WHEN THE KU KLUX RODE

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BY

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NEW YORK
THE NEALE PUBLISHING COMPANY
1912

INTRODUCTION

This work is undertaken with the wish to gratify a popular desire for addition to the scant literature relating to the Reconstruction Era and that most remarkable organization of modern times—begotten of conditions unparalleled in history, conditions which can never recur, and vanishing with the emergency which created it—the militant Ku Klux Klan. Only one writer has ventured far into this field of research, which until then seemed forbidden, and in his contribution to history, fact and fiction are so interwoven as to be almost indistinguishable. But the widespread and intense interest manifested in his revelations of the origin and purposes of the Klan indicates that the present generation eagerly imbibes knowledge of the sacrifices and achievements of the men who in the awful crisis of reconstruction, and against almost insuperable obstacles, rescued the commonwealth from the control of corrupt adventurers and ignorant freedmen, and established orderly government, without which the subsequent marvelous development of natural resources

and advancement in education which have placed the state in the forefront of progress would have been impossible. This evident interest encourages the hope that a simple narrative of facts connected with the struggle in that part of the Black Belt of Alabama which formed the Fourth Congressional District, by one who was in the midst of it and a close observer, will receive a welcome.

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CHAPTER ONE

PROVISIONAL GOVERNMENT

In a proclamation which issued on May 10, 1865, the president of the United States declared the Civil War at an end. April 9, the date of General Lee's surrender, was recognized as the date of the actual termination of the war. On May 29, 1865, the president, by proclamation, directed the restoration of seized private property, except "as to slaves"; and on June 24, 1865, restored commercial intercourse between all the states.

Relying on the promises made by federal generals while Southern armies were in the field; on the terms arranged between Generals Grant and Lee and Sherman and Johnston when the Southern armies capitulated, and on the proclamation of the president,

the people of Alabama believed that as soon as they could in the proper way repeal the ordinance of secession and comply with other immediate requirements, Alabama and the people thereof would be restored to their former coequal condition in the Union.

The real issue of the war had been the right of the southern people to renounce allegiance to and citizenship in the Union; in its triumph at arms the United States sustained its contention that there could be no such renunciation; and consequently the southern people laid down their arms as citizens of the United States defeated in the attempt at renunciation. The authorities at Washington could not fairly avoid this conclusion, and certainly President Johnson reached it instantly.

That there would be permitted prompt resumption of equal rights, except in a few cases, was more than hoped for,—it was confidently expected; and for some time there was no indication that there would be disappointment.

President Johnson's attitude toward the southern states encouraged the hope of speedy restoration of order and a large measure of prosperity. The president was as generous as Lincoln would have been, had he survived the conflict. In order that readers may clearly understand the situation as it then ex-

isted, a brief explanation of President Johnson's attitude is necessary here:

Immediately following the surrender of the Confederate armies and the declaration of peace, President Johnson formally stated his view of the situation to be that the war had neither destroyed nor impaired the Union; that the southern states had no right to withdraw from the compact, and having failed by resort to arms to accomplish separation, they emerged from the strife as they entered it, states and members of the Union, still possessing their constitutions, laws and territorial boundaries as they had been prior to the adoption of the ordinance of secession; that the constitutions and laws of those states, however, must be suspended pending unavoidable acceptance by the people of the fact that slavery having been a stake in the struggle, the accomplished abolition of that institution was irreversible; also, that debts contracted by the states during the war should be repudiated; that with acquiescence in these requirements the states should be restored to their former relations with the Union. He therefore announced as his policy that while the southern states were adjusting themselves to the change, provisional state governments should be established as necessary and constitutional agencies; that the citizens who were included in the proclama-

tion of amnesty, together with those who, having been leaders in the secession movement, were pardoned, should participate in the work of restoration; that citizens of the states were best entitled to fill the public offices, and should be appointed to them; that the emancipated slaves were not qualified to take part in such work, nor had the president of the United States power to confer upon them the right of suffrage, because the determination of their political status was a function of the states.

In the light of subsequent events, there can be no doubt that President Johnson's views and purposes were wise and statesmanlike, and had they prevailed, the horrors caused by congressional enactments would not have afflicted the people, nor would the relations between the races have become unfriendly, as they did, and continue to be. But, unfortunately, the embittered and aspiring leaders in Congress were planning at cross-purposes with the president. His moderate and conservative course, and scrupulous respect for his oath to support the Constitution, seemed along in 1866 to have won popular favor; but his indiscreet expressions in public addresses in western cities created hostility so strong that in the congressional elections his enemies triumphed over him. By two-thirds votes in Congress they nullified his vetoes of oppressive legislation; and in 1868

: Senate reinstated Secretary of War Stanton, om he had during the previous year suspended m office. Out of this transaction grew the unsucsful attempt to impeach him. While this attempt led, the president's influence with his party was stroyed and he was powerless to enforce his benent policies.

CHAPTER TWO

NATIVE GOVERNMENT

But meanwhile, having announced his policy in reorganizing the southern states, President Johnson in the summer of 1865 appointed Lewis E. Parsons, of Talladega, provisional governor of the state of Alabama, and that gentleman entered upon the discharge of his duties. There was popular approval of the appointment. Parsons was a native of New York, but long a resident and practicing lawyer in Talladega, an uncompromising Whig and Union man, possessing fine abilities and much dignity.

On July 20 Governor Parsons published a proclamation directing that an election be held in each county on August 3 for delegates to a state convention to assemble on September 12, 1865. Accordingly, intelligent and patriotic delegates were chosen in all the counties, and the convention met at the capitol in Montgomery, with Benjamin Fitzpatrick presiding. That convention, dealing with the constitution, abolished the ordinance in relation to the

institution of slavery, declared null and void the ordinance of secession and other ordinances and proceedings of the convention of 1861; adopted ordinances repudiating the war debt, and provided for an election for state, county and municipal officers and members of Congress, and assembling of the legislature on the third Monday in November, 1865. The convention then adjourned, subject to call of the presiding officer.

Worthy of note here is the fact that Alabama, in its sovereignty, and represented by some of its best citizens, abolished slavery within its borders. Alexander White, who subsequently was among the first to adopt "the new departure" (acquiescence in all the measures of reconstruction), was the only delegate in the convention who voted against the proposition to make abolition of slavery constitutional; but outside the convention, Governor Parsons and Samuel Rice, also to become "new departurists," concurred with him; while General Clanton, who was the wise and fearless leader of the Democratic party from its reorganization until the day of his tragic death, advocated both that measure and the extension of civil rights to the negroes.

And also worthy of note is the fact that Judge Brooks, of Selma, Judge Goldthwaite, of Montgomery, and others of unquestioned loyalty to their

Alabama of the Republican party.

Under this authority, an election was
the legislature then elected assembled on
20, 1865, and ratified the amendments to t
Constitution, excepting the fourteenth.
regarded as equivalent to a bill of atta
priving vast numbers of the rights of
without trial. The legislature comprised
of men who had been anti-secessionists—
at least two-thirds; but they had held offi
the war and served the Confederate go
The legislature rejected the fourteenth an
its adoption would have been political suici
members. It enacted a law to protect fr
Alabama in their rights of person and
The federal authorities were duly notified
ceedings, and on December 18, 1865, Gov
sons received from Secretary of State
telegram saying that "in the judgment of
dent the time had arrived when the care ar
of the affairs of Alabama could be remit

to his excellency the governor of Alabama, the papers and property in his hands. Accordingly, on December 10, 1865, Robert M. Patton, of Lauderdale, was inaugurated governor, and Parsons retired.

(Patton was a Virginian, long settled as a merchant in northern Alabama. As a Whig, he had served in both houses of the legislature and become president of the senate. In the election of 1865, he defeated Colonel M. J. Bulger. He was intelligent and painstaking in the discharge of duties. Patton continued in the office of governor until 1868, several months beyond the full term, pending action by Congress respecting the results of the election of that year, when he was displaced by operation of the reconstruction acts. During his incumbency a federal military commander, supported by soldiers stationed in the capitol, supervised all of his appointments and official acts.)

As evidence of confidence, the legislature elected former Governor Parsons United States senator for the term ending March 3, 1871. At the same time, it chose George S. Houstan for the term ending March 3, 1867, and John Anthony Winston for the term of six years, commencing March 4, 1867.

At the election in November, 1865, C. C. Langdon was elected to Congress from the first district: George C. Freemen, from the second; Cullen A.

Battle, from the third; Joseph W. Taylor, from the fourth; Burwell T. Pope, from the fifth, and Thomas J. Foster, from the sixth.

Then came early rumblings of the storm that was soon to break. These chosen men were not permitted to take their seats as representatives, and the state was not represented in Congress until 1868.

CHAPTER THREE

MILITARY GOVERNMENT

March 2, 1867, after two years of peace, Congress passed over President Johnson's veto a bill relegating the southern states to the condition of conquered provinces. A military commander was appointed and authorized to supersede civil and judicial tribunals by military courts of his own creation, with power to inflict usual punishments, excepting only death.

This act was supplemented with another, of July 13, forbidding state authorities to interfere with the military commander, who was given the additional power to displace any official and appoint his successor. This act provided that military rule should cease within a state when a convention of the people thereof should frame, and the voters adopt, a constitution ratifying the amendment to the federal Constitution which conferred the suffrage on negroes, and being otherwise acceptable to Congress, and when the legislature also should ratify that amendment.

The new constitution was to be framed by delegates to be chosen by votes of all male citizens of legal age, excepting those disfrancised by the fourteenth amendment; and it was to be ratified by an affirmative vote of a majority of voters registered under the supervision of the military commander and his subalterns.

Under the reconstruction acts of 1867, in April of that year, Alabama became a part of the department comprising, with itself, the states of Georgia and Florida. The military commander called a convention to frame a constitution. At the election for delegates the polls were kept open for five days. The whites held aloof from it. The gathering of delegates thus elected was stigmatized as "the carpet-baggers' convention." The men who composed it and framed the constitution were in many cases grossly corrupt and ignorant.

As an illustration of the character of the men sent to the convention, Samuel Hale, a brother of United States Senator Hale, one of the few Union men and later Republicans resident in Sumter county, wrote Senator Wilson in January, 1868, a letter protesting against recognition by Congress of radicals in the south, in which he said that the men who sat in the convention and framed the constitution were, "so far as I am acquainted with them,

worthless vagabonds, homeless, houseless, drunken knaves"; that the Sumter delegates were a negro and two whites—Yordy and Rolfe. Rolfe, he said, left his family in New York and had not seen them for four years, during which period he had led an immoral life with negroes; that he was known as the "Hero of Two Shirts," having left at a hotel in Selma, as security for an unpaid hotel bill, his carpetbag containing only two shirts; that his name was not signed to the constitution which he helped to frame because he was too drunk to write it. These men and Hays and Price, all strangers, were the only white men in Sumter county who took part in the election for delegates. As an early indication of future leadership, at that election Price ordered the negroes to secure their arms and prevent expulsion from the booth of one of their members who was vauntingly flourishing a gun. Only intervention by cool-headed whites prevented trouble. Mr. Hale, in the letter quoted from, stigmatized the election thus: "As shameless a fraud as was ever perpetrated upon the face of the earth."

Rolfe and Hays were wheelwrights, but their talents found employment in more lucrative occupations. Rolfe's first "get-rich-quick" scheme was the selling to negroes of badges, which he said he was engaged in by order of General Grant.

While agent of the Freedmen's Bureau Hays defrauded negroes of a thousand dollars derived from sales of cotton with which they had entrusted him. That was his disappearing act.

That convention deprived of the right to vote all men who were proscribed by the fourteenth amendment from holding office.

The constitution framed called for an election in February, 1868, to which it was to be submitted for ratification, and at which time officers were to be elected. It was submitted under a solemn congressional provision that if it should not receive in its favor the ballots of a majority of the registered voters, it was to be considered as rejected.

The Democratic convention of 1865 entrusted to the party's state executive committee, of which General James H. Clanton was chairman, all matters of policy. When the military order for the convention issued, General Clanton called into council with the executive committee one hundred of the leading men of the state. After deliberation, they concluded that the wisest course for the party to pursue would be to go to the polls and endeavor to defeat the constitution, but, in view of the possibility of failure in this, to place candidates in the field, to be voted for under it. Having agreed on this policy, the council was about to adjourn, when

the chairman received from ex-Governor Parsons, who was the accredited agent in Washington of the Democratic party, a dispatch, saying:

"I am on my way to Montgomery; will be there to-night. Don't adjourn your convention; don't act till I get there."

The council waited, and the former governor arrived and delivered a speech, in which he uttered the memorable sentence:

"So far as the reconstruction measures are concerned, and this constitution, touch not, taste not, handle not the unclean thing."

He said that this was in accordance with the advice of President Johnson. Messrs. Samuel Rice and Alexander White supported the ex-governor, and the council was persuaded to reverse its decision and advise the voters to refrain from taking any part in the election. Mr. White prepared the address to the voters.

Accordingly, the Democratic voters abstained from voting, and only one Democratic state senator was elected, and he was not endorsed. Negroes in battalions, armed with muskets and stepping to the beat of drums, marched to the polls, stacked arms, placed guards about them, and cast their ballots for the constitution and their candidates.

The registration of voters for the election of 1868

was under military supervision and regulation. Registration was kept open at polling places up to and including time of election. The registers of voters and election officers were appointed by military officers, and nearly every register was a candidate for office. He was given power to reject any applicant for registration. Soldiers were present at all polling places to enforce the regulations, which forbade the challenging of illegal voters; citizens were forbidden under severe penalties to warn election judges or expose the fact even if they should see a non-resident or minor or repeater offer to deposit a ballot. Voters were permitted to cast their ballots at any precinct in the county. Negroes were eligible to all offices.

The returns of the election disclosed the fact that the majority of the registered voters had abstained from participation in the election, and hence the constitution was not adopted by the people—according to the declaration of the military authorities, lacking 8,000 of the requisite number of votes. In view of this authoritative declaration, the radical candidates did not claim the offices to which they had aspired, and the incumbents for the time being were not disturbed. But, to the amazement of the people and its own dishonor, Congress in June, 1868, accepted the constitution as ratified by the people, and recognized

the candidates as elected officers, and in July they were installed by military power, the former officers retiring under protest.

In order that the reader may understand the situation and how poorly prepared were the people for such a reign, we must go back to the beginning and note other occurrences which had a direct bearing on that situation.

CHAPTER FOUR

A GRAVE PROBLEM

At the termination of the war between the sections, the southern people had thrust upon them for solution the gravest and most difficult problem with which the white race on this continent was ever perplexed,—how to preserve their civilization with the government operating in opposition to their efforts.

After four years of warfare, the south was prostrate before the victorious people of the north, whose armies were quartered in garrisons everywhere in the surrendered territory, to enforce with arms, if necessary, whatever oppressive and humiliating measures might be conceived in hatred and vengeance by fanatics whose intolerance had made the bloody conflict irrepressible, and who were determined to extend and perpetuate the political power gained by conquest. The means adopted were enfranchisement of the emancipated slaves and disfranchisement of all white men who had at all distinguished themselves as leaders, while extending

favors to those who would ally themselves with the oppressors and betray their countrymen.

The difficulties of the situation in which the defeated southerners were placed were appalling. Naught of the former wealth of the country was left save the land—which in the disorganized state of labor was almost a burden to the possessors—and some cotton which had accumulated because exportation was prevented by the blockade of the ports; and upon this the federal government imposed an unconstitutional tax of three cents a pound. Farm implements were crude and scarce; the necessities of the Confederate government in its expiring struggles had stripped the country of the best of the draft and food animals; in the Black Belt there were no factories; development of transportation had been checked in its incipiency; education was almost abandoned, and the civil laws suspended. Everything had to be organized or reorganized.

Cotton was one of the principal resources left to the people at the close of the war. In great demand and readily convertible into money at prices ranging from fifty cents a pound upward, and in considerable quantities, it would have furnished means for a "fresh start" had the people been permitted to hold it in undisputed possession; but the government begrudged even this remnant of lost fortunes. Un-

fortunately, during the war agents of the Confederacy from time to time contracted for quantities of cotton, to be paid for in bonds, but in most cases there had been no actual transfer of either bonds or cotton, and the latter remained on the plantations. After the surrender of General Taylor to General Canby, the federal commander promulgated an order requiring all persons who held such cotton to surrender it to the United States agents, under penalty of confiscation of their property. The military authorities claimed this cotton as a prize of war, and treasury agents—some of them fictitious, as afterward proven—were soon ranging the country in search for it. The holders believed that the question of ownership was at least debatable. Prior to the surrender, the Confederate government, fearing that federal raiders would seize the cotton, ordered that it be destroyed by the holders; but the authority of that government was not then potent, and the planters, instead of obeying the order, conveyed the bales to places of concealment in swamps and elsewhere, and believed that this act confirmed their claim to ownership. Some of the cotton was thus concealed when the agents began their search. The order of seizure was subsequently so modified as to permit the original holders to claim one-fourth of the cotton as compensation for caretaking. Very

few took advantage of this concession; and, indeed, the greedy agents actually suppressed the order for months while the seizures were in progress. Attorneys who contested before military tribunals the right of seizure argued that, by reason of non-delivery, sales to the Confederate government had not been completed, and that the federal government had no right to capture the cotton after final surrender of the Confederate armies; but in some instances these attorneys were arrested and threatened with imprisonment unless they abated their zeal in behalf of clients.

There was in resulting evil practices a touch of picturesqueness. The unconquered and unconquerable veterans of the vanquished southern armies, in many instances impoverished, were ripe for any enterprise which promised congenial adventure and spoils which they regarded as legitimate. The agents went about supported by federal troops, and many were the clashes between the latter and so-called guerrilla bands composed of their late antagonists on other and more glorious fields. These bands were actuated by the conviction that the Confederate government having had no clear title to ownership of the cotton, the conquerors succeeded to none; and so they took up the contest where the intimidated attorneys dropped it, and contested with the

agents and their armed supporters. These agents were well supplied with army teams and wagons, and often these, falling into the hands of the "guerrillas," served the captors as a convenient means of transportation of booty. Yet, it sometimes happened that the guerrillas were the captives, and when in the toils were in sore straits to raise the ransom which was exacted in lieu of arrest and arraignment for trial. Even steamboats were hauled to and relieved of cargoes. That was the golden era for steamboatmen, when freight charges and salaries, especially of pilots, were phenomenal.

These transactions soon degenerated into plunder pure and simple, involving private cotton to which the government could lay no sort of claim.

Perhaps there had been collusion between holders of "Confederate" cotton and the raiding bands which seized and bore it off; anyhow, the inevitable effect was that unscrupulous men, taking advantage of popular tolerance of practices which originally sprang from patriotic impulses, disregarded private rights and indiscriminately stole. Planters paid for guards as high as thirty dollars each per night at critical times. Men who were unaccustomed to the command of money grew rich in a brief space and correspondingly lavish in their expenditures. Extravagance and demoralization which left their en-

during impress ensued. Admissions were made in high quarters in after years that not one-tenth of the proceeds of cotton seized by agents ever went into the treasury of the United States. One example will suffice: An agent in Demopolis claimed and was allowed for four months' services, on the basis of one-fourth of the cotton seized by him, $80,000; and the settlement was between him and military authorities who were quite as adept as he in the art of pilfering. Thus in a time of stress the producers were despoiled and adventurers enriched by the ungenerous policy of the victorious government.

The following facts are gathered from evidence taken before the committee in Congress in the investigation as to General Howard:

At the close of the war there were held in the south at least five million bales of cotton, worth in Liverpool $500,000,000. Only a fraction of this cotton was owned by the Confederate states government, and this was turned over to General E. R. S. Canby by General E. Kirby Smith on May 24, 1865. Besides the swarm of official agents, informers and spies sent down by the Treasury Department in search of Confederate cotton, contracts were made with private individuals to engage in the work. Much cotton was taken from plantations

before the owners returned to their homes after the disbandment of the armies. Seizures were indiscriminate. Proof of private ownership had to be supported by tender of toll; there was no redress.

A Treasury Department regulation required that all cotton seized in the Atlantic and Gulf states should be shipped to Simon Draper, United States cotton agent in New York City; and that seized on the upper Mississippi river and in northern Georgia and northern Alabama to William P. Mellen, agent in Cincinnati. These agents sold by samples which were spurious and inferior to the cotton which they represented. Accordingly, cotton worth sixty cents to one dollar per pound was sold for ten to fifteen cents. The purchasers were in collusion with the agent. By the system of "plucking," the weight of bales was reduced anywhere from one hundred to two hundred pounds before they were sold; the plucked cotton was termed "waste cotton," packed and sold as "trash" to mills, but not at trash prices. These terms figured only in the reports to the department. Sometimes owners traced stolen cotton to the New York or Cincinnati agency; and if a thousand bales were involved, the agent reported that only two hundred had been received, and of very inferior quality, and was sold for ten or fifteen cents per pound, which his books would prove; that

transportation, storage and commissions left only a small sum. Draper, when he became cotton agent, was a bankrupt. Subsequently he settled his debts and when he died was a multimillionaire. Fifty million dollars' worth of cotton was shipped to Draper; the government derived only $15,000,000 net from that source as the reward for the wrong which it had committed in entrusting the enforcement of its doubtful claim against the impoverished southern people to dishonest and unscrupulous agents.

The Confederate States government imposed a tax in kind upon all provisions produced on plantations—one-tenth. The first year after the war this tax was enforced in some isolated sections by orders of minor military officers, and collected by agents. Of course this was fraudulent, and was stopped after a while.

CHAPTER FIVE

THE FREEDMEN'S BUREAU

Meanwhile, the Freedmen's Bureau had been established. General Swayne promulgated an order recognizing as agents of the bureau former civil magistrates who could and would obtain endorsement of negroes; but, as a rule, carpetbaggers filled the places. Offices were opened at the county seats, where complaints of freedmen were lodged and investigations conducted. The agents prescribed a uniform division of products of the soil between planters and hands. They supervised all contracts and regulated the conduct of affairs between employer and employe, and their dicta were absolute and final, being enforced, if necessary, by soldiers of the garrison.

The agents gave notice that nobody would be allowed to employ freedmen unless the contracts were submitted to and approved by them and left in their custody. They gave ear to any tale of complaining freedmen, arrested the white man com-

plained of, tried and punished him, unless he proved willing to purchase immunity. Sometimes after the planter had contracted in the prescribed manner with freedmen, and had his crops in process of cultivation, the hands would quit work, and only intervention by the agent would make them return. Such intervention cost as high as ten dollars per hand, and the occasion for it might recur before the crops could be gathered. Some of the agents secured plantations and used them as refuges for dissatisfied freedmen, who were fed and clothed.

The agents were as a rule "fanatics without character or responsibility, and were selected as fit instruments to execute the partisan and unconstitutional behests of a most unscrupulous head." (Senator Beck, in an official report.) Some of them were preachers, and had been selected as being the most devout, zealous and loyal of a certain religious sect. In league meetings they told the negroes that although they had been married according to plantation custom for many years, they must procure licenses and be remarried. Thus they made large sums in fees, in many instances from old couples who had grandchildren and great-grandchildren.

All of this was humiliating and irritating to the planters, but submitted to so long as the agents confined their activities to legitimate functions. But

they soon became mischievously meddlesome, and discovered in their powers means for promoting their political fortunes.

As a body, the negroes had been conducting themselves with propriety, and good feeling prevailed. Their greatest delight was in the dignity of unaccustomed surnames, duster coats, gauntlet gloves, albums, clocks and other wares, with which enterprising northern peddlers tempted them. Their childish delight in these novel possessions for a while filled the measure of their happiness. But some of them who had been following armies contracted nomadic habits; others were incapable of rational exercise of their novel privileges, and became disturbers of the peace. Their depredations soon rendered stock raising impracticable. Every plantation had a gin-house, and these houses, with their valuable contents, were exposed to incendiaries seeking revenge for real or fancied grievances, and many were destroyed. Men with the "easy money" acquired during the period of cotton stealing set up crossroad stores at every available point and dispensed vile whiskey in barter for bags of loose cotton and corn, ostensibly the "shares" of those offering them, but really often stolen from lint rooms and cribs, and even from the ungarnered crops in the fields. These traders did an immense

business, many of them setting up gins and baling screws. The existing "sundown and sunrise" law was enacted to destroy this nefarious traffic. It prohibited the sale of farm products between sunset and sunrise.

CHAPTER SIX

MILITARY REGULATIONS

Another cause of irritation was the offensive conduct of soldiers composing the garrisons, which provoked collisions with the more impetuous citizens. In 1865 the federal soldiers in Tuscaloosa, Greensboro, Eutaw and other towns subjected the people to very offensive regulations. Only a few examples need be mentioned as exhibiting the temper of both sides: The former soldiers of the Confederacy, having no means with which to replenish their wardrobes, wore their uniforms. The federals threatened, and sometimes attempted, to cut the buttons from the old gray coats, and the proud wearers were forced to resort to the expedient of covering them with thin cloth rather than let them serve as a pretext for insults. Flags were stretched across the sidewalks, so that pedestrians would have to pass under them. To defeat the obvious purpose, men and women, in going about, resorted to the roadway or diverged from the sidewalks at points where

the flags were placed. In some instances these unwilling and protesting people were seized and forced under the flags. These and other practices, devised to provoke the people to exhibitions of hostility, caused severe smarting. Perhaps many young men who had received war schooling were not reluctant to encounter their former antagonists.

A memorable tragedy, with annoying consequences, resulted from such an encounter. August 31, 1865, election day, the brothers Tom and Toode Cowan, formerly heroic members of Forrest's cavalry, became involved in a controversy with a squad of soldiers of the garrison in Greensboro; in the resulting affray pistols were used; the younger Cowan killed one of the soldiers, while his brother dangerously wounded another. The slayer mounted a horse and escaped, but the intrepid Tom scorned flight and yielded only to overpowering numbers. Intense excitement prevailed; the enraged soldiers sprang to arms, seized Cowan, and, defying their officers, prepared to hang the prisoner. At the critical moment came a message from the wounded man, generously acknowledging he was the aggressor and pleading for a fair trial for Cowan. This appeased the military mob and the prisoner was locked up. That night squads of cavalry roamed the country, ostensibly seeking the fugitive, but really to disarm

and arrest the planters. Mr. Cowan was tried and acquitted. His brother was not apprehended.

In some cases the soldiers were insubordinate and manifested hostility to the people. One notable example in illustration is recalled: During the hours of darkness soldiers burned the Episcopal church in Demopolis. Some of them were detected with articles stolen from the sacred edifice, and the colonel was requested to have the impious robbers arrested. That officer declined to make the order, because the guilty men were dangerous characters and would seek revenge if called to account. Indeed, they threatened that when transferred from Demopolis they would set fire to the town. To prevent the execution of this purpose, another colonel was substituted for the commander of the regiment, and he placed sentinels around the quarters and marched the men away in ignorance of the fact that it was their final departure.

In Greensboro, in 1867, was enacted another regrettable tragedy, the attendant circumstances of which intensified the growing hostility between the races. John C. Orick shot and killed Aleck Webb, negro register of voters. The shooting occurred in daylight and on one of the principal sidewalks. Orick calmly retired from the scene, locked the doors of his store, and in disguise fled the town.

Orick was a bold, dashing and handsome young man who had won enviable laurels in the war. When hardly more than a boy, his adventurous spirit impelled him to leave home without parental consent and attach himself to Colonel Mosby's command. One of his achievements is worthy of mention here: As an "observer" he visited Baltimore and Washington, and in the latter city ascertained the time of departure of the army pay train on the Baltimore and Ohio railroad. Reporting to his commander the valuable information he had acquired, successful plans were formed for the capture of the train by Mosby's command. With his share of the booty obtained in this enterprise, Orick, after the final surrender, purchased a stock of goods and established himself in business in Greensboro.

The negroes of the town and vicinity bitterly resented the killing of Webb, and during the night large bands of them roamed the surrounding country, avowedly seeking the slayer, but really bent on any mischief for which opportunity might offer. One band went to the Gewin premises. A young man, a member of the family, in his night clothes and barefooted, was encountered in the yard. Seeing that the marauders intercepted retreat to the house, Gewin fled to the woods, hotly pursued. After a chase which extended for a mile, over rough

fields and woods, the fleeing man was overhauled, tied to the bare back of a horse and conveyed to the office of Dr. Blackford, in Greensboro. After a lengthy parley, his friends secured his release.

At dusk the town was thronged with infuriated armed negroes, who threatened to apply the torch. After some of the leading citizens had vainly expostulated with them, the whites armed themselves and prepared to expel them by force; but when Gewin was released, the negroes retired, sullenly, and a clash was averted.

The Gewin family and its connections comprised a considerable number of brave and resolute men, of remarkably fine physique, and they and their friends were indignant with Blackford, the probate judge, because of the suspicion that he had directed the negroes who committed the outrage,—a suspicion justified by the fact that Gewin was conveyed to Blackford's office. Everybody sympathized with them. It was said that Blackford told the negroes they should avenge the killing of Webb, and that he instigated the incendiary threats, and he was thenceforward regarded as a factor of disturbance in the community.

As a result of these occurrences, an organization was formed in Greensboro for public defense, and arms were obtained. The members were, in event

of necessity, to assemble at the ringing of a certain bell, and a rendezvous was selected. No oath was required of the members.

The first attempt to enforce the flag regulation in the case of a woman, in Tuscaloosa, was the last. Intrepid Ryland Randolph, editor of the *Monitor*, in uncontrollable indignation seized a sabre and in person challenged the responsible commander to mortal combat. Declining the proposed close encounter, that official thenceforward was more circumspect in his conduct.

The story of Randolph's career is an interesting part of the history of Tuscaloosa. As an editor, he was belligerent, and relentless in his denunciation of radical maladministration of public affairs. So effective was his hostility that publication of his paper (official organ of the Ku Klux) was suppressed by military order. He accepted a challenge to a duel provoked by attacks upon the chief justice of the state supreme court, addressed to him by the judge's son-in-law; but on the field mutual friends effected an amicable and honorable settlement.

A less dignified encounter involved him in more serious difficulties. Opposite the *Monitor* office a number of negroes were assembled one day, and two of them assaulted a white man. Suddenly Randolph, with pistol and bowie-knife in hand, ap-

peared in the midst of the struggling throng. One shot was fired by him, when he, in turn, became the object of attack. One of the assailants, a political leader, received in his side a thrust from Randolph's bowie, and another in the back, where the broken point of the knife remained. Within a few minutes the prostrate leader was the only one who remained on the scene. But the negroes, with augmented numbers, reassembled a short distance away. Randolph returned to his office and reappeared with a shotgun. His dauntless bearing discouraged further hostile demonstration by the blacks. In consequence of this affair, Randolph was arrested by the soldiers and taken to Montgomery for trial. En route, by stage-coach, he was made a spectacle for gloating negroes. He was acquitted, and his return was made an occasion of popular manifestation of esteem. A cavalcade met him some miles outside of Tuscaloosa, and on nearer approach to town was magnified into a vast procession of carriages and marchers, embracing men and women and school children. The procession moved to the sound of bells. A great meeting, with speechmaking, followed.

At that time the University of Alabama, at Tuscaloosa, was controlled by the radicals and boycotted by the whites. A brother of Governor Smith was

a regent of the institution, and this regent's son a student. One of the professors, Vaughan, had been persistently assailed by the *Monitor,* which charged him with incompetence and drunkenness. It was said that Vaughan enlisted Smith as a champion. Anyhow, the two sought Randolph on the streets and found him in conversation with a friend. While Vaughan stood some distance away, Smith approached Randolph and insultingly jostled him. Simultaneously and without hesitation, the two men drew pistols and began firing, each discharging five chambers of his revolver. One shot struck a thick book in Randolph's coat pocket and lodged therein; another struck above the knee and ranged up the thigh, his leg being crooked at the moment. This shot necessitated amputation of the injured limb. An innocent bystander on the opposite side of the street was killed by a stray bullet. Smith and Vaughan were arrested. The former was rescued by fellow students and fled to Utah.

Randolph survived the reconstruction period and enjoyed the restoration of white supremacy. He died in 1903 from the effects of a fall in a streetcar.

An incident of the military régime in Eutaw early embittered relations between the people and their rulers. An "undesirable citizen" was given a

ride on a rail. In the court martial trial of the accused, James A. Steele, Thomas W. Roberts, F. H. Mundy, John Cullen, Hugh L. White, William Pettigrew and Mr. Strayhorn were sentenced to hard labor at Dry Tortugas for periods ranging from two to six years. The circumstances attending their treatment as prisoners exhibited harshness which aroused indignation. Handcuffed and chained, they were conveyed by a squad to New Orleans and thence by sea to the island prison. They were not permitted to communicate with their families or friends nor to receive funds to relieve their wants. Their sufferings and indignities were severe and humiliating. An appeal in their behalf, with a presentation of the facts connected with the trial, was made to General Meade, and that commander remitted the sentence. The return of the victims to their homes was made the occasion of a memorable demonstration of popular feeling.

CHAPTER SEVEN

THE UNION LEAGUE

In pursuance of their schemes which culminated at the election in 1868, the carpetbag adventurers early in 1867 organized everywhere in Alabama branches of the Union League, a secret, oathbound political society, with all the mysticism of grips, signs, signals and passwords, national in scope, with grand national and grand state councils. Secrecy and obedience to commands were enjoined under severest penalties, including even death. Their meeting places were guarded by armed sentinels. The negro members were taught to disregard the feelings and interests of the whites, and told that if their former masters should obtain control of the government, they would re-enslave them; and this was an irresistible appeal to ignorant people enjoying the first delights of release from bondage. On the other hand, they were promised that if the Republicans should gain control, they would enact such oppressive tax laws that the landowners would be unable

to meet the exactions, and consequently their lands would be forfeited; after which the Republicans would allot them in parcels of forty acres, together with a mule, to each head of a negro family resident thereon; they were told, further, that, in order to facilitate and expedite this process of confiscation and apportionment, they should slight their work and thus increase the difficulties under which their former masters would have to struggle to save their properties from spoliation. The student of history should not be harsh in judgment of the negro because of his susceptibility to a lure so enticing. He was ignorant, and regarded every pretentious white stranger as one of that great army which had liberated him from bondage.

Serious as was the situation, it was not without amusement in its demonstration of the negro's gullibility. A bogus "land agent" circulated slips conveying directions regarding "preëmption of homesteads," and the credulous negroes bought them, and, besides, painted sticks with pointed ends to be driven into the ground to mark their boundaries; they also purchased chances in a sort of lottery for the distribution of parcels of land. All of these were sold under alleged authority received from the government at Washington, all dependent on the success of the Republican party.

By request of President Johnson, General Grant in 1865 made a tour of the southern states, to learn the feelings and intentions of the people and to ascertain to what extent, in the interest of economy, the military forces there could be reduced. He reported that white troops excited no opposition; thinking men would offer no violence to them. But black troops demoralized labor, "and the late slaves seem to be infused with the idea that the property of their late masters should by right belong to them, or at least should have no protection from the colored soldiers. There is danger of collision being brought by such causes."

The so-called abandoned lands on the coast of South Carolina and Georgia—lands from which whites had fled to escape dangers of the war—were actually seized and colonized with wandering negroes, though the lands were afterward restored to the owners. The germ of the "forty acres and a mule" idea, no doubt, originated in those colonies. The idea was of early conception, as the Grant report shows.

The first annoyances caused by the league were the neglect of field work by negroes in order to attend political meetings in daylight, and taking hard-worked mules from lots at night and riding them to league meetings. But in the course of time

the organization assumed a military aspect, drilling regularly. Bodies appeared in procession, in regular company order, with arms, banners, drums and fifes, the officers wearing side-arms. At the election they were met outside the towns by emissaries and furnished with tickets, and then proceeded to the polling places and deposited them as directed. All of this appealed to the negroes' taste for novelty and spectacle.

CHAPTER EIGHT

A REPUBLICAN BLUNDER

This narrative is now brought again to the point at which it digressed, the election on the constitution, but before resuming that subject a few words of comment here will not be out of place.

The perfidy of Congress in imposing upon the people of Alabama, in violation of its own solemn covenant, a constitution which they had rejected in a lawful manner, was a blunder fatal to the future influence of the Republican party in Alabama. The fourteenth amendment had already injured the party because of its application to great numbers of men who might have allied themselves with it if they had not been involved in the proscription. They had opposed secession as long as there was any reason in opposition, and then reluctantly adapted themselves to the situation. Jefferson Davis had been in prison, demanding trial and ready to abide the result; he was discharged, and the proceedings looking to personal punishment abandoned. Other leaders, including Admiral Semmes, "the pirate," as he was termed

in intensity of hatred, were at their homes, pursuing the vocations of peace and ready to try the issue. The excuse for abandoning the prosecution was that, the fourteenth amendment having imposed the penalty of deprivation of citizen rights, the courts could not inflict other punishment.

Thus, the men who had, at the cost of popular good will and private friendship, opposed with all their abilities severance of the Union were equally subject to a penalty deemed adequate for "the arch traitor" and "the pirate," so called.

Then, there were thousands of men in northern Alabama not subject to the proscription, who were nursing the grievance that Democrats had precipitated secession without permitting the people to vote on the ordinance. They believed that, had it been submitted, it would have been defeated. Northern Alabama was so loyal to the Union that leaders there proposed separation of that section at the line of the mountains, and that its people organize and "fight it out" in the foothills. But the promptness with which the Confederate authorities organized the military forces discouraged such a project. The strong resentment of the summary accomplishment of secession was rendered bitter by conscription laws. Sections of the mountains in which drastic measures were necessary to enforce those laws be-

came easy recruiting grounds for the federal army. It is recorded that 2,700 men from Walker, Winston and Fayette counties enlisted in one federal command. North Alabama was more than once occupied by contending armies, and partisan organizations embittered the contest.

In central and southern Alabama were many Whigs and Union men who had no liking for the Democratic party.

In this state of affairs, convinced that not many of the proud Confederates would sue for relief from fourteenth amendment disabilities, and that the constitution which disqualified thousands of white voters would perpetuate negro supremacy in Alabama, the Republican leaders in Congress committed a wrong which to this day bears heavily upon their party.

CHAPTER NINE

CARPETBAG GOVERNMENT

The negroes had exercised without hindrance their new privilege of the suffrage. Their incapacity as voters was illustrated in the character of the men who assumed office after the election in 1868.

In Sumter county, Tobias Lane was elected probate judge, but during the period of uncertainty when the constitution was in abeyance, concluding that congressional action respecting it would be unfavorable, he packed his carpetbag and returned to Ohio, having been one of the migrants from that state, so prolific of birds of his feather.

Beville, the sheriff, was an appointee of General Swayne. He was unable to give bond, but Swayne waived that formality and ordered him to continue in office without bond. In 1868 Richard Harris, a negro, who could neither read nor write, became his worthy successor.

As solicitor the discriminating voters chose Ben Bardwell, a negro, who was wholly deficient in the

knowledge of reading and writing, a deficiency which made him "an easy mark" for one of the most learned bars in the state.

George Houston, a freedman, was sent to the lower house of the legislature. As his colleague Ben Inge, another "person of color," absolutely illiterate, was selected.

An army captain, one Yordy, received the state senatorial honors, which he wore while serving Uncle Sam in the custom house at Mobile. He was a long-distance representative, having no domicile in Sumter, nor ever making his appearance there.

John B. Cecil, reputed federal army sutler and coming with the influx from fecund Ohio, was elected treasurer. He gradually and logically degenerated into a partnership with a negro in a grog-shop enterprise.

Badger, another bird of passage, became tax assessor. The revenue and road commission was a motley aggregation which comprised one carpet-bagger and three negroes.

Edward Herndon, a native Union man, by grace of appointment and election, simultaneously devoted his talents to the offices of circuit clerk, register in chancery, notary public, justice of the peace, keeper of the poorhouse and guardian *ad litem,*—and per-

haps felt aggrieved that he didn't have "all that was coming to him."

It would seem that, with this multiplicity of trusts, Mr. Herndon monopolized the privilege of plurality in office holding; but not so, for Mr. Daniel Price, a typical scalawag, with the reputation of a jailbird and desperado, made flight from Wetumpka to Sumter, and was endowed with a bunch of federal and county jobs,—register of voters, superintendent of education, postmaster and census taker. Insatiable, like Oliver Twist he wanted more, and as a side line to his multifarious activities, employed his scholarly attainments in the conduct of a negro school, meanwhile boarding and associating with negroes.

The harmony of the "color scheme" of the official colony in Perry county, adjoining Hale county, was never broken by a trace of the ebony hue.

Without exception, all of the county offices were held by carpetbaggers, officers of the 8th Wisconsin regiment, originally sent on garrison duty. Their characters are illustrated by the fact that, under the guise of selling properties which they had acquired in the county, all of them sold their offices in the time of political regeneration and betook themselves to the north. During Lindsay's administration the sheriff, charged with conniving at the escape from

jail of a prisoner incarcerated for murder, sold his job for $1,500. Democrats succeeded the aliens.

In Marengo county there were more places than "loyal and reconstructed" place-seekers, and consequently Charles L. Drake, who made his advent in 1866 as an army captain, was burdened with the cares and responsibilities of register in chancery, circuit clerk, United States commissioner and agent of the Freedmen's Bureau; yet had time for political activity which made him especially obnoxious.

Another conspicuous character in Marengo was one Burton, a carpetbagger, who established in Demopolis a weekly newspaper, *The Southern Republican.* He had incorporated in the oppressive tax laws a provision that where a deed was made to a purchaser at a tax sale, it should be made conclusive evidence, whether the sale was legal or illegal, that all requisites to a valid sale had been complied with. In order to increase the advertising, a section of land was divided into sixteen parts and each part advertised separately. Legal advertising was confined to "loyal" papers, the test of loyalty being allegiance to the Radical party. *The Southern Republican,* being the only loyal paper in all that unreconstructed region, was designated as the official organ of Marengo, Greene, Perry and Choctaw counties.

The newspaper statute referred to was in these words:

"That it shall be the duty of the probate judge in each county of this state to designate a newspaper in which all local advertisements, notices, or publications of any and every character required by law to be made in his county shall be published. Provided, that no newspaper shall be designated as such official organ which does not in its columns sustain and advocate the maintenance of the government of the United States and of the government of the state of Alabama, which is recognized by the Congress of the United States as the legal government of this state; and if there be no such paper published in the county, then the probate judge, whose decision upon the question shall be final, shall designate the paper published nearest the county seat of his county which does sustain said government."

The "loyal" papers so designated had no circulation beyond a small free distribution among office-holders. Few of the negroes in their general illiteracy could read them, and none of them were concerned in the advertisements. The white people, to whom all of the advertisements were addressed, would not permit a copy of the publications to be sent to them. Consequently, the payment of fees was a waste of public money. The purpose of the

law was to create and sustain a detestable press at the expense of the taxpayers, or seduce the existing papers.

In 1870 Burton was nominee for lieutenant-governor. On account of some personally offensive publication, Mr. E. C. Meredith, of Eutaw, a Democratic leader ("Bravest of the Brave"), severely chastised him in Eutaw. Thereafter the "trooly loil" journalist made his periodical collections of fees in Greene county by proxy. About the time when frost touched with withering chill his budding political aspiration, Burton received an ominous communication, not intended for publication, but for his own guidance. It was embellished with pictures of cross-bones, skull and dagger, and inscribed with a legend which he interpreted as a sort of "move on" ordinance. And he stood not on the order of his going, but hiked.

General Dustin, a northern soldier, of good family connections, who settled in Demopolis and allied himself by marriage with one of the old and prominent families of the town, was appointed major general of militia, and endeavored, but unsuccessfully, to organize a force. The law provided that whenever forty or more men should enroll themselves and choose officers, the governor upon application should recognize them as a volunteer com-

pany. Governor Smith could not be persuaded to encourage the formation of a militia force; he preferred federal regulars, and they were always available.

While awaiting opportunity for employment of his warrior genius and acquirements, General Dustin, equally soldier and statesman, served the people of his adopted county in the legislature. His colleague in that august assembly of solons was Levi Wells, a "ward of the nation."

Others who made reconstruction history in Marengo county will be mentioned incidentally as this narrative progresses. They were a rare lot, and equally with the others worthy of a place on the scroll of fame.

Choctaw county officials distinguished themselves in some features of their administration of affairs, according to testimony before a government commission. Dr. Foster was appointed probate judge and elected state senator, and served in the dual capacity. Receiving the appointment of revenue collector at Mobile, he discarded the probate judgeship, to which Hill was appointed, but polygamously refused to be divorced from the other love, the senatorship. Hill had been appointed treasurer before receiving the appointment to the judgeship. Withdrawing from the former place, his brother, Alex-

ander, succeeded. It may not too much confuse the already complex situation to mention incidentally that the industrious Alexander filled in spare time by discharging the humble duties of justice of the peace, having before him the example of his eminent brother, who scorned not the lesser duties of register in chancery, with which also he was charged. In the progress of time, an inquisitive grand jury, nosing into matters, ascertained that Treasurer Aleck had received from the county tax collector fees to the amount of $3,600. While the jury was investigating, a disturbance occurred on the streets; the sheriff resigned, rather than interfere with the disturbers, and sought pastoral scenes. Circuit Judge J. Q. Smith, serving as a substitute for Luther R. Smith, adjourned court without receiving the jury's report. Immediately after adjournment Probate Judge Hill, who had received a significant communication, with skull and dagger adornment, and maybe had been playfully shot at, retired to his farm, leaving his office in the care of the overburdened but willing Aleck. The circuit clerk accompanied the probate judge to his sylvan retreat, and imposed more work on Aleck by making him custodian of his office also. By the way, this clerk was first elected, but failed to qualify, whereupon Judge Smith cured the defect by appointing him to the

place. Such was the situation of affairs when, at midnight, April 14, the structure burned, and, excepting documents in the hands of the jury, all of the records of the two offices, together with the treasurer's account of moneys received and disbursed, fed the hungry flames. The treasurer said that all the funds were in the safe, but only charred packages of Confederate "shinplasters" were found therein when the safe was opened. The succeeding treasurer, an expert accountant, under instructions from the commissioners' court, investigated accounts between the collector and former treasurer, and reported that the latter was in default to the extent of about $7,000, and the tax collector about $2,700. Meanwhile, the tax collector had sought a change of air in "the glorious climate of California." Before his departure he related a tale of woe, the burden of which was that highwaymen had despoiled him of official collections of between $5,000 and $6,000.

The fire fiend had marked Choctaw officials for its victims. According to his own statement, the dwelling of the county superintendent of education was the repository of $4,000 of county funds when said "fiend" consumed it. The superintendent was the author of his own official bond, and in his inexperience omitted therefrom the customary penalty clause, which omission rendered the instrument non-

enforceable. Feeling the inadequacy of local employment for his talents, he took up residence across the line in Sumter county, and thus qualified for election to the legislature, but there was no requisition for his services.

The superintendent was law partner of Joshua Morse, attorney general of the state. They were jointly indicted for the murder of Editor Thomas of the county paper at Butler, the county seat; they obtained a change of venue and were tried and acquitted in Mobile, the principal witness against them having disappeared.

William Miller, a former slaveowner and one of the largest landowners, became probate judge of Greene county in 1868. Judge Oliver, the incumbent, refused to recognize his claim, and Miller invoked the ever-responsive military powers; the soldiers forced entrance to the office and inducted the claimant. Oliver filed a protest and retired. Alexander Boyd, a nephew of Miller, became county solicitor and register in chancery.

Judge Luther R. Smith had a brother, Arthur A., who was languishing in Massachusetts, with talents unemployed and maybe unrecognized. The judge imported his brother and made him county superintendent of education. There were not many white Republicans in Greene, and it happened that the

circuit court clerkship was "lying around loose," and the judge thought Arthur was the man for the place. The latter accepted the gift, but failed to relinquish the superintendency of education. One Yordy figured as agent of the Freedmen's Bureau.

These officials were unable to obtain board and lodging at either of the taverns or elsewhere, and jointly established and maintained for some time a bachelor establishment, duly ostracised by the people of the town and county.

Hale county had a complement of officials in keeping with the layout common to the counties of the district, including a negro legislator. The most troublesome was Dr. Blackford, probate judge. He had served as a delegate to the constitutional convention of 1867. He displaced Judge Hutchinson, a popular gentleman who had lost three brothers in one of the battles in Virginia, members of the famous Greensboro Guards.

Blackford was a skillful physician and surgeon, and of fair education. He served as surgeon in the Confederate army, and was stationed at Vicksburg during the siege. Subsequently a story circulated that he was there court-martialed on a charge of appropriating to his own use hospital stores, including liquors. However that may be, his services were dispensed with and he took up abode in Greens-

boro, and began to practice his profession with much success. In an evil hour he was tempted to cast his lot with the adventurers who were greedily fastening their clutches upon the substance of the country, and fell. Going from bad to worse, he affiliated with negroes and soon obtained absolute control of them. Claiming, as probate judge, that he had the right to supervise contracts between them and their employers, he constantly meddled in private affairs. Calling league meetings and taking the hands away from their work, he caused much vexation and loss to the planters.

About the time when he became probate judge an incident occurred in Greensboro in which was exhibited by the soldiers an unusual disapprobation of the administration of affairs. The agent of the Freedmen's Bureau, one Clause, incurred the displeasure of some of them who were inclined to insubordination, and they administered to him a beating. Varying the proceeding, they seized a negro school teacher and conveyed him to a pond, in which they ducked him repeatedly.

Blackford became alarmed at this manifestation of displeasure, and fled to the hills north of the town. There he was pursued by the rioters in uniform, and, resuming his flight, sought refuge at the home of a citizen, who apprised leading citizens of

Greensboro of his whereabouts and peril. They informed the military commander, who, in turn, dispatched a squad of cavalry to rescue him and conduct him to town. Blackford, on his return, renounced his political heresies and aspirations to the judgeship, which he declared he would not accept; but, recovering his confidence in the stability of the military powers and his negro backing, he quickly recanted and relapsed into arrogance.

Tuscaloosa county was not neglected by place-hunters, but the preponderance of whites in that county was a restraining influence.

Luther R. Smith, a carpetbagger from Michigan, provisional circuit judge in 1866, was elected to that position in 1868, and simultaneously a member of the legislature, but had decency to resign the latter trust. Notwithstanding he subsequently violated the judicial proprieties by presiding over a radical state convention in Selma. He was one of the most respectable of the intruders, and reputed to be just, impartial and courteous on the bench. Nevertheless he shared, in a lesser measure, the odium which attached to all. The feeling of the people was that no right-minded man would thrust himself into public position under the peculiar circumstances.

All the members of the United States House of

Representatives from Alabama were carpetbaggers —officers in the United States army. Charles W. Pierce represented the fourth district. He held a commission as major. His course in the interval when the constitution was in abeyance was the same as that of Colonel Callis, who caused more discussion. Colonel Callis was elected to Congress from the Huntsville district, in competition with General Joseph W. Burke, a man of character and education. General Burke was the Republican nominee, and Callis bolted. Callis was a federal soldier and agent of the Freedmen's Bureau, at Huntsville. While canvassing, he was attired in the uniform of a colonel. When the constitution was rejected and declared rejected by General Meade, and the fact communicated to General Grant and by him communicated to Congress, and the action of Congress looked to the rejection of the constitution, Colonel Callis left Huntsville and went upon duty to Mississippi as an army officer. When Congress accepted the constitution and admitted Alabama under the "omnibus" measure, Callis hurried to Washington and took his seat as a representative from Alabama, notwithstanding he had never been a citizen of the state and was then a resident of Mississippi. Pierce was succeeded by Charles Hays, of Greene county, in November, 1869.

The state was represented in the federal Senate by Willard Warner and George E. Spencer, the first named a northern general, the other, an army contractor. Judge Busteed, under oath, said that when elected Warner was not a citizen of Alabama; that when summoned a short while before as a juror in his court, Warner claimed exemption on the plea that he was a senator of the state of Ohio. Governor William H. Smith, in a letter published in the *Huntsville Advocate,* said: "Spencer lives upon the passions and prejudices of the races. The breath of peace would leave him on the surface, neglected and despised." And Spencer characterized his colleague as a "a trifling and worthless man."

Being unobjectionable as to "loyalty," all of these non-citizens were permitted to take their seats; and for the first time since 1861 Alabama was represented (?) in the federal Congress, notwithstanding the fact that during a part of that period the people were taxed by the government which denied them representation—taxed unconstitutionally (in the case of cotton), as the Supreme Court subsequently decided.

William H. Smith, of Randolph county, displaced Governor Patton. His character will be revealed as these pages multiply.

The state supreme court justices were evicted,

and S. W. Peck, Thomas M. Peters and B. F. Saffold substituted for them. There is little to be said of them by a layman, except that the first named favored suspension of the writ of habeas corpus, during the Ku Klux era, and the last named declared unconstitutional the law under which a justice of the peace was convicted of solemnizing the rites of matrimony between a white man and a negro, and reversed the judgment of the lower court.

President Lincoln in 1863 appointed Richard Busteed United States district judge, and in 1865 the appointee came to the state and assumed the bench. Whatever else may be said of him, he was bold in expression of opinion, judicial and personal; and during the carpetbag régime he testified that "the general character of Alabama office-holders for intelligence and honesty was not good." In 1870 Francis S. Lyon, of Demopolis, testified that a bill was filed in Judge Busteed's court to foreclose two mortgages on the Alabama Central Railroad (Selma to Meridian), and the cost of that suit, paid by New York creditors of the road, amounted to $122,000. The institution presided over by Judge Busteed was costly to litigants, to say the least.

A. J. Applegate became lieutenant-governor. Mr. William M. Lowe, of Huntsville, testifying before the congressional commission in 1870, said of him:

"I had occasion to look into his record, and published a statement in reference to his character, in which I proved conclusively that any petit jury in any New England state would have convicted him of grand larceny upon the evidence by his own declarations,—his own letters. These charges were made by me when he was living. Every opportunity was given him to make his defense; he had no defense to make but a lie. He had been a member of McPherson's body-guard that stopped near Mrs. Jacob Thompson's residence in Mississippi. He was there taken sick and taken into her house and nursed and kindly treated by her. At that time and under those circumstances, he, or some one with his knowledge and connivance, stole the deeds and patents and valuable papers belonging to the Thompson estate. After the war he settled here and wrote a letter to Mrs. Thompson. In his first letter he thanked her for her kind and Christian treatment of him while he was sick, although he was an enemy to her cause, saying that he would ever hold it in remembrance. The second letter called to her mind the fact that she had lost those valuable papers, and offered to return them or have them returned to her for a consideration. She wrote him back. The correspondence was published in full. Finally, he wrote to her if she wanted these papers better than

she wanted $10,000, to send him on the money and get the papers. That was about his language, written in the most abominable and illiterate style." The matter was placed in the hands of lawyers, who induced Applegate with $300 to surrender the papers.

General James H. Clanton, under oath, spoke thus of Harrington, speaker of the house of representatives:

"Mr. Harrington came to Mobile very poor, from the northeast somewhere. He was never a soldier that we knew of. He is now very rich. Just after the war he was charged with running free negroes into Cuba. I do not know whether it is true or not. The present sheriff of Montgomery county showed me a reward offered for him, from what purported to be a northwestern paper, on a charge of bank robbery. He requested me to say nothing about it lest Harrington should get away. He said he was going for him that night; that he had his accomplice in jail, and the accomplice said Harrington was the man. The description he showed me was lifelike."

Asked whether it could not be a mistake, the general replied:

"No, sir; a man of marked physique. I did not give this information at the time to any of my law

partners, but they smiled when I told them that Harrington would pay more reward to Barbour (the sheriff) and we would never hear of it again. And we never did hear of it till we published it in the last campaign, to which Harrington, who still lives there, made no response whatever. Colonel Thomas H. Herndon, a prominent lawyer of Mobile, said to me that a friend saw Harrington, during the last session of the legislature at which he presided, take a crowd off to drink champagne at a barroom known as the Rialto, in Montgomery, and when remonstrated with for his extravagance, he ran his hand in his pocket and pulled out seventeen one-hundred-dollar bills, with the remark that he could afford it, as he had made that much in one day in engineering a bill through the house." The general further testified that Eugene Beebe, of Montgomery, told him he paid Harrington a sum of money to advocate a lottery charter before the house. He said that of the representatives whom he "approached" on the subject of the lottery, only one, a negro, exhibited any qualms, and he accepted fifty dollars, protesting that it was only "as a loan."

When Colonel Joseph Hodgson became superintendent of education, he said that county superintendents had embezzled between $50,000 and $60,-

000 of school funds. Two sons of the former state superintendent were fugitives on that account.

Mr. P. T. Sayer, speaking of the Montgomery county representatives in the lower house of the legislature, said: "One of them is a man who came from Austria, by the name of Stroback. I understood that he was a sutler or something of that kind in the federal army. I further understood that he never has been naturalized; I do not know about that. He was said to be a gentleman in his own country; I do not know about that, but he certainly is not one in Montgomery. He is a man of a great deal of sense, and I think a dangerous man in any community situated as ours is. The others are three negroes."

These character sketches of radical officials might be multiplied indefinitely, but the monotony would weary the reader. Necessarily others will be mentioned incidentally as this story of reconstruction progresses.

CHAPTER TEN

RUINOUS MISGOVERNMENT

Only misrule could be expected from such officials. Nothing was sacred from their greedy grasp. The most cherished institutions were debased to their purposes. In time the university was avoided by all who were unwilling to forfeit public esteem. One of the early arrivals from fruitful Ohio was Rev. A. S. Lakin. He was commissioned by Bishop Clark, of the Cincinnati conference of the Methodist Episcopal Church, to organize negro churches in Alabama. He was a fanatic of the extreme type, and his work of the politico-religious character. He regarded the Methodist Episcopal Church, south, as an aggregation of rebels, and aimed to array his negro proselytes against it by preaching political sermons, in which he reminded his audiences of their former bondage and alleged there was danger of its renewal. According to his own statements, he was the unterrified victim of a concatenation of Ku Klux attacks. In prosecuting his roving missions in the mountains of northern Alabama, Lakin's morbid fancy dis-

torted every lone hunter encountered on the roadside into a lurking assassin, and every innocent group of gossiping rustics into a band of Ku Klux. He organized a camp-meeting, and one night at an early hour during its progress a party of horsemen rode through. Lakin wrote for publication in one of the church organs a hair-raising story of the incident, magnifying it into a Ku Klux foray. His explanation of the cause of the intrusion was that the klansmen were offended because of a rumor circulating in the camp that an infant born in the neighborhood was "a Ku Klux child," an exact image in miniature of a disguised Ku Klux, horns and hood included. Lakin solemnly affirmed the fact of the birth of the monstrosity, but ungenerously robbed it of distinction by adding that six other infants in that klan-infested region were similarly "Ku Klux marked." The woods must have been full of human curios!

In 1868 the regents elected this superstitious and prejudiced emissary president of the University of Alabama! Accompanied by Dr. N. B. Cloud, state superintendent of education, Lakin journeyed to Tuscaloosa to assume the station which the people once hoped would be graced by the illustrious Henry Tutwiler. Professor Wyman was in charge of the institution and held the keys; the former president had withdrawn and appointed him custodian. On

the ground that the board of regents was illegally constituted, Professor Wyman refused to yield to Lakin, and the latter, discerning signs of popular displeasure, lost the courage which had nerved him to assert his claim, mounted his horse and hurriedly rode away in the direction of Huntsville, while Dr. Cloud departed with equal celerity in the direction of Montgomery.

Some time afterward Lakin related a blood-curdling story of pursuit from Tuscaloosa by a band of Ku Klux and his almost miraculous escape from the horrible death to which the band had condemned him. This story provoked the publication of a counter charge,—that while Lakin was preaching somewhere in New York State he ill requited the hospitality of an entertainer by dishonoring the household.

And this man's ultimate aspiration was to represent Alabama in the United States Senate!

One of the most scandalous chapters in the history of the Republican régime relates to railroad subsidies. The Lindsay administration favored encouragement to the building of railroads, as means for development of natural resources, and in 1867 the legislature passed, and the governor approved, an act which authorized the state to indorse bonds of new railroads to the extent of $12,000 per mile,

with an additional endorsement for bridges; but indorsement was safeguarded carefully, and no wrongs were committed in connection with the execution of the law until the Radicals assumed control. Then there began a riot of bribery and corruption.

November 10, 1871, I. F. Grant, state treasurer, submitted to the congressional commission investigating affairs in the southern states a statement from which the following extracts are made :

"Bonded debt of the state January 11, 1861, $3,445,000.

"The state is and was bound to pay in perpetuity for annual interest on the school fund the sum of $134,367.80.

"Interest unpaid during the war, accrued up to and including January 1, 1867, was then funded and new bonds issued for the sum of $621,000, which made the total bonded debt on

January 1, 1867	$4,066,000
"The war debt, amounting to $12,094,731.95 was repudiated.	
"Eight per cent. bonds sold in 1867-68..	659,100
"Eight per cent. bonds sold in 1869-70..	657,700
"Total bonded debt January 1, 1871...	$5,382,800

"Cause of increase, sale of bonds to carry on the government.

"There is a prospective liability for an indefinite amount growing out of the passage of an act, approved February 19, 1867, and amended August, 1868, whereby the state is required to indorse railroad bonds to the amount of $12,000 per mile, which act was further amended in March, 1870, so as to increase the indorsement to $16,000 per mile.

"The same legislature in March, 1870, made a loan to the Alabama and Chattanooga Railroad Company of $2,000,000 in Alabama 8% bonds, over and above the indorsement of $16,000 per mile for the entire length of the road, thereby adding to the direct and collateral liability of the state for this one road the sum of $6,700,000. In addition to this, the Republican governor, W. H. Smith, issued to the road bonds to the amount of $500,000 above what the road could ever by any possibility claim under the law.

"The said road made default in payment of January and July, 1871, interest, which the state paid as its owner and creditor, $508,000.

"There are eight or ten other roads for which the state, under the law above referred to, is liable as indorser."

The state auditor reported this summary of liabilities September 30, 1871:

Direct indebtedness	$ 8,761,967 37
Present conditional indebtedness	15,420,000 00
Conditional indebtedness provided by law	14,200,000 00

Under Democratic administration, a committee of the legislature investigated the railroad deals and reported that "Two millions of state bonds which the law authorized the governor to issue in aid of said company (Alabama and Chattanooga) in sums sufficient to pay off the cost of having constructed a certain amount of road in excess of the state indorsement of $16,000 per mile, were issued in bulk, with reckless haste, and were hurried away to the money marts of Europe"; that "there has been no record kept by any officer of the state of the number and amount of the bonds issued or indorsed by the state in favor of the various railroads entitled by law to the aid of the state, except as to loans of bonds to the Montgomery and Eufaula Railroad Company, $300,000 in amount, and the indorsement of bonds in favor of the Mobile and Montgomery Railroad Company."

R. M. Patton testified that although he had accepted the presidency of the Alabama and Chatta-

nooga Railroad Company, he was ignored because he opposed the loan bill. D. N. Stanton, of Boston, was elected president, and Patton "was not invited or expected at the consultation of friends of the road. He said: "I do not think the stockholders ever paid in any of the capital stock of the company."

Arthur Bingham, state treasurer from 1868 to 1870, asked whether he knew of any fraud or illegality in connection with the issue or indorsement of the railroad bonds, declined to answer upon the ground that by so doing he would criminate himself.

Mr. Holmes testified that on the last day of the session of the legislature of 1869-70 Mr. Gilmer, president of the North and South Railroad, borrowed from him and Mr. Farley $25,000. Next day Mr. Gilmer complained that John Hardy, of Dallas county, chairman of the committee of the legislature, had treated him shabbily; that "he had agreed to pass the bill for him for $25,000, but that at the eleventh hour he went back on him and made him pay $10,000 more, making in all $35,000."

Jere Haralson, colored, Mr. Hardy's colleague from Dallas, was a shrewd negro, but at that time a cheap commodity. Later he appraised himself more highly. Ben Turner, a negro (successor to the carpetbag congressman), continued for some time

after regeneration to represent the Dallas district in Congress, and Jere spent much time with him in Washington, engaged in profitable political work. But at the Montgomery distribution only fifty dollars was apportioned to him. He ingenuously explained that he accepted it as a loan.

When the state, some years later, attempted to make Mr. Hardy disgorge the $35,000 (bonds) and imprisoned him, he escaped on the plea that it was imprisonment for debt.

Ex-Governor Patton published a statement in which he said that, when in Boston, parties to the Alabama and Chattanooga Railroad complained to him because legislation in Alabama had cost the company $200,000.

J. P. Stowe, a Montgomery county representative, asserted, and the assertion was published, that John Hardy took away the night the legislature adjourned not less than $150,000, but not all of it was his—he had much of it for distribution.

Construction of the Alabama and Chattanooga (now the Great Southern) Railroad, extending from Meridian to Chattanooga, referred to in the report quoted from, was under direction of D. N. Stanton. He was a skilled and unscrupulous lobbyist and get-rich-quick builder. There was testimony to the effect that the only money used in construction work

was that which was derived from state indorsement. The indorsement for bridges was $60.00 per lineal foot of structure. In the hill country, beginning in Tuscaloosa county, the line of road described a serpentine trail among the hills. Mere increase of mileage presented no great disadvantage to Stanton, but tunneling, cutting and filling were difficulties studiously avoided. Consequently, when the road passed into other hands and reorganization was effected, changes necessary in straightening left the landscape with marks of peculiar interest to civil engineers. Travelers by that road may observe from car windows at many points abandoned roadbeds to right and left, winding among the low places and avoiding hills which were so formidable to Stanton, reminding the observer of meandering brooks seeking lower levels. Lines of least resistance were most attractive to Stanton, regardless of circuitousness.

While government was thus growing in costliness, the resources of the people who had to foot the bills were diminishing.

State Treasurer Grant's statement showed that the average cost of state government in Alabama for 1859 and 1860 was $813,000; for 1868, 1869, 1870, $1,514,000; and the increase, he said, was

partly due to increase of bonded debt, but mainly to ignorant and corrupt legislation.

The report of the superintendent of census showed:

Assessed valuation of property in Alabama, including slaves, in 1860	$432,198,762
Assessed valuation in 1870	156,770,387
State taxation in 1860	530,107
State taxation in 1870	1,477,414
County taxation in 1860	309,474
County taxation in 1870	1,122,471

Now consider, as representing average conditions in the counties of the Black Belt, these facts derived from the report of Judge Hill, an expert, employed to investigate affairs in Marengo county.

Taxes in 1870 were threefold greater than in 1860. The value of subjects of taxation had diminished two-thirds; 22,000 slaves, of an average value of $500 each, had ceased to be enumerated as taxable property; lands had depreciated in value sixty per cent.; there was less than one-half as much live stock as formerly; two townships had been lopped off and given to the newly-created county of Hale.

CHAPTER ELEVEN

THE WHITES AROUSED

The people of the Black Belt had borne with all possible patience the multiplied grievous wrongs recited in the foregoing pages. During the transition from master and slave to the new relations between them there was a strong disposition in both races to live in peace and harmony and make the best of their altered relations; the negroes were civil and confiding, scarcely realizing the change in their status, while the whites appreciated their good behavior during the war, when families of men in the army were unprotected, and were disposed to gratitude for it. But since the establishment of the league friendly intercourse between the races had been growing rarer, and now ceased altogether; the estrangement was complete.

With the imposition of the constitution began the reign of the carpetbagger—"demon of discord and anarchy"—and the negro, and the infliction of "the horrors of reconstruction"; a civil convulsion in which the foundations of society were broken up;

"a vast sluice of ignorance and vice was opened; a race which never had evolved anything of its own motion was given the ballot, the highest right of American citizenship," and never regarded it as more than a personal perquisite, while white men of the highest type were disqualified from voting by the constitution of their state; negroes were made eligible to all offices, while the federal Constitution deprived the people of the wisdom, knowledge and experience in office of former leaders at a time when they were most needed. A comment of the time was, that a proscribed white man could not have been bailiff to his former slave if that former slave was a justice of the peace, as he might well have been, if he was not in fact. Democrats had not opposed negro suffrage in order to oppress the negroes, but to prevent negroes from crushing them; and the situation produced by the imposition of the constitution attested the reasonableness of their fear of the effect of the endowment of the negro with the ballot. They realized that "in popular government where two races exist in mass who are from any cause so different that they cannot mingle in marriage and become one, the exercise of political power must be confined to one or the other of those races if there be a wish for security and peace."

In the fourth district, the whites were greatly out-

numbered by the blacks, and, comparing voting strength, a contest with them at the polls seemed hopeless.

The census of 1870 credited Choctaw county with 5,802 whites and 6,872 blacks; Greene county, 3,858 whites and 14,541 blacks; Hale county, 4,802 whites and 16,990 blacks; Marengo county, 6,090 whites and 20,058 blacks; Sumter county, 5,202 whites and 18,907 blacks; Tuscaloosa county, 10,229 whites and 8,294 blacks.

Thus, excepting the first- and last-named counties, the whites were outnumbered by more than three to one.

All of the towns in the section under review were small, the populations ranging from 1,500 to 2,000. Greensboro in Hale, Eutaw in Greene, Demopolis in Marengo, Butler in Choctaw, Livingston in Sumter, and Tuscaloosa in the county of the same name, were the seats of government of their respective counties, centers of religion, education and sociability. At Tuscaloosa were located the State University and a fine girls' school; in Marion were the Seminary, the Institute, Judson, and Howard College; in Greensboro, the Methodist Southern University and an advanced girls' school. These towns had been founded as the home places of wealthy and cultured planter families whose planta-

tions were in the fertile prairies and canebrakes. Office-holding had always been their honorable distinction, gained by highest merit.

An epitome of conditions in the southern states at that period will serve to portray those in Alabama: "Legislatures in some instances composed in part of pardoned felons and penitentiary convicts enacting laws; the judiciary in the hands of charlatans and bribe-takers; every office, from the highest to the lowest, filled with ignorance, vice and unblushing corruption; with the land swarming with libelers and malignant slanderers; the country divided into military districts and garrisoned with troops, whose officers were ever ready, at the slightest bidding, to annoy and oppress an unarmed people."

But the whites realized that in this section, at least, civilization itself was at stake, and notwithstanding the adverse odds and other disadvantages, resolved to risk all in combat with the forces arrayed against them. They were acquainted with the character of the Union League; aware of its horrible objects and aims; the almost daily crimes of lustful fiends, assassins and incendiaries were regarded as the fruits of its teachings; its responsibility for the existence of courts of law void of decency and recognized authority, and for officials incapable of

enforcing law and order, for injury to public credit by prodigal pledges, and waste of public money, was fixed by its foolish and persistent allegiance to false leaders. This league was the institution marked for destruction. An organization pledged to undertake the task relentlessly and unflinchingly was regarded as a necessity. As the mighty Anglo-Saxon race on this continent had ever proved equal to emergencies, so now the men of this race, war-trained in arms and horsemanship, sensible that the great stake of Christianity and civilization lay in the balance, nerved themselves for the conflict.

The rule of the carpetbagger and scalawag and freedman was a "reign of terror," and thrilling as well as deplorable were the incidents of the struggle to throw off the yoke. The mere recital of them, without comment, would fill volumes. Only those regarded as culminating events in the several counties of the district will be related. And in the relation sworn testimony of the time supports the writer's statements where personal observation was lacking. They illustrate the sacrifices of the devoted men who were impelled to deeds distasteful but regarded as a necessary choice of evils, and who rescued that garden spot of the state from savage domination and again made it fit abiding place for the race which before had dispossessed the abori-

gines. These men knew that the negroes were misguided dupes of designing and ruthless leaders, and pitied them, but for the ultimate good of both races sternly resolved that they should be compelled to discard those leaders and submit to the legitimate rulers of the land.

CHAPTER TWELVE

THE KU KLUX KLAN

Before proceeding with the narrative, an explanation of the origin and purposes of the Ku Klux Klan may interest the reader. The facts mentioned were derived from authentic and official sources.

The first den was organized in Pulaski, Giles county, Tennessee, in 1866, and Pulaski continued to be the centre of the order throughout its existence as an interstate organization. Six men organized the den for diversion and amusement in a community where life was dull and monotonous. The original name was Ku Kloi (from the Greek word Ku Klos), meaning band or circle. It was changed to Ku Klux and Klan was added.

The constitution of Tennessee was imposed by a fraction of the people. The legislature passed an act restricting suffrage which disfranchised three-fourths of the native population of the middle and western parts of the state. This obsequious legislature also passed acts ratifying the illegal edicts of the autocratic and tyrannical Governor Brownlow

("The Parson"); the sedition law was revived and amplified; freedom of speech and press was overthrown, and a large militia force composed of negroes was created and made responsible to the governor alone. At an election enough men had been permitted to register to thwart Brownlow's plans. He threw out the entire vote of twenty-eight counties. Registrars were removed, registration set aside, the counties placed under martial law, and negro militia quartered therein. The legislature had become unanimously Republican in both branches.

The people began to consider means of counteracting this high-handed tyranny. The Pulaski Ku Klux organization had attracted much attention and branches of it had been organized in many parts of the state. Leaders of the people quickly saw that it could be utilized for the purpose in view. And this was done. The order, thus perverted, soon spread from Virginia to Texas. The ritual was simple and easily memorized and was never printed; but a copy of the prescript was obtained and used in a trial in Tennessee and reproduced in United States government publications. At a meeting in Nashville of delegates from all dens this was modified. That convention designated the southern territory as "The Invisible Empire." It was subdivided into "realms" (corresponding to states); realms were

divided into "dominions" (congressional districts); dominions into "provinces" (counties); provinces into "dens." Officers were designated as follows: Grand Wizard of Invisible Empire and his ten Genii (and the grand wizard's powers were almost autocratic), Grand Dragon of Realm and his Eight Hydras, Grand Titan of Dominion and his Six Furies, Grand Cyclops of Den and his Two Night Hawks, Grand Monk, Grand Scribe, Grand Exchequer, Grand Turk, Grand Sentinel, The Genii, Hydras, Furies, Gobbins and Night Hawks were staff officers. It is said that the gradation and distribution of authority were perfect, and that no more perfectly organized order ever existed in the world. The costume consisted of a mask with openings for the nose and eyes; a tall, pointed hat of stiff material; a gown or robe to cover the entire person. Each member was provided with a whistle, and with this, and by means of a code of signals, communicated with his comrades. They used a cypher to fix dates, etc., and published their notices in the newspapers, until repressive laws forbade this. Their horses were robed and their hoofs muffled.

Meanwhile, other orders formed: White brotherhood, White League, Pale Faces, Constitutional Union Guards and Knights of White Camelia; but all evidence shows that they were for the most part

short-lived, the very name of Ku Klux having caught the fancy of the members. General Forrest is credited with having consolidated all of them into the one grand order. An interview with General Forrest was published in the *Cincinnati Commercial* in September, 1868, in which he was quoted as saying that in Tennessee the klan embraced a membership of 40,000, and in all the states 550,000. He said to the congressional commission that the order was disbanded by him when it had fulfilled its purpose. No doubt he meant that the general organization was disbanded, for certainly detached bodies existed after the date fixed by him as that of the disbandment. Fleming says that the general was initiated by Captain John W. Morton, formerly his chief of artillery, and became Grand Wizard. In his testimony General Forrest said that the klan in Tennessee was intended as a defensive organization to offset the Union League; to protect ex-Confederates from extermination by Brownlow's militia; to prevent the burning of gins, mills and residences.

Congress and the radical legislatures resorted to all possible means to break up the klans, but they existed until after white supremacy was restored. Even then, counterfeit bodies perverted the name until they were suppressed by the natural rulers of the land. Congress passed a bill which provided for

suspension of civil government in any district in which Ku Klux lawlessness existed, thus depriving all the people of trial by jury and other rights, and placing whole communities under the ban of military power. The Alabama legislative enactment pronounced anyone found in disguise a felon and outlaw. It also provided that if a person was whipped or killed by men in disguise, the county could be sued for a penalty ranging from $1,000 to $5,000; and it made it the duty of the prosecuting attorney of the county to institute suit for and in behalf of the victim or his relatives, in any case where no indictment was found.

After the Nashville convention the order courted publicity, in order to inspire respect for its powers, and the Ku Klux sometimes paraded in daylight. Their appearance in public was sudden and unheralded; and they disappeared as silently and mysteriously. The perfection of their movements in drill revealed the training which the members had received as cavalrymen during the war. Sometimes the parades were at night, and then the mystery of their sudden appearance and the weirdness of the spectacle were heightened. One of the night parades was in Huntsville, and the story of it was circulated throughout the north as evidence that another revolution was imminent. It was in the nature of an ac-

ceptance of challenge, and the circumstances connected with it were as follows:

On October 30, 1868, C. C. Sheets, a Grant candidate for elector, made a speech in Florence. About ten o'clock that night a band of disguised men visited his sleeping apartment. He attempted to escape by way of a gallery, but was caught and taken back to his room. After a short stay the band retired without having in any way harmed him. Sheets said that they exacted from him a promise that he would desist from making inflammatory speeches. Later in the same month Sheets delivered a speech in Huntsville. It was reported that in the course of that speech he told his colored audience that he had been interfered with a few nights before in Florence by Ku Klux, and that he had promised them then that he would not make the abusive and inflammatory speeches that he had been making; but up there, where there were so many colored people, he wasn't afraid to say what he pleased, and that if the colored people would do what was becoming in them, they would carry with them weapons and shoot down those disguised men wherever they found them; that the reason the Ku Klux paraded the country was because the negroes were weak-kneed.

The speech excited the negroes. They remained

in town all day, and at night a meeting was held in the court-house and many negroes, with guns, attended. During the day leading negroes loudly proclaimed that Ku Klux would never again be permitted to enter the town; that if they attempted to do so, they would be shot on sight. A federal military officer had said it would be lawful to do this. A rumor circulated that Ku Klux were assembling at a point some miles distant, and about dark two large posses of negroes, under command of deputy sheriffs, repaired to points along principal roads to intercept them. While the speaking at the court-house was in progress, fugitive negroes from the posses, which had suddenly dissolved at the approach of danger, rushed to the court-house and announced that Ku Klux were marching on the town. The meeting broke up in confusion and the people hurried into the yard. All the near-by streets and the sidewalks surrounding the square were thronged with people, white and black. Suddenly the cavalcade, numbering about two hundred, fully uniformed in tall conical hats, long gowns, and hoods with eyeholes, some armed with guns and sabres, wheeled into the square, and without sound save the whistle signals—then almost as awe-inspiring as had been the "rebel yell"—rode in military order completely around the court-house, and then turned

into one of the streets. Proceeding along this some distance, the column halted and formed into battle line. After maintaining this formation for a few minutes, the march was resumed and the band disappeared.

There was stationed in Hunstville at that time a regiment of regular troops, and their commander, General Cruger, with some of his staff officers, from a hotel veranda viewed the spectacle of the Ku Klux parade. His comment was that "it was fine but absurd."

There was an unfortunate episode of the event:

Just as the Ku Klux withdrew there was a discharge of firearms in the courtyard. Some witnesses said that the first discharge, an accidental one, due to nervousness, caused the others. Judge Thurlow, a visitor, was mortally wounded, and said a short while before his death that he was shot accidentally by his Republican friends. A negro seated on the court-house steps was killed instantly. Two white men and a negro were wounded. This tragedy was without design, and the excitement was quickly quieted.

A rumor that a few undisguised Ku Klux were posted about the square was supported by the fact that after the departure of the troop three men, having disguises in hand, were arrested by soldiers

while in the act of mounting horses in one of the side streets. Later in the night they were rescued from jail by their comrades, and were never officially identified. But their paraphernalia was retained by the officials and often exhibited and photographed. Perhaps none other was ever captured directly from a wearer.

CHAPTER THIRTEEN

A Miscarriage

There were some miscarriages in the operations of the klan. A memorable one of this character is recalled. A cavalcade, supposed to have started from the western side of the Warrior river, rode through Greensboro and proceeded to Marion, a distance of about thirty-five miles, presumably to take from jail and execute a negro who had, with but slight provocation, killed a white man with a paling which he wrenched from a fence. The riders visited the jail and demanded the keys. The jailer's wife appeared and implored them to desist. The jailer himself, a member of a fraternal order, made an appeal which was recognized and respected by members of the party and was successful, and after much parleying, the invaders withdrew without molesting the custodian of the county Bastile or his charge. But an episode of the foray was embarrassing and dangerous. The riders had proceeded only a short distance when one of the horses

fell and expired, in full mock panoply. Here was an awkward situation for the raiders. A comrade, far away from home, unhorsed and subjected to inevitable detection should he be abandoned! It is not known by what means he escaped and regained the realms of the "Grand Cyclops."

The warning to evil-disposed persons conveyed by this raid perhaps obviated the necessity for another in that particular part of the county.

Across the border line of Mississippi occurred a lamentable disaster, due to incompetent leadership and ignorance of locality.

In 1870 the carpetbag government in Mississippi reached the zenith of its power, and its baleful influence pervaded every nook and corner of the state. The effects of misgovernment were deplorable. Lands which in ante-bellum days were appraised at twenty-five to seventy-five dollars per acre had so depreciated in value that at forced sales only about one dollar per acre could be obtained. There were few real estate transfers; some of the lands were depopulated; the only immigrants were carpetbaggers seeking offices; taxation was oppressive, especially for the support of schools, and almost the entire burden was laid upon the whites; the scanty possessions of negroes were within the limits of exemption; even the poll tax, devoted to

school purposes, was evaded by them. In some counties tax-payers bore the expense of schooling three negro pupils to one white pupil. At length they resisted collection of the tax.

Robert W. Flournoy, of Pontotoc, distinguished himself in the resultant controversy. When not engaged as deputy postmaster and county superintendent of education, he conducted a weekly newspaper, and made it and himself odious. In his paper he bitterly denounced the Ku Klux as "midnight prowlers and assassins," and responsible for the suppression of public schools. He insisted that in the schools there should be no separation of races, and engaged in a prolonged and heated controversy with the governor over the question of admitting negroes to the State University.

Colonel Flournoy received from the Grand Cyclops a communication, intimating that at an early date he would receive a visit from the men whom he had denounced. About midnight, May 13, 1871, Flournoy's office foreman and a companion aroused him from sleep with the startling announcement that a band of Ku Klux had appeared in the village, and the leader was inquiring where the colonel's residence was located. He had some shotguns, and, arming himself and his callers, departed from home and repaired to a blacksmith shop near by. At this

place a number of townsmen, well armed, had already assembled. The colonel subsequently accounted for their presence with arms with the statement that during the afternoon they had been hunting, and when the foreman had alarmed them they were engaged in a game of cards. Altogether, these men constituted a strong force, and proceeded to arrange an ambuscade at the shop.

Meanwhile the Ku Klux, who, according to later revelations, were strangers, wholly unacquainted with the locality, having learned the situation of the Flournoy residence, were approaching it, unconscious of the state of affairs. Fronting the place and extending a long distance were deep and tortuous gulleys, and in their progress the horsemen became entangled and bewildered as in a maze and their formation broken. Extricating themselves in groups and singly, they approached the shop. Chancellor Pollard and Deputy Sheriff Todd were with the concealed villagers, and the former emerged from the rear of the shop and commanded the riders to surrender. Simultaneously, someone in concealment fired a shot, and instantly the ambushers sprang from cover and discharged a volley in the direction of the disordered klansmen. The surprise was complete and overwhelming. Horses, becoming unruly, frantically turned and fled. The riders in

advance were thus thrown back upon those emerging from the gulleys. In the resultant confusion there was desultory firing back and forth, but the unfortunate strangers were unable to rally at any point, and singly and in small groups they withdrew to the main street, where they found themselves in little less embarrassing a situation. No one knew in what direction they should retreat. They had lost their bearings and knew not how to reach the road over which they had entered the village. Disbanded, they fled in different directions.

Colonel Flournoy's supporters, for the most part, were ignorant of the character of the men whom they had assaulted and the object of the foray, and were easily led into the mistake of pressing the advantage they had gained. Consequently, led by Flournoy, they intercepted a small body of the raiders and fired on them.

Stampeded as they were, the resolute riders halted and returned the fire.

After daybreak a man, fully costumed and still in mask, badly shot, was found at the place where he and his comrades had been waylaid. The unfortunate was tenderly cared for, but expired a few hours later. Three others were wounded, but escaped. Sixteen horses, abandoned by their riders, together with the disguises of those riders, were

picked up next day. The original party comprised thirty men.

There was profound sorrow in the little town when the inhabitants learned what an awful mistake had been made.

CHAPTER FOURTEEN

A Convention Supplements Ku Klux

Throughout the reconstruction period there was perhaps more turbulence in Choctaw than in any other county of the district, but, after all, the climax in the struggle for restoration of white supremacy was in an orderly and regularly-organized meeting of citizens, without any attempt at secrecy of proceedings.

Judge J. Q. Smith, as substitute for Judge Luther R. Smith, as previously chronicled, undertook to hold the regular term of the circuit court at Butler. The sheriff attempted to arrest a boisterous man outside the court-house and met defiance and resistance; consequently, in alarm he resigned, and the judge, after some deliberation, concluded he could not proceed without a sheriff and returned to his own proper jurisdiction. The people in attendance and the residents of Butler held a meeting and adopted a resolution requesting resignations from all public officials. More cautious men dissuaded the leaders from promulgating the resolution, and

a movement started to have meetings in all the precincts and delegates to a county meeting chosen. This project was successfully accomplished, and the county meeting adopted a resolution which had been adopted at a meeting in Sumter county. But in the interval between the impromptu gathering and the regularly-organized county meeting most of the officials had taken time by the forelock and anticipated the request that they vacate the offices. The resolution adopted declared devotion to law and order and opposition to any violation thereof, but recited the fact that the objectionable officials held office, not by choice of the people, but contrary to their will; that the officers had demonstrated their incapacity to enforce the laws, and, therefore, in the interest of the public they should resign.

CHAPTER FIFTEEN

Foiled the Ku Klux

Throughout the reconstruction period there was less lawlessness in Hale than in the counties adjoining, and overthrow of the radical administration was effected without bloodshed.

January 19, 1871, in the wee sma' hours, a cyclops and his retinue of seventy unceremoniously called at Judge Blackford's apartments to pay their respects. The call was intended as a sort of "surprise party"; but coming events had cast their shadows before, and those shadows were as premonitions of an early nocturnal visit, and the judge was "not at home." He was cautiously domiciled in a room adjoining his office, in another part of town. Here, in the embrace of Morpheus, perhaps reveling in dreams of a blessed land beyond the jurisdiction of the Grand Wizard, he was aroused with the cry of "Ku Klux!" by an alert negro, who had hastened from the judge's home to apprise him of the presence there of the unwelcome visitors. The alarm was not premature, for the horsemen were hotfooting in the

wake of the negro and reached the office almost as soon as he. The judge needed no repetition of the dreadful tidings. His transition from Dreamland to earth was instantaneous, and his plunge in dishabille through an open window was a disappearing act worthy of reproduction on a dramatic stage. The weird sound of a whistle close at hand broke discordantly into the sweet concert of frogs, katydids and other melodists of the nights and accelerated the speed of him who sought asylum and ghostly solitude in the boneyard in the depths of the forest.

Recounting the thrilling incidents of that awful night, and his sojourn of three nights in the gruesome refuge, Dr. Blackford, expressed bitter resentment of the rude treatment to which his glossy tile, which he abandoned in vanishing through the window, was subjected by the klansmen; they placed it on the end of a staff and bore it as a sort of mock pennant at the head of the cavalcade. Often trivial incidents, if ridiculous or amusing, eclipse those that are grave. It was so in the Eutaw riot, when a "plug hat" diverted dangerous men from an unlawful purpose,—but that is another story, and will be told in due time.

For the next few days, Dr. Blackford camped at night and returned to his office in the morning. According to his own statement, a prominent Con-

federate general took him to his quarters in a hotel and promised him protection temporarily. One evening, in general conversation, the subject of the Ku Klux was broached, and the host imparted to his very receptive guest much information thereon. The klans pervaded the country, and were better organized than the Confederate army had ever been. There was no escape for a proscribed man if he should tarry when ordered to be on the move; when they dealt with a man, a klan from some other county or state did the work, and all residents could be seen pursuing their accustomed walks. "You are watched," he said, "day and night, and your whereabouts cannot long be concealed. On that night when the Ku Klux were after you, not more than one or two persons in the vicinity had knowledge of their coming."

[There were at that time in Greensboro two distinguished Confederate generals, Forrest and Rucker, engaged in building the Selma and Memphis Railroad.]

Judge Blackford conferred with some prominent citizens, and at his request they consented to purchase his property on condition that he resign and betake himself to other parts. After prolonged negotiations, the arrangement was effected. Governor Lindsay appointed as Blackford's successor to

the probate judgeship Mr. James M. Hobson, father of Congressman Richmond P. Hobson. Dr. Blackford, with his grievances, repaired to Washington, where an emollient in the form of a special agency of the Postoffice Department diverted his thoughts from the enemies he had left behind.

The details of Dr. Blackford's statement of information derived from the Confederate general should be taken with a grain of salt, because his memory was not accurate. In Washington he testified in regard to another occurrence in Greensboro, and General Blair's inquisitiveness exposed the infirmity referred to.

He said the citizens regarded the soldiers "as a set of niggers and offscourings of creation" whom they could "buy with two dollars and a drink of whisky," and make them do their will. Then he related that "while probate judge" there was an election in Greensboro, and soldiers in charge at the polls got drunk and changed negroes' votes. He interfered, and one of them asked: "What the devil have you got to do with it?" The doctor replied: "I have simply this much, I am the presiding officer here of this county; I propose to keep the peace and enforce my rights as the presiding officer of the county, and I will deal with you myself if you do not leave." The valiant doctor then drew a pistol

and said, "If you do not leave here now, I will shoot you." Comrades of the obstreperous soldier interposed and bore him away, leaving the doctor in serene enjoyment of his rights as "presiding officer of the county." After he had testified further at considerable length, Senator Blair suddenly projected himself into the inquiry with the question:

"On what occasion was it you drew your pistol upon a United States soldier and told him you would shoot him if he would not desist?"

"It was on the day of the election."

"What election?"

"For the constitution; the day we voted on the constitution, I think that was the day."

"What office did you hold then?"

"No, sir; it was not the day of the constitutional election; it was the day on which the election, I think, of officers took place, and I know that I was —or at least my impression is that I was probate judge at the time; that is my impression, that I was probate judge at the time."

"The officers were elected on the same day the constitution was voted on. So you could not have been a probate judge until you were elected and commissioned."

"No, sir; my impression is, that it was after I was probate judge that that occurred. I think I told

him that by virtue of the office that I held, if he did not desist from this—I know that was my assertion to the soldier."

"Was that a proper act for an officer, a conservator of the peace?"

"I do not know that it was, but the acts of violence going on, I thought, demanded it, and the sheriff of the county had left,—and left these soldiers there to do just what they pleased, and they were drunk; and when I asked them several times to desist from this thing, and this fellow clapped his hand on his pistol, —and I had a large derringer in my pocket, and I told him he should do it."

"You drew your pistol on him?"

"Yes, sir; I drew my pistol."

"Was it your duty to arrest him?"

"Perhaps it might have been, sir. I did not think so; in the midst of that excitement, I did not think so, sir."

"If a peace officer set such examples, they cannot complain that they are followed by others."

"Yes, sir; that may be all true, but the peace officers had all forsaken me and I was there, either to let the election go by default or else to pursue that course,—and I resolved on that to get him away from there."

"Would not the course have been just as effectual if you had arrested him in the name of the law?"

"I think the parties around him would have resisted arrest."

"Would not they have equally resisted your firing upon him?"

CHAPTER SIXTEEN

In Tuscaloosa

Two young men belonging in the hills of Tuscaloosa county, were journeying in a wagon, bound homeward from a trading trip to Northport (across the river from Tuscaloosa). Passing a negro lad, they jestingly pretended that they would kidnap him. In alarm, the boy fled to his home and informed his father that he had been mistreated; and the man armed himself with a gun and pursued the unconscious young men. Overtaking them, he leveled his gun menacingly and cursed the unarmed and defenseless white men. That night they, with some friends, repaired to the negro's house to chastise him. He had assembled a number of armed friends in anticipation of an attack. He had loosened some of the flooring, and through the opening thus provided crawled to the edge of the house, and, emerging from this position, crept unperceived to the near-by bushes. While the whites were parleying with the inmates of the house, he discharged both barrels of his gun, and young Finley fell dead.

Shots from the house succeeded. Attacked front and rear, the whites withdrew in disorder. News of the occurrence quickly spread far and wide.

Next day one of the negroes implicated was caught and killed. Later, another, who had been captured and incarcerated in jail at Tuscaloosa, was taken therefrom by a band of men and executed. The ringleader escaped temporarily. Twice in pursuit of him steamboats were stopped and searched. The fugitive had been on one of them, but debarked at one of the landings. About twelve months after the unsuccessful chase, the fugitive was traced to a plantation in Hale county, where the habit of wearing a heavy revolver even while at field work rendered him an object of suspicion, and caused an investigation which revealed his identity. His dead body, weapon in hand, was found one day on the roadside, and his taking off was associated in the minds of the people with the brief visit to that neighborhood of two white men, who departed in the direction of Tuscaloosa county. Consequences of this affair were a change in the office of sheriff, recall of troops, and other tragedies, but the ultimate effect was a better understanding between the races.

CHAPTER SEVENTEEN

A Series of Tragedies

In Sumter county affairs were approaching a climax when Enoch Townsend, a negro, about dark one evening waylaid and repeatedly stabbed Mr. Bryant Richardson, a planter, and fled after Mr. Richardson, despite his wounds, bravely struggled to overcome his assailant. A warrant for the arrest of the assailant issued, and officers sought him on the plantation of Dr. Choutteau.

Choutteau was of French descent and migrated to Sumter from Louisiana, where, it was rumored, he had been involved in serious trouble. He is described as a swaggerer. During his early residence in Sumter he expressed intense dislike of freedmen and lost caste with the whites by seriously advocating wholesale poisoning as a means of relieving the county of the surplus of its negro population. Later he yielded to the temptation of office, and identified himself with the league and gained odious notoriety by his radicalism. He had constantly about him at

his plantation armed negro guards; the league met there and picketed the roads thereabout. At length he became intolerable.

To this plantation officers with the warrant of arrest repaired and searched the cabins in the negro quarters. After the search was nearly completed, a negro scrambled from the chimney of a cabin to the roof, sprang thence to the ground and fled. Disobeying the summons to halt, he was fired upon by the posse and killed. Poor fellow! he was the wrong man, and no one ever learned why he acted so like a criminal. The dead man proved to be Yankee Ben, president of the Loyal League at Sumterville. (The fugitive Townsend was arrested by two law-abiding freedmen and lodged in jail at Livingston.)

The killing of Yankee Ben excited the negroes, and a meeting was called at Choutteau's place for the purpose of formulating plans to avenge it. Sixty armed negroes assembled accordingly on Saturday, but were dispersed. On Monday one hundred and fifty met at Choutteau's. Simultaneously, twelve white men went there to hold an inquest on the remains of Yankee Ben, which had previously been interrupted by the proceedings narrated. On the latter occasion Choutteau refused to permit an inquest unless by a jury composed of negroes. In this

his dusky adherents supported him, and were insulting in demeanor. One hundred whites reinforced the jury and scattered the negroes. Thereupon Choutteau withdrew his objection. Moreover, he promised that if permitted to remain on his place undisturbed for a few days, he would leave the neighborhood, adding that he had for some time contemplated the move. He was told that what he purposed to do was unnecessary, and that he was required only to cease his turbulent practices.

Choutteau moved to Livingston, and shortly afterward his plantation house was destroyed by fire. He then posed as a victim of Ku Klux incendiarism, magnified his losses, memorialized the legislature for reimbursement, published exaggerated stories of the occurrence, and vociferously threatened revenge. He was regarded as a menace to the safety of the community in which he had taken up his residence.

Shortly after midnight August 13, 1869, his house was attacked by a small band of men, who forced an entrance into the hall. Doors on each side gave entrance to sleeping quarters, and an invader broke out a panel of one of them, struck a match and thrust his face into the opening. A gun was fired from within the room and the man fell to the floor. The weapon was discharged by a German named

Coblentz, whom Choutteau had hired as a guard. The intruder's head was blown to pieces, and the entire brain, with one hemisphere intact, together with the mask the unfortunate had worn, was found on the floor next morning. When the victim fell back from the door, a comrade sprang to the vacated place and fired several shots at Coblentz, inflicting wounds from which he died an hour or so later. Believing they had killed Choutteau, the band departed, taking the fallen comrade. Blood drippings marked for some miles, to the river, the trail of the retiring invaders. The negro ferryman testified that they ferried themselves over the stream.

The dead man's identity was never disclosed to the public, but there was a rumor that he was a young doctor, and that his remains were interred by companions, who sent to his home his watch and other valuables which he had about his person, with information regarding the place of burial. In some unhappy home, a mother, wife or other loved ones long mourned the fate of him who had died so tragically. Choutteau did not tarry. He was given employment in Washington, and disappeared from view.

The party which visited Livingston that fateful night divided and a detachment went to the house of George Houston, one of the negro legislators.

When the firing began at Houston's home, someone sprang from a window and fled to the brush. Thinking it was Houston and that he had escaped, this band reunited itself with the others and all departed. It was Houston's son who escaped. Houston himself was wounded, but recovered, and left for Montgomery, returning no more. Houston was accused of having repeatedly uttered the threat that if the whites did not cease their regulating activities he would have Livingston laid in ashes.

On August 8, of the same year leading citizens of Livingston received telegrams advising them that one hundred armed negroes, en route to Livingston, had stopped at Gainesville, in the same county, and purchased quantities of ammunition. Very soon thereafter Captain Johnson, commander of a steamer on the Tombigbee river, telegraphed to Livingston that in steaming up the stream he had seen groups of negroes on the banks,—all with guns,—who said they were going to Livingston to attend a nominating meeting, to be held next day; that they had been ordered to attend with arms. Another dispatch was received from Eutaw saying that Congressman Hays had engaged transportation next day for one hundred negroes.

The white people of Livingston, on receipt of

these dispatches, bestirred themselves and summoned reinforcements from other points.

The night preceding the day set for the meeting the negroes camped outside of town. Next day, when they entered Livingston, they were confronted by a body of white men, who told them they would not be permitted to retain their guns while in town and must take them back to the camp. The negroes, after some disputation, on learning that the congressman would not be present, retired. Burke, the negro legislator and president of the league, went to the camp and harangued them. He urged them to return to town with their guns and resist any interference that might be offered. He wrought them into a state of excitement.

One negro, Hayne Richardson, refused to lay down his gun, and was shot on the road some distance out of town. The report of the gun attracted attention both in town and camp, and suddenly a party of horsemen dashed toward the latter, firing their weapons. The sudden attack abruptly terminated Burke's fervid oratory and his audience fled. Some were shot. Richardson was badly hurt, but escaped and left the county. The following night twenty horsemen surrounded Burke's dwelling. He escaped from it and fled, under fire. Early in the

morning his body was found stretched in a path leading to the dwelling of his former master.

Price, the man of multifarious official employment, called the meeting, and the negroes who testified in the investigation said that his runners told them he directed that they attend with guns. Price took final leave of Sumter before the shooting commenced.

Congressman Hays said he was prevented from attending by sickness of a member of his family. He disavowed any responsibility for the negroes going armed. "I only want to state this," he said, while testifying in Livingston, "in connection with that matter—I do not know that it is worth stating: that I understood from friends of mine here that there was a regular mob down there to assassinate me the very moment I got off the train. I heard that afterward,—that if I had come here, I would have been killed instantly. If I had been, I would have been killed innocently."

Congressman Hays was unfortunate in being placed in alleged false situations. There was another memorable occasion when appearances were against him, however innocent of evil designs he may have been:

There was to be a meeting at Boligee, in Greene county, and Colonel J. J. Jolly, of Eutaw, was in-

vited to address the gathering. The Boligee Democratic Club sent a committee to Major Charles Hays with an invitation to discuss jointly with Colonel Jolly the issues of the campaign. The invitation was accepted. When Major Hays arrived there was gathered a party of armed negroes. According to his own statement under oath, Hays, in relating the incidents of the abortive meeting, said that a half-hour after his arrival "there came some fifteen young men riding up, with double-barreled guns and a few hounds following them. I saw this demonstration at once and I came to the conclusion that it was gotten up for a row." He had been present for a half-hour and was all the time aware that a crowd of armed negroes was gathered, but said nothing in remonstrance, but as soon as the party of young white men rode up he immediately stepped to the door of the building in which he was waiting, and said to the negroes: "You have come here with guns in your hands, and you know that I have expressly said to you that I would never speak to you on any occasion whatever when you brought arms to a political meeting at any place, and I shall decline to have anything to do with this matter in any way whatever." Then, turning to the white men, "I hope, gentlemen, you will excuse me; I'm going home."

part of the room in which Tyler and a number of others were grouped. Bramlette sank back in his chair, dead. Firing of pistols became general and there was great disorder and confusion. Clopton, one of the negroes under arrest and charged with incendiary utterances, was wounded and thrown from a window of the room, which was in the second story. He was taken into the sheriff's office, and in the uproar there killed. Tyler escaped from the building and hid in a shop some distance away. Pursuers found and killed him. Few doubted that he fired the shot which killed the justice.

Excitement continued through the afternoon. Three other negro leaders were arrested and placed under a guard for protection. Two nights afterward they were taken from the guards and executed.

The mayor abandoned his office and left the state. An obnoxious member of the legislature was sought, but fled and did not return.

One of the utterances of Tyler at the negro meeting recalled a remarkable incident in the history of Meridian. In a drunken brawl an Indian belonging to the Mississippi Choctaw tribe was killed there. 'A' band of his tribesmen, in a spirit of retaliation, visited Meridian and killed the slayer. Tyler referred to this action of the Choctaws as an example worthy of emulation by his people.

CHAPTER NINETEEN

Riots in Marengo

In the campaign of 1870, a former slave owner was one of the Republican candidates for office in Marengo county, and made what was regarded as an inflammatory speech to negroes gathered at Shiloh, a hamlet, situated in a section of Marengo county largely populated by negroes. A few white men were present, and between them and the candidate an angry controversy arose. The immediate result was cessation of the speechmaking and dissolution of the meeting. The orator was escorted by white men to a buggy and departed in safety. He was a pugnacious man and had a record of at least one victim to attest his prowess in rencontre. Some days later he repaired to Linden, the county seat, accompanied by two negro men, ostentatiously bearing a United States flag. There had assembled a great crowd of negroes, who were, as usual, armed. With him on the platform was Captain C. L. Drake, the man of many offices, and above them floated

Old Glory. An offensive reference to the disturbance at Shiloh provoked a quick retort from one of a small group of white men who were listening to the speech. The orator paused, dramatically removed from his pockets his watch and purse, and from its fastening a diamond pin, handed them to the sheriff, with the request that he convey them to the candidate's wife, in the event of a fatality, drew a pistol, and, remarking that he had been mistreated and would "fight it out," descended from the platform. Negroes with guns sprang into double ranks, enclosing him on two sides. The group of whites promptly seized and disarmed him, and meanwhile white men with arms were rushing to the scene from all quarters. Somewhere on the outskirts of the throng a pistol was fired which caused a stampede in that quarter. The negroes about the platform, confronted by a line of determined whites, yielded and retired from the scene. Drake fled to his office and thence to tall timber. The candidate, forsaken by his followers, asked for protection, and was hurried into a room of the court-house and locked in with two or three citizens. The angry crowd outside was clamorous and the beleaguered man, rejecting all suggestions of plans for flight, himself finally proposed as a means of quieting the uproar to sign a paper relinquishing his candidacy for sheriff and

withdrawing from politics. Duplicate copies of the paper were drawn up and signed; he retained one of them, and the other was taken outside and read to the people. It produced the desired effect. The candidate was placed in a buggy and, accompanied by an escort, proceeded to his home. And thus ended "the Linden riot." But the candidate was irrespressible and speedily repudiated his act of self-abnegation as having been done under intimidation.

He spoke at Belmont, a small settlement, and became involved in an affray with a resident. This created a general disturbance, in which the meeting was broken up and the negroes sullenly retired from the scene. They threatened to burn the place, and a white man was shot at from ambush. So unusually hostile and aggressive were the negroes that warrants issued for the arrest of certain of their leaders, among them Zeke High. There were posted notices of a meeting of negroes at Belmont on July 5, 1870. White men in considerable numbers assembled there on that date, and the meeting was prudently postponed. A negro was whipped that night, and next night he assembled at his house, in a dense swamp near the river, a number of armed friends. A scouting party of whites, seeking information respecting the purposes of the negroes, ap-

proached their stronghold in the darkness of night; one of them (Melton) entered the yard and was fired at. Melton dropped to the ground and feigned death to escape another volley. Both sides, thinking he was dead, ceased firing, and the whites withdrew to give the alarm. A warrant of arrest was placed in the hands of an officer, but he was unwilling to attempt to serve it at night. A young man named Collins, bold and fond of excitement and adventure, volunteered to serve the warrant and was duly commissioned. Collins, with three companions, approached the house, but before he had time to summon the inmates to capitulate, a volley was fired by the latter and Collins sank from his horse in death. Two of his companions were slightly injured, and the party, after returning the fire, retired. This occurrence created intense excitement and indignation. Whites gathered from the surrounding country. The negroes were greatly reinforced and fortified a position in an almost impenetrable part of the swamp. Some of the whites favored an immediate assault, but other counsels prevailed, and the sheriff, with a small posse, proceeded to the scene and demanded Collins' body. The demand was refused. Next day the sheriff rode into the midst of the mob and again demanded the body, and got it. A few hours later

the white forces made a quick and determined forward movement to dislodge the negroes from their almost impregnable position, and found it abandoned,—the negroes had disbanded and fled in terror. This terminated "the Belmont riot"; but it had a sequel in the retributive death of the negro leader, Zeke High, who boasted that his shot killed Collins. On his own boastful confession High was arrested and lodged in the Sumter county jail at Livingston. September 29 a party of mounted and disguised men from the direction of Marengo forced the sheriff to surrender the jail keys, entered the prison and took High from his cell, conveyed him a short distance away and hung and shot him to death. This High was a desperate and dangerous character, and even when seized by his executioners fought ferociously. When the leader entered the dark cell in which High and three other prisoners were incarcerated, he was assaulted and struck in the face with a heavy piece of furniture, the blow dislodging several front teeth.

CHAPTER TWENTY

Killings and Rioting in Greene

In 1870 Eutaw, the seat of government of the rich county of Greene, contained a population of 1,800 or 2,000, and prospered greatly in trade with farmers in the surrounding country. It was a typical Southern court-house town,—busy in fall and winter, almost dormant in late spring and summer. Its men were among the earliest to volunteer for service in the Confederate armies and latest to retire from that service; they were also amongst the earliest to organize resistance to carpet-bag rule and to throw off the yoke.

On the morning of April 1, 1870, the people of Eutaw were shocked when informed of a tragedy which had been enacted during the night—Alexander Boyd, county solicitor and register in chancery, had been shot to death by Ku Klux! At first most persons discredited the gruesome story as an "April fool" hoax, but incredulity gave place to amazement when the scene of the awful tragedy was visited.

Of all the acts attributed to the klan, perhaps none was bolder than the slaying of Boyd. A bachelor, he had for a long time occupied sleeping quarters in a detached office building situated in a corner of the court-house yard; but having received a warning note, be became alarmed and abandoned these quarters and obtained an apartment on the second floor of the Cleveland Hotel only a few nights previous to his death. This hotel was situated on a corner diagonally opposite the court-house, and was the principal rendezvous of townsmen with a taste for gossip.

Witnesses at the investigation into the circumstances testified that at half-past eleven o'clock forty or fifty horsemen, in the regulation garb and armed with revolvers, their horses robed and hooded, approached to within a short distance of the hotel, where all except the customary horse-holders dismounted and quickly and unhesitatingly entered the hotel office, posted guards at all entrances, and then commanded the clerk to take up a candle and show them to Mr. Boyd's apartment. Obediently the clerk led the way until he reached the corridor upon which opened the room they sought. Pausing here, in his speechlessness he indicated the door by pointing, and then fled the scene. Within a brief space an agonized scream, heard blocks away, issued from

the room of the doomed man, and was almost instantly succeeded by a heavy volley of pistol shots. The panic-stricken clerk had hardly resumed his seat upon the office stool, with hands to ears and head bowed upon his ledger, when the dread invaders reappeared in the office. Signaling with whistles the recall of sentinels, they quietly withdrew, remounted and rode around the square, in military order, and then departed in the direction from which they first appeared. [They were traced to the Mississippi border line.]

After their departure, officials and others repaired to the corridor and discovered the dead body, robed in night dress, perforated with many bullets and almost completely drained of blood. Not a shot had missed the mark. Inside the room a table, bearing a lighted lamp, his revolver and watch, stood close to the head of the bed. He had not attempted to use the weapon. Evidently the purpose of his slayers was to remove him from the building, for one of them carried a suggestive coil of rope, but his outcry and struggles settled his fate.

Boyd was a nephew of William Miller, probate judge. Some years before the war he was convicted of killing a young man named Charner Brown, and sentenced to a term in the penitentiary.

A petition in his behalf was presented to Governor Winston, and in response thereto the sentence was commuted to one year's imprisonment in the county jail. Having served the sentence, Boyd departed for another state. At the close of the war he reappeared, and, following the example of his uncle, sought office in 1868 at the hands of the negroes, and was made county solicitor and register in chancery. He was not distinguished as a prosecutor, but regarded as indifferent.

December 9, 1869, Dr. Samuel Snoddy left the village of Union, in the northern part of Greene county, to return to his farm. Night overtook him en route, and he became confused. Reaching the cabin of some negroes with whom he was acquainted, he engaged one of them to pilot him. Early next morning Dr. Snoddy's badly mutilated remains were discovered on the roadside. The unfortunate man had been murdered and robbed of a considerable sum which he had on his person. Sam Caldwell, Henry Miller and Sam Colvin, negroes, were arrested, accused of the crime, and lodged in jail at Eutaw. The scene of the murder had become notorious on account of being a centre of league activities and disorders, and the murder of Snoddy aggravated the sense of wrong under which the whites had long been restive; and when, a few days

later, the prisoners were released, one of them on bond, they were seized and executed summarily. Solicitor Boyd, it was alleged, manifested no zeal in the investigation of the Snoddy murder, but became exceedingly active in the inquisition in connection with the subsequent and consequent affair, and exultantly declared that he had ascertained the names of all the men engaged in it, would send for soldiers to effect their arrest, and vigorously prosecute them, and if necessary hold the jury for six months.

All of these facts were related in explanation of popular displeasure with Boyd, which revealed itself first in the note of warning and finally in the taking of his life. Mr. Boyd's tombstone in the Messopotamia cemetery, Eutaw, erected by Judge Miller, is inscribed: "Murdered by Ku Klux."

Greene county continued in a state of disorder, which grew worse as the election approached.

The Republican state executive committee advertised that on October 25, 1870, Senator Warner, Congressman Hays, Governor Smith and Ex-Governor Parsons would deliver addresses at the courthouse in Eutaw. On that day the party of visitors, accompanied by General Crawford, military commander of the department, and others, arrived in town. They were informed that the Democratic

county committee had invited the voters to hear an address by the Democratic candidate for the legislature, and had chosen the same time and place. Thereupon the Republican leaders held a conference and decided to invite the Democratic committee to hold with them a joint meeting. Accordingly, Judge Miller, Congressman Hays and Mr. Cockrell were commissioned to convey to the Democratic committee the following note:

"We propose to appoint a committee of two to meet a committee of two from your party, to arrange the terms of a discussion for the day, to meet immediately at the circuit clerk's office."

To this note the following reply was sent:

"Gentlemen,—In answer to your note of this date, we, the committee appointed by the president of the Democratic and Conservative Council of Greene county, are instructed to say, that we do not consider the questions in the present political canvass debatable, either as to men or measures; and we therefore, in behalf of the Democratic and Conservative party of Greene county, decline any discussion whatever.

"J. J. JOLLY,
"J. G. PIERCE,
"*Committee.*"

This reply was ominous. So apprehensive were the leaders that Congressman Hays, who was exceedingly unpopular, decided, with the concurrence of the others, that it would be safer if he should refrain from speaking. The garrison troops were quartered a half-mile away from the court-house, and Governor Smith requested General Crawford to have the entire body brought to the court-house; but after conference with the sheriff, the general concluded that a detachment posted two blocks distant would be a sufficient safeguard.

Immediately after the note of reply was sent, the Democrats called their meeting to order on the north side of the court-house, and soon thereafter the Republicans assembled on the south side. The Democratic meeting lasted only a short time, and at its conclusion the auditors repaired to points where they could listen to the Republican orators.

Corridors run through the court-house, crossing each other in the centre of the building. These spaces were thronged by white men.

For the accommodation of the Republican speakers, an improvised platform, formed of a table, was placed against a window opening from the clerk's office. All of the Republican visitors and local officials occupied chairs in this office. By request of Senator Warner, the office door was

locked from the inside, in order, as said, that "whatever danger there might be would be in front."

Senator Warner spoke without unusual interference. Ex-Governor Parsons followed and was listened to attentively. When he retired through the window, the negroes called for Congressman Hays. A Democrat, Major Pierce, approached Governor Parsons, who was seated inside near the window, and advised him to restrain Hays. Parsons, in response, endeavored to attract the attention of Hays, who had mounted the platform with the intention, as he subsequently testified, not to deliver an address, but merely to dismiss the audience. If this was true, his purpose was misunderstood, for the table was suddenly tilted and Hays precipitated. As he fell a pistol was fired, and the ball passed through Major Pierce's clothing. Some witnesses testified that Hays fired it, and Parsons afterward admitted that Hayes was armed with a derringer; others, that the shot came from the direction in which the negroes were massed. However this may be, there was an impulsive forward rush by the negroes, and, as Warner admitted, they had weapons in their hands.

The first shot was instantly succeeded by a volley from the corridors, and the onrush was halted. Suddenly, in a resonant voice, someone in a corridor

shouted: "Go in, boys, now is your time!" Continuous firing followed, and the negroes fled in great disorder, leveling the stout fence which enclosed the yard, a few discharging pistols as they fled.

Even in this grave situation there was an amusing incident. In his testimony before an investigating commission Senator Warner, describing the riot, related it accurately. Beaver hats were not worn in Eutaw at that period. Mr. Parsons' attire was similar to that of Quakers and included a light-colored beaver hat. Senator Warner's tile was conventional, black and glossy. "I caught up the papers in my hands," he said, "and walked very deliberately to the right, in order to get out of the way of the firing. There came from the right-hand side of the court-house a pretty good line of men, thirty or forty, I should think. They came around all together, and formed a tolerable line across from the corner of the court-house to the fence, and commenced firing on the negroes, who had broken down the court-house fence and were fleeing as fast as they could. These men cocked their revolvers and fired upon them as rapidly as they could. I looked at them for a moment, and then walked up to them as they were firing. I saw some colored men falling on the grass and then scrambling up and moving off. I walked up to these men and held up my hand

in a deprecating manner, and said, 'For God's sake, stop this!' One of them who was nearest to me turned around and cast a kind of defiant but yet somewhat surprised look at me. One of them leveled his pistol upon us, Governor Parsons, Mr. Brown and myself; he was standing about the length of this table distant from us. He leveled his pistol at Governor Parsons. The governor said: 'For God's sake, don't shoot at me; I have done you no harm.' The crowd stopped firing and turned their attention to us. Just at that instant the sheriff came around with his arms spread out, and said: 'Stop this! stop this!' The man stopped for a moment and seemed to be deliberating whether he should shoot Parsons. He then saw Mr. Hays on my right; turning a little to one side to avoid me, he threw his pistol down upon Hays and Mr. Brown, who were both together, and tried to shoot them. They both sprang behind me; I saw them getting behind me and squatting on the ground to avoid his fire. By that time the negroes had been driven out of the court-house yard and across the street, where they had stopped and turned, and began to fire back. A few were firing back. Just at that moment I heard somebody call out, 'Boys, hold your fire!' The firing then ceased. I started and walked through the crowd, right among them. I

suppose there were forty or fifty of them, all standing there with their revolvers in their hands, smoking, as they had been firing. Just as I was getting out of the crowd somebody from behind struck at me and knocked my hat off; I just felt the blow on my head, but I could not tell who it was, for when I turned around his hands were dropped, whoever it was. I guess it was pretty lucky I did not know, for the blow aroused me a great deal, and I am afraid I should have lost my self-possession. I turned around to pick up my hat, when another man kicked it; then another kicked it; and then the whole crowd, one after another, played football with it and kicked it across the yard. I started back to get it, when a man by the name of Dunlap, a Democrat, who seemed to be in accord with the party there, walked up to me and took me by the arm in a friendly sort of way, and said, 'General, you had better get away from here or you will get hurt!' "

The senator's hat furnished diversion at a critical moment, and in all probability was the means of saving his life and the lives of his friends. There had been firing from the clerk's office, and Mr. Cowan (one of the actors in the Greensboro tragedy mentioned in an earlier chapter), was slightly grazed on the left thigh. He was brandishing a pistol and calling to the white men to rally about him, and

standing near a window of the clerk's office. He believed that he was made a target by a prominent Republican who was in the office. Two other white men, near Mr. Cowan, were struck by missiles from the negro ranks just before they fled from the yard. Some of the party with or about Senator Warner had, a moment before the scene described by him, emerged from the office and were retreating to the Cleveland hotel, and a determined group of men, including Reynolds, with a shotgun, were pursuing them when the fun with the hat commenced. While it was yet in progress, the soldiers wheeled around the nearest corner and rescued the imperilled Republican leaders.

Meanwhile the negroes, having fled in two directions to points where they had guns concealed in wagons, secured these arms and resolutely moved back toward the scene of their rout. They were aware of their preponderating numbers, and counted on the sympathy of the soldiers. Those on Prairie street had not proceeded far when they encountered a squad of mounted men commanded by the marshal and a few sharpshooters posted behind trees in private yards, who speedily checked their advance. At the intersection of the two streets which were scenes of reviving combat a line of white men, armed with guns, all men of tested courage, was

formed to prevent a junction of the two bodies of negroes. Just then the soldiers, at double-quick, made their appearance and were halted opposite the line of armed citizens. After a brief hesitation, the officer gave the command to move and the soldiers proceeded down Prairie street. The negroes quickly lost courage and retreated, and before long none could be seen within miles of the town. And so ended the Eutaw riot, in which, according to the local newspaper, the *Whig and Observer,* and the testimony of witnesses, 54 men were shot, and from 250 to 300 white men and from 1,800 to 2,000 negroes were engaged. The number of wounded was probably exaggerated.

The pistol shot which followed so quickly the rude interruption of Hays' remarks was not the real cause of the riot; it was but the signal for the opening of a conflict which had been impending for some time, and it gave vent to indignation which had been suppressed with difficulty. The explanation is found in earlier occurrences.

In October the white people of Greene county were much disturbed by rumors that a number of bands of negroes had been drilling with arms in parts of the county where plantations were largest and the negro population densest. A country store was burned by incendiaries, and threats were made

that the several bands would be consolidated and Eutaw attacked by the combined force.

Lieutenant Charles Harkins, commanding the detachment of troops garrisoning the town, reported to his superior officer at Huntsville as follows:

"I have the honor to report that on the evening of the 19th instant, reports were brought to this town, by both colored and white men, to the effect that a band of armed colored men intended burning the town that night. The rumor seemed to be generally credited by the citizens, which caused great alarm and excitement. Armed parties of citizens were immediately formed, under the direction of the sheriff, and patrols and pickets sent to the suburbs of the town, where they remained all night. No demonstration was made by the colored men, if they had any such intention, which I am inclined to doubt. The excitement has abated, but there is still a feeling of distrust and anxiety among all classes.

"The real facts of the case, and cause of the present alarm, I believe to be as follows: The colored men and Republicans generally of this county, feeling aggrieved at the many murders and outrages perpetrated on men of their party by the Ku Klux organization, have determined to protect themselves in future and have banded together for that purpose only, not to assume the offensive, or interfere

with the peaceful, law-abiding portion of the community."

The relation of cause and effect in this thwarted conspiracy to destroy Eutaw and the riot which followed so soon is indisputable. The trend of Lieutenant Harkins' sympathies is equally plain. He was inclined to doubt that the banded negroes intended to burn the town, but readily intimated that they had provocation in "the many murders and outrages perpetrated on men of their party by the Ku Klux organization." Not a word is there in the report concerning the burning of the store, nor of the fact that refugee white families from the widely-separated plantations were moving into Eutaw for protection against the menacing bands of negroes, nor that the "patrols and pickets" were necessary precautions not of one night only, but of three nights, and served to deter the negroes from prosecuting their design.

The prompt action of the whites in driving the negroes out of town on October 25 would seem precipitate and unjustifiable if not considered in connection with the facts just recited. Nearly two thousand negroes attended that meeting, and they took with them guns, which were secreted in wagons at the foot of Prairie street. They were aware that the commanding officer of the garrison was in sym-

pathy with them, and that they would encounter only a small body of white men should there be a collision. No doubt they counted much on the presence of the radical governor of the state, the military commander of the department, a senator and a congressional representative, all in sympathy with them, and all smarting under indignities received only a few days before at a meeting in an adjoining county.

The white men remembered the nights of anxiety for the safety of the women and children and property of the town, and realized the danger of the situation in which they were placed by the group of official Republicans who heedlessly and recklessly assembled thousands of negroes who had so recently been frustrated in a design to obtain revenge for punishment administered to evildoers of their race. Those white men had courage and resolution to meet the emergency, and they met it promptly and terribly. And they taught a lesson for which there has never since been occasion for repetition.

CHAPTER TWENTY-ONE

RESTORATION OF WHITE SUPREMACY

The state election in 1870 resulted in a victory for the Democratic and Conservative party, but there was a persistent effort to deprive that party of the fruits of victory. There was instituted on behalf of the incumbent governor and treasurer a proceeding in the chancery court to enjoin the presiding officer of the senate from counting the votes for candidates for those two offices. The legislature met November 20, and the law required that the vote be counted, with the two houses assembled jointly, within the first week. In the proceedings instituted, Governor Smith alleged irregularity in the election. The judge of the circuit court refused to grant an injunction, on the ground that the legislature could not be enjoined by a court. It was then filed with a supreme court judge. It prayed that the presiding officer of the senate be restrained from counting the vote until the legislature could provide rules by which the proposed contest should be tried. Judge Saffold, as chancellor, granted the injunction.

Lieutenant-Governor Applegate was dead, and Barr, an Ohio man, was presiding. The injunction was served on Barr, and he very cheerfully obeyed it.

There are some interesting facts in relation to this senate. The radical constitution gerrymandered the senatorial districts, in some instances apportioning a senator to a single county; in others, a senator to a group of three or four counties, with nearly threefold greater population.

The constitution provided that representatives in the legislature should be elected for two years, and senators for four years; that one-half of the seats of senators first elected (in 1868) should be declared vacant at the end of two years, thus providing for continuation of a certain number. In accordance with this provision, at the session in November the question whether the senators should draw for the long and short terms was discussed; nobody wished to vacate his seat, and by hocus-pocus they reached the conclusion that all should hold over. Consequently, one-half of them sat four years and the others for six. This procedure contributed much to the complication of affairs. This senate connived at the attempt to prevent the count of returns.

At noon on the last day of the week the two houses assembled and Barr proceeded to count the returns for other officers, declaring that for Lieu-

tenant-governor E. H. Moren had received a majority of the votes cast at the election; that for secretary of state J. J. Parker had defeated J. T. Rapier; that W. A. Sanford had defeated Joshua Morse in the race for attorney-general; that Joseph Hodgson succeeded N. B. Cloud as superintendent of public instruction. These winners were all Democrats. As soon as he had declared these results, Barr and the radical senators withdrew. Lieutenant-Governor Moren then appeared, took the oath of office, assumed the chair of the presiding officer, and directed that the returns for governor and treasurer be brought in. This being done, he proceeded forthwith to count them and declared that Robert B. Lindsay, for governor, and James F. Grant, for treasurer, had received majorities, and to proclaim them duly elected. These officers were sent for and sworn in. Consternation seized the Republican leaders. They were caught in their own trap, for the injunction had been served on Barr and he had qualified his own successor in the person of Dr. Moren, who as lieutenant-governor was unaffected by the injunction. Lindsay lost no time in demanding possession of the office, but Smith refused to yield and had federal soldiers guarding all entrances to the offices of governor and treasurer.

Judge J. Q. Smith went from Selma to Mont-

gomery, and before him Lindsay and Grant instituted proceedings, demanding that the seal and all books and papers and other property pertaining to the offices of governor and treasurer be delivered to them, respectively. The proceedings lasted several days. Meanwhile, Montgomery was fast filling up with young men, strangers in the community, and there were rumors that bodies of men in near-by towns were awaiting summons to the capital, and that locomotives with steam up and cars attached, ready for service, were side-tracked at a number of stations. Judge Smith's court-room was daily crowded with strange men. Excitement was intense.

Lindsay in his complaint alleged that he was the qualified successor of Governor Smith; that he had made a demand upon him for the books, papers and paraphernalia of the office of governor, and that Smith refused to deliver them. The trial was set for three o'clock in the afternoon, and Governor Smith was ordered to appear in person in court and show cause why he should not be compelled to deliver the property demanded. Governor Smith did not like the appearance which Montgomery had assumed, nor did he relish the necessity of appearing in that court-room and before that audience contesting the right of the people's representatives

to assume the offices to which they had elected them, nor the certainty that as soon as judgment should be given against him an order for commitment to custody would issue. Accordingly, he had a conference with General Pettus, and soon thereafter announced that he "would yield, upon the ground that, although he was satisfied he was fairly and lawfully re-elected, his continuance of the litigation and the contest in the palpable excitement that surrounded the whole matter would tend to disturb the public peace; and the detriment to the material interests of the people of the state would be infinitely greater than the possession of the office itself by any particular man could possibly compensate."

Thus negro domination in Alabama was overcome.

And the Ku Klux rode no more.