Furlow, Judge Thomas J. Simmons, afterwards chief-justice; Gen. Eli Warren, Hon. N. J. Hammond, afterwards a member of Congress, then the state's attorney-general; Judge Hugh Buchanan, afterwards a member of Congress; Judge L. H. Featherstone, Judge S. W. Harris, afterwards adjutant-general; Judge James R. Brown, Judge Augustus R. Wright, an ex-congressman; Hon. L. N. Trammell, Hon. Carl J. Wellborn, afterwards state librarian; Hon. Samuel Hawkins, Hon. A. W. Holcombe, Hon. W. O. Tuggle, Judge John Collier, Col. Pryor L. Mynatt, Col. Wier Boyd, Dr. H. R. Casey, Hon. Pope Barrow, afterwards United States Senator; Col. J. M. Pace, Hon. E. C. Grier, Judge J. L. Wimberly, Col. Wm. T. Thompson, the noted humorist and editor; Hon. W. R. Gorman; Hon. Porter Ingram, an ex-Confederate Congressman; Hon. B. E. Russell, afterwards a member of Congress; Hon. James L. Seward, an ex-member of Congress, Col. John Screven, Hon. J. L. Warren, Hon. W. R. Gignilliat, Hon. George F. Pierce, Jr., Hon. Robert L. Warthen, and Col. John M. Guerard. The convention remained in session over forty days, adjourning on August 25, 1877.

It was a well-deserved tribute to the long and useful public life of ex-Gov. Charles J. Jenkins that he was called by the unanimous vote of the convention to preside over its deliberations and to crown his glorious career with this last high honor. Though well past the age of seventy, he was still hale and vigorous; his rulings bespoke an intellect unclouded by age; his manner was at all times exceedingly courteous; and there was no member of the convention for whom the universal feeling of respect bordered more closely upon veneration.

But the man whose genius dominated the assembly was Robert Toombs. His was its master-mind; his its most dominant personality; his its most powerful voice; he its supreme dictator. Never was a deliberative body more completely under the spell of one man. Despite his burden of sixty-eight years, General Toombs was still a giant. To quote Mr. Stovall: †

* House and Senate Journals, 1877.

† "Life of Robert Toombs," p. 338.

"His activity in securing its call, his striking presence as he walked to his seat, clad in his long summer duster, carrying his brown straw hat and his unlighted cigar, to say nothing of his tireless labors in that body, made him the center of interest. Gen. Toombs was chairman of the final committee on revision. This body was made up of twenty-six of the most prominent members of the convention, and to it were submitted the reports of the other thirteen committees. Its duty was to harmonize and digest the various matters coming before it and to prepare the final report which was discussed in open convention. Gen. Toombs was practically in charge of the whole business of this body. But he stood the ordeal well. His facility, his endurance, his genius, his eloquence, were revelations to the younger men who knew him mainly by tradition."

Since the close of the Civil war, General Toombs had filled no public office. This was his first entry into the field of politics. It was also his last great service to the state, and the picture presented by the great Mirabeau of Secession as he moved amid the scenes and participated in the debates of this momentous body was destined to live for generations to come in the memory of Georgians. General Toombs had never been reconciled to the Constitution of 1868. He considered it the product of alien carpentry and he wished to place Georgia under the aegis of a constitution framed by the hands of her own patriotic sons. Thus it came to pass that while persistently and repeatedly the great outlawed rebel had turned a deaf ear to all entreaties, begging him to apply for a pardon and to re-enter the field of national politics, he hastened to Atlanta as a delegate from the County of Wilkes to attend the convention of 1877, and when the new state constitution emerged from the creative molds of this body it bore in almost every lineament and feature the stamp of its origin in the colossal brain of Robert Toombs.

Some of the changes made in the organic law by Georgia's new state constitution may be briefly summarized. State aid to railway and other like enterprises was forever estopped. The credit of the state could not in the future be pledged or loaned to any individual, company, corporation or association, nor could the state under any circumstances become a joint owner or stockholder in any individual or corporate enterprise whatever. The payment of the fraudulent bonds of reconstruction was forever prohibited. Municipal taxation was restricted. The office of attorney-general was made elective. The governor's term of office was reduced from four to two years; and the same rule was applied to other state house officers. Salaries were also curtailed. Judges and solicitors were no longer to be appointed by the governor but were hereafter to be elected by the State Legislature.

Control of railroads was another radical feature of the new state constitution. The right to regulate freights and tariffs, to prevent unjust discriminations, and to safeguard the interests of the people against corporate encroachment was conferred upon the General Assembly and under this provision the railroad commission was subsequently organized in 1879. Some of these changes were not made without serious opposition. Fear was, therefore, entertained that when submitted to the people for ratification the new constitution might be rejected. Consequently, in order to prevent complications, several issues

were detached. It was decided to submit separately the issue of a permanent site for the state capital: whether Milledgeville or Atlanta; and also the issue as to a homestead law, whether the law of 1868 or the law of 1877.

When the new state constitution was submitted to the people for ratification the vote stood as follows: for ratification, 110,442; against ratification, 40,947, total, 151,389. The majority for ratification, therefore was 69,495. On the issue of a permanent site for the state capital, Atlanta received 99,147 votes, Milledgeville 55,201 votes, giving a majority of 43,946 to Atlanta. On the issue of a homestead law, the homestead of 1877 received 94,722 votes, the homestead of 1868, 52,000, giving a majority of 42,722 to the former. These changes were accordingly grafted upon the new state constitution.

General Toombs advocated most of the reforms embodied in the document which thus became Georgia's fundamental law. It is said that one of his main objects in going to the convention was to incorporate in the new state constitution a clause forbidding the policy of state aid to corporations and especially to railroads. The monstrous abuses which had grown up under this system called loudly for correction. Moreover, it was a fact observed by General Toombs that most of the railroads built by private enterprise had proven good investments while with very few exceptions, if any, those aided by the state had failed to pay dividends. He declared that never until 1866 had Georgia deigned for one moment to lend her credit and that never while time continued should such a policy again prevail. His speech in the convention sounded the death-knell of state aid.

It was also due largely to the commanding influence of General Toombs that the right to control railroads within the borders of the state was finally written into the new state constitution. Without a doubt his attitude toward corporations was extreme, even to the point of eccentricity. According to Mr. Stovall, "he never invested a dollar in their stock nor would he accept a place at their council boards. He rarely ever served them as attorney. When the General Assembly decided to tax railroads in Georgia, the State selected Gen. Toombs to prosecute the cases."

His extreme attitude in the convention toward corporations created an uproar of opposition and it was argued that such a spirit of hostility to capital was little calculated to galvanize the sinews of industry or to develop the state's waste places. Col. N. J. Hammond suggested caution in the matter of shaking the pillars upon which property rested. But, with a dramatic shake of his leonine head, General Toombs replied:

"Better shake the pillars of property than the pillars of liberty."

The press of the country resounded with warnings against too radical a course in dealing with corporate interests. It is said that Atlanta was filled with a powerful railroad lobby as long as the agitation continued. The debate lasted for days. General Toombs was the storm center around which the conflict raged. His voice lacked some of its old resonance. It did not ring with the same bugle accents as of yore. But his brain was still a dynamo of intellectual power and his body seemed to be endowed with a new vigor given him for this last grand

performance upon the stage of politics. With a dramatic outburst of eloquence he finally summed up the issue:

"Shall Georgia govern the corporations or shall the corporations govern Georgia? Chose ye this day whom ye will serve."

General Toombs won the battle. The right to control corporations was conferred upon the General Assembly; nor has Georgia ever found cause to regret this wise action for which she stands indebted to the courageous championship and to the wise foresight of the great Toombs. Her prosperity has never once been checked or retarded; and railway development has proceeded without interruption. It was the boast of General Toombs in reviewing his work that he had locked the door of the state treasury and put the key into the pocket of the people.

When the matter of Georgia's repudiated bonds was under discussion, ex-Governor Jenkins filed a demurrer. He took the position that some of these obligations were binding upon the state; that all of them were not fraudulent; that Georgia was bound in honor to separate the good from the bad; and that until this was done a stigma would rest upon her escutcheon. Vacating the chair, Governor Jenkins made a powerful speech in support of his views. But when he sat down General Toombs arose. He took issue with Governor Jenkins, declaring that no power of heaven or hell could bind him to pay these bonds, that the contract was one of bayonet usurpation; and that if the honor of Georgia was involved at all it was involved in the righteous demand to repudiate the whole business, once and for all, now and forever. Again General Toombs won.

It does credit to the heart of the noble Jenkins that he wished no stain of dishonor to rest upon Georgia's fair name. There never lived a man whose standard of rectitude was higher. But he was asking for an exercise of magnanimity too great, in urging the convention to undo the Legislature's work in outlawing these bonds. The argument of General Toombs prevailed; and into the organic law repudiation was written.

False economy was likewise an evil against which General Toombs inveighed. He did not believe in reckless extravagance; but with the fight made upon salaries and other petty items of expenditure he became impatient. Said he:

"The whole finances of the State are not included when we speak of the Governor's salary and you spend more money in talking about it than your children will pay in forty years."

There was a strong sentiment among the delegates in favor of the election of judges by the people; but General Toombs advocated election by the General Assembly; and on this point the convention again bent to his wishes. With respect to some issues, he undoubtedly took an extreme position and showed an erratic temper. But in the main he was prudent, conservative, far-sighted; and Georgia will always be his debtor.

It only remains to paint a single dramatic scene; and this can best be done with the brush of his own accredited biographer. Says Mr. Stovall:*

"On the 16th of August the convention, then in the midst of its labors,

* "Life of Robert Toombs," p. 344.

confronted a crisis. The appropriation of $25,000 made by the Legislature to meet the expenses of the convention had been exhausted and the State Treasurer notified the President that he could not honor his warrants any further. This was a practical problem. The work mapped out had not been half done. Many of the delegates were poor men from the rural districts and were dependent upon their per diem during the dull summer season. To proceed required about $1,000 per day. To have crippled this body in its labors would have been a public calamity. To check upon the State Treasury beyond the limit fixed by law involved a risk which the State government, not friendly toward the convention at best, declined to assume. To raise the money outside by a private loan presented this risk: that in case of a rejection of the Constitution, then in embryo, the lender might find himself the holder of an uncertain claim. The convention, however, was not left long in doubt. With a heroic and patriotic abandon, Gen. Toombs declared that if Georgia would not pay her debts he would pay them for her. Selling a dozen or two United States bonds, he placed the proceeds to the credit of the President of the convention, who was authorized in turn to issue notes of $1,000 each and to deposit them with Gen. Toombs. The act was spontaneous, whole-souled, dramatic. It saved the convention, and rehabilitated the State with a new Constitution. By a rising and unanimous vote, Gen. Toombs was publicly thanked for his public spirited act, and the old man, alone, remaining in his seat, in the convention hall, covered his face with his hands and shed tears during this unusual demonstration."

As soon as the convention concluded its labors, General Toombs went before the people and with characteristic vigor threw himself into the campaign. The ratification of the new state constitution crowned his brow with an added leaf of laurel, for opposition in some quarters was most relentless and bitter. It was due in large measure to the personality of the Great Outlaw that a victory for the new state constitution so overwhelming was finally achieved; and without disparaging the part taken by other distinguished sons of Georgia in reshaping the state's fundamental law, it is only just to say that as long as the Constitution of 1877 endures it will be associated with the master mind and with the resplendent name of Robert Toombs.

CHAPTER V

HOSTILITY TO GOVERNOR COLQUITT BEGINS—CRITICIZED FOR ENDORSING BONDS OF THE NORTHEASTERN RAILROAD—NO ALTERNATIVE IN THE MATTER—THIS ROAD MADE AN EXCEPTION BY THE LEGISLATURE REPEALING STATE AID—TWO POWERFUL CORPORATIONS PECUNIARILY INTERESTED IN THE OUTCOME—MAJ. J. W. MURPHY, A CLERK IN THE TREASURER'S OFFICE, EMPLOYED TO REPRESENT ONE OF THESE IN PROCURING CERTAIN AFFIDAVITS—BENJAMIN H. HILL RETAINED BY CLIENTS TO SECURE STATE'S ENDORSEMENT—GOVERNOR COLQUITT CHARGED WITH PARTICIPATING IN MURPHY'S FEE—THE NEW STATE LEGISLATURE ASSEMBLES—GOVERNOR COLQUITT DEMANDS AN INVESTIGATION—TWO REPORTS SUBMITTED BOTH EXONERATING GOVERNOR COLQUITT, BUT DISAGREEING IN REGARD TO MURPHY'S FEE—ON THE EVE OF ADJOURNMENT, RESOLUTIONS OF CONFIDENCE ARE ADOPTED—WHEN THE LEGISLATURE REASSEMBLES GOVERNOR COLQUITT IS VINDICATED—IRREGULARITIES IN VARIOUS STATE HOUSE DEPARTMENTS CALL FOR INVESTIGATION—GROWING OUT OF CONDITIONS DISCLOSED IN THE COMPTROLLER-GENERAL'S OFFICE, CHARGES OF IMPEACHMENT ARE PREFERRED AGAINST HON. WASHINGTON L. GOLDSMITH—HIGH COURT OF IMPEACHMENT IS CONSTITUTED—CHIEF JUSTICE HIRAM WARNER PRESIDES—THE DEFENDANT IS CONVICTED—PRONOUNCING SENTENCE UPON MR. GOLDSMITH—AN IMPRESSIVE SCENE—CHARGES OF IMPEACHMENT PREFERRED AGAINST STATE TREASURER J. W. RENFROE, FOR TAKING INTEREST ON THE STATE'S MONEY—HIS TRIAL RESULTS IN A FAILURE TO CONVICT—DOUBLY EXONERATED BY ACTION OF COURTS IN DISMISSING SUITS AT LAW—CAPTAIN NELMS, PRINCIPAL KEEPER OF THE PENITENTIARY, AND DOCTOR JANES, COMMISSIONER OF AGRICULTURE, ARE BOTH CRITICIZED—GOVERNOR COLQUITT DECLINES TO REMOVE CAPTAIN NELMS, BUT DR. JANES VOLUNTARILY RESIGNS—TWO OFFICIALS ONLY ESCAPE STRICTURES, DOCTOR ORR AND COLONEL BARNETT—AN AMUSING COMMENT.

It was on a tidal wave of enthusiasm, unprecedented in its proportions, that Alfred H. Colquitt came to the governorship in the fall of 1876; and if ever an executive was justified in expecting a unanimity of public sentiment to sustain him in his official transactions it was Governor Colquitt. There was not a cloud in the sky when he entered upon his official duties. But the irony of Fate lurked in his victorious laurels; and scarcely was his administration well begun before the lid to Pandora's box was lifted and out of it leaped a train of vexations well calculated to exhaust even the patience of Job. It is doubtful if the man of Uz himself could have stood the test. Disgruntled and disappointed office-seekers were first to sow the seeds of dissension. There were

only some thirty appointments within the gift of the governor to be distributed, but the army of applicants numbered over 3,000 strong, and they came from nearly every militia district in Georgia, eager to divide the loaves and fishes. Returning home in a mood of resentment, these disappointed office-seekers were ill-disposed to sing the governor's praises, while some were denunciatory in expressions of criticism.

But the first act to arouse his critics into an open fire of hostility was his endorsement of the bonds of the Northeastern Railroad for $260,000 or $6,500 per mile for forty miles—the distance between Lula and Athens. The most bitter warfare for months was waged upon Governor Colquitt but an appeal to the Legislature for a rigid inquiry into the facts of the case resulted in his triumphant vindication. To quote Colonel Avery:*

"That so flimsy a pretext should be made the basis of so grave a calumny and so extended an official inquiry is somewhat anomalous and savors of the farcical. The occurrence illustrates how an unreal thing can be exaggerated and falsified by a whispering malice into such proportions that honest human character totters in the balance and a great State becomes the grand inquest to puncture the aspersion. It constitutes one of the most extraordinary episodes of either individual or public record."

To review the facts briefly, the aid of the state was pledged to this road by an act of the General Assembly approved October 27, 1870. State aid to railroads was repealed in 1874, except in cases where same had become vested, and the Legislature of 1874 by resolution excepted this road from the general repeal, leaving the governor no alternative in the matter.† Pursuant to this action in 1874, Governor Smith appointed John H. Powers, John A. Grant and C. B. Wallace a committee to inspect the road, with state aid in view, and on January 9, 1877, a few days before Governor Colquitt was sworn into office, this committee submitted a favorable report. The governor took no precipitate action in the matter. He weighed the facts carefully, endeavored to get the courts of law to assume the responsibility for him but without success, and finally to keep the road from being sold under an indebtedness of $237,632, incurred upon faith in the state's promise of endorsement, he gave the required aid. If ever a plain duty faced an official, it faced Governor Colquitt under these circumstances.

Two powerful corporations, the Atlanta Rolling Mill and the Citizens Bank, were both pecuniarily interested in the outcome, the one having furnished iron to the road, the other having advanced it certain funds. Major J. W. Murphy, a clerk in the treasurer's office, was employed by the rolling mill to procure statements from the leading members of the Legislature of 1874 to show that the intention was to except the Northeastern Railroad from the repeal of state aid. Major Murphy's connection with the affair was used as a trump card to implicate Governor Colquitt; but more of this later. Hon. Benjamin H. Hill, perhaps the ablest lawyer in Georgia, was employed by the rolling mill to obtain the state's endorsement. Says Colonel Avery:

* Avery's "History of Georgia," p. 540.

† Acts 1874, p. 437; see also p. 98.

"The subject created a profound interest. Of the Legislature of 1874, A. O. Bacon, Speaker; L. N. Trammell, President; Thomas J. Simmons, chairman Finance Committee; George F. Pierce, Jr., chairman Judiciary Committee, George A. Mercer and Henry D. McDaniel, besides also Gen. Toombs, Gen. A. R. Lawton, and Ex-Gov. Joseph E. Brown, favored endorsement."

Matters reached a climax, when Mr. William Goodnow, general manager of the Schofield Rolling Mill, wrote a private letter intimating his belief that Governor Colquitt had yielded to improper inducements in granting state aid to the Northeastern Railroad. The contents of this letter leaked out and the air became thick with rumors, all of which accused Governor Colquitt of having participated in Mr. Murphy's fee. To a Christian gentleman, who had always lived above the breath of scandal and who had risen to the highest office within the gift of his native state, such an experience lacked none of the bitterness of wormwood. It carried a peculiar pang.

But a complete vindication was at hand. The newly elected Legislature convened on November 6, 1878. Hon. Rufus E. Lester was re-elected president of the Senate, and Hon. A. O. Bacon, speaker of the House. This was the first Legislature to convene under the new State Constitution of 1877 and its membership was more than usually distinguished. Among the senators were: Judson C. Clements, Thomas B. Cabaniss, Samuel Lumpkin, John T. Clarke, Wm. Harrison, Joseph B. Cumming, Charles W. DuBose, Thomas W. Grimes, John A. Stephens, Seaton Grantland, Henry D. McDaniel, Joseph W. Preston, M. G. Boyd, Allen D. Candler, Evan P. Howell, A. W. Holcomb, C. J. Wellborn, J. F. Troutman, Samuel H. Hawkins, H. R. Casey, Isaac P. Tison, E. C. Bower, D. A. Russell, and Joel C. Fain. There were two future governors and four future members of Congress in the Senate of 1878. The House contained an equally strong membership including: Henry G. Turner, Allen Fort, W. R. Rankin, Arthur H. Gray, A. Pratt Adams, R. A. Nisbet, Wm. H. Hulsey, Robert C. Humber, Pryor L. Mynatt, Nathan L. Hutchins, Wm. J. Northen, J. E. Redwine, R. L. McWhorter, J. H. Polhill, H. C. Roney, Reese Crawford, Louis F. Garrard, James M. Smith of Oglethorpe, F. G. Wright, John I. Hall, Wm. M. Hammond, Albert H. Cox and Frank H. Colley.

Governor Colquitt's annual message contained an extended review of the year's developments and went fully into details concerning the state's endorsement of bonds given to the Northeastern Railroad; but supplementary to this formal document he transmitted to the General Assembly a special message in which he demanded at once a rigid investigation by the Legislature. The message reads as follows:*

"Executive Department,
"Atlanta, Ga., November 6, 1878.

"To the General Assembly:

"A grievous necessity has been imposed upon me to demand at your hands a thorough investigation of my motives and conduct, as the Executive of Georgia, in placing the State's endorsement upon the bonds of the North-eastern Railroad. This necessity has been created by widely

* House Journal, 1878, pp. 36-37.

circulated slanders and innuendoes, vile and malignant, and so mendacious and wicked as to make all comment and paraphrase upon them utterly futile. Nothing but a thorough sifting of my every motive and act in regard to these bonds, as far as human insight and judgment can reach these, can satisfy aggrieved honor, or give such entire assurance to the people of Georgia, as they have a right to demand in the premises. To a man who values his good name far more than life, it would be an act of supremest injustice to deny the most plenary vindication rendered in the most august and authoritative form known to the laws, or to public opinion. To the people of this great Commonwealth, it is of the last consequence that they should know beyond all peradventure, that the man who fills, at their call, the chief seat of authority, is above reproach or suspicion.

"My denunciations of an awful and stupendous slander, forged and uttered to dishonor me, will not be enough. The General Assembly of this State—a co-ordinate power—is appealed to for that justice which, while it will, I know full well, exonerate me as a man, will also vindicate the fair fame of Georgia, assailed by cruel slanders on her Chief Executive.

"ALFRED H. COLQUITT."

There was an honest ring to this letter. It moved to admiration even the critics of Governor Colquitt, while it strengthened the faith of his friends. Without delay a joint committee was appointed, the membership of which was as follows: Joseph W. Preston, chairman; J. F. Troutman, H. R. Casey, Isaac P. Tison and Samuel H. Hawkins, from the Senate; and Albert H. Cox, Wm. M. Hammond, Robert C. Humber, H. G. Wright, John I. Hall, Wm. J. Northen, Allen Fort, and Arthur H. Gray, from the House. On December 12, 1878, this committee finished its labors, submitting both a majority and a minority report, both of which exonerates Governor Colquitt. The majority report found as follows:

"In the opinion of this committee, the reports and rumors that connect the name of the Governor with any improper conduct in the matter of the endorsement of bonds of the North-eastern Railroad are vile and malignant slanders."

Messrs. Hammond and Humber submitted the minority report, using this language:

"We brand as a libel the insinuation that the determination of Gov. Colquitt to endorse the bonds was induced by any sinister influence or unworthy motive."

It was only upon the question of approving Major Murphy's action in taking a fee, when he held an office under the state treasurer, that the committee was divided. Unfortunately the two reports were submitted only one day in advance of the time fixed for adjournment, and there was no opportunity for deliberate action. It was necessary to defer a final vote of vindication until the adjourned session in the summer following; but resolutions were introduced by Senators Henry D. McDaniel and Joseph B. Cumming, in which the reasons for this postponement were given and an undiminished confidence in the governor's rectitude of character was avowed.

On July 2, 1879, the Legislature reassembled for its summer session, at which time the committee united upon the following recommendation which, meeting with adoption, Governor Colquitt's vindication was made complete and final. Thus an ordeal throughout which he had maintained an unruffled composure was at length happily terminated. The report, formally exonerating Governor Colquitt, ended in these words:

"Your committee, from the want of any evidence sustaining such charges, and from the mass of evidence disproving such charges, report this conclusion: That his Excellency deserves, at the hands of the General Assembly, complete vindication on the issues made by him, and specified above. Your committee have unanimously concluded that his Excellency did not, in any way, shape or form, participate in the fee received by Mr. John W. Murphy; that no offer of any such thing was made by any one to his Excellency; that said fee did not control his conduct in said endorsement, and that, whether the act of endorsement was legal or illegal, the motives of the Governor were pure."

But while the legislative probe into the state's endorsement upon the bonds of the Northeastern Railroad resulted in Governor Colquitt's vindication, its effect was to stimulate an inquiry into the official rectitude of other heads of departments and to unloose upon the state an avalanche of legislative investigations. Governor Colquitt's administration will always be associated in history with these official probes. They aroused the most intense popular excitement and were used by the enemies of Governor Colquitt to discredit his administration. The newspapers of the state were filled from day to day with unsavory bits of scandal and every phase of the situation was discussed by editors, each of whom became an avowed partisan to an unlimited extent, generous only in two things: in the use of printer's ink and in the employment of vituperative epithets.

Experience with public officials under the regime of reconstruction had tended to breed distrust. The discovery of irregularities in the treasury department, during Governor Smith's administration, had lessened the public confidence somewhat even in democratic officials, while the prevailing hard times called for the most rigid economy in governmental expenditures. There was not a penny of the people's money to be wasted. Consequently, in order to relieve the popular mind concerning conditions in the state capitol and to put at rest effectually certain vague rumors which began at this time to circulate, especially with reference to the comptroller-general's department, committees were appointed by the Legislature of 1879, to inquire into the affairs of each office, including the comptroller-general's, the treasury, the state school commissioners, the public printer's, the secretary of state's, and that of the principal keeper of the penitentiary. The searchlight was to be turned upon every public official, without fear or favor; and, in the role of inquisitor, Georgia was to be no respecter of persons.

Growing out of conditions disclosed in the comptroller-general's office, a committee of thirteen was appointed to sift the evidence somewhat more in detail and to consider the advisability of preferring charges of impeachment against Hon. Washington L. Goldsmith, the state's comptroller-general. This committee submitted two reports, the majority

recommending impeachment, and the minority dissenting therefrom. Without delay, the House adopted the majority report and framed articles of impeachment, at the same time notifying the Senate of this action. The following members of the House were chosen to manage the impeachment: Henry G. Turner, Wm. M. Hammond, Chas. D. Phillips, Buford M. Davis, J. H. Polhill, W. J. Pike, and A. Pratt Adams. Judge Turner was subsequently chosen chief manager.

On receiving a formal communication from the House to the effect that impeachment charges had been preferred, the Senate by resolution designated Saturday, August 16, at 10:30 o'clock, as the time for the trial. Accordingly at the hour designated, the Senate organized itself into a High Court of Impeachment, with the distinguished chief justice of the state, Hon. Hiram Warner, now an old man, seated as the court's presiding officer. For impressiveness, the scene presented on this occasion has never been surpassed in the judicial annals of this state, but the climax was not reached until the last day of the trial when, in solemn tones, the white-haired old chief justice pronounced the sentence of outlawry upon the respondent.

Without going too minutely into details at this late day there were seventeen distinct articles included in the bill of impeachment.* To mention some of the counts, Mr. Goldsmith was charged with having illegally received $4,582.50 as costs on tax executions; with having extorted undue fees; with having illegally issued and transferred 228 wild land executions; with having illegally retained $11,193.17 of public money; with having illegally retained $9,720.40 of insurance taxes and fees; with having fraudulently altered the wild land records; with having made false returns of $6,134.45 insurance taxes; with having attempted bribery; and with various other irregularities establishing a precedent subversive of good faith. Mr. Goldsmith was ably represented by counsel, including Judge John L. Hopkins, Col. Milton A. Candler, Col. Wm. S. Thomson, and Captain Harry Jackson. But a tactical mistake was made in filing a plea to the court's jurisdiction and in arguing technicalities, the effect of which was to delay proceedings and to create a suspicion of guilt, in advance of a hearing of the case upon its real merits.

Nearly a week was consumed in legal skirmishing. It was not until the 8th of September that the introduction of testimony commenced. Five days later the prosecution rested. At this point, Mr. Goldsmith tendered his resignation as comptroller-general, but Governor Colquitt refused to accept it while his trial for impeachment was in progress.

On Monday, September 15th, counsel for Mr. Goldsmith announced the case closed so far as the introduction of any direct testimony for the defense was concerned; and after a brief conference between counsel on opposing sides argument commenced. Two days later the High Court of Impeachment was ready for a final vote. On the first article in the bill of charges, the Senate voted: forty "guilty;" none "not guilty;" three not voting. The call of the roll proceeded until all seventeen articles were exhausted. Notwithstanding the collapse of the defendant's case, the Senate in justice to Mr. Goldsmith made a rigid

* Senate Journal, 1879, pp. 683-798.

scrutiny of each charge and on some of the counts gave him a vote of acquittal; but when the final result was totaled, he was found "guilty" on eight separate counts, each of which was sufficient to sustain impeachment.

Before sentence was pronounced Judge Hopkins made an impressive statement to the court on behalf of his client; and the final word was then pronounced by the aged chief justice declaring Georgia's comptroller-general, Washington L. Goldsmith, removed from said office and disqualified to hold or enjoy any office of honor, trust, or profit within the State of Georgia, during his natural life. It was a scene of peculiar pathos upon which the crowded courtroom looked, when this final climax in the impeachment trial was reached. Mr. Goldsmith was a man of engaging personality, whose social qualities made him deservedly popular with the general public and endeared to a host of intimate and loyal personal friends. Nor will it ever be known to what extent he was really an innocent victim of loose methods inherited from the high-handed regime of reconstruction.*

Certain irregularities having also been discovered in the office of state treasurer, a committee of investigation recommended that charges of impeachment be brought against State Treasurer J. W. Renfroe for taking interest on state deposits. The report was signed by the following members: A. L. Miller, Reese Crawford, H. T. Hollins, Robt. A. Nisbet, George R. Sibley W. C. Sheffield, A. J. King and J. F. Awtry. Only one member of the committee dissented, Hon. John E. Redwine. Mr. Redwine submitted a minority report in which he quoted a resolution of December 8, 1871, relieving State Treasurer Angier from liability for interest on state deposits and dismissing suits against him to recover $7,000 of interest thus received. The point made by Mr. Redwine was this: if Mr. Renfroe had taken interest which should have gone into the state treasury, he could be required to make this amount good; and he took the position that to prosecute Mr. Renfroe by costly impeachment would not only be unjust to a faithful public servant but contrary to sound policy.

The majority report was adopted. Among other things, this report showed that the state's insurance clerk, Mr. J. W. Murphy, was also one of the sureties on the former's bond and was individually obligated in the sum of $30,000. The other sureties were V. R. Tommey and B. J. Wilson. The former of these was president, the latter a director, of the Banking and Trust Company of Atlanta. This bank paid a commission or interest of 5 per cent per annum on state deposits, which was divided between the treasurer and his two sureties, Messrs. Tommey and Wilson. Early in 1877 Mr. Murphy applied to the treasurer to be allowed to make with certain banks in Atlanta an arrangement similar to that made by the other sureties and to this request the treasurer assented. Mr. Murphy thereupon contracted with certain banks, viz., the Citizens Bank, the Bank of the State of Georgia, and the Atlanta Savings Bank, under the terms of which contract 6 per cent was to be paid on the average balance in said banks. This agreement was strictly observed. Payments were made to Mr. Murphy, who in turn paid over one-half of

* Senate Journal, 1879, pp. 683-798.

the amount to the state treasurer. According to the evidence before the committee, it appeared that under the above arrangements these banks had paid out in interest for the use of public moneys the sum of $22,-19s.65, of which sum the treasurer's share was $10,358.81; Mr. Wilson's, $651.41; Mr. Tommey's, $4,582.11; and Mr. Murphy's, $6,607.32.

Before any definite action was taken on the committee reports, Treasurer Renfroe addressed a communication to the House offering restitution of the money received by him as interest and also tendering his resignation in a separate letter to the governor; but the House declined at this stage of the proceedings to permit reparation. On adopting the majority report which recommended impeachment, the vote stood 127 yeas, 13 nays, not voting 34. Articles of impeachment in the name of the House were, therefore, ordered and the following committee was appointed to proceed to the bar of the Senate and there impeach J. W. Renfroe of high crimes and misdemeanors, towit: A. L. Miller, Reese Crawford, Robt. A. Nisbet, George R. Sibley, W. C. Sheffield, A. J. King and J. F. Awtry. September 18th was the time fixed by the Senate for the trial of impeachment.

At a subsequent election of managers, Messrs. Albert H. Cox, Thomas W. Milner, Allen Fort, Reese Crawford, Robt. A. Nisbet, Nathan L. Hutchins and W. A. Turner were chosen to conduct the prosecution. Treasurer Renfroe selected as his counsel Gen. Henry R. Jackson, of Savannah, and Messrs. Jackson and Lumpkin, of Atlanta. The members of the last named firm were Capt. Henry Jackson and Hon. J. H. Lumpkin, afterwards a judge of the Supreme Court. These gentlemen handled the case with superb skill, wasting no time in a discussion of technicalities. All the facts were admitted. Moreover, every effort was made to expedite the trial. The prosecution was required to prove nothing. But the sufficiency of the charges to constitute a crime worthy of impeachment was maintained with consummate eloquence, especially by the elder Jackson, whose speech was a masterpiece of logic, convincing and powerful. Messrs. Albert H. Cox and Allen Fort spoke for the managers, both making powerful arguments. Four days were then consumed by the Senate in discussing the evidence, after which a vote was taken. On some of the counts a majority were for conviction but a two-thirds vote was necessary for impeachment and failing to secure this requisite majority the prosecution failed on each count. It was thereupon ordered by the court that the said John W. Renfroe, treasurer of the State of Georgia, be and he is hereby acquitted of the several charges contained in the aforesaid articles of impeachment and that he go hence without a day. The trial closed October 8, 1879.

Subsequently a resolution was passed instructing the governor to proceed legally against J. W. Renfroe and his sureties to recover interest but the courts decided in favor of the defendant, who was thus doubly exonerated. Colonel Renfroe continued to hold office until the close of his official term, when he declined to stand for re-election.

Next the inquisitorial searchlight was turned upon the principal keeper of the penitentiary, Capt. John W. Nelms. No fault was found in the main with Captain Nelms' management of affairs—though the convict lease system itself was a relic of barbarism. Conditions in the various convict camps indicated a competent and conscientious supervision. But Captain Nelms had continued a custom inaugurated by his predecessors in office of delivering convicts to the lessees at so much a head and while this was a private arrangement between the principal keeper and the lessees, which in no wise affected the state, it was a policy open to criticism from an ethical point of view and there was a division of sentiment among the legislators. Four members of the committee, Messrs. Ivey, Tatum, Butt and Patterson, entirely justified Captain Nelms. Four others, Messrs. Garrard, Chambers, Walters and Tarver, condemned him in modified terms; while Mr. Anderson, in a third report, without exonerating him entirely, suggested a reference of the matter to the governor. This last recommendation was adopted. Governor Colquitt subsequently reviewed the whole matter, with the result that a faithful public servant was left unmolested. Some few members of the House were clamorous for impeachment, but an overwhelming majority were opposed to such drastic action. Captain Nelms was one of the best political organizers of his day in Georgia and though a man of limited education he was quick-witted, adroit, resourceful, and withal a courtly gentleman.

Doctor Janes, the commissioner of agriculture, while in the main a most competent official, likewise fell under the ban of legislative disapproval. Without precedents to guide him, his task in organizing the department of agriculture was fraught with peculiar difficulties. He was guilty of no breach of trust, and, except for the rigid censorship of the times, he might have escaped criticism; but the legislative inquisitors were on the scent for trouble, and nothing was permitted to escape them. Two reports were submitted by the investigating committee, both of which criticised the methods of Doctor Janes, but nothing was found to constitute a ground for impeachment. But, offended by these strictures, Doctor Janes resigned his office. Judge John T. Henderson, of Newton, succeeded him by appointment of Governor Colquitt.

There were no further irregularities discovered. But the state printer was admonished to print the various state publications in a form somewhat more compact. Two officials only escaped criticism. These were Dr. Gustavus J. Orr, the state school commissioner, and Col. Nathan C. Barnett, the aged secretary of state. It was jestingly observed that discoveries made in these two departments convicted Doctor Orr of having paid his own railroad expenses in traveling on business for the state and that Colonel Barnett, in affixing the great seal to official documents had used a quarter's worth of wax.

CHAPTER VI

CRUSADE TO DEFEAT GOVERNOR COLQUITT'S RE-ELECTION BECAUSE OF THE SCANDALS REVIEWED IN THE FOREGOING CHAPTER—GENERAL GORDON RE-ELECTED TO THE UNITED STATES SENATE—GEORGIA'S RAILROAD COMMISSION CREATED BY ACT OF 1879—TWO GEORGIANS CHOSEN FOR THE NATION'S HALL OF FAME IN WASHINGTON, DISTRICT OF COLUMBIA—JAMES EDWARD OGLETHORPE AND CRAWFORD W. LONG—ATLANTA'S OFFER OF A SITE FOR A NEW STATE CAPITOL ACCEPTED—FIRST SUPERIOR COURT JUDGES ELECTED UNDER THE CONSTITUTION OF 1877—THE STATE'S CONGRESSIONAL DELEGATION—NEW MEMBERS—JOHN C. NICHOLLS—HENRY PERSONS—N. J. HAMMOND—EMORY SPEER—GOVERNOR COLQUITT ANNOUNCES FOR RE-ELECTION—OTHER CANDIDATES IN THE FIELD—GENERAL GORDON SURPRISES THE STATE BY RESIGNING HIS SEAT AS UNITED STATES SENATOR—GOVERNOR COLQUITT PRODUCES A MUCH GREATER SENSATION BY APPOINTING JOSEPH E. BROWN TO THE VACANT SEAT—CRITICS OF GOVERNOR COLQUITT ASSAIL HIM WITH INCREASED VENOM—CHARGES OF BARGAIN AND CORRUPTION—"DOWN WITH THE RING!" BECOMES THE ANTI-COLQUITT SLOGAN—GORDON'S REASONS FOR RESIGNING THE TOGA—ANXIOUS TO RECOUP HIS FORTUNES DEPLETED IN THE PUBLIC SERVICE—AMBITIOUS TO BECOME A FACTOR IN THE SOUTH'S INDUSTRIAL DEVELOPMENT—THE FACTS AS GIVEN BY COLONEL AVERY—GENERAL GORDON'S MASTERFUL SPEECH IN DEFENSE OF HIS COURSE—COLQUITT'S REASONS FOR APPOINTING EX-GOVERNOR BROWN TO THE SENATE—THE LATTER'S RETURN TO DEMOCRACY IN 1872—HIS SUBSEQUENT GOOD WORK FOR TILDEN IN FLORIDA—GENERAL GORDON'S TRIBUTE TO EX-GOVERNOR BROWN—PRACTICAL STATESMANSHIP DEMANDED BY A NEW ERA—OPENING OF AN EVENTFUL CAMPAIGN.

Efforts to discredit the administration of Governor Colquitt, especially with the scandals unearthed by these official probes, were by no means few in number, nor were the knights of the quill quiescent during this period of investigation. It was a period of harvesting for the newspapers of the state. But the malignant character of the fight was not restricted to its journalistic phases. On the floor of the House, Robert C. Humber boldly advocated a resolution censuring Governor Colquitt for retaining Capt. John W. Nelms in office. This was only an expression of anti-Colquittism—a pretext of the opposition to fasten responsibility upon the executive. But it merely served to arouse the governor's friends, who rallied to his support like a Macedonian phalanx, defeating the resolution by a vote of 119 to 16 and leaving its author discomfited upon the field and almost alone in his championship of a forlorn hope. Gen. John B. Gordon at the fall session of the Legislature, in 1878, was

re-elected to the United States Senate for a term of six years, beginning March 4, 1879.

There was an abundance of work for the Legislature at the summer session in 1879, but the feature of the session of 1879 was an act creating the railroad commission. The new state constitution conferred upon the General Assembly the right to control railway corporations and enterprises of a like character within the borders of the state; and accordingly an act was passed at this session "to regulate freight and passenger tariffs, to prohibit unjust discriminations on the various railroads of the State, to prevent railroads from charging other than just rates, and to enforce the same by adequate penalties." The original act provided for three commissioners, who were to serve for two, four, and six years, respectively, from the date of appointment, after which their successors in office were to be appointed for terms of six years each. Hon. W. R. Rankin, of Gordon, and Hon. Allen Fort, of Sumter, were the champions of the measure in the House, while Hon. Henry D. McDaniel, afterwards governor of the state, was its most zealous supporter on the floor of the Senate. Before the act was finally passed amendments galore were offered and substitutes without number were proposed. In both wings of the Legislature prolonged discussion was given to every phase of the subject. The proposed measure marked a new departure in legislation. But it finally passed, and on October 14, 1879, it received Governor Colquitt's signature. The state's first railroad commission was appointed as follows: Ex-Gov. James M. Smith, chairman; Maj. Campbell Wallace and Col. Samuel Barnett. These were all men of the highest character. It is needless to speak of Governor Smith's qualifications. Major Wallace was an experienced railroader. It was due almost entirely to his skillful management that the Western and Atlantic Railroad, after its complete wreckage in 1864, was rebuilt and made a paying investment to the state. Colonel Barnett was a man of affairs, with a peculiar aptitude for statistics, amounting almost to genius.

This same Legislature, in a resolution approved August 23, 1879, presented for memorial effigies in Statuary Hall, Washington, District of Columbia, the names of two distinguished Georgians, Gen. James Edward Oglethorpe, the illustrious founder of the Colony of Georgia, and Dr. Crawford W. Long, the discoverer of anesthesia. Though the resolution became a dead letter, for lack of funds out of which to make the necessary appropriation, it constitutes a most important historic document and may yet be carried into effect. The resolution was as follows:*

"Whereas, It has been proposed that each State of the United States of America, should designate the names of two persons whose memories are to be perpetuated by likenesses in statuary, in the Art Gallery established, or to be established, in Washington City—the Federal Capital; and Whereas, anaesthesia is the greatest boon ever conferred upon humanity, unless vaccination claims equal title to be so considered; and whereas, Crawford W. Long, M. D., a native of Georgia, and graduate of the University of the State, lately deceased, is the historic discoverer of anaesthesia, and the first man to employ sulphuric ether as an anaes-

* Acts 1879, p. 425.

thetic agent in a surgical operation, on the 30th of March, 1842; and whereas, England recognized the labors of Jenner, and also bestowed a high honor of government upon Sir James Y. Simpson, in recognition of the great service he had rendered humanity by the introduction of chloroform which enlarged the domain of anaesthesia; and whereas, our Federal Republic should not allow the names of our discoverers and scientists to rest in obscurity; and the State of Georgia should especially cherish, with pride, the name and memory of her great discoverers:

"Resolved by the General Assembly, That the name of Crawford W. Long, M. D., the historic discoverer of anaesthesia, be presented to the Art Gallery at Washington City, established, or to be established, to represent the State of Georgia.

"Resolved, That the name of James Oglethorpe, the historic founder of the Commonwealth of Georgia, be also presented to said Gallery to represent the State.

"Resolved, That a copy of this preamble and resolutions be transmitted by the Governor to his Excellency, the President of the United States of America, with a request that he submit them to the Senate and House of Representatives of Congress on its next assemblage; and that another copy thereof be sent by the Governor to the proper officer in charge of said Art Gallery.

"Approved August 23, 1879."

On August 15, 1879, a resolution was approved, accepting Atlanta's tender to the state of a tract of land, five acres in extent, known as the City Hall Park, to be used in erecting thereon a new state capitol.*

We must now retrace our steps, for the purpose of taking up other threads of discussion. The first Superior Court judges to be elected in Georgia, under the new state constitution, were elected by the Legislature, at its fall session in 1878, as follows, each for a term of four years: Claiborne Snead, Augusta Circuit; John L. Harris, Brunswick Circuit; Alexander M. Speer, Flint Circuit; Thomas J. Simmons, Macon Circuit; Herschel V. Johnson, Middle Circuit; Thomas G. Lawson, Ocmulgee Circuit; Arthur Hood, Pataula Circuit; John W. H. Underwood, Rome Circuit; Augustin H. Hansell, Southern Circuit; Alexander S. Erwin, Western Circuit. At the same time, Hon. George Hillyer was elected judge of the Atlanta Circuit, for an unexpired term, to succeed Hon. Cincinnatus Peeples, deceased; Hon. Charles F. Crisp, judge of the Southwestern Circuit, to succeed Hon. James M. Clarke, deceased; Hon. Wm. L. Grice, judge of the Macon Circuit, for an unexpired term, to succeed Hon. Barnard Hill, deceased; and Hon. Arthur Hood, for an unexpired term, to succeed Hon. W. D. Kiddo, judge of the Pataula Circuit; and Hon. Alexander M. Speer, for an unexpired term, to succeed Hon. John I. Hall, resigned, judge of the Flint Circuit.†

The following ticket was elected to Congress in the fall of 1878: John C. Nicholls, Wm. E. Smith, Philip Cook, Henry Persons, Nathaniel J. Hammond, James H. Blount, Wm. H. Felton, Alexander H. Stephens, and Emory Speer.‡ Four of these were new members. Col. John C.

* Acts 1879, pp. 421-423.

† House Journal, 1878, pp. 165-212.

‡ Biographical Congressional Directory, 1774-1911, p. 290.

Nicholls was elected from the First District. He had been a delegate to the National Democratic Convention of 1860; a member of the State Constitutional Convention of 1865; a presidential elector on the Seymour and Blair ticket in 1868; a delegate to the National Democratic Convention of 1876 and had served in both wings of the State Legislature. He was a well-quipped lawyer and a powerful factor in state politics.

Col. Henry Persons was chosen to represent the Fourth District. He had taken no active part in politics up to this time but had been a planter on a large scale and a successful man of affairs. During the Civil war, he had been a captain of cavalry. Colonel Persons served only one term in Congress.

Hon. Nathaniel J. Hammond, the newly elected representative from the Fifth District, had been a member of two state constitutional conventions, 1865 and 1877, and had served as Georgia's attorney-general during the administration of Governor Smith. He was a magnificent speaker, and, leaping at once into prominence, he became one of the recognized leaders of the House on the democratic side, a prestige which he steadily maintained. But Colonel Hammond was unfortunately characterized by a reserve which made him difficult of access; and this drawback, notwithstanding his unblemished character and his high order of intellect, eventually compassed his defeat for re-election.

Hon. Emory Speer was the new congressman from the Ninth. Mr. Speer was a brilliant lawyer of Athens, handsome, magnetic and eloquent. But from the start he had been disposed to pursue an independent course in politics, and eventually he quit the democratic fold. He had been an unsuccessful candidate for Congress in 1876 but had renewed the fight in 1878 and had won the election over a courtly gentleman, Col. Joel A. Billups, defeating him by 1,500 votes. His popularity was greatest among the mountaineers, who tilled small patches of ground, in isolated parts, remote from the commercial centers. These men possessed little in common with the slave-holding aristocracy of the old South and held but a slight allegiance to the democratic standards. The campaigns of Mr. Speer are still recalled in the traditions of the Ninth District. After serving in Congress for two successive terms he met defeat in 1882, but was immediately appointed district attorney for the Northern District of Georgia, by President Arthur. Later, he became judge of Federal Court for the Southern District of Georgia, an office which he still holds.

All of the other members of the delegation held over from the preceding Congress.

Governor Colquitt's first administration was in no sense suggestive of still waters. It had been a period of great political unrest. He wished to relinquish the weighty cares of the governorship and resume the more congenial employments of a country gentleman. His private interests were suffering, and there was little chance to recoup them out of a salary reduced from $4,000 to $3,000. But the persistent efforts of his critics to fasten upon his administration responsibility for the recent scandals in office and the abuse heaped upon him in various quarters for giving the state's promised endorsement to the bonds of the Northeastern Railroad compelled him in self respect to submit to the sober judgment of Georgians the issues of his administration and to

seek at the hands of the people a vindication of his official policies. Consequently, he announced for re-election.

Nor was any time lost by the opposition. Four of the strongest men in Georgia, yielding to the importunities of friends and to the pressure of public sentiment, entered the lists. These were Col. Thomas Hardeman, of Bibb; Hon. Rufus E. Lester, of Chatham; Gen. Lucius J. Gartrell, of Fulton; and Chief Justice Hiram Warner, of Meriwether. Judge Warner resigned the ermine to enter the race, but his advanced age proved a serious handicap. Colonel Lester's campaign was skillfully organized and managed. His counties were among the first to act and it was planned in this way, by creating a Lester boom at the start, to concentrate the anti-Colquitt forces under the Lester banner. With his prestige as president of the State Senate, Colonel Lester was well-known to the people of Georgia. But he declined to make a personal canvass and perhaps lost some of his support by reason of his adherence to a somewhat Quixotic standard of propriety. Colonel Hardeman was deservedly one of the most popular men in the state, a splendid lawyer, and a man of unsullied reputation. But most of Colonel Hardeman's friends were also friends of Governor Colquitt; and since the governor was under fire this kept Colonel Hardeman from polling his full strength. Neither General Gartrell nor Judge Warner—though both candidates—made any organized effort to secure the nomination, each preferring to leave his fate in the hands of the individual voter, and expecting possibly to be the compromise candidate, in the event of a deadlock. With the exception of Colonel Lester, all of these distinguished Georgians were candidates for the nomination in 1876. Governor Colquitt, Colonel Hardeman, and General Gartrell, all made speeches; and with the approach of summer the campaign waxed hourly warmer. There was no lack of enthusiasm for the various candidates, but taking the opposition as a whole it was anti-Colquitt. The governor's personality in this campaign was dominant. It was Colquitt against the field. His friends were enthusiastic as his enemies were clamorous. There was no apathy of indifference—no middle or neutral ground on which to stand. Those who were not zealously supporting Governor Colquitt were ardently opposing him for re-election.

But the culminating event of the campaign was yet to come. During the month of May, 1880, Gen. John B. Gordon, contrary to all expectation, resigned his seat in the United States Senate. It was like a bolt from the blue. His record as a senator had been exceptionally able and had brought him into national prominence as a leader of the reconstructed South. No intimation of his purpose to resign had been given to the public, nor had more than a few months elapsed since he had been complimented by an almost unanimous re-election. But the surprise occasioned by General Gordan's resignation dwindled into insignificance when, some few days later, an executive order was signed, designating as his successor in the United States Senate none other than the most roundly abused man in Georgia: Joseph E. Brown.

If the signs of the times already pointed to the political downfall of Governor Colquitt, his defeat was now accepted as a foregone conclusion. Even his most hopeful friend wore a vanquished look. To the personality of Georgia's war governor, there still attached much of the

odium of reconstruction; whereas the state was rich in favorite sons against whom the shafts of calumny had never once been hurled. What a thrill of delight the state would have felt if the noble Jenkins or the beloved Stephens had been given this appointment! There were no corrupt motives underlying the governor's action. But ex-Governor Brown had amassed a large fortune, and this fact was used as a warrant for some of the wild charges with which the air was soon rife. It was claimed that he had accomplished his elevation to the Senate by bribery of the worst sort, that he had bribed Gordon to resign his seat, promising him the presidency of the state road; that he had bribed Colquitt to appoint him, in the former's place, pledging him in addition whatever of political support he could bring to his race for governor.

Amid the asperities of a heated political campaign, it is astonishing what honest men will sometimes say and what intelligent men will sometimes believe concerning those who are made the targets for personal abuse, even when the loftiest characters and the purest reputations are involved. No one today believes that either Colquitt or Brown or Gordon could have stooped to an act of moral turpitude such as was imputed to them in the bitter campaign of 1880. But the cry of "Bargain" arose; and the slogan of the anti-Colquitt forces was "Down with the Ring!" It happened that at this time Governor Colquitt and Governor Brown were good friends, but relations between Governor Brown and General Gordon were less cordial, and there was not a more surprised man in the state than General Gordon, when it was announced to him that Governor Brown was to be his successor.

General Gordon resigned his seat in the Senate for the purpose of taking an active part in the railway development of the South. He had stood manfully by the state in her extremity; he had never once thought of himself during the dark days of the Civil war nor during the long-protracted ordeal of reconstruction. But a gentler era had dawned. He was by profession an engineer; and in the wonderful development which was taking place along industrial lines he saw an opportunity for recouping his fortunes—a thing which he could not do so long as he remained in politics. He wished to engage more actively in the work of rehabilitation. To this end he organized what afterwards became the Georgia Pacific Railway, a line extending westward from Atlanta to the Mississippi and piercing the rich coalfields of Alabama. We quote the following paragraph from a writer whose intimate personal acquaintance with the public men of this period gave him an excellent opportunity to know the facts. Says he:*

"The facts were very few and simple. Senator Gordon had long wanted to get out of public life, to build up his private fortunes. He was offered a valuable chance in Oregon. He tendered his resignation. Gov. Colquitt tried to get him to withhold until the session of Congress ended, which would be in a few weeks. He had to utilize his business opportunity, and declined to postpone his resignation. Gov. Colquitt, upon his own inspiration, sent for Gov. Brown and tendered him the place unconditionally. And this was all of the bargain—no collusion, no conditions—no trading. The presidency of the State Road was not

* Avery's "History of Georgia," p. 561.

resigned by Gov. Brown and given to Gen. Gordon. Gov. Brown knew nothing of Gen. Gordon's resignation until the appointment was tendered him. Gen. Gordon knew nothing of Gov. Brown's appointment until it was made. Gov. Brown was already a supporter of Gov. Colquitt for Governor, and therefore there was no inducement to win his championship. Mr. Newcomb, the president of the Louisville and Nashville railroad, after Gordon's determination to accept the Oregon offer and to resign, offered Gordon a business proposition that allowed him to stay in Georgia; which he accepted, getting released from his other contract. With this Gov. Brown had nothing to do. And since then, Gen. Gordon has succeeded in organizing and starting the construction of a great line of railway from Atlanta to the Mississippi, through the coal fields of Alabama, utilizing the defunct Georgia Western railroad, and connecting with the Richmond and Atlanta Railway scheme, independent of the State road, or the Louisville and Nashville road."

Governor Colquitt's reasons for appointing ex-Governor Brown were numerous. In the first place, Governor Brown was no longer at variance with the democratic party, either in the state or in the nation. On the contrary, he was in fullest accord with democratic aspirations. He had supported Gov. James M. Smith in his race for governor; he had not hesitated to denounce the high-handed acts of the Bullock administration; and he had gone to Florida to act as counsel for Samuel J. Tilden, in an effort to rescue the electoral vote of Florida for the democratic ticket. General Gordon, in a magnificent speech of defense delivered by him in Atlanta, during the summer of 1880, thus referred to Governor Brown's appointment:*

"Let us place ourselves in Gov. Colquitt's place, and laying aside all passion, see what our cool judgment would dictate. [Laughter and applause.] Let me premise what I am about to say by the remark that while, as a matter of sentiment, most of us would have preferred some other Georgian, yet there are thousands in and out of the State who are beginning to agree with that greatest of living generals, Joseph E. Johnston, that Joseph E. Brown was the very best selection that could have been made under all the circumstances surrounding our present and the momentous issues involved in our political contests for the future. There are great men and true men now in high places of responsibility, who believe that the time had come in the South when the integrity of our society, the security of our property, and the supremacy of our political principles require that we should so liberalize our policy as to extend the olive branch to all men now in accord with our principles, although they had differed from us in the transition stage succeeding the war as to the public policy. They saw in Gov. Brown the most distinguished representative of that class of citizens in the entire South. They saw in him a man of intellect, of long experience, of distinguished services in the antebellum history of the State. A man of large property, deeply interested in the material progress of the country and in stable government—a life-long Democrat, who, although denounced by us for voting for Grant and reconstruction in 1868, was joined by us in voting for Greeley and reconstruction in 1872. [Applause.] This is, I say, what other men, able and true, saw in this appointment. What did Gov. Colquitt see to guide him to a conclusion which his enemies now seek to use to his detriment. If he will permit it, I will publish his letter informing me of Gov. Brown's appointment, and of the results he expected to be produced upon himself, the party, and the country. He saw the two strongest Democratic districts in the State lost to the Democratic party. He saw in a third, the same fate seriously threatened. He saw in a fourth, Hammond, able and eloquent, elected after a most laborious struggle. He saw the party upon whose supremacy seems to depend all that is valuable to us as a people, apparently on the verge of dissolution. He saw the friends and life-long followers of Gov. Brown among the hardy yeomanry of the mountains, dissatisfied and ready to break with the organization; and he felt that he might thus recall them to their allegiance, recapture these Democratic strongholds, harmonize former differences, assuage bitterness, and assure the future of Democratic supremacy. I wish to repeat here that everybody knows that I am not the champion of Gov. Brown, but it is due our manhood that we either cease hostility to Gov. Brown, or cease to ask his time and talents and money for the benefit of our party. It is due to truth to state that Gov. Brown has been unfaltering in his devotion to the Democratic party for ten or twelve years; that he was the supporter of Milton Smith, of Alfred Colquitt and of myself in my last race for the Senate, even against his life-long friend—that upright jurist, and great statesman, Herschel V. Johnson. It would be unworthy in me were I to fail, in this public manner, to testify to the earnest, unswerving, potential aid given in the last campaigns to myself and to the standard-bearers of the party in these hotly contested mountain districts. [Applause.] In thus speaking at some length upon the purposes of Gov. Colquitt in making this appointment, I have done him nothing but simple justice. If I know myself I speak in the cause of truth, of harmony, of Democratic unity. [Applause.] One thing is certain, that while others high in position were apologizing for, or defending Grant, while he drove the cold iron into the breast of Louisiana, Gov. Brown was denouncing this act of tyranny." [Applause and cries of that's so.]

With the lapse of a decade, calmer pulse-beats had succeeded the intemperate outbursts and the violent passions of reconstruction; and to many thoughtful men it was apparent, in the light of subsequent events, that the course recommended by Governor Brown in 1867 was the policy of wisdom. Time had abundantly vindicated his fore-sight. Governor Colquitt was well aware of the fact that Governor Brown's appointment would prove an unpopular one and would still further jeopardize his prospects for re-election; but he reasoned that Georgia at this crisis in her affairs needed just such a man in the United States Senate—temperate, cautious, conservative, far-sighted. Accordingly he appointed Governor Brown to this high position; and then prepared to take the consequences.

It was a terrific arraignment to which he exposed himself in many quarters by reason of this appointment; and when the state democratic convention assembled in Atlanta, in the summer of 1880, the opposition

* Avery's "History of Georgia," p. 562.

to Colquitt's re-election was grim and relentless. But the best made plans of mice and men "gang aft aglee." Political astronomy is not an exact science; and, despite the foreshadowings of disaster, which some of the astute weather prophets professed to read in the stars for Colquitt's campaign it reached a victorious climax.

CHAPTER VII

DELEGATES CHOSEN TO THE NATIONAL DEMOCRATIC CONVENTION OF 1880—BUT THE CHIEF INTEREST CENTERS IN THE STATE CONVENTION—L. N. TRAMMELL, THE CHAIRMAN—SUPPORTERS OF GOVERNOR COLQUITT FAVOR THE TWO-THIRDS RULE—FIVE CANDIDATES—AN ANTI-COLQUITT FIGHT—THE CONVENTION DEAD-LOCKED—THOMAS E. WATSON'S DRAMATIC SPEECH FOR RUFUS E. LESTER—PATRICK WALSH COMMANDS THE COLQUITT FORCES—HIS FINE GENERALSHIP—WITHOUT MAKING A NOMINATION, THE CONVENTION ADJOURNS, RECOMMENDING COLQUITT AS THE MAJORITY CANDIDATE—THOMAS M. NORWOOD NAMED BY THE ANTI-COLQUITT OPPOSITION—COLQUITT'S TRIUMPHANT RE-ELECTION—MAJOR D. N. SPEER BECOMES GEORGIA'S NEW STATE TREASURER—HON. WM. A. WRIGHT SUCCEEDS COMPTROLLER-GENERAL GOLDSMITH—HON. CLIFFORD ANDERSON, THE STATE'S FIRST ATTORNEY-GENERAL TO BE ELECTED—PRESIDENTIAL ELECTORS OF 1880—NEW CONGRESSMEN—GEORGE R. BLACK—HENRY G. TURNER—HUGH BUCHANAN—JUDSON C. CLEMENTS—SEABORN REESE—TO COMPLETE THE COLQUITT VICTORY, A LEGISLATURE FRIENDLY TO JOSEPH E. BROWN IS ELECTED—SENATOR BROWN MAKES A RECORD IN WASHINGTON, D. C.—THE LEGISLATURE ASSEMBLES—SENATOR BROWN'S SPEECH ON THE EVE OF ELECTION—EXPLAINS HIS PROSECUTION OF THE COLUMBUS PRISONERS—READS A LETTER WRITTEN BY GEN. ROBERT E. LEE—ON THE FOLLOWING DAY BROWN IS OVERWHELMINGLY ELECTED—DEFEATS THE GALLANT LAWTON—JAMES JACKSON ELECTED CHIEF-JUSTICE—MARTIN J. CRAWFORD AND ALEXANDER M. SPEER CHOSEN ASSOCIATES—SUPERIOR COURT JUDGES—THE COTTON EXPOSITION OF 1881—A PHENOMENAL ACHIEVEMENT—ITS GALVANIZING EFFECT UPON THE SOUTH'S DEVELOPMENT—SENATOR VANCE'S FELICITOUS SPEECH—PRESIDENT GARFIELD ASSASSINATED—MR. BLAINE'S EULOGY—DEATH OF SIDNEY LANIER—REVIEW OF COLQUITT'S ADMINISTRATION.

To attend the National Democratic Convention of 1880 the following delegation was chosen to represent the democracy of Georgia: From the state at large—Gen. Alexander R. Lawton, Hon. Evan P. Howell, Hon. George T. Barnes, and Gen. P. M. B. Young; district delegates—W. A. Wilkins, James M. Couper, J. R. Alexander, Benj. E. Russell, Leroy M. Felton, David M. Roberts, Thomas W. Grimes, P. H. Brewster, John D. Stewart, C. C. Duncan, J. G. Ockington, A. C. McCalla, Joel C. Fain, Arthur H. Gray, Dudley M. DuBose, Patrick Walsh, Wm. P. Price and Tyler M. Peeples. These delegates were chosen at a state convention held in Atlanta, on June 9, 1880. Hon. A. O. Bacon was its permanent chairman.*

* Files of the Atlanta Constitution, June 10, 1880.

But the convention in whose deliberations the chief interest of the state centered at this time was the convention called to nominate a governor. This convention assembled in Atlanta on August 4, 1880.* It was a momentous gathering of the democratic hosts of Georgia. There were 549 delegates in attendance; and over this great body Hon. L. N. Trammell wielded the gavel as permanent chairman. The adoption of the minority rule would have given the nomination to Governor Colquitt on the first ballot, and there was sound democratic precedent for adopting this rule, in the action taken by the state convention of 1871, when Gov. James M. Smith was nominated. Again, in 1872, the majority rule was adopted. But the two-thirds rule had been a time-honored fetich in democratic conventions, both state and national. Some of Governor Colquitt's warmest supporters advocated the two-thirds rule; and the course was advised by Governor Brown who was himself nominated under this rule in the state convention of 1857. It was, therefore, adopted.

When the time came for presenting the names of candidates Hon. John D. Stewart, of Spalding, afterwards a member of Congress, nominated Governor Colquitt; Hon. Walter R. Brown, of Fulton, put Gen. L. J. Gartrell in nomination; Hon. Clifford Anderson, of Bibb, nominated Col. Thomas Hardeman; ex-Senator Thomas M. Norwood, of Chatham, presented Hon. Rufus E. Lester's name; and Hon. J. N. Jervis, of Meriwether, nominated Judge Hiram Warner. Intense excitement prevailed. The first ballot, taken amid breathless attention and profound silence, resulted as follows: Colquitt, 208⅔; Lester, 58½; Hardeman, 54⅝; Gartrell, 17½; Warner, 11. To explain the fractional votes cast in this convention, it must be stated that while there were 549 delegates in attendance they represented only 350 votes. Though overwhelmingly the choice of Georgia's democracy in convention assembled Governor Colquitt nevertheless lacked the requisite two-thirds majority, and thus a deadlock was precipitated. Without affecting the result, ballot after ballot was taken. Only the slightest variations of strength were observed as the balloting proceeded. While the candidates were five in number—it was Colquitt against the field. The lines between Colquitt and anti-Colquitt were tightly drawn. Neither side was willing to talk of compromise nor to discuss terms of surrender. Days elapsed. Finally the convention entered its second week without bringing a nomination apparently any closer. During this time many brilliant speeches were made in efforts to stampede the convention and to further strategic moves and countermoves. In a brief outburst, electrical in its eloquence, Hon. Thomas E. Watson, the future tribune of democracy, then a youthful delegate, less than twenty-four years of age, threw the convention into a frenzy of enthusiasm; but he failed to win any additional strength for his candidate, Hon. Rufus E. Lester. Said he:†

"Sir, I am tired of hearing the cry of generosity, when I see no generosity [applause]; I am tired of this cry of harmony, when I see no harmony [applause]. I have not come here to be fattened on chaff,

* Files of Atlanta Constitution, August 5, 1880, et seq.
† Avery's "History of Georgia," p. 579.

nor filled with taffy. You might as well attempt to gain flesh on corncob soup in January [laughter].

"Mr. Chairman, I have said, and I say now, that I am here with no bitterness of partisan rancor. I have fought this much-named gentleman, A. H. Colquitt. I have fought him honestly. I have advocated Rufus Lester. I have advocated him honestly. But high and serene above them both, above my opposition to Colquitt, above my support of Lester, rises my love, my devotion to my State, like the tranquil star that burns and gleams beyond the reach of the drifting clouds [cheers].

* * *

"Sir, the gentleman's position means that we must take Colquitt or the party shall be disrupted. Sir, if it must come, let it come [cheers]. We love the party, honor it, are devoted to it, but we will not yield when the gentleman's speech has made it a loss of self-respect to surrender.

"If they will split this Convention, we will be here to the end [applause]; if they will sink the ship, we will remain in her shadow to the last [applause]. We would deprecate it. We would deplore it. But if she can only be saved on terms as unmanly as these, then—

"'Nail to the mast her holy flag,
Set every threadbare sail,
And give her to the god of storms,
The lightning and the gale.'"

[Great applause.]

Governor Colquitt's recognized champion on the floor was Hon. Patrick Walsh, of Richmond, afterwards a United States senator. On the convention floor, Mr. Walsh, clear-headed, self-poised, resourceful and eloquent, displayed a rare genius for leadership. Others who took a prominent part in the debates were: Gen. P. M. B. Young, Dr. H. H. Carlton, Judge D. A. Vason, Hon. T. W. Akin, Hon. A. Pratt Adams, Judge D. B. Harrell, Judge W. A. Reid, ex-Senator Thomas M. Norwood, Hon. Clifford Anderson, Hon. W. R. Patterson, Hon. L. F. Livingston, Hon. Joseph W. Preston, Judge J. T. Willis, and others. Finally when every effort to break the deadlock proved fruitless, it was decided to recommand Governor Colquitt to the people as the majority candidate for governor of Georgia; and after taking this action the convention adjourned.

Subsequently, however, some of the anti-Colquitt men held a meeting and recommended Hon. Thomas M. Norwood, of Chatham, as the convention's minority candidate for governor; and thus the historic convention of 1880 came to an end. Dr. Wm. H. Felton, of Bartow, was first offered the nomination, but he declined to enter the fight, preferring to remain in the race for Congress. Again was the state thrown into the seething vortex of a heated political campaign. Most of the newspapers supported Governor Colquitt but Judge Norwood's cause was espoused with great vigor by the anti-Colquitt leaders. Calumnies were revived anew. Slanders were unearthed afresh. The mills of vituperation began once more to grind. But in the end Colquitt won.

On the eventful day of election, 182,353 votes were cast, of which

number Colquitt received 118,349, Norwood 64,004, making Colquitt's majority over Norwood 54,345 votes, a magnificent endorsement of his administration as governor.*

The following state house officers put in nomination by the state convention were elected at this time: Hon. Nathan C. Barnett, secretary of state; Hon. Clifford Anderson, attorney-general; Wm. A. Wright, comptroller-general; and Hon. Daniel M. Speer, state treasurer.† Colonel Anderson was the state's first attorney-general under the law making this office elective. Heretofore the office had been one of appointment. Major Speer succeeded Hon. John W. Renfroe as state treasurer; and General Wright succeeded Hon. W. L. Goldsmith as comptroller-general. Governor Colquitt was reinaugurated on Wednesday, November 10th, for a term of two years.

Georgia's presidential electors chosen by the state convention to cast the vote of the state this year for Hancock and English were as follows: J. C. C. Black and R. E. Kennon from the state at large; and district delegates, S. D. Bradwell, W. M. Hammond, C. C. Smith, Lavender R. Ray, John I. Hall, Reuben B. Nisbet, T. W. Akin, Seaborn Reese, and Wm. E. Simmons.‡

The state's population, according to the Federal census for 1880, was 1,500,000, a figure which entitled the state to ten representatives in Congress, but it was not until some time thereafter that a new tenth district was created. The delegation elected in 1880 was as follows: George R. Black, Henry G. Turner, Philip Cook, Hugh Buchanan, N. J. Hammond, J. H. Blount, Jusdon C. Clements, Alexander H. Stephens, and Emory Speer.** George R. Black's tenure was fated to be brief. While a member of the Forty-Seventh Congress, his health began to fail. He did not stand for re-election, and on November 3, 1886, died at his home in Sylvania, Georgia. Colonel Black achieved a gallant record as a soldier and became lieutenant-colonel of the Sixty-Third Georgia Regiment. He was a delegate to the state constitutional convention of 1865. As a lawyer, he stood in the front rank. Henry G. Turner was destined to represent Georgia for the sixteen years in the national councils and to prove one of her most effective representatives in Congress. He succeeded Capt. "Tete" Smith. Judge Hugh Buchanan was elected from the Fourth District. He was a strong man, but not an aggressive leader. He had been a delegate to the National Democratic Convention of 1856, and 1868 an elector on the Breckinridge and Lane ticket in 1860, and a member of the constitutional convention of 1865. He had also been a judge of the Superior Court.

Judson C. Clements began his career in Congress at this time with the prestige of having defeated the stalwart leader of the Georgia independents: Dr. Wm. H. Felton. He became an influential member of the House, in which body he served for a decade. In 1893, President Cleveland appointed him to a seat on the Interstate Commerce Commission.

All the other members of the state's delegation in Congress were re-

* House Journal, 1880, p. 37.
† Ibid., p. 37.
‡ Files of the Atlanta Constitution.
** Congressional Directory, 1774-1911, p. 297.

elected. Emory Speer, brilliant, resourceful and alert, still remained on the delegation, though a pronounced independent, with republican leanings. He defeated Col. Hiram P. Bell, by a majority of 4,000 votes, in a stormy political campaign in the Ninth.

Mr. Stephens was re-elected as usual but resigned a few months after taking his seat to enter the race for governor. Hon. Seaborn Reese succeeded him in Congress. Judge Reese had been a presidential elector on the Hancock ticket in 1880. He served three terms in Congress, after which he became a judge of the Northern Circuit.

To complete the signal victory achieved by Governor Colquitt, in his triumphant re-election to office, a Legislature friendly to Joseph E. Brown was also chosen at this time, insuring Governor Brown's continuance in this high office, for the remainder of Senator Gordon's unexpired term. This would give him at least four years in the American Senate. He had already achieved a record for himself in this exalted forum, making the most of his somewhat restricted opportunities. He took the oath of office as senator on May 26, 1880, just three weeks before the adjournment of Congress. But, during this brief interval, he discovered and defeated a provision in the census bill, the effect of which would have been the loss of one of Georgia's representatives in Congress. He also secured a $10,000 appropriation for the harbor at Brunswick over an adverse report of the committee on appropriations, and scored other substantial results. Usually there is little accomplished by a senator during his novitiate. He is supposed to sit quietly in his seat until the demands of senatorial tradition have been fully satisfied. But Senator Brown became an iconoclast with respect to these moss-bound precedents. He was already a seasoned veteran, known to the country throughout its length and breadth. He leaped at once into the lists and proved his ability to measure lances, in debate with the ablest members of the body, which then included such men as Conkling, Thurman, Bayard, Blaine, Ingalls, Vance and Hill. His long white beard made him a conspicuous figure in the American House of Peers. Commenting upon a speech delivered by the Georgian, on some issue before the Senate, Mr. Blaine facetiously remarked that he never heard so fine a speech from so young a senator. Such a record in this august body constituted a most effective campaign document, and thousands who were at first opposed to him became finally reconciled to his appointment, feeling that Georgia was represented by one whose hold upon the nation made him a power for good in this crisis of her affairs.

The newly elected State Legislature convened on November 3, 1880, and organized by electing Hon. James S. Boynton, of the 26th District, president of the Senate, and Hon. Augustus O. Bacon, of Bibb, speaker of the House.* This body was distinguished for its brilliant membership and for its voluminous mass of legislative business. Scores of young Georgians who were destined to rise to high distinction appeared in this history-making session of the Legislature. Among the senators were: Peter W. Meldrim, E. P. S. Denmark, James G. Parks, Henry D. McDaniel, Dupont Guerry, A. L. Hawes, S. G. Jordan, W. B. Butt, John S. Reid, R. L. McWhorter and A. C. Westbrook. Conspicuous

* House and Senate Journals, 1880, opening pages.

upon the rolls of the House were: Lucius M. Lamar, Fleming G. DuBignon, Arthur H. Gray, Wm. S. Basinger, John W. Maddox, Pope Barrow, J. L. Sweat, Andrew J. Hansell, W. A. Post, U. B. Wilkinson, Joseph S. James, Seaborn Wright, E. P. Rice, Henry Hillyer, Wm. R. Rankin, James B. Park, Nathan L. Hutchins, John B. Estes, Wm. J. Northern, L. L. Stanford, Chas. T. Zachary, J. H. Polhill, J. M. Dupree, E. F. Dupree, H. C. Roney, W. H. Spence, W. C. Carter, Louis F. Garrard, Reese Crawford, Fred C. Foster, H. C. Jones, L. L. Middlebrooks, James M. Smith, of Oglethorpe, H. D. D. Twiggs, W. L. Peek, John H. Martin, O. A. Bull, J. J. Kimsey, M. P. Reese and W. B. Wingfield.

Tuesday, November 16th, was fixed as the time for holding the election for United States senator. On the evening of the 15th, at DeGive's Opera House, in Atlanta, before a great audience including both wings of the General Assembly, Senator Brown closed an eventful campaign with a masterful speech. In the audience was his distinguished competitor for the toga, Gen. Alexander R. Lawton, of Savannah, under whom, by order of Governor Brown, Fort Pulaski had been seized in 1861, while Georgia was still in the Union. This was destined to become a most historic night in Georgia's annals.*

Until entering the race for United States senator, Governor Brown had made no defense of his course in prosecuting the Columbus prisoners in 1868. As already discussed in these pages, one G. W. Ashburn, an offensive republican partisan, had been mysteriously killed in Columbus and for the alleged offence a number of citizens were arrested, supposed to be members of the Ku Klux. They were not only denied bail but were most cruelly treated and were about to be tried before a military court, when General Meade then in command of the district, retained Governor Brown as an attorney to prosecute the defendants. For accepting this retainer, Governor Brown increased the odium in which he was already held by the people. But a few months later the cases were transferred to the state courts and the prisoners were finally acquitted. His participation in this trial as prosecutor was made a burning issue of the senatorial campaign, especially in Columbus, where the bitter memories of the Ashburn tragedy still lingered and the resentful passions of the hour were not wholly subdued. But Governor Brown, in explanation of his course at this time, made the defense that he had accepted a retainer on condition that the cases should be transferred to the state courts and in this he had saved the prisoners. To substantiate this statement, he brought forth a number of witnesses. Moreover, such a course was consistent with his record and in accord with his views in regard to the rights of a state.

But the most dramatic climax of Senator Brown's speech on this eventful evening was reached when, after discussing at some length his reasons for advocating acquiescence in the measures of reconstruction in 1867, he drew from his pocket at this point in the argument a faded letter, dated Lexington, Virginia, commending the identical policy which he had enjoined upon the South. "That letter," said he, holding it up before the breathless audience, "was penned by the hand and dictated by the heart of that immortal hero, Robert E. Lee."

* Files of the Atlanta Constitution, November 16, 1880.

To describe the scene which followed is beyond the historian's pen. On the succeeding day at high noon the election occurred. Only one ballot was taken in either House. The vote in the Senate stood: Brown 28, Lawton 16. The vote in the House resulted: Brown 118, Lawton 48, A. O. Bacon 1, Charles J. Jenkins 1, Rufus E. Lester 1, not voting 6.* On consolidating the vote it stood as follows: Brown 146, Lawton 64, scattering 3, not voting 6. Brown's majority over Lawton was 82 votes and he was, therefore, declared Georgia's duly elected United States senator for the unexpired term of General Gordon, ending March 4, 1885. Thus the harsh decree of the fates, with respect to Joseph E. Brown, was at last reversed. Out of obloquy and odium, Georgia's once proscribed war governor had been recalled by the sovereign voice of the people into the nation's highest legislative forum, and he had won this exalted honor over the gallant Lawton, one of the state's most beloved and honored citizens.

It devolved upon this Legislature to fill two important vacancies on the Supreme Bench. Chief Justice Hiram Warner, having resigned his office, Governor Colquitt promoted Judge James Jackson, an associate justice, to this vacant seat, pending an election by the State Legislature.† At the same time, Hon. Willis A. Hawkins, of Americus, accepted a temporary appointment as Judge Jackson's successor. Exhausted by the labors of the bench, Judge Logan E. Bleckley, then an associate justice, resigned his office and was succeeded by Judge Martin J. Crawford, of Columbus. Later, when the Legislature convened, Hon. James Jackson was elected chief justice, both for the unexpired term of Judge Warner, resigned, and for a full term of six years thereafter.‡ Hon. Martin J. Crawford and Hon. Alexander M. Speer were also elected associates at this time, the former to succeed Judge Bleckley, resigned, and the latter to succeed Judge Jackson, promoted to the chief justiceship.**

The various Superior Court judges elected at this session of the Legislature were: Hon. W. O. Fleming, Albany Circuit; Hon. George Hillyer, Atlanta Circuit; Hon. James R. Brown, Blue Ridge Circuit; Hon. J. L. Wimberly, Chattahoochee Circuit, to fill the unexpired term of Judge Martin J. Crawford; Hon. J. T. Willis, Chattahoochee Circuit, for a full term; Hon. Joel C. Fain, Cherokee Circuit; Hon. F. M. Longley, Coweta Circuit, to fill the unexpired term of Judge Hugh Buchanan; Hon. S. W. Harris, Coweta Circuit, for a full term; Hon. W. B. Fleming, Eastern Circuit; Hon. Reuben W. Carswell, Middle Circuit, to fill the unexpired term of Judge Herschel V. Johnson, deceased; Hon. E. H. Pottle, Northern Circuit; Hon. A. C. Pate, Oconee Circuit; Hon. Charles F. Crisp, Southwestern Circuit; Hon. John D. Stewart, Flint Circuit, to succeed Judge Alex. M. Speer, promoted to the Supreme Bench.¶

Among the solicitor-generals elected at this time were: Jesse W. Walters, Benjamin H. Hill, Jr., Boykin Wright, George F. Gober, George B. Mabry, Thomas W. Grimes, James W. Harris, Henry M. Reid, Walter G.

* House Journal, 1880, p. 120; Senate Journal, 1880, p. 78.
† Executive minutes.
‡ House Journal, 1880, pp. 136-138.
** House Journal, 1880, pp. 145-169.
¶ House Journal, 1880, pp. 171-315.

Charlton, Emmet Wommack, John L. Hardeman, Roger L. Gamble, George F. Pierce, Jr., Robert Whitfield, James H. Guerry, J. I. Wright, Robert G. Mitchell, Charles B. Hudson and A. L. Mitchell.

Few measures of any special interest were passed by this Legislature at either session. The matter of a new state capitol was discussed, but financial conditions made an expenditure of money for this purpose unwise, just at this time, but the sum of $165,000 was appropriated to enlarge the State Lunatic Asylum at Milledgeville. There was a measure introduced to promote state-wide temperance, but it met with defeat. The Legislature also declined to purchase some important colonial records of the state, on sale in England. However, it left the railroad commission practically unchanged, made some improvements in the convict lease system, established a board of pharmaceutical examiners, to consist of five druggists, and authorized an expenditure of $180,000 for a revision of the code of Georgia.* Messrs. George N. Lester, C. Rowell and W. B. Hill were appointed a committee to compile this new state code which became known as the Code of 1882.

Significant of Georgia's rehabilitation from the ravages of Civil war was an event which occurred during Governor Colquitt's administration: the great International Cotton Exposition of 1881. For a city of only 50,000 inhabitants to inaugurate the first world's fair ever held in the South and to carry forward such an enterprise to a most successful climax is an achievement little short of miraculous, especially when we remember that only sixteen short years before this time Atlanta was a mass of smoldering ruins in the wake of Sherman's destructive march to the sea. One of the most interested of all the visitors to this exposition was the grim despoiler himself, Gen. William Tecumseh Sherman. But he was most warmly and graciously received. Beauty had taken the place of ashes and out of the chrysalis of a dead South had emerged the butterfly of a new and radiant Dixie. The estimated attendance upon the exposition was 250,000, while the gate receipts totalled in round numbers $100,000. It ran for three months, opening on October 5, 1881, and closing with the calendar year. There were over 1,800 exhibits, covering 21 acres of floor space, besides 6 miles of steam piping and 11 miles of walks and corridors. The legislatures of three states, Kentucky, South Carolina and Texas, came in a body to inspect the exhibits. Eight governors were also included among the guests to the exposition: Governors Bigelow, of Connecticut; Blackburn, of Kentucky; Hoyt, of Pennsylvania; Weston, of Massachusetts; Bloxham, of Florida; Jarvis, of North Carolina; Haygood, of South Carolina; and Hawkins, of Tennessee. From every point of view the exposition was a pronounced success. It placed Georgia indisputably among the foremost states of the Union and gave Atlanta a recognized prestige among southern cities. To quote Senator Vance, "it invited the world to witness that we had renewed our youth at the fountains of industry and found the hills of gold in the energies of an imperishable race." †

On October 5, 1881, the gates of the exposition were thrown open to the public. It ran for three months, closing on the last day of the

* Acts 1880-1881.

† Files of the Constitution, October 6, 1880, et seq.

calendar year. Senators Zebulon B. Vance of North Carolina and Daniel W. Voorhees, of Indiana, both delivered superb addresses at the opening exercises over which Governor Colquitt presided; while Bishop R. B. W. Elliott offered the prayer of invocation and Col. N. J. Hammond read an ode written especially for the occasion by the renowned southern laureate, Paul H. Hayne. Senator Vance's tribute to cotton was an exquisite gem. He characterized the South's fleecy staple as the "infant heir of the blood royal to the Empire of Trade." Only an extract from this speech can be here quoted. Said he:

"The merchant in the distant city listens for tidings of its coming up; the manufacturer amid his brick walls and tall chimneys anxiously observes its bloom; the restless speculator gazes upon its opening bolls; the mariner, with his broad sails flapping idly against his masts, waits for its maturing—and the poor everywhere pray for the gentle shower and the soft sunlight on which it feeds, and rejoice at its safe ingathering.

"Its growth is the idyllic poem of our people—its mature existence is a system of political economy. It is the source of the hoarse shout of the steam engine; it is the melody of the soft song of the spindle and the loom; it is the fairy of the waterfall; it is warmth, it is comfort, it is beauty. It is the pride of our fields, the source of our wealth, the king of our commerce."

To the foregoing felicitous reference to King Cotton, Senator Vance added the following exquisite words of welcome to the assembled hosts:

"Farmers, merchants, manufacturers, miners, curriers, laboring men and men of letters, the great army of civilizers and supporters of progress and free government, the men of the press, strangers and lookers-on, countrymen and countrywomen, we welcome you all. To every one present, or to come, we extend a Southern welcome, warm as our sunshine, and bid him behold what can be done by a land whose fields were but yesterday 'kneaded into bloody sods by the maddening wheels of artillery,' whose beasts of burden were swept away by devastating armies, whose noblest sons were slaughtered in battle, whose homes were burned with fire, and whose governments have passed through an era of corruption worse than anarchy. We invite you with pride to witness these conclusive tests of the genial nature of our climate, the fertility of our soil, the energy of our people, the conservative vitality of our political institutions; in short, we invite you to see that we have renewed our youth at the fountains of industry and found the hills of gold in the energies of an imperishable race.

"To every human soul from all the broad domains of Christendom, which may have one desire to promote the happiness and stimulate the progress of our race, which can add one voice in praise of the triumphs of peace, we say welcome, in God's name, to the hearts and homes of this Southern land."

While the conception of an international exposition belongs to Mr. Edward Atkinson, its successful management was due to an efficient board of directors, at the head of which was Governor Colquitt, president, H. I. Kimball, director-general, and J. W. Ryckman, of Philadelphia, secretary. Mr. Kimball was a born promoter of great enterprises. He visited the North and East, while Col. Thomas Hardeman visited the South and West, addressing boards of trade and securing $200,000 in

bona fide subscriptions. Dr. H. V. M. Miller was sent to Europe as special agent. To the following executive committee of twenty-nine members is due not only the success of this great industrial enterprise but much of the subsequent growth of the Gate City of the South. The list is a roll of honor. Its membership was as follows:

H. I. Kimball, chairman ..... Atlanta
B. E. Crane, chairman, pro tem ..... Atlanta

Joseph E. Brown	Atlanta, Ga.	B. F. Abbott	Atlanta, Ga.
S. M. Inman	Atlanta, Ga.	T. G. Healey	Atlanta, Ga.
J. W. Ryckman	Philadelphia, Pa.	W. C. Neff	Atlanta, Ga.
R. J. Lowry	Atlanta, Ga.	Jno. L. Hopkins	Atlanta, Ga.
R. F. Maddox	Atlanta, Ga.	Jno. T. Henderson	Atlanta, Ga.
W. A. Moore	Atlanta, Ga.	J. F. Cummings	Atlanta, Ga.
M. C. Kiser	Atlanta, Ga.	Jas. R. Wylie	Atlanta, Ga.
L. P. Grant	Atlanta, Ga.	J. C. Peck	Atlanta, Ga.
Jno. A. Fitten	Atlanta, Ga.	E. P. Chamberlin	Atlanta, Ga.
R. D. Spalding	Atlanta, Ga.	Edward Atkinson	Boston, Mass.
Richard Peters	Atlanta, Ga.	Cyrus Bussey	New Orleans, La.
E. P. Howell	Atlanta, Ga.	Richard Garsed	Philadelphia, Pa.
Sidney Root	Atlanta, Ga.	Jno. H. Inman	New York

J. W. Paramore, St. Louis, Mo.

It was during the year 1881 that the second assassination of an American President occurred. On July 2d, of this year, President Garfield, while passing through the Pennsylvania station, in Washington, District of Columbia, to board an outgoing train, was shot by Charles J. Guiteau, a disappointed office seeker. Secretary of State James G. Blaine was with the President at the time of the unfortunate tragedy. The shot was not instantly fatal. President Garfield lingered for more than two months, dying on September 19th, at Elberon, New Jersey, in a seaside residence. Guiteau was subsequently tried and executed for the crime. During the month of February, 1882, Mr. Blaine delivered in Congress a superb eulogy on President Garfield. It deservedly ranks among the great masterpieces of American eloquence. Mr. Blaine's tribute closed with this exquisite paragraph:*

"As the end drew near, his early craving for the sea returned. The stately mansion of power had been to him the wearisome hospital of pain and he begged to be taken from its prison walls, from its oppressive, stifling air, from its homelessness and its hopelessness. Gently, silently, the love of a great people bore the pale sufferer to the longed for healing of the sea, to live or to die, as God should will, within sight of its heaving billows, within sound of its manifold voices. With wan, fevered face, tenderly lifted to the cooling breeze, he looked out wistfully upon the ocean's changing wonders, on its far sails whitening in the morning light, on its restless waves rolling shoreward to break and die beneath the noon-day sun; on the red clouds of evening, arching low to the horizon, on the serene and shining pathway of the stars. Let us think that his dying eyes read a mystic meaning which only the rapt and parting soul may know. Let us believe that in the silence of the receding world he heard the great waves breaking on a further shore and felt already upon his wasted brow the breath of the eternal morning."

* "American Politics," Cooper and Fenton, p. 251. See also Congressional Record.

On September 7, 1881, Sidney Lanier, Georgia's master minstrel, died near Tryon, North Carolina. Enfeebled by long suffering, he decided to test the salutary effect of camp life; and in the far-famed land of the sky he pitched his tent under the mountain pines. But he failed to find the elusive elixir. His last production was "Sunrise," a prophetic ode to the morning whose dews were already glistening upon his brow. The poet was buried in Greenmount Cemetery, Baltimore, Maryland. At Johns Hopkins, in Baltimore, the admirers of Lanier have unveiled a handsome bronze memorial bust, a replica of which has also been placed in the public library of Macon, Georgia, the city of his birth. On both sides of the Atlantic the genius of Lanier is lovingly revered. Two of his poems in particular will always associate his memory with this state: "The Marshes of Glynn" and "The Song of the Chattahoochee." Judge Bleckley's prophecy concerning Lanier has long since come to pass. Said he: "His fame which is now a mere germ will one day grow to be a tall cedar in the poetic Lebanon."

Despite its disturbing factors, the administration of Governor Colquitt was in many respects an era of splendid rehabilitation and of marked growth along material lines. As a result of the various official probes, there had been a complete reorganization in some of the departments and strong men had been put in charge under whom the administrative machinery was working in perfect adjustment and without the least friction. Public confidence had been restored. The financial balances in the state treasury had risen. Several large sums of money had been unexpectedly realized out of old claims against the Federal Government. The following resume is taken from Governor Colquitt's last message to the State Legislature:*

"In 1877 the taxable property of the State was $235,659,530; in 1881, $287,249,403; increase, $31,589,297.

"Rate of taxation in 1877 was 5 mills on the dollar; now it is 3 mills.

"The gross amount of taxation in 1877 was $1,178,297; in 1881, $861,748; diminishing the amount of taxes annually over $316,540.

"In 1876, the cost of collecting the tax, including insolvents, was over $200,000; now this cost is, including insolvents, $64,284.16, making a difference in favor of the State of $135,715.84.

"In the same time we have collected of back taxes, due from railroads in the State, $200,000, and established the right of the State to recover an annual tax on the same roads of $40,000 more than was previously paid.

"Our State securities, quoted at par in 1877, have greatly appreciated, and are now quoted at 113.

"In 1877 our public debt was $11,044,000, with an annual interest of over $800,000. We now owe $9,624,135, with an annual interest of $645,446, showing that in six years nearly $1,500,000 of the public debt has been paid, and the interest account reduced $150,000.

* House Journal, 1882, p. 34.

"In 1876 we carried a floating debt of $256,000. This debt has been entirely extinguished."

During Governor Colquitt's administration the cause of education received a magnificent impetus from a gift of $50,000 made by Senator Joseph E. Brown to the State University, for the education of poor boys. Only the interest arising from this fund was to be used in extending help, and whatever money was returned by the beneficiaries was to be added to the principal, thus increasing from year to year the value of this princely benefaction, known as the Charles McDonald Brown Fund, so called in memory of a beloved son who was to have received this sum of money on his twenty-first birthday. It was likewise during the administration of Governor Colquitt that a public-spirited and wealthy citizen of Rome, Col. Alfred Shorter, handsomely endowed a local Baptist institution which, taking his name, subsequently became known as Shorter College. Somewhat later, George I. Seney, of New York, gave $100,000 to Emory, at Oxford, and $70,000 to Wesleyan, at Macon. Two additional branch colleges of agriculture and mechanic arts were opened in the fall of 1879, one at Thomasville for South Georgia, and one at Cuthbert for Western Georgia. Likewise, in 1879, a branch college known as the Middle Georgia Military and Agricultural College was opened at Milledgeville, in the historic old building which for six decades had served Georgia as a state capitol. But these colleges were subsequently detached from the university system.

Never was an occupant of the governor's office more unsparingly assailed by members of his own party than was Governor Colquitt. Some of the assaults made upon him in the newspapers were most malignant. But unruffled by these attacks, he kept the even tenor of his way, content to abide the issues of time. In the end, his vindication was overwhelmingly complete; and, on relinquishing finally the reins of office, after six turbulent years of responsibility, he was given a vote of confidence which at the same time conferred upon him the toga of the American Senate.

CHAPTER VIII

ALEXANDER H. STEPHENS ENTERS THE RACE FOR GOVERNOR IN 1882—RECEIVES THE DEMOCRATIC NOMINATION OVER SPEAKER BACON—GEN. L. J. GARTRELL BECOMES AN INDEPENDENT CANDIDATE—DEATH OF UNITED STATES SENATOR HILL—INCIDENTS OF HIS CAREER REVIEWED—SENATOR BROWN'S TRIBUTE—SENATOR INGALLS DELIVERS A CLASSIC SPEECH ON IMMORTALITY—THE LEGISLATURE OF 1882—LOUIS F. GARRARD ELECTED SPEAKER—POPE BARROW DEFEATS BENJ. H. HILL, JR., FOR THE SHORT TERM SENATORSHIP—GOVERNOR COLQUITT ELECTED FOR THE FULL TERM—DOCTOR FELTON SEEKS TO REGAIN HIS OLD SEAT IN CONGRESS BUT FAILS—ALLEN D. CANDLER DEFEATS EMORY SPEER—JUDGE CHARLES F. CRISP SUCCEEDS GEN. PHILIP COOK, HIS OLD LAW PARTNER—THOS. HARDEMAN, CONGRESSMAN FROM THE STATE AT LARGE—OTHER CHANGES IN THE DELEGATION—JUDGE ERSKINE RETIRES FROM THE FEDERAL BENCH—TWO NEW DISTRICT COURTS FORMED, NORTHERN AND SOUTHERN—JUDGE HENRY K. MCCAY—EMORY SPEER BECOMES DISTRICT ATTORNEY—LATER IS APPOINTED JUDGE OF THE FEDERAL COURT FOR THE SOUTHERN DISTRICT—CAPT. WM. T. NEWMAN ON THE NORTHERN BENCH—GEORGIA'S SESQUI-CENTENNIAL—GOVERNOR STEPHENS DELIVERS HIS LAST SPEECH—INCIDENTS OF HIS VISIT TO SAVANNAH—PROSTRATED WITH A FATAL MALADY ON RETURNING HOME—LAST HOURS OF THE GREAT COMMONER—MEMORIAL EXERCISES IN ATLANTA—MR. TOOMBS A PATHETIC FIGURE AT THE FUNERAL OF HIS LIFE-LONG FRIEND.

Early in the spring of 1882, Alexander H. Stephens, having reached his seventieth year, announced his intention to retire from Congress. He had served in the national councils for twenty-six years, a tenure of service divided, however, into two periods: an ante-bellum period, extending from 1843 to 1859, and a post-bellum period reaching from 1873 to the end of the term for which he was last elected. During the interval between these two periods, he had served the Confederacy in the high office of vice president. But the people of Georgia were not satisfied for Mr. Stephens to relinquish the service of the commonwealth; and as Governor Colquitt's administration drew to its close, the state instinctively turned to Mr. Stephens. There was a spontaneous call for him to enter the race for governor; and this call came from every section of Georgia and from every class of people dwelling within her borders. It likewise represented almost every shade of political opinion. Mr. Stephens did not wish to become an avowed candidate nor to engage in an unseemly scramble for office, but he agreed readily to accept the nomination if the same was tendered him by the democracy of Georgia. The state convention called to meet on July 19, 1882, was overwhelm-

ingly for Mr. Stephens; and, though a handsome complimentary vote was given to Maj. A. O. Bacon, the convention amid an uproar of enthusiasm, committed its banner into the hands of the revered sage of Liberty Hall.*

Mr. Stephens made only a few speeches in the campaign which followed; but never will the spectacle presented by the aged statesman, in addressing the people from his roller chair, be forgotten in the traditions of Georgia. It was an epoch-making campaign. Gen. L. J. Gartrell entered the race against Mr. Stephens as an independent democratic candidate and, though he fought a losing fight, it was a tribute to his own popularity that he polled so large a vote in opposing such a man as Mr. Stephens. The Great Commoner's majority over General Gartrell was 62,357 votes, the former polling 107,253 and the latter 44,896.† The entire state house ticket was re-elected. To accommodate the vast crowds eager to witness the induction of Mr. Stephens into office, DeGive's old opera house was chosen for the inaugural ceremonies; and here, on November 4, 1882, in the presence of an immense concourse of people Mr. Stephens formally took the oath of office as governor.

But to go back. While the campaign for governor was in progress, on August 16, 1882, Georgia was bereaved of a favorite son in the untimely death of her peerless orator and statesman, Benjamin H. Hill.‡ Mr. Hill was then occupying a seat in the United States Senate. What seemed at first to be only a slight abrasion on the side of his tongue, began to irritate the great senator more and more until eventually it developed into a malignant ulcer, which gradually deprived him of the power of speech and finally ended his glorious life, in the full meridian of his powers and at the height of his great usefulness to state and nation. It is doubtful if Georgia in all her history was ever represented in the Senate by one superior, if indeed equal, in powers of oratory, to Mr. Hill. As the candidate of the American or know-nothing party for governor, he had first met his distinguished colleague, Senator Brown, in a campaign, the traditions of which, after the lapse of half a century, still linger. In the great secession convention, with an eloquence which no one equalled, he urged Georgia to remain within the Union; but when the die was cast and the fatal step was at last taken he cast his lot with Georgia, became the spokesman of Mr. Davis on the floor of the Confederate Senate and when every one else was despondent and hopeless, his voice was still eloquent and his allegiance still unshaken, amid the Confederacy's falling fortunes. His resistance to the measures of Reconstruction forms one of the most dramatic episodes in Georgia's history and will live while time endures. His Davis Hall speech in which he defied the bayonets of the Federal soldiers and his Bush Arbor speech, in which he fired the democracy of a continent, are masterpieces of invective which, in power of denunciation, deserve to rank with the philippics of Demosthenes. His reply to Blaine silenced forever the falsehoods in regard to Andersonville prison, drove the Plumed Knight ignominously to cover, and won for Mr. Hill an unchal-

* Files of the Atlanta Constitution, July 20, 1882.
† House Journal, 1882, pp. 38-39.
‡ "Life of Senator Hill," by B. H. Hill, Jr.

lenged election to the United States Senate. Here he achieved his greatest victories and found himself at home in a circle of giants, including such men as Conkling and Edmonds, and Hoar and Ingalls and Vance and Vest and Thurman and Lamar. On the floor of the Senate, within the brief limits of only four years, he delivered not less than ten great speeches, any one of which was enough to make him immortal. Among these was his exposure and denunciation of Mahone. Such an excoriation was never heard in the Senate as Mr. Hill gave to the little readjuster from Virginia. It was the great Georgian's last effort, but its echoes resounded through the Old Dominion in the fall elections of 1883 when Mahoneism was crushed at the polls and Virginia was redeemed. It seemed like the bitterest of laughing ironies that the malady which ended all too soon the mortal career of Georgia's peerless orator should have rooted itself in his unrivalled tongue—the tongue of all other tongues in Georgia, that spoke the senatorial accents of the silent Webster and even revived the coronal accents of the old Demosthenes; and well it might have excited the bewilderment of Georgians when it told of the only infirmity it ever bore. Idly as the public may have entertained it at the time, little believing that any serious harm could ever reach the throne of sceptered eloquence from such an unregarded source, it nevertheless remains that the fatal canker underlay the blossoms of his brightest victories in the Senate and put an expiring note in the music of his lustiest syllables.

Two of his life-long political foes, Joseph E. Brown and Alexander H. Stephens, in a scene of reconciliation, never to be forgotten, came to his bedside to bid him farewell. Mr. Hill's last utterance, similar to the dying words of Mr. Stephens, were "almost home!" Slowly he withered day by day until at last an August morning dawned to take him. The weary eye-lids drooped and closed. The wrists grew pulseless. The heart which had been the temple of so much glorious life could ripple the wasted arteries and feed the smoldering fires no more. The lips parted and met again. The soul had slipped through the gates of purple and now rejoiced within the gates of pearl. "Almost home" had become "Home at last!"

On the day of his funeral impressive memorial services were held throughout Georgia while his obsequies at the capital were attended by some of the foremost men of the nation. Sen. Joseph E. Brown—long estranged from him by the alienation of politics—paid him this tribute some few months later in announcing his death to the Federal Senate. Said he:*

"But, Mr. President, Senator Hill possessed intellectual qualities of the highest order. His genius was acknowledged by all. In debate he was surpassingly grand and convincing. As a logician he had few equals; as an impassioned orator he had no superior; as a lawyer he occupied the first rank; as an advocate at the bar he was absolutely overwhelming; as an American Senator he was the peer of any one.

"When I reflect upon the great oratorical powers of Senator Hill, the splendor of his genius, the simplicity of his heart, and the patriotic impulses of his nature, as I had learned in later life to know them, I

* "Senator Hill's Life, Speeches and Writings," by his son, p. 134.

conclude that the day is not far distant when some great American poet will weave into verse a tribute to his memory as glowing and as just as the immortal English bard paid the great Irish orator, when Byron sang:

"'Ever glorious Grattan, the best of the good!
So simple in heart, so sublime in the rest;
With all that Demosthenes wanted endued
And his rival or victor in all he possessed.'"

Eloquent eulogies were pronounced upon Mr. Hill by Senators Ingalls, Sherman, Edmonds, Voorhees, Vest and Jones, but nothing more exquisite than the classic speech of Senator Ingalls was ever delivered on a similar occasion. Though it bore a tinge of agnosticism, it was a literary gem. We can quote only a detached paragraph. Said Mr. Ingalls:*

"Ben Hill has gone to the undiscovered country.

"Whether his journey thither was but one step across an imperceptible frontier, or whether an interminable ocean, black, unfluctuating and voiceless, stretches between these earthly coasts and those invisible shores—we do not know.

"Whether on that August morning, after death, he saw a more glorious sun rise with unimaginable splendor above a celestial horizon, or whether his apathetic and unconscious ashes still sleep in cold obstruction and insensible oblivion—we do not know.

"Whether his strong and subtle energies found instant exercise in another forum, whether his dextrous and disciplined faculties are now contending in a higher Senate than ours for supremacy, or whether his powers were dissipated and dispersed with his parting breath—we do not know.

"Whether his passions, ambitions, and affections still sway, attract and impel, whether he yet remembers us as we remember him—we do not know.

"These are the unsolved, the insoluble problems of mortal life and human destiny, which prompted the troubled patriarch to ask that momentous question, for which the centuries have given no answer—'If a man die shall he live again?'

"Every man is the center of a circle whose fatal circumference he cannot pass. Within its narrow confines he is potential, beyond it he perishes; and if immortality be a splendid but delusive dream, if the incompleteness of every career, even the longest and most fortunate, be not supplemented and perfected after its termination here, then he who dreads to die should fear to live, for life is a tragedy more desolate and inexplicable than death.

"Of all the dead whose obsequies we have paused to solemnize in this chamber, I recall no one whose untimely fate seems so lamentable, and yet so rich in prophecy of eternal life, as that of Senator Hill. * * * He was the Murat of Senatorial debate. His method was the charge and the onset. Not many men of this generation have been better equipped for parliamentary warfare than he, with his commanding

* Ibid., pp. 134-135.

presence, his sinewy diction, his confident and imperturbable self-control. But in the maturity of his powers and his fame, with unmeasured opportunities for achievement apparently before him, with great designs unaccomplished, surrounded by the proud and affectionate solicitude of a great constituency, the pallid messenger with the inverted torch beckoned him to depart. There are few scenes in history more pathetic than his protracted combat with death. No man had greater inducements to live. But in the long struggle against the inexorable advances of an insidious malady he did not falter nor repine. He retreated with the aspect of a victor; and though he succumbed, he seemed to conquer. His sun went down at noon; but it sank amid the prophetic splendors of an eternal dawn.

"With more than a hero's courage, with more than a martyr's fortitude, he waited the approach of the inevitable hour and went—to the undiscovered country."

On the assembling of the Legislature in the fall of 1882, Hon. Louis F. Garrard, of Muscogee, was elected speaker of the House and Hon. James S. Boynton, of the Twenty-sixth District, was re-elected president of the Senate. It devolved upon this Legislature to elect a successor to the lamented Hill, both for the unexpired term and for the full term of six years. There was quite an exciting contest for the short term between Hon. Pope Barrow, of Athens, and Hon. Benj. H. Hill, Jr., of Atlanta, the latter a son of the deceased senator. The vote in the General Assembly stood 108 for Barrow and 105 for Hill, giving the former a majority of only three votes over his brilliant young competitor.* Ex-Gov. Alfred H. Colquitt was elected for the long term, defeating three strong contestants—Chief Justice James Jackson, of Atlanta; Hon. J. C. C. Black, of Augusta; and Hon. Clifford Anderson, of Macon. The ballot resulted as follows: Colquitt 102, Jackson 48, Black 34, and Anderson 25.† This same Legislature elected Hon. Samuel Hall an associate justice of the Supreme Court to succeed Judge Alexander M. Speer.‡

Two of the most hotly contested battle-grounds in the congressional elections of 1882 were furnished by the Seventh and Ninth districts respectively. Dr. Wm. H. Felton, in the former, sought to regain his old seat in Congress. He had been defeated by only 845 votes in the campaign of 1880 and he thought that by rallying the mountaineers to his standard he could oust Colonel Clements. But an unpleasant controversy with Mr. Hill in what proved to be the last hours of the great statesman's life produced a dampening effect upon the political aspirations of the stalwart old independent and he lost the election in 1882 by 1,730 votes. This was Doctor Felton's last campaign for Congress; but he subsequently entered the State Legislature, in which body for years the trembling figure of this white-haired old man was the focal center upon which the eyes of the state were riveted. The election of 1882 likewise tolled the knell of parting day for the independent faction in the Ninth District. This was Emory Speer's kingdom, in which,

* House Journal, 1882, pp. 217-220.
† Ibid., p. 223.
‡ Ibid., p. 110.

however, the brilliant leader of the independents was at last a deposed sovereign. The candidate of the organized democrats in this campaign was Allen D. Candler, a man destined to fill a large place in the subsequent history of this state. He was facetiously styled by his opponent, "the one-eyed plow boy of Pigeon Roost." But the effect of this droll appellation, conferred in a spirit of ridicule, was to identify Colonel Chandler with the common people of Georgia and to recall the gallant fight at Jonesboro, in which he had given an eye to the Confederacy, and he swept to victory by a pronounced majority of 2,983 votes.

But the silvery echoes of Emory Speer's eloquence linger to this day in the valley of the Chattahoochee and around the peaks of the Blue Ridge, while the beardless face of a youthful candidate, with eyes aflame like a mountain eagle's, is still cherished in recollection by the inmates of countless cabin homes. As a campaigner, he has rarely if ever been surpassed in Georgia. More polished than Doctor Felton, his periods were always smoothly rounded, his accents exquisitely musical. The great Ben Hill, who was warmly attached to him in his youth and predicted for him a bright career in public life, presented the youthful Speer to an audience on one occasion as "a young eaglet of the mountains whose unfledged wings would one day bear him to some sun-bright eyrie." There is perhaps no office in Georgia's gift to which Emory Speer might not have successfully aspired had he remained in the democratic fold; but his independent proclivities became more and more pronounced until he found himself at last an avowed republican. At the close of his term of office, President Arthur appointed him United States district attorney for Georgia; and when the Federal Court for the Southern District of Georgia was organized in 1885, he was promoted to the judgeship, an office which he still retains (1916).

Gen. Philip Cook retired from Congress at the expiration of his fifth term, to be succeeded in office by his law-partner, a Georgian, then new to the public life of the nation but destined to wield the gavel of the American House of Representatives: Judge Charles F. Crisp. Judge Crisp relinquished the Bench of the Southwestern Circuit to make the race for Congress. His parents were noted actors, who often appeared before the footlights in Georgia, during the ante-bellum days. Col. George R. Black, on account of ill-health, declined to stand for re-election and was succeeded by Hon. John C. Nicholls, a veteran legislator who had served in the Forty-sixth Congress. According to the census of 1880 Georgia was entitled to a new congressman, and pending the creation of a new district, Col. Thomas Hardeman, of Macon, was elected congressman from the state at large. The other members of the delegation: Messrs. Blount, Buchanan, Hammond, Reese, and Turner, were all re-elected by safe majorities.*

Judge John Erskine, retiring from the Federal Bench, in 1882, was succeeded as judge of United States Court for the District of Georgia by Judge Henry K. McCay, formerly an associate justice of the Supreme Court of Georgia. Judge McCay was a man of northern birth, but coming to Georgia at an early age he settled in the Town of Lexington for

* Congressional Directory, 1774-1911, p. 305.

the practice of law, enlisted in the Confederate army at the outbreak of hostilities, identified himself with the reconstructionists after the war, became a republican in politics, and accepted appointment as an associate justice of the Supreme Court of Georgia from Governor Bullock. When the jurisdiction of the Federal Court in Georgia was divided Judge McCay became the first judge of the United States Court for the Northern District of Georgia, an office which he held until 1886 when Capt. Wm. T. Newman, a democrat, succeeded him by appointment of President Cleveland. Judge Newman was an East Tennessean. He achieved a gallant record as a soldier during the Civil war and was twice wounded, losing an arm in the second of these casualties. Locating in Atlanta for the practice of law, he held the office of city attorney for twelve years.

Georgia's sesqui-centennial was celebrated in Savannah, on February 12, 1883,* with great ceremonial pomp and splendor, such as only the people of Savannah, exemplifying the proverbial hospitality of the old South, could provide for an occasion of this character. It commemorated the landing of Oglethorpe upon the bluffs at Yamacraw. Governor Stephens was the city's guest of honor. For making this trip, which proved to be his last, there were numerous reasons. In the first place, the occasion itself was historic and appealed strongly to his state pride. Again, some of his warmest friends and supporters were among the cultured residents of Savannah, not the least of whom was the eloquent Henry R. Jackson, whose voice had resounded over the entire state in the late campaign. Moreover, Governor Stephens, who lived in the upper edge of the midland belt, wished the people of the tide-water lowlands to feel that he was the impartial governor of all Georgia, upon whose map of official favors, the wire-grass tracts and the sandy levels were fully as conspicuous as the processional peaks of the Blue Ridge. He, therefore, went to Savannah; and, though feeling none too well on leaving home, he nevertheless entered heartily into the spirit of the great festival. On the brilliant platform, gaily festooned with banners, he caught the inspiration of his parting syllables; but, even as he waxed unwontedly eloquent in rehearsing the story of Georgia's infant struggles, it was evident that the glow upon his face was not caught from the aurora light of the commonwealth's dawn. It was rather the lingering flush upon the western horizon whose roseate signal unlooses the sunset guns.

Immediately upon returning home, Governor Stephens was taken violently ill. He was destined never to rise from the bed which he was now obliged to seek. But it was not the visit to Savannah that caused or even hastened the governor's death. The time for his departure was at hand. The candle had slowly melted down to the socket and the hour hand had reached the fatal number on the dial plate. Back into his cosy apartment, in the executive mansion, at the extreme end of the hall, to the left on entering, the pale invalid sufferer was again borne; nor was he destined to leave his favorite room until his eyes had closed in the deepening dusk of that mysterious sleep which had puzzled the weary Hamlet. The cause of Mr. Stephens's death was an old malady, provoked by riding up from the depot in a cab, from which a pane of glass had

* Files Savannah Morning News, February 13, 1883.

been displaced, exposing him to the cold draft of an inclement February morning. The physical distress which followed bore so plainly the features of former attacks that Mr. Stephens was not at first seriously alarmed; but when the customary remedies failed to give the usual relief he began to feel some uneasiness. Doctor Steiner, his old family physician, was hastily summoned to Atlanta, but he reached the city too late to be of any help to his patient. The Great Commoner was slowly passing. The end had come at last.*

It is said by those who stood at his bedside that the last articulate utterance of the Great Commoner was "Get ready, we are nearly home."† Perhaps, in the delirium of his dying moments, the old governor weary of the cares of state in the busy capital, was hurrying back over the iron rails to Crawfordville, and, looming above the tree-tops on the distant hillside, he had caught the familiar turrets of old Liberty Hall. Perhaps it was the black face of his old bodyguard that framed itself in his dying thoughts as he whispered those simple words, "Get ready, we are nearly home;" but even if this was all, those commonplace words, addressed to an old negro whom he loved, were not unworthy of the golden approaches to the palace of the King.

All was over. The doctor was now dismissed. The crutch was laid aside for good. The roller-chair was no longer needed. At last, after seventy years, there had fluttered down through the Sabbath hush of the sick bedroom an old, old prescription which had made the invalid well. His wish had come true at last. Those lips had been dashed at the fountain which the Spaniard sought in vain. Those withered limbs had waxed strong and youthful. Those heart-beats had commenced anew to keep perpetual time to music that never ceases. It is unmeet for the mute mourner who bends over the attentuated figure to keep back the tears; for the absent loved ones are always missed. But over the beautiful clay let the laurel instead of the cypress rest; for in the goblet of death, fresh from the vintages of yonder hills, Alexander H. Stephens has found the elixir of life!

For several hours the body of Governor Stephens lay in state in the Senate chamber at the state capital, after which it was borne to the hall of the House of Representatives where the final obsequies were held. The last appearance in public of the great Robert Toombs was at the funeral of his life-long friend where he attempted to speak but almost signally collapsed, due in part to his failing powers and in part to his emotions, which were deeply stirred. We cannot forbear quoting in this connection a paragraph from the pen of Thomas E. Watson. It vividly portrays this impressive scene. Says Mr. Watson:

"The Grecian painter, Timanthes, depicting the sacrifice of Iphigenia, could express on the face of every one else present the grief which was felt at the approach of the awful doom of the devoted maiden; but, unable to throw into her father's face the agony inseparable from the hour, the artist drew a mantle over the features of Agamemnon, and thus made the *hidden face* the most touching of all. So, at the funeral

* Files of Atlanta Constitution, March 5, 1883.

† This incident was obtained from Judge E. C. Kontz, of Atlanta, who was present at the time.

of Alexander H. Stephens, where orators of celebrity were delivering memorial eulogies, Robert Toombs, the greatest orator of them all, was more eloquent than all, though he said nothing."

Mr. Stephens was at first entombed in the Cotting vault, at Oakland Cemetery, in Atlanta.* But later, the body was removed to Crawfordville, Georgia, for interment on the spacious lawn in front of Liberty Hall. Here, in 1893, a superb monument was unveiled to the memory of the wondrous little giant among statesmen; and here, too, in 1913, the ashes of his half-brother, Linton, were brought from the front yard of his old home in Sparta, Georgia, where for nearly half a century, in an unmarked grave, they had slept beneath the wild honeysuckle.

* This vault contains the remains of David G. Cotting, Georgia's secretary of state during the days of Reconstruction.

CHAPTER IX

JAMES S. BOYNTON BECOMES GOVERNOR AD INTERIM—CALLS AN ELECTION—GOVERNOR BOYNTON A FAVORITE—MAJOR BACON TAKES THE FIELD AGAIN—IN ADVANCE OF THE TIME SET FOR THE ELECTION A STATE CONVENTION IS HELD—TWO OTHER GEORGIANS DEVELOP STRONG FOLLOWINGS—HENRY D. MCDANIEL, AN EX-STATE SENATOR, AND GEN. PHILIP COOK—AS USUAL, THE CONVENTION IS DEADLOCKED—A COMMITTEE OF CONFERENCE IS FINALLY APPOINTED—EX-SENATOR MCDANIEL THE COMPROMISE CANDIDATE—NOMINATED AMID GREAT ENTHUSIASM—HIS ELECTION FOLLOWS—INAUGURATED GOVERNOR AT A SPECIAL SESSION—DEATH OF HON. CHARLES J. JENKINS—THE LEGISLATURE IN 1883 PROVIDES FOR THE ERECTION OF A NEW STATE CAPITOL IN ATLANTA, TO COST $1,000,000—THE STATE CAPITOL COMMISSION—ITS MONUMENTAL WORK—HON. MARK BLANDFORD BECOMES AN ASSOCIATE JUSTICE—THE HISTORIC OLD KIMBALL HOUSE BURNS IN 1883—RECOLLECTIONS OF THIS FAMOUS HOTEL—ITS POLITICAL ASSOCIATIONS—GENERAL LONGSTREET APPOINTED A FEDERAL MARSHAL—THE CIVIL RIGHTS BILL DECLARED UNCONSTITUTIONAL—GREAT REJOICING IN GEORGIA—DELEGATES TO THE NATIONAL DEMOCRATIC CONVENTION IN 1884—CLEVELAND AND HENDRICKS NOMINATED—GEORGIA HOLDS A STATE CONVENTION AT WHICH GOVERNOR MCDANIEL IS AGAIN NAMED—PRESIDENTIAL ELECTORS—R. U. HARDEMAN BECOMES STATE TREASURER—BISHOP PIERCE'S DEATH—CLEVELAND'S ELECTION—GREAT JUBILATION IN GEORGIA—GRADY ADJOURNS THE LEGISLATURE—L. Q. C. LAMAR, A NATIVE GEORGIAN, MADE SECRETARY OF THE INTERIOR—THE NEW CONGRESSIONAL DELEGATION—MAJ. GEORGE T. BARNES—GOVERNOR MCDANIEL RE-INAUGURATED—SENATOR BROWN AN UNOPPOSED CANDIDATE FOR RE-ELECTION—THE NEW LEGISLATURE—DOCTOR FELTON'S REFORMATORY BILL—GEORGIA SCHOOL OF TECHNOLOGY CREATED—COL. N. E. HARRIS AUTHOR OF THE BILL—CORNERSTONE OF THE NEW STATE CAPITOL LAID—GEN. ALEXANDER R. LAWTON THE ORATOR—DEATH OF ROBERT TOOMBS AT HIS HOME IN WASHINGTON—TRIBUTES TO THE KINGLY GEORGIAN—REVIEW OF GOVERNOR MCDANIEL'S ADMINISTRATION—LOWEST TAX RATE SINCE 1865.

Governor Stephens died on Sunday, March 4, 1883. Hon. James S. Boynton, then president of the Senate, took the oath of office on the day following and without delay issued an executive proclamation calling for a special election to be held on April 24, 1883. At the same time the General Assembly was called to meet in special session within three weeks thereafter, to declare the result of said election or to elect a governor in case no person should receive a majority of the votes cast. In

advance of the time set for the state election a meeting was called of the State Democratic Convention to nominate a candidate for governor.

Pursuant to call, the State Democratic Convention met in Atlanta, on April 11, 1883. There was a strong current of popular sentiment in favor of Governor Boynton. The record of this upright public servant bore no stain. As commander of the Thirtieth Georgia Regiment during the Civil war and as president of the State Senate, he had achieved a deservedly high distinction. But the friends of Speaker Bacon, seeing in this crisis of affairs an opportunity to place the popular presiding officer of the House in the executive chair, organized a vigorous campaign. At first he did not seem to be as strong as Governor Boynton, but his strength rapidly increased as the time for holding the convention drew near. Other favorite sons were likewise groomed for the nomination, among them Gen. Philip Cook, who had lately relinquished a seat in Congress, and Hon. Henry D. McDaniel, an ex-state senator.

The convention organized by electing Col. Charles C. Jones, of Augusta, temporary chairman, and Judge Charles F. Crisp, of Americus, congressman-elect from the Third District, permanent chairman. Only three candidates were formally placed before the convention when the time for making nominations arrived. These were Governor Boynton, Speaker Bacon and ex-Senator McDaniel. The roll was then called and the first ballot resulted as follows: Boynton, 139 7/15; Bacon, 145 2/15; McDaniel, 36 11/15; Cook, 14 2/15; Thomas J. Simmons, 6; Martin J. Crawford, 3; Wm. E. Smith, 3; and A. T. MacIntyre, 2.* When the twelfth ballot was concluded Hon. Dupont Guerry sought to swing the convention to Gen. Philip Cook by formally placing his candidate in nomination at this point in the proceedings. He started a wave of enthusiasm, but the additional support increased General Cook's strength to only thirty votes. The balloting continued. There were few material changes, each call of the roll yielding substantially the same result. The convention seemed to be hopelessly deadlocked. Finally Hon. Patrick Walsh, of Augusta, a strong supporter of Governor Boynton, offered a resolution requesting the two strongest candidates to withdraw, in the interest of democratic harmony. There was decided opposition to this course, however, among the friends of these gentlemen, and a substitute for the resolution was offered by Dupont Guerry, which promised a happier solution of the difficulty and its adoption followed by a vote of 203 to 147. The Guerry substitute proposed a committee of conference to be composed of delegates representing each of the candidates and proportioned in the following ratio of strength: 6 for Boynton, 6 for Bacon, 4 for McDaniel and 2 for Cook; this committee to retire from the hall at once, to canvass the situation carefully and to report to the convention a compromise candidate for governor. On this committee of conference the following delegates were appointed by the chair: Washington Dessau, Walter G. Charlton, C. C. Kibbee, Arthur H. Gray, Thomas B. Cabaniss and F. H. Colley, for Bacon; Messrs. P. M. B. Young, R. T. Dorsey, F. D. Dismuke, Charles C. Jones, A. P. Parham and M. C. Fulton, for Boynton; Messrs. Alex. S. Erwin, W. B. Wingfield, S. C. Dun-

* Atlanta Constitution, April 12, 1883, et seq.

lap and L. F. Livingston, for McDaniel; and Messrs. Dupont Guerry and W. H. Willis, for Cook. After remaining out for some time, this committee finally agreed on a compromise candidate and reported to the convention its action by naming Hon. Henry D. McDaniel, of Walton. The announcement was greeted with an uproar of enthusiasm, and on motion of Gen. P. M. B. Young the nomination of Mr. McDaniel was made unanimous. Two weeks later at the ballot box his election to the governorship resulted. Mr. McDaniel's record in the State Senate had brought him into well deserved prominence. Entering public life as the youngest member of the secession convention, he subsequently commanded a brigade at Gettysburg. Successful as a financier and man of affairs, he possessed an acknowledged genius for practical legislation.

In response to Governor Boynton's proclamation, the Legislature met in special session, on May 9, 1883, to inaugurate the governor-elect and to enact such necessary measures as the state's welfare in this crisis demanded. The acting governor, in his message to the Legislature, paid this tribute to Mr. Stephens. Said he:*

"Other men have surpassed him in special domains of thought or action but no historic character of the commonwealth is more rounded and complete, more varied in intellectual attributes, more thoroughly equipped with moral excellence and mainly virtue, more noble in heroic fiber, more fitted for exalted trust, more continuously conspicuous by uniform and lofty achievement. He was a good man—a wise man—a great man. He was a great orator, a great thinker, a great writer, a great statesman, a great actor, a great philanthropist, a great practical examplar of Christianity."

Governor McDaniel's inauguration took place on Thursday, May 10, 1883, in the House of Representatives. Chief Justice James Jackson administered the oath. While the sables of grief for Mr. Stephens were still visibly in evidence the state was bereaved of another favorite son on June 5, 1883, when ex-Gov. Charles J. Jenkins breathed his last at Summerville, near Augusta. It was this peerless Georgian who refused to surrender the executive seal into the hands of the military power in 1865 and who before the Supreme Court of the United States sought to nullify the oppressive measures of reconstruction. His last service to the state was rendered as chairman of the great Constitutional Convention of 1868. Out of respect for the memory of this illustrious Georgian, Governor McDaniel issued an executive order directing the state house offices to be closed on the day of the funeral and the state flag to be displayed at half-mast. Said the governor: "His long and useful public service was without a stain. Faithful to every trust, he displayed ability, integrity and patriotism rarely equalled and never surpassed. His memory is a priceless heritage." †

When the State Legislature met in its summer session an act was passed providing for the erection of a new state capitol, the cost of which was not to exceed $1,000,000.‡ Five commissioners were to be appointed within thirty days from the date of this act and by virtue

* House Journal, 1883, pp. 9-10.
† Files Atlanta Constitution and Augusta Chronicle, June 6, 1883.
‡ Acts, 1883.

of his office the governor was to be a member of this board. The distinguished Georgians upon whom devolved the responsibility of supervision were: Gov. Henry D. McDaniel, Capt. Evan P. Howell, Gen. Philip Cook, Gen. E. P. Alexander, Hon. W. W. Thomas and Hon. A. L. Miller. It is to be regretted that Georgia's own rich quarries of building stone were not sufficiently developed at this time to permit of the use of home materials in the building of this magnificent structure. Georgia marbles and granites have since come into wide use throughout the land, but at this time the best material available for this purpose was Indiana limestone, a substance which has undoubtedly given great satisfaction. To the credit of the commissioners be it said that the present splendid new state house was not only completed within five years but its total cost was considerably less than the figures named in the original appropriation. The experience of other states in the erection of public buildings, notably Pennsylvania and New York, makes this achievement one of which Georgia in an age of corrupt officialism may well be proud. There was no suggestion of graft in the building of this superb structure; and from capstone to foundation its solid masonry was unstained, revealing no marks of dishonest workmanship and no traces of maladministration.

To fill the unexpired term of Judge Martin J. Crawford, deceased, on the Supreme Bench, this Legislature, after an exciting contest, elected Hon. Mark Blandford, of Muscogee, an ex-member of the Confederate Congress, and an able jurist and lawyer. His competitors were: Maj. Wm. S. Basinger, of Savannah, and Hon. Wm. H. Dabney, of Rome.* On August 13, 1883, while the Legislature was still in session, the historic old Kimball House, at which many of the legislators were stopping, burned to the ground. This noted old landmark witnessed in its day some of the most dramatic scenes in the history of Georgia politics and was the custodian of countless secrets, revealed only in caucus behind closed doors. Its lobbies were fragant with reminiscences of public men. Here General Toombs always stopped when in Atlanta. His appearance in the arcade never failed to attract attention. His signature on the register invariably started newspaper reporters in quest of an interview. It was in the corridors of the Kimball that many of the wittiest sayings attributed to General Toombs were first heard. When the work of the flames was complete, naught was left of the old building save grim walls and lifeless ashes; but plans for a new hotel were made at once and work on its successor began without delay.†

President Arthur this year appointed Lieut.-Gen. James Longstreet marshal for the Northern District of Georgia. General Longstreet had been a republican since the days of reconstruction, having identified himself with the party in power in order to aid more effectively in the work of rehabilitation. Moreover, he considered himself obligated by the terms of his parole to uphold the United States Government.‡ This course had made General Longstreet very unpopular, despite his record as a commanding officer in Lee's army; and it was due largely to the

* House Journal, 1883, pp. 370-380.
† Files of the Atlanta Constitution, August 14, 1883.
‡ "Lee and Longstreet at High-Tide."

odium in which he was held after the war that he was charged with responsibility for the loss of Gettysburg. But General Longstreet, while out of touch with democrats, was not in close affiliation with republicans. He was in no sense of the word a politician. Consequently he sought and obtained little in the way of political emoluments.

Great satisfaction was felt in Georgia this year over a decision rendered by the Supreme Court of the United States declaring the Civil Rights Act of 1875 unconstitutional, null and void. Justice Bradley wrote this celebrated opinion. Under the above named act, members of the colored race were entitled to full and equal enjoyment of all accommodations, advantages, and privileges of inns, public conveyances on land and water, theatres and other places of amusement, subject only to the conditions and limitations established by law. Of course it was difficult to enforce such a measure in the South. No jury, composed of white men, could be found to convict a defendant for having drawn the color line. On one occasion a negro sought to enter the parquet at DeGive's Opera House, but he was promptly evicted by a policeman, acting under instructions from the owner. The negro instituted a suit against Mr. DeGive, but he failed to get any satisfaction. The law was a nullity in Georgia. There was never a conviction under this act during the nine years of its operation. But its danger, to quote an editorial comment, lay in the fact that while a dead letter on the statute book it was a temptation for designing white men and ignorant negroes to precipitate an issue between the two races.

To the Chicago convention to nominate a national democratic ticket Georgia sent the following state delegation in 1884: from the state at large—Capt. Evan P. Howell, Hon. A. O. Bacon, Gen. A. R. Lawton, and Hon. Patrick Walsh; district delegates—1. J. L. Sweat and R. W. Grubb; 2. Judge O'Neal and Capt. John Triplett; 3. W. T. McArthur and C. C. Duncan; 4. F. M. Longley and J. H. Martin; 5. George Hillyer and W. C. Parker; 6. G. W. Gustin and J. E. F. Matthews; 7. M. Dwinnell and L. S. Colyar; 8. M. P. Reese and H. T. Lewis; 9. W. I. Pike and W. E. Simmons; 10. Wm. H. Parsons and E. F. Lawson. These delegates were uninstructed, but supported Grover Cleveland, of New York, for President. Mr. Cleveland was the nominee of this convention. Ex-Gov. Thomas A. Hendricks, of Indiana, was given the second place on the ticket. In the fall elections democracy swept the nation.

The State Democratic Convention to nominate a governor met in Atlanta on August 13, 1884, endorsed Governor McDaniel's administration, and tendered him a renomination for governor by a unanimous vote. Hon. Walter G. Charlton, of Chatham, was the permanent chairman of this convention. The temporary presiding officer was Hon. Joseph H. Polhill, of Jefferson. All the state house officers were renominated, except Maj. D. N. Speer, who declined to stand for re-election at this time, due to failing health. In place of Major Speer, the convention nominated Hon. Robert U. Hardeman, of Newton. The presidential electors chosen this year were as follows: Peter F. Smith and George N. Lester, from the state at large; and district electors: Spencer R. Atkinson, A. T. MacIntyre, Rufus M. Hodges, E. M. Butt, John L. Tye, Washington Dessau, Thomas W. Milner, Joel A. Billups, C. J. Wellborn, and A. F. Daley.*

During the early fall of this year, Georgia lost her great pulpit orator, Bishop George F. Pierce, the peerless Demosthenes of Georgia Methodism. He died at Sparta, Georgia, September 3, 1884.

Jubilation was kindled through Georgia by the election in November of the national democratic ticket. The excitement reached its climax in Atlanta. As soon as the vote of New York State was officially announced, giving the election to Cleveland, a column was organized, with Henry W. Grady at its head and moving toward the capitol, where the new State Legislature was in session, this militant column invaded the hall of the House of Representatives. Brushing past the sergeant at arms, Mr. Grady marched down the aisle and up to the speaker's desk, holding aloft an American flag. Hon. Lucius M. Lamar, of Pulaski, the speaker pro tem., was in the chair. Seizing the gavel from Mr. Lamar's hand, he rapped for silence, announced the news from New York, and in the name of Grover Cleveland, President-Elect of the United States, declared the House adjourned. Without the formality of a motion the day's session ended in an uproar of enthusiasm. These tactics were somewhat Cromwellian; but the offence was condoned and Grady's audacity in dissolving a Legislature survives among the spicy traditions of the capitol. Mr. Cleveland, on assuming the duties of President, called into his cabinet as secretary of the interior, a native Georgian, Hon. L. Q. C. Lamar, of Mississippi, then a United States senator. Gen. Alexander R. Lawton, of Savannah, was nominated for the post of ambassador to Russia, but the nomination was subsequently withdrawn, on account of General Lawton's political disabilities. However, Gen. P. M. B. Young, of Cartersville, an ex-member of Congress, was made consul-general at St. Petersburg.†

The congressional delegation elected this year was as follows: Thomas M. Norwood, Henry G. Turner, Charles F. Crisp, Henry R. Harris, Nathaniel J. Hammond, James H. Blount, Judson C. Clements, Seaborn Reese, and George T. Barnes, of Augusta.‡ There were only two new members on the delegation this year: Judge Thomas M. Norwood, who succeeded Hon. John C. Nicholls, from the First District; and Hon. George T. Barnes, of Augusta, who succeeded Col. Thomas Hardeman. Judge Norwood had formerly been a United States senator from Georgia. Major Barnes was the first representative from the newly created Tenth District, but was chosen as Colonel Hardeman's successor, the latter having been elected to Congress from the state at large, pending a reapportionment. Major Barnes had served as a member of the national democratic committee for eight years, but resigned at the time of his election to Congress.

On November 8, 1884, Governor McDaniel was reinaugurated for a term of two years. Ten days later, United States Senator Joseph E. Brown, was an unopposed candidate to succeed himself in the nation's highest forum and was re-elected to this exalted office with only one

* Files of Atlanta Constitution, August 16, 1884.
† Files of Atlanta Constitution, March 5, 1885, et seq.
‡ Congressional Directory, 1774-1911, p. 313.

vote in opposition.* In the organization of the State Legislature this year, Hon. H. H. Carlton, of the Twenty-Seventh District, was elected president of the Senate, and Hon. W. A. Little, of Muscogee, speaker of the House. As usual, there was little accomplished in the way of legislation, during the short winter session. One of the new members of the House was the veteran ex-Congressman Dr. Wm. H. Felton, of Bartow, who at the session introduced a reformatory bill, for the purpose of regulating conditions in the convict camps. It failed of passage because of the powerful influence of the lessees.

But in the summer following much was accomplished. At this time, the Georgia School of Technology, a branch of the state university system, was established under an act approved October 13, 1885;† and what came to be one of the most beneficent and useful institutions of the state, stimulating to every phase of industrial enterprises in Georgia, was given existence, chiefly through the unwearied zeal and far-sighted wisdom of one man: Hon. N. E. Harris, of Bibb, afterwards governor of the state. Mr. Harris introduced the bill. As chairman of a committee to visit the North and East for the purpose of inspecting various technological plants, he reported that one at Worcester, Massachusetts, was the best, and after this splendid institution at Worcester, the Georgia school was modeled. There was much opposition to be overcome in putting this measure through the General Assembly; but Colonel Harris finally surmounted all obstacles. Today this school is one of Georgia's transcendent glories. Its first president was Dr. Isaac S. Hopkins, under whom while president of Emory College, at Oxford, Georgia, this practical method of education was first tested in an experimental way. His successor, Dr. Lyman Hall, proved to be one of the best organizers the state has ever known. He gave himself with tireless zeal to the task of developing a great educational plant, and though he died before his plans were fully realized, he had nevertheless placed Georgia's School of Technology well in the forefront of American institutions. The present executive head of the school, Dr. Kenneth G. Matheson, has done much to enlarge its sphere of usefulness. The location of the school in Atlanta was due largely to a magnificent gift made by Mr. S. M. Inman, who until the time of his death was one of the most zealous members of its board of trustees. On account of the importance of this institution as a factor in the state's material upbuilding a more detailed sketch of its origin is herewith furnished:‡

Says Mr. H. M. Stanley, commissioner of commerce and labor: "A bill appropriating $65,000 for the foundation of the Georgia School of Technology, introduced by Hon. N. E. Harris, of Bibb, was passed by the General Assembly October 6, 1885. The Act provided for competitive bids from various sections of the State for the location of the school. The commission, after considering all of the bids, accepted that of Atlanta, which was as follows: the amount of $50,000 in cash donated by the city; $2,500 annuity for twenty years, and a citizens subscription of $20,000 headed by a handsome sum from Mr. Inman. A campus of

* House Journal, 1884, pp. 222-225.

† Acts 1885, pp. 69-72.

‡ H. M. Stanley, commissioner of commerce and labor, in his second annual report to the governor, 1913.

nearly five acres was purchased on North Avenue. When the commission decided that the campus was too small for the purpose, Mr. Richard Peters donated four additional adjoining acres, having a cash value of $10,000.

"During the summer of 1888 the building and part of the equipment were ready, a faculty was elected and academic and shop work was begun on October 3d of that year. April 21, 1892, the school shops were totally destroyed by fire. With the insurance on the building and machinery, aided by an additional appropriation by the legislature, a building and machinery superior to those destroyed by fire were promptly supplied.

"In December, 1896, the legislature appropriated $5,000 for equipping a department of electrical science and $15,000 for building a dormitory, which was ready and occupied by students at the opening of the fall session of 1897.

"The degrees of electrical engineering and civil engineering were established by the local board of trustees in December, 1896. The legislature at its session in December, 1897, the bill having been introduced by Hon. John T. Boifeuillet, appropriated $10,000 for establishing a textile department with the proviso that the friends of the school contribute $10,000 in money and machinery. During the next year machinery worth $20,000 was donated to the school besides some $20,000 in cash. Experienced mill architects were employed and the regular course in textiles, both in theory and practice, began in the fall of 1899.

Other bequests to the school, amounting to more than $300,000 have not only increased the endowment, but have secured great improvements in the buildings and equipment. Among additional buildings with necessary equipment since 1900 there are as follows: an electrical building, a chemical laboratory, a library building and a handsome Y. M. C. A. building, the Joseph Brown Whitehead Memorial Hospital and a large additional shop building. On the campus there stands a marble drinking fountain, the gift of the class of 1903. The electrical seniors of the class of 1911 erected two electric light standards facing the entrance of the electrical building. Two electric light standards in front of the entrance to the library building are the gift of the electrical seniors of 1912. Many acres in addition to the original purchase have supplied abundant space for all of the new buildings that have been erected. The new dual athletic field, known as "The Hugh Inman-Grant Field," is unequalled in the South.

Temperance sentiment crystallized during this session in the enactment of a general local option law, providing that on the application by formal petition of one-tenth of the voters in any county of the state, it should be the duty of the ordinary of said county to order an election on the issue: wet or dry. This issue, however, was not to be submitted at a time when other elections were held. This bill greatly simplified matters. Prior to its enactment the time of the Legislature was largely consumed by applications asking for consent to hold such elections.

With impressive ceremonies, the corner-stone of Georgia's new state capitol was laid on September 2, 1885, by the Grand Lodge of Georgia Masons. Gen. Alexander R. Lawton, of Savannah, was the orator of the occasion. His speech was a splendid effort, reviewing the achievements

of Georgia's history since the earliest times. It abounded in many striking facts and figures. Governor McDaniel, on behalf of the state, Sen. R. G. Mitchell, chairman of the joint committee on public property, and Hon. John S. Davidson grand master of the lodge of Georgia Masons, also delivered short addresses. Hon. Frank L. Haralson, the state librarian, at the proper time, produced a copper box containing a large number of articles to be placed within the receptacle, a hollow chamber ten inches square by eight inches in height. This box contained the following articles: *

"A copy of the code of 1882; a copy of the legislative manual; a list of the governors; governor's staff and state house officers; a roll of the general assembly; names of the joint committee on public property; list of the judges and officers of the supreme court; list of the judges of the superior court; list of the capitol commissioners; names of the capitol contractors and architects; military roster of the state; acts of the general assembly of 1881-2-3-4; copy of the paper containing the published programme of the ceremonies, with the names of the orator, chaplain, etc., and copies of the daily papers of Atlanta; a copy of General Lawton's address; roster of the Masonic grand lodge and subordinate lodges in the state; Masonic apron and glove; bottle of Indian Springs water, by E. E. Pound; by-laws of various Masonic lodges; seventy-first Georgia reports; Confederate bills, by W. B. Burke; a $50 Confederate bill, by Mrs. Frank L. Haralson; a Bible, by Colonel Ben Abbott; copy of the Macon Telegraph and Messenger, by C. A. Niles; copy of the Sunday Telegram, by C. T. Logan; by-laws of Cœur De Lion Commandery Knights Templar; card of Orien Frazee, sculptor of the corner stone; a rejected design for the new capitol; reports of the capitol commissioners; copy of music used on the occasion; governor's messages for 1884-85; circulars of the Salem Stone and Lime Company; photograph of Patsy Cahill of the Atlantas; 'Free Grace' song book and business card, by E. M. Roberts; a copy of the LaGrange Reporter, by Senator Traylor; copies of the Augusta Chronicle; copy of 'Light for Thinkers,' by Captain Ladd; reports of the railroad commissioners, copy of the Sandersville Mercury, by Mr. Hines, of Washington; a register of 14,000 names kept by Mr. Phelps, of Columbus, during the cotton exposition to put in the capitol corner stone. This was deposited by Mayor Hillyer; Mayor Hillyer also deposited the year book of the city council. Mr. Frank Haralson deposited a copper cent one hundred years old."

On July 23, 1885, at Mount McGregor, New York, Gen. U. S. Grant, ex-President of the United States, died after a protracted illness. The last years of his life were clouded by misfortunes of a financial character; and it was under the weight of a grievous affliction that the great soldier produced his memoirs of the Civil war. His parting message to the American people was couched in these words: "Let us have peace." Appropriate resolutions were passed by the General Assembly of Georgia, which was then in session, and by various bodies throughout the state, including camps of Confederate Veterans.

The sudden death of Vice President Hendricks at his home in Indianapolis, in November of this same year, produced an acute shock

* Files of Atlanta Constitution, September 3, 1885.

and evoked from every section of the country expressions of profound grief and sorrow.

But a still greater bereavement awaited the commonwealth. On December 15, 1885, at his home in Washington, Georgia, the great Robert Toombs breathed his last. Mr. Toombs, in the opinion of many able critics, was Georgia's grandest intellect; but his genius was restless, turbulent, destructive, at times almost cyclonic. He was the impassioned Mirabeau of Secession and to the end of his days gloried in the badge of outlawry put upon him by the Federal Government and died an unpardoned rebel. When in his prime, Mr. Toombs was both a physical and a mental giant; and his great achievements in public, accomplished with apparently little effort, made one think of Hercules slaying the Nemean lion or of Samson lifting the gates of Gaza. He had been the storm center of the great debates on slavery in the American Congress; he had been for a short while the premier of the Confederate Cabinet; and he had been a brigadier-general on the field of battle. But his most enduring monument is the State Constitution of 1877. Henry Grady's brilliant editorial on the great outlaw expressed in glowing terms the popular estimate of Mr. Toombs. Said he: *

"The kingliest of Georgians is dead! The rich life, riotous in its affluence, is spent at last. The deeps through which it swept in thunderous majesty and the shoals over which it tumbled noisily are drained and bare. Quenched is this imperious life. Stilled is the mighty heart. Gone the dauntless spirit. At rest the turbulent emotions. Pulseless the splendid form. If God ever made the body of man to shine with the hope and inspiration of immortality, surely here it was. In the splendor of his beauty—in the mightiness of his strength—in the vitality that sparkled in his eyes and rushed through his veins—in the ease with which he conquered and the heights to which he soared—in the scope and freedom and boundless comprehension of his powers, there was little suggestion of decay. Dazzled by his kingly beauty and majesty, one might have said: 'Surely he will conquer death.'

"But the course of nature is unchangeable. Even the eagle's wings grow weary and are folded, and the strong man totters to the welcome grave. The glory fades from the cheek and the light dies in the eye. The majesty departs from the pallid brow and the rich blood falters in the vein. The tongue that summoned forty million people to war babbles unmeaningly in its hollow cavern. The fingers that easily split the continent in two, beat the air pitifully for support and guidance. The mighty spirit that bent senates to his will and that forged earth's bloodiest revolution, sicklied o'er at last with uplifting shadows, creeps aimlessly within the walls of memory, and weeps or laughs alike with itself.

"Then God in His wise and infinite mercy comes and ends it all. His gentle hands clasp the wandering fingers. His kiss touches the maundering lips. There is peace at last. Georgia's glorious son sleeps. The unforgiven rebel awaits in unbroken silence the final judgment of God. And Death, touching the tranquil face with his unspeakable solemnity revives therein something of the majesty and beauty of youth, that his

* Files of the Atlanta Constitution, December 16, 1885.

people, gazing through a mist of tears, may see him last as they loved him best, when he stood among men in his kingly splendor."

Col. Charles C. Jones, historian, orator and scholar, at a later period delivered before the Confederate Survivors' Association, of Augusta, an address from which the following pen picture of the great Georgian is taken. Said Colonel Jones:

"In the morning, at high noon, and even beyond the meridian of his manhood, he was intellectually the peer of the most gifted and towered Atlas-like above the common range. His genius was conspicuous. His powers of oratory overmastering. His mental operations were quick as lightning, and, like the lightning, they were dazzling in their brilliancy and resistless in their play. Remarkable were his conversational gifts and most searching his analyses of character and event. In hospitality he was generous and in his domestic relations tender and true. The highest flights of fancy, the profoundest depths of pathos, the broadest range of biting sarcasm and withering invective, generalizations of the boldest character and arguments the most logical, were equally at his command. As a lawyer he was powerful, as an advocate well-nigh resistless. He was a close student and deeply versed in the law, statecraft, and political history of this commonwealth and nation. In all his gladiatorial combats, whether at the bar, upon the hustings, or in legislative halls, we recall no instance in which he met his overmatch. Even during his years of decadence there were occasions when the almost extinct volcano glowed again with its wonted fires—when the ivy-mantled keep of the crumbling castle resumed its pristine defiance, with deep-toned culverin and ponderous mace—when, amid the colossal fragments of the tottering temple, men recognized the unsubdued spirit of Samson Agonistes."

General Toombs was buried in the quiet little cemetery at Washington, Georgia, where a magnificent shaft of marble marks his last resting place, a spot dear to all Georgians. It contains no eulogistic or fulsome tribute; but lettered upon its shining surface is the name of the great outlaw: ROBERT TOOMBS—an epitaph in itself surpassingly eloquent. The hour set apart for the funeral was widely observed throughout the state by a general suspension of business and by appropriate memorial exercises. All the state house offices were closed, while the flag over the state capital was lowered to half mast. Moreover, Governor McDaniel in his official proclamation closing the state house offices entered upon the executive minutes an appreciation of the great Georgian's exalted character as a patriot and statesman. Said he: "Whether serving in the councils of the State or of the Federal government his matchless ability was ever devoted to the maintainance of popular rights."

Governor McDaniel's administration was business-like, progressive and popular. There were no irregularities in any of the departments and no charges of malfeasance or corruption in office to be investigated. The success of the national democracy in 1884 imparted a glow of cheerful optimism to the political outlook and served to put the memories of Reconstruction still further into a slowly fading past. Two important constitutional amendments received the governor's approval and became a part of the organic law by subsequent ratification at the polls. One of these provided that all special or local bills should originate in the House

of Representatives; while the other sought to amend the constitution so that by means of a tax levy soldiers permanently injured in the service of the Confederacy might be supplied with artificial limbs and otherwise assisted. This was the beginning of the state's present system of pensions.

On October 27, 1885, Judge Alexander S. Erwin, of Athens, Georgia, succeeded ex-Gov. James M. Smith, on the railroad commission. Feeble in health, the ex-governor was not a candidate for re-appointment and at the expiration of his official term retired to private life, taking no further part in public affairs. He died a few years later and was buried beside his beloved wife in the cemetery at Gainesville, Georgia.*

Governor McDaniel brought to the executive department not only the wisdom of an experienced legislator but the skill of an able financier. He was accustomed to the management of large property interests. During his administration as governor he financed the payment of $3,455,135, principal on the public debt maturing in 1885 and 1886, and secured a snug amount of interest money for the state, in connection with the final payment of $750,000, due from the purchasers of the Macon and Brunswick Railroad and paid by them in bonds of the State of Georgia, at par value. The lowest tax rate known to Georgia since 1865 —2½ mills—prevailed during Governor McDaniel's administration, and so improved was the credit of the state that its annual interest was considerably reduced.† The Georgia School of Technology was established and the foundations laid for the present magnificent state capitol. Governor McDaniel retired from office with the good will of all classes of people, with a reputation untarnished, and with a record for achievement surpassed by none of his predecessors.

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* At this writing the grave of Governor Smith is marked by no memorial shaft, though a plain marble monument adorns the grave of Mrs. Smith. Georgia owes it to the memory of this patriotic and loyal son to mark his last resting place in a manner worthy of his prestige as the first democratic governor after the regime of reconstruction.

† "Men of Mark in Georgia," Northern, Vol. IV. Sketch of Governor McDaniel.

CHAPTER X

Ex-Speaker Bacon Again Seeks the Governorship in 1886—Success in Sight When an Unexpected Candidate Announces—General John B. Gordon Enters the Field—Events Favor the Hero of Appomattox—The Unveiling of Senator Hill's Monument Brings ex-President Jefferson Davis to Atlanta—General Longstreet Appears on the Platform—A Dramatic Scene—Memories of the Heroic Sixties are Revived—Henry W. Grady's Introduction of Mr. Davis—General Gordon Speaks in Montgomery, the Cradle of the Confederacy, at the Corner-Stone Laying of a Monument to the Confederate Dead—Accompanies Mr. Davis to Atlanta—Presents Miss Winnie Davis, at West Point, Georgia, as "the Daughter of the Confederacy"—Origin of the U. D. C.—General Gordon's Announcement for Governor is Made in the Wake of These Happenings—Major Bacon Meets Him in Joint Debate—But Enthusiasm for the Old Soldier Grows Apace—The State Democratic Convention Meets—General Gordon Nominated—Gen. John McIntosh Kell Appointed Adjutant-General—New Members of Congress—John D. Stewart—Thomas W. Grimes—Dr. H. H. Carlton—The New General Assembly Convenes—Governor-Elect Gordon Inaugurated—Chief Justice Jackson's Death—Judge Logan E. Bleckley Becomes Chief Justice—Superior Court Judges—Doctor Felton Opens His Batteries on Mr. Simmons of Sumter—Paul H. Hayne's Death—Henry W. Grady Electrifies the Nation by a Speech Delivered Before the New England Society of New York—His Sphere of Work on Returning to Georgia Greatly Enlarged—Peace-maker and Upbuilder—The Confederate Soldiers' Home—The Piedmont Chautauqua—The Piedmont Exposition of 1887—Samuel J. Randall's Visit—President Cleveland's Visit—Renewed Impetus Given to the State's Industrial Progress.

To succeed Governor McDaniel in the executive chair, ex-Speaker A. O. Bacon became a formally announced candidate early in the spring of 1886. With his prestige as a parliamentarian, added to his reputation as a campaigner, acquired in 1882, he was recognized from the start as an almost sure winner. Most of the political seers conceded the nomination to him; and according to every token Speaker Bacon was scheduled to be Georgia's next governor. But an unforeseen event disturbed these calculations. Before the summer was half advanced, the Speaker's anticipated victory had become a rout; and from the seaboard to the mountains a candidate was sweeping the field whose race in less than a

month's time had acquired the proportions of a western cyclone and was moving forward with an irresistible momentum.

The circumstances under which the scarred hero of Appomattox made his entry into the lists constitutes one of the most dramatic episodes of Georgia's history, as thrilling as anything to be found in the general's brilliant war record. Its recital, in cold type, even at this late day, excites a thrill. On May 1, 1886, the unveiling of the late Senator Hill's monument in Atlanta drew to Georgia's capital city a vast concourse of people. The city's guest of honor at this time was ex-President Jefferson Davis, "the chained eagle of Beauvoir"—the Confederacy's first, last, and only president. Ever since the war, Mr. Davis had lived a life of retirement on his plantation at Beauvoir, Mississippi, near the Mexican Gulf, and nothing save his love for Mr. Hill could have overcome a disinclination, in the eventide of life, to make this long trip from Mississippi to Georgia. He preferred the restful solitudes of his own beautiful Beauvoir.

But he came to Atlanta. The occasion was epochal—a day never to be forgotten. Governor McDaniel, in a patriotic speech, accepted the monument on behalf of the state. Its tender was made by Dr. R. D. Spalding, president of the Monument Association; while the address of the occasion was delivered by Maj. J. C. C. Black, of Augusta, an orator with few equals, then in the prime of his powers. Major Black was afterwards a member of Congress from the Tenth District. Capt. J. F. Burke, of the renowned "Gate City Guard," drew the ve[illegible], releasing at the same time a perfect tidal wave of enthusiasm, as the features of Georgia's illustrious son, fixed in enduring marble, were exposed to view. But the climax came with Mr. Grady's presentation of the great ex-Confederate Chieftain, whom he called an "uncrowned king." Said he, in concluding his brief speech of introduction:*

"My countrymen, let us teach the lesson of this old man's life that defeat hath its glories no less than victory. Let us declare that this outcast from the privileges of this great government is the uncrowned king of our people, and that no Southern man, high or humble, asks greater glory than to bear with him, heart to heart, the blame and the burden of the cause for which he stands unpardoned. In dignity and honor, he met the responsibilities of our common cause. With dauntless courage he faced its charges. In obscurity and poverty he has for twenty years borne the reproach of our enemies and the obloquy of defeat. * * * This moment finds its richest reward in the fact that we can light with sunshine the shortening end of a path that has long been dark and dreary. Georgians, countrymen, soldiers and sons of soldiers, and brave women, the light and soul and crown of our civilization, rise, and give your hearts voice, as we tell Jefferson Davis that he is at home among his people."

To this felicitous speech, the great audience, rising to its feet, responded with a lusty shout. There was a renewed outburst of enthusiasm when Mr. Davis arose to speak, and several moments elapsed before order was restored. Though an outcast and an exile, suffering an edict of banishment—though branded an outlaw by the Government for which

* Files of the Atlanta Constitution, May 2, 1886.

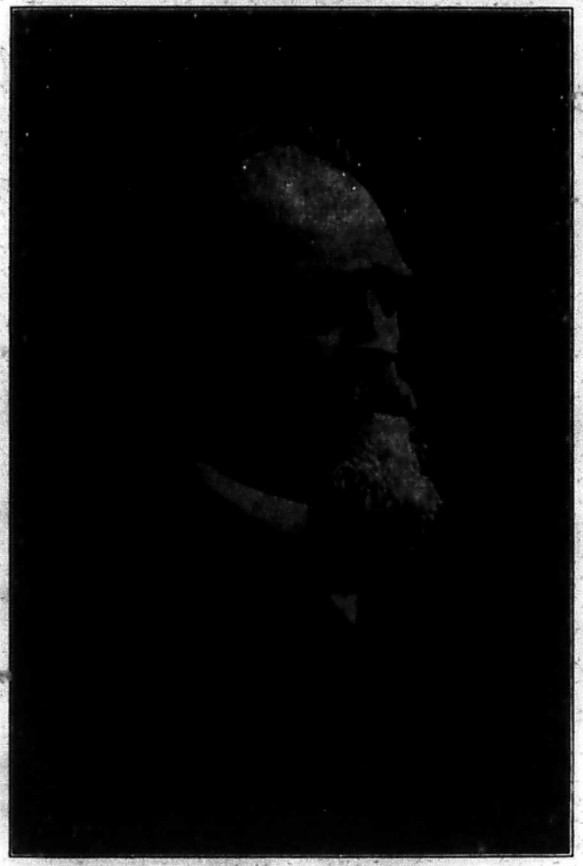
he had shed his blood on the plains of Mexico—though denied clemency for all time to come by the Federal authorities at Washington—Mr. Davis was nevertheless in literal truth an uncrowned king; and no monarch ever bore himself more regally on the day of his coronation or received from his kneeling subjects a more lavish tribute of affection.

To heighten the dramatic effect, Gen. James Longstreet who commanded the famous First Corps of the Army of Northern Virginia, appeared upon the scene at an unexpected moment. Himself under the ban of obloquy—estranged from his own people—it was a sight for the gods to witness Lee's old War Horse locked in the outstretched arms of the Confederacy's great civic chieftain. Charged with the loss of Gettysburg, proscribed for having affiliated with the republicans since 1867, the old commander, grim, silent, stoical, had long been under a cloud of estrangement, but in the generous ardor of this ecstatic moment every unkind feeling toward General Longstreet was forgotten. His name was again the battle music of the victorious hour.

It was veritably a Confederate love-feast. The air was mellow, resonant, electrical, with the recollections of the glorious sixties. Georgia had entered upon a new era of progress. It was the future to which her achievements were pointing; but amid the din of returning trade and the rush of reviving population, the state seemed to pause, while entertaining Mr. Davis, to take stock of her brave memories and to live again in her unforgotten yesterdays.

Three days prior to this gathering in Atlanta, General Gordon had made a great speech in Montgomery, Alabama,—"the cradle of the Confederate nation." Here, in 1861, Mr. Davis had taken the oath of office; and near the site of this historic event the people of Alabama had planned to erect a colossal monument in honor of the state's Confederate dead. The occasion of General Gordon's speech in Montgomery was the formal inception of this movement. He was asked to assist in laying the foundations of the proposed Confederate monument. The reception accorded him on this occasion, the wide publicity into which it brought him, all tended to fix the popular gaze upon General Gordon and to make him the man of the hour. From Montgomery to Atlanta, he accompanied Mr. Davis, acting as his spokesman whenever the aged chieftain was too feeble to address the surging crowds. Miss Varina Davis, his daughter, better known by the nick-name of "Winnie," was also a member of the party, and, at one of the stations, en route, apologizing for the failure of Mr. Davis to appear, General Gordon presented Miss Winnie Davis, whom he introduced as "the Daughter of the Confederacy," and bespoke for her three cheers. These were given, with a prolonged rebel yell. It was from this incident that the great patriotic organization known as the United Daughters of the Confederacy took its beginning. Some few days after his visit to Atlanta, Mr. Davis was a guest of the city of Savannah, at the centennial of the Chatham Artillery.

With the departure of Mr. Davis for his home in Mississippi, General Gordon's tall figure furnished the landmark upon which the lingering beams of an eventful day rested. It is perhaps, too much at variance with the actual facts to state that such a program was planned with reference to its political effect; but the psychological hour for General



LIEUT.-GEN. JOHN B. GORDON
Governor of Georgia and United States Senator

Gordon's return to politics was at hand. Nor did his friends fail to recognize it as one of those rare moments in a life-time when fortune's knock at the door is audibly heard. General Gordon's resignation from the United State's Senate in 1880, though prompted by the purest of motives, had unloosed upon him an avalanche of hostile criticisms. Since then he had devoted himself to his own individual and personal interests, content with the vindication given Governors Colquitt and Brown. He had asked nothing for himself. His strength with the people still remained to be tested by the touch-stone of the ballot-box. Before a week had passed, General Gordon, in a letter, postmarked, Kirkwood, Georgia, May 8, 1886, announced himself squarely in the race for governor. Speaker Bacon's boom began at once to collapse. It was next in order for the political weather prophet to revise his forecast of coming events.*

But the Speaker was too game a fighter, too seasoned a veteran of the war-path, to surrender at the mere sound of a name, however much its syllables might bode disaster. He not only remained in the race, like an Ajax Telemon, but he repeatedly met General Gordon on the stump, undaunted by the rising tide of enthusiasm which hourly rose higher and higher for the great lieutenant of Lee. Besides a magnetic presence, from which the sabre wound on his face in no wise detracted, General Gordon possessed a captivating oratory. His voice rang like a bell in the Alps; and while he was no match for Major Bacon in cogency of argument he cast a magician's charm over the multitudes wherever he spoke, upset the carefully laid plans of the opposition in almost every stronghold, and with the impetus of a whirl-wind swept to a victory almost unparalleled in its proportions.

The state democratic convention met in Atlanta, on July 28, 1886. Judge John T. Clarke, of Randolph, was made its temporary presiding officer and Hon. B. H. Bigham, of Troup, its permanent chairman.† More than two-thirds of the counties represented by the delegates were for Gordon, so overwhelming was his victory at the polls, and from the first rap of the gavel to the moment of adjournment the greatest enthusiasm for Gordon prevailed. Only one ballot was taken, resulting as follows: Gordon, 252; Bacon, 70. On motion of Hon. Patrick Walsh, of Richmond, a strong supporter of Major Bacon, the nomination was made unanimous. At the fall election in October, General Gordon was elected without opposition. The following State House officers were chosen at the same time for a term of two years: Nathan C. Barnett, Secretary of State; Robert U. Hardeman, Treasurer; William A. Wright, Comptroller-General; and Clifford Anderson, Attorney-General. Col. John T. Henderson was re-appointed Commissioner of Agriculture and Dr. Gustavus J. Orr State School Commissioner.

To the office of Adjutant-General, a distinguished Georgian was at this time called by appointment, one whose fame as a naval officer during the Civil war was world-wide: Lieut. John McIntosh Kell. On the ill-fated "Alabama," after a never-to-be-forgotten fight in the British Channel, he sank with the brave Captain Semmes, but was rescued by

* Files of Atlanta Constitution, May 9, 1886.

† Files of Atlanta Constitution, July 29, 1886

an English yacht and landed safely upon the docks at Portsmouth.* General Kell had lived in retirement at Sunnyside, his plantation, near Griffin, Georgia, and had sought no political honors or emoluments. It was a fitting tribute to a gallant seaman of the Confederacy that General Kell was thus permitted to end his days in the service of Georgia, holding an office for which he was in every way so well equipped.

There were several changes made this year in the state's Congressional delegation. Col. N. J. Hammond, one of the recognized leaders on the Democratic side of the House, lost his seat in the national councils this year. His successor was Hon. John D. Stewart, of Griffin, a well-known jurist of the state and a Methodist preacher. Colonel Hammond's equipment for public life was of the very highest order. He was a man of unblemished character, a profound constitutional lawyer, a superb debater, and a deep student of the science of government. No truer Democrat ever lived. But his manner was austere, reserved, self-centered, and made him appear to the outward eye an aristocrat. He was a poor mixer with the people. Few of his constituents possessed an intimate personal acquaintance with him, and to this cause mainly was due his defeat. Judge Stewart was not a man of showy gifts but he made a fair record in Congress. Two other new members of the delegation were: Thomas W. Grimes, who succeeded Henry R. Harris, in the Fourth, and Dr. H. H. Carlton, of Athens, who supplanted Seaborn Reese, in the Eighth. Both were talented men. The former had been solicitor-general of his circuit. The latter had commanded a famous battery in the Civil war and had presided with dignity over the State Senate. He was also a retired physician. Messrs. Turner, Crisp, Blount, Clements, Candler and Barnes were all re-elected.†

When the new State Legislature convened for its short session in the fall, Hon. John S. Davidson, of the Eighteenth, was elected President of the Senate, and Hon. Wm. A. Little, of Muscogee, was re-elected Speaker of the House.‡ General Gordon was inaugurated on November 9, 1886, Chief Justice James Jackson administering the oath of office to the incoming governor. This was the last appearance in public of the aged chief justice of Georgia, who had just been re-elected for a term of six years.¶ On the preceding day, he had been re-elected to his lofty seat for a full term of four years. But the end was already near at hand; and on January 14, 1887, Judge Jackson breathed his last. The ermine of the chief justiceship fell at this time upon the shoulders of a former occupant of the Supreme Bench, one already widely known as a jurist but destined to leave behind him a name illustrious in the annals of the Supreme Court and to be memorialized in after years by one of the counties of Georgia: Logan E. Bleckley.**

The Superior Court judges elected by the Legislature in 1886 were: John W. Maddox, Rome Circuit; W. F. Jenkins, Ocmulgee Circuit; C. J. Wellborn, Northeastern Circuit; Augustin H. Hansell, Southern Circuit; Henry C. Roney, Augusta Circuit; N. L. Hutchins, Western

* "Recollections of a Naval Life," by John McIntosh Kell, and "Service Afloat," by Raphael Semmes.

† Congressional Directory, 1774-1911, p. 321.

‡ House Journal, 1886; Senate Journal, 1886.

¶ House Journal, 1886, pp. 64-66.

** Executive minutes.

Circuit; Marshall J. Clarke, Atlanta Circuit; James S. Boynton, Flint Circuit; Courtland Semmes, Brunswick Circuit, unexpired term of Judge Mershon; Spencer R. Atkinson, Brunswick Circuit, full term; John T. Clarke, Pataula Circuit.* Two of these, the Clarkes, were brothers. It is also an item of interest to note in this connection that Governor Gordon, the chief executive of the state, and Judge Bleckley, the chief justice of the state, named to succeed Judge Jackson, were brothers-in-law. Both married daughters of the distinguished Gen. Hugh A. Haralson.

Dr. Wm. H. Felton, of Bartow, again introduced his reformatory bill at this session. It went over until the summer months of 1887, when its discussion precipitated one of the most dramatic scenes ever enacted in the Georgia House of Representatives. This was the time when Doctor Felton turned his batteries of invective upon Hon. E. G. Simmons, in a speech which for withering denunciation has never been surpassed in the General Assembly of Georgia. Enraged by some remarks which he construed to be a reflection upon Mrs. Felton, the old doctor went for Mr. Simmons, hammer and tongs. It developed afterwards that nothing discourteous to Mrs. Felton was intended by Mr. Simmons, but he spoke as the champion of the lessees, a thing in itself sufficient to queer him in the eyes of Doctor Felton. We need dwell upon this incident no further here having already discussed it in another connection. Doctor Felton's bill was again defeated; but sentiment was slowly crystallizing against the convict lease system; in exposing the abuses of which Doctor Felton was a pioneer.

On July 7, 1886, Paul H. Hayne, the Southern laureate, died at Copse Hill, his home among the pines, near Augusta, Georgia. On August 4, Samuel J. Tilden, for whom the vote of Georgia had been cast in the presidential election of 1876, died at Greystone, his country-seat on the Hudson, near Yonkers, New York. Mr. Tilden received an overwhelming majority of the popular vote, and was also the winner in the electoral college but was defrauded of the votes of three states, Louisiana, South Carolina and Florida.

It was on December 13, 1886, that the South's great orator journalist "leaped from a banquet revelry into national fame" and became the recognized apostle of the new South. Henry W. Grady's speech on the above mentioned occasion was delivered before the New England Society of New York. It was a masterpiece of eloquence, spiced with a fine flavor of Attic salt. But the dominant note of Mr. Grady's speech was its plea for brotherhood. This was perhaps the most effective speech for its length ever made in defence of the South. It caught the ear of the nation and furnished a splendid climax of oratory to the work of reconciliation begun by L. Q. C. Lamar, in his unparalleled eulogy of Charles Sumner and by Benjamin H. Hill, in his immortal reply to James G. Blaine. Turning to General Sherman, who was present on this occasion, Mr. Grady said, in a playful vein:†

"I want to say to General Sherman—who by the way is considered an able man in our parts but kinder careless about fire—that from the ashes which he left us in 1864 we have built a brave and a beautiful city, that, somehow or other, we have caught the sunshine in the brick and mortar of our homes and have builded therein not one ignoble prejudice or memory."

But Mr. Grady's work for the South was not restricted to the role of the peacemaker. In fact it was not until he made his New England dinner speech that his powers as an orator were fully appraised by his own people, for up to this time most of his addresses in public were of a humorous nature, replete with anecdotes. When an invitation came to address a New England banquet, he realized that with it came an opportunity for the South, and in this vision was born a realization of his mission as an orator. It was chiefly in the editorial sanctum that Mr. Grady had wrought. Here for years his diamond-tipped pen had been a factor in the South's rehabilitation; but even here his fascinating gifts were of such a nature that his genius for practical affairs was at a discount. Indeed, the taunt of Joseph's brethren was often applied to Mr. Grady—"He's only a dreamer." But Joseph sat eventually upon the throne of the Pharaohs; and despite the fact that Mr. Grady was not at first taken seriously even by his most intimate friends—it nevertheless remains that as a captain of industry he developed Napoleonic powers. He created one of the greatest newspapers on the continent. He called the attention of the world to Georgia's unrivalled quarries. He waved the wand of Prospero above the fields of a desolate state and made himself the embodied genius of Georgia's rehabilitation. The time came when he was looked upon as an inspired marvel of common-sense; and then it was that his character as an upbuilder stood out, bold and sheer, like the cliffs of Dover, above the calm levels of the English Channel. But for his great work as an upbuilder, no less than for his great work as a peace-maker, Mr. Grady needed the prestige of his New England banquet speech; and when this came the rest followed.

The Piedmont Exposition of 1887 was the child of Mr. Grady's brain; and so pronounced was the success of this exhibit of the state's resources that for a series of years thereafter the Piedmont Exposition was an annual affair, attracting thousands of people to Georgia's capital city and proving a wonderful stimulus to the whole state, in its manifold industrial and commercial activities.

Augusta, not to be outdone, also started a series of expositions this year, at the first of which Mr. Grady delivered a great speech, on the day of its formal opening.

Two other enterprises, due to Mr. Grady's splendid initiative, sprang into existence at this time: the Piedmont Chautauqua, at Salt Springs, and the Confederate Soldiers' Home, near Atlanta. The former proved a great intellectual feast but was not financially successful. It was repeated on a less pretentious scale for two subsequent years, and after Mr. Grady's death it collapsed. Had he lived its fate might have been vastly different. The Confederate Soldiers' Home grew out of an editorial written by Mr. Grady, urging the return of Major Stewart, of Texas, who had gone North for the purpose of soliciting funds. He did not like the idea of begging at the North for money with which to help Confederate veterans. His editorial in the Constitution, entitled: "Come Home, Major Stewart," rang throughout Georgia like a bugle. It struck

* House Journal, 1886, pp. 66-128.

† Files of the Atlanta Constitution, December 14, 1886.

a responsive chord in the popular heart. Funds with which to build a home were raised within a few months and some time thereafter the Legislature of Georgia accepted the home and undertook its support.

Samuel J. Randall, of Pennsylvania, the great tariff democrat, addressed the people of Georgia at the formal opening of the first Piedmont Exposition, in Atlanta, on October 10, 1887. Mr. Randall spoke to 20,000 people, assembled on the spacious grounds. Governor Gordon also delivered an address, speaking on behalf of the State of Georgia. Mr. Grady's name was not on the program but in response to repeated calls he finally came before the audience and made a racy speech in his happiest vein. During his visit, Mr. Randall was formally presented to the General Assembly which was then in session.

Ten days later, the state's guest of honor was Grover Cleveland, the first democratic President of the United States since James Buchanan. To greet him, the capital city of Georgia was gaily festooned with the national colors, while its population was more than doubled by the incoming multitudes. The hotel facilities were wholly inadequate to accommodate the crowds. It was necessary to open church doors and to make temporary sleeping quarters out of the pews. The Legislature paid due honor to the nation's President and adjourned by formal resolution to hear the President's address at the fair grounds.

From every standpoint the exposition was a pronounced success. Its official head was Mr. Charles A. Collier, a splendid executive officer, but its organizing genius, its master-spirit, was Henry W. Grady. The lightning-like speed with which the great editor brought his project to mature consummation is emphasized by the fact that from its inception to its close only 104 days elapsed. Less than three months previous, the grounds on which the exposition was held formed part of a virgin forest on the city's outskirts. To build a race-track it was necessary to reduce a hillside to a dead level; but Mr. Grady's genius balked at no obstacles. Besides, it was an essential element of his plan to use an old battlefield for the purpose in order to emphasize the South's complete rehabilitation from the ashes of war. Annually for four years, with each recurring October, the Piedmont Exposition was one of the state's autumnal attractions, and it finally culminated in the great Cotton States and International Exposition of 1895. Grady's restless brain was then at rest. He slept on one of the neighboring hills, but his disembodied spirit still swayed and galvanized the energies of Georgia. The site of Grady's industrial miracle is today commemorated by one of Atlanta's most popular playgrounds—Piedmont Park.

CHAPTER XI

GEORGIA'S EXPERIMENT STATION ESTABLISHED—AT AN INTERNATIONAL ASSEMBLAGE OF FARMERS IN ATLANTA, IN 1887, A DEPARTMENT OF AGRICULTURE IS URGED FOR THE U. S. GOVERNMENT, WITH REPRESENTATION IN THE PRESIDENT'S CABINET—THE WOOLFORK TRAGEDY—AN ACT PASSED TO REGULATE THE BUSINESS OF INSURANCE AND TO MAKE THE COMPTROLLER-GENERAL THE STATE'S INSURANCE COMMISSIONER—JUDGE THOMAS J. SIMMONS BECOMES AN ASSOCIATE JUSTICE, SUCCEEDING JUDGE SAMUEL HALL—THE CENTENNIAL OF THE FEDERAL CONSTITUTION IN PHILADELPHIA—TWO DISTINGUISHED EDUCATORS PASS AWAY—DR. GUSTAVUS J. ORR AND CHANCELLOR PATRICK H. MELL—THEIR SUCCESSORS—PRESIDENT CLEVELAND APPOINTS L. Q. C. LAMAR TO THE SUPREME COURT OF THE UNITED STATES—DELEGATES TO THE NATIONAL DEMOCRATIC CONVENTION OF 1888—GOVERNOR GORDON RENOMINATED—PRESIDENTIAL ELECTORS—THE NEW LEGISLATURE ASSEMBLES—SUPERIOR COURT JUDGES ELECTED—RUFUS E. LESTER SUCCEEDS THOMAS M. NORWOOD IN CONGRESS—GEORGIA'S NEW STATE CAPITOL COMPLETED IN THE SUMMER OF 1889—BUILT WITHIN THE ORIGINAL APPROPRIATION—WORK OF THE STATE CAPITOL COMMISSION UNSURPASSED—MEMORIALIZED IN A BRONZE TABLET—EXERCISES OF DEDICATION—GOVERNOR GORDON'S SPEECH ACCEPTING THE CAPITOL FROM THE HANDS OF THE COMMISSIONERS—UNITED CONFEDERATE VETERANS ORGANIZE IN CHATTANOOGA, TENNESSEE, BY ELECTING GEN. JOHN B. GORDON COMMANDER-IN-CHIEF.

On March 2, 1887, an act of Congress was approved, establishing agricultural stations in connection with the various colleges created under the Land Script act of 1862 and to each state the sum of $15,000 was appropriated for the purpose of putting this amendatory act into effect. Governor Gordon recommended appropriate legislation to the General Assembly at its session in 1888, in accordance with which there were two acts passed at this session, one accepting the government's donation, the other establishing an agricultural station, to be governed by a board of directors, consisting of practical farmers.* It was in this way that Georgia's Experiment Station came into existence. In the original act, the directors were authorized to employ a superintendent; but under an act approved November 11, 1889, this office was henceforth to be designated as the Director of the Experiment Station.† Located first on the ou-

* Acts 1888, p. 45; also pp. 49-52.
† Acts 1889, p. 172.

skirts of Athens, the Experiment Station was afterwards removed to the neighborhood of Griffin. Its maintenance is now derived entirely from the State of Georgia.

There was held in Atlanta, on August 16, 1887, a great international gathering of farmers. In attendance upon this convention were many distinguished men, identified with the interests of agriculture. The convention remained in session for three days and among other things adopted a resolution recommending that the national Bureau of Agriculture be reorganized on a departmental basis and given a representative in the President's cabinet. Two years later the Department of Agriculture was established.*

One of the most revolting crimes in the history of the state cast its sombre shadow over the early part of Governor Gordon's administration, giving Georgia a most unfortunate notoriety throughout the nation.† This was the celebrated Woolfork murder. Capt. Richard F. Woolfork's plantation lay twelve miles from Macon. Its owner, a man of large means, was a highly respected citizen of the state, a graduate of the University at Athens, and a most cultured and courtly gentleman. On the morning of August 6, 1887, a scene of horror was enacted in the Woolfork home. Captain Woolfork, with his entire household, excepting a son, Tom Woolfork, was found dead, their bodies frightfully mutilated by an instrument of some kind, afterwards discovered to be an axe. The victims of this gruesome tragedy were nine in number, ranging with respect to age as follows: Captain Woolfork 54, Mrs. Woolfork 41, R. F. Woolfork Jr. 20; Pearl 17, Annie 10, Rosebud 7, Charles 5, Mattie, a babe of eighteen months, and Mrs. Tempe West, an aged lady of 84 years. There was hardly a parallel in the annals of crime to this dastardly murder. It was the work of a demoniac.

Some negro on the plantation was supposed to be its perpetrator. But suspicion finally rested upon Tom Woolfork, to whom the signs of guilt were unerringly traced. At first the public was loath to believe that a member of the family could have perpetrated such a foul deed. But Tom Woolfork was a queer genius, constitutionally morbid and erratic. He was Captain Woolfork's son by a former marriage and was not on the best of terms either with his step-mother, the second Mrs. Woolfork, or with his step-brothers and sisters, by none of whom, however, does it appear from the evidence that he had been harshly treated. But the psychology of such resentments is common enough, difficult though it may be to explain.

Tom Woolfork was arrested, tried, convicted, and sentenced. But final execution was delayed for three years. In the absence of any motive justifying the crime an effort was made to condone the act on the ground of insanity; but the plea was unavailing. Every issue in the case was stubbornly contested, every legal principle argued, every expedient employed to rescue Woolfork from the clutches of the law; but without success. Three separate trials resulted in three distinct convictions.

* Files of Atlanta Constitution, August 17, 1887.

† Files of Atlanta Constitution and Macon Telegraph, August 7, 1887, et seq.

Finally, on October 29, 1890, at Perry, Georgia, Tom Woolfork expiated his crime on the scaffold. To the list of victims already enumerated, his two principal lawyers must also be added: John C. Rutherford and Frank R. Walker. Both of these men gave themselves without reserve to Woolfork's case and to the zeal with which they sought to rescue this man's life the death of each may be directly ascribed.

Governor Gordon, in his first message to the Legislature at its summer session, recommended a Pardon Board.* The burden of responsibility imposed upon the executive in the matter of hearing petitions for clemency, granting pardons and respites, together with other matters of detail pertaining thereto, was constantly becoming more and more burdensome —indeed, the conscientious performance of his duty in this particular sphere of work alone left the Governor little time for ought else. This recommendation was not at once put into effect but it bore fruit eventually in the creation of the State's Prison Commission.

The legislature, at this session, confirmed the governor's action in appointing Hon. Logan E. Bleckley, chief justice of the state. Without opposition this eminent jurist was elected to succeed himself for a full term of six years, beginning January 1, 1888. Ex-Gov. James M. Smith was also elected judge of the Chattahoochee Circuit, to succeed Judge J. T. Willis, deceased. Under an act approved October 24, 1887, the comptroller-general was made ex-officio insurance commissioner, "to regulate the business of insurance in this state and for other purposes." In order to transact business in this state it was first necessary for the insurance company to procure a license from the insurance commissioner and before said license could be issued by the commissioner it was first requisite for said company to file with the commissioner a statement under oath, setting forth the names of its officers, the amount of its capital stock—how much subscribed and how much paid in—its financial condition on the last day of the year immediately preceding, the assets held by the company, and various other particulars. This wise provision was made for the purpose of defeating the nefarious schemes of designing corporations to filch money from the pockets of the people and to defraud innocent parties holding insurance policies. During this same session of the legislature, Associate Justice Samuel Hall died at Mount Airy, Georgia, whither he had gone for recuperation and rest. Governor Gordon promptly notified the Legislature of this loss to the state and on September 7, Judge Thomas J. Simmons, of the Macon Circuit was elected to his vacant seat on the Supreme Bench. To succeed Judge Simmons, the Legislature elected Hon. George W. Gustin of Macon. An act to amend the Constitution of Georgia so as to increase the number of Supreme Court judges from three to five was passed by the Legislature at this session but failed of ratification at the polls.

The centennial of the Federal Constitution was observed with great eclat in the city of Philadelphia, during the fall of 1887. Governor Gordon, with his official staff, attended the celebration. The reception

* House Journal, 1887, pp. 25-26.

accorded the chief magistrate of Georgia, in the city of Brotherly Love, fell little short of a genuine ovation, but there were few visitors to Philadelphia at this time whose soldierly bearing was so well calculated to rivet attention. It is doubtful if Pennsylvania's own superb Hancock ever presented a finer figure on horseback than did General Gordon, when he rode through Philadelphia, at the head of his mounted staff. The governor's speech on this occasion tended to weld still more compactly the bonds of friendship between the sections.

Ex-Pres. Jefferson Davis renewed his visit to Georgia in the fall of 1887. This time he came as the special guest of the state fair at Macon. Mrs. Davis, accompanied him on this trip, together with his two daughters, Mrs. Hayes and Miss Winnie Davis.

Two distinguished educators were lost to Georgia during the governor's first term of office. Dr. Gustavus J. Orr, the father of Georgia's public school system, died on December 12, 1887. To succeed him as state school commissioner, Governor Gordon appointed a cultured gentleman, Judge James S. Hook, of Sandersville, Georgia. Judge Hook had won distinction both as an educator and as a jurist, and under him the splendid work of this department was continued without interruption. Just six weeks later, on January 26, 1888, Dr. Patrick H. Mell, chancellor of the state university, breathed his last. Doctor Mell was a renowned parliamentarian and a great Baptist divine, who had for years presided with dignity over the annual assemblies of his denomination, both state and national. But his noblest work for Georgia was not wrought in these ecclesiastical councils, but at the head of her great institution of learning and as an instructor of her youth. At a meeting of the board of trustees, held in the summer of 1888, the chancellorship was conferred by election upon a distinguished Presbyterian divine, then residing in Memphis, Tennessee, but formerly a resident of Georgia: Dr. William E. Boggs.

President Cleveland, like Mr. Davis, found Georgia a pleasant state to revisit. On February 23, 1888, Mr. Cleveland, en route to Florida, was a guest of the city of Savannah, at the unveiling of the Jasper monument. Governor Gordon was also present at these exercises and delivered an address on behalf of the state. The great democratic president still further endeared himself to the people of Georgia at this time by appointing to the United States supreme bench, a native Georgian, Hon. L. Q. C. Lamar. Judge Lamar was at this time a member of Mr. Cleveland's cabinet, holding the portfolio of secretary of the interior. He had spent his boyhood days in this state. His first wife was a daughter of the celebrated jurist, educator, preacher and humorist, Judge Augustus B. Longstreet. When the latter was called from the presidency of Emory College to head the University of Mississippi, young Lamar soon followed him, to become in after years a favorite son of his adopted state, her representative in Congress, in the United States Senate, in the President's cabinet, and on the Federal supreme bench. Judge Lamar's second wife was likewise a Georgia lady; and by countless ties of kindship he was to all intents and purposes a Georgian "to the manner born."

On May 9, 1888, the State Democratic Convention met in Atlanta

to choose delegates to the national Democratic Convention in St. Louis. Hon. B. H. Bigham, of Troup, was made temporary chairman, and Hon. Hoke Smith, of Fulton, permanent chairman. There was some opposition to renominating Mr. Cleveland for President, but the majority sentiment was overwhelmingly in his favor and the following delegates were sent to St. Louis: from the state at large—Pope Barrow, Fleming DuBignon, Washington Dessau and Albert H. Cox; district delegates: 1. J. L. Sweat and J. C. Dill; 2. John Triplett and H. C. Sheffield; 3. W. H. Willis and John McRae; 4. W. J. Weeks and L. P. Mandeville; 5. Jack J. Spalding and Emmett Wommack; 6. F. H. Richardson and Robert L. Berner; 7. J. M. McBride and E. D. Graham; 8. T. W. Rucker and W. M. Howard; 9. J. H. Butt and Tyler M. Peeples; 10. Beverly D. Evans and H. D. D. Twiggs.*

Two years in office found the governor's popularity undiminished. The finances of the state indicated a prosperous condition of affairs. There still remained in the treasury a balance of $230,000, after disbursing $2,019,000, for the preceding fiscal year, while bonds issued under the act of 1887 for $1,900,000 brought 4½ per cent premium, the highest price, according to the governor's message, ever paid up to this time for bonds issued by the State of Georgia. The tax digest in the comptroller-general's office footed up an aggregate of $357,167,458.† The nearest approach to a scandal during this period was a disclosure of intemperate habits making it necessary to suspend the state librarian, Hon. Frank L. Haralson, in whose place the governor appointed Capt. John Milledge, with Mr. W. R. Rankin, Jr., to assist him. The former, a son of Gov. John Milledge, continued for a number of years to be Georgia's state librarian.

When the time came for holding a gubernatorial convention there was no opposition to Governor Gordon's renomination. Great unanimity of sentiment characterized the assemblage which convened in Atlanta, on August 8, 1888, to nominate a governor and state house officers and to choose presidential electors. The temporary chairman of this body was Hon. John Peabody, of Muscogee; its permanent presiding officer, Hon. R. L. Berner, of Monroe. Amid riotous enthusiasm, Governor Gordon was renominated by acclamation. Electors to cast the votes of the state in the presidential contest were chosen as follows: from the state at large—Thomas E. Watson and John Temple Graves; district delegates—A. G. Brannen, A. L. Hawes, T. B. Felder, J. M. Mobley, J. A. Gray, R. D. Smith, M. L. Johnson, J. T. Jordan, H. W. Newman, and E. H. Callaway.‡

The newly elected State Legislature convened on November 7, 1888, and organized by electing Hon. Fleming G. DuBignon, of the first district, president of the Senate, and Hon. Alexander S. Clay, of Cobb, speaker of the House.** One week later, Governor Gordon was re-inaugurated for a second term of two years. Early in the session Hon.

* Files of the Atlanta Constitution, May 10, 1888.
† House Journal, 1888, pp. 19-21.
‡ Files of Atlanta Constitution, August 10, 1888.
** House and Senate Journals, 1888.

Alfred H. Colquitt was re-elected United States senator from Georgia without opposition,* while Associate Justice Thomas J. Simmons was chosen to succeed himself on the supreme bench.† As we have already noted at the beginning of this chapter, the General Assembly, acting upon the governor's recommendation passed a bill to establish an experiment station and farm, creating also a board to locate and manage same and to apply the annual donation of $15,000 made by Congress in acts approved March 2, 1887, and July 18, 1888.

Much of the Legislature's time at this session was occupied as usual in electing judges and solicitors of the various Superior Court circuits; and already there was beginning to manifest itself a strong sentiment in favor of popular elections. The judges chosen by the General Assembly at this time were: W. J. Winn, Blue Ridge Circuit; Samuel Lumpkin, Northern Circuit; Marshall J. Clarke, Atlanta Circuit; A. Pratt Adams, Eastern Circuit; James M. Smith, Chattahoochee Circuit; Thomas W. Milner, Cherokee Circuit; Samuel P. Maddox, Cherokee Circuit, unexpired term of Judge Fain; B. B. Bower, Albany Circuit; Richard H. Clark, Stone Mountain Circuit; Sampson W. Harris, Coweta Circuit; David M. Roberts, Oconee Circuit; Allen Fort, Southwestern Circuit. Still later in the session, Hon. Robert Falligant was chosen to succeed Judge Adams on the Eastern Circuit; Hon. J. H. Guerry was placed on the Pataula Circuit to succeed Judge John T. Clarke, deceased; and Hon. George P. Gober was placed on the Blue Ridge Circuit to succeed Judge W. J. Winn, deceased.‡

Only one change was made this year in the state's congressional delegation. Hon. Rufus E. Lester, a former president of the State Senate, succeeded Judge Thomas M. Norwood as congressman from the First District. Colonel Lester was destined to make his mark in Congress and to be returned year after year, for ten consecutive terms. The members of the delegation re-elected this year were: Messrs. Barnes, Blount, Candler, Carlton, Clements, Crisp, Grimes, Stewart and Turner.**

The summer of 1889 witnessed the completion of the new state capitol, a magnificent structure, vying in its stately proportions, elegance and durability, with any similar structure, in any state of the Union. To build this splendid pile the state appropriated $1,000,000. Usually the actual cost of such buildings is far in excess of original estimates, while the opportunities for graft in connection with such mammoth enterprises is almost unlimited. But when every nail was driven and every specification of the contract executed in strict literalness of detail, there was still an unexpended balance which was turned into the treasury of the state. This magnificent edifice will always be a monument to the official integrity, wisdom, diligence and fidelity of Georgia's State Capitol Commission. In the south wall of the main corridor, on entering the building

* Ibid., pp. 207-209.
† Ibid., 55-57.
‡ House Journal, 1888, pp. 57-396; House Journal, 1889.
** Congressional Directory, 1774-1911, p. 328.

from Washington Street, there is embedded a bronze tablet, on which is inscribed for coming generations to read, the following statement:

"This capitol, erected under act of the General Assembly, approved September 8, 1883, was completed in February, 1889.

GOVERNOR AND EX-OFFICIO CHAIRMAN OF COMMISSION:
Henry D. McDaniel, 1883-1886
John B. Gordon, 1886-1889.

COMMISSIONERS:
E. P. Alexander, 1883-1889
E. P. Howell, 1883-1889
Philip Cook, 1883-1889
A. L. Miller, 1883-1889
Benj. E. Crane, 1883-1885
W. W. Thomas, 1883-1889

SECRETARY: W. H. Harrison

SUPERINTENDENT: David W. Champayne, 1884-1887
John A. Corbally, 1887-1889

ARCHITECTS: Edbrooke and Burnham
CONTRACTORS: Miles and Horn."

On July 3, 1889 the General Assembly marched in a body from the old state capitol building on Marietta Street to the handsome new structure, located on what had hitherto been known as the old city hall site.* Formal exercises were not held until the day following when Georgia fitly celebrated the birthday of American independence by taking possession of her beautiful state house, with impressive ceremonies, appropriate to the occasion.† Capt. Evan P. Howell, on behalf of the commission, presented the finished building to the State of Georgia; and in response to this presentation Governor Gordon delivered an eloquent address of acceptance, thanking the commission in the name of all the people and commending them in highest terms upon a monumental work faithfully and efficiently performed. Said he:

"In the presence of the General Assembly, and in behalf of the State, I accept from your hands, Georgia's new and superb capitol. In the fashion of its architecture, in the symmetry of its proportions, in the solidity of its structure, in the beauty of its elaboration, in the completeness of its arrangement, it is worthy the dignity and character of this great commonwealth. In all regards this new house of the State is my lawful and emphatic warrant for congratulations to the Legislature that authorized it; to the architects who designed it; to the contractors who built it; to the commissioners who supervised it; and to the people who own it. I congratulate you also, Senators and Representatives of the present General Assembly, because it is your high privilege to celebrate its opening and dedicate it to wise and patriotic legislation. I congratulate the State because in her assembled sons she has representatives worthy of this distinguished honor and capable of drawing from these

* House Journal, 1889, p. 5.
† Ibid., p. 11.

auspicious surroundings renewed inspiration for the momentous duties before them. I congratulate the commissioners, because, through patient investigation, untiring energy, wise prevision and conservative expenditure, they have achieved the almost unprecedented success of completing a great public work within the original appropriation. Above all else, I congratulate the people because the whole enterprise is clean, creditable, and above suspicion. From the first bill passed by the Legislature to the expenditure of the last dollar by the commissioners, there has been neither jobbery nor thought of corruption. From granite base to iron dome, every chiseled block and moulded brick, every metallic plate and marble slab, is as free from official pollution as when it lay untouched by mortal hand, in original purity, in the bosom of Mother Earth. Every stroke of hammer, of trowel, or brush, is a record of labor honestly expended and justly rewarded. Built upon the crowning hill of her capital city, whose transformation from desolation and ashes to life, thrift, and beauty, so aptly symbolizes the State's resurrection, this proud structure will stand through the coming centuries a fit memorial of the indomitable will of this people. * * * Let no governmental policies repugnant to the great principles of natural equity upon which the republic was founded ever find abettors within these consecrated walls. Let no unworthy or unjust action, legislative, judicial, or executive, ever mar the bright record made in the construction of this capitol. Let the pure winds of heaven play around its dome and along its corridors and the untarnished sunlight linger in its chambers without the possibility of defilement. And may its shining spires pointing heavenward be a perpetual invocation, calling from the skies no fiery avenging bolt, but divine guidance for the counsellors of the State and heaven's boundless benedictions upon its people."

In the fall of 1889, at Chattanooga, Tennessee, the United Confederate Veterans, a patriotic organization composed of surviving Confederate soldiers and seamen, was founded.* At this time, Georgia's chief executive, Lieut.-Gov. John B. Gordon, was called to the supreme command; and with each recurring annual reunion until the time of his death in 1904 he was successively reinvested with this high honor. General Gordon frequently expressed a desire to relinquish the helm, in favor of some other gallant comrade-in-arms; but to each request for retirement the old soldiers invariably turned a deaf ear. Until the last moment of his life, General Gordon remained the idol of his men, and they loved him as they loved the peerless Lee. His appearance before any audience in the South was the signal for an ovation; but especially at a Confederate reunion was he the cynosure of all eyes, the observed of all observers. On such occasions he never failed to evoke a storm of enthusiasm, above which, clear and resonant, sounded the "rebel yell."

* Atlanta Constitution, September 4, 1889.

CHAPTER XII

GEORGIA NORMAL AND INDUSTRIAL COLLEGE ESTABLISHED AT MILLEDGEVILLE—HON. W. Y. ATKINSON AUTHOR OF THE BILL CREATING THIS INSTITUTION FOR GEORGIA GIRLS—ITS SPLENDID GROWTH AND GREAT USEFULNESS—DR. J. HARRIS CHAPPELL—DR. M. M. PARKS—OFFICE OF STATE GEOLOGIST REVIVED—ITS ENLARGED SCOPE—ACT AUTHORIZING A NEW LEASE OF THE WESTERN AND ATLANTIC RAILROAD AT A FIXED RENTAL OF $420,000 PER ANNUM PASSES—DR. WM. H. FELTON ENTITLED TO THE CREDIT OF THIS ACHIEVEMENT—COMMISSION APPOINTED TO ADJUST DIFFERENCES—FARMERS' INSTITUTES ESTABLISHED—OFFICE OF COMMISSIONER OF AGRICULTURE MADE ELECTIVE—DEATH OF EX-PRESIDENT JEFFERSON DAVIS—MEMORIAL EXERCISES AT THE STATE CAPITOL—HENRY W. GRADY, EN ROUTE TO BOSTON, MASSACHUSETTS, TO DELIVER HIS LAST MESSAGE, SENDS A TELEGRAM—SOON TO FOLLOW MR. DAVIS TO THE GRAVE—DEATH OF THE SOUTH'S BELOVED PEACE-MAKER, ORATOR AND EDITOR—HIS HOME-COMING DESCRIBED BY COLONEL GRAVES—BURIED ON CHRISTMAS DAY—GRADY'S FAMOUS CHRISTMAS EDITORIAL—COL. NATHAN C. BARNETT'S DEATH—HIS PRESERVATION OF THE STATE'S GREAT SEAL RECALLED—GEN. PHILIP COOK SUCCEEDS HIM AS SECRETARY OF STATE—DOCTORS HAYGOOD AND FITZGERALD ELECTED METHODIST EPISCOPAL BISHOPS—GOVERNOR GORDON, IN HIS LAST MESSAGE TO THE LEGISLATURE, RECOMMENDS A DEPARTMENT OF PENSIONS—REVIEW OF HIS ADMINISTRATION.

It was during the second administration of Governor Gordon that one of Georgia's most cherished educational institutions was chartered by an act of the Legislature, approved November 8, 1889. This was the Georgia Normal and Industrial College at Milledgeville, an institution designed for the practical education of the girls of Georgia. There was to be a normal department for the thorough training and equipment of teachers; but no girl was to be allowed to take a course of study in this school who did not receive instruction in at least one industrial art.* It was to form a part of the university system but was to be governed by its own board of trustees. To the zealous championship of Hon. Wm. Y. Atkinson, afterwards governor of the state but then a representative in the General Assembly from Coweta County, the establishment of this school was largely, if not solely, due. Mr. Atkinson introduced the bill. It was none too popular at the time of its introduction. Involving a large initial expenditure of money, in addition to its annual maintenance, the school met with relentless opposition. But Mr. Atkinson's

* Acts 1889, pp. 10-14.

unwearied activities saved the day. His enthusiasm proved contagious. As he pictured in glowing colors the future of this school, designed to educate the girls of Georgia, in household economics, in useful arts, in applied sciences, his speech fired the imagination of the Legislature, and out of the jaws of failure he plucked success.

On November 27, 1890, the corner stone of the institution was laid; and in less than one year thereafter the doors of the college were opened for the reception of pupils. Dr. J. Harris Chappell was its first president. His name will always be venerated in the traditions of the college, will always be radiant with the martyr's halo of achievement. He organized it upon a sound basis, but overtaxed his strength and sacrificed his life in laying its foundations. Since 1903, Dr. M. M. Parks, a most successful educator, brilliant and popular, has been at the head of the school. Its total enrollment today exceeds 1,000 pupils. The old executive mansion, occupied by the governors of Georgia when the capital was at Milledgeville, is used as one of the dormitories and contains the office of President Parks.

Also at this session of the Legislature an act was passed, reviving the office of state geologist, an office abolished in 1879, due to the seemingly inadequate results derived from Doctor Little's official activities. Under an act approved November 12, 1889, the governor was authorized to appoint a competent person to this office, one who possessed a thorough, scientific and practical knowledge of geology and mineralogy and who was not connected with any school or college as an instructor.* It was provided that his duties should begin on July 1, 1890, that his office should be at the seat of government, that he should be given two competent assistants, in co-operation with whom the state was to be divided into three geological sections, northern, middle, and southern. Without delay a complete survey of the state was to be made, showing the locality, extent, and value of the various mineral deposits; he was to collect specimens of same to be exhibited in a geological museum; he was to survey water-courses, ponds, lakes, and swamp regions; to suggest means and plans for drainage; to analyze soils; to tabulate statistics; to construct maps; to supervise the work of assistants; to visit in person each section of the state; and to submit a report to the advisory board, once every three months. This advisory board was to be composed of the following officials: the governor, who was to be ex-officio its president; the commissioner of agriculture, the state treasurer, the comptroller-general, the secretary of state, and the attorney-general. No individual, firm, or corporation, was to call upon the state geologist to enter upon any special survey but the work was to proceed upon a settled plan for the benefit of the public. The state geologist was to receive a salary of $2,500 per annum; while each of his assistants was to receive $1,500 per annum. Under the provisions of this act, Governor Gordon appointed a former professor of geology at the State University, Dr. J. W. Spencer. But the appointment was not a happy one. Doctor Spencer was a competent geologist and a man of rare scientific attainments, but he lacked discipline; he possessed no faculty for organization. In 1893 he was removed by Governor Northen, who appointed as his successor Prof.

* Acts 1889, p. 18.

W. S. Yates. Since then the work has proceeded without interruption. There is perhaps today no single agency more effective in exploiting the marvelous resources of the state, or in yoking them to the motive power of capital.

On November 12, 1889, an act was approved providing for a new lease of the Western and Atlantic Railroad. It will be remembered that in 1870 the road had been leased for a term of twenty years to a company of which Joseph E. Brown was the president. This lease was about to expire. Could it be renewed on terms still more advantageous to the State of Georgia? This was the question which formulated itself in the mind of Dr. William H. Felton, of Bartow, who became a candidate for the Legislature mainly upon this platform. Doctor Felton had represented the Seventh District in Congress for three successive terms, and had achieved a reputation for his fighting qualities. It was Doctor Felton's belief that the road could be leased for $35,000 per month. He, therefore, insisted upon these figures. It was also his contention that the entire proceeds derived from the rental of the Western and Atlantic Railroad should be given to the common schools of Georgia. He won both of these fights. The act of 1889 provided for a lease of the state's property for a term of twenty-nine years, at a fixed rental of $35,000 per month. At the same time, the following alternatives were provided: if leased for a period of thirty years, it was to bring $40,000 per month; if leased for a period of fifty years, it was to bring $45,000 per month. The governor was authorized to advertise for bids in New York, Chicago, and Cincinnati. All bids were to be submitted in writing on or before the 27th of June, 1890. But only two bids were submitted: one by the Richmond Terminal for $35,000 per month and one by the Nashville, Chattanooga and St. Louis for $35,001 per month. These bids were opened by the governor, who formally in writing accepted the bid of the Nashville, Chattanooga and St. Louis Railroad. This contract was afterwards signed in duplicate. Thus an additional sum of $120,000 per year was secured for the common schools of Georgia by this advantageous lease; and for the success of this measure Georgia stands indebted to Dr. Wm. H. Felton.* To settle differences between the former lessees and the State of Georgia a commission was appointed consisting of these well-known Georgians: N. J. Hammond, J. C. C. Black, G. Gundy Jordan, W. B. Hill, C. D. McCutchen, George A. Mercer, J. L. Warren, and D. G. Hughes. Hon. Clifford Anderson was chief-counsel for the state and Messrs. John I. Hall and Wm. Y. Atkinson, associate counsel.† As a result of this method of arbitration, the claims of the lessees for $711,890 were finally compromised for $99,664.

This same Legislature passed an act establishing farmers' institutes in Georgia; an act to make the office of commissioner of agriculture elective; an act to encourage the construction of telegraph lines in this state; an act to sell the old capitol building in Atlanta; an act to regulate the hours of labor in cotton and woollen mills; and numerous other less important measures.

On December 5th, ex-President Jefferson Davis died in the City of

* House Journal, 1890, p. 68; Acts 1889.
† Acts 1890-1891, Vol. I, p. 25.

New Orleans, Louisiana, while visiting at the home of a friend. The announcement was received with profound sorrow throughout the South, but in Georgia especially the manifestations of grief were sincere and deep. It was the desire of the people of this state to have the ashes of Mr. Davis rest in the soil of Georgia, and accordingly an offer was made of a beautiful lot in Westview Cemetery, on the outskirts of Atlanta; but after carefully weighing all considerations the family decided to accept Virginia's offer and to lay the aged statesman to rest on the hills of Hollywood overlooking the historic City of Richmond. On the day set apart for the funeral of Mr. Davis, a mass-meeting of citizens was held in the state capitol, at which a number of eloquent speeches were delivered. Hon. John T. Glenn, mayor of Atlanta; Rev. G. B. Strickler, D. D., Hon. Albert H. Cox, Judge Howard Van Epps and others were among the speakers. Henry W. Grady, with a party of friends, en route to Boston, to deliver his last great speech, before a New England audience, sent a telegram which was read at this meeting.*

But even as he indited this message of sympathy, the South's great apostle of peace was standing on the mysterious border line of eternity. For him, too, another day was breaking; and his message to the memorial meeting in Atlanta was only a salute to one who had crossed over into "the undiscovered country" from one whose feet were already planted in the dark waters. Mr. Grady delivered his last great speech in Boston, on December 13, 1889, on the race problem. Going thence on an outing to Plymouth Rock, he contracted a severe cold which, on his way back to Atlanta, developed into a pronounced type of pneumonia. There was a vast crowd to meet him at the depot. Flowers with which to garland the returning victor's brow were there; but his forehead, white with an unwonted pallor, was already marked for greener laurels. The scene of Mr. Grady's home-coming has been most charmingly described by a brilliant Georgian, himself a distinguished orator and editor. Said he: †

"Fit and dramatic climax to a glorious mission that he should have lived to carry the South's last message to the center of New England's culture and then with her gracious answer to his transcendant service locked in his loyal heart, come back to die among the people he had served. Fitter still that as he walked in final triumph through the streets of his beloved city he should have caught upon his kingly brow that wreath of Southern roses—richer jewels than Victoria wears—plucked by the hands of Georgia women—borne by the hands of Georgia men, and flung about him with a tenderness that crowned him for his burial—that in the unspeakable fragrance of Georgia's full and sweet approval he might

draw the drapery of his couch
About him, and lie down to pleasant dreams."

No one suspected how really ill Mr. Grady was at this time, and it was a shock to every one present to see him lifted from the train a helpless invalid. He reached home on the 21st of December, but steadily grew worse; and two days later the end came. Like Nelson at Trafalgar, he expired in the arms of victory. The plaudits of a nation were ringing

* Files of Atlanta Constitution, June 6, 1889, et seq.
† Col. John Temple Graves, now editor of the New York American.

HENRY W. GRADY
The South's Great Orator-Journalist

in his ears. He had been the means of bringing North and South together, of uniting them once more in love—like the sisters of Bethany; and at his dying couch the once estranged sections knelt, with arms entwined, to bid him adieu in Horatio's farewell to Hamlet:

"Good-night, sweet prince,
And flights of angels sing thee to thy rest."

Mr. Grady was buried on Christmas day. Nor was it unmeet that at such a time the South's great peace-maker should have been lowered to his final sleep in Georgia's soil. It was under the bluest of arching skies that Mr. Grady's funeral occurred. Scarcely a cloud flecked the azure firmament. The weather was as balmy and as soft as a day in April. But it was, nevertheless, Atlanta's saddest Christmas. The usual blowing of horns and popping of fire-crackers ceased of its own accord. Playgrounds were deserted. Even the children seemed to realize that a friend had been taken from them; and on a day traditionally set apart to merriment, there was sorrow in every heart, desolation in every home. From the Grady mansion on Peachtree Street to the First Methodist Church, where the obsequies were held, thence to Oakland Cemetery, where the remains were temporarily entombed, there was one unbroken line of sad faces. The whole city turned out en masse to witness the scene of Mr. Grady's funeral on Christmas day. But save in subdued whispers not a word was spoken; and over all there brooded a golden silence. Mr. Grady's Christmas editorial was instinctively recalled. It was on a day like this, just one year before, that he had written an exquisite prose poem, describing an ideal Christmas day. It ran as follows:*

A Perfect Christmas Day

"No man or woman now living will see again such a Christmas day as the one which closed yesterday, when the dying sun piled the western skies with gold and purple.

"A winter day it was, shot to the core with sunshine. It was enchanting to walk abroad in its prodigal beauty, to breathe its elixir, to reach out the hands and plunge them open-fingered through its pulsing waves of warmth and freshness. It was June and November welded and fused into a perfect glory that held the sunshine and snow beneath tender and splendid skies. To have winnowed such a day from the teeming winter was to have found an odorous peach on a bough whipped in the storms of winter. One caught the musk of yellow grain, the flavor of ripening nuts, the fragrance of strawberries, the exquisite odor of violets, the aroma of all seasons in the wonderful day. The hum of bees underrode the whistling wings of wild geese flying southward. The fires slept in drowsing grates, while the people, marvelling outdoors, watched the soft winds woo the roses and the lilies.

"Truly it was a day of days. Amid its riotous luxury surely life was worth living to hold up the head and breathe it in as thirsting men drink water; to put every sense on its gracious excellence; to throw the hands wide apart and hug whole armfuls of the day close to the heart, till the

* Files of Atlanta Constitution, December 25, 1888.

heart itself is enraptured and illumined. God's benediction came down with the day, slow dropping from the skies. God's smile was its light, and all through and through its supernal beauty and stillness, unspoken but appealing to every heart and sanctifying every soul, was His invocation and promise, 'Peace on earth, good will to men.' "

On December 26, 1889, memorial exercises in honor of Mr. Grady were held at DeGive's Opera House in Atlanta, at which time addresses were made by a number of distinguished Georgians, among them, Judge W. R. Hammond, who read a memorial adopted by the Chi Phi College fraternity of which Mr. Grady was a member; Hon. Patrick Walsh, of Augusta; Prof. H. C. White, of Athens; Hon. John Temple Graves, of Rome; Hon. B. H. Hill, Hon. Albert H. Cox, Hon. Julius L. Brown, Judge Howard Van Epps and Governor Gordon. Colonel Graves, in the speech which he made on this occasion, achieved a national reputation; and an extract from this speech—a flawless gem of eloquence—was subsequently carved upon Mr. Grady's monument. Professor White's speech was also a classic.*

Ceremonies of a like character, in honor of the South's great peacemaker, were held in almost every important city of the state. Thus while Georgia was in mourning for Mr. Davis there fell upon her the pall of an even greater sorrow. The sables of bereavement displayed for the dead ex-President were retained for the silent peacemaker; and under a double weight of bereavement Georgia lamented the passing of two glorious spirits, one of whom, bent with years, typified the vanishing civilization of an old South, while the other, buoyant with the strength of youth, bespoke the kindling glories of the New.

But to Georgia's crown of sorrow there was still another star to be added. Col. Nathan C. Barnett, who, uninterruptedly since 1873 had held the office of secretary of state and who, prior to reconstruction, had filled the office for twenty years, died on February 2, 1890, ending his long career of service at the advanced age of eighty-seven years. To the credit of this stainless gentleman and upright official be it said that the most rigorous efforts of the military power to wrest from his hands the great seal of state proved utterly abortive. Transporting it secretly to his place of residence, Colonel Barnett buried the emblem of Georgia's sovereignity underneath his home in Milledgeville, confiding the secret of its hiding-place solely to Mrs. Barnett, whom he charged, in the event of his death, to guard it with inviolate care and to restore it at the proper time to the lawfully constituted authorities. When the saturnalia of reconstruction was at an end and from the ignominious thralldom of carpet-bag rule, Georgia emerged once more a free state, Colonel Barnett restored the great seal to its rightful place in the secretary of state's office. The seal restored by Governor Jenkins in 1872 was the seal of the Executive Department. As Colonel Barnett's successor in office, Governor Gordon appointed Gen. Philip Cook, a gallant ex-Confederate officer, a distinguished ex-congressman, and last but not least, a member of that galaxy of honor: the state capitol commission. General Cook continued to fill this office until his death in 1894.

Maj. Campbell Wallace, having resigned his seat on the railroad com-

* Files of Atlanta Constitution, December 27, 1889.

mission, Col. James W. Robertson, of Cobb, an experienced railroader, was named his successor. He qualified February 1, 1890.

At the quadrennial meeting of the General Conference of the Methodist Episcopal Church, South, in St. Louis, in 1890, two eminent Georgia divines were elevated to the college of bishops: Dr. Atticus G. Haygood, at this time president of Emory College, and Dr. Oscar P. Fitzgerald, then a resident of Nashville, Tennessee, but formerly a resident of this state. Doctor Haygood's advanced position on the negro problem, especially as enunciated in his famous book entitled "The Brother in Black," had already brought him into national prominence, evoking no little criticism from his own people, but eventually justifying itself as the policy of sound wisdom and as the dictate of an enlightened Christian conscience. In other words, Doctor Haygood believed in a square deal for the negro. Doctor Fitzgerald, though less of a controversialist than Doctor Haygood, wielded perhaps a more fascinating pen, and both in the editorial sanctum and in the pulpit was a recognized power in southern Methodism.

Governor Gordon's tenure of office, extending over a period of four years, witnessed a healthy increase in the state's population, and a slow but steady growth in things material. Georgia's banking capital increased $6,160,755; her cotton mills $3,230,518; her railroads $14,360,160.* More than 830,000 children were enrolled in the public schools. The state's bonded indebtedness had been reduced $8,261,340, a small sum compared with the great mountain of debt entailed by the Civil war period and by the vicious policy of state aid to railroads. Two great institutions of learning had been securely established: the Georgia School of Technology and the Georgia Normal and Industrial College. Two great expositions had been held exhibiting the state's marvelous resources: one in Atlanta, the other in Augusta. Grady's mission had borne fruit; and while a republican Congress was distinctly hostile to the South, its inimical outbreaks were only the death-groans of an expiring sectionalism. Governor Gordon, in his last message to the Legislature, repeated his recommendation urging the creation of a pardon board; he also recommended a pension department; he reviewed at some length the steady growth of the state, despite conditions which were not altogether happy, especially for the oppressed farmers; and he warned the General Assembly of the growing encroachments of a menace whose shadow upon the nation's life called for sleepless vigilance: the money power.

* Senate Journal, 1890, p. 19.

CHAPTER XIII

RISE OF THE FARMERS' ALLIANCE—WIDESPREAD DEPRESSION DUE TO FINANCIAL CONDITIONS—LOW PRICE OF AGRICULTURAL PRODUCTS—THE PEOPLE'S PARTY ENTERS THE FIELD OF NATIONAL POLITICS—ITS REFORM PRINCIPLES AND MEASURES—TWO LEADERS IN THE STATE ALLIANCE OF GEORGIA—WILLIAM J. NORTHEN AND LEONIDAS F. LIVINGSTON—THE LATTER PREFERS TO MAKE THE RACE FOR CONGRESS—THE FORMER URGED TO SEEK THE GUBERNATORIAL NOMINATION—THE STATE CONVENTION MEETS, NORTHEN NOMINATED—SPIRITED FIGHT IN THE RACE FOR COMMISSIONER OF AGRICULTURE, NOW MADE ELECTIVE FOR THE FIRST TIME THIS YEAR—R. T. NESBITT DEFEATS JUDGE HENDERSON—OTHER STATE HOUSE OFFICERS NOMINATED—NEW CONGRESSMEN ELECTED—L. F. LIVINGSTON—CHAS. L. MOSES—R. W. EVERETT—THOS. G. LAWSON—THOS. E. WINN—THOS. E. WATSON—ALL OF THESE ALLIANCE DEMOCRATS—JUDGE CLEMENTS APPOINTED TO A SEAT ON THE INTER-STATE COMMERCE COMMISSION—THE FORCE BILL—ITS DESIGN TO HUMILIATE THE SOUTH—AN ATTEMPT TO REVIVE RECONSTRUCTION—DEFEATED BY JUDGE CRISP, OF GEORGIA—STATE LEGISLATURE MEETS—SENATOR BROWN RETIRES AT THE CLOSE OF HIS TERM—GEN. JOHN B. GORDON ELECTED TO SUCCEED SENATOR BROWN—HON. SAMUEL LUMPKIN BECOMES AN ASSOCIATE JUSTICE—CAPT. S. D. BRADWELL SUCCEEDS JUDGE HOOK AS STATE SCHOOL COMMISSIONER—DEATH OF BISHOP BECKWITH, OF THE EPISCOPAL DIOCESE OF GEORGIA—SUCCEEDED BY BISHOP NELSON—SUBSEQUENT DIVISION OF THE DIOCESE—BISHOP F. F. REESE—DEATH OF DOCTOR LIPSCOMB—SCHOOL FOR THE INDUSTRIAL EDUCATION OF COLORED YOUTH ESTABLISHED—UNDER NEW CENSUS OF 1900, GEORGIA IS DIVIDED INTO ELEVEN CONGRESSIONAL DISTRICTS—STATE NORMAL SCHOOL AT ATHENS IS ESTABLISHED—RAILWAY DEVELOPMENT—TWO DISTINGUISHED GEORGIANS CALLED BY DEATH.

Prosperity, in its last analysis, rests upon agriculture. It is only a small percentage of the American people who reside in towns and cities, while the great bulk of our population is found in the rural districts. The industrious farmer, though a wealth producer, instrumental in making fortunes for other people, has never shared to any great extent in the fruits of his own toil. Twenty years after the Civil war there was a great depression in the value of agricultural products, and the farmer instead of accumulating a balance in bank, found himself growing poorer and poorer. Especially was this true in the old slave-holding states, like Georgia, where immense plantations had been subdivided into small farms and where the sole market crop was cotton. Mr. Lincoln, with a single stroke of his pen, had emancipated a race of slaves, whose labor

was the chief asset of the southern planter; and for the latter to adapt himself at once to an altered status was an exceedingly difficult task.

It was to grapple with such conditions, by means of organized effort, that late in the '80s a movement began to take definite form and to rivet public attention, known as the Farmers' Alliance. It originated as far back as 1876, when the cotton-growers of a certain county in Texas organized an association or institute.* This grew into a State Alliance. Similar organizations were formed, like the Wheel, in Arkansas, and the Farmers' Union, in Louisiana; and out of these various state societies a National Alliance was organized in 1887. Since the main object of the movement was to obtain legislation in the interest of agriculture, its political character was foreordained, and it soon became a most powerful factor in national politics.

Federating with the Knights of Labor, an organization whose aims were kindred, a platform of principles was enunciated. This coalition was styled the Farmers' Alliance and Industrial Union. Adopting the democracy of Andrew Jackson, it demanded the abolition of national banks. It also advocated the free and unlimited coinage of silver, an increase in the issue of greenbacks for legal tender, government ownership of railway and steamship lines, and rigid laws to prevent stock gambling and gambling in futures, especially with reference to agricultural and mechanical products.

The silver question was destined to become the Banquo's ghost of American politics for nearly a score of years. But at this time the plank upon which greatest stress was laid in the South, due to its peculiar needs, was a sub-treasury, to afford the farmer a convenient place of deposit for his cotton, where he could receive currency in exchange for this staple product, and if need be borrow money from the Government at a nominal rate of interest. Content to dictate nominations within the strict party lines of democracy, the farmers of the South put out no separate tickets in 1890; but the more radical West, relinquishing the old shibboleths, took an independent course; and, besides capturing State Legislatures in Kansas and Nebraska, secured the balance of power in three other states, Minnesota, South Dakota and Illinois. It also elected two United States senators and secured nine members of Congress.

In 1892, there came a fusion with various elements; and out of this melting pot emerged the people's party, an organization which grew into national proportions and caused the first split since the Civil war in the solid democracy of the South. But thousands of farmers, bound by ties of tradition, refused to renounce the old party and remained loyal democrats. For more than a decade the people's party continued to be a power in politics. Thomas E. Watson, a Georgian, was its standard-bearer for vice president in 1896 and for president in 1904.† Populism accomplished many helpful reforms. But the absorption of its chief principles by the two historic parties of the nation soon rendered it useless as a separate political organization, and save as a memory the people's party ceased to exist.

* New International Encyclopedia, article on the "Farmers' Alliance."

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But this discussion is carrying us too far forward. As the administration of General Gordon drew to its close, two figures began to loom with conspicuous prominence upon the political horizon as favorites in the race for governor. These were William J. Northen, of Hancock, and Leonidas F. Livingston, of Newton. Both were recognized leaders in the State Alliance. At the same time, however, both were sturdy democrats. Mr. Northen had been for years an educator, having succeeded the noted Dr. Carlisle P. Beman in charge of the famous Mount Zion Academy, near Sparta. To improve his health, impaired by close confinement to the school-room, Mr. Northen, in 1873, began to devote his energies mainly to farming; but he was too deep a thinker and too resolute a spirit to escape the responsibilities of leadership; and after serving in both wings of the General Assembly, he was ready for still higher honors.

Colonel Livingston was likewise a farmer. His record in both House and Senate had shown him to be an effective legislator. He was a born strategist. It became almost a by-word that in playing the game of politics, Colonel Livingston encountered no superior; and for two full decades this modest agrarian was destined to represent the Atlanta District in Congress. Despite the fact that his Newton County plantation was forty miles distant from the Georgia metropolis, he was year after year returned to the national councils. There were scores of gifted lawyers in Atlanta—ambitious and alert—who coveted Colonel Livingston's seat in Congress. Now and then, one of these, in a bold display of temerity, would engage in a contest with him; but his serene countenance was never once ruffled by opposition and his voice was seldom missed at roll-call in Washington, until Schley Howard stole a march on him in 1902. The old congressman was then an octogenarian.

But to return. Colonel Livingston was at the head of the State Alliance when Governor Gordon's administration drew to an end. He could doubtless have succeeded the gallant Gordon as governor; but early in the year 1890 he left an unopposed field to Mr. Northen by entering the race for Congress.

On August 7, 1890, the State Democratic Convention assembled in Atlanta and organized by electing Hon. Wm. Y. Atkinson, of Coweta, its permanent chairman.* The temporary presiding officer was Judge W. E. Kiddoo, of Randolph. So far as the governorship was concerned, there was no division of sentiment in this convention. Hon. John Temple Graves, of Fulton, amid rapturous applause, presented the name of Georgia's future governor: Hon. William J. Northen. His nomination followed by unanimous acclaim. But the race for commissioner of agriculture precipitated an exciting contest. Heretofore this office had been one of appointment. There were three candidates before the Legislature in this initial contest under the new law. Judge John T. Henderson, the incumbent, having filled this office since 1879, wished to be confirmed in his titles by an expression of the popular will. Hon. R. T. Nesbitt and Hon. James B. Hunnicutt, both practical farmers, wished to oust Judge Henderson. On the first ballot, Nesbitt led. The vote was as follows: Nesbitt 142, Henderson 140, Hunnicutt 42. Judge

* Files of Atlanta Constitution, August 8, 1890.

was the chief asset of the southern planter; and for the latter to adapt himself at once to an altered status was an exceedingly difficult task.

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Henderson ran ahead on the second ballot, but fell behind on the third. When the fourth ballot was counted, both Henderson and Hunnicutt lost heavily to Nesbitt, whose nomination followed. The decisive ballot stood: Nesbitt 204, Henderson 100, Hunnicutt 22. For attorney-general, Hon. Clifford Anderson met defeat at the hands of Col. George N. Lester, of Cobb, but a stroke of paralysis impaired the latter's health to such an extent that the duties of his office by special resolution of the General Assembly were committed to Hon. William A. Little, of Muscogee. All the other state house officers were renominated without opposition.

The dominant power of the Farmers' Alliance in Georgia politics at this time is shown not only in the choice of a governor of the state but in the new faces seen in the Georgia delegation in Congress. Hon. L. F. Livingston, in the fifth, succeeded Judge John D. Stewart, a school teacher and planter. Hon. Charles L. Moses, in the fourth, succeeded Hon. Thomas W. Grimes. Hon. R. W. Everett, of Polk, was returned from the seventh, to succeed Hon. Judson C. Clements; and after defeating Mr. Clements for the democratic nomination in his district, he met and vanquished at the polls on election day the stalwart old independent, Dr. William H. Felton. Judge Thomas G. Lawson, a former occupant of the Superior Court Bench, but also a planter, was returned from the eighth, supplanting Dr. H. H. Carlton. Hon. Thomas E. Winn, a planter, succeeded Hon. Allen D. Candler, in the ninth; while Maj. George T. Barnes, in the tenth, went down before the future tribune of the people: Hon. Thomas E. Watson, an Alliance democrat. Only four members of the delegation were re-elected: Messrs. Blount, Crisp, Lester and Turner.*

Ex-Congressman Judson C. Clements, while a member of the National House, had so impressed the country with his practical common sense as a legislator, especially in matters pertaining to commerce, that the republican President, Mr. Harrison, esteemed it a privilege to appoint Colonel Clements, though a democrat, to a seat on the Inter-State Commerce Commission. For more than twenty years he has discharged the duties of this high office with great distinction and he is now and has been for some time its efficient chairman.

It was the Fifty-second Congress in which a malignant sectionalism sought to reduce the South to the condition of a conquered province by means of the iniquitous Force Bill. There was a marshalling of strength on the republican side of the House for the avowed purpose of passing a bayonet election law which would place the South at the mercy of the dominant party in Congress. As a pretext for this proposed legislation the disfranchisement of the negro in the southern states of the Union, became the republican party's stock argument. Mr. Harrison was openly in favor of the bill and it was generally believed that the bill would pass and would prolong the republican tenure of power.

To defeat this measure became the fixed resolve of the South. Such a bill was legalized tyranny. It was calculated to re-enact the tragic

* Congressional Directory, 1774-1911, p. 336.

drama of reconstruction, to provoke race troubles, to discourage capital and immigration, and to retard the progress of this section for a generation. But the republican party had been re-enforced at the polls. How to thwart its designs was a problem fraught with serious difficulties. Without disparaging the part taken by others in this great fight on the floor of Congress, it was due largely to the activities of Hon. Charles F. Crisp, of Georgia, that the nefarious bill was defeated. More than once his zealous championship of the South brought him into sharp collision with Thomas B. Read, of Maine, then wielding the gavel as speaker, but a man whose hostility to the South was proverbial. It was often at the expense of this section that Speaker Read displayed his bitter sarcasm. But he met his Richmond in Mr. Crisp. The latter's courageous fight prevented the Force Bill from becoming a law. His brilliant tactics delayed action from day to day until finally the bill was throttled. The succeeding Congress was overwhelmingly democratic, and to the speakership of the National House of Representatives, Charles F. Crisp, of Georgia, was elected.

When the new State Legislature convened in Atlanta on November 6, 1890, Hon. Robert G. Mitchell, of the Seventh District, was elected president of the Senate and Hon. Clark Howell, of Fulton, speaker of the House.* Two days thereafter, Gov.-elect William J. Northen was duly inaugurated for a term of two years. The oath of office was administered by Chief-Justice Logan E. Bleckley.

United States Sen. Joseph E. Brown was not a candidate to succeed himself before the General Assembly of 1890. He was now verging upon the patriarchal limit of years, and wished to relinquish the responsibilities of public life. Serene in the confidence of his people, by whom he had twice been honored with the toga, his retirement at this time was a voluntary act, admonished only by the deepening snows of an oncoming winter. The Farmers' Alliance, in its choice of a successor to Senator Brown was somewhat divided but the organization in the main supported Gen. John B. Gordon. There were several candidates before the Legislature. Judge Thomas M. Norwood, of Savannah, an ex-United States senator; Hon. Patrick Calhoun, of Fulton; Hon. N. J. Hammond, of Fulton; Judge James K. Hines, of Washington, were all strongly supported; but General Gordon was overwhelmingly the popular favorite and easily won on the first ballot. The consolidated vote was as follows: Gordon 120, Norwood 45, Calhoun 25, Hines 13, Hammond 9, S. H. Hawkins 1.†

This same Legislature elected Hon. Samuel Lumpkin to the supreme bench for a full term of six years to succeed Associate Justice Mark Blandford, who did not stand for re-election. The following Superior Court judges were also chosen at this time: James H. Guerry, Pataula Circuit; A. L. Miller, Macon Circuit; N. L. Hutchins, Western Circuit; H. C. Roney, Augusta Circuit; John W. Maddox, Rome Circuit; C. J. Wellborn, Northeastern Circuit; Roger L. Gamble, Middle Circuit; Augustin H. Hansell, Southern Circuit; Spencer R. Atkinson, Brunswick Circuit; James S. Boynton, Flint Circuit; W. F. Jenkins, Ocmulgee Circuit; Ham-

* House and Senate Journals, 1890.
† House Journal, 1890, p. 206; Senate Journal, 1890, p. 114.

ilton McWhorter, Northern Circuit; J. H. Martin, Chattahoochee Circuit; and Chas. G. Janes, Tallapoosa Circuit.

To succeed Judge James S. Hook as state school commissioner, Governor Northen appointed Capt. S. D. Bradwell, a distinguished educator, who held office until Governor Northen retired from office in 1894. He was afterwards president of the State Normal School, at Athens.

The Legislature at its summer session in 1891 elected Hon. William H. Fish to succeed Judge Allen Fort on the bench of the Southwestern Circuit, the latter having resigned to become a member of the railroad commission. Judge Fort's appointment to this position was well-merited. He was a joint author of the bill under which the railroad commission was created in 1879 and it was due largely to his personal activities that defeat for the bill was averted.

On November 23, 1890, the Episcopal Diocese of Georgia sustained a grievous loss in the death of its beloved bishop, Right Rev. John W. Beckwith, D. D., who passed away in the prime of his powers. Bishop Beckwith possessed no superior as a pulpit orator. To a fine presence, he added a voice of marvelous register, and a philosophic mind of unusual vigor, richly stored with general information. It was not an easy task by any means to find a successor to Bishop Beckwith but the choice of the diocese finally rested upon Right Rev. Cleland Kinlock Nelson, a Virginian by birth, who was then serving a wealthy parish in South Bethlehem, Pennsylvania. Accepting the call to Georgia, Bishop Nelson was duly ordained in 1892 and retained his episcopal oversight until 1900 at which time, on a division of the diocese, he became bishop of the newly created Diocese of Atlanta, while Right Rev. F. F. Reese, of Macon, succeeded him as bishop of the Diocese of Georgia.

Methodism likewise sustained a serious loss this year in the death of the venerated Dr. Andrew A. Lipscomb, an ex-chancellor of the State University. He passed away at his home in Athens, on the day following the death of Bishop Beckwith. Doctor Lipscomb was perhaps the foremost Shakespearean scholar in the South, a noted educator, and a man greatly beloved by all.

On November 26, 1890, an act of the Legislature was approved creating a school for the industrial education of colored youth. A site for the proposed institution was chosen near Savannah and a tract of land containing eighty-five acres was acquired by purchase, thirty-five acres of which was allotted to a campus, while the remainder was held in reserve for other uses. Messers. Peter W. Meldrin, W. R. Hammond, P. J. Cline, J. B. Fielder and George T. Murrell constituted its first board of trustees. This splendid school, attesting the state's interest in the negro race, was made a part of the university system.*

The census returns of 1890 entitled Georgia to an additional member of Congress. Accordingly, at the summer session of the State Legislature in 1891 an act was passed dividing the state into eleven congressional districts. The apportionment of counties under this act was as follows: †

First District, Chatham, Burke, Screven, Emanuel, Bulloch, Effingham, Bryan, Tattnall, Liberty and McIntosh. Second District, Quitman, Clay, Randolph, Terrell, Calhoun, Dougherty, Worth, Early, Baker, Miller, Mitchell, Colquitt, Berrien, Decatur and Thomas. Third District, Stewart, Webster, Sumter, Lee, Dooly, Wilcox, Schley, Pulaski, Twiggs, Houstonn, Macon, Taylor and Crawford. Fourth District, Muscogee, Marion, Talbot, Harris, Meriwether, Troup, Coweta, Heard, Carroll and Chattahoochee. Fifth District, Fulton, Douglas, Campbell, Clayton, DeKalb, Rockdale, Newton and Walton. Sixth District, Bibb, Baldwin, Jones, Monroe, Upson, Pike, Spalding, Fayette, Henry and Butts. Seventh District, Haralson, Paulding, Cobb, Polk, Floyd, Bartow, Chattooga, Gordon, Walker, Dade, Catoosa, Whitefield and Murray. Eighth District, Jasper, Putnam, Morgan, Greene, Oconee, Clarke, Oglethorpe, Madison, Elbert, Hart, Franklin and Wilkes. Ninth District, Fannin, Union, Towns, Rabun, Habersham, White, Lumpkin, Dawson, Gilmer, Pickens, Cherokee, Forsyth, Milton, Gwinnett, Jackson, Hall and Banks. Tenth District, Richmond, Columbia, Lincoln, Jefferson, Glascock, McDuffie, Warren, Taliaferro, Washington, Wilkinson and Hancock. Eleventh District, Glynn, Johnson, Laurens, Montgomery, Dodge, Telfair, Irwin, Coffee, Appling, Wayne, Pierce, Ware, Clinch, Echols, Lowndes, Brooks, Charlton and Camden.

During this session an act was passed to amend the state constitution so as to provide for annual sessions of the General Assembly, but the measure when submitted to the people failed of ratification.

It was also at its session in 1891 that the Legislature passed an act establishing the State Normal School at Athens, as a part of the University of Georgia. This school, in its stimulating effect upon the educational interests of the state, has more than justified the wisdom and foresight of its founders, and from year to year has furnished well-trained and well-equipped teachers for the common schools of Georgia. Hon. Wm. H. Fleming, of Richmond, introduced and pressed to its passage the bill creating this institution. Mr. Fleming was a great champion of education. Before entering upon the practice of law he had for a number of years been superintendent of the public schools of Augusta. Capt. S. D. Bradwell after filling the office of state school commissioner for four years under Governor Northen became president of this institution and was largely instrumental in shaking its subsequent growth and development. Dr. J. M. Pound, the present executive head of the institution, is an experienced educator, having also served the state as school commissioner.

During the decade from 1880 to 1890 railway development in Georgia had received a powerful stimulus and in response to the awakening touch of Prospero's wand a perfect network of steel had overspread the state in every direction. The mileage of these various lines was as follows: Central Railway, including also the Georgia, 1,572, Richmond and Danville 388, East Tennessee, Virginia, and Georgia 456, Plant System 565, Louisville and Nashville 140, Georgia Southern 274, Savannah, Americus and Montgomery 180, Georgia, Carolina and Northern 120, miscellaneous 1,004. Total 4,699 miles.

Gen. Joseph E. Johnston, the illustrious commander of our Western Army during the Civil war, whose Fabian strategy in the Atlanta campaign of 1864, caused his removal by the Richmond authorities, died in Washington, District of Columbia, on March 2, 1891. Military critics

* Acts 1890, pp. 114-117.
† Acts 1890-1891, Vol. I, p. 193.

today rank General Johnston second only to the great Lee himself as a strategist. For his gallant defense of this state, Georgia will always hold him in grateful remembrance.

Two distinguished Georgians also passed away this year: Gen. L. J. Gartrell and ex-United States Sen. Joshua Hill. General Gartrell was perhaps the ablest criminal lawyer in the South. He has served his state in Congress and on the field of battle and had made a strong race for governor against Alexander H. Stephens. Mr. Hill was the only member of the Georgia delegation in Congress in 1861 who formally resigned his seat. The others merely withdrew following Georgia's action in adopting the ordinance of secession.

CHAPTER XIV

PRESIDENT HARRISON VISITS GEORGIA IN 1891—HIS MANNER SOMEWHAT RESERVED—GOV. DAVID B. HILL COMES TO UNVEIL THE GRADY MONUMENT—TRIBUTE OF NEW YORK'S GOVERNOR TO A PRIVATE CITIZEN—ALL SECTIONS AID IN ERECTING THIS MONUMENT TO THE GREAT PEACEMAKER—TWO VACANCIES FILLED ON THE RAILROAD COMMISSION—WILLIAM J. BRYAN MAKES HIS MAIDEN SPEECH IN CONGRESS IN 1892—CAMP NORTHEN ESTABLISHED, NEAR GRIFFIN—THE PRESIDENTIAL CAMPAIGN OF 1892 OPENS—THE STATE DEMOCRATIC CONVENTION A STORM CENTER—CLEVELAND'S ADMINISTRATION ENDORSED, BUT AN UNINSTRUCTED DELEGATION IS SENT TO CHICAGO—HOKE SMITH RECOGNIZED AS THE LEADER OF THE CLEVELAND FORCES IN GEORGIA—THE PLATFORM DEMANDS FREE COINAGE OF SILVER, TARIFF REFORM, AND ECONOMY IN GOVERNMENTAL EXPENDITURES—GOVERNOR NORTHEN RENOMINATED, WITH ALL THE STATE HOUSE OFFICERS—DELEGATES TO THE NATIONAL DEMOCRATIC CONVENTION OF 1892—THE PEOPLE'S PARTY NOMINATES A STATE TICKET—W. L. PEEK ITS STANDARD-BEARER FOR GOVERNOR—DEMOCRACY SWEEPS BOTH STATE AND NATION—CLEVELAND AND STEVENSON NOMINATED AT CHICAGO—SUCCESSFUL IN WINNING THE PRESIDENCY, MR. CLEVELAND CALLS HON. HOKE SMITH INTO THE CABINET AS SECRETARY OF THE INTERIOR—OTHER GEORGIANS HONORED—JOHN I. HALL—HENRY R. HARRIS—GEN. P. M. B. YOUNG—NEW CONGRESSMEN—THOS. B. CABANISS—JOHN W. MADDOX—F. CARTER TATE—BENJ. E. RUSSELL—AFTER A DRAMATIC CONTEST, MAJ. J. C. C. BLACK, OF AUGUSTA, DEFEATS THOS. E. WATSON, IN THE TENTH—MR. WATSON, WHILE IN CONGRESS, SECURED THE PASSAGE OF THE FIRST LAW AUTHORIZING FREE DELIVERY OF THE MAILS IN THE RURAL DISTRICTS—CHARLES F. CRISP, OF GEORGIA, ELECTED SPEAKER OF THE NATIONAL HOUSE OF REPRESENTATIVES—THE NEW LEGISLATURE ASSEMBLES—CHIEF JUSTICE BLECKLEY RE-ELECTED—CONSTITUTIONAL AMENDMENT PASSES AUTHORIZING PENSIONS FOR WIDOWS OF CONFEDERATE SOLDIERS WHO DIED IN THE SERVICE—ANOTHER AMENDMENT AUTHORIZES THE SECRETARY OF STATE TO ISSUE CHARTERS TO RAILROADS—LABOR DAY MADE A LEGAL HOLIDAY—PROVISIONS FOR A NEW CODE—DEATH OF L. Q. C. LAMAR—THE PANIC OF 1893—BRUNSWICK VISITED BY A THREE-FOLD DISASTER—DEATH OF SENATOR COLQUITT—SPEAKER CRISP DECLINES AN APPOINTMENT—THE TOGA CONFERRED UPON PATRICK WALSH—MONUMENT TO MR. STEPHENS UNVEILED AT CRAWFORDVILLE—REVIEW OF GOVERNOR NORTHEN'S ADMINISTRATION.

President Benjamin Harrison, in making a tour of the southern states, reached Georgia on April 7, 1891. He was met at Marietta by a committee

tee of citizens and escorted to Atlanta, where a number of receptions had been planned in his honor. He made a visit to the capitol, and though the Legislature was not in session at this time he was cordially greeted by the governor and state house officials. The President's manner was exceedingly reserved. Its effect upon those who met him was somewhat repellant; but his brief speeches were friendly in tone and manifested a kindly spirit toward the South.

Georgia's next distinguished visitor was Hon. David B. Hill, then governor of the State of New York. Governor Hill was an avowed aspirant for the democratic nomination in 1892. But his errand to Georgia at this time was not political. He came for the purpose of unveiling the Grady monument, an event which took place with august ceremonies on October 21, 1891. This monument, consisting of a bronze statue mounted upon a granite pedestal, was the creation of Alexander Doyle, a distinguished sculptor of New York, and was admittedly a work of art. It portrayed Mr. Grady as an orator, in one of his characteristic poses when making a public speech. Though only a private citizen, Mr. Grady at the time of his death was known to the whole American people by reason of his great work as a peace-maker. Within less than five days after the movement to build a monument was launched, contributions to the amount of $12,000 had been received, while enough money was subscribed in the weeks which followed to raise the sum to $20,000. It was an unparalleled demonstration of interest, admiration and respect. The Merchants' Association of Boston sent a check for $1,000. The New England Society of New York made a contribution of $900. Tammany Hall subscribed $500, Andrew Carnegie $250, and scores of other friends at the North sent amounts ranging from $25 upward. It was an unparalleled tribute to a man who had never held an office in the gift of either state or nation, and who at the time of his death was less than forty years of age. Miss Gussie Grady, the great orator's only daughter, unloosed the veil. Hon. Clark Howell, in a most eloquent speech of introduction, presented Governor Hill, who as the chosen orator of the occasion, pronounced a magnificent eulogium upon Mr. Grady's life and character, declaring him to be one of the greatest of Americans. Hon. Charles S. Northen, afterwards for many years secretary of the State Senate, served as president of the Grady Monument Association.*

Two vacancies occurred this year on the railroad commission. Col. J. W. Robertson, retiring on April 7, 1891, Governor Northen appointed Hon. Virgil Powers to succeed him on the board. During the fall, Judge Erwin's seat became vacant and Judge Allen Fort, of Sumter, one of the original champions of the railroad commission, was designated as his successor. Judge Fort, when in the Legislature, introduced one of the bills out of which the act creating the railroad commission grew. He also took a leading part in the House debates, and the measure which finally met with adoption bore the impress of his master mind.

On March 16, 1892, William J. Bryan, the future standard-bearer of democracy, in three distinct presidential campaigns, delivered his maiden speech in Congress on tariff reform. It created a national sensation. All the newspaper correspondents in Washington were a unit in saying that

* Atlanta Constitution, issues of October 20, 21 and 22, 1891.

none of the great tariff orators, including Randall, Carlisle, Mills, Morrison and others, had ever equalled it; and since it was a Georgian, acting as spokesman for the state's delegation to Chicago in 1896 who put Mr. Bryan in nomination for President, it will be of interest to quote a descriptive paragraph written by one of these correspondents, under the spell of Mr. Bryan's great speech.* Said he:

"* * * He spoke for three hours. There was not a dull sentence nor a dull word in the entire speech; not a man left his seat in this entire time. When he had finished every democrat on the floor crowded around him and tendered congratulations. Even the doorkeepers and pages flocked to him and people came down from the galleries after adjournment to get a closer view of the man who had bounded from obscurity to greatness in one day."

Camp Northen, near Griffin, Georgia, was established in the spring of this year as a permanent military encampment for Georgia's state troops. The land for this purpose was generously donated by the people of Griffin. On May 24, 1892, the camp was formally dedicated with impressive exercises, including a military review. Governor Northen on behalf of the state accepted Griffin's handsome gift, a donation inspired largely by admiration for Adjutant-General Kell, whose home was at Sunnyside, near Griffin.

The presidential campaign of 1892 opened with every prospect of an exciting contest; nor was this expectation disappointed. Amid great political excitement the state democratic convention met in Atlanta, on May 18, 1892, to choose delegates to the national democratic convention in Chicago. It was a time of great financial and business depression, and one of the dominant issues was the silver question. There was a division of sentiment among Georgia's democrats with respect to Mr. Cleveland, some charging him with a distinct leaning toward Wall Street, others endorsing him as the nation's foremost democrat. The fight in Georgia was a stubborn one, almost feudal in its bitterness. It divided the state into factional camps, one of which strongly advocated ex-President Cleveland, while the other with equal ardor opposed him, preferring one of the various candidates friendly to the white metal. Hon. Wm. Y. Atkinson, the retiring state chairman, called the convention to order. At once the factional lines were drawn and a sharp contest ensued between ex-Sen. Pope Barrow, of Chatham, and Col. John W. Robertson, of Cobb, for the temporary chairmanship. But the contest was decided in favor of the former by a vote of 199-3/15 to 144-12/15. Great applause greeted the announcement of this vote, indicating as it did a distinct Cleveland majority in the convention. Judge Barrow, thereupon, took the chair. Later, on motion, he was made the convention's permanent presiding officer. There were two contesting delegations from Fulton County, but the Cleveland delegation was seated. Mr. Cleveland's administration was endorsed but efforts to send an instructed delegation to Chicago to vote as a unit for Mr. Cleveland failed. The platform adopted by the convention declared unequivocally for the free coinage of silver, for tariff reform, and for economy in governmental expenditures. It also favored enlarging the powers of the railroad commission. The recognized

* E. W. Barrett in the Atlanta Constitution, March 17, 1892.

leader of the Cleveland forces both on the floor of the convention and in the state was Hon. Hoke Smith, of Fulton. Mr. Smith made a strong fight for the democratic ex-President and though he failed to secure an instructed delegation to vote as a unit for Mr. Cleveland he secured an unqualified endorsement of Mr. Cleveland's administration. Some of the warmest supporters of the ex-President opposed the unit rule on the ground that it disregarded the rights of the districts. One of the most dramatic scenes of the convention was created by Hon. Seaborn Wright, of Floyd, an anti-Cleveland delegate, who delivered an impassioned speech against what he considered an injustice to the districts. Delegates to the Chicago convention were chosen as follows: from the state at large, James Monroe Smith, of Oglethorpe; Fleming G. DuBignon, F. H. Richardson and Dupont Guerry; district delegates, 1. George A. Mercer and William Clifton; 2. James M. Griggs and John Triplett; 3. Bascom Myrick and C. C. Duncan; 4. Louis F. Garrard and L. P. Mandeville; 5. George Hillyer and Milton A. Candler; 6. Fred Dismuke and Richard Johnson; 7. W. W. Vandiver and T. W. Glover; 8. F. C. Foster and W. B. Burnett; 9. James R. Brown and Lewis Davis; 10. E. W. Barrett and W. O. Mitchell; 11. W. T. McArthur and T. W. Lamb.

During the month of August a second state democratic convention was held for the purpose of nominating a governor and state house officers. The temporary chairman of this convention was Hon. Pleasant A. Stovall, of Chatham; its permanent chairman, Hon. Wm. Y. Atkinson, of Coweta. Governor Northen and the entire state house ticket was renominated, with the exception of Col. George N. Lester, attorney-general, disabled by ill health. To succeed him, Hon. Joseph M. Terrell, of Meriwether, was nominated. The following presidential electors were chosen to cast the state's vote for Cleveland and Stevenson: from the state at large, Joseph S. James, Allen D. Candler, Wm. T. Gary and Dupont Guerry; district electors, Alfred Herrington, Jesse W. Walters, E. T. Hinton, W. C. Adamson, Benj. M. Blackburn, Frank Flyntt, P. M. B. Young, J. P. Shannon, Wm. E. Simmons, John W. Lindsey, and M. F. McCook. This year the people's party effected a strong political organization in the state and nominated for governor, Hon. Wm. L. Peek, of Rockdale. Nominations for the various state house offices were made as follows: W. R. Gorman, secretary of state; J. E. H. Ware, treasurer; A. W. Ivey, comptroller-general; J. A. B. Mahaffey, attorney-general; James Barrett, commissioner of agriculture.

In the October elections, Governor Northen defeated his opponent, Col. W. L. Peck, by a majority of 71,402 votes, receiving 140,492 to Colonel Peek's 68,990.* The entire democratic ticket for state house officers was elected as follows: Gen. Philip Cook, secretary of state; Robert U. Hardeman, state treasurer; William A. Wright, comptroller-general; Joseph M. Terrell, attorney-general; and R. T. Nesbitt, commissioner of agriculture.

The nominees of the National Democratic Convention which met in Chicago during the summer of 1892 were ex-President Grover Cleveland, of New York, for President, and Hon. Adlai F. Stevenson, of Illinois. This ticket swept the country in the November elections. Mr. Cleveland was again the choice of the American people for the high office of President of the United States; and to the important portfolio of secretary of the interior, he called a distinguished Georgian, Hon. Hoke Smith. Mr. Smith had been a strong supporter of the ex-President for the democratic nomination and a powerful factor in the campaign. His ownership of a great newspaper in the capital city of the state was of immense advantage to him in shaping public opinion.* He was also at this time the foremost anti-corporation lawyer in the state. Mr. Smith accepted the President's appointment to office and at the age of thirty-eight took his seat in Mr. Cleveland's cabinet.

* House Journal, 1892, p. 54.

Judge John I. Hall, of Griffin, one of the state's ablest lawyers, was made an assistant attorney-general under the new administration; Hon. Henry R. Harris, of Greenville, an assistant postmaster-general; and Gen. P. M. B. Young, minister to Gautemala and Honduras. General Young died before completing his tenure of office; but he lived long enough to establish pleasant diplomatic relations between our Government and these Central American Republics. His remains were brought back to this country for reinterment in the cemetery at Cartersville, Georgia. He had served Georgia on the field of battle, commanding a division before he was twenty-five years of age; he had occupied a seat in Congress for three successive terms; he had been a commissioner to the Paris Exposition in 1878; and he had filled the post of consul-general at St. Petersburg. His record was one of brilliant achievement and of great usefulness both to state and nation.

Several changes were made in the state's delegation elected to Congress in 1892. Hon. Thomas B. Cabaniss, in the Sixth District, succeeded Hon. James H. Blount. Judge Cabaniss had served in both House and Senate of the State Legislature and had held the judgeship of the City Court of Forsyth. He was a man of ability but not a politician. Consequently he retained his seat for only one term. Mr. Blount had served in Congress with marked distinction for a period of twenty years. Soon after his retirement from office he was sent by Mr. Cleveland as a special commissioner to the Hawaiian Islands to unravel a serious diplomatic tangle. This he successfully accomplished.

In the Seventh District, Doctor Felton's old stronghold, Judge John W. Maddox, a former occupant of the Superior Court bench of the Rome Circuit and a gallant ex-Confederate officer of cavalry, defeated the incumbent, Hon. R. W. Everett. In the Ninth District Hon. F. Carter Tate, of Jasper, Georgia, a successful lawyer, succeeded Hon. Thomas E. Winn. Mr. Tate held his seat in Congress for twelve years, after which he became United States district attorney for the Northern District of Georgia. Though a democrat, he received this appointment from President Roosevelt, a republican. Georgia gained a new congressman in 1892. This was Hon. Benjamin E. Russell, of the Second. Judge Turner formerly represented this district but on a reapportionment of the state subsequent to the census of 1890, Judge Turner's home county was placed in the newly created Eleventh District; and from this district he was returned as its first congressman. Mr. Russell was a journalist whose editorial pen made him a power in South Georgia. He had

* The Atlanta Journal.

entered the Confederate Army as a drummer boy in the First Georgia Regiment, and during the last year of the war had been a prisoner on Johnson's Island. He was a delegate to the State Constitutional Convention of 1877 and a delegate to the National Democratic Convention of 1880. From 1885 to 1890 he was postmaster of Bainbridge, Georgia. Mr. Russell served in Congress for only two terms.

In the Tenth District, Maj. J. C. C. Black, after a contest, unprecedented in the annals of the district, defeated Hon. Thomas E. Watson, who bore the standard of the people's party but claimed to be a Jeffersonian democrat. From this time on, Mr. Watson became the recognized leader of the populist party in Georgia. He contested the election before Congress but Major Black was seated. While a member of the Fifty-second Congress, Mr. Watson drafted, introduced, and pressed to its passage the first law ever put upon the statute-books, authorizing the free delivery of mail in the rural districts.* Major Black was a native of Kentucky and a gallant officer of cavalry in the Confederate army. After the war he read law in Augusta, Georgia, where he established his future home, becoming in a short while one of the ablest advocates in the state. Major Black pronounced a magnificent eulogium on Senator Hill at the unveiling of the latter's monument in Atlanta, in 1886. He was also a strong minority candidate to succeed Mr. Hill in the United States Senate in 1882.

The members of the delegation this year re-elected to Congress were: Messrs. Crisp, Lester, Livingston, Moses, Lawson and Turner.

It has been stated above that Hon. James H. Blount, of Georgia, on retiring from Congress, in 1893, was sent by President Cleveland as a special envoy to the Hawaiian Islands. The facts underlying this appointment are as follows: Queen Liliuokalani, the rightful sovereign of Hawaii, having been deposed by the successful revolutionists, a provisional government was organized. The ministers of the queen appealed for help to the foreign legations; and to protect American interests on the islands the United States minister, John L. Stevens, caused a force of 140 sailors and marines to be landed from the U. S. S. Boston, at the same time recognizing the provisional government's authority of control. Commissioners were sent to the United States to negotiate a treaty of annexation. In the meantime, Mr. Stevens declared Hawaii under the protection of the United States, on February 16, 1893. President Harrison submitted to Congress a treaty of annexation; but on the accession of Mr. Cleveland this treaty was withdrawn. The action of Minister Stevens was also disavowed. To satisfy himself as to the true condition of affairs on the islands, President Cleveland dispatched Hon. James H. Blount, of Georgia, as a special commissioner to Hawaii to report upon the situation. Mr. Blount's report showed that the uprising in Hawaii was only an insurrectionary movement planned to dethrone a rightful sovereign; that the minister's action in landing troops on the islands was wholly unwarranted; and that it was due largely to this high-handed proceeding on his part that the revolution was successfully accomplished. Negotiations were thereupon opened for the queen's

* Statement made by Hon. Thomas W. Hardwick, on the floor of the House, March 15, 1904.

restoration, but her refusal to grant a general amnesty made it out of the question to support her pretensions. Hawaii was proclaimed a republic on July 4, 1894, and duly organized with Sanford B. Dole as president, and a Legislature consisting of two chambers. In 1895 the deposed queen made an unsuccessful effort to regain her lost throne and scepter. In 1898 the Hawaiian Islands were annexed and organized as a territory with ex-President Dole as territorial governor.

On the assembling of the Fifty-third Congress, it devolved upon the democrats by reason of the sweeping victories won in the fall elections to organize the National House of Representatives; and at this time Hon. Charles F. Crisp, of Georgia, was called to the speaker's chair. In the democratic caucus, Mr. Crisp defeated such well known party leaders as Roger Q. Mills, of Texas, Benton H. McMillan, of Tennessee, and Wm. M. Springer, of Illinois. Mr. Crisp led on the first ballot, but he lacked a majority of all the votes. The contest was a stubborn one and ballot after ballot was taken without result. Mr. McMillan finally withdrew, and though he voted for Mr. Mills, most of his support went to Mr. Crisp, giving the Georgian almost enough votes to nominate him for speaker. On the thirtieth ballot, Mr. Springer's vote was given to Mr. Crisp who was thereupon declared the nominee of the caucus. The republican candidate defeated by Mr. Crisp on the first ballot in the House was Hon. Thomas B. Read, of Maine, otherwise known as the "Czar of Congress." It was due largely to the prestige achieved by Mr. Crisp as minority leader of the House that he was successful in winning the speakership at this time. He had succeeded Mr. Carlisle as leader of the democratic minority, had engaged in more than one clash with Czar Reed, and had been largely if not wholly instrumental in defeating the iniquitous force bill. His promotion to the speakership was a well-bestowed and a well-earned compliment. Mr. Crisp was the first Georgian since the days of Howell Cobb to occupy the speaker's chair and his elevation to this high office was a great honor to the state of his adoption. He also presided over the Fifty-fourth Congress; but with the return of the republicans to power Mr. Reed resumed the speakership. There was great rejoicing throughout Georgia over Mr. Crisp's election.

The General Assembly convened on October 26, 1892, and organized by electing Hon. Alexander S. Clay, of the Thirty-fifth District, president of the Senate and Hon. Wm. Y. Atkinson, of Coweta, speaker of the House. Governor Northen was re-inaugurated and began his second term of two years by transmitting a vigorous message to the Legislature in which he recommended a reformatory, an increase in the number of Supreme Court judges, and a state board of health. He also took a pronounced stand in condemnation of lynch law, the state having lately witnessed several outbreaks of mob violence.

Chief Justice Logan E. Bleckley, at this session of the Legislature, was re-elected for a term of six years, to begin January 1, 1893. The following Superior Court judges were also chosen at this time: Sampson W. Harris, Coweta Circuit; Marshall J. Clarke, Atlanta Circuit; B. B. Bowers, Albany Circuit; Hamilton McWhorter, Northern Circuit; Robert Falligant, Eastern Circuit; W. B. Butt, Chattahoochee Circuit; Thomas W. Milner, Cherokee Circuit; J. L. Sweat, Brunswick Circuit;

George F. Gober, Blue Ridge Circuit; Wm. H. Fish, Southwestern Circuit; C. C. Smith, Oconee Circuit; W. M. Henry, Rome Circuit and Richard H. Clark, Stone Mountain Circuit. During the summer session of 1893, this list was increased by the following additions: James M. Griggs to succeed J. H. Guerry on the Pataula Circuit; John J. Hunt to succeed James S. Boynton on the Flint Circuit; Charles L. Bartlett to succeed A. L. Miller on the Macon Circuit; and Joseph H. Lumpkin to succeed Marshall J. Clarke on the Atlanta Circuit.

One of the most important measures passed at this session of the Legislature was a constitutional amendment granting pensions to the widows of Confederate soldiers who died in the service. Governor Northen, in a subsequent message to the Legislature called attention to the fact that in less than eight months fully 3,400 applications had been filed for pensions under the provision of this act. Georgia's liberality to her old soldiers was thus extended to the widows of these brave men; and on the governor's recommendation funds were provided by the Legislature for meeting every just demand upon the state's treasury, despite the fact that an outlay was involved far in excess of the original expectations.

There was also an amendment to the constitution passed at this session providing that all corporate powers and privileges to railroads in this state should be granted by the secretary of state on terms, liabilities, and restrictions, subject to all the provisions of this act and to the constitution of this state. It was further provided that in cases where the secretary of state was disqualified by reason of interest in the proposed corporation from issuing said powers to any railroad company this duty should be performed by the comptroller-general. The proposed constitutional amendment undertook further to define the powers, rights, privileges and immunities of such railroads, to regulate the same, to provide for the consolidation thereof, for building branches thereto and making extensions thereof, to enable the same to run navigation lines in connection therewith, to provide for the purchase or lease of one railroad by another, to grant renewals of charters, and for other purposes.*

This Legislature also passed an act making it a felony to wreck a railroad or to be in any way involved in a conspiracy to wreck a railroad. Recent developments in the state had made such a law imperative. One of the oldest lines in the state had been forced into bankruptcy by reason of improper manipulation of its stocks, and other lines were on the verge of collapse. As a penalty for violating this act, the offender was subject to imprisonment for a term not less than five nor more than twenty years and to a fine of not less than $5,000 nor more than $25,000.†

Labor Day was made a legal holiday by this same Legislature at its summer session. An act was also passed for protecting union labels and trade-marks and to fix a penalty for counterfeiting the same. Newspaper libel was defined. Mob violence was prohibited. Provision was made for the establishment of reformatory prisons by counties or municipalities and an act was also passed providing for the appointment of three commissioners to codify the laws of Georgia. On this commission

* Acts 1892, p. 37.
† Acts 1892, p. 111.

the following distinguished Georgians were appointed: Judge John L. Hopkins, Hon. Clifford Anderson and Hon. Joseph R. Lamar, and the labors of this commission bore fruit in what is known as the Code of 1895. Hon. Wm. H. Fleming, of Richmond, was the author of the substitute bill under which this code was prepared. Mr. Fleming was also the author of a bill passed in 1893 providing for certain criminal cases to be carried to the Supreme Court on fast writs of error. This legislation has been of great value to the state in its application to the trial of criminals. It has tended in great measure to curb mob violence and to discourage a resort to lynch-law.

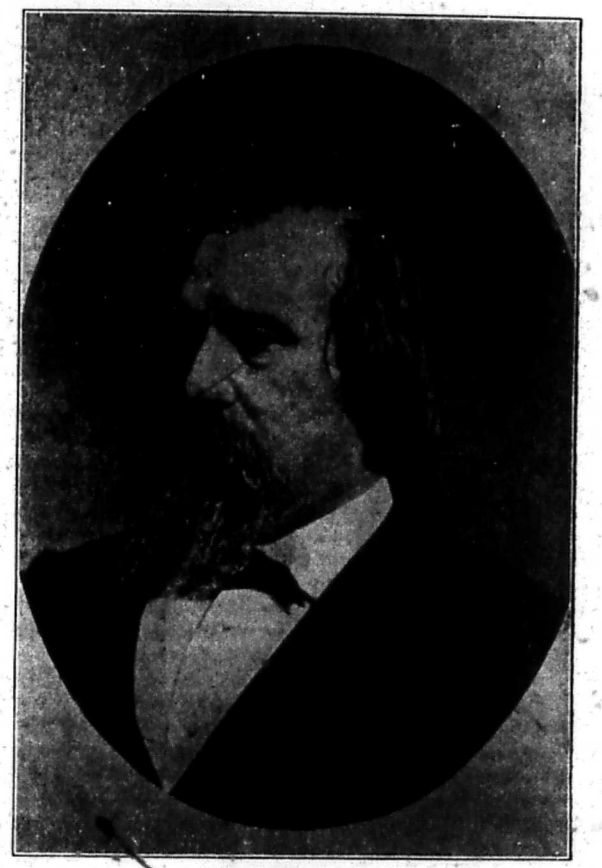
On January 23, 1893, while visiting relatives at Vineville, near Macon, Georgia, Associate Justice L. Q. C. Lamar, of the United States Supreme Court, died after a brief illness, though he had not enjoyed the best of health for more than two years. His remains were temporarily interred at Macon but were afterwards exhumed and taken to Oxford, Mississippi, for final entombment. Judge Lamar was a native of this state and was greatly beloved by Georgians. Whether as an envoy to Europe, representing the Southern Confederacy, as an orator, pronouncing a eulogy upon Charles Sumner of Massachusetts, as congressman, United States senator, cabinet officer, or Federal jurist, he was distinguished for his eminent abilities, for his high order of patriotism and for his unswerving fidelity to trust. Speaking of his tribute to Mr. Sumner, an achievement of genius, in which within less than a decade after the war, he won the admiration of the North without offending his own people, ever though he extolled an abolitionist, a distinguished Georgian has said of him:*

"His eloquence was the Appian Way, through which the banished cohorts of the Confederacy passed back into the heart of the Republic."

Judge Lamar belonged to a noted family, of French Huguenot extraction, distinguished in almost every generation for its contributions to the public life of the nation. His father, Judge L. Q. C. Lamar, Sr., the compiler of Lamar's Digest, was known to the bar of his day in Georgia as the "great Judge Lamar." He died at the age of thirty-eight, a tragic victim of melancholia. Gen. Mirabeau B. Lamar, of Texas, soldier, statesman, poet and diplomat, was an uncle. General Lamar was likewise a native of this state. But removing to Texas after the death of his first wife he plunged into the struggle for Texan independence, won the battle of San Jacinto, and became the second president of the Republic of Texas. He was also the originator of the state's public school system. His best known poem entitled: "The Daughter of Mendoza" ranks among the classics of American literature.

To this same family belonged the brilliant editor, Hon. Albert R. Lamar; the gallant soldier and veteran legislator, Col. Lucius M. Lamar; the polished writer, gentleman and scholar, Col. John B. Lamar, who fell at Crampton's Gap in Maryland, while serving on the staff of his brother-in-law, Gen. Howell Cobb; the eminent theologian and scholar, Dr. James S. Lamar; Col. Jefferson M. Lamar; Col. Charles A. L. Lamar; Dr. Tomlinson Bird Lamar, Dr. Andrew J. Lamar, and others of equal note. The illustrious educator, diplomat, scholar and divine,

* Hon. R. W. Patterson, of Macon.



L. Q. C. Lamar
United States Senator, Member of Cabinet and Associate Justice of the Supreme Court of the United States

Dr. Jabez Lamar Monroe Curry, whose statue has been placed by the State of Alabama in the nation's Hall of Fame, in Washington, District of Columbia, was also of the Lamar blood. Its most distinguished present-day representative is Associate Justice Joseph R. Lamar, of the Supreme Court of the United States, an appointee of President Taft, though a loyal democrat and a true Southerner. The Lamar family of Georgia has been conspicuously and brilliantly identified with the nation's life for more than a hundred years, but with its genius for arms, for statesmanship, and for letters, it has never lost its inheritance of velvet manners from the old chivalry of France.

Coincident almost with Mr. Cleveland's accession to office occurred the great commercial panic of 1893. Determined to maintain the gold standard, President Cleveland, in the summer following his inauguration, called an extra session of Congress to secure a repeal of the Sherman Act of 1890. This he accomplished in the face of great opposition. But financial breakers fretted his entire administration. Heavy withdrawals of gold from the treasury reduced the gold reserve to a low ebb and necessitated a resort to all kinds of expedients. The business depression which followed furnished great capital to republican agitators and with the silver element of the democratic party alienated, Mr. Cleveland was forced to steer between Scylla and Charybdis. Thousands of men were thrown out of employment. Numerous financial institutions and business enterprises failed. Almost every form of security depreciated. Chicago became the center of great unrest, due to a railway strike, accompanied by much destruction of property and some loss of life; but on a smaller scale the same conditions were repeated elsewhere. An army of unemployed men made a demonstration by marching across the country, subsisting on popular charity as they went* to the City of Washington, where they hoped to influence legislation by Congress and action by the executive, to relieve the unemployed. It was in this condition of affairs that the free silver movement became sufficiently powerful to dominate the national democracy in 1896 and to produce a serious bolt within the republican organization.

One of the most disastrous hurricanes in the history of the state visited Georgia's sea front this year, reeking its direst vengeance upon the harbor at Brunswick. This prosperous sea port was also smitten this year by two other most disastrous scourges, an epidemic of yellow fever and a financial panic. The effect of this three-fold calamity was felt for a decade upon the fortunes of Brunswick; but with marvelous recuperative power this splendid coast city rallied from the blow and is today one of the most progressive cities of the state.

United States Senator Alfred H. Colquitt, near the close of his second term of office, died in Washington, District of Columbia, on March 26, 1893. Senator Colquitt was the only Georgian whose father before him occupied a seat in the Federal Senate. The renowned Judge Walter T. Colquitt was one of the state's most versatile and brilliant minds; but the paternal intellect was in large measure inherited by the son. It was a turbulent career in public life thus brought to a close by the death of Georgia's senior senator; but in every sphere of service—

* Cozey's Army.

as a Confederate major-general, as governor of the state in one of its stormiest eras, and as United States senator—he met with courage the test of every crisis and filled with honor the measure of every trust. Governor Northen first appointed Speaker Charles F. Crisp to fill the unexpired term of Senator Colquitt. But the latter, while ambitious to represent Georgia in the Senate, did not feel at liberty to accept the proffered toga on account of existing obligations to his party in Congress. Thereupon, Governor Northen conferred the appointment upon Hon. Patrick Walsh, of Augusta, who accepted the commission but declined to become a candidate to succeed himself. Mr. Walsh had long been a recognized power in state politics. Though a native of the Emerald Island, he had come to America when a penniless youth and locating in Augusta had made himself in a few years the owner of a great newspaper and one of the most potential factors in the state's growth and development. This genial Irishman was beloved by all who knew him—generous to a fault, unselfish, and devoted to the welfare of others. On May 20, 1894, Gen. Philip Cook, Georgia's veteran secretary of state, died at his daughter's home in Atlanta.* General Cook had served Georgia on the battle field, in the State Constitutional Convention of 1865, in the halls of Congress, and in the office of secretary of state. As a planter, he was unsurpassed. To the cultivation of the soil he applied modern scientific methods, demonstrating the possibilities of agriculture under intelligent direction. As a lawyer, he stood at the head of his profession. General Cook could easily have amassed a great fortune, had he devoted his entire time to the furtherance of his own personal interests; but for more than forty years his talents were given to the State of Georgia. As his successor in the office of secretary of state, Governor Northen appointed a former member of Congress and a future governor of the state: Hon. Allen D. Candler.

To succeed Hon. Virgil Powers on the railroad commission, Governor Northen this year appointed Hon. G. Gundy Jordan, of Columbus, who took his seat on the board, August 18, 1894.

Governor Northen's administration was free from anything like a scandal in office, but frictional irritations in the geological department led to the dismissal from office of Dr. J. W. Spencer, the department's head, and later to a letter from the governor demanding the resignation of his two assistants. There was need for a complete re-organization. On May 15, 1893, the governor appointed Prof. W. S. Yeates, state geologist, and within a short time thereafter Messrs. S. W. McCallie and F. P. King were named as his assistants.

To prevent trouble in future between the state and the lessees of the Western and Atlantic Railroad, and to safeguard the state's legal interests in this property, Governor Northen under authority given by the Legislature appointed Hon. W. A. Little, special attorney for this road, a policy which resulted in a large saving of money, besides other material benefits.

Dr. Robert Battey, of Rome, Georgia, a distinguished surgeon and specialist in gynecology, addressed a letter to Governor Northen, on September 18, 1893, offering to donate through him to the State of

* Mrs. William L. Peel.

Georgia a medical library of several hundred volumes to serve as the nucleus of a large reference library for physicians and surgeons. On recommendation of Governor Northen, this generous offer was gratefully accepted by the State Legislature. Acknowledgment was also made at this time of a collection of rare books donated by Mr. Everard DeRenne, of New York.

The Northeastern Railroad, seized by the state for nonpayment of interest on its bonds, bearing the state's endorsement, was operated with profit during Governor Northen's administration, under the special direction of Mr. Rufus K. Reeves, of Athens. In the fall of 1894, an international convention of Christian workers assembled in Atlanta, and one of the most active members of the local committee of arrangements in planning for its reception and entertainment was Georgia's devout governor who served this committee as its chairman and opened the doors of the executive mansion in hospitality to his co-workers, besides entertaining a number of delegates. His administration witnessed quite a number of salutary and helpful reforms and closed without an adverse criticism of its distinctive policies. It was progressive, practical and patriotic—an administration directed by pure aims and fruitful of lasting good results.

Ten years after the death of the Great Commoner, a monument on the spacious lawn in front of Liberty Hall, at Crawfordville, Georgia, was placed over the grave of Alexander H. Stephens. On May 24, 1893, this monument consisting of a handsome marble statue mounted upon a massive granite pedestal was unveiled with impressive ceremonies, in the presence of a vast assemblage of people, gathered from all the surrounding counties. Ex-United States Senator Thomas M. Norwood, of Savannah, delivered the principal address, a masterful review of the times in which Mr. Stephens lived and of the principles which dominated his career and character. The veil was drawn by a great-grand-niece, Miss Mary Corry, who later became the wife of Judge Horace M. Holden. Liberty Hall is today owned by the Stephens Memorial Association. One of the cherished objects of this body is to establish an institution of learning, near Crawfordville, to commemorate the great statesman's interest in education.*

* Mr. Stephens during his life-time defrayed the college expenses of not less than fifty young men. At the recent session of the General Assembly, in 1915, a bill was introduced to establish an institution of learning at Crawfordville, as a branch of the University of Georgia.

CHAPTER XV

TWO CANDIDATES FOR GOVERNOR IN 1894—HON. WM. Y. ATKINSON AND GEN. CLEMENT A. EVANS—THE LATTER RETIRES LEAVING MR. ATKINSON WITHOUT OPPOSITION—THE STATE DEMOCRATIC CONVENTION MEETS—MR. ATKINSON NOMINATED ON A PLATFORM ADVOCATING THE RESTORATION OF FREE COINAGE—JOSEPH M. TERRELL NAMED FOR ATTORNEY-GENERAL—THE PEOPLE'S PARTY STARTS A VIGOROUS CAMPAIGN—JUDGE J. K. HINES FOR GOVERNOR—HE MAKES A LOSING FIGHT BUT REGISTERS HIGH-WATER MARK FOR POPULISM—THE NEW STATE LEGISLATURE—CHIEF JUSTICE BLECKLEY RETIRES—JUDGE T. J. SIMMONS BECOMES CHIEF JUSTICE—JUDGE SPENCER R. ATKINSON IS MADE AN ASSOCIATE—HON. A. O. BACON ELECTED U. S. SENATOR FOR A FULL TERM OF SIX YEARS—HON. PATRICK WALSH IS ELECTED TO FILL SENATOR COLQUITT'S UNEXPIRED TERM—DEATH OF EX-SENATOR JOSEPH E. BROWN—INCIDENTS OF HIS LIFE RECALLED—THE STATE'S DELEGATION TO CONGRESS—ONLY ONE NEW MEMBER—JUDGE C. L. BARTLETT—MR. WATSON SEEKS TO REGAIN HIS OLD SEAT BUT IS AGAIN DEFEATED IN THE 10TH—CHARLES F. CRISP RE-ELECTED SPEAKER OF THE NATIONAL HOUSE OF REPRESENTATIVES—CONSTITUTIONAL AMENDMENT AUTHORIZING PENSIONS FOR INDIGENT CONFEDERATE SOLDIERS—ALSO ONE MAKING THE OFFICE OF STATE SCHOOL COMMISSIONER ELECTIVE—CONGRESSMAN LIVINGSTON A GUEST OF HONOR IN VENEZUELA—GOVERNOR ATKINSON IS PROSTRATED BY A SERIOUS ILLNESS—HIS PLUCKY FIGHT AGAINST ODDS—ON RECOVERING HE ISSUES AN ADDRESS TO THE PEOPLE OF GEORGIA—THE PEACH CARNIVAL OF 1895—THE BIMETALLIC CONVENTION OF 1895—SOME OF THE PROMINENT DELEGATES—SENATOR MORGAN'S GREAT SPEECH—THE COTTON STATES AND INTERNATIONAL EXPOSITION—SURPASSES ALL SIMILAR ENTERPRISES IN THE SOUTH.

With the opening of the state campaign of 1894, Hon. Wm. Y. Atkinson, of Coweta, and Gen. Clement A. Evans, of Fulton, were both strong favorites in the race for governor. Mr. Atkinson was much the younger of the two men. But he was nevertheless a veteran in politics. He had served for a period of four years as chairman of the State Democratic Committee and had presided with ability over the State House of Representatives during the session of 1892-1893. Moreover, while a member of the House, in 1889, he had fathered the bill creating the Georgia Normal and Industrial College, at Milledgeville. General Evans, on the other hand, was warmly advocated by the old soldiers because of his superb war record. At Appomattox, General Evans had commanded Gordon's famous division, while the latter led the main wing of Lee's army, in the last fateful charge of the Civil war. Unaware of negotiations pend-

ing between Lee and Grant for an unconditional surrender, General Evans was leading a victorious charge in a remote part of the field. He knew nothing of the flag of truce which had gone forward and for several moments the noise of a continuous firing accompanied by the jubilant shouts of Confederate troops in pursuit, floated over the trees and reached the ears of those in camp. Subsequent to the war General Evans had been a minister of the gospel. But while a ready speaker he was not a trained debater. He knew nothing of the game of politics and was not at home on the hustings. Convinced that a majority of the people of Georgia preferred his younger rival for governor, he gracefully retired from the race, leaving an unopposed field to Mr. Atkinson.

There was consequently a lull of excitement when the state convention met in Atlanta on August 2, 1894, and was called to order by Judge Allen Fort, the state committee's retiring chairman. The convention chose Hon. Alexander S. Clay, of Cobb, for its permanent presiding officer; while ex-Gov. James S. Boynton, of Spalding, presided during the temporary organization. Without much ado, Hon. Wm. Y. Atkinson was nominated for governor on a platform advocating a restoration of free coinage as the speediest means of financial relief. The state house nominees were as follows: Allen D. Candler, secretary of state; Wm. A. Wright, comptroller-general; Robert U. Hardeman, state treasurer; R. T. Nesbitt, commissioner of agriculture; and Joseph M. Terrell, attorney-general.

Though unopposed for the democratic nomination, Mr. Atkinson was confronted with strong opposition from the people's party in his race for election. At a state convention held on May 17, 1894, the populists nominated Hon. James K. Hines, of Washington, a distinguished jurist, for governor, with a full state house ticket as follows: Secretary of state, A. L. Nance; comptroller-general, W. R. Kemp; treasurer, C. M. Jones; attorney-general, J. A. B. Mehaffey; commissioner of agriculture, James Barrett. Besides emphasizing free coinage, the platform advocated a repeal of the convict lease system and declared in favor of the Australian ballot. It also condemned free passes and favored free school books. On this platform, the people's party made one of the most vigorous fights in the history of Georgia politics. The campaign lacked nothing in the way of ginger and on election day the people's party registered high-water mark at the polls. Judge Hines was defeated for governor but he made a record for his party in Georgia, receiving 96,888 votes, against only 121,049 for Mr. Atkinson, the successful candidate, and losing the state by only 24,161 votes.* However, Judge Hines ran considerably ahead of his ticket; and the various democratic candidates for state house offices won by larger majorities than did Mr. Atkinson.

On October 24, 1894, the new State Legislature met in Atlanta and organized by electing Hon. Wm. H. Venable, of the Thirty-fifth, president of the Senate, and Hon. Wm. H. Fleming, of Richmond, speaker of the House. Governor-elect Atkinson was duly inaugurated at high noon on the Saturday following. As usual the election of judges and solicitors claimed the attention of the new Legislature. Chief Justice Logan E. Bleckley, having retired from the Supreme bench, Associate Justice

* House Journal, 1894, pp. 47-48.

Thomas J. Simmons was elected to succeed him as chief justice; while Judge Spencer R. Atkinson, of Brunswick, was elected to succeed Judge Simmons, both for the unexpired term and for a full term thereafter. The Superior Court judges elected at this time were: Hon. John L. Hardeman to succeed Judge Charles L. Bartlett, on the Macon Circuit, Judge Bartlett having resigned to make the race for Congress; Hon. E. H. Callaway, judge of the Augusta Circuit; Hon. J. L. Sweat, judge of the Brunswick Circuit; Hon. A. H. Hansell, judge of the Southern Circuit; Hon. Seaborn Reese, judge of the Northern Circuit; Hon. Marcus W. Beck, judge of the Flint Circuit; Hon. Walter T. Turnbull, judge of the Rome Circuit; Hon. Charles G. Janes, judge of the Tallapoose Circuit; Hon. James M. Griggs, judge of the Southwestern Circuit; Hon. Roger L. Gamble, judge of the Middle Circuit; Hon. N. L. Hutchins, judge of the Western Circuit; Hon. John [illegible] Hart, judge of the Ocmulgee Circuit; and Hon. J. J. Kimsey, judge of the Northeastern Circuit.*

It was at this session of the General Assembly that a successor to the late United States Senator Alfred H. Colquitt was to be chosen. Hon. Patrick Walsh, who was already filling this high office by appointment of Governor Northen, was duly elected thereto for the unexpired term; while Hon. Augustus O. Bacon, ex-speaker of the Georgia House of Representatives, was chosen to succeed Senator Colquitt for the long term, beginning March 4, 1895. Judge J. K. Hines and Col. A. E. Buck were the candidates placed in nomination respectively by the populists and republicans. The consolidated vote of the two Houses was as follows: for the unexpired term—Walsh 132, Hines 37, Buck 3, not voting 48, total 220; for the full term, exactly the same vote was cast—Bacon 132, Hines 37, Buck 3, not voting 48, total 220. Hon. Patrick Walsh and Hon. A. O. Bacon were thereupon declared duly elected.

One of Georgia's most illustrious sons, ex-United States Senator Joseph E. Brown, after a lingering illness of several weeks, died at his home in Atlanta, Georgia, on November 3, 1894. As Georgia's war governor, this distinguished citizen had occupied the executive chair from 1857 to 1865. He had been a pronounced secessionist and, while Georgia was still within the Union, had seized Fort Pulaski, anticipating the ordinance of secession by several days. Subsequently, under the reconstruction regime, he filled the office of chief justice and for twenty years was president of the company leasing the Western and Atlantic Railroad. No man in the state was more roundly abused or more bitterly assailed during the days of reconstruction than was Governor Brown, due to the support given by him to the party in power, and to his acquiescence in the military measures of Congress. But Governor Brown's course, though an unpopular one, was prompted by motives of patriotism and was justified by the logic of events. In 1872, Governor Brown returned to the democratic party, supporting Horace Greeley for President and James M. Smith for governor. Governor Colquitt's action in appointing him to the Senate had been severely censured but the Legislature confirmed the appointment in 1881 and again in 1884 elected Governor Brown without opposition. At the close of his term of office

* House Journal, 1894.

in 1894, he retired of his own accord from the United States Senate. The farmer boy of Gaddistown had filled almost every position of honor within the gift of the people, had accumulated a fortune out of which he had endowed both the University of Georgia at Athens and the Southern Baptist Theological Seminary, at Louisville, Kentucky, and, though for years an object of slander, vilification and abuse, had in large measure shaped the history of his times, converted obloquy into honor, and reconquered the love of a great state which today reveres him as one of her most illustrious sons.

Georgia's delegation to Congress elected in 1894 contained only one new member, Judge Charles L. Bartlett, who succeeded Hon. Thomas B. Cabaniss in the Sixth District. Messrs. Black, Crisp, Lawson, Lester, Livingston, Maddox, Moses, Russell, Tate, and Turner were all re-elected by safe majorities. The most exciting contest was in the Tenth District. Here the old fight of 1892 between Major J. C. C. Black and Hon. Thomas E. Watson was renewed, with none of its feudal bitterness lacking. Mr. Watson disputed the election on the ground of colossal frauds alleged to have been committed in Major Black's home county—especially in the Augusta precinct. Major Black resigned his seat in Congress on March 4, 1895, and went before the people in a second contest which resulted in his triumphant re-election.

Democracy was again victorious throughout the nation, in the fall Congressional elections, and Georgia's distinguished son, Hon. Charles F. Crisp, was again called to the speakership of the National House of Representatives.

But to return to the State Legislature. At its session in 1894 the General Assembly passed an act to amend the state constitution so as to increase the number of pensions paid to Confederate soldiers. Heretofore only those disabled in the service or whose disability was the result of service could avail themselves of the state's bounty, but under the provisions of this act any Confederate soldier who by reason of age, infirmity, blindness, or other sufficient cause, was unable to earn a living for himself, might draw a yearly pension of $60 from the state, on establishing his rightful claim thereto. This became known as the Confederate Soldiers Indigent Pension.*

Another constitutional amendment passed at this session was one to make elective the office of state school commissioner.†

Both of these measures were subsequently ratified by the people and became part of the organic law.

This Legislature also passed a general registration act providing for the registration of all voters in the state, to prescribe penalties for offences in connection therewith, to make registration a condition precedent to voting, to define the duties of election managers, and for other purposes. This was the origin of the state's registration law. Governor Atkinson, in his message to the Legislature, on November 24, 1894, strongly urged the enactment of this measure, giving his reasons therefor in the following paragraph. Said he:‡

* Acts 1894, p. 32.
† Acts 1894, p. 34.
‡ House Journal, 1894, p. 384.

"• • • While this is true, the process of contesting, where there is no registration law, etc., makes the matter of a contest a herculean task. While the right of the legal voter to have his vote cast is secure, it is an extremely difficult matter to purge the ballot box of illegal votes. I therefore urge upon you the necessity of changing our election laws and providing a system wherein any unfair or fraudulent practices may be easily detected and effectively prevented."

There was also an act passed creating three separate boards of medical examiners, to wit, allopathic, homeopathic, and eclectic, these boards to contain five members each.

It devolved upon Governor Atkinson at this time to fill a vacancy in the office of state school commissioner caused by the retirement of Capt. S. D. Bradwell. The office was made elective at this session but it was not until the next general election that the new law went into effect. To succeed Captain Bradwell, the governor appointed Dr. G. R. Glenn, one of the best known educators of the state, who held it for eight years. Doctor Glenn afterwards became president of the North Georgia Agricultural College, at Dahlonega.

On a visit to Venezuela in the summer of 1895 Congressman L. F. Livingston, of Georgia, was a lionized guest of the nation. This cordial reception was due to Colonel Livingston's friendly activities in helping to settle a boundary line dispute between Great Britain and Venezuela, when arbitration was sought at the hands of the United States. He was received with every mark of honor. On reaching the frontier a special train was sent by the government to bear him to Caracas. He was met at the depot by a committee of distinguished citizens and by a military escort. The president's carriage was in waiting at the depot to convey him to the palace where he was to be entertained in state as the nation's guest of honor. During his visit he was made the recipient of countless flattering attentions and no greater reception could have been accorded to President Cleveland himself than was extended to Georgia's rural Congressman.

Governor Atkinson was known to be a plucky fighter. But an incident in his life at this time served to give peculiar emphasis to this fact. Within a few months after assuming the duties of his office, the governor was prostrated by a violent illness. The only hope of his recovery lay in the performance of a surgical operation; but it was gravely doubted if he could stand the ordeal since he was constitutionally far from robust. Nevertheless, without a moment's hesitation, he ordered the doctors to proceed. Accordingly, he was taken to Doctor Holmes' Sanitarium, directly across from the executive mansion, on Ellis Street, where he was put under the knife. To show his fortitude of spirit and his contempt for mere physical suffering, he was willing to undergo the operation without an anesthetic; but it was thought best to administer ether. When the ordeal was over, the brows of his attendant physicians were still knit with professional misgivings. Reports from the sick room were none too reassuring. In fact, the governor's death was momentarily expected. He lay unconscious for hours, poised between two worlds. But finally he rallied somewhat; and whether in reply to some direct statement or in answer to the grave looks of those about him, Governor Atkinson issued an executive proclamation from his pillow to the effect

that he intended to get well. The governor's will power was at work; and like a brave knight he was ready to measure lances with any comer upon the field of battle, even though death itself was the foeman at whose feet he hurled the challenge. It took the physicians completely by surprise and realizing that such a display of will power was an encouraging sign they began to take fresh hope. The governor's pluck was an effective adjunct to the resources of the clinic. He improved from day to day, grew strong enough to resume his official duties, to sustain the activities of a successful campaign for re-election, and to complete a second term of office, nor was it until he withdrew to private life that he was prostrated with the fatal illness which retired him all too soon from the arena of public usefulness. On returning to his office in the state capitol, Governor Atkinson issued the following address:

"State of Georgia, Executive
Department, Jul 24, 1895.

"To the People of Georgia:

"God in His mercy, having delivered me from the perils of a most serious sickness, I desire to earnestly and heartily thank you for the prayers which have ascended for my restoration to health and for the generous sympathy extended to myself and family during the dark and trying hours through which we have passed.

"The expressions of love and of anxiety for my welfare which came with such unanimity from my fellow-citizens have touched me most tenderly. However great my appreciation of the confidence and the honor which you have so generously bestowed upon me, it is as nothing compared with that which the recent exhibition of your solicitude and esteem inspires.

"Wm. Y. Atkinson."

Georgia is today the greatest peach state in the American Union. She is the home of the renowned Elbertas; and there is doubtless no part of the civilized world to which the fame of this delicious fruit has not penetrated. Its culture began on a plantation owned and operated by Samuel Rumph, in Middle Georgia, near the Town of Marshallville. Experiments begun by the father were continued by the son, Samuel H. Rumph, who eventually brought the fruit to its present perfection, naming it the Elberta in honor of his wife.

But undoubtedly the most effective impetus given to the fruit industry in Georgia was the famous Peach Carnival opened in Macon, Georgia, on July 5, 1895, and continued for several days thereafter. There was a gorgeous display of fruit, but nothing to surpass the Elberta peach which, from this modest beginning, has grown increasingly in public favor, until today it is shipped in great quantities to all parts of the globe. So that in the dining halls of European royalty, garnished with tropical fruits from the rich groves of the Mediterranean, we find today, overtopping them all, the shy maiden blushes of the Georgia Elbertas.

To find a remedy for the financial ills afflicting the nation was the burden of many thoughtful minds in Georgia; and growing out of the statewide agitation of the silver question there was held at Griffin, Georgia, on July 18, 1895, a great Bimetallic Convention. It proved to

be one of the most important gatherings of the day in its ultimate effect upon public sentiment, though its beginning was wholly unpretentious. There was in Spalding County a Bimetallic League, of which Judge J. J. Hunt was president and Douglas Glessner, Esq., secretary; and this league, acting upon its own initiative, undertook the ambitious project of bringing together at Griffin for purposes of conference and consultation the strong minds of the state, including not only representative farmers but lawyers, editors, doctors, ministers, merchants, bankers, educators, and men of prominence, irrespective of calling or pursuit. All expectations were surpassed by the monster gathering. Alabama's distinguished United States senator, Hon. John T. Morgan, delivered before the convention a magnificent address reviewing the history of coinage in this country and stressing an urgent demand for silver's restoration. It was one of the notably great speeches of Senator Morgan's career.

Organizing for serious business, the convention elected Hon. Patrick Walsh, its president. Mr. Walsh had lately served in the United States Senate, having been first appointed by Governor Northen and then elected by the State Legislature to fill Governor Colquitt's unexpired term. Hon. Douglas Glessner was elected secretary of the convention. These gentlemen were also made permanent officers of the Bimetallic League into which the convention resolved itself before final adjournment. Besides the officers above mentioned, two vice presidents were chosen from each congressional district. The convention, in the most emphatic terms, declared itself for bimetallism, the coinage of the constitution. Some of the prominent delegates in attendance upon this convention were: Hon. L. F. Livingston, Maj. George T. Barnes, Judge Hamilton McWhorter, Hon. James W. Robertson, Capt. Evan P. Howell, Hon. Thomas C. Crenshaw, Gen. William Phillips, Hon. Alexander S. Clay, Hon. Clark Howell, Hon. Henry R. Harris, Hon. William H. Fleming, Judge C. L. Bartlett, Judge J. H. Guerry, Hon. Martin V. Calvin, Hon. Joseph S. Turner, Hon. Charles L. Moses, Maj. J. C. C. Black, Maj. U. B. Wilkinson, Hon. Thomas W. Grimes, Hon. Felix Corput, Hon. J. Pope Brown, Judge Henry T. Lewis, Hon. Seaborn Wright, Hon. Robert Hodges, Hon. Boykin Wright, Hon. C. R. Pringle, Hon. Bascom Myrick, Judge D. M. Roberts, Hon. George Warren, Hon. Clarence Wilson, Hon. Benj. M. Blackburn, Hon. T. F. Newell, Judge John C. Whitner, Hon. Saxon A. Anderson and others. Senator Bacon was unable to be present but sent a strong letter advocating silver and endorsing the Bimetallic Convention. Altogether it was a great day for Griffin, for Spalding County's Bimetallic League, for bimetallism, and for democracy.

But the pre-eminent event of 1895, in the industrial world of the South, was the great Cotton States and International Exposition held in Atlanta during the fall of this year. The gates of the exposition were thrown open to the public on September 18th, and after a most successful run of fourteen weeks were closed on December 31st. This mammoth exhibit of the South's resources was held at Piedmont Park, a part of the historic battlefield of Atlanta; and it was probably the most colossal enterprise ever undertaken south of Philadelphia. Congress appropriated $200,000 for a handsome Government building and exhibit. Most of the states of the Union, several of the South American republics,

and not a few European countries were represented in response to urgent invitations. Georgia's state exhibit was notably fine, occupying a separate building of its own near the main entrance to the grounds. With respect to the Federal Government's appropriation, it was due largely to the support of Federal soldiers in Congress that the money was voted. Some of these soldiers were in General Sherman's army and participated in the bloody Atlanta campaign of 1864. To a man almost they rallied in support of the bill and worked zealously for its passage. But for the real success of the enterprise, Atlanta was indebted chiefly to the patriotic spirit and to the vigorous initiative of her own citizens. It is doubtful if any one man was more largely instrumental in the successful outcome of the exposition than was Mr. Samuel M. Inman, chairman of the committee on finance. The management at one time faced a critical situation. Without additional funds, there was every prospect of an immediate collapse. To prevent this threatened catastrophe and to protect Atlanta's good name—imperiled in so hazardous a enterprise—Mr. Inman, in addition to a generous subscription, further obligated himself in the sum of $50,000 to meet immediate demands. The crisis was soon passed; and to this public spirited citizen is due in large measure the success of an enterprise, phenomenal in its galvanizing effect upon the South's industrial development. Thanksgiving Day in November was observed as Inman day, and the attendance at this time registered high-water mark, surpassing the attendance on any of the great days of the exposition. Similar gifts to other enterprises, chiefly those of an educational character, including the Georgia School of Technology, Agnes Scott College and Oglethorpe University, well earned for Mr. Inman the sobriquet of "Atlanta's first citizen," nor could a finer epitaph be chiseled upon his monument. Hon. Charles A. Collier, of Atlanta, was the official head of the exposition, its wideawake, efficient, and resourceful president. The various other officers were as follows: W. A. Hemphill, first vice president; H. H. Cabaniss, second vice president; E. L. Tyler, third vice president; Grant Wilkins, chief of construction; Jack J. Spalding, attorney; Alex. W. Smith, auditor; Anton L. Kontz, treasurer; Gen. J. R. Lewis, secretary; and Walter G. Cooper, chief of promotion.

Governor Atkinson, in his message to the Legislature, in the fall of 1895, called attention to the splendid exhibit of Georgia's resources at the exposition and to the good results likely to accrue therefrom.* The state's appropriation was inadequate, however, and was supplemented by outside private subscriptions. The board of managers consisted of Governor Atkinson, State Treasurer Hardeman, Attorney General Hart, Comptroller-General Wright, and Commissioner of Agriculture Nesbitt. Prof. W. S. Yeates, state geologist; Dr. George F. Payne, state chemist; and Maj. R. J. Guinn, assistant state school commissioner, were afterwards added to the board.

In this same message, the governor also called attention to his purchase for the state of the Northeastern Railroad, said purchase having been made under an act of 1894. The purchase price paid by the state was $100,000. This line was forty miles in length, extending from Lula to Athens. Mr. Rufus K. Reeves was placed in charge as superintendent.

* House Journal, 1895.

CHAPTER XVI

GEORGIA'S PENSION LIST GROWS IN LENGTH—A BUREAU OF PENSIONS NEEDED—GEORGIA'S TAX RETURNS TWENTY YEARS AFTER THE CIVIL WAR—STATISTICS SHOWING THE STATE'S PHENOMENAL PROGRESS—NUMBER OF SUPREME COURT JUDGES, INCREASED BY CONSTITUTIONAL AMENDMENT, FROM THREE TO SIX—VACANCIES TO BE FILLED HEREAFTER BY ELECTION—CHICKAMAUGA NATIONAL PARK DEDICATED IN 1895—DISTINGUISHED VISITORS IN ATTENDANCE—REUNION OF THE BLUE AND THE GRAY IN ATLANTA—ITS FINE SPIRIT OF COMRADESHIP—THE MONEY QUESTION STILL DOMINANT—SILVERITES AND GOLD-BUGS—THE STATE DEMOCRATIC CONVENTION DECLARES UNEQUIVOCALLY FOR FREE COINAGE—DELEGATES TO CHICAGO—PRESIDENTIAL ELECTORS—GOVERNOR ATKINSON RENOMINATED—THE NATIONAL DEMOCRATIC CONVENTION OF 1896—MR. BRYAN'S FAMOUS "CROSS OF GOLD" SPEECH—HOW IT CAME TO BE DELIVERED—THE NEBRASKAN PUT IN NOMINATION BY GEORGIA'S DELEGATION—HON. H. T. LEWIS PRESENTS HIS NAME TO THE CONVENTION AMID A WILD SCENE OF ENTHUSIASM—MR. MCKINLEY'S NOMINATION HATCHED IN GEORGIA—MARK HANNA'S THOMASVILLE HOME ITS PLACE OF INCUBATION—JOINT DEBATES BETWEEN SPEAKER CRISP AND HON. HOKE SMITH, SECRETARY OF THE INTERIOR—BEST DAYS OF THE HUSTINGS RECALLED—WHEN GEORGIA DECLARES FOR FREE SILVER, MR. SMITH RESIGNS HIS SEAT IN THE CABINET—SPEAKER CRISP ENDORSED FOR THE UNITED STATES SENATE, BUT DIES ON THE EVE OF ELECTION—THE TOGA THEREUPON GOES TO HON. ALEXANDER S. CLAY—CHAS. R. CRISP SUCCEEDS HIS FATHER IN CONGRESS—GOVERNOR ATKINSON DEFEATS HON. SEABORN WRIGHT, CANDIDATE OF THE PEOPLE'S PARTY, FOR GOVERNOR—NEW CONGRESSMEN—W. C. ADAMSON—W. G. BRANTLEY—J. M. GRIGGS—E. B. LEWIS—W. H. FLEMING.

Georgia's pension rolls were steadily mounting upward. For the fiscal year ending October 26, 1895, the sum of $190,000 was expended in pensions paid to 3,369 maimed Confederate soldiers; for the same period the sum of $235,740 was paid to 3,929 widows of Confederate soldiers, whose widowhood dated back to the Civil war. Under an act of 1894 providing for the payment of pensions to indigent soldiers the number of applications up to this time was 1,768, necessitating an expenditure of $106,080; but new applications continued to pour in upon the Executive Department.* There was at this time no pension commissioner. The labor of granting pensions, keeping records, making investigations, etc., all devolved upon a limited clerical force in the governor's office; and

* House Journal, 1895, pp. 56-57.

accordingly we find Governor Atkinson this year recommending a transfer of this work to the adjutant general's department. This was done; but the time for creating a new bureau was rapidly approaching.

Twenty years after the close of the Civil war, Georgia's tax returns, in the comptroller-general's office, disclosed the following items: city and town real estate $116,311,095, an increase of more than $56,000,000 in six years; agricultural lands $120,872,615; live stock $21,174,632; money $31,056,175; cotton factories $9,684,285; railroad property $39,952,572. The greatest percentage of increase was in the two last named items. In 1879 the value of the state's cotton factories aggregated only $1,640,000; and the value of its railroad property only $9,866,129.* Especially marked was the progress of the colored race in Georgia. In 1870, the negroes of the state owned property valued at only $5,182,398. In 1895, the figures rose to $12,941,230 or more than twice as much. Georgia's total school fund for 1895 was $1,656,052, derived in part from the rental of the Western and Atlantic Railroad.†

During the session of 1895, the Legislature passed an act to amend the State Constitution, increasing the number of Supreme Court judges from three to six and dividing the court into two sections. Provision was also made at this time for electing the judges of the Supreme Court by vote of the people, vacancies to be filled by ad interim appointments until an election could be held.‡ This proposed amendment, drawn by Speaker Fleming, was duly ratified at the polls.

On September 19, 1895, Chickamauga National Park, an area of ground some 7,000 acres in extent, embracing one of the most historic battle-fields of the Civil war, was dedicated with impressive ceremonies. Gen. John M. Palmer, of Illinois, and Gen. John B. Gordon, of Georgia, delivered the principal addresses. The Legislature of the state, having ceded to the general Government, its jurisdictional rights over this area, Chickamauga Park became the property of the nation, sacred alike to the Blue and the Gray. The date selected for the exercises was the thirty-second anniversary of the renowned engagement. It was Gen. H. V. Boynton, of Ohio, who in a letter dated August 17, 1888, first suggested the idea of converting this historic battle-ground into a park, similar to the one at Gettysburg. The proposition everywhere met with the heartiest endorsement and in due time there was a joint meeting between the veterans of both armies which resulted in the Chickamauga Memorial Association, to take the matter in hand. The bill to create the park was introduced in Congress by Gen. Charles H. Grosvenor, of Ohio. But in addition to the Chickamauga battleground it provided for the acquisition of the historic fields around Chattanooga, the whole to form a system, connected by splendid roads and to be known as the Chickamauga and Chattanooga Military Park.** Though embraced in one system, there are today virtually two parks, one for Georgia and one for Tennessee. The park is thickly sown with magnificent shafts, erected by the various states, not-

* House Journal, 1895, p. 47.

† Ibid., p. 63.

‡ Acts 1895.

** Dedication of the Chickamauga and Chattanooga Military Park, September 18-20, 1895. Report of the joint committee to represent the Congress. Compiled by H. V. Boynton for the committee. Washington: Government Printing Office, 1896.

ably Ohio, Illinois and New York. There are also countless markers indicating where batteries were planted and where important events occurred. Magnificent driveways have since been built through the park, unsurpassed in the country for durability of construction. Georgia's monument was not unveiled until 1899.

Vice president, Adlai E. Stevenson presided over the exercises at the park dedication in 1895 and among the distinguished guests in attendance were: Gen. H. V. Boynton, Gen. Russell A. Alger, Gen. Chas. H. Grosvenor, Hon. Hillary A. Herbert, secretary of the Navy; Hon. Hoke Smith, secretary of the interior; Gen. James Longstreet, Gen. A. P. Stuart, Hon. William L. Wilson, postmaster-general; Col. Frederick D. Grant, Sen. Isham C. Harris, Sen. William B. Bate, Governor McKinley, of Ohio, Governor Altgeld, of Illinois, Governor Matthews, of Indiana, Governor Morrill, of Kansas, Governor Werts, of New Jersey, Governor Woodbury, of Vermont, Gen. E. C. Walthall, Gen. Horace Porter, Father Sherman, a son of the renowned Federal commander; Governor Greenhalge, of Massachusetts, Governor Oates, of Alabama, Governor Morton, of New York, and Governor Holcomb, of Nebraska.

On September 22, following the Chickamauga Park dedication, a reunion of the Blue and the Gray was held in Atlanta, where the great Cotton States and International Exposition was then in progress, attesting the state's wonderful recuperation from the desolating ashes of war. To see the historic battlefields around Atlanta, hundreds of visitors to the Chickamauga Park unveiling accepted Atlanta's invitation at this time. Some of the guests of honor who spoke at this reunion were: Governor McKinley, of Ohio, afterwards President of the United States; Governor Woodbury, of Vermont, Governor Holcomb, of Nebraska, General Longstreet, and others. Welcome addresses were delivered by several prominent citizens of the state as follows: Capt. Evan P. Howell, for the exposition directors; Capt. W. D. Ellis, for the Confederate Veterans; and Gen. J. R. Lewis, for the Grand Army of the Republic. Captain Howell had commanded a battery, planted on one of the neighboring hills, in the famous Atlanta campaign. The finest spirit of comradeship prevailed throughout the entire reunion. In fact, one of the most pleasing incidents of the day was the pinning of a Confederate badge on the breast of General Fairfield; but there were a thousand other interchanges of good fellowship equally as significant. Hon. W. A. Hemphill acted as master of ceremonies.

To succeed Hon. G. Gunby Jordan, who retired from the railroad commission, on November 7, 1895, Governor Atkinson appointed Thomas C. Crenshaw, of Troup.

With the approach of the presidential campaign of 1896, the free coinage of silver was still a dominant issue in American politics. Prosperity in any large sense was still delayed. The laboring element of the state's population, even when not thrown out of employment, was characterized by a restless spirit of discontent. Wages were low, money scarce, business apathetic, failures common. Only the very rich in worldly goods seemed to enjoy an increase of prosperity, while the poor found only his wants multiplied. On the money question, Mr. Cleveland had taken issue with his party, thereby precipitating a most unfortunate condition of affairs toward the close of his administration. Political allignments un-

derwent radical changes during this period of upheaval. There were free silver republicans and sound money democrats, but in the main republicans espoused a single gold standard while the democrats favored bimetallism. The free silver element of the population were styled "silverites" and the sound money element were called "gold-bugs." These expressions became universally current.

While the agitation was at its height, the state democratic convention met in Macon, on June 24, 1896, electing Hon. A. S. Clay, of Cobb, to the chairmanship, both temporary and permanent. Indicative of the overwhelming sentiment which characterized this convention the chairman was presented with a gavel containing sixteen parts silver and one part gold, the approved ratio between the two metals. On a platform declaring unequivocally for free coinage at the rate of 16 to 1, independent of all other countries, the following delegation was chosen to the National Democratic Convention in Chicago: from the state at large—Evan P. Howell, Patrick Walsh, Henry T. Lewis, and J. Pope Brown; district delegates—1. J. C. Dell and J. A. Brannen; 2. John E. Donalson and E. L. Wight; 3. J. T. Hill and Frank Houser; 4. J. S. Anderson and R. O. Howard; 5. A. J. Morrow and R. D. Spalding; 6. Chas. T. Zachary and Buford M. Davis; 7. William Garrison and J. M. McBride; 8. W. P. McWhorter and W. B. Burnett; 9. Tyler M. Peeples and Howard Thompson; 10. George W. Warren and Ira E. Farmer; 11. Chas. R. Pendleton and W. M. Clements.

For presidential electors this convention also chose the following ticket: from the state at large—James W. Robertson and John J. Hunt; district electors—1. Phil P. Johnson; 2. W. D. Kidder; 3. George Bright; 4. J. J. Bull; 5. L. L. Middlebrooks; 6. Roland Ellis; 7. R. M. W. Glenn; 8. James Monroe Smith; 9. W. I. Pike; 10. E. P. Davis; 11. A. F. Daley.

This convention renominated Hon. William Y. Atkinson for governor. It also nominated a state house ticket, presenting for re-election all the state house officers nominated in 1894, excepting Hon. R. U. Hardeman, state treasurer, deceased. In place of Mr. Hardeman, the convention nominated Hon. Wm. J. Speer.

The Chicago convention of 1896 will long be remembered as the one which witnessed the spectacular nomination of William J. Bryan, of Nebraska, for President of the United States. When the delegates first assembled, Richard P. Bland, of Missouri, otherwise known as "Silver Dick," was the choice of a large contingent. He had been one of the original free-silver men of the Senate and had waged a herculean battle for bimetallism, looming head and shoulders above anyone else in the campaign. Hon. Wm. R. Morrison, of Illinois, "Horizontal Bill," was also a favorite. But no one thought of the gifted Nebraskan. Even his title to a seat in the convention rested under a cloud, for he came as the chairman of a contesting delegation. Hon. J. Sterling Morton, a gold democrat, headed the other. But free silver held the key to the situation. Mr. Bryan was seated. Waiting for an opportunity to stampede the convention, it fell to the Nebraskan's lot to close an exciting debate with a speech, the effect of which was to lash the convention into a frenzy of excitement. It marked a new era in American politics. This was the speech in which he used the famous expression:

"You shall not press down upon the brow of labor this crown of thorns; you shall not crucify mankind upon this cross of gold."

As the result of this one speech, the delivery of which consumed only twenty minutes, Mr. Bryan became the most dominant figure on the floor of the convention. His speech seemed to voice what everyone felt. It put into burning words the cry of an oppressed people for relief. Instinctively the convention turned to Mr. Bryan. The other leaders were forgotten. Both the Bland boom and the Morrison boom collapsed. Mr. Bryan became the providential candidate. Though a whole night intervened before the Nebraskan's name was presented to the convention, it swept the field like one of his own prairie fires. He was made the nominee of his party for President, with Hon. Adlai E. Stevenson, of Illinois, his running-mate, for vice president.

Mr. Bryan afterwards admitted, in an interview with Hon. Clark Howell, of Atlanta, that while his great speech on this occasion appeared to be impromptu, it was really prepared with great care weeks beforehand, in readiness for just such a climax as the one which actually called it forth. Mr. Bryan attended the republican convention in June of this year, in the capacity of a newspaper correspondent, and watched the proceedings from an obscure seat in the gallery, "a youth to fortune and to fame unknown." It fell to Hon. Henry T. Lewis, a member of the Georgia delegation, to present Mr. Bryan's name to the convention and he performed this duty in an eloquent speech, every sentence of which was punctuated with applause. At its close, the convention was thrown into a perfect riot of enthusiasm.

Georgia also bore a part in the nomination of Mr. McKinley. It may seem a trifle singular that the state which put Mr. Bryan in nomination at Chicago, under circumstances which can never cease to impart a thrill, should likewise furnish an asylum for his most inveterate enemies, wherein they might intrigue to compass his defeat. But while this little by-play of politics was in Georgia, it was not of Georgia. Hon. Marcus A. Hanna, a coal baron, of Cleveland, Ohio, having leased a home at Thomasville, Georgia, invited Mr. McKinley to visit him there in the winter of 1895-1896; and hither also flocked other members of the Grand Old Party, whose love for the game of politics was not only well known but notorious. For years Mr. Hanna had been a warm personal friend of Mr. McKinley, and also it is said a creditor; and it was due almost solely to the adroit manipulation of this masterful strategist that the nomination of Mr. McKinley—then governor of Ohio—was accomplished at St. Louis. The next move on the political chessboard was the reciprocal act of the nominee in choosing Mr. Hanna his campaign manager; and finally to end the game Mr. Hanna was to be given a seat in the President's cabinet; or, what he desired most, a toga in the American House of Peers. It all worked out like a charm. Mr. McKinley became President; and within a few months thereafter Mr. Hanna entered the Senate, in which body he succeeded the great John Sherman.

But we are moving too rapidly forward. Before the State Democratic Convention met in Macon, to elect delegates to Chicago, there had been an eventful political campaign in Georgia. The issue was sharply drawn. On one side was arrayed the champions of free coinage; on the other were the advocates of sound money; with each it was war to the knife; but preponderating numbers were upon the side of silver. Georgia was a debtor state; and while the single gold standard was well enough for creditors, it meant hardships for debtors. It was to bimetallism, therefore, that a great majority of the people turned. It was at this crisis that Speaker Charles F. Crisp of the National House of Representatives, entered the race for United States Senator to succeed Gen. John B. Gordon. Two years before this, he had declined an appointment to the Senate, because of certain obligations assumed by him as speaker. But these considerations no longer forced him to hold in check a fondly cherished political ambition. Mr. Crisp was a pronounced bimetallist and he entered the race on a platform calling for the restoration of demonetized silver. Without seeking to compass Mr. Crisp's defeat or to snatch the coveted toga for himself, Hon. Hoke Smith, then secretary of the interior, locked argumentative horns with Mr. Crisp in a series of joint debates, the echoes of which to this day are not wholly silent. It recalled the golden age of the hustings in Georgia. Wherever the two men spoke, the deepest interest was manifested. All the countryside flocked to hear them. Men listened with bated breath to the argument, both pro and con. It was Greek against Greek—Sparta versus Athens. One with the prestige of a portfolio in the President's cabinet—the other occupying an exalted seat as speaker of the National House of Representatives. Both were trained debaters, both skilled lawyers, both men of superb physique, of commanding stature, and of splendid mental power. Mr. Smith's purpose in the main was to vindicate the financial policy of the Cleveland administration. He sought no political honors for himself.

There were four meetings between these two eminent Georgians, at the following places, to wit: Newnan, Albany, Augusta, and Rome. Mr. Smith's powerful arguments were delivered with a pounding force which suggested the seething fire of Vulcan's forge. But Georgia was in financial straits. She had failed to receive at the hands of a democratic President the relief of which she stood urgently, desperately in need; and in such a mood she was inclined to resent what she regarded as too distinct a leaning, on Mr. Cleveland's part, toward Wall Street, too unconditional a surrender to the money power. As we have already seen, the state campaign resulted in an overwhelming victory for free silver. Mr. Crisp was endorsed with singular unanimity as the state's choice for United States senator. Scarcely a county failed to instruct its legislators for the distinguished speaker. Mr. Smith, like a true democrat, accepted the result in a loyal spirit of acquiescence. Since Georgia had spoken, there was no appeal to be taken from her decision, duly registered at the polls; but he promptly severed his connection with the president's cabinet and relinquished his portfolio as secretary of the interior.

But a higher power overruled the state in awarding the toga to Mr. Crisp. It developed that he was an ill man, even while the joint debates were in progress. At times he suffered paroxysms of the most intense pain, and more than once met his appointments over the protest of his physician. Throughout the campaign the pallor of disease had slowly deepened; and exactly one week before the Legislature assembled to give articulate voice to the wishes of the people, death intervened, sub-

tuting the celestial for the senatorial bays and adding the eternal to the temporal reward. Like the great Hebrew prophet and law-giver, on the heights of Nebo, he was permitted to survey the Land of Promise but not to enter it; for—

"God's finger touched him and he slept."

Mr. Crisp died at a sanitarium in Atlanta, on October 23, 1896. He was succeeded in the House by his son, Hon. Charles R. Crisp, while the toga was awarded to the popular, energetic, and able chairman of the state executive committee, Hon. Alexander Stephens Clay. Capt. Evan P. Howell, of Atlanta, was a strong minority candidate before the democratic caucus, and at one time seemed almost to hold the nomination within his grasp.

There was strong opposition from the people's party to the state ticket nominated by the democratic convention at Macon. One of the most brilliant campaigners in Georgia, Hon. Seaborn Wright, was chosen to bear the standard of the populists. Mr. Wright was widely known as a temperance leader in the nation and as a silver-tongued orator, perhaps fully the equal in this respect of his renowned father, Judge Augustus R. Wright, an ante-bellum congressman. The state house officers nominated by the people's party were: J. P. Parsons, for secretary of state; S. J. Bell, for comptroller-general; W. C. Sibley, for state treasurer; D. H. Clark, for attorney-general; and W. E. Smith, for commissioner of agriculture. But the October elections resulted in a victory for the democratic ticket. Governor Atkinson received 120,827 votes against 85,832 cast for Mr. Wright. All the state house officers were re-elected by like majorities.

Georgia's delegation to Congress chosen in November contained five new members, all strong men. Judge William C. Adamson, of Carrollton, succeeded Hon. Charles L. Moses, in the Fourth, and entered upon a long career of public service; Hon. Wm. G. Brantley, in the Eleventh, succeeded Judge Henry G. Turner, whose allegiance to sound money cost him his seat in Congress. Colonel Brantley became one of the strongest members of the delegation, a power both in the committee room and on the floor. Judge James M. Griggs, from the Second, succeeded Hon. Benjamin E. Russell; while from the Third, Hon. Elijah B. Lewis succeeded Hon. Charles R. Crisp. The Tenth District returned Hon. William H. Fleming, an ex-speaker of the Georgia House of Representatives, to fill Major Black's seat. Messrs. Bartlett, Howard, Lester, Livingston, Maddox and Tate were all re-elected. The free silver question was an imperious issue in both state and national campaigns; but the white metal was destined to lose in the presidential fight. Mr. McKinley, the republican nominee, bore a striking facial resemblance to Napoleon; and by a singular coincidence he was nominated on the anniversary of the battle of Waterloo. Numerous democratic editors, commenting upon this omen, predicted defeat for the republican candidate; but all signs fail some times and on election day, Mr. Bryan was the discomfited man of destiny, Mr. McKinley the triumphant Wellington. It was the eloquent Nebraskan who bore the inverted shield.

CHAPTER XVII

THE CONVICT LEASE INVESTIGATION OF 1896—GOVERNOR ATKINSON PRESIDES—COMPLAINTS OF INHUMANITY—FLAGRANT ABUSES DISCLOSED—LESSEES FINED—REFORMS DEMANDED BY PUBLIC SENTIMENT—THE NEW GENERAL ASSEMBLY—GOVERNOR ATKINSON'S MESSAGE—NOTHING IS DONE WITH THE LEASE SYSTEM AT THIS SESSION—AN ACT PASSED AUTHORIZING THE GOVERNOR TO APPOINT A COMMISSIONER OF PENSIONS—RICHARD JOHNSON THE STATE'S FIRST PENSION COMMISSIONER—SUPERIOR COURT JUDGES—SEVERAL DISTINGUISHED GEORGIANS PASS AWAY—JUDGE SPENCER R. ATKINSON LEAVES THE SUPREME BENCH TO SUCCEED JUDGE FORT ON THE RAILROAD COMMISSION—HON. H. T. LEWIS SUCCEEDS JUDGE ATKINSON AS ASSOCIATE JUSTICE—GOVERNOR ATKINSON ON LYNCH LAW—RECENT OUTBREAKS OF MOB VIOLENCE IN GEORGIA—THE PRISON COMMISSION CREATED—ITS DUTIES DEFINED—COMMISSIONERS TO ACT AS A PARDON BOARD—SUPERIOR COURT JUDGES TO BE ELECTED BY THE PEOPLE—DEPARTMENT OF HORTICULTURE AND POMOLOGY CREATED—STATE ENTOMOLOGIST—BIRTHDAY OF JEFFERSON DAVIS MADE A LEGAL HOLIDAY—THREE NEW SUPREME COURT JUDGES ELECTED UNDER RECENT LAW INCREASING ITS MEMBERSHIP—WM. H. FISH—ANDREW J. COBB—WM. A. LITTLE—THE SPANISH-AMERICAN WAR BEGINS—SPAIN'S OPPRESSIVE RULE IN CUBA—AMERICAN INTERVENTION SOUGHT BY CUBANS—SPAIN IS NOTIFIED THAT SHE MUST RESTORE ORDER—THE U. S. BATTLESHIP MAINE IS SUNK IN HAVANA HARBOR—AN INVESTIGATION FOLLOWS—GEORGIA'S PART IN THE WAR—GENERAL WHEELER SECOND IN COMMAND AT SANTIAGO—BATTLE OF MANILA BAY—LIEUT. THOS. M. BRUMBY—BATTLE OF SANTIAGO—TWO SPANISH FLEETS DESTROYED—ENSIGN EMORY WINSHIP'S GALLANT RECORD.

One of the most spectacular proceedings of the year 1896, of a semi-judicial character, was the investigation of the convict lease system. Charges of inhumanity in the treatment of prisoners had become so frequent of late that public sentiment was beginning to crystallize in opposition to the vicious policy, adopted under the carpet-bag regime, of leasing convicts to private individuals and corporations. Matters reached a crisis when members of a joint committee, appointed under a resolution approved December 17, 1895, reported to the governor a revolting state of affairs. The investigation began on February 10, and ran for two weeks. Governor Atkinson himself presided at the hearing which was held in the State Senate chamber. This formal probe disclosed a number of flagrant abuses; and while in some of the camps there was evidence of humane treatment the system itself was condemned as a relic of barbarism, wholly at variance with the standards of a Christian civiliza-

tion. Some of the lessees were exonerated. Others were called upon to pay trivial fines, aggregating something like $2,500. But while the immediate results seemed to be farcical the public conscience was aroused. Hon. N. J. Hammond and Judge W. C. Adamson, in association with Attorney-General Terrell, appeared for the state. Judge John L. Hopkins represented William B. Lowe, one of the lessees. Capt. James W. English appeared on his own behalf. Judge Hamilton McWhorter, Hon. D. W. Meadow and Hon. E. T. Shubrick represented James M. Smith, of Oglethorpe; while Messrs. Gray and Ellis, Burton Smith, Esq., and others, represented Julius L. Brown. It was a clash of strong intellects. But the day of the convict lease system was over; its knell was sounded. The reforms of 1897 were demanded by an imperious public sentiment. All Georgia was aroused.

On the assembling of the new State Legislature, Hon. Robert L. Berner, of the Twenty-second, was elected president of the Senate, and Hon. H. A. Jenkins, of Putnam, speaker of the House. Governor Atkinson was re-inaugurated on October 31, 1896. His special message to the General Assembly called attention to the disclosures made by the recent investigation. He paid his respects to the convict lease system in caustic language and recommended some other disposition of prisoners after the expiration of the lease on April 1, 1899. He also advised the taking of such steps as were proper to secure all needed information on the subject, in time for the next session. Said he: "The people of this State will not and should not tolerate the re-enactment of the lease now in force." He also recommended a bureau of pensions to meet the increased volume of business due to the state's enlarged bounty to old soldiers.*

Nothing was accomplished at this session relative to the convict lease system further than to clear the way for subsequent action; but on December 15, 1896, Governor Atkinson approved an act authorizing the appointment of a commissioner of pensions, to serve for a term of three years, at a salary of $2,000 per annum.† He was to examine and pass upon all pension claims under existing laws, to keep a correct record of all approved claims, with the name, disability, service, county, and amount paid; to furnish the various ordinaries with blanks for use of claimants; to draw a warrant on the state treasurer to be signed by the governor and countersigned by the commissioner for amounts due on approved claims, and for which appropriations were made; and to furnish the clerks of the several superior courts by the first day of January in each year lists of the pensioners for such county, as required by laws. It was also made the commissioner's duty to submit to the governor on the first day of October in each year a written report showing the whole number of pensioners, under the several pension laws, the number of claims allowed for the past year and the amounts paid. He was also to keep all records open to inspection. As originally contemplated, the office was to continued for six years only; but subsequent extensions of the state's pension system made by succeeding Legislatures, necessitated an indefinite continuance of the commissioner's work. At a later period,

* House Journal, 1896.
† Acts 1896, p. 65.

the office was made elective; and an increase of salary was also provided. Richard Johnson, Esq., was the first occupant of this office; but he was succeeded in 1899 by Hon. J. W. Lindsey, the present efficient and popular commissioner of pensions.

This Legislature at its fall session elected the following Superior Court judges: Wm. B. Butt, Chattahoochee Circuit; J. H. Lumpkin, Atlanta Circuit; W. N. Spence, Albany Circuit; A. W. Fite, Cherokee Circuit; John S. Candler, Stone Mountain Circuit; George F. Gober, Blue Ridge Circuit; W. M. Henry, Rome Circuit; W. H. Fish, Southwestern Circuit; Sampson W. Harris, Coweta Circuit; Robert Falligant, Eastern Circuit; Seaborn Reese, Northern Circuit; C. C. Smith, Oconee Circuit; H. C. Sheffield, Pataula Circuit; and Wm. H. Felton, Macon Circuit.

Several distinguished Georgians died this year, among the number, Dr. H. V. M. Miller, "the Demosthenes of the Mountains," at one time a United States senator from Georgia; Gen. Alexander R. Lawton, distinguished as a Confederate military officer, as a diplomat and as a lawyer; State Treasurer R. U. Hardeman, one of the most popular of Georgia's state officials, able, upright and honest, known to every one as "Uncle Bob;" and Judge Allen Fort, a former occupant of the Superior Court bench and one of the creators of the railroad commission, on which board he was serving at the time of his death.

To succeed Judge Fort on the railroad commission Judge Spencer R. Atkinson who this year relinquished the ermine of the Supreme Court was appointed by the governor. Judge Atkinson afterwards became chairman of the board. To succeed Judge Atkinson as associate justice of the Supreme Court, Judge Henry T. Lewis, of Greensboro, was appointed, his term of office dating from December 1, 1897.

There were quite a number of lynchings in Georgia during Governor Atkinson's administration; and in his annual message to the Legislature on October 27, 1897, he discussed the subject at some length. Most of these lynchings were due to assaults made upon white women by negro fiends. Said Governor Atkinson:*

"There is [therefore] no justification or excuse for a resort to lynching, even in this class of cases, where the defendant is charged with the most dastardly and horrible of crimes. No man doubts that, in these cases, the law will punish the guilty, and if he did he could not find a remedy in making a murderer of himself. The remarkable fact exists that in a number of instances the party lynched is taken from the custody of officers. I can understand how a near relative of the victim of the lust of a human brute who sees before him the man whom he believes has committed the outrage, and in the heat of passion, slays him, can enlist the interest and sympathy of the community; but how any one can fail to condemn those who are guilty of the cowardly act of taking from the officers of the law a man who is disarmed and helpless, and of hanging him without trial, surpasses my comprehension.

"Both capital and worthy immigrants seek places where law is supreme and the frequent occurrences of lynching will advertise ours as a lawless state and as a half-civilized people. It sacrifices the innocent,

* House Journal, 1897, pp. 40-41.

brings law into disrepute, creates lawlessness, impedes material growth, and in the eyes of all the world, lowers the standard of our civilization and degrades the character of our people. This barbarous practice does not decrease, but increases crime. Having stained their hands in blood, its perpetrators are more easily led again to violate law. Recently a man tried on the charge of murder and convicted of shooting a citizen through the window, as he sat by his own hearthstone at night, confessed also that he it was who tied the rope around the necks of the two men who were lynched in Columbus in 1896. I condemn it and will not apologize for such lawlessness. To exterminate the practice it must be made odious and dangerous. The penalty should be the scorn of the people and the punishment of the law."

With respect to the convict lease system Governor Atkinson was not less explicit, stating that if a bill were passed enacting the system he would veto it without a moment's hesitation. He had requested that a plank opposing the convict lease system be put in the platform on which he was re-elected in 1896. This was not done. But he had given a solemn pledge to the people of Georgia to veto any measure which sought to perpetuate this iniquitous system. He also emphasized the need of legislation to prevent gambling, especially in so-called bucket-shops, the need of better elections laws, and the urgency of reform in handling the state convicts.

To accomplish this last mentioned reform, an act was passed at this session of the Legislature creating the prison commission.* It was made the duty of this board to supervise the various convict camps of the state, to provide for a purchase of land whereupon to erect a penitentiary; to provide for the utilization of convict labor thereon; to provide for the leasing of convicts; to hear appeals for clemency, reprieve and pardon, and to make recommendations to the governor relative thereto. These commissioners were to be three in number, all of whom within thirty days from the passage of the act were to be appointed by the governor. These commissioners were also to represent different sections of the state. At the next general election in October, 1898, one commissioner was to be elected and at each succeeding general election there was to be one commissioner elected. As soon as the commission was appointed by the governor, it was to determine by lot which of its number should hold office until the general election in 1898, and which until 1899 and 1900 respectively. These commissioners were to be elected each for a term of six years and were required each to give bond for a faithful performance of duty in the sum of $5,000.

Georgia's first prison board was constituted as follows: Joseph S. Turner, chairman, Eatonton, Georgia; Clement A. Evans, Atlanta, Georgia; and Jacob L. Beach, Brunswick, Georgia. Douglas Glessner, of Griffin, was the first clerk.

Judge Beach resigned as commissioner on December 28, 1898. Hon. Allen D. Candler, who was then governor, appointed Judge Thomas Eason of McRae, to succeed him; and Judge Eason held office until 1908, when he declined to stand for re-election. Hon. Wiley Williams of Columbus was his successor. Judge Turner, chairman of the board,

* Acts 1897, pp. 71-78.

died on September 30, 1909, and was succeeded by Hon. G. R. Hutchins, of Cedartown, but the latter was defeated for re-election in the year following by Hon. R. E. Davison, of Woodville, the present chairman of the prison commission. General Evans died on July 2, 1911, and was succeeded by Hon. T. E. Patterson, of Griffin. Judge Williams died in March, 1913, and was succeeded by Hon. E. T. Rainey, of Dawson, Georgia. The present secretary of the board, Hon. Goodloe H. Yancey, succeeded Hon. Douglas Glessner, in 1899.

Under the act of 1897, creating the prison commission, radical changes were made in the system of management. The office of principal keeper of the penitentiary was abolished. Male and female convicts were to be kept apart. Children under fifteen years of age were to be separated from hardened offenders. White and colored convicts were not to be kept in the same quarters; and men not disabled were to be hired out. The commission was still later authorized to establish a state farm, near Milledgeville, and to provide a house of correction for boys, by which policy it was hoped that many of them might be redeemed to society and taught to cultivate industrious and honest habits.

This Legislature effected another important reform by providing for the election of Superior Court judges and solicitors by direct vote of the people, thus saving much of the time of the General Assembly for weightier matters of legislation. It required an amendment to the constitution to effect this change, but an act authorizing the amendment was approved December 21, 1897, and subsequently ratified at the polls.*

During the session of 1896, an act was also passed requiring the commissioner of agriculture to establish a special department of horticulture and pomology and to employ a competent person to be recommended by the State Horticultural Society to serve as the head of this department and to be known as state entomologist. It was made the duty of this officer upon the discovery of any infectious or contagious diseases, insect pests, or injuries to fruit trees, melons, vineyards, plants or vegetables, to report the same in detail to the commissioner of agriculture, together with all needed information, whether derived from books, from correspondence or from practical experience, as to the origin, effect and treatment of such diseases or pests, and to make helpful suggestions looking toward an eradication of these evils. It was also made the duty of this officer to collect, compile and distribute information relating to fruits, melons, and vegetables, to inspect orchards, nurseries, vineyards, packing houses, fruit cars, etc., and to perform such other duties as might be needed to subserve the public good within the legitimate scope of his department.† Georgia's state entomologists since the creation of this office have been as follows: W. M. Scott, 1899-1902; Wilmon Newell, 1903-1905; R. I. Smith, 1905-1906; E. Lee Worsham, since 1907.

June 3, the birthday of ex-President Jefferson Davis, was made a legal holiday at this session of the Legislature. Resolutions were also passed memorializing Congress to enact a law for the free and unlimited coinage of silver at the ratio of sixteen to one; also instructing our

* Acts 1897, pp. 16-18.
† Acts 1897, pp. 111-114

senators and requesting our representatives to do all in their several powers to have a Constitutional amendment submitted as early as possible, providing for an election of United States senators by a direct vote of the people of the several states.

As heretofore noted in these pages, an amendment to the state constitution was adopted in 1895 providing for an increase in the number of Supreme Court judges from three to six, and making these offices henceforth elective. This amendment having been ratified in October of this year, a special democratic convention was called to meet in Atlanta in November to nominate three candidates for these new places on the bench. The convention was composed almost entirely of representative lawyers. After due deliberation, the candidates chosen by this strong body of men were: Hon. Wm. H. Fish, then judge of the Southwestern Circuit; Hon. Andrew J. Cobb, of Athens; and Hon. Wm. A. Little, of Columbus. All of these were duly elected, nor could three abler lawyers have been found in Georgia for judicial honors. To succeed Judge Little as special attorney for the Western and Atlantic Railroad Hon. W. A. Wimbish was appointed.

Governor Atkinson's administration in its closing hours witnessed the spectacular outbreak and successful conclusion of the Spanish-American war of 1898, a brief campaign which enriched the nation's flag with two unparalleled naval victories and which, in the presence of a common enemy, welded the North and the South into one compact and solid unit. More than any event since Appomattox it served to erase sectional lines and to restore an era of brotherhood. Fitzhugh Lee and Joseph Wheeler, both renowned for their feats of valor in Confederate days, were commissioned major-generals in the volunteer army of the United States. Behind them, shoulder to shoulder, marched the sons and the grandsons of men who, on the battlefields of the '60s, had faced each other in deadly strife. The first blood of the Spanish-American war leaped from the veins of a North Carolina youth, Ensign Worth Bagley, a kinsman by marriage of Hon. Josephus Daniels, the present secretary of the navy, in Mr. Wilson's cabinet. The most daring feat of individual prowess was performed by a gallant Alabama sailor, Lieut. Richmond P. Hobson, now a representative from Alabama in the United States Congress.

Georgia's part in the war attested her fidelity to a restored Union. We quote from a speech delivered by Hon. Augustus O. Bacon in the Federal Senate, on June 30, 1900.* Said Mr. Bacon:

"If the published reports are correct, the State which in proportion to population furnished the greatest number of soldiers to the late war was the State of Georgia; and although her people in general deprecate and deplore the present war in the Philippines and believe that it could have been and should have been avoided, it is nevertheless true that two-thirds of the men belonging to one of the volunteer regiments raised during the past year for that service and now serving in the Philippines were enlisted in Georgia."

Governor Atkinson, in his message of October 27, 1898, to the General Assembly, gives us the following information. Says he:†

* Congressional Record.
† House Journal, 1898, pp. 34-35.

"On April 22, the President of the United States called upon the State of Georgia to furnish for service in the Spanish-American war, two regiments of infantry and two batteries of light artillery; and on May 26, another call was made for one regiment of infantry. On receipt of the call, I at once issued my proclamation calling for volunteers, and am gratified to report that both calls were responded to with commendable promptness. Under the first call, we were the third of the original thirteen States, the ninth of all the States in the Union, and the first of the Southern States, in completing our organization and turning them over to the Federal government. The people of Georgia have reason to be proud of the character of the men and officers furnished by this State in response to the calls made upon it. These were splendid bodies of men which, I do not believe, could be surpassed by any volunteer soldiers in the world."

Before reciting in detail an account of the part taken by Georgia in the Spanish-American war, it is first necessary to state a few preliminary facts. For a century of intermittent warfare, the island of Cuba had groaned under the galling yoke of Spanish despotism and one revolution had succeeded another in a vain effort on the part of the oppressed natives to win a coveted independence for the "Gem of the Antilles." There was widespread privation, suffering and destitution among the people who finally, in one last and desperate blow for liberty arose in 1895. The Spanish government in an effort to suppress the revolt resorted to every kind of cruelty known to the science of warfare, besides taxing its ingenuity for new and startling barbarities. Events reached a climax when General Weyler, otherwise known as the "Butcher," became the resident ruler, sent over by Spain to hold an unwilling people in subjugation. Americans, recalling Concord and Lexington, Valley Forge and Yorktown, sympathized with oppressed Cuba and from time to time sent needed supplies for relief of the sufferers.

In 1897, the Federal Government, in response to overtures from numerous State Legislatures and from the exhausted Cubans themselves made a demand upon Spain for an immediate establishment of peace on the island. To the Spanish people, haughty and arrogant, this looked like an impertinent intermeddling. But the United States Government felt bound to protect a helpless neighbor and to safeguard the interests of human liberty in the Western Hemisphere. Besides our commerce was endangered by these conditions of warfare on an island commanding the entrance to the Gulf of Mexico. Bitter feeling was engendered by these developments; and to insure the safety of American citizens in Cuba the battleship Maine, commanded by Captain Sigsbee, was dispatched to Havana harbor.

But on the night of Tuesday, February 15, 1898, an unforeseen event occurred. At 10.30 o'clock, on this eventful evening when most of the crew had retired to rest, there was heard an explosion which shook, as with an earthquake, the ramparts of Morro Castle. Instantly the battleship Maine began to sink. Two hours later only a part of her mast floated above the devouring waters. Two hundred and sixty-four men and two officers perished. Indignation was aroused throughout the United States. Both this country and Spain appointed at once separate boards of investigation. In the meantime, Congress appropriated

$50,000,000 for national defense. On March 28, the American commission filed its report, attributing the explosion to a submarine mine, in Havana harbor. War followed.

On April 23, President McKinley called for 125,000 troops. Georgia's quota was promptly supplied. Over 3,000 soldiers were furnished. The whole state was fired with an ardor of enthusiasm, and hundreds were eager to enlist. Three regiments were organized. Col. Alexander R. Lawton, Jr., of Savannah, commanded the first. Another was commanded by Col. Oscar Brown, of the regular army; while the third was headed first by Col. John S. Candler, of Atlanta, and afterwards by Col. Robert L. Berner, of Forsyth. The military spirit displayed by Georgia in this crisis was well-exemplified by Colonel Candler. Though crippled in both feet, he was bent upon going to the front, insisting that, while he could not run, he could at least stand his ground and that what the Government wanted was not men who could run but men who could fight. However, becoming impatient at the long delay, he finally resigned his commission when the prospect of actual fighting began to diminish. Governor Atkinson himself, as commander in chief of Georgia's land and naval forces, was ready to take the field in person. But only a small percentage of the troops were destined to share in the real conflict of arms. Most of them were fated to remain in camp.

Early in the campaign, Chickamauga Park was selected by the authorities in Washington as a point of rendezvous for United States troops, and in this respect it ranked second only to Tampa, Florida. Camp Northen, near Griffin, was used for the mobilization of state troops. Also at Macon, Augusta, Athens, and Columbus there were camps for both regulars and volunteers.

With the formal outbreak of war, Consul-General Fitzhugh Lee left Cuba to return at the head of an army of invasion. On May 2, Joseph Wheeler, a native Georgian, was given a major-general's commission by President McKinley and placed at once in command of a division of cavalry under General Shafter. Two gallant sons accompanied him to Cuba, while a beloved daughter, Annie Early, also went as an army nurse. General Wheeler served with distinction in the campaign against Santiago and still later in the Philippines. Time had not impaired the old soldier's skill as a fighter. Says Prof. Joseph T. Derry:*

"When the army had landed and while the commanding general was arranging his plan of battle, General Wheeler by his prompt advance with the cavalry division, gained the victory of LaGuasimas."

Colonel Roosevelt, in his account of the Santiago campaign, calls him "a regular game cock," adding that he was bent on putting the cavalry division to the front as quickly as possible, that he made a reconnaisance in person, found out where the enemy was and directed General Young to take a brigade and move forward so as to strike him next morning. The success of this movement gave to the American army a well-watered camp and an unobstructed road to Santiago. When orders were given for the final march he was suffering from a severe attack of malarial fever and was admonished by his physician not to leave his bed; but to quote Professor Derry again:

* "Story of the Confederate States," Appendix, p. 479.

"The sound of marching troops on their way to battle was too much for the sick warrior. Getting into an ambulance, he insisted on being carried to the front. Meeting some wounded soldiers, who were being taken on litters to the rear, he ordered them placed in the ambulance, and, mounting his horse, rode to the firing line, where he was greeted by the enthusiastic cheers of the soldiers."

General Wheeler was second in command at Santiago. But according to Colonel Roosevelt his part in the campaign entitles him to rank first. Says he:

"To him more than to any other man was due the prompt abandonment of the proposition to fall back, a proposal, which, if adopted, would have meant shame and disaster."

Two lieutenants, James V. Heidt and Isaac Newell, both native Georgians, splendidly illustrated the courage of Confederate sires in this engagement, by assuming command of their respective companies when their captains were borne wounded from the field of battle.

President McKinley also appointed W. W. Gordon, of Savannah, a brigadier-general in the volunteer army. General Gordon did not go to Cuba but while camped with his brigade in Florida, ready to move forward at a moment's notice, he thoroughly drilled and organized his men and put them through every maneuver known to the manual of arms. Later, on August 15, he was made a member of the commission to arrange for the evacuation of Porto Rico by the Spaniards.

On May 1, 1898, occurred the great naval victory of Manilla Bay, in which Admiral George Dewey, then a commodore, without the loss of a single ship, destroyed every vessel and silenced every fortification of the enemy in this port. Only six Americans were wounded. Thomas M. Brumby, a Georgian, was lieutenant on Admiral Dewey's flagship, the Olympia; and, according to a war correspondent for a Chicago newspaper,* it was Lieutenant Brumby who suggested the plan on which the battle was fought. Says this correspondent:

"Mr. Brumby suggested keeping our ships under way and passing in front of the Spaniards, firing broadsides and turning so as to bring the other guns of the ship into action. This was the plan finally agreed upon and carried into effect with such success. The desire of Admiral Dewey to give full credit to those who deserved it caused him to discuss the matter fully after the victory. He told me personally of the suggestion Mr. Brumby made and of its adoption."

On July 3, 1898, Admiral Cervera's entire flotilla, in a dash out of the harbor at Santiago, was submerged by a squadron under the immediate command of Commodore Winfield S. Schley, a native of Maryland, who was afterwards made an admiral, for his part in this renowned engagement. Commodore Wm. T. Sampson was constructively but not actively in command of the squadron at this time, for which reason he was not acclaimed a popular hero, but his part in the battle was duly recognized by the Federal Government. Admiral Schley was a kinsman of one of the early chief executives of Georgia, Gov. William Schley.

There were scores of Georgians who achieved distinction at the front during the Spanish-American war and in the Philippine insurrection.

* E. W. Hardin, of the Chicago Tribune.

But in this hurried connection mention can be made of only one, Lieut. Emory Winship, a nephew of Gen. Philip Cook. On March 5, 1899, at Malabon, he volunteered to go ashore with 125 marines, to test the enemy's strength. For this expedition he was put in temporary command of the Bologna, a 60-foot tug captured from the enemy. It was manned by thirty-seven men. Says a war correspondent:*

"Winship remained on the Bologna to watch steam. The landing party foolishly advancing too far, were set upon by a regiment of Filipinos. They were hard pressed and made for their boats, hotly pursued. Seeing this, Winship poured into the ranks of the natives a raking fire from the Hotchkiss rapid fire gun on board, enabling his men to embark safely and killing some thirty of the pursuing party. Commodore Tausig, of the Bennington, afterwards said of this affair that Winship's coolness had been the direct means of saving the lives of [illegible] men. During the engagement he was wounded five times, but with extraordinary nerve and courage stood at his gun until the party was safely landed on board. He then walked into the ward room and asked for a surgeon. He said nothing of his own condition, telling the doctor that one of his men was wounded in the shoulder, but his own condition soon became apparent. He was shot through the hip and above the knee cap and had three smaller flesh wounds. This heroic conduct won for him the unstinted praise of his comrades."

But this incident belongs to the Philippine insurrection. The Spanish-American war came to an end within a few days after the annihilation of Admiral Cervera's fleet, on July 3, 1898, hauling down the flag of Spain in Cuba and Porto Rico and wiping out the last vestige of Castilian power on this side of the Atlantic. There was a time when Spain ruled all the Western Hemisphere; but one by one her vast possessions had melted into thin air and like—

"an unsubstantial pageant faded
Left not a rack behind.

* Atlanta Constitution.

CHAPTER XVIII

ALLEN D. CANDLER ENTERS THE RACE FOR GOVERNOR IN 1898—TWO STRONG OPPONENTS—SPENCER R. ATKINSON AND ROBERT L. BERNER—COLONEL CANDLER'S FINE RECORD—FIRST STATE-WIDE DEMOCRATIC PRIMARY—CANDLER SWEEPS THE STATE—COL. O. B. STEVENS NOMINATED FOR COMMISSIONER OF AGRICULTURE, DEFEATING COL. R. T. NESBITT—JUDGE TURNER, CHAIRMAN OF THE PRISON BOARD, OPPOSED BY EX-STATE TREASURER RENFROE, BUT WINS THE FIGHT—JOHN R. HOGAN NOMINATED BY THE PEOPLE'S PARTY FOR GOVERNOR—BUT THE DAYS OF POPULISM ARE NUMBERED—ITS SALUTARY REFORMS—OTHER PARTIES ABSORB ITS PRINCIPLES—ASSOCIATE JUSTICE FISH RE-ELECTED, DEFEATING JUDGE GOBER—CHIEF JUSTICE SIMMONS SUCCEEDS HIMSELF AS PRESIDING ORACLE OF THE SUPREME BENCH—JUDGE LEWIS IS RE-COMMISSIONED ALSO—THE NEW LEGISLATURE ORGANIZES—CANDLER INAUGURATED GOVERNOR—LAST ELECTION OF SUPERIOR COURT JUDGES BY THE LEGISLATURE—GOVERNOR ATKINSON'S LAST MESSAGE—SALIENT FEATURES OF HIS ADMINISTRATION—THE CONFEDERATE REUNION IN ATLANTA IN 1898—DEATH OF GEN. HENRY R. JACKSON—RACE RIOTS—GOVERNOR CANDLER CALLS OUT THE MILITARY—HIS MESSAGE DEALING WITH LYNCH LAW—RECOMMENDS CERTAIN REFORMS IN THE STATE'S MILITARY LAWS—ADJUTANT-GENERAL KELL RETIRED—COL. PHIL G. BIRD—COL. J. W. ROBERTSON—AN AMENDMENT TO THE CONSTITUTION IS ADOPTED AUTHORIZING PENSIONS FOR INDIGENT WIDOWS OF CONFEDERATE SOLDIERS—ATLANTA'S PEACE JUBILEE—PRESIDENT MCKINLEY'S VISIT—HIS MAGNANIMOUS SPEECH BEFORE THE GEORGIA LEGISLATURE—WINS THE HEART OF THE SOUTH—OTHER DISTINGUISHED VISITORS AT THE PEACE JUBILEE.

Political issues in Georgia were by no means forgotten amid the martial excitements of the war with Spain. Early in the year, Col. Allen D. Candler, an ex-member of Congress, then holding the office of secretary of state, became an announced candidate for governor. Two other distinguished Georgians, well-equipped and long-experienced in the public service, though still comparatively young men, entered the race in a spirited contest for the gubernatorial honors. One of these was Judge Spencer R. Atkinson, of Brunswick, a member of the railroad commission, a former Supreme Court judge, and a most magnetic and eloquent public speaker. The other was Col. Robert L. Berner, of Forsyth, an experienced legislator, who had recently commanded a regiment of Georgia volunteer troops in the Spanish-American war.

Colonel Candler was a man well advanced in years. His day in Georgia politics was verging toward its sunset. His life was in its autumnal leaf. But back of him was a clean record as a legislator in

the halls of Congress; and further back still a gallant career as a soldier on the battle-fields of the Confederacy. He had lost an eye in the engagement at Jonesboro; and it was playfully but nevertheless truthfully said of him that ever after this he had labored, in a double sense, with an eye single to the welfare of Georgia. He was an unassuming man of the people, without pretense of scholarship, whose strength lay in his vigorous Anglo-Saxon speech, in his deep-seated convictions of right, and in his bull-dog tenacity of courage. There was about him no incrustation of an artificial polish, no varnish and no veneer. The mountaineers of the state, among whom he lived, on the morning slopes of the Blue Ridge, were his fast friends, ready to support him in his race for governor, as they had invariably done in his campaigns for Congress; and almost to a man they were now ready to support "the one-eyed plow-boy of Pigeon Roost." But realizing that he had a fight before him for which he needed his best energies and his undivided time, he resigned his office as Georgia's secretary of state, on April 1, 1898, and to succeed him, until the next general election, Governor Atkinson appointed Hon. William Clifton, of McIntosh. But the governorship was not the only coveted plum this year in Georgia politics. Hon. Mark Hardin, the veteran clerk of the Georgia House of Representatives, whose stentorian voice for sixteen years had sounded the roll-calls and promulgated the measures of the General Assembly, aspired to serve Georgia as secretary of state. But Hon. Philip Cook, an ex-state senator, had fixed his eye upon the same high office. He, too—coveting the mantle so lately worn by an illustrious father—wished to fill this exalted post of honor.

There was also a contest this year in the agricultural department. Hon. R. T. Nesbitt, the incumbent, was opposed by an experienced legislator, admittedly a Richelieu in the game of politics, Col. O. B. Stevens, of Dawson, Georgia. Judge Joseph S. Turner, chairman of the State Prison Board, in his race for re-election was opposed by ex-State Treasurer John W. Renfroe; and altogether there was the promise of an oppressively hot summer, politically speaking, for the State of Georgia; nor did the mercury fail to register blood-heat.

But to narrate the details of this campaign requires an epic pen. On June 7, 1898, a democratic state primary election was held for the purpose of making nominations. Heretofore the various counties of the state had acted separately in the matter of holding local primary elections; but at this time all of them voted on the same day, thus establishing a precedent to be observed in future political campaigns. As a result of this new departure, Colonel Candler swept the state for governor, receiving 268 conventional votes, a rousing majority over his two able opponents. Mr. Cook by a similar expression of popular preference, outdistanced his rival, Col. Mark Hardin, in the race for secretary of state. Colonel Stevens, by a decisive vote, ousted Colonel Nesbitt from the department of agriculture; while Judge Turner, in his fight for re-election as chairman of the State Prison Board, left Colonel Renfroe far behind in the curling dust of a signal Waterloo. Dr. G. R. Glenn, an appointee of Governor Atkinson for State School Commissioner was named to succeed himself in this office, now made elective for the first time. The other state house officers nominated were: Messrs. Joseph M. Terrell, attorney-general; William A. Wright, comptroller-general, and William J. Speer, state treasurer, none of whom were opposed.*

There was little for the state convention to do this year except to declare the results already distinctly foreshadowed by the ballot-box; there were no contests to settle; no Gordian knots to untangle; no further elements of uncertainty to becloud the situation, to disturb the peace of the state, or to upset business conditions. When the state democratic convention met in Atlanta on June 29, 1898, Hon. E. T. Brown, of Fulton, who had skillfully managed Colonel Candler's campaign for governor, was chosen to preside over the convention during its temporary organization; while the permanent chairmanship was given to Hon. Fleming G. Dubignon, of Chatham. The platform adopted by this convention declared for the free coinage of silver, advocated the construction of the Nicaragua Canal by the United States Government, and affirmed the righteousness of the Spanish-American war.†

The people's party, though numerically no longer a powerful factor in state politics, put forward a rival ticket this year, nominating for governor Hon. J. R. Hogan, of Lincoln, a thrifty planter; for secretary of state, L. O. Jackson; for comptroller-general, Ben Milliken; for state treasurer, J. H. Traylor; for attorney-general, Felix N. Cobb; for commissioner of agriculture, A. H. Talley; for state school commissioner, B. M. Zettler; for prison commissioner, J. S. DeJarnette.

But the days of populism were numbered. Its strength not only in Georgia but throughout the country was waning with the approach of better times and with the adoption by other parties of its cardinal principles. Not a few of the reforms for which it stood had been crystalized into legislation; and there was no longer the rallying cry of discontent to summon an army of warriors to its standard. Thousands of its adherents had returned to the democratic fold. It was a party no longer to be dreaded. Some of its tenets were undoubtedly Utopian. But, in the calm light of history, its justification—if only to meet a temporary need—was overwhelmingly abundant. The defeat of the populists in the fall elections was crushing.* Mr. Hogan received only 50,841 votes in the state against 117,455 for Governor Candler; while the various candidates for state house officers were elected by like majorities.‡

Judge William H. Fish, in a special primary election held this year, was re-elected as associate justice of the Supreme Court over a strong political opponent, Judge George F. Gober, of Marietta. At the same time, Chief Justice Thomas J. Simmons was confirmed in his high office as presiding oracle; while Hon. Henry T. Lewis, who had been appointed by the governor to succeed Judge Spencer R. Atkinson was named for the latter's unexpired term.

Georgia's entire delegation to Congress was this year re-elected.

At the general conference of the Methodist Episcopal Church, South, held this year, Dr. Warren A. Candler, president of Emory College and Dr. Henry Clay Morrison, for years a member of the North Georgia Conference, though a Kentuckian by birth, were elected bishops.

* Atlanta Constitution, June 7, 1898.
† Atlanta Constitution, June 30, 1898.
‡ House Journal, 1898, pp. 26-27.

When the General Assembly convened on October 26, 1898, Hon. Wm. A. Dodson, of the Thirteenth, was elected president of the Senate and Hon. John D. Little, of Muscogee, speaker of the House. The inauguration of Governor-elect Candler took place in Representative Hall at high noon and the oath of office was administered by Chief Justice Simmons. Three members of the House were former members of the United States Congress. These were: Hiram R. Bell, of Forsyth; Morgan Rawls, of Effingham, and R. W. Everett, of Polk. Colonel Bell, of Forsyth, was also a member of the Confederate Congress. One of the most important acts passed by the Legislature of 1897 had been an act to amend the state constitution so as to provide for the election of Superior Court judges and solicitors by direct vote of the people. But since the new law was not to go into effect until the next regular election, it was necessary at this session as usual to elect judges and solicitors for the terms about to expire. The following Superior Court judges were elected at this time:* Charles C. Janes, Tallapoosa Circuit; Augustin H. Hansell, Southern Circuit; Richard B. Russell, Western Circuit; W. M. Henry, Rome Circuit; H. C. Sheffield, Pataula Circuit; John C. Hart, Ocmulgee Circuit; John B. Estes, Northeastern Circuit; Beverly D. Evans, Middle Circuit; E. L. Brinson, Augusta Circuit; Wm. H. Felton, Macon Circuit; E. J. Reagan, Flint Circuit; and Paul E. Seabrook, Atlantic Circuit.

Governor Atkinson's last annual message to the Legislature was read at the opening of this session.† Its discussion of vital public issues made it an unusually strong document; and though any review of it in a chapter devoted to Governor Candler's administration is seemingly out of its logical order there was no opportunity to consider it in the preceding chapter which was chiefly occupied with a summary of the Spanish-American war. To begin with, Governor Atkinson informed the General Assembly that in order to carry out the law for the quarterly payment of school teachers, it had been necessary for him to negotiate in New York a loan of $200,000; but authority to do so had been conferred upon him by the last Legislature. This loan he had secured at the low rate of 2½ per cent. Georgia's promptness in supplying her quota of troops to the Spanish-American war was commended. On account of disorganized conditions this year the annual state encampment was omitted but Governor Atkinson recommended that every proper encouragement be given the state militia and that legislation be enacted looking to its reorganization. The Trans-Mississippi and International Exposition at Omaha occurred in 1898. To secure a state exhibit at this exposition, in compliance with a resolution of the General Assembly, approved December 18, 1897, appointed the following committee of representative citizens, fifteen in number as follows: Wm. J. Northen, Charles E. Harman, Wm. A. Hemphill, F. H. Richardson, J. S. B. Thompson and George G. Smith, of the County of Fulton; J. F. DeLacy, of the County of Dodge; Edwin Brobston, of the County of Glynn; W. A. Knowles, of the County of Floyd; Thomas K. Scott, of the County of Richmond; George Ketchum and J. F. Hanson, of the County of

* House Journal, 1898, pp. 102-152.
† House Journal, 1898, pp. 30-60.

Bibb; and H. M. Comer and P. A. Stovall, of the County of Chatham. Said Governor Atkinson:

"These gentlemen, at a great personal sacrifice of time and money, secured and placed in position at Omaha a magnificent exhibit which has attracted the attention and admiration of thousands of visitors, and which, it is expected, will be productive of much good to the State."

During the year 1898, Georgia paid 10,390 pensions, aggregating $609,520. According to the governor's message, there were then pending in the department of pensions 2,715 claims, of which, probably, 1,000 under the proofs were entitled to be paid; and to cover such payments it was necessary to appropriate for 1899, $60,000 in addition to the sum appropriated for 1898. Governor Atkinson recommended an abolition of the fee system, as a method of compensating public officials and favored the adoption of a constitutional amendment providing for biennial sessions of the Legislature. He also discussed ballot reform, emphasizing the need of better election laws and suggested the wisdom of legislation looking toward an equalization of taxes. In conclusion, Governor Atkinson recapitulated the salient features of his administration, extending over a period of four years: The Northeastern Railroad had been purchased by the state; the public debt had been decreased $410,000; the common school fund had been increased $694,000 and the pension fund, $185,000; the state normal school had been opened; a textile department had been added to the Georgia School of Technology; new buildings had been erected for various state institutions; prison reforms had been adopted; a prison commission had been created; the election laws had been amended by a registration act; the office of state school commissioner had been made elective; the number of Supreme Court judges had been increased from three to six; elections by the people of Supreme Court judges, also of Superior Court judges and solicitors had been decreed; a state board of medical examiners had been established; a new code had been adopted; an act had been passed revising the criminal laws; the Cotton States and International Exposition had been held in Atlanta, showing a splendid exhibit of the state's resources, in addition to which the state had been well represented both at the Omaha exposition in 1898 and at the Tennessee Centennial at Nashville in 1897.

One of the principal events of the year 1898 was the great Confederate Reunion in Atlanta held during the month of July at which time there assembled in Georgia's capital from all parts of the South over 50,000 survivors of Lee's immortal legions. Gen. Joseph Wheeler, who had recently won added renown in the Spanish-American war, was one of the veterans in attendance upon the reunion. He appeared upon the scene wearing the uniform of a United States officer but was none the less cordially received by his comrades of the gray who greeted him with thunderous plaudits. Resolutions were passed amid an uproar of enthusiasm tendering to President McKinley the undivided, loyal and hearty support of Confederate veterans in the present national crisis. Gen. Charles E. Hooper, of Mississippi, delivered the principal address of the occasion. Hon. W. A. Hemphill, of Atlanta, greeted the veterans in a brief address of welcome, to which General Gordon feelingly responded. When the time came for electing officers General Gordon requested to be relieved of the responsibilities of commander-in-chief;

but to this request his comrades-in-arms declined to yield and until the day of his death some six years later he remained at the head of the organization, pre-eminent in the affections of all his brethren. Some of the distinguished guests in attendance upon the reunion were: Mrs. Gen. Stonewall Jackson, Mrs. Gen. D. H. Hill, Gen. "Tige" Anderson, Gen. M. C. Butler, Gen. Stephen D. Lee, Gen. James Longstreet, Gen. Wade Hampton, General Caball, General French, General Mooman and others. On Thursday evening of the reunion an address on behalf of the sponsors was made by Lucian Lamar Knight, Esq., of Atlanta. The exercises were held in a spacious auditorium at Piedmont Park, one of the great buildings of the Cotton States and International Exposition having been overhauled and remodeled for this purpose. The reunion was held on the thirty-fourth anniversary of the historic engagements around Atlanta.

Georgia lost this year an illustrious son, Gen. Henry R. Jackson, soldier, diplomat, orator, jurist, and poet, best known to literature, perhaps, through a patriotic gem written in his younger days entitled: "The Red Old Hills of Georgia," of which the opening stanza runs as follows:

"The red old hills of Georgia
So bold and bare and bleak
Their memory fills my spirit
With thoughts I cannot speak;
They wear no robe of verdure
Stripped naked to the blast
And yet of all the varied earth
I love them best at last."

General Jackson died in Savannah, Georgia, May 23, 1898, in his seventy-eighth year.

During the first year of Governor Candler's administration there were a number of race riots, due to the evil influence of a few vicious characters, stimulated by vile intoxicants. To suppress these outbreaks, Governor Candler did not hesitate to call out the militia in eight counties of the state, to wit: Campbell, Coweta, Butts, Lee, Richmond, Spalding, Decatur and McIntosh. The worst of these was in the county last named, where a mob of several hundred negroes took possession of the Town of Darien; and except for the governor's prompt action there might have been heavy fatalities. As it was, one deputy sheriff was killed and another wounded. Within an hour after receiving executive orders, a body of 174 officers and men of the First Infantry left Savannah for the scene of trouble. Col. A. R. Lawton was ordered to take command at Darien with plenary power to do whatever in his judgment was necessary to restore order and sustain the civil authorities in upholding law. There was no further disturbance after the arrival of the troops; but to insure tranquility a force of one hundred men was deemed necessary at the trial of the ringleaders whose cases were set for an immediate hearing before Judge Seabrook at a special term of the Superior Court of the Atlantic Circuit.

Governor Candler, in his first annual message to the State Legislature, discussed these race riots at some length and emphasized the

importance of an efficient state militia. He did not mince matters, nor hesitate to attribute much of the trouble to mischievous and impertinent intermeddling. Said he:*

"Crime has prevailed to an alarming extent in some portions of the State and destroyed the peace and quiet of many communities. Lawless negroes have assaulted white women and infuriated mobs have inflicted summary and in one case, barbarous punishment upon the offenders.† In consequence of the frequency of these assaults, we have been made to tremble for the safety of our wives and daughters, especially in the rural districts, and law-abiding negroes in the communities in which lynchings have occurred have lived in a state of constant apprehension and alarm. * * * As usual, too, when the mob usurps the prerogatives of the courts of law, I regret to have to say the innocent have sometimes, I fear, been made to suffer with the guilty. The unusual amount of crime committed by negroes, and in consequence thereof, the unprecedented amount of mob violence, is mainly due to the intermeddling of irresponsible fanatics and fools, who do not know anything of the situation at the South. * * * It is a hopeful sign, however, that notwithstanding the diabolical advice of these fanatics to precipitate race conflicts, the better and more intelligent negroes throughout the State realizes that the relations of the races must be regulated by the Southern white man and the Southern negro, and not by the overzealous and unwise South haters and bigots of other sections. * * * While I have felt it my duty to call into requisition portions of the military of the State to aid the civil authorities in protecting life and property, and in enforcing the law more frequently than has been necessary in the past, I have resorted to this extreme measure only when circumstances imperatively demanded it, and I have often refused when called upon by sheriffs and other officers for military aid to comply with their urgent requests, because the sheriffs are the conservators of the peace in their respective counties, clothed with ample power by the law to summon every able-bodied man in their counties to aid them in preserving the peace and upholding the law."

With respect to the state's military laws, Governor Candler said:‡

"While a life tenure of office is best in the regular army it is repugnant to the spirit of a volunteer organization. Some of the military organizations of the State have been found by the Inspector-General to be inefficient because they are commanded by officers who were elected by men not one of whom is now a member of the organization. Thus there is a want of sympathy between the officers and the men, interest is lost in the company, and it becomes practically useless. I, therefore, recommend that the law be so changed as to limit the tenure of office in all companies and regiments to three or five years, at the expiration of which time the office shall become vacant and be filled in the manner now prescribed by law."

Governor Candler also called attention to the great discrimination between officers and men in the matter of pay when in actual service and

* House Journal, 1899.

† Sam Hose, a negro rapist, was burned at the stake by a mob in Campbell County, his body mutilated and his clothing torn into shreds for souvenirs.

‡ Ibid., pp. 38-41.

recommended that all field officers, in all arms of the service be paid $4.00 per diem; all captains, $3.00, all lieutenants $2.00, all regimental non-commissioned officers $1.50, all other non-commissioned officers $1.25, and all privates $1.00, besides quarters and subsistence when in actual service in resisting mobs or quelling riots.

On account of the growing infirmities of Adj.-Gen. John McIntosh Kell, who had been unable for some time to discharge the active duties of his office, Governor Candler recommended General Kell's retirement on January 1, 1900, with his full rank, on a pension sufficient to support him comfortably for the rest of his days. Governor Candler also recommended a bureau of labor statistics, the importance of which to the state was yearly becoming more urgent, due to multiplying factories, foundries, machine-shops, and railroads. Nothing was done at this session of the Legislature toward creating such a bureau, but Governor Candler's recommendation eventually bore fruit in a department of commerce and labor created at a later period. General Kell, at the end of the year, was duly retired from the office of adjutant-general and in his place the governor appointed Col. Phil G. Byrd, formerly an assistant to General Kell, who served, however, for only a few months, after which Col. James W. Robertson was appointed to this position.

The Legislature of 1899 passed an act still further enlarging the benefits of Georgia's pension system.* It proposed to amend the state constitution so as to give pensions to helpless widows of all deceased Confederate soldiers, whether the said beneficiaries were widowed during the service or subsequent to the war. As a result of this generous provision a new class of pensioners was created. To succeed Richard Johnson, in the office of pension commissioner, Governor Candler appointed an ex-Confederate soldier and a well-known jurist, Hon. John W. Lindsey, of Wilkinson County, one of the ablest of Georgia's public officials, and a most courtly gentleman. Judge Lindsey was reappointed by Governor Terrell first in 1903 and second in 1906. Since the office was made elective he has been repeatedly chosen to succeed himself.

To commemorate the successful result of the war with Spain, especially in its unifying effect upon the American people, there was held in Atlanta on December 14 and 15, 1898, a great peace jubilee, in attendance upon which President William McKinley was an invited guest. It was on the occasion of this visit that Mr. McKinley made a complete conquest of the Southern people by his beautiful tribute to the Confederate dead. The General Assembly was in session at this time and to the law-makers Mr. McKinley was formally presented. But instead of indulging in the customary platitudes he made a speech the echoes of which are still ringing in Georgia's capitol. It touched all hearts by its warmth of sentiment, its sweep of vision, and its broadly patriotic American spirit. According to President McKinley, the time had come for the Federal Government to unite with the South in caring for the graves of the Confederate dead. On account of its historic import, the brief speech is here reproduced in full. Bowing to President Dodson, of the Senate, who had just introduced him to the General Assembly, in joint session, Mr. McKinley said:

* Acts 1899, pp. 19-20.

"Sectional lines no longer mar the map of the United States. Sectional feeling no longer holds back the love we bear each other. Fraternity is the national anthem, sung by a chorus of forty-five states and our territories at home and beyond the seas. The union is once more the common altar of our love and loyalty, our devotion and sacrifice. The old flag again waves over us in peace with new glories which your sons and ours have this year added to its sacred folds. What cause we have for rejoicing, saddened only by the fact that so many of our brave men fell on field or sickened and died from hardship and exposure and others returning bring wounds and disease from which they will long suffer. The memory of the dead will be a precious legacy, and the disabled will be the nation's care.

"A nation which cares for its disabled soldiers as we have always done, will never lack defenders, the national cemeteries for those who fell in battle are proof that the dead as well as the living have our love. What an army of silent sentinels we have, and with what loving care their graves are kept! Every soldier's grave made during our unfortunate Civil war is a tribute to American valor, and while when those graves were made we differed widely about the future of this Government, these differences were long ago settled by the arbitrament of arms —and the time has now come in the evolution of sentiment and feeling under the providence of God, when in the spirit of fraternity we should share with you in the care of the graves of the Confederate soldiers.

"The cordial feeling now happily existing between the North and the South prompts this gracious act, and if it needed further justification it is found in the gallant loyalty to the union and the flag so conspicuously shown in the year just passed by the sons and grandsons of these heroic dead.

"What a glorious future awaits us if unitedly, wisely and bravely we face the new problems now pressing upon us, determined to solve them for right and humanity."

This noble utterance sounded the welcome note of a new era. Coming from a republican President and from a Federal soldier, it was well calculated to win the heart of the South. The people of this section were not prepared to ask such a boon of the Federal Government nor willing, perhaps, to surrender a charge so sacred, a charge which for more than forty years had been tenderly and lovingly kept by Southern women; but the motive which inspired such an utterance was generous; it bespoke a heart in which there rankled no thorn of bitterness; and from the great audience assembled in Georgia's Representative Hall, there rose a deafening shout.

Accompanying Mr. McKinley, on this visit to the capitol, were Gen. Joseph Wheeler, Gen. S. B. M. Young, General Lawton and others, all of whom made brief speeches. Mrs. McKinley was not in this party, but she made the trip to Atlanta with her distinguished husband, and was the recipient of many beautiful social courtesies. The president spoke again on the evening of December 15th, at a sumptuous banquet given in his honor in the spacious dining room of the Kimball House, at which time he divided honors with other distinguished guests. It is doubtful if Georgia ever witnessed a more brilliant assemblage. Besides the President, there were three members of the cabinet, Secretaries Long, Alger

and Gage; three major-generals, two governors, Mayor Warwick, of Philadelphia, and scores of others. The program of toasts at the banquet was as follows: "Our Country," the President; "The Navy," Hon. John D. Long; "The Army," Maj.-Gen. Wm. R. Shafter; "The New Union," Hon. George R. Peck; "The Volunteer as Viewed by a Regular in Command," Maj.-Gen. S. M. B. Young; "We Follow Where Duty Calls," Capt. Richmond Pearson Hobson; "Santiago, the Plymouth Rock of Cuban Freedom," Hon. Stephen O'Meara; "How the People Paid the Bill," Hon. Lyman J. Gage, secretary of the treasury; "The South's Part in the War," Maj.-Gen. Joseph Wheeler; "The State Government's Answer to the Call to Arms," Gov. Joseph F. Johnson, of Alabama; "What the Liberty Bell Says About It," Hon. Charles F. Warwick, mayor of Philadelphia; "There Is No Minority in Patriotism," Hon. Evan Settle, M. C.

Atlanta's Peace Jubilee was a great event for Atlanta, for Georgia, and for the South. Its success was due in large part to Hon. W. A. Hemphill, president of the Jubilee Association, and to Hon. Andrew J. West, grand marshal of the day, both of whom were unwearied workers in making the jubilee pageant one of the grandest in Atlanta's history. But this great festival of peace symbolized still another thing—that the reign of sectionalism was at an end and that the South was back again in the American Union.

CHAPTER XIX

GEORGIA STATE MONUMENT UNVEILED AT CHICKAMAUGA PARK—HON. WALTER B. HILL BECOMES CHANCELLOR OF THE STATE UNIVERSITY—SUCCEEDS DR. WM. E. BOGGS—EX-GOVERNOR ATKINSON'S DEATH—LIEUT. THOMAS M. BRUMBY IS PRESENTED WITH A SWORD BY THE PEOPLE OF GEORGIA ON HIS RETURN HOME FROM PHILIPPINE WATERS—GOVERNOR CANDLER'S SPEECH OF PRESENTATION—DESCRIPTION OF THE SWORD—ENSIGN EMORY WINSHIP HONORED—ADMIRAL SCHLEY'S VISIT TO GEORGIA—PROHIBITION DEFEATED—DEATH OF HON. N. J. HAMMOND—GEORGIA SECURES A FEDERAL PRISON—FREE SILVER STILL DOMINANT—BRYAN DELEGATES SENT TO THE NATIONAL CONVENTION—PRESIDENTIAL ELECTORS—GOVERNOR CANDLER RENOMINATED—SUPERIOR COURT JUDGES—ALL OF THE GEORGIA MEMBERS OF CONGRESS RE-ELECTED THIS YEAR—THE NEW STATE LEGISLATURE—GOVERNOR CANDLER INAUGURATED FOR A SECOND TERM—UNITED STATES SENATOR BACON CHOSEN TO SUCCEED HIMSELF, WITHOUT OPPOSITION—AN ENCOURAGING OUTLOOK FOR THE NEW CENTURY—CONDITIONS IN THE STATE AS SKETCHED BY GOVERNOR CANDLER—IMPORTANT RECOMMENDATIONS—NECESSITY FOR COMPILING STATE RECORDS STRESSED—DEPOT COMMISSION RECOMMENDS THE ERECTION OF A $500,000 STRUCTURE ON THE STATE'S PROPERTY IN ATLANTA—GEORGIA LOSES A HANDSOME PROSPECTIVE INCOME IN THE DEFEAT OF THIS BILL—THE CONFEDERATE SOLDIERS' HOME ACCEPTED BY THE STATE—LATER THE HOME BURNS TO THE GROUND BUT IS REBUILT—PENSIONS FOR INDIGENT CONFEDERATE WIDOWS—REFORMS IN THE STATE'S MILITARY LAWS—REMAINS OF GEN. NATHANAEL GREENE DISCOVERED IN SAVANNAH AFTER A SEARCH OF ONE HUNDRED AND FOURTEEN YEARS—PRESIDENT MCKINLEY ASSASSINATED AT BUFFALO, NEW YORK—THEODORE ROOSEVELT CALLED TO THE HELM OF AFFAIRS—PRESIDENT ROOSEVELT'S GEORGIA ANCESTORS—GOVERNOR CANDLER, ON RETIRING FROM OFFICE, BECOMES COMPILER OF STATE RECORDS.

On May 4, 1899, the Georgia State Monument at Chickamauga Park was unveiled with impressive ceremonies, in the presence of a vast multitude of spectators. As a work of art there is not a memorial on the grounds to surpass this superb structure, erected by the State of Georgia to commemorate the heroism of her brave defenders on this sanguinary field of encounter. The monument occupies a site near the historic old Lafayette Road, in the southwest part of the field. Rising to a lofty altitude, it surpasses even the colossal shafts erected by Ohio, Illinois, New York and other great states. On a magnificent column of granite stands the bronze figure of a private soldier holding in his hand a Confederate flag. This figure rests upon a flowered capital, itself an exquisite piece of workmanship. At the base of the column, on a huge granite pedestal, there are three figures in bronze. These repre-

sent the three branches of the service engaged in the battle; and they also guard the three faces of the monument. In the center of this group stands an infantryman; on his left a cannoneer, on his right a trooper. Just back of the infantryman, embedded in the shaft, is a metal plate representing the seal of the State of Georgia; while underneath the figure of the infantryman, on a tablet of bronze, these words are inscribed, written by Maj. Joseph B. Cumming, of Augusta:

"To the lasting memory of all her sons who fought on this field—those who fought and lived and those who fought and died, those who gave much and those who gave all—Georgia erects this monument."

When the park was dedicated in 1895 Georgia was just recovering from adverse financial conditions and was not ready to incur the expense of building a monument such as she wished to erect on this historic field of battle; but in 1897 the State Memorial Board, an organization created by act of the Legislature in 1894, began to devise plans for the erection of a monument.* As appointed by the governor, this board was constituted as follows: Adjt.-Gen. J. M. Kell, ex officio; Maj. Joseph B. Cumming; ex-Gov. James S. Boynton; Hon. Gordon Lee; and Capt. W. S. Everett. These gentlemen selected the design, awarded the contract, and supervised the work, the cost of which in round numbers aggregated $25,000, the amount appropriated for this purpose.

At the unveiling, Maj. Joseph B. Cumming, of Augusta, was to have tendered the monument to the state, but illness detained him at his home. The address prepared by Major Cumming for this occasion was read by Hon. Gordon Lee, congressman from the Seventh, who was also a member of the board. Gov. Allen D. Candler, on behalf of the state, accepted the monument in an eloquent speech. The orator of the occasion, Maj. J. C. C. Black, of Augusta, was next introduced to the assemblage by Capt. Evan P. Howell, of Atlanta; and in a speech of thrilling eloquence eulogized the heroism of the Confederate soldier, especially as exemplified in this battle, one of the most sanguinary engagements of the Civil war. Gen. H. V. Boynton, chairman of the Chickamauga Park Commission, also delivered an address. At the proper signal, Miss Myrtle Everett, a daughter of Capt. W. S. Everett, one of the commissioners, drew the cord, thereby unloosing the veil and disclosing to the rapt multitudes a work of art destined to be the admiration of every visitor to Chickamauga National Park.

Chancellor Wm. E. Boggs, of the State University, having tendered his resignation to the board of trustees to take effect at commencement in 1899, the board elected to succeed him at this time Hon. Walter B. Hill, of Macon, a graduate of the institution and one of the foremost lawyers of the state. The election of Mr. Hill to the chancellorship inaugurated a new departure, viz., the choice of a layman to fill an office which for more than 100 years has been filled exclusively by ministers of the gospel. But the widening scope of the university's work called for exceptional qualifications, and, while putting no less of an emphasis upon piety, made an increased demand upon executive talent, administrative skill, and experience in practical affairs. It was argued, too, that a man to direct the affairs of the State University should come

* Acts 1894, p. 94; acts 1897, p. 103.

from the ranks of its own alumni, for many obvious reasons. Mr. Hill was not a professional educator, but as a leader in the state his influence was widely felt; and he was also a man of ripe culture and of exalted personal character. The wisdom of the board in making this selection was little short of inspirational. Mr. Hill's induction into office marked an era in the history of the institution—an era of unsurpassed growth, of adjustment to modern methods, of popularity with the masses, and of generous encouragement from men of means.

On retiring from office, ex-Gov. Wm. Y. Atkinson planned to resume the practice of law in Atlanta, but failing health necessitated his return to Newnan, where, on August 8, 1899, in manhood's prime, he breathed his last. The death of this eminent citizen was a great bereavement to the State of Georgia. He was never more securely entrenched in the affections of the people, than when he surrendered the responsibilities of high office as governor. Senatorial honors were seemingly in store for one so well equipped in every way for great usefulness, but beyond these transient trophies he caught the beckoning laurels of a Better Land.

October 26, 1899, was a day long to be remembered in Georgia's capital. It signalized the return to this state of gallant Tom Brumby, whose part in the brilliant naval victory of Manilla Bay has already been rehearsed in these pages. Admiral Dewey was to have accompanied his flag lieutenant to Georgia, but on account of his precarious health he was forced at the last minute to cancel his engagement, to the keen regret of many disappointed thousands, who were eager to meet the great hero. However the absence of Admiral Dewey only intensified the tribute of respect, admiration and love which the State of Georgia, on this occasion, paid to her intrepid seaman. The following telegram was received from Admiral Dewey by Hon. Clark Howell, the master of ceremonies:

"I rejoice that the State of Georgia which gave such loyal support to the government during the late war with Spain, is now honoring one of its most gallant sons, Lieutenant Brumby, for his brave and conspicuous services during the same period."

To welcome Lieutenant Brumby, the General Assembly met in joint session at 10.30 o'clock and, in a few well-chosen words from Hon. W. A. Dodson, president of the Senate, Lieutenant Brumby was presented to the law-makers of Georgia. He stood before this great body abashed and awkward. It was an ordeal worse than the fire of Spanish guns. But he managed to stammer his grateful thanks for an honor so marked and to disclaim all right and title to the heroic rank. "I only did what I could"—this was the brave seaman's modest avowal.*

Following the lieutenant's formal presentation to the General Assembly, there was enacted a still more impressive scene on the spacious plaza in front of the capitol, where in the presence of a vast throng of people, estimated at 20,000, Governor Candler, in the name of the state, presented Lieutenant Brumby with a jeweled sword. The governor was introduced by Hon. Clark Howell, at Atlanta. Governor Candler's speech, though a brief one, was a gem of eloquence, coming from one whose high position lent the added weight of official dignity to language

* Files Atlanta Constitution, October 27, 1899.

faultless in itself; and at the close of this speech he placed the glittering trophy in Lieutenant Brumby's hand. Said he:

"We welcome you, sir, to the home of your childhood; we honor you for your glorious achievements; we love you—for you are our brother, of whom we are justly proud. As a slight testimonial of the esteem in which you are held by all the people of Georgia, they have instructed me, their chief-magistrate, to present to you this beautiful sword. The pure rays reflected from the precious gems in its jeweled hilt are not purer than the love of Georgia for you, and the metal of its Damascus blade is not truer than the mettle of him who is to wear it. Take it, sir, as a reminder of the honor and affection in which you are held by those who give it. Let it ever be drawn in defence of our country and our country's flag and our country's honor, but never against those who struggled for the liberty which we enjoy. Like the sword of the immortal Washington, let it ever flash in the sunlight where freedom's battles are fought and like his, let it ever be sheathed when fredoom's battles are won."

To this address from the governor, Lieutenant Brumby stammered a reply, his fingers nervously clutching the sword, while he endeavored, in a seaman's blunt way, to make his acknowledgments. Said he:

"My only claim to distinction, during the war with Spain, is that I stood with the man who has taken rank as the greatest naval commander of modern times. I wish to thank the committee for what it has done. As long as I live I shall always prize this sword and keep it because it comes to me from my people, who shall always be my people."

The sword presented to Lieutenant Brumby on this occasion was a splendid specimen of the jeweler's art. Its hilt was of solid gold. On the head-piece was carved an American eagle, with this inscription: "Manila, May 1, 1898." On the guard, in blue enamel, was stamped the coat-of-arms of Georgia. The blue was wrought of the finest Damascus steel and etched upon it in gold were these words:

"Presented by the citizens of Georgia to LIEUTENANT THOMAS M. BRUMBY, U. S. N., in recognition of his distinguished services to his country, at Manila Bay, May 1, 1898."

The scabbard was made of solid coin silver, oxidized black, so as to represent leather and on this was etched his monogram, with a portrayal of his act in raising the Stars and Stripes over Manila. There was also another sketch showing him on the bridge of the Olympia, with the signal flags of the United States. While this sword was not awarded to Lieutenant Brumby by the Legislature of Georgia, the following resolution introduced at the joint session by Hon. Clarence Knowles, of Fulton, was unanimously and enthusiastically adopted, testifying to the General Assembly's appreciation of his gallantry. It ran thus:

"Be it resolved by the General Assembly of Georgia, in joint session assembled, that this body herewith extends its welcome to Lieutenant Thomas M. Brumby, on his return to his home and State, upon which he has reflected undying fame and honor. In scenes of danger and death, he has conspicuously illustrated the true type of the Southern hero. No honor can be bestowed on gallant Tom Brumby which he does not richly merit and is not entirely worthy of. Therefore, we welcome him to our State, our homes, and our hearts."

But the days of the brave lieutenant were numbered. Already he had looked for the last time upon "old ocean's gray and melancholy waste." The fever of the tropics was in his blood when, pale and listless, he returned home on the Olympia, never again to hoist her ensign or to tread her historic decks. Even while the splendors of an eventful day were playing upon his forehead the deepening shadows of death were gathering thick and fast about him, and with the plaudits of a state melting into his ear, like music, there mingled the hoarse murmurs of an unseen river. Fate often smiles while enacting her tragedies. There, upon the platform, a silent witness to these impressive exercises, sat an old lady whose wrinkled face and snow-white locks of hair told of the flight of more than four-score years; but she was fated to out-live the strong man upon whom the eyes of everyone were admiringly fixed. It was Tom Brumby's mother, one to whom he had always been a hero. Perhaps the sweetest lesson of the whole hour was written in the withered face of this serene old woman, who typified the maternal spirit of the commonwealth. But ere many weeks had softened the echoes of applause the brave lieutenant, on December 17, 1899, in Washington, District of Columbia, was summoned to another scene of triumph and the spectacle presented on the grounds of Georgia's State Capitol was only the opening prelude of the hero's welcome home.

Ensign Emory Winship, on his return to Macon, was likewise given a handsome sword by the citizens of his native town. Georgia's part in the Spanish-American war was one of which she had no reason to be ashamed. It proved to the world that she was splendidly and bravely loyal to the flag of a reunited country; while at the same time, under new conditions, it revealed the fighting spirit of the iron '60s.

These were indeed days when the willing hands of the state were kept busy twining wreathes of laurel. On November 4, 1899, the Legislature met in joint session to welcome Admiral Winfield S. Schley, the hero of Santiago. This gallant knight of the sea was a Marylander by birth but a kinsman of Governor William Schley, of Georgia, one of the state's ante-bellum chief magistrates. During this visit Admiral Schley was presented with a loving cup by the citizens of Atlanta. He came to Georgia as a special guest of the state fair, held this year in the capital city. Speeches of welcome to the distinguished visitor were made in the auditorium on the fair grounds, at Piedmont Park. Governor Candler spoke for the state, Mayor James G. Woodward for the city, and Hon. J. Pope Brown for the State Fair Association. It was at this time that the silver loving cup—an unannounced feature of the program—was presented, Hon. W. A. Hemphill, of Atlanta, making the speech of presentation. Admiral Schley's response was graceful, eloquent, and in perfect good taste, bespeaking the cultured gentleman, the typical cavalier.

One of the most thrilling debates of the legislative session of 1899 was precipitated by a bill introduced early in the session by Hon. Barlow S. Willingham, of Monroe, and known as the Willingham Prohibition Bill. It met defeat after a turbulent discussion lasting for several

days; but its effect upon the prohibition cause in Georgia was far-reaching. It undoubtedly paved the way for victory in 1907.

Georgia sustained a severe loss this year in the death of Hon. N. J. Hammond, a former attorney-general and an ex-member of Congress. At the time of his death Mr. Hammond was an honored trustee of the University of Georgia, an institution to which he was strongly attached. He served Georgia in many different capacities, and on the floor of the National House of Representatives was intellectually the peer of any man in this brilliant assemblage of statesmen.

The location of a $2,000,000 federal prison, on the outskirts of Atlanta, was secured this year as the result of a long protracted campaign, in which effective service was rendered by Congressman L. F. Livingston, representative from the Fifth District and by our two United States senators.

Free silver was still a dominant issue in Georgia politics. The advocates of a single gold standard were tenaciously loyal to conviction but constituted only a small element of the party whose allegiance was to bimetallism. Governor Candler was unopposed for re-election. His administration had fully redeemed its promises to the people; and his position on the money question had undergone no change, except to become more pronounced. The State Democratic Convention met in Atlanta on June 14, 1900, following a primary held one month earlier. Hon. E. T. Brown, of Fulton, was elected temporary chairman, and Hon. Fleming G. Dubignon, of Chatham, permanent chairman. It was overwhelmingly a Bryan convention, and the following delegation was sent to the National Democratic Convention to support the Nebraskan: From the state-at-large—Boykin Wright, J. J. Spalding, L. F. Garrard and W. B. Burnett; district delegates—(1) George T. Cann and J. A. Brannen; (2) S. S. Bennet and E. B. Bush; (3) J. T. Hill and I. T. Cocke; (4) S. P. Gilbert and F. M. Longley; (5) Charles Daniel and E. L. Johnson; (6) B. F. Holder and F. M. Stafford; (7) W. C. Bunn and A. S. Johnson; (8) W. A. Broughton and D. W. Meadow; (9) Thomas Hutchinson and H. W. Bell; (10) Louis Cohen and H. A. Williams; (11) John W. Bennett and G. W. Smith.*

Georgia's presidential electors chosen at this time were as follows: From the state-at-large—Augustus Dupont and Fulton Colville; district electors—W. W. Sheppard, C. W. Fullwood, W. C. Nottingham, B. F. McLaughlin, Edgar Latham, J. M. Strickland, J. P. Jackoway, A. G. McCurry, J. J. Kimsey, T. E. Massengale and A. E. Cochran.†

Governor Candler was named to succeed himself and amid tumultuous applause came before the convention and made a rousing speech. Hon. R. E. Park, of Bibb, was nominated for state treasurer, and all the other state house officers were renominated, including two associates on the Supreme Bench, Hon. Wm. A. Little and Hon. Henry T. Lewis. The platform adopted by the convention reaffirmed its allegiance to democratic principles as embodied in the national platform of 1896. It advocated an amendment to the state constitution limiting the power of

* Files of the Atlanta Constitution, June 15, 16, 1900; also files of the Atlanta Journal.

† Files of the Atlanta papers.

the General Assembly to levy taxes; also an amendment to the Federal Constitution providing for an election of United States senators by direct vote of the people. It favored the immediate construction and control of the Nicaragua Canal, across the Isthmus of Panama; opposed the collection of war taxes in time of peace; and inveighed against the evils of protection.

Superior Court judges were nominated at this time as follows: W. N. Spence, Albany Circuit; J. H. Lumpkin, Atlanta Circuit; George F. Gober, Blue Ridge Circuit; A. W. Fite, Cherokee Circuit; W. B. Butt, Chattahoochee Circuit; S. W. Harris, Coweta Circuit; Robert Falligant, Eastern Circuit; Horace M. Holden, Northern Circuit; D. M. Roberts, Oconee Circuit; Z. A. Littlejohn, Southwestern Circuit; John S. Candler, Stone Mountain Circuit.

There was no break in Georgia's congressional delegation this year. All the members were re-elected.*

When the new General Assembly convened on October 24, 1900, Hon. Clark Howell, of the Thirty-fifth, was chosen president of the Senate and Hon. John D. Little, of Muscogee, was re-elected speaker of the House.† Early in the fall session Governor Candler was inaugurated for a second term of two years, while Hon. A. O. Bacon was re-elected United States senator without opposition, a marked compliment of pre-eminent abilities of this distinguished gentleman. During his first term in the American Senate, Major Bacon had made a profound impression upon his colleagues, due to his intimate knowledge of constitutional law, to his breadth of view in discussing national problems, to his uniform courtesy in debate, and to his recognized ability as a statesman. The governor's message to the Legislature at this session disclosed an encouraging outlook for the new century and along many practical lines indicated a distinct progress. Said he:‡

"No storms, floods or pestilence have visited our shores. A kind Providence has blessed the husbandman with fairly good crops; the price of our great staple, cotton, upon which our prosperity so largely depends, has almost doubled; our farmers have turned more than ever before to a diversified agriculture; the last harvest yielded twice as much wheat as has ever been produced in any year, for the last forty, thus enabling our people to keep at home large sums of money which have heretofore gone to the northwest for breadstuffs. Lawlessness and crime, always concomitants of hard times, have largely decreased, and criminals are being tried and punished by the tribunals established by law, and not by the mob. The reaction after the fearful business depression of about seven years' duration, which resulted in a ruinous shrinkage in values, has set in and values are being restored. The tax digest shows an increase of taxable wealth in the State of $19,203,540, and this increase, together with the most rigid economy in all the departments of the State government has enabled us to reduce taxation a little over a dollar a thousand. Manufactories, especially of cotton goods, are springing up in almost every part of the State, affording a home

* Congressional Directory, 1774-1911, p. 381.

† House and Senate Journals, 1900.

‡ House Journal, 1900, pp. 18-19.

market for our products and giving employment to our idle population. These factories, too, are built and operated almost entirely with home capital, the savings of our own people since the close of the most destructive war of modern times."

According to the state treasurer's report, Georgia's total receipts for the fiscal year 1900 aggregated $3,542,000, the total disbursements $3,664,700.* The credit of no state in the Union was better than Georgia's. Quite a neat sum of money was derived this year from the sale of public property. The old state capitol brought $132,241.56. This was exclusive of its furniture, which netted $2,051. The Northeastern Railroad was sold for $100,000, while the Okefinoke Swamp yielded $63,101.80. From these and a few other sales was realized the handsome sum of $3[illegible]2,750.† Capt. James W. English, of Atlanta, was the purchaser of the Northeastern Railroad but he in turn sold it to the Southern Railway, by which corporation it is still owned and operated.

Governor Candler, in his annual message this year, urged the adoption of some plan looking to the prompt payment of teachers in the common schools. The necessity for tax reform was also stressed. The governor spoke of the reorganization of the state's militia and of the good results accruing therefrom; referred to the beneficent changes which had taken place during recent months in the prison system; favored an amendment to the constitution of the state providing for a qualified suffrage based either upon an educational or a property qualification or both; advocated state ownership of a home for decrepit and indigent Confederate veterans, advocated also a bureau of labor statistics; and urged the compilation of Georgia's Colonial, Revolutionary and Confederate records. Said he:‡

"If I am correctly informed, Georgia is the only State of the original thirteen which has taken no steps toward the preservation of its Colonial and Revolutionary records. Every one of the original States north of the Potomac has long since compiled and published its Colonial and Revolutionary documents and thus preserved its early history. Virginia, impoverished and battle-blasted, has found means to gather up and publish the records of her Colonial and Revolutionary days, and North Carolina has recently gotten out ten large and handsome volumes of her archives, thus preserving the history and the records of the achievements of her sons.

"It is a reproach to Georgia that she has been a laggard in this patriotic work. There is nothing in her history, from the landing of the Anne at Yamacraw Bluff down to this day, of which her sons ought to be ashamed, but much of which they may be justly proud. During the last three years of the Revolutionary struggle she suffered more, and her patriotic sons and daughters made greater sacrifices for freedom and independence than did the people of any other State, and much of the evidence of this fact is to be found in the unpublished papers crumbling into decay in the archive rooms of her own capitol."

* Ibid., p. 19.
† Ibid., p. 20.
‡ Ibid., pp. 49-50.

Governor Candler also made a plea for the preservation of Confederate records, urging upon our lawmakers the wisdom of adopting this course, while survivors of the struggle were still in life. He concluded his reference to this subject by recommending that the governor be authorized to employ some fit and proper person to compile the publication of all unpublished manuscripts, books and papers, bearing upon these periods in question, including all muster rolls of military organizations engaged in any of the wars in which Georgians have taken part.

On October 30, a commission appointed to consider the matter of erecting a new union passenger depot on the state's property in Atlanta, submitted its report, favoring the erection of a depot to cost $500,000. This report was unanimous. It was shown that if the state erected such a depot the lessees of the W. and A. Railroad would by agreement lease this structure for a period of years to terminate with the expiration of its lease of the state road; and in addition to its monthly rental of $35,000 per month would pay $30,000 per annum for the proposed structure if built at the above mentioned cost. Governor Candler strongly supported the recommendation made by this report. As a business investment the proposed depot would have been a gold mine for the state, but opposition was made to it on the specious ground that Atlanta was trying to finance a mammoth enterprise and secure a handsome building at Georgia's expense. Consequently it met defeat. But in the light of subsequent history it was a sorry day's work, from a business point of view, causing the state to lose a magnificent income. The commission was constituted as follows: Allen D. Candler, ex-officio chairman; J. M. Terrell, E. T. Brown, W. S. West, Byron B. Bower and Morris Brandon.*

This Legislature passed an act accepting the Confederate Soldiers' Home, near Atlanta, and assuming responsibility for its maintenance so long as there remained within the home any inmates who needed the state's care and support. At the expiration of this time the property was to belong to the state in fee simple. Appurtenant to the home there was a large tract of land, comprising 119¼ acres, well wooded; while the building itself represented a total cost of $45,000. Finding the burden of financing the affairs of the home increasingly difficult, its board of trustees finally made a tender of the home to the state, on the above mentioned terms. The measure providing for its acceptance by the state met with stubborn opposition from a large element, zealous for retrenchment and intent upon economy; but in the end it passed both houses and received the approval of Governor Candler.†

Added to the state's liberality in granting pensions, this acceptance of the Soldiers' Home was a generous action, but one which the state has never regretted.

At this session was passed an act to carry into effect a constitutional amendment providing for an annual pension of $60 to indigent widows of Confederate soldiers, said provision to apply only to such widows as were married at the time of such service and have remained unmarried since the death of such soldier-husband.‡

* House Journal, 1900, pp. 136-151.
† Acts 1900, pp. 86-88.
‡ Acts 1900, pp. 19-20.

The Confederate Soldiers' Home was destroyed by fire in the summer of 1901 but was promptly rebuilt with the money for which it was insured, supplemented by voluntary contributions.

Col. L. N. Trammell having resigned his seat on the railroad commission, after a continuous service of more than a decade, Governor Candler, on July 7, 1900, appointed Hon. J. Pope Brown, of Pulaski, to succeed him on the board. Later, on October 15, 1901, he appointed Hon. G. Gunby Jordan, of Muscogee, to succeed Hon. Thomas C. Crenshaw.† On November 12, 1900, Hon. James W. Robertson, of Cobb, was appointed adjutant-general of the state to succeed Col. Phil. G. Byrd, whose tenure of this office lasted only one month.

Governor Candler's annual message to the General Assembly of 1901 recommended legislation to regulate child labor in factories. It also opposed the taxation of colleges. Once more also, with great earnestness, the governor asked for authority to employ some one to compile the records. But no action was taken at this time on any of these subjects.

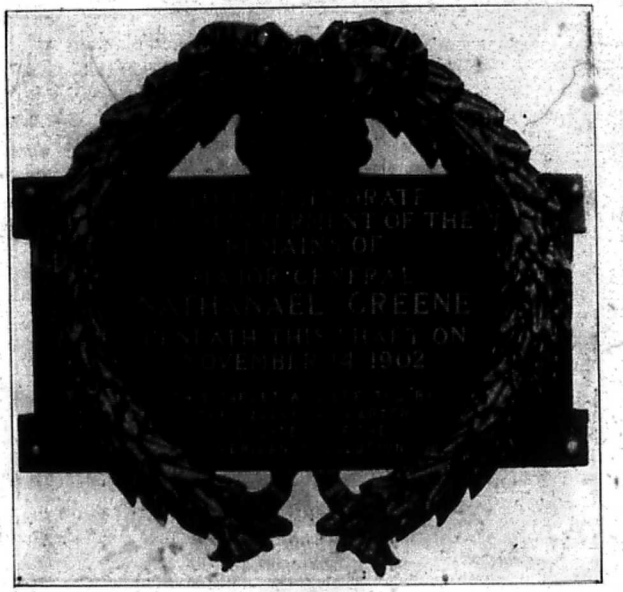
In a special message to the Legislature, on October 29, 1901, Governor Candler strongly advocated a reorganization of the state militia on the plan outlined in a bill drafted by a special committee composed of the following members: Col. Alexander R. Lawton, retired; Col. Wm. H. Wootten, commanding the Fourth Regiment; and Col. George M. Napier, judge advocate-general.‡ To quote Governor Candler, the state's military code at this time was a piece of patchwork, cumbersome, incoherent, and often conflicting. It was originally framed by a United States army officer and was modeled after the military laws and regulations of the United States, intended for and well-adapted to the government of the regular army, but in many respects not at all adapted to the volunteer military of a state. As outlined in the proposed plan of reorganization, the governor was to be commander-in-chief. His military staff was to consist of the following officers commissioned by him as officers of the Georgia state troops: (1) An adjutant-general, to be also an inspector-general, with the rank of colonel; (2) a judge-advocate, a quartermaster-general, a commissary-general, an inspector-general of rifle practice, and a surgeon-general, each with the rank of colonel; (3) not less than four aides-de-camp, with the rank of lieutenant-colonel; and in the governor's discretion as many more as he may deem proper, not to exceed one for each congressional district. As a prerequisite to appointment, such aides-de-camp shall have held a commission in either the Confederate army or navy, in the Georgia state troops, or in the United States army or navy; (4) an assistant adjutant and inspector-general, with the rank of captain, who shall be ex-officio captain of the state house guard and keeper of the public buildings and grounds. These changes were substantially adopted in an act approved December 17, 1902; but the military laws of the state were afterwards still further amended.

One of the most dramatic events of the year 1901 was the discovery, in old Colonial Park at Savannah, of the remains of Maj.-Gen. Nathanael

† Executive Minutes, July, 1900, October, 1901.
‡ House Journal, 1901, pp. 199 et seq.

Greene of the Revolution. This illustrious soldier, at the close of the struggle for Independence, became a resident of Georgia, settling on a splendid plantation received by him from the state in recognition of his distinguished services.

Dying some two years later, in 1786, he was buried in Savannah, but subsequent efforts to locate the exact place of his interment proved unsuccessful, and for nearly 114 years, the last resting place of General Greene's body remained a profound secret, baffling the research of the most thorough investigators.* Finally, on March 4, 1901, the remains of General Greene were found in an old Colonial vault supposed to have been



TABLET ON THE GREENE MONUMENT IN SAVANNAH

the property of the Jones family, but in reality the tomb of an old Colonial lieutenant-governor by the name of John Graham, whose property had reverted by confiscation to General Greene.

On November 14, 1902, with impressive exercises, the ashes of General Greene, together with those of his son, George Washington Greene, were taken from Colonial Park and re-interred under the monument to General Greene on Bull Street in Savannah. Dr. Asa Bird Gardiner, president of the Rhode Island Society of the Cincinnati, delivered the address on this occasion. It was due largely to the activities of Doctor Gardiner that the remains of General Greene were discovered.

On September 6, 1901, President William McKinley, while holding a

* "Georgia's Landmarks, Memorials and Legends," Vol. II, Chap. 3. L. L. Knight.

public reception at the Pan-American Exposition, in Buffalo, New York, was fatally shot by an anarchist, Leon F. Czolgosz. There were two shots fired, both of which took effect. After lingering for a week in great pain, President McKinley died at the residence of John M. Milburn, the president of the exposition, on September 14, 1901. The pathetic tidings were received with profound sorrow throughout the Union, but nowhere was the President's death more keenly felt than in Georgia where the memory of his visit in 1898 still lingered like a benediction. The assassin, Czolgosz, was duly tried, convicted and executed. It is said that the President, when suffering from his wounds, made a plea for his assailant's life, remarking: "He is only a boy;" but this plea did not shield Czolgosz from the consequences of his dastardly act.

Vice President Theodore Roosevelt, who at once took the oath of office as President, was by descent a Georgian. His mother, nee Martha Bulloch, was a native of this state and a granddaughter of Archibald Bulloch, one of its early colonial patriots. Two of the President's uncles were officers in the Confederate navy. One of these, Capt. James D. Bulloch, afterwards made an admiral, was the Confederacy's purchasing agent in England, and he purchased among other things the famous "Shenandoah," said to have been the only war ship to bear the Confederate flag around the globe. Martha Bulloch's marriage to Theodore Roosevelt, Sr., occurred at Roswell, Georgia, early in the '50s.*

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* President Roosevelt's Georgia ancestors:

To establish the proper genealogical relationship between the present Chief Executive of the United States and the first Chief Executive of Georgia it may be said that the President's mother was Martha Bulloch. She was the daughter of Maj. James Stephen Bulloch, the grandson of Archibald Bulloch. During the early part of the last century Major Bulloch moved from the tide-water levels to the upper foothills, locating at Roswell, Georgia, some twenty miles north of what is now Atlanta; but Atlanta, in those days, was not even so much as "a babe in the woods." The old Bulloch homestead in which the President's mother was born is still standing at Roswell—an old-time Southern mansion, modeled upon the classical pattern, with immense Doric pillars supporting the spacious veranda in front, and not unlike the famous ante-bellum home of General Lee at Arlington. The President himself enjoyed the pleasure of standing under the ancestral roof on his visit to Georgia in the fall of 1905.

Major Bulloch was twice married, his son, Capt. James Dunwoody Bulloch, being the sole product of the first union, and three children springing from the second, namely, Anna, Mittie and Irvine.

Mittie, or Martha, became the wife of Theodore Roosevelt, Senior. She is supposed to have met her future husband while visiting in Savannah. The marriage took place in the old Bulloch homestead at Roswell, Georgia, on December 22, 1853, and Dr. N. A. Pratt, an old Presbyterian clergyman, officiated at the altar. Major Bulloch, the President's grandfather, was superintendent of the Presbyterian Sunday-school at Roswell; and he was stricken with apoplexy one Sunday morning while the exercises were in progress.

Quite an odd tangle in the Bulloch family has mixed relationships and greatly annoyed the genealogists. It has already been observed that Major Bulloch was twice married. His first wife was Miss Esther Elliott, the daughter of United States Senator John Elliott by the latter's first marriage. His second wife was Mrs. Martha Stewart Elliott, the widow of Senator Elliott, by the latter's second marriage. In wedding the widow Elliott Major Bulloch wedded his stepmother-in-law; and Senator

LOG CABIN IN WHICH THE FAMOUS BERRY SCHOOL, NEAR ROME, ORIGINATED

On January 13, 1902, there was formally opened at Mount Berry, near Rome, Georgia, a school for the poor mountain children. It was the enterprise of a noble Georgia woman, Miss Martha Berry, who devoting her modest patrimony to this cause laid the foundations of what has since become one of the most prosperous schools in the state and one of the most important educational experiments of this generation. The cradle of the Berry School was a diminutive log cabin, not unlike thousands of others perched upon the steep declivities of the Georgia mountains. Today a magnificent campus adorned with handsome structures is the outgrowth of this crude beginning. The State of Georgia, realizing not only the practical philanthropy but the far-sighted statesmanship embodied in the Berry School, began to study its features, with the result that in after years a series of agricultural high schools was authorized by the state, each planned upon the Berry model. The reserve strength of the nation is undoubtedly to be found in the Southern Appalachians. Here, uncontaminated by any base foreign admixture, abides the primitive American stock. Our purest blood is in the veins of these mountaineers. It is the old revolutionary strain of Cowpens and of King's Mountain; and from the education of these boys and girls of the Georgia hills rich dividends are bound to accrue in the coming years.†

Governor Candler, in his last message to the Legislature, again stressed the importance to the state of preserving its records in the form of published compilations. There was no subject closer to the heart of this patriotic and true Georgian; and when Gov. Joseph M. Terrell came to the executive chair he rendered the state an important service and performed a gracious act of courtesy to an honored predecessor in office by appointing ex-Gov. Allen D. Candler compiler of Georgia's Colonial, Revolutionary and Confederate records. This office, until the hour of his death, some eight years later, he continued to discharge with the tireless enthusiasm of a devotee.

Elliott, who was already President Roosevelt's step-great-grandfather, now became his step-grandfather-in-law.

Still another distinguished Revolutionary ancestor of President Roosevelt in Georgia was Gen. Daniel Stewart, for whom Stewart County was named.

L. L. K.

† Those wishing a detailed account of the Berry School are referred to "Georgia's Landmarks, Memorials and Legends," Vol. I, chapter 56, by L. L. Knight.

CHAPTER XX

THE STATE CAMPAIGN OF 1902—THREE CANDIDATES FOR GOVERNOR—JOSEPH M. TERRELL—JOHN H. ESTILL—DUPONT GUERRY—CONTESTS FOR STATE HOUSE OFFICES—THE PRIMARY ELECTION—ATTORNEY-GENERAL TERRELL NOMINATED—W. B. MERRITT DEFEATS SCHOOL COMMISSIONER GLENN—COL. O. B. STEVENS WINS FOR COMMISSIONER OF AGRICULTURE—JUDGE EASON REMAINS ON THE PRISON BOARD—THE STATE DEMOCRATIC CONVENTION OF 1902—SUPERIOR COURT JUDGES—JUDGE HANSELL'S PHENOMENAL RECORD—THE POPULIST TICKET—JUDGE HINES IS AGAIN NOMINATED—POPULISM ON THE WANE—THOMAS W. HARDWICK SUCCEEDS CONGRESSMAN FLEMING—JUDGE LEWIS RETIRES FROM THE SUPREME BENCH—JUDGE SAMUEL B. ADAMS—JUDGE JOHN S. CANDLER—THE NEW STATE LEGISLATURE—GOVERNOR-ELECT TERRELL INAUGURATED—TAXATION OF FRANCHISES—UNITED STATES SENATOR CLAY RE-ELECTED—THE BODY OF GEN. NATHANAEL GREENE OF THE REVOLUTION IS FOUND IN THE OLD COLONIAL CEMETERY OF SAVANNAH AFTER A PROLONGED SEARCH—ITS REINTERMENT—JUDGE W. A. LITTLE RELINQUISHES THE ERMINE—JOSEPH R. LAMAR SUCCEEDS HIM ON THE SUPREME BENCH—JUDGE SAMUEL LUMPKIN'S DEATH—HENRY G. TURNER NAMED HIS SUCCESSOR—TWO CONSTITUTIONAL AMENDMENTS ADOPTED IN 1903—ONE OF THESE LIMITS THE TAX RATE TO 5 MILLS—ANOTHER PROVIDES FOR A LOCAL SCHOOL TAX—TIME FOR HOLDING ANNUAL SESSIONS CHANGED TO THE FOURTH WEDNESDAY IN JUNE—UNIFORM TEXT-BOOKS—GEORGIA SOLDIER ROSTER COMMISSION—STATE BOARD OF HEALTH—GAME PROTECTION—REORGANIZATION OF THE STATE MILITIA—JUDGE SPENCER R. ATKINSON LEAVES THE RAILROAD COMMISSION—IS SUCCEEDED BY HON. H. WARNER HILL—DEATH OF "BILL ARP"—GEORGIA'S EXHIBIT AT THE LOUISIANA PURCHASE EXPOSITION—TWO ILLUSTRIOUS SOLDIERS PASS AWAY—GEN. JAMES LONGSTREET—GEN. JOHN B. GORDON—JUDGE TURNER LEAVES THE SUPREME BENCH—JUDGE EVANS NAMED HIS SUCCESSOR—JOSEPH M. BROWN NAMED TO SUCCEED G. GUNBY JORDAN ON THE RAILROAD COMMISSION.

Three candidate entered the race for governor in 1902: Atty.-Gen. Joseph M. Terrell; Hon. J. H. Estill, of Savannah; and Hon. Dupont Guerry, of Macon. Mr. Guerry was an experienced legislator. For a number of years he had taken an active part in public affairs. He had been a commanding figure in state democratic conventions, had represented his state in the national councils of democracy, had been a strong advocate of temperance reform, and had deservedly won a high place in the esteem of Georgians. Colonel Estill was a man of large interests,

owning and editing a powerful newspaper in Savannah.* but he was not in close personal touch with the masses, due in part to his temperamental reserve and in part to his residence on the remote Georgia seaboard. Attorney-General Terrell was well known to the people. Before becoming the state's legal adviser, he had served in both branches of the General Assembly and had achieved a substantial reputation not only as a well-informed lawyer but as a faithful guardian of the public interests. He was not a brilliant man, though in body and mind alike he was a man of vigorous strength, of gigantic mold, of commanding impressiveness, and of solid character. At the same time he was one of the most genial personalities known to the public life of the state. It is said that Mr. Terrell appeared twelve times for Georgia before the Supreme Court of the United States and that, without an exception, he won every case which he argued. Relinquishing the attorney-generalship, on entering the gubernatorial race, Governor Candler appointed as his successor in office Hon. Boykin Wright, of Augusta, who ably filled the office for a few months until succeeded by Hon. John C. Hart, of Greene, who was chosen at the next regular election.‡

There was opposition this year in several of the state house departments. School Commissioner Glenn was opposed for renomination by two experienced educators: Hon. W. B. Merritt and Hon. Malcolm Johnson, the latter a son of the noted educator and humorist, Richard Malcolm Johnson, a native of Georgia, who spent the latter years of his life in Baltimore, Maryland. Commissioner of Agriculture O. B. Stevens was opposed by a former occupant of this office, whom Colonel Stevens had defeated for re-election, Hon. R. T. Nesbitt. From the prison board Hon. Wiley Williams, of Columbus, sought to oust Judge Tom Eason.

The state primary was held on June 6, 1902, resulting in the nomination of Hon. Joseph M. Terrell by a decisive majority over both of his competitors.† Mr. Terrell secured 196 conventional votes, Colonel Estill 82 and Mr. Guerry, 66. Hon. W. B. Merritt defeated Doctor Glenn for State School Commissioner, receiving 214 votes to 76 cast for Doctor Glenn, while Mr. Johnson received 50 votes. Col. O. B. Stevens ran far ahead of Mr. Nesbitt in the race for Commissioner of Agriculture, receiving 320 votes to the latter's 16. Judge Eason, for Prison Commissioner, received 250 votes against only 68 for Mr. Williams.

Following the primary, a state democratic convention was held in Atlanta, on July 2, 1902, in the temporary organization of which Hon. M. J. Yeomans, of Terrell, was called to preside, while Hon. E. T. Brown, of Fulton, was made the permanent chairman. When nominations for governor were in order, Hon. H. Warner Hill, of Meriwether, presented Mr. Terrell's name to the convention. Hon. P. W. Meldrim, of Chatham, nominated Mr. Estill; and Judge John P. Ross, of Bibb, nominated Mr. Guerry. But the result was already foreshadowed. On a platform declaring for an equalization of taxes and for a separation of the liquor question from politics, Hon. Joseph M. Terrell was nominated for governor of Georgia.

* The Savannah Morning News.
‡ Executive Minutes, 1902.
† Files of the Atlanta Constitution, June 7, 1902.

The state house ticket nominated at this time was as follows: For Attorney-General, John C. Hart; for Comptroller-General, Wm. A. Wright; for Secretary of State, Philip Cook; for Commissioner of Agriculture, O. B. Stevens; for State Treasurer, Robert E. Park; for Prison Commissioner, Thomas Eason. To succeed themselves on the Supreme Bench, Associates Samuel Lumpkin and Andrew J. Cobb were renominated. At this time the following Superior Court judges were also named: Paul E. Seabrook, Atlantic Circuit; W. T. Gary, Augusta Circuit; T. A. Parker, Brunswick Circuit; Pope Barrow, Eastern Circuit; E. J. Reagan, Flint Circuit; W. H. Felton, Jr., Macon Circuit; Beverly D. Evans, Middle Circuit; J. J. Kimsey, Northeastern Circuit; H. G. Lewis, Ocmulgee Circuit; H. C. Sheffield, Pataula Circuit; W. M. Henry, Rome Circuit; Robert G. Mitchell, Southern Circuit; A. L. Bartlett, Tallapoosa Circuit; and R. B. Russell, Western Circuit.

Georgia's veteran jurist, Hon. Augustin H. Hansell, died this year, having achieved a record for continuous service on the Superior Court bench unequalled in the history of the state. Judge Hansell was first called to the bench of the Southern Circuit in 1849. Three years later he retired, but again in 1859 he was re-elected, serving until 1868, a period of nine years. Once more, in 1873, he resumed his old place on the bench, from which time continuously until the end of his life he remained on the circuit, a period of thirty years. Between the date of his first appointment as a Superior Court judge and the date of his death, a period of more than half a century intervened and during the greater part of this time he was in active commission as a judge, beloved by the people and respected by the bar. Judge Hansell was succeeded on the bench by Hon. Robert C. Mitchell, of Thomasville, a former president of the State Senate.

The populists this year again nominated Judge James K. Hines for governor. But the strength of populism in the state was slowly waning. There was no effective organization of the party; and in the fall elections Judge Hines was defeated by an unprecedented majority, receiving only 4,747 votes against 81,344 for Mr. Terrell.*

There was only one change made this year in the state's delegation in Congress. Hon. Wm. H. Fleming, of the Tenth District, after serving three consecutive terms in the National House of Representatives, was defeated for re-election by Hon. Thomas W. Hardwick, of Sandersville, Georgia. Mr. Fleming achieved a superb record in Congress. Though not a manipulator or a wire-puller, he was most effective in argument whether in the committee room or on the floor and was unremitting in his fidelity to official obligations. Mr. Hardwick, a gifted young man, in stature considerably below the medium height, a tireless worker and a skillful campaigner, began a long tenure of service in Congress and finally relinquished his seat in 1914 to enter the Senate of the United States. His reputation as a fighter caused him to be dubbed "the game cock of the Tenth."

On account of ill-health, Judge Henry T. Lewis retired from the Supreme Bench on September 2, 1902. Judge Samuel B. Adams, of Savannah, accepted from Governor Terrell an appointment to the

* House Journal, 1902, p. 96.

vacant seat for two months only, declining to be a candidate for the remainder of Judge Lewis's unexpired term. During the fall, Judge John S. Candler, of DeKalb, was elected to the vacant seat and entered upon his duties on November 1, 1902.*

There was a sharp contest for Speaker of the House when the General Assembly convened in the fall of 1902. Three candidates contested for the gavel: Hon. Newton A. Morris, of Cobb; Hon. Hondren Mitchell, of Thomas; and Hon. Emerson H. George, of Morgan. On the first ballot Mr. Morris received 75 votes, Mr. Mitchell 70 votes, and Mr. George 26 votes. There was no election. Six subsequent ballots were taken without result. Finally, on the seventh ballot, Mr. George withdrew, and on a call of the roll Mr. Morris received 103 votes and Mr. Mitchell 70 votes.† Mr. Morris was thereupon declared elected. In the Senate, Hon. Clark Howell, of Fulton, was an unopposed candidate for president.

On Saturday, October 25, at high noon, the General Assembly met in joint session to inaugurate Gov.-elect Joseph M. Terrell who, at the conclusion of his address, took the oath of office administered by Chief Justice Simmons. In a special message to the Legislature at this session, Governor Terrell urged the adoption of a constitutional amendment limiting the tax rate to five mills. This was, of course, exclusive of what might be needed for the state's protection in the event of insurrection or war. It was also exclusive of a sinking fund. With equal emphasis, he stressed the necessity of devising some method by which all property could be made to bear its proportionate share of the public burden; for, if the rate of taxation was to be limited, it was of paramount importance that tax-dodging should be checked by effective measures of protection. Governor Terrell proposed a tax upon franchises, both foreign and domestic. He also advocated the establishment of agricultural schools, the exemption of college endowments, and the preservation of Georgia's state records.‡

During its first session, the Legislature passed few measures of a general nature beyond the appropriation bill and the tax act. However, at this session, a tax was put upon the franchises of railway corporations, pursuant to a recommendation made by Governor Terrell.¶ As defined by this act a "special franchise" was made to include:

* * * "every right and privilege exercised within this State granted to any person, partnership or corporation by the State, for the exercise of the power of eminent domain, or for the use of any public highway or street, or the land above or below any highway or street within the limits of said State, and every special right exercised within this State granted by charter, resolution, by-law, statute or otherwise, whether under the laws of this State or any other State, for the exercise of any public service, such as the construction and operation of railroads equipped for steam, electricity, horse-power, compressed air, or otherwise, for the common carrying of passengers or freight; the construction or operation of any plant or plants for the distribution and sale of gas, water, electric light or power, steam heat, refrigerated air, or other substances by means of wires, pipes or conduits made under or above any street, alley or highway; or the construction of any telephone or telegraph plant; all rights to conduct wharfage, dockage or cranage business; the conduct of an express business or the operation of sleeping, palace, dining or chair cars; all rights and privileges to construct, maintain, or operate canals, toll roads or toll bridges; the right to carry on the business of maintaining equipment companies, navigation companies, freight or passenger depots, and every other like special function dependent upon the grant of public powers or privileges not allowed by law to natural persons or involving the performance of any public service, not including the mere right to be a corporation by trading or manufacturing, or other corporation exercising no special franchise above enumerated."

* Executive Minutes, September, 1902.
† House Journal, 1902, pp. 9-25.
‡ House Journal, 1902, pp. 243-250.
¶ Acts 1902, pp. 37-39.

The time for holding the annual fifty-day sessions of the Legislature was at this session changed from the fourth Wednesday in October to the fourth Wednesday in June.* Governor Terrell vetoed the message on the grounds that its effect would be to extend by eight months the term for which he was elected. But on the ground that he was entirely too modest in this matter the General Assembly disregarded the governor's veto and repassed the bill by an almost unanimous vote of the two houses.

It devolved upon the Legislature at this session to elect a United States Senator. Hon. Alexander S. Clay, having filled this exalted seat with eminent satisfaction to the people of Georgia was chosen at this time to succeed himself in the Federal Senate. Only a small fractional vote was cast against him by the republican members, who supported Hon. Walter H. Johnson.†

On November 14, 1902, the ashes of Maj.-Gen. Nathanael Greene, of the Revolution, were re-interred with impressive ceremonies under the Greene Monument on Bull Street in Savannah. Since General Greene's burial in 1786, frequent efforts had been made to locate the exact spot in which his body reposed. None of these investigations were thorough, but they gave rise to a belief quite prevalent that the remains had been stolen from the old Graham vault, in which they were originally placed. General Greene had been given the confiscated estate of Lieutenant-Governor John Graham, including this vault in the old Colonial Cemetery at Savannah; and it was thought that members of the Graham family had instigated a robbery of the tomb. But finally, in 1901, after a lapse of 114 years, the body of General Greene was found in what proved to be the old Graham vault, the identity of which, up to this time, was involved in some confusion, due to the fact that the marks of identification on all the old brick vaults in the cemetery had been obliterated by vandals during the Civil war. The search in 1901 was conducted under the auspices of the Rhode Island Society of the Cincinnati. Dr. Asa Bird Gardiner, the president of this organization, delivered an eloquent address at the

* Acts 1902, pp. 66-67.
† House Journal, 1902, p. 212; Senate Journal, 1902, p. 93.

time of the re-interment, to witness which some of the most distinguished people of the state were invited guests.*

Justice Wm. A. Little having resigned his seat on the Supreme Bench, Governor Terrell, on January 13, 1903, appointed Hon. Joseph R. Lamar, of Augusta, to succeed him on this tribunal.‡ Judge Lamar had never held judicial office up to this time but he had been one of the codifiers of the law of Georgia, under the act of 1895, and was recognized as one of the best equipped lawyers in the state. Less than a decade later, President Taft, though of a different school of politics, in recognition of his peculiar fitness for judicial service to the nation, appointed him to the Supreme Bench of the United States.

Another vacancy on the Supreme Bench of Georgia was created this year by the death of Judge Samuel Lumpkin, to succeed whom Governor Terrell appointed ex-Congressman Henry G. Turner, of Quitman. For a period of sixteen years, Judge Turner had ably served the state in Congress. It is no exaggeration to say that during a greater part of this time he was the most influential member of the state's delegation; but he eventually lost his seat rather than surrender his views on the money question. He did not agree with his party in its clamorous appeal for free silver.

Two important constitutional amendments were passed by the Legislature at its session in 1903. One of these, in accordance with the governor's recommendation, limited the tax rate to five mills.§ The other granted authority to counties, militia districts, school districts, and municipal corporations to establish and maintain schools by local taxation but not without the approval of two-thirds of the duly qualified voters.††

To secure uniform text-books for the common schools of the state, an act was passed creating a State School Book Commission, of which the governor was to be ex-officio chairman. Certain state house officers were to be associated with him on this board, to wit, the secretary of state, the comptroller-general, the attorney-general, and the state school commissioner.† For the purpose of making a complete roster of Georgia soldiers, sailors and marines, who served during the Civil war, a board was created at this session to be known as the Georgia Soldier Roster Commission. It was to be composed of the following members: The adjutant-general of the state, the commissioner of pensions, Gen. C. A. Evans, Gen. John B. Gordon, and the governor of Georgia.¶ This Legislature also created a state board of health, to consist of twelve members, one from each congressional district in the state, besides a secretary who was to be ex-officio a member of the board.** It was stipulated that a majority of the members were to be physicians. Laws for the protection of birds were also enacted. These prescribed a penalty

*For additional facts relative to the discovery of General Greene's body see "Georgia's Landmarks, Memorials and Legends," by L. L. Knight, Vol. II, chapter 3.
‡ Executive Minutes, January, 1903.
§ Acts 1903, pp. 21-22.
†† Acts 1903, pp. 23-24.
† Acts 1903, pp. 53-64.
¶ Acts 1903, pp. 7-9.
** Acts 1903, pp. 72-75.

for disturbing the eggs or the nests of birds.* Provision was also made for consolidating the laws then in effect relative to game and fish, for appointing game wardens, and for other purposes.† Authority was also given to the Prison Commission to hire the labor of felony convicts for a period of five years after the expiration of the existing lease.‡

Certain changes were also made in the act of December 17, 1902, to reorganize the military forces of the state; and, under the terms of this act when amended, the governor's staff was to consist of the following officers: 1. An adjutant-general, with the rank of brigadier-general; and no person to be appointed to this office who has not held a commission in either the army or navy of the Confederate States; in the Georgia state troops; or in the army or navy of the United States; 2. a judge-advocate general; 3. a quartermaster-general; 4. a commissary-general of subsistence; 5. a surgeon-general; 6. an inspector-general of rifle practice; 7. an inspector-general, each with the rank of colonel; 8. not less than four aides-de-camp, each with the rank of lieutenant-colonel, and, in the governor's discretion, as many more as he may deem proper, not to exceed twenty-eight; and as a prerequisite to appointment such officers shall have held a commission as prescribed in the case of the adjutant-general; 9. the governor was empowered to appoint his private secretary to act as his military security and to commission him with the rank of major. Before assuming office it was stipulated that the adjutant-general was to stand such an examination as the board of examiners for field officers should prescribe.§

On November 30, 1903, following the enactment of this measure reorganizing the state's military forces, Adj.-Gen. James W. Robertson resigned this office which he had ably filled for three years and was succeeded by Hon. Sampson W. Harris, of Carrollton.¶

The Roster Commission for which provision was made at this session of the Legislature was duly organized and its important work inaugurated by the appointment of a clerical force under the supervision of Hon. John W. Lindsey, Commissioner of Pensions, acting as superintendent of the board. Also the State Board of Health, on September 10, 1903, began its beneficial work by naming as its secretary Dr. H. F. Harris, who has continued to occupy this position.

Judge Spencer R. Atkinson, in the fall of this year, resigned from the Railroad Commission, of which he was then chairman. He had rendered the state a great service in this capacity, but having given much of his time for a number of years to official duties and obligations, he now wished to return to the practice of law. Judge Atkinson's resignation took effect on October 15, 1903. To succeed him, at this time, Governor Terrell appointed Hon. H. Warner Hill, of Meriwether.** After serving the commission for quite a while as chairman, Mr. Hill became an associate justice of the Supreme Court of Georgia. On December 1, 1903, Judge Sampson W. Harris of Carroll, was appointed

* Acts 1903, pp. 98-100.
† Acts 1903, pp. 100-103.
‡ Acts 1903, pp. 65-71.
§ Acts 1903, pp. 107-108.
¶ Executive Minutes, November, 1903.
** Executive Minutes, October, 1903.

adjutant-general to succeed Hon. James W. Robertson, who had ably filled this office for three years.

Maj. Charles H. Smith, better known as "Bill Arp," Georgia's rustic philosopher and humorist, died at his home in Cartersville, on August 24, 1903, leaving behind him to be cherished by his countrymen, "the snow-white flower of a stainless life."

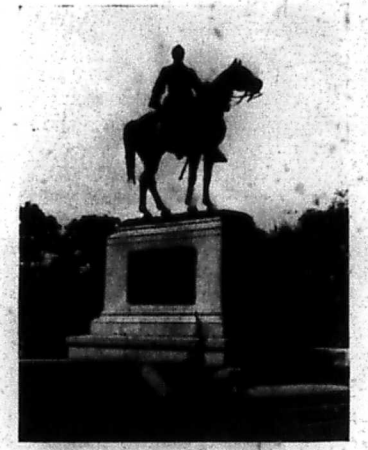
Georgia was well represented at the Louisiana Purchase Exposition held this year at St. Louis, the Legislature having appropriated $30,000 for the purpose of securing an adequate exhibit.‡ Our state building was a reproduction of Gen. John B. Gordon's famous home, "Sutherland," at Kirkwood, an exquisite type, in its architectural beauty, of the Southern home, during the ante-bellum regime. Hon. Hugh V. Washington, of Macon, a grandson of Col. Samuel Hammond, the first territorial governor of Louisiana, represented the State by special appointment as commissioner and was warmly commended by Governor Terrell for the splendid manner in which he performed his duties. Said the governor:*

"It soon became apparent, after the work of collecting the Georgia exhibit began, that it would be necessary to have a Georgia building upon the grounds at St. Louis, in order that our State might have an equal opportunity with the other States in presenting its varied resources and interests to the many people visiting that exposition. None of the money, however, appropriated by the General Assembly could be used for the purpose of erecting such a building. We then appointed Hon. Hugh V. Washington as a special Commissioner for the purpose of laying the necessity for such a building before the people, and after several months work in which he had the assistance of Messrs. Hughes and Barrett, he succeeded in securing from various cities, towns, and counties, as well as individuals throughout the State, subscriptions in cash and furniture to the amount of about $16,000, all of which has been paid except about $1,500, which we feel sure will be paid during the next few weeks. The building is modeled after 'Sutherland,' the beautiful home of the lamented General John B. Gordon. * * * The Governor and the Commissioner of Agriculture feel that special thanks are due Hon. Hugh V. Washington for his splendid work in behalf of the Georgia building, as he gave freely of his time and worked faithfully, without compensation, in securing subscriptions which made the building a possibility."

Hon. H. H. Tift, Commissioner of Lumber, and Hon. F. B. Gordon, Textile Commissioner, were also heartily commended.

To gather the exhibits, Hon. Dudley M. Hughes, one of our present Congressmen, was appointed by the governor. Hon. Glassock Barrett was designated to act as his assistant.†

Two of the state's most illustrious soldiers passed away with the advent of a new year in Georgia's crowded calendar of events. On January 2, 1904, Gen. James Longstreet died at his home in Gainesville, Georgia, aged eighty-four. Exactly one week later, Gen. John B. Gordon, the South's Chevalier Bayard, died at Biscayne, Florida, in his seventy-second year. Both of these commanding officers were trusted lieutenants of the Great Lee and both were present at the last pathetic council of war at Appomattox. But there was little in common between the two men subsequent to the Civil war. General Longstreet had supported the policies of reconstruction to be thenceforth branded with the stigma of outlawry and to be charged with responsibility for the loss of Gettysburg. Lee's "Old War Horse" died unforgiven; but Georgia will yet lift the sentence of ostracism from the memory of this superb soldier who commanded the immortal First Corps of the Army of Northern Virginia. It was not until General Longstreet fell under the ban of political censure and General Lee slept at Lexington that



GORDON EQUESTRIAN STATUE

the Gettysburg charge was foisted. General Gordon until the hour of his death was the Confederacy's "beau ideal." For more than twelve years he represented Georgia in the United States Senate; for four years he was governor of the state; and for fourteen years he was commander in chief of the United Confederate Veterans. While holding this last high office he did much to heal the wounds of war, especially through the medium of his great lecture, delivered in many towns and cities of the North, on "The Last Days of the Confederacy."

Ill-health prevented Judge Henry G. Turner from remaining upon the Supreme Bench, a position for which he was otherwise ideally fitted by reason of his splendid gifts. On June 9, 1904, after a brief service of only a few months, he tendered his resignation to the governor, who thereupon appointed Judge Beverly D. Evans, of Sandersville, Georgia, as his successor. Judge Evans was formerly a judge of the Middle

‡ Acts 1903, p. 697.
* House Journal, 1904, pp. 21-22.
† House Journal, 1904, p. 20.

Circuit. His abilities were widely recognized throughout the state, and there was great satisfaction felt by the people over his appointment.*

Hon. G. Gunby Jordan this year resigned from the Railroad Commission. His retirement became effective October 15, 1904, at which time Hon. Joseph M. Brown, destined to become a most important factor in the future political history of the state, succeeded him by appointment of Governor Terrell.†

* Executive Minutes, June, 1904.
† Executive Minutes, October, 1904.

CHAPTER XXI

THE PRESIDENTIAL CAMPAIGN OF 1904—THE STATE CONVENTION MEETS—DELEGATES TO ST. LOUIS—PRESIDENTIAL ELECTORS—GOVERNOR TERRELL RENOMINATED—SUPERIOR COURT JUDGES—THOMAS E. WATSON OF GEORGIA, HEADS THE POPULIST TICKET FOR PRESIDENT—JUDGE PARKER'S FAMOUS GOLD TELEGRAM—PRESIDENT ROOSEVELT'S ELECTION—CHANGES IN THE STATE'S CONGRESSIONAL DELEGATION—GORDON LEE—THOMAS M. BELL—CONGRESSMAN LESTER'S TRAGIC DEATH IN WASHINGTON, DISTRICT OF COLUMBIA—THE OLD LEGISLATURE CONVENES FOR A THIRD ANNUAL SESSION, DUE TO A CHANGE IN THE LAW—EIGHT NEW COUNTIES AUTHORIZED—SALARIES OF CERTAIN OFFICIALS INCREASED—JUDGE LAMAR RESIGNS—HIS SUCCESSOR BEARS A NAME HONORED IN THE TRADITIONS OF THE BENCH—JUDGE J. H. LUMPKIN—THE NEW LEGISLATURE ASSEMBLES—ITS PERSONNEL—GOVERNOR TERRELL'S MESSAGE—CAPTURED BATTLE FLAGS RETURNED TO GEORGIA—GOVERNOR TERRELL RE-INAUGURATED—CREATION OF THE EIGHT NEW COUNTIES AUTHORIZED IN 1904—ACT TO PROVIDE ADDITIONAL SUPERIOR COURT JUDGES—VOTE-BUYING IS MADE A MISDEMEANOR—STATE REFORMATORY ESTABLISHED—POWERS OF RAILROAD COMMISSION EXTENDED—GEORGIA'S MILITARY LAWS AGAIN RECEIVE ATTENTION—REORGANIZATION FINALLY PERFECTED—DEATH OF CHIEF JUSTICE SIMMONS—JUDGE WM. H. FISH SUCCEEDS HIM AS CHIEF JUSTICE—JUDGE MARCUS W. BECK—PRESIDENT ROOSEVELT'S VISIT TO GEORGIA—COL. O. B. STEVENS SUCCEEDS HON. POPE BROWN ON THE RAILROAD COMMISSION—HON. THOS. G. HUDSON BECOMES COMMISSIONER OF AGRICULTURE SUCCEEDING COLONEL STEVENS.

The approach of the presidential campaign this year found little discord in the ranks of the state democracy. On national issues Georgia democrats were again united. Nor on issues purely local was the harmony of existence disturbed to any great extent either by factional divisions or by personal contests between candidates. However, it was only the lull before the storm. Another biennial election in Georgia was to witness a condition of affairs far less tranquil; but for the present "peace reigned in Warsaw."

On June 1, 1904, the State Democratic Convention met in Atlanta, pursuant to a primary election held in the late spring, and organized by electing Hon. J. J. Spalding, of Fulton, its temporary chairman, and Hon. M. J. Yeomans, of Terrell, its permanent chairman.* Mr. Yeomans, as campaign manager for Hon. O. B. Stevens, in the latter's victorious race for commissioner of agriculture, had developed the powers of a

* Files of the Atlanta Constitution, June 2, 1904.

political magician. His management of this campaign was the talk of the state.

The convention was a unit for Judge Parker in the presidential contest. But whether to send an instructed delegation, bound by an iron-clad rule of action or an uninstructed delegation, free to adapt itself to any change of political fortune, this was the issue which divided Georgia democrats. However, after some debate, the convention resolved to send an instructed delegation to St. Louis, charged to support Judge Parker so long as there was any fair prospect of his nomination. The delegates chosen from the state at large were: John W. Maddox, James M. Smith, James R. Gray and Charles R. Pendleton; while the district delegates were: 1. R. C. Neely and M. W. Dixon; 2. H. M. McIntosh and J. B. Norman, Jr.; 3. I. P. Cocke and A. C. Riley; 4. Wm. A. Little and H. C. Fisher; 5. A. H. VanDyke and A. C. Stone; 6. Joseph E. Pottle and R. T. Daniel; 7. Moses Wright and Albert Strickland; 8. J. D. Price and J. H. Skelton; 9. W. E. Candler and W. W. Stark; 10. C. B. Young and W. B. Crawford; 11. J. S. Adams and R. G. Dickerson.

Presidential electors were chosen as follows: From the state at large—Thomas B. Felder and J. H. Estill; district electors—W. J. Warnell, J. D. Rambo, Norman Miller, J. J. Bull, Sidney C. Tapp, J. B. Madden, M. J. Head, F. B. Shipp, M. L. Ledford, Ira E. Farmer and A. T. Woodward.

On a platform felicitating the state upon tranquil conditions and especially upon a reduction in its tax rate, Hon. Joseph M. Terrell was renominated for governor, amid a torrential outburst of enthusiasm. All the state house officers were renominated, including Judge Joseph S. Turner, who was re-named for chairman of the Prison Commission. There were several vacancies to be filled on the Supreme Bench. Hon. Thomas J. Simmons was renominated for chief justice; while Hon. Wm. H. Fish, Hon. Beverly D. Evans, and Hon. Joseph R. Lamar were nominated for associates.

Superior Court judges were nominated at this time as follows: George E. Gober, Blue Ridge Circuit; George T. Cann, Eastern Circuit; Horace M. Holden, Northern Circuit; Z. A. Littlejohn, Southwestern Circuit; J. H. Lumpkin, Atlanta Circuit; W. B. Butt, Chattahoochee Circuit; W. N. Spence, Albany Circuit; R. W. Freeman, Coweta Circuit; L. S. Roan, Stone Mountain Circuit; J. H. Martin, Oconee Circuit; and B. T. Rawlings, Middle Circuit. Just before the convention met a vacancy was created in the Augusta Circuit by the death of Judge W. F. Gary. To fill the unexpired term, Governor Terrell appointed Hon. Henry C. Hammond.

There was no people's party ticket nominated in Georgia this year, but the national organization having received a quickening touch from the repudiation of silver by both of the historic parties in the nation made a splendid fight this year in the interest of the white metal; and on a platform reaffirming its allegiance to principles enunciated in former campaigns it nominated a Georgian as its standard-bearer for president: Thomas E. Watson.

Judge Alton B. Parker, of New York, was nominated for president by the democrats at St. Louis. The platform represented a compromise between the two extreme elements of the party on the money question;

but Judge Parker in his famous telegram to the convention announced his allegiance to gold and without gaining any recruits from the republican ranks by reason of his pronounced stand for the yellow metal, he alienated a host of democrats who were still loyal to silver. The result was that in the November elections he sustained an overwhelming defeat. Pres. Theodore Roosevelt, the republican nominee, received a strong support this year in Georgia, due to his family connections which have elsewhere been discussed. There was also a serious effort made this year to effect a strong organization of white republicans, in the hope of swinging the state to President Roosevelt; but Georgia was too securely anchored to democracy, and on election day she was still found at her ancient moorings.

Two important changes were made in the state's congressional delegation as the result of the fall elections of 1904. Judge John W. Maddox, from the Seventh District, having relinquished his seat by voluntary retirement, was succeeded by an experienced legislator, financier, and man of affairs, Hon. Gordon Lee, of Chickamauga. In the Ninth District, Congressman Tate was opposed this year by Hon. Thomas M. Bell who captured the nomination after an exciting contest, some of the features of which recalled the famous campaigns of Emory Speer. All the other members of the delegation were renominated and re-elected.*

But there occurred a tragic event in Washington, District of Columbia, during the last days of the Fifty-ninth Congress which created still another vacancy in the Georgia delegation and gave an acute shock to the state. Hon. Rufus E. Lester, of Savannah, the veteran representative of the First District, met a violent death while in search of a beloved little grandchild. Climbing with uncertain and hesitant step to the roof of the hotel in which he was a guest and stepping upon what proved to be the skylight over the hall below, the brittle glass gave way and the old man fell bleeding to his last sleep. Colonel Lester died in Washington, District of Columbia, June 6, 1906.†

This distinguished Georgian had represented the First District in Congress continuously since 1889, a period of seventeen years. He had also presided over the State Senate of Georgia and had more than once been a strong minority candidate before nominating conventions for governor of the state. Georgia, in his death, was bereaved of a true and loyal son. The remains of the deceased congressman were brought to Georgia and laid to rest beneath the trailing mosses of beautiful Bonaventure Cemetery, near Savannah

Hon. J. W. Overstreet, at a special election, was chosen to succeed Colonel Lester for the unexpired term.‡

Due to a change in the law, which we have already noted, there was no assembling of the new State Legislature as usual this year in the fall. According to an act passed in 1903, the time fixed for its convocation was the fourth Wednesday in June, 1905. But the old Legislature convened on June 22, of this year, for a session of sixty days.

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* Congressional Directory, 1774-1911, p. 399.
† Files of the Savannah Morning News, June 7, 1906.
‡ Congressional Directory, 1774-1911, p. 399.

Governor Terrell, in his annual message to this body, advocated the wisdom of safe-guarding primary elections in the state so that every ballot should be properly cast and fairly counted. The scarcity of labor in the harvest season having become a serious problem for the farmers, Governor Terrell advocated an immigration bureau or commission composed of one member from each congressional district to meet quarterly or semi-annually and to take such initiative steps as were calculated to encourage immigration into this state, especially from the Northwest. He also favored an amendment to the state constitution, providing for new counties in some of the rapidly growing parts of Georgia, especially where large numbers of people were inconvenienced on account of the distance required for travel to courthouse centers. Exemption of college endowments, equalization of taxes, the establishment of agricultural schools and the improvement of the state's penal system were also among the several topics discussed.*

Pursuant to the governor's recommendation an act was passed by the Legislature, approved July 19, 1904, to amend the state constitution so as to increase the number of counties to 145 and providing for the organization of eight new counties in the year following.† Acts were also passed to regulate the business of loan and investment companies; to prohibit the buying or selling of votes in primary elections; to regulate the sale of domestic wine; and to recognize, foster, encourage, protect and aid the Georgia Industrial Home and other child-saving institutions of the state.‡

Prosperity having returned in some measure to the various channels of industry in this state there was a general raising of salaries at this session of the State Legislature. This was necessitated also by an increase in the cost of living and by an increase in the duties devolving upon state officials. The governor's salary was increased from $3,000 to $5,000 per annum; the salary paid to judges of the Supreme Court was increased from $3,000 to $4,000; and the salary paid to judges of the Superior Court was fixed at $3,000, but in a separate act it was provided that judges of the Superior Court in all circuits having therein a city of 54,000 population shall receive a salary of $5,000 per annum, the difference in amount to be paid out of treasury of the counties in which said cities are located.¶

After two years of service on the Supreme bench, Judge Joseph R. Lamar, wishing to resume the practice of law, relinquished the ermine on April 10, 1905, and was succeeded by Hon. J. H. Lumpkin, formerly judge of the Atlanta Circuit. Judge Lumpkin was a grandson of the renowned chief justice, Joseph Henry Lumpkin, who, for a period of twenty-one years, from 1846 to 1867, had been the presiding oracle of this exalted tribunal. The younger Lumpkin had served the state for a number of years as Supreme Court reporter and had acquired a thorough knowledge of its judicial literature, reaching back to the time of its organization.

On June 28, 1905—nearly eight months after the fall elections—

* House Journal, 1904, pp. 9-27.
† Acts 1904, pp. 47-48.
‡ Acts 1904, pp. 74-84, 93-96.
¶ Acts 1904, pp. 72-73.

Georgia's new State Legislature convened. It was a strong body of men in both houses and was destined in the constructive character of its legislation to far-eclipse its predecessors and to place Georgia well in the forefront of progressive states. To mention some of the senators, the list included: Wm. S. West, afterwards a United States senator; Judson L. Hand, Stanley S. Bennet, H. B. Strange, Walter E. Steed, B. S. Miller, A. O. Blalock, A. C. Blalock, John R. Hogan, recently a candidate of the people's party for governor; C. M. Candler, afterwards chairman of the Railroad Commission; C. S. Reid, afterwards judge of the Stone Mountain Circuit; J. Y. Carithers, W. C. Bunn and others. In the House were: Thomas S. Felder, afterwards attorney-general, also a strong candidate for United States senator in the famous contest of 1914; John M. Slaton, afterwards governor; Hooper Alexander, afterwards U. S. district attorney for the Northern District of Georgia; Joseph Hill Hall, J. Randolph Anderson, Dr. L. G. Hardman and Judge W. A. Covington, all strong minority candidates in subsequent contests for governor; J. W. Wise, afterwards a member of Congress; Pleasant A. Stovall, afterwards United States minister to Switzerland; A. A. Lawrence, L. H. O. Martin, F. H. Safford, Madison Bell, R. B. Blackburn, John N. Holder, J. B. Jackson, J. E. Hays, E. H. McMichael, H. H. Revell, J. P. Knight, N. I. Arnold, E. L. Rainey, afterwards a member of the Prison Commission; E. H. George, C. E. Dunbar, Boykin Wright, a former attorney-general; W. F. Jenkins, E. K. Overstreet, Ben Milliken, Fondren Mitchell, John R. Singletary, and others.*

For speaker of the House, Hon. John M. Slaton, of Fulton, received the entire number of votes cast.

But there was a sharp contest in the Senate. Three candidates were put in nomination: Hon. C. M. Candler, of the Thirty-fourth; Hon. W. S. West, of the Sixth; and Hon. B. S. Miller, of the Twenty-fourth. Several ballots were taken without a result, the election consuming all of Wednesday. On the following day, however, Colonel West gained sufficient new strength to give him a clear majority over both competitors and he was accordingly declared president of the Senate.

Governor Terrell's message to the Legislature reiterated his former recommendations touching the all-important subject of tax equalization. To meet the demands for an increased revenue, he strongly advocated a tax on corporations; also a moderate inheritance tax. The necessity for giving direct and practical assistance to agriculture, an employment in which four-fifth's of the state's population was engaged, next demanded the governor's attention; and after discussing the subject at length he recommended the establishment of at least one agricultural school in each congressional district of the state, support for same to be derived from fees arising from the inspection of commercial fertilizers. To redeem certain pledges made in the platform on which he was nominated for governor he recommended an elective system guaranteeing full protection to every voter and throwing around the ballot every safeguard. Here he quoted the platform:†

"Especially do we recommend that our primary election laws be so

* House and Senate Journals, 1905, opening pages.
† House Journal, 1905.

amended as to give assurance that the ballot of every registered voter may be an incorruptible expression of his judgment and every ballot so voted may be recorded and counted in a manner that can leave absolutely no doubt as to the fairness of the election and the accuracy of the result announced. To this end it is the sense of the convention that the Legislature should promptly enact a law providing that at all elections the Australian secret ballot or some similar system shall be adopted, wherein shall be included every safeguard necessary to insure an absolutely pure and secret ballot."

Governor Terrell urged the redemption of this pledge, also recommending that some provision be made by law for a legal determination of primary election contests. Encouragement to immigration was strongly advised. One of the great needs of the state was a bureau of some kind to bring to the attention of home-seekers from other states the marvelous resources of Georgia; and he, therefore, recommended an immigration bureau.

Pursuant to a resolution of Congress, approved March 25, 1905, there were forwarded to Governor Terrell by the secretary of war, twenty-six battle-flags belonging to Georgia troops in the Civil war, said flags having been captured by Federal commands. Said Governor Terrell:*

"Many applications from the survivors of the different commands represented in the list of these flags have reached me, asking that they be turned over to them. The appeal is filled with a pathos touching beyond expression. But, on the other hand, it has been suggested that the few survivors of those who marched beneath their folds will themselves soon pass away, and inevitably in a short while the flags will be lost or destroyed, if delivered to them, and that the proper disposition of these flags is for the State to keep them in charge, having them properly encased in glass frames, to protect them from moths and dust, and hung at some place in the capitol, and thus for all time to be preserved as priceless memorials of the cause they represent, and of the gallantry and patriotism of the men who followed them."

Adopting the recommendation made by Governor Terrell, the State Legislature authorized these flags to be encased in glass and preserved at the capitol as sacred relics and mementoes of the great civil conflict.

Following his message to the General Assembly, Governor Terrell's re-inauguration occurred at noon, on July 1, 1905, Associate Justice [illegible]n. H. Fish administering the oath of office.

Since 1875 there had been no new counties created in Georgia. But the Legislature of 1905, acting under a constitutional amendment passed by a former General Assembly and ratified by the people now proceeded to create eight new counties, to wit: Crisp, in honor of the late speaker of the National House of Representatives; Grady, for the South's great orator-journalist; Jenkins, for the noble old governor who rescued the executive seal of the state; Tift, for a pioneer business man and builder of South Georgia, who represented the state in Congress; Jeff Davis, for the lately deceased ex-president of the Southern Confederacy; Stephens, for the great commoner and former Confederate vice president; Toombs, for the great Mirabeau of Secession; and Turner, for the much beloved ex-congressman, jurist and citizen, Judge Henry G. Turner of Quitman. Four of these counties were created by acts approved August 17, 1905, and four by acts approved August 18, 1905; and in the aggregate they gave Georgia 145 counties.*

* House Journal, 1905, p. 44.

This Legislature passed an amendment to the state constitution giving the General Assembly authority to provide additional judges of the Superior Court, in each of the circuits, whenever the demands of litigation in such circuits made such additions expedient and proper.† Especially in the Atlanta Circuit was the demand for additional judges imperative, due to the congested condition of the court dockets. This amendment was ratified at a subsequent election and became a part of the organic law.

To further safeguard the ballot an act was passed making it a misdemeanor not only to buy and sell a vote but to make an offer relative thereto or to be in any way concerned therein, or to contribute money for the purchase of votes in any primary election in this state.‡ On the line of penal reform, an act was passed creating a state institution to be known as the Georgia State Reformatory for offenders sixteen years old and under.¶ The Prison Commission was to have general supervision, control and government of said reformatory and the inmates thereof were to be employed in agricultural, domestic and mechanical work and to be given instruction in the elementary branches of an English education. Judges committing persons to the Georgia State Reformatory were not to fix a limit for the duration of the commitment unless the same was for more than five years and no sentence was to be extended beyond the time when the person sentenced shall have reached the age of twenty-one years. Reformation rather than punishment was made central and provision was made for the restoration of offenders to liberty after one year, when satisfactory evidence of reform was given. This institution was established on land belonging to the state at Milledgeville, Georgia, in connection with its penitentiary system.

Powers heretofore given to the Railroad Commission were considerably extended by this Legislature, in an act approved August 23, 1905, conferring upon this board the power to regulate both the time and the manner in which the several railroads of the state shall receive, receipt for, forward and deliver to its destination all freights of every character which may be tendered to or received by them; to provide a penalty for non-compliance with any and all reasonable rules, regulations, orders, etc., prescribed by the said commission in execution of these powers, and for other purposes.** Acts were also passed defining and regulating industrial life insurance, for defining vagrancy, and authorizing a census to be taken of Confederate soldiers and widows. Moreover the Legislature at this session passed an act, approved August 23, 1905, providing for the creation and operation of local tax district schools and for the

* Acts 1905, pp. 46-65.
† Acts 1905, pp. 66-67.
‡ Acts 1905, pp. 111-112.
¶ Ibid., pp. 127-131.
** Acts 1905, pp. 120-121.

levying and collecting of local tax by districts or counties to be used in establishing and maintaining such schools.*

Georgia's military laws seemed to be in constant need of amendment. At this session of the Legislature an act was passed to reorganize the state militia, to prescribe a strict military code, to prescribe penalties for violations thereof; and to repeal all conflicting laws relative to the state militia, including (1) an act approved December 17, 1902; (2) an act amendatory thereof approved August 17, 1903; (3) and an act amendatory thereof approved August 11, 1904. Under the provisions of this new act, the governor's military staff was to consist of the following officers to be appointed by him, said officers to be commissioned as officers of the National Guard of this state and to hold office at the pleasure of the governor or until their successors are appointed and qualified, to wit:† 1. An adjutant-general, with the rank of brigadier-general; no one to be appointed to this office who has not held a commission in either the National Guard or naval militia of this state, the army or navy of the Confederate States or of the United States; 2. an inspector-general; 3. a judge advocate-general; 4. a quartermaster-general; 5. a commissary-general of subsistence; 6. a surgeon-general; 7. a chief of ordnance, who shall also have supervision over target practice, each with the rank of colonel; 8. two assistant adjutants-general, one with the rank of colonel and one with the rank of lieutenant-colonel; (9) two assistants, each, to the inspector-general, the judge advocate-general, the quartermaster-general, the commissary-general of subsistence, the surgeon-general, and the chief of ordnance, one with the rank of lieutenant-colonel and one with the rank of major; and a medical inspector, with the rank of major, which office shall be abolished upon the expiration of the term of the present incumbent; 10. not less than four aides-de-camp, with the rank of lieutenant-colonel, and in the discretion of the governor, as many more as he may deem proper, not to exceed twenty-eight, and as a prerequisite to appointment to this position such person shall have held a commission either in the National Guard or Naval Militia of this state, the army or navy of the Confederate States or of the United States; 11. and the governor may appoint or commission his private secretary as his military secretary, with the rank of major; provided the commissions of the aides-de-camp and the military secretary shall not continue of force beyond the term of office of the governor making these appointments.

Chief Justice Thomas J. Simmons, after a protracted illness, died at his home in Macon, Georgia, on September 12, 1905, and immediately thereafter Hon. William H. Fish, the presiding justice of the second division was appointed chief justice by Governor Terrell, pending an election by the people; and to succeed Judge Fish as associate justice the governor appointed Hon. Marcus W. Beck, formerly judge of the Flint Circuit. Each of these appointments was received with great satisfaction throughout the state. Judge Fish had made a splendid record on the bench and his appointment to the chief justiceship was in the nature of a well-deserved promotion.

* Acts 1905, pp. 425-434.
† Acts 1905, pp. 135-166.

Pres. Theodore Roosevelt, in October of this year, made a long-promised visit to Georgia, his mother's native state; and while here visited Bulloch Hall, near Roswell, where the nuptials of his parents had been solemnized in 1853. President Roosevelt came to Georgia as a guest of the State Fair; and his reception by the people was in every respect most cordial and proved to be one continuous ovation. Political differences were obscured by the fact that he was the nation's President and the state's guest of honor and that in his veins coursed the blood of one of Georgia's earliest patriots: Archibald Bulloch.

This year a vacancy occurred on the Railroad Commission. Hon. J. Pope Brown was not a candidate for reappointment; and to succeed him at the expiration of his term, on October 25, 1905, Hon. O. B. Stevens, of Dawson, Georgia, was named by the governor. Colonel Stevens had been for eight years Georgia's efficient commissioner of agriculture, a position which he resigned to accept the appointment from Governor Terrell. His experience in matters of legislation, his familiarity with public affairs, and his wide acquaintance throughout the state all equipped him for splendid work on this board.*

To succeed Colonel Stevens as commissioner of agriculture Governor Terrell appointed Hon. Thos. G. Hudson, of Sumter.

* Executive Minutes, October, 1905.

CHAPTER XXII

CHANCELLOR WALTER B. HILL'S DEATH—SUCCEEDED BY PROF. DAVID C. BARROW—JUDGE JOHN S. CANDLER RETIRES FROM THE SUPREME BENCH—JUDGE SAMUEL C. ATKINSON NAMED HIS SUCCESSOR—GOVERNOR TERRELL'S MESSAGE TO THE LEGISLATURE OF 1906—PROSPEROUS CONDITIONS—THE COURT OF APPEALS CREATED—BENJAMIN H. HILL, CHIEF JUDGE—R. B. RUSSELL—ARTHUR G. POWELL—THE STATE COLLEGE OF AGRICULTURE RECEIVES $100,000—THE SOUTH GEORGIA AGRICULTURAL, INDUSTRIAL AND NORMAL COLLEGE ESTABLISHED—ELEVEN AGRICULTURAL SCHOOLS AUTHORIZED, ONE FOR EACH CONGRESSIONAL DISTRICT IN THE STATE—SITES SELECTED AND DONATIONS RECEIVED—PURE FOOD LAW—CHILD LABOR IN FACTORIES REGULATED—EFFORTS TO PURIFY BALLOT—THE OFFICE OF RAILROAD COMMISSIONER MADE ELECTIVE—CORPORATIONS REQUIRED TO MAKE RETURNS TO SECRETARY OF STATE—ANTI-GAMBLING LAW—STATE EXHIBIT AT THE JAMESTOWN EXPOSITION AUTHORIZED—$30,000 APPROPRIATED—SILVER-SERVICE PRESENTED TO THE BATTLESHIP GEORGIA—PRESIDENT ROOSEVELT'S SPEECH OF ACCEPTANCE—FOR AN EQUESTRIAN STATUE TO GENERAL GORDON $15,000 IS VOTED—ALSO $15,000 FOR A MONUMENT TO OGLETHORPE, THE FOUNDER OF THE COLONY—REVIEW OF GOVERNOR TERRELL'S ADMINISTRATION—ITS PROGRESSIVE MEASURES—SUBSTANTIAL ENCOURAGEMENT GIVEN TO EDUCATION—VALUE OF THE STATE'S PROPERTY RETURNED FOR TAXATION IN 1906—"THE GULF STREAM OF GEORGIA POLITICS."

Chancellor Walter B. Hill, of the State University, died after a brief illness, on December 28, 1905, while in the midst of great plans for the enlargement of the institution. His death, occurring in the prime of his powers, was both a great shock and a grievous loss to the state and for months the question of a successor weighed heavily upon the board of trustees. But finally the question was settled by the election of Prof. David C. Barrow, an alumnus of the institution, then occupying the chair of mathematics. Chancellor Barrow at once took charge. His administration imparted fresh life to the institution. The unfinished work of Chancellor Hill was carried on with renewed vigor, the enthusiasm of the alumni aroused, and the enrollment of students largely increased. Chancellor Barrow's personality has made him greatly beloved by the students, and from the standpoint of popularity, efficiency and progress, his administration has marked the most successful epoch in the history of the institution—its age of Pericles.

Judge John S. Candler, having resigned his seat on the Supreme bench, to take effect January 15, 1906, he was succeeded in office, under Governor Terrell's appointment, by Judge Samuel C. Atkinson, a distinguished lawyer of Brunswick. Judge Atkinson's brother, Judge Spencer R. Atkinson, had recently occupied a seat on this august tribunal. His grandfather, Hon. Charles J. McDonald, had also been an associate justice of the Supreme Court, in addition to holding the high office of governor.

Governor Terrell's message to the Legislature, at the beginning of its session in 1906, congratulated the state on the material blessings which abounded during the year previous, immense crops and good prices having rewarded the tiller of the soil. Opportunity for labor at higher wages had also rejoiced the heart of the working man. There were fewer mortgages on record in the courthouse and more money to the farmer's credit in bank than was ever before known. The governor repeated his former recommendations with regard to an inheritance tax and urged again the necessity for agricultural schools. He also recommended relief for the overworked judges of the Supreme Court, by the creation of a Court of Appeals; bespoke encouragement for state institutions; and asked for power to be conferred upon the Railroad Commission to require of railroads the issuance of interchangeable mileage books.*

Some of these recommendations were duly enacted into law. First an amendment to the constitution was adopted creating a Court of Appeals, to be organized on January 1, 1907. Its jurisdiction was to include all cases in which such jurisdiction was not conferred by the constitution upon the Supreme Court; cases from the city courts of Atlanta and Savannah; such like courts as have been or may hereafter be established in other cities; and such other cases as may be prescribed by law except that where, in a case pending in the Court of Appeals a question is raised as to the construction of a provision of the constitution of the state or of the United States, or as to the constitutionality of an act of the General Assembly of this state, and a decision of the question is necessary to a determination of the issue involved, the Court of Appeals shall so certify to the Supreme Court and thereupon a transcript of the record shall be transmitted to the Supreme Court, which, after having afforded to the parties an opportunity to be heard thereon, shall instruct the Court of Appeals on the question so certified, and the Court of Appeals shall be bound by the instruction so given. But if by reason of an equal division of opinion among the justices of the Supreme Court no such instruction is given, the Court of Appeals may decide the question.† There were to be three judges elected in the same manner as justices of the Supreme Court.

This amendment to the constitution was duly ratified and on January 1, 1907, pursuant to an election, the Court of Appeals was organized as follows: Benjamin H. Hill, chief judge, Richard B. Russell and Arthur G. Powell.

Judge Hill was one of the best equipped lawyers in the state. For a number of years he had held the office of solicitor-general, resigning it eventually to a younger brother, Hon. Charles D. Hill. He had secured a number of verdicts in important suits at law, had written a

* House Journal, 1906, pp. 9-29.
† Acts 1906, pp. 24-28.

life of his distinguished father, the lamented Senator Hill, and had been a strong minority candidate for the United States Senate in 1882, to fill Senator Hill's unexpired term. Judge Russell also brought to the bench a well-established reputation. He had been a judge of the Western Circuit, had twice been a candidate for governor and had once opposed Judge Simmons for chief justice of the state. In each of these races he had received strong popular support and had developed rare powers as a campaigner. Judge Powell was the youngest of the trio. But he had already achieved a most unusual prestige at the bar. His mind was of high order, judicial in its processes, rapid in its operations, original in its methods of research, and rich in its varied stores of information. Possessing characteristics widely different, these three men constituted an able bench and at once gave character to the Court of Appeals.

There was also an amendment to the constitution adopted at this session of the Legislature creating the new County of Ben Hill, with the City of Fitzgerald as its county seat. This increased the number of counties to 146.†

Beyond all its predecessors this Legislature was distinguished for its encouragement to agriculture. In the first place, it appropriated the sum of $100,000 to develop the State College of Agriculture and Mechanic Arts at Athens.‡ The University of Georgia, through its alumni and friends, had recently acquired 500 acres of land adjoining its campus, valued at $80,000, without cost to the state, and this large body of land provided an ample area for the purpose intended, viz., that of developing an agricultural college second to none in the Union. The sum of money appropriated by the Legislature was for erecting and furnishing buildings on the college campus, for purchasing necessary equipment, and for other purposes. In September, 1907, Dr. Andrew M. Soule, one of the foremost educators of the South, came from the Virginia Polytechnic Institute to accept the presidency of the Georgia College; and under the moulding influence of this great organizer it has since become one of the most powerful factors in the land for the educational uplift and betterment of the rural districts; while its growth has been something marvelous.

This Legislature still further extended the state's university system by creating the South Georgia Agricultural, Industrial and Normal College, at Valdosta.* It also enacted a measure for establishing and maintaining schools of agriculture and mechanic arts in the respective congressional districts of the state.¶ Due to a lack of funds in the state treasury, nothing was done at this time toward establishing the school at Valdosta, the bill creating which was introduced by Senator W. S. West. There was not a dissenting vote against it in the Upper House; but a bankrupt treasury kept the institution from materializing into brick and mortar until 1911 when Messrs. W. L. Converse and C. R. Ashley, representatives from Lowndes in the Legislature, submitted a

† Ibid., pp. 28-30.
‡ Ibid., pp. 10-12.
* Acts 1906, pp. 75-77.
¶ Ibid., pp. 72-75.

proposition which the state accepted. The terms of agreement were as follows:

Georgia was to give $25,000 for a building and $5,000 for equipment; while the Town of Valdosta was to furnish a campus of fifty acres and $5,000 a year for ten years. Going far beyond the terms of agreement, the wideawake little metropolis has erected a magnificent structure, in the style of the Spanish Mission, at a cost of $50,000, to defray which Mr. Converse advanced the necessary cash. Georgia has this past year appropriated $25,000 for the maintenance of the school in 1913; and Prof. R. H. Powell, one of the brainiest educators in the state, has been called to the executive helm. On January 2, 1913, the college was formally opened with an elaborate program of exercises. Among the speakers on this occasion were: Gov.-elect John M. Slaton; Hon. W. S. West, president of the board of trustees; Dr. David C. Barrow, chancellor of the University of Georgia; Dr. K. G. Matheson, president of the Georgia School of Technology; State School Commissioner M. L. Brittain and Prof. R. H. Powell, president of the South Georgia Normal. In the evening an elegant banquet was spread at the Hotel Patterson over which Col. J. M. Wilkinson, of Valdosta, presided. No institution was ever launched in Georgia under brighter prospects.

But the District Agricultural Schools were organized at once. In accordance with an act approved August 18, 1906, Governor Terrell appointed boards of trustees in the various congressional districts and during the latter part of the year, in connection with these boards, located all schools. Without an exception, donations were received from the people in each district, ample for establishing the proposed schools. The following list shows the sites selected and the donations received:*

First District—Statesboro. Sixty thousand dollars in cash; 300 acres of land, electric lights, water and sewerage.

Second District—Near Tifton. Sixty thousand dollars in cash; 300 acres of land, electric lights, water and sewerage.

Third District—Americus. Forty thousand dollars in cash; 300 acres of land, water and sewerage.

Fourth District—Carrollton. Thirty thousand dollars in cash; 275 acres of land, light and water.

Fifth District—Near Monroe. Thirty-one thousand dollars in cash; 250 acres of land, light and water.

Sixth District—Barnesville. Fifty-one thousand dollars in cash; 300 acres of land, light and water.

Seventh District—McLand, near Powder Springs. Academic building and dormitory for boys, according to architect's plan, twenty-eight thousand dollars; 240 acres of land.

Eighth District—Madison. Forty thousand, five hundred dollars in cash; 300 acres of land, light and water.

Ninth District—Near Clarkesville. Twenty-five thousand dollars in cash; 300 acres of land.

Tenth District—Near Sparta. Forty-seven thousand dollars in cash; 250 acres of land.

* House Journal, 1907, pp. 24-25.

Eleventh District—Douglas. Forty-five thousand dollars in cash; 300 acres on land, light, water and sewerage.

It was the Legislature of 1906 that put the pure food act on our statute books and took a much-needed step toward safeguarding the health of our people. To quote its caption, the purpose of this bill was to prevent the adulteration, misbranding and adulteration of foods, beverages, candies, medicines, drugs and liquors, to provide for a rigid inspection and analysis of same by the Department of Agriculture and for other purposes.* Child labor in factories also received the attention of this Legislature, and by an act duly approved no child under ten was allowed to work in a factory, nor under twelve unless such child was an orphan or was charged with the support of a widowed mother. After January 1, 1908, no child under fourteen was to be employed in a factory unless he or she could write or give evidence of a twelve weeks' schooling.†

There was still further legislation looking toward a purification of the ballot. Section 629 of the Penal Code of 1895 was amended so as to make it a misdemeanor for any person to contribute money or anything of value for the purpose of buying a vote at any election and to make it a misdemeanor to hire workers or to be hired; and to compel persons offending against these provisions to testify as witnesses.‡

Members of the railroad commission, under an act passed at this session, were hereafter to be elected by direct vote of the people.§ Legislation was enacted to prevent dealing in futures.** Corporations were required to make annual returns to the secretary of state.†† This, however, was not required of banks. Laws were enacted for rearranging the senatorial districts of the state so as to properly apportion the new counties.‡‡; likewise for giving the new counties participation in the benefits of the amended act of December 1, 1903, relative to hiring the labor of felony convicts for five years.§§ There was also an amendment made to the local tax act of 1905 for public schools,¶ and a measure passed to provide local option elections with reference to dispensaries. ‖

On August 16, 1906, an act was approved appropriating the sum of $30,000 to the Department of Agriculture, to be used in providing an exhibit of the state's resources at the Jamestown Exposition, the purpose of which exposition was to commemorate the 300 years of progress reaching back to the birth of English civilization on the continent of North America.¶¶ Our state was splendidly represented at this exposition. The Georgia Building, a replica of Bulloch Hall, at Roswell, Georgia, the home of President Roosevelt's mother, was an object of universal admiration and was visited by thousands of spectators on the

* Acts 1906, pp. 83-95.
† Ibid., pp. 98-100.
‡ Ibid., pp. 46-48.
§ Ibid., p. 100.
** Ibid., pp. 95-98.
†† Ibid., pp. 105-106.
‡‡ Ibid., pp. 81-82.
§§ Ibid., pp. 113-114.
¶ Ibid., pp. 61-72.
‖ Ibid., pp. 114-115.
¶¶ Acts 1906, pp. 1138-1139.

grounds. It is not invidious to state in this connection that much of the credit attaching to Georgia's exhibit at the Jamestown Exposition was due to the unremitting activities of a native Virginian, Mr. W. N. Mitchell, of Atlanta. His was the restless energy and the unwearied enthusiasm requisite to so colossal an undertaking.

Before the Georgia Building at the Jamestown Exposition was completed in 1907 it witnessed a scene of dramatic interest, long to be remembered by all who were present. This was a presentation to the battleship Georgia of a handsome silver service costing in the neighborhood of $8,000. Governor Terrell, on behalf of the state, made the speech of presentation, while President Roosevelt, on behalf of the battleship Georgia, accepted the handsome gift. The President, in the midst of official duties, at a busy time of the year, made a special trip to Jamestown for the purpose of taking part in these exercises and to show his love for the great state upon whose lap his mother was cradled. Thousands of people, including many representative citizens of the state, witnessed these exercises, which were held in the Georgia Building on June 10, 1907. Afterwards the silver service was transferred to the vessel in whose proud keeping it was henceforth to remain.

To commemorate the landing of Oglethorpe on the bluffs at Savannah, an event which signalized the birth of the colony of Georgia, a resolution was approved on August 20, 1906, appropriating the sum of $15,000 from the state treasury toward the erection of a monument—undertaken by the City of Savannah—to the illustrious humanitarian and soldier.† This monument, a superb statue wrought of bronze and mounted upon a pedestal of granite, was unveiled four years later with impressive ceremonies.

There was also an act approved at this session to appropriate the sum of $15,000 for an equestrian statue of Gen. John B. Gordon, to be placed on the capitol grounds. The statue was to cost $25,000, but of this amount $10,000 had already been raised by popular subscription.‡

Altogether, the volume of business transacted by this Legislature was phenomenal. Much of it was progressive in character and along constructive lines; while some of the measures enacted into law were radical and far in advance of other states of the Union.

Governor Terrell's administration lasted four years and eight months. This was due to a change in the law made after his election in 1902, whereby the Legislature was to meet each year as we have already observed, on the fourth Wednesday in June, instead of on the fourth Wednesday in October, as heretofore. This made it impossible for the Legislature to canvass the returns of the fall election of 1904 until the summer of 1905, at which time the governor's reinauguration took place and his second full term of two years began. Consequently there were five annual assemblings of the Legislature under Governor Terrell: three for the Legislature elected in 1902 and two for the Legislature elected in 1904. This period was happily free from internal dissentions. There were no bitter wranglings between democrats. It was an era of steady growth along industrial, commercial and economic lines. Humane laws

† Acts 1906, pp. 1139-1141.
‡ Acts 1906, pp. 19-20.

had been enacted, crystallizing a public sympathy for helpless and dependent childhood. Progress had been made toward a purification of the ballot. There was a clearing-up of the atmosphere, a call to rugged honesty, a return to basic principles of righteousness. The value of property in the state, on a tax valuation, had increased from $467,310,646 in 1902 to $627,531,539 in 1906, representing an average increase of $40,000,000 per annum.* There had been a franchise tax put upon corporations. The Supreme Court had been enlarged from three to six members. The cause of education had received a most powerful and substantial impetus, especially in the establishment of agricultural schools in the various districts, while in manifold other ways the temporal well-being of the Georgia farmer was materially bettered. In his last message to the Legislature, Governor Terrell made a strong plea for state aid in support of high schools, the intermediate or connecting links between the common schools on the one hand and the university system on the other. There was held in the Senate chamber, on May 24, 1907, an educational conference of business men at which Mr. S. M. Inman, of Atlanta, presided. Its effect was far-reaching. Men of large means and of practical ideas were enlisted in the cause of education and stirred to a white heat with enthusiasm for a diffusion of knowledge among the masses. It was claimed by the friends of Governor Terrell, when he was first elected in 1902, that he would establish a reputation as Georgia's educational governor, and he made this prediction good. He also proved himself the true friend of the agricultural interests of Georgia; but what transcends all else and overshadows all else is that he harmonized the rival factions of the state into solid cohorts of democracy, with the energies of all directed along common lines for the material uplift, welfare, peace and happiness of the state, causing his benign administration of public affairs, in no meaningless phrase, to be styled "the Gulf Stream of Georgia politics."

* House Journal, 1907, p. 20.

CHAPTER XXIII

THE STATE CAMPAIGN OF 1906—CLARK HOWELL ENTERS THE FIELD—AN OPEN PATH TO THE GOVERNORSHIP IS SUDDENLY BLOCKED—HOKE SMITH, FORMER SECRETARY OF THE INTERIOR, BECOMES A CANDIDATE—OLD SCORES TO BE SETTLED—JOINT DEBATES—PANDORA'S BOX IS OPENED—AN ERA OF FACTIONAL POLITICS IN GEORGIA BEGINS—OTHER CANDIDATES ENTER THE LISTS—HON. J. H. ESTILL—HON. J. M. SMITH—JUDGE R. B. RUSSELL—BUT MR. SMITH SWEEPS THE STATE IN THE PRIMARY ELECTION—SUPERIOR COURT JUDGES—THE STATE DEMOCRATIC CONVENTION MEETS—ITS REFORM PLATFORM—NEGRO DISFRANCHISEMENT ADVOCATED—MORE STRINGENT ELECTION LAWS—FREE PASSES CONDEMNED—LOBBYING TO BE STOPPED—BETTER REGULATION OF RAILROADS—PORT RATES—EX-CONGRESSMAN WM. H. FLEMING, IN A SPEECH AT THE STATE UNIVERSITY, OPPOSES DISFRANCHISEMENT AND PLEADS FOR JUSTICE TO THE NEGRO—ASSERTS THE UNCONSTITUTIONALITY OF THE GRANDFATHER CLAUSE AND MAKES A PREDICTION WHICH, NINE YEARS LATER, IS VERIFIED—THE REFORM LEGISLATURE OF 1907-1908 ASSEMBLES—SOME OF ITS LEADING MEMBERS—GOVERNOR SMITH IS INAUGURATED—THE PROHIBITION QUESTION IS SUDDENLY RAISED—NOT AN ISSUE IN THE CAMPAIGN—AN EXCITING DEBATE—BOTH HOUSES FAVOR PUTTING AN END TO THE LIQUOR TRAFFIC—GOVERNOR SMITH APPROVES THE PROHIBITION BILL—CLUB LOCKERS—NEAR BEER—HOW THESE EXEMPTIONS ORIGINATED—NEGRO DISFRANCHISEMENT BILL PASSES—ENLARGED POWERS FOR THE RAILROAD COMMISSION—TWO NEW MEMBERS, A SPECIAL ATTORNEY AND A RATE CLERK TO BE ADDED—MILITARY LAWS AMENDED TO CONFORM TO THE DICK BILL—OTHER MATTERS OF LEGISLATION—GOVERNOR SMITH EXPLODES A BOMBSHELL, AFTER THE GENERAL ASSEMBLY ADJOURNS, BY REMOVING FROM OFFICE RAILROAD COMMISSIONER JOSEPH M. BROWN—HON. S. G. MCLENDON SUCCEEDS MR. BROWN.

Governor Hoke Smith came into office on a tidal wave of popular enthusiasm. Espousing certain measures of reform, to which his prestige as a national leader contributed an element of strength, he swept the state in a contest long to be remembered in Georgia politics. It was a history-making fight, one in which the fires of a bitter partisan warfare were kindled and from which the disturbing issues of a decade were unloosed like the butterflies from Pandora's box. The first candidate to enter the field was Hon. Clark Howell, editor of the Atlanta Constitution. At the helm of this great newspaper, Mr. Howell had succeeded the lamented Grady. From his youth he had been conversant with public affairs. First as speaker of the House and afterwards as president

of the Senate, he had signalized his genius for leadership, his ability to command. Moreover, he had served continuously for a number of years on the National Democratic Executive Committee, and in other ways, while ably serving his party, had demonstrated his fitness for still higher honors. What seemed to be an open path to the governorship lay before him—unchallenged and unopposed.

But the political situation speedily underwent a change. Between Mr. Howell and Mr. Smith there were not a few unsettled scores. The latter as proprietor of the Atlanta Journal had more than once collided in an editorial way with the brilliant Howell; but apart from rival newspaper interests there were other points of divergence and other irritating differences which, though unimportant in themselves, tended numerically to strengthen an old antagonism. In the campaign of 1892, Mr. Howell had been intensely anti-Cleveland; Mr. Smith intensely pro-Cleveland. Nor had the latter's entrance into President Cleveland's cabinet as secretary of the interior produced a harmonizing effect. Mr. Howell was a pronounced bimetallist; Mr. Smith a zealous advocate of the single gold standard. On subsequent issues, Mr. Smith advocated an educational qualification, the effect of which was to disfranchise the illiterate negro vote. Mr. Howell opposed such a qualification on the ground that its effect would be to disfranchise a multitude of whites. There was little in common between the two men, save a willingness to accept results at the ballot box. Both were democratic regulars.

It is perhaps quite true that Mr. Smith possessed no real liking for the governorship. His legal training, his power in debate, his love of argument, his participation in national politics, especially while a cabinet official, all inclined him toward the Federal Senate. But so divergent were the two leaders at this time in Georgia politics that Mr. Smith, in justice to the principles for which he stood, in common with a large element of the people of Georgia, felt constrained to enter the field against Mr. Howell. There was thus precipitated a campaign which lasted for more than a year, dividing the state into two bitter factional camps and demoralizing every phase of business, a campaign in which there was no dearth of political agitation, no lack of oratorical ginger. Joint debates were held between the two candidates at various places, while simultaneously the two newspapers which spoke for them kept up a constant exchange of editorial broadsides.

But other candidates entered the field. Judge R. B. Russell, an ex-judge of the Western Circuit and a most effective campaigner, took the stump. Hon. James M. Smith, of Oglethorpe, perhaps the wealthiest planter in the state, yielded to the importunities of a host of friends. At the last moment, Col. John H. Estill, of Savannah, a candidate for the nomination, shied his castor into the ring. Hon. Thomas E. Watson, though not a candidate, became an important factor in the campaign by bringing to the Hoke Smith standard the support of a strong populist following.

Disfranchisement proved to be a vote-maker in Georgia at this time. Lynchings, race riots, criminal assaults, and atrocities without number committed by vicious and ignorant negroes, all tended to emphasize the need of legislation curtailing the ballot, in order to insure domestic tranquility and to keep this dangerous class in subjection.

On August 22, 1906, the state democratic primary was held. Mr. Smith won in a landslide, securing over 264 conventional votes.* U. S. Sen. A. O. Bacon was endorsed for re-election by the State Legislature. To fill the unexpired term of the late Rufus E. Lester, congressman from the First District, Hon. J. W. Overstreet, of Sylvania, was named. For the Supreme Court, Chief Justice Wm. H. Fish, and associates M. W. Beck, S. C. Atkinson and J. H. Lumpkin, were nominated. Two of these were for unexpired terms. To fill a vacancy on the prison board, Gen. C. A. Evans was named; and to fill a vacancy on the railroad commission, Hon. S. C. McLendon was named. In the race for commissioner of agriculture, Hon. Thomas G. Hudson, a recent appointee of Governor Terrell, was successful. All the other state house officers were renominated.

Superior Court judges for the next two years were named as follows: John T. Pendleton, Atlanta Circuit; Paul E. Seabrook, Atlantic Circuit; H. C. Hammond, Augusta Circuit; T. A. Parker, Brunswick Circuit; W. A. Little, Chattahoochee Circuit; U. V. Whipple, Cordele Circuit; E. J. Reagan, Flint Circuit; W. H. Felton, Macon Circuit; B. T. Rawlings, Middle Circuit; J. J. Kimsey, Northeastern Circuit; H. G. Lewis, Ocmulgee Circuit; W. C. Worrill, Pataula Circuit; R. G. Mitchell, Southern Circuit; Price Edwards, Tallapoosa Circuit; C. H. Brand, Western Circuit; and Moses Wright, Rome Circuit.

Amid a riot of enthusiasm the State Democratic Convention met in Macon, Georgia, on September 4, 1906, and was called to order by the retiring state chairman, Hon. M. J. Yeomans. There were no contests to be decided, but the partisan enthusiasm for Mr. Smith was most pronounced. The temporary chairmanship was given to Hon. Thomas W. Hardwick, congressman from the Tenth District; the permanent chairmanship to Judge A. L. Miller, of Bibb. In an eloquent speech, Mr. Smith's name was presented to the convention by Hon. James L. Anderson, of Fulton, who characterized his candidate as the greatest living Southerner, an appellation which provoked loud and continuous cheering. No other nominations were made. Mr. Smith was thereupon declared the nominee of the democratic party for governor of Georgia. Great enthusiasm prevailed as the nominee appeared before the assemblage to accept the nomination.

It was on a reform platform embodying the policies for which he contended during the pre-conventional campaign that Mr. Smith was nominated. The principal planks, as summarized by the nominee himself, in his Macon speech, were as follows: (1) The white voters of Georgia to be given the fullest opportunity to rule the state and to express the wishes of an Anglo-Saxon population at the ballot box; (2) party machinery must not be used to promote the interest of any candidate or candidates nor to hinder the wishes of the people; (3) contributions of money by corporations or special interests must be prevented and use of money to control elections must be stopped; (4) laws to define

* Files of the Atlanta newspapers, the Constitution and the Journal, for August 23, 1906, et seq.

lobbying and to require lobbyists to register must be enacted so that legislation will depend upon argument and not upon political pull; (5) the free pass system must come to an end; (6) people must be given a fair deal by the railroads; (7) while railroads should receive equal justice before the law, the people must not be taxed to pay dividends on watered stocks and watered bonds; (8) as a step toward solving the race problem in Georgia a constitutional amendment must be passed providing for a protection of the ballot box against an ignorant negro vote, a commodity always subject to purchase. There were various other declarations such as are usually found in state platforms, some of them, however, platitudinous.

It will be well, in this connection, to examine somewhat carefully the language of the platform relative to the issue destined to assume commanding prominence during Governor Smith's administration and to enter with vital import into the next gubernatorial campaign, viz., the issue of port rates. On this subject the platform spoke as follows:*

"The geographical situation of Georgia, her extensive sea-coast and proximity to deep water navigation, entitle our people to as cheap freight rates as are given to people in neighboring States similarly situated and cheaper than the rates given to States remote from sea-water transportation. * * * It is the duty of the commission to demand of the transportation companies rates based upon our proximity to the ocean. If the commission will not or cannot, under the circumstances, command such rates, then the commissioners should be either removed and others put in their places or a new body should be created with enlarged powers, sufficient to demand and enforce the rights of the people. We recognize the rights of the railroads to a just profit upon their investments. We shall always uphold and maintain such rights, and we pledge the good faith of the Democratic party of Georgia to the fullest protection of these corporations in the legitimate exercise of these privileges but we deny their right to discriminate against the people of Georgia by first establishing a monopoly of the transportation lines and then, through the power of such monopoly exacting higher rates than are charged elsewhere, for the purpose of paying dividends upon watered stocks and fictitious securities.

"We call especial attention to the necessity for a reduction of the rates from our sea-ports to and from all interior points. We are situated upon the seaboard. Our coast opens to us the waterways of the world. The destruction of all competition betwen railroads in Georgia by the ownership in a few individuals of all these great properties enables the railroad corporations apparently without let or hindrance to place Georgia at the pinnacle of high freight rates, to destroy whatever advantage we should enjoy from proximity to deep water navigation, and as a consequence lower rates are enjoyed by cities in other States around us, where competition still exists, than are granted to Georgia cities and towns. We condemn these excessive and discriminating port rates are unjust and we demand the immediate righting of these wrongs by the Railroad Commission."

* Files of the Macon Telegraph, September 5, 1906.

Leaving this subject for the present, let us note other developments of the campaign.

The people's party this year was entirely without organization, but a ticket was put into the field for which a few scattering votes were cast. Mr. Smith, in the fall election, swept the state, receiving 76,962 votes against 148 for J. B. Ozburn, the populist candidate for governor.* The democratic nominees for state house officers were elected by like majorities. There was only one change made this year in Georgia's congressional delegation. Hon. Charles G. Edwards, from the First District, succeeded Hon. James W. Overstreet, who was filling an unexpired term caused by the death of Congressman Lester.†

Mr. Smith's overwhelming majority in the State Democratic Convention in August, followed by his triumphant election in October, indicated a preference, well-nigh unanimous, on the part of the people of Georgia, for the policies of which he was the recognized champion, including the disfranchisement of the negro. Recent outbreaks of lawlessness, including a number of race riots, had made even conservative thinkers friendly to legislation of some kind neutralizing the influence of the black man as a factor in politics. But there were strong minority leaders in the state at this time who counseled moderation, urging our people not to adopt a course so radical in its nature, and so manifestly violative of constitutional safeguards.

On June 19, 1906, ex-Congressman William H. Fleming, of Augusta, speaking as alumni orator, delivered an address at commencement on the race problem in the South. It was widely read throughout the Union and in some quarters roundy criticised. One of the points on which Mr. Fleming antagonized the popular sentiment of the day in Georgia politics related to the so-called "Grandfather Clause," under which, in common with other states, Georgia was seeking at this time to disfranchise the negro. It was Mr. Fleming's contention that such a policy was unjust to both races; and he ventured to predict that eventually its unconstitutionality would be declared by the Supreme Court of the United States. Said he:

"Whenever the supreme court shall take judicial notice, as it will do, of the historical fact that on the date selected for the grandfather clause to begin to operate, say January 1, 1867, the negroes as a class had no right to vote, or when that undeniable or easily proven fact is made to appear by evidence, this device of the Grandfather Clause must fall of its own crookedness. A preference to one race is necessarily the legal equivalent of a discrimination against the other race.

"It will be a new departure in American constitutional law when the right to vote is made inheritable from the non-transmissible attributes of an ancestor, instead of being based on the personal attributes of the voter.

"It will mark a still further departure in judicial construction when the supreme court finds in the new doctrine a legal justification for sanctioning the race discrimination forbidden by the Fifteenth amendment. * * *

* House Journal, 1907, pp. 86-87.

† Congressional Directory, 1774-1911, p. 408.

"How long do the advocates of this method of disfranchisement think they can expose their purpose to the political eye, and keep it concealed from the judicial eye? How long can they proclaim it on the hustings, and hush it in the courthouse?"

Mr. Fleming's prediction was verified to the letter when Chief Justice White, himself a Southern man and a Confederate soldier during the Civil war, rendered a decision, on June 21, 1915—just nine years later—in which a full bench sustained him, declaring the "Grandfather Clause" unconstitutional and vindicating Mr. Fleming's position.

For a moment, let us glance at the personnel of the new State Legislature. Though elected in the fall of 1906, it did not convene until June 26, 1907. Hon. John W. Akin, of the Forty-second, was elected president of the Senate and Hon. John M. Slaton, of Fulton, speaker of the House. There were some exceptionally able men in this General Assembly, noted for its sweeping reforms. Glancing over the Senate rolls, we find: Thomas S. Felder, E. K. Overstreet, J. J. Flyntt, Dr. L. G. Hardman, Q. L. Williford, J. D. Howard, Ira E. Farmer, P. M. Hawes, W. B. Stevens, George W. Deen, Jonathan P. Knight, H. A. Crittenden, J. E. Hays, J. A. J. Henderson, J. W. Boyd, W. C. Martin, E. T. Steed, E. W. Born and E. P. Dobbs. Some of the leaders in the house were: Seaborn Wright, Joseph Hill Hall, W. J. Neel, W. H. Burwell, Hooper Alexander, C. M. Candler, W. F. Slater, H. J. Fullbright, John N. Holder, R. N. Hardeman, W. A. Covington, E. M. Donalson, J. W. Wise, L. H. O. Martin, A. P. Adams, R. E. Davison, T. E. Ryals, J. Randall Walker, C. E. Dunbar, E. H. McMichael, J. D. Price, H. S. White, G. W. Williams, Wm. I. MacIntyre, George G. Glenn, Boykin Wright, R. O. Barksdale, A. S. Reid, and others.*

Governor Smith's inauguration was a most spectacular event. It occurred on the spacious plaza, directly in front of the Washington Street entrance to the capitol, and before an assemblage estimated at 20,000 spectators. The General Assembly, after convening in joint session, at noon, June 29, 1907, in Representative Hall, marched in a body to the Washington Street entrance accompanied by the governor-elect, the retiring governor, state house officers, members of the Supreme Court, and distinguished citizens. Chief Justice Wm. H. Fish administered the oath of office, after which Governor Smith, in a most impressive manner, delivered his inaugural address. Its burden was the redemption of platform pledges: its keynote, reform.

Before any radical measures of legislation were enacted, however, the General Assembly, on July 9, re-elected Hon. A. O. Bacon to the United States Senate for a third full term of six years, returning him to office without a single vote in opposition.†

On July 17th, Governor Smith sent a special message to the Legislature in which he called attention to the fact that certain railroads in the state, notably the Central of Georgia and the Southern Railway, were reported as paying taxes wholly inadequate when compared with the value of property owned by these corporations. Said he:‡

* House and Senate Journals, 1907, opening pages.
† House Journal, 1907, p. 266; Senate Journal, 1907, p. 123.
‡ House Journal, 1907, pp. 389-392.

"This year the Central of Georgia Railway Company returned its tangible property and franchise at $16,823,850. The Southern Railway Company returned its tangible property and franchise at $14,884,923.

"Each of these railroad companies has filed a bill in the U. S. Circuit Court for the Northern District of Georgia, to enjoin certain freight reductions made by the Railroad Commission. Each of these companies states in its bill the value of its tangible property, presenting the value as a basis for taxing the people of Georgia with freight and passenger rates. Mr. W. A. Winburn, as Second Vice-President, swore to the bill filed by the Central of Georgia Railway Company. Mr. J. M. Culp, as Third Vice-President, swore to the bill of the Southern Railway Company.

"Mr. Winburn swore:

"'Your orator avers that the cost of reproducing its lines, and therefore the present actual minimum value of its said lines of railway in Georgia, and equipping the same, is $33,666,999.'

"Mr. Culp swore:

"'Your orator avers that the cost of reproducing at this time, and therefore the present actual minimum value of its said lines of railway in Georgia, and of equipping the same, is not less than $48,150,000.'

"And this does not include the value of the franchise incident to said lines."

Governor Smith thereupon urged the necessity of amending the present machinery used by the executive officers to fix the value of property for taxation, returns for which were made as provided by law to the comptroller-general.

Drastic changes were made by the Legislature at this session. First came prohibition.

Prohibition was not a dominant issue in the campaign of 1906. It was not written into the democratic platform. But the psychological moment for crystallizing into law one of the great reform movements of the time had arrived. The general impulse toward reform lent momentum to this particular crusade. Governor Smith, though a local optionist, announced that if a general prohibition bill should pass the Legislature he would give it his approval. The friends of temperance saw a great opportunity in this crisis of affairs for the white flag of prohibition. It was found that in the Senate there was an overwhelming sentiment against the liquor traffic while in the House also the prohibitionists were numerically strong. Accordingly, the lines of battle were drawn and a campaign inaugurated, the result of which was an act approved August 6, 1907, "to prohibit the manufacture, sale, barter, giving away to induce trade, or keeping or furnishing at public places or keeping on hand at places of business, any alcoholic, spirituous malt or intoxicating liquors or intoxicating bitters or other drink which, if drunk to excess, will produce intoxication; to except sales of alcohol in certain cases, upon certain conditions; to provide certain rules of evidence in connection with the enforcement hereof; to prescribe penalties and for other purposes.* The exemptions were in favor of licensed druggists to furnish pure alcohol for medicinal purposes, upon prescription from a

* Acts 1907, pp. 81-83.

regular practicing physician; also of wholesale druggists to furnish alcohol in wholesale quantities to licensed retail druggists or to public and charity hospitals or to medical and pharmaceutical colleges.

Later, under the general tax act of 1909, an exemption was made in favor of club lockers, on the contention that nothing in the original act forbade the use of alcoholic liquors in homes or in clubs which, socially speaking, were the homes of fraternal organizations. Accordingly, a tax of $500 per annum was placed upon clubs containing these lockers.*

As the result of a decision rendered by the Court of Appeals, at the March term of 1908, an exemption was also made in favor of malt liquors, the effect of which was not intoxicating. This decision was written by Chief Judge Hill. Said he:†

"If the liquid manufactured or sold or kept on hand at a public place, or at a place of business as defined in the fourth headnote, cannot be used as an intoxicating drink, because of other ingredients, or is not intoxicating because it does not contain a sufficient amount of alcohol to cause intoxication when drunk to excess, it is not within the prohibition of the statute, although it does contain as one of its ingredients an appreciable quantity of alcohol or spirituous liquor."

Under this construction of the law, saloons were allowed for the sale of non-intoxicating or soft drinks. This includes "near beer," for the sale of which the authorities ceased to make prosecutions.

But to return to the legislative contest. Dr. L. G. Hardman in the Senate and Messrs. Covington and Neel in the House, were the joint authors of the bill as it finally emerged from the General Assembly to take its place upon the statute books of Georgia. The Senate was overwhelmingly prohibition, and the vote upon its passage in this body was 34 to 7.‡ Doctor Hardman, in his championship of the prohibition bill in the Senate, was strongly supported by Senators Williford, Knight, Henderson and others, though vigorously assailed by Senator Felder, who led the anti-prohibition element. In the House, Hon. Seaborn Wright, of Floyd, was the recognized prohibition leader, though Judge W. A. Covington, of Colquitt, and Hon. W. J. Neel, of Bartow, were the joint authors of the bill, in association with Doctor Hardman, and were largely instrumental in securing its passage in the House. Others who supported the measure were: H. J. Fullbright, R. N. Hardeman, Hooper Alexander, C. M. Candler, W. H. Burwell, W. H. McMichael, J. N. Holder, G. O. Persons, and others. Over thirty days were consumed in discussing the measure. Its foes, though in a minority, were resourceful, vigilant and determined. At one time it looked as if an extra session would be needed to pass an appropriation bill and a general tax act. Dramatic scenes were enacted on the floor of the House, where two members came to blows in the midst of a heated discussion.** The belligerents were separated, but the House adjourned in confusion at the hour of midnight.†† From the gallery, at an earlier hour of the session, there was a demonstration made by members of the Woman's

* Acts 1909, pp. 42-43.
† Georgia Appeals Reports, Vol. 4, pp. 207-218.
‡ Files of the Atlanta Constitution, July 14, 1907.
** Hon. Seaborn Wright, of Floyd, and Hon. Joe Hill Hall, of Bibb.
†† Files of the Atlanta Constitution, July 25, 1907.

Christian Temperance Union, under the lead of Mrs. Mary Harris Armour, the zealous president of this energetic body of workers, and so disconcerting was the noise that Speaker Slaton threatened an enforcement of the rules against such proceedings. But the final climax of this turbulent debate was not reached for several days. At last, amid tense excitement, on Tuesday, July 30th, the prohibition bill passed the House by a vote of 139 to 39, and was ready for the governor's signature, which was duly affixed thereto on August 6, 1907, thus committing Georgia to the white flag of temperance and ending one of the most dramatic episodes in the history of Georgia politics.‡

Debate on the question of eliminating the negro as a political factor crystallized in a measure known as the Felder-Williams Disfranchisement Bill, after its joint authors, Senator Thomas S. Felder of the Twenty-second, and Hon. G. W. Williams, a representative from Laurens, in the House. It proposed to amend the constitution by striking therefrom section 1, of article 2, and in lieu thereof substituting a new section to consist of nine paragraphs, prescribing the qualifications of electors, providing for the registration of voters, and for other purposes.* Under this proposed amendment a strict registration was required of all voters in state elections. Those qualified to register were divided as follows, into five classes: (1) All persons who had honorably served in the land or naval forces of the United States or of the Confederate states or of the State of Georgia; (2) all persons descended from those embraced in these foregoing classes; (3) all persons of good character who understand the duties and obligations of citizenship under a republican form of government; (4) all persons who can correctly read in the English language any paragraph of the Constitution of the United States or of this state, and correctly write the same in the English language when read to them by any one of the registrars, and all persons who, solely because of physical disability, are unable to comply with the above requirements, but who can understand or give a reasonable interpretation of any paragraph of the Constitution of the United States or of this state that may be read to them by one of the registrars; (5) any person who is the owner of forty acres of land, situated in this state, upon which he resides, or is the owner of property in this state, assessed for taxation, at the value of $500. Moreover, it was necessary in each case for the voter to be twenty-one years of age; and no soldier, sailor or marine could acquire the rights of an elector solely by reason of being stationed on duty in this state. There was disagreement between the two wings of the Legislature relative to certain features of this bill, but it finally passed amid the closing hours of the session. Hon. Thomas W. Hardwick, congressman from the Tenth District, witnessed this debate on the Disfranchisement Bill. Ten years before he had introduced a similar measure in the General Assembly, when a representative from the County of Washington and he was therefore entitled to pioneer honors in connection with this important legislation. This was one of the distinctive measures of Governor Smith's administration, and, re-

‡ Files of the Atlanta Constitution, July 31, 1907.
* Acts 1907, pp. 47-50.

ferring to it some two years later, after its ratification by the people, he said:*

"It prescribes qualifications for the exercise of the right to vote, which will protect even the smallest community of the State from those, who, unable to control themselves, are utterly unfit to vote upon the rights of others. No legislation since the days of Reconstruction will be more beneficial in its far-reaching effects, not alone at the ballot-box, but also in the solution of the race problem."

Enlarged powers were given to the railroad commission through a measure enacted at this session known as the Candler-Overstreet Bill, from its joint authors, Hon. C. Murphey Candler, of DeKalb, who introduced the measure in the House, and Hon. E. K. Overstreet, of the Seventeeth, who introduced it in the Senate. It increased the membership of the board from three to five, created the office of special attorney, provided for a rate clerk, and otherwise prepared the way for more effective measures in dealing with railroads. Under the commission's direct supervision, it placed express companies, street railroad companies, dock and wharfage companies, terminal and terminal station companies, telephone and telegraph companies, gas, electric light, and power companies.† With reference to the increased expense to the state of enlarging the powers of the railroad commission, Governor Smith said:‡

"We should consider the fact that the railroad companies alone collect from the people of Georgia forty millions of dollars each year, and that other companies placed under the supervision of the Railroad Commission collect from the people of Georgia twenty millions of dollars, making a total of not less than sixty millions of dollars annually. The expenditure of $35,000 a year for a Railroad Commission is small in comparison when the fact is kept in mind that the Commission is to protect the rights of the public in an expenditure of sixty millions."

Once more the state's military system underwent a reorganization. The Federal Congress had recently enacted a measure known as the Dick Military Law, and by reorganizing the state troops in accordance with the provisions of this law, the sum of $52,000 could be obtained annually from the Federal Government toward the support of the state militia. Accordingly, a bill was introduced by Representative C. C. Smith, of Campbell, incorporating the changes necessary to meet these requirements. It was duly approved on August 22, 1907. To outline its provisions in brief, the bill provided that the National Guard of the state should be organized into a division, with general departments as follows: An adjutant-general's department, an inspector-general's department, a judge advocate's department, a quartermaster's department, a subsistence department, a medical department, a hospital corps, a pay department, a corps of engineers, an ordnance department, and a signal corps. The governor's military staff, under the provisions of this bill, was to consist of the following officers: One adjutant-general and one quartermaster-general, who shall each have the rank of brigadier-general; one aide-de-camp, who shall have the rank of colonel; and twenty-

* House Journal, 1909, p. 23.
† Acts 190[illegible] pp. 72-81.
‡ House Journal, 1909, p. 27.

nine aides-de-camp, who shall have the rank of lieutenant-colonel, to be appointed or detailed by the governor; and no person shall be eligible to such appointment or detail unless he shall have served in the Confederate army or in the United States army—in the latter for five years—or unless he shall be a retired officer or veteran member of the National Guard of Georgia, or an active member thereof who has served not less than five years, and such assistants to the adjutant-general and to the quartermaster-general as in the discretion of the governor may be necessary, all of which officers, except aides-de-camp, shall be appointed or detailed by the governor from the officers of the National Guard of Georgia. The adjutant-general was to be the head of the military department of the state and subordinate only to the governor in matters pertaining to said department. He was to give his entire time to the office, and was to receive a salary of $3,000, to be paid out of the military funds.*

On July 1, 1907, Hon. Andrew J. Scott became adjutant-general of the state by appointment of Governor Smith, succeeding in this office Hon. Sampson W. Harris, who had served the state in this capacity for four years.

This Legislature also passed the fertilizer tax bill, introduced by Representative L. H. O. Martin, of Elbert, providing for the support of the State College of Agriculture and of the eleven district agricultural schools out of the proceeds derived therefrom; an act to establish a bank bureau in the treasury department and to provide for a bank examiner, charged with the duty of reporting on all banks, trust companies, etc.; an act to regulate the practice of professional nursing; an act to provide against the evils resulting from traffic in narcotic drugs and to regulate the sale thereof, exclusively by prescription; besides a number of other measures only relatively less important.

It was not until Sunday morning, August 18th, that the Legislature of 1907 finally adjourned, but constructively this borrowed time was a part of Saturday's session. At midnight the pendulum of the clock was halted and no further record was made officially of the lapse of time until the speaker's gavel fell upon a motion to adjourn.

Three days after the Legislature adjourned, Governor Smith exploded a bomb-shell by suspending Hon. Joseph M. Brown from the railroad commission. An executive order to this effect was dated August 21, 1907. Between Governor Smith and Mr. Brown there were radical differences of long standing, but the immediate cause of irritation was the latter's attitude on the subject of port rates. Mr. Brown did not believe that the policies of the Smith administration were exactly fair to railroads, and since much of the state's development was due to these corporations, in which millions of dollars belonging to trust funds were invested, he took issue with Governor Smith and wrote for publication a number of salty letters, some of which were worthy of the pen of Junius. Mr. Brown's unexpired term was filled by Hon. S. G. McLendon, of Thomasville, who had already been nominated and elected for a full term to begin early in the fall.

* Acts 1907, pp. 102-106.

CHAPTER XXIV

DEATH OF FORMER CHIEF JUSTICE LOGAN E. BLECKLEY—THE GORDON MONUMENT IS UNVEILED ON THE CAPITOL GROUNDS—JUDGE ANDREW J. COBB LEAVES THE SUPREME BENCH—JUDGE HORACE M. HOLDEN NAMED HIS SUCCESSOR—THE RAILROAD COMMISSION IS REORGANIZED—JUDGE GEORGE HILLYER AND HON. FULLER E. CALLAWAY ITS TWO NEW MEMBERS—JUDGE J. K. HINES IS MADE SPECIAL ATTORNEY TO THE BOARD—PASSENGER RATES REDUCED—FREE PASSES ABOLISHED—PROF. W. B. MERRITT RESIGNS AS STATE SCHOOL SUPERINTENDENT—SUCCEEDED BY DR. J. M. POUND—THE REFORM LEGISLATURE REASSEMBLES FOR THE SESSION OF 1908—PRESIDENT AKIN'S DEATH—HON. J. J. FLYNTT MADE PRESIDENT OF THE SENATE—GOVERNOR SMITH'S ANNUAL MESSAGE—THE STATE'S PROPERTY INTERESTS IN CHATTANOOGA, TENNESSEE, A SUBJECT-MATTER OF CONTENTION—LITIGATION INVOLVING TERMINAL FACILITIES OF THE WESTERN AND ATLANTIC RAILROAD—THE LEGISLATURE'S DRASTIC WORK IS RESUMED—CANDIDATES REQUIRED TO PUBLISH SWORN STATEMENTS SHOWING CAMPAIGN EXPENSES INCURRED—THE OFFICE OF PENSION COMMISSIONER IS MADE ELECTIVE—THE GOVERNOR IS AUTHORIZED TO PURCHASE LANDS NEAR CHATTANOOGA—IN A SPECIAL MESSAGE TO THE LEGISLATURE, GOVERNOR SMITH TELLS WHY HE DISMISSED RAILROAD COMMISSIONER BROWN FROM OFFICE IN 1907—THE LATTER IN THE MEANTIME HAD BEEN ELECTED GOVERNOR—THREE MEMBERS OF THE GENERAL JUDICIARY COMMITTEE OF THE HOUSE SUBMIT A MINORITY REPORT UPHOLDING MR. BROWN—MR. BROWN'S STATEMENT.

Before entering upon a discussion of the train of events which followed Mr. Brown's suspension from office, it will first be necessary to dispose of other matters.

Early in the spring of this year the state was bereaved of a favorite son in the death of former Chief Justice Logan E. Bleckley. The end came while the aged jurist was at his summer home, near Clarkesville, Georgia. Judge Bleckley was a unique character. He was distinguished not alone for his judicial learning but for his playful scintillations of wit and humor and for his profoundly philosophical cast of mind. Men of great intellect are often characterized by eccentricities; and there were times when Judge Bleckley's whimsical moods convulsed the courtroom; but his wisdom in deciding controverted issues of law and in recognizing the essential elements of justice in any given case has doubtless never been surpassed in the judicial annals of this state. Within less than a decade after his death, one of the new counties of Georgia was to be given the name of Bleckley, a fit and lasting memorial to his genius.

On May 25, 1907, an equestrian statue of Gen. John B. Gordon, the

Confederacy's Chevalier Bayard, was unveiled with august ceremonies on the capitol grounds. Gen. Clement A. Evans, of Atlanta, delivered the principal address of the occasion, while Gov. Joseph M. Terrell, then chief executive of the state, presided. It was General Evans who commanded General Gordon's division at Appomattox, while the latter, commanding half of Lee's army, moved forward in the last fateful charge of the Civil war. Other speakers on this occasion were: Judge W. L. Calhoun, president of the Gordon Monument Commission; and Col. Nat E. Harris, of Macon, who formally tendered the monument to the state. Maj. Charles W. Hubner, of Atlanta, read an ode appropriate to the occasion. Rev. W. F. Glenn, D. D., offered the prayer of invocation, and Rev. Richard Orme Flinn, formerly General Gordon's pastor at Kirkwood, pronounced the benediction. The Gordon monument was designed and executed by the famous New York sculptor, Solon H. Borglum. Its cost was approximately $22,500, of which $15,000 was appropriated by the Legislature of Georgia. One hundred prominent citizens of the state constituted the Gordon Monument Committee, of which Judge W. L. Calhoun was president. The commissioners on behalf of the state were: Gov. Joseph M. Terrell, Gen. Clement A. Evans, Gen. W. W. Gordon, Judge Sampson W. Harris, Capt. Robert E. Park, Capt. (Judge) W. L. Calhoun, Capt. W. H. Harrison, Capt. Nat E. Harris, and Capt. John W. Clark. The secretary was Prof. Joseph T. Derry and the treasurer Mr. Eugene H. Thornton.

As portrayed by the sculptor, General Gordon is mounted upon his famous charger, "Marye," in the act of reviewing a column of troops, and both horse and rider are at ease. It is not without significance that the great soldier's face is turned toward the North. Says Professor Derry: "The General's famous mare was captured from the Federals at the second battle of Fredericksburg, Va., in May, 1863, when Gordon's brigade recaptured the line on Marye's Heights. During the advance, this blooded mare came rushing into Gordon's line without her rider, but equipped with saddle-blanket, saddle, and bridle. She was at once taken by a staff officer to General Gordon whose horse had been disabled in the charge. General Gordon mounted the captured animal and rode her through the campaign and into several engagements later in the war." *

On the front of the solid pedestal of Georgia granite is chiseled in raised letters: "Gordon."

There are two bas-reliefs of bronze embedded in the granite pedestal on either side. One portrays General Gordon in the famous battle scene at Spottsylvania C. H., on May 12, 1864, when clutching the bridle of General Lee's horse, in the midst of a heated engagement, he urged the great soldier to fall back to the rear. It was this dramatic incident which caused General Gordon to be dubbed "the Man of the Twelfth of May," and which furnished the theme of Judge Robert Falligant's famous poem. The other bas-relief represents General Gordon as a civilian, in the act of making an address; and underneath the figure are carved the words: "Senator," "Governor," "Patriot."

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* Pamphlet containing an account of the exercises.

Mrs. Frances Gordon Smith and Mrs. Caroline Lewis Gordon Brown —both daughters of the illustrious hero of Appomattox—drew the veil.

Judge Andrew J. Cobb, having resigned his seat on the Supreme Bench, during the summer of this year, to resume the practice of law in his home town of Athens, Georgia, Governor Smith appointed Judge Horace M. Holden, of Crawfordville, Georgia, as his successor on this tribunal. Judge Holden was formerly a judge of the Northern Circuit. He possessed unusual qualifications for the office, but did not remain long on the bench, due to a preference for the active practice of law. Judge Cobb's retirement was a distinct loss to the state. A son of the illustrious Gen. Howell Cobb and a nephew of the equally noted Gen. Thomas R. R. Cobb, he was one of the strongest members of the bench.

Pending an election by the people, Governor Smith, on August 27, 1907, acting under authority given him in the new Railroad Commission Act, appointed Judge George Hillyer, of Fulton, and Hon. Fuller E. Callaway, of Troup, to places on the board, thus increasing its membership from three to five commissioners. The other members were S. G. McLendon, H. W. Hill and O. B. Stevens. There was an immediate reorganization of the board, with Hon. S. G. McLendon as chairman. At the same time, Judge James K. Hines was made special attorney and Hon. G. F. Montgomery, secretary to the board.

On September 1st, an order passed by the old commission some three months before, reducing passenger rates, went into effect. The order had passed by a vote of two to one, Commissioner Brown's vote having been cast in opposition. The railroads petitioned the new board to revoke this order, or to extend the time limit fixed for the proposed reduction. But the new board, after giving the railroads an extended hearing, declined to grant the petition. Accordingly the order, reducing passenger rates, became operative at the time set. Subsequently, on October 1st, an order was passed forbidding any railroad company in Georgia either to issue or to honor free passes after January 1, 1908.

During the fall of 1907, Prof. W. B. Merritt resigned the office of state school superintendent to engage in mercantile pursuits. He had filled this position acceptably for a period of three years. Governor Smith appointed as his successor Prof. J. M. Pound, for many years president of Gordon Institute at Barnesville, Georgia. The appointment was made to take effect on January 1, 1908. Professor Pound brought to his new duties as state school superintendent the qualifications of an experienced educator.

On June 24, 1908, the Legislature reassembled to complete its reform program. During the interim, Hon. John W. Akin, president of the Senate, had been seized with a fatal illness, terminating his career in public life, when in the full meridian of his powers and at the height of his splendid usefulness. Hon. J. J. Flyntt, of the Twenty-sixth District, was chosen to succeed him as president for the unexpired term; while Hon. Paul F. Akin, a younger brother, succeeded him as senator from the Forty-second District.*

Governor Smith's message to the Legislature, at the beginning of its second annual session, reviewed at some length the several reform measures enacted by the Legislature at its first session, to wit, the prohibition bill; the proposed constitutional amendment fixing new standards for the registration of voters, otherwise known as the Disfranchisement Bill; and (3) the Railroad Commission Act, enlarging the powers of the railroad commission. With respect to prohibition, Governor Smith said:*

"While I neither opposed nor advocated the passage of the State Prohibition bill, still I believe that a majority of the white voters of the State approved your action in passing this bill. It should now be given a fair trial and I recommend that no effort be made by you to change it except to perfect it as a prohibition measure."

Touching upon the railroad commission, he said:†

"It should be a source of congratulation that no court has granted even a temporary restraining order, interfering with the action of your Railroad Commission either in this or in any other matter since the reorganization of the Commission."

Next, Governor Smith reverted to measures which were still pending before the Legislature. These included bills to prevent the improper use of money in state elections, to fix by statute the time for holding primaries, at which the governor, state house officers, judges, railroad commissioners and legislators were to be named, to strengthen existing laws intended to check the use of money in political contests, to define lobbying, to supply the deficiency in revenue caused by the passage of the prohibition bill, and to provide an up-to-date system of tax equalization to apply to all kinds of property in Georgia subject to taxation. He wished to see the state abandon its then existing crude plan of tax assessment. Referring to certain property interests held by the State of Georgia in the City of Chattanooga, Tennessee, he stated that said property was valued at $4,000,000 and that before the expiration of the lease it would probably be worth $5,000,000. Said he:‡

"This does not include the space actually used by the State road for terminals nor does it include property worth nearly as much more held by the Nashville, Chattanooga Railroad, which belongs to the State, unless the statute of limitations has placed a bar to its recovery by the State."

There was a controversy pending between the City of Chattanooga and the State of Georgia relative to a street which the city wished to open through this property and which the state resisted on the ground of a prior contract exempting it from condemnation procedure. It was the governor's belief that the state should at once acquire property somewhat further out from the center of the City of Chattanooga for the enlargement of its terminals; also property to connect the state road with the Tennessee River. He suggested that authority be given for making such purchases as the state required and to negotiate with the City of Chattanooga relative to the proposed street. Governor Smith also favored an extension of the Western and Atlanta Railroad to deep water, prior to the expiration of the existing lease, and to provide for this extension there was pending in the Legislature a bill introduced by

* Senate Journal, 1908, opening pages.

* House Journal, 1908, p. 10.
† Ibid., p. 12.
‡ Ibid., p. 26.

Representative Hooper Alexander, of Fulton. There were various other topics discussed in the governor's message but space forbids further detail.

Continuing its work of reform the Legislature at this session passed an act requiring all candidates for governor, state house officers, judges of the Court of Appeals, justices of the Supreme Court, and United States senator, within twenty days after an election is held, to file with the comptroller-general an itemized statement under oath of all campaign expenses incurred by them showing the amount of money expended in such campaign, the purpose for which it was used and the source from which it was derived, and shall in addition, at the same time, publish said sworn statement in some newspaper of general circulation, published at the capital of said state; likewise, all candidates of Congress or for state senator shall, within twenty days, file with the clerk of the Superior Court of each county in their respective districts an itemized statement under oath and shall publish same in newspapers having a general circulation in such districts; likewise also candidates for Superior Court judge and solicitor general to comply with the same requirement.* Somewhat akin to the foregoing act was a measure to prohibit any corporation in this state or any officer or agent thereof from making or authorizing any contributions directly or indirectly to campaign funds for the purpose of influencing the vote, judgment or action of any officer of this state, legislative, judicial or executive.†

To regulate primary elections an act was passed reciting that whenever any political party in this state shall hold primary elections such party shall cause all candidates to be voted for on the same day throughout the state at a time to be fixed by the executive committee of such party, except in cases where a second primary is needed to settle a particular contest; provided said executive committee shall not fix date for said general primary earlier than sixty days before the date of the general election in October and provided further that this section shall not have the effect to require a primary for judges and solicitors except in their respective circuits or for members of the General Assembly except in their respective counties. The law also required an official ballot to be provided and made it obligatory for the names of electors to appear on the registration list. Further details as to the time, place and manner of holding the election were also prescribed.‡

One of the most important of the several administration measures passed at this session was the Registration Act. This measure sought to prevent illegal registration and to purge registration lists before the holding of primaries. It changed the time for registration so that in future a man could register when he paid his taxes, and thereby qualify himself to vote during all the ensuing year. The act made it a misdemeanor for the tax collector to permit any one to sign the voters' slip unless the oath was actually taken at the same time and it required the tax collector to file with the registrars a complete list of the names of those entitled to vote, within ten days after the books close. Six

* Acts 1908, pp. 63-64.
† Acts 1908, pp. 65-66.
‡ Acts 1908, pp. 55-58.

months before the date of an election, the registrars were to complete a correct list of the qualified voters.*

The office of commissioner of pensions was at this session made elective for the first time. Judge John W. Lindsey who had been appointed to this office by Governor Candler in 1899 and whose commission had been twice renewed by Governor Terrell, first in 1903 and second in 1907, was still the occupant of this office, and so ably had Judge Lindsey managed the affairs of his department that he was unopposed in the election which followed.**

There was a bill passed at this session authorizing the governor to ascertain what lands in or near the City of Chattanooga could be advantageously purchased for terminal facilities for the Western and Atlantic Railroad.‡

To carry more thoroughly into effect the provisions of a former act to prevent the adulteration of foods an act was passed separating the two offices of food inspector and drug inspector, and prescribing additional duties for these officers to perform.†

But the overshadowing incident of this session in its bearing upon the future political history of Georgia was the governor's special message to the Legislature, setting forth the circumstances under which he dismissed Hon. Joseph M. Brown from the Railroad Commission. This message was transmitted to the General Assembly on July 20, 1908, six weeks after the close of an exciting campaign in which Mr. Brown had been elected to the governorship. Its importance as a history-making document will justify its publication in full. Governor Smith's explanation of this incident is as follows:††

"State of Georgia,
"Executive Department.
"Atlanta, Ga., July 20, 1908.

"To the Senate and House of Representatives:

"On the 21st of August, 1907, I suspended Mr. Joseph M. Brown from the office of Railroad Commissioner. In pursuance of the requirements of law, I have the honor to report to you the fact of such suspension and the reasons therefor.

"First. Prior to August 22, 1906, the date of the Democratic primary at which I was nominated for Governor, I reached the conclusion that Mr. Brown did not as a Railroad Commissioner properly regard the interests of the people. His general attitude and conduct upon the questions arising between the railroad companies and the people were disapproved by me, and I publicly stated that if elected Governor I would suspend him.

"Second. On June 7, 1907, the Railroad Commission passed an order reducing passenger rates in Georgia. The records of the Commission show that Mr. Brown offered a motion to adopt what he termed the zone system of passenger rates. This motion received the support of Mr. Brown alone. Thereupon Commissioner Hill moved the adoption

* Acts 1908, pp. 58-62.
** Acts 1908, pp. 66-67.
‡ Acts 1908, pp. 79-80.
† Acts 1908, pp. 80-83.
†† Senate Journal, 1908, pp. 242-249.

of the new schedule of passenger rates, and upon the same being put to a vote Commissioners Hill and Stevens voted for the new schedule of reduced rates.

"'Upon this motion,' I quote from the records of the Railroad Commission, 'Commissioner Brown voted "no".'

"In connection with his vote he filed what is termed 'a motion by Joseph M. Brown, Commissioner.' This paper was subsequently printed in pamphlet form covering eighty pages, and after the decision of the Commission, was distributed throughout the State in part by Mr. Brown, and in part, as I have been informed, by railroad companies. It contained arguments and statements adverse to the reduction of passenger fares as made by the Railroad Commission, and also arguments to show that the reduction of freight rates was not beneficial to the masses of the people.

"While I concede the right of any Commissioner to disagree to the action of the majority reducing a freight or passenger rate, or fixing an obligation upon the railroad companies with reference to any service they may be called upon to perform in behalf of the people, I deny his right to remain upon the Commission, and furnish arguments and evidence for the railroad companies to attack the action of the Commission in the courts. I deny his right to agitate in opposition to action of the Commission, thereby encouraging litigation by railroad companies against the Commission.

"When the Railroad Commission renders a decision upon any subject favorable to the people, either in the line of reducing passenger or freight rates, it has been the almost uniform course of the railroads to seek by injunction in the Federal Courts to prevent the action of the Commission from being put into effect. The action of the Commission becomes the action of the State. When a railroad company brings a legal procedure to enjoin the action of the Commission, the Commissioners are made parties, and are called upon to defend what the Commission has done.

"The Attorney-General of the State and other State officials are also sometimes made parties. As the action of the majority of the Commissioners is the action of the State the Attorney-General would not publicly question the wisdom of the majority of the Commissioners. He should give their action his loyal support. Even more, each one of the Commissioners should support the action of the majority of the Commissioners for they in all cases of litigation over their action are the parties representing the State.

"A Commissioner who publicly disapproved the action of the majority reducing a freight or passenger rate, joins the State's legal enemies, and opposes the State in the very work where he is employed to support the State.

"Mr. Brown knew when he made public his motion after the rates were fixed by the Commission that the action of the Commission would be attacked in the courts, for representatives of the railroads had so stated in Mr. Brown's presence at the hearing of the application to have the rates reduced.

"I did not suspend Mr. Brown upon my inauguration because there were measures pending before the Legislature, which I deemed of great importance, and I did not wish to place before the bodies this additional question, as it would occupy time and perhaps hinder action upon the measures to which I have referred.

"The Legislature did not pass these measures until the last hours of the session. After the adjournment I was considering the propriety of suspending Mr. Brown. The time was near at hand when I knew the Commission would be in litigation with the railroad companies over the passenger rates which Mr. Brown had publicly condemned. With Mr. Brown left upon the Commission we would have had a representative of the State who was distributing his opinions containing matter adverse to the State in litigation where his office required him to represent the State. The advantage to the State of filling his place with a Commissioner who would support the action of the Commission was obvious.

"Still I hesitated about suspending him because the Legislature had adjourned, and he could not be given an opportunity to have my decision reviewed until his term of office had ended.

"Third. On August 20, 1907, I received a communication from Mr. Brown. It was left in my reception room without explanation. It is necessary to know the peculiarities connected with its transmission to properly understand its meaning. It was sent to my office addressed to me in a large sealed envelope marked 'personal and confidential' on the front of the envelope. The words 'personal and confidential' were underscored three times, and surrounded by four heavy ink lines. Across the seal of the envelope was written in large letters the word 'personal,' underscored five times and boxed in by four heavy ink lines. The envelope was one which had belonged to my former law firm. On the left-hand corner was printed 'return in five days to Hoke Smith and H. C. Peeples, Atlanta, Ga.'

"I mention these details as they show the great care used to bring the envelope to my personal and exclusive attention, even to the extent of creating the false impression that it came from someone connected with my old law firm.

"Inside this large envelope was another large sealed envelope. This inner envelope was addressed to me and marked 'personal and confidential,' these words also being doubly underscored.

"From these facts it may be seen how intent was the purpose of the sender of the envelope that no one but myself and the sender should know the content of the inner envelope.

"Inside the outer envelope was a letter of which the following is a copy:

"'Governor Hoke Smith.

"'Dear Sir: During the past campaign for the Democratic nomination for Governor you repeatedly referred to me as a "cardwriting Commissioner." I did write several cards exposing the fallacy of some of the charges against the Railroad Commission and against me individually; but there was one "card" which I refrained from writing. Its text could have been the enclosure in the sealed envelope which accompanies this note.

"'Respectfully, etc.,

"'(Signed) JOSEPH M. BROWN.

"'Atlanta, August 20, 1907.'"

"In the foregoing letter, which I read, Mr. Brown put me on notice that the inner envelope did not contain a further communication to me, but that its contents were the 'text' of a 'Card' which he had 'refrained from writing' during the campaign which I had made for Governor. Mr. Brown had published many cards, covering all phases of the railroad controversy. A number of them were directed at me and were quite offensive, yet he notified me that in this inner sealed envelope he sent me the 'text' of a 'Card' which even during the excitement of the campaign he had refrained from publishing, and he sent it in a way to insure that no one could see it or know of his sending it but myself.

"Mr. Brown stated that he refrained from writing the 'Card' the 'text' of which he sent me in the sealed envelope. This was equivalent to saying that he restrained himself from publishing it and withheld publication after considering the propriety of publication.

"I was unwilling for Mr. Brown in this way to force upon my attention offensive matter which he had refrained from publishing and, therefore did not break the seal of the inner envelope.

"He knew at the time he sent me the communication of August 20, 1907, that I was considering, if he did not believe that I was on the point of ordering, his suspension. What was his object, then, in seeking to show me the 'text' of a 'card' which up to that time he had 'refrained' from publishing?

"The inference was that he desired me, and me alone, to know the text of some attack which he had 'refrained' from publishing during the gubernatorial race but which, if I suspended him from office he would publish. Conceding that Mr. Brown was in a normal condition mentally the logical conclusion was that he meant to prevent the Governor of the State from following his convictions in the discharge of his official duty by an implied threat to publish something offensive to the Governor if the final decision of the Governor was adverse to his interests.

"This was the construction which I placed upon his communication.

"The only other construction which could have perhaps been given to the communication was that Mr. Brown, satisfied that he would be suspended, sought to place an affront upon the Governor in connection with his retirement, and thereby get before the public the offensive matter contained in the card he had 'refrained' from publishing.

"After considering the communication I determined that all reason for hesitation was removed.

"On August 21, 1907, I suspended him from the office of Railroad Commissioner. I returned the inner envelope with the seal unbroken. At the same time I sent him the order for his suspension.

"The outer envelope with its peculiarities is in my possession subject to your inspection.

"HOKE SMITH, Governor."

To the general judiciary committee of which Hon. Boykin Wright, of Richmond, was chairman, the foregoing message relative to Governor Brown's suspension from the Railroad Commission was referred. On July 28, this committee submitted a report to the House recommending that no further action be taken in the matter. However, three members

of the committee, Messrs. Hall, Smith, of Campbell, and Warnell, filed a minority report as follows:*

"Mr. Speaker:

"We, the undersigned members of the General Judiciary Committee of the House, submit the following minority report upon the message of the Governor giving his reasons for the removal of the Hon. Jos. M. Brown as Railroad Commissioner, which message was by the House referred to the General Judiciary Committee for examination and report. We are unable to concur in the report submitted by a majority of the committee for the reason that we do not think that the reasons assigned by the Governor for his action in suspending from his office the Hon. Jos. M. Brown, the Railroad Commissioner, are sufficient in law to have authorized him in taking the action which he did. We are forced to the conclusion that the reasons given by the Governor are totally insufficient and are not such as under the law authorized him to remove the above-named officer from his office. We are compelled to find and report that in taking the action he did he acted without authority of law. We therefore submit to the House for its approval the following resolution:

"Resolved, That the reasons assigned by the Governor in his special message to the General Assembly, for the removal of Hon. Jos. M. Brown, Railroad Commissioner, were not sufficient to have authorized him to have exercised the power conferred by the statute.

"Resolved further, That the reasons assigned by the Governor are not sufficient to authorize the General Assembly to remove from his office the Hon. Jos. M. Brown.

"Resolved further, That the reasons assigned by the Governor for the removal of Hon. Jos. M. Brown are not sufficient in law to justify the House of Representatives in the impeachment of said officer.

"JOS. H. HALL.
"E. L. SMITH.
"W. G. WARNELL."

Mr. Brown's statement of the circumstances culminating in his removal from the office of Railroad Commissioner is given in the following interview which appeared in one of the Atlanta newspapers. Said he:†

"To begin with, when I came on the board in August, 1904, there was pending before it a petition from the Atlanta freight bureau, asking the commission to put in the well-known port rate. There was also pending a petition for reductions in interstate rates, which, was of vastly more importance to all cities and sections of the state than the question of rates between Atlanta and the ports alone. The more important petition was taken up first and resulted in the agreement secured in February, 1905, which was followed by the announcement of the reductions made in the May following.

"Then the port rate question was taken up, and Governor Smith, then as an attorney, appeared before the board and strongly urged that it be granted. Decisions of the United States supreme court, so

* House Journal, 1908, pp. 546-547.
† Files of the Atlanta Constitution, August 22, 1907.

far as I could read them, put it out of the power of the board to grant the reductions asked in this petition; hence I, with another member of the board, felt that we had to deny it.

"A few weeks after that time Mr. Smith made public speeches in which he announced that, if elected governor, he would suspend me.

"After we reduced freight rates, I noticed that the prices of everything on which rates were reduced had advanced. I got from the United States bureau of labor office figures showing the prices before the rates were reduced, and also the prices in December, 1906, and I showed in a pamphlet which I issued that this reduction of $2,000,000 in the freight rates had been all absorbed by manufacturers and jobbers, and that farmers and the other laboring people of Georgia, not only received no share of the reduction in rates which had been promised them, but that Governor Smith's former clients and other manufacturers and jobbers throughout the state, were absorbing the reductions and then raising the prices until they were higher than before the rates were reduced.

"In view of the fact that my term of office will expire within six weeks' time, and of the further fact, as I have stated, that I have shown that the consumers of Georgia are getting none of the benefits of freight rate reductions already made, as was promised them, I naturally assume that Governor Smith's feeling of loyalty to his former clients, the manufacturers and jobbers, has caused him to take the action toward me which has just been made public."

CHAPTER XXV

THE EXTRA SESSION OF 1908—CALLED TO CONSIDER THE CONVICT LEASE SYSTEM—ALSO TO PROVIDE FOR SOME OTHER DISPOSITION OF PRISONERS—CRUEL TREATMENT OF CONVICTS—IRREGULARITIES DISCOVERED ON THE PART OF CERTAIN OFFICIALS—GOVERNOR SMITH'S MESSAGE—SOME OF ITS RECOMMENDATIONS—REPORT OF THE JOINT COMMITTEE OF INVESTIGATION—THE PRISON COMMISSION UNDER FIRE—CENSURED BY THE COMMITTEE—HON. JOHN N. HOLDER, OF JACKSON, AUTHOR OF THE BILL ABOLISHING THE CONVICT LEASE SYSTEM—THE PRISON COMMISSION IS LEFT UNMOLESTED—CONVICT LABOR TO BE USED IN BUILDING GOOD ROADS—TAX IMPOSED UPON NEAR BEER TO SUPPLY LOSS OF REVENUE—CHILDREN'S COURTS—THE PERSONS' BILL PROVIDING FOR A SYSTEM OF PAROLES—GOVERNOR SMITH'S LAST MESSAGE REVIEWING THE ACHIEVEMENTS OF HIS ADMINISTRATION—THE REFORM WORK OF THIS GENERAL ASSEMBLY—GOVERNOR SMITH REFUSES TO CALL OUT THE STATE MILITIA TO QUELL A STRIKE ON THE GEORGIA RAILROAD—AN ADJUSTMENT OF THE DIFFICULTY IS EFFECTED—HON. FULLER E. CALLAWAY RESIGNS FROM THE RAILROAD COMMISSION—HON. C. M. CANDLER SUCCEEDS HIM ON THE BOARD—FORMER COMMISSIONER J. POPE BROWN APPOINTED STATE TREASURER TO SUCCEED HON. R. E. PARK, DECEASED—COMMISSIONER S. G. MCLENDON, AN APPOINTEE OF GOVERNOR SMITH, IS SUSPENDED—HON. JOSEPH F. GRAY SUCCEEDS MR. MCLENDON.

But the drastic work of this reform Legislature was still unfinished. During the session of 1907 a joint committee had been appointed to investigate certain charges relative to the conduct of affairs in the state's penal system. Hon. T. S. Felder, of the Twenty-second, was chairman of this committee, on the part of the Senate, and Hon. C. M. Candler, of DeKalb, chairman, on the part of the House. Flagrant violations of the law had been discovered by this committee in some of the convict camps; but its report was not ready when the time for adjournment came and the committee asked to be allowed to sit in vacation under the powers of the original resolution.* However, conditions were such that there was no alternative except for the governor to convene the General Assembly in extraordinary session. This was made imperative for the reason that a five year lease of convicts under an act of 1903 would expire before the meeting of the next Legislature and a renewal of the lease would inevitably take place unless measures were adopted providing for some other disposition of prisoners. Public sentiment in Georgia was rapidly crystallizing in favor of an abolition

* House Journal, 1907, p. 895.

of the convict lease system, a monstrous Caliban born amid the enormities of Reconstruction. Its existence was a blot upon the state's escutcheon and a reproach to a Christian civilization.

Accordingly, on August 20, Governor Smith issued an executive proclamation, setting forth the above facts and calling the General Assembly to meet in extraordinary session on Tuesday, August 25, immediately following an adjournment sine die of the regular session of 1908. Under authority of this proclamation, the Legislature met at the time mentioned. Governor Smith, in his message, proceeded upon the assumption that an abolition of the lease was contemplated; in fact, that no other solution of the problem was to be tolerated. But the handling of 5,000 convicts was not a matter to be lightly considered. He suggested that all the able bodied convicts be put to work at once upon the public roads of the state. Said he:*

"There are railroads to be built, public highways to be constructed, dirt roads to be graded and improved, swamp lands to be drained, and many other internal improvements upon which they could be used which would increase the opportunity for progress and prosperity all over Georgia. Foremost among the opportunities presented is the extension of the Western and Atlantic Railroad to the ocean."

Governor Smith suggested apportioning the convicts to the various counties of the state for needed work and recommended the purchasing of coal mines for the state's felony convicts.

First in order, however, came the report of the joint committee of investigation.† This committee was constituted as follows: Thomas S. Felder, chairman, J. E. Hays and P. M. Hawes, on the part of the Senate; and C. M. Candler, chairman, J. W. Wise, A. J. McMullen, A. P. Adams and T. E. Ryals, on the part of the House. The resolution creating this committee enjoined upon it the duty of making a rigid inquiry into the management of the prison department. To this end, not less than 138 witnesses were examined. It was found among other things that the chief warden, while in the pay of the state, had received compensation from the lessees for negotiating deals and that in this way he had received fees aggregating $2,700. Other irregularities were discovered. There was an utter lack of system in the management of affairs at the prison farm. The state reformatory was not fulfilling its intended purposes. No instruction was given to youthful criminals either in the elementary branches of an English education or in manual training. Black and white prisoners were not kept separate as provided by law and instead of redeeming offenders the state reformatory was incubating criminals. While the Prison Commission was acquitted of having received any financial profit or of having connived in any way with wrong doing, it was nevertheless charged with responsibility for the condition of affairs found to exist and was severely censured for its sins of omission.

Growing out of this investigation there was a strong fight made on the Prison Commission itself, but the integrity of its members was of such a character that efforts in this direction proved fruitless. The

* Senate Journal, 1908, Extraordinary Session, Governor's Message.
† Ibid., pp. 18-62.

convict lease system, however, was doomed. Hon. John. N. Holder, of Jackson, introduced a bill in the House which eventually became its death-warrant, designating April 1, 1909, as the time when the convict lease system in Georgia should cease to exist.* Hon. T. S. Felder introduced a bill in the Senate which went still further. It proposed not only to abolish the convict lease system but to abolish the Prison Commission and to substitute in lieu thereof a board of prison directors. It also provided for the purchase of prison farms. Other bills were introduced during the session and in the end there was necessarily a compromise, but it was essentially the Holder bill to which the governor's signature was eventually attached.

The Legislature remained in extraordinary session for twenty-six days. Between the two legislative branches there seemed to be a hopeless locking of horns but as finally perfected the measure abolishing the convict lease system left the Prison Commission unmolested. The new law embodied the public demand for placing the convicts upon the public highways of the state. It also provided for the apportionment of convict labor between the various counties, for the purchase of convict farms, for the rigid inspection of convict camps, and for the hire of convicts to municipalities in certain cases, but the handling of convicts at all times was to be under the state's immediate supervision and control. To supply the loss of revenue caused by the abolition of the convict lease system, a tax was imposed upon near beer and other substitutes for intoxicants. Provision was also made for the establishment of children's courts, in order that principles of humanity might be applied to delinquents of tender age, the state assuming toward them the attitude of a parent. What was known as the Persons bill, providing for a system of paroles or pardons on condition, was also passed. This measure was introduced by Hon. G. Ogden Persons, of Monroe. The reformatory idea was central to all the legislation adopted; and while this legislation was in the main experimental and tentative it was essentially humane and Christian. It measured a gigantic step forward. Before adjournment a joint resolution was adopted creating a commission to inquire into the feasibility of employing convicts to extend the Western and Atlantic Railroad to the ocean. This committee was to be constituted as follows: three members from the House, two from the Senate, and four experienced men, citizens of Georgia.‡ The committee thus appointed was to report to the next General Assembly, and to meet its necessary expenses the sum of $2,000 was appropriated.

Governor Smith, in his last message to the Legislature, congratulated the state upon the abolition of the convict lease system, a relic of barbarism forced upon the commonwealth immediately after the war, in part by a provisional government and in part by a Legislature controlled by a republican majority.† The extra session cost the state $37,000, a round sum, but it passed a revenue act from which $225,000 was realized in excess of what was needed for developing the penitentiary system. Governor Smith suggested the application of this fund to the

* Acts 1908, pp. 1119-1130.
‡ Ibid., 1133.
† House Journal, 1909.

payment of salaries to teachers. Discussing the new Railroad Commission law, with its added cost to the state, he cited three important acts which in themselves constituted an ample justification of the commission's enlarged powers: (1) the reduction of passenger fares, saving to the people a million dollars per annum and at the same time stimulating railway travel; (2) the abolition of free passes; and (3) an order forbidding any general reduction of wages paid employees until the facts upon which the reduction is based are first submitted to the commission. He also declared in this connection, as heretofore quoted, that the expenditure of $35,000 a year for a Railroad Commission was small enough when the fact was kept in mind that it was to protect the rights of the public in an expenditure of sixty millions that the commission existed.

The State Farm at Milledgeville embraced at this time, according to the governor's message, 4,200 acres of land, but its management was condemned as inefficient and lax. Properly managed, he thought it ought to be self-supporting. Special attention was called to the State Reformatory, its short-comings and its radical need of improvement.

Only a few weeks before Governor Smith's retirement from office there was a strike by firemen on the Georgia Railroad which resulted in a temporary suspension of traffic. Governor Smith telegraphed all sheriffs and mayors along the line to be vigilant and to protect life and property; but he declined to accede to the persistent demands of Gen. Mgr. Thomas K. Scott for more vigorous action. Discussing the matter in his message, he said:

"When the results of the strike began to affect the interests of the people along the line of the road, after consultation with the Attorney-General, I determined to bring the matter to the attention of the courts and a bill was prepared by the Attorney-General to place the road in the hands of a receiver on account of the failure of the authorities to operate the road."

But the strike was finally adjusted without a resort to legal measures; and notwithstanding the intense excitement caused by the imminence of a race war there was no blood shed and no serious injury of any kind sustained.

Governor Smith's administration lasted only two years. As will be seen in the next chapter, his suspension of Railroad Commissioner Joseph M. Brown from office precipitated a campaign which resulted in his defeat for re-election. But the worst enemy of Mr. Smith cannot deny to his administration its rightful and just claims to recognition as one of the most progressive administrations in the annals of the state. With the work of the extraordinary session concluded, the famous reform Legislature of 1907-1908 passed into history, but its monumental work remained, an enduring land-mark for the ages. The iniquitous convict lease system was no longer a reproach upon Georgia's honor. The curse of the liquor traffic was lifted. Despite adverse conditions, due to the financial panic of 1907, the state's total revenues amounted in round numbers to $5,000,000 and all records were broken in appropriations to education. For 1908, the appropriation to the common schools was increased $333,000; nor was there any deficit caused by these expenditures.

Hon. Fuller E. Callaway, having resigned his seat on the Railroad Commission to take effect April 1, 1909, Governor Smith appointed as his successor, Hon. Charles Murphey Candler, the present efficient chairman of the board (1916). Mr. Candler, while in the Legislature of 1907-1908, had introduced and urged to its passage the bill enlarging the powers of the Railroad Commission. He had also been chairman of the committee on appropriations, and one of the most tireless, efficient, energetic and influential members of the House.

One of the last executive acts of Governor Smith was to appoint Hon. J. Pope Brown, of Pulaski, state treasurer, to succeed the late Hon. Robert E. Park, whose death on May 7, 1909, robbed the state of an upright official, "in whom there was no guile."

Just before retiring from office, Governor Smith, on June 24, 1909, surprised the state by removing Hon. S. G. McLendon, then chairman of the Railroad Commission, whom he had himself appointed to this office in 1907 to succeed Commissioner Joseph M. Brown. At the same time, Hon. Joseph F. Gray, of Savannah, was appointed to succeed Mr. McLendon. Political excitement was at white heat. The proximate cause of Mr. McLendon's removal was his change of front in identifying himself with an opposite school of thought relative to matters pending before the Railroad Commission; and on every tongue were heard the ominous words of destiny—so potent to make and unmake public men—Port Rates.

CHAPTER XXVI

THE STATE CAMPAIGN OF 1908—DEPOSED FROM THE RAILROAD COMMISSION, JOSEPH M. BROWN TAKES THE FIELD AGAINST GOVERNOR SMITH—POLITICAL DIFFERENCES OF LONG STANDING BETWEEN THE TWO MEN—PORT RATES—CONTRASTED VIEW-POINTS AND CHARACTERISTICS—MR. BROWN WRITES SOME VIGOROUS ARTICLES FOR PUBLICATION NECESSITATING A REJOINDER—FACTIONAL LINES DRAWN—INCIDENTS RECALLED—ONE OF THE BITTEREST CAMPAIGNS IN GEORGIA POLITICS ENDS IN THE DEFEAT OF GOVERNOR SMITH FOR RE-ELECTION—THE STATE DEMOCRATIC CONVENTION MEETS—JUDGE TWIGGS PUTS MR. BROWN IN NOMINATION—MR. IRWIN'S WITTY SPEECH MAKES A TREMENDOUS HIT—SUPERIOR COURT JUDGES—DELEGATES TO THE NATIONAL DEMOCRATIC CONVENTION—PRESIDENTIAL ELECTORS—WILLIAM J. BRYAN FOR A THIRD TIME MADE DEMOCRACY'S STANDARD-BEARER—BUT AGAIN MEETS DEFEAT—WILLIAM H. TAFT BECOMES PRESIDENT—HIS SOJOURN AT AUGUSTA—HANDSOMELY REMEMBERED BY GEORGIANS ON THE SILVER ANNIVERSARY OF HIS WEDDING—APPOINTS JUDGE JOSEPH R. LAMAR, OF AUGUSTA, TO THE SUPREME COURT OF THE UNITED STATES—HON. JOHN TEMPLE GRAVES, OF GEORGIA, A CANDIDATE FOR VICE PRESIDENT IN 1908 ON THE HEARST TICKET—ONLY ONE CHANGE IN THE GEORGIA DELEGATION IN CONGRESS—HON. DUDLEY M. HUGHES SUCCEEDS HON. E. B. LEWIS—BUT JUDGE GRIGGS DIES BEFORE THE CLOSE OF THE SESSION AND IS SUCCEEDED BY JUDGE S. A. RODDENBERY—SPEECH MADE BY JUDGE GRIGGS DURING THE SPANISH-AMERICAN WAR.

Revolutions in politics are ofttimes wrought with a suddenness suggesting the magic "Presto" of the Arabian Nights. Railroad Commissioner Joseph M. Brown's dismissal from office became the dominant issue of the next political campaign in Georgia, overshadowing the vexatious question of port rates out of which it grew. Antedating the Macon convention of 1906, there had long been a radical difference of opinion between Mr. Smith and Railroad Commissioner Brown relative to the control of railroads, especially in the matter of freight rates to and from the various seaports within the state. On this particular question, at least, they belonged to antagonistic schools of thought and were irreconcilably opposed. Mr. Brown had been for years a railway official and had made a deep study of railroading as a practical science. Mr. Smith had achieved a deservedly high reputation at the bar as an anti-corporation lawyer and had often represented clients most successfully in heavy damage suits against railroads. He believed with General Toombs that unless Georgia controlled the corporations the corporations would in time control Georgia. On the other hand Mr. Brown con-

tended that hostility to railroads was a policy fraught with menace to the state's best interests; that the development of our material resources depended upon the iron horse; that to curtail unjustly the earning power of railroads was to lessen the capacity of these corporations for serving the public and to postpone indefinitely the double-tracking of railroads, a matter vital to the state's commerce on account of the serious congestion of traffic. Moreover, it was argued by Commissioner Brown that to cripple the railroads of the state by an injudicious policy of taxation, or its equivalent in the unjust reduction of freight rates, was to discourage capital from seeking an investment in this state, was to jeopardize trust funds, was to impair the incomes of dependent widows and orphans and to cripple institutions whose money was invested in railroad stock. When a fight was made, in 1907, before the Railroad Commission, for a reduction in freight rates, Mr. Brown opposed it, not only on these grounds but for the additional reason that its effect was to benefit jobbers and manufacturers without lessening to consumers the cost of living and that none of this money, saved by reducing freight rates, found its way into the poor man's pocket. But, in this view of the matter, Mr. Brown was overruled by the other members of the board and the rates were accordingly lowered. Mr. Smith, in his first race for governor, advocated enlarging the powers of the Railroad Commission, in order to bring the railroads more completely under the control of the state; and one of the first measures passed by the Legislature and approved by Governor Smith, after his induction into office, was a measure reorganizing the Railroad Commission, enlarging its powers and increasing its membership, besides adding the office of special attorney to the commission.

Thus it will be seen that the antagonism between the Railroad Commissioner and the chief executive antedated the latter's first campaign for governor in 1906. Indeed, it is said that during the campaign Mr. Smith strongly intimated, if he did not openly avow, an intention to dismiss Mr. Brown from office on assuming his duties as governor. This resolve was only intensified and strengthened by Mr. Brown's vote in opposition to a reduction of freight rates. Nor did the latter's vigorous pamphlet, re-enforced by salty letters published in the newspapers, defending and justifying his position, succeed in softening Governor Smith's heart or result in pouring oil upon the troubled waters. The suspension of Railroad Commissioner Brown by a chief executive with whose administrative policy he was not in accord became inevitably certain; but Governor Smith, in waiting for an adjournment of the State Legislature before taking this course, invited criticism. He doubtless did not wish to embarrass legislation by precipitating an issue of this character, when important measures were pending. But his delay cost him the governorship; and in the months which followed one of the most stirring dramas known to Georgia politics since Reconstruction was enacted in this state. On August 17, 1907, the Legislature adjourned sine die. Four days later, on August 31, an executive order was issued suspending Railroad Commissioner Joseph M. Brown. The war was on.

Instantly there followed a reactionary protest. The friends of Mr. Brown were fairly indignant. Only six weeks of his term of office as

Railroad Commissioner still remained; and there was no need of such drastic action—so the friends of Mr. Brown claimed—unless it was Governor Smith's desire to humiliate and punish the Railroad Commissioner. It was charged that the governor was actuated by vindictive motives; that he was given abundant opportunity for taking this course during the Legislature's fifty day session; that he had purposely waited for adjournment so that he could inflict condign punishment upon Mr. Brown by denying him a tribunal to which he could appeal for redress; that, without preferring any charges against Mr. Brown and without giving him an opportunity for self-defense, he had arbitrarily dismissed him from a high office, within a few weeks of the time when his commission was automatically to expire. As the result of this dramatic episode, the factional fires burst out afresh.

There were a large number of people in the state to whom Mr. Brown's course had strongly commended itself. Almost to a man he held the support of the Howell following; but there were thousands of others, some of them hitherto warm supporters of Governor Smith, who resented his action in dismissing Commissioner Brown, under these peculiar circumstances. Even the closest friends of the governor, while insisting upon his absolute honesty, regretted the particular mode in which he had seen fit to oust Commissioner Brown. It was a political earthquake, a seismic disturbance in the world of politics, the rumblings of which were now started by Governor Smith's executive order of August 21.

To become a candidate for governor in 1908 was doubtless not within the remotest dreams of Mr. Brown, until this crisis of affairs gave it germinal embodiment. His climb to eminence was by a route never before in the history of Georgia taken by a governor. It has been suggested that the elusive, mysterious, and much discussed letter which Governor Smith returned to Mr. Brown unopened, in the summer of 1907, was really the latter's formal note of resignation. Save Mr. Brown alone there is doubtless no one in existence to whom the purport of this letter is really known. Its contents still remain a secret as baffling as the riddle of the Sphinx. But had this letter contained Mr. Brown's resignation, as many suppose it did, and had Governor Smith, instead of returning it to him unsealed, seen fit to read it and to acquiesce in Mr. Brown's willingness to resign, it might have changed the current of Georgia's history for a whole generation. It is, of course, idle to speculate. But there is at least one fact to which no mystery whatever attaches. It is this: the peremptory dismissal of Mr. Brown from office invested him with a halo of martyrdom; it made an appeal to the people for vindication a political necessity; and, in the last analysis, it supplied to Mr. Brown the golden key with which he unlocked the governorship of Georgia.

There was no alternative for Mr. Brown except to appeal to the ballot-box; but instead of seeking to regain his old seat on the Railroad Commission he chose rather to oppose Mr. Smith. Before the Legislature could meet again in regular session, a full year must elapse. The extra session of 1907 was called for a definite purpose and its deliberations were restricted solely to the objects for which it was convened by the governor's proclamation. In the meantime, Mr. Brown was virtually

under indictment. To erase the stigma put upon him became a mandate of personal honor, an obligation of self respect; but if Mr. Brown needed any other spur to this course of action he found it in the urgent importunities of friends who overwhelmed him with an avalanche of letters. Accordingly, he entered the race for governor.

It is needless to multiply details. The campaign is still a recent memory. Mr. Brown was no match for Governor Smith in oratorical gifts. He was neither a trained debator nor an experienced public speaker; and, recognizing his limitations in this respect he did not wish to emulate the temerity of Ajax or to invite odious comparisons by engaging in joint debate with Governor Smith. But in the art of written composition he belonged to the school of Addison.

As campaign documents his cards acquired a proverbial vogue. Terse, epigrammatic, sententious, they went direct to the mark. It was not Mr. Smith's purpose at the outset to make any campaign speeches. Indeed, he avowed an intention to the contrary, but the growing strength of his opponent forced him into a change of tactics. It was necessary for these cards to be neutralized. His approval of the prohibition bill alienated a multitude of strong supporters and cost him a number of votes. On the other hand, Mr. Brown was helped by tactical infelicities committed in the management of Governor Smith's campaign and by reactionary tendencies such as are incident to every radical crusade of reform. The epithet of "Little Joe," applied in derision to Mr. Brown, brought him many a good vote, especially in the mountain districts, where its only effect was to revive the spell cast by his illustrious father upon the whole of Cherokee Georgia. Some of the campaign speakers for Mr. Smith belittled the personal appearance of Mr. Brown. From the standpoint of politics, this was unwise. The average voter is a homely man; and this belittlement of Mr. Brown only served to augment his popularity and to arouse the latent interest which human nature always feels in one whose powers are disparaged. There was not a county in the state whose even tenor of life was not disturbed by the violent passions of this bitter factional fight; scarcely a household through which its lines of division were not sharply drawn. But in the end Mr. Brown was victorious, overcoming Mr. Smith's splendid victory of 1906 and rolling up a decisive majority of 12,000 votes. The state democratic primary was held on June 4, 1908. At this same time, Capt. F. E. Park was renominated for state treasurer, defeating Hon. W. J. Speer; but before entering upon his new term of office, Captain Park died and Hon. J. Pope Brown, of Pulaski, formerly a Railroad Commissioner, succeeded to the vacant treasurership by appointment of Governor Smith. All the other state house officers were renominated.

On June 23, 1908, the state democratic convention met in Atlanta and was called to order by the retiring state chairman, Judge A. L. Miller. There were 1,800 delegates in attendance.* The convention organized by electing Hon. C. R. Pendleton, of Bibb, the old wheelhorse of democracy, its temporary presiding officer; and Hon. Hewlett A. Hall, its permanent chairman. This was the first convention whose delegates were chosen entirely from the friends of the successful candi-

* Files of the Atlanta papers, June 24 and 25, 1908.

date for governor. Mr. Brown's name, in a most eloquent speech, was presented to the convention by Judge H. D. D. Twiggs, of Chatham, an orator whose gifts recalled the fiery genius of the great Toombs. Said he:

"I was asked a few days ago by a man from New York what part of Georgia Joe Brown hailed from. I said in reply that he claims Marietta, Cobb county, as his home; but I say to you, gentlemen of the convention, all Georgia claims him today. (Great applause.) His home is in the hearts of the people whom he led to victory by his splendid courage and devotion (loud applause); the people who stood by him with a loyalty unequalled in a campaign which will pass into history as the most extraordinary in the political annals of Georgia. From the Savannah to the Chattahoochee, from Rabun Gap to tide-water, his marching legions—nearly 110,000 strong—rallied beneath his banner, held proudly aloft, like the fiery cross of Irish Alpine, upon which was inscribed, 'wisdom, justice and moderation.'". (Great cheering.)

One of those who spoke seconding the nomination was Hon. Isaiah Tucker Irwin, of Wilkes. In 1857, Mr. Irwin's grandfather, bearing the same name, had nominated Joseph E. Brown for the same exalted position. Few brighter speeches have ever been heard in a nominating convention than Mr. Irwin's. It captured the great audience. Mr. Irwin began his speech by telling how his grandfather had nominated the elder Brown in 1857; and, continuing, he said:

"In these fifty-one years which have passed, no greater triumph has come to any son of our soil. Forgetting that Alexander the Great was small, that Napoleon was small, that Paul, the great apostle, was small, that our own Alexander H. Stephens was small, his political foes saw fit to call him in derision 'Little Joe' (loud applause, mingled with hurrahs). But what was intended for a slur became ere long a slogan. Goliath found his more than match in David (cheers). The silent contempt displayed in the beginning of this campaign changed into loud and lasting harangues that awoke the welkin of our mountain neighbors and stirred the slumbers of Southern Georgia (laughter and applause). Disfranchisement of negroes and chastisement of railroads were the bogies that fooled many a voter two years ago, but these 'durned fools'—to quote Rube Arnold's descriptive phrase—had time for their hair to grow and their strength to recover (renewed laughter). Becoming weary of the sport of their enemies, they gripped in their mighty arms the pillars of the unhallowed edifice built about them and overthrew both Dagon and his devotees (great applause). Georgia wants more bread and less buncombe (cheers) dollars rather than dictators (cheers) prosperity and not hard times (cheers). With thanks to the heel that raised our nominee from the chair of Governor, a mighty kick it was and wiser than the Governor knew, and with gratitude to God and all the durn fools of Georgia, I second the nomination of Joseph M. Brown (loud and prolonged cheering)."

The platform adopted by the convention discouraged all legislation unfriendly to capital invested in legitimate enterprises in Georgia, whether foreign or domestic. It favored strict control and firm regulation of public utility corporations, but justified no harsh exactions. It advocated such freight and passenger rates as were just to the corporations and to the public; such rules as would give to shippers expeditious and safe transportation and quick adjustment of all claims; to passengers regular schedules and comforts of travel. It approved the county unit system of representation in state conventions, with its safeguards, checks and balances; and favored economy in public expenditures but adequate support for the common schools and prompt payment of teachers. Revision of the primary election laws was urged, protecting the ballot by constitutional safe-guards from venal and corrupt influences, but imposing no unnecessarily harsh restrictions. There was also a plank against lobbying. An effort was made by the anti-prohibitionists to commit Mr. Brown to a platform advocating the repeal of prohibition, but to this policy Mr. Brown was opposed, though many prohibitionists were supporting Mr. Smith because of his executive action in approving the prohibition bill. On this paramount issue the platform spoke as follows:

"The successful candidate for Governor having by his public utterances removed the prohibition question from the field of legislation for the next two years, we should therefore discourage by all legitimate means any effort to repeal, emasculate or weaken the present law and favor its honest and strict enforcement."

On this platform of principles Mr. Brown received the overwhelming support of the Georgia democracy in the fall elections.

There was great enthusiasm for the democratic nominee in the state convention of 1908 but the spirit of vindictiveness was largely absent. This was manifested by a gracious act of courtesy on the part of Hon. M. J. Yeomans, a delegate from Terrell. As retiring chairman of the State Democratic Committee, Mr. Yeomans, a warm supporter of Clark Howell, but a most genial and generous foeman, whose opposition to Mr. Smith was destitute of all personal bitterness or rancor, had nevertheless, on calling the convention of 1906 to order in Macon been treated with great indignity by the partisan majority in control and had even been hissed from the hall. With the memory of this incident still fresh in mind, Mr. Yeomans, in a spirit of magnanimity, introduced the following resolution which was adopted:

"Resolved that the thanks of this convention be given to Judge A. L. Miller, the retiring chairman of the State Democratic Executive Committee for his patriotic services to the party and as a token of our esteem that he be invited to a seat on the floor of the convention."

This convention nominated the following Superior Court judges who were duly elected in the fall: Frank Park, Albany Circuit; John T. Pendleton, Atlanta Circuit; N. A. Morris, Blue Ridge Circuit; S. P. Gilbert, Chattahoochee Circuit; A. W. Fite, Cherokee Circuit; R. W. Freeman, Coweta Circuit; W. G. Charlton, Eastern Circuit; D. W. Meadow, Northern Circuit; J. H. Martin, Oconee Circuit; Z. A. Littlejohn, Southwestern Circuit; and L. S. Roan, Stone Mountain Circuit.

Georgia sent an uninstructed delegation this year to the National Democratic Convention in Denver, Colorado. Its personnel was as follows: from the state at large—P. W. Meldrim, W. S. West, Albert H. Cox and T. W. Loyless. District delegates—(1) T. M. Cunningham and H. H. Elders; (2) T. E. Gurr and E. E. Cox; (3) Crawford Whatley and J. T. Hill; (4) J. L. Willis and A. H. Thompson; (5) A. M. Robin-

son and A. C. McCalla; (6) Will Gunn and E. M. Smith; (7) J. Lindsey Johnson and B. L. Hartsill; (8) R. Lee Callaway and A. Van Deadwyler; (9) R. T. Jones and H. H. Dean; (10) W. W. Pilcher and H. M. Franklin; (11) W. B. Thomas and C. R. Ashley.

The presidential electors chosen by this convention were as follows: from the state at large—F. H. Saffold and Eb. T. Williams. District electors—R. M. Hitch, J. R. Pottle, W. H. Lassiter, J. H. Boykin, A. M. Brand, Douglas Glessner, Wm. E. Spinks, G. W. Westbrook, Dr. Jeff Davis, Isaac S. Peebles and A. L. Hatcher.

William J. Bryan, of Nebraska, was again chosen democracy's standard-bearer in the presidential campaign of 1908. Three times the democratic party of the nation had honored him with its banner, but once more was he destined to lead his followers to defeat. William H. Taft, the republican nominee for president, possessed many warm personal admirers in the state, some of whom supported him in this campaign. Ever since 1896, the republican party in Georgia had been growing in respectability by recruits from the democratic ranks. Thousands of democrats both in 1896 and in 1900 supported Mr. McKinley on the money question, not a few of them remaining in the republican fold. Mr. Roosevelt, in 1904, was complimented with a handsome vote, which many democratic friends helped to cast on the score of his Georgia antecedents. But Mr. Taft did more than any of his predecessors to overcome the traditional hostility of Georgians toward the republican party in the nation. Subsequent to his election but prior to his inauguration, Mr. Taft sojourned for several weeks on the Sand Hills, near Augusta, where he sought and obtained the personal friendship of the best people of Georgia. Again in the spring of 1911 he made the town a visit and finally after completing his term of office in 1913 he came directly to Augusta for an extended sojourn. When the silver wedding anniversary of Mr. and Mrs. Taft was celebrated in the White House in 1911 quite a number of Georgians were present and conspicuous among the many elegant presents received by them was one from the people of Augusta, an exquisite silver service, the gift of three official bodies: the Chamber of Commerce, the Cotton Exchange, and the Merchants and Manufacturers Association. It consisted of a punch bowl, with a capacity of thirty-six pints, a salver, a ladle, and twelve cups. On the handsome tray was engraved the following inscription:

"To Mr. and Mrs. William Howard Taft. From friends and admirers, Augusta, Ga. 1888-1911. June Nineteenth."

Both the bowl and the cups were tastefully inscribed with an Old English "T."

President Taft, during his visits to Augusta, made the acquaintance of Hon. Joseph R. Lamar, a distinguished member of the Georgia bar and a much beloved citizen. Judge Lamar had served Georgia on the Supreme bench and had been one of the able trio of lawyers who compiled the code of 1895. Fascinated by his engaging personality, Mr. Taft was no less deeply impressed with his legal scholarship and high character; and the result of this acquaintance was Judge Lamar's appointment to the Supreme bench of the United States, despite the fact that he had been a consistent and life-long democrat. It may be said in this connection that Mr. Taft was wholly non-partisan in his

choice of many other distinguished men for important positions under the Federal Government. As his secretary of war, he appointed a democrat, Jacob M. Dickinson. To the Supreme bench, he also elevated Judge Horace H. Lurton, of Tennessee, a democrat and an ex-Confederate soldier; and finally to the high office of chief justice of the United States, he appointed a democrat and an ex-Confederate soldier: Judge E. D. White, of Louisiana. The White House in Washington has never known a truer patriot or a more courtly gentleman than William H. Taft. Even President Cleveland himself was not more generous in his recognition of Southern democrats.

But to return to the year 1908. There was an independent democratic ticket nominated this year by the radical or Hearst element of the party on which Hon. John Temple Graves, of Georgia, was named for vice president. Mr. Hearst having declined to head the ticket, Hon. Thomas L. Hisgen, of New York, was nominated for president.

We find, in the state's delegation elected to Congress this year, only one new member. From the Third District, Hon. Dudley M. Hughes was elected after a heated contest, defeating Hon. E. B. Lewis who had served in Congress for twelve consecutive years. Hon. J. M. Griggs was re-elected from the Second, but died before the expiration of his term of office and was succeeded by Hon. S. A. Roddenbery, of Thomasville. Judge Griggs was six times honored by his constituents with an election to Congress. He was an able representative, gifted with brilliant powers of oratory, and, during the Spanish-American war, achieved a national reputation by a protest which he made against the effusiveness of Northern speakers in welcoming the South so often back into the Union. Said:

"Too many reconcilations bespeak too many differences. We kill the fatted calf too often. The South returned to her allegiance in 1865. There has never been an hour since that day when she has not been willing to defend the nation's flag; and, if I must say it, we are weary of eternal welcomes back into the house of our fathers."

CHAPTER XXVII

THE NEW LEGISLATURE MEETS IN THE SUMMER OF 1909—SOME OF ITS MEMBERS—GOVERNOR SMITH, BEFORE RETIRING FROM OFFICE, GIVES HIS REASONS FOR SUSPENDING RAILROAD COMMISSIONER S. G. McLENDON—THE MATTER REFERRED TO A JOINT COMMITTEE—MR. McLENDON DEFENDS HIMSELF AGAINST THE CHARGES—EMBARRASSING TRANSACTIONS DISCLOSED BY LATER DEVELOPMENTS—BOTH HOUSES VOTE TO SUSTAIN THE GOVERNOR—BUT A VIGOROUS PROTEST IS ENTERED ON THE JOURNAL OF THE SENATE—THE W AND A COMMISSION REPORTS ON THE PROPOSAL TO EXTEND THE STATE ROAD TO DEEP WATER—ESTIMATES OF COST—GOV. JOSEPH M. BROWN INAUGURATED—HIS MESSAGE TO THE GENERAL ASSEMBLY—SEEKS TO ALLAY STRIFE—HOSPITALITY TO CAPITAL IS EXTENDED—JUSTICE TO THE PEOPLE AND TO THE RAILROADS—THE NEED OF A DEPARTMENT OF COMMERCE AND LABOR—THE RAILROAD COMMISSION TOO LARGE AND TOO EXPENSIVE—ITS REDUCTION ADVOCATED—SOME OF THE LAWS ENACTED—GEORGIA DAY—OSTEOPATHS SECURE RECOGNITION—THE HOPKINS CODE—BOARDS OF EDUCATION AUTHORIZED TO BORROW MONEY FOR PAYMENT OF TEACHERS—LIABILITY OF EMPLOYEES—GOVERNOR BROWN GIVES HIS REASONS FOR NOT PURCHASING CERTAIN LANDS NEAR CHATTANOOGA, TENNESSEE—SECURES AN OPTION ON THE EVANS TRACT—DEATH OF EX-GOVERNOR CANDLER, COMPILER OF RECORDS—IS SUCCEEDED BY FORMER GOVERNOR NORTHEN—DEATH OF SOLICITOR GENERAL HILL—TO SUCCEED HIM, GOVERNOR BROWN APPOINTS HON. HUGH M. DORSEY—DEATH OF GEORGIA'S JUNIOR U. S. SENATOR—EX-GOVERNOR TERRELL IS NAMED FOR THE VACANT SEAT—JUDGE JOHN C. HART RESIGNS AS ATTORNEY-GENERAL—IS SUCCEEDED BY HON. HEWLETT A. HALL—HON. M. L. BRITTAIN IS APPOINTED STATE SCHOOL SUPERINTENDENT TO SUCCEED HON. J. M. POUND—FIRST MONUMENT TO CONFEDERATE WOMEN—OGLETHORPE MONUMENT UNVEILED AT SAVANNAH—REVIEW OF GOVERNOR BROWN'S ADMINISTRATION—SUBSTANTIAL RESULTS.

On June 23, 1909, the new General Assembly elected to office with the Brown administration in the fall preceding met in Atlanta and organized by electing Hon. John M. Slaton, of the Thirty-fifth District, president of the Senate, and Hon. John N. Holder, of Jackson, speaker of the House. Some of the leading senators this year were: F. M. Longley, Wm. H. Burwell, Julian B. McCurry, W. S. Morris, James D. Price, John R. Slater, E. S. Griffith, John R. Irwin, R. D. Callaway, J. L. McLean, C. A. Ward, S. C. McWilliams, H. H. Perry, T. B. McDowell and others. Prominent in the House were: Carl Vinson, J. H. Hall, Roland Ellis, H. J. Fullbright, C. S. Reid, A. A. Lawrence, J. Randolph Anderson, Hooper Alexander, Barry Wright, R. N. Hardeman,

Dr. L. G. Hardman, W. L. Converse, E. H. McMichael, G. O. Persons, L. L. Middlebrooks, J. P. Heard, Wm. Butt, Dr. J. R. Littleton, J. E. Sheppard, E. Wohlwender, M. C. Tarver, W. I. MacIntyre, R. O. Barksdale, W. R. Jones and M. L. Johnson.

Governor Smith's second annual message delivered to this Legislature has already been reviewed. Before retiring from office he addressed a communication to the General Assembly setting forth his reasons for suspending Railroad Commissioner S. G. McLendon. In the first place, he charged that Mr. McLendon had abandoned the principles of the Macon platform relative to control of railways and that he had identified himself with the opposing school of thought on this subject and had favored an increase of rates. It was furthermore charged that in violation of the rules of the commission he had used free passes in travelling over the Atlanta and West Point Railroad. With respect to his reasons for appointing Mr. McLendon one year before the governor stated that Mr. McLendon's nomination for railroad commissioner by the Macon convention of 1906 committed him to the platform adopted by that convention. Moreover, while he had formerly been in the employ of railroads his connection therewith had ceased prior to the Macon convention and he had put himself upon record, in a series of able articles, advocating the policies for which Mr. Smith himself stood in the campaign of 1906.

The McLendon matter was referred to a joint committee of which Sen. William H. Burwell was chairman. In a lengthy communication, addressed to the General Assembly, Mr. McLendon replied in detail to the charges made in the governor's letter.* It is not unlikely that the deposed commissioner would have been restored to his place on the board had it not been for embarrassing transactions disclosed by later developments. One of these connected him with the purchase of Athens, Georgia, street railway bonds, a transaction which he was perfectly at liberty to make as a private citizen but which placed him under a cloud of distrust as a railroad commissioner. There were also rumors involving him in certain deals with the Central Banking and Trust Company and with the Wrightsville and Tennille Railroad. Some of these charges were found to be utterly without justification. Evidence to show that Mr. McLendon was guilty of any improper intention was also lacking; but the joint committee, through Mr. Burwell as chairman, without impeaching Mr. McLendon's integrity of character, decided that his conduct in office justified his removal. Accordingly both houses voted to sustain the governor and by formal resolution Mr. McLendon was removed.

But a vigorous protest against this action was entered upon the journal of the Senate.† It set forth five reasons for condemning the Legislature's action (1) Mr. McLendon had been duly elected by the qualified voters of Georgia and commissioned for a definite time as railroad commissioner and could only be removed by process of impeachment; (2) the resolution removing Mr. McLendon was a legislative act inflicting punishment for past conduct, without a judicial trial, and

* House Journal, 1909, pp. 287-313.
† Senate Journal, 1909, pp. 653-656.

was in effect a bill of attainder, prohibited by the constitutions both of this state and of the United States; (3) the act under which Governor Smith suspended the commissioner did not provide for any notice to him whereby he could make his defense and the resolution deposing him without a judicial trial was unconstitutional, null and void; (4) the General Assembly could perhaps abolish the Railroad Commission, but it could not abolish a commissioner and at the same time leave the office intact; (5) the constitution provides that the legislative, judicial and executive powers shall forever remain separate and distinct, and no power discharging the functions of the one shall at the same time exercise the functions of the other, except as provided in the constitution. To this protest the following signatures were attached: F. M. Longley, of the Thirty-fifth; E. S. Griffith, of the Thirty-eighth; J. L. McLean, of the Second; W. F. Slater, of the Fir[illegible]; M. B. Calhoun, of the Fifteenth; John T. King, of the Fourteenth; R. McCollum, of the Thirty-sixth; W. S. Morris, of the Eighteenth; Julian B. McCurry, of the Thirty-first; T. B. McDowell, of the Ninth; F. M. Cordy, of the Twenty-fourth; H. A. Mathews, of the Twenty-third; L. F. Patterson, of the Eighth; W. T. Day, of the Forty-first; A. V. Sellers, of the Third; J. N. McClure, of the Thirty-ninth; and J. D. Price, of the Twenty-seventh.

To the Legislature of 1909 the commission created by a resolution of September 5, 1908, to inquire into the feasibility of employing convicts to extend the Western and Atlantic Railroad to deep water, having completed its work, submitted a full report through its chairman, Hon. Hooper Alexander, of Fulton.* It was found that the proposed line could be constructed at a cost of $36,650 per mile, to which a further sum of $6,000 per mile should be added for ballasting and grading to cover the first two years, and that such a road could be properly equipped at a cost of $13,000 per mile additional. It was the belief of this commission that the cost of construction by the judicious use of convict labor might be considerably reduced; that such a road could be relied upon to produce within four years a volume of business aggregating $7,000 per mile; and that the most economical source of funds for such a work was in an issue of bonds; and that before any final action was taken a preliminary survey should be made, the cost of which would probably not exceed $15,000. The membership of this commission appointed by Governor Smith was as follows: Hooper Alexander, C. W. Brantley, George Dole Wadley, J. D. Howard, Paul B. Trammell, H. J. Fullbright, Joel Hurt and W. H. Burwell. Of these, three were members of the House, two were members of the Senate, and three were distinguished men of affairs interested in the state's material development. The report was duly referred to committees in both houses, but no definite action was taken.

On Saturday, June 26, 1909, at high noon, in the presence of a vast assemblage of people, filling to its utmost capacity the hall of the House of Representatives, Hon. Joseph M. Brown was formally inaugurated governor of Georgia for a full term of two years. It was just a little more than half a century after the induction of the elder Brown into office at Milledgeville, in 1857, that the destinies of the commonwealth

* House Journal, 1909, pp. 829-832.

were entrusted to the keeping of an honored son of Georgia's war governor. Great enthusiasm prevailed throughout the ceremonies, tempered by a due regard for the decorum befitting so impressive a function. Governor Brown's inaugural address, though a brief one, contained a clear summary of the principles for which he stood and upon which, during his term of office, he expected to administer the affairs of the commonwealth. At the conclusion of Governor Brown's address, the oath of office was administered by Chief Justice William H. Fish. Some few days later the governor transmitted to the General Assembly a message in which his views upon current topics were given somewhat more in detail. He also took advantage of this opportunity to quell the spirit of discord and to pour oil upon the troubled waters. His plea for harmony was couched in these words. Said he:*

"In endeavoring to solve the problems confronting us as the result of events reaching back into the years 1905-1906, we must ever keep in mind the motto of our great State: Wisdom, Justice and Moderation. We must put behind us animosity, discord, denunciation, and accord to those who differ with us the right to hold individual opinions and to exercise individual judgments—the right guaranteed to all by the spirit of our institutions and by the letter of our laws."

Protection for capital invested in legitimate enterprises in this state, whether foreign or domestic, was urged with special emphasis as one of the cardinal declarations of the State Democratic Platform and one of the fundamental principles of the Bill of Rights. Justice alike to the railroads and to the people was another object which he expected to keep steadily in view. Delay in the payment of salaries to teachers was, in the opinion of Governor Brown, one of the greatest drawbacks to our public school system. He advocated prompt payment of teachers and to this end recommended a constitutional amendment authorizing the issuance of $600,000 in bonds, the proceeds of which should constitute a permanent loan fund, to be used each spring in making advances to the school fund, these amounts to be returned in December when taxes were collected. Governor Brown strongly recommended the creation of a new bureau to be known as the department of commerce and labor, the commissioner of said department to be charged with the gathering of data relative to the state's industrial enterprises, with the enforcement of all laws affecting labor, and, in connection with the attorney-general, to act as mediator in disputes between capital and labor. He advocated a system for equalizing taxes between the various counties of the state and urged the adoption of a tax on inherited property, a precedent already established by three-fourths of the states. He approved biennial sessions of the Legislature and municipal control for such public utility corporations as were purely local in operation. To require citizens to register six months in advance was considered by Governor Brown entirely too drastic and he recommended an amendment to the registration law. Said he:

"It is a well known fact that a large majority of our farmers and business men do not pay their taxes in person but by agents or by check. It is therefore easy to see how the present law will practically

* House Journal, 1909, pp. 324-360.

disfranchise many good citizens. We presume that the average Georgia voter is honest, but this act presumes that he is not and seeks to shut him out unawares from the natural right of a free citizen: the right to vote."

As might have been expected, Governor Brown paid his respects, in vigorous terms, to the railroad commission. He failed to see wherein the enlargement of its powers was justified, or why it was necessary to employ five men to do what three men could do equally as well, if not indeed much better, and with considerably less cost to the tax-payers of Georgia. He considered not only the two surplus commissioners but also the two other gentlemen associated with him, as unnecessary and useless appendages. He therefore recommended reducing the number of commissioners from five to three. He also wished to see abolished the office of special attorney to the board. Against the vicious practice of lobbying, Governor Brown strongly inveighed. He then closed with this appeal. Said he:

"While you will doubtless differ at times as to policies, and in the application of principles, both with each other and with the Executive, I feel assured that your and our differences will be found bordered by a circle within which we can all unite, a circle wheron, written in letters of gold, we can read the words: 'Love for Georgia.'"

Taking a hasty survey of the laws enacted by this Legislature at its two sessions, we find the following measures: A bill introduced by Hon. Pleasant A. Stovall, of Chatham, designating February 12th, of each year, as Georgia Day, said date commemorating General Oglethorpe's arrival upon the bluffs at Savannah, and without making it a legal holiday, to provide for its observance in the public schools of the state;* an act to prohibit the use of trading stamps;† an act to establish a board of osteopaths;‡ an act to create a commission to examine and report upon a new code of Georgia compiled by Judge John L. Hopkins;§ also at a later period a resolution adopting the Hopkins compilation as the new code of 1911;** an act to allow boards of education to borrow money to pay salaries of public school teachers;¶ an act to regulate the running of automobiles;‖ an act to put into effect the constitutional amendment ratified in 1908 providing for the payment of $60,000 annually in pensions to Confederate soldiers and to widows of Confederate soldiers, married prior to January 1, 1870, the total value of whose property does not exceed $1,500;‡‡ an act to prohibit betting on elections;§§ an act to prohibit the carrying of pistols,*** an act to prohibit shooting at houses;††† an act regulating the liability of railroads to employes sustaining injuries or, in case of death, to next of kin de-

* Acts 1909, p. 190.
† Acts 1909, p. 153.
‡ Acts 1909, p. 123-129.
§ Acts 1909, pp. 111-112.
** Acts 1910, p. 48.
¶ Acts 1910, pp. 76-79.
‖ Acts 1910, pp. 90-95.
‡‡ Acts 1910, pp. 37-42.
§§ Acts 1910, p. 133.
*** Acts 1910, pp. 134-135.
††† Acts 1910, p. 137.

pendent upon such employe, contributory negligence to be no bar to recovery but same to be considered by jury in estimating dangen;‡‡ an act to encourage good roads by authorizing county commissioners in counties having 125,000 population to open, lay out, widen and maintain public roads, and conferring upon them authority to condemn land for such purposes;§§ an act to provide for a training school for nurses at the state sanitarium;¶ a resolution ratifying the income tax amendment to the Constitution of the United States;* besides other important measures.

During the session of 1909 there was a joint resolution adopted authorizing the governor to purchase certain lands described in the resolution for terminal uses, such as switch-yards, etc., these lands lying on the western side of the railroad, some three miles from the union depot in Chattanooga. The resolution concluded as follows:†

"Provided, however, the Governor shall first examine and approve the matter and if, in his judgment, it is not to the best interest of the State, he may decline to make the purchase."

Exercising the discretion conferred upon him by this proviso, Governor Brown declined to purchase the lands in question for these reasons: (1) Due to the low area, there was great liability to overflow in times of freshet, inflicting serious damage upon property; (2) the lack of necessary width at the junction of the Watkins property with the Vinson property, involving liability to an excessive or hold-up price in the purchase of additional land; (3) the location of a public highway through the Vinson and Lattimore properties, which the State of Georgia would have no right to close; (4) the excessive cost of filling in the property to make it of service as a railroad yard.** There was also an additional likelihood that the City of Chattanooga at an early date would annex this territory and impose city taxes upon the lands in question. But apart from these objections there was no money in the treasury which could be legally used for the purpose contemplated in the joint resolution and a written opinion to this effect was furnished by the attorney-general, Judge Hart. In the event, however, the state still wished to purchase additional lands at Chattanooga for terminal purposes, Governor Brown secured a proposition for the state of 23½ acres of land, situated to much better advantage and designated as the Evans tract, the price placed upon which body of land was $58,500, whereas the price charged for the eighty-seven acres described in the joint resolution was $69,000. Governor Brown's action in not making the purchase originally contemplated was quite generally approved; but no further action was taken at this session.

Ex-Gov. Allen D. Candler, who, since retiring from the executive office, had served Georgia in the office of compiler of state records, died on October 26, 1910, at his home in Gainesville, at the ripe age of seventy-six years. Even more enduring than his work as Georgia's

‡‡ Acts 1909, pp. 160-162.
§§ Acts 1910, pp. 79-80.
¶ Acts 1910, pp. 128-130.
* Acts 1910, pp. 1281-1282.
† Acts 1909, p. 1547.
** House Journal, 1910, pp. 259-268.

chief magistrate was Governor Candler's last public service, in rescuing from neglect, forgetfulness and decay, the priceless records of his native state; and for this monumental work he deserves to live in the memory of future generations. It was Governor Candler who, while occupying the executive chair, repeatedly called the attention of the Legislature to the wisdom of some action looking toward the preservation of Georgia's Colonial, Revolutionary and Confederate records; but it was not until his retirement from office that any action was taken. At this time, the office of compiler of state's records was created by the Legislature and Governor Terrell, in graceful recognition of his predecessor's fitness for this work, appointed Governor Candler to the new office thus created. Soldier, congressman, secretary of state, governor, this distinguished Georgian served the state faithfully in every sphere of usefulness to which he was called; but the precious manuscripts—some forty in number—over which he bent with patient toil for eight years, bringing to his task a zeal which never once flagged and a pen which knew no weariness until his fingers stiffened in the icy clasp of death—these were his crowning triumphs; and for these Georgia will not soon forget him. Peace to his ashes!

Hon. Charles D. Hill, solicitor general of the Atlanta Circuit for twenty-six years, died suddenly on October 21st of this year and to succeed him Governor Brown appointed a young member of the Atlanta bar, whose successful prosecution of Leo M. Frank, a Jew, charged with a most atrocious crime, was destined to make his name familiar to all christendom. The new solicitor-general was Hugh M. Dorsey.

On November 10, 1910, after a lingering illness of many weeks, United States Senator Alexander S. Clay, died at a private sanitarium in Atlanta whither he had resorted, in the last painful stages of a malady, from the fatal consequences of which there was no hope of escape. Mr. Clay had represented Georgia in the upper house of Congress since March 4, 1897. His record was one of proven fidelity, of lofty patriotism, of undaunted courage, and of recognized power in national affairs. Often when really too ill to attend to his duties as a senator, Mr. Clay had been found in his seat; nor did he shirk the arduous exactions of the committee room, even when the deepening pallor upon his face told of the waning of his vital forces. He had come up from the ranks of the people; and for the welfare of the great democratic masses his warm and tender heart never ceased to beat until its pulsations were forever stilled in a waveless calm. On the courthouse square, in the City of Marietta, his grateful fellow-townsmen have erected a bronze statue, depicting the features and commemorating the virtues of this beloved statesman, citizen, and friend.

To fill Mr. Clay's unexpired term in the United States senate, Governor Brown appointed one of the most popular men in the state: ex-Gov. Joseph M. Terrell. The appointment was widely approved, notwithstanding the factional camps into which Georgia was divided. It was from the hands of Governor Terrell that Mr. Brown received his appointment as Railroad Commissioner in 1904; and it was now both his privilege and his pleasure to confer upon Governor Terrell not only by way of requital but in just recognition of his abilities as a public servant the toga of an American senator.

Several other vacancies occurred this year in high official positions. Judge John C. Hart, one of the state's ablest officials and one of the most beloved men in Georgia's public life, resigned the office of attorney-general and in his place Governor Brown appointed Hon. Hewlett A. Hall, a distinguished lawyer, of Newnan, Georgia, then chairman of the State Democratic Executive Committee. Prof. J. M. Pound, one of the state's foremost educators, relinquishing the office of state school superintendent for the more congenial labors of the school room, was succeeded in office by Hon. M. L. Brittain, of Atlanta, who was called to this position from the superintendency of the Fulton County schools; nor could a more skillful organizer have been found to place at the head of the state's educational department. Professor Brittain's appointment was confirmed by the people at the next regular election; and, under an act passed in 1911, of which Professor Brittain himself is said to have been the author, Georgia's public school system was completely reorganized, on the basis of modern progressive methods. Professor Pound resigned the office of state school superintendent to assume the executive chair of Gordon Institute, at Barnesville, Georgia. Later, he became president of the Georgia Normal School, at Athens, an institution which, under his wise management, has enjoyed a greatly enlarged sphere of usefulness.

On June 3, 1910, the birthday of President Jefferson Davis, there was unveiled in the City of Rome, a handsome monument to the Confederate Women, said to be the first memorial of this character ever erected in the South.* It rests upon a monolith of Georgia marble 10 feet square by 4 feet thick, the largest solid rock ever quarried at Tate. From the center of this stone rises a shaft on either side of which is a group of figures, the work of Sculptor J. Wolz, of Savannah. One scene depicts the reception of news from the front: a mother reading to her child a letter in which the sad story is told of the father's heroic death in battle. The other group portrays a woman in the act of ministering to a soldier. There are two inscriptions on the monument, one from the pen of President Wilson, then governor of the State of New Jersey, who married a daughter of Rome. The other is from the pen of Rev. G. A. Nunnally, D. D. President Wilson's tribute reads as follows:

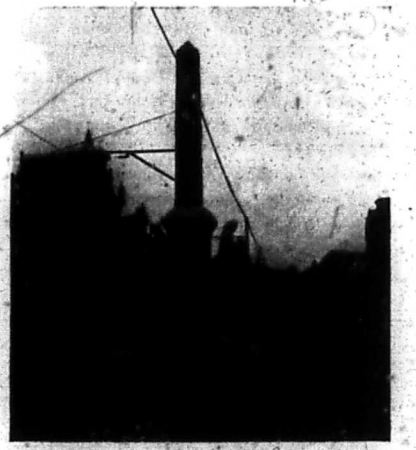
> To the Women of the Confederacy, whose fidelity, whose purity, whose courage, whose gentle genius in love and in counsel, kept the home secure, the family a school of virtue, the State a court of honor; who made of war a season of heroism, and of peace a time of healing, the guardians of our tranquility and of our strength.

It was at a meeting of Floyd Camp No. 469, of the United Sons of Confederate Veterans, during the spring of 1909, that a movement to erect a monument to the women of the Confederacy was first launched. The idea proved to be inspirational. It fired great enthusiasm and there was not a man present who was not thrilled and electrified. Fifteen members of the camp guaranteed the necessary amount, which was $4,500. In less than a month the contract was awarded, and before the completion of another year, the monument was unveiled.

* At Fort Mills, South Carolina, is a small monument which was unveiled several years prior to the one at Rome.

On this occasion, the formal address was delivered by Judge Moses Wright, of Rome. On behalf of the city, Mayor T. W. Lipscomb accepted the monument in a neat speech. Hon. S. A. Cunningham, of Nashville, editor of the Confederate Veteran, and Dr. G. A. Nunnally, of Rome, were also upon the program for short addresses; while a poem by Maj. Chas. W. Hubner, of Atlanta, was a feature of the impressive ceremonies. Mr. P. M. Nixon, commander of the local Camp of Sons of Veterans, drew the veil, and as the sunbeams fell upon the finished work of the artist, there arose from the vast assemblage a tumultuous outburst. The monument stands at the corner of Broad and Third streets in the pulsing heart of the busy town.

It was Chauncey M. Depew, of New York, who observed that the Civil war furnished no counterpart to the Confederate woman. Exposed to



FIRST MONUMENT TO CONFEDERATE WOMEN

the perils of invasion, in an area of country overrun by the Northern armies, it was her lot to keep vigil at countless firesides where neither the comradeship of the camp nor the music of the drum could cheer her in hours of loneliness. The historian has rendered due credit to the boys in gray who, half clad and half fed, battled through four long years against the world in arms. But the heroic women of the South who were the constant inspiration of these men at the front, have not fared so well. It is due to these women and to the daughters of these women, that, throughout the South today, there are thousands of monuments to the Confederate soldier. Too busy thinking of him, they have bestowed no thought upon themselves. But it will henceforth be the pride of the Sons of Veterans to remember the heroic War-Queen of Dixie, and to the young men of Rome, the banner-bearers in this crusade of chivalry, so far at last as Georgia is concerned, must be awarded the premier honors.

Exactly one year subsequent to the unveiling of this monument, a

similar shaft was unveiled in the City of Macon; and doubtless others will follow.

It is somewhat singular, in view of Georgia's admiration for the illustrious humanitarian and soldier who founded the commonwealth, that almost two centuries elapsed before an adequate monument to Oglethorpe was reared in the city whose cradle he rocked and defended. At last, however, under bright skies on November 23, 1910, in the City of Savannah, a superb bronze statute surmounting a pedestal of granite, was unveiled in Chippewa Square.* The total cost of this handsome memorial was $38,000, of which sum the State of Georgia and the City of Savannah each contributed $15,000, while the remainder was raised by patriotic organizations. In attendance upon the exercises of unveiling were: Gov. Joseph M. Brown, of Georgia; Gov. B. B. Comer, of Alabama; Hon. A. Mitchell Innes, representing the Court of St. James, in the absence of Ambassador Bryce, then on a return visit to England; Daniel C. French, the distinguished sculptor; David C. Barrow, chancellor of the University of Georgia; Mrs. J. J. Wilder, president of the Georgia Society of Colonial Dames of America; Mrs. John M. Graham, state regent for Georgia of the Daughters of the American Revolution; Rt. Rev. Frederick F. Reese, bishop of the Episcopal Diocese of Georgia; Judge Walter G. Charlton, orator of the day; official representatives of various patriotic orders and numerous dignitaries both state and Federal. Several visiting military organizations were also present, constituting, with the local companies, an impressive pageant. Facing the enemies of the colony, the statue of Oglethorpe † looks toward the south and west. The great soldier and civilian is portrayed in the typical English dress of the period, appropriate to the rank and station in which he moved. On the granite pedestal is a bronze tablet bearing the inscription which follows:

> Erected by the State of Georgia, the City of Savannah, and the Patriotic Societies of the State to the memory of the Great Soldier, Eminent Statesman, and Famous Philanthropist, General James Edward Oglethorpe, who, in this city, on the 12th day of February, A. D. 1733, founded and established the Colony of Georgia.

Gov. Joseph M. Brown, assisted by Mrs. J. J. Wilder, president of the Georgia Society of Colonial Dames of America, unveiled the monument. The prayer of invocation was offered by the Rt. Rev. Frederick F. Reese, bishop of the Episcopal Diocese of Georgia, after which the orator of the day, Judge Walter G. Charlton, president of the Oglethorpe Monument Association and president of the Georgia Society of Sons of

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* Files of the Savannah Morning News and the Savannah Press, November 23 and 24, 1910.

† The following Oglethorpe bibliography may be helpful to students: "Memoirs of General James Edward Oglethorpe," by Robert Wright, London, 1867; "Life of General Oglethorpe," by Henry Bruce, New York, 1890; "James Oglethorpe, the Founder of Georgia," by Harriet C. Cooper, New York, 1904; "James Edward Oglethorpe," an address at the annual banquet of the Georgia Society of Sons of the Revolution, at Savannah, February 5, 1894, by Judge Emory Speer, included in a volume of speeches on "Lee, Lincoln, Grant," etc., New York and Washington, 1909; and Judge Charlton's oration at the unveiling of the Oglethorpe monument in Savannah, November 23, 1910.

the Revolution, was presented to the vast assemblage. Addresses were also delivered by the British representative, Hon. A. Mitchell Innes and by the chairman of the Monument Commission, Hon. J. Randolph Anderson, who made the formal tender of the monument, in an eloquent speech. Judge Charlton reviewed at some length the illustrious career of Oglethorpe. He sketched the times which produced him, narrated the circumstances which led to the Colonial experiment, and dwelt upon his sacrifices, his achievements, and his principles. The great battle of Bloody Marsh received exhaustive and thorough treatment. From the standpoint of historical criticism, the oration of Judge Charlton was a masterpiece of patriotic eloquence, characterized throughout by judicial impartiality, by keen analysis, and by rare scholarship.

Governor Brown's administration was drawing to a close. The fortunes of war, in a campaign almost unparalleled for its acrimonious spirit, denied him a re-election; but his two years in office were characterized by signal achievements. Many wise and humane laws had been placed upon the statute-books. Cotton was again climbing upward in price, after the financial panic of 1907. Mills were no longer idle; good roads were preparing the state for an era of rejuvenated growth, of unshackled commerce, of emancipated industry; and Georgia's population, according to the Federal census for 1910, was in the neighborhood of three millions. Some of the policies of Governor Brown's administration were not crystallized into law for the reason that he was antagonized by an unfriendly Legislature; but he boldly asserted and courageously maintained the principles upon which he was elected to office in 1908; and, in his last message to the Legislature he again urged the necessity for a department of commerce and labor. At the same time, he cited facts and figures to show that Georgia's registration law was the most drastic of any state in the Union; and he urged again an application of the pruning knife to the too luxuriant growth of the Railroad Commission. But this was not to be. The Smith tide had again risen, and its curling white-caps were hastening shoreward.

CHAPTER XXVIII

THE STATE CAMPAIGN OF 1910—PARTISAN POLITICS STILL DIVIDE GEORGIA—EX-GOVERNOR SMITH AGAIN ENTERS THE FIELD AGAINST HIS FORMER RIVAL—FEWER PERSONALITIES IN THIS CAMPAIGN—EX-GOVERNOR SMITH WINS IN THE PRIMARY ELECTION—THE NEW LEGISLATURE IS PRO-SMITH—FRIENDLY TO THE EX-GOVERNOR'S SENATORIAL ASPIRATIONS—THOMAS S. FELDER BECOMES ATTORNEY-GENERAL, DEFEATING HON. HEWLETT A. HALL—W. J. SPEER ELECTED STATE TREASURER IN A CLOSE CONTEST WITH P. M. HAWES, ESQ.—STATE TREASURER BROWN NOT A CANDIDATE—COL. O. B. STEVENS DEFEATED FOR RE-ELECTION BY J. A. PERRY, ESQ.—THE STATE DEMOCRATIC CONVENTION MEETS—GOVERNOR SMITH, IN ACCEPTING NOMINATION, HOLDS OUT THE OLIVE-BRANCH—SEVERAL CHANGES IN THE STATE'S CONGRESSIONAL DELEGATION—WM. SCHLEY HOWARD DEFEATS HON. L. F. LIVINGSTON—SAMUEL J. TRIBBLE SUCCEEDS CONGRESSMAN WM. M. HOWARD—J. RANDALL WALKER SUCCEEDS CONGRESSMAN WM. G. BRANTLEY—GOVERNOR BROWN OPPOSES GOVERNOR SMITH AS AN INDEPENDENT CANDIDATE BUT IS DEFEATED IN THE FALL ELECTION—SUPERIOR COURT JUDGES—EX-PRESIDENT ROOSEVELT, BACK FROM AFRICA, LECTURES FOR THE UNCLE REMUS MEMORIAL FUND—DEATH OF GEN. C. A. EVANS—THE NEW LEGISLATURE CONVENES IN 1911—SOME OF ITS MEMBERS—GOVERNOR SMITH INAUGURATED—TWO NEW DEPARTMENTS CREATED—COMMERCE AND LABOR—GAME AND FISH—GEORGIA DIVIDED INTO TWELVE CONGRESSIONAL DISTRICTS—PUBLIC SCHOOL LAWS OF THE STATE REVISED—IMPORTANT CHANGES MADE—THREE SUPERVISORS AND AN AUDITOR CREATED—STATE SUPERINTENDENT OF SCHOOLS IS MADE SECRETARY OF THE NEW BOARD OF EDUCATION—HON. T. G. HUDSON, COMMISSIONER OF AGRICULTURE, IS VINDICATED OF CERTAIN CHARGES—STRAIGHT AS A SHINGLE—RESIGNS TO RUN FOR GOVERNOR—IS SUCCEEDED BY J. J. CONNOR, ESQ.—GOVERNOR SMITH IS ELECTED UNITED STATES SENATOR TO FILL THE LATE SENATOR CLAY'S UNEXPIRED TERM—SENATOR TERRELL HANDICAPPED BY ILL-HEALTH—COL. WM. G. OBEAR SUCCEEDS ADJ.-GEN. ANDREW J. SCOTT.

NOTES: THE BURNS MEMORIAL COTTAGE.

Partisan politics still ruled the state. Governor Brown, at the head of one faction, and former Gov. Hoke Smith, at the head of the other, continued to divide Georgia into two hostile camps, each intent upon slaughter like Saul en route to Damascus. The political excitement at this time recalled the days when Clark and Troup were the central figures around which broke the fiery storms of an angry epoch. The loyalty with which each chieftain was supported in these contests for the governorship carried the imagination back to the clans of Roderi-

Dhu and seemed almost to revive the sleeping echoes of his highland horn. Governor Smith felt keenly the result of the gubernatorial contest in 1908. It failed to endorse with popular approval the reform work of his administration, ignored the constructive policies for which he stood, and into the hands of his political rival committed the reins of government. Such are the reverses incident to politics, suggesting the extreme rebound of some gigantic pendulum. But Governor Smith was not idle. He did not devote his two years of retirement to mere philosophic reflections, like the banished Duke in the forest of Arden. He accepted the situation with a calm philosophy, regarding it only as an incident, an unpleasant but temporary interruption of his program; and he began at once to readjust himself to changed conditions, to inspect his implements of warfare, to discuss plans with his political lieutenants, and to reconnoiter from the adjacent hill-tops. Early in the spring of 1910, Mr. Smith again entered the field. Some who were alienated from him in 1908 for dismissing Mr. Brown without ceremony or recourse came back to his support in this campaign. Personalities bore little part in this renewed contest. There was less of venom injected into this fight, less of indulgence in rhetorical pyrotechnics. It was more of a conflict of ideas, more of a gladiatorial combat in the arena of argument. The result was a victory for Governor Smith. In the primary election held on August 23, the popular vote was almost evenly divided, Mr. Smith receiving 73,387, Mr. Brown 71,683 votes, according to the unofficial returns.* But Mr. Smith carried more than eighty counties, some of them by small majorities. These assured him an overwhelming vote in the convention, possibly exceeding two-thirds of its membership. Hon. Thomas S. Felder, of Bibb, a former state senator, prominent in the recent probe of the state's penal system, defeated Attorney-General Hall for re-election. Mr. Felder was a strong personal friend and political supporter of Governor Smith. There was a close contest for state treasurer, Hon. W. J. Speer, of Fulton, defeating Hon. P. M. Hawes, of Elbert, by only a fractional vote, in a contest which was not decided for several days. The incumbent, Hon. J. Pope Brown, was not a candidate for re-election. Col. O. B. Stevens, in a most exciting race for re-election to the Railroad Commission, was defeated by Hon. J. A. Perry, of Gwinnett. At the same time, Commissioners C. M. Candler and J. F. Gray were both given pronounced popular endorsements. Chief Justice Wm. H. Fish and Associate Justice M. W. Beck, of the Supreme Court, were both renominated, while Judge Arthur G. Powell was again placed on the bench of the Court of Appeals. For prison commissioner, Judge Davison was renominated, by a small majority, over Hon. G. R. Hutchins, of Polk, and for state school commissioner, Hon. M. L. Brittain won by a decisive majority over his competitor, Prof. B. M. Zettler.

The State Democratic Convention met in Atlanta on September 1, 1910, and was called to order by the retiring chairman of the State Democratic Executive Committee, Hon. Charles R. Pendleton. Judge Thomas G. Lawson, of Putnam, was made temporary chairman; and Hon. W. C. Wright, of Coweta, permanent chairman of this convention. There

* Files of the Atlanta Constitution, August 25, 1910.

was lacking none of the enthusiasm characteristic of the great assemblage in Macon in 1906. Nor was it less pronounced in its allegiance to the policies of Mr. Smith; but there was less of vindictiveness in its temper, less of intolerance toward political opponents, though whenever Governor Brown's name was sounded by one of his supporters there was a disposition to suppress the speaker. Hon. Hooper Alexander, of DeKalb, put Mr. Smith in nomination; while Hon. E. S. Griffith, of Haralson, performed the same office for Mr. Brown. "On calling the roll of counties, it appeared that Mr. Smith had received 233 conventional votes, Mr. Brown 78; whereupon Mr. Smith was declared the nominee for governor. In an eloquent speech of acceptance, Mr. Smith held out the olive branch of reconciliation. Said he:

"I do not class as our political opponents the large majority of those who voted against us, on the 23rd of August. They are our brethren. I urge you now, after the excitement of the political contest is over, affectionately to lay before those good citizens who misunderstood us what has been done for Georgia by progressive Democracy and what we seek to do."

There were no new or startling declarations in the platform of principles adopted by the convention. It merely reiterated the principles contained in the platform of 1906. Efforts to modify the state's registration law were disapproved. The enlarged powers of the railroad commission were defended. Encouragement was offered to foreign capital; revision of rates to and from the seaboard was demanded; and the extension of the Western and Atlantic Railroad to tide water was urgently recommended.

Before adjournment, Hon. T. E. Patterson, of Spalding, offered a resolution presenting Mr. Smith to the national democracy for the presidential nomination in 1912. This resolution was adopted with enthusiastic acclaim.

The congressional elections this year wrought a number of changes in the Georgia delegation. Congressman Leonidas F. Livingston, its Nestor, met defeat at the hands of a skillful young political campaigner, Hon. William Schley Howard, of DeKalb. Mr. Livingston had been honored with ten successive elections to Congress. Though a farmer, whose home was in a rural community, forty miles distant from the state capital, he had held his seat in Congress against all comers as the representative of the Atlanta district. More than once he had defeated strong candidates who hailed from Atlanta, including such men as Hon. Thomas B. Felder and Hon. James L. Mayson. He had been a most effective congressman, securing for his constituents of the capital city a $1,000,000 custom house, a federal prison with its $2,000,000 equipment, besides many other substantial benefits. But disappointment came at last to Colonel Livingston. He was in his eightieth year at the time of his retirement, and he did not long survive his defeat. But one Howard was exchanged for another. Hon. William M. Howard, of the Eighth District, one of the strongest members of the delegation, lost his seat to Hon. Samuel J. Tribble, of Athens, Georgia. Congressman William G. Brantley, in the Eleventh District, a veteran legislator, with no superior in debate, was succeeded by Hon. J. Randall Walker, of

Valdosta. Messrs. Adamson, Bartlett, Bell, Crisp, Edwards, Hardwick, Hughes and Lee were all re-elected.

But the isues of the state campaign were still unsettled. Governor Brown, yielding to a pressure of influence, brought to bear upon him from all sides, resolved to become an independent candidate for governor in the fall election. However, many who supported him for the nomination refused to support him against the regular nominee. Mr. Watson's espousal of his cause likewise alienated a number of friends whose loss was not entirely offset by the resultant gain. Mr. Brown received only 17,000 votes to Mr. Smith's 95,000. All the nominees of the state primary were also elected at this time, including Superior Court judges as follows: W. D. Ellis and George L. Bell, Atlanta Circuit; W. W. Sheppard, Atlantic Circuit; H. C. Hammond, Augusta Circuit; C. B. Conyers, Brunswick Circuit; U. V. Whipple, Cordele Circuit; K. J. Hawkins, Dublin Circuit; R. T. Daniel, Flint Circuit; W. H. Felton, Macon Circuit; B. T. Rawlings, Middle Circuit; J. B. Jones, Northeastern Circuit; J. B. Park, Ocmulgee Circuit; W. C. Worrill, Pataula Circuit; John W. Maddox, Rome Circuit; W. E. Thomas, Southern Circuit; Price Edwards, Tallapoosa Circuit; B. F. Walker, Toombs Circuit; T. A. Parker, Waycross Circuit; and C. H. Brand, Western Circuit.

On October 8, 1910, ex-President Roosevelt, fresh from the field of his explorations in Central Africa, honored with degrees from great European universities and with tributes from crowned heads, came directly to Georgia, in response to an invitation from the Uncle Remus Memorial Association, to deliver a lecture. He accepted this invitation while en route to America and made this visit an act of homage to the South's great literary genius. But his lecture on this occasion proved to be only the opening gun of his new propaganda. Its echoes reveberated some two years later, in the great political schism of 1912, as a result of which the republican party was disrupted by the progressive revolt which he led and the national democracy, with Woodrow Wilson at its helm, was ushered into power.

Some few months following the Roosevelt lecture, there was held in Atlanta a great Southern Commercial Congress, at which all three of the men who were destined to head rival tickets in the presidential campaign of 1912, spoke, by a singular coincidence, from the same platform: Woodrow Wilson, then governor of New Jersey; ex-Pres. Theodore Roosevelt; and Pres. William H. Taft.

During the summer of 1911 Georgia was called to mourn the death of a distinguished soldier and citizen, Gen. Clement A. Evans, who died at his home in Atlanta at the ripe age of seventy-eight years.

The new legislature convened on June 28, 1911, and organized by re-electing Hon. John M. Slaton, of the Thirty-fifth District, president of the Senate, and Hon. John N. Holder, of Jackson, speaker of the House. There were not a few strong men in both bodies this year, perhaps a greater number than usual of men prominent in business. To mention some of the senators, there were this year in the upper House: Wm. J. Harris, A. O. Blalock, J. E. Sheppard, W. H. Ennis, W. S. Morris, W. T. Dickerson, J. C. Beauchamp, J. S. Shingler, W. T. Roberts, J. A. Cromartie, Emmet Shaw and W. D. Crawford. In the lower House, Joe Hill Hall was returned from Bibb; Randolph Anderson and

Alex. A. Lawrence were back from Chatham; and there was also H. J. Fullbright, of Burke; Hooper Alexander, of Fulton; R. N. Hardeman, of Jefferson; E. M. Smith, of Henry; R. T. DuBose, of Clarke; Dr. A. S. J. Stovall, of Elbert; Minter Wimberly, of Bibb; S. F. Garlington, of Richmond; E. Wohlwender, of Muscogee; and H. W. Hopkins, of Thomas.

Governor Smith was inaugurated at noon, on July 1, in the presence of both houses. His address was a reaffirmation of the platform of principles on which he was elected to office. He recommended an increase in the governor's borrowing power, in order to meet emergencies; and advocated a highway commission and a department of commerce and labor. He suggested a joint committee to take under advisement the matter of re-leasing the Western and Atlantic Railroad and urged the enactment of a measure to prevent lobbying. He also favored changing the date of inauguration to the first week in January and called for legislation looking to a reorganization of the public schools and to a prompt payment of teachers.

Two new departments were created by the Legislature at this session. One of these was a department of commerce and labor, the creation of which was strongly recommended by Governor Smith's predecessor as well as by himself.* To direct the affairs of this new department, Hon. H. M. Stanley, of Dublin, Georgia, was chosen at a special election held in the summer of 1912, defeating Hon. Joseph McCarthy, of Savannah. The department of game and fish was also created at this session.† To its management Hon. Jesse Mercer, of Fitzgerald, Georgia, was appointed with the title of state game warden. This office was not made elective. There was also passed at this session a bill to prevent lobbying‡ and a bill to create the Dublin Circuit.§ At the same time an amendment to the constitution was adopted by which the governor's borrowing power to meet emergencies was increased from $200,000 to $500,000.**

Under the Federal census of 1910, Georgia was entitled to twelve representatives in Congress. Accordingly an act was passed at this session apportioning the state into twelve congressional districts as follows: ††

First—Chatham, Bryan, McIntosh, Liberty, Tattnall, Bulloch, Effingham, Screven, Jenkins and Burke.

Second—Tift, Colquitt, Thomas, Grady, Decatur, Miller, Early, Baker, Mitchell, Dougherty, Calhoun and Worth.

Third—Ben Hill, Turner, Crisp, Dooly, Macon, Taylor, Schley, Sumter, Lee, Terrell, Randolph, Clay, Quitman, Stewart and Webster.

Fourth—Carroll, Coweta, Heard, Troup, Meriwether, Harris, Talbot, Muscogee, Marion and Chattahoochee.

Fifth—Douglas, Fulton, Campbell, DeKalb and Rockdale.

Sixth—Clayton, Bibb, Jones, Jasper, Butts, Henry, Fayette, Spalding, Pike, Upson, Monroe and Crawford.

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* Acts 1911, pp. 133-137.
† Acts 1911, pp. 137-146.
‡ Acts 1911, pp. 151-153.
§ Acts 1911, pp. 81-83.
** Acts 1911, pp. 49-51.
†† Acts 1911, pp. 146-148.

Seventh—Haralson, Polk, Paulding, Cobb, Bartow, Floyd, Gordon, Chattooga, Walker, Dade, Catoosa, Whitfield, Murray and Putnam.

Eighth—Green, Franklin, Hart, Elbert, Wilkes, Oglethorpe, Madison, Clarke, Oconee, Morgan, Newton and Walton.

Ninth—Jackson, Gwinnett, Hall, Cherokee, Fannin, Forsyth, Banks, Habersham, Stephens, Gilmer, Pickens, Milton, Union, Rabun, Lumpkin, White, Dawson and Towns.

Tenth—Baldwin, Richmond, Jefferson, Washington, Wilkinson, Hancock, Taliaferro, Warren, Glasscock, McDuffie, Columbus and Lincoln.

Eleventh—Glynn, Camden, Charlton, Pierce, Wayne, Appling, Jeff Davis, Ware, Clinch, Echols, Lowndes, Brooks, Berrien, Coffee and Irwin.

Twelfth—Twiggs, Houston, Pulaski, Wilcox, Dodge, Telfair, Laurens, Johnson, Emanuel, Montgomery and Toombs.

One of the most important measures enacted by the Legislature at this session was an act revising the public school laws of the state. This reform measure consisted in the application of modern scientific methods to Georgia's public school system. Under its operation the state school commissioner was to become the state superintendent of education and the county school commissioner the county superintendent of education.* According to the plan of reorganization, for which provision was made in this act, the state board of education was to be composed of six members, as follows: the governor, the state superintendent of schools, and four other persons to be appointed by the governor, three of whom were to be practical educators, thoroughly conversant with the operation of rural schools. Judge Thomas G. Lawson, of Putnam; Prof. J. C. Langston, of Screven; Dr. T. J. Woofter, of Clarke; and Prof. J. M. Pound, of Pike, were appointed in accordance with the provisions of this act. These, together with the governor and the state superintendent of schools, constituted the new board of education, a great improvement over its predecessor composed exclusively of state house officers. Judge Lawson died soon after assuming the duties of his new position, and to succeed him on the board Hon. Walter E. Steed, of Taylor, was appointed. Provision was also made in this same act for three supervisors of schools and institutes, the special duties attaching to whose office was to give normal instruction and training at stated times and places, to grade the papers of applicants for professional certificates, and to aid generally in supervising, systematizing and improving the schools of the state under the direction of the state superintendent of schools. This same act also made provision for an auditor whose duty it was to audit all accounts. The highest qualifications were demanded not only of the state superintendent but also of the state supervisers and the auditor, each of whom was to receive a salary of $2,000 per annum, but the state superintendent, in addition to this sum, was to receive a salary of $1,000 per annum as secretary and executive agent of the state board of education.

Between the years 1900 and 1910 the public school enrollment of Georgia increased from 484,385 to 571,230; the state appropriation advanced from $1,440,642 to $2,550,000, the average length of the school

* Acts 1911, pp. 94-108.

year from 110 days to 142 days, the number of teachers from 9,692 to 13,105.§§ According to the United States census reports for 1910, the number of white illiterates decreased from 11.9 per cent to 7.8 per cent, the number of negro illiterates from 52 per cent to 36.5 per cent.

There was an amendment to the constitution passed at this session striking from article 8, section 1, paragraph 1, the words "in the elementary branches of an English education only," so that when amended this paragraph should read as follows:

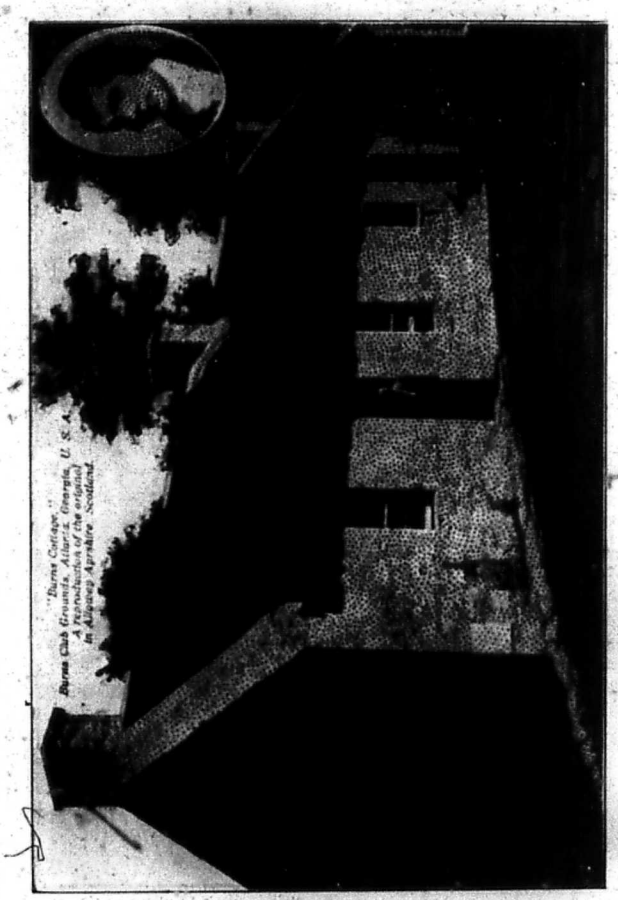
"There shall be a thorough system of common schools for the education of the children, as nearly uniform as practicable, the expense of which shall be provided for by taxation, or otherwise. The schools shall be free to all children of the State, but separate schools shall be provided for the white and colored races." *

Other important measures enacted at this session were as follows: An act to make the Medical College of Augusta a branch of the University of Georgia; † an act to provide for draining the swamp lands of the state; ‡ an act to provide for a drug inspector in the department of agriculture; § an act to regulate the sale of commercial fertilizers; ** an act to prohibit printing the name of any female alleged to have been raped; †† and numerous others. Altogether the volume of business enacted at this session was prodigious. Much of it also was constructive in character and along progressive lines.

Charges of irregularity in the department of agriculture necessitated the appointment of a commission to inquire into its management. But the finding of this commission was in the nature of a tribute to Mr. Hudson, the esteemed commissioner of agriculture. Its verdict, expressed in four words, was as follows: "Straight as a shingle." However, Mr. Hudson resigned his office in 1912 to enter the race for governor and was succeeded by Hon. J. J. Connor, of Bartow, who declined, however, to be a candidate for re-election.

But the chief interest of the session centered around the election of a United States senator to fill the unexpired term of the late Hon. Alexander S. Clay. Ex-Gov. Joseph M. Terrell was temporarily occupying this high office by appointment of Governor Brown and was a candidate before the Legislature. But a stroke of paralysis while in Washington had greatly impaired Senator Terrell's health and raised a serious doubt as to his ability longer to discharge the duties of the senatorship. As a matter of fact, he was an ill man, with only a few months in which to linger amid the scenes of his usefulness. Gov. Hoke Smith was also a candidate, and since the Legislature was largely composed of his political and personal friends the result of the contest was freely conceded on all sides. There was nothing for a Smith Legislature to do save to elect Governor Smith to the Senate, though he had been elected to the governorship only a few weeks before and was just at the beginning of

§§ Forty first Annual School Report, Georgia, 1912. M. L. Brottain, p. 7.
* Acts 1911, pp. 46-48.
† Acts 1911, pp. 154-168.
‡ Acts 1911, pp. 108-132.
§ Acts 1911, pp. 170-172.
** Acts 1911, pp. 172-174.
†† Acts 1911, pp. 179-180.



BURNS MEMORIAL COTTAGE NEAR ATLANTA

his official term. Nevertheless, there were other Georgians whose friends wished to see them honored. These were: Hon. Pleasant A. Stovall, of Chatham; Judge W. A. Covington, of Colquitt; Hon. Thomas E. Watson, of McDuffie; ex-Congressman Wm. G. Brantley, of Glynn. But Governor Smith easily won on the first ballot. The election was held separately in the two Houses on July 1st, and consolidated in joint session on July 2d. As recorded in the journals of July 1st, the result was as follows: Smith 128, Terrell 53, Stovall 19, Covington 14, Watson 5, and Brantley 3. Total, 222.* However, when the two Houses met in joint session, Mr. Stovall's name was not presented, and on consolidation the vote was as follows: Smith 155, Terrell 51, Watson 7, Covington 6, John N. Holder 1. Total, 220.† Governor Smith was thereupon declared duly elected United States senator to fill Mr. Clay's unexpired term. On August 7, 1911, Governor Smith appointed as adjutant-general of the state Col. Wm. G. Obear, of Bibb, to succeed Hon. Andrew J. Scott, who had ably filled this office since 1907.

* House Journal, 1911, pp. 380-382; Senate Journal, pp. 300-302.

† House Journal, 1911, p. 402.

THE BURNS MEMORIAL COTTAGE. One of the most unique memorials in existence is located on the outskirts of Atlanta, near the terminus of the Confederate Soldiers' Home car line, just half an hour's ride from the town center. It is an exact reproduction in granite of the Ayrshire Cottage, in which the immortal bard of Scotland—humanity's best-loved poet—first saw the light of day. In 1907 the Burns Club, of Atlanta, purchased in this neighborhood a tract of thirteen acres, luxuriantly wooded with forest trees, and selling in 1910 a fractional part of this property for a sum equal to three times the cost of the entire original tract of land, a fund was thus provided for erecting the Burns Cottage and for beautifying the adjacent grounds. The corner-stone of the cottage was laid on November 5, 1910, by the Grand Lodge of Georgia Masons, at which time Hon. J. H. Lumpkin, of the Supreme Court of Georgia, paid an eloquent tribute to the memory of the great bard. Three months later, on the evening of January 25, 1911, the cottage was formally dedicated with a dinner, every detail of which was most elaborately planned. The literary address on this occasion was delivered by Lucian Lamar Knight, Esq., in addition to which feature of the program speeches were delivered by the following well-known Georgians, in response to toasts: Hon. John M. Graham, president of the Burns Club; Judge Marcus W. Beck, Judge Richard B. Russell, Judge Arthur G. Powell, Dr. Joseph Jacobs, Dr. E. S. Lynden and others. Two streets, called Ayr Place and Alloway Place, have been opened to the Burns Cottage.—Georgia's Landmarks, Memorials and Legends, by L. L. Knight, Vol. II, pp. 762-763.

CHAPTER XXIX

GOVERNOR SMITH DOES NOT LEAVE AT ONCE FOR WASHINGTON—REASONS FOR RETAINING THE GOVERNORSHIP WHEN CONGRESS IS IN SESSION—RESIGNS NOVEMBER 15, 1911, TO BECOME UNITED STATES SENATOR—HON. JOHN M. SLATON TAKES OATH OF OFFICE AS GOVERNOR AD INTERIM—CALLS FOR A SPECIAL ELECTION, AT WHICH EX-GOV. JOSEPH M. BROWN IS AN UNOPPOSED CANDIDATE—HON. HARRIS M. STANLEY IS AT THE SAME TIME ELECTED COMMISSIONER OF THE NEW DEPARTMENT OF COMMERCE AND LABOR—GOVERNOR SLATON'S FINE RECORD—APPOINTS HON. J. R. POTTLE TO SUCCEED JUDGE ARTHUR G. POWELL ON THE APPEALS BENCH—THE LEGISLATURE MEETS IN SPECIAL SESSION TO INAUGURATE GOVERNOR BROWN—THE SINKING OF THE TITANIC ON APRIL 15, 1912—ONE OF THE GREATEST MARINE TRAGEDIES IN THE WORLD'S HISTORY—GEORGIANS ON BOARD—ISIDOR STRAUS—JACQUES FUTRELLE—CAPT. ARCHIBALD BUTT—GOVERNOR BROWN'S MESSAGE TO THE LEGISLATURE AT ITS SUMMER SESSION—TWO NEW COUNTIES CREATED, WHEELER AND BLECKLEY—JUSTICE COURTS ABOLISHED—JUDGES EMPOWERED TO GRANT CHARTERS TO PRIVATE COMPANIES IN VACATION—UGLY STRIKES ON THE GEORGIA RAILROAD AND IN THE CITY OF AUGUSTA—GOVERNOR BROWN ORDERS OUT THE STATE MILITIA—THREE FATALITIES—HON. J. VANHOLT NASH SUCCEEDS WM. G. OBEAR AS ADJUTANT-GENERAL—FORMER GOV. WM. J. NORTHEN IS RESTORED TO THE OFFICE OF COMPILER OF RECORDS BUT DIES WITHIN A FEW MONTHS—GOVERNOR BROWN APPOINTS LUCIAN LAMAR KNIGHT TO SUCCEED GOVERNOR NORTHEN—APRIL 26, 1913, MARKED WITH BLOOD BY THE MURDER OF FOURTEEN-YEAR OLD MARY PHAGAN, IN THE HEART OF ATLANTA—LEO M. FRANK, A JEW, IS ARRESTED, TRIED AND CONVICTED OF THE CRIME, ONE OF THE FOULEST ON RECORD—EFFORTS TO SAVE THE PRISONER'S NECK—PUBLIC SENTIMENT AROUSED BY THE JEWS—ANTI-SEMITIC FEELING—HUGH M. DORSEY'S BRILLIANT VICTORY—GOVERNOR BROWN DEFENDS HIS COURSE IN CALLING OUT STATE TROOPS TO QUELL THE STRIKES—OPPOSES EXTENDING THE W. AND A. RAILROAD TO DEEP WATER—GOVERNOR BROWN'S SECOND ADMINISTRATION, LIKE HIS FIRST, HANDICAPPED BY A LEGISLATURE ANTAGONISTIC TO HIS POLICIES.

Governor Smith's relinquishment of the executive office did not immediately follow his election to the United States Senate. Congress was in session at this time. It remained in session for several weeks thereafter. Consequently in various quarters the governor was roundly criticised for not proceeding at once to Washington. With only one senator at his post of duty, so the critics of Governor Smith averred, Georgia was at a serious disadvantage, especially since matters vitally

affecting the South were then before Congress, and the vote of every true and loyal democrat was needed to prevent the enactment of sectional legislation. But Governor Smith remained steadfastly at the helm in Georgia. There were important measures pending before the General Assembly, to the passage of which his administration was pledged, and having been called by the people to this high office, after a most exciting campaign, in which vital principles of reform were at stake, he felt it to be his duty to retain the governorship at least until a time subsequent to the Legislature's adjournment.

Before relinquishing the executive chair, Governor Smith suspended former Gov. William J. Northen from the office of compiler of state records. It is said that in taking this course he was influenced by political motives. Governor Northen was an appointee of Governor Brown. He was also a man of wide influence in the state, and though he took no active part in the campaigns of 1908 and 1910, his support of Governor Brown in a quiet way brought him a number of votes. As stated by Governor Smith, however, the reasons actuating him in the removal of Governor Northen were these: First, the compilation of Georgia's Colonial, Revolutionary and Colonial records had already been virtually completed by Governor Candler, to whom the task was originally assigned. In the second place, the work which still remained to be done on the records was in the nature of clerical work, for which some one at a nominal salary could be employed. Again, the refusal of Governor Northen to visit the office of Governor Smith or to hold any conference with the governor was given as a third reason for his precipitate action. Quite a controversy ensued. Governor Northen's age, coupled with the fact that he had held for four years the high office of governor, caused many to sympathize with him who were not of his own political faction, especially since no state in the Union had been more remiss than Georgia in the matter of reclaiming her priceless records from oblivion.

On November 15, 1911, Governor Smith formally tendered his resignation. Immediately thereafter, Hon. John M. Slaton, president of the Senate, took the oath of office as Georgia's acting governor. Without delay he issued an executive proclamation, dated November 20, 1911, calling a special election for governor to be held on January 10, 1912, as provided by law.* At the same time the Legislature was called to meet in extra session on January 24th, for the purpose of canvassing returns and to declare the result. In the event there was no election, the General Assembly was to choose a successor to Governor Smith.

At the special election held on January 10th, Acting Governor Slaton was not a candidate for the executive office but gave his unreserved support to former Gov. Joseph M. Brown, who was overwhelmingly the choice of the people of Georgia to succeed his quondam rival. At the same time, Hon. H. M. Stanley, of Dublin, Georgia, was elected Georgia's first commissioner of commerce and labor. Governor Brown was unopposed in this, his third, contest for the governorship, but Mr. Stanley defeated three opponents, Joseph McCarthy, A. E. Castleberry and G. E. Daniel. The two last mentioned, however, received only a scattering support.†

* House Journal.

† Files of the Atlanta Constitution, January 11, 1912.

Just a word relative to Governor Slaton. Entering upon his duties as governor ad interim only a month and a half before the close of the fiscal year and remaining in office for only a few weeks thereafter, it nevertheless devolved upon Governor Slaton to handle more than half of the revenues for 1911. But he gave evidence at this time of his pre-eminent abilities as a financier, a qualification which was destined to be still more severely tested at a later period. On November 16, 1911, there was a balance of $253,000 in the state treasury. Within the next two months approximately $3,000,000 was collected, to disburse which Governor Slaton issued warrants for $2,800,000, leaving an unexpended balance of $400,000.‡ He took care not only of the pensioners but also of the school teachers, and for the short length of time in which he held office he made a record unsurpassed in the state's history.

During Governor Slaton's brief tenure of office as acting governor occurred the first vacancy in the Court of Appeals, Judge Arthur G. Powell having resigned his seat to resume the practice of law, to which end he had recently formed a partnership with Hon. John D. Little, of Atlanta, a former speaker of the House. Judge Powell had achieved a deservedly high reputation on the bench during the five years in which he had served the state in this exalted capacity. His resignation took effect on January 13, 1912. Hon. J. R. Pottle, of Blakely, was chosen to succeed Judge Powell.

On Wednesday, January 24, 1912, the Legislature met in extra session to canvass the returns. Hon. Joseph M. Brown, having been duly elected to the executive office, was at this time inaugurated governor to fill the unexpired term of Governor Smith, a period of one year and five months. There was no further business before the extra session, the deliberations of which were restricted by law to the subject matter set forth in the proclamation. Judge Wm. H. Fellon, of Bibb, having resigned the judgeship of the Macon Circuit, Governor Brown appointed to this vacant seat Hon. Nat. E. Harris, a distinguished lawyer of Macon, afterwards governor of the state. Judge Harris relinquished the ermine, however, after a few months, preferring the active practice of his profession.

One of the most colossal tragedies in the marine history of the world occurred on the night of April 15, 1912, when the ill-fated Titanic collided with an ice-berg in mid-ocean, between New York and Liverpool. The Titanic was the greatest vessel afloat. She was making her maiden voyage across the Atlantic, and some of the foremost men of the world were on board, including multi-millionaires, philanthropists, and men of letters. Over 1,600 lives were lost.* It was an unparalleled disaster, but one in which the chivalry of brave men shone resplendent. With the most engaging gallantry, they complied with the unwritten law of the great deep: "Women and children first;" and while the heroic musicians, with death staring them in the face, played "Nearer My God to Thee," the vessel sank to rise no more. Isidor Straus, the New York millionaire and philanthropist, a former Georgian, was among the number; and his wife, refusing to be torn from his side, went down to her

‡ House Journal, 1912, p. 9.

* Files of the Atlanta Constitution, April 16, 1912, et seq.

watery grave, locked in his arms. It was one of the ironies of fate that while the body of Mr. Straus was afterwards found by the rescue boats among the wreckage, to be splendidly entombed in New York, that of his wife lay entangled in a shroud of sea-weeds in the mid-Atlantic. Nothing in the life of John Jacob Astor became him like the manner in which he met death. The maid-servant who accompanied Mrs. Astor was gallantly assisted by him to one of the life-boats, while the man of uncounted millions became a bed-fellow of the humblest steerage passenger on a sandy couch, far beneath the waves of the ocean. It is said that one of his last acts was to smuggle a little boy into a place of safety, by putting a girl's bonnet on his head of golden hair. Archibald Butt, the chief of President Taft's military staff, en route home from an official visit to the Pope of Rome, was among the number who perished at sea, though the peculiar nature of his errand, if pleaded, might have saved him. The tribute which his tragic death drew from Mr. Taft was well deserved: "He died, I am sure, like a soldier and a gentleman." He too was a Georgian. Some few months after the tragedy Mr. Taft made a special trip to Augusta for the purpose of unveiling a memorial to Captain Butt. But no one on board met death more gallantly than did brave Jack Futrelle, the gifted author, a former member of Atlanta's literary guild. Coaxing his wife to enter a life-boat, with the lover's plea that he was not in any danger and that he expected to rejoin her in a few moments, he went to his grave waving her a fond adieu—"it will be only for a little while dearest, au revoir." No purer pearl of chivalry ever sank to rest amid the pearls of the sea. In the hearts of Georgians his memory will always be green.

Governor Brown's message to the General Assembly at its regular session, in the summer of 1912, called attention to the necessity of providing adequate revenues with which to meet the state's increasing obligations.* Governor Smith had approved the general appropriations bill of 1911, though not unmindful of the fact that its expenditures were in excess of the state's anticipated revenues. On this account an embarrassing condition of affairs confronted the new administration. The funds on hand constituted only a small per cent of what was actually needed. Governor Brown, in this connection, roundly excoriated the state's cumbrous fiscal system and urged the adoption of some wiser plan, more consonant with approved business methods. He recommended the employment of a state auditor, the enactment of better banking laws, the necessity of legislation making the insurance and medical laws more stringent and the registration laws less drastic. He also recommended the employment of a pure food inspector, the reduction of the railroad commission from five to three members, the abolition of the office of special attorney to this board, adequate support for the University of Georgia and its branches, the wisdom of taking under advisement at once the matter of re-leasing the Western and Atlantic Railroad, and various other minor recommendations.

Two new counties were created by constitutional amendment at this session: Bleckley and Wheeler. This gave Georgia 148 counties. Bleckley was named for the late distinguished chief justice of the state, Logan

* House Journal, 1912, pp. 46-75.

E. Bleckley. It was carved out of the upper part of Pulaski County, and was to be attached to the same congressional district, to the same senatorial district, and to the same judicial circuit as Pulaski. Cochran was to be its county seat.§§ The County of Wheeler was so called in honor of a native Georgian, illustrious as a soldier in both the Civil and the Spanish-American wars, Gen. Joseph Wheeler. It was taken in large part from the County of Montgomery, and was to be attached to the Twelfth Congressional District, to the Fifteenth Senatorial District, and to the Oconee Judicial Circuit. Its county seat was to be located at Alamo.† Two other amendments to the constitution were made at this session, one empowering judges of the Superior Court to grant charters to private companies in vacation,* the other to abolish justice courts in certain cities and to establish in lieu thereof such courts as the General Assembly may deem proper.†† To mention briefly the various statutory measures of general interest, there was an act passed to establish a department of insurance in the office of the comptroller-general;‡ an act to establish a county board of education in the several counties of the state having a population of 24,000;§ an act to improve the efficiency of the militia;** besides numerous others.

During the summer of 1912 two serious strikes occurred, one by employes of the street car company in Augusta, the other by employes of the Georgia Railroad. Both strikes caused a suspension of traffic and seriously inconvenienced the traveling public. When an effort was made to substitute other laborers for those engaged in the strike, labor unionism was invoked to encourage mob violence and to precipitate a reign of lawlessness. There was also an attempt made at Cumming, Georgia, to prevent the execution of the state's laws. Governor Brown was confronted by grave perplexities, but he did not hesitate to call out the state's militia troops for the purpose of quelling these disturbances. It was a matter to be regretted that in Augusta, while engaged in resisting the state's authority, three men were killed; but a grave situation called for iron measures. Governor Brown, in his last message to the Legislature, dealt with this subject at some length and reference thereto will be made in another connection.

Within a short while after assuming the duties of office, Governor Brown restored former Gov. William J. Northen to the office of compiler of state records, from which Governor Smith had deposed him in the fall of the year preceding. On January 1, 1913, he appointed Hon. J. VanHolt Nash to the office of adjutant-general, in which capacity he succeeded Hon. William G. Obear. The latter in turn was assigned to the office of quartermaster-general.

Ill health prevented ex-Governor Northen from accomplishing any great amount of work as compiler of records. On March 27, 1913, after a painful illness, the beloved former chief magistrate of Georgia passed

§§ Acts 1912, pp. 38-41.
† Acts 1912, pp. 41-44.
* Acts 1912, pp. 27-29.
†† Acts 1912, pp. 30-33.
‡ Acts 1912, pp. 119-143.
§ Acts 1912, pp. 162-176.
** Acts 1912, pp. 145-149.

away in his seventy-eighth year, lamented by a state to whose service the best years of a long and laborious life had been unselfishly devoted. No purer man ever served Georgia in high position than Governor Northen. His public career bore no stain. His good name was a priceless heritage to his country, to his state, and to his children.

On February 2, 1913, Governor Brown commissioned Hon. Lucian Lamar Knight to succeed ex-Governor Northen as compiler of state records and the Legislature which met within a few months thereafter enlarged Mr. Knight's sphere of work authorizing him to compile certain other records, supplementary to those for the preservation of which this office was originally created. His predecessors, Governor Candler and Governor Northen—chiefly the former—had been occupied in compiling Georgia's Colonial, Revolutionary and Confederate records. It was Mr. Knight's task to cover the intermediate periods, from 1783 to 1861 and from 1865 down to the present time. Before receiving this appointment, Mr. Knight had contributed a number of volumes to the state's historical literature. Two of these had been written by him when an invalid during a temporary sojourn on Catalina Island, some twenty-seven miles off the Coast of Southern California.

April 26, 1913, marks a tragic day in Georgia's calendar. On this anniversary of a Lost Cause, when the state was honoring its Confederate heroes with memorial exercises, when the air was fragrant with garlands plucked by loyal and loving hands to lay upon the graves of the dead, and when every one, in response to an instinct of patriotism, was thinking in tenderness of the past, there occurred in the heart of Atlanta a tragedy of the most revolting character. Mary Phagan, a little fourteen year old girl, employed in a factory owned and operated by the National Pencil Company, lost her life under circumstances which revealed the most atrocious of crimes, fiendishly diabolical in its every aspect. She was found in the basement of the factory, with a cord around her neck, indicating a violent death from strangulation. There was also an ugly scar on her head, besides numerous marks on her person bespeaking violence and ill-usage. Two notes, written in a scrawl wretchedly illegible, at first directed suspicion to the night watchman, Newt Lee, but later developments seemed to fasten the crime upon a Hebrew, Leo M. Frank by name, an employe of the factory, then holding the office of superintendent. Frank had recently come to Atlanta from Brooklyn. He was a graduate of Cornell University, was a man of culture, was also a married man, a leading member of the Jewish synagogue and president of one of its religious societies. He possessed wealthy connections in the North; and besides the family into which he married was one of some prestige. Two of the ablest lawyers in the state defended him in his celebrated trial before Judge Roan. These were Luther Z. Rosser and Reuben R. Arnold, both giants of the state bar. The evidence against Frank, though overwhelmingly convincing to the twelve men in the jury box and to the reading public, who followed the case from day to day, was wholly circumstantial, except for the evidence of one witness, a notorious felon. The state's most important witness, a man upon whose testimony the conviction of Frank solely rested, was a negro named Jim Conley, a notorious criminal and a self-confessed liar who had repeatedly served term sentences in jail. He testified on the

witness stand that Frank was the author of the deed and that his own connection with the affair went no further than to help in the removal of the body after the crime had been committed and to write at Frank's dictation the two notes found near Mary Phagan's dead body and intended to fix suspicion upon Newt Lee. For his confessed part in the affair Conley was tried and convicted as an accessory after the fact and sentenced to a brief term of imprisonment. Despite the skill of the Jew's counsel and the flimsy texture of the evidence adduced against him, Frank was found guilty of the crime and sentenced to be hanged. Conley's testimony may have been a tissue of falsehoods. His reputation was most unsavory. But after remaining upon the witness stand for fourteen hours, under the most powerful grilling, he still adhered to his story of the crime, and no amount of hammering could destroy its consistency or lessen its effect upon the minds of the jurors. Evidence to prove Frank a pervert was introduced by the prosecution and though it was subsequently expunged from the record its psychological effect remained. Solicitor Hugh M. Dorsey, who managed the case for the state, achieved a national reputation for his skill as a prosecuting officer and though a much younger man than his two legal adversaries, he proved himself a match for either, not only in his great speech to the jury but in his arguments to the court upon legal technicalities. Mr. Dorsey became a popular idol. Hundreds importuned him to run for Congress, to offer for governor, for United States senator, indeed, for any office to which he might aspire within the people's gift. But he declined these tempting overtures.

Two more years were needed to complete the story of this historic trial, in some respects the most extraordinary in the state's criminal annals. Judge Roan, before whom the case was tried in the summer of 1913, was destined to close his eyes in death before its culminating stages were reached, while another judge was to pass final sentence upon the defendant. This was Judge Benjamin H. Hill. Hatred of the Jews was alleged as the reason for Frank's conviction. Mob violence, applause in the courtroom, turbulence in the street, conditions creating an atmosphere of hostility to Frank, all these were cited in explanation of the jury's action. Judge Roan declined to grant a new trial, though expressing some doubt as to Frank's guilt. The case was appealed to the Supreme Court of Georgia. It was carried before the United States District Court. It was carried before the Supreme Court of the United States. It was carried before the State Prison Commission. But all without avail. Finally it was brought before the governor, in one last and supreme effort to save Frank from the clutches of the law.

But we must not anticipate in this chapter the developments of a subsequent administration. Suffice it to say, in this connection, that the Frank case acquired an international vogue. Newspaper editorials were written without number in all parts of the United States. Some of the most influential organs of public opinion in America became zealously active in Frank's behalf and sought to create a sentiment friendly to the unfortunate Jew and inimical to the courts and to the people of Georgia. To rescue Frank from the clutches of the law it is said that an organization existed among the Jews, reaching from ocean to ocean, the object of which was to put a continent under tribute in an

effort to raise a pyramidal fund, with which to buy Frank's way to freedom.

Governor Brown's second administration, like his first, was handicapped by a Legislature which was not in sympathy with his policies, having been elected in 1910, at a time when the state was swayed by his predecessor. But during his tenure of office, Governor Brown's signature had been affixed to many important measures vitally affecting the state's welfare and happiness. When the new Legislature assembled in 1913 to inaugurate his successor, Governor Brown repeated his former recommendations and again urged the General Assembly to modify the existing registration law, to reduce the Railroad Commission, to provide some just method for equalizing taxes, to enact a law imposing a tax upon inheritances, and to provide some means for the prompt payment of teachers. He also made a strong plea for the compiler of records, the continuance of whose office was urged until all the records were compiled necessary to the preservation of Georgia's history. He also stressed the importance of recording vital statistics.

With respect to the strikes of 1912 by employes of the street car company in Augusta and of the Georgia Railroad, Governor Brown found no escape from the conclusion that such employes were in a state of open rebellion against the laws of Georgia. Moreover, in the opinion of Governor Brown, these employes, in leaving the service of their companies, virtually encouraged the formation of mobs to assault and intimidate the laborers who, for the time being, were put in their place by the railroads. On account of the serious inconvenience to which the travelling public was subjected by reason of these strikes, Governor Brown strongly recommended some plan of compulsory arbitration. He deplored the high handed acts of lawlessness too often committed in the name of labor unionism and the abuses to which federated effort, a praise-worthy thing in itself, was subject when carried beyond its rightful and proper limits. Said he:*

"Upwards of two millions of people in Georgia will look with no patience upon the continuance of a condition which leaves their basic rights in life at the mercy of the Star Chamber of the Labor Union."

Governor Brown also suggested an amendment to the code requiring the Railroad Commission promptly to advise the governor whenever there was any stoppage of traffic, due to such unlawful combinations, and that in such an event the governor should be authorized to issue a proclamation requiring sheriffs in all counties through which the railroad passed to protect said corporation in its effort to serve the public; that in the event resistance should prove too great for the civil authorities to overcome, either the judge or sheriff should promptly notify the governor, who should thereupon use the militia to enforce the state's laws. Governor Brown further recommended legislation suspending a sheriff whenever it can be proven that said sheriff has willfully failed to do his duty in protecting the public against the acts of lawbreakers and authorizing some one to be appointed in his place until a new sheriff is chosen by the people at the next regular election. Notwithstanding the fatal consequences to certain persons in Augusta, who put themselves in

* House Journal, 1913, p. 68.

defiance to the military law, Governor Brown made a vigorous defense of the state's militia, its strong arm of protection, which should not be condemned for defending the state's authority. "Any Governor, true to his oath," added he, "will enforce the law, regardless of commendation."

Governor Brown's last communication to the General Assembly was a special message, relative to the Western and Atlantic Railroad, in which he treated as visionary and Utopian the proposition to extend this line to deep water, especially in view of Georgia's fixed policy as to her finances. At the lowest calculation the cost of such an extension of the road would probably exceed $15,000,000, every dollar of which amount it would be necessary for the state to borrow. But there were other difficulties. Even if the state, by adding enormously to her indebtedness, should extend this line to the sea, there would be no assurance that it could get business for it when it reached a Georgia port. Since the existing lease of the state road was to expire in 1919, Governor Brown recommended that provision be made for a commission to be appointed by the governor, whose duty it should be to formulate a plan for the future leasing of the state's property and to stipulate such terms as were calculated to subserve the state's best interests.

It was not the fault of Governor Brown, if a Legislature at variance with his policies failed to support him in his administrative measures; but during three and one-half years of service as governor, including his first term of two full years, many wise laws were placed upon the statute-books; he courageously maintained the dignity of his exalted office, exacting respect for the commonwealth and obedience to the law; nor will it be without a feeling of state pride that Georgians, in the years to come, while honoring our great war governor, whose firm hand was upon the helm of state in Georgia's troubled hours, will also concede the just claims of his illustrious son: Joseph M. Brown.

CHAPTER XXX

THE STATE CAMPAIGN OF 1912—HON. JOHN M. SLATON ENTERS THE RACE TO SUCCEED GOVERNOR BROWN—HIS FINE LEGISLATIVE RECORD—TWO OTHER CANDIDATES—JOE HILL HALL AND J. HOOPER ALEXANDER—GOVERNOR SLATON'S ELECTION A FOREGONE CONCLUSION—THE PRESIDENTIAL CAMPAIGN OPENS—GEORGIA DEMOCRATS DIVIDED—ONE FACTION FAVORS GOV. WOODROW WILSON, OF NEW JERSEY—ANOTHER FAVORS CONGRESSMAN OSCAR W. UNDERWOOD, OF ALABAMA—BOTH SOUTHERN MEN—GOVERNOR WILSON A FORMER GEORGIAN—THE UNDERWOOD FACTION CAPTURES THE STATE DEMOCRATIC CONVENTION HELD MAY 29, 1912—THOMAS E. WATSON RETURNS TO THE DEMOCRATIC RANKS—GIVEN AN OVATION—HIS THE DOMINANT FIGURE OF THE CONVENTION—DELEGATES TO BALTIMORE INSTRUCTED TO VOTE FOR UNDERWOOD—PRESIDENTIAL ELECTORS—GOV. WOODROW WILSON NOMINATED AT BALTIMORE—EX-PRESIDENT ROOSEVELT SHATTERS THE REPUBLICAN ORGANIZATION—GOVERNOR WILSON CARRIES THE COUNTRY IN A LANDSLIDE FOR PRESIDENT, DEFEATING ROOSEVELT AND TAFT—HON. WM. J. HARRIS, MANAGER OF THE WILSON CAMPAIGN IN GEORGIA, MADE DIRECTOR OF THE FEDERAL CENSUS—HON. P. A. STOVALL APPOINTED MINISTER TO SWITZERLAND—RETURNING TO STATE POLITICS, GOVERNOR SLATON WINS BY AN OVERWHELMING VOTE IN THE PRIMARY OF AUGUST 22, 1912—TWO CONTESTS UNDECIDED—JUDGE N. R. BROYLES TIES WITH JUDGE POTTLE FOR THE APPEALS BENCH BUT WITHDRAWS WHEN THE MACON CONVENTION MEETS—HIS MAGNANIMOUS ACTIONS WINS HIM GREAT ADMIRATION—J. D. PRICE DEFEATS J. J. BROWN AND A. O. BLALOCK FOR COMMISSIONER OF AGRICULTURE—TURBULENT SCENES—SUPERIOR COURT JUDGES—THE CONGRESSIONAL ELECTIONS—DEATH OF CONGRESSMAN RODDENBERY—HIS SEAT IS FILLED BY JUDGE FRANK PARK.

When Gov. Hoke Smith relinquished the executive helm in the fall of 1911 to become United States senator, Hon. John M. Slaton, then president of the State Senate, became ad interim governor. Mr. Slaton was not a candidate in the special election called for January 10, 1912, but supported Governor Brown, with whom he had been in hearty accord throughout the latter's successive campaigns. However, Mr. Slaton became a candidate for the full term to succeed Governor Brown. He entered the race in 1912 with a well-established reputation as a lawmaker and with a ripe experience in public life, though still a comparatively young man. With distinguished ability he had presided over both House and Senate, wielding the gavel of each chamber successively for two full terms; while sixteen years of his life had been spent in the General Assembly, in which body he had been a recognized leader in

debate and had stamped his impress upon much of the constructive legislation of this period. The first honor man of his class, on graduating from the State University in 1886, with the degree of Master of Arts, Mr. Slaton had consistently maintained the leadership, with which in the old Athenian days he had started out—

"To catch Dame Fortune's golden smile."

It was likewise an omen of success at the opening of this campaign that up to this time he had never once met defeat in any contest before the people. Two well-known Georgians opposed Mr. Slaton in his race for governor. These were Hon. Joseph Hill Hall, of Bibb, and Hon. Hooper Alexander, of DeKalb. Both were experienced legislators and successful lawyers; but entering the field somewhat late neither was able to make any break in Mr. Slaton's well organized columns. For a few weeks, Hon. Thomas G. Hudson, of Sumter, a former commissioner of agriculture, was also a candidate but finding the expenses of the campaign too burdensome for his bank account he withdrew from the contest, gently chiding his friends for a breach of promise in failing to provide him with the sinews of war. Mr. Slaton's election, from the start, was recognized as a foregone conclusion; and it was only for the purpose of maintaining certain principles in this contest—perhaps to profit in the event of a deadlock—that his competitors announced.

Coincident with the campaign for governor there was a spirited contest this year within the party between Underwood and Wilson factions, in an effort to control the state. The presidential campaign was approaching. Hon. Champ Clark, of Missouri, speaker of the National House, was a favorite in the Middle West; but the democracy of Georgia seemed to be evenly divided between Gov. Woodrow Wilson, of New Jersey, and Congressman Oscar W. Underwood, of Alabama. There was a strong movement launched for Mr. Underwood on the ground that he was both a Southern man and a national figure: and since he hailed from an adjoining state a desire to be neighborly induced thousands of Georgians to support Mr. Underwood. It was argued with powerful effect by the supporters of Alabama's brilliant son that the time had come for putting a Southerner in the presidential chair. But an equally convincing argument was made by Mr. Wilson's followers. The New Jersey governor was likewise a Southern man; and though much of his life had been spent at the North he still knelt at the altars of democracy and was bound to his birthland by the ties of an abiding affection, made all the stronger by exile and absence. There was this additional argument in support of Governor Wilson. He had spent his entire youth in Georgia; he had been admitted to the bar while a resident of Atlanta, having appeared for admission before Judge Hillyer, whose signature was affixed to his license to practice law; and he had wooed his bride on the banks of the Etowah. But the fact that Governor Wilson had been a professional educator, even though at the head of Princeton, one of the great historic universities of America, caused many to discount him as a candidate for the presidential nomination. In the contemptuous sneer of Mr. Watterson, he was only "a school-master." To quote his critics, he lacked first-hand familiarity with national affairs; and, even though a profound student of political science, he was at best

only a theorist, with no practical acquaintance with governmental problems. Strange to say, these arguments weighed heavily in Georgia, where they should have weighed least of all. In the campaign for governor of New Jersey, Mr. Wilson had shown himself a masterful strategist. He had developed a wonderful power on the stump; and at the helm of affairs as governor he had exhibited, in the face of serious problems, a clear brain and a firm grasp.

Georgia wavered in her choice for months. Hon. G. R. Hutchins, as campaign manager for Underwood, and Hon. Wm. J. Harris, as campaign manager for Wilson, led the two factions in a heated contest. But the Underwood forces succeeded in organizing the State Democratic Convention which met in Atlanta on May 29, 1912.* It was during this campaign that Hon. Thomas E. Watson, of McDuffie, the great leader of populism in the nation, himself a candidate for President in 1904, returned once more to the democratic fold. His arrival in Atlanta suggested the return of some Roman conquerer. At the station it was necessary for police officers to make a lane through the dense crowd so that he could reach a carriage waiting to take him to the hotel. His appearance on the floor of the convention was the signal for an outburst resembling pandemonium. Hon. W. C. Wright, of Newnan, the retiring state democratic chairman, called the convention to order. Its temporary chairman, Hon. John W. Bennett, and its permanent chairman, Hon. G. R. Hutchins, of Polk, were both placed in nomination by Mr. Watson, whose tall figure, like a towering sycamore, dominated the proceedings. The platform adopted by the convention, endorsed Hon. Oscar W. Underwood, of Alabama, for President, advocated more stringent laws regulating child labor and favored disfranchisement for negroes and other non-Caucasian races, tariff reduction, and a discontinuance of foreign immigration after January 1, 1914.

With instructions to support Mr. Underwood the following delegation was sent to the Baltimore convention under the unit rule: Charles R. Pendleton, Thomas E. Watson, Thomas B. Felder, Wm. G. Brantley, J. Randolph Anderson, Crawford Wheatley, Herbert H. Dean, and G. R. Hutchins, from the state at large; and district delegates as follows: (1) F. P. McIntire, R. C. Gordon, J. W. Overstreet and J. A. Brannen; (2) T. S. Hawes, E. R. Jerger, I. J. Hoffmayer and W. C. Vereen; (3) W. H. Lasseter, W. R. Bowen, W. H. Gurr, and R. L. Walker; (4) L. H. Chappell, L. C. Mandeville, F. M. Ridley, Sr., and T. T. Miller; (5) Joseph S. James, John S. Candler, H. N. Randolph and F. C. Davis; (6) S. H. Pheland, J. J. Flyntt, B. S. Willingham, and R. A. Franklin; (7) John T. Norris, J. R. Brock, M. M. Sessions and J. M. Vandiver; (8) T. J. Brown, Ernest Camp, B. F. Fortson and J. R. Tweedy; (9) S. C. Dunlap, J. C. Bennett, John S. Wood and B. F. Carr; (10) J. D. Howard, George C. Evans, George Wilson and J. L. Carr; (11) A. T. Woodward, L. W. Branch, L. J. Cooper, and R. G. Dickerson, (12) A. S. Bradley, A. L. Hatcher, M. H. Boyer and Douglas McArthur.

At the same time the following presidential electors were chosen: From the state at large—Andrew J. Cobb and Wm. E. Steed. District electors—E. C. Collins, B. W. Fortson, J. M. Dupree, C. C. Minter,

* Files of the Atlanta papers, May 29 and 30, 1912.

D. N. McCullough, O. J. Coogler, J. M. Lang, J. C. Williams, W. E. Simmons, W. L. Phillips, W. R. Carr and J. H. Johnson.

But Mr. Underwood was not the nominee of the Baltimore convention. Pursuant to instructions the Georgia delegation loyally supported him as a unit and it was only on the last ballot that Georgia's vote was solidly transferred to Woodrow Wilson's victorious column. When the balloting began, Speaker Clark was considerably in the lead. But his support was not cohesive; and finally, under the spell of Mr. Bryan's eloquence, it began to break to the New Jersey governor, who was thereupon declared the standard-bearer of the national democracy in the presidential campaign of 1912. It was marvelous the power still wielded in the councils of the party by William J. Bryan, three times its defeated champion for President of the United States. His was the commanding personality of this great assemblage of democrats.

Ex-Pres. Theodore Roosevelt shattered the grand old party this year by running for President on an independent platform as the candidate of the new progressive party, of which he was both sponsor and parent. President Taft was renominated by the stalwarts or stand-patters; but in the fall election he ran a poor third. Mr. Roosevelt came second, while Mr. Wilson, due largely to a divided republicanism, swept the country by an unprecedented vote and scored an overwhelming majority in the electoral college. Georgia was not forgotten, though her failure to support Mr. Wilson for the nomination, at Baltimore, was a keen disappointment to the successful nominee, whose wife was a native of this state. On assuming the duties of his office, he appointed Hon. Wm. J. Harris, of Polk, director of the Federal Census, and Hon. Pleasant A. Stovall, minister to Switzerland. Besides, there were minor offices allotted to other Georgians. Had this state given its powerful endorsement to Mr. Wilson early in the campaign, its support of the New Jersey governor would undoubtedly have been recognized and rewarded with cabinet honors.

But to return to the gubernatorial campaign. Mr. Slaton's forces were so well organized that opposition only served to emphasize his popularity with the masses and to accentuate a victory unprecedented in the history of popular elections. Sweeping every section of the state, Mr. Slaton carried 140 counties, in the state primary of August 22, 1912, while five voted for Mr. Hall, and only one for Mr. Alexander.* To serve on the Supreme bench, Associates S. C. Atkinson, J. H. Lumpkin, and H. W. Hill, were named, the last to fill an unexpired term. Judge T. E. Patterson was chosen a prison commissioner. Judge George Hillyer, of Atlanta; Hon. Joseph F. Gray, of Savannah, and Hon. Paul B. Trammell, of Dalton, were named for the Railroad Commission. United States Senator A. O. Bacon retained the toga by defeating Hon. H. H. Perry, of Hall. Congressman Charles L. Bartlett, from the Sixth District, was re-elected by a small vote over Hon. J. W. Wise, who in the next election was the successful candidate for Congress; Hon. T. M. Bell, from the Ninth District, was also re-elected, notwithstanding a warm triangular fight in which John N. Holder, of Jackson, and Hon. W. A. Charters, of Hall, were his opponents. Hon. J. Randall Walker was returned from the Eleventh District, over Judge T. A. Parker, who

* Files of the Atlanta Constitution, August 23, 1915.

ran him a close second; and Hon. Charles R. Crisp, in the Third District, won a renomination over Hon. Emmet Shaw, of Clay.

Two contests were not decided by the primary election. One of these was the race between Judge J. R. Pottle and Judge Nash R. Broyles, for the Court of Appeals, resulting in a tie vote. The other was a three cornered fight between Assistant Commissioner J. J. Brown, Hon. A. C. Blalock, and Hon. J. D. Price for commissioner of agriculture. Hon. J. J. Conner, the incumbent, did not seek a re-election. It remained for the state convention to settle these contests.

On August 28, 1912, the State Democratic Convention met in Macon and was called to order by Hon. W. C. Wright, the retiring chairman of the State Democratic Executive Committee.* During the temporary organization, Hon. W. S. West, of Lowndes, occupied the chair; while Hon. Wm. J. Harris, in recognition of his splendid work as manager of the Wilson campaign, was made the convention's permanent chairman, an honor which carried with it the chairmanship of the State Democratic Executive Committee for the ensuing two years. There was a great outburst of enthusiasm when Mr. Slaton's name was presented to the convention, by Hon. W. H. Davis, of Burke. Mr. Hall was nominated by Hon. Dupont Guerry, of Bibb, and Mr. Alexander by Hon. W. W. Lambdin, of Ware. But Mr. Slaton was duly declared the nominee of the convention; and on motion of Mr. Lambdin its action was made unanimous.

Judge Nash R. Broyles won the convention by his magnanimous action in stepping aside for his opponent, Judge J. R. Pottle, with whom he had tied in the primary election. This course was taken by Judge Broyles, in the interest of harmony, and also as a concession to South Georgia. His letter, withdrawing from the race, was read to the convention by Hon. Albert Howell, of Fulton, but the convention was anxious to hear Judge Broyles, and from his seat in the gallery he was escorted to the platform, amid great enthusiasm. Judge Broyles stated that he had entered the race as the representative of a great principle, not from any mere personal consideration. He thought it absurd for technicalities to be permitted to sap the vitality of legal administration in Georgia; and upon this platform he stood. As recorder of the City of Atlanta for twelve years, he had sought to mete equal and exact justice to all. In conclusion, he thanked his friends over the state—thousands of whom he had never met face to face—for supporting him in his campaign, and he wished for Judge Pottle a long, successful and prosperous career on the bench. Two years later, there occurred a vacancy on the bench and to fill the vacancy Judge Broyles was elected: an honor well-deserved and well-bestowed.

But the most exciting episode of the convention grew out of the contest for commissioner of agriculture. There were three candidates for this office: Assistant Commissioner J. J. Brown wished to succeed his chief, Hon. J. J. Connor, who had eliminated himself from the contest. Hon. A. O. Blalock and Hon. J. D. Price were the other two candidates. Before the balloting started, Mr. Blalock threw the convention into a tumult of excitement by charging that one of his

* Files of the Macon Telegraph, August 29, 1912.

opponents, Assistant Commissioner J. J. Brown was dominated by the fertilizer trust, whose agents on the floor were seeking to control the convention. On the first ballot most of the delegates felt obligated to vote as instructed and the result was a tie vote, as foreshadowed in the primary election: Brown 177, Price 177, and Blalock 2. But when the second ballot was taken a disposition to ignore instructions became manifest from the start, the delegates began to adapt themselves to changed conditions, and at the conclusion of the count, Hon. James D. Price, of Oconee, was found to be the nominee, having received 214 votes, against 141 votes, cast for Mr. Brown.

Superior Court judges were also named as follows: Hon. Frank Park, Albany Circuit; Hon. John T. Pendleton, Atlanta Circuit; Hon. S. P. Gilbert, Chattahoochee Circuit; Hon. A. W. Fite, Cherokee Circuit; Hon. W. F. George, Cordele Circuit, to fill the unexpired term of Judge Whipple, resigned; Hon. H. A. Mathews, Macon Circuit, to fill the unexpired term of Judge Felton, resigned; D. W. Meadow, Northern Circuit; Hon. R. W. Freeman, Coweta Circuit; Hon. Walter G. Charlton, Eastern Circuit; Hon. R. T. Daniel, Flint Circuit; Hon. E. D. Graham, Oconee Circuit; Hon. Z. A. Littlejohn, Southwestern Circuit; Hon. L. S. Roan, Stone Mountain Circuit.

In the recent primary election, Hon. Newton A. Morris, of Marietta, had been named as judge of the Blue Ridge Circuit; and though his election had been attested in due form there was a contest pending and charges of fraud were under investigation. His competitor, Judge H. L. Patterson, of Cumming, was eventually successful.

The platform adopted by this convention pledged the support of Georgia democrats to the ticket nominated in Baltimore, advocated reform in the state's system of finance, favored an equalization of taxes, discountenanced any severe or unnecessary restriction of the ballot, opposed a sale of the Western and Atlantic Railroad, commended the county unit system, advocated a strict control of corporations and a liberal policy toward education, but opposed unnecessary expenditures and protested against any further increase of the state's bonded indebtedness. Mr. Slaton, in an eloquent speech before the convention, accepted its nomination for governor on this platform; and in the fall elections was given a magnificent popular vote at the polls.

Georgia's entire congressional delegation was re-elected this year; but one of its members, Hon. S. A. Roddenbery died before the session expired and was succeeded by Judge Frank Park of Sylvester, who resigned the judgeship of the Albany Circuit to enter the National House of Representatives. Hon. E. E. Cox, of Camilla, whose name had been mentioned widely throughout the district in connection with the race for Congress, succeeded Judge Park on the bench. But these developments are carrying us too far afield. Let us now go back.

CHAPTER XXXI

THE NEW LEGISLATURE ASSEMBLES IN 1913—DEATH OF SECRETARY NORTHEN OF THE SENATE—LEADING MEMBERS OF BOTH HOUSES—GOVERNOR SLATON INAUGURATED—HIS STRONG ADDRESS—URGES NECESSITY FOR READJUSTING THE STATE'S FINANCES—BILL TO PROVIDE FOR A SPECIAL ELECTION OF UNITED STATES SENATOR TO GIVE SENATOR BACON A VALID TITLE TO HIS SEAT UNDER THE NEW AMENDMENT TO THE FEDERAL CONSTITUTION PROVIDING FOR POPULAR ELECTIONS—SENATOR BACON HIMSELF DRAWS THE BILL—GENERAL ACT ALSO PASSED AT THIS SESSION—TAX EQUALIZATION—STRONG FIGHT TO PREVENT THE ADOPTION OF THIS MEASURE—ON ITS PASSAGE A TIE VOTE RESULTS—SPEAKER BURWELL RESOLVES THE SITUATION BY SUPPORTING TAX EQUALIZATION—JUDGE JOHN C. HART, OF GREENE, BECOMES GEORGIA'S NEW TAX COMMISSIONER—THIS MEASURE FOR 1914 PUTS $85,000,000 ON THE DIGEST HITHERTO UNREACHED—TAX RATE REDUCED FROM 5 TO 4½ MILLS—INHERITANCE TAX—GEORGIA TRAINING SCHOOL FOR GIRLS ESTABLISHED—NEW JUDGESHIP CREATED FOR THE ATLANTA CIRCUIT, TO WHICH JUDGE BENJ. H. HILL IS TRANSFERRED FROM THE COURT OF APPEALS—JUDGE ROAN GOES TO THE APPEALS BENCH AND HON. C. S. REID SUCCEEDS JUDGE ROAN—JUDGE POTTLE RESIGNS FROM THE APPEALS BENCH AND IS SUCCEEDED BY HON. PEYTON L. WADE—JUDGE ROAN IS NOT A CANDIDATE FOR RE-ELECTION AND IS SUCCEEDED BY JUDGE N. R. BROYLES—DEATH OF SENATOR A. O. BACON—TO SUCCEED HIM, GOVERNOR SLATON APPOINTS COL. W. S. WEST, PENDING AN ELECTION—FOUR NEW COUNTIES CREATED BY THE LEGISLATURE IN 1914—BACON—BARROW—CANDLER—EVANS—ACUTE RELATIONS BETWEEN THE NATIONAL GUARD OF GEORGIA AND THE WAR DEPARTMENT—CHILD LABOR IN FACTORIES REGULATED—HEALTH LAWS REVISED—GEORGIA'S NEW GREAT SEAL OF STATE—CHARTER TO THE NORTH GEORGIA MINERAL RAILWAY REFUSED, PENDING ACTION BY THE LEGISLATURE IN 1915—AN EFFORT TO PARALLEL THE STATE ROAD—HOME OF JOEL CHANDLER HARRIS DEDICATED AS A NATIONAL MEMORIAL—DEATH OF MRS. WOODROW WILSON—HER BURIAL AT ROME, GEORGIA.

On June 25, 1913, the newly elected State Legislature assembled in Atlanta for its first fifty-day session. Hon. J. Randolph Anderson, of the First District, was elected president of the Senate and Hon. W. H. Burwell, of Hancock, speaker of the House. The former secretary of the Senate, Hon. Charles S. Northen, of Fulton, was re-elected this year for his eighth consecutive term of office, but he died in the fall of 1914, soon after the Legislature adjourned, having served the state continuously at the secretary's desk for a period of sixteen years. Mr. Northen

was a nephew of Georgia's distinguished governor, Hon. William J. Northen, and was a man widely beloved for his genial disposition and for his sturdy traits of character. Hon. John T. Boifeuillet, of Bibb, was still clerk of the House, an office which he had filled uninterruptedly since 1898.*

There were no picturesque figures in either branch of the General Assembly this year, no commandingly striking personalities; but there were scores of talented men and experienced legislators. In the House some of the old members whose faces recalled preceding sessions were: H. J. Fullbright, R. N. Hardeman, Barry Wright, R. B Blackburn, L. S. Ledbetter, R. N. Holtzclaw, E. H. McMichael, S. L. Olive, E. Wohlwender, Minter Wimberly, Wallace Miller, Shelby Myrick, C. R. McCrory and others. Former state senators, J. E. Sheppard, L. R. Akin, and W. F. Slater, were also members of the House this year; and all three of them were leaders. One of the newly elected members was Hon. Frank A. Lipscomb, of Clarke, who was to figure with prominence in formulating a much-needed act providing for an equalization of taxes. Conspicuous among the senators this year were: John T. Allen, R. T. DuBose, W. W. Stark, W. E. Spinks, W. D. McNeill, B. S. Miller, J. L. Sweat, W. L. Converse, S. M. Turner, and others.

Governor Slaton's inauguration occurred on Saturday at noon, June 28, in the Representative Hall. The oath of office was administered by Chief Justice Fish. The usual ceremonies incident to a governor's inauguration were observed, including the delivery of the great seal by the retiring to the incoming governor, thence back into the custody of the secretary of state. Governor Slaton began his address with a rebuke to pessimism, reminding his hearers that the progress of the world had been achieved by the optimist. He painted a glowing picture of the state's marvelous resources, in contrast with conditions existing in the state at the close of the Civil war. According to Governor Slaton, there had been appropriated for the year 1913 to the state's public schools, the sum of $2,550,000, of which sum $2,000,000 had come from the treasury direct; whereas thirty years ago our patriotic forefathers could hardly provide more than the protection of the courts. But the emphasis of Governor Slaton's address was laid upon the urgent necessity for readjusting the state's finances. Georgia was amazingly prosperous but her monetary system was archaic. It needed to be modernized. Teachers should be promptly paid. Obligations of every kind should be squarely met. To this end he recommended an amendment to the constitution providing for a special appropriation not to exceed 2½ mills annually to schools and not to exceed 1½ mills annually to pensions. He also called for a redemption of platform pledges with respect to an equalization of taxes, advocated economy in expenditures, suggested the wisdom of providing for an auditor, and directed attention to the fact that more than half of the state's bonded indebtedness would mature in 1915, a matter of the utmost importance demanding consideration at the hands of this Legislature. Governor Slaton also strongly favored the creation of a state highway commission.

It was no longer encumbent upon the state's law-makers to elect

* House and Senate Journals, 1913, opening pages.

United States senators. Since the adjournment of the last General Assembly an amendment to the Federal Constitution had been approved making the office of United States senator elective by direct vote of the people. Senator Bacon's term of office had just expired on March 4, 1913; and to give him a perfectly good and valid title to his seat it was necessary for the Legislature at this session to call a special election for United States senator. Political reasons made this course peculiarly imperative. There was only a bare democratic majority in the United States Senate, and this majority was likely at any moment to be overcome by unforeseen events. It was out of the question to wait for the next regular election, an appointment from the governor would not confer a sufficient title, and there was no alternative save to pass an act as above indicated. This was done on July 1, and at a special election held on July 15, Hon. A. O. Bacon was chosen to represent Georgia for a fourth term in the United States Senate. Senator Bacon himself drew the bill under the provisions of which his election took place, and he was the first United States Senator under the new amendment to the Federal Constitution providing for direct popular elections. At the same time a general act was passed making the state law conform to the requirements of the new act of Congress.*

But the measure which gave to Governor Slaton's administration its distinguishing characteristics from a legislative point of view was the tax equalization act, the purpose of which was to insure just returns not only between tax-payers but also between counties, maintaining a fixed standard, fair alike to all.† To equalize returns as between taxpayers a county board of tax assessors was provided for each county in the state and to equalize as between counties an officer was created to be known as the state tax commissioner. The fight against this tax equalization measure was led by Hon. J. E. Sheppard, of Sumter, who voiced in a most effective and powerful argument the protest of a large element of the state's tax payers, contending that it only raised an increased revenue with which to make burdensome appropriations. It was due largely to Mr. Sheppard's opposition that some of the original features of the bill were modified. Prior to the assembling of the Legislature, a movement looking toward tax equalization first began to take definite form among business men of Athens, who felt that burdens should be commensurate with benefits and that evasion by one person of his duty should not inure to another's loss. Judge Andrew J. Cobb was among this number. The bill was originally introduced in the House by Hon. Frank Lipscomb, of Clarke, and though in both wings of the Legislature it underwent a series of amendments it emerged from these modifying processes with its essential features preserved. Hon. B. S. Miller, of the Twenty-fourth, made a superb fight for the measure in the Senate, occupying the floor in a single speech for more than three hours, the effect of which was most powerful. President Randolph Anderson and Senator Sweat were also zealous champions of the bill which eventually passed the Senate, remodeled in some particulars. On its return to the House there was another hard fight to defeat its passage. The final vote on the bill

* Acts 1913, pp. 134-136.
† Acts 1913, pp. 123-134.

resulted in a tie; but Speaker Burwell came to the rescue at this supreme moment, and it was due to his deciding vote that tax equalization was at last written into the statutes of the state. The measure duly received Governor Slaton's executive approval; and to the office of state tax commissioner, Judge John C. Hart, of Greene, was called. This appointment went far toward overcoming opposition to the tax equalization law. There was not in the state a man more widely popular than Judge Hart. He possessed the respect and confidence of all classes of people; and, to quote Governor Slaton, was "a land owner, in sympathy with the people of his state, who could be trusted to execute the laws without harshness and in the full spirit of exact justice."* Contrary to the view entertained by some of its opponents, this act, for the year 1914, resulted in putting upon the digest property hitherto untaxed to the amount of $85,000,000 and in consequence thereof the tax rate was reduced in the midsummer of 1914 from 5 to 4½ mills.† Governor Slaton felicitated the General Assembly upon its action in passing this measure and predicted that in the future history of Georgia it would be known as the debt-paying Legislature, a distinction conferring the highest honor. Said he:‡

"Above and beyond all the benefits of this law, its effect will be to produce a loftier and finer thought among the people. The citizens of distant counties will recognize that they are equally interested in the welfare of the entire State. Not a successful enterprise on the Chattahoochee but lessens the taxes of its neighbors on the Savannah. Not a quarry that pours forth its wealth in the mountains of North Georgia but helps the cotton planter of the southern section. Every Georgian will be united for the common good and he who obeys the law is but sharing the burden of his neighbor and following the one other commandment that comprised all the rest: 'Love thy neighbor as thyself.'

"I beg to refer to the able report of Judge Hart, State Tax Commissioner, and commend it to your earnest consideration. Judge Hart has ably served the State as a pure, efficient and upright judge. As Attorney General he wisely counseled her officers and valiantly maintained her causes in the courts. But his highest and most lasting service has been and will be as State Tax Commissioner. His appointment was an inspiration, his service a benediction."

Inherited property was also placed under tribute by this Legislature.§ The law provided for a tax levy of one per cent on all property real and personal acquired either by inheritance or by deed of gift, where the value of said property was in excess of $5,000. But in certain cases of remote kinship and in cases not specified in the act, this tax was to be increased to 5 per cent on the property so acquired. More than two-thirds of the states had, up to this time, adopted an inheritance tax; and though the measure was stoutly opposed it was favored quite generally by the masses as a law thoroughly democratic in its character.

Continuing the reformatory work of preceding Legislatures an act

* Senate Journal, 1914, p. 20.
† House Journal, 1915, p. 24.
‡ House Journal, 1915, pp. 24-25.
§ Acts 1913, pp. 91-93.

was passed to establish the Georgia Training School for Girls.‖ The purpose of this bill was to reclaim women of tender age but wayward inclinations, whose proneness to evil would only be confirmed if made to associate with hardened offenders and criminals. The sum of $10,000 was appropriated for its initial maintenance and support. It was to be located on lands owned by the state at Milledgeville and to be governed by a board of managers, five in number, to be appointed by the governor. Two of these were to be women. Judges of the city and superior courts were authorized in their discretion to commit to this school all girls, under eighteen years of age, found guilty of violating the laws of this state, except for offenses involving death or life imprisonment. There was also an act to reorganize the state board of medical examiners, making its membership composite in character and representative of the various recognized schools of medicine.* This board was to consist of ten members to be appointed by the governor. All of these were to be physicians, appointed as follows: Five regulars, three eclectic, and two homeopathic, each to serve for a term of four years.

To protect the public against sharpers an act to better regulate and control corporations doing an industrial, health, life, or accident insurance business in the State of Georgia and to provide penalties for violations of same was passed during this session.† With a like end in view there was also an act passed to regulate the sale of stocks, bonds and other securities, known in popular parlance as the "Blue Sky" law.‡ This act required all dealers in such securities to file a statement under oath in the office of secretary of state setting forth all facts relative to the business, needed for public protection. In the case of a non-resident it was necessary for a power of attorney to be filed. Other laws enacted at this session included an act to provide for a permanent qualification book for the qualified voters of this state;§ an act to empower judges of the Superior Court to grant charters to private companies in vacation;** an act to authorize all courts, having jurisdiction in felony or misdemeanor cases so to mold their sentences as to allow defendants to serve same outside the jail, chain gang or other place of detention, under the supervision of the court†† and finally an act providing for a commission to receive bids for a release of the Western and Atlantic Railroad.‡‡ Due to technical irregularities in the bills creating Wheeler and Bleckley counties, the representatives from these counties were not admitted to full membership at this session but were given seats in the House and paid for the session, as if they had duly qualified.

This General Assembly created a new judgeship for the Atlanta Circuit, to which Judge Benjamin H. Hill, Chief Judge of the State Court of Appeals was appointed.§§ At the same time, Judge L. S.

‖ Acts 1913, pp. 81-91.
* Acts 1913, pp. 101-110.
† Acts 1913, pp. 98-101.
‡ Acts 1913, pp. 117-122.
§ Acts 1913, pp. 115-117.
** Acts 1913, pp. 100-101.
†† Acts 1913, pp. 112-114.
‡‡ Acts 1913, pp. 137-138.
§§ Acts 1913, pp. 72-75.

Roan, who had recently presided over the celebrated Frank case, was transferred from the bench of the Stone Mountain Circuit to the bench of the State Court of Appeals. To succeed Judge Roan on the Stone Mountain Circuit, Governor Slaton appointed Hon. Chas. S. Reid, of Campbell. This occurred in the fall of 1913. But the Appellate bench underwent still further changes. Judge Pottle, having resigned his seat to resume the practice of law at Albany, Georgia, there occurred a vacancy which Governor Slaton filled, on February 5, 1914, by appointing Hon. Peyton L. Wade, of Dublin, Georgia, to the vacant judgeship. This appointment gave wide satisfaction. Judge Wade was one of the state's ablest lawyers, a man of broad culture and of commandingly high character. Judge Roan's tenure of service on the bench was brief. Some injudicious words spoken impulsively by Judge Roan expressing a doubt as to Frank's guilt, at the time of his refusal to grant him a new trial after hearing argument from counsel on both sides, served to impair Judge Roan's standing somewhat with the legal profession. It was seemingly an inconsistent attitude, pleasing neither to the friends nor to the enemies of Leo M. Frank. But Judge Roan was an ill man; and it was probably due to this fact rather than to adverse public sentiment that he declined to be a candidate at the next general election. Within a few months after leaving the bench he died of cancer at a private sanitarium in the City of New York. His death occurred during the month of March, 1915. Judge Nash R. Broyles, for years recorder of the City of Atlanta, an officer of the law whose name was a terror to evil doers and a synonym for law enforcement, succeeded Judge Roan on the bench of this tribunal.

On February 14, 1914, U. S. Sen. Augustus O. Bacon died in Washington, District of Columbia, while intent upon his labors as Georgia's senior senator. At the time of his death Senator Bacon was chairman of the Senate Committee on Foreign Relations. The President relied heavily upon his counsels, especially in negotiations with Mexico—then nearing an acute stage; and throughout the nation there was deep sorrow felt on account of his death. Senator Bacon had just been awarded the toga for a fourth term and was the first United States senator to be elected under the new law providing for popular elections. As a parliamentarian he possessed few equals. Nor was he less distinguished as a ready debater, as a safe councillor and as a learned constitutional lawyer. To succeed him in the United States Senate until a regular election could be held to fill the vacancy, Governor Slaton appointed Hon. William S. West, of Valdosta, a former state senator and a man of affairs, then serving as vice chairman of the State Democratic Executive Committee. As Congress was then in session, Colonel West immediately repaired to Washington.

When the Legislature re-assembled for its summer session in 1914, a new county was created by constitutional amendment in honor of Georgia's deceased senator and called Bacon. It was formed out of Appling, Pierce and Ware counties, in the lower part of the state, with the Village of Alma for its county seat, and was annexed to the Eleventh Congressional District, to the Third Senatorial District and to the Waycross Judicial Circuit. There were three other counties created at this session: Barrow, Candler and Evans.

Barrow County was formed out of territory belonging to Gwinnett, Walton and Jackson, and was named for Dr. David C. Barrow, chancellor of the State University, who was still in life. This compliment to Doctor Barrow was most unique and exceptional, demonstrating the high esteem in which he was held. Winder, a progressive town, with a rapidly growing volume of business, was designated as the county seat. Up to this time Winder occupied a somewhat anomalous position. It was located in three counties at a point where these counties cornered, and for more than ten years Winder had been anxious to obviate these conditions by forming out of the territory around it a new county; but it was not until 1914 that a series of organized efforts in this direction finally succeeded. Barrow was annexed to the Ninth Congressional District, to the Thirty-third Senatorial District, and to the Western Judicial Circuit.

Candler County, named for the late Gov. Allen D. Candler, was formed out of territory taken from three counties: Emanuel, Bulloch and Tattnall. Metter was named as its county seat. The new County of Candler was annexed to the First Congressional District, to the Seventeenth Senatorial District, and to the Middle Judicial Circuit. Evans County was named for Gen. Clement A. Evans, a much beloved veteran of the Lost Cause, who had served Georgia during the last years of his life on the prison commission. This new county was attached to the First Congressional District, to the Second Senatorial District and to the Atlantic Judicial Circuit. It was formed out of Bulloch and Tattnall counties, and Claxton was designated as its county seat.

Governor Slaton, in his annual message to the Legislature in 1914, called attention to acute relations existing between the National Guard of Georgia and the War Department at Washington. Said he:*

"Since the last session of your honorable body I have had brought before me in acute form the relation existing between the National Guard of Georgia and the War Department at Washington. By statutes embodied in sections 1361, 1362 and 1363, second volume of the Code of Georgia, the office of Adjutant-General and Quartermaster-General are established, each with rank of Brigadier-General. Code sections 1367 and 1368 give general authority to the Governor as Commander-in-Chief regarding the number and grades of the officers.

"The War Department at Washington issued an order requiring in effect that the Quartermaster-General in Georgia should have the rank of Major. The failure to comply with the order was visited with the penalty that the Quartermaster-General would not be recognized for the purpose of receiving arms, equipments, etc., nor would he receive pay during manoeuvers.

"I asked if this order could be suspended as to Georgia until the Legislature could meet and deal with the subject, as I maintained that obedience to the laws of Georgia was a superior duty and more binding on me than the orders of the War Department.

"This suspension was declined, unless I promised to use my influence as Chief Executive with the Legislature to repeal legislation conflicting with the orders of the War Department. This I declined to

* House Journal, 1914, pp. 25-27.

do, and hence I designated the Adjutant-General to receipt for equipment until the subject could be brought to your attention.

"Perhaps it may be the part of practical wisdom to adapt the office of Quartermaster-General to the grade required in the regular army, in order that our National Guard may receive the support of the Federal Government, as provided by its laws. But I believe it should be with the strict heed that the National Guard of Georgia shall always owe first allegiance to the State and subject to the order of her Governor as paramount authority. The National Guard is ready in time of national peril to perform the duties of a soldier against a foreign enemy, and the Government should be generous with it and liberally support it on these terms. Its members spend time and money and make a disapproval the growing tendency to militarism with a large standing army under direct control of one man in Washington. It is not diffic

Uncle Remus Memorial Home

to suppose an occasion when such a force under the control of some one possessed of audacity, ambition and courage, might make it a menace to our Government and its institutions."

There was also an act passed at this session authorizing the governor to issue bonds of the state to the amount of $3,679,000, to pay off that portion of the public debt maturing May, 1915, the amount of which was $287,000, and that portion maturing July 1, 1915, the amount of which was $3,392,000.* Said bonds were to bear interest at a rate not to exceed 4½ per cent and were to be of such varying denominations as the governor might see proper to fix. The interest was to be paid semi-annually and the principal was to mature serially in successive amounts commencing July 1, 1930, or July 1, 1935, as the governor might elect, and thereafter installments of the same maturing each year successively during the next ten or fifteen years, as the case might be, so that the last installment shall mature July 1, 1945. The manner in which this refunding of the state's bonded indebtedness was handled by Governor Slaton will be discussed later.

* Acts 1915, pp. 81-86.

The Legislature, at its session in 1914, passed several important acts, among them an act to regulate child labor, making it unlawful for children under fourteen to work in factories except where a widowed mother was dependent upon such labor, in which case the child must not be under twelve; † an act to provide for the registration of vital statistics; ‡ an act to revise the health laws of the State of Georgia and to make the State Board of Health consist of fifteen members, three of whom, to wit, the secretary of the State Board of Health, the state superintendent of schools and the state veterinarian, should be members ex officio, and twelve members to be appointed by the governor, one from each congressional district, a majority of whom were to be physicians; § an act to regulate and control all fraternal benefit societies; ** and an act to abolish the office of quartermaster-general, thereby making the organization and discipline of the organized militia of this state conform to the requirements of an act of Congress.*

On August 17, 1914, the following joint resolution was given the governor's approval (Acts 1914, p. 1247).

Whereas, The great seal of the State, in the custody of the Secretary of State, has become so worn by time and use that it will no longer make a clear, or even legible, impression, and it has become necessary that a new seal shall be provided; therefore,

Be it resolved, By the House of Representatives of Georgia, the Senate concurring, that the Governor and the Secretary of State are hereby authorized, empowered and directed to cause a new great seal of the State to be made, either of silver, or of some harder and more durable metal or composition of metals, the new seal to be in all respects a facsimile of the old one, except that the date appearing thereon shall be 1776, commemorative of the year of the Declaration of American Independence, instead of 1799, as appears on the present seal.

Be it further resolved, That when the new great seal herein provided for shall be completed and received by the Secretary of State, it shall be used in place of the present great seal in all cases where the use of the great seal of the State is required; and it shall be the duty of the Governor and the Secretary of State to see to it that the present great seal is destroyed.

Be it further resolved, That all laws and parts of laws in conflict with this joint resolution, or any part thereof, be and the same are hereby repealed.

As soon as the state's new Great Seal was ready for use, Governor Slaton, in the presence of the secretary of state, mutilated the old one as authorized by law, but what remains of this sacred relic—Georgia's Great Seal of State for 115 years—is still reverently preserved in the state department.

During the fall of 1914 the North Georgia Mineral Railroad applied to the secretary of state for a charter to construct a line from the City of Atlanta to Wofford's Cross Roads, in Bartow County; and, while the application appeared on the surface to ask of the state nothing unusual, it was fraught, in the opinion of the secretary of state, with far-reaching consequences. The proposed railroad was projected by parties who were either allies or owners of the Louisville and Nashville system, a corporation controlling the Nashville, Chattanooga and St.

† Acts 1914, pp. 88-92.
‡ Acts 1914, pp. 157-174.
§ Acts 1914, pp. 124-134.
** Acts 1914, pp. 99-123.
* Acts 1914, pp. 139-142.

MYRTLE HILL CEMETERY AT ROME

Louis Railway, which in turn was leasing the state road. To grant the proposed charter would practically mean to authorize a line paralleling the state's magnificent property. So vitally was the state's welfare involved in the proposed deal that Governor Slaton, when the matter came before him, had fully resolved upon calling the Legislature together in extra session to consider this momentous problem and to determine what course should be taken in the premises, but the necessity for such a step was obviated by an agreement with counsel for the proposed road who consented to make no demand for a charter until after the Legislature of 1915 had been given an opportunity to canvass the situation and to authorize appropriate action.

But let us go back for a few months to review other developments. On May 23, 1914, the home of Joel Chandler Harris, beloved and honored throughout the world as the creator of "Uncle Remus", was dedicated as a national memorial to the great interpreter of negro dialect and character. Governor Slaton delivered the principal address on this occasion. To the Uncle Remus Memorial Association, headed by Mrs. A. McD. Wilson, is due the lasting gratitude of the state for its patriotic work in raising funds with which to purchase this literary shrine. Ex-President Roosevelt's lecture for the benefit of this memorial netted approximately $5,000, and Mr. Andrew Carnegie, who had agreed to give a sum equal to what was realized from the Roosevelt lecture, gave the ladies his check for a like amount. Altogether a sum in excess of $20,000 was raised.

On August 6, 1914, the Angel of Death entered the White House in Washington, District of Columbia, taking therefrom in the midst of her manifold activities of charity, patriotism and religion, the first lady of the land. Mrs. Wilson was brought to Georgia for burial, in the home of her girlhood. On Myrtle Hill, a beautiful necropolis, overlooking the City of Rome, and occupying a lofty eminence at the foot of which two majestic rivers, the Etowah and the Oostanaula, mingle their waters in a perpetual requiem for the dead, Mrs. Wilson was gently lowered to her last resting place, while above the new-made grave was heaped a fragrant mountain of flowers. To the President's weight of official responsibility, in the midst of a grave international crisis, was thus added the pang of a sore bereavement; and doubtless, in hours of loneliness, his thoughts often turned southward to the hills which enshrined his lost companion; but throughout his night of anguish he maintained a serene poise of mind, and all was well with the republic. The Ellen Wilson Memorial Association, a movement launched by Georgia women, will perpetuate her spirit in a great educational fund designed to uplift the poor boys and girls of the Southern mountains.

There was a most pathetic but beautiful incident connected with Mrs. Wilson's funeral. The first week in October, 1914, was to have been a gala week in Rome, one long to be remembered for its brilliant social gaieties. Mrs. Wilson, in a letter from the White House, had promised to be the city's guest of honor, and invitations had been issued by the tens of hundreds. The Southern Railway, in preparation for this joyous season of reunion, had planted near its depot a bed of shrubbery whose fresh young colors were just beginning to spell the words "Welcome Home." But little did any one anticipate the unfathomed pathos with

which this symbol of greeting was soon to be applied. As the days went by, the busy hum of preparation grew apace. But even while these plans were under way there came with appalling suddenness a message from Washington: Mrs. Wilson was coming home, not in October, but in August, and she was coming home to stay!

Beautiful for situation is the lofty burial ground of Rome. Overlooking the city's domes and spires, it forms at this meeting-place of the waters a majestic citadel of silence, a marble-crowned Acropolis. Beneath a giant oak on this towering hill-top the first lady of the land was committed on this August day to the keeping of mother earth. No fairer spot ever charmed an artist. Home at last, she slept on Myrtle Hill, around her a silent ring of Roman hearts, and in her ear the sweet music of the Etowah.

CHAPTER XXXII

CHRISTIAN EDUCATION IN GEORGIA GIVEN AN IMPETUS—MR. ASA G. CANDLER'S MUNIFICENT GIFT OF $1,000,000 TO EMORY UNIVERSITY, AN INSTITUTION FOUNDED IN 1914—BISHOP WARREN A. CANDLER BECOMES ITS CHANCELLOR—SPLENDID WORK OF DR. THORNWELL JACOBS IN THE RE-ESTABLISHMENT OF OGLETHORPE UNIVERSITY, SIDNEY LANIER'S ALMA MATER—GEORGIA SECURES ONE OF THE REGIONAL BANKS UNDER THE NEW CURRENCY SYSTEM—LOCATED IN ATLANTA—SENATOR SMITH HELPS TO WIN THIS VICTORY FOR THE STATE—THE SMITH-LEVER BILL—REFUNDING THE STATE DEBT—BONDS FOR $3,679,000 ISSUED—MR. ASA G. CANDLER'S BID FOR THE ENTIRE ISSUE IS ACCEPTED—GOVERNOR SLATON COMMENDS THE PATRIOTIC ENTERPRISE OF AN INDIVIDUAL CITIZEN—THE SENATORIAL RACE—CONGRESSMAN HARDWICK AND ATTORNEY-GENERAL FELDER CANDIDATES FOR THE SHORT TERM TO SUCCEED SENATOR BACON—GOVERNOR SLATON ALSO TAKES THE FIELD—IS HANDICAPPED BY THE GOVERNORSHIP—SENATOR SMITH A CANDIDATE TO SUCCEED HIMSELF FOR THE LONG TERM—EX-GOVERNOR BROWN DELIBERATES—HIS LONG SILENCE CREATES A LOT OF SPECULATION—HE FINALLY DECIDES TO OPPOSE SENATOR SMITH—BURIED HATCHETS RESURRECTED—THE GOVERNOR'S RACE—FOUR CANDIDATES ENTER THE LISTS—JUDGE NAT E. HARRIS—DIRECTOR OF THE CENSUS W. J. HARRIS—DR. L. G. HARDMAN—PRES. J. RANDOLPH ANDERSON OF THE STATE SENATE—AFTER A FEW WEEKS HON. W. J. HARRIS, IN THE INTEREST OF HARMONY, RETIRES—AN EXCITING CAMPAIGN TO BE DECIDED ON AUGUST 20, 1914.

During the second year of Governor Slaton's administration, the cause of Christian education in Georgia received a powerful stimulus. Early in the spring of 1914 Mr. Asa G. Candler, of Atlanta, thrilled and electrified the country by making a gift of $1,000,000, to this end, through the great religious denomination with which he was affiliated. The M. E. Church, South, having relinquished Vanderbilt University, at Nashville, Tennessee, as a denominational asset, under the control of the college of bishops, there was a movement started at the general conference of 1914 to establish two great Methodist universities in the South, one of these to be located east, the other west, of the Mississippi River. Mr. Candler's magnificent gift insured the immediate success of the former. It also settled the question of its location, and on a spacious campus, luxuriantly wooded with forest oaks, near Druid Hills, on the outskirts of Atlanta, stately buildings have already commenced to ascend. The school of theology began its existence in the fall of 1914, occupying the Wesley Memorial properties. Bishop Warren A. Candler, by a unanimous vote, was called to the chancellorship of the

OGLETHORPE UNIVERSITY

new institution and entered at once upon his stupendous task of molding a great university for Methodism. There was a distinct preference manifested for naming it Candler University, in honor of the two distinguished men who were jointly, in large part at least, its creators; but the modesty of these men discouraged such a movement, and it was then christened Emory University, for the great school at Oxford, Georgia, which was to be one of its component colleges. The plans for Emory University contemplate an investment of $5,000,000 within the next five years.

Simultaneously with the establishment of this plant, there was launched in Atlanta a movement to revive Oglethorpe University, an institution founded by the Presbyterians at Midway, near Milledgeville, Georgia, in 1835. Two of Georgia's most illustrious sons, afterwards clothed with the ermine of the Supreme Court, were conspicuous figures in the founding of this institution: Chief Justice Joseph Henry Lumpkin and Associate Justice Eugenius A. Nisbet. Oglethorpe University perished amid the wreckage entailed by the Civil war, but not until its list of graduates included Georgia's master-minstrel, Sidney Lanier, a poet of the rarest genius; Joseph M. Brown, a future governor of the state; and scores of men distinguished in every profession. Almost without an exception the students of Oglethorpe University entered the Confederate army; its doors were closed early in the struggle; and so identified was this school with the fortunes of the South that, like the Confederacy itself, it was said to have received its death wound at Gettysburg. At the close of the war, what remained of the institution, after Sherman's destructive march to the sea, was transferred to Atlanta, but in this particular region of the state there was not a sufficiency of surplus wealth for a decade at least after the war, to feed an enterprise of this character and eventually it perished. Its expiring breath was drawn in 1871. The movement to revive Oglethorpe University found its inception in the brain of Dr. Thornwell Jacobs, a brilliant, resourceful and tireless young editor and minister who blended the persistence of a Roman Cato with the fiery zeal of a Peter the Hermit. On January 21, 1915, the cornerstone of the administration building, a splendid edifice of granite, was laid on the spacious campus just to the west of Peachtree Road, near Silver Lake. The moderator of the Southern General Assembly was present at this time in his official capacity to participate in these impressive exercises; there was also a reunion of all the living alumni of Oglethorpe University; ten of the South's foremost poets contributed odes specially prepared for this occasion; and Dr. James I. Vance, of Nashville, Tennessee, the most eloquent man in the Southern pulpit, delivered the address of the day, taking for his theme Oglethorpe's Resurrection. Doctor Jacobs, who had hitherto been secretary to the board of trustees, was at this time by a unanimous vote made president of the institution, a just recognition of his commanding leadership. This great enterprise will eventually develop into a $5,000,000 institution, if indeed it does not represent an even greater investment. It is a most significant fact, in connection with this extraordinary crusade, that no congregation before which Doctor Jacobs has brought the claims of Oglethorpe University has failed to subscribe at least $1,000 to its resurrection fund and to place at least

one member on its board of founders, and he has traveled over a score of states presenting the claims of this great school which he calls not inaptly "the Princeton of the South."

Under the new currency system, approved by President Wilson, in an act which received his signature December 23, 1913, federal reserve banks were established at various points throughout the United States, to serve as financial reservoirs. The purpose of these governmental banks was to stimulate business and to avert the possibility of panics by distributing judiciously the nation's surplus money in such a way as to make each reginal bank the center of a well-defined zone or region, easy of access to the commercial public. Most of the important cities of the country were competitors for recognition in the awarding of these capital prizes. But Atlanta was one of the fortunate twelve and was designated as the center of a region including such rival towns as Birmingham and New Orleans. It was due largely to the potential influence of U. S. Sen. Hoke Smith that Atlanta was successful in securing one of these banks. Mr. Smith left his seat in Washington for the purpose of appearing before the reserve bank committee when it met in Atlanta in 1914. This committee, appointed by the President to consider the claims of the various cities, was constituted as follows: Hon. Wm. G. McAdoo, secretary of the treasury; Hon. David F. Houston, secretary of agriculture; and Hon. John Skelton Williams, comptroller of the currency. It was not until the eleventh hour that Mr. Smith was called into the fight, but his timely rush to the rescue, his powerful array of facts and figures, his national prestige and persuasive eloquence all combined at the last moment to swing one of the regional banks to Atlanta; and thus out of an apparent failure came victory. The result was announced on April 2, 1914. Much credit is also due Messrs. Joseph A. McCord, John K. Ottley, Robert F. Maddox, Joseph K. Orr, Wilmer L. Moore, and J. Epps Brown, who constituted a local committee of business men unremittingly active in its campaign work. Mr. McCord became governor of the new regional bank which his co-operation was an important factor in securing.

This great financial reservoir was designated as the Federal Reserve Bank, number six, at Atlanta, Georgia. The capitalization of the member banks located in the territory was determined on June 23, 1915, at which time the total capital of the national banks in this district was $52,124,840. The total surplus of these same member banks was $28,060,406, making a total of $80,186,246.* From this showing the capital of the reserve bank at Atlanta was easily ascertained, as each member bank was required to subscribe a definite amount to its capital, this subscription amounting to 6 per cent of its own capital and surplus, which made the capital of this bank $4,811,176. The territory covered by the Federal Reserve Bank of Atlanta includes all of the states of Alabama, Florida and Georgia, the whole eastern half of Tennessee, the lower half of Mississippi, and all the southeastern part of Louisiana. The new bank was chartered on May 18, 1914, and was formally opened for business on November 16, 1914. On September 10th, of this year,

* These facts and figures were furnished by Hon. Joseph A. McCord, Governor of the Regional Reserve Bank, of Atlanta, Georgia.

a branch of the Federal Reserve Bank of Atlanta was established at New Orleans, to which adjacent territory was given.

Senator Smith, besides helping to secure for Georgia one of these regional banks, was also instrumental in placing upon the statute books a law which will mean ultimately the expenditure of millions, to be used in demonstrating the possibilities of the average American farm, under modern scientific conditions. From the operations of this law, known as the Smith-Lever act, approved by President Wilson May 8, 1914, Georgia and all the agricultural states, will reap large benefits, on an increasing scale of appropriations. The law requires that an amount equal to what is received from the Federal Government shall be appropriated by each state receiving this donation, the purpose of which as fully explained in the act is "to provide for co-operative agricultural extension work between the agricultural colleges in the several states, receiving the benefit of an act of Congress, approved July 2, 1862."* In other words, under the operations of this law, the Federal Government doubles what the state appropriates. The Georgia Legislature, at its session in 1914, passed a resolution assenting to the Smith-Lever act.†

Governor Slaton was authorized by an act passed at the session of 1914 to issue bonds of the state to the amount of $3,079,000, to cover the state's bonded indebtedness maturing in 1915. Detailed reference to this act has already been made in a former chapter. Governor Slaton went to New York where, in conference with the leading financiers of the nation, he arranged all the preliminaries requisite for refunding this amount. When the time came for a sale of the bond issue, authorized by law, the country was facing an acute situation, due to the European war: but Georgia was offered a loan equal to the full amount of her maturing debt, at the rate of 4½ per cent, though other states could scarcely borrow at exorbitant rates. On offering her bonds for sale they were overbid five times and commanded a price on a par with those of the State of New York. Several wealthy syndicates sent special agents to Atlanta to secure a part of the issue of bonds, but the best bid was offered by Mr. Asa G. Candler, of Atlanta, to whom the entire bond issue was sold. The ability of a private citizen of Georgia, acting in his own individual capacity, to purchase the entire bond issue of a state, was astounding even to the imagination of the great North, and it served to emphasize in a most impressive way the wonderful recuperative powers of this section. On account of the magnitude of this transaction, the following excerpts from Governor Slaton's message to the General Assembly in 1915, giving the full story in detail, are herewith reproduced. Said he, reviewing conditions produced by the European war:§

"Unexpectedly the tocsin of war was sounded in Europe, and there began the greatest struggle which has ever sacrificed men or exhausted treasure. * * * No section suffered more than the South. Her cotton and her naval stores lost their character as mediums of exchange

* Statutes of the Sixty-third Congress, Second Session, Part I, pp. 372-375.
† Acts 1914, p. 1243.
§ House Journal, 1915, pp. 19-21.

and usual sources of revenue were denied. For a time it seemed that ruin was inevitable and no rainbow of hope appeared above the horizon. During this season it became necessary to refund a large part of the bonded debt of Georgia. It was the first sale of Georgia bonds in any considerable amount for thirty years. No time could have been more unfavorable. • • •

"The legislature of 1914, prior to the declaration of war, and in the exercise of far-sighted statesmanship granted the governor the authority to make a temporary loan in the event the bonds could not be sold advantageously, and it was thought this provision might be utilized.

"And yet, when other states could scarcely borrow at usurious rates, Georgia was offered a loan of the full amount of her maturing debt at the rate of 4½ per cent, and when she offered for sale her bonds they were overbid five times and commanded a price equal to that of the bonds of the state of New York.

"The governor's office was crowded with investors from the financial centers, but the highest bidder, defeating his nearest competitor by a fraction of a per cent, was a Georgia citizen. Born within the state where he had spent his life, acquainted with her history, knowing the honor of her people, Mr. Asa G. Candler bought the entire issue of bonds, making the only instance where a state, exclusive of the financial centers, found itself independent of outside aid.

"The bonds to be refunded, excepting $134,000, due May 1, 1914, bore 4½ per cent. The bonds sold to refund them bear 4¼ per cent, and these were sold at a premium amounting to $62,500. They brought $1,017.82 each, with the result that the principal of the bonded debt is reduced, the interest rate is lessened, and it is calculated that, by virtue of this refunding, the state of Georgia has saved $373,000.

"Far beyond this, the advertisement to the world of Georgia's responsibility and resources has been of inestimable value to her.

"Under the refunding act, the governor was authorized to borrow a sufficient sum to care for bonds falling due May 1, 1915, so that the entire issue of bonds might be made as of date July 1, and this sum was borrowed at the rate of 2 per cent."

To the foregoing statement made by the governor it may be added that Mr. Candler rendered a patriotic service helping the South to finance its cotton crop in 1914. He did this by erecting warehouses in which to store the surplus cotton and by making liberal loans to farmers at 6 per cent.

But to return to things political. The death of United States Senator Bacon, as we have already seen, created a vacancy in the nation's House of Peers. Naturally there were many ambitious men in the state who were eager to wear the coveted toga. Friends of these aspirants sought the governor. Some urged Hon. Clark Howell's name. Some urged the appointment of ex-Gov. Joseph M. Brown. Some came in behalf of Hon. John T. Boifeuillet, of Bibb, clerk of the Georgia House of Representatives. Mr. Boifeuillet had also been for years private secretary to Senator Bacon and clerk of the Senate Committee on Foreign Relations, for which reasons it was argued by many that he was the best man to fill Senator Bacon's place, at least for the unexpired term. He was not only conversant with national affairs, but familiar with the

policies, wishes and desires of Senator Bacon. Two distinguished citizens of Savannah, Gen. P. W. Meldrim and Judge Samuel B. Adams, were also strong favorites. Quite a delegation of citizens from Valdosta came to urge the appointment of Hon. Wm. S. West, a former president of the state Senate, then serving as vice chairman of the State Democratic Executive Committee. Colonel West was a man of large means, with extensive investments in South Georgia. There was also a delegation from Moultrie to urge the appointment of Hon. W. C. Vereen, a wealthy banker, who had been largely instrumental in developing this wideawake metropolis of the wire-grass region. Nor was Governor Slaton himself without ambitious leanings toward a career in national politics, with the title of senator prefixed to his name, and he was well aware of the far-reaching effect which the present crisis was likely to produce upon his own political fortunes.

Since Congress was in session, at the time of Senator Bacon's death, with certain grave international problems pressing for solution, it was imperative for the governor to make an appointment at once. Speculation was rife. But Governor Slaton soon put a quietus upon the political weather prophets by naming Hon. William S. West, of Valdosta, to succeed Mr. Bacon as senator until the next popular election. Colonel West repaired immediately to Washington, where he gave himself without reserve to his new official duties. As to his future movements on the chess-board, he was slow to reach a decision but eventually announced that he would not be a candidate in the approaching election. Some anticipated this action as a foregone conclusion, but an intimation of his approaching death may possibly have been the real cause of his elimination from the contest. Following the adjournment of Congress by only a few weeks, Colonel West died suddenly at his home in Valdosta, having won the toga only to wear it to his burial.

Meanwhile two distinguished Georgians had entered the lists. These were Hon. Thomas W. Hardwick, then serving as a congressman from the Tenth Georgia District, and Hon. Thomas S. Felder, then filling the office of attorney-general. Both were well-equipped public men. Mr. Hardwick had served the state in Congress uninterruptedly for twelve years. Mr. Felder before becoming attorney-general had made a record in the General Assembly, as a resourceful and ready debater. But it so happened that both Mr. Hardwick and Mr. Felder were identified in state politics with the Smith faction. Neither was willing to withdraw in the other's favor, and there was quite a lot of speculation as to the political significance of this apparent clash of ambitions. It was charged in certain quarters that the clash between Felder and Hardwick was more apparent than real; that, in the end, the two candidates would unite forces, at least in naming a candidate. To others it looked like a fatal breech in the walls of an erstwhile solid opposition. Senator West, declining to enter the contest, all eyes were focused upon Governor Slaton. Would he make the race? Some of the governor's friends urged him to remain at the helm of affairs in Georgia, since he was absolutely sure of re-election to the governorship; other pressed upon him the claims of the toga. He finally made an end of matters by announcing himself squarely in the race for United States senator to fill the unexpired term of Mr. Bacon. It was not without hesitation—

perhaps not without misgivings—that he decided upon this course, for, in order to conduct a vigorous campaign upon the stump it was necessary for him at once to resign the office of governor. On the other hand, to surrender the executive office was to put in jeopardy certain policies to which his administration was committed. Either horn of the dilemma presented its embarrassments, but Governor Slaton felt constrained by a sense of obligation to the state to remain in office, at least until the General Assembly should have completed its labors. This course handicapped him politically and exposed him to much unjust criticism, but it seemed to be the wisest course to adopt. Hon. G. R. Hutchins, who had successfully managed the Underwood campaign in 1912, and Hon. John R. Cooper, a well-known lawyer of Macon, distinguished as an advocate in criminal cases, also became candidates for the short term. Attorney-General Felder burned his bridges behind him. On entering the senatorial race, he resigned his office as the state's legal adviser, and in his place Governor Slaton appointed Hon. Warren Grice, of Pulaski, an able young lawyer whose qualifications were admittedly of a high order. Mr. Hardwick retained his seat in Congress until after the Macon convention, at which time Hon. Carl Vinson, of Baldwin, succeeded him as congressman from the Tenth District. When the list was completed there were five candidates in the field: Slaton, Hardwick, Felder, Hutchins and Cooper, and the outlook for an exciting campaign gave a thrill of pleasure to all lovers of the game.

Meanwhile, with expectant interest, the public awaited an expression of attitude from ex-Gov. Joseph M. Brown. The situation, within the past few weeks, had become somewhat tangled with complications. Governor Slaton, it seems, had announced for the short term senatorship without conferring upon the subject with Governor Brown, his ally in recent political campaigns, and rumors of a breach between these two former fast friends began to thicken. Moreover, Governor Slaton's failure to compliment his predecessor in office with an appointment to the United States Senate appeared to give some color of authority to this conjecture. For weeks the noncommittal ex-governor maintained a sphinx-like silence and declined to make a statement. Letters from all parts of the state urging him to seek the toga came in great packets with each day's mail, and interviews with personal friends were by no means infrequent. The eyes of the whole state were riveted upon the little town of Marietta. Finally the ex-governor broke his long spell of silence. He put himself squarely in the race, but instead of announcing for the short term to succeed Mr. Bacon, he announced for the long term, to succeed his ancient rival, Sen. Hoke Smith.

This announcement unloosed the dogs of war. At an earlier stage of the campaign Governor Smith, so it is said, in order to heal the wounds engendered by former campaigns and to obtain the support of a solid democracy in the state, for its effect in re-enforcing him as a senator, would have welcomed as a colleague either Clark Howell or Joseph M. Brown, his former rivals for the governorship, and would have discouraged all opposition to either for the short term, had his own race been left unopposed for the long term. But all prospects for a continuance of truce between the two hostile camps were now at an end. Governor Brown's letter was a signal for the resumption of hostilities. It meant

a resurrection day for buried hatchets. It sounded a lusty, resonant, and loud call "to arms," and from every ingleside—highland and lowland—it summoned the hostile clans to battle.

But the governorship offered a prize not less tempting than the toga, nor was the popular interest felt in this race any less general. Four candidates entered the field. These were: Judge Nat E. Harris, of Bibb; Hon. Wm. J. Harris, of Polk; Dr. L. G. Hardman, of Jackson; and Hon. J. Randolph Anderson, of Chatham. Judge Harris was a veteran jurist, clean, upright, fearless, eloquent, long experienced in the public councils. He had served in both of the legislative branches, had fathered the bill creating the Georgia School of Technology and had been a most conspicuous champion of the educational interests of the state. As a campaigner, Judge Harris was a revelation. He proved to be a power on the stump. Despite his years, he was fully equal to the demands of a strenuous campaign, and in every part of the state spoke with thrilling effect to great crowds. He possessed the spellbinder's magic.

Mr. Harris, of Polk, was a much younger man. But he had successfully managed the Wilson campaign and had rendered his party a distinct service as chairman of the State Democratic Executive Committee. His skill as an organizer was further shown by the manner in which he had practically remodeled the census bureau in Washington. Appointed director of the federal census by Pres. Woodrow Wilson, he had already within a few short months made a record for himself in this department, but importuned by his friends to make the race for governor, Mr. Harris resigned the office in Washington and returned to Georgia. A son-in-law of the late Gen. Joseph Wheeler, he found a loyal following among the old soldiers. But Mr. Harris eventually retired from the race, preferring to return to the census bureau than to be a party to any further widening of the breach in Georgia politics. He was afterwards promoted by his chief to a still more exalted seat on the Federal Board of Trade.

Doctor Hardman was a successful man of affairs. His home town of Commerce was largely a monument to his enterprise, sagacity and thrift. Widely known throughout Georgia because of his zealous championship of prohibition in the Senate of 1907, he was recognized as the author of the statute prohibiting the manufacture and sale of intoxicants in Georgia. He was also respected for his exalted Christian character, for his wideawake public spirit, and for his generous gifts to worthy enterprises. The monument to Dr. Crawford W. Long, in the Town of Jefferson, commemorating the discovery of anesthesia by this renowned Georgian, was built largely through the patriotic liberality of Doctor Hardman.

Mr. Anderson was an experienced legislator. He had presided with great dignity over the state Senate and had stamped his impress upon legislation. A lineal descendant of Thomas Jefferson, he derived not only his political principles but his ancestral lineage from the fountain springs of democracy, and he bore himself on all occasions with a charm of modesty, in many respects suggestive of the beloved sage of Monticello. But Mr. Anderson was handicapped by the fact that he hailed

from Savannah, a city justly famed for its culture, for its hospitality, for its memories, for its part in shaping the early history of the state; but a city on the remote seaboard, a city differing from all other communities in Georgia in that it was populated directly from England, and a city which, with the trend of population northward, toward the foothills, had not produced a governor since the days of George M. Troup, the undaunted Hercules of state rights.

CHAPTER XXXIII

THE STATE DEMOCRATIC PRIMARY OF AUGUST 20, 1914—SENATOR SMITH DEFEATS EX-GOVERNOR BROWN FOR THE LONG TERM SENATORSHIP—GOVERNOR SLATON LEADS FOR THE SHORT TERM SENATORSHIP—CONGRESSMAN HARDWICK IS SECOND IN THE RACE, FORMER ATTORNEY-GENERAL FELDER, THIRD, AND HON. G. R. HUTCHINS, FOURTH—THE CONTEST UNDECIDED—IN THE GOVERNOR'S RACE, JUDGE NAT E. HARRIS IS SUCCESSFUL OVER DR. L. G. HARDMAN AND HON. J. RANDOLPH ANDERSON—CLIFFORD WALKER DEFEATS WARREN GRICE FOR ATTORNEY-GENERAL—JUDGE N. R. BROYLES IS NOMINATED FOR THE APPEALS BENCH OVER TWO STRONG COMPETITORS—SUPERIOR COURT JUDGES—ELEVEN MEMBERS OF CONGRESS RENOMINATED—THE STATE DEMOCRATIC CONVENTION BEGINS IN MACON A TURBULENT SESSION—FAMILIES DIVIDED ON THE ISSUES OF THIS CAMPAIGN—ILLUSTRATED BY THE POTTLES—SENATOR SMITH, THOUGH NOT A DELEGATE, APPEARS IN PERSON UPON THE SCENE—IS CRITICISED FOR USING THE STEAM-ROLLER—LEAVES MACON AT MIDNIGHT—DRAMATIC SCENES—A DEADLOCK ENSUES OVER THE SHORT TERM SENATORSHIP—AN ALL NIGHT SESSION—THIRTEEN BALLOTS TAKEN WITHOUT RESULT—THE CONVENTION TAKES A RECESS OF FIVE HOURS FOR REST—ON REASSEMBLING, MR. FELDER IS GIVEN THE FLOOR—IN A GRACEFUL SPEECH, HE WITHDRAWS—GREAT EXCITEMENT FOLLOWS—THE FRIENDS OF GOVERNOR SLATON DEMAND A HEARING FOR HIM BEFORE THE CONVENTION—THIS IS ACCORDED—THE GOVERNOR MAKES A STRONG APPEAL FOR SUPPORT ON THE BASIS OF HIS PLURALITY VOTE—BUT THE FELDER DELEGATES BREAK TO HARDWICK, WHO, ON THE FOURTEENTH BALLOT, IS CHOSEN UNITED STATES SENATOR—RESIGNS HIS SEAT IN CONGRESS—MR. HARDWICK IS SUCCEEDED BY HON. CARL VINSON—CHARGES AGAINST JUDGE EMORY SPEER INVESTIGATED BY A COMMITTEE OF CONGRESS—EX-PARTE PROCEEDINGS—EVIDENCE NOT SUFFICIENT TO CONVICT—JUDGE SPEER IS EXONERATED—BUT A NEW JUDGESHIP IS CREATED IN THE SOUTHERN DISTRICT, TO WHICH HON. W. W. LAMBDIN IS APPOINTED—PROSPERITY REGISTERS HIGH-WATER MARK DURING THE SECOND YEAR OF GOVERNOR SLATON'S ADMINISTRATION—ON THE EVE OF THE EUROPEAN WAR

It is needless to revive on this page the asperities of a campaign in which no vital issues divided the people of Georgia. The contest consisted mainly in a choice between candidates, all of whom were able, high-minded, upright and patriotic, and it was fortunate for the state that she was so rich in men of this character, so well equipped in every way to serve her in the national councils. The state democratic primary occurred on August 20, 1914. United States Senator Hoke Smith carried

the state by a decisive majority for the long term senatorship, receiving 120,355 votes against 61,644 for ex-Governor Brown.* But for the short term senatorship the result was a deadlock. Governor Slaton led the ticket with 61,857 votes, securing also a plurality of counties and of county units in the state convention. Mr. Hardwick came second, his popular support aggregating 55,469 votes; Mr. Felder third with 30,820 votes; Mr. Hutchins fourth with 21,654 votes; and Mr. Cooper fifth, with 9,675 votes. The last named candidate, Mr. Cooper, though given a flattering support, did not succeed in obtaining any county units, for which reason his following was unrepresented in the convention at Macon where the contest was finally settled.

In the race for governor, Judge Harris received 78,830 votes and carried enough county units to give him a clear majority over both of his opponents. His campaign manager, St. Elmo Massengale, Esq., was complimented upon his splendid work. Doctor Hardman ran second, with 64,955 votes and Mr. Anderson third with 36,784 votes. Doctor Hardman's race was a revelation. As the campaign progressed, he developed a strength which surprised even his best friends and had the campaign been of longer duration he would doubtless have been elected governor.

Attorney-General Warren Grice lost in the primary election to Hon. Clifford Walker, of Walton, a young man of brilliant talents, who obtained an early start in the race and conducted a quiet but vigorous campaign. Judge Nash R. Broyles defeated two strong candidates for Judge Roan's vacant seat on the Court of Appeals bench, viz., Hon. William H. Terrell and Hon. Alexander W. Stephens, the latter a grandnephew of the Great Commoner. For railroad commissioner, Hon. Paul B. Trammell was renominated, defeating Hon. S. G. McLendon. For commissioner of agriculture, Hon. J. D. Price defeated Hon. J. J. Brown. For state treasurer, Hon. Wm. J. Speer, the incumbent, defeated Hon. L. M. Park, the latter a brother of the late Treasurer Robert E. Park. Comptroller-General William A. Wright and Prison Commissioner E. L. Rainey also defeated strong opponents. The other state house officers were renominated without opposition.

Superior Court judges—in half the circuits—for the ensuing two years were named as follows: Hon. Wm. D. Ellis and Hon. George L. Bell, Atlanta Circuit; Hon. Walter W. Sheppard, Atlantic Circuit; Hon. Henry C. Hammond, Augusta Circuit; Hon. H. L. Patterson, Blue Ridge Circuit; Hon. J. P. Highsmith, Brunswick Circuit; Hon. J. L. Kent, Dublin Circuit; Hon. H. A. Mathews, Macon Circuit; Hon. R. N. Hardeman, Middle Circuit; Hon. J. B. Jones, Northeastern Circuit; Hon. J. B. Park, Ocmulgee Circuit; Hon. W. C. Worrill, Pataula Circuit; Hon. Moses Wright, Rome Circuit; Hon. W. E. Thomas, Southern Circuit; Hon. C. S. Reid, Stone Mountain Circuit; Hon. A. L. Bartlett, Tallapoosa Circuit; Hon. B. F. Walker, Toombs Circuit; Hon. J. I. Summerall, Waycross Circuit; and Hon. Chas. H. Brand, Western Circuit.

Under temporary appointment, Hon. W. W. Lawson for a few months served as judge of the Dublin Circuit, succeeding Hon. K. J. Hawkins, deceased; and to succeed Judge T. A. Parker, resigned, Hon. J. W. Quincy for a short while served as judge of the Waycross Circuit.

Two other vacancies occurred on the Superior Court bench during Governor Slaton's administration. Judge Robert T. Daniel of the Flint Circuit and Judge C. S. Reid, of the Stone Mountain Circuit, both died in 1915; and to fill these vacancies Governor Slaton appointed Hon. H. E. W. Searcy, of Griffin, judge of the Flint Circuit and Hon. Chas. Whiteford Smith, of Atlanta, judge of the Stone Mountain Circuit.

There were a number of contests this year for seats in Congress; but the incumbents were all successful. Judge W. C. Adamson, in the fourth district, was returned over Hon. W. C. Wright, of Newnan, a former chairman of the State Democratic Executive Committee; Hon. Thomas M. Bell, in the Ninth, defeated Hon. W. A. Charters, of Gainesville, a fellow-townsman; Hon. J. Randall Walker, in the Eleventh, defeated Hon. J. J. A. Henderson; and Congressman Dudley M. Hughes, in the Twelfth, defeated Judge W. M. Clements, of Eastman. From the Tenth District, Hon. Carl Vinson was chosen to succeed Congressman Thomas W. Hardwick, the latter having entered the race for United States senator. There were no contests in the other districts.

On September 1, 1914, the State Democratic Convention assembled in Macon and was called to order by United States Senator William S. West, who had recently succeeded Hon. Wm. J. Harris, resigned, as chairman of the State Democratic Committee.* This was Senator West's last appearance in public. Hon. W. F. Jenkins, of Putnam, presided during the convention's temporary organization, and Judge E. J. Reagan, of Henry, was made its permanent chairman. St. Elmo Massengale, who had managed the Harris campaign for governor with such marked success, was called to the secretary's desk.

To illustrate how the issues of this campaign even divided families, there were two brothers, Joe and Bob Pottle, both of whom were prominent delegates to this convention. Judge Bob Pottle was a recognized leader of the Brown faction and its candidate for temporary chairman. Hon. Joe Pottle was identified with the opposite faction and made a speech nominating for the short term senatorship, Hon. Thomas W. Hardwick, who was Senator Smith's choice of candidates.

Great enthusiasm prevailed among the delegates constituting the Smith faction, due to the preponderating numbers of this contingent in the convention hall and to the presence in Macon of Hon. Hoke Smith, whose powerful personality dominated the politics of the state in this delirious hour of excitement. Mr. Smith was harshly censured for his appearance in person upon the scene of hostilities, when the issue involved in his own election had already been settled; and not a few of his warmest supporters joined in these criticisms. It was charged that his purpose was to play the part of Juggernaut, in running the steamroller over his adversaries and to crush the senatorial aspirations of Governor Slaton, preferably by forcing Mr. Hardwick's nomination, or if necessary, the nomination of former Attorney-General Felder. Mr. Smith justified his engagement of hotel quarters in Macon at this time by reminding his critics that he was a candidate before the convention for United States senator. Though not a delegate, he was represented

* Files of the Atlanta Constitution, August 21, 1914.

* Files of the Macon Telegraph, September 2, 1914.

on the floor by his leading supporters, conspicuous among whom was Hon. J. E. Sheppard, of Sumter, recognized as his spokesman. Mr. Sheppard, early in the day, let fall an intimation as to Mr. Smith's wishes. Instantly there was a tumultuous outburst of enthusiasm from the Smith delegates mingled with violent protests from the Brown supporters; but the latter were greatly outnumbered. During the afternoon there was a renewal of this scene. The convention having disposed of its preliminary work, a motion was made to adjourn until the morning of September 1. This brought Mr. Sheppard to his feet with the statement that Senator Smith would find it necessary to leave Macon on the midnight train in order to reach Washington by Thursday at noon. Once more the assemblage broke forth into a fiery storm of protest. But the Smith men again scored. There was no recess taken.

When the time came for nominations Hon. Dupont Guerry, of Bibb, amidst a scene of enthusiasm, in which, however, there was no disorder, presented the name of Judge Nat E. Harris, for governor. Doctor Hardman was nominated by Hon. R. L. J. Smith, of Jackson, and Mr. Anderson by Hon. R. J. Travis, of Chatham. But the result had already been foreshadowed in the popular vote and on motion the nomination of Judge Harris was made unanimous.

Sen. Hoke Smith was declared the nominee of the convention for the long term, beginning March 4, 1915. This announcement threw the convention into a tumult of enthusiasm. With the appearance of Mr. Smith upon the platform, there was a renewed outburst of applause, and several minutes elapsed before order could be restored.

Then came the tug of war. It was already late in the day when balloting for the short term senatorship began; but there was no sign of weariness on the part of the delegates. On the contrary, there was a revival of interest as the grand climax drew near. This was the real fight of the convention, its battle royal. There was a hush of profound silence throughout the hall, as the secretary began calling the roll of counties. Finally, amid breathless excitement, the result of the first ballot was announced: Slaton 130, Hardwick 124, Felder 91, Hutchins 18. Without a combination of the Smith forces the convention was hopelessly deadlocked.

On the balloting ran far into the night. With only minor variations the situation remained unchanged. But Governor Slaton was the heaviest loser. Tax equalization, though a rock of Horeb, from which had gushed streams of revenue, in the midst of a parched wilderness, was becoming a rock on which his campaign for re-election was doomed to be shipwrecked. Tax equalization was an unpopular measure with thousands of tax-payers. This had been the crucial measure of Governor Slaton's administration, its overshadowing feature of legislation. Moreover, some of Governor Slaton's appointments had not been popular. Scores of officeseekers had met with disappointment; and strange to say Governor Slaton was criticized for retaining the office of governor, while an avowed candidate for United States senator, though his predecessor in office, Governor Smith, had set him a precedent in this respect.

Dawn found the convention still in session. With bedraggled looks but eyes still flashing defiance, the rival factions faced each other in the gray morning watches. There was no longer the orderly decorum of the

day preceding. Wilted collars—disheveled locks—passionate gesticulations—violent outbursts of temper—haggard expressions of countenance—delegates rushing to and fro in mad excitement, some of them with clenched fists, giving vent to fiery ebullitions of anger—these, in outline features, constituted the scene upon which broadening day-light peered through the shutters of the convention hall. It was well past midnight when the twelfth ballot was taken, the result of which was as follows: Slaton 110, Hardwick 164, Felder 93. Mr. Hutchins had withdrawn from the contest. At this stage of the proceedings, Governor Slaton's friends wished to accord him the privileges of the floor; but there arose a storm of protest from the opposing delegates. For more than an hour pandemonium reigned. At last, from sheer exhaustion, the delegates once more became quiet. Another ballot was taken, but without resolving the deadlock. Finally at 7.30 A. M., on Thursday, September 1, the convention adjourned until 12 o'clock noon.

With less than five hours for rest, it was still a careworn body of delegates upon the ears of whom fell the sound of the chairman's gavel when the hour for reassembling arrived. But a change in the situation was manifest. There was something in the atmosphere of the hall which told distinctly that a crisis was at hand. No sooner was the convention called to order than the friends of Mr. Felder obtained for him the privileges of the floor and mounting the platform, amidst an outburst of enthusiasm, followed almost in an instant by a deep hush of expectancy, Mr. Felder thanked the friends who had supported him in this fight for senator with such a splendid front, stating that, while he honorably coveted a seat in the United States Senate his desire for democratic harmony was greater than his ambition for self-aggrandizement, and he therefore withdrew from the contest.

At the close of Mr. Felder's speech, the friends of Governor Slaton again insisted that he be heard by the convention. To this proposal, there was another storm of opposition, but a spirit of fair play at length prevailed. Governor Slaton took the platform amidst an Ephesian uproar. It was not without extreme difficulty that he made himself heard. At times his voice was drowned in the swelling volume of sound, to which alike his friends and his foes by turn contributed. But he made a strong appeal to the delegates for support, calling attention to his plurality of 7,000 votes in the state primary election of August 19. He counted a plurality also both of counties and of county units, and was the strongest candidate before the convention, having received the strongest popular endorsement. But the temper of the convention was not in accord with the governor's plea. To nominate a candidate it was only necessary for the Felder-Hardwick factions to unite; and the moment was at hand for this fusion of strength.

On the fourteenth ballot, Mr. Hardwick was nominated. The vote stood as follows: Hardwick 235, Slaton 133, Hutchins 4. It is needless to multiply words in an effort to describe what followed. Mr. Hardwick was lifted to the platform for a speech, the echoes of which made the hall resound. At its conclusion the convention adjourned in a tumult of excitement. Following his election, Mr. Hardwick at once resigned his seat in Congress and for the unfinished term Hon. Carl Vinson, of Baldwin, was chosen to succeed him, Mr. Vinson having already been

named in the primary for the full term to commence March 4, 1915. Within a few days after his election, Mr. Hardwick took his seat in the Senate of the United States.

Growing out of charges preferred against Judge Emory Speer, of the Federal Court for the Southern District of Georgia, Congress in the fall of 1913 had appointed a commission to investigate his official conduct. Hon. W. A. Huff, of Macon, then well advanced in years, was the chief complainant, alleging that a great estate, to which he was a party at interest, had been frittered away by years of litigation, due to the willful connivance and tyranny of the court over which Judge Speer presided. It was charged moreover, that Judge Speer had given members of his own family connection lucrative appointments; that he had been vindictive in persecuting and punishing his enemies; that he had incurred the personal ill-will of the entire bar of the state; that he had been haughty, overbearing, arrogant, arbitrary, dictatorial and oppressive on the bench, especially to those who had incurred his displeasure, whether for political reasons or on grounds purely personal; that it was often difficult, sometimes absolutely impossible, to obtain justice in his court; that scores of lawyers, for this reason, refused to practice in his court; that he cared more for display than for truth; that he sometimes held court at a summer resort in North Carolina, forcing lawyers to cross the state line in order to reach him; and that he was guilty of numerous high-handed acts, ill-becoming a wearer of the judicial ermine of the United States.

At the time these charges were preferred, Judge Speer had served on the Federal bench for nearly three decades. The frosts of more than sixty years had commenced to whiten his hair. He had formerly been a democrat but on certain issues had become a republican. For this reason he had not been in accord with a majority of his fellow-citizens in Georgia, nor on cordial terms with many of his colleagues at the bar. In his several campaigns for Congress he had engendered bitter antagonisms; and these, after a lapse of thirty years, still survived.

Judge Speer's attitude toward his enemies was never at any time conciliatory or friendly and his bearing was imperious. This intensified the personal dislike in which he was held by a great number of people, to whom his brilliant powers of intellect and his captivating gifts of eloquence made no appeal, except to incite in them an increased fear of his ability to thwart the ends of justice. The committee began its probe, in Macon, Georgia, on January 19, 1914. Several weeks were consumed in the hearing. Sessions were held also in Savannah and at other places. Most of the members of the committee were democrats. Judge Speer, though ably represented by counsel, was not permitted to summon witnesses in his own behalf. It was a one-sided investigation, entirely ex parte, to the disclosures of which, in great injustice to Judge Speer, the widest publicity was given.

But, notwithstanding the most rigid scrutiny, brought to bear upon a record of thirty years on the bench, by men of an opposite political faith, the committee found nothing upon which to base charges of impeachment. It was satisfied to return a mere verdict of censure, from which, however, a minority report dissented, in favor of complete exoneration. Judge Speer was not disturbed in his occupancy of the

Federal bench, but an act was passed creating a new judgeship in the Southern District of Georgia, to which Hon. W. W. Lambdin, of Waycross, was appointed by President Wilson. At the time of this investigation, Judge Speer was just beginning to recover from a long illness, the result of which for weeks was involved in grave doubt.

On the eve of the European war, when Governor Slaton's administration had entered upon its second year, prosperity in Georgia registered high water mark. The golden horns of plenty were filled to overflowing. Cotton, the staple product of the Southern planter, was bringing an unprecedented price in New York. There were large shipments to Liverpool and to other European ports; and farmers throughout the state were exulting in an era of good times. Governor Slaton's annual message to the Legislature, in the summer of 1914, portrayed conditions in the following paragraph. Said he:*

"I rejoice with you in the general prosperity which has blessed the State during the past year. Since our last session the people have enjoyed the favors of a generous Providence. Their crops have been bountiful, their industries have flourished, to a degree hitherto unknown. The farmer, the merchant, the manufacturer, has utilized with ceaseless energy his opportunities, unrestrained in effort by the hampering effect of unwise laws. The schools and institutions of learning are giving to the children and youth the keys of knowledge and providing them with that equality of opportunity which is all the worthy can demand; and, more important than all, the church in every community is teaching the lessons of Him upon obedience to whose statutes rests the welfare of all nations."

* House Journal, 1914, p. 92.

CHAPTER XXXIV

OUTBREAK OF THE EUROPEAN WAR—THE MOST TITANIC STRUGGLE IN THE WORLD'S HISTORY—PRESIDENT WILSON'S FIRM STAND FOR NEUTRALITY—FINANCIAL CONDITIONS BECOME ACUTE AS A RESULT OF THE WAR—COTTON DROPS IN PRICE AND BECOMES A DRUG ON THE MARKET—NO MOVEMENT OF THE CROP—BUSINESS STAGNANT—INDUSTRY IS PARALYZED—FEDERAL RESERVE BANKS PREVENT A PANIC—THE "BUY-A-BALE" MOVEMENT—SMALLER COTTON ACREAGE PLANTED IN 1914—AN UNEXPECTED DEMAND SENDS COTTON UP AGAIN—A WAR LOAN OF $500,000,000 NEGOTIATED BY THE ALLIES IN THIS COUNTRY STIMULATES INDUSTRIAL AND COMMERCIAL ACTIVITY—GERMANY, THOUGH HER PORTS ARE BLOCKADED, ALSO BUYS COTTON, STORING IT FOR FUTURE USE—THE LUSITANIA IS TORPEDOED—OVER 1,000 LIVES LOST—SOME OF THE VICTIMS ARE AMERICANS—OTHER AFFAIRS AT SEA ADD EMBARRASSING COMPLICATIONS—GERMANY'S SUBMARINE POLICY—PRESIDENT WILSON HOLDS KAISER WILHELM TO A STRICT ACCOUNT—WRITES A SERIES OF LETTERS ENDING IN THE MOST BRILLIANT DIPLOMATIC VICTORY ON RECORD—SECRETARY OF STATE WM. J. BRYAN, FAILS TO SHARE IN THIS ACHIEVEMENT, HAVING RETIRED FROM THE CABINET, IN PROTEST AGAINST ITS WAR-LIKE MESSAGE TO GERMANY—AN EXTREME ADVOCATE OF PEACE—GOVERNOR SLATON'S FINAL RECOMMENDATIONS—BEFORE RETIRING FROM OFFICE, HE COMMUTES THE SENTENCE OF LEO M. FRANK FROM DEATH TO LIFE IMPRISONMENT—TURBULENT DEMONSTRATIONS—A REVIEW OF THIS HISTORIC CASE—LETTER WRITTEN BY JUDGE ROAN, THE TRIAL JUDGE, ON HIS DEATH BED, PLAYS AN IMPORTANT PART—REASONS FOR COMMUTING THE SENTENCE SET FORTH IN A LENGTHY STATEMENT—FRANK TAKEN TO MILLEDGEVILLE AT MIDNIGHT—SHERIFF MANGUM, ON HIS RETURN, ADDRESSES AN ANGRY CROWD AT THE STATE CAPITOL—GOVERNOR SLATON'S LIFE IMPERILED—MR. WATSON'S BITTER CHARGES—THE GOVERNOR'S PARTNERSHIP WITH ROSSER, ONE OF THE COUNSEL FOR FRANK, IS FULLY SET FORTH—NO GROUNDS FOR IMPUTING SORDID MOTIVES TO GOVERNOR SLATON—THE STATE SEVERELY CENSURED BY NEWSPAPERS OF THE COUNTRY FOR DENYING FRANK A NEW TRIAL—GOVERNOR SLATON UPHELD BY THE NORTHERN PRESS FOR COMMUTING THE SENTENCE, BUT MOST OF THE HOME PAPERS ARE SILENT—ON RETIRING FROM OFFICE, GOVERNOR SLATON LEAVES FOR AN EXTENDED VISIT TO THE PACIFIC COAST—HIS PARTING WORDS A DRAMATIC CLIMAX.

But an era of depression was at hand. On the European horizon dark clouds of war were beginning to gather. Events were moving rapidly toward an Armageddon. Within a week's time five of the

greatest powers of Europe had become engaged in the most colossal conflict of all history: Germany and Austria-Hungary, on one side, with England, France and Russia, on the other. Later the Turks were to join the Teutons, while Italy, withdrawing from the Triple Alliance, was to cast her lot with the Triple Entente. When a few months more had elapsed it began to look as if the contest might eventually be decided in the Balkan cock-pit.

For years these great powers had been anticipating a rupture; and such were the convolutions of inter-related interest that no eye could detect its ultimate issues. German militarism was a menace to the peace of all Europe. England, with her eyes fixed upon the growing power of the Germans, across the Channel, began to tremble for her foreign trade and to devise measures for bolstering her supremacy upon the seas. Russia sought an outlet for her commerce on the Mediterranean, where her Balkan provinces were clustered. France was eager to reclaim her long-lost but still loved Alsace and Lorraine. To involve the whole continent in one titantic struggle it was only necessary to apply a match to the European powder magazine. This was supplied when the Archduke Francis Ferdinand, heir to the throne of Austria, was murdered at Sarajevo, in Bosnia, by a Servian student. It precipitated a world-conflict. All Europe became engulfed in the bloody vortex which followed.

Tremendous strides in the art of war had been made since the great civil conflict in America. Engines of destruction had become more deadly. Guns had been invented with power to decimate and destroy great armies by turning upon a simple pivot. Asphyxiating gases had been discovered with which to poison the atmosphere of extensive areas, involving slow death to thousands. Navies had grown in size, efficiency, and fighting-power; submarines had multiplied in number; while to the list of death-dealing engines on land and sea had been added a new terror of the skies: the dreaded air-ship. This last named instrument of destruction had been foreshadowed by Tennyson in Locksley Hall, when he—

> "Saw the heavens fill with commerce, argosies of magic sails,
> Pilots of the purple twilight, dropping down with costly bales
> Heard the heavens fill with shouting, and there rained a ghastly dew
> From the nations' airy navies, grappling in the central blue."

Within six months after the European war began, all records had been shattered. In no conflict of history, had such wanton and wide-spread destruction both to life and to property been witnessed. This is not the place to recount the causes nor to recite the tragic details of the great European war. Its final issues may reach far into the future; and when it ends the whole map of Europe may need to be reconstructed. The Turk may be driven back into Asia. The Holy Land may be rescued from the grasp of Mahomet and the cross of Christ lifted again on the site of the ancient Temple. But these are only idle conjectures; we must deal with facts.

President Wilson's firm stand for neutrality alone prevented this nation from becoming involved in the European war, at its very outset.

He first averted a clash with Mexico and then turned a placid countenance to the battling powers beyond the Atlantic. The Gulflight incident threatened a rupture of relations between this country and Germany and had a man less evenly poised than Woodrow Wilson occupied the President's chair in Washington serious consequences might have resulted. But Mr. Wilson's wise diplomacy, without sacrificing the nation's honor, resulted in maintaining its peace. At the same time, war's inhuman barbarities were rebuked and due respect exacted for the American flag. As the greatest of neutral powers, this country occupies a unique position. Its influence is far-reaching; and when the European war comes to a close it will be this country which will largely dictate the terms on which its issues will be adjusted, its boundary lines fixed, its indemnities measured, and its lasting peace established.

But the immediate effect of the European war upon Georgia's industrial fortunes was most disastrous. It swiftly sent down the price of cotton. It checked the wheels of business. It put an end to the activities of capital. There followed a general paralysis in trade circles. Bankers became slow in advancing money and debtors found themselves unable to meet maturing obligations. There was no movement whatever in the cotton crop; and the fleecy staple which in 1913 had brought as much as 15 cents per pound became this year, at 6 cents per pound, a drug on the market. Such conditions were ominous of disaster. The new currency system of the Wilson administration, with its chain of regional banks, reaching from ocean to ocean, alone prevented a panic. The "Buy-a-Bale" movement was not without its stimulating effect, but what served more than anything else to compose the minds of people and to restore the financial balance was public confidence in the clear thinking, in the sound judgment, and in the philosophic calm of our great President. England's order of council making cotton contraband of war and her blockade of German ports denying the South access to German markets continued to cast its baleful shadow upon the cotton fields of Georgia, but the ability of our people to adapt themselves to a trying situation was slowly but surely asserting itself in a gradual return of better times. Before another year elapsed cotton was bringing 12 cents per pound, with the prospect of reaching an even higher figure. The farmers had planted a smaller acreage in cotton, in the hope of keeping up the price, and to help in the upward trend to better conditions a war loan of $500,000,000 was negotiated in this country by the allies, with the understanding that every dollar of this amount was to be expended in this country for needed supplies. Georgia's share in this wind-fall was $23,000,000, all of which was to be expended by the allies in the purchase of cotton. Germany, though her ports were blockaded, also became a purchaser of cotton in large quantities, storing it in this country for future use—a policy of wisdom.

But this is anticipating. On May 7, 1915, there occurred an event which threatened once more to destroy the nation's peace. The steamship Lusitania, of the Cunard line, one of the largest passenger boats then in existence, en route from Liverpool to New York, with 1,800 passengers on board, was torpedoed by a German submarine, just outside the harbor of Queenstown, with the result that less than half of its passengers escaped. Though flying the English colors, there were 188 Americans on board, most of whom found watery graves. Among the victims of this frightful holocaust were: Alfred G. Vanderbilt, a multimillionaire; Charles Frohman, a well-known theatrical manager; and Elbert Hubbard, a noted editor. These Americans knowingly incurred a risk by engaging passage on a ship flying the English colors, at a time when England was at war with Germany, and at a time when the latter country, held in a state of blockade, was obliged to retaliate upon England in what seemed to be an assassin's cowardly method of attack. In this particular instance no notice whatever had been given to passengers on board, among whom were many women and children. The vessel carried no munitions of war. It was coming westward from the sphere of hostilities. Against such an inhuman method of warfare President Wilson protested in a series of notes which resulted in one of the most brilliant diplomatic victories recorded in American annals. While this correspondence was in progress, another English vessel, the Arabic, with Americans on board, was torpedoed, thus gravely complicating the situation; but in the end Germany was forced to disavow her acts, to modify her methods of submarine warfare and to make a complete surrender to President Wilson's contention, viz., that attacks upon unarmed vessels without notice must cease. For sinking the Arabic, a vessel flying the American flag, Germany agreed to make full reparation, stating that in this case the submarine commander had gone beyond the instructions of the imperial government. To quote a terse commentary upon this wonderful diplomatic coup:*

"President Wilson's part in this perplexing and dangerous issue will stand always among the most brilliant and beneficent chapters of our nation's foreign affairs. From first to last he has been at once thoughtful and firm, patient and unflinching. A policy less courageous than his would have sacrificed the country's honor; a policy less careful would have sacrificed its peace. The Wilson policy has preserved peace with unblemished and unquestioned honor, and has achieved results as fruitful to the cause of civilization and humanity as to the interests of the United States."

Though secretary of state, in President Wilson's cabinet, for more than two years, Mr. Bryan did not share in this brilliant triumph of diplomacy, having retired from the cabinet in protest against the warlike character of President Wilson's notes to the German Government. Mr. Bryan was an extreme advocate of peace. Some of his views were, in fact, Utopian. But in withdrawing from the cabinet, he did more to comfort Germany and to hinder the cause of arbitration than he could possibly have done had he acted from an entirely opposite point of view. Moreover, he failed to share in the splendid victory for peace achieved a few weeks later by President Wilson.

Governor Slaton's last message to the Legislature, transmitted on June 23, 1915, reviewed at some length the salient features of his administration, dealing especially with its two greatest achievements, the refunding the state's bonded indebtedness and the passage of the tax equalization act. He referred to the European war, then in progress, to its paralyzing effect upon business conditions and to its depreciation

* Editorial in the Atlanta Journal, October 10, 1915.

of values, but was gratified to inform the Legislature that the state's high credit had been maintained. Governor Slaton urged the passage of an act providing for a state auditor, as a wise precaution in safeguarding the people's money. He also recommended legislation looking to the prompt payment of teachers. For years each administration had been embarrassed by this difficulty and to permit it to continue was a great injustice to a noble profession whose members—none too well paid—were training Georgia's future citizens. Said he:*

"This condition arose from lengthening the school term and increasing the appropriation from an amount which was satisfied by constitutional sources of revenue to a much larger sum and then diminishing the constitutional revenue without making provision for the changed conditions."

To obviate this trouble, Governor Slaton recommended that the State Board of Education, of which the governor was a member, be empowered to borrow money, with the right to sue and be sued, repayment of sums borrowed to be made in September when corporate taxes are received. He also recommended a careful consideration of all matters pertaining to the Western and Atlantic Railroad, its re-leasing in 1919, its terminal properties, especially those in Chattanooga, the advisability of permitting its line or any part thereof to be paralleled, and other related topics. Governor Slaton's relinquishment of office severed an unbroken record of service to the state extending over a period of twenty years. He had served in both branches of the General Assembly and had for two successive terms presided over each house; he had served as governor ad interim for a short period; and finally by the largest popular vote on record in Georgia he had for two years been honored with executive responsibilities.

But Governor Slaton's administration was fated to close amid dramatic scenes. The history of Georgia affords no parallel to the circumstances under which he relinquished office in 1915 to become once more a private citizen. Opinions will differ for some time to come as to the motives actuating Governor Slaton in this supreme crisis of his life; and while some harshly criticized and even savagely condemned him for an exhibition of moral courage, the value of which to the state would be apparent only when passion cooled with the lapse of time and public sentiment returned once more to a state of stable equilibrium. As we have already observed, Governor Slaton came to the executive chair on a tidal wave of popular enthusiasm unprecedented in Georgia's annals. His ability was conceded on all sides. His ripe experience as a legislator gave him a profound insight into matters vital to the state's welfare; and after serving the state as governor every one predicted for him a career in the Senate of the United States. His annual barbecues given in compliment to the General Assembly had made him the toast of his colleagues in all parts of the state; and to all of these without an exception he was plain "Jack Slaton." The hospitality of his beautiful Peachtree home had crystallized into a proverb and perhaps never in the history of the state had a governor's wife so completely won the

* House Journal, 1915, p. 30.

hearts of the people by her gracious charm of modesty than had Mrs. Slaton; and if her husband was admired for his shining talents she was no less idolized for the nameless grace with which amid the changed conditions of a new South she portrayed the gentle manners and kept alive the velvet traditions of an old regime.

But in striking contrast with Governor Slaton's assumption of executive responsibilities was his relinquishment of the official helm. To protect him from bodily harm, at the hands of an infuriated mob, it was necessary for a regimental guard of the state's militia commanded in person by Adj.-Gen. Joseph Van Holt Nash, to encircle his country home on Peachtree Road with a belt of glistening steel. On his way to the capitol, to place in the hands of his successor in office, the great seal of Georgia's statehood, it was necessary for an armed body to escort him; and when he arose in the House of Representatives to perform the part assigned to him in the day's program, jeers and hisses mingled in the tumult of applause and bore to his ears a message little in keeping with the music to which he was wont to listen. But he faced the ordeal with an unruffled front, reminding one of Palinurus, the old pilot, who kept his hand on the helm and his eyes on the stars, until plunging at last heavily into the sea his stiffened fingers still clutched an iron fragment of the rudder. Holding in his hand the great seal of the commonwealth, Governor Slaton spoke with an accent which betrayed no emotion. Said he, addressing Governor-elect Harris:

"Sir, I know that in my hands this emblem of Georgia's statehood has not been dishonored and I am sure that in yours it will be kept equally sacred."

To explain the scene which we have just attempted to describe, it devolved upon Governor Slaton, in the closing hours of his administration to speak the final word in the most celebrated murder trial on record in Georgia—the trial of Leo M. Frank, a Jew, charged with the murder of little fourteen-year-old Mary Phagan, to which extended reference has already been made in a former chapter. Every effort to secure for Frank a new trial had been exhausted. New lawyers to plead the defendant's case on constitutional grounds before the Supreme Court of the United States had been retained; but without avail. Luther Z. Rosser, Ruben R. Arnold, Herbert J. Haas and others had represented Frank at the original trial; then Tye, Peeples and Jordan, Henry A. Alexander and others, taking up the case, had fought for Frank's life before the Supreme Court of the United States; and finally Ex-Congressman Wm. M. Howard and Hon. M. J. Yeomans were brought into the case to argue its merits on a plea for clemency before the prison board and before the governor. This was in a last supreme effort to save Frank's neck. William J. Burns, the noted detective and criminologist, was brought to Atlanta by friends of Frank in the hope that he might succeed in unearthing new evidence; but he blundered in such a way as to create the impression that he was a much overrated man, if not an imposter and a fraud; and his connection with the case was undoubtedly injurious to his client's interest. The fact that Frank was a Jew brought to his support, in an ever increasing circle, the members of his race not only in Georgia but throughout the country; and before this celebrated case reached its culminating stages the entire Hebrew population of

America was believed to be an organized unit directing and financing a systematic campaign to mold public sentiment and to snatch Frank from the clutches of the law. There was probably little anti-Semitic feeling at the time of the trial. Popular indignation vented itself rather against the crime itself, an atrocious act of brutality; and there was a feeling that, whoever the perpetrator might be, Jew or Gentile, white or black, he was worthy of death, regardless of his racial antecedents. The prosecuting attorney's law partner was a Jew; but this fact only served to show Mr. Dorsey's friendly attitude toward a race, represented in the firm of which he was a member. However, in banding themselves together to accomplish Frank's rescue, the Jews unconsciously no doubt supplied fuel to an anti-Semitic feeling, causing it to spring eventually into an open flame of race hatred. Throughout the country there was a widespread criticism of the courts of Georgia for refusing to accord Frank a new trial; and not only individuals of prominence but corporate bodies of great influence and power deluged both the governor and the pardon board with petitions begging for clemency, on Frank's behalf, in the name of an outraged civilization. Delegations were even sent to Atlanta from various parts of the North and East. Ex-Gov. Eugene Foss, of Massachusetts, was among these petitioners who came to Atlanta in person. It must be said, in sheer justice to Frank, that no prisoner ever possessed such advocates. Nor can it be denied that doubt as to his guilt was entertained by every tribunal before which his case was reviewed. The Supreme Court of Georgia was divided. The Supreme Court of the United States was divided. The Prison Commission was divided. Judge Roan—the trial judge himself—declared that he was by no means satisfied of Frank's guilt. Judge Roan died within eighteen months after pronouncing sentence upon Frank; but one of the most impressive documents, adduced by Mr. Howard before the Prison Commission, was a letter from Judge Roan, written among the Berkshire Hills of Massachusetts. It seemed to be a spectral effort, on the part of the dying jurist, to save Leo M. Frank from an untimely end. Since the letter was not brought forward until this crucial moment and was introduced in evidence without its accompanying envelope there was some question raised as to its genuineness, but the character of those who vouched for its integrity resolves all doubt upon this point. The letter ran as follows:*

"Rosser & Brandon & R. R. Arnold,
"Attys. for Leo M. Frank.

"North Adams, Mass., Dec——, 1914.

"Gentlemen:

"After considering your communication, asking that I recommend executive clemency in the punishment of Leo. M. Frank I wish to say, that at the proper time, I shall ask the prison commission to recommend, and the governor to commute Frank's sentence to life imprisonment. This, however, I will not do until the defendant's application shall have been filed and the governor and prison commission shall have had opportunity to study the record in the case.

"It is possible that I showed undue deference to the opinion of the jury in this case, when I allowed their verdict to stand. They said by their verdict that they had found the truth. I was still in a state of uncertainty, and so expressed myself. My search for the truth, though diligent and earnest, had not been so successful. In the exercise of judicial discretion, restricted and limited, according to my interpretation of the decisions of the reviewing courts, I allowed the jury's verdict to remain undisturbed. I had no way of knowing it was erroneous.

"After many months of continued deliberation I am still uncertain of Frank's guilt. This state of uncertainty is largely due to the character of the negro Conley's testimony, by which the verdict was evidently reached.

"Therefore, I consider this is a case in which the chief magistrate of the state should exert every effort in ascertaining the truth. The execution of any person, whose guilt has not been satisfactorily proven to the constituted authorities, is too horrible to contemplate. I do not believe that a person should meet with the extreme penalty of the law until the court, jury, and governor shall all have been satisfied of that person's guilt. Hence, at the proper time, I shall express and enlarge upon these views directly to the governor and the prison commission.

"However, if for any cause, I am prevented from doing this, you are at liberty to use this letter at the hearing. Very truly,

"(Seal) L. S. ROAN."

Two members of the Prison Commission opposed while only one favored clemency for Frank; and thus the matter stood when, on the eve of retiring from office in June, 1915, Governor Slaton was called upon to act as the final arbiter in this celebrated case. Solicitor Dorsey, in a lengthy speech of great power, resisted clemency for Frank; while Mr. Howard, in a masterful plea, argued for nine hours the cause of his client, traversing every phase of the case from first to last. There was hardly a scintilla of the evidence with which he was not perfectly familiar, though his appearance for Frank was at the eleventh hour.

Before rendering a decision, Governor Slaton visited the scene of the murder, in the National Pencil Factory, weighed carefully the evidence upon which Frank's conviction rested, including the testimony of Jim Conley; and finally resolved the problem by granting a commutation of the prisoner's sentence from death to life imprisonment. We quote the following paragraph from Governor Slaton's statement, in which he set forth his reasons for granting this commutation. Said he:*

"Executive Office, June 21st, 1915.

"In Re Leo M. Frank, Fulton Superior Court. Sentenced to be executed, June 22nd, 1915.

"Saturday, April 26th, 1913, was Memorial Day in Georgia and a general holiday. At that time Mary Phagan, a white girl, of about 14 years of age, was in the employ of the National Pencil company, located near the corner of Forsyth and Hunter streets, in the city of Atlanta. She came to the pencil factory a little after noon to obtain the money due her for her work on a preceding Monday, and Leo M.

* Files of the Augusta Chronicle, September 12, 1915.

* House Journal, 1915, pp. 73-116.

Frank, the defendant, paid her $1.20, the amount due her, and this was the last time she was seen alive.

"Frank was tried for the offense and found guilty the succeeding August. Application is now made to me for clemency.

"This case has been the subject of extensive comments through the newspapers of the United States and has occasioned the transmission of over 100,000 letters from various states requesting clemency. Many communications have been received from citizens of this state advocating or opposing interference with the sentence of the court.

"I desire to say in this connection that the people of the state of Georgia desire the esteem and good will of the people of every state in the Union. Every citizen wishes the approbation of his fellows and a state or nation is not excepted. In the preamble to the Declaration of Independence, Thomas Jefferson wrote that 'When in the course of human events it becomes necessary for one people to dissolve the political bonds which have connected them with another, and to assume among the powers of the earth the separate and equal station to which the laws of nature and of nature's God entitles them, a decent respect to the opinions of mankind requires that they should declare the causes which impel them to the separation.'

"Many newspapers and multitudes of people have attacked the state of Georgia, because of the conviction of Leo M. Frank and have declared the conviction to have been through the domination of a mob and with no evidence to support the verdict. This opinion has been formed to a great extent by those who have not read the evidence and who are unacquainted with the judicial procedure in our state.

"I have been unable to even open a large proportion of the letters sent me, because of their number and because I could not through them gain any assistance in determining my duty.

"The murder committed was a most heinous one. A young girl was strangled to death by a cord tied around her throat and the offender deserves the punishment of death. The only question is as to the identity of the criminal.

"The responsibility is upon the people of Georgia to protect the lives of her citizens and to maintain the dignity of her laws, and if the choice must be made between the approbation of citizens of other states and the enforcement of our laws against offenders, whether powerful or weak, we must choose the latter alternative."

To quote any detached portion of an elaborate argument is, in the nature of things, unfair. Governor Slaton's statement was most exhaustive. It embraced perhaps some 20,000 words; and since we cannot reproduce the argument in full, we merely quote its closing paragraph. Said Governor Slaton in conclusion: "The performance of my duty under the constitution is a matter of my conscience. The responsibility rests where the power is reposed. Judge Roan, with that awful sense of responsibility, which probably came over him as he thought of that Judge before whom he would shortly appear, calls to me from another world to request that I do that which he should have done. I can endure misconstruction, abuse and condemnation, but I cannot stand the constant companionship of an accusing conscience, which would remind me in every thought that I, as governor of Georgia, failed to do what I thought

to be right. There is a territory 'beyond A REASONABLE DOUBT, and absolute certainty,' for which the law provides in allowing life imprisonment instead of execution. This case has been marked by doubt. The trial judge doubted. Two judges of the supreme court of Georgia doubted. Two judges of the supreme court of the United States doubted. One of the three prison commissioners doubted.

"In my judgment, by granting a commutation in this case, I am sustaining the jury, the judge and the appellate tribunals, and at the same time am discharging that duty which is placed on me by the constitution of the state.

"Acting, therefore, in accordance with what I believe to be my duty under the circumstances of this case, it is

"ORDERED: That the sentence in the case of Leo M. Frank is commuted from the death penalty to imprisonment for life.

"This 21st day of June, 1915.

"JOHN M. SLATON, Governor."

Within an hour after Governor Slaton had reached at midnight this decision to commute the prisoner's sentence, Frank was on his way to Milledgeville in the custody of Sheriff Mangum; and, when the news of Governor Slaton's action in commuting his sentence was announced to the world, on the morning thereafter, Frank was already an inmate of the State Penitentiary, safely immured—for the time being at least—within its prison walls. What followed, it is vain to describe without the pen of Dante. The batteries of Mr. Watson's paper, the Jeffersonian, were opened at once in a galling fire upon Governor Slaton, and for weeks the rumblings of his editorial wrath shook the state. Most of the newspapers were discreetly silent fearing to excite mob violence on the one hand, or to defend Governor Slaton on the other. The Jeffersonian became an unchallenged mouth-piece of the opposition. On the day following Frank's commutation an excited mob, threatening violence to Governor Slaton, assembled on the steps of the capitol, to hear incendiary harangues from some of its own leaders. Finding the executive office vacant, there was a disposition to seek the governor at his home, but a movement in this direction was reserved for a later hour. Meanwhile, the crowd sent for Sheriff Mangum to give them an explanation of his action, and from the speaker's desk, in the House of Representatives, facing a mob whose angry gaze was fixed upon him, Sheriff Mangum explained to the crowd that as a sworn officer of the law there was no alternative for him save to obey the mandate of the governor; and he thereupon gave a detailed account of his midnight trip to Milledgeville with Leo M. Frank. The sheriff had not slept a wink in twenty-four hours. His face wore a haggard look. But he made the crowd a straight forward speech, in which he betrayed no quaver of voice—no accent of fear. He proceeded with caution, slowly weighing each word, lest an unguarded statement might aggravate the peril in which he stood. His speech made a deep impression. There was a profound silence in the hall, and amid the pauses of his speech one might have heard a pin drop. Sheriff Mangum was released. But the vindic-

tive spirit of the mob was not appeased, even though Judge John C. Hart, mounting the speaker's desk, endeavored to pour oil upon the troubled waters. At last, however, the crowd dispersed.

Much stress was laid at this time by the critics of Governor Slaton upon the fact that prior to his inauguration as governor he had formed a law partnership with Mr. Rosser, one of the attorneys for Frank in the earlier stages of the trial; but no evidence to impeach Governor Slaton's integrity of character could be adduced. Gossip, of course, spoke with an unbridled tongue. The air was full of innuendos. Rumors were plentiful enough. But there was no solid basis for any of these charges. As for the alleged partnership existing between Governor Slaton and Mr. Rosser the truth of the matter, obtained from an authoritative source, is as follows:*

"Early in April, 1913, the law firms of Slaton & Phillips and Rosser & Brandon, two of the highest repute in the State, agreed to combine. The consolidation took effect in July of that year. The agreement was that the business held by each firm prior to the consolidation would be closed out independently of the new firm. It was further agreed that while Slaton's name should remain in the new firm he would have nothing to do with the business, policies or earnings of the new firm until after the expiration of his term as Governor.

"Slaton, while Governor, never visited the offices of the firm but twice and then only for a moment, to get a paper, a book, or for some incidental purpose. He carried this policy of austere prudence to the point of changing his physician, whose office was in the same building as the firm's, so that he would not have to enter the building.

"When elected Governor, Slaton was earning from ten to twenty thousand a year in practice. His partner, Mr. Phillips, a splendid lawyer, was almost wholly an office lawyer. New connections were desirable, if not necessary, if the old business of the firm was to be retained during Slaton's absence from practice. Slaton did not think he should be required to drop altogether out of the profession and lose the prestige and advertising gained by a life time's hard work, when he could not be Governor for longer than four years. He felt it his right, without risking compromise, to keep his professional identity; and that is the only significance attached to his name remaining in the firm.

"A week or two after the two firms agreed to combine, and about two months before the consolidation took effect, the Frank case developed. Mr. Rosser, of Rosser & Brandon, was retained for the defense. It was practically by accident that he became associated with the case. He had represented the pencil factory in some civil litigation. Frank's lawyer, Herbert Hass, was unable to be with Frank on the day he was taken in charge, and asked Mr. Rosser to go to the police station and advise Frank. Mr. Rosser hardly knew whom he was going to see until he reached the station. He did not even know Frank personally. Thus he was drawn in.

"It has been charged that the law-firms combined as a result of the case. I have seen documents which show they agreed to combine two weeks or more before the girl was murdered.

* Files of the Augusta Chronicle, September 12, 1915.

"It was a Rosser & Brandon case, for the consolidation did not take effect until two months later. It was actually a Rosser case, but the fee was shared with Brandon, and Brandon alone. Mr. Arnold, the other attorney for the defense, had no connection with either firm, and was a political opponent and no close personal friend of Slaton's. It was nothing unusual for Rosser to be retained; for years he had been in most of the big criminal cases. I do not think that even Brandon ever appeared in court in connection with the case. Neither Slaton nor Phillips ever did.

"Rosser, alone of the four, was personally identified with the litigation. He represented Frank until the pursuit through the State courts ended. Then he dropped out and other lawyers, not associated with either Rosser or Slaton, took charge. Mr. Rosser was not of counsel for Frank in the later proceedings in the Georgia and United States Courts. Neither his nor Mr. Arnold's name appeared in the record after the Georgia Supreme Court handed down its decision on the second motion for a new trial. They shared in none of the fees provided for litigation after that. They were unknown professionally or personally to the proceedings. What they received was in no wise affected by further proceedings or the results, and their fees were never on a contingent basis. After they ceased to be counsel for Frank, nearly a year elapsed before litigation ended.

"Rosser's fee for his two years' work was $15,000—a part of which he has never been able to collect; because Frank's friends ran out of money—and it is generally estimated that he lost double this amount in his general practice. Arnold's fee was $10,000, and William M. Howard's fee was $2,000."

It is only fair to the great State of Georgia to say that the mob spirit which vented itself on the steps of the capitol and in the neighborhood of Governor Slaton's home on Peachtree Road, was not representative of the better element of the state's population; though the governor's action in commuting Frank's sentence was criticized by thousands of good men who believed that the prisoner was guilty and that the sentence of the court should have been executed. Some of the better element of our people were likewise disposed to take umbrage at the meddlesome interference of outsiders who, with little knowledge of the facts, assumed to advise the governor and to criticize the courts of Georgia. But there was no disposition on the part of the better element of our people to uphold lawlessness. On retiring from office, Governor Slaton left the state for an extended trip of three months, visiting the Pacific coast and hoping, when he returned, to find conditions normal. Before leaving the state, however, on the afternoon of the eventful day which closed his administration, Governor Slaton, at a banquet table, uttered this sentiment, applauded by his hearers to the echo. Said he:

"Two thousand years ago a Governor washed his hands in an effort to avoid responsibility, and a Jew was crucified. Ever since that time Pilate's hands have been stained with blood and Pilate's name has been a synonym for cowardice in all lands and among all peoples. His duty was plain, but he took the easy path."

CHAPTER XXXV

GOVERNOR HARRIS AN EAST TENNESSEAN—RELATED TO A HOST OF DISTINGUISHED MEN IN THE VOLUNTEER STATE, INCLUDING ISHAM G. HARRIS, LANDON HAYNES AND ROBERT L. TAYLOR—DR. ALEXANDER NELSON HARRIS, THE GOVERNOR'S FATHER, A STRONG CHARACTER—HIS JOINT DEBATE WITH ANDREW JOHNSON ON SECESSION—GOVERNOR HARRIS ENLISTS IN THE CONFEDERATE ARMY AT SIXTEEN—HIS CAREER AS A SOLDIER—CONDITIONS IN EAST TENNESSEE AT THE CLOSE OF THE WAR—THE FAMILY REFUGEES TO GEORGIA—GOVERNOR HARRIS BEGINS LIFE AS A FARMER—BORROWS MONEY FROM MR. STEPHENS, ENTERS THE STATE UNIVERSITY, AND GRADUATES WITH FIRST HONOR IN THE CLASS OF 1870—SOME OF HIS COLLEGE-MATES—TUTORS THE CHILDREN OF LINTON STEPHENS—FOUNDS THE SPARTA ISHMAELITE—LOCATES IN MACON FOR THE PRACTICE OF LAW—FORMS A PARTNERSHIP WITH WALTER B. HILL, AFTERWARDS CHANCELLOR OF THE STATE UNIVERSITY—ELECTED TO THE LEGISLATURE, HE BECOMES A CHAMPION OF EDUCATION—FOUNDS THE GEORGIA SCHOOL OF TECHNOLOGY—ALSO SHAPES THE BILL FOR REFUNDING GEORGIA'S BONDED INDEBTEDNESS IN 1885—ELECTED TO THE STATE SENATE—GOVERNOR HARRIS IN HIS SIXTY-NINTH YEAR AT THE TIME OF HIS INAUGURATION—PROBABLY THE LAST CONFEDERATE SOLDIER TO HOLD THE OFFICE OF GOVERNOR—YOUNGER MEN TO THE FRONT IN POLITICS—THE NEW LEGISLATURE ASSEMBLES—GOVERNOR HARRIS TAKES THE OATH OF OFFICE—HIS MAGNIFICENT INAUGURAL—RECOMMENDS PROTECTION FOR THE W. AND A. RAILROAD AGAINST ANY EFFORT TO PARALLEL ITS TRACK—FAVORS INCREASING THE ANNUAL PENSION PAID TO CONFEDERATE SOLDIERS AND WIDOWS—BOTH OF THESE MEASURES ADOPTED—ALSO ADVOCATES A STRICT ENFORCEMENT OF THE PROHIBITION LAW—JUVENILE COURTS ESTABLISHED—AS THE SESSION DRAWS TO A CLOSE, FILIBUSTERING BEGINS—PROHIBITIONISTS, ANTI-PROHIBITIONISTS, AND FRIENDS OF THE LOUISVILLE AND NASHVILLE RAILROAD, BY TURNS, PARTICIPATE IN THESE TACTICS—THE SESSION EXPIRES WHILE THE APPROPRIATIONS BILL IS PENDING—THERE IS NO ESCAPE FROM CALLING AN EXTRA SESSION.

Governor Harris came to the helm of affairs in Georgia at a time tense with excitement. We have already described in a former chapter the disturbing scenes amid which the new administration was launched. Let us for a moment endeavor to forget this picture and, resuming the narrative of events, resign ourselves to more tranquil currents of thought. Even within the spell of Niagara's thunder there are coves and recesses among the rocks in which the roar of the great cataract awakes no echo. Such a retreat invites us at this moment. If we will follow the trail of

the Blue Ridge Mountains into a neighboring state we will find the boyhood's home of Georgia's next governor. The accident of birth made Nat E. Harris an East Tennesseean. His father's home was located near the Town of Jonesboro, and here, on a plantation, our present governor first saw the light of day, on January 21, 1846. On the paternal side he came of a renowned family to which belonged the noted Isham G. Harris, who first as governor and afterwards as United States senator made himself one of the towering landmarks of his time in the South. He was also a kinsman, on his mother's side, of the late Robert L. Taylor, who blazed his way to fame and fortune with a fiddle which, in after years, from its place upon the walls of Tennessee's capitol, melted a governor's heart to pity, causing him to send a mountaineer, held for moonshining, back to his home among the hills, to surprise his little family at Christmas. The mountains of the Volunteer State will never quite lose the spell of Bob Taylor's fiddle. Peace to his ashes in the soil of Tennessee, and rest to his spirit in a land where music never dies!

The mother of Governor Harris was Miss Edna Haynes. She was a sister of the celebrated Landon Haynes, styled the eagle orator of Tennessee, who represented the Volunteer State in the Confederate Senate. Alexander H. Stephens once said of Mr. Haynes—the governor's uncle—that he was the brainiest man in the Confederate Congress. The latter's tribute to East Tennessee is one of the classics of Southern literature, beginning with the often quoted line: "I plead guilty to the soft impeachment. I was born in East Tennessee—on the banks of the Watauga." The governor's mother was a sister also of Mrs. Nathaniel Greene Taylor, whose husband was a member of Congress. She became the mother of Bob and Alf Taylor, who afterwards opposed each other for governor and became noted both in politics and on the lecture platform. These Taylor brothers were first cousins to Governor Harris. It was Bob who played the fiddle, convulsed the state with his good humor, and carried wherever he went the fame of Happy Valley.

The governor's father, Dr. Alexander Nelson Harris, was both a physician and a minister of the gospel. An ardent secessionist, he canvassed East Tennessee in joint debate with Andrew Johnson, afterwards President of the United States. Doctor Harris must have been a manufacturer of vocal dynamite, to judge from a remark once made of him by an old friend, who said: "He is the most powerful speaker I ever heard. He can open his mouth and his words tear up the ground in front of him." Doctor Harris was instrumental in raising a number of regiments for the Confederate army, in addition to which he served the cause as a surgeon in the Sixty-ninth Tennessee Regiment, under Colonel John W. Crawford.

Governorships seem to be a sort of birthright in the Harris family, as in that of a certain Georgia household by the name of Brown. But Nat E. Harris earned his rewards. From a boyhood whose paths were none too rosy, he turned at the outbreak of the Civil war to fields which were thick with danger, and from 1862 to 1865 he experienced a soldier's lot. Only sixteen years of age when he donned the Confederate gray, he went to the front in a company raised by Alexander Blair, a Presbyterian clergyman, and after serving for a while on the staff of Gen.

Wm. E. Jones, he joined the Sixteenth Virginia Cavalry, attached to the Second Corps of the Army of Northern Virginia. This regiment of horsemen did not surrender with Lee at Appomattox but marched 1,500 strong across the country to join Johnston's army and was finally dispersed by President Davis at Charlotte, North Carolina, April 23, 1865. Governor Harris took part in not less than twelve pitched battles, besides some sixty skirmishes, and during the last months of the war he was almost constantly under the fire of the enemy's guns.

On returning to Jonesboro, Tennessee, he found little left of the old home place; nor was it long thereafter before what is known as "Brownlow's war" broke out, converting the whole of East Tennessee into a zone of bloodshed and terror. Besides a guerilla warfare waged by Union sympathizers there was an organized persecution by the courts of all who had taken any part with the Confederacy in the late unpleasantness. Property was seized and confiscated; life was held at the mercy of lawless bands who were not loath to commit murder even upon defenseless women and children; and to escape these terrifying conditions scores of the best citizens abandoned the region and sought refuge in other states. It was at this time that families like the Inmans, the Austells, the Wilsons, the Arnolds, the Newmans, the Lowreys, and others, came to Georgia. The Harris family also came at this same time. Doctor Harris had been indicted in the courts of Tennessee for treason on account of his activity in raising troops for the Confederacy, and he left to escape the rigors of persecution, refugeeing to the Town of Kingston, just north of the Etowah, where a kinsman resided. Here he died within a month, and was buried near the line of the Western and Atlantic Railroad. His family reached his bedside only in time to see him breathe his last.

Governor Harris was the eldest of eleven children. It was largely upon him, therefore, that the burden of a dependent household fell. Renting some land at Pine Log, in Bartow County, not far from where the gifted writer, Mrs. Corra Harris, has since built her beautiful country home, Mr. Harris farmed for three years in this locality, making enough money to keep the wolf from the door. By this time, some of the younger children were old enough to assume responsibilities. Mr. Harris then borrowed from Alexander H. Stephens a sum of money sufficient to defray his expenses through college, matriculated at the State University and graduated with the first honor in the banner class of 1870. Walter B. Hill, afterwards his law partner; Charles L. Bartlett, for twenty years a member of Congress, and scores of other bright men, were among his classmates. He also touched elbows, at this time, on the university campus, with such men as Henry W. Grady, the South's great orator-journalist; with Gen. Peter W. Meldrim, afterwards president of the American Bar Association, an office in which he succeeded President Taft; with Judge Benjamin H. Hill, afterwards chief judge of the State Court of Appeals, and with Judge Emory Speer, afterwards distinguished as a federal jurist and as an orator of national reputation.

Subsequent to graduation, Mr. Harris went to Sparta where he tutored the children of Judge Linton Stephens. He also studied law in the office of this great Georgian and started a newspaper which later developed into the Sparta Ishmaelite, a sheet famous for its part in

Georgia politics. In 1872 Mr. Harris located in Macon, forming a partnership with Walter B. Hill, with whom he was associated in the practice for twenty-seven years, until the latter became chancellor of the University of Georgia. Mr. Harris served two consecutive terms in the House during the '80s and afterwards represented the Twenty-second District in the State Senate during the '90s. While in the House he introduced the bill creating the Georgia School of Technology, and as chairman of the finance committee he largely shaped the bill under which Georgia's bonded indebtedness of $3,600,000 was refunded in 1885. The bonds issued at this time matured on July 1, 1915, just one week after Mr. Harris assumed office as governor of Georgia; but as we have already seen, provision had been made by Governor Slaton for refunding this debt again and for disposing of the entire bond issue to Col. Asa G. Candler.

This brings us, in a somewhat hurried resumé, down to the present moment.

Judge Harris was in his sixty-ninth year at the time of his inauguration. Perhaps, with the single exception of Mr. Stephens, he brought to the executive chair a riper age and a richer experience than did any of his predecessors. He was a gray-haired veteran of the '60s. Half a century had elapsed since Appomattox, but Mr. Harris had seen nearly four years of service in the Confederate ranks, and it was more than likely that Georgia in electing him to the governorship was honoring in this way the last of a long line of Confederate soldiers. For twelve years a younger element had dominated the politics of the state. In fact, since Governor Candler relinquished office, in 1902, his successors had all been non-combatants. Governor Slaton was not yet in life when the war ended. Governor Terrell was little more than an infant. Governor Brown and Governor Smith were both lads. The latter, perhaps ten years of age, was playing on the campus at Battle Hill, North Carolina, where his father was then a professor. The former, a boy of eleven, might have been seen on the lawn of the executive mansion at Milledgeville. Neither, however, dreamed of the part which as rivals they were each destined to play on the stage of Georgia politics.

Back of Governor Candler—from 1872 to 1902—all of Georgia's governors, with the single exception of Governor Atkinson, had either come from the serried ranks of the Old Guard, or else, like Mr. Stephens, had served the Confederacy in the sphere of civil affairs. Again the line was resumed. But with Judge Harris it was likely to end, for, though vigorous and strong for one of his age, he was verging upon the patriarchal limit of years, beyond which lay borrowed time; yet he had been one of the youngest to enlist when the tocsin of war awoke the Tennessee mountains. Than Judge Harris the Confederacy could not have found a worthier scion of its chivalric stock or a finer type of its heroic manhood, or a fitter embodiment of its splendid ideals both of character and of courtesy, to place in the executive chair of Georgia as its final contribution to a long line of governors. For, while Judge Harris is both alive and alert to every obligation laid upon him by the present, an up-to-date governor, in the strictest sense of this term, he is loyal in every fiber of his being to the principles, to the memories, and to the men of Dixie's iron days.

On June 23, 1915, the newly elected State Legislature convened in Atlanta and organized by electing Hon. G. Ogden Persons, of the Twenty-second District, president of the Senate, and Hon. W. H. Burwell, of Hancock, speaker of the House. To succeed the late Charles S. Northen, for sixteen years secretary of the Senate, this body elected D. F. McClatchey, of Cobb, to this position. Mr. McClatchey was formerly a member of the clerical force of the House. He is comparatively a young man, with a stentorian voice, and with splendid business qualifications. Capt. C. P. Hansell, of Thomas, who since 1898 had assisted Mr. Northen, was retained as assistant secretary to Mr. McClatchey. In the House, Hon. John T. Boifeuillet, of Bibb, was for the ninth consecutive term elected clerk. The inauguration of Governor-elect Harris occurred at high noon, in Representative Hall, before an audience crowding the chamber almost to suffocation. As originally planned, the ceremonies were to have been held on the Washington Street plaza, in the open air, but the disturbed condition of the public mind at this time, the abnormal unrest, and the possibility of serious consequences growing out of Governor Slaton's recent commutation of the Frank sentence, caused an abandonment of this program.

There was a large delegation of citizens present from the home of Judge Harris, these having accompanied the governor-elect to Atlanta, for the purpose of doing honor to a much beloved and distinguished citizen of Macon, called to the highest position in Georgia's gift. Quite a detachment of soldiers also accompanied the governor-elect to Atlanta, acting as a military escort. Judge Harris was Macon's first governor, though two former chief executives, George W. Towns and Alfred H. Colquitt, reposed on the heights of Rose Hill, her beautiful city of the dead.

President Persons, of the State Senate, presided over the joint session and acted as master of ceremonies, first introducing Bishop Warren A. Candler, who offered the prayer of invocation. Governor Slaton's face was overspread with an unwonted pallor as he arose to place the great seal of state in the hands of his successor in office, but there was no quaver of voice and no outward sign of uneasiness or fear. The inaugural address of Governor Harris was a masterful state paper, comprehensive in its range of discussion, vigorous in its treatment of vital topics, and full of practical suggestions. Discussing the European war, Governor Harris said:

"Called to preside over the affairs of this State at a time when the world is at war, there are many misgivings natural to the situation. * * * It is much easier to execute law when the world is at peace than it is when a state of war exists. Our people have felt the effects of the European war. These effects came home to the South with unexampled force and persistency when the market for our staple commodity was curtailed and the decline of the price followed in rapid succession. The farmers had invested heavily in the cotton crop, trusting to the usual demand, and consequently they were unprepared to stand the heavy decline in price consequent upon the collapse of the market. Many of them have suffered; many will yet suffer before the end comes.

"Almost every interest was involved. This condition during the acute stage brought about a remarkable change in our business affairs. The war was so unexpected that men's minds were ready to accept any prophecy of approaching evil. It was feared that our home country would soon become involved. No one could tell how long the war would last nor how widespread would be the scope of hostilities. There were sad forebodings on every hand. The banks became fearful of the situation and for a while stopped all accommodations. Money was difficult to procure and property valuations suffered accordingly.

"While this condition of affairs is much improved at the present time, yet the country has not entirely recovered from the first results. The imminence of events that might involve our home land has kept the people in a state of fear and expectation. * * * It is believed, however, that great good will come out of the present situation in our State. The business depression will prove a blessing in disguise if it should teach us to rely upon our own resources, improve our methods of farming, increase the country's yield of bread-stuffs and live-stock so that we need not look elsewhere for our supplies of these great necessaries."

Due to the lowering of the tax-rate in 1914 and to the depressing effect of the war upon tax values, there was a shortage in the returns from many parts of the state. Governor Harris called attention to this fact, stating that its effect was more than likely to be felt in the straightened condition of finances during the term for which he had been elected. But from the tax equalization act he expected increasingly good results, and in this connection he paid a well-merited tribute to Judge John C. Hart. While advocating economy, he thought it well to increase the maintenance given to some of our state institutions and he was also of opinion that the time had come for doubling the pensions paid to Confederate soldiers and widows. He also stressed in emphatic terms the necessity for preserving the materials of our history, called attention to what had been accomplished by the compiler of records, and urged a liberal policy of encouragement and support toward this department. According to Governor Harris, the war in Europe emphasized the necessity for maintaining a well-regulated militia and he favored legislation designed to foster the military establishment. Touching upon educational matters, he deplored the fact that Georgia was still in the group of four states, showing the largest percentage of illiteracy in the Union. He thought it time for Georgia to adopt some method of compulsory education. Unless this was done, he feared that we would soon lead all the states in our percentage of illiterates. Said he:

"I would rather be remembered as the governor of this commonwealth who took away from the State this reproach than to be pointed at hereafter as the best financier that ever held the purse strings of her people since her organization."

As a trustee of the State University, honored by his alma mater for thirty years with a seat on its governing board, he advocated a liberal policy toward this great institution, in all its branches.

On the subject of prohibition he declared himself rigidly in favor of law enforcement. "Liquor selling is not allowed in Georgia," said he, "therefore liquor selling should cease, just as gambling and stealing and murder and other crimes forbidden by law, should be put down. For my part, I believe the prohibition law is salutary, economic, and in aid

of good government. The nations of the earth are fast coming to a realization of the evils of intemperance. The safety of the State—its very life—is concerned. Georgia, in many communities, has been somewhat lax in the enforcement of this law. It is time for investigation, for consideration, for deliberation. If the law needs strengthening, see that it be done. Above all else, let the people be on an equality." With respect to the W. and A. Railroad, Governor Harris urged that immediate steps be taken to prevent the paralleling of its track, and he also recommended that extreme caution be observed in the matter of re-leasing this property—the state's richest material asset. Governor Harris urged compliance with the terms necessary to secure the benefits of the Smith-Lever bill, enacted by Congress; favored a law providing for a state auditor; and recommended legislation restricting campaign expenses, in order to keep these burdens from exceeding a definite limit. Said he, in conclusion:

"I rejoice in the conservatism of those whom we serve. They bow down to no new idols; catch no new fads from the North or West. They cling to the Constitution of the fathers and reverence the tombs of the proudest ancestry of any people on earth, swerving in no jot or tittle from their loyalty to the heroic past, abating nothing in their hopes of the opening future, always devoting their heart and life to their homes and the altars of their sacred religion. This is the people who inhabit the Commonwealth. A great State to work for, my countrymen. A great State to live for. A grand State to die for, and be buried in her soil."

Pursuant to recommendation, the Legislature at this session passed an act—known as the Persons Bill—to prevent the building of a line parallel to the track of the Western and Atlantic Railroad.§ But a companion bill to make this protection permanent by means of a constitutional amendment was not passed at this session, due to circumstances embarrassing its last hours.

As recommended by Governor Harris, the Legislature at this session also passed an act increasing the pension paid annually to Confederate soldiers and to widows of Confederate soldiers, in need of help from the state and legally entitled thereto. Heretofore, these beneficiaries had received only $60 per annum, but under an act approved August 12, 1915, they were to be pensioned on an ascending scale as follows: $70 for the year 1917, $80 for the year 1918, $90 for the year 1919, and $100 for each year thereafter.*

There was also an act passed to establish in certain counties of the state juvenile courts, with jurisdiction over all children under sixteen years of age, who are delinquent, neglected, or otherwise subject to the discipline or in need of the care and protection of the state authorities.† Under the provisions of this act, proper guardians were to be appointed, a detention home was to be established, and a system of probation was to be put into effect. This measure embodied much needed reform. It breathed the spirit of the great Whitfield himself, who founded at

§ Acts 1915, pp. 18-19.
* Acts 1915, pp. 51-53.
† Acts 1915, pp. 35-49.

Bethesda an asylum for orphan children and it served to recall the humane impulse in which Georgia originated.

This Legislature began its session well. But the prohibition question became a disturbing factor in its deliberations ere many days elapsed. Drastic measures had been introduced, seeking to strengthen the prohibition law and to put an end to all barter, sale, manufacture, or use of intoxicants within the State of Georgia, to close near beer saloons and to forbid club lockers. Opposition to this course of procedure was bitter, and the last two weeks of the session witnessed a series of filibusters fatal to all pending legislation. Even the appropriations bill failed of passage, because of delays which brought the session to an end while this measure, to provide for the running expenses of the state, was still under consideration; and this condition of affairs existed probably for the first time on record.

In the Senate all except some half a dozen members were prohibitionists. In the House there was an overwhelming prohibition majority, but the steering committee was dominated by anti-prohibitionists, while the temperance committee itself was split into rival factions. First, the anti-prohibitionists filibustered to prevent the prohibition bills from coming to a vote. Then the prohibitionists filibustered to defeat all other measures, until definite and final action had been taken upon the prohibition bills; and finally members of the Legislature, friendly to the Louisville and Nashville Railroad, a corporation leasing the state's property, complicated matters still further by starting a filibuster to defeat certain bills framed in the interest of the state road to prevent a paralleling of its track. Hon. Henry J. Fullbright, floor leader of the prohibitionists and chairman of the Committee on Appropriations, found himself steering betwen Sylla and Charybdis, but he managed to keep a cool head. It was amid the din of this distracting situation—in a confusion of tongues reminiscent of the Tower of Babel—that the legislative session of 1915 came to an end. Since no provision had been made for meeting the current expenses of the state there was no choice for Governor Harris but to call an extra session. This he did a few weeks later. On the Georgia horizon in every direction the clouds wreathed themselves into one prophetic word: Prohibition.

CHAPTER XXXVI

TWENTY-FIVE MEN, ORGANIZED FOR THE PURPOSE, INVADE THE PRISON FARM AT MILLEDGEVILLE—FRANK IS SEIZED AND TAKEN TO MARIETTA FOR EXECUTION—ALL WIRES CUT—PURSUIT IS SUCCESSFULLY ELUDED—THE BAND'S SKILLFUL WORK—ONE OF THE FINEST PIECES OF KU-KLUXING SINCE RECONSTRUCTION—EIGHT AUTOMOBILES USED BY THE CAPTORS—FRANK'S BODY, CLAD IN A NIGHT-ROBE, SEEN DANGLING FROM A LIMB AT SUN RISE, NEAR MARY PHAGAN'S OLD HOME—POETIC JUSTICE IS SATISFIED—A DESCRIPTION OF FRANK'S TRAGIC RIDE—HOW THE NOTED PRISONER WAS CAPTURED—GEORGIA'S STATE PENITENTIARY NOT A FORTRESS OF ROCK—ONLY A CAMP ENCLOSED BY A BARBED WIRE—STATEMENT MADE BY GOVERNOR HARRIS RELATIVE TO GEORGIA'S PENAL CONDITIONS—PREPARATIONS MADE BY THE GOVERNOR FOR CALLING OUT THE STATE MILITIA—ALL THREE MEMBERS OF THE PRISON COMMISSION AT THE STATE FARM WHEN FRANK IS ABDUCTED EXONERATED BY THE GOVERNOR AND BY THE PUBLIC—CAPTAIN ENNIS ORGANIZES A POSSE BUT FAILS TO OVERTAKE THE CAPTORS—THE MOB'S OWN STORY IN DETAIL—THOUSANDS VISIT THE SPOT TO WITNESS A GRUESOME SPECTACLE—FRANK DIES WITHOUT CONFESSING TO THE CRIME, BUT ENTRUSTS TO ONE OF HIS CAPTORS A RING TO BE GIVEN TO MRS. FRANK—THE BODY IS BROUGHT TO ATLANTA IN A WICKER BASKET—SCENES ABOUT THE UNDERTAKING ESTABLISHMENT—THE CROWD DEMANDS ADMISSION—THE BODY IS VIEWED BY 15,000 SPECTATORS—IT IS THEN TAKEN TO BROOKLYN, NEW YORK, FOR FINAL INTERMENT—GOVERNOR HARRIS CONDEMNS LAWLESSNESS—ISSUES AN EXECUTIVE PROCLAMATION, MAKING OFFERS OF REWARD—THOMAS E. WATSON WIELDS A POWERFUL INFLUENCE IN SHAPING PUBLIC OPINION INIMICAL TO FRANK—WHEN THE JEW'S SENTENCE IS COMMUTED HE TURNS HIS BATTERIES UPON EX-GOVERNOR SLATON, CHARGING HIM WITH OFFICIAL CORRUPTION—ONE OF THE MOST RELENTLESS CRUSADES ON RECORD—JUDGE SAMUEL B. ADAMS, OF SAVANNAH, COMES TO THE FORMER GOVERNOR'S DEFENSE, IN A STRONG CARD, REVIEWING THE CASE IN ITS LEGAL ASPECTS—EDITOR LOYLESS TAKES UP A CUDGEL FOR EX-GOVERNOR SLATON—OBSERVATIONS UPON THIS DRAMATIC EPISODE—A STIGMA UPON THE STATE'S ESCUTCHEON.

On the night of Monday, August 16, 1915, between 10 and 11 o'clock, a mob, presumably numbering twenty-five men, overpowered the officers on duty at the prison farm, near Milledgeville, made direct for the quarters in which Leo M. Frank was confined, and, seizing the noted prisoner, conveyed him to an automobile, which soon disappeared in the devouring darkness on the road to Eatonton.

All was managed with the precision of clock-work and with the silence of gravitation. Only one man in the crowd did any of its speaking and most of the commands given by him were in the nature of signals. He appeared to be its leader. First reports created the impression that friends of Frank had planned this midnight invasion for the purpose of setting him at liberty. But a convict who witnessed the capture chanced to overhear one of the men say that the prisoner's dead body would be stretched before daylight on the grave of Mary Phagan, in the cemetery at Marietta; and this statement was verified in part when, dangling from a tree on the outskirts of Marietta, the lifeless form of a man clad in a night-robe was discovered in the gray twilight of Tuesday morning.

Whatever views may be entertained of the mob's work, in its strictly ethical and legal aspects—whatever criticism there may be of such an organized conspiracy to override the courts and the laws of Georgia and to inflict the penalty of death on a prisoner whose sentence had been commuted to life imprisonment by the governor of the state, acting under express constitutional authority—whatever stigma of disgrace may rest upon Georgia's escutcheon, in consequence of this night's serious business—no finer piece of ku-kluxing was ever known in Georgia, even during the terror-haunted days of Reconstruction.

There was skillful leadership evinced in every movement made by the band. Its organizing genius was no mere tyro. On the contrary, he was a man of clear brain, of intrepid will-power, of iron nerve. Moreover, the men who constituted the mob were of like character and caliber—all picked men. Witness how skillfully the plans were laid with respect to each minute detail. Witness how smoothly and rapidly these plans were executed—not a hitch in the program, from the moment when Frank was seized until the final scene in the tragedy was reached—only seven hours consumed in the perilous ride from Milledgeville to Marietta, through the inky blackness of a night woven of Egyptian shadows.

It was a night well suited to some deed of bloody violence—a night when there was no moon to probe with an inquisitorial ray into its dark mysteries—a night of sable plumage, Stygian, voiceless and funereal—a night when men instinctively avoid old graveyards or rookeries supposed to be inhabited by spectral tenants—a night for hooting owls in dismal hollows, for jack-o-lanterns, will-o-the-wisps and hob-goblins—a night for Tam O'Shanter to be at home in bed—a night whose death-like stillness made one's heart beat like a bass drum, while he listened with a sort of weird enchantment for the croak of Poe's raven or expected at every cross-road to collide with Banque's ghost.

With limbs manacled—with pistols cocked for firing and pointed at him—all in the hands of resolute and fearless men intent upon avenging a little factory girl's honor—this ride taken by Leo M. Frank, from Milledgeville to Marietta, lacked nothing to make it a weird melodrama. What must have been his thoughts as he looked into the gleaming barrels of those deadly weapons—what the mental agony of this awful suspense—what the refinement of torture to which he was subjected during this long midnight ride to a fate from which no power of mortal man could save him—to which he was doomed before another sunrise

by the avenging wrath of an insatiate mob! If he was really innocent, his sufferings on this dreadful night made him one with the martyrs of all time; but if guilty, he must have seen the reproachful eyes of Mary Phagan look down upon him from every star in heaven and heard the sentence of his doom pronounced by every fiend in hell.

For two years a desperate hope had buoyed him up. Money—skill—influence—all had helped to fight his battle. Thousands had interceded for him, some of these, men of the highest distinction. Towns—cities—states—continents—all had been lookers-on. But his time had come at last. On through the darkness, he was speeding to a hangman's noose. Every rotation of the wheels brought him closer to a felon's grave, or—if some other phrase is better—to a martyr's tomb. Too late for friends to help him, there was nothing left for the hapless Jew but to make a friend of death, and to commit his soul in keeping to the God of Israel.

Eight automobiles conveyed the ku-klux band to Milledgeville. On arriving at the prison farm, all the wires were cut, to prevent communication with the outside world—all save one to Milledgeville. This was accidentally overlooked. Five men went to the house of Warden T. J. Smith, covered him with pistols and kept him from making an outcry of alarm. Another squad went to the house of Supt. J. M. Burke, putting him, in like manner, under the quietus of loaded guns. All the other members of the band rushed to the stockade gate nearest the quarters in which Frank was asleep. Here there were only two guards on duty, both of whom were speedily overpowered. In less than a minute's time the hospital was reached. Frank was still a semi-invalid, following a recent assault made upon his life by a fellow-prisoner.

There are seasons when prophetic intimations seem to be given to the dullest of mortals. As soon as Frank caught the noise of approaching footsteps, he knew what it meant. He had doubtless heard it a thousand times in his distempered dreams at night. Instinctively we fight for life, even when the boney fingers of death are clutching at our throats; but Frank's effort at resistance was powerless—almost puerile—in the iron thews of such a mob. To a waiting automobile he was hurried like a feather in an equinoctial storm. Mrs. Frank, who witnessed the scene with terror-stricken eyes, was hysterical with grief and excitement. That awful night's picture was burnt into her soul forever.

Georgia's state penitentiary is not a fortress of rock, barricaded with bolts of iron. It possesses no features whatever in common with the famous Chateau D'If, which for years within its dungeon solitudes immured the Count of Monte Cristo. To the contrary, it was little more than a camp of detention, enclosed by a barbed wire fence or stockade, where certain convicts were quartered. As explained by Governor Harris, in a statement made by him to the public, all able-bodied convicts, under the laws of Georgia, are sentenced to work on the chain-gangs of the different counties or on the public highways of the state. There is a prison farm at Milledgeville, primarily intended for broken-down convicts, for those who are disabled by sickness, for all female convicts, and for boys under sixteen years of age. If the prison commission so directs,

certain convicts may be sent to the prison farm, whose services can be utilized in the office or in other kinds of work on the farm, but usually these convicts are kept on the roads of the several counties, as long as they are able to perform the work required. Sometimes a trial judge sentences a prisoner to the state farm, so as to exempt him, if in frail health, from the hardships of the county chain-gangs. For nearly half a century, under the convict lease system, there was no need of a building in which to house prisoners for secure keeping, and since the abolition of this system, with its resultant policy of putting the convicts to work on the public highways of the state, there has been seemingly no demand to warrant an expenditure for this purpose, especially at a time when revenues were at a low ebb.

Crises are often needed to beget in us a sense of danger. When Frank's sentence was commuted by Governor Slaton, he was sent to the state farm at Milledgeville, where some 800 prisoners were then quartered. It was not a secure place, but as later events proved, there was no gang in Georgia on which he would have been safe from the mob. Our present state penitentiary—so-called—was not built with the idea of preventing an attack from the outside. The large building was merely intended for a dormitory or sleeping apartment for the convicts, in which the cots stood side by side, in close proximity, an arrangement at least conducive to good health. Said Governor Harris:*

"When I asked the General Assembly at its recent session to appropriate money to be used in building separate cells for the prison farm, some of the newspapers of the State contended, with much force, that I was entirely wrong. * * * There is no provision of law for keeping a military guard on the State farm. The Governor cannot use the State troops except on request from the civil authorities. Martial law must be declared before the soldiers can take charge.

"Some four weeks ago I received an alarm in the form of a secret message to the effect that a mob intended to storm the prison and lynch Frank on a certain night. I at once telephoned the authorities in charge, including the prison commission, the warden at the state farm, the sheriff of Baldwin county, and Captain Ennis, of the Baldwin Rifles. I secured the proper request from the military authorities, and immediately had General Nash to get in readiness to handle any local situation that might arise, and Captain Ennis was directed to call his men to the Armory, prepared to go to the farm at once. The Macon military was also put under arms.

"For this course I incurred considerable censure, for the alarm seemed to be entirely unfounded, and the people most concerned felt that I had done them an injustice, even threatening to call an indignation meeting to protest against the course I had adopted.

"It has come to light since the result of Monday night's work that my prompt action in this matter delayed the lynching of the prisoner for a month, as the mob, coming in a few miles of Milledgeville, and, hearing of the preparation, decided to postpone the attack.

"On Monday night the militia would have been called out had the request been made in time. It seems that the mob went to the prison at

* Files of the Atlanta Constitution, August 20, 1915.

about 10 o'clock in the night. I knew nothing of the occurrence until about 1:45 Tuesday morning, when I was called over the telephone by a Constitution reporter, who stated to me that a mob had taken Frank from the prison and lynched him some time between 10 and 11 o'clock that night. I was shocked beyond measure by the information.

"I had been working through five days following the Legislature's adjournment, reading and signing bills, with very little cessation, night or day, for the whole five days, and was completely exhausted. Nevertheless, immediate effort was made to get in communication with the sheriff of Baldwin county, but the lines being down, no information could be obtained. The sheriffs in several counties along the route which it was believed the mob was traveling were notified to keep a sharp lookout for the party. The sheriffs of Putnam, Morgan, Newton, Rockdale, Fulton and Cobb were notified.

"It is now understood, however, from the subsequent events, that the party with Frank had passed north about an hour and a half before the county authorities on the road were reached. Near daylight I was called by Colonel Haas, one of the lawyers of Frank, who stated that he had just received a message to the effect that Frank was lynched between Milledgeville and Macon, and said that an agent of the Central of Georgia Railroad at some point had given him his information.

"I had an engagement to go to Fitzgerald to the Old Soldiers' reunion on Tuesday morning, but when I heard of the lynching decided to postpone the journey. At 6 o'clock, however, I tried again by telephone and found that it was generally believed that the prisoner had been lynched some time before, and so I finally decided to go on to Fitzgerald, directing my secretaries to keep in touch with me all the way over the road, so that should the occasion arise, I might issue any necessary orders instanter. Adjutant General Nash had been duly notified and was ready to take appropriate steps to control the militia if the word had been received.

"The public is advised of the unfortunate and tragic result.

"I have found on inquiry of the prison commission that Frank was still in the hospital, confined to the single room where he had been kept since the attempt upon his life by William Creen. He had not been taken into the common quarters, but was in confinement in the hospital, which, though under the same roof with the prison, is separated from it by partitions and passageways extending through the building.

"There is no man in the bounds of the state that regrets more deeply than I do this unfortunate occurrence. I shall do all in my power to discover and bring to justice the perpetrators, believing that the people at large do not justify the wave of lawlessness that seems to be spreading throughout the state. Mob law should never take the place of statute law. There will be no safety to life, liberty or property until this is recognized by our people.

"It was especially distressing to me, because the attack was made upon the state's own prison, built, not to resist the violence of its citizens outside, but to keep in confinement the weak and helpless convicts who were unfit for service in the chaingangs of the counties."

By a singular coincidence, all three members of the prison commission—Judge R. E. Davison, chairman; Judge T. E. Patterson, and Judge E. L. Rainey—were at the prison farm when the capture of Frank by the mob was effected. It chanced that business, in connection with certain appropriations made by the General Assembly for improvements, brought them to Milledgeville at this time. But they had retired for the night when the abduction occurred, and it was not until the mob had consummated its work that the prison commission were made aware of the startling events which on the morrow were destined to send a thrill of excitement around the civilized world. To these officials, however, no responsibility for the mischief wrought by the mob could possibly attach, for they had repeatedly called attention to the exposed condition of the prison farm, but no appropriation had been forthcoming with which to provide adequate safeguards.

Capt. J. H. Ennis, of Milledgeville, captain of the Baldwin Rifles and a representative from Baldwin County in the General Assembly of Georgia, on learning of the mob's work, organized a posse and started in pursuit of the captors. But enough time had elapsed to give the mob a good start on the road to Marietta; and, though every effort was made to overtake the fugitives, daylight found the pursuers completely baffled. It is said that only five of the men engaged in the capture of Frank wore masks.

This successful raid on the prison farm to secure the person of Frank was only the dramatic culmination of a number of carefully devised schemes and plots to accomplish the same end. But only one of these had come near fulfillment. Just one month prior to this time, a convict by the name of William Creen, serving a life-sentence, had cut Frank's throat with a knife so deeply that for days his life hung by a slender thread. Creen stole out of his bunk one night and crept stealthily across the large dormitory room to Frank's bed unobserved. He then drew across Frank's neck a large knife which he had smuggled from the kitchen—an instrument not infrequently used in quartering pork.

What subtle irony in the choice of such a weapon with which to inflict death upon one of Abraham's seed! Frank might have bled to death within a very few moments had it not been for the timely help and skillful surgery of Doctor McNaughton, a prisoner like Frank himself, serving a term of life imprisonment for murder. Doctor McNaughton, in checking the flow of blood, by a few deft stitches in the artery, saved Frank's neck, but only for a noose suspended from a tree whose spectral limbs were even then beckoning to its victim. As the days went by, Frank's wound slowly healed. At last he was pronounced out of all danger. The color began to come once more into the prisoner's pale cheek—and then came the mob.

But to return to the tragic scene at Marietta. An article purporting to be a truthful account of the whole affair from a resident of the town, presumably a member of the mob, who first bound the reporter to inviolate secrecy as to names, appeared in the Atlanta Constitution of August 18, 1915. On account of the world-wide interest attaching to

the fate of this noted prisoner, the narrative is herewith reproduced in full. Entitled "The Mob's Own Story in Detail," it runs as follows:*

"To seek by any means whatever to ascertain the names of those engaged in this affair will be useless. The public will never know the identities of the twenty-five brave and loyal men who undertook to execute the sentence of justice which Governor Slaton tried to annul. It would be hazardous for any member of the band to reveal its secrets, nor is one of them likely to squeal, however great the duress brought to bear upon him by inquisitive officials. The band is still organized and is today as zealous, as relentless and as determined as it was on the night when the prison farm was invaded.

"These men who hanged Leo M. Frank did not go about it in a spirit of lawlessness nor vindictiveness. They felt it to be a duty—a duty to the State and a duty to the memory of Mary Phagan, whom all Cobb county loved and whose memory is cherished in every household in the hills you see over there to the west. They would have lynched him more than a month ago if some one had not been careless and permitted a leak. Governor Harris was apprised of the plans and ordered the militia to be in readiness. That was the day when the county police were scouting in the edge of Fulton and Cobb counties on the lookout for automobiles from Marietta.

"Governor Harris and the military authorities no doubt received widespread censure for this apparently unnecessary action, but if the truth were known it gave Leo Frank at least one month of grace he would not have received from the hands of the men who were about to go to Milledgeville for him. Ever since the day Governor Slaton commuted the sentence of Frank this morning's hanging has been in process of formulation. Minute and definite plans were drawn, and there was not a missing thread from the fabric of the perfected scheme when the twenty-five men set out early last night on their journey to Milledgeville.

"Meetings were held in a spot so conspicuous that you would be astonished to hear its name called. A leader was chosen, a man who bears as reputable a name as you would ever hear in a lawful community. He was a man respected and honored. Hundreds of men would obey him—the twenty-five would have gone through hell and high water with him.

"The chosen twenty-five—but this was not the entire number available—were men whose worth was known, collectively and individually. I doubt if you would find anywhere a body of men more loyal, faithful, obedient and determined. They were resolved to bear whatever burdens arose just as if those burdens fell upon individual shoulders, and to go through with their plans at any cost. They were business-like, as well as determined. Like business men, they would not go into it without first knowing the 'lay of the ground,' and every detail so far as could be foreseen. The business of getting the men was the first undertaking. This was done only after a good deal of sifting and weeding. I have learned from my father, and from those of my various kin who served in the Reconstruction days, the modes and methods of

* Files of the Atlanta Constitution, August 18, 1915.

the kuklux. But even that noble institution, for perfection of organization, determination and daring, could not equal this modern exploit, done in the interest of a justice of which we had been denied by the man we put into office.

"In the first place, the organization of the body who lynched Frank was more open than mysterious. It was more on the order of a plain, 'open-and-shut' business proposition. The purpose of the kuklux was more to overawe and frighten than anything else. The determination of the men who brought retribution to the memory of Mary Phagan was one of grim vindication even if at extreme peril.

"When the business of organization was finished the next object was to fully acquaint themselves with conditions and contingencies in Milledgeville, the first seat of action. Advance men were sent to the scene. They went in automobiles that they might familiarize themselves with the roadways and draw maps of them. In Milledgeville they made thorough observations of the prison grounds, took into contemplation the barbed-wire entanglements, made themselves acquainted with the telegraph and telephone connections, and made intimate inspection of all inroads and outlets to the town. The plans were perfect when the hour came to strike.

"Two men were sent in advance of the main body. They were to reconnoiter and to sever telegraphic and telephonic communications with the outside world, so that Milledgeville authorities could not notify other townships to intercept them as they carried Frank to the place selected as the scene of his death.

"Early Monday night the automobiles assigned to the journey were sent along their respective routes to pick up the chosen men. Even the wives of hardly any of them were aware of their departure. The automobiles slid up quietly to the front of the houses, a signal given, and the man joined them.

"When they returned to their beds in the break of Tuesday's dawn it is doubtful that if any members of their 25 households knew that they had been absent after midnight. It won't be possible to disclose the identities of the '25'—even through their wives or children.

"The men who proceeded to Milledgeville never grouped until they reached the outskirts of the town. They took a circuitous route so as to avoid the muchly traveled roads and larger towns. Approaching Milledgeville a car was sent ahead to inform the 'advance' men who were to cut off communication. The wires severed, the two men joined the main body and proceeded with them to the prison. Every procedure was calculated to a fine point. It was all carefully planned and equally as carefully and painstakingly executed.

"No one was to speak excepting the leader. He was to have absolute direction. They obeyed him to a man. His word was a law that knew no denying. They would have shot Leo Frank on the spot—or released him—at his command. It was this thorough understanding that was largely responsible for the progress of the undertaking without mishap. Equipped with maps of the roads which offered speedy travel and the least possibility of encounter, the automobiles traveled at high speed to Roswell, and thence to Marietta. Every man was fully armed and, had it come to a question of a fight, there wasn't one among them

who wouldn't have given his own life's blood as quickly and readily as he joined to shed Frank's.

"It was originally planned to carry Frank to the cemetery in which Mary Phagan's body is buried, but daybreak overtook the captors. They were speeding over the road that leads to Marietta, in the neighborhood of Mary's birth-place when the sun mounted the horizon. There was no little dissension over the proposal to hold the lynching in the Frey vicinity, the more daring members of the clan wishing to carry out their first plans and continue boldly to the grave of his victim. But a word from the leader silenced all opposition, and Mary Phagan's death was vindicated in the same grove where she used to play when a barefoot girl long before she ever dreamed of going to work in the pencil factory. 'But I would also like to talk to some one who can give me more explicit details,' said the reporter when the Marietta man's description was finished.

"'In that case,' he answered, gravely, as though considering possibilities, 'I would refer you to ——,' and he named a man of prominence, who is not unknown even outside of Cobb county.

"The reporter went to Mr. ——.

"'Nobody will ever know that outside of the men who were actually present,' was the reply to the reporter.

"'Not even what Frank said before he died?' insisted the reporter.

"'He never confessed,' was the reply."

News of the tragedy spread from mouth to mouth in the little Town of Marietta, and long before the sun was above the tree-tops, hundreds of morbid spectators stood curiously gazing upon the lifeless form of Leo M. Frank as it dangled in mid-air, from an outstretched limb, on the edge of a dense forest. The violence of his death struggles had torn open the wound in his throat, adding a ghastly touch of horror to the sickening spectacle. Clad in his night-shirt, a garment in which he had ridden the long distance from Milledgeville to Marietta, it was a most uncanny sight on which the eyes of the crowd feasted. The final scene in this gruesome tragedy was enacted at sunrise, near a gin-house owned by William Frey. To this spot the lynchers were guided by a strange instinct, for in full view of the tree on which Frank suffered the penalty of death was the little cottage home in which Mary Phagan spent some of the happiest years of her childhood. Since it was too late to reach the cemetery, this was an ideal place for the lynching—it met all the demands of poetic justice.

Down to the last moment of his life, Frank maintained the stoical silence which had characterized him throughout his long imprisonment. He did not confess to the crime; but as a parting wish he begged one of his captors to give to Mrs. Frank a ring which he took from his finger, a souvenir of his courtship. To this request a ready assent was given. Several days later a stranger calling at the home of a newspaper reporter gave him this ring, enclosed in a package to which a message was attached from one of the members of the clan, requesting him to put this ring into the hands of Mrs. Frank, and thus the prisoner's prayer was answered.

Streams of people poured into Marietta from all the nearby towns, eager to visit the scene of execution. It is astonishing with what rapidity

intelligence of a gruesome character always seems to travel. The newspapers of Tuesday morning, August 17th, carried no story of the lynching. They merely contained the information that Frank was in the hands of the mob; but here at the breakfast hour a crowd had assembled in size almost double the population of Marietta. During the forenoon, by order of the legal authorities, Frank's body was taken down from the tree, and in the custody of Judge Newton A. Morris was brought to Atlanta and turned over to an undertaking establishment. Not a moment's time was lost. To elude the crowd it was necessary for Judge Morris to act with the utmost dispatch and to cover the distance between Marietta and Atlanta with the speed of lightning. He brought Frank's body to town in an undertaker's wicker basket, the lid to which was from time to time forced open by the dead man's body as the automobile bounded over the rough road.

In less than half an hour Atlanta was reached. Here once more the crowds began to gather. To disperse the rabble a report was given out that Frank's body had been taken to a private residence in the city, but later in the forenoon a member of the curious throng discovered it lying in a garage, back of the undertaking establishment. Wind of the discovery spread like wild-fire. The crowds threatened to force an entrance unless permitted to view Frank's body, and finally to prevent serious trouble it was planned to appease the morbid appetite of these clamorous onlookers by permitting them, one by one, to file by the casket under the surveillance of police officers, a number of whom were hastily summoned to re-enforce those already on the ground. It is estimated that in the course of the day not less than 15,000 people viewed the remains. There could be no doubt as to the identity of the prisoner. At night a watch made up of the dead man's friends kept vigil over the body, while hundreds of people, as if bound by some strange mesmeric spell, still lingered in the silent streets without. On Wednesday the body was taken to Brooklyn, New York, for final interment, accompanied by Mrs. Frank, Rabbi David Marx, and other close family connections.

Governor Harris, in a vigorous statement over his executive signature, boldly denounced the lawlessness which had brought reproach upon the fair name of Georgia, and he also published a proclamation in which he offered substantial rewards for the arrest of the guilty parties, with evidence to convict. He used all the money at his disposal as governor in making these offers of reward. Said he:*

"Executive Department, Atlanta, August 19, 1915.—Whereas, official information has been received at this department that on the night of August 16, 1915, in this state, one Leo M. Frank, a prisoner, held in custody of the state, was violently taken from the hospital of the state penitentiary in Baldwin county, and found dead in the county of Cobb on the morning of August 17, 1915, having met his death at the hands of unknown parties; and, whereas, those engaged in such transactions are still unknown and unapprehended; and, whereas, such conduct is an attack upon our civilization, besides being a gross violation of law, which the dignity of the state and the good name of her people require to be fully investigated and the offenders brought to punishment;

* Files of the Atlanta Constitution, August 20, 1915.

"Ordered, That the secretary of state record and issue a proclamation offering a reward of five hundred dollars each for the first three persons convicted of said offense, for their apprehension and delivery to the sheriff of Baldwin or Cobb county, with evidence sufficient to convict.

"(Signed) N. E. Harris,
"Governor.

"By the Governor:
"Raymond Stapleton,
"Secretary Executive Department."

It is said that the mob was driven to its work of violence chiefly by editorial comments upon the crime from the pen of Thomas E. Watson. These appeared from week to week in Mr. Watson's paper published at Thomson, Georgia. Espousing the cause of the little factory girl, Mr. Watson in a most dramatic vein of appeal, summoned the true manhood of the South to assert its chivalry in vindicating this child's honor. He left no stone unturned in his remorseless crusade against Leo. M. Frank. He indicted the whole tribe of Abraham for conspiring to raise a slush fund and to subsidize public opinion in an effort to snatch from the clutches of the law one whose guilt was as black as Erebus. Traversing every phase of the case, he lashed the state into a frenzy of excitement. The circulation of the Jeffersonian bounded far up into the tens of thousands. On the streets of Atlanta, Augusta, Savannah, and Columbus, great editions of the paper melted like snow-flakes. Eager crowds in the smaller towns of the state met the incoming trains in order to procure copies of the paper on the very minute of arrival.

When Frank's sentence was finally commuted, Mr. Watson turned his batteries upon Governor Slaton, charging him with a betrayal of the people's trust, with a participation in Rosser's fee, with a sale of the state's pardoning power for the golden ducats of rich Jews in New York, and with almost every crime known to the Decalogue of Moses. Such an excoriation of a public official by a newspaper organ was unparalleled in its license, in its venom, in its endless repetition of charges, epithets and denunciations. When Frank's doom was at length sealed by the mob at Marietta, Mr. Watson haloed and bespangled the brow of every man connected with the affair, he extolled the work of the mob, he glorified the lawlessness out of which had come such a triumph for justice; but his onslaught upon Governor Slaton was only intensified—his envenomed arrows began afresh to fall thick and fast. Not a newspaper undertook to defend the former chief executive; not a friend dared to speak for him, though scores of them held commissions to which his signature as governor was attached. It was at this crisis of affairs that Judge Samuel B. Adams, of Savannah, a former occupant of the Supreme bench of Georgia, stepped to the front and sounded a long, clear and vigorous blast for Governor Slaton. Later Editor Thomas W. Loyless, of the Augusta Chronicle, entered the lists as a champion of the ex-governor and made a splendid fight to produce a change in public sentiment. We quote at some length from the card written by Judge Adams, because it traverses the whole case in its legal aspects. Said he:*

* Files of the Atlanta Constitution, September 5, 1915.

"Savannah, Ga., September 2, 1915.—Editor Constitution: I must enter my earnest protest against the wave of vilification that has swept over Georgia, and still survives, against Governor John M. Slaton. I understand perfectly that what I say will be unpopular, but I think that sombeody ought to say some things that I propose to say.

"I have never had the slightest professional, pecuniary, or selfish interest in Frank or his case. I appeared before the prison commission, urging its recommendation of a commutation of his sentence. I also wrote a letter to Governor Slaton on this subject. I was in no sense employed. Nobody has ever suggested employment to me. No client has ever requested me to do anything for Frank. I am aware that every man who has taken the position that Frank's sentence ought to be commuted will have his motives impugned. Men incapable of doing anything from unselfish motives cannot comprehend how anyone can act except under the influence of some selfish or sordid inducement. Judging other people by themselves, they naturally have a poor opinion of these others.

"There has been, and is, an immense amount of misinformation and misapprehension as to the case and the course of Governor Slaton. There are certain facts which it seems to me are indisputable, and to which every fair-minded man ought to give attention and weight.

"Governor Slaton had the power and the discretion to commute the sentence. The constitution of the state provides (section 6481 of the present code) as follows: 'He' (referring to the governor) 'shall have power to grant reprieves and pardons, to commute penalties, remove disabilities imposed by law, and to remit any part of a sentence for offenses against the state, after conviction, except in cases of treason and impeachment, subject to such regulations as may be provided by law relative to the manner of applying for pardons.' This power is broad and comprehensive. It cannot be taken away from the governor, except by a constitutional amendment. The prison commission may investigate applications for executive clemency, but they can only make 'recommendations to the governor regarding the granting of the same.' The governor, and the governor alone, can grant the clemency.

"The existence of the power necessarily implies that the constitution contemplates that it be sometimes exercised; otherwise the provision for executive clemency would be meaningless.

"The commutation of the Frank sentence was, therefore, strictly lawful and regular; was no more an assault, or attack, upon the courts, or the regular and orderly administration of law, than would be the grant of a new trial by a judge. Governor Slaton in commuting was as completely the mouthpiece of the law and as completely the representative of the law as was Judge Hill when he sentenced Frank.

"There is nothing unusual or extraordinary in granting a pardon or a commutation. Governor Slaton's predecessors, including Governor Brown, have all done the same thing, and there was no excitement and no commotion over the exercise of the prerogative.

"The commutation of the sentence to a life imprisonment was in no sense a setting aside of Frank's conviction. Imprisonment for life is one of the two punishments provided by law for the crime of murder. One is as much a lawful punishment as the other. Imprisonment for life

involves a verdict of guilty. The trial jury did not attach to the verdict a recommendation to life imprisonment, and this part only was affected by Governor Slaton's action.

"As there was no eyewitness to the tragedy involved, the trial judge had the discretion to make the punishment life imprisonment. Under his view of the case, he ought to have done this, assuming that he understood that he had the power. Whatever his understanding, the subsequent course, his letter, his remarks to members of his family and to other people show that he thought that he had made a mistake in sentencing Frank to be hanged. His position, by letter and otherwise, meant that he realized that he had made a mistake, and he, in effect, called upon the governor to rectify that mistake by a commutation of the sentence.

"No tribunal has ever said, by its judgment, or otherwise, that it was satisfied beyond a reasonable doubt of Frank's guilt, save only the jury which tried him. I do not think that it can fairly be said that anything like a conclusive, or strong, presumption in favor of the finding of this jury ought to be made under the facts and circumstances. The exact language of the majority of the judges of the supreme court of Georgia, to be found at the conclusion of their opinion, on page 284 of 141 Ga., is as follows: 'We have given careful consideration to the evidence, and we believe that the same is sufficient to uphold the verdict; and as no substantial error was committed in the trial of the case, the discretion of the court in refusing a new trial will not be disturbed.' The supreme court is a court for the correction of errors. The discretion referred to was that of the trial judge. The court could have made the remark that it did make if every member of the court had been satisfied that, if he had been on the jury, he would have rendered a verdict of not guilty. If the court thought that the conviction was based solely on Conley's evidence, and that the weight of the evidence was in favor of the defendant, the court could have made the observation that it did make. The trial judge had grave doubt as to the correctness of the verdict, and ought, in view of his opinion, to have given Frank another trial. The United States courts, that is to say, the district court for the Northern District of Georgia and the supreme court of the United States, did not deal at all with the question of the sufficiency of the proof to justify the verdict. Frank lost his case in these courts on questions of practice and procedure, and there is no expression or intimation from any United States judge on the question as to whether he was guilty or innocent, under the facts.

"I do not, however, propose to go into the question of Frank's guilt or innocence. It is really not germane to the purpose of this communication. I think any lawyer who, with open mind, will read what Governor Slaton has said, will at least conclude that he really and conscientiously had grave doubts of Frank's guilt, and that, therefore, he decided conscientiously.

"Governor Slaton was not disqualified to pass upon the application for clemency. If he had been interested in the Frank case, there would have been no provision of law for anyone else passing upon the application. The laws provide for the appointment of a judge in the place of a disqualified judge. There is no such provision as to a governor. If

he had not acted, the sentence would have stood. Indeed, if newly-discovered evidence of the most conclusive character had been discovered, demonstrating Frank's absolute innocence, no power could have saved him, save Governor Slaton. The petition for clemency, in the recent New York case of Lieutenant Becker, was addressed to the governor, who as district attorney had prosecuted him, and he nevertheless passed upon the application.

"He had never had, as I learn the facts, which seem to be undisputed and indisputable, the slightest pecuniary or professional interest in Frank, or his case. A written statement prepared by those in a position to know the facts shows that in April, 1913, the firm of Rosser & Brandon, composed of Messrs. L. Z. Rosser and Morris Brandon, was employed to represent Frank. At that time Governor Slaton was a member of the firm of Slaton & Phillips. In July of the same year there was a consolidation, in the name of the two firms, the new firm being known as Rosser, Brandon, Slaton & Phillips. As a part of the consolidation, there were two things well understood and distinctly agreed to. One was that neither of the two consolidating firms was to have any interest in the business then on hand of the other firm, including the Frank case. Neither Governor Slaton, nor his partner, was to have, or did have, under the agreement, any interest in the fees in the Frank case. It was particularly agreed that Governor Slaton himself was not to be interested in any future fees of the consolidated firm, and this because he had been elected governor of Georgia. His connection with the consolidated firm and its business was to be in name only. I gather these facts from written statements from those in a position to know, and who only could know. I assume that they are true. I do not doubt their correctness.

"The solicitor general of the Atlanta circuit, Governor Brown and others appeared at the hearing before Governor Slaton for the purpose of urging that no clemency be extended to Frank. If it were thought that Governor Slaton was, for any reason, disqualified, that was the time, in law and in good faith, to make the objection. If a case is submitted to a brother of one of the litigants, without objection, the contestants taking the chances of a favorable decision, they cannot, after the decision, make the objection of disqualification. They are estopped in law and in ethics. As I read the public prints, and as I understand the facts, no objection of this kind was made or suggested. It is not right, therefore, for Governor Brown, or anyone else who appeared in the trial, to make this objection now, or to ring the changes on the suggestion that Governor Slaton and Frank's attorneys were partners.

"I know that he might have respited Frank, and passed the case up to Governor Harris. Had he done this, the very men who now denounce him for passing upon the case would, in this event, have denounced him as a coward. The case occurred during his incumbency of the office of governor. The application was made to him, and he thought that it was his duty to pass upon it. His passing upon it evinced a high order of courage. If he had been less a man, he would have passed the case up to his successor, or he would have permitted Frank to be hanged. A number of people know, as does the writer of this communication, that Governor Slaton realized fully that the commutation of the sentence

would be unpopular, and that it would be better for him, personally and politically, either to respite Frank and let Governor Harris pass upon the case, or decline any relief. We are obliged to believe, therefore, that he did his duty conscientiously as he saw his duty, unless we believe that he was bribed, or was in some way corruptly influenced. No honest and intelligent man who knows Governor Slaton will believe this for a moment, or will even entertain the suspicion that his conduct was corrupt. I know such charges are whispered around, and hints and innuendoes by men of prominence, who ought to be above this reckless injustice, have given circulation and color to these slanderous reports. But if a man were to charge in the public prints bribery or other corruption, and he were prosecuted criminally for libel, as he ought to be, he would not be able to furnish a scintilla of evidence to justify or excuse the charge. I, of course, do not know this, of my own knowledge, but I do know Governor Slaton, and I know that there is nothing in his record, or his life, that could give even the slightest excuse, or extenuation, for such charges. He has always enjoyed the highest reputation for personal and professional probity. He would be the veriest fool in the world, without reference to motives or conscience, to listen to any improper overture. He would not have even the poor excuse (which is, of course, no excuse at all), of financial necessity or stress. If any man is willing to make a charge of this kind against Governor Slaton, he ought to prosecute him criminally. The penal code is full and complete, and gives ample legal basis for the prosecution, if any ground exists in fact. The truth is, no intelligent man really believes the charge.

"If Governor Slaton is to be visited with opprobrium for what he did, then every man who urged, or requested, that he commute the sentence ought to at least share in this opprobrium. Under the penal law, a man who counsels a crime is an accessory before the fact, and is equally guilty with the principal and equally punishable. I have taken the trouble to learn the names of a large number of those Georgians who urged clemency before the prison commission or the governor. The immense record on file at the capitol indicates that more than ten thousand Georgians in all asked that the sentence be commuted. All classes were represented, and largely represented professional men, business men, working men, a very large number of officials and a very large number of prominent men all over the state. Among the prominent individuals are ex-Justices of the Supreme Court Andrew J. Cobb, of Athens, and Spencer R. Atkinson, of Atlanta; Judges Pottle and Powell, formerly of the court of appeals; Major Cumming, Major Black, Boykin Wright and W. K. Miller, of Augusta; a majority of the Savannah bar, and a large proportion of the Atlanta bar, including such men as Colonel Brewster and Mr. Heyman, law partners of the solicitor general; A. C. King, Robert C. Alston, J. J. Spalding, Hollins Randolph, Z. D. Harrison, Hooper Alexander and a large number of others. Judge Pardee, of the United States court of appeals, is also among the number. A large proportion of the Macon bar recommended the commutation, including such men as Judges A. L. Miller and William H. Felton and Joe Hill Hall, also Judge Joel Branham of Rome. Almost every community in the state was represented. A very large number of the clergy of the state, including Bishops Candler, Nelson and Reese, and Dr. John

D. Mell are represented. Several hundred bank presidents and officials united in the petitions. A very large number of working men signed petitions. I know that ten thousand form only a small per cent of the population of Georgia, and believe that it is safe to say that a large majority of the people wished Frank hanged. I also know that it will be suggested that 'Jew money' secured the letters and petitions in Frank's favor; but this is childish. Certainly, to a large number of these men, their record and standing ought to guarantee (and will guarantee to every fair-minded man) that they were honest and conscientious, and that their letters represented their real sentiments. I insist, however, that if a crime has been committed by Governor Slaton every man who recommended the commutation is a particeps criminis and that it is not fair to saddle the odium on Governor Slaton alone. If the Marietta mob, or any other mob, proposes to deal with Governor Slaton personally, they ought also to give their attention to those of us who asked for the commutation.

"A recent edition of The New York Sun, a paper noted for its accuracy and its high standards, has an interview with Senator Hoke Smith, in which the senator is credited with these words: 'I tell you that, if I had been in Slaton's place, and had had a doubt of Frank's guilt, I would have done as Slaton did if they lynched me for it.' These are manly words, particularly as they come from a speaker who is neither a personal nor a political friend of Governor Slaton's. I notice that Governor Brown, in a communication published in The Macon Telegraph, protests that he is both a personal and political friend. I think it clear that Governor Slaton's opponent has been infinitely more fair and manly than has this professed friend.

"Governor Slaton had a very serious doubt of Frank's guilt, as have a large number of men who have carefully examined the evidence as reported in the printed record. Many of these men, of first-class ability, have come to the conclusion that Frank was innocent. Governor Slaton has given good reasons for these doubts, and in view of his convictions, his course was right and honorable and manly. With such convictions, his course would have been despicable if he had permitted Frank to be hanged.

"Frank has been hanged by a lawless mob, taken from a prison of the state, when the men in charge must have known that the lynching was brewing. He was taken without resistance from the men in charge, and no one of the state's epresentatives was hurt, or took the slighest risk of being hurt. A foul blot has been put upon the state which it will take many years to remove. Not only has the state been discredited and disgraced, but great business and material harm has come to the state, and will continue to come. Instances of a pronounced sort might be mentioned to illustrate this harm. Those who wished Frank lynched and contributed by their talk and their newspaper articles to his end, ought to be satisfied with his blood, and ought now, with reason restored, stand for law and order and decency. It is no longer a question in Georgia of Frank's guilt or innocence, or of the wisdom or unwisdom of the decision of the governor. It is a question between law and lawlessness, between civilization and anarchy. Any man who now, by reckless or careless speech, increases the feeling against Governor Slaton, or

encourages his vilification, or the threats against him, forfeits the name of a good citizen and feeds the fires of lawlessness.

"There is no special reason why I should come to the defense of Governor Slaton. I am under no obligation to him. There is no special intimacy between us. I do not live in the same city. But his detractors and vilifiers have had their way long enough. It is high time for his defenders to say something in his behalf, particularly those who urged that he make the decision that he did make. I cannot myself, consistently with my sense of duty and right, remain silent longer. Hence this communication.

"SAMUEL B. ADAMS."

We have reproduced this letter in justice to a governor who undoubtedly acted from conscientious motives in commuting the sentence of Leo M. Frank. But we have not espoused his cause with an unmixed feeling. There is something inherently fine in the passionate desire of a people to keep inviolate the honor of womanhood and to visit swift punishment upon a wretch who dares to stain the purity of a child's life—to sully an immaculate bud of innocent young girlhood, even though she be clad in plain homespun and forced to earn her daily bread in a sweat-shop. We are constrained to do honor to the sentiment which respects virtue, be it a magnolia on a mountain top, or only a lily of the valley. Innocence wherever we find it—whether in lofty or in lowly station—whether in castle or in cabin—is born of heaven's own native air and its home is above the stars. But race prejudice befits no one in this enlightened age of the world, least of all does it become those who accept the philosophy and profess the religion of the Man of Galilee. Nor, to vindicate the boasted chivalry of our Southland, is it needful for us to asperse the good name of our state, to trample upon the safe-guards of law, to wage war upon established forms of procedure, and to offer violence to principles which, older than Runnymede or Hastings, are rooted in the divine thunders of Sinai. We cannot take the law into our own hands without teaching anarchy at our own firesides and planting dynamite underneath the ancient bulwarks of our free institutions. As for Governor Slaton, he can turn in his retirement to the consolations of history. The martyrs who were sacrificed in the arena were afterwards aureoled in the cathedrals of Rome. Popularity is something to be desired. But public opinion is not always a sure criterion. Its decisions are often reversed; and no fixed value can attach either to its censure or to its praise. The base metal of today may be the pure gold of tomorrow. An important factor in the problem of human life is patience. Governor Slaton can well afford to lose the toga which he is said to have long coveted. But he cannot afford to be governed, either in his public or in his private life, by anything except the purest and best motives, and if he has been actuated by these he can snap his finger at his critics and appeal his case with confidence to the mellow wisdom of a riper time and to the final judgment of a higher court.

CHAPTER XXXVII

GOVERNOR HARRIS CALLS AN EXTRA SESSION FOR NOVEMBER 3, 1915—STRATEGY OF THE PROHIBITIONISTS TO DEFEAT THE ANTIS—GEORGIA'S DRASTIC NEW PROHIBITION LAW—CLUB LOCKERS AND NEAR BEER SALOONS RECEIVE A DEATH WARRANT—MAY 1, 1916, FIXED AS THE TIME FOR THE NEW MEASURES TO GO INTO EFFECT—CEREMONY OF SIGNING THE FOUR BILLS—LEADERS IN THE REFORM MOVEMENT—THE W. AND A. COMMISSION IS CREATED—TO CONSIDER TERMS AND CONDITIONS OF A NEW LEASE OF THE STATE ROAD—PERSONNEL OF THE COMMISSION—OTHER MEASURES ENACTED—DEATH OF JUSTICE JOSEPH R. LAMAR, OF THE U. S. SUPREME COURT—SUBMARINE WARFARE AGAIN PRECIPITATES AN INTERNATIONAL CRISIS—THE ANCONA—THE PERSIA—PRESIDENT WILSON'S FIRM STAND—AUSTRIA BROUGHT TO TERMS—STRAINED RELATIONS WITH GERMANY THREATEN A RUPTURE BUT THE DANGER PASSES—STONE MOUNTAIN DEDICATED AS A CONFEDERATE MEMORIAL—COLOSSAL FIGURES TO BE CARVED IN THE LIVING ROCK—THE SCULPTOR'S DESIGN.

When the Legislature adjourned, late in the summer of 1915, after a most exciting fifty-day session, it left an unfinished docket on which many important measures were pending. One of these was the general appropriations bill to provide for the necessary current expenses of the civil establishment. It was probably the first time within the memory of men living that a Legislature in Georgia had failed at its first session to provide for the state's proper maintenance, covering the biennial period of its own legislative life; and this critical situation, in the very nature of things, foreshadowed an extra session. The prohibitionists of the House were, in this instance, the obstructionists, who refused to permit a general appropriations bill to pass. It was in retaliation upon the anti-prohibition minority, whose obstructive tactics, earlier in the session, had prevented a passage of the several prohibition bills. The majority faction thus forced an extra session feeling that, while it entailed a heavy expense upon the state, this course was justified by an overwhelming sentiment of the people of Georgia whose best interests were involved. But, in forcing an extra session, the prohibitionists were careful to fix the ultimate responsibility upon the antis who, though constituting only a small minority faction of the House, had successfully thwarted the will of the people, by means of a filibuster skilfully organized and maintained.

It was some time, however, after the adjournment of the Legislature before Governor Harris issued his call for an extra session, as he did not wish to disturb business conditions throughout the state and was anxious for an ebullient situation to subside into a settled calm. He also wished

time for reflection upon the matters properly to be included in such a call, since the deliberations of the general assembly were to be restricted to the topics specified therein. Accordingly, on September 28, 1915, Governor Harris issued his proclamation, calling the Legislature to meet in extra session on November 3d, thereafter. He explained that no provision had been made for maintaining the several departments of the state government and the various institutions of the state, all of which at the expiration of the current year would be without support. At the same time, he indicated as follows the various topics of legislation to which the business of the session was to be restricted. (1) Appropriations—general, special, and deficiency; (2) Prohibition; (3) Western and Atlantic Railroad Leasing Commission; (4) State cotton ware-house bill; (5) Revision of the state game laws for the protection of the shrimp and prawn industries of the coast counties; and (6) Revision of the state automobile license tax law.

Governor Harris, in his strong inaugural address, delivered at the preceding session, had left no doubt in the public mind as to his views on prohibition. The inclusion of this subject, therefore, in the call for an extra session was anticipated. At the time fixed, the Legislature met. Without much ado, a general appropriations bill was passed. There was manifest from the start an eagerness on the part of the prohibitionists to clear the deck for action in what was to be the real tug of war. Nor were the antis—fresh from immediate contact with the people—disposed to pursue further a policy of obstruction, realizing the futility of resistance, in the face of a majority sentiment so pronounced. Interest quite naturally centered in the House, where the proportion of antis was much larger than in the Senate. There developed some minor points of divergence between the prohibitionists themselves, which the antis were not slow in turning to advantage; and since a prohibition law of some kind was a foregone conclusion some of the antis supported the more conservative measures known as the Fulbright-Eakes-Walker substitutes in preference to the more drastic remedy proposed in what was known as the Stovall-Hopkins-Mangham bills.

But radical action was demanded. On the part of a resolute majority, conscious of its power, there was no disposition to compromise. Even a proposition to submit the question to a direct vote of the people went down under an avalanche of negatives. In the end, therefore, the extreme measures advocated by the radical prohibitionists were enacted. There were four bills in all; (1) the basic prohibition bill, to make clearer the laws of Georgia heretofore enacted to prevent the manufacture, sale, or use of intoxicants within the state limits and to prevent evasions and violations thereof; (2) the anti-shipping bill, to prohibit common carriers from bringing intoxicants into the state; (3) the anti-advertising bill, to stop all publications, whether by newspapers, circulars, or letters, soliciting liquor sales within the state; and (4) an act repealing all laws authorizing or prescribing a tax upon substitutes for intoxicants.

On November 16, 1915, the signature of Governor Harris was formally affixed to the four above mentioned bills, in the presence of a deeply interested group of spectators. Four separate pens were used in giving the executive sanction to these measures. The ceremony over, these pens were distributed as follows: one to Senator A. J. Stovall, of the Thirtieth; one to Senator Mangham, of the Thirty-eighth; one to Representative Hopkins, of Thomas; and one to the superintendent of the Anti-Saloon League, Dr. G. W. Eichelberger. The prohibition leaders in the House included, besides these: Messrs. Sheppard, Beck, Culpeper, Knight, Evans, Dickerson, Shipp, Anderson of Jenkins, Ayer, Edwards, and Yeomans. Conspicuous among the leaders of the conservative wing was Henry J. Fullbright, of Burke, chairman of the committee on appropriations. Citizens prominent in advocating these bills before the legislative committee were: Thomas B. Felder, whose leadership in directing the fight was recognized on all sides; W. Woods White, W. S. Witham, Eugene C. Callaway, and others, all of whom were vigilant, resourceful, tireless, in behalf of a dry state, free from the blighting curse of the liquor traffic.

These prohibition bills put a brand of outlawry upon all club lockers and near-beer saloons, and fixed May 1, 1916, as the date when the drastic provisions of the new law should become effective. Under its special exemptions a person was permitted to receive in his home one-half gallon spirituous, one gallon vinous, or six gallons malt liquors, in thirty days. Express companies delivering these intoxicants were required to take the consignee's sworn statement that, in each instance, the liquor delivered was for his personal use, that he was not a drunkard, and that he had not received an allowance within thirty days of the delivery in question. This sworn statement was to be filed with the ordinary for inspection, and any effort at deception or subterfuge was to be heavily punished. Officials of the state failing or refusing to enforce the requirements of these acts were also subject to certain penalties.

The famous prohibition law of 1907 had been in many parts of the state a practical nullity for nearly a decade; even whisky was openly sold in brazen defiance of the law, in some localities; clubs without number were organized for no other purpose than to provide lockers for social drinkers; while near-beer saloons, in the populous centers of the state, became as thick as the proverbial hops themselves. But, under the new prohibition law enacted at this extra session, Georgia has since become as dry as the great Desert of Sahara, without an oasis anywhere on the broad horizon.

Next in point of interest, but the last measure to be enacted, was a bill creating the Western and Atlantic Commission, to consider terms and conditions looking to a release of the state's property, when the present lease terminates on December 27, 1919. The commission was given full power to act in the matter. It was furthermore directed to inquire into the feasibility of extending the state road to deep water and to submit a report thereon to the general assembly, not later than June, 1917, but, if possible, by June, 1916. The commission was to be constituted as follows: Gov. Nat E. Harris; Hon. C. Murphey Candler, chairman of the Railroad Commission; Hon. Judson L. Hand, of Pelham; Hon. G. Gunby Jordan, of Columbus; and Hon. Fuller E. Callaway, of LaGrange. In addition, Hon. Wm. A. Wimbish, of Atlanta, was designated to act as special attorney to the commission. All of the appointees readily agreed to serve, except Mr. Callaway, in whose place, Hon. E. A. Copeland, of Greensboro, was named.

Late in the fall of 1916, Mr. Hand died. To succeed him, the gov-

ernor appointed Hon. St. Elmo Massengale, of Atlanta, who had so ably managed his campaign in 1914 and who had rendered valiant service to the democracy of Georgia as secretary of the state executive committee. The present twenty-nine-year lease of the state's property to the Louisville, Chattanooga and St. Louis Railroad nets the state $35,000 per month, or $420,000 per annum. It is not unlikely that the new lease will be made on terms much more advantageous to the state, as the property has greatly increased in value since the old lease was negotiated. The representative Georgians constituting the commission are all men of affairs, who will bring to the problems involved a symposium of wise counsels. Mr. Candler is perhaps the best posted man in the state on all matters pertaining to the state road; and there were not a few members of the general assembly who strongly favored a reference of the whole matter to Mr. Candler, knowing that as a good business man, an upright official, and a skillful railroad expert, he could be relied upon to make the wisest disposition of the lease; but Mr. Candler would have been the last man in Georgia to have agreed to such an adjudication. At any rate his services will be of priceless value to the state in this connection; and whatever the commission's action may be it will doubtless bear the impress of Mr. Candler's mind and heart. While the Western and Atlantic commission bill was still pending, Mr. Candler, Hon. Hooper Alexander, and Hon. Wm. A. Wimbish, all addressed the Legislature by invitation.

Besides appropriating funds to meet the general expenses of the state government for the years 1916 and 1917, the Legislature at its extra session also enacted measures protecting our shrimp and oyster industries on the coast, and prescribing a graduated scale of licenses for automobiles. The only measure included in the governor's call, not enacted at this session, was one providing for a state warehouse; but the demand for legislation on this line was temporarily met by a resolution introduced by Senator John D. Walker, appointing a joint committee to prepare a bill for introduction at the next regular session. On this committee were appointed: Senators Walker, Mangham and Wrenn; and Representatives Jones, of Coweta, Stewart, of Coffee, Shipp, of Colquitt, Roberts, of Hall, and Taylor, of Washington.

On January 2, 1916, Georgia was bereaved of an illustrious son in the death of Justice Joseph R. Lamar, of the Supreme Court of the United States. Mr. Lamar, though a life-long democrat, had been elevated to this high office by President Taft, a republican, the latter, while a guest of the City of Augusta, having conceived a profound admiration for Mr. Lamar's extraordinary gifts, especially for his rare judicial poise and balance of mind and for his beautiful symmetry of character. Later, President Wilson, likewise impressed by the abilities of Mr. Lamar, appointed him a commissioner to attend a conference at Niagara Falls between representatives of the Mexican and United States governments. Mr. Lamar's body was brought to Georgia for burial in the city cemetery at Augusta, where many of his kindred sleep.

Relations between this country and Austria, already severely strained by developments of the European war, were still further embarrassed by a sea tragedy which occurred early in November, 1915, when an Italian steamer, the Ancona, plying between Naples and New York, was

sunk at sea, while en route to the latter port. It was the fiendish work of a submarine flying the Austrian colors and was an act of retaliation visited upon Italy for having joined the allies. Out of 582 persons on board only 270 survived the disaster, and of those who perished in the frightful holocaust 27 were Americans. The vessel was sunk in Mediterranean waters. It could not be contended, in this instance, that the unfortunate vessel was carrying contraband supplies to the enemy, for it was going in an opposite direction. It was unarmed and it carried defenseless women and children on board. Excitement over the affair became tense; but an unequivocal note from Washington brought the proud Austrian government to terms. Not only was an apology forthcoming, but a substantial basis of settlement agreed upon, and the end of the year found the affair a closed incident.

But scarcely was announcement made of this settlement before the American public was again horrified by a similar atrocity upon the high seas. This time it was the Persia, a British steamship, whose passengers were sent to the bottom. There were 300 lives lost in this tragic affair. Among these was Robert N. McNeely, an American citizen, lately made consul at Arden, in Arabia. It was thought to be the murderous work of an Austrian submarine, but positive proof to this effect was lacking. There was no warning given the passengers—nothing whatever in the way of extenuating circumstances. President Wilson hastened to quiet the existing agitation by announcing his purpose to institute at once a rigid investigation and to fix the responsibility where it properly belonged.

Due to the work of German agitators in this country it began to look at one time as if a rupture of diplomatic relations with the fatherland were imminent; but the Berlin government, anxious to preserve friendship with the United States, adopted a conciliatory attitude, and what threatened to be a serious crisis was thus happily averted. Mr. Wilson's note of warning to Berlin was unequivocal. He was equally firm in demanding of England a proper respect for established rights governing international trade and commerce on ocean waters.

Impressive exercises formally dedicating Stone Mountain as a gigantic memorial to the Southern Confederacy were held at the base of the mountain underneath the perpendicular walls of its eastern declivity on May 20, 1916, at which time the address of the occasion was delivered by Hon. Emory Speer, judge of the United States Court for the Southern District of Georgia. Judge Speer's address was a magnificent effort, delivered in a style characteristic of the great orator. He wore on this occasion a handsome suit of Confederate gray. Mr. Gutzon Borglum, the sculptor, also spoke. It is Mr. Borglum's plan to carve colossal figures into the living rock of the mountain, midway between base and summit, on the precipitous side, and to produce a work of art surpassing the far-famed Lion of Lucerne in Switzerland. If he carries out this design Stone Mountain will become one of the wonders of the world, and an object of international interest to tourists. Forrest Adair, Esq., who acted as master of ceremonies, presented to the vast audience Gen. A. J. West, who, in turn, introduced the speaker of the day, performing this duty in an eloquent manner. The weather was ideal. Conservative estimates placed the number in attendance upon the exercises at 5,000.

Seats on an elevated platform, in full view of the mountain, were provided for the speakers and for a limited number of distinguished guests, but all the rest stood. There was a gay mingling of patriotic colors on the platform. Confederate flags galore rippled to the breeze but along with the Stars and Bars fluttered Old Glory.

The idea of converting Stone Mountain into a Confederate memorial was first suggested by Wm. H. Terrell, Esq., a member of the Atlanta bar. It was afterwards advocated with great power by Hon. John Temple Graves, editor of the New York American, a former distinguished resident of this state and one of the nation's foremost orators. Widespread interest was aroused in the project. It gripped the popular imagination with tremendous force. There was something fairly inspirational in the proposition to devote this huge monolith of gray rock to the memories of a lost cause—its appropriateness was obvious at once and to all. The use of the mountain for memorial purposes was generously donated to the United Daughters of the Confederacy by Samuel H. Venable, Esq., acting for himself and for the heirs of his deceased brother, the late William H. Venable. He also conveyed to this same organization a tract of land to be held and improved as a park appurtenant to the huge memorial.

On the platform, during the exercises, there sat a little white-haired woman to whose unremitting activities the success of the movement was largely due. This was Mrs. Helen M. Plane, president of the Atlanta Chapter of Confederate Daughters. At the age of eighty-six, Mrs. Plane is both a dynamo of electrical energy and a marvel of enthusiasm, and her labors in behalf of the cause have been ceaseless. She has not only, with her own hand, written hundreds of letters, but from the rostrum has addressed great public assemblies in the interest of this project until, fired by the contagion of her spirit, whole communities have caught the inspiration of her dream. The total cost of the memorial will not be less than $2,000,000. It will take at least ten years to complete this magnificent work of art, as planned by the sculptor. But Mr. Borglum is still a comparatively young man. He expects to consecrate his genius to this great enterprise and to make it his life's work. It is to be hoped that Mrs. Plane will be graciously spared to witness the completion of this great memorial; and that, when the people of Georgia are once more assembled, to look upon the finished work of the artist, at the base of Stone Mountain, the rare scene will find its culminating beauty in the presence of this gentle daughter of the South.

CHAPTER XXXVIII

IMPORTANT MEASURES PASSED BY THE LEGISLATURE AT ITS SESSION IN 1916—COMPULSORY EDUCATION AT LAST WINS—WOMEN ALLOWED TO PRACTICE LAW—AUTHORITY CONFERRED ON THE W. AND A. COMMISSION TO EXTEND THE STATE ROAD TO DEEP WATER—THREE NEW JUDGESHIPS CREATED FOR THE COURT OF APPEALS—THE NEW TIFTON CIRCUIT—STATE HIGHWAY COMMISSION BILL PASSES—MEMBERSHIP OF THE COMMISSION—MILITARY LAWS REVISED—STATE AUDITOR'S REPORT—EFFORTS TO REPEAL THE TAX EQUALIZATION LAW FAIL—SEVERAL NEW COUNTY MEASURES MEET DEFEAT—THE NEILL PRIMARY ELECTION BILL VETOED—THE PROHIBITION ISSUE REAPPEARS—MR. FELDER IS STABBED IN A PERSONAL DIFFICULTY—WILLIAM HURD HILLYER, AT THE HEAD OF A SYNDICATE, PROPOSES TO EXTEND THE STATE ROAD TO DEEP WATER—SAVANNAH AND BRUNSWICK RIVALS FOR TERMINAL HONORS.

On June 28, 1916, the Legislature convened for its second regular session. There was an abundance of work on hand for the Georgia lawmakers, including not only new measures to be considered but a number of important bills brought over from the session of 1915. One of these was a compulsory education bill, under which all children between eight and fourteen years of age were required to attend some school or else to pursue a course of study in the elementary branches at home, for at least four months in the year. The bill which finally passed the two Houses and received the governor's approval was not the bill originally introduced but a compromise measure adopted at the last moment to save its essential features and to make a beginning in the way of compulsory education in Georgia. Thus was a most persistent crusade at last successful. After repeated failures and reverses, extending back over a period of ten years, there was at last a fairly good law on the statute books, enough to wipe out the stigma of illiteracy, if enforced by the state authorities. Georgia was finally committed to the principle of compulsory education. This in itself was a great victory gained. The strengthening of the law could well be left to future general assemblies. The Yeomans bill, a sort of companion measure, was also passed, empowering county school boards to furnish text-books to children, either at cost, for a small rental, or gratis, as the exigencies of the individual case warrant.

Still another persistent crusade bore fruit at this session in the passage of a bill permitting women to practice law in the courts of this state, on an equality with men. However, the principle of equal suffrage was not recognized. There has hardly been a session of the Legislature for a decade at least when a female lawyer bill has not been introduced;

but usually it was slaughtered in committee and only in a single instance did it die gloriously on the battlefield of argument in either house. The debate was well spiced with wit. On both sides there was a great outpouring of eloquence, in addition to which nearly every member availed himself of the three-minute rule to explain his vote; but no sooner was victory in sight for the crusading reformers than many who had spoken against the bill, in the earlier stages of the debate, hastened to plant themselves under the banners of the gentler sex.

Authority was conferred by a special act upon the Western and Atlantic Commission to extend the state's property to the sea, either by building a new line or by purchasing a line already built and to lease when completed the entire line, from Chattanooga to deep water. However, a companion bill, to submit to the people a constitutional amendment authorizing a bond issue of $10,000,000 to cover the estimated cost of extension, failed of enactment. Also an amendment offered by Speaker Burwell, providing for an outright sale of the state's property, met a similar fate. But a bill was passed authorizing the secretary of state to issue charters to electric and gas interurban railways, with the proviso that no charter should be granted to any road to parallel the Western and Atlantic.

There was also passed at this session a bill to create three new judgeships for the Court of Appeals, increasing the numerical strength of the bench to six members; also a bill creating the Tifton circuit in the Superior Court system.

But the chief interest of the session centered in the debate on a bill to create a State Highway Commission. Especially was such a measure vital at this time, in view of the recently enacted Federal law appropriating $85,000,000 to be apportioned among the various states in road building, of which Georgia's share through a ten-year period would be approximately $2,000,000. To secure this aid from the Federal Government, the creation of such a board was a necessary prerequisite, a condition precedent. There was much opposition to be overcome, however, despite the urgent reasons calling for legislation of this character, and despite the fact that $38,000, or the first year's installment, was immediately available, under the terms of the Federal act.

Something like ten bills were introduced. Besides, there were any number of amendments proposed. At a public meeting held in Atlanta, prior to the assembling of the Legislature, at which meeting many leaders were present prominent in a state-wide movement for good roads, a bill was drafted of which Representative S. M. Turner, of Brooks, became sponsor in the House. However, it proposed a commission which a majority of the lawmakers deemed too expensive. The rural element opposed it almost to a man. Accordingly, the bill was rejected. Finally, after a battle extending over two weeks, both Houses agreed upon a State Highway Commission to be composed of the present State Prison Board, with two engineering experts, already in the service of the state, one from the State University at Athens and one from the Georgia School of Technology in Atlanta. At a subsequent organization of the State Highway Commission, Hon. T. E. Patterson, of the State Prison Board, was elected chairman.

It was necessary at this session, as in a number of preceding ones, to

enact a military law designed to meet the requirements of the Federal statutes. Such a measure became obligatory at this time by reason of the Federal defense act, passed by Congress in June 1916. Two new state examining boards were also created at this session, one a state board of osteopathic examiners, the other a state board of electrical examiners. There was also a revision of the state's fish and game laws. Moreover, at this session, there was passed, after a hard fight in both Houses, a constitutional amendment to put solicitors-general on a salary basis, thus eliminating the vicious fee system, which had often proved abortive to the ends of justice, while giving to certain individuals an undue compensation. There was also enacted a measure requiring grand juries to inspect privately conducted institutions, of an eleemosynary, philanthropic, or denominational character. So called "popularity" or "beauty" contests were also forbidden, much dissatisfaction having been aroused over the state by these affairs, which had not only engendered bitter rivalries but had become a positive nuisance to business men.

One of the sensational developments of the session was the report of Special Auditor Metz, disclosing loose methods of bookkeeping in some of the state departments. There was not a penny of the state's money lost, according to these disclosures; but the report clearly demonstrated the necessity for a permanent auditor. In fact, the discovery of irregularities, during the year previous, on the part of subordinates employed by the keeper of public buildings, was the immediate cause for instituting a general inquisition. But, when a bill creating a permanent auditor came to a vote on the last day of the session there were some who balked at the scare-crow of an extra salary, and to save a few paltry dollars, therefore, an investment of millions was left unprotected—another instance, in our legislative history, "of penny wise and pound foolish."

Dissatisfaction over the existing tax equalization act expressed itself in a bill introduced at this session to repeal the act passed in 1913; and it failed of passage by only a narrow margin of votes.

Several new county bills were introduced only to meet defeat, including propositions to create Peach, Atkinson, Treutlen, and Phil Cook counties. An effort to remove the state capitol to Macon failed to develop any alarming strength, though early in the session it created a flurry of dust, and brought a carload of Maconites to Atlanta to dance attendance upon the committee on constitutional amendments. The bill was approved by this committee and was placed on the calendar by the rules committee of the House, but it was afterwards tabled by a vote so discouraging to the friends of the bill that no further effort was made to bring it to a passage, and it died, therefore, with other pending measures, when the Legislature adjourned.

However, there was one important measure which passed both Houses only to receive the governor's disapproval. This was the Neill primary election bill, the purpose of which was to prevent contests in a state convention by providing for a second primary in cases where candidates before the first primary failed of election. This was considered by many of its friends to be the most vitally important measure introduced during the session. But Governor Harris did not view it in this light. On the contrary, he considered it an unnecessary expense put upon individual candidates, already burdened by the cost of the first primary election.

Accordingly, he vetoed the bill; but, in doing so, he exposed himself to an avalanche of criticism and alienated by this executive act a number of hitherto warm supporters.

The prohibition issue was injected into the deliberations of the session by a bill providing for an ordinary's fee in cases where receipts were recorded of liquor shipments, under the prohibition law. It also came to the surface in a bill which provided for an election to recall Savannah's "dry" mayor. This measure died a natural death, in both Houses, but growing out of the agitation which it caused, in committee rooms and in newspaper articles, Mr. Thomas B. Felder, one of the recognized leaders in the state-wide prohibition movement, was stabbed in a personal difficulty, which occurred in one of the Atlanta hotels. But the Savannah delegation in the general assembly was acquitted of any connection whatever with this affair.

Soon after the adjournment of the Legislature both Savannah and Brunswick began to bestir themselves in an effort to capture the terminal honors to be awarded by the state in the event of an extension of the Western and Atlantic Railroad to deep water. Each of these towns, through various channels of expression, official and unofficial, declared its willingness to defray the cost of an extra session of the Legislature, should one be called for this purpose; but the principle involved in such a precedent is undoubtedly pernicious. At least the wisdom of permitting any town or city, for the purpose of serving its own local interests, to finance a session of the Legislature, is open to grave question, if not to emphatic condemnation. But Governor Harris proceeded at once to put a quietus upon the matter by stating, in unequivocal language, that he would not call an extra session for the purpose in question.

Another interesting development was the offer of a syndicate, headed by William Hurd Hillyer, of Atlanta, proposing to extend the Western and Atlantic Railroad to deep water and to accept in payment for same the state's six per cent bonds for $10,000,000. Hon. Hooper Alexander, United States district attorney for the Northern District of Georgia, and a strong advocate of extension, appeared before the Western and Atlantic Commission in advocacy of Mr. Hillyer's proposal. But the matter is still pending as our history goes to press.

CHAPTER XXXIX

THE GUBERNATORIAL CAMPAIGN OF 1916 OPENS—GOVERNOR HARRIS A CANDIDATE FOR RE-ELECTION, BUT THE POPULARITY OF MR. DORSEY BECOMES A SHADOW ACROSS HIS PATH—DR. HARDMAN AGAIN ENTERS THE FIELD—HON. J. E. POTTLE BECOMES A CANDIDATE—BUT THE RESULT A FOREGONE CONCLUSION—DELEGATES TO THE NATIONAL DEMOCRATIC CONVENTION IN ST. LOUIS CHOSEN—PRESIDENTIAL ELECTORS NAMED—DIFFICULTIES WITH MEXICO—GEORGIA'S QUOTA OF TROOPS FURNISHED—CAMP HARRIS—HON. ROBERT HODGES SUCCEEDS JUDGE RUSSELL ON THE APPELLATE BENCH—DEATH OF JUDGE J. H. LUMPKIN OF THE SUPREME COURT—HON. S. P. GILBERT HIS SUCCESSOR—IN THE PRIMARY ELECTION MR. DORSEY SWEEPS THE STATE—J. J. BROWN DEFEATS COMMISSIONER OF AGRICULTURE PRICE—GEORGIA'S TWO NEW MEMBERS OF CONGRESS—MR. WILSON PREVENTS A DISASTROUS RAILWAY STRIKE—THE ADAMSON EIGHT-HOUR LAW—THE GUBERNATORIAL CONVENTION—DRAMATIC INCIDENTS—THREE NEW JUDGES ELECTED UNDER ACT ENLARGING THE COURT OF APPEALS—MR. DORSEY GEORGIA'S NEXT GOVERNOR—THE WILSON ADMINISTRATION ENDORSED—SOME OF THE ACHIEVEMENTS OF OUR GREAT DEMOCRATIC PRESIDENT.

Before closing our history let us briefly summarize the political developments of the year. Early in the spring of 1916 opposition to Governor Harris began to crystalize, due to various causes. His approval of the prohibition bill, cost him not a few supporters, especially in the more populous centers, where near-beer saloons and club lockers moistened the arid places. His veto of the Neill primary bill was also unpopular. The pardon of Stribling gave rise to a two-fold opposition: first, on the part of those who favored clemency but resented what they considered an unnecessary delay in the fulfilment of a promise made to the prisoner's little daughter; second, on the part of those who opposed clemency as an unwarranted exercise of the pardoning power, based solely on grounds of sentiment. Despite the fact that, in Governor Harris, the last veteran of Lee's immortal army was occupying the executive chair, there were many who objected to him on the score of his advanced years.

These were the predominant reasons. There were doubtless others of a minor character. It was customary to give our governors the compliment of a re-election, but this precedent did not serve to prevent candidates from disputing his claims. Dr. Hardman, a strong candidate before the people in 1914, was the first to enter the lists. He was an ardent prohibitionist, to whose legislative activities the original prohibition bill of 1907 was, in large measure, to be credited. But, in the opinion of many, Governor Harris was at this time the logical candidate of the prohibi-

tionists, having included prohibition in his call for an extra session and having affixed his signature to the bill which issued therefrom.

Here, then, was a prospective breech in the prohibition ranks, for some of the old guard would undoubtedly support Dr. Hardman; though neither he nor Governor Harris could expect to poll the solid vote. Hon. Joseph E. Pottle, of Milledgeville, solicitor-general of the Northern circuit, and one of the ablest men in the state, was in this connection importuned to enter the race. He deliberated for some time, but settled the matter at last by resigning an office which he had brilliantly filled for a dozen years and putting himself squarely into the fight. He began at once to make a vigorous campaign, the opening speech of which he delivered at Warrenton, the home of his boyhood.

But there was still another candidate for whom the people were calling at this time, whose very name possessed a talismanic charm for the masses. This was Hugh M. Dorsey, of Atlanta. The victory of this brilliant young Georgian in the celebrated Frank case had undoubtedly woven a halo of distinction for his brow and made him the focal center to which the eyes of all were directed. His consummate skill in the handling of this case, throughout all its manifold phases, his unwearied search for evidence with which to convict the assailant of little Mary Phagan, his sacrifice of time, of sleep, and of money, in order to gain this desired end, all tended to make him a popular idol. His name became a household word, not only at the humble fireside of the laboring man, but in the homes of the rich; and such was the demand for his entrance into the race for governor that it swept the state like a prairie fire, rolling from the mountains to the sea.

Engaged in the prosecution of Victor Innes, a notorious defendant, charged with complicity in the mysterious disappearance of the Nelmns sisters, Mr. Dorsey refused to yield to the importunities of his friends until he had first disposed of this important case before the courts; and even then he was provokingly deliberate, preferring to gauge public opinion with accurate scales. At last, the pressure brought to bear upon him became so great and the prospect of his success at the polls so assuring that he finally put himself into the race, and one of the most vigorous campaigns in the history of Georgia was on. Resigning the solicitor's office, which he had made internationally famous, Governor Harris appointed Eb. T. Williams, Esq., to succeed him; but, in the fall primary, John A. Boykin, Esq., was elected for the full term to succeed Mr. Williams. Having put himself actively into the race for governor, Mr. Dorsey entered upon what proved to be literally a "whirl-wind campaign." The central plank in his platform was law enforcement.

It was not until midsummer that the race for governor developed strenuous features. In the meantime, the State Democratic Convention met in Macon to choose delegates to the National Democratic Convention in St. Louis and to name presidential electors. The convention was called to order at 11 o'clock on Wednesday, May [illegible], 1916, by Judge E. J. Reagan, chairman of the State Democratic Executive Committee. St. Elmo Massengale, Esq., of Fulton, was called to the secretary's desk. Without a contest, Hon. Joseph E. Pottle, of Baldwin, was made the convention's temporary presiding officer, and Hon. John W. Bennett, of Ware, its permanent chairman. Both made ringing speeches, eulogistic

of Mr. Wilson, every reference to whom evoked thunderous plaudits. There was no division of sentiment. The convention was a unit in its enthusiasm for the great democratic president; and, after adopting a vigorous platform in which the policies of his administration were given unequivocal endorsement, it was decided by a unanimous vote, on motion of Hon. Albert Howell, of Fulton, to send a double delegation to St. Louis, without alternates, each delegate to be entitled to a one-half vote in the convention. Accordingly, eight delegates at large and four delegates from each congressional district were chosen to represent Georgia at St. Louis and to give the state's undivided support to the great standard-bearer of democracy. Without going further into details, these delegates were:

From the State-at-Large—James R. Gray, of Atlanta; John M. Vandiver, of Rome; Crawford Wheatley, of Americus; William H. Davis, of Waynesboro; W. F. Jenkins, of Eatonton; P. S. Cummins, of Bainbridge; Charles L. Bartlett, of Macon, and Neyle Colquitt, of Savannah.

First District—E. G. Weathers, of Millen; Hinton Booth, of Statesboro; B. G. Tippins, of Bellville, and W. R. Hewlett, of Savannah.

Second District—R. E. L. Spence, of Albany; J. W. Callahan, of Bainbridge; J. H. Tipton, of Sylvester; R. L. Shipp, of Moultrie.

Third District—Walter E. Steed, of Taylor; W. W. Dykes, of Americus; H. A. Wilkinson, of Dawson, and Joe Lawrence, of Ashburn.

Fourth District—Harry C. Fisher, of Newnan; R. E. Dismukes, of Columbus; C. E. Roop, of Carrollton; John H. McGehee, of Talbotton.

Fifth District—Carlos H. Mason and Hollins N. Randolph, of Atlanta; Claude C. Smith, of Fairburn; J. A. Drake, of Union City.

Sixth District—F. H. Johnson, of Gray; J. J. Flint, of Griffin; C. O. Somers, of Barnesville; W. T. Anderson, of Macon.

Seventh District—G. E. Maddox, of Floyd; L. W. Reeves, of Cartersville; W. E. Wood, of Dalton; E. P. Dobbs, of Marietta.

Eighth District—J. H. Dozier, of Athens; Orrin Roberts, of Monroe; R. D. Callaway, of Washington; Parks Skelton, of Hartwell.

Ninth District—John N. Holder, of Jackson; Edgar B. Dunlap, of Gainesville; J. B. Roberts, of Ball Ground; John H. Moore, of Dahlonega.

Tenth District—J. C. McAuliffe, of Augusta; Frank Hardeman, of Louisville; Ben Ohlman, of Sparta; J. E. Johnson, of Sandersville.

Eleventh District—W. R. Frier, of Coffee; W. E. Sirmans, of Waycross; G. C. Edmondson, of Alma; H. J. Quincy, of Ocilla.

Twelfth District—J. S. Adams, of Dublin; A. S. Bradley, of Swainsboro; J. W. Palmer, of Ailey; Emmett Houser, of Fort Valley.

Next the convention proceeded to the choice of presidential electors to cast the vote of Georgia in the electoral college, following the battle of ballots in November. Judge E. J. Reagan, of Henry, and Hon. C. C. Brantley, of Lowndes, were chosen electors from the state at large, while the district electors were named as follows:

First District—R. E. Standfield, Reidsville; alternate, E. A. Cohen, Savannah.

Second District—W. J. Brooks, Colquitt; alternate, C. B. Allen, Moultrie.

Third District—R. L. Tipton, Sylvester; alternate, A. S. Bussey.

Fourth District—C. N. Howard, Cusseta; alternate, O. O. Moore.

Fifth District—L. B. Norton, Lithonia; alternate, T. R. Whitley.

Sixth District—J. B. Jackson, Grays; alternate, T. J. Harding.

Seventh District—C. E. Pierce, Tallapoosa; alternate, J. E. Rosser.

Eighth District—James Williams, Greensboro; alternate, Percy Middlebrooks.

Ninth District—William Butt, Blue Ridge; alternate, Claude Bond.

Tenth District—J. D. Howard, Milledgeville; alternate, George Carswell.

Eleventh District—W. D. Peeples, Valdosta; alternate, J. R. Davis.

Twelfth District—Howard Coates, Hawkinsville; alternate, M. H. Boyer.

Hon. Clark Howell, of Fulton, was unanimously endorsed for national committeeman from Georgia. The only semblance of discord in the convention came from Chatham, where there were two claimants for one of the places in the county's delegation; but this issue was speedily settled by the convention in favor of Neyle Colquitt. The only change in the 1914 rules was to allow contesting candidates five days instead of one in which to file contests. Such was the harmonious character of the convention from start to finish that its entire deliberations consumed less than three hours.

President Carranza, at the head of the de facto government in Mexico, having failed to protect the lives of American citizens or to co-operate with troops sent into Mexico, by mutual agreement, to arrest the murderous Villa, President Wilson, after a salty correspondence, ordered out the national guard. The call was issued on June 18, 1916. Georgia's response was instant. General Joseph Van Holt Nash, the state's adjutant-general, began at once to make the wires hot. Nor was it long before our full quota of troops was at Camp Harris, in Macon, the site selected for mobilization. Less than ten days were consumed in recruiting the various companies up to the required strength. The Georgia troops mobilized at Camp Harris were as follows: the First Regiment of Infantry, Col. John G. Butler, of Savannah; the Second Regiment of Infantry, Col. John A. Thomas, of Macon; the Fifth Regiment of Infantry, Col. Orville H. Hall, of Atlanta; the Second Squadron of Cavalry, Maj. J. O. Seamans, of Atlanta; a troop of unassigned cavalry, Capt. F. P. McIntyre, of Savannah; the First Battalion of Field Artillery, Maj. E. D. Wells; a Field Hospital, under command of Capt. S. T. Holton; and an unattached battalion of cavalry, under command of Maj. H. P. Hunter, of Elberton. Brig.-Gen. Walter A. Harris, of Macon, senior field officer of the National Guard in Georgia took general command, with Maj. M. J. Daniel, of Griffin, in charge of the mobilization camp at Macon. But while the state was prompt in responding to the president's call for troops, the situation on the border became less menacing, when Mexico was made to realize that the government at Washington was ready for drastic measures. It was not until the last of September that even a small detachment of these troops was ordered to the Rio Grande. This was the First Battalion of Field Artillery, under Maj. E. D. Wells. Later, however, two regiments followed.

During the summer of 1916 there occurred a vacancy on the Court of Appeals bench, caused by the resignation of Chief Judge R. B. Russell, who surrendered his commission at this time to enter the race for Congress

in the Ninth District. Judge Robert Hodges, of Macon, an able jurist, was named by the governor to succeed him as a member of the court, while Judge Peyton L. Wade automatically became chief judge, since he then held the oldest commission, though he had worn the ermine for less than two years. On September 6th, death invaded the ranks of the Supreme Court of Georgia, removing from this exalted tribunal one of its most distinguished ornaments, Judge Joseph Henry Lumpkin. His grandfather of the same name had been one of the first trio of judges to preside over this court and was known in the annals of Georgia as the great chief justice, having served on the bench for twenty-one years. Governor Harris delayed filling the vacant office by appointment until after the state election which was then immediately pending; but in due time he named Judge S. P. Gilbert, of Columbus, a gentleman whose high rank as a jurist caused his appointment to be received with general satisfaction. To succeed Judge Gilbert for the latter's unexpired term, he appointed Hon. George P. Munro, of Marion.

With the approach of the state primary election on September 12th, the contest for governor became increasingly warm; but long before its results were registered at the ballot box the election of Mr. Dorsey was clearly indicated by the political wind currents. When the returns were finally tabulated, his popular vote totalled 106,680, against 70,998 for Governor Harris, 26,693 for Dr. Hardman, and 7,148 for Mr. Pottle. The last named gentleman did not poll a vote commensurate with his real popularity, for the reason that many of his supporters flopped at the last moment to Governor Harris, upon whom the opposition finally centered in a desperate effort to compass the defeat of Mr. Dorsey, whose success had been foreshadowed for weeks. Dr. Hardman, due to a like cause, fell far below the record made by him in the campaign of 1914, though he divided with Governor Harris the support of prohibitionists. The latter, going before the people, soon after the adjournment of the State Legislature, made a number of telling speeches on the stump and gained rapidly in strength as the campaign progressed. But the Dorsey tide was too powerful to be stemmed. The brilliant young solicitor-general not only swept the state but gathered more than 100 counties under his victorious banner. Mr. Dorsey's success, therefore, was most pronounced. It was also a splendid victory for his resourceful and efficient campaign manager, Judge Frank Harwell, of La Grange.

Hon. James D. Price, commissioner of agriculture, was the only state house officer who lost in this election. His successful competitor was Hon. J. J. Brown, of Elberton, but the latter won by a margin of votes so small that the result was for days uncertain. Soon after the primary, Mr. Price was elected to succeed Prof. R. J. H. DeLoach, superintendent of the experiment station at Griffin, the latter having resigned to accept a lucrative offer from the Armour Packing Company, of Chicago, to represent them in a scientific capacity on both sides of the water. Mr. Price announced his intention to serve the state as commissioner of agriculture until January 1, 1917, when Mr. Brown, the commissioner-elect, will doubtless take charge under the governor's appointment, to fill the unexpired term. Messrs. Candler and Perry were both re-elected to the railroad commission, by good majorities, the latter over a former commissioner, Hon. S. G. McLendon. In the race for state superintendent

of schools, Professor Britain won over his competitor, Doctor Keese, but the race was uncomfortably close. Comptroller-General Wright and State Treasurer Speer were both successful by decisive majorities, while Hon. R. E. Davison, chairman of the prison board, far outdistanced his competitors. The other state house officers were unopposed.

There was only one contest which the primary election failed to settle, viz., that for the three newly created judgeships of the Court of Appeals. With fourteen candidates in the field, it was evident from the start that no one would be elected at this time. The candidates before the people were: Messrs. O. H. B. Bloodworth, of Forsyth; Alexander W. Stephens, of Atlanta; W. F. George, of Vienna; Roscoe Luke, of Thomasville; W. F. Jenkins, of Eatonton; John B. Hutcheson, of Ashburn; Henry S. Jones, of Augusta; Henry J. Fullbright, of Waynesboro; A. W. Cozart, of Columbus; M. J. Yeomans, of Dawson; J. J. Kinsey, of Cornelia; George C. Grogan, of Elberton; John M. Graham, of Marietta, and L. P. Skeen, of Tifton. Since the contest for these Appellate Court judgeships was not settled in the primary, it was referred, therefore, to the state convention.

There were two new faces in the delegation chosen this year to represent Georgia in Congress. Hon. J. W. Overstreet was elected from the first district to succeed Hon. Charles G. Edwards, who was not a candidate for re-election. The successful nominee defeated Gen. Peter W. Meldrim, one of the foremost lawyers of the state and a recent president of the American Bar Association, having succeeded in this high office, ex-President William H. Taft. In the twelfth district, Judge W. W. Larsen defeated the incumbent, Hon. Dudley M. Hughes. The other members of the delegation were all re-elected, to wit: Messrs. Park, Crisp, Adamson, Howard, Wise, Lee, Tribble, Bell, Vinson and Walker. Mr. Walker narrowly escaped defeat. His opponent, Judge Wm. E. Thomas, of Valdosta, ran him a close second. Messrs. Adamson and Wise were the only two members of the delegation who were unopposed.

Superior Court judges elected at this time were: W. M. Harrell, judge of the Albany circuit; N. A. Morris, judge of the Blue Ridge circuit; G. H. Howard, judge of the Chattahoochee circuit; M. C. Tarver, judge of the Cherokee circuit; J. R. Terrell, judge of the Coweta circuit; J. L. Kent, judge of the Dublin circuit; W. G. Charlton, judge of the Eastern circuit; W. E. H. Searcy, Jr., judge of the Flint circuit; W. L. Hodges, judge of the Northern circuit; E. D. Graham, judge of the Oconee circuit; Z. A. Littlejohn, judge of the Southwestern circuit; C. W. Smith, judge of the Stone Mountain circuit; B. F. Walker, judge of the Toombs circuit, and E. Eve, judge of the newly created Tifton circuit. There were several interesting surprises among these Superior Court judgeship contests. Hon. Newton A. Morris, of Marietta, who was defeated for the judgeship of the Blue Ridge circuit, in the preceding election, succeeded at this time in ousting Judge H. L. Patterson, of Cumming. Hon. G. H. Howard, of Columbus, a former solicitor-general, defeated Judge S. P. Gilbert, of the same city, for the judgeship of the Chattahoochee circuit, but the latter was immediately thereafter appointed by Governor Harris to a vacancy on the Supreme Court bench. Judge A. W. Fite, of Cartersville, one of the best known judges in the state, who was recently brought into prominence in connection with the Murray County court house affair, went down in defeat at this election. Hon. M. C. Tarver, of Dalton, the successful candidate, was formerly a state senator. Judge Walter L. Hodges, of Hartwell, and Judge Eve, of Tifton, are both new to the Superior Court bench, but are men of high character and intellect, with established reputations at the bar.

What threatened to prove one of the most disastrous strikes in the history of this country, involving an army of more than 400,000 men employed on the various railway lines of the United States, was narrowly averted, early in the month of September, by President Wilson, who undertook to arbitrate a serious conflict between employees and officials. Instigated by the high cost of living, the former demanded an eight-hour day, at the existing rate of compensation for a day of ten hours, with additional pay for extra time employed. Failing by arbitration to settle this dispute and realizing the necessity for immediate action, Mr. Wilson went before Congress in its closing hours and urged the enactment of what has since become famous as the "Adamson eight-hour law," a measure drafted and introduced in the House of Representatives by Congressman William C. Adamson, of Georgia. This measure passed both Houses of Congress, received President Wilson's signature, and became at once effective. It met essentially the demands made by the railway employees, most of whom were satisfied. Word was sent down the line, labor camps were notified, and a national strike scheduled to become operative simultaneously in every part of the United States within a few hours thereafter was happily prevented. There was caustic criticism of Mr. Wilson not only from Republican sources, but in capitalistic centers everywhere, North and South. He was roundly scored for lending the prerogatives of his great office to such a base use and for resorting to the tactics of a highwayman in holding up the American Congress. But the fact remains that Mr. Wilson, by his timely intervention in the matter, averted a colossal disaster. If the strike had taken place as scheduled, traffic would have been tied up for an indefinite period of time, while an endless train of hardships would have ensued. The paralysis to business resulting therefrom would have caused untold suffering, all of which Mr. Wilson clearly foresaw. The railroads have threatened to appeal the matter to the courts, but in the meantime an acute situation has been ably met by a master mind.

On September 26, 1916, the state democratic convention met in Macon and was called to order by the retiring chairman of the state democratic executive committee, Judge E. J. Reagan, of Henry. To preside over the temporary organization, Hon. J. R. Smith, of Fulton, was called to the chair and in an eloquent speech this veteran leader of democracy in Georgia sounded the convention's key-note. Hon. J. J. Flynt, of Spalding, was then elected permanent chairman. Said he, on assuming the gavel: "We are here for the purpose of endorsing one whose platform means much to the glory and happiness and progress of Georgia. His platform in itself is an everlasting protest against meddlesome outsiders who do not think Georgia capable of caring for her-

self and who do not think Georgia able to regulate and control her own internal affairs. For this alone Hugh Dorsey's platform would be immortal. We are keenly interested in the commercial glory of our state, but we are eternally bound to those things closer and dearer than commercial interest—our ideals of manhood. No country can be great where wealth accumulates and men decay." Hon. Hiram Gardner, of Putnam, was made permanent secretary of the convention, an honor which carried with it the secretaryship of the state democratic executive committee.

Mr. Dorsey's name was presented to the convention in a most magnetic little speech by his old college-mate and friend, Hon. Harry Hodgson, of Clarke, whose presentation of Georgia's next governor threw the hall into a perfect pandemonium of uproarious enthusiasm. There were no other nominations; but friends of the other candidates, authorized to speak for them, arose one by one and in a few well chosen sentences withdrew the names of all rival candidates, thus making Mr. Dorsey's nomination unanimous. Hon. John T. Boifeuillet, of Bibb, in withdrawing the name of Governor Harris, said: "His office has been replete with great duties, but he has performed them in noble fashion and discharged in full his sacred trust. Duty has been his watch-word. Principle has been his polar star. He has endeavored at all times to act right regardless of personal interest or feeling, and despite all pressure. Alike by precept and by example he has started many a young man on the path of rectitude. His life is a poem of many stanzas, grand and glowing in the just and kindly acts of a great mind and heart. In behalf of Nat Harris I return deep-felt thanks to the many thousands who voted for his re-election."

Mr. Dorsey then came before the convention and in one of the happiest speeches of his life accepted its nomination for the high office of governor, paying a graceful tribute to the noble old Confederate soldier who was then filling the executive chair. He also paid a neat compliment to each of the other candidates, and in words whose honest ring of sincerity carried conviction to all hearts, he lauded the administration of President Wilson, for its broad Americanism, for its constructive statesmanship, and for its masterful handling of difficult problems. Hon. J. W. L. Brown, of Bartow, chairman of the committee on resolutions, reported a platform embodying the principles on which Mr. Dorsey had made his winning race for the nomination, and containing also a strong endorsement of the Wilson administration. There was a desire on the part of many to put forth Judge Frank Harwell, of Troup, as a candidate for the Supreme Court, to succeed the late Judge Lumpkin, in opposition to the governor's appointee, Hon. S. P. Gilbert, but Judge Harwell refused to allow his name to be considered in this connection. The floor leader of the Dorsey forces was Hon. Herbert H. Dean, of Hall.

Next the state-house officers named in the primary of September 12th, were declared the democratic nominees for their respective offices.

Then came the only contest which the convention was to settle, viz., the choice of three candidates out of a group of fourteen distinguished Georgians who were contestants for the newly created judgeships of the Court of Appeals. In the primary, Hon. O. H. B. Bloodworth, of Monroe and Hon. Alexander W. Stephens, of Fulton, were leaders, both

in the popular vote and in the county units secured; but neither of these gentlemen was successful in securing one of the judgeships, a result due either to a lack of generalship or to a want of cohesiveness in their followings. Mr. Bloodworth came within seven votes of a nomination on the first trial of strength, but continued to lose thereafter. When the initial ballot had been taken without result, Messrs. Grogan and Jones withdrew. On the second ballot, Judge W. F. George, of Dooly, was nominated. Before the next ballot was taken, Messrs. Graham, Kimsey, Yeomans and Cozart dropped out, thus narrowing the contest down to eight candidates, Mr. Skeen's name not having been presented to the convention and Judge George having already been elected. When the third ballot was taken, Hon. W. F. Jenkins, of Putnam, and Hon. Roscoe Luke, of Thomas, were found to have secured clear majorities, and were accordingly declared victorious. All three of the newly elected judges are strong men and will ably re-enforce the tribunal to which they have been elected. Given more in detail the several ballots were as follows:

First ballot: Bloodworth, 184; George, 170; Luke, 112; Jenkins, 152; Stephens, 166; Hutcheson, 116; Grogan, 114; Graham, 10; Jones, 22; Kimsey, 49; Yeomans, 45; Fullbright, 80, and Cozart, 36.

Second ballot with Grogan and Jones out of the race: Bloodworth, 170; George, 219; Luke, 126; Jenkins, 186; Stephens, 150; Hutcheson, 125; Graham, 8; Kimsey, 36; Yeomans, 25; Fullbright, 78; Cozart, 16.

Third ballot, with George declared nominated, and Graham, Kimsey, Yeomans and Cozart out of the race: Bloodworth, 86; Luke, 228; Jenkins, 243; Stephens, 77; Hutcheson, 90.

On the eve of assembling, it looked to many as if the convention might fail for the first time in a presidential year to endorse a democratic administration of the Federal Government. Hon. Thomas E. Watson, a former national leader of the populists and a power in state politics, had returned to the democratic party some eight years before, and despite his enemies, who were neither few nor far between, was an influential factor in shaping its policies. Though Mr. Watson claimed to be a Jeffersonian democrat, dyed in the wool, he had for months been at variance with Mr. Wilson, on administrative measures. Moreover, he resented the treatment received by him at the hands of the Federal authorities, growing out of his crusade against the Catholics and felt outraged at the injustice of his indictment for having published in his paper what the Government had sanctioned under its own official imprint. While not present at the convention in person, Mr. Watson, through his paper, The Jeffersonian, had urged its delegates to denounce the administration, stating that any endorsement of Mr. Wilson would be a personal affront to himself. Besides, in a printed circular distributed among the delegates in Macon, he repeated this demand; and Mr. Watson's attitude in the matter constituted one of the sensational features of the convention and threatened in a serious manner to disturb the harmony of its proceedings. The great tribune's following throughout the state was known to be numerically strong. Moreover, he had been an avowed supporter of Mr. Dorsey, and had been undoubtedly the most powerful individual factor in shaping public opinion in the Frank case, the memory of which was still fresh.

But the demon of discord did not once flap its dusky wings. The endorsement of Mr. Wilson came first in the keynote speech of Mr. Smith, the temporary chairman. It was next reiterated in the report of the committee on resolutions, but along with it, in deference to Mr. Watson, went a declaration protesting against his trial in a court outside of Georgia, on a Federal indictment charging him with an improper use of the mails to circulate obscene literature, dealing with the Catholic Church. Finally, the nominee for governor himself, in glowing terms, paid a tribute to the great democrat, who today occupies the White House in Washington. The tide of sentiment for Mr. Wilson was too strong to be resisted even by the consummate genius of Mr. Watson. Thus the convention put itself on record.

The presidential election is still pending. With the republican party re-united under Mr. Hughes, a herculean effort will be made this fall to compass the defeat of the great democrat, for whom Georgia entertains all the love which a foster-mother feels for an adopted son. It is doubtful if this country has known an abler chief executive since the days of Lincoln,—if, indeed, since the days when the great Sage of Monticello himself filled the exalted chair of president. Grave problems have confronted Mr. Wilson; but he has faced them with the intrepidity of a brave man and with the crystal intellect of a great thinker. The achievements of his administration include (1) the Federal Reserve Act, giving us a new currency system and putting a check upon the power of Wall Street; (2) the tariff legislation, giving us a commission by which the tariff hereafter can be adjusted to changing conditions; (3) a Trade Commission, the function of which is to prevent the growth of monopolies and to keep Congress informed of business conditions; (4) the Rural Credit Act, which makes it easy for the farmer to get money at a nominal rate of interest; (5) the various agricultural acts designed to help in the distribution of farm products and to raise the standard of efficiency among farmers throughout the United States; (6) the Child Labor Law; (7) the Income Tax Law; and (8) the destruction of a powerful lobby in Washington. These measures have all been constructive, progressive, far-sighted, practical. To the foregoing list may be added the masterful manner in which Mr. Wilson has handled both European and Mexican problems, and prevented a great railway strike. Not only have we been at peace with the world during his administration, but we have enjoyed abundant prosperity in all sections. Our own royal staple, cotton, is at this moment bringing 20 cents per pound in an open market. Without giving encouragement to militarism, we have quietly put through an extensive naval program, and increased the efficiency of our standing army, so that if war must come in the future we are prepared to safeguard the liberties, to maintain the honor, and to uphold the dignity of the greatest nation on earth.

Despite this unsurpassed record of achievement, Mr. Wilson may not be re-elected to the high office which he today so ably fills. Nothing certain can be predicated of partisan politics. The demon of party spirit often blinds us to real merit in our public men. But Mr. Wilson if defeated will still be consoled by the fact that in an hour of crisis, vexed

by many serious problems, he was not recreant to the high trust reposed in him by his fellow-countrymen, that in the years to come his name will be inseparably associated with many wise constructive measures which his administration bequeathed to our statute-books, and that, while keeping us out of war, he permitted no stigma of dishonor to rest upon Old Glory's clustered stars.