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UNIVERSITY OF PENNSYLVANIA

RECONSTRUCTION IN LOUISIANA
AFTER 1868

BY
ELLA LONN

A THESIS
PRESENTED TO THE FACULTY OF THE GRADUATE SCHOOL IN
PARTIAL FULFILLMENT OF THE REQUIREMENTS FOR
THE DEGREE OF DOCTOR OF PHILOSOPHY

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Reconstruction in Louisiana

CHAPTER I

A Brief Resumé of Reconstruction in Louisiana before 1869

BY January 1, 1869, Louisiana had suffered the throes of reconstruction for seven weary years, but the hostile fates had decreed for her more than another seven before she should be able to wrench herself free from the grasp of her colored and carpet-bag despots. The first uncertain attempts at reconstruction were made at the close of 1862 by Governor Shepley with the consent of Lincoln. The President's policy was based upon the belief that there existed in every Southern State a loyal element which might be made to prove the germ of a civil government owing allegiance to Washington. In the course of that year, as the North gained a foothold, he had appointed General Shepley military governor, whose duty it was to resurrect the loyal element among the people. Thanks to the vigorous grip over New Orleans of Generals Butler and Banks, a considerable body, stronger in numbers than social prestige, became firmly wedded to the Union cause. The old Douglas men sprang into evidence at Butler's arrival on the scene; members of the Irish Unionists came out strongly; while still others were won by the favors distributed with an eye to political

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gain. General Shepley ordered an election on December 3 for two Congressmen. The successful candidates proved to be B. F. Flanders and Michael Hahn, both of whom were allowed to take their seats in the National legislature.

There appeared a certain group of men eager to push on the work of reorganization, either for the plums of office, or, on the part of the old slave-holders, for the sake of saving a portion of their slaves, or for the sake of casting off martial law. This group, the Free State Party, working through the Union Clubs, urged on in 1863 a registration and convention to frame a new constitution. But it made such slow progress that Lincoln developed his famous "Ten Per Cent" plan by his proclamation of December 8, 1863, which offered pardon and the restoration of property to all who would take a prescribed oath; and declared that the President would recognize as the true government of any of the seceded States, except Virginia, the organizations set up by loyal citizens, provided that they constituted one-tenth of the voting population of 1860.¹

General Banks, in accordance with this plan, ordered an election of State officers for February 22, 1864. Hahn, the successful administration candidate, was inaugurated on March 4. About ten days later he was invested with the "powers exercised before by the military governor." It is of importance to note that as early as this campaign the issue in the radical party was the treatment of the negroes after emancipation. Delegates to a constitutional convention were subsequently chosen and April 6, ninety-four² of the men elected met in New Orleans, a fair set of men, but already showing a tendency

¹ Richardson, *Messages and Papers of the Presidents*, VI., 214.

² Ficklen's *History of Reconstruction in Louisiana*, states that the highest number on the roll at any time was ninety-eight, 68.

toward that extravagance which was later to be such a blot upon reconstruction. The convention abolished slavery,¹ but restricted suffrage to white males, although it empowered the legislature to confer it on "such persons, citizens of the United States, as by military service, by taxation to support the government, or by intellectual fitness may be deemed entitled thereto."² A constitution was adopted and submitted to the people, but only 8402 votes were cast in ratification as compared with 11,411³ in the election of Hahn. The new legislature provided for met October 3, elected two Senators, and adopted the Thirteenth Amendment unanimously. Although this government was duly recognized by the President and its ratification of the Amendment gladly counted to help embody it in the organic law, its authority was restricted to a very narrow limit—that actually within the Union military lines⁴—and neither branch of Congress admitted the members chosen by the new government, while the Presidential vote of 1865 was rejected.

The legislature of 1865, fully representative of the State, and just as fully Democratic, met in extra session to elect two new Senators in case the two elected previously be rejected as not truly representative. With these two Senators, Henry Clay Warmoth presented himself at Washington as territorial delegate of the radical Republicans of the State,⁵ his expenses defrayed by his negro

¹ By a vote of 72:13. Ficklen, 70.

² Lincoln's plan. See letter of March 13, 1864, to Hahn, Nicolay-Hay, VIII., 434.

³ Rhodes and Ficklen differ slightly in their numbers. Rhodes depends upon Sen. Exe. Doc., 38 Cong., 2 Sess., No. 91, 4.

⁴ Within the Union lines was about one-third the area of the State, according to the census of 1860, and two-thirds of the population.

⁵ Already Thaddeus Stevens had devised and won followers for his territorial scheme of reconstruction. For a full statement see Rhodes, United States, V., 551.

constituents, who joyfully deposited their half-dollars with their first ballots to pay the expenses of their impecunious delegate.¹

Some thirty or more of the members of the convention of 1864 were so angered at seeing the offices of the State passing to the ex-rebels that, with the consent of the governor and a judge of the Supreme Court, they began to meet and plan how they could evict them. Before adjourning, the convention of 1864 had decreed that it might be reconvoed at the call of the President "for any cause, or in case the constitution should not be ratified, for the purpose of taking such measures as may be necessary for the formation of a civil government for the State of Louisiana." This resolution, however, had not been incorporated in the constitution and had never been passed upon by the people.²

The opponents of negro suffrage denied the right of the convention to resume its functions and the controversy over the matter became very fierce. July 30, 1866, the delegates who favored reassembling proceeded to do so, according to call in New Orleans. A street procession of negroes, on their way to the hall, became involved in a serious fight with the police and crowds of white spectators. The number killed and injured amounted to about two hundred and the fact stood out conspicuously that of this number only about a dozen were policemen or their white allies. The North and, more especially, Congress was forced by this episode, together

¹ Ficklen regards this story as well-substantiated (113), though Warmoth himself stated that he received the money to defray his expenses from the Executive Committee. House Misc. Doc., 42 Cong., 2 Sess., No. 211, 350. The writer has not regarded this as within her investigation.

² Debates of the Convention, 1864, 623. Illegal also was the effort of the mayor to suppress the convention. See Cox, *Three Decades*, 430-2.

with the rejection of the Fourteenth Amendment¹ and the passage throughout the South of the "Black Codes," to the conclusion that the colored people were not safe in the hands of their former masters.

Hence, the Congressional plan of reconstruction, long brewing,² was forced on the South in the Acts of March 2, 1867, which reestablished military rule and provided an entire new organization of government through a convention, elected by negro as well as white vote, and a new constitution, which should be acceptable to Congress³; in the Supplementary Act of March 23 which placed the initiative in the hands of the military instead of the State⁴; and the additional Act of July 19 which substituted for the liberal interpretation of the earlier acts by civil officials the most rigorous possible and stripped the Executive of the power of determining removals by explicitly conferring certain powers of appointment and removal on the general of the army.⁵ Louisiana and Texas constituted one military department, placed first under the direction of General Sheridan, and in August under General Hancock. Under these two commanders registration was pushed on so as to record as many blacks and as few whites as possible. In September a convention of ninety-eight members was elected, consisting by previous agreement of blacks and whites in

¹ Blaine regarded this as the "original mistake" of the South. Suffrage would have then followed as a necessity and boon to the South. Blaine, *Twenty Years*, II., 474-5.

² The Congressional Committee reported the plan as early as April 30, 1866. *Globe*, 39 Cong., 1 Sess., 2286.

³ Statutes at Large, XIV., 428. The essential sections, 3 and 4, were later held unconstitutional. Cases of *U. S. vs. Reese*, 92 U. S., 214, and *U. S. vs. Cruikshank*, 92 U. S., 554.

⁴ United States Statutes at Large, XV., 2.

⁵ *Ibid.*, 14. This act was drafted by Stanton. Gorham, *Stanton*, II., 373.

equal numbers, all but two, Republicans. The body sat in daily session from November 23 to March 9, ostensibly to frame the new constitution, but, because of the lack of a revenue, constituting itself also a legislative body. The constitution framed by it was the most severe in its disfranchising clauses of any in the South.

It was quietly ratified April 16 and 17, 1868, and State officers chosen. H. C. Warmoth was elected governor and the mulatto, O. J. Dunn, lieutenant-governor. The military governor was removed and the governor-elect placed in power at once although his formal inauguration did not occur until July 13, 1868. The first legislature of the new régime, in which a sweeping radical victory against the unorganized, disheartened conservatives had seated a strong Republican majority, was in session from June 29 to October 20. The ratification of the Fourteenth Amendment by this body opened the door of re-admission to the Union so that by the act of June 25, 1868, Louisiana was once more empowered to send W. P. Kellogg and J. B. Harris to occupy the seats in the Senate vacated defiantly seven years before by John Slidell and J. P. Benjamin. By July 18, five Representatives had been seated in the House, including the first colored person to present himself for admission to Congress; and reconstruction would seem to be a matter of history.¹

But the military was not withdrawn, for Louisiana and Arkansas were created into the Department of Louisiana under General Rousseau. Troops were so stationed at different points throughout these States that they could be called upon to coöperate with the State authorities to preserve the peace and to sustain the new governments.

¹ *Globe*, 40 Cong., 2 Sess., 4216.

The Presidential election of the fall of that year once more centered attention on the State by an undesired and wholly unexpected victory for Seymour and Blair, and still more by the disorders and outrages on the negroes.¹ Congress was not allowed to forget that it had a right to a directing influence in the matter through committees of investigation and decisions on disputed elections to its own body.²

At the beginning of the year 1869 carpet-bag government was in full swing and the picture of the situation in the State is not a bright one.

The political condition might well have caused an aristocratic Louisianian to withdraw himself from the contamination of politics with a shudder of despair: a carpet-bagger the recipient of the first honor in the gift of the State, and a negro house-painter of the second. Warmoth, young, handsome, and magnetic,³ was a native of Illinois, who had entered the army from Missouri. He had had trouble with General Grant after the battle

¹ For a full account of the early period of reconstruction in this State see Ficklen, *History of Reconstruction in Louisiana*. As evidence that election disorders were not wholly a result of reconstruction, it might not be amiss to call attention to the governor's valedictory message of 1856. Society in Louisiana before the war, while polite and even more—brilliant, had been far from law-abiding with its frequent encounters under the duelling oaks, the Plaquemines frauds of 1844, and the riot of 1855. See Gayarré, IV., 679.

² For an account of the conflicting testimony on these outrages see House Misc., Doc., 41 Cong., 1 Sess., No. 13.

³ Based on House Repts., 42 Cong., 2 Sess., No. 92, 24-5. See also *National Cyclopaedia of American Biography*. Carpenter's sketch of him to the Senate may be quoted: "There is in Louisiana a very remarkable young man, dignified in mien, of elegant presence, and agreeable conversation; a man full of resources, political and social,—gallant, daring, and with a genius for politics; such a man as would rise to power in any great civil disturbance, embodying in himself the elements of revolution, and delighting in the exercise of his natural gifts in the midst of political excitement." *Globe*, 42 Cong., 3 Sess., Appendix, 200.

of Vicksburg; was charged with circulating exaggerated reports of the Union losses while on parole North, was dismissed from the service by Grant, but restored to his command by Lincoln, evidence having shown his dismissal to be unjust. He retired from the army in 1865, went to Texas, where he was indicted for embezzlement and for appropriating government cotton. But when the case was called, no prosecutor appeared and the prosecution was abandoned. He returned to Louisiana and before reconstruction was sent as a delegate to Congress as narrated above. He was at this time only twenty-six years old, apparently at the height of his powers, social and political, for even his foes admitted the dignity of his appearance and the charm of his manners and conversation.

The balance of parties in 1868 stood twenty Republicans to sixteen Democrats in the Senate, fifty-six to forty-five in the House.¹ White members had been almost entirely supervisors of registration. Warmoth had selected for this office in the parishes a large number of men left in New Orleans as flotsam after the war. They had so impressed the negroes that they were returned to the legislature or were mysteriously counted in by the returning-board.² Almost one-half of the House were negroes, while there were at least seven sable-hued Senators.³ The lower State and parish offices were given over largely

¹ *Annual Cyclopaedia*, 1868, 434.

² Nordhoff tells of the rise of a young New Yorker who returned from acting as supervisor in an up-country parish to present returns which proved him the unanimous choice of that parish. Though not the nominee, two years later, his name appeared, strangely enough, on the tickets and, although not elected, the returning board seated him. Nordhoff, *The Cotton States*, 48.

³ The writer has been unable to get exact figures. The *Commercial Bulletin* of Feb. 22, 1869, enumerates seven Senators; while a negro in debate stated that there were forty-two of his brethren in the House. House Deb., 1870, 281.

to negroes and scalawags, not always chosen by the governor with wisdom.¹

The comment of one of the New Orleans papers is suggestive of the sentiment of the people toward their legislature. Speaking of the revenue bill of 1869 it said:

It was the work of the lowest and most corrupt body of men ever assembled in the South. It was the work of ignorant negroes² coöperating with a gang of white adventurers, strangers to our interests and our sentiments. It was originated by carpet-baggers and was carried through by such arguments as are printed on green-backed paper. It was one of the long catalogs of schemes of corruption which makes up the whole history of that iniquitous Radical Conclave.³

Or note the *Crescent*: "The troupe which is now playing a sixty-day engagement at the corner of Royal and Conti streets,⁴ which appears daily in the farce of 'How to be a Legislature,' a day or two since introduced among themselves a bill . . ."⁵ And that paper printed later daily the following unique "ad," "Go at once to the St. Louis Rotunda to see the astounding curiosity &."

No less important to the State than its own political condition was the attitude of the National government. The defeat of the Republican party in the South in the fall election was like a dash of cold water. To an indiffer-

¹ A negro Justice of the Peace issued a warrant which is a rare curiosity for bad spelling and grammar: "This is to cite, fy that i. the underseind, Justis. of. the. Peace O Pint. and in Pour. John. A. Stars. to. A-rest the Body. of Henre Evens and Bring. Hit, be four, me John Fields." Copied from *St. Mary's Banner*, a parish paper.

² It was not uncommon for a legislator to sign his name with a mark. — *Crescent*, Jan. 13, 1869.

³ New Orleans, *Commercial Bulletin*, Nov. 17, 1869.

⁴ At this time the legislature was convening in the Banque de la Louisiane.

⁵ Jan. 13, 1869.

ence or even a desire to be rid of the whole subject of reconstruction, which had characterized Congress in the fall of 1868, succeeded a resolute purpose to take advantage of every opportunity to gain an effective and permanent control for the Republican party. Even the law passed during the session of 1868-9, which provided that equal eligibility to office should inhere in those who had had their disabilities removed by Congress and had taken the oath to support the constitution in the act of July 11, 1868, was only a party measure to win more firmly the scalawags,¹ as the list of pardons reveals the fact that most had become Republicans.² Grant's attitude was of importance to a degree that Johnson's was not, for he came into office early in 1869, a popular and trusted executive, who would be free, to a large extent, to direct the policy of the government in the South. But, unfortunately for Louisiana, a brother-in-law, J. F. Casey, was soon put in charge of the port there and so completely won Grant's ear that the latter approached Louisiana problems with a bias. Friction between the State and National authorities was bound to come, for already at the opening of 1869 the radicals had lost the respect of the army, and recrimination was passing back and forth between the military commander and the executive of the State.³

¹ The scalawag was the war-time Unionist or reconstructed rebel who had ceased opposing Congress. A negro preacher defines the difference between a carpet-bagger and scalawag as follows: "A carpet-bagger came down here from some place and stole enough to fill his carpet-bag, but the scalawag was a man who knew the woods and swamps better than the carpet-bagger did, and he stole the carpet-bagger's carpet-bag and ran off with it." House Misc. Doc., 42 Congress, 2 Sess., No. 211, 478.

² The writer did not find this especially true of Louisiana, but of the South generally.

³ "Apparently the Radical authorities have lost the confidence and respect of the army. We do not think that writing to Washington letters of complaint is exactly the way to regain it."—New Orleans, *Commercial Bulletin*, Jan. 21, 1869.

Socially, the problem was largely a race question, though the bitterness of feeling toward her conquerors and contempt of carpet-bagger and scalawag enter to complicate the matter. The intensity of her bitterness toward the North found expression in such paragraphs as the following:

The black and bloody chapter of American subjugation reads so much like the scenes of the Netherlands and the Palatinate that it cannot claim even the vile merit of distinguished infamy. Let it be blotted out and closed. Let the American government publish and execute this amnesty in good faith. Let them seek new fields of glory and cease to promote men merely because they have distinguished themselves by the slaughter of Americans or by laying waste the regions that Americans have planted.¹

In moments of calmness appeals to the better sentiment of the North are heard, coupled with promises that a spirit of conciliation would be seconded by the masses of the South, which were prepared to accept all necessary and reasonable conditions imposed by the result of the war.²

Their particular spleen was vented now vindictively, now humorously, on the carpet-baggers: "Only call off the carpet-baggers and you are welcome to substitute an army of hand-organists in their stead. No sounds can punish our nerves, our patience, and our tympanums so much as the 'base bawl' of carpet-baggers."³ The host

¹ New Orleans *Commercial Bulletin*, Jan. 6, 1869. For a similar expression of feeling, *Times*, May 9, 1875.

² New Orleans *Commercial Bulletin*, Jan. 14, 1869. "Wise liberality on the part of the northern people and of the government that ought to represent them would certainly be followed by strict and willing acquiescence. . . . We ought to prove by our demeanor toward those who come among us to buy our vacant lands . . . that they are welcome and that liberal legislation will not be wasted upon us."

³ *Ibid.*, Sept. 25, 1869.

of traders, capitalists, and adventurers, who had come down during and just after the war to seek a new field for investment in the conquered country, were, naturally, regarded more or less as harpies. The number was formidable, for already by the fall of 1866, between five and ten thousand Union soldiers had settled in the State.¹ The exasperating feature was that they immediately undertook to run the government for the natives, securing office through negro votes.² Capital, energy, and talents were desired, but not men to tend to their politics.³

Two great facts are to be remembered in the negro question in Louisiana. In the first place the negroes were in a slight majority. After the war the Southerner saw his former slaves avoiding him, careless, insolent, acquiring habits of vagrancy, manifesting little fear in indulging their propensity for theft, believing that under the guidance of disinterested councillors, they would soon become landed proprietors without labor, scholars without study, and the social equals of their former masters. For so many years the fear of a servile insurrection had hung over him that he instinctively tried to erect a defense against it. The officials of the Freedmen's Bureau had also helped to complicate the situation. For the most part, indiscreet army officers, often bent on their

¹ Ficklen gives this number, *History of Reconstruction in Louisiana*, 176.

² It might be noted that the following officers who figure conspicuously in the pages of this account were carpet-baggers: Warmoth, Kellogg, Lynch, McMillan, Dewees, Jacques, who will figure in the frauds of '72, Speaker Carr, Campbell, Packard, Dibble; 3-5000 settled in New Orleans, proportionally less in the parishes.

³ See *Times*, May 9, 1875. From the evidence I have met, I do not believe the feeling against them was so hostile as it became a little later when the South was determined to drive them out. Blaine makes a real point when he says, "Northern men recalled in an offensive manner the power that had overcome and, as they thought, humiliated them,—recalled it before time had made them familiar with the new order of things." Blaine, II., 472.

own fortunes, the directors managed the work in such an inefficient manner that the planters found it an intolerable nuisance. In the general demoralization of labor, the Southerner turned in despair to the legislature for relief and its impolitic response was the so-called "Black Codes," which subjected the negro to oppressive restrictions not imposed upon the whites and smacked strongly of the slave codes. But it is to be remembered that the extremely rigorous code of this State was passed before the dreaded holidays of 1865-6 when the negroes were confidently expecting Uncle Sam's gift of "forty acres and a mule."¹ In the second place, the Gulf States had an element of especially vicious negroes, due to the fact that before the war criminals for offenses less than murder were traditionally sold "South." There were also more free colored persons in Louisiana than in all the other Southern States, negroes who were likely to have developed some leadership and initiative,² but were on the average less intelligent than in most of the former slave States.³

Every effort was made by the radicals to encourage the negro to claim full equality with the whites, political and social, until by 1868 they were demanding not only the franchise, but mixed schools, a share in public affairs and even social rights. The Southerner, as has been said so many times, did not hate the negro, but he did not believe that he could rise in the scale of civilization. He

¹ Nordhoff tells of a negro in St. Mary's parish who still in 1875 was retaining a mule halter he had purchased in anticipation of Uncle Sam's gift, 49.

² It does not seem to me that Vice-President Wilson's argument that the experiment of negro self-government would therefore have the greatest chance of success (*Times*, Aug. 21, 1876) here is necessarily true. It would rather turn upon whether the leadership they would assert were vicious or not.

³ Due partly to the fact that they came from the large plantations where the civilizing contact with the white race was reduced to a minimum.

felt that most of the negroes had not sufficient intelligence to desire the franchise, and hence that it was superimposed upon him. Nordhoff declares that "without whites to organize the colored vote—which means to mass it, to excite it, to gather the voters at barbecues, to carry them up with a hurra to the polls, to make 'bolting' terrible, to appeal to the fears of the ignorant and the cupidity of the shrewd; without all this the negro will not vote." And it was a well-known fact that the "organizers"¹ were Federal officers with little else to do. And, in addition, the campaigns did interfere with the work rendered: The following passage from Nordhoff, the words of the bitterest Democrat he met in the State, shows how direct this was: "And they work just about as well (as in slavery), except when some accursed politician comes up from New Orleans with a brass band, and sends word, as was done last fall, that General Butler had ordered them all to turn out to a political meeting."²

Nowhere, perhaps, is this sentiment more accurately reflected than in a speech of Senator Ogden's in the State Assembly: "Do you not know as well as I that all the disgust, all the anger and bitterness that arose between these different political factions was engendered by the ill voices of certain politicians, who haranguing the ignorant and superstitious, in private and in public, poured into their ears voices as poisonous as nightshade."³

Negro suffrage was the burning question, and they were not reconciled, even after it had become a fact, even

¹ A person sent into country parishes some months before election to gather up the colored vote; to hold meetings, to instruct the local leaders, mostly preachers and teachers, and to organize the party. Nordhoff, 67. As late as Dec., 1874, a leading negro replied to the query concerning his vote, that "they had not got the word yet." House Rpts., 43 Cong., 2 Sess., No. 101, 89. Pinchback understood such organization and that gave him his strength. *Ibid.*, 67.

² Nordhoff, 56.

³ Sen. Deb., 1870, 218.

when they consented, as they did in the fall of 1868, to use the negro vote. But valiantly did the Democratic party in that election turn to win them; helped them to form clubs, promised protection, and offered to give Democratic negroes the preference in employment, enlisted negro orators; and often had them speak from the same platform as white Democrats. Yet all this was but for the purpose of securing white ascendancy, for it was in this very year that the Knights of the White Camelia became perfected into a Federal organization, pledged to secure white supremacy, and to prevent political power from passing to the negro. The negro franchise might be a fact, but, if organized effort could prevent it, negro office-holding should not.¹ The Southerner felt that the last scourge of defeat, Congressional reconstruction, was founded on falsehood and malice. He declared that the reports concerning outrages on negroes had been distorted and exaggerated. The only purpose he could see in the zeal to put the ballot in the hands of men too ignorant to use it without direction was to prolong party power.

This hostility to the negro vote led to ingenious modes of reasoning to evade the results of the polls. On the eve of the assembling of the legislature of 1869 one of the city papers suggested that a certain negro Senator had been rendered ineligible by the adoption of a new registry law. As his ballot had been the casting vote which

¹ Note the frank reply of a lawyer to a negro politician: "I stand ready, as far as in me lies, to protect them in their rights as citizens. Here my friendship stops; I am not their friend when it comes to official life. The colored man has just been redeemed from slavery, and in his new character he is unfit for office. It is an insult and outrage to place him over the white people as an office-holder." Granting that slavery was wrong, that did not prove "that you should be put into office to run the government before your people have learned anything about the laws." Sen. Rpts., 44 Cong., 2 Sess., No. 701, xxxv.

seated another negro, the latter held his seat illegally, and the article closes with the pertinent query whether laws made by such legislators would have any validity.¹

Another factor in the social problem, unique to the South, was not absent from Louisiana—the numerous “poor whites” in the northern part of the State. Living close to the subsistence line on the thin soil of the pine hills back of the bottom lands, without schools, with but few churches, given to rude sports and crude methods of farming, their ignorance and prejudice bred in them after the emancipation of the negro a dread of sinking to the social level of the blacks. The dread, in turn, bred hatred, and it was from this class, instigated very probably by the class above them, that the Colfax and Coushatta murders² took their unfortunate rise.

And still one other element, mischievous in the extreme, must be added to the social complex—men who pursued no occupation, but preyed on black and white alike, as gamblers and tenth-rate politicians, drinking and swaggering at the bar, always armed with knife and revolver, shooting negroes now and then for excitement. This class was recruited, largely, from the descendants of the old overseer and negro-trader of ante-bellum days. With just enough education to enable them to dazzle the negro by a political harangue, they were both disliked and feared by the decent white people. According to the testimony of a Northern observer,³ the first duty of the Republican leaders in Louisiana was “to hang them by the dozen.” And it was just because they were not crushed out, except so far as the respectable conservative could combat them, that Louisiana had to endure such a drawn-out purgatory before she was reconstructed.

¹ *Commercial Bulletin*, Jan. 4, 1869.

² See, this volume, Chapters XI. and XII.

³ Nordhoff, 18.

Economically the State presented no better view. Louisiana had suffered particularly from the war, as a part of her soil had been held by Federal troops through a great part of the conflict, and the plantations had been drained, in consequence, of a large part of their labor. Taxable property had been reduced almost two-thirds. The returning rebel found his plantation in the worst possible state of repair, or his title subject to dispute under the confiscation laws, while much had been seized by treasury agents or dishonest speculators. He turned, in the absence of capital, labor, currency, to the one thing he knew—the raising of cotton. Even here he had to adjust himself to a complete change of system from fixed, forced labor to payments at set times or planting on shares where he was at the mercy of his planter. It cannot be charged, on the whole, that the planter drove unjust bargains.¹ If the negro suffered, it was at the hands of the poor, small farmers, as ignorant as the negro himself. But a blighted crop in 1866 was followed the next year by an almost complete failure, while the Mississippi exacted the penalty of neglected, broken levees by a devastating flood. Only in 1868 did the planters obtain an average crop in the great staples. Grinding necessity, as well as the remorseless political ostracism, drove the better class into indifference to public concerns and engrossment in their private affairs. Moreover, ignorant, unprincipled legislation bred a certain temporary apathy even to their own interests.

Already the finances of the State were in a sad condition.

¹ It was Nordhoff's opinion in 1875 that few laborers as ignorant as the average plantation hand could do as well anywhere else in the world, 21. Nordhoff was a young German immigrant who visited Louisiana as reporter for the New York *Herald*, and published his impressions after an investigation which bears every mark of care and fairness. One can scarcely accuse him of Southern bias when one reads: "I have been opposed to slavery ever since I sat on my father's knee and was taught by him that slavery was the greatest possible wrong," 49.

Back taxes were in arrears, possibly, as was charged, because the property owners were organized in opposition to the existing government,¹ but more probably because they were unable to pay. It did not help the situation that few filling State positions were tax-payers.² By January 19, 1869, only about one-tenth of the amount of the city taxes for the preceding year had been collected.³

Inability to get in the taxes, resulted, naturally, in inability on the part of the State to meet its obligations. It had been found necessary in September, 1868, to levy a special one per cent tax to provide for the payment of the past due coupons on the bonds of the State, outstanding warrants, certificates of indebtedness, and convention warrants.⁴ It was not even able to pay the interest on current debts and so it was necessary for the legislature early in 1869 to empower the governor and treasurer to negotiate a loan to meet such approaching obligations.⁵ Of course, credit had suffered in consequence until by October, 1868, bonds were selling in the market at forty-seven cents on the dollar. Certain levee bonds had sunk so low at one time as to be sold for thirty and even twenty-five cents.⁶ A motion offered in the House in the session of 1869 that not less than fifty cents be accepted is sufficiently illuminating.⁷ Many State officials were paid by warrants and suffered, except where the Assembly favored the recipient, as in the case of the executive and its own members, the loss of the difference between their face value and the market value.

Loans were negotiated only with the greatest difficulty and on exceedingly hard terms. On November 1, 1868,

¹ Such a charge was made by a member in the House.

² Herbert says that ten paid taxes, *Why the Solid South*, 401.

³ *Commercial Bulletin*, Jan. 19, 1869.

⁴ Laws of Louisiana, 1868, No. 114.

⁶ House Deb., 1869, 393.

⁵ *Ibid.*, 1869, No. 48.

⁷ *Ibid.*, 287.

the interest on \$2,000,000 of levee bonds was to fall due without means to meet it. Hence, a new loan of \$100,000 was necessary, but it was secured only for the short period of ninety days at seven per cent with the privilege of the purchase of one hundred of these bonds at sixty cents by the loaner. At about the same time a commission was sent to New York to sell 1300 State bonds. They found a general distrust of all Southern securities, but especially of those of Louisiana. Its bonds were not quoted on the stock exchange, and the only offer on the street was of a lot at fifty-two cents which found no buyers. The commission at last had to accept fifty-one and one quarter cents and, as a preliminary condition, had to agree that provision should be made for the payment of interest on all bonds due in January and February of 1869.¹ Naturally, such loans were secured only at great additional expense. The ninety-day loan cost over \$3700, while the sale of the 3100 bonds mounted up to \$2213, \$1000 of which went to pay the cost of the trip of the three commissioners.² The necessity of paying by warrant involved a loss to the State not only directly,³ but in the depression of State credit.

An attitude of extravagance and corruption was already becoming apparent in the State administration. The Senate at the close of its session in 1868 authorized twelve committees to sit between sessions. Practically every Senator sat on some committee and each member drew pay for twenty-six days, amounting to \$34,620.40

¹ House Deb., 1869, 43-4. The lack of faith in Southern bonds was partly due to the unsettled condition, but also to the fact that just before the war many Southern States had repudiated their debts—an action later to be repeated.

² *Ibid.*

³ One member asserted that \$75,000 was thrown away in 1869 by the sale of the warrants on the streets to pay members. *Ibid.*, 1870, 15.

besides \$15,000 for clerks.¹ One committee alone drew between \$16,000 and \$17,000. Money was doubly squandered by one committee, which drew pay for its time and pay for witnesses who were never examined.² And one clerk is quoted as having had time to serve on three committees and drawing warrants for four.³ But this corruption did not come to light until the Assembly had entered upon its labors of 1869.

¹ Sen. Journal, 1870, 12.

² Lowell testifies: "I can show that the greatest fraud ever perpetrated was the action of the Senate Committee on Election, whose clerk went out on the streets and coaxed men to come into the committee-room to act as witnesses in order that he might get half the fees. I state further that witness after witness has been paid by the Senate Election Committee who never gave one hour's testimony." House Deb., 1869, 12-13.

³ *Ibid.*, 50.

CHAPTER II

A Carpet-bag Legislature in Session

THE general character of the work done in the Louisiana Assembly during the sessions of 1869 and 1870 was distinctly inferior; the tone of the debate low; and the conduct paralleled only in the worst of the reconstruction legislatures. The ignorance of the members does not appear glaringly in the records of 1869, for the more illiterate did not engage in the debate, certainly did not venture upon lengthy addresses. It is only occasionally that we are appalled by the dense ignorance revealed, as when the colored legislator Burrel broke out into a mass of incoherent repetitions in defense of the St. Charles pavement bill.¹

The debate was distinctly partisan. The following outburst, provoked by the debate on the militia bill, is sufficiently suggestive:

Is it possible that men in broad daylight will say that we should not call on the Republican party to give security to the people? That we receive this amendment that men should

¹ "The city of New Orleans will be what we intend to make it, and we intend to make this city bloom as the rose, and we intend to enhance and increase this city of New Orleans, and we intend to open every by-road, and this very bill is going to make the city bigger, and we are going to pass this act. We intend not only to legislate for the city of New Orleans, but to stamp our record upon the door of this House of Representatives, so it will remain a century of years," etc. House Debates, 1869, 359-60; also, 415.

be organized into a militia, that will call every disturbance of the peace a "nigger insurrection"? Men should prove that they are loyal before they can be trusted to go into the militia. This amendment ought to be damned by this House. What, this democracy to be organized into a militia to execute Andrew Johnson's policy! This amendment is full of devilry.¹

On another occasion even the speaker stated as a good reason why a certain bill should pass that the board to be affected by it were all good Republicans. The bill promptly passed.² January 19 a cool resolution was offered that the persons voted for in the parishes where a fair election had been held, the twenty-six parishes where the Democrats had had a majority being calmly ignored, should meet to vote for President and Vice-President.³ It is significant, however, that sharply drawn as was the party line, the sectional feeling manifested was distinctly pro-Southern. When a measure was offered for a contribution to a Lincoln Monument, few spoke for it, while most felt it frankly impossible that the South could be expected to contribute.⁴ On the other hand, when the appeal to help bury the Confederate dead at Fredericksburg came up the following session, even such a hot-headed Unionist as Mr. McMillan spoke reverently in advocacy of the appropriation.⁵

But worse than partisanship was the lack of dignity, even frivolity, which characterized the proceedings. So serious did this become that the speaker was frequently forced to call the members to order for their senseless

¹ House Debates, 1869, 110.

² *Ibid.*, 354.

³ New Orleans *Commercial Bulletin*, Jan. 22, 1869.

⁴ House Debates, 1869, 389.

⁵ *Ibid.*, 1870, 287. See also Campbell's speech, Sen. Deb., 679.

motions and tone of levity.¹ Amendments were repeatedly refused by the chair as absurd² and even improper. It was proposed to add to the oath required by the school bill, "shall take whiskey straight without regard to race, color, or previous condition."³ Some, when ordered read to satisfy the curiosity of the House, proved even indecent.⁴ The greatest discourtesy on the part of one member to another prevailed, while even the president of the Senate was guilty of recognizing a Senator in the following undignified way: "Well, just pitch in." One member cried: "I don't know what he is going to talk about. I don't wish to hear him talk at all, and I therefore call for the previous question."⁵ Because one member read his speech, another called out rudely, "There's that document again." Or again, "I move the gentleman be allowed to speak all night. He occupies the floor more than any other member of this House."⁶ Freedom of speech both as to time and language and wordy altercations made confusion and tumult almost the rule in both houses

¹ "The gentleman from Lafourche has spoken of bribery. Now, there is another absurdity, for a member gave him a cigar for a bribe, but he did not offer me one." House Debates, 1869, 126. And "I rise to a point of order—this bill is a swindle" 264. Again, a member proposed in all seriousness that the House adjourn in respect to the recent marriage of one of its members. When the speaker objected to such levity, he retorted: "It is a very serious event for the gentleman from St. Charles." *Ibid.*, 135. Another member rose to make the point of order that "the committee had no dignity," 264.

² On the immigration bill the following irrelevant amendments were offered:

That 2000 shall be Chinese and 1000 Arabs.
That a thousand thugs of India be included.
"I move to include 500 monkeys."
That the company bring over half the population of Europe.

Ibid., 1870, 281.

³ *Ibid.*, 1869, 242.

⁴ *Ibid.*, 1869, 112; Sen. Deb., 1870, 771, 749.

⁵ *Ibid.*, 1870, 178.

⁶ *Ibid.*, 149.

until such a remark as the following was possible: "I hope the Sergeant-at-arms will call to his assistance a sufficient number of the Metropolitan Police to keep order and to see whether we cannot have silence, and quiet, and stillness to hear what is going on," while the president weakly added, "It is really a shame that we cannot have better order."¹ It frequently became necessary for the chair to order the sergeant to seat obstreperous members and to threaten public censure.² In at least one instance the threat was executed.³ Carter even boldly said of the speaker, "I must say that the man who knows the facts of this case, as he said he did, and is acquainted with the law, and then says that I am a defaulter, is either a fool or unadulterated liar." Then less vehemently, "I will be square and honest and polite to you all, but I will be hanged if I am to be bullyragged, and I'll be switched if I am to be ridden over by the Speaker or anybody else."⁴

Reprobate and scoundrel that he proved to be, Speaker Carr⁵ had a certain power of command, which made it possible for him to control the House. Whenever he called anyone else to the chair, the House broke into disorder like a set of unruly schoolboys, leaving him problems to disentangle on his return. Legislators indulged in pranks such as withdrawing a member's chair while he was speaking in order that his fall should convulse the House.⁶ So notorious was the disorder that one

¹ House Deb., 1869, 139; 1870, 191, 231. Sen. Deb., 1870, 705.

² Sen. Deb., 1870, 639-40. House Deb., 1871, 87, where the gentleman from Orleans declared that he would not come to order, and did not heed the sergeant.

³ House Deb., 1869, 294.

⁴ *Ibid.*, 1871, 90.

⁵ Carr had come from Maryland in 1865, was now twenty-six or twenty-seven years old, shrewd and wily in the extreme. House Misc. Docs., 42 Cong., 2 Sess., No. 211, 217.

⁶ *Crescent*, Jan. 26, 1869.

member acknowledged as a well-known fact that gentlemen came from the North to see what kind of a House they had. The speaker found it difficult to hear the motions, while over and over again the reporter inserted in the debates "confusion" and a statement to the effect that, owing to the disorder, he had lost part of the speech. The pages, who made as much noise "as a lot of young colts, dodging about the floor, standing up, talking and laughing all the time," according to the speaker, added to the disturbance.¹ It would be difficult to read the pages that record the proceedings on the 30th of January, 1869, without feeling convinced that the open bar, which it was charged was to be found at the capitol, had had its due effect.² The last evening closed fittingly with a mock session, when, as the debates assure us, "the members had a good time, and the reign of fun prevailed for a few minutes."³

Low as was the tone during the second session of the Assembly, it degenerated even lower by the time the Assembly gathered for the third time. Debate descended more often to vulgarity⁴ and bad grammar and rhetoric came to the surface more often.⁵

Mr. President, I have not expressed on none of these bills termed political bills, but, as the gentleman who preceded me from Orleans has not entirely represented me, I claim on this floor the privilege. In the first place, he says we have

¹ House Deb., 1871, 135-6.

² *Ibid.*, 1869, 111-12. The following statement of the speaker establishes the fact for 1871 clearly: "I will not allow while I am speaker of the House, to have spirituous liquors brought into the House. I must maintain the dignity of this House, if the House will not maintain its own dignity. I do not desire such a thing shall be done again." *Ibid.*, 1871, 114.

³ *Ibid.*, 1869, 524.

⁴ Senate Deb., 1870, 222-3.

⁵ See speech on the constabulary bill, *ibid.*, 223-4.

elected a demagogue,—or some such word. . . . I say on the other hand, if the way that he holds to that he has done what he proposes that he should have done, it is because the Democratic members on this floor, when some bills were introduced in this House, opposed them bills, and they did not become laws . . . I do not know what done it, except it was their own classes—except it was someone that stood in the ranks in the days of old.¹

It was of a legislature which assembled only a year later that Eustis told his famous story: "There was a member of Parliament brought me a letter of introduction, and he asked me if I had any great curiosity to show him. I told him I had—such a curiosity as he would never see in any other civilized country, and I took him to the legislature."²

In methods of procedure gross irregularities occurred as a result of carelessness or deliberate manipulation until the procedure occasionally became a mere travesty of the forms of government. Wiltz in the House charged that he was never notified to attend a single meeting of the Committee on the City Charter of which he was a member.³ A bill was declared on third reading when the House had refused to engross it and had ordered it placed on the calendar. An interested member detected the irregularity.⁴ A member of the Ways and Means Committee charged that the revenue bill had been returned when only two members had been present to act on it.⁵ One striking offense was the extraordinary omnibus motion put and carried amid boisterous laughter late on the evening of February 23: "I move that the

¹ Sen. Deb., 1870, 222-3.

² House Misc. Doc., 42 Cong., 2 Sess., No. 211, 534. Note also the opinion of Nordhoff, prejudiced for negro rights. He was "unpleasantly startled," not because they were black, but because they were so transparently ignorant and unfit, 49.

³ House Deb., 1870, 236.

⁴ *Ibid.*, 1870, 345.

⁵ *Ibid.*, 326.

reading of the bill be dispensed with, the bill be put upon its first reading, the constitutional rule be suspended, the bill be put upon its second and third readings and final passage, the title adopted, and that the bill be sent to the Senate for concurrence."¹ One member remonstrated at what he properly termed an "extraordinary proceeding." "The Governor has sent in a veto of some bills, and in his message has given very grave reasons for so doing. Now, sir, I want to see the bills. I don't know them at all. They were ordered to be printed this morning, and now the House desires to take up those bills, involving millions of dollars, without ever giving the members an opportunity to make themselves acquainted with their provisions."² Another member was excused from voting on a bill, which he insisted on hearing read, only after the following declaration of independence: "I will throw myself back upon my reserved rights, and I will not vote, and the House may take, with all respect, the course they may think proper."³

Even the speaker acted on one occasion without knowing what the forms were carrying through, for, on the query of a member as to the nature of the bill under debate, he replied: "Something about taxes. The gentleman from Orleans moves it be referred to the Committee on Ways and Means." It was so referred.⁴

The powerful majority did not even manifest the ordinary courtesies of debate to the minority, but replied coldly to the very reasonable plea of the opposition for more time on an important bill: "It seems to be the disposition of the committee to work further."⁵ By dis-

¹ House Deb., 1869, 331.

² *Ibid.*, 1871, 7-8.

³ *Ibid.*, 200.

⁴ *Ibid.*, 1869, 204.

⁵ *Ibid.*, 1870, 78. Mr. McMillan characterized this spirit as follows: "That the House will pass it, I am convinced, for there is always something peculiar in the air which tells me when a bill of this character is sure of being put through, and I feel the breath of that air distinctly at this moment, 268.

pensing with the reading of the bill and various other devices to gain time, bills were often crowded through to adoption at a single sitting.¹ Under the operation of the previous question, debate was peremptorily cut off until one member indignantly cried out: "It is impossible to sit here and see the funds of the State voted away without an opportunity to remonstrate against it."²

Charges of corruption were brought against members of the Assembly not only by the press³ and by the leading citizens of the State, but charges were openly brought on the floor of the House. In the debate on the Ship Island Canal bill the remark was dropped that some people thought there were millions of dollars in that bill, and similar charges were made in regard to many other bills.⁴ One member even boldly challenged another: "I want to know how much the gentleman gets to support this bill."⁵ That unnecessary clerks were employed seems incontrovertible when the House decided that the auditor might employ six clerks to do the work which had always been performed by two or three. So notorious became the corruption in many directions that the House felt it obligatory to appoint committees of investigation, even though one member contemned the charges as beneath their dignity. The wording of one resolution

¹ House Deb., 1869, 330.

² *Ibid.*, 264.

³ "Such influence we all know has been exerted for personal aggrandizement and to such an extent that in point of fact the General Assembly was actually turned into a machine for the advancement of the individual interests of its leaders." *Bee*, Jan. 24, 1869. See also *Commercial Bulletin*, Feb. 6, 22.

⁴ Charges of bribery were brought in connection with the penitentiary bill, the slaughter house bill, and Chattanooga Railroad bill. The boldest charge came out on the paving bill: "I know who are lobbying this bill, and know the men they are using, and state upon the floor of this committee that this is simply for the benefit of that very man, and for the benefit of the lobbyists." *Ibid.*, 357-8.

⁵ House Deb., 1869, 72.

offered in the House early in January of 1869 reveals a whole tale: "Resolved, that the President of the Board of Metropolitan Police be directed to furnish this House with the names of any members who have been employed as special officers, and under what assumed names they drew their salaries for such services."¹ The debates bring out the fact that two or, possibly, four members were laboring under such charge.² Likewise, the House became exercised over a complaint that members serving on different House committees were also employed in the custom-house and drawing a salary from each source.³ The Assembly was not slow to put on foot investigations of other bodies, for corruption seems already to have vitiated most departments of the government and the institutions connected with it.⁴

Although the finances of the State were calling for the most skillful handling, the legislative body acted without even the most ordinary business prudence. While the time limit for the payment of the city taxes and for the collection of the special one per cent tax levied in September, 1868, had to be extended⁵; while the credit was so weak that it was found necessary to enforce under penalties the acceptance of the State warrants for licenses and taxes by the parishes of Orleans, Jefferson, and Bernard; while the State was in such straits that an annual tax became necessary to pay the interest on bonds⁶; and legislators were being put to the embarrassment of being

¹ House Jour., 1870, 21.

² House Deb., 1870, 10.

³ House Jour., 1870, 46.

⁴ Committees were appointed to investigate if bribery had been used in the appointment of officers of the Insane Asylum, the sale of levee bonds, the school-money, the defalcation of the Land Registrar, the councilmen of Jefferson City, the Metropolitan Police Commissioners, and Board of Public Works.

⁵ Session Laws of Louisiana, 1869, Nos. 10, 88.

⁶ *Ibid.*, 1869, No. 66.

told that the Waterworks Company had suspended the water until they should pay their bill,¹ they were voting themselves their pay with a generous hand and squandering State funds in sheer extravagance. They early² manifested anxiety for their pay, appropriating \$250,000 in 1869, \$500,000 in 1870, for the mileage and per diem of members and clerks.³ Their selfishness took the form in 1869 of instructing the warrant clerks to sell the warrants at their market value in order to pay the members in currency,⁴ and in 1870, of giving their warrants the preference. Their attitude toward themselves is perhaps illuminating in explaining their actions. One member had insisted that they ought to accept their money in warrants, "in which form the government pays the community," when another angrily retorted, "I desire to assure him of the very important fact that what we, as the Legislature, give to the community . . . is without money and without price. They are so valuable that the price cannot be fixed—there is no standard."⁵ And another member naively wants to know if he does not consider the General Assembly the State. Even more telling is the following exhortation of a member to the House: "I would like to know if there is a great thing and a good thing, in the name of God, why not let the Representatives of the State of Louisiana have a hand in it."⁶

¹ Sen. Deb., 1870, 771.

² In 1869, the appropriation bill passed the House Jan. 7, the Senate Jan. 12; in 1870, it passed the House Jan. 10, the Senate Jan. 12.

³ Session Laws, 1869, No. 15; 1870, Nos. 2, 49.

⁴ *Ibid.*, No. 52. The governor, unwilling to veto this bill, allowed it to become law by expiration of the time limit. Herbert says the over-issue of vouchers forced these warrants down to two and one half cents in 1871, 403.

⁵ House Deb., 1870, 22.

⁶ *Ibid.*, 1869, 122. The speaker of 1871 considered that he had used his patronage very sparingly when he gave "three or four indigent friends places as messengers and clerks." *Ibid.*, 1871, 136.

A Carpet-bag Legislature in Session 31

Small extravagances helped to swell the total cost of this Assembly to \$264,278.06.¹ There were certain items in the general appropriation bill which look unnecessarily large. When a mere clerk of a district court received a salary of \$6000, and the rental of a building for a state house cost \$13,000 for nine months; when the always elastic clause for contingent expenses was stretched to \$16,000; when printing and advertising mounted up to \$183,000, the people might well begin to question and murmur. A bit of sarcasm was unconsciously incorporated in the printing appropriation of 1870 when a motion to substitute \$200,000 for the original \$140,000, asking some of these liberal-hearted gentlemen to open their hearts a little wider and take in every official journal of the State, was adopted.² The interest alone on bonds issued to railroads is probably accurate enough, but had reached the terrifying sum of \$461,014.14. The only spasm of economy which the House suffered during the entire session of 1869 was really a pick at the police, when a few minor officials were struck off or reduced in salary.³

The law which was to provide the income seemed to bear no relation to the expenditures. Unwisely wasting their time on a bill to enforce collection of taxes already paid to the Confederacy,⁴ they rushed the revenue bill through with a haste which explains its inadequacy. Urged by the Committee on Ways and Means to accept its work as complete, even the reading was dispensed with, and the act, which was referred to in a later session as a disgrace,⁵ adopted by the House without discussion on the evening of March 3.⁶ A clause which provoked the

¹ House Jour., 1870, 62; Sen. Jour., 19-20. It was proposed to allow the chairman of each standing committee in the House \$5 extra per day.

² Sen. Deb., 1870, 845.

³ House Deb., 1869, 225.

⁴ *Ibid.*, 17.

⁵ *Ibid.*, 1870, 83.

⁶ *Ibid.*, 484.

greatest criticism was one licensing gambling-houses, which appeared in the published bill and came up for a perfect storm of debate in the session of 1870. The chairman of the committee stated that it had not been in the original law, and that he believed it had been surreptitiously introduced after it had been acted upon by the House.¹ Moreover, a bill which made no provision for the interest on the debt, which made an appropriation for an institution which did not exist,² and which failed to meet the liabilities of the State by \$500,000,³ indicated business financiering which sooner or later must bring the State to bankruptcy.

And just when the finances called for a policy of retrenchment was the time when the legislature saw fit to embark on a system of extensive internal improvements. As has been remarked by many reconstruction writers, there was a conscious purpose to introduce in the South the energy and methods of the North and West in the hope of similar economic results. It was recognized by the conservatives that introduction of new railroads was necessary for economic rehabilitation. But it must not be forgotten that the sable statesmen who were called upon to ponder problems of high finance were ex-slaves who had had the experience of a porter's tips or the extra half-dollars of a plantation-hand. Of the numerous bills of that nature introduced, a considerable number passed, lending State aid with a liberal hand.

The enterprises were chiefly of three kinds: canals, railroads, and the ever-pressing levees. The Mississippi and Mexican Gulf Ship Canal Company profited by this spirit to the extent of \$600,000, issued in the form of State bonds under a first mortgage, running the generous

¹ Session Laws, 1869, No. 114, Sec. 3,* 30; House Deb., 1870, 9.

² Sen. Deb., 1870, 848.

³ House Deb., 1870, 313.

period of thirty years¹; the New Orleans and Ship Island Canal Company to the extent of \$2,000,000 and a large bonus in lands.² The House did not find it necessary to debate at any great length the measure which legislated away the former sum,³ but far otherwise was the history of the latter act. Introduced into the session of 1868, it had been thoroughly discussed in the Senate and passed by that body and came up in the House in 1869 as unfinished business. Its objectionable features had not been so clear while passing the Senate, but by the next session it had been thoroughly aired by the press.⁴ It declared the system of the Drainage Commissioners of the Metropolitan District "erroneous in principle and unsuccessful from experience," and so gave over into the possession of the new Canal Company all the funds and assets of the commissioners to the amount of nearly \$2,000,000 and public lands in installments to the extent

¹ Session Laws, 1869, No. 116. The company drew \$36,000 in bonds and was then merged with another company for a different purpose; and fell into the hands of a man who in 1875 was doing drainage at a cost 100% higher than responsible citizens were ready to accept.

² *Ibid.*, No. 51.

³ House Deb., 1869, 266.

⁴ "But why dwell further on a scheme the whole aim and purpose of which is to speculate, for individual or associate profit, at the expense of the people? What more need be said to demonstrate its impracticability—its utter disregard of the interests, the welfare, the health, and happiness of this community, and the unscrupulous motives and purpose of its designers and advocates." *Picayune*, Jan. 7, 1869. Jan. 22, it advocated government aid to railroads and denounced the ship canal as an iniquitous project—wild and visionary.

"It is susceptible of proof that certificates of stock in this wildcat speculation have been freely distributed among members of the legislature and others, for the purpose of influencing their votes in favor of this impudent proposition. Not only this but the principal individual whose name heads the list of corporators has boasted of the cheap rate at which our new legislature hold themselves." *Bee*, Jan. 27, 1869. See also the *Picayune* of Jan. 7 and Feb. 10, the *Commercial Bulletin* of Jan. 11, 25, Feb. 12, *New Orleans Times*, Jan. 23.

of 400,000 acres, on the ground that this canal would accomplish the drainage of the entire district. As this fund had been raised by assessment for the special purpose of drainage, the opposition held that it could not thus be diverted. But, nevertheless, this bill was pressed through the House January 29,¹ under heated personal debate, extending through several days, and after having suffered much amendment. Although vetoed by the governor, it passed both houses with the requisite majority March 2.² Smaller sums were donated to minor enterprises, as \$50,000 for the improvement of Loggy Bayou; \$20,000 for improving Bayou Vermilion³; and \$80,000 worth of credit loaned to the Bœuf and Crocodile Navigation Company.⁴

Aid to railroads was equally liberal. In its zeal the House on February 23, without the reading of the bill, pushed through all its stages the incorporation of the Louisiana and Arkansas Railroad Company, granted it exemption from taxation for ten years, a right of way three hundred feet in width, and the privilege of all the timber for one mile on each side of the road through the public lands.⁵ But of all the railroad bills, by far the most conspicuous was that which extended a helping hand to the New Orleans, Mobile, and Chattanooga

¹ House Deb., 1869, 106.

² The Assembly of 1870 granted further aid against great opposition in the form of drainage taxes, amounting to about \$2,000,000 per year. Session Laws, 1870, No. 4. Extra Session. This law was passed despite the complaint that in two years not a spadeful of earth had been dug, nothing done but the purchase for cash or credit of a dredge-boat. Sen. Deb., 1870, 751.

³ Session Laws, 1869, No. 147. It is interesting that even this early the wiser of the legislators were turning to the Federal government for help on their problem of bayous and levees.

⁴ *Ibid.*, No. 146.

⁵ *Ibid.*, No. 140. Its achievement was the removal of twenty stumps, people complained.

Road. It came up in the House February 4 and was pressed to a final vote that very afternoon and its amendments concurred in by the Senate February 14.¹ The bill provided for the guarantee of the company's bonds by the State under the security of a second mortgage to the amount of \$12,500 for each mile within the State west of New Orleans.² Parishes along the route of the Vicksburg Railroad were encouraged to aid that road by the purchase of stock or the issue of bonds, in addition to the State guarantee of its second mortgage bonds to the usual amount of \$12,500 per mile.³ Still other roads had found it worth while to besiege the legislature.

The great problem of improvement most urgently pressing was not adequately met—the construction of a satisfactory series of levees for the Mississippi River. A State loan of \$4,000,000 had been provided for in 1867 for that purpose but the bonds had not been readily disposed of.⁴ The Board of Levee Commissioners had made contracts for a large amount of work but the legislature of 1869 found no work accomplished—only the bonds of the State pledged for work authorized to be done—and so was placed under the necessity of authorizing the sale of the bonds.⁵ The House made a valiant effort to meet the problem in the passage of a bill to issue bonds to the sum of \$5,000,000 to provide means for the construction, repairs, and maintenance of the levees and other works of improvement, but the effort died there.⁶

¹ It must have been this date because it vanishes from the record after the 12th and the record of this one day is missing in the files of the paper. For the record of the Senate for 1869 we are dependent on the report in the *Commercial Bulletin*, no journal nor Senate debates being extant.

² Laws of Louisiana, 1869, No. 26.

³ Session Laws, 1869, Nos. 143, 145.

⁴ *Ibid.*, 1867, No. 115.

⁵ *Ibid.*, No. 123.

⁶ House Deb., 1869, 446. It was eloquently and lengthily debated on March 1. *Ibid.*, 399-429.

A lack of discrimination characterized the action of the Assembly on this subject. To aid all projects just because they savored of prosperity would seem to express the attitude of some thoughtless legislators. "I am glad that I have one more chance for internal improvement," generously declared one member.¹ Again, a project for the northern part of the State was advocated that no charge of partiality to the Southern part should be brought.² Nor is it fair to lay all the burden of debt arising from these grants of aid at the door of the radicals. It was rather a response to a universal desire for an extension of railroads and improvement of the waterways of the State, voiced by the moderate conservative press as well as the radical. "It is noteworthy as a sign fraught with good promise," says the *Commercial Bulletin*, "that the railroad spirit is alive in the Northern parishes of this State, and that those whom it inspires are evidently bent on the early accomplishment of substantial results."³ In like strain the *Crescent* concerning the work of the Chattanooga Railroad: "It is certainly to be hoped that we shall soon have direct railroad communications with Mobile, and that all efforts to prevent the consummation of so desirable an object will fail."⁴ But the *Picayune*, while on the whole encouraging the measures, was more conservative and urged that promises of aid be few, "unless they are of certain and undoubted practicability

¹ House Deb., 380.

² "We have passed a bill to-day for Claiborne Parish, and where is the consistency of refusing to aid improvements in the parish of Lafourche?" House Deb., 1869, 381. Senator Ray declared it one of the "fundamental principles of my political theory that the State of Louisiana ought to aid all the works of internal improvement that appear to be beneficial." Sen. Deb., 1870, 627.

³ *Commercial Bulletin*, Sept. 21, 1869. See also the same paper, same date, for agitation of opening of the southwest pass.

⁴ Jan. 3. See also issues of Jan. 26, 29, 30. This paper failed in September of that year.

and profitableness, and are secure beyond all peril of loss."¹ Such measures were supported by members of both parties, often introduced by Democrats, in every case supported by a large majority of Democrats in both houses.² The leaving movers, outside of the legislature, of these bills were men of both parties; and the lobbyists who advanced the corrupt measures were of both faiths.³ This fact was admitted by the Democratic press.⁴

The legislature of 1869, with which the *Commercial Bulletin* sourly assured its readers the people wanted as little as possible to do, convened January 4 and sat until March 4. The governor's annual message to it, a plea for freedom from prejudice, struck a tone of optimism which subsequent events did not justify: "The issues of the past eight years have been settled, we hope, forever. Slavery has been swept away, and along with it all the train of evils growing out of its wickedness, and has left us—master and slave, white and black—with the same rights under the law, the same chance to succeed in life, and with equally unrestricted aspirations and hopes."

¹ Jan. 23.

² Warmoth adduces proof of these statements. House Misc. Doc., 42 Cong., 2 Sess., No. 211, 285.

³ In the State bond bill were implicated some of the most respectable distinguished Democratic leaders of the State. House Misc. Doc., 42 Cong., 2 Sess., 333. See Scott's testimony which shows a written contract between the bankers of New Orleans and certain lobby brokers, by which several millions of dollars were to be paid for getting a measure through which failed. *Ibid.*

⁴ "That there were 'rings' formed in both houses of the legislature for the sole and express purpose of blackmailing the people and plundering the treasury of the State, is perhaps a lamentable and humiliating fact. That there are men of both parties engaged in this disgraceful proceeding—men who would sell out their birthright for a mess of pottage, may also be true." Quoted from the *Crescent* in a Congressional document.

The *Bee* says, Feb. 17, 1869, being reproached with accusing Democrats of joining in the corruption: "It was only yesterday that one of their own number, in our hearing, confessed the truth of the charge."

He professed faith in a "wise, economical, moderate, and firm administration of the nation and the State as curing animosities and bringing prosperity to the people." That portion of his message which alluded to the violence of 1868 and to his measures to allay the excitement was severely challenged by the Democratic press.¹

The Assembly during the two months of its existence passed 152 laws, many of which were local, many personal relief bills.² There was beginning to be apparent that tendency to vest autocratic power in the hands of the governor, which reached, as we shall see, such a culmination in the next session. In some instances, it is true, the propositions could not muster sufficient strength to pass the Assembly, but it is significant that such propositions could be offered as Ray's amendment to the charter bill for New Orleans, which suggested vesting in the Governor power to appoint the first mayor and council until the election in 1872, and the amendment to the

¹ *Annual Cyclopædia*, 1869, 394. The *Bee* dismissed it with the following terse comment: "Nous n'assomons pas nos lecteurs de cette prose peu intéressante. Une analyse succincte suffira pour leur faire connaître ce que dit M. Warmoth. . . . Après avoir distillé son venin, le gouverneur aborde les affaires sérieuses." Jan. 5. The *Abeille* or *Bee* had English pages at this time, a fact which accounts for both English and French excerpts.

The *Crescent* was no more kindly: "This portion of the message is strictly and narrowly partisan, a tissue of bold, unqualified assertions and of self-evident exaggerations which would be indecent even in a campaign document; a weak but spiteful jumble of accusatory phrases in which there is but a single pretense to an argument, and that so puerile and idiotic in its fallacy as to be simply ridiculous." Jan. 5.

"The Governor applies harsh terms to our people. He attributes to them all the violence which may have existed in the State. Does he really think that he himself and his associates have had nothing to do with this excitement? Have the publications made by Republican papers, speakers, and writers contributed nothing to these troubles?" New Orleans *Commercial Bulletin*, Jan. 7, 1869.

² Session Laws, 1869, Nos. 23, 27, 31, 33, 34, 41, 64, etc.

volunteer militia bill, which left to him large discretionary powers.¹ The act which prohibited the mayor of New Orleans from exercising any police duty or authority is equivalent to an enlargement of the governor's powers, for the body with such control, the metropolitan police, was virtually his servant through his appointive power.² Quite as important was the negative action of the Assembly in refusing to force the governor to order elections in certain cases where for political reasons he was leaving vacancies.³

One group of laws attempted to deal with the race and labor questions. A vagrancy law, which finally overcame the hostile majority in the Senate, while not so severe as those of the "Black Code," did still define rather narrowly and imposed heavy penalties.⁴ This stringency arose, at least largely, from the need of labor and devotion to the crops to which economic conditions forced the planters.⁵ A measure to organize a Bureau of Immigration was passed, appropriating \$20,000 to secure a share in the foreign labor which they saw flooding the North. Unfortunately, this did not solve the labor problem, and dis-

¹ House Deb., 1869, 196.

² Session Laws, 1869, No. 60.

³ Case of Minden, House Deb., 29.

⁴ Session Laws, 1868, No. 87.

⁵ An excerpt from *St. Mary's Banner* of Sept. 15 corroborates the statement which is often made of the planter's indifference to politics. "Never did planters of this country show such devotion to business, such singleness of purpose to make money, and such utter want of interest in all things save crops, as at the present time."

It is to be regretted that none of the regular parish papers were available, but we are fortunate enough to catch many reflections through the editorial bickering in the columns of the city papers, which give us fairly accurately the position and spirit and consequent influence in molding public thought of each. Members of Congress accommodatingly brought in many excerpts in the course of debate. We scarcely need the files of the *Shreveport Times*, thanks to the assiduity of Morton and the Radicals in quoting it.

satisfaction with the Bureau,¹ and especially with its carpet-bagger chief, J. O. Noyes, was loudly voiced in the session of 1870. Efforts to secure new workers by legislation continued throughout the next session. A bill to accord negroes equal civil rights had been up in the session of 1868 but had not been signed by the governor, who was forced to explain to a body of their race assembled en masse, February 4, 1869, his reasons for not doing so.² And Pinchback's civil rights bill, which forbade common carriers and places of public resort to discriminate on account of race, color, or previous condition of servitude,³ came up as unfinished business from the preceding session. As was to be expected, feeling ran high and lengthy discussion resulted, usually of a serious character. Twenty-six Senators were reported as desirous of speaking on the bill. Pinchback in debate made use of the expression "refused a drink of common whiskey in a common grog-shop," which was seized on by the conservative press as a convenient whip. The cry of the Conservatives was that the colored people had too much sense to force themselves where they were not wanted, and this view was borne out by the negroes themselves. "I consider myself just as far above coming into company that does not want me, as they are above my coming into an elevation with them. . . . I do not believe that any sensible colored man upon this floor would wish to be in a private part of a public place without the consent of the owners of it. It is false; it is

¹ "Every Southern State, save only Louisiana, is receiving accessions to her population from the tide of European immigration that daily strikes our shores. . . . The Bureau gives no sign. Then let it be abolished or let us have a change of personnel . . . that which individual enterprise has accomplished for other States, this State-maintained institution has lamentably failed to do for us." *Pic.*, Dec. 19, 1870.

² *Commercial Bulletin*, Feb. 8.

³ *Session Laws*, 1869, No. 38.

wholesale falsehood to say that we wish to force ourselves upon white people." But he did insist that they receive equal accommodation.¹ The former set down the agitation to a political move to renew the strife.²

When the bill had passed both houses, the press took a more aggressive attitude in an effort to frighten the negroes from any attempt to claim their rights. "Will any negro, or gang of negroes, attempt to exercise the privilege it confers?" belligerently asked the *Commercial Bulletin*. "If they do, it will be at their peril. . . . He may be able to obtain a ticket of admission, but no New Orleans audience will ever permit him to take his seat except in the places allotted for colored persons."³ The *Bee* declared that if the governor dared to sign that bill after vetoing the former, "legal means would not be lacking to set aside this arbitrary law, this outrage to the law of propriety, and to individual liberty."⁴

The civil rights bill was backed up by a measure intended to prevent the intimidation of negroes by punishing the bribery of witnesses or preventing a witness by force, threat, or intimidation from testifying in a criminal proceeding.⁵ It is striking that a Ku-Klux bill—a bill "to prevent people from agoing abroad disguised"—was quickly referred and evidently died in committee.⁶ An-

¹ House Deb., 1869, 258-9.

² "Apparently this state of calm does not suit the Radical leaders. Their continual control over the State must depend on the jealousy of the black towards the white people. They feel that the colored race have more confidence in the old citizens of Louisiana than in any newcomers. Hence the effort to revive a strife which would readily quiet itself without such stimulus." *Comm. Bulletin*, Feb. 19, 1869.

³ *Ibid.*, Feb. 22. As a form of revenge, it published the vote with the names.

⁴ Feb. 23. See also issue of Feb. 25.

⁵ Another social equality bill, passed by both houses in the extra session of 1870, was returned by the governor on the first day of the next session. Sen. Jour., 1870, 290; House Jour., 327; and Sen. Jour., 4.

⁶ House Deb., 1869, 195.

other effort in the next session to prevent the carrying of concealed weapons met no better fate.¹

A measure allied to the above legislation, but of vastly greater importance because of its National character, was the ratification of the Fifteenth Amendment, which was accepted perfunctorily by a vote of 18 to 3 in the Senate; 59² to 9 in the House, 36 Republicans refusing to vote.

Particularly confusing were the various measures which finally evolved into the slaughter house bill. Vigorous opposition and much ridicule manifested themselves at its first appearance in the House, but all amendments against the monopolistic features were voted down, debate choked off abruptly, all attempts at filibustering defeated, and the bill adopted by a large majority under the operation of the previous question.³ Scanty indeed is the record of its history in the Senate. "After a short fight the bill was concurred in as a whole and the motion to reconsider tabled by a vote of 23 to 9."⁴ By it the slaughter of animals, except by the Crescent City Live Stock Landing and Slaughter House Company was prohibited within the city of New Orleans or the parishes of Orleans, Jefferson, and St. Bernard after June 1, 1869. All animals destined for sale or slaughter must be landed at the live stock landings and yards of the company, occupying the levee from Common to Poydras streets, which naturally exacted a fee for each steamship and craft landing at its wharves.⁵ The excessive haste with which the bill was rushed through was pretty generally believed to be due

¹ Sen. Deb., 1870, 29.

² *Ann. Cyclop.*, 1869, 396, gives 55 but I think it in error as the Debates give 59.

³ House Deb., 1869, 191.

⁴ In the absence of the Senate journal or debates for 1869, I have had to rely upon the brief legislative report of the *Commercial Bulletin*, Feb. 17.

⁵ Session Laws, 1869, No. 118. See the act in full.

to the fact that legislators had bought stock with the privilege of paying at convenience.¹ A perfect hue and cry against monopoly and violation of private rights went up at the passage of this bill. Hear the *Bee*: "So the bill has passed, just as it came from the House, and with provisions so monstrously unjust that if it be not arrested by veto, and be subjected to an ordeal by the two Houses, in review, which it is believed it cannot survive, it will at least become a byword of reproach to all concerned in it."² Or the *Picayune*: "Nay, monopolies have themselves such elements of corruption and are so odious in the land that they can and will be set aside. It may take time and a reformation of the polluted courts of justice to bring this about, but it will be done when the people awake to the necessity of driving the money-changers and the false Scribes and Pharisees from the temple."³

As there were about one thousand persons employed in the business in the parishes concerned, the effect was broad-spread. The butchers held a meeting immediately to consult on the best plan to defeat the bill⁴ and organized an association on July 21. Some hundreds of suits were brought in the various district courts on the one side or the other, sometimes in combinations, sometimes by individuals. The ground of this opposition was that the act created a monopoly and was a violation of the Thirteenth and Fourteenth Amendments and of the Louisiana Bill of Rights. The Sixth District Court held the law unconstitutional, while in the Fifth, in which the new company had instituted suit against the association, the verdict was in favor of the company. Appeals from these several decisions came before the State Supreme Court by what is there known as "suspensive appeals,"

¹ New Orleans *Commercial Bulletin*, Mar. 17, 1869.

² February 23, 1869.

³ Mar. 14.

⁴ *Comm. Bull.*, Mar. 17.

but the decision was not rendered until April 11, 1870, when the rights of the new company were upheld. In course of time,¹ the cases came before the Supreme Court of the United States when the decision of the State court was sustained on the ground of police regulation, "a power incapable of any very exact definition or limitation."²

¹ April 14, 1873.

² 10 Wallace, 36, 298.

CHAPTER III

The Climax of Warmothism

THE question of the governor's power of appointment¹ involved two serious conflicts with municipalities during 1869, from one of which, at least, Warmoth emerged victoriously. A law of 1868 provided for the filling of all vacancies of State or parish offices by appointment for the remainder of the term by the governor with the consent of the Senate, but by the Governor alone, if the Senate were not in session, the appointment to expire the third Monday after the next session of the Assembly.² Governor Warmoth chose to interpret this as giving him the appointment even when the vacancy occurred by the expiration of the term of office. In 1868 the legislature had amended the charter of Jefferson City, requiring an election on the first Monday of January, 1869, and every two years thereafter for mayor, treasurer, comptroller, and aldermen.³ Section 4 also provided that the governor should remove the existing aldermen and officers and appoint others until new incumbents should be elected. Warmoth did not execute this portion of the law but allowed matters to remain as they were until January, 1869, when an election should have been held. But none was ordered, instead of which the

¹ Under this apparently harmless clause of the constitution he controlled even the lowest local offices in the remotest parts—constable, justice of the peace, etc.

² Session Laws, 1868, No. 27.

³ *Ibid.*, No. 75.

governor proceeded the following May to appoint, as in case of a vacancy. The original mayor, Kreider, refused to yield office, and so the appointee applied to the district judge for a mandamus to require the delivery of the books, which was granted. The new board was installed May 19, by aid of the metropolitan police. This action called out some violent demonstrations on the part of the citizens but no serious disturbance resulted and it was decided to leave the matter to the courts. Kreider carried an appeal to the Supreme Court, which held that the term of the occupants in office had not expired, for the failure to hold an election did not vacate the office.¹

The case of New Orleans was analogous. The term of office of one half of the Council had expired; and a special election was held May 19 to fill the vacancies. But the governor under his unique interpretation of the law made appointments to fill them. The old board claimed that there were no vacancies, as, according to law, they were to hold their offices until their successors were duly elected and qualified; namely, until the next regular election. In this form it went to the courts on July 19. A three-cornered comedy of injunctions took place; one, granted by Judge Collins, admitted the newly elected members to their seats; a second, by Judge Leaumont, placed the governor's appointees in office and a Democratic howl went up; a third, from Judge Cooley, restored the elected members, and a Republican howl went up,² but this latter injunction was dissolved December 25. Appeal was taken from the decision of Judge Leaumont to the Supreme Court by the city of New Orleans, but was dismissed November 19, because of a technicality.³

¹ 21 Louisiana Ann., 483-485.

² New Orleans *Commercial Bulletin*, July 19, 1869.

³ No pecuniary interest was at stake for the city, because the positions of aldermen had no salaries attached. 21 La. Ann., 744.

At the close of the year, the Governor decided to use the "mailed fist." December 28 the sheriff of the Fifth District Court read an order before the council to exclude certain members and install the appointees of Warmoth. The approaches to the council-room were crowded. The board decided to obey under protest and the governor's *protégés* were seated and proceeded to organize. One old member stayed in his seat, but as he made himself somewhat troublesome, he was ejected and another with a commission seated. In the other chamber of the city council that same evening one of the appointees appeared within the bar. President Wiltz ordered him put out. After adjournment the sheriff entered the chamber and read the above-mentioned order of Judge Leaumont.¹ On December 30 the sheriff of the Sixth District Court called the names of the appointees and served a paper upon each from the elected members. But the attorney advised obedience to the orders of the Fifth District Court and with this action the governor remained triumphant.

The wrangle between the governor and Wickliffe, the auditor of public accounts, which extended during most of 1869 and up until March of the new year, resulted in a victory for the former. He accused Wickliffe of extortion and corruption and had him arrested on several specific charges. Fourteen indictments for malfeasance to the amount of \$1800 were found by the grand jury. While awaiting the trial, the governor suspended Wickliffe and appointed L. T. Delassize, a wealthy negro, auditor *ad interim*, installing him by the aid of the metropolitan police. But Wickliffe, nothing daunted, gave notice through the papers that he had opened his office at No. 53 Conti Street, "opposite where the Auditor's office formerly was," and warned the public not to pay taxes or transact any business with the bureau until the

¹ New Orleans *Commercial Bulletin*, Dec. 29, 1869.

auditor could retake possession of his office.¹ A war of injunctions followed: a writ from the Seventh District Court prohibited Delassize from performing his duties on the ground that the governor had no power to make the appointment; a counter injunction from the Fifth District Court, March 29, restrained Wickliffe from acting. This conflict in jurisdiction went before the Supreme Court,² but before a decision could be rendered, two of the criminal cases came up for trial, in both of which Wickliffe was acquitted, but in the one case the judge considered it necessary to dismiss the jury with a reprimand.³ The remainder of the charges were dismissed by the attorney-general on the ground that the auditor could not be tried until after impeachment. Party feeling ran high in the press concerning the controversy, some Democratic papers coming out emphatically for Wickliffe, due possibly to mere opposition to the governor.⁴ The governor withdrew his opposition and allowed Wickliffe to resume office. In December the auditor decided to move his archives at night into the building used as a state house, but the governor on the 30th had his effects removed from Mechanics Institute to the sidewalk.⁵

¹ New Orleans, *Comm. Bull., Bee*, Mar. 27, 1869.

² The Supreme Court subsequently affirmed the judgment of the Seventh District Court, which sustained Delassize. 21 La. Ann., 710-12.

³ *Ann. Cyclop.*, 1869, 398.

⁴ "We do not propose to inquire into the legality of the action of the Governor in ejecting Mr. Wickliffe from his office and appointing a person to supply his place, because we consider it too clear for dispute that Mr. Warmoth has no such power, and that his proceeding is a naked trespass. . . . The white population of Louisiana are entirely callous to the result, and don't care whether 'Mossup whip Barry' or 'Barry whip Mossup.' They are in the situation of the onlookers at the fight of the Kilkenny cats, and would have no cause to weep if the combatants scratched each other's eyes out." *Bee*, Mar. 27, 1869.

The *Bulletin* and the *Picayune* took the same side more conservatively. See *Bulletin*, Mar. 27.

⁵ Sen. Jour., 1870, 138 (rear of book).

But this fact created no excitement in the city, as the affair seems still to have been regarded as a petty, personal squabble.

In this shape the matter came before the General Assembly in 1870. Rumors of impeachment had been rife,¹ and even before the governor's message was sent in, a resolution had been adopted by the House for a joint committee to examine into the affairs of the auditor's office and the action of the governor in suspending the auditor.² In the special message promised by the governor in his annual address, he charged that the auditor's offenses had seriously embarrassed the government and rendered it difficult to pay the interest on the State bonds. He specifically accused him of extortion against individuals and the charitable institutions of the State, and of fraud against the Commonwealth and collusion with evil-minded persons.³ The special committee of the House, to which the message was referred, offered on January 31 a resolution of impeachment which was debated at some length and adopted on the evening of February 1 with but five dissenting votes.⁴ The seriousness of the question sobered the Assembly so that the proceedings were marked throughout the trial by a dignity and decorum sadly wanting in their other discussions. Articles of impeachment were ordered prepared and the act suspending him from office became effective by the prompt concurrence of the Senate on February 4.⁵

February 3, Wickliffe brought thirty-four distinct counter charges against Warmoth of violations of the

¹ Sen. Deb., 1870, 51.

² House Jour., 1870, 7.

³ "He has extorted sums of money from the creditors of the state as a condition precedent to the issuance to them of the certificates of indebtedness or warrants to which they were entitled by law." *Ibid.*, 1870, 11-12.

⁴ *Ibid.*, 1870, 141.

⁵ *Ibid.*, 1870, 141, Sen. Jour., 130.

constitution and laws, of frauds upon the treasury, charges of corruption in levying blackmail upon citizens, of bribery of witnesses, and numerous other acts of malfeasance. "In short," the accusation concludes, "his conduct in this respect is so notorious that it can be proved that he never signed a bill of pecuniary benefit to anyone that he did not demand and receive money or other consideration for his signature."¹ He summed up the frauds to the State to the grand total of \$800,000 and "untold millions from forgery." But the only effect this venting of his spleen had upon Warmoth's loyal vassals was to cause an investigation to be made which enabled Warmoth to go before the people exonerated by an official inquiry.²

The House preferred twenty-eight articles of impeachment against Wickliffe, most of them for exacting bribes to issue his warrants for money appropriated for printing and charitable institutions, and for exceeding the appropriations.³ The trial began February 14, and continued almost daily until the close of the session, when on the evening of March 3, the Senate found him guilty upon the fourth article by unanimous vote.⁴ A resolution removing him permanently from office followed immediately. At the last moment he tried to escape sentence by resigning,⁵ and by fleeing from the State,⁶ but the Senate proceeded calmly to ignore such cowardice

¹ House Jour., 1870, 152-5.

² "After a lengthy and thorough examination of all the witnesses whose attendance your committee has been able to procure, they have been able to find from the testimony elicited no foundation whatever, for any one of the charges preferred by George Wickliffe against his Excellency." *Ibid.*, 1870, 310.

³ See Sen. Jour., 1870, 2-7 (rear) for articles in full.

⁴ *Ibid.*, 1870, rear, 191. For full account of the trial see Impeachment Proceedings in rear of *Ibid.*, 1870.

⁵ *Ibid.*, 1870, rear, 176, March 3.

⁶ On the authority of Herbert, *Why the Solid South*, 410.

and to vote him out of office. Whatever may be the fact as to Wickliffe's dishonesty, he was clearly guilty of gross irregularity and carelessness in the keeping of his records.¹ And the governor had demonstrated to the State that his hold on the legislature was sufficiently firm to enable him to crush a presumptuous subordinate.

The legislation of 1870 marks high tide in Warmoth's power. The rudder he held firmly in his hands for almost two years longer; but against an ever-increasing wave of opposition, it became constantly more difficult to steer in the direction he would. Because of friction within his own ranks, legislation did not again, after 1870, become the mouthpiece for promulgating his decrees.

There were, in reality, two sessions, but the extra session followed so closely on the heels of the first, and so much of the work was but the completion of the unfinished business of the first session, that for purposes of convenience the legislation will be treated as emanating from one body. The Assembly convened for the first session at noon, January 3. After a slight struggle over the speakership in the House, Mr. Carr of Orleans was elected and the House reported itself ready for the governor's message. Its congratulatory tone sounds a bit forced when he felicitates his people upon "the good feeling that exists among the people of both races"; and the cheerfulness with which they are accepting the new order of things, and the earnestness with which "our people are addressing themselves to further protect the great interests committed to their hands."² But it is taken up, for the most part, with a businesslike discussion of

¹ "I found that the books were not written up to date, or those that were written up, the columns were not footed up; addition had not been made. A great many appropriations had been overdrawn." Sen. Jour., 1870, 66.

² House Jour., 9.

the various measures which, in his estimation, called for action: encouragement of immigration, the finances, levees, public improvements, emendation of the school-law of 1869, charities, and gambling houses.¹

For the first time we hear the note of caution in regard to the financial condition. The governor warned the Assembly that it was not satisfactory and was such as to embarrass his administration. He admitted that the credit of the State had not always been used for practicable purposes, but insisted that under proper checks it might be safely used to a still greater extent.² The usual expedients were again resorted to: loans were negotiated to meet the interest due; and the floating debt was provided for by the issue or exchange of fresh bonds. But the same extravagance and folly which characterized their actions in 1869 continued undiminished.³

By the session of 1870 an old feature of parliamentary tactics was introduced: the opposition, though unavailing as to the final vote, had become thoroughly organized for filibustering purposes and threats of recourse to its use were held over the heads of the radicals as a whip.⁴ Mr. Lowell proposed once to make a bargain with his party, to which he was opposed on a particular bill, by exchang-

¹ For the full text of the message, see *House Jour.*, 1870, 9 ff.

² *House Journal*, 1870, 9.

³ They were very generous with the fees for postage, lavish to their officers and employees, made a specialty of special committees, passed a most liberal and loose pension act for the veterans of 1814-15, and took active steps for the erection of a new state house. They had learned nothing from the deficiency in the revenue of the preceding year but proceeded to quibble about levying a tax of four or five mills though Federal investigation would show that agricultural property could easily bear a heavier tax. *Sen. Jour.*, 1870, 41, 57; *House Deb.*, 1870, 238; *Sen. Repts.*, 42 Cong., 2 Sess., No. 41, Pt. i., 203.

⁴ "But I say, take up the city charter bill, and if you do not, I assure you that you will not make much progress on the school bill." *Sen. Deb.*, 1870, 783. Also *House Deb.*, 200.

ing his filibustering advantage for a grant of time.¹ By debates on rules of order, appeals from the chair to the House, demands for the roll-call on every little insignificant vote, they were able to waste time and wear out their opponents until practically no business was done at certain sessions.²

Four of the five measures which were destined to become the most important of the session—indeed of the reconstruction period in Louisiana—and the storm center about which the opposition to the governor gathered, were, together with the appropriation and revenue bills, introduced into the Senate as early as the third day, thus gaining for that active body the questionable distinction of initiative.³ Nor did that body lose its zeal in pushing legislation, for toward the close of the session bills went through with a haste amazing even after the facility displayed on occasion in 1869. At a single evening session twenty bills were acted on,⁴ and yet, despite regular night sessions for about two weeks, the session approached its close without concluding much important legislation,⁵ and without making provision for the revenues or expenses of the government. And so, in accordance with the general expectation,⁶ the governor on March 3 notified the two houses of the necessity to reassemble March 7 for ten days. In this extra session the Assembly took up and passed the tremendous number of ninety-eight

¹ "I now make a fair, honest proposition to the friends of the bill. If they will give me time—say till to-morrow, to read this bill, to examine it—I promise then, upon my word and sacred honor, that I will not oppose its passage by resorting to those parliamentary tactics commonly known as filibustering." House Deb., 1870, 74.

² Jan. 21, *ibid.*, 48-57; Jan. 24.

³ Sen. Jour., 1870, 12, 13.

⁴ *Ibid.*, 216-22.

⁵ The militia, registration, and New Orleans charter bills had run the gauntlet of the Senate but were still pending in the House.

⁶ The House had already consulted the attorney-general about the constitutionality of prolonging the session. House Jour., 1870, 97.

bills, as compared with one hundred and seven in the first session.

An effort to tackle the problem of the government of New Orleans had suffered indefinite postponement at the end of the session of 1869. Both houses introduced bills early in 1870, but it was only late in the extra session, after lengthy, heated debate, numerous amendments, and the creation of committees of conference, that the two houses could agree upon a measure which consolidated Jefferson City with New Orleans, forced through by the country members, it was vehemently declared, against the vigorous opposition of the city members. The smaller city did not want to be saddled with the debt and taxes of the larger. A representative of Jefferson said: "I say, sir, here in my place, that the people—the masses—do not want to be forced to pay an additional $2\frac{1}{2}$ per cent tax. . . . There are not 150 people in Jefferson who would vote for consolidation."¹ An amendment to submit it to popular vote was undemocratically voted down. The enlarged city was to be governed by a mayor and seven administrators, presiding over as many departments, who were to constitute the city council. Vacancies in these offices were to be filled by appointment by the governor prior to January 1, 1871, and subsequently by popular election.²

New Orleans was one of the few Southern cities which had had a system of public schools before the war. Even in 1865 there were 141 schools for freedmen and 19,000 pupils, the result of a free system for twenty-five years.³ A school law, providing in great detail for the public education of all persons between six and twenty-one years of age "without distinction of race or color" had

¹ House Deb., 1870, 295.

² Laws of Louisiana, Extra Session, 1870, No. 70.

³ Sen. Reports, 42 Cong., 2 Sess., No. 41, 279.

been passed in 1869. But it had been a failure,¹ proving in the governor's words, "cumbrous and expensive."² The governor, therefore, suggested that the plan be simplified, the districts enlarged, and the powers and discretion of the State board increased.³ Shortly after the opening of the session a bill was reported in the House and received, despite attempts to choke it, full, heated discussion and amendment, section by section, passing only on February 10.⁴ In the Senate it came up for a lengthy debate on the last evening, when it was crowded out by the pressure of business so that it had to go over to March 9 and 10 in the extra days of grace when, somewhat amended, it passed by a very large majority, the dissenting votes coming from the city members.⁵ The House concurred in the Senate amendments the next day.

For the purposes of this bill the State was divided into six divisions, of which New Orleans formed one. The State superintendent was required to nominate to the governor, and the governor to the Senate, a superintendent for each division to hold office three years. The division superintendents with the State superintendent as president constituted a board, having the general

¹ McMillan charged ineffectiveness of the law. "There is not in my whole parish, as far as I know, a single schoolhouse, no sirs, not even a shed devoted to educational purposes. There has not been a cent of the taxes raised for educational purposes expended in Carroll Parish since the war. We have a statute providing for a system of common school education, and under that superintendents have been appointed. The salary set apart for such officers has been punctually drawn." House Deb., 1870, 115-16.

² "Under the law of 1869 we find that the sum of \$262,000 would be required for the salaries of officers, leaving nothing with which to pay teachers, or build or rent schoolhouses." *New Orleans Republican*, Jan. 25, 1870.

³ Governor's Annual Message, House Jour., 1870, 10.

⁴ House Deb., 1870, 188. House Jour., 220. On this question and the social status the negro could wax eloquent.

⁵ Sen. Jour., 1870, 267.

supervision and control of the public schools throughout the State, while the division superintendents were to have full control in their respective divisions. The system of New Orleans was connected with that of the State by the selection of a city board of directors by the State board, thus repealing all laws granting control to the municipal authorities of that city. The State board was also to appoint a board for every town, city, and parish in the State with full corporate powers to sue and be sued. The general school tax was fixed at two mills on the dollar in addition to a tax of two mills to be collected in each parish. It continued, however, the provision for the admission of all children between the ages of six and twenty-one to the schools.¹

A special civil court, the Eighth District Court, created at the special session, proved of transcendent importance, when supported by the criminal court,—created several sessions earlier. The two had jurisdiction over all public matters, while the power of appointing the judges was vested in the governor, thus circumventing the constitution. All cases of a public character, contests for office, writs of quo warranto, injunctions, mandamus had to be submitted to the former court, to which all cases then pending before other district courts must immediately be transferred.²

Numerous petitions to the legislature of 1870 showed that the idea of improvements had now seized upon a large number of the constituents as well as legislators.³ Not only did members now propose to raise the State to economic glory through the ordinary avenue of new rail-

¹ Session Laws, Extra Session, 1870, No. 6.

² *Ibid.*, No. 2.

³ The writer noted twenty-six such bills reaching various stages of progress, besides the fourteen bills which succeeded in becoming law. There were doubtless many more which were never reported from committee.

roads and navigable bayous, but in their enthusiasm they were willing to legislate parks¹ and factories into existence and to develop the mineral resources of the State by the same agency. Bayou Bartholomew was now to be improved; the New Orleans and Chattanooga Railroad boosted by State bonds²; and a large sum of stock subscribed in the Mississippi Valley Navigation Company.³

A number of amendments to the constitution were offered this session,⁴ but only four mustered sufficient strength to pass both houses. The most noted were the one which removed the governor's ineligibility for a second term⁵ and the amendment to Article 99, which removed the last restriction on the ex-rebels. It had been offered in the Assembly, both in 1868 and 1869, and the governor had urged it in his annual message in the latter year.⁶ It stands out in pleasing relief to most of the partisan legislation of that period, inasmuch as it was introduced, we are told in debate, by one of the most bitter opponents of the Democrats,⁷ aroused very little debate, and passed almost unanimously in both houses

¹ Session Laws, Extra Session, 1870, No. 59.

² *Ibid.*, No. 31.

³ *Ibid.*, No. 84. This bill became law without the governor's signature by lapse of the time limit.

⁴ The writer counted seven.

⁵ It appears almost incredible that this most personal measure of all passed both houses with almost no opposition. The explanation may lie in the bribery later charged. House Misc. Doc., 42 Cong., 2 Sess., No. 211, 272-73.

⁶ "In this spirit (of forgiveness) I recommend the abrogation of the 99th Article of our Constitution, and believe, if an amendment should be submitted to the people at the next general election, it would receive their almost unanimous approval. I regretted its insertion in the constitution, favored the proposition to abrogate it at the last session, and now officially recommend it." *Cyclopedia*, 1869, 394.

⁷ Senate Deb., 1870, 61.

at a single sitting.¹ Several speeches, all in favor, were made by negroes to give, as one of them innocently said, "a little coloring to the matter."²

A third amendment was intended to secure the safety of the public funds,³ and the fourth was a most important restriction on the public debt, namely, that prior to January 1, 1890, it could not be increased beyond \$25,000,000.⁴

But certain bills were of such transcendent importance that they all but effaced the consciousness of other legislation, at least in the mind of the public. These were the four great bills, the election, registration, constabulary, and militia bills, which, together with the constitutional amendment which removed ineligibility for a second gubernatorial term, made it possible for Governor Warmoth to determine the personnel of all offices practically at will, and, but for the stumbling-block of the nominating convention, to continue himself indefinitely at the head of affairs.

Whatever may have been the distrust of the governor in the State at large—and complaints were not wanting from the first in Democratic circles—confidence in their young leader was unshaken in the men who constituted this Assembly. Even when opposing individual bills, members were careful to express confidence in War-

¹ Sen. Jour., 1871, 37; House Jour., 146-47.

The House Committee reported it as a "partial proscriptive measure in direct conflict with the spirit of the age and unnecessary." House Jour., 1870, 146.

² House Deb., 1871, 42. Only one voice was raised in opposition.

³ No person who had been a collector or had been otherwise intrusted with public money was eligible to any office of trust until he had obtained a discharge for the amount with which he had been intrusted. Session Laws, 1870, No. 21, Regular Session.

⁴ Session Laws, 1870, Extra Session, No. 12.

moth¹ in some such terms as follows: "Not that I have anything against the governor himself, but I think it improper to give such extraordinary power to any man, were he an apostle."²

These measures were introduced together, as has been stated, on the third day, and action on them extended during the entire period up to the very close of the extra session. The greatest effort of the opposition was expended on the election bill. This was not a new conception of 1870, for a strenuous effort to press through such a bill under cover of the excitement of the closing days of the session of 1869 had failed. The note of alarm was sounded almost as soon as this bill was reported to the Senate by the Judiciary Committee.³ "Now, sir, here is a bill giving the governor more than imperial power—behind it is concealed an armed Grecian horse, with which he may ride over the rights of the people. . . ."⁴ Debate raged every day from January 18 to 24. The party aspect of the bill was so evident that it was assailed at once as a device to perpetuate the Republican party in power.

"I believe," declared one member, "the only persons belonging to this State who desire this enactment are those in office, and who are afraid that unless such a bill as this is passed, they will not retain the positions they now occupy, and this fear, Mr. President, is not based on any fraud or violence that might occur at the next election in

¹ "Although I would have the greatest confidence in whatever he reported." Senate Deb., 1870, 118.

"I do not say the present governor would abuse these powers," says even a Democrat, 744.

² *Ibid.*, 120.

³ Two minority reports came in, in one of which Packard urged that a new apportionment must precede any election law. *Ibid.*, 143.

⁴ *Ibid.*, 147.

which they might become candidates, but in the simple fact that a revolution has taken place in public opinion."¹ Even a Republican felt obliged to break from his party because of its objectionable features.²

Feeling reached a perfect climax of frenzy and sank to depths of despondency for which it was difficult to find language sufficiently vehement.

"Therefore, I hope you will believe me when I tell you that this is the snake in the grass—the form that the devil himself assumed when he seduced our mother Eve. I tell you that this is a devil, covered and concealed perhaps, under perfumed flowers, but nevertheless, the devil—his tail and horn comes out, and not only his tail, but his horns and hoof. I tell you that this bill is a devil of a bill—the concocters are devilish fellows, and the only way we can destroy their sulphuric power is to give them hell."³ Another outburst was clothed in more funereal garb:

I believe really that if ever there has come a day to the State of Louisiana when the whole edifice of her political government ought to be draped in mourning, that day has come now. I believe if ever there has come a day when all the pomp and glory of the past had forsaken her—widowed as she is in affection, destitute of all those glorious sympathies that used to awaken a nobler people—we have arrived, unfortunately for us, at that miserable period.⁴

In his excitement one member cried: "By God! I do not vote when they are passing bills here to take away the lifeblood of the people."⁵

The Republicans rested their defense on the necessity of an election law which would secure to every citizen

¹ Senate Deb., 1870, 155-56.

² "I believe the object of the bill, as it stands, is to perpetuate the power of a certain political party—the Republican party." *Ibid.*, 149.

³ *Ibid.*, 1870, 168.

⁴ *Ibid.*, 164-65.

⁵ *Ibid.*, 180.

entitled to vote a free exercise of his rights.¹ They turned the debate on the Democrats by declaring that if they could not carry an election without violence and were unwilling to pass a law to insure a fair election, they did not want an honest vote.² Radicals who were not satisfied with the bill declared that the opposition by their refusal to discuss it fairly and by filibustering had prevented any modification. The attitude of the mulatto leader, Pinchback, was that it was the lesser of two evils.³ It reëmerged from a special committee, to which it had been committed, January 24,⁴ and which again submitted a majority and minority report, for a second period of debate from January 27 to 31, on which latter date, much amended and fought to the bitter end, it was adopted by a vote of 20 to 12.⁵

It came before the House on February 4, where it was argued at length from February 11 to 16, in keen, searching debate. Members did not scruple to speak plainly: "This bill, as I believe it, and as I know it, makes the Republican party dominant; it makes the Governor, —not clearly, but tactily—all power; it makes the many parishes of this State but fiefs of the Executive. It adds one more power to those he is already endowed with."⁶ Note the succinct condemnation of it as a party measure in the following query: "Why is the whole State outlawed in consequence of the misbehavior of portions of it? Outlawed, I say, for it provides for the outlawry of those who refuse to vote a Republican ticket."⁷ Party feeling ran as high as in the other House, and members found

¹ Sen. Deb., 150.

² *Ibid.*, 187.

³ "If any gentleman can show me where we can repose the execution of this law outside of the Executive of the State, I would be glad to hear it; but we must have some protection, sir." *Ibid.*, 172.

⁴ *Ibid.*, 190.

⁵ *Ibid.*, 347, Sen. Jour., 110.

⁶ House Deb., 1870, 213.

⁷ *Ibid.*, 207.

threatening documents on their desks, placed there, Republicans declared, by the Ku-Klux.¹ Finally, suffering much amendment here too, it was passed February 18 immediately after prayer, with a burst of party effort: with the reading of only thirteen sections,² the passage of the bill as a whole was moved and carried, the reading of more than fifty sections being thus suppressed, notwithstanding the protest of the Democrats at the unconstitutional manner in which it was passed.³ February 19 the Senate concurred in the House amendments.⁴

The other measures seem almost to have turned on the fate of the election law, for the opposition evidently exhausted its great effort on that bill. There was little heat over the other measures; little filibustering, few long speeches. Such few members as spoke seemed to do so to discharge a moral duty.⁵ The registration bill passed the Senate, February 9⁶ without amendment and the House entirely without debate on the last evening of the regular session.

The history of the militia bill in the House was truly remarkable. It was introduced March 9 from the Senate, where the interest was so slight that only seven Senators

¹ House Deb., 217.

² These thirteen sections had been read February 15 and on February 18, immediately after prayer, a motion was made to suspend the rules in order to put it upon its third reading and final passage at that time. No vote was taken, but the speaker asked if there were any objection to the suspension of the rules, and immediately announced that there was none, notwithstanding the fact that Dr. Wren and many other members did object, but they were unheeded by the chair. According to the protest of the Democrats. House Jour., 254.

³ *Ibid.*, 236, 254. Vote was 247 to 26.

⁴ Sen. Jour., 1870, 188.

⁵ On the final suspension of the rules on the registration bill, a Senator remarked briefly: "I object to the suspension of the rules because I wish to give the senate as much time as possible to repent." Sen. Deb., 470.

⁶ Sen. Jour., 150.

were present to register their vote against the fourteen votes which carried it¹; the necessity of considering it in Committee of the Whole was dispensed with, and it was hurried to its third reading. The story of its passage on the evening of March 14 is told in the following brief passage from the debates:

“Chief Clerk Vigers read the bill.

“I move its final passage, and on that call the previous question.

“The Speaker put the question on the final passage *viva voce*, and it was declared carried.”²

This action caused the greatest confusion, surprise, and protest.

The registration bill threw into the control of the governor the power to declare who should vote, as the election bill allowed him to declare for whom the votes were cast. With the consent of the Senate he was to appoint a State registrar, and one supervisor in each parish—except Orleans, where the State registrar was to serve—whose duty it should be to cause every qualified voter to be registered and make out lists of the registered voters for the commissioners of election at each polling-place.³ The decision of any supervisor was final. Courts were prohibited from interfering in any way with him or his assistants. The supervisors, in turn, appointed three commissioners of election at each poll.

The election bill vested in the governor power to take all necessary steps to secure a fair, free, and peaceable election; and gave him on election day paramount charge and control of the peace and order of the State, over all peace and police officers, and over all sheriffs and constables.

¹ Sen. Jour., 245.

² House Deb., 1870, 343. McMillan was refused permission to record his protest. House Jour., 360.

³ Laws of Louisiana, 1870, No. 99.

Parish and district judges were forbidden to issue writs of mandamus or injunction or other order to compel a commissioner of election to do his duty, as the latter was to be responsible only to the supervisor and he to the governor. On election day citizens at large were expressly forbidden to carry arms except under orders of the executive or his appointees. In all parishes except Orleans, the duty and function of sheriffs were superseded by men appointed by the governor. The governor and his officers were to be able to withhold certificates of election to the General Assembly whenever in their discretion they might see fit, in all cases where fraud, violence, bribery, or other irregularity might be reported. The capstone of the structure, as it has been aptly called, was the returning-board, consisting of the governor, lieutenant-governor, secretary of State, and two Senators indicated by name—John Lynch and T. C. Anderson,—in whom was vested the entire revisory power. They were empowered to fill vacancies within their own number by a majority vote.¹

In order fully to comprehend the opportunity for fraud in elections, it must also be noted that the State constitution gave the right to vote in any parish or in any part of a parish after a residence of ten days, so that a man, armed with his registration papers, could vote at as many polls as he could visit in one day.

The purport of the third bulwark of Warmothism, the constabulary law, was to vest in the governor special power to keep the peace. With the consent of the Senate he might appoint one chief constable in each parish, whose duty it should be to preserve the peace, quell disturbances and riots, and upon warrant of any competent court,

¹Laws of Louisiana, 1870, No. 100. The power to reject votes for fraud or violence was capable of abuse and yet was held by Republicans inadequate as a remedy, as it did not add the Republican ballots which would have been polled.

summarily arrest all persons charged with murder, assaults, robberies, arson, and riots, subject to the power of the governor. The chief constable of the parish was to assign to each precinct a deputy constable to perform his duties. Offices of all existing constables were declared vacant and the governor empowered to bring in a set of his loyal followers at once.¹

The militia bill provided the necessary military power to enforce the execution of the preceding laws. Under its provisions the governor was constituted Commander-in-Chief of all the militia and could organize, arm, equip, and uniform as many of the able-bodied male citizens between the ages of eighteen and forty-five as he deemed necessary and call the same into active service. Full lists were to be submitted from each parish to the governor from which he might assign a sufficient number of persons to make up five regiments. He was to appoint officers for terms of two years to carry out details under his direction. And the sum of \$100,000 was appropriated to carry out the act.²

Several minor bills helped to build up this autocratic power of the executive. Against stormy debate and attacks on its constitutionality, a bill was passed which authorized the governor to issue a warrant for the arrest of any person committing a crime punishable by death or penitentiary imprisonment upon failure of the regularly constituted officials to seize him, to be tried in a parish or district court. Although the accused was assured of the service of attorney, the bill violated State feeling by obliterating parish lines, and by allowing high fees to the sheriff, levied on the parish where the offense occurred.³ Likewise, the bill which rendered the Metropolitan

¹ Laws of Louisiana, 1870, No. 74.

² *Ibid.*, Extra Session, No. 75.

³ *Ibid.*, No. 40.

Police Board no longer responsible to the recognized legal tribunals,¹ and which did not require a bond in case suit was brought against it, was only freeing his hands the more. Nor should the reader fail to notice in this connection, as the last link in the chain, that the governor could, under the new city charter, absolutely control the city politics until after the election, a period of seven months of grace for manipulating his wires.

Legislation so vital and revolutionary as the measures just outlined and those appropriating State aid, naturally, aroused hostility, not only within the legislature, but also outside, where it raged even more violently, if possible. The Democratic press was thoroughly alarmed; it attacked the various bills continually and held the most dire threats over the heads of the Senators who dared to support them.² Fiery language was intended to stir the people to action.³ Feeling rose to its greatest intensity over the four most important bills.⁴ Significant calls for secret meetings, signed K. W. C. and I. C. U.,⁵ appeared in the papers, and mass meetings began to be held both for and against the bills. The Republican party met in mass meeting on January 27 in the hall of the Representatives to urge the Assembly to pass these bills without

¹ Session Laws, 1870, No. 55.

² My authority for this is the statement of a Senator in debate. Senate Deb., 1870, 618. But names were printed in the papers on important bills so that it is probably true.

³ "Let us have a united meeting and prompt action to bring our lawmakers to their just responsibility to an outraged community." *Bee* of Jan. 30.

⁴ "We then protest against this bill on constitutional grounds," declared the *True Republican*, "for by this bill Warmoth actually fills three offices. Now, we know that this is a moderate demand for him, who wants to be the political Brigham Young of this State. We, Gentiles, are naturally satisfied with one office, but this political Mormon wants them all." Quoted Sen. Deb., 1870, 537.

The writer has come across no clue to the meaning of these letters. The first are, doubtless, Knights of the White Camelia.

delay. This action was probably to forestall and nullify the effect of a vast mass meeting of the opponents of the legislation, which was arranged to take place, January 31 in Lafayette Square. The call was issued to all citizens "opposed to the financial schemes now pending before the legislature, calculated to increase the burdens of the people, depreciate the bonds, and ruin the credit of the people, and cripple commerce."¹ The enthusiasm of the crowd here almost outstripped that of the leaders. Said one speaker: "It is designed not to defend, but to plunder the country, and take away the liberties of the people. What is to be done?"

"Kill them," came the prompt response from the crowd.

"Ah, no, not yet. But put your foot down and say that this thing shall not be. There is power in the fixed determination of the people, and if the bills are then passed, do as Boston did to the minions of George III. What is to be done with a Legislature that does these things?"

"Lynch them," was the verdict of his hearers.²

A series of resolutions was passed protesting against the proposed bills as destructive of the freedom of elections and as creating an absolute despot of the executive, and denouncing their advocates as public enemies. Men gave the world notice that they intended to use all the means in their power to prevent the payment of any bonds or other obligations of the State which were not indispensably necessary to the proper administration of the government, and threatened openly to vote for no man who would not refuse to vote any appropriations for such obligations.³ Committees in every parish sought to obtain

¹ The movement for concerted action against bad legislation had begun in 1869 when the Taxpayers' Organization had been created in a mass-meeting, Oct. 23. *Commercial Bulletin*, Oct. 25, 1869.

² *Pic.*, Feb. 1.

³ For the resolves in full see House Jour., 148-9.

the signatures of the citizens of the State to the above resolutions, and a delegation of one hundred citizens was chosen to present them to the governor and the Assembly.

The governor's reception of the committee was cordial, but his response contained some remarkable charges; he laid the blame for the excesses on lobbyists who knew how to manipulate the negroes, and laid the corruption at the door of individuals and corporations who represented the very best people; nor did he scruple to withhold names.

"The bill (the five million bond bill) went to the Senate. I walked into the Senate chamber and saw nearly every prominent broker of the city engaged in lobbying that bill through the Senate, and it was only by exposing the fact that one of their emissaries had come into this very chamber and laid upon the desk of my secretary an order for \$50,000 that I was able to defeat it. Mr. Conway, the mayor of your city, came here and offered me any consideration to induce me to sign this bill."¹

The visit of the delegates to the Senate on February 2 degenerated into pure farce. A long and amusing debate as to whether they should receive them or not took place before the delegates, as by some misunderstanding they had crowded into the chamber before the Senators had settled this momentous question. And Pinchback explained in great detail that he had been obliged to admit them at once or they "would go off with an additional excuse that we would not listen to the representatives of the people."² After the reading of the resolutions the dele-

¹ *Cyclopedia*, 1870, 455. One of his charges was against the leading brokers, who subsequently denied the charge against them; and other persons indicated by the governor, while admitting their attempts to bribe him, alleged that he was interested against them, or that he was not satisfied with the prices offered. Sen. Repts., 42 Cong., 2 Sess., No. 41, 202.

² Senate Deb., 360-1.

gates were virtually asked to leave¹ and the indignation of the Senators found wordy expression.² Though the suggestion to return the resolutions as "disrespectful and insulting" was not adopted, the latter were promptly tabled.

The attempt with the House on the same day met with no more success, though preliminary arrangement for a ten-minute recess prevented any such undignified parley as had occurred in the other body. But the House took much the same attitude of offense toward the resolutions and buried them in a special committee.³

Nominating conventions for the selection of candidates for State officers were held in the month of September by both the Republican and Democratic parties. A feature of both conventions was the appearance of a large number of colored delegates. Inquiries were sent to the Democratic State Central Committee as to the admission of colored delegates and so the committee in the regular address to the people took occasion to voice the party sentiment in the following language:

"The interests of both white and black men are identical in this struggle. Whatever rights and privileges either enjoy under the constitution are sacred, and it is the duty of every citizen to see that they are maintained. The Democratic party has always upheld and defended the constitution of the country and will now, as ever in the past, protect and defend every citizen in the full and free exercise of all rights guaranteed by that instrument."⁴

¹ A very pointed hint is given: "But all the Senate can do in self-respect is to intimate to this body of citizens the rules of the Senate, and their own sense of propriety should dictate to them what to do." Senate Deb., 358.

² "I looked upon that as an act of the grossest incivility and abuse; and sir, as a matter of self-respect and vindication of the privileges of the House, I deem it right that a rebuke be administered."

³ House Jour., 184.

⁴ *Annual Cyclopaedia*, 1870, 457.

It declared its platform to be retrenchment and reform, reduction of the debt and taxation, rebuilt levees, restored confidence, and a desire to develop the agricultural resources of the State.

The election was remarkable for its peaceful character.¹ But later investigation established the fact that there was much fraud both in connection with the appointment of registrars and in the count of the election ballots. The law required the appointment of registrars six months before election. Yet in August but two had been appointed. It was charged that the governor purposely delayed appointment in order to influence the August convention.² He had appointed in at least sixteen parishes Democratic supervisors of registration on the score that it was hard to find competent Republicans willing to undertake it and that it was good policy.³ The same investigation concluded that "there is no doubt that most scandalous frauds were committed by and with the connivance of some of these registrars,⁴ sometimes in the interest of Republicans and sometimes in the interest of Democratic candidates."⁵ An old negro, who had been nominated, was astonished at the result of the count and cried: "Is it

¹ The Governor called it "the most quiet, peaceable, and orderly election the State has witnessed for many years." Sen. Jour., 1871, 23.

² House Misc. Doc., 42 Cong., 2 Sess., No. 211, 121.

³ House Reports, 42 Cong., 2 Sess., No. 92, 4.

The attempt to control the negro vote made by the Democrats in 1868 seems to have been abandoned. See Nordhoff's story of how a prominent citizen dismissed a personal servant for voting against him and then restored him with the resolution never again to try to control a black man's vote.

⁴ Packard states that the registrar in West Feliciana made a contract with the Democrats whereby he agreed to give a certain vote to the Democratic parish officers in return for Democratic help in electing a Republican Senator. House Misc. Doc., No. 211, 143.

⁵ *Ibid.*, 18, 438, 439. A part of Caddo Parish where eight hundred voters lived was cut off by water and so no registrar went to that section at all, 50.

possible I have no vote come out of the box? 'Fore God, I know I vote for myself.'¹

A considerable number of registrars, clerks, and friends of registrars were returned elected to the legislature.² Carr, who was returned from De Soto Parish without a nomination, was not even a resident of that parish,³ nor was his the only case of that kind. It was conspicuous that fraudulently returned members were friends of the governor,⁴ and he was charged with direct complicity in two cases. Some rioting, notably at Donaldsonville and Baton Rouge, was reported.⁵ This naturally gave rise to many contested elections which hung on to furnish the opponents of the governor their opportunity in 1872.

It was a clear Republican victory. Graham and Dubuclet, the Republican candidates for auditor and treasurer, came in with majorities of about twenty-five thousand each, and that party secured majorities in both branches of the Assembly. The four constitutional amendments were submitted to popular vote and adopted. The amendment to Article 99 was indorsed unanimously.⁶

An interesting fact is to be noted here. In the spring of 1868, while the Democracy was wholly unorganized and the negroes aggressive under the protection of the military government, the State went Republican, but was carried by a reinvigorated Democratic party in the

¹ Senate Reports, 42 Cong., 2 Sess., No. 457, 718.

² According to Bovee fifteen or twenty registrars were returned. House Misc. Doc., No. 211, 245.

³ He was put on the ticket by the Parish Committee as the man named by the convention said he could not leave. Part of the tickets bore his name, part the name of the former nominee, so that the friends of the latter who could not read were tricked into voting for Carr. *Ibid.*, 224-25.

⁴ Bovee stated: "I think there was a regular system of fraud entered into with a view of electing certain men. . . . As far as I can learn, all were perpetrated in the governor's interest." *Ibid.*, 243.

⁵ Sen. Jour., 1871, 32.

⁶ *Ibid.*, 1871, 24.

Presidential election of November of the same year; but in 1870 it swung back to the party in power.¹ But there are two perfectly intelligible explanations which do not necessarily invalidate the vote for Seymour in 1868: the new election law and the Enforcement Act of May 31, 1870,² which imposed heavy penalties for infringement upon the right to vote.

¹ See the table which illustrates this shifting in Sen. Repts., 42 Cong., 2 Sess., No. 41, 250.

² United States Statutes at Large, XVI., 140-6.

CHAPTER IV

The Beginning of Warmoth's Downfall

THE first hints of dissension within what may be accurately called Warmoth's party came as early as January, 1870. The element which was to become so notorious as the "Custom-House" faction had already made its appearance in Louisiana politics. A resolution introduced into the House in the early days of the session recognized the existence of separate organizations contending for recognition as the Central Republican Club, and designated the men of the New Orleans custom-house as "erring" members.¹ A certain tension seems to have been present in the attitude of the House toward all questions respecting the custom-house. When the House sought information concerning its own members who were in the employ of the custom-house, Collector Casey refused it, as he was not a State officer.²

The cause of the personal opposition to Warmoth is to be traced, no doubt, to the movement for the removal of his ineligibility for a second term, which caused alarm

¹ Jan. 15, 1870. "Whereas different persons and separate organizations are contending for recognition as the Central Republican Club of the State of Louisiana. . . . Resolved That the organization thus attempted be permitted to take a back seat in the gatherings of the great Republican party of this state, and that the door of the Republican Temple shall hereafter, like gospel gates, stand open night and day, until all political sinners, including even the erring ones from the New Orleans Customhouse, shall have time and opportunity to return decently and in order to their father's house." La. House Jour., 55.

² See above p. 29. House Journ., 1870, 252.

to the other Republican aspirants for that honor.¹ Organizations were soon covertly started to defeat the amendment at the polls, according to Warmoth's statement.² Opposition, however, first became open at the Republican State Convention which assembled at New Orleans, August 9, 1870, for the nomination of a ticket and the appointment of a State Central Committee. It was felt that the governor was taking extraordinary pains to control that convention, especially as he had been elected a delegate by a club which the committee did not recognize.³ Both he and the lieutenant-governor, who was also present as a delegate, were nominated to preside, but here the former met his first check: he was defeated by his negro subordinate. As the civil rights bill of the preceding session still lay unsigned in the hands of the governor, a resolution of censure was urged by the custom-house officials on the score that he had sold out his radical principles to the Democrats; but after a heated discussion, in which Warmoth defended his action, the matter was dropped and his conduct virtually indorsed.⁴ The convention denounced special legislation and pledged its best endeavors to check it.

The State Central Committee consisted regularly of fifteen members, ten appointed by the convention, five by the chair. As organized, the five appointees of the chair

¹ Warmoth himself thought that "if it had not been for that amendment there would have been no division." House Misc. Doc., 42 Cong., 2 Sess., No. 211, 380. Dibble, however, thought that opposition began when he refused to sign the civil rights bill of 1868. *Ibid.*, 298.

² *Ibid.*, 298. He alleged that the custom-house party printed 500,000 tickets in opposition to the amendment and distributed them through the State. It is also significant that almost all the Republican votes against the amendment were cast in the third ward where Dunn and Lowell lived. *Ibid.*, 382.

³ *Ibid.*, 128.

⁴ House Repts., 42 Cong., 2 Sess., No. 92, 9, and House Misc. Doc., 42 Cong., 2 Sess., No. 211, 299.

were opposed to the re-eligibility amendment and won over a majority of the whole committee. Hence, the governor refused to contribute to the regular campaign funds or to encourage his friends to do so, but levied forced contributions upon all his appointees on pain of dismissal,¹ organized an auxiliary committee, and began a canvass of his own, in many instances in favor of candidates not regularly nominated by the party.² He had tickets printed in favor of the amendment,³ and, as we have seen, scored a victory at the polls. To Dunn's complaint that the Warmoth faction had violated custom in organizing an auxiliary committee, he retorted that the regular committee was trying to prevent a fair expression of opinion on the amendment.

Before the legislature met on January 2, 1871, the friends of the governor entered, with his knowledge, into a coalition⁴ with the Democrats of the Senate, whereby they robbed the lieutenant-governor of his patronage by taking the appointment of committees into their own hands,⁵ and made Democrats chairmen and majority members of several of the committees,⁶ thus insuring their seats⁷

¹ It would seem that both sides used their patronage. Warmoth accused the custom-house of using its appointment of 400-500 Federal employees for the purpose of influencing the legislature in the fight. House Misc. Doc., 42 Cong., 2 Sess., No. 211, 356.

² *Ibid.*, 155.

³ House Repts., 42 Cong., 2 Sess., No. 92, 3.

⁴ House Misc. Doc., 42, Cong., 2 Sess., No. 211, 384.

⁵ The vote is indicative of the relative strength, 24 to 11. Sen. Jour., 1871, 11.

⁶ Another bit of testimony would indicate that the bestowal on the Democrats of the patronage in their respective localities was a part of this bargain. House Misc. Doc., 42 Cong., 2 Sess., No. 211, 126.

⁷ The finessing for coalition appears strongly here. A proposition had been made in writing by Dunn and Packard to the Democrats, whereby the former agreed to prevent any further legislation for mixed schools or social equality and to aid in the repeal of the obnoxious legislation, if the Democrats would help to defeat Warmoth. The offer was rejected by the Democrats. *Ibid.*, 306-7.

to certain members who had been fraudulently elected.

By the same coalition Carr was re-elected speaker on the first day, receiving every Democratic vote.¹ The committees of both houses were thus so constituted that anti-Warmoth men were powerless to rid the legislature of ineligible members. Dissatisfaction with Carr's rulings, however, was so loudly expressed that about the middle of the session he was compelled by a union of Democrats with the custom-house faction to resign, and Colonel Carter of Cameron, old and rather deaf,² was elected in his place.³ Opportunity was now afforded for a reconstruction of the Committee on Elections, which, although unable to complete its investigation before the recess, by an adverse report on four members at the next session, ultimately helped to complicate an already intricate situation.

The choice of a United States Senator on January 10 to succeed J. S. Harris served still further to antagonize the custom-house faction against Warmoth. James F. Casey, collector of the port, who had, up to this time, acted in harmony with the administration party, desired this honor for himself,⁴ but the governor threw his influence in favor of General J. R. West, who, supported by the Democrats under fear of the election of the negro Pinchback,⁵ was elected on the first ballot in both houses.⁶

¹ La. House Jour., 1871, 1.

² *Ibid.*, 79. House Debates, 1871, 115. Jan. 31.

³ On one occasion he apologized for so frequently vacating the chair, on the ground that he was sick and feeble, and broke down, "standing up and talking loud enough to keep the members in order." House Deb., 1871, 200.

⁴ Packard denied that Casey wanted the office, but the burden of proof is against him. He had acted with Warmoth prior to this time and a custom-house brother approached Warmoth on the question. Warmoth's refusal to support him could hardly do otherwise than alienate him. House Misc. Docs., 42 Cong., 2 Sess., No. 211, 328-9.

⁵ *Ibid.*, 327.

⁶ La. Sen. Jour., 1871, 20. House Jour., 21. It is interesting to note

Casey was soon found among the governor's most violent enemies.

In view of the peaceful election of the preceding autumn and the general quiet of the State, the hopeful words of the governor's message do not sound as absurd as events destined to occur within little more than a year were to prove them:

I cannot pass from this subject to other details, in justice, without calling your attention to the general and peaceable acquiescence of our people in the results of the reconstruction policy of the general government. Their acceptance of it as a finality has been much more satisfactory in Louisiana than in any other state in the South.¹

While urging the encouragement of public improvements, he warned the Assembly against certain schemes of plunder "which are already organizing and will continue to be organized and presented to you for votes," and insisted that the commonwealth's state of bonded indebtedness must preclude any further appropriations as subsidy. Adequate penalty for bribery,² which had, he acknowledged, become a "crying evil," amendments to the public land laws, the police jury system, the restoration of the old capitol at Baton Rouge, and a larger measure of home rule for New Orleans are subjects which appear in his message for the first time.³ Although defending the legislation of the previous session, he recommended with studied vagueness of expression the modification of the election and registration laws:

Pinchback's appearance as a candidate thus early. He was a strong second though not in the race as yet. The vote stood 68 to 24, House Deb., 1871, 9.

¹ Sen. Jour., 1871, 23.

² There was no law against bribery in Louisiana.

³ La. Sen. Jour., 1871, 27-9.

The violent rancor of that period (1868) having now given place to a more liberal and just acknowledgment of the true relations of all our citizens, I commend to your consideration the modification of the registration and election laws to an extent, that, while securing the inalienable rights of all, will make the usage under them less irksome and exacting to the few.¹

Together with his message he returned without his approval ten bills to the Senate,² and three to the House. The veto power was very freely used by Governor Warmoth. Up to January 1, 1871, he had vetoed thirty-nine bills³ and suffered others to become law without his approval by lapse of the constitutional time limit, because they were passed by such a majority as to have made "his veto a useless bit of friction."⁴ His courage in boldly vetoing some measures very close to the hearts of his legislators should not pass unnoted, nor the strength of his influence, for only five, up to this time, were able to muster the requisite two-thirds majority in the face of his opposition.

The legislature took to heart the governor's statement that the questions most urgent were such measures as would most speedily "bring railroads, open natural water-courses, and facilitate ocean commerce," without heeding his warning of the need for rigid economy. The orgy of voting away paper money to aid paper railroads and

¹ La. Sen. Jour., 1871, 29.

² He later withdrew one of these vetoes. *Ibid.*, 63. Only one of these ten bills passed over his veto. He should have credit for preventing the squandering of a million and a half dollars by his veto of the Nicholson pavement bill in 1870.

³ This statement is based upon the table submitted by the governor himself in 1872 to a Congressional committee. House Misc. Doc., 42 Cong., 2 Sess., No. 211, 286-94.

⁴ By 1872 he had vetoed 70 bills and refused to sign 40. *Ibid.*, 285.

canals went on with even greater frenzy than before. It was unfortunate that the governor did not carry the courage of his convictions further and instead of vetoing but six bills, do his part to quash the thirteen laws¹ which appropriated over \$800,000 in actual subsidies; which granted away valuable timber along with the right of way to a new railroad; and which granted exemption from taxation to another canal company. The loose extension of \$40,000, which had been appropriated the preceding session for the removal of obstructions in Bayou Bartholomew, to "what more might be necessary"² is indicative of the business care applied to the State pocket-book. The governor's signature to the bill for the purchase of a site and erection of a State capitol³ may be regarded as raising the State indebtedness by one and one-half million dollars. He suffered an act guaranteeing the second mortgage bonds of another railroad to become law without his signature,⁴ but the measure which guaranteed the principal and interest of a warehouse company to the amount of over a million dollars was obliged to pass over his veto.⁵ The total amount added to the State debt by this Assembly amounted to about four million dollars. Nineteen different appropriation bills were passed, aside from those granting subsidies.

But it was apparent by this time that much of this effort to stimulate development by State aid was barren of result. Some roads which had received State aid had nothing to show for it, and committees of investigation "to ascertain whether the said company has complied with the conditions of the act" incorporating it were

¹ See the laws of La. for 1871, Nos. 35, 40, 46, 53, 59, 70, etc.

² *Ibid.*, No. 45.

³ *Ibid.*, No. 31.

⁴ *Ibid.*, No. 28. The Southeastern Railroad Company.

⁵ *Ibid.*, No. 41. The Louisiana Warehouse Company.

beginning to appear.¹ So strong was the feeling that the governor recommended to the next legislature that unless work be begun actively within six months, certain railroads should lose their charters.²

The vexatious levee problem seemed to have found a solution. When the serious crevasses which threatened New Orleans with inundation appeared in the spring, the governor assumed control and closed the breaks with the aid of State engineers. The Louisiana Levee Company was then formed and its interests made identical with those of the State. The company contracted to construct, maintain, and control levees on both banks of the Mississippi and its tributaries according to the requirements of a competent commission of three able engineers; to construct at least three million cubic yards each year until the levee was completed to the required standard. To get the company started the State subscribed a considerable sum and levied a special tax of two-tenths per cent for twenty-one years for a repair fund, and, in the absence of any tax for the current year, issued bonds to the amount of one million dollars.³

Although a number of additional schools had been put in operation,⁴ the superimposed Northern school law still proved unsatisfactory for Louisiana and came up for further amendment. Forty thousand dollars was fleeced

¹ Sen. Jour., 1871, 67, House Jour., 35. In all, the New Orleans, Mobile, and Chattanooga Railroad Company received from the State \$4,250,000 or over \$58,000 a mile besides a grant of the use of a part of the New Orleans levee, valued at \$1,000,000, for it completed only seventy miles. It remains to be added that two different companies of Northern capitalists offered to build the Houston and New Orleans road without subsidy or aid, but the legislature would not grant a charter. Nordhoff, 58.

² *Annual Cyclopaedia*, 1871, 474.

³ La. House Jour., 125, Sen. Jour., 121. For the full act see Session Laws, 1871, No. 4.

⁴ In 1871 the total number of schools was 640, the number of teachers 1240, and the attendance 90,000. *Annual Cyclopaedia*, 1871, 474.

from the people annually for salaries of school administrators and incidental expenses, outside of the teachers' salaries and other expenses. School directors were often unable to write their names. A letter from the president of the school board of Carroll Parish, as printed in the *National Republican*, is so ungrammatical and misspelled that it is almost impossible to read it.¹ Cain Sartain, who later figured as a Representative, now a school teacher, was appallingly ignorant.² Naturally demands for the abolition of this costly and inefficient establishment were incessant. The supplement passed this session tended to simplify the law, but the chief change was provision for the appointment by a State board of subordinate boards of school directors for the several parishes, towns, and cities, who should have charge of all the funds and

¹ Feb. 1, 1872.

"January the 9th 1872.

Cor J P York I visited new Welashe Peish in the critmas finnen the White People rebelling Jest as much as the dead When You Was on the ball field Dod Swan leven in bellvue says by god he Wald like See the Dam Yankes start a public School in bellvu are minden ore any Whare beteeuw monre and Scheveport he Shat down a Young man I sew Well my names Simon ford on Widarvne lone Plac all so Jhon head and Jhon alfard liven in bellvue cauth a young man name Anderson Smith Who Went to see a Young collard lady step him Struck Him 3000 licks With a new caw hide do for God Sake Send them Peple Petectheon. I promised them that I Wold Send You"

² *National Republican*, Feb. 6, 1872.

"Mr. Spaker. I ask the unimus consent of the house to rise to a question of privilege. I find in one of the issures of the Times last week a burlest on one of my carstituent which was takened from a private letter adressed to my collegue who occupies a seat on this floor as a representative who sent the private letter up to the Chief Clerks desk to be read as a memoral. I think that the gentlemen my collegue who occupies a seat on this floor he acted very injustice with one of his constituents which he stands here to represent, end not only don injustice to his constituents he have I consider Mr. Speaker have shone a disrespekte this heaverbal body by sending a privat letter up to the Clerk desk to be read as a memoral in order to flatter one of his constituent he have not had a chance of an education, as he have had &&&"

school records, all to be under the direction of the division superintendent. An additional tax of one to two mills was to be levied on the taxable property of the parish. Special individual provision was made for the board in New Orleans and for the levying of a special tax to the amount requested by the board. But a section of the revenue law which prohibited the city from collecting taxes in excess of two per cent¹ would have closed the schools, as the limit had already been exceeded, except for the aid rendered by the State superintendent and the city government.² Still the system awakened great dissatisfaction, even the colored people grumbling. The governor, by the appointment of Conway, a Republican and intimate friend, to the headship of the school-system, erected it into a political machine.³

Agreeably to the governor's recommendation, bills to modify both the election and registration⁴ laws were introduced into the Senate about the middle of the session, but were not pressed through, largely, it was charged, because of the governor's secret opposition. An effort to tamper still further with the government of New Orleans,⁵ and a generous appropriation for the militia⁶ passed both houses but failed, apparently, to secure the governor's signature. Some attention was devoted to

¹ Laws of Louisiana, 1871, No. 42, Sec. 7.

² *Annual Cyclopædia*, 1871, 474.

³ House Misc. Doc., 42 Cong., 2 Sess., No. 211, 40. According to the *National Republican*, Conway was "devoted to the fortunes of his Excellency just as ardently as he is opposed to the interests of the people of the State." Jan. 3, 1872.

⁴ This bill immediately upon its appearance from the committee was made the special order for a certain date, but does not reappear in the Journal after Feb. 10. Sen. Jour., 1870, 102. Election law appeared Feb. 1, Sen. Jour., 73.

⁵ Passed by the Senate Feb. 16. Sen. Jour., 131; by the House, Feb. 18, House Jour., 157.

⁶ Sen. Jour., 220; House Jour., 222. Passed by both houses Mar. 2.

the labor problem and to the question of creating parishes. The latter subject, probably for political reasons, had been something of a mania with the legislature, until at this session¹ the proposition was urged with much force "to stop the legislature from creating new parishes unless authorized by the voters of the parishes to be divided."²

The extravagance and state of utter corruption of the legislative body in 1871-2 were only the natural result of the conditions started in 1868-9.

The amount of the State debt was disputed. The governor held that it was, in round numbers, \$22,000,000, while the auditor claimed it to be \$41,000,000, the difference to be accounted for by a contingent debt of \$18,000,000 dependent on the construction of railroads, the second mortgage bonds of which the State had agreed to indorse.³ The bonded debt was \$19,188,300, the annual interest on which amounted to \$1,403,820, besides which there was a miscellaneous debt of \$3,187,490.⁴ A comparison of the debt with the period just preceding the Warmoth administration is suggestive, as it had increased over \$8,000,000 since 1868, taking the conservative estimate,⁵ growing by deficiencies at the rate of over

¹ Even during this session fourteen new parishes were proposed.

² House Jour., 68.

³ The governor asserted that there was not the slightest possibility that those roads would be built, and that if every one were built, the State would be amply secured from ever having to pay the indorsement, as the road would be worth four times the amount guaranteed. Sen. Repts., 42 Cong., 2 Sess., No. 41, Pt. i, 197.

⁴ *Ibid.*, 193. The governor's figures vary slightly in different statements, 194.

⁵ The following total compiled by Secretary Bragdon for the governor is suggestive:

Public debt for 1860	\$10,099,074.32	
1868	14,347,051.02	
1870	23,427,952.29	
1871	22,357,999.05	
1872	23,045,790.00	<i>Ibid.</i> , 200.

\$1,000,000 a year. The expenditures in 1870 had exceeded the income by over \$1,000,000 although the deficit was more than covered by the balance in the State treasury at the beginning of the year. The total amount of bonds or aid granted by the State to various corporations, prior to 1871 and for which bonds had not yet been issued, was over twelve millions. The auditor estimated the probable expenditures of 1872 at something over three millions, but as a matter of fact they far exceeded that sum.

The total amount of taxable property in the State at the close of 1871 was \$250,594,417.50 from which \$4,605,475.02 in taxes was collected.¹ With this should be compared the valuation and taxes in 1870 to show the decrease. The valuation was the same—\$251,296,017.02,—but the taxes collected were \$6,490,028.² The unpaid taxes amounted in 1871 to nearly five millions, exclusive of the taxes due for 1870 and of the taxes in a number of parishes where no rolls of assessment had been made.³ The aggregate tax in the State was fourteen and one-half mills on the dollar.⁴ So great was the burden of this taxation that in some parishes whole forty-acre tracts of land, as rich as any in the Nile, were sold that year by the tax-gatherer for one dollar, and in many instances estates absolutely found no bidders. Large owners were willing to give half their acres to immigrant families on the sole condition that they should settle on and improve the land given them. A company was being formed in northern Louisiana to divide 50,000 acres of land in tracts of fifty acres to a family. Real estate declined

¹ Sen. Repts., 42 Cong., 2 Sess., No. 41, Pt. i., 205.

\$3,658,879 is quoted by Scott from the *Financial Chronicle*, see Scott, *Repudiation of State Debts*, 110.

² Sen. Repts., 42 Cong., 2 Sess., No. 41, Pt. i., 205. Cf. Scott, *Repudiation of State Debts*, 100.

³ Sen. Jour., 1871, 27, House Jour., 87.

⁴ Sen. Repts., 42 Cong., 2 Sess., No. 41, Pt. i., 358.

within the years 1870-1 not less than twenty-five per cent.¹ What was formerly considered very good security, mortgage paper for instance, had become of little value, because in a few years at that rate of taxation no one could pass the papers, for in case of foreclosure the property bore with it the burden of five, six, or seven per cent taxes which would leave no revenue.² The picture of the financial state drawn by a distinguished Democrat about this time is worthy of quotation.

If we were threatened with the continuance of the power which has administered this government, the conflagration of Chicago would not be more desolating than the effect of the continuance of this legislation would be upon the city of New Orleans; and the reason of it is this: when the city of Chicago was burned to the ground the people had at least the ground left, and northern and eastern capitalists have come there to rebuild it, while with us capital is flying from the state, commerce is decreasing, and everybody who can is trying to get away.³

The cost of collecting the tax was excessive. Ten per cent of the amount was allowed for assessment and collection in all but portions of New Orleans where five per cent was deducted. The mere cost to the State of gathering in the taxes in 1871 was close to \$500,000 out of a total of \$6,500,000.⁴ This made the cost of collection over twelve per cent.⁵ The poll-tax in the second district of New Orleans for 10,146 persons amounted to but \$1911, and

¹ *National Republican*, Jan. 2, 1872.

² Testimony of Eustis, House Misc. Doc., 42 Cong., 2 Sess., No. 211, 534.

³ Sen. Repts., 42 Cong., 2 Sess., No. 41, Pt. i., 205. The *National Republican* reported September 22, "The regular broker shuns all dealings with it—city paper—and capitalists scorn it, it is hawked around by its unfortunate owners—clerks and laborers—and sold to the first man who offers to buy it."

⁴ \$493,324. Sen. Repts., 42 Cong., 2 Sess., No. 41, Pt. i., 358.

⁵ Note Herbert's table comparing the cost in 1871 with that under the Democrats before the war, 403.

of this sum, after the cost of assessment and collection was deducted, only \$800.85 was left to the treasury.¹

The legislative session of 1871 cost \$958,956.50, although the Assembly appropriated only \$641,400, the average cost of each Senator amounting to about \$5300, of each Representative, \$7300, making the average cost of a member \$113.50 per day.² With this statement should be compared the cost before the war, when the largest amount ever appropriated for an ordinary session was \$100,000.³ The explanation of the enormous difference is to be found in the governor's comment⁴:

It was squandered in paying extra mileage and per diem of members for services never rendered⁵; for an enormous corps of useless clerks and pages,⁶ for publishing the journals of each house in fifteen obscure parish newspapers, some of which never existed, while some never did the work⁷; in paying extra committees authorized to sit during the vacation and to travel throughout the State and into Texas⁸; and in an elegant stationery bill which included ham, champagne, etc.⁹

¹ Sen. Repts., 42 Cong., 2 Sess., No. 41, 360. Tax Collector Sheridan said that he cleared about \$32,000 in 1871 and \$14,000 in 1872. *Ibid.*, 42 Cong., 3 Sess., No. 457, 707. Warmoth defended those figures as the usual receipts for the office. *Ibid.*, 713-14.

² House Misc. Doc., 42 Cong., 2 Sess., No. 211, 396.

³ Sen. Repts., 42 Cong., 2 Sess., No. 41, Pt. i., 359.

⁴ Governor's Message, 1872. *Annual Cyclop.*, 1871, 471.

⁵ Some committees were authorized to continue during the recess, some thirty, some sixty days, some longer.

⁶ The Enrollment Committee had over eighty clerks at \$8 a day, when not more than ten could be required, according to the governor's statement.

⁷ The printing bill for the House journals was \$68,000, exclusive of New Orleans. House Misc. Doc., 42 Cong., 2 Sess., No. 211, 38.

⁸ \$20,000 was spent in extra mileage above the amount allowed by law, \$40,000 for mileage and per diem of special traveling committees of the House alone. Carter stated that there were thirty-one standing committees and twenty special committees with a full complement of clerks. House Misc. Doc., 42 Cong., 2 Sess., No. 211, 39.

⁹ *National Republican*, Jan. 2, 1872.

The official reporter in the Senate drew the munificent salary of twenty dollars per day,¹ while each representative of a newspaper received a generous gratuity.

The enormous printing bills were, of course, a result of corruption. The public printing had cost the State in three years \$1,500,000,² a goodly share of which Warmoth was accused of obtaining because of his fourth interest in the State paper.³ Under the law the three commissioners named a State printer for the journals, laws, and debates, but they were also authorized to have the printing done by certain country papers. In addition the House and Senate claimed the right to select other country papers to publish these documents officially, to be paid from the contingent funds, so that thirty-five or forty more were so selected. The sum of \$180,000 was paid to papers in New Orleans in 1871, outside of the official organ.⁴ Many of the papers were sustained only by these contracts.⁵ It was generally believed that men were sent over the country to edit these papers in order to build up the interests of the governor, while Carter, on the other hand, openly admitted that he gave his patronage to papers which would support the reform movement.⁶

¹ Sen. Jour., 1871, 74.

² House Repts., 42 Cong., 2 Sess., No. 92, 21. The largest sum ever spent before the war, when they were printed in both English and French, was \$60,000.

³ This paper was said to pay a dividend of 110 per cent. But the governor denied receiving any dividend. House Misc., Doc., 42 Cong., 2 Sess., No. 211, 368.

⁴ *Ibid.*, 38. Sometimes papers were opposed merely because others were entitled to the same privileges. House Deb., 4.

⁵ *Ibid.*, 42 Cong., 2 Sess., No. 211, 39. See House Jour., 55 and 129 for a list.

⁶ *Ibid.* He asserted in the Press Convention that his patronage should not be used against him, and in several cases where papers asserted this independence, the contracts were revoked. House Misc. Doc., 42 Cong., 2 Sess., No. 211, 298.

The entire lack of conscience of the men who were administering the government came to light during the close of this year and early in 1872 with appalling vividness, until one turns away simply sickened by the tale of corruption.¹ Neither party nor class lines regulated integrity,² for reputable men of both sides were among the persons who offered bribes. As Carter put it, "There seems to be something in the climate here that affects both parties."³ Under oath one man declared that it was generally understood all round that any one who wanted to get a bill through had to pay for it. He thought there was a regular office opened down on Royal Street for that purpose where there was an agent for members. He had seen money paid right on the floor of the House. After the passage of the Chattanooga bill he saw a man with his hands full of money paying it out to members with little attempt at concealment.⁴ Senators under false names were incorporators of many of the companies chartered

¹ Phelps says: "The corruption was so general and so notorious that no one connected, directly or indirectly, has escaped from the mess without taint in the eyes of the people." *Louisiana*, 369.

² Moncure declared that he did not know a public official who was not worthy of impeachment. *Ibid.*, 53-4.

³ House Misc., 42 Cong., 2 Sess., No. 211, 38.

⁴ *Ibid.*, 238. Another man brought conclusive evidence and stated that he had witnessed money paid to Carr, Dewees, and Pinchback. *Ibid.*, 474. Nordhoff had the original of the following interesting document: "Gentlemen of the Finance Committee of La. Levee Co.: Please pay to Hon. A. W. Faulkner the amount you may deem proper to pay on account of Levee Bill, I being absent at the time under orders of the House. But I would have voted for the bill had I been there. Mr. Faulkner is authorized to sign a receipt for me—Stamps." Nordhoff, 59. The value of quotations from Nordhoff may be proved by stating that he declared himself a Republican, never having "voted any other Federal ticket than the Republican; I have been opposed to slavery as long as I have had an opinion on any subject except sugar, candy and tops; and I am a thorough believer in the capacity of the people to rule themselves, even if they are very ignorant, better than anybody else can rule them." 10.

and got their shares of stock after the bills were passed.¹ So wide-spread was the knowledge of their dishonesty that the story was current that the members had not even time to write their promises to vote the passage of such and such a bill, but had to resort to printed blanks.²

One of the dishonest measures, not mentioned elsewhere, should not be passed without brief mention, at least. In 1870³ the legislature authorized the improvement of the old city park, a piece of ground which had been held for the purpose for many years. During the following year two politicians, Southworth and Bloomer, got a written agreement from the owners of a large vacant piece of land—the only large tract near the city—to sell it to them at a fixed price, six hundred thousand dollars. The legislature of 1871 amended the park law so as to allow the commissioners to buy land for the new park and made an appropriation for it. The governor now appointed as park commissioners, Pinchback, West, and Southworth. They next acquired title to the property, but paid only sixty-five thousand dollars, the remainder being left on mortgage. August 15 they sold one-half their purchase to the city for eighty thousand dollars, receiving sixty-five thousand dollars in cash, and one hundred ninety-five thousand in bonds. It was common street talk that Antoine complained that Pinchback had cheated him out of forty thousand dollars, which he in some way expected out of the deal.⁴

¹ Most telling is the reluctant reply of the governor to the question, "Are you able to say from your knowledge, personally or officially, that all or nearly all of these bills incorporating monopolies or granting individuals private valuable franchises are passed through the legislature by corrupt means?" "I wouldn't like to say that." House Misc. Doc., 42 Cong., 2 Sess., No. 211, 400.

² *Ibid.*, 534.

³ The *Picayune* had combated this measure in 1869 as an act of folly then. Sep. 24, 1869.

⁴ Nordhoff, 62.

The evidence fails of proof that the governor ever received a bribe for his action on any bill,¹ but it is difficult to escape the suspicion of his complicity in corrupt transactions, if it be true, as was alleged, that no bill which the governor favored could fail and none that he opposed could pass. He admitted his use of his patronage to remove personal enemies and appoint friends "as a custom of governors"² and that the government had been guilty of some abuses created by his connivance, but emphatically denied the perpetration of any frauds,³ declaring on oath that he stood before the Congressional committee with "clean hands."⁴ But his duplicity in other ways seems clear, while the fact stands out that with a salary of eight thousand dollars a year he testified that he had made far more than one hundred thousand dollars the first

¹ The most damaging charge against him was that of a bribe of \$50,000 offered him to sign the Nicholson paving bill. Walsh published a card, saying that the governor had refused it because it was too little. The latter, naturally, denied this and tried to disprove it by the unsupported statement of another man, whereupon Walsh sent the governor a challenge. And so the matter stood—the unproved assertion of one man against the other. House Misc. Doc., 42 Cong., 2 Sess., No. 211, 376.

But Scott on the other hand swore that it cost more to get the governor's signature than to get it through the legislature. It is to be regretted that the defense which Mr. Warmoth still expects to write, based, the writer understands, upon the fact that he prevented still more outrageous wrongs from being perpetrated, has not yet appeared, as it may throw additional light upon this question. The writer has applied to him repeatedly in vain for a statement of his position now after the lapse of forty years.

² House Misc. Doc., 42 Cong., 2 Sess., No. 211, 380. He said that he had learned from the Democrats that "to the victors belong the spoils." 369.

³ *Ibid.*, 358.

⁴ *Ibid.*, 351. He declared in a series of replies to direct questions that he had never tampered with the election of members, never counseled nor advised such tampering, never held any stock that he had not paid for, nor had stock presented to him, nor been promised stock on condition of approving a bill incorporating monopolies, and never been influenced in any way in his official acts by any reward or the hope or promise of it. But he admitted having signed bills after expiration of the constitutional time limit in order to "quiet the people." *Ibid.*, 351, 371-2.

Beginning of Warmoth's Downfall 91

year of his administration¹ and by 1872 was reported worth a million dollars. He was surely willfully deluding himself when he uttered this boast:

I believe I have since I have been governor of the State, under circumstances and embarrassments of the gravest character, and under difficulties that I am surprised myself that I have been able to overcome, administered the State government in the best interests of the people of the State, and have produced as much harmony, good feeling, and prosperity as it was possible for me or any one else to produce under the circumstances.²

In a series of remarkable pen pictures the governor brought charges of dishonesty against most of the custom-house reformers—against Senators Ray, Casey, Packard, Lowell,³ Carter.⁴ His attack on Carter may be considered typical:

Mr. Carter was also, and is now, the paid attorney of the New Orleans, Mobile, and Texas Railroad Company, from which he receives \$833.33 per month, or \$10,000 per annum, and for which he has never done one hour's service. The contract for his employment was made with him by the company after he had kept in his pocket for thirty or sixty days a bill which had passed the legislature almost unanimously, and immediately after this contract was made, by which he became the attorney of the company, the bill was signed by him.⁵

¹ House Repts., 42 Cong., 2 Sess., No. 92, 25.

² House Misc. Doc., 42 Cong., 2 Sess., No. 211, 374.

³ Lowell was a defaulter for a large amount.

⁴ House Misc. Doc., 42 Cong., 2 Sess., No. 211, 395-6.

⁵ *Ibid.*, 396. Carter was an apostatizing preacher and ex-Confederate colonel, who had turned loyal patriot and anti-Warmoth leader.—Cox, *Three Decades*, p. 561. With this statement might be compared Carter's opinion of Warmoth as voiced in a speech in February, 1872: "Louisiana is afflicted with worse laws and worse administrators thereof than can be found in ten states of the Union. Henry Clay Warmoth is the Boss Tweed in Louisi-

Several of the men attempted no reply to these charges, and Carter's explanation served only to convince the Congressional committee that the charge was substantially true.¹ Casey was clearly proved to have been the holder of a corruption fund of \$18,000, part of a \$50,000 fund raised by himself and others to bribe the legislature to pass a bill for a company in which he was an interested incorporator. When the governor vetoed the bill, Casey unlocked the safe and Herring returned \$18,000. It required just eighteen senators to pass the bill.² The president of the Louisiana Lottery Company had a list of about fifty members of the House with whom he had made arrangements for the passage of the Jackson Railroad bill with the amount that had been paid and the sum still due. The amount with a few exceptions was \$600, but Campbell and Pinchback were rated worth \$2000.³ Many members held two offices, quite content to interpret the constitution in the Louisiana way that a member of the Assembly was not a State officer.⁴

ana, except that that amiable villain, with all his infamies, is a gentlemen and a saint compared with the unscrupulous despot who fills the executive chair of this state."—Cox, *Three Decades of Federal Legislation*, 560.

¹ House Rpts., 42 Cong., 2 Sess., No. 92, 23. Of course the men attacked made counter charges against the governor.

² *Ibid.*

³ House Misc. Doc., 42 Cong., 2 Sess., No. 211, 475; and House Repts., 42 Cong., 2 Sess., No. 92, 26.

⁴ E. W. Dewees, another leader of the House, contended with Carr and Carter for eminence. The investigating committee of Congress reported that he had been under arrest with seven sworn charges of burglary against him, and had then obtained of the chief of police a certificate that his picture was not in the rogues' gallery.—*Ibid.*, 27.

The conclusion to which the Congressional committee came is worth noting when we recall that they were Republicans: "The world has rarely known a legislative body so rank with ignorance and corruption."—*Ibid.*, 24. In May, 1875, five members of this legislature were indicted for bribery.—*Times*.

In this evolving catalog it is refreshing to find one person free from the

The governor made a genuine effort to combat the extravagance of the legislature. In April, 1871, soon after the adjournment of the Assembly, he applied to the courts for an injunction to restrain the auditor from paying warrants for the mileage, per diem, and contingent expenses of members of the lower house, because fraudulent vouchers had been issued whereby the amounts had been increased. The injunction was granted and the auditor, together with several experts, appointed to investigate the matter. The governor's real object was to assail Speaker Carter by the allegation that he had coerced the chief clerk to sign a fraudulent journal of the House, which authorized five committees to sit during the recess, thus defrauding the State of \$200,000. Warmoth declared that a number of resolutions, which the speaker stated as introduced and passed the last night, had been interpolated into the journal, for it was notorious that they had not been introduced up to half-past eight o'clock that evening, and that from that moment until the adjournment the House had been in a constant state of uproar, during which time it was impossible for the House to take any action. He advanced what seems considerable evidence of his charge, while the delay of the publication of this day's journal for sixteen days after the adjournment,¹ looks, it will be confessed, suspicious.²

taint of dishonesty. The lieutenant-governor was regarded by the Democrats as incorruptible. "In the view of the Caucasian chiefs, the taint of honesty and of a scrupulous regard for the official proprieties, is a serious drawback and enervating reproach upon the Lieutenant Governor."—*Times*, August 4, 1871.

¹ House Misc. Doc., 42 Cong., 2 Sess., No. 211, 396. The fraud took the form of substituting one bill for a similar one which had been tabled but purported in the journal to have been taken up that night. It was supposed that the delay was due to the loss of the original bill alleged to have been passed.

² It is only fair to add, as Carr pointed out, that the testimony of the commission did not bear out these charges.—*Ibid.*, 230.

The report of the commission sustained the charges of the governor but in part. It was shown that the amount of the warrants had in some instances been fraudulently increased; that warrants to the amount of \$240,000 had been issued in excess of the appropriation of 1871¹; that many warrants for extra pay to officers and clerks had been issued on the resolution of but one house, contrary to law; that \$40,000 had been fraudulently issued to committees for mileage on official duty, when, according to the journals, they had not left the city; and that the signatures of the State officers had been forged in various instances. The commission condemned the loose manner of conducting business in the warrant office, but brought no specific charges. The opposition press charged the governor with holding up this report for months and publishing it at the opportune moment for him—just before the assembling of the legislature in 1872.²

An important decision in regard to the limitation of the State debt was rendered in May by the State Supreme Court. The matter came up on appeal from the Eighth District Court of New Orleans, where a suit had been instituted to compel the auditor to issue a warrant on an appropriation of \$50,000 made in favor of a Mr. Nixon. The auditor had refused because the law authorizing it violated the recent amendment, as it increased the debt above the constitutional limit. The Supreme Court

¹ *Annual Cyclopaedia*, 1871, 471. The over issue of the vouchers forced the value of the warrants down to 2½ cents on the dollar.—Herbert, *Why the Solid South*, 403.

² *National Republican*, Jan. 2, 1872.

Strangely enough the report appeared in the *Picayune*, Dec. 29, 1871.

That paper printed one of its rare expressions of approval of the governor: "The efforts of the governor to defeat so glaring an infringement of the law will meet with general approval. The court has issued the injunction asked for by the Executive, and in consequence over three thousand dollars will be saved to the State."

affirmed the decision of the lower court in favor of the auditor, contending that "the evidence in the record leaves no doubt that the debt of the State exceeded twenty-five million dollars on or before the first of March, 1871."¹

¹ 23 La. Ann. 402-8, State of Louisiana *ex rel.* Salomon and Simpson *vs.* James Graham.

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