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CROSSROADS OF CONVICTION:
A STUDY OF THE TEXAS POLITICAL MIND, 1856-1861

by

Oran Lonnie Sinclair

A THESIS SUBMITTED
IN PARTIAL FULFILLMENT OF THE
REQUIREMENTS FOR THE DEGREE OF

DOCTOR OF PHILOSOPHY

Thesis Director's signature:

Houston, Texas

May, 1975
ACKNOWLEDGMENTS

This thesis could never have been completed without the assistance and encouragement of many individuals during the past five years. To those whose names appear below and to many others who do not, I would like to express my sincere gratitude.

Friends and fellow students who have shared with me their understanding of Texas history include Jane Scarborough, Nancy Bowen, Fredericka Meiners, Bill Ledbetter, Jim Renberg, and Edward Weisel.

Among the librarians and archivists who have aided me in my research, special thanks are due to the following: Ms. Monika Orr, interlibrary loan officer for the Fondren Library at Rice University; Mr. Bob Dalehite, Mr. Larry Wygant, and Miss Ruth Kelly of the Texas Collection of the Rosenberg Library in Galveston; Mrs. Marian Orgain, curator of the Special Collection Division at the M. D. Anderson Library at the University of Houston; Dr. Chester Keilman, director of the Archives Division of the University of Texas Library in Austin, and his student assistant, Mr. John C. Hoepner; and Dr. Stan Parr of the Archives Division of the Texas State Library in Austin. Mr. Bob Slaney, librarian at the College of the Mainland in Texas City, and Miss Mary
Hazel Jones, librarian at Texas City High School, kindly made available to me the use of their microfilm readers.

Mr. and Mrs. Larry Perry and Mr. and Mrs. Ralph R. Rash, friends and relatives in Austin, Texas, graciously opened their homes to me during my frequent visits to the state capital. I can never repay their kind hospitality.

I appreciate the opportunity to have been associated with the Jefferson Davis Association at Rice University. Mr. James McIntosh and Mrs. Mary Dix made duty a pleasure and a learning experience as well. Miss Lynda Lasswell furthered my search for materials on John Marshall in many ways through her expertise in antebellum Mississippi history.

To members of the History Department at Rice University I am, of course, particularly indebted: To the department as a whole for its generous financial support for three years; to Dr. Harold Hyman, who as chairman of the department in 1970 was instrumental in my coming to Rice; to Dr. Sanford W. Higginbotham and Dr. Katherine F. Drew, who have always been concerned about my progress; to Dr. Ira D. Gruber, Dr. Martin J. Weiner, and Dr. Thomas Haskell, who directed my preparation for the preliminary oral examination; and to Dr. Gruber and Dr. Joseph Cooper, who served as members of my thesis committee. Above all, I shall always remain indebted to Dr. Frank E. Vandiver, my major professor and thesis director for his leadership, his patience, his example of professionalism, the inspiration of his own writings,
and his friendship.

Three ladies are due my special thanks: Mrs. Marian Jordon and Mrs. Linda Quaidy, secretaries at Rice University, for the many courtesies which they have shown me during the past few years; and Mrs. Doreen Davis of Texas City for her careful, conscientious work in typing this thesis.

Last and more importantly, I wish to express my gratitude to my family, my parents, my wife Rose, and our daughter Laura. Without the love, sacrifice, and faith of Rose, I would never have gone back to graduate school in the first place and could never have seen the work through to completion. It is in this awareness that I dedicate this paper to her.
PREFACE

When I first became interested in the history of the secession movement in Texas several years ago, I was under the impression that because little had been published on the topic, little research had been done. I soon discovered how wrong I was. Secession in Texas has been the subject of at least six M.A. theses and two Ph. D. dissertations.\(^1\) The most valuable, as well as the most recent, of these studies is that by Bill Ledbetter who surveyed in broad social terms the public attitudes of Texans toward the Union and secession from 1846, when Texas became a part of the United States, through February, 1861, when Texas formally left an already splintered Union. Ledbetter concluded, as had Stephen Channing in his study of the secession movement in South Carolina, that it was primarily racial fear that ushered in secession in Texas—an all-pervading fear that the election of a Republican President in 1860 represented a first step toward abolition of slavery and all that that institution meant to the economic, political, and social systems of the South.\(^2\)

In contrast to the secession movement, relatively little has been written, either published or unpublished, on the history of political parties during the period of
early Texas statehood. Especially is this true of the Democratic party, even though that party dominated party politics in Texas prior to the Civil War. An early study by E. W. Winkler in 1916 provided an outline of antebellum Democratic organization but offered little critical analysis. A master’s thesis on the party in early Texas by Richard L. Briggs of Lamar University filled in only a portion of the political detail.

In seeking an approach which might justify further study of the secession movement in Texas while at the same time contributing toward a history of the early Texas Democracy, I have adopted in part a method used by Professor Clement Eaton in his book, *The Mind of the Old South*, that is, an attempt to view the larger process of historical change by concentrating on the life and thought of significant individuals. My study of what I have termed the Texas political mind consists of two parts: First, an introductory section in which I have sought to trace the origin and development of political parties in Texas during the first decade of statehood; and second, a section in which I have focused upon two men who were central figures in the Texas Democratic party prior to the Civil War, John Marshall, editor of the Austin Texas State Gazette and chairman of the Democratic Central Committee from 1856 through 1861, and George W. Paschal, editor of the Austin Southern Intelligencer from 1856 to 1860.
As I have continued my research, I have become convinced that to a degree not readily apparent in the overwhelming vote of Texans for Democrat John C. Breckinridge in 1860 and in favor of secession in the popular referendum held in February, 1861, the political mind of Texas on the eve of the Civil War was a troubled, divided mind. It is true that there was little or no dissent among Texans in their devotion to slavery as an integral part of the Southern way of life nor in their hatred of Yankee abolitionists and Black Republicans. But there was disagreement on the question of whether slavery and the Constitutional rights of the Southern states could be maintained safely in the Union or could only be adequately protected outside that Union. To many who lived south of the Red River, as well as those who lived north of the Mason-Dixon line, the concept of National Union represented "a confused and apprehensive . . . answer to the questions of order and security, purpose and achievement, glory and honor," an answer that was abandoned only with the greatest reluctance, if indeed it was ever surrendered.

In some respects this lack of harmony in the political mind of Texas paralleled the old Houston--anti-Houston split that characterized Texas politics almost from its origin in 1836. In some respects it corresponded to the line-up of nationally-oriented political groups which opposed the Southern-oriented States-Rights wing of the Texas Democratic party. But in the last analysis the disagreement was not
so much one of party or faction as it was an agonizing personal crossroad. Illustrations of this crossroads of political principle can be glimpsed in almost every aspect of public life in Texas, the State Legislature, the Congres- sional delegation, the Texas Supreme Court, the editorial pages of her newspapers, the pulpits of her churches.\textsuperscript{9}

Nowhere, however, in my opinion, is this crossroads more dramatic than at the state capital in the persons of John Marshall and George W. Paschal. The words and deeds of these two men from 1856 through 1861, I suggest, represent a microcosm of the larger political mind of Texas through which one can gain new insight into both the secession movement in Texas and the antebellum Democratic party.
PREFACE NOTES


The Whig Party from 1848 through 1852, the American or Know-Nothing Party from 1855 through 1856, Independent "Jacksonian" Democrats from 1857 through 1859, and the Constitutional Union Party in 1860.

The writer hopes to extend his study to include the two United States Congressmen from Texas, A. J. Hamilton and John H. Reagan; the two Associate Justices of the Texas Supreme Court, James H. Bell and Oran M. Roberts; and two members of a prominent, politically active Galveston family, Guy M. Bryan and William Pitt Ballinger.
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**BIBLIOGRAPHY**
PART I. PARTY POLITICS IN TEXAS, 1846-1856
CHAPTER I

PARTY ORIGINS AND DEVELOPMENT, 1846-1854

During the years of the Republic, 1836-1846, there were no political parties in Texas comparable to the Democratic and Whig parties in the United States. Politics was not a matter of platform or principle, but one of personality. The political scene was so dominated by Sam Houston, hero of San Jacinto and twice President of the Republic, that men were divided for the most part into two camps, Houston and anti-Houston. The Houston 

Telegraph commented in July, 1844, "When parties can only be designated by the names of the leaders, it is manifest enough that measures are rather an accident than an essential party distinction." In succeeding years, measures as well as men, principles as well as personality, would become politically important in Texas. But the old Houston, anti-Houston split would continue to characterize Texas politics until the outbreak of civil war in 1861.

Annexation to the United States was not a party issue in Texas since most Texans favored it. The fact that annexation was championed by James K. Polk and the Democratic party in the presidential election of 1844,
however, did influence many. Guy M. Bryan, Brazoria County planter and nephew of Stephen F. Austin, wrote in January, 1845, "we are all Democrats in Texas since the glorious victory of that party, who fearlessly espoused our cause and nailed the 'Lone Star' to the topmast of their noble ship." If indeed the Democratic party did predominate in Texas during the years of early statehood, it was through personal identification and individual loyalty rather than disciplined party organization. The prevailing popularity of the party, the obvious weakness of organized opposition, the frequency of state elections, and the difficulties of transportation and communication in a large frontier state discouraged the implementation of party machinery.

To be sure, early efforts were made toward party organization. John Salmon Ford, legislator, Indian-fighter, and editor of the Austin Texas Democrat, issued a call for Democrats to meet in Austin on April 13, 1846. In response several members of the First Legislature, together with a few other citizens from different parts of the state, met at the Capitol on the night of April 27, 1846, in what Francis R. Lubbock termed "the first Democratic convention ever held in Texas." John T. Mills, Clarksville district judge, was appointed chairman, and E. M. Pease, Brazoria County lawyer and legislator, was named secretary. The assembly created a central committee of eleven men, adopted resolutions endorsing the principles of the Democratic
Party of the United States, and recommended county meetings to elect delegates to a state convention in November at Washington-on-the-Brazos. The meeting never materialized, however, as Ford and most other Texans turned their attention to more pressing matters, particularly the war with Mexico.

A second attempt to organize Texas Democrats was prompted by the presidential election of 1848. A committee including former-Governor J. Pinckney Henderson, E. M. Pease, Galveston editor Hamilton Stuart, and State Senators Jessie Grimes and Edward Clark issued a call on January 10, 1848 for a state convention to meet in Austin on February 21 to select delegates to the Democratic National Convention and to nominate presidential electors. Delegates from thirty-five counties attended this meeting, presided over by Governor George T. Wood. Named as delegates to the National Democratic convention in Baltimore were E. M. Pease, J. L. Allen, Lemuel D. Evans, James Davis, John A. Greer, T. J. Chambers, P. M. Cuney, and the Congressional delegation from Texas, which included Senators Sam Houston and Thomas J. Rusk and Representatives Timothy Pillsbury and David Kaufman. The assembly adopted a long series of resolutions, including those which praised President Polk, proclaimed the doctrine of non-interference by Congress in the domestic institutions of a state, and urged the national party to respect the "true boundaries of Texas." Nothing was done, however,
toward internal organization of the party except the appointment of a caretaker committee of fourteen to serve until the next convention. 7

While campaigning for Democratic presidential candidate Lewis Cass during the summer of 1848, Senator Houston told an audience in Lancaster, Pennsylvania:

There are but six men belonging to the Whig Party in Texas, one of whom was a horse-thief--another a black-leg--a third a land grabber, and the other three were the mere tools and understrappers of the first three named, ready to do their bidding at all times for a glass of grog or an occasional suit of old clothes. 8

Although the Whig party never posed a serious threat to Democratic control in Texas, the party did organize in 1848 and certainly numbered more than the six claimed by Houston. Ignoring Democratic allegations of their weakness, Whig supporters met at Huntsville early in July, 1848, where they appointed Judge William B. Ochiltree of Nacogdoches, Judge James Webb of Austin, Samuel Yerger of Galveston, and Benjamin H. Epperson of Clarksville as presidential electors. The Whigs campaigned actively during the summer, sending Epperson and Ochiltree to speak at numerous towns in the eastern part of the state and forming "Rough and Ready Clubs" in Galveston and Houston. They were at a distinct disadvantage, however, forced to defend their party against charges that the Whigs were soft on slavery and intent on denying Texas her just boundaries. In addition, Whig presidential candidate, Zachary Taylor, was charged with having
criticized and abused Texas soldiers during the Mexican War. Predictably, the Democrats easily carried Texas in the November elections, but the Whigs won 5,281 votes or 31% of the total vote cast, no little accomplishment considering the personal unpopularity of General Taylor in the state.

Texas had been a member of the Union only six months in 1846 when David Wilmot, an obscure Democratic representative from Pennsylvania, introduced an amendment to a Congressional appropriation bill which provided that slavery should be prohibited in all the territory which might be acquired in the war with Mexico. This famous "proviso" received a majority of nineteen in the House of Representatives only to fail in the Senate, but it was to constitute an important link in the long chain of events which lead directly to Fort Sumter. Governor J. P. Henderson, speaking before the Texas Legislature in December, 1847, referred to the proviso's supporters as aggressors against the right of property, contending that slaveholders had the right to take their property into any territory acquired as a result of the war and urging the South to meet with force any attempt of the North to prevent them from doing so.

When in August, 1848, Congress voted on a bill to organize the Oregon Territory, the issue of slavery was raised once more and a split in the Texas Congressional delegation became apparent for the first time. Congressmen
David Kaufman and Timothy Pillsbury and Senator Thomas J. Rusk voted against the bill, while Senator Sam Houston voted for it, arguing that he would stand by the Missouri Compromise. In answer to the censure of his colleague from South Carolina, John C. Calhoun, Houston said that he stood ready to defend the South, but that the Union was the guiding star which would direct his course.\textsuperscript{13}

In January, 1849, Senator John C. Calhoun called upon all Southern Congressmen to issue a protest. This Southern Address, as it was called, denounced not only the Congressional attempts to restrict slavery in Washington, but the systematic agitation against slavery itself.\textsuperscript{14} Only 48 of 121 Southern members of Congress signed the Address. As expected Senator Houston was not one of those signing, and this time he was joined by Senator Rusk. Rusk wrote soon afterwards:

\begin{quote}
I yield to none in my devotion to the just and constitutional rights of the southern states but I doubt much if they are to be benefitted by the formation of a new party, by using threats which are not to be executed, by bringing into disrepute the bonds of our Union, or by an appeal to the fears of any section of the Union.\textsuperscript{15}
\end{quote}

The course of Senators Houston and Rusk on the Southern Address won general approval back home among Texas Democrats, but there were voices of dissent, including those of Robert W. Loughery, editor of the Marshall \textit{Texas Republican}, and a fiery new Texan and apostle of Calhoun, Louis T. Wigfall. When Rusk and Houston addressed their constituents in Marshall, Texas on June 25, 1849, Wigfall
was there. His speech that day marked the beginning of a long, sustained course of opposition to Sam Houston, a "curtain-raiser" to the heated debates between the two men and their supporters in the gubernatorial campaigns of 1857 and 1859.\textsuperscript{16} Wigfall defended Calhoun's fear for the future of the South and charged that Houston was motivated not by a real concern for the preservation of the Union but by his own political purposes and presidential ambitions. Houston countered with the charge that Wigfall and his sort were but "men of yesterday," "political missionaries who were trying to usurp the place of men like Rusk and himself, who had sacrificed for Texas."\textsuperscript{17}

The clash between Houston and Wigfall aroused interest throughout the state. Charles DeMorse, editor of the Clarksville \textit{Northern Standard}, believed that Houston's remarks satisfied most East Texas Democrats.\textsuperscript{18} Many must have agreed with Wigfall, however, since he was elected that same summer to the Texas House of Representatives.\textsuperscript{19}

Furthermore, there were indications that others in the state Legislature shared Wigfall's concern for the South and its "peculiar institution." Joint resolutions, introduced by Guy M. Bryan, were adopted on January 30, 1850 which stated that the territories of the United States were the common property of all the states, that Congress could make no law which might abridge the right of any person to take his property into any of the territories, and that they were "prepared to make common cause with
our sister States of the South in defense of the Federal Constitution. These resolutions, in spite of the position taken by Senators Houston and Rusk, expressed principles very similar to those embodied in Calhoun's Southern Address.

In 1850 Texas became directly involved in the growing national dispute over slavery and the territories because of her claim to all of New Mexico east of the Rio Grande River. When Santa Fe residents formed a constitution and sued for admission as a state in the Union with the apparent approval and protection of United States troops, many Texans were outraged. At a public meeting in Austin on June 11 resolutions were adopted requesting the Governor to demand that the President abolish the "de facto government" then existing under his authority in New Mexico.21

In June, 1850, former-Governor J. Pinckney Henderson represented Texas in Nashville, Tennessee, where delegates from nine slaveholding states had gathered at the suggestion of Calhoun and others to consider what course the South should pursue in the sectional crisis. With Henderson's encouragement, the convention endorsed Texas' claim to the Santa Fe area and urged the State not to accept a monetary settlement of the dispute.22 In July, Guy M. Bryan pleaded with his friend E. M. Pease to return home from a family visit to Connecticut. He feared Texas was on the eve of civil war: "If the compromise does not pass before the meeting of the Legislature, I fear for the Union, the South will sustain Texas."23 The situation
in Texas looked grave, indeed, when on August 13 Governor Peter Hansborough Bell sent a message to the Legislature urging that a military expedition be sent to occupy Santa Fe.24

War, however, was not to come to Texas or the nation in 1850. Through a combination of disinterested efforts by Henry Clay, Stephen A. Douglas, Daniel Webster, and others, and the more personally interested lobbying of Texas bond speculators, a series of compromise measures were enacted by Congress in September, 1850.25 One of these bills, introduced by Senator James A. Pearce of Maryland, established the western boundary of Texas at its present position, giving New Mexico almost all of its claim, and in return compensating Texas with the sum of $10,000,000 in United States bonds. The Pearce Bill represented an attractive settlement for Texas since the state would be able to repay the large debt it retained from the Republic and still hold millions of acres of unoccupied public land. When news of the bill, which had the support of all four members of the Texas Congressional delegation,26 reached Austin, talk of war ceased. The compromise bill was accepted by an overwhelming vote of the state Legislature and was approved by a popular plebiscite by a vote of 9,250 to 3,366.27 A few uncompromising Southern-rights advocates such as Guy M. Bryan, Louis T. Wigfall, Robert W. Loughery, J. P. Henderson, and Oran M. Roberts denounced the Pearce Bill as an unconscionable
bribe which would result in the creation of a future free state, while at the other extreme, a few probably agreed with Senator Rusk that the Texas boundary issue had been part of a "deep laid scheme [sic]" for the dissolution of the Union. But it was clear that most Texans were at this time more concerned with the rights of Texas than the rights of the South.

In 1851 Texas voters turned their attention from territorial issues and Congressional compromises to state and local elections. The Whigs took up where they had left off in 1848 in their attempt to develop a two-party system in Texas when the young Clarksvillie attorney, Ben H. Epperson, entered the race for governor with a field of five Democratic candidates, which included incumbent Governor Peter H. Bell, M. T. Johnson of Rusk, John A. Greer of San Augustine, T. J. Chambers of Liberty, and for a time, E. M. Pease of Brazoria. Whig activist William B. Ochiltree, of Nacogdoches, also announced his candidacy for the Congressional seat left vacant by the death of David Kaufman earlier that same year.

Ochiltree's decision prompted Democrats in the East Texas District to meet at Henderson on June 9 to nominate their own candidate for Congress. Although attendance was small, this meeting constituted the first instance in which the Democratic party in Texas nominated a candidate for office other than presidential electors or delegates to a state or national convention. Only
Richardson A. Scurry and Oran M. Roberts of San Augustine and Lemuel D. Evans of Harrison County received serious consideration for the nomination, which Scurry won on the sixth ballot. 32

Epperson made a number of speeches during the summer of 1851 advocating aid for construction of internal improvements, defending the compromise of 1850 and condemning the recent nullification talk, and hinting that Governor Bell was a secessionist. 33 Whig efforts were fruitless, however, as Governor Bell won handily his bid for a second term, with Epperson coming in a poor fourth in the race. In East Texas, Richardson Scurry soundly defeated his Whig opponent, Ochiltree, for the contested seat in Congress. 34

As early as September 13, 1851, the Austin State Gazette suggested the propriety of a state Democratic convention in view of the issues still pending between the North and South, the approach of the presidential election in 1852, and the prominent mention of "a distinguished son of Texas" as a Democratic presidential nominee. A meeting of citizens in Austin on November 10 formally issued a call for delegates to a convention to be held at the Capitol on January 8, 1852, to appoint delegates to the national convention and nominate electors for the state. 35

Democratic delegates from twenty-two counties assembled according to the call in the Hall of Representatives
on the anniversary of General Andrew Jackson's victory at New Orleans in 1815. There they elected Major Sam Bogart, State Senator from Collin County, as their president and organized committees on nomination, resolutions, and organization. The convention almost broke up before it got started when it was learned that a secret caucus of some thirty of Sam Houston's "old and tried friends" had met previously on the night of January 6 to plan for the convention. In the midst of angry allegations, Hamilton Stuart, editor of the Galveston Civilian, moved adjournment to the Swisher House, where after a hearty period of "eating, drinking, and interchange of opinion" the delegates were in a more harmonious, working mood.36

The following day the Committee on Organization recommended the creation of a Central Committee and encouraged the formation of party committees in each county. Admitting that the Democratic Party was then "very largely predominant in our State," the committee warned that the party opposed to them was ever wakeful and that "wherever a remnant of the whig party is found, there will be found organization."37 The Committee on Resolutions presented four resolutions, which were adopted: The first reasserted the declaration of principles announced by the National Democratic Convention of 1848, emphasizing at the same time that "all efforts of the abolitionists or others, made to induce Congress to interfere with questions of slavery...are calculated to lead to the most alarming and
dangerous consequences"; the second termed "the Compromise Acts" the "final adjustment of the dangerous and vexed questions they embrace"; the third recognized the Virginia and Kentucky Resolutions of 1798 as "a true exposition of the constitutional rights of the States and of the General Government . . . equally opposed to consolidation, secession and disunion"; and the final resolution recommended General Sam Houston as the nominee of the National Democratic Party for President. The convention concluded by naming L. D. Evans, Guy M. Bryan, George W. Smyth, and Major Robert S. Neighbors as electors for the state and appointing former Secretary of State Washington D. Miller as chairman of the newly created Democratic Central Committee.

Reaction to the Democratic convention was mixed. The Austin State Gazette enthusiastically praised the work of the delegates, but the Marshall Texas Republican condemned it, calling the nomination of Houston for president "the worst feature of the whole business." Similarly, the Matagorda Colorado Tribune claimed that the convention was "a self-constituted affair, acting on the responsibility of a few individuals" and alleged that "State Rights Democrats in the convention were overawed by the demonstrations of sentiment against them, and abandoned the field without a struggle."

The Tribune's charge was undoubtedly over-stated. The convention did recommend Senator Houston for president, did select his close friend and former personal secretary,
W. D. Miller, as chairman of the Central Committee, and did endorse the compromise measures of 1850. But the same convention elected staunch Southern-rights advocate Guy M. Bryan as one of the party electors and specifically recognized the state-rights principles expressed in the Virginia and Kentucky Resolutions. The criticism does point up, however, the fact that if there was but one major party in Texas in 1852, that party had two wings, one supporting Houston and his national orientation on the territorial issue and the other suspicious of Houston and jealous of the rights of the South.42

Texas Whigs held no state convention during the spring of 1852, but they did hold two district meetings, one at Tyler in April and the other at Houston in May. Tyler delegates named C. C. Mills of Harrison County and James W. Throckmorton of Collin County as electors for the Eastern District; the Houston assembly completed the electoral ticket by selecting James Reilly of Houston and John B. Ashe of Galveston. Whigs claimed credit for the Compromise of 1850, pledged their party to work toward "the prosperity and permanency of our government," and, in contrast to the Democratic party, endorsed a state policy of "judicious works of internal improvements," particularly a great central railroad running from east to west across the state.43

Both the Whigs and Democrats campaigned for their presidential candidates during the summer and fall of
1852. The two wings of the Texas Democratic party united behind Franklin Pierce, with Guy Bryan, Lemuel D. Evans, J. P. Henderson, and Sam Houston all speaking in his behalf in the state. Despite the oratory, election results demonstrated a lack of interest on the part of Texas voters. Pierce received 14,857 votes; Winfield Scott, 5,356. Whigs gained only seventy-five votes over their 1848 total and failed to carry a single Texas county.\(^44\)

Whig political weakness in Texas encouraged not only a complacent attitude on the part of many Democrats, but the growth of factions favoring the ambitions of particular individuals, often drawing directly upon a reservoir of latent intra-state sectionalism which had characterized Texas since the early years of the Republic. This development can perhaps best be observed in the gubernatorial election of 1853.

W. D. Miller, as chairman of the Democratic Central Committee, issued a call on December 6, 1852 for a convention to meet in Austin on February 22 to nominate Democratic candidates for governor and lieutenant-governor in the August elections.\(^45\) As it was expected that the Legislature would still be in session on that date, a good attendance was anticipated. The Galveston *Journal*, recognized as the organ of the Whig party in Texas, observed, "it now appears to be the settled policy of the Democracy of this State to defray the expenses of their party convention out of the public Treasury."\(^46\)
Unfortunately for the Democrats, there was no agreement among members of the Legislature on possible candidates for governor. Guy Bryan, supporting the nomination of his friend E. M. Pease, wrote Pease on January 17 that he feared George W. Smyth of Jasper County had the greatest support in the Legislature for governor. Bryan, convinced that Pease would be a formidable candidate without party nomination, grew indifferent to the proposed convention.\textsuperscript{47} Other legislators, backing their own favorites, evidently felt the same way, for the Legislature adjourned on February 7, two weeks before the state convention was to assemble.

On February 22, the convention opened with delegates from only one county in attendance. J. W. Hampton, editor of the \textit{State Gazette}, believed that the convention's failure resulted from "a combination of circumstances, conceived in sectional prejudice and in personal aggrandizement, demagoguism [sic], and a disposition to create a breach in the Democratic ranks . . . ."\textsuperscript{48}

With the failure of the nominating conventions, there were seven Democrats seeking the governorship by early summer: Lemuel D. Evans of Harrison County, former-Governor George T. Wood of Polk County, T. J. Chambers of Liberty County, E. M. Pease of Brazoria County, M. T. Johnson of Tarrant County, J. T. Dancy of Fayette County, and J. W. Henderson of Harris County. Evans, who had resigned his position as district judge to serve the Democratic party as presidential elector in 1852, was apparently the only
candidate to appeal openly to intra-state sectional prejudice, although the electoral following of each candidate was largely limited to the county where each lived.\textsuperscript{49} Evans, in a speech in Jefferson early in June, proclaimed himself "the candidate of Eastern Texas," claiming that his section was entitled to the governorship, and if it did not get it, might renew agitation for division of the state.\textsuperscript{50}

Texas Whigs, as weak as they were, took hope from the prospect of seven candidates dividing the Democratic vote. At the end of June William B. Ochiltree, perennial Whig candidate, announced his candidacy for governor. As a result of Ochiltree's action, Democrats M. T. Johnson and J. W. Henderson withdrew from the race in favor of Pease.\textsuperscript{51} Pease, himself, campaigned arduously during the heat of a Texas summer, travelling some twenty-two hundred miles on horseback and visiting about sixty counties.\textsuperscript{52}

Despite the factionalism that had split the party and the sectional spirit encouraged by supporters of some of the candidates, the Democratic party retained control of the governor's office in 1853. Pease received 13,091 votes to the 9,178 votes of his nearest rival, Whig W. B. Ochiltree.\textsuperscript{53} Even so, some Democrats were unhappy, regarding Pease's election as a personal rather than a party victory. Peter W. Gray, State Senator from Houston, wrote to W. D. Miller:

We must organize, concede, unite, and act on
principles, not men... Under our present mode of acting, local jealousies, personal rivalry and discord so distract us, that Jackasses are in demand, and are trampling the life out of the love and sinew [sic], and marrow of the party.\textsuperscript{54}

After the convention failures in 1853, W. D. Miller must have agreed with the editor of the \textit{Texas Monument} that "the attempt to organize the Democracy of Texas at the present time looks very much like an attempt to organize a large army in time of peace."\textsuperscript{55} Nevertheless, he dutifully issued a call on September 20 for yet another Democratic convention to meet on January 9, 1854 in Austin.\textsuperscript{56}

When Democrats assembled at the Capitol in January, various Legislators volunteered to represent their counties, in addition to the regularly appointed delegates, so that the total number of counties represented was sixty-two.\textsuperscript{57} Members adopted resolutions incorporating the National Democratic platform of 1852 and praising President Franklin Pierce. State-tighters William R. Scurry, James C. Wilson, and Williamson S. Oldham were appointed to prepare an address to the Democracy of the state, recommending the assembly of another convention at Huntsville on April 21, 1855. The composition of this committee and selection of John S. "Rip" Ford, popular mayor of Austin and editor of the \textit{Texas State Times}, to replace W. D. Miller as chairman of the Central Committee, foreshadowed a loss of influence by the Houston wing of the party.\textsuperscript{58} One observer, W. B. Stout of Clarksville, wrote of the convention:
The object of the convention is only to try to adopt some plan by which the party can be organized previous to the next Gubernatorial election. I hope they may succeed, but I have my doubts on the matter. The State is too large and the delegates have too far to travel in order to get to a State Convention.59

Stout's pessimism is understandable, given the disappointing organizational efforts of 1853. Events and issues would arise, however, in 1854 and 1855 which would divide Texans politically as never before and lead to a thorough reorganization of the Democratic party under the disciplined leadership of its Southern-oriented, state-rights wing in 1856.
CHAPTER I NOTES


2Telegram (Houston, Texas), July 10, 1844, as quoted in Winkler (ed.), Platforms of Political Parties in Texas, p. 11.

3Guy M. Bryan to Mrs. Mary Holley, January 7, 1845, as quoted by Winkler (ed.), Platforms of Political Parties in Texas, p. 15.

4State elections were held in August each year prior to the Civil War, with the Governor, Lieutenant-Governor, and Commissioner of the General Land Office elected biennially in odd-numbered years and the Attorney-General, Comptroller, and Treasurer elected biennially in even-numbered years.


6Winkler (ed.), Platforms of Political Parties in Texas, pp.43-44.

7Ibid., pp. 44-49.

8Civilian and Galveston Gazette (Galveston, Texas), August 17, 1848.


Thomas J. Rusk to [___], January 30, 1849, Thomas J. Rusk Papers (Archives, University of Texas Library, Austin).


*Northern Standard* (Clarksville, Texas), July 7, 1849.


*The Mississippian* (Jackson, Mississippi), July 12, 1850.


Guy M. Bryan to E. M. Pease, Quintana, Texas, July 10, 1850, Pease-Graham-Niles Family Papers, Austin-Travis County Collection (Austin Public Library, Austin, Texas), hereafter referred to as the E. M. Pease Papers.

Sholars, "Life and Services of Guy M. Bryan," p. 49.

J. G. Randall and David Donald, *The Civil War and Reconstruction* (Lexington, Massachusetts: D. C. Heath

26 Hamilton, Prologue to Conflict, Appendix B. and C., pp. 193-100.

27 Texas State Gazette (Austin, Texas), December 14, 1850.


31 Lubbock, Six Decades in Texas, p. 194.


36 Guy M. Bryan to E. M. Pease, Austin, Texas, January 10, 1852, E. M. Pease Papers.

37 Proceedings of the Democratic State Convention, Assembled at Austin, January 8, 1852 (Austin: Office of the South-Western American, 1852), pp. 6-7.

38 Ibid., pp. 7-9.

39 Texas State Gazette (Austin, Texas), January 17, 1852.
40 *Texas Republican* (Marshall, Texas), January 31, 1852.

41 *Colorado Tribune* (Matagorda, Texas), March 15, 1852, as quoted by Winkler (ed.), *Platforms of Political Parties in Texas*, p. 27.

42 Guy M. Bryan to E. M. Pease, Austin, Texas, January 10, 1852, E. M. Pease Papers.

43 *Star State Patriot* (Marshall, Texas), May 8, 1852, as quoted by Winkler (ed.), *Platforms of Political Parties in Texas*, pp. 52-54.


45 *Texas State Gazette* (Austin, Texas), December 8, 1852.

46 *The Journal* (Galveston, Texas), February 4, 1853, as quoted by Winkler (ed.), *Platforms of Political Parties in Texas*, pp. 52-54.

47 Guy M. Bryan to E. M. Pease, Hall of Representatives, Austin City, Texas, January 17, 1853, E. M. Pease Papers.

48 *Texas State Gazette* (Austin, Texas), March 5, 1853.


50 Ibid. It should be noted, however, that Evans claimed that his speech as reported by the Jefferson Herald, upon which Griffin based his interpretation, was "false, and as mean as false" and that he denied the sectional views attributed to him by some opposition East Texas Newspapers. See *Texas State Gazette* (Austin, Texas), July 9, 1853.

51 E. M. Pease to Lucadia Pease, Bonham, Texas, July 28, 1853, E. M. Pease Papers.

52 E. M. Pease to Lucadia Pease, Brazoria, Texas, August 29, 1853, E. M. Pease Papers.

53 Griffin, "Intrastate Sectionalism in the Texas Governor's Race of 1853," p. 156.

54 P. W. Gray to W. D. Miller, Houston, Texas, August 22, 1853, W. D. Miller Papers (Archives Division, Texas State Library, Austin, Texas).
Texas Monument (Austin, Texas), December 21, 1853, as quoted by Winkler (ed.), Platforms of Political Parties in Texas, p. 35.

Circular to Members of the Texas State Democratic Central Committee, September 20, 1853, W. D. Miller Papers.

Winkler (ed.), Platforms of Political Parties in Texas, p. 56.

Miller's resignation, however, was probably prompted by personal rather than political considerations. He wrote John Henry Brown of Galveston that public life had never suited him, although he had been forced into certain "humble positions" by the necessities of his situation. See W. D. Miller to John Henry Brown, Springwood, near Austin, March 17, 1853, John Henry Brown Collection (Archives, University of Texas Library, Austin).

W. B. Stout to Major Charles DeMorse, Austin, January 10, 1854, in the Standard (Clarksville, Texas), January 28, 1854.
CHAPTER II

SECTIONALISM, THE KNOW-NOTHING MOVEMENT, AND PERFECTION OF DEMOCRATIC ORGANIZATION, 1854-1856

Although Senators Henry Clay, John C. Calhoun, and Daniel Webster were dead in 1854, the issue of slavery in the territories, which they had faced in 1850, was yet very much alive, as became evident when a bill to organize the territory of Nebraska was introduced in Congress in January of that year. Whatever the motives on the part of its original sponsors, the Kansas-Nebraska Act, organizing the new territories in regard to slavery on the basis of "popular sovereignty," immediately re-opened the sectional wounds of 1850. When President Pierce sought to make the bill a Congressional test of "true Democracy," Senator Houston, unlike the other Democratic members of the Texas delegation, refused to go along. As morning broke in the Senate on March 4 after an all night session preceeding the final vote on the controversial bill, Houston berated the act not only as an invasion of treaty rights with the Plains Indians, but as a violation of the Missouri Compromise and an invitation to national disaster. Only he and John Bell of Tennessee, among Southern Congressmen, voted against the bill. As he made
his way home to Texas in April, Houston undoubtedly realized that his vote would imperil his control of the Democratic party in Texas.

There was surprisingly little immediate condemnation of Houston's vote on the Kansas-Nebraska Act by the Texas press. Robert W. Loughery of the Marshall Texas Republican deplored the fact that Texas newspapers were silent upon the issue except for the Austin State Gazette, which merely regretted Houston being in bad company. Charles DeMorse, who had forcefully supported the Compromise of 1850, voiced his continued personal respect for Houston but believed that a representative from the South who found himself in concert with "bitter fiendish foes . . . under any circumstances . . . might well pause and carefully examine the ground upon which he stood . . . ." More critically, John S. Ford, editor of the Austin Texas State Times and new chairman of the Democratic Central Committee, argued that Houston's "Indian objections" to the Kansas Act amounted to "twaddle and nothing more" and his labored defense of the Missouri Compromise was "four years too late." Probably more typical, however, was the comment by the editor of the Houston Telegraph:

We have seldom known anyone to prevail who has assailed him hitherto in Texas, and have no idea, however unpopular his vote on the Nebraska bill may be, that it will injure him in the least at home . . . . On the whole, we do not see any good reason for Houston's friends, or his enemies, working themselves into a passion about this Nebraska business.
Houston's vote on the Kansas-Nebraska Act, unpopular though it was with many, did not cripple his personal appeal in Texas or result in swift expulsion from the state Democratic party. It was not Houston's Kansas vote, but his course with regard to a new mysterious political order called the Know-Nothings which radically altered the course of party politics in Texas.6

The American party, or Know-Nothing party as its opponents invariably referred to it, appeared in Texas in 1854, shrouded in secrecy and fed on nativist prejudice and abolitionist apprehensions.7 As perhaps no other state in the South, Texas represented fertile breeding ground for an organization based upon fear of the foreign and distrust of the different. Not only did Texas border on Mexico, her traditional foreign foe, but a large portion of the population of South Texas was made up of poor, politically powerless Mexican-Americans who were suspected by many "Anglos" of harboring abolitionist sentiments. Furthermore, Texas became the destination of many of the Europeans who flooded United States ports in the 1850's. Particularly in Central and Southwest Texas, in such communities as New Braunfels and Fredericksburg, did German immigrants settle and segregate themselves both geographically and culturally. Few of these German farmers could afford the luxury of slaves and were thus subject, as their Latin neighbors, to the suspicions of an increasing number of slavery zealots.8
A German mass meeting in San Antonio in May, 1854 provided the spark which ignited latent Anglo-American hostility and swayed many Texans toward the nativist principles of the Know-Nothings. The meeting took place during the second annual *Saengerfest* and was promoted by a small group of intellectuals who lived in the community of Sisterdale. These men hoped to secure united action among German-speaking settlers in the forthcoming presidential election in 1856, particularly in view of the sectional agitation ushered in by the Kansas-Nebraska Act. On May 15 some two hundred German-Texans met, debated, and finally approved a list of extremely progressive political, social, and religious reforms which included the statement: "Slavery is an evil, the abolition of which is a requirement of democratic principle. . . ."

When the "German platform," as it became known, was published, a veritable storm of protest broke in the German and Anglo-American communities. John Marshall, veteran Mississippi journalist and new editor of the Austin *Texas State Gazette*, warned that if German-Texans were actually in league with Northern fanatics to undermine Southern institutions, the people of Texas would raise "a storm of indignation from which they will be glad to escape by any means within their power."

Dr. Ferdinand Lindheimer, German-born editor of the conservative *Neue Braunfelser Zeitung* who has been called "the political barometer of the Germans in Texas," defended his people
against the charge of abolitionism and accused the Gazette of acting in an unRepublican, inquisition-like manner. Alexander Rossy, also of New Braunfels, charged that if Texas-Germans were guilty of any "ism," it was "indifferentism"—indifferentism to the activities of a very few active fanatics.

One such "fanatic" whom Rossy undoubtedly had in mind was Karl Daniel Adolf Douai. Born in Altenberg, Germany in 1819, Douai left his native country after the abortive revolution of 1848 and arrived in Texas in 1852. He settled in San Antonio, where in November, 1852, he began editing the Zeitung, which he termed "a Social Democratic Sheet for the Germans in West Texas." When he published and endorsed the "German platform," the stockholders of his paper split into two factions and decided to sell. Douai secretly borrowed money from his New York friends Frederick Law Olmstead and Dr. John Hull Olmstead to purchase the paper. In the face of constant threats on his life, Douai continued his assault on slavery, openly declaring for the first time on February 9, 1855 that Western Texas must be free.

Reaction of the Texas press to Douai and the Zeitung was unmistakeably hostile. John Marshall of the Austin State Gazette wrote: "We have been witnesses in a sister State, where much lighter acts of incendiariism were visited with a hempen rope and a blackjack." John S. Ford, editor of the rival Austin Texas State Times, agreed:
It is a matter of surprise to us that the citizens of San Antonio have tolerated so long in their midst a nuisance like that of the "Zeitung." For our part, as much as we are opposed to "mob law," we could find nothing to censure in the forcible removal of that paper. . . the contiguity of the San Antonio river to the "Zeitung office" would facilitate, we think, the suppression of that paper. Pitch in.18

By June, 1855, Douai was forced to mortgage the San Antonio Zeitung. A few months later he sold the paper to Hugo F. Oswald for enough to pay his debts and get himself and his family to New York.19 By May, 1856, Douai had left Texas forever, but not before he had almost single-handedly inspired a large part of the propaganda upon which the success of the Know-Nothing party in the state would be based.

Charles DeMorse, editor of the Clarksville Standard, admitted in November, 1854 that the "singularly named" Know-Nothings party had made progress in Texas, but he had faith in the "calm good sense" of Texas voters and concluded that Democrats had little to fear.20 Indication that DeMorse might be wrong came in the December municipal elections in San Antonio, when every Catholic and every naturalized citizen was said to have been beaten by a Know-Nothing. Three months later in March, 1855, a Know-Nothing sympathizer defeated the Democratic candidate for mayor in Galveston.21

Prevailing sentiment in Texas early in 1855 seemed to be that the Know-Nothing order was in no way incompatible with democratic principles or the Democratic party,
but was designed to bring new strength to the peculiar institutions of the South.\textsuperscript{22} Certainly this was the view of John S. "Rip" Ford, editor of the Austin \textit{State Times}.\textsuperscript{23} As a former legislator and heralded Indian fighter, Ford was an extremely popular man in Austin, as shown by his election as mayor in December, 1853. Sometime during 1854 "Rip" Ford became a member of the Know-Nothing order in Texas. He later wrote that his joining was "one of those inconsiderate things men do sometimes,"\textsuperscript{24} but at the time it must have seemed a perfectly logical, natural step for one interested in preserving both slavery and the Union.

Ford's public endorsement of the American party in the columns of the \textit{Times} came only by degrees. On October 21, 1854 he noted an unconfirmed rumor that the Know-Nothing order had effected an organization in Austin. Not convinced by criticism of the order as a secret political association, he wanted to see where the order stood on "the momentous issue which is rapidly coming to be made up between the South and its foes."\textsuperscript{25} The next week in an article on political parties, Ford claimed that all the national parties seemed to have one thing in common—a deadly hostility to the South. He believed that a "great Southern party must be formed, independent of the elements of fanaticism."\textsuperscript{26} In February, 1855, in his capacity as chairman of the Democratic Central Committee, Ford printed a call for the state Democratic convention
to meet on April 21, 1855 in Huntsville. In doing so, however, he warned that if the state convention should again be a failure from "negligence and inaction," Democrats might well despair of effecting an organization.\textsuperscript{27}

As the day of the state convention approached, Ford began to express more openly his doubts concerning the Democratic party. On March 30 he criticized the Pierce administration and the "wire-working tricksters that surround the President."\textsuperscript{28} When his neighbor at the State Gazette office promptly defended the Pierce administration, Ford responded angrily that the democracy of one like himself did not require the endorsement of "him of yesterday."\textsuperscript{29}

John Marshall had been editor of the Austin Texas State Gazette less than two months in 1854 when he came out strongly in favor of the convention system for political nominations. Marshall noted that there was seemingly but little organization in Texas to preserve the unity of the Democratic party, adding, "Great political principles can only be supported permanently by well-organized Conventions."\textsuperscript{30} In March, 1855 he observed that there had seldom been a time when less excitement prevailed in regard to an ensuing gubernatorial election. He assumed that the reason was the public confidence in Democratic Governor E. M. Pease.\textsuperscript{31}

As April 21 approached, Marshall made his way by horseback to the Cumberland Presbyterian Church in
Huntsville to attend his first state Democratic convention in Texas. The presence of delegates from only twelve counties indicated to him once again the marked lack of interest among Texas Democrats in the coming state elections. Furthermore, the ensuing proceedings revealed that those Democrats who were present were dangerously split upon the important issue of internal improvements.

Promotion of internal improvements had long been a matter of interest in Texas. Rivers were navigable for only short distances in the lowlands near the coast. Freight transportation inland by ox-wagon was not only extremely expensive, but almost impossible during wet weather.\(^\text{32}\) Railroads seemed to be the only solution if the rich black lands of central Texas were to be opened up to the production of cotton and if Texas were to become the "Empire State" which her leaders envisioned. The need for railroads was recognized by everyone, but by the spring of 1855 there was great debate over where the roads should run and how they should be built—by private capital, by private funds plus some sort of state subsidy, or by public funds alone.\(^\text{33}\)

In the early 1850's Lorenzo Sherwood, New York lawyer-economist-intellectual who made Galveston his home in 1846, began to advocate what became known as the State Plan, by which a system of railroads would be built and owned by the state of Texas.\(^\text{34}\) When Willard Richardson, editor of the Galveston \textit{News} and influential figure in
the Democratic party, merged his hopes for a Galveston-centered railroad system with Sherwood's state-ownership plan, the advocates of privately built railroads in Texas were faced with a very serious challenge. Furthermore, in a letter of April 3, Governor Elisha M. Pease announced that Texas' lack of success with private railroad systems had convinced him, as well, that future railroads should be built on the credit of the state. Pease offered his own version of the State Plan, calling for the construction of 1,200 miles of railroad in ten years at an estimated cost of $19,500,000 to be borrowed from private sources, but serviced by an internal improvements tax and the sale of public land. He proposed the calling of a constitutional convention to amend the Texas constitution to permit the state to assume a debt larger than $100,000 and implement the proposed taxes.

The press of the state did not have time to reply adequately to Pease before the Democratic state convention assembled in Huntsville on April 21, 1855. That convention, which was followed by a meeting of the State Railroad Convention in the same Huntsville church building and under the same presiding officer, was clearly stacked in favor of Pease and the State Plan. But even so there was vigorous opposition to the plan which forecast a potential split among Texas Democrats in the coming state elections. General James Davis of Liberty County was elected chairman of the meeting, which resolved
to preserve its character as a state Democratic convention in spite of the sparse attendance. Resolutions were adopted re-affirming the National Democratic platform of 1852 and approving the course of President Franklin Pierce and Governor E. M. Pease. Significantly, however, the convention made no official nominations, as had been planned, but merely "recommended" the re-election of Governor Pease and Lieutenant-Governor D. C. Dickson. Chairman Davis, Jessie Grimes, John Marshall, and others present made clear that in recommending Pease for re-election, they did not endorse his views upon the State Plan for railroad construction.37

Early in 1855 Senator Sam Houston, disillusioned with the Pierce administration and widely condemned as a traitor to the South and the Democratic party because of his Kansas-Nebraska vote, began to drift slowly toward alignment with the American party. In a speech on the floor of the Senate on January 31, 1855, Houston responded to suggestions that he was "catering for the Presidency" by means of the new party with the admission that he knew nothing of Know-Nothing but concurred with some of the principles with which he had seen them charged.38

Houston's attitude toward the American party must have pleased editor "Rip" Ford, who was himself on the verge of publicly subscribing to accepted Know-Nothing principles. On May 26 Ford wrote in the Austin State Times that patriotism led him to view with fear and trembling the rapid strides of the "alien-born" in America and their
disposition to create "dissension" on the question of slavery. He therefore deemed it "good democratic doctrine that 'Americans shall rule America.'"\textsuperscript{39} Two weeks later Ford predicted that if the American party adhered uncompromisingly to its nationality, avoided ecclesiastical influences of all kinds and preserved its secrecy, it would prosper and become "the ruling power in the State."\textsuperscript{40}

Meanwhile, Governor E. M. Pease's bid for re-election, which had seemed almost certain early in the year, by June appeared seriously imperiled by the reaction against his letter favoring the State Plan for railroad construction. The Galveston News, as expected, came out unequivocally for Pease; the State Gazette, while opposing Pease's view on internal improvements, nevertheless recommended him for re-election.\textsuperscript{41} Other Democratic newspapers, including the Clarksville Standard, the Nacogdoches Chronicle, the Houston Telegraph, and the Marshall Texas Republican, believing the railroad issue to be the central issue in the election, withheld their endorsement. With the election only two months away, E. W. Cave editor of the Nacogdoches Chronicle, bitterly opposed to Pease's "monstrous scheme of taxation and speculation," suggested either George W. Smyth or Lieutenant-Governor David C. Dickson as possible candidates for governor.\textsuperscript{42} Robert W. Loughery of the Marshall Texas Republican had no objection to either man, but did hope that someone would oppose Pease, whom he now regarded as a "sectional man," prejudiced in favor of
Galveston and the Gulf coast.\textsuperscript{43}

With the Democratic party lacking formal nominations for the August state elections, the state's Democratic press divided in their support for Governor Pease, and the official chairman of the Democratic Central Committee, editor John S. Ford, not only opposed to Pease's railroad plans but openly espousing Know-Nothing principles, there was the very real possibility that an opposition ticket which could unite old Democratic foes and new Democratic dissidents might sweep that party from control of the state government. Such was the situation when delegates from various parts of Texas assembled at Washington-on-the Brazos on June 11 at the call of the Brazoria River Improvement Association, ostensibly "to devise ways and means for the improvement of our navigable rivers."\textsuperscript{44} Representatives from some forty counties assembled on the appointed day, elected G. W. Jowers as their chairman, and listened to speeches by John Sayles of Washington, Lemuel D. Evans of Marshall, A. M. Lewis of Brenham, former-Governor George T. Wood of Polk City, and others. A correspondent of the Galveston \textit{News} present at the meeting was impressed by the large number of delegates from East Texas and the general dislike manifested for Governor E. M. Pease and his internal improvement letter. He suspected that "snags in the way of the Gubernatorial Chair of Texas" concerned more gentlemen at the gathering than snags in the rivers of Texas:
... One thing is certain, there were many there who would not have gone, if the Convention had been called by what I think would be a more appropriate name, vis: a Know Nothing Convention. 45

Almost certainly at least some of those attending the River Improvement Convention were there for political purposes that went far beyond dredging the Brazos. Before leaving Washington, these dissidents nominated a slate of candidates for the August state election. 46 Nominated for governor was David C. Dickson, who had been recommended for re-election as lieutenant-governor by the Democrats in April but who had publicly disagreed with Governor Pease in regard to internal improvements. 47 Nominated for lieutenant-governor was G. W. Jowers of Palestine; for commissioner of the General Land Office, incumbent Stephen Crosby of Austin; for congressman from the Eastern District of Texas, Lemuel Dale Evans of Marshall; and congressman from the Western District, John Hancock of Austin. 48 Whether these nominations were actually made by members of the American or Know-Nothing party is not certain, but it is strongly suggested by the fact that such newspapers as the Austin State Times and the San Antonio Herald, which publicly supported the American party, almost immediately endorsed these nominations. 49 In placing the names of the candidates on the masthead of the Times, John S. Ford wrote:

We deem it unnecessary to say anything in regard to the candidates whose names appear in this day's paper at the present time, except that they are good men and true. If better democrats have lived in Texas, it was before our time. 50
Oran M. Roberts later wrote that Texas Democrats awoke that summer of 1855 to find that citizens of all shades of political opinion had been drawn quietly and noiselessly into the secret societies of the Know-Nothing order and that the effect of this discovery was like that of a peaceful, sleeping family being awakened in the middle of the night to find their house on fire. If this was the case, then the man who first sounded the fire alarm, who first aroused Texans from their political slumber, was John Marshall, editor of the Texas State Gazette. On June 16, just five days after the opening of the Washington convention, Marshall issued a stirring call for Travis County Democrats to meet that very afternoon to re-affirm their support for Governor Pease and to organize for political battle.

The June 23rd issue of the Gazette heralded the "Great Meeting of the Unterrified Democracy" and the "Bombshell Thrown into the Know-Nothing Camp." Marshall explained that at the June 16th meeting Governor Pease declined to consider the State Plan an issue in his campaign for re-election. The only issue, argued John Marshall, was Know-Nothingsm. He charged that Know-Nothings, acting on instructions from Sam Houston, had assembled in a grand, mid-night council on June 11 and 12 and nominated a full slate of candidates for the August state elections. He attacked the secrecy of the Know-Nothings as incompatible with the American character and assailed their religious
intolerance. But his most telling argument was the claim that Know-Nothings in the North were secretly allied with Yankee free-soilers. He denied that Know-Nothingism represented a conservative force to silence abolitionist agitation, as many of its supporters in Texas believed. Know-Nothing leaders would knowingly bind North and South at the cost of sacrificing "Southern rights." He called all "honest men" to protect their own homes and firesides by coming out from the odious secret order and rallying around the time-honored principles of the Democratic party.

Across the street from the Gazette at the office of the Times, "Rip" Ford viewed the Democratic "Bombshell" meeting differently. Although he did not attend, he regarded the promoters of the meeting as entirely too "newly-fledged as a part of the great unterrified democracy" for him to put much faith in them. On the contrary, he charged that the "prime movers" were "the ring-leaders of a little gang of forty-three Know Nothing recusants who desire office, but whom "Sam" had determined not to swallow." The old soldier-editor did, however, think that the appellation "bombshell" was appropriate:

The bombshell is filled with sulphur and other noisome and destructive materials, which may even indicate the ill feelings within the bombshell's, and the unhappy and dangerous state of excitement which their denunciations have tended and shall tend to arouse in an otherwise peaceful and quiet [sic] community.

John Marshall, undisturbed by Ford's opinions, kept
"the shrill scream of the bombshell" before his readers. On June 30, at the request he said of Democratic friends, Marshall personally nominated former Speaker of the House of Representatives Hardin R. Runnels for lieutenant-governor. Runnels, a Bowie County planter and native Mississippian, was an outspoken advocate of Southern resistance to Northern encroachments upon slavery. Furthermore, he argued repeatedly that the only real issue now was the threat to the integrity of the Democratic party by the abolition-tainted Know-Nothings who stood ready to compromise Kansas to the free-soilers.56

Editor John S. Ford continued to ridicule Marshall and his friends. When Henry E. McCulloch, a candidate for the State Senate whom John Marshall had previously endorsed, came out in favor of the Know-Nothing proposal to extend the resident requirement for aliens from five to twenty-one years, Ford wrote sarcastically:

... Ah, Henry, you'll suffer for it. Who do you expect will recommend you to the people now, you uncouth specimen of a Ranger? ... You're unendorsed and have angered the big gun of the piebald democracy .... You ranging, Indian-killing, beef-eating, rough sample of semi-civilization, how dare you treat the patronizing kindness of Major Marshall with such black ingratitude!57

But even Ford was forced to admit that Texas had never before witnessed such a political campaign:

A tide of new men, and with them new measures have been constantly rolling into Texas; and much of the primitive patriotism of the country is supplanted by a set of politicians who know but little, and care but little, about the hardships of the men of
former day, except so far as an allusion to their deeds can enhance their own base designs.\textsuperscript{58}

Despite Ford's efforts to belittle the propaganda feats of the \textit{Gazette}, the dramatic editorials of John Marshall had a decisive effect upon the gubernatorial campaign of 1855. Not only did he encourage Democrats to put aside their differences on internal improvements in order to defeat the opposition ticket, but he forced Texas Know-Nothings on the defensive in regard to their loyalty to the South and the institution of slavery. Democratic newspapers, such as the Clarksville \textit{Standard} and the Marshall \textit{Texas Republican}, formerly opposed to Governor Pease, now rallied to his defense in order to defeat the Know-Nothings. Democrats M. T. Johnson and George T. Wood, only recently announced for governor, withdrew from the race. Mass meetings were held in numerous towns to rally the Democrats in support of Pease against Dickson.\textsuperscript{59}

In the face of rising Democratic opposition, the candidates allegedly nominated by the Know-Nothings repeatedly denied that they were either members of that party or were running on its ticket. They claimed that they were Democrats and were running as such in the absence of any formal Democratic nominations.\textsuperscript{60} Dr. David C. Dickson shrewdly charged that the claim that he was a candidate of the Know-Nothings was made with the "designing and sinister purpose of diverting public
attention from the true issue by raising a false one." Lemuel D. Evans, candidate for Congress from the Eastern District of Texas denied any connection with the Know-Nothings, claiming that he ran as a "Jackson Democrat" and accusing his opponent, Matt Ward, of having been himself nominated by a secret conclave composed of Wigfall, Loughery, and Henderson. Evans said this "set of fire-eaters" had never forgiven him for the course which he took in favor of the Compromise of 1850.

In response to dramatic, if slanted and racist, appeals of the Democratic press, party lines began to be drawn tight in Texas for the first time. Prominent political figures were forced by public opinion to take a definite stand on the Know-Nothing issue. Senator Thomas J. Rusk, in an open letter to J. Pinckney Henderson, O. M. Roberts, F. W. Bowdon, R. W. Loughery, and other East Texas democrats, denied that he was a Know-Nothing, though he confessed that as a Senator his concern had been for Texas rather than national politics. In sharp contrast to Rusk, Senator Houston, in a letter from his home at Independence on July 24 announced what he had hinted at in Washington, D. C., his embrace of American party principles. He defended the morality of secret organizations, noting that George Washington had belonged to the Cincinnati Society and Andrew Jackson, to the Tammany Society. He denounced once more the Pierce administration for renewing sectional agitation, and declared, "I believe
the salvation of my country is only to be secured by adherence to the principles of the American Order." Thus the old Houston, anti-Houston split continued to characterize Texas politics in 1855 as it had in 1836; but the official labels were now American party versus Democratic party.

Despite Sam Houston's identification with the American party and his endorsement of David C. Dickson, the Democratic party carried the August sixth state elections. Governor Pease defeated Dickson by 7,237 votes out of some 43,000 cast; Runnels defeated Jowers for lieutenant-governor by 3,250 votes out of 36,000 cast. Furthermore, Democrats captured two-thirds of the seats in the state Legislature and swept the municipal election in the Know-Nothing stronghold of San Antonio. There was no doubt that the Democratic party, divided over the issue of internal improvements though it was and challenged by the Know-Nothings as they had never been by the Whigs, had nevertheless triumphed. More importantly, it was not the conservative, union-oriented "democracy" of Sam Houston or John S. Ford that was now in ascendancy, but the sensitive, South-oriented, resistance-minded "democracy" of John Marshall, W. S. Oldham, Hardin R. Runnels, Guy M. Bryan, Robert W. Loughery, Louis T. Wigfall, and J. P. Henderson.

Only four days after the August elections, John Marshall wrote Senator Rusk about his plan for a large,
mass meeting of the Democracy on the eve of the new session of the Legislature. On August 25 he published the call for a mammoth barbecue on November 3 to commemorate the "glorious victories recently achieved over the secretly marshalled forces of the ubiquitous SAM." The call was signed, among others, by George W. Paschal, S. M. Swenson, and A. J. Hamilton of Austin, Sam Maverick and I. A. Paschal of San Antonio, T. N. Waul of Gonzales, and M. M. Potter, Lorenzo Sherwood, and John Henry Brown of Galveston.

On the day appointed for the Democratic celebration, Austin was "a moving mass of human being." As many as six thousand watched a long procession wind down Congress Avenue, headed by Governor Pease and his staff and accompanied by musical bands and American flags flying over the heads of horsemen and carriages. The day featured a barbecue, the firing of cannon, the cheering of speeches, and great rejoicing over the downfall of Know-Nothings. According to Marshall, nothing occurred to mar the harmony of the day. He predicted that from that day forth, the Democracy would be organized over the whole state and would act as a unit in every coming election.

Meanwhile, the American party, having cast aside its veil of secrecy in Texas and buoyed by the public endorsement of Sam Houston, announced their own celebration for November 23. An estimated three thousand persons, including delegations from San Antonio, Gonzales, Seguin, Bastrop, and Washington, gathered for dinner at University
hill on the appointed day, which was marred by cold, rainy weather. Afterwards, General Houston, the special guest for the occasion, spoke for some two and a half hours. Houston reviewed his stand on the Compromise bills of 1850 and the Kansas-Nebraska Act of 1854, noting that it decidedly did not suit the present leaders of the Democracy in Texas, the majority of whom, he claimed, were disunionists intent on ruining the country. He described himself as a Jacksonian Democrat who had adopted the principles of the American party, the only party which could maintain the perpetuity of their free institutions.

The following day Austin witnessed its second parade of the month. One wagon carried a portrait of George Washington while another carried young girls dressed in tricolor bearing a shield representing the several states of the Union. A grand ball that evening at the Capitol capped the American party's two-day celebration.

On October 13 the Gazette called for the Legislature to express itself plainly upon Houston's opposition to the Kansas-Nebraska Bill. This was an issue, Marshall urged, which the Know-Nothings must not be permitted to dodge: "The votes tell who are for and who against abolitionists. No speculation about 'furriners.' Come to the mark." When the Sixth Legislature assembled, it soon became clear that the Democrats had a two-to-one majority in each house, and intended to force a vote on the Nebraska Bill, as Marshall had admonished.

On November 17 the
Senate unanimously adopted a resolution introduced by
M. M. Potter of Galveston supporting the Kansas-Nebraska
Act as "a measure founded in the true spirit of the federal
constitution . . . and of vital importance to the southern
States of the confederacy, as well as the permanent peace
of the nation." The House adopted a similar resolution,
specifically approving the vote of Senator Rusk for the
Kansas bill and disapproving that of Senator Houston, by
a vote of seventy-four to three. The only defense of
Houston came from Representative Charles Cleveland of
Liberty, who questioned the sincerity of some members,
alleging that the real motive for the resolution of censure
was not Houston's vote on the Kansas Bill but his work
for the Know-Nothing party.

One of the first votes taken in the Sixth Legisla-
ture was for the election of a public printer, a vote
which was to have tremendous influence on the course of
party politics in Texas for the next six years. It was
customary to select the state printer from the newspapers
at the capital. With the defeat of the Know-Nothings,
backed by John S. Ford of the Texas State Times, Marshall
and Oldham obviously expected to be rewarded for their
party labors by a Democratic Legislature with the public
printing contract. The owners of the Gazette even went
to heavy expense to provide themselves with a new power
press, new type, and a large supply of paper. The
Gazette did win the contract but not without a fight.
The combined vote in both houses was sixty for Marshall and Oldham to fifty-four for J. W. Latimer, editor of the Dallas Herald, a Democrat whom some regarded as a stand-in for Ford and the State Times. Latimer received the support of all thirty-eight Know-Nothings in the Legislature, ten Democrats, and two Whigs, according to the Gazette. The victory assured Marshall and Oldham of financial stability, if not success, and made certain the role of the State Gazette as the leading spokesman for the Democratic Party in Texas.

A third significant development in the State Legislature in November, 1855, concerned Lorenzo Sherwood, newly elected representative from Galveston. Sherwood's name at that time was practically synomous with the State Plan for railroad construction supported by Governor E. M. Pease. In an address before the House early in the session on the Kansas resolutions, Sherwood expressed the view that the United States had sovereignty and jurisdiction over the territories and shocked his colleagues even further by approving the idea that slavery could be morally wrong and practically right. The hostile reaction to Sherwood's inopportune speech was immediate. Ashbel Smith, representative from Harris County, took the floor to argue that no clause in the Constitution gave Congress the right to legislate upon the subject of slavery in the territories, the common property of the people of every state in the Union, and that the
institution of slavery was right and just both in the "abstract" and the "concrete." 84

Sherwood's remarks, bitterly condemned by most of the newspapers of the state, were an unexpected godsend to those legislators who opposed the State Plan. Instead of the legislative leader of those attracted to the program, Sherwood became almost overnight "a dead weight," "politically defunct." 85 When his own constituents refused to permit him to defend himself in a July, 1856 speech in Galveston, Sherwood resigned from the Legislature, taking with him any chance that the system of internal improvements which he and Governor Pease supported might somehow become a reality. 86

At the Democratic barbeque in Austin in November, a resolution was adopted urging each Texas county to send delegates to the state convention that would meet in Austin on January 16, 1856 to select delegates to the national convention, elect presidential electors for the state, and nominate a ticket for the state elections in August. When the convention assembled in the Hall of the House of Representatives on the evening of January 15, Colonel Matt Ward of Cass County was elected president. Whereas the attempt to hold a state convention the previous April, despite the fact that 1855 was a gubernatorial election year, had drawn delegates from only twelve counties, this convention saw over two hundred men present and ninety-nine counties in the state represented by regularly appointed
or proxy delegates. 87

In contrast to the 1852 Democratic convention, the state-rights wing of the party was in complete control of the convention in 1856. A platform was adopted which acclaimed the Kansas-Nebraska Act as "a triumph of the constitution over fanaticism and sectional madness" and condemned Senator Houston's vote on the Kansas bill "as not in accordance with the sentiments of the Democracy of Texas." President Matt Ward closed the convention with the announcement of a new Central Committee of twenty-four, to be chaired, not unexpectedly, by the editor of the Austin Texas State Gazette, John Marshall. 88

Marshall, in introducing the proceedings of the convention to his readers on January 19 wrote:

We can now date the thorough organization of the Democratic Party of the State of Texas. The Convention held on the 16th, 17th, and 18th of January, was one of the largest ever held in Texas, and will compare for numbers, respectability, and talent with any convention we have ever attended in our sister states. 89

Francis R. Lubbock, who served as secretary of the convention, later wrote that up to 1856 there were usually as many candidates for political office as chose to run, but from that date forth principles, not personalities, were to determine Democratic success. 90 The Houston Telegraph, which in 1844 had bemoaned the fact that in Texas "measures" had no part in party distinction, praised the 1856 Democratic convention, agreeing that "measures, not men" was now the maxim of the party. 91
The relatively calm political climate of Texas in 1846 had by 1856 grown dark and stormy, buffeted by the ever-increasing wind of sectional debate over slavery in the American territories.\textsuperscript{92} The change was apparent not only to old Texans like John Ford and Sam Houston, who spoke disparagingly of the "new-fangled doctrines" advocated by opportunistic newcomers to Texas, but to George S. Denison, a young school teacher from Burlington, Vermont, who settled in San Antonio late in 1854. Denison immediately liked what he saw in Texas. In April, 1855, he was convinced that there was greater freedom of opinion and expression in that part of Texas than he had ever known elsewhere:

\begin{quote}
A man can state and advocate any opinion the truth of which he is convinced, and not be subjected to abuse or ridicule or persecution therefor. Compared with these people, the descendants of the Pilgrims are really intolerant . . . .\textsuperscript{93}
\end{quote}

Less than a year later, however, Denison had radically changed his mind about Texas. In politics, he believed, Texas was the "worst state in the Union," where "the very fanaticism of Democracy" ripened and slavery was "the grand Golden Calf" to be worshiped by all. He was convinced that most Texans were confirmed disunionists and cared no more about the United States than they did about "Beloochistan" [sic] or Abyssinia.\textsuperscript{94}

Denison was wrong, for many Texans in 1856 did care and care very deeply about the Union. Their devotion to that Union would be severely tested in the next five
years, however, for they cared equally for their homeland and the way of life which they shared with their neighbors in the South.
CHAPTER II NOTES

1Speech by Sam Houston, "Opposing the Nebraska-Kansas Bill, March 3, 1854," The Writings of Sam Houston, Vol. V, pp. 504-522.

2Texas State Gazette (Austin, Texas), March 25, 1854.

3Standard (Clarksville, Texas), June 17, 1854

4Texas State Times (Austin, Texas), June 3, 1854.

5Telegraph (Houston, Texas), n.d., as quoted by the Texas State Gazette (Austin, Texas), May 13, 1854.


7As Ben Procter notes, both slaveholders and Unionists flocked to the Native American banner in Texas. Many were former Whigs but the great mass of those who became Know-Nothing were probably formerly affiliated at least nominally with the weak, apathetic Democratic party. See Ben H. Procter, Not Without Honor: The Life of John H. Reagan (Austin: University of Texas Press, 1962), p. 90.

8W. Darrell Overdyke, The Know-Nothing Party in the South (Baton Rouge: Louisiana State University Press, 1950), p. 62. In 1860 there were 43,422 foreign-born persons living in Texas, just over ten per cent of the total population. It is estimated that two or three times that number were first-generation Americans. See Seymour V. Connor, Texas: A History (New York: Thomas Y. Crowell Co., 1971), p. 174.


11 Texas State Gazette (Austin, Texas), June 17, 1854.


13 Texas State Gazette (Austin, Texas), June 24, 1854.


15 Laura Wood Roper, "Frederick Law Olmstead and the Western Texas Free-Soil Movement," American Historical Review, LVI (October, 1950), p. 59

16 Ibid., p. 61.

17 Texas State Gazette (Austin, Texas), June 9, 1855.

18 Texas State Times (Austin, Texas), May 19, 1855.


20 Standard (Clarksville, Texas), November 18, 1854.


22 Letter of Hon. Thomas J. Jennings to Hon. J. S. Devereaux and Others, of Rusk County (Austin: Marshall and Oldham, 1856), a pamphlet in Julien S. Devereaux Papers (Archives, University of Texas Library, Austin); Statement by F. M. Gibson, Columbus, Texas, June 29, 1856, in The Democrat and Planter (Columbia, Texas), July 8, 1856.

23 In the fall of 1852 Ford purchased the Austin Southwestern American. Early in 1853 he and Captain Joe Walker established the Texas State Times, which he termed the largest weekly in the State except for the Galveston News. Since the plant of the Texas State Gazette was located directly across Congress Avenue from Ford's office, the scene was set for almost inevitable rivalry between the two papers. Ford wrote in his memoirs: "Two newspaper

24 Ibid., p. 211.
25 *Texas State Times* (Austin, Texas), October 21, 1854.
26 Ibid., October 28, 1854.
27 Ibid., February 10, 1855.
28 Ibid., March 30, 1855.
29 *Texas State Gazette* (Austin, Texas), April 21, 1855.
30 Ibid., August 12, 1854.
31 Ibid., March 3, 1855.
33 Rober A. Griffin, "Governor E. M. Pease and Texas Railroad Development in the 1850's," *East Texas Historical Journal*, X (Fall, 1972), p. 103.
35 Ibid., p. 163.
36 E. M. Pease to Galveston Corresponding Committee, Austin, Texas, April 3, 1855, Lorenzo Sherwood Scrapbook (Rosenberg Library, Galveston, Texas).
37 John Marshall, back in Austin after his return from Huntsville, must have been trying to reassure himself as well as Texas Democrats when he wrote: "The democracy are evidently a unit in Texas, and when necessary to be called out, will come forth in overwhelming numbers." See *Texas State Gazette* (Austin, Texas), April 18, 1855.
38 Writings of Sam Houston, Vol. VI, p. 151. Houston's attitude toward the Know-Nothings did not go unnoticed in Texas, though it did not spur his opponents to immediate action. E. H. Cushing, editor of the Columbia Democrat acknowledged on February 27, 1855, rumors to the effect that the Know-Nothings were fast gaining ground, that they were bound to elect the next president,
and that that man would be Sam Houston. Cushing admitted that some voters in Texas would vote for Houston regardless of what party put him forward, but he deprecated the prospect of the Know-Nothings, which he described as "a wretched cabal of aspiring demagogues" whose pretended hatred of foreigners was but a way to get into public office. See The Democrat (Columbia, Texas), February 27, 1855.

39 Texas State Times (Austin, Texas), May 26, 1855.

40 Ibid., June 9, 1855.

41 Weekly News (Galveston, Texas), July 17, 1855; Texas State Gazette (Austin, Texas), April 28, 1855.

42 Clipping from the Chronicle (Nacogdoches, Texas), n. d., Lorenzo Sherwood Scrapbook.

43 Texas Republican (Marshall, Texas), June 16, 1855.

44 Weekly News (Galveston, Texas), June 5, 1855.


46 Tri-Weekly Telegraph (Houston, Texas), June 18, 1855. Dr. John Hannay of Galveston, vice-president of the Washington meeting of the River Improvement Association, vigorously denied that the meeting officially made such nominations, but he did admit that it was rumored in the streets of Washington that a Know-Nothing convention was to take place about the same time as the river improvement meeting. See Weekly News (Galveston, Texas), June 16, 1855.

47 D. C. Dickson to Guy M. Bryan, Anderson, Texas, August 20, 1855, Guy M. Bryan Papers.

48 Texas State Times (Austin, Texas), June 30, 1854.

49 Ibid., June 23, 1855; Herald (San Antonio), July 10, 1855.

50 Texas State Times (Austin, Texas), June 23, 1855.


52 Texas State Gazette (Austin, Texas), June 16, 1855.

54 Texas State Gazette (Austin, Texas), June 23, 1855.
55 Texas State Times (Austin, Texas), June 23, 1855.
56 Texas State Gazette (Austin, Texas), June 30, 1855.
57 Texas State Times (Austin, Texas), July 12, 1855.
58 Ibid., June 30, 1855.
59 Standard (Clarksville, Texas), July 7, 1855; Texas Republican (Marshall, Texas), July 14, 1855. Marshall's efforts to define party lines did not meet with total success. The Nacogdoches Chronicle and the Houston Telegraph refused to accept the contention that the State Plan was no longer an issue. The Telegraph stated on July 6 that if the Gazette supposed that every paper which opposed Pease or supported Dickson was a Know-Nothing, it would find its mistake before the August election. The Telegraph supported Dickson, not as a Know-Nothing, but as an uncompromising opponent of what it termed "the Galveston bubble." See Tri-Weekly Telegraph (Houston, Texas), July 6, 1855.

60 D. C. Dickson to Guy M. Bryan, Anderson, Texas, August 20, 1855, Guy M. Bryan Papers; Roberts, "The Political, Legislative, and Judicial History of Texas," p. 38; Texas State Gazette (Austin, Texas), June 30, 1855; Standard (Clarksville, Texas), August 11, 1855.
61 Texas State Gazette (Austin, Texas), July 18, 1855.
63 Thomas J. Rusk to J. Pinckney Henderson and others, Nacogdoches, Texas, July 13, 1855, Thomas J. Rusk Papers.
64 Sam Houston to "Gentlemen," Independence, Texas, July 24, 1855, Writings of Sam Houston, Vol. VI, pp. 192-199. Quotation is on page 198.

65 Bell won re-election to Congress from the Western District over John Hancock by a substantial majority of 4,448; but in the Eastern District, alleged Know-Nothing candidate Lemuel D. Evans defeated Matt Ward by only thirty-one votes in a disputed contest which was not finally resolved until November. Stephen F. Crosby, who received support from both parties, was re-elected as Commissioner of the General Land Office by some 850 votes. See Texas State Gazette (Austin, Texas), September 15, 1855; Texas Republican (Marshall, Texas), October 20, November 24, 1855.

66 Overdyke, The Know Nothing Party in the South, p. 117; Herald (San Antonio, Texas), August 14, 1855.

67 The Democratic party achieved its victory because it was able to win a majority of the German and Catholic voters, who had been offended by the nativist attacks of the Know-Nothings, while at the same time retaining a majority of the Protestant, working class voters, who were just becoming anxious about the status of Southern slavery in view of increasing abolitionist agitation. See Lipset and Raab, The Politics of Unreason, pp. 59-61.

68 A bloodless coup took place in the leadership of the Texas Democratic party during the summer of 1855. Although many had a part, I believe that John Marshall, as editor of the only indisputably Democratic newspaper at the state capital, was the prime mover in this "revolution." I have emphasized the political differences between Ford and Marshall, but one should not underestimate the significance of such personal considerations as the intense rivalry between the Texas State Gazette and the Texas State Times, the opportunity which Marshall must have foreseen to assure financial independence for the struggling Gazette by winning the public printing contract from the State Legislature, and the excellent possibility that he might be able to take up the reins of party leadership in the Democratic Central Committee, which were voluntarily relinquished by John S. Ford in the latter's support of the American party.

69 John Marshall to Thomas J. Rusk, Austin, Texas, August 10, 1855, Thomas J. Rusk Papers.

70 Texas State Gazette (Austin, Texas), November 5, 1855.
71 Lucadia C. Pease to her sister Juliet [ ], Austin, Texas, November 14, 1855, E. M. Pease Papers.

72 Texas State Gazette (Austin, Texas), November 5, 1855.

73 Frank Brown, "Annals of Travis County and the City of Austin from the Earliest Times to the Close of 1875" (Unpublished Typescript, Austin Public Library, Austin, Texas), Chapter XVII, pp. 26-29.

74 Texas Republican (Marshall, Texas), December 15, 1855.

75 Ibid.

76 Texas State Gazette (Austin, Texas), October 13, 1855.

77 Texas Republican (Marshall, Texas), December 15, 1855.


80 Friend, Sam Houston, The Great Designer, p. 242. Litha Crews suggested that the near unanimity of this vote foretold the extinction of the American party in Texas due to the slavery question which was becoming all important. See Crews, "The Know Nothing Party in Texas," p. 130.

81 Texas Republican (Marshall, Texas), December 15, 1855.

82 Texas State Gazette (Austin, Texas), November 6, 1855.

83 Ibid., November 20, 1855.

84 Ashbel Smith to J. D. DeBow, Evergreen, Galveston Bay, Texas, February 22, 1856, Ashbel Smith Papers (Archives, University of Texas Library, Austin).

85 The Herald (Dallas, Texas), June 7, 1856.

87 Winkler (ed.), Platforms of Political Parties in Texas, p. 64.


89 Texas State Gazette (Austin, Texas), January 19, 1856.

90 Lubbock, Six Decades in Texas, p. 199.

91 Telegraph (Houston, Texas), n.d., as quoted in Texas State Gazette (Austin, Texas), February 23, 1856.

92 Austin merchant S. W. Swenson reported after a business trip to New York in 1855 that he could foresee the day when "the store of the Southern merchant, who deals in the fabrics of Massachusetts, will be deserted by our planting community." See The Democrat and Planter (Columbia, Texas), January 29, 1856.


94 George S. Denison to Eliza Denison, San Antonio, Texas, January 12, 1856, ibid.
PART II. CROSSROADS AT THE CAPITAL:
JOHN MARSHALL AND GEORGE W. PASCHAL, 1856-1861
CHAPTER III

PERSONAL AND POLITICAL BACKGROUND

On August 19, 1856, the first issue of a new Democratic newspaper, the Southern Intelligencer, appeared on the streets of Austin, taking its place beside the popular Texas State Gazette. The Intelligencer, with offices on Hickory Street in the new Swenson Building, was published by William Baker and Irving Root and was edited by George W. Paschal.\(^1\) Paschal pledged in the initial issues of the weekly paper that the Intelligencer would stand upon the "great principle of National Democracy" and oppose all "proscription," either political or religious.\(^2\)

George W. Paschal, editor of the Southern Intelligencer, and John Marshall, editor of the Texas State Gazette, seemed to share much in common in 1856. Like most other Austinites, neither Paschal nor Marshall was a native Texan. Both were lawyers and accomplished writers; both were in their mid-forties and had been ardent supporters of the Democratic party all their adult lives. Both men vigorously opposed Sam Houston and the Know-Nothing movement in Texas in 1855, and both worked

63
for the election of James Buchanan as president in 1856.

There were dissimilarities between Paschal and Marshall, however, which may not have been so apparent. Paschal was a successful attorney, with long experience in the legal labyrinth of disputed land titles in Georgia, Arkansas, and Texas. Journalism was for him but an interesting avocation and a useful tool for the legal profession in the absence of regularly published court reports.\(^3\) John Marshall, on the other hand, while he had dabbled in farming and brickmaking, as well as law, was primarily a political journalist. He had some seventeen years experience editing newspapers in Louisiana, Mississippi, and Texas. Furthermore, although both men were Democrats, Paschal drew his political inspiration from the nationalist and Southerner, Andrew Jackson; John Marshall, from the Southerner and one-time nationalist, John C. Calhoun.

In the succeeding months commonalities between George Paschal and John Marshall were to be all but forgotten in the wake of political and editorial differences which would lead the two to the brink of violent confrontation.

George W. Paschal spent his formative years in Georgia. Born at Skull Shoals in Green County on November 23, 1812, he was raised in a large family where education was the only real treasure. His father, a brilliant man who never quite succeeded as a merchant, inn-keeper, or school teacher, taught his son that honest labor was a virtue in any social class.\(^4\) Paschal received a good
education at home and at the State Academy in Athens before leaving for Lexington in 1832 to study law with Colonel Joseph Henry Lumpkin, later Chief Justice of the Georgia Supreme Court. He was admitted to the Georgia bar on July 25, 1832.5

In 1832 there began a chain of events which led Paschal away from his native Georgia. While serving in the militia as an aide to General John E. Wool during difficulties with the Cherokee Indians, Paschal met and married Sarah Ridge, daughter of John Ridge, one of the chiefs of the Cherokee nation. In 1837 he joined Sarah and her people along the "trail of tears" to Arkansas, where he opened a law practice in the village of Van Buren in Benton County.6 Just five years later Paschal was elected Associate Justice of the Arkansas Supreme Court by the state legislature. He served but one year of an eight-year term before resigning to represent the Cherokees in their claims against the United States, claims which culminated in 1846 with the Treaty of Amnesty by which the Indians were paid over two million dollars in indemnities.7

Following the annexation of Texas to the United States, Paschal moved his family to the new state, settling down to practice law in Galveston in 1846. He was admitted to the Supreme Court of Texas on December 28, 1847, and formed a partnership with his older brother, I. A. Paschal, who had preceded him to Texas in 1845. George maintained
his office in Galveston, while his brother continued his own office in San Antonio.

Unfortunately, Paschal's marriage did not prosper as well as his law practice. Perhaps his marriage to a full-blooded Indian was viewed less sympathetically in Texas than it had been among his wife's own people in Georgia or Arkansas. Whatever the reason, Paschal divorced his Cherokee wife in 1852 and moved to the frontier village of Austin, leaving Sarah and their three children in Galveston.  

A contemporary of Paschal once described him as a calm, dignified, intellectual teetotaler. If Paschal did not share most Texas lawyers' inclination toward the bottle, he did share their intoxication with politics. He had cast his first ballot for Andrew Jackson in 1832. In 1844 he supported "Polk and Dallas, Oregon and Texas," while in 1848 he took the stump in Texas for Lewis Cass. He claimed that he wrote more for the cause of Franklin Pierce in 1852 than any other citizen in Texas. Paschal sought public office for himself, however, only once when he ran unsuccessfully for state attorney-general in 1850. Unlike many Texas Democrats, Paschal did not desert his party in 1854 or 1855 in favor of the Know-Nothings. Rather he joined John Marshall, W. S. Oldham, J. Pinckney Henderson, Louis T. Wigfall, Charles DeMorse, R. W. Loughery, Willard Richardson and others to put down the Know-Nothing challenge to Democratic control in Texas. His labors
in behalf of his party were acknowledged at the state
Democratic convention in January, 1856 with his appoint-
ment to the twenty-five member Democratic Central Committee.12

In contrast to George Paschal, little is known about
the early life of John Marshall. He is said to have been
born in Charlotte County, Virginia, about 1812.13 Nothing
is known about his formal education, although his skill
as a writer suggests that he was extremely well-read.
Marshall moved to Louisiana as a young man and there began
a career in journalism sometime in 1832.14 By January,
1844, he had become associated with the Southern Reformer
of Jackson, Mississippi, as assistant and acting editor.15

After his move to Jackson, Marshall quickly became
active in the civic and cultural life of the Mississippi
capital. He served on a committee to arrange for the
celebration of Independence Day in 1844. He was elected
corresponding secretary for both the Mississippi Institute
for the Promotion of Science and Useful Knowledge and a
group interested in establishing a public school in that
city.16 His principal interests, however, were political.
He took an active part in the local Texas Association,
an organization formed to encourage the annexation of
Texas to the Union. In April, 1844, he assisted in the
organization of the Democratic Association of Jackson,
and he served as secretary for the state Democratic
convention which met in Jackson in July, 1845.17

One can recognize in John Marshall's editorials
for the **Southern Reformer**, the earliest surviving samples of his thought, characteristics which would mark his writing and influence his political course in Texas.\(^{18}\) The sectional debate over the annexation of Texas gradually led Marshall to the conviction that an ever-increasing group of Yankee fanatics were determined to overthrow slavery at any price. The South's only hope for political, economic, and social preservation, he believed, lay within the Constitutional principles espoused by the Democratic party. On the eve of the presidential election of 1844 Marshall wrote:

> We cannot for a moment divine the utility of whig [sic] principles in the south . . . . The more they are advocated the clearer it appears that there is an evident conspiracy, first against the slave institutions of the south, and secondly, its pecuniary interests. The whole might be summed up in the abolition of slavery and the pensioned support of northern manufacturers.\(^{19}\)

In view of such a threat, Marshall believed that a vigilant press was vital to the security and safety of the South. That press should not merely reflect public opinion, but should seek to shape it. The press, he maintained, was the only effective means to produce a deep, thorough, permanent reform in the "social relations of life."\(^{20}\)

John Marshall left the **Southern Reformer** unexpectedly in August, 1845, announcing that his health demanded a respite from his editorial duties. He took this opportunity to print a tribute from several friends, including such prominent Mississippi political figures as Henry S. Foote, Powhatan Ellis, A. G. Brown, John A. Quitman, and
John J. McRae, which lauded his devotion to the Democratic cause and proclaimed that "seldom has any paper in the Southwestern states acquired so much reputation in so short a time."\textsuperscript{21}

Little is known of Marshall's activities between 1845 and 1849 except that for a number of years he worked for the Treasury Department in Washington, D. C., under the direction of Treasury Secretary and fellow Mississippian, Robert J. Walker.\textsuperscript{22} Walker's attention may have first been drawn to the young journalist when Marshall introduced a resolution at a large assembly in Jackson called to celebrate the news of Texas' annexation to the Union. That resolution had assigned credit for the "glorious" event to then United States Senator Robert J. Walker and had been unanimously accepted.\textsuperscript{23}

With inauguration of a Whig administration in Washington in 1849, John Marshall returned to journalism by purchasing half-interest in the Jackson Mississippian in June, 1849. He assumed the post of acting editor of the paper, then recognized as the primary organ of the Mississippi Democratic party.\textsuperscript{24} Marshall also resumed the active role he had exercised in the Mississippi Democratic party prior to 1846, being named to the Central Executive and Correspondence Committee at the state convention in Jackson on June 18, 1849.\textsuperscript{25}

Opposition to the annexation of Texas in 1844 convinced John Marshall that there was a criminal conspiracy
to destroy slavery. Now events relating to the Compromise of 1850 led him to the further conclusion that the only permanent protection for the rights, honor, and safety of the South lay outside the bonds of national union. Marshall pronounced Senator Henry Clay of Kentucky a traitor who would deceive the South with the "soothing music" of peace, union, and compromise. He claimed that if slavery were limited to the boundaries which it enjoyed in 1850, then its destruction was but a question of time. His position as a "proud Mississippian" was an ultimatum to all who opposed slavery: "OUR RIGHTS IN THE UNION, OR OUR INDEPENDENCE OUT OF IT." He was not afraid to meet "the raw-head-and bloody-bones DISUNION face to face." 26 John Marshall was thus prepared as early as 1850 to embrace that final remedy, withdrawal from the Union, which the majority of Southerners would not accept for another decade.

In January, 1851, John Marshall announced the sale of the Mississippian, offering no explanation for his abrupt retirement. 27 He may have sensed that political opinion in Mississippi had not kept pace with the views which he shared with Governor John A. Quitman or other leaders of the States-rights, Southern-oriented wing of the Democratic party. He may have feared that the Mississippian might be a far less profitable publishing venture if moderate Democratic Senator Henry S. Foote were elected governor the following November and the public printing
were to go to a "submissionist" newspaper. The frail health of his wife may have necessitated a change in climate. Whatever his motives, Marshall left Jackson, Mississippi sometime in 1851, and soon made his way, as so many other ambitious men of his time, to Texas, the anticipated "empire state" of the South.

When John Marshall came to Austin for the first time in 1852, the Texas capital was experiencing a population boom. Following a state-wide election in March, 1850, which confirmed Austin as the permanent capital of Texas, the population grew from 628 to more than 3,000 in 1853. Marshall must have impressed the men of Austin as a nervously energetic, serious-minded individual, who though courteous enough to everyone, was rather exclusive in his friendships. His son-in-law remembered him as a rather "undersized" man who always dressed in black and spiced his language with "emphatic cuss words" when he became excited or lost his temper, which was not an infrequent occurrence. Marshall read law for a time with local attorney Williamson S. Oldham, but his chief interest remained journalism. When the opportunity presented itself in the spring of 1854, Marshall purchased the interest of J. W. Hampton in the Austin Texas State Gazette and once again took over the chair as editor of a Democratic newspaper.

Finding Texas Democrats only loosely organized, divided over local issues such as internal improvements,
and seriously threatened by the Know-Nothing movement, John Marshall found himself as editor of the Texas State Gazette in 1855 in a position to act as spokesman for his party. In a day when the newspaper was the only major means of communication, Marshall, as editor of the only undisputable Democratic newspaper at the capital, probably did more to awaken Texans to the Know-Nothing threat and to spur Democrats to organize effectively than any other man. His leadership at this critical time was rewarded and his possibility for further influence institutionalized when Matthias Ward, chairman of the state Democratic convention meeting in Austin in January, 1856, named John Marshall as chairman of the Democratic Central Committee, a position which he would continue to hold until the outbreak of civil war in 1861.34

John Marshall and George W. Paschal apparently enjoyed a cordial political relationship in the mid-1850's. Marshall, for example, praised a speech by Paschal in July, 1855, as "argumentative, eloquent, and dignified," indeed, "among the ablest addresses on the Know-Nothing party that we have yet listened to."35 Both men served as delegates from Travis County to the state Democratic convention in January, 1856, and took active roles in the convention proceedings.36 But once the Southern Intelligencer began publication, the personal, as well as political, relationship between the two editors rapidly began to cool.
CHAPTER III NOTES


2 Southern Intelligencer (Austin, Texas), November 19, 1856.

3 Ibid., August 17, 1859. Paschal wrote that the Intelligencer had been started without consulting friends or "previous heralding." His name did not appear at the masthead, he wrote, because journalism was not his vocation but only a "recreation from heavy professional duties."


5 Hart, "George W. Paschal," p. 25.


7 Hart, "George W. Paschal," p. 25.

8 Scarborough, "George W. Paschal," p. 26. Lucadie Pease, wife of Governor E. M. Pease, reported that public opinion favored Sarah until the fall of 1856 when she married a young man eighteen years of age. The children then came to Austin to live with their father, who married a socially prominent widow named Marcia Duval. See Lucadie C. Pease to Augusta [ ], Austin, October 18, 1857, E. M. Pease Papers.


10 Southern Intelligencer (Austin, Texas), August 3, 1859. As Paschal noted, his vote was "stolen" for he was then still legally a minor.

12Winkler (ed.), Platforms of Political Parties in Texas, p. 68.


14Southern Reformer (Jackson, Mississippi), January 17, 1845.

15Ibid., January 22, 1844. The senior editor of the Reformer at this time was W. M. Smyth.


17Southern Reformer (Jackson, Mississippi), April 13, 1844, July 12, 1845. Among other things, this convention nominated Jefferson Davis for Congress for the first time.

18John Marshall's manner of writing closely approximates what historian Richard Hofstadter once termed "the paranoid style in American politics." Hofstadter used the term to refer to an individual who saw a vast conspiracy as the "motive force in historical events," a militant leader for whom time was forever just running out, for whom the demand for magnified victory lead to the formulation of "hopelessly demanding and unrealistic goals." See Richard Hofstadter, The Paranoid Style in American Politics and Other Essays (New York: Alfred A. Knopf, 1965), p. 4, 29, 30, 31.

19Southern Reformer (Jackson, Mississippi), October 26, 1844.

20Ibid., September 14, 1844. Marshall's view of the press over the succeeding years prior to the Civil War did not change. Referring to the editor of the Marshall Texas Republican in October, 1860, he wrote: "The disposition of Mr. Loughery is to indoctrinate, and, after all, this is the true position of the press." See Texas State Gazette (Austin, Texas), October 13, 1860. Professor Reynolds, in his study of Southern newspaper editors during the secession crisis, concluded that most Southern newspapers reflected public opinion more than they created it, but he correctly points to John Marshall as an exception to this general rule. See Donald E. Reynolds,

21 Southern Reformer (Jackson, Mississippi), August 9, 1845.


23 Southern Reformer (Jackson, Mississippi), July 12, 1845.

24 The Mississippian (Jackson, Mississippi), June 1, 1849; McCain, The Story of Jackson, p. 218, 220.

25 The Mississippian (Jackson, Mississippi), June 22, 1849.

26 Ibid., August 16, 1850.

27 Ibid., January 3, 1851. Marshall did, however, use the occasion to lecture again those he had termed "submissionists" during the political crisis of 1850: "Sooner or later we must all be driven to SUPPORT SINGLY AND ALONE THE RIGHTS OF THE SOUTH! This is our course, and until we unite in one solid phalanx, the encroachments of the North will be steady and unremitting."


29 Marshall's wife, the former Miss Anna P. Newman, daughter of a wealthy cotton planter of Jefferson County, Mississippi, was in extremely frail health. He may have decided that a move to the higher and drier climate of Austin, Texas might be in her best interest. See John Marshall to Mrs. Elizabeth Irvin, Austin, Texas, December 29, 1855, Williamson Simpson Oldham Collection (Archives, University of Texas Library, Austin).


35 Texas State Gazette (Austin, Texas), July 18, 1855.

CHAPTER IV

POLITICAL ACCORD AND DEMOCRATIC SUCCESS, 1856-1857

The year 1856 promised to be of considerable interest to all politically-minded Texans. Texas Democrats, heartened by their victory over Know-Nothingism in 1855, entered the new year confident of victory in the August state elections and determined to do their share to elect a Democratic president in November. Texas Americans or Know-Nothings, while they must have been discouraged by their electoral set-back in 1855, did not despair. Their ranks included some of Texas' most respected citizens, including District Judge R. E. B. Baylor, Austin attorney John Hancock, Austin editor John S. Ford, former Lieutenant-Governor David C. Dickson, Congressman Lemuel Dale Evans, and, of course, Senator Sam Houston.¹

The campaign for state offices in 1856 was quiet, however, compared to that of 1855 when the Know-Nothing threat spurred Democrats to tighter organization. Democrats James Willie, James B. Shaw, and James H. Raymond won easy victories as state attorney-general, comptroller, and treasurer, respectively, over their American opponents with an average majority of 20,000 votes.² The presidential
campaign, on the other hand, sparked more controversy. Supporters of Millard Fillmore and James Buchanan squared off rhetorically in numerous Texas towns during the weeks preceding the November election. Although the press of the state was generally controlled by the Democracy, the American party claimed some nineteen Texas newspapers, including the San Antonio Herald, edited by J. M. West and James P. Newcomb, the Austin Texas State Times, edited by John S. Ford, the Henderson Star Spangled Banner, edited by state Senator J. W. Flanagan, and the Marshall Harrison Flag, edited by J. W. Barrett.

The cause of the American party in Texas in 1856 was hurt by the growing strength of the new free-soil Republican party in the North. John Marshall, as editor of the State Gazette and chairman of the Democratic Central Committee, attacked the American party, as he had in 1855, for its free-soil antecedents. While every effort was made to delude the South as to its true character, he claimed, Know-Nothingism in the North was but another name for Black Republicanism. While Know-Nothingism professed to ignore the slave question, they elected none but "negro worshipers" to office. Marshall asserted that Know-Nothingism in the South, impotent as an independent party, aided abolitionism by weakening its sole opponent--the national Democratic party.

Although Republican John C. Freemont was not permitted on Texas ballots, Texas Democrats faced for the first time
in 1856 the possibility that a man committed to limiting further extension of slavery might possibly be elected President of the United States. Some Texas editors were convinced that the issue of national union or disunion was at stake in the election. E. H. Cushing of the Houston Telegraph wrote:

We are on the eve of the greatest day our country has seen for many years, a day big with the fates of a nation . . . . The question is shall we have Union or disunion? Shall the South be protected in her constitutional rights or be enslaved by a hostile faction . . . . Let the rallying cry be "Buchanan and Breckinridge," the only hope of the South.

In a similar mood, John Marshall boasted that the Democratic party would never lose its identity or sacrifice its principles, whether the Union continued to exist or whether it was severed.

The apparent threat to Southern institutions by the Republican party led most Democrats and many former Whigs and Know-Nothings in Texas to unite behind James Buchanan for president in 1856. Buchanan polled 31,995 votes to 16,010 votes for Fillmore. The result spelled the demise of the already weakened Know-Nothing party as an opposition political force in Texas. George W. Paschal, writing in the Southern Intelligencer, affirmed that credit for the victory over "cock Robin," as he termed the American party, should be divided among Democrats and Democratic newspapers all over the state. "Sam is dead," Paschal urged, and in reference, no doubt, to the editor of the Texas State Gazette, noted that "privates have the same
right to rejoice as captains."¹⁰

As the year 1857 opened in Texas, many minds turned to the state Democratic convention to be held in Waco in May to nominate candidates for governor and lieutenant-governor. In his official call to the Texas Democracy, Central Committee chairman John Marshall urged the press to awaken their party to the importance of holding primary county conventions to assure sound representation at the state convention. In reference to the rumor that Senator Sam Houston might seek election as governor in 1857, Marshall emphasized that the Democratic convention system, indifferent to the "prestige of names," had made "men wholly subordinate to the success of principles." The people of Texas, he suggested, wanted "plain and practical men to fill their offices."¹¹ In the same vein, Marshall assured Senator Thomas J. Rusk that the party would not find it necessary to draft Rusk to run for governor, even if Houston did announce for that office: "We have a majority and an organization strong enough to beat Houston with any of the candidates spoken of."¹²

As to the "plain, practical" man who should head the state Democratic ticket in 1857, both John Marshall and George Paschal had his favorite. Paschal recommended M. T. Johnson of Tarrant County. Marshall, although officially neutral, was known to favor Lieutenant-Governor Hardin R. Runnels of Bowie County.¹³ M. T. Johnson won the endorsement of Travis County Democrats in February.
despite an earnest appeal for Runnels by W. S. Oldham, Marshall's partner at the State Gazette.\textsuperscript{14} The real test came, however, at the state convention.

At ten o'clock on the morning of May 4, 1857, John Marshall called the Democratic state convention to order at the new Baptist church in Waco. The 253 delegates present included such well-known Texas political figures as I. A. Paschal and T. N. Waul from Bexar County; Guy M. Bryan of Brazoria; Sam Bogart and J. W. Throckmorton from Collin County; J. W. Latimer and Charles R. Pryor of Dallas; John Henry Brown of Galveston; J. W. Henderson, Ashbell Smith, and Francis R. Lubbock of Harris County; A. J. Hamilton, George W. Paschal, and W. S. Oldham of Travis County; and Hamilton P. Bee of Webb County.\textsuperscript{15} Of equal significance was the presence of several former standard-bearers of the Whig or American party who now joined hands with the Democrats. These included William B. Ochiltree, P. W. Kittrell, and John S. Ford, editor of the former American party organ, the Austin Texas State Times. Ford was officially invited to the convention platform where he entertained the delegates by recalling his "tortuous windings through the mazes of Know-Nothingism" and his repentant return to the Democratic fold.\textsuperscript{16}

The convention endorsed the strong Southern-rights-oriented platform adopted in its Austin meeting the previous year and quickly passed on to the business at hand, the nomination of candidates for governor, lieutenant-governor,
and commissioner of the General Land Office. The only real fight came in the selection of a candidate for governor, where Hardin R. Runnels was nominated on the ninth ballot over M. T. Johnson, George W. Smyth, and A. M. Lewis.¹⁷ No one was more pleased with the nomination than John Marshall. He regarded Runnel's nomination as a great victory for the States-rights wing of the Democratic party. He was convinced that "a great advance" had been made in Texas and that no state was sounder than Texas on the "Southern question."¹⁸

One of the final acts of the state convention was the announcement of the membership of the central committee. To no one's surprise, John Marshall, who had worked hard behind the scene for Runnel's nomination was again appointed chairman. One might have expected that George W. Paschal would have been named again as a member from Travis County. Paschal had taken an active role in the convention, particularly in behalf of M. T. Johnson. He had even been nominated for Congress by delegates from the Western Congressional District.¹⁹ But Paschal's name was conspicuously absent from the membership of the new Democratic Central Committee.²⁰

George Paschal was undoubtedly disappointed at the defeat of M. T. Johnson, but he nevertheless endorsed Runnels as the Democratic nominee for governor of Texas. The convention system might not be perfect, he stated, but any other system was "fraught with many more ill
consequences. At a meeting of Travis County Democrats in Austin on May 16, Paschal introduced a resolution to ratify the nominations and platform adopted by the Waco convention and to support its nominees with all "zeal and fervency."

The week following the Democratic state convention the Huntsville Recorder announced in bold headlines that "Old Sam" Houston had come home and declared himself a candidate for governor. To his Senate colleague, Thomas Rusk, Houston explained that the Waco convention had declared the issue to be "Houston and anti-Houston." The people seemed to desire political excitement, and he might as well give it to them as anyone. Houston claimed to be the candidate of no particular party; he remained what he had always been, a "Jackson Democrat."

With Houston's announcement of his candidacy for governor, the state Democratic press, in the words of John Marshall, declared "war to the hilt." Thus began the campaign which Oran M. Roberts termed "the most exciting political canvass that had ever before that time occurred in the state of Texas." In Austin both the State Gazette and the Southern Intelligencer vigorously opposed Sam Houston. George Paschal denounced Houston's vote against the Kansas-Nebraska Act as an act which no "right-minded Texan" could ever approve. He disputed Houston's claim to be a life-long Democrat, pointing tellingly to Houston's support of the Know-Nothings in 1855 and Millard Fillmore
in 1856. Houston, Paschal argued, had "as little claims
upon the democracy as any man in the nation."\textsuperscript{28} John
Marshall could not have agreed more completely. He wrote
that it was only Houston who sought to make the governor's
race one of "Houston and anti-Houston;" the Democracy had
vital "issues" to occupy them. Already looking toward the
presidential contest in 1860, Marshall predicted that Sam
Houston would never stand by the Democratic party when
the existence of the Constitutional Union depended upon it.\textsuperscript{29}

Unmindful of Democratic criticism, Sam Houston gave
Texans the excitement he had promised. Refused passage
by stage because of strong Democratic sentiment, he struck
a deal with a traveling salesman named Ed Sharp, who hap-
pened through Huntsville in a red buggy with "Warwick's
Patent Plow" painted in huge gilt letters on either side.
The two maintained an unbelievable itinerary. Despite
his age of sixty-four, the Senator made some sixty-seven
speeches, often lasting several hours, across Texas from
Marshall to San Antonio.\textsuperscript{30} Houston paid scant attention
to issues, concentrating instead on personalities. He
omitted few prominent Texas Democrats in his fiery denun-
ciations. Louis T. Wigfall, Houston called "Wiggle-tail"
and charged with swindling and murder in South Carolina;
he accused Williamson S. Oldham of fleeing to Texas after
stealing several bank books and sinking them in the White
River in Arkansas; he accused John Marshall of being not
only a disunionist but a vegetarian--"He won't eat meat,
one drop of his blood would freeze a frog;" he referred slurringly to George W. Paschal and his former "Cherokee relationship;" he claimed that he could find "forty niggers who could make a better speech than Dick Runnels."31

The organized Democratic party had reason for concern for Runnel's candidacy in 1857 for Sam Houston's name was magic in Texas where he had never lost a popular election. Under John Marshall's leadership, Texas Democrats mounted the most intense political campaign which the state had witnessed. Appeals went out from the Central Committee to all corners of the state for money to publish and circulate Runnels-Lubbock handbills.32 Efforts were made to strengthen Democratic organization at the county level.33 Louis T. Wigfall, W. S. Oldham, J. Pinckney Henderson, and other Democratic orators were encouraged to trail Houston and answer his every speech.34

One of John Marshall's most pressing concerns during the early part of the summer was the position of Senator Thomas J. Rusk on the governor's race. It was rumored that Houston and Rusk had reached an accord in Nacogdoches early in the campaign and that Rusk now regretted having voted for the Kansas-Nebraska Act. Democrats from all corners of the state implored Rusk to make a definite statement denying his indifference to the Democratic party in the state elections.35 John Marshall, himself, begged Senator Rusk to take a firm stand in behalf of Runnels: "For God's sake, Rusk," he urged, "take a bold and decided
Thomas J. Rusk's mind was not on politics that summer of 1857. A friend later recalled how Rusk, with tears in his eyes, had told of the heavy drinking of his sons and his profound sorrow at the death of his wife the previous year. Rusk, nevertheless, did write a letter for publication to M. D. Ector, editor of the Henderson Democrat on June 17. He refused to specifically endorse either Houston or Runnels for governor because of his long standing practice as United States Senator of abstaining from all attempts to influence the election of state officials. But Rusk did make a lengthy defense of his own vote for the Kansas-Nebraska Act of 1854, a vote which he had never regretted for a moment. To John Marshall, chairman of the Democratic Central Committee, Rusk wrote on June 28 that various rumors did him grave injustice, that he felt as anxious for the success of the great principles of the party as anybody and intended to go to the polls and vote for its standard bearers. Whatever his intentions, Rusk never voted that August 3rd, 1857. On July 29 he ordered a tombstone for his wife with the inscription, "Blessed are the pure in heart for they shall see God." That same day he shot himself in the head.

Sam Houston spared no effort or expense to defeat Runnels in August, 1857, but Democratic organization was too strong and the memory of his desertion to the Know-Nothing party to fresh on many Texas minds.
received 32,552 votes to 28,678 for Houston. Democrats made a clean sweep of the state offices, electing Francis Lubbock as Lieutenant-Governor, Frank M. White as Commissioner of the General Land Office, John H. Reagan as Congressman from the Eastern District, and Guy M. Bryan as Congressman from the Western District. 42

John Marshall hailed the news of the Democratic victories in the state elections. He proclaimed exultantly in the Gazette, "Bring out the Waco Rooster; let him crow; the whole ticket triumphant!" 43 He predicted that the "Waco Rooster" had killed Sam Houston politically; the old general would never crow again this side of the Mason-Dixon line. 44

Although George Paschal had opposed Houston's candidacy, he must have seen less cause for rejoicing in the Senator's defeat. Paschal undoubtedly had begun to feel somewhat alienated from the "organized" Democratic party in Texas. He took no part in the activities of the Travis County Young Men's Democratic Association, for example, although he certainly was no less a "young man" than many of those who did. Furthermore, he had already parted ways with many Democrats, including John Marshall, on the controversial issues of popular sovereignty in Kansas and judicial nominations in Texas.
CHAPTER IV NOTES


2Texas State Gazette (Austin, Texas), October 11, 1856.

3For example M. D. Graham (Democrat) debated Benjamin A. Epperson (American) at Jefferson; John Marshall (American) opposed Pendleton Murrah at Elysian Fields in East Texas; Democrat Louis T. Wigfall took on newcomer to Texas from Ohio, A. B. Norton, at Marshall. Norton's flowing hair and long beard prompted as much comment as did his espousal of the American cause. He had vowed several years before not to shave until Henry Clay was elected President. See Texas Republican (Marshall, Texas), October 11, 15, 25, 1856.


5Texas State Gazette (Austin, Texas), April 12, 1856; Litha Crews, "The Know Nothing Party in Texas," p. 144.

6Tri-Weekly Telegraph (Houston, Texas), November 3, 1856; The Standard (Clarksville, Texas), August 30,
October 26, 1856; Texas State Gazette (Austin, Texas), October 25, 1856. George W. Paschal's attitude as editor of the Southern Intelligencer is not known since the issues between August 19, and November 19, 1856 are missing.

7 Tri-Weekly Telegraph (Houston, Texas), November 3, 1856.

8 Texas State Gazette (Austin, Texas), October 11, 1856.

9 Burnham, Presidential Ballots, 1836-1892, p. 764

10 Southern Intelligencer (Austin, Texas), November 19, 1856.

11 Texas State Gazette (Austin, Texas), January 10, 1857; Texas Republican (Marshall, Texas), January 31, 1857.


13 Texas State Gazette (Austin, Texas), March 14, 21, 1857; April 4, 1857. Hardin R. Runnels, born in Madison County, Mississippi in 1820 was the nephew of Hiram G. Runnels, who served as governor of Mississippi from 1833 to 1835. In 1841 Hardin Runnels and three brothers immigrated to Bowie County in Northeast Texas. He was elected to the State Legislature in 1847 and served as Speaker of the House from 1853 to 1855 when he was elected lieutenant-governor. See "Bowie County, Texas, a Description and General History," Typescript, Bowie County Papers (Archives, University of Texas, Austin).

14 Southern Intelligencer (Austin, Texas), February 4, 1857.


16 Ibid., p. 12.

17 Francis R. Lubbock was nominated for Lieutenant Governor by acclamation and Francis B. White was also the unanimous choice for Commissioner of the General Land Office. See Weekly News (Galveston, Texas), May 12, 1857.

18 John Marshall to Thomas J. Rusk, Austin, Texas May 13, 1857, Thomas J. Rusk Papers.
Paschal declined to be considered as a nominee for Congress in a brief speech which he claimed brought forth "thundering applause." The sight of one "live Democrat" who "asked nothing, would have nothing," he said, astonished a convention "infected by an office hunting epidemic." See Southern Intelligencer (Austin, Texas), May 13, 1857.


Southern Intelligencer (Austin, Texas), May 13, 1857.

Ibid., May 20, 1857; Texas State Gazette (Austin, Texas), June 24, 1857; Francis R. Lubbock later noted that from the "earnestness" of Paschal, he had "great confidence in his Democracy at the time." See Lubbock, Six Decades in Texas, p. 213.

Texas Republican (Marshall, Texas), May 23, 1857.

Sam Houston to Thomas J. Rusk, Huntsville, Texas, May 12, 1857, The Writings of Sam Houston, Vol. VI, p. 444.

No Know-Nothing or American convention was held that spring, but many former American newspapers pledged their support to Houston, including the San Antonio Herald, the Washington American, the Huntsville Recorder, the Nacogdoches Chronicle, the Rusk Enquirer, the Henderson Banner, the Marshall Flag, the Jefferson Gazette, and the Clarksville Messenger. The Austin Texas Sentinel, formerly the Texas State Times, also endorsed Jessie Grimes for Lieutenant-Governor and Stephen Crosby for Commissioner of the General Land Office. The Sentinel sounded a theme to be repeated many times by Sam Houston when it noted: "We say once for all, that this is an independent anti-caucus--anti-Austin clique democratic journal." See Crews, "The Know Nothing Party in Texas," p. 170.

Texas State Gazette (Austin, Texas), May 16, 1857. Weekly News (Galveston, Texas), May 19, 1857; Texas Republican (Marshall, Texas), May 23, 1857.

Roberts, "The Political, Legislative, and Judicial History of Texas," p. 44.

Southern Intelligencer (Austin, Texas), May 27, 1857.

Texas State Gazette (Austin, Texas), May 30, 1857.

31 Texas State Gazette (Austin, Texas), July 25, 1857; A. W. Terrell, "Recollections of General Sam Houston," Southwestern Historical Quarterly, XVI (October, 1912), pp. 118-120. Terrell, who also came in for his share of tongue-lashing by Houston, recalled that Houston was the finest frontier orator he had ever heard: "His voice was clear as a bugle, and his thorough knowledge of the impulses and habits of thought of the fearless men who made Texas enabled him to exercise a wonderful influence when addressing them." (page 120).

32 J. M. Steiner, Treasurer, State Democratic Central Committee to Ashbel Smith, Austin, Texas, June 18, 1857, Ashbel Smith Papers.

33 For example the Young Men's Democratic Association of Travis County, first formed in November, 1855, was reorganized by Marshall, George M. Flournoy, Dr. J. M. Steiner, William Byrd, W. S. Oldham, and John S. Ford. The association kept interest and enthusiasm high in Travis County with a political rally each Saturday night during the summer before the August state election.

34 Sam Houston refused to debate those who came forward to speak in behalf of Runnels or even to dignify their speeches by his presence. To Democrat A. P. Wiley, who sought to meet him in several towns, Houston wrote, "You are welcome, if the people choose to listen to you when I have addressed them, to say anything you please in my absence, provided you have a written deputation from Mr. Runnels, the candidate of the Waco Convention, and he will endorse the disunion principles you have heretofore avowed since you came to this place." See Sam Houston to A. P. Wiley, Huntsville, Texas, July 6, 1857, The Writings of Sam Houston, Vol. VI, p. 447.


38 The Democrat (Henderson, Texas), June 27, 1857.

39 Texas State Gazette (Austin, Texas), July 11, 1857.

40 Mary Whatley Clarke, Thomas J. Rusk, Soldier, Statesman, Jurist (Austin: Jenkins Publishing Co., 1971), p. 207. On learning of Senator Rusk's death, Sam Houston was said to have remarked, "it was the Waco Convention that killed him." See Friend, Sam Houston, The Great Designer, p. 252.

41 Houston's beloved Huntsville home and surrounding farm were among the properties sacrificed to raise money for the governor's race in 1857. See Seale, Sam Houston's Wife, p. 188.

42 Texas State Gazette (Austin, Texas), October 10, 1857.

43 Ibid., August 15, 1857.

44 Ibid., August 22, 1857.
CHAPTER V

THE KANSAS CONTROVERSY AND THE ISSUE OF JUDICIAL NOMINATIONS

Both George Paschal and John Marshall ardently believed in the principles of state sovereignty, states' rights, and federal non-intervention. There was a significant difference, however, in their positions which can perhaps best be seen in the reaction of each to the prospect of Southern inferiority in Congress. Paschal was willing to admit as early as 1857 that the "balance of power" for the South had been irretrievably lost in the United States House of Representatives. He did not despair, however, either for the South or the Union. "As long as the principles of States-rights and non-intervention are acted upon," he advised, "so long would the South be safe, even when numerically in the minority.\(^1\) Non-intervention meant to Paschal that the people of a state or territory must be allowed to pass their own laws, subject only to the Constitution of the United States. "Misguided zealots" must not be permitted to deny the practice of popular sovereignty in order to force slavery upon an unwilling people. They must not be permitted to deny the right of a state to set its own suffrage laws, simply to prevent some yankee state from permitting Negroes to vote.\(^2\) As
long as a state or a territory was left free to pass its
own municipal laws and regulate its own domestic institu-
tions, he had no fear for the stability of the Union.3

In contrast to Paschal, John Marshall refused to
accept the prospect of permanent Southern Congressional
inferiority. To do so, he believed, would be to condone
the ultimate destruction of slavery and the entire Southern
way of life. The South must be guaranteed the right to
take its property into any federal territory, be it Kansas
to the northwest or Cuba and Nicaragua to the south.4
If slavery were not permitted to expand inside the Union,
then it must surely do so outside the Union. The South
must be "equals in the Union or live out of it."5

The rising sectional debate concerning the future
of slavery in Kansas and Nebraska disturbed other Texans,
as well as Paschal and Marshall, in late 1857. In his
last address to the Texas Legislature as governor, Elisha
M. Pease noted on November 2 the rapid strides made by
a party in the North whose avowed object was to abolish
slavery as it then existed in fifteen states and some
of the territories. This movement, he warned, tended
inevitably to destroy national harmony and if continued
could not fail to produce disastrous results.6 Pease's
successor, Governor Hardin R. Runnels, expressed his own
fears for the South even more bluntly in his inaugural
address on December 21, 1857. The South, Runnels warned,
must calmly anticipate the time when "Constitutional
restrictions and paper guarantees" might not be able to bear "the lash of an aggressive and dominant majority." In such a case, Texas must "bid adieu to a connection no longer consistent with the rights, dignity and honor of an equal and independent State." Runnels further clarified his position on Kansas in a message to both Houses of the Texas Legislature on January 20, 1858. It was his "deliberate judgement," he wrote, that if Congress refused to admit Kansas as a state for any other cause than that the Constitution which she presented was not republican in nature, then the time would have arrived for the Southern states to "look to themselves for the means of maintaining their future security." He recommended adoption of legislative resolutions empowering the Governor to cooperate fully in whatever resistance movement might be initiated by other Southern states.8

George W. Paschal and John Marshall took predictable positions on Kansas and Runnel's proposals. Paschal announced that he was not prepared to "denationalize the democracy upon an impractical issue." To Kansas alone, he argued, belonged the question of slavery in that territory; other states were concerned only so far as to insure that that state should not be kept out of the Union because of slavery or for the want of it.9 He appealed for the right of the people of Kansas to decide the issue of slavery for themselves. He believed that the pro-slavery
Lecompton Constitution "ought" to be submitted to qualified Kansas voters even if this were not technically required by territorial law. Moreover the fate of the Union need not hinge on the fate of Kansas. "Let us jog along," he advised, "keeping our eyes upon the American eagle."

John Marshall, on the other hand, termed Governor Runnel's Kansas speech a "document of deep interest" that bespoke the sentiments of all Texans.

He, as Runnels, assumed that the Lecompton Constitution did represent the will of Kansans, at least at one point in time; there was therefore no need for further referendums. Congress had the power to question only whether the Kansas constitution had been framed by a convention assembled under the existing government and whether it was republican or not. If Congress rejected the constitution for any other reason, then the South would be "convulsed from Mason and Dixon's line to the Rio Grand" and the sword would be lifted in the field against the fanatical howlers for nigger freedom.

The joint committee of the Texas Legislature to which was referred Governor Runnel's message recommended adoption of resolutions authorizing the Governor to appoint seven delegates to a Southern convention when such was necessary to preserve their rights in the Union and appropriating $10,000 to pay delegate expenses. These resolutions were passed by the Senate on February 10, 1858 by a vote of 23 to 5, but only after Senator I. A. Paschal
of Bexar County, Robert Taylor of Fannin, C. C. Herbert of Colorado, and Jessie Grimes of Grimes County had forced referral of the resolutions to the Committee upon State Affairs. There the resolutions were amended to authorize the governor to order an election for special delegates rather than appoint them himself.\textsuperscript{15} The House approved the same resolutions unanimously just before it adjourned on February 15.\textsuperscript{16}

Although he was not completely happy with the resolutions, Governor Runnels sent them on to the Texas Congressional delegation, satisfied that nothing better could be done at the time.\textsuperscript{17} John Marshall, who shared Runnel's disappointment at their final form, commented that the resolutions did show that Texas was prepared to act in the event that Congress should repudiate the great doctrine of non-intervention. It was time, Marshall urged, that the North must be undeceived as to the position of the South.\textsuperscript{18}

The debate over Kansas and the Lecompton Constitution, to which the Texas resolutions contributed,\textsuperscript{19} estranged not only Republicans and Democrats but Northern and Southern Democrats as well. Congressman John A. Quitman wrote his friend John Marshall on February 1, 1858, that if the Lecompton Constitution were approved, it would split the Democratic party. Parties would become "purely sectional," and there would be no remedy left for the South but secession. If, on the other hand, the constitution were rejected,
as he believed at the time that it would be, it would represent an "inexorable determination" on the part of the party of the free-state majority never to admit another slave state to the Union. In this case, as well, Quitman urged, the cotton states should act immediately:

Let but five states determine upon secession and separation to preserve their social systems, and all the other states having similar systems must sooner or later unite with them.\textsuperscript{20}

To Quitman's surprise, Congress did approve the Lecompton Constitution on April 30, 1858, albeit in compromise form as the English Bill.\textsuperscript{21} Recognizing the implications of the bill, which provided for a popular referendum in Kansas, John Marshall predicted that at the next session of Congress the territory would be admitted with a free-soil constitution. The South would have then lost the entire battle. He bemoaned, "Acquiescence is fast become the loyal duty of the South wherever the North insists."\textsuperscript{22}

Not only did Marshall and Paschal disagree on the issue of popular sovereignty in the territories, they also differed in regard to the political nomination of judges, a practical issue of extreme importance to Texas politics in 1857 and 1858. As early as March 28, 1857, John Marshall suggested that a convention should be held in the Second Judicial District, in which Austin was located, to nominate a Democratic candidate for district judge.\textsuperscript{23} Such a convention was held on May 18, at which A. W.
Terrell, a former law partner of W. S. Oldham was nominated. Paschal editorially opposed the meeting and afterward came out strongly for Austin attorney John A. Green as an independent candidate for the district judgeship. Although personal preferences surely influenced Paschal to some extent, his opposition to Terrell was based primarily upon principle. He believed that political nominations for judicial office constituted a grave threat to the integrity and independence of the judicial branch of the government. Despite Paschal's editorial efforts, however, Terrell, the nominee of the "organized Democrats," won the judicial post in the August state election. Terrell polled 1,643 votes in the Second District to Green's 1,281, although he lost Travis County by some one hundred votes.

The issue of judicial nominations continued to preoccupy Travis County Democrats when they met in November to select delegates to the state convention slated to meet in Austin in January, 1858. Resolutions were introduced by friends of John Marshall at this assembly recommending the practice of nominating Democratic candidates for elective judicial positions and suggesting that no one be appointed a delegate to the state convention who did not support this practice. These resolutions were of particular interest because John Hemphill, Chief Justice of the Texas Supreme Court, had just been elected by the Texas Legislature to succeed Sam Houston as United States Senator when Houston's term expired in 1859.
Paschal immediately moved that these resolutions be struck out and addressed the assembly at length on the subject. When his motion was put to the vote, however, Paschal found himself voted down. John Marshall and those who sided with him on the issue of judicial nominations had won control of the Travis County Democracy. Paschal, who only six months before had served on his party's central committee, was refused the privilege of attending the January state convention as a delegate. 28

The political break between editors George W. Paschal and John Marshall soon began to assume distinct personal overtones. Marshall described Paschal that same November, 1857, as a "sneaking enemy in the disguise of a pretended friend" who must carry "his small experiments of disorganization" to some other party. 29 In December he curtly rejected a proposal by the Intelligencer for a non-partisan assembly to recommend candidates for judicial offices. Marshall would hear nothing of forming a link between what he termed the "undefiled Democracy and the spotted progeny of the old Ring-tailed Coon Party." 30 He assured his readers that the "Guerilla" [Paschal] would find that his "little bogus democratic banner" enabled him to impose on no one. 31

John Marshall had reason to feel pleased with himself as the year 1858 began. He had been re-elected as public printer the previous November over Baker and Root, publishers of the Southern Intelligencer, by the overwhelming
vote of eighty-seven to eight.\textsuperscript{32} In less than four years he had made the \textit{State Gazette} practically synonomous with the organized Democratic party in Texas. The state Democratic convention, meeting in Austin on January 8, 1858, began and ended with a tribute to the editor, and represented the apex of a meteoric rise to political influence in his adopted state. On the first night officers of the Young Democratic Association and other friends throughout the state presented Marshall with a gleaming gold-mounted walking cane. In making the presentation Richard Hubbard, federal district attorney from Smith County, claimed that it was to "Napoleons of the press" like John Marshall that their party was indebted for their recent triumphs at the ballot box.\textsuperscript{33} Then on the final night of the convention, delegates elected Marshall chairman of their party's Central Committee, a post he had previously held by appointment, by a vote of eight-six to fifty-five over popular former-Governor Elisha M. Pease.\textsuperscript{34} Furthermore, the state convention nominated not only candidates for attorney-general, comptroller, and treasurer, but for the first time nominated candidates for Chief Justice and Associate Justice of the Texas Supreme Court. Marshall hailed this action as a great victory for the Democratic party:

Record it then in letters of gold that the Democracy of Texas \textit{anno domini} 1858, set the ball in motion for the nomination of every candidate for public office in the gift of the people by the
Convention system; and whether for judicial or civil office, that they have incorporated into the test of qualification, political adherence to the truths of Democratic equality and justice.35

The future of the Democratic party in Texas never looked brighter than it did in the spring of 1858. The political ascendancy of Sam Houston had been overthrown. State-rights Democrats controlled every branch of the state government. Texas, boasted the State Gazette, now marched in the "very van of the 'Pro-slavery Propaganda.""36

George W. Paschal took no part in the January Democratic convention except as an outside observer, like "the dame at the fight between her husband and the bear," as he observed.37 He had grown disillusioned with political conventions. He saw great danger in requiring convention nomination for every officer from supreme judge to constable and in "reading out of fellowship" anyone who dared question the infallibility of every "cross-road, and patched misnamed convention." He claimed that he had never been able to think in crowds anyway and would not now be led astray by "noisy, fussy, self-constituted leaders."38

Although opposed to the practice of judicial nominations by political conventions, Paschal printed for some three months the Democratic nominations for the August, 1858 elections under the masthead of the Intelligencer, including the names of R. T. Wheeler for Chief Justice and Constantine W. Buckley for Associate Justice of the Texas Supreme Court.39 On March 17, however, he published
a letter from numerous southeast Texas lawyers urging former-District Judge James H. Bell to run as an independent candidate for Associate Justice of the Supreme Court and Bell's reply offering himself as such a candidate. Paschal conceded that the fate of the Union might not depend upon the result of the election, but he had observed an apprehension in "certain disunion quarters" that the necks of some of the leaders of that "little experiment" might be in danger unless their candidate succeeded.40

Both John Marshall and George Paschal were absent from the Texas capital during much of the spring and early summer of 1858. Marshall left Austin with his family early in March for a long-neglected visit with friends and family in Mississippi. Paschal made his way in April to Washington, D. C., where he testified before a Senate committee investigating charges of irregularities in the federal district court of Judge John C. Watrous. Reported conversations of the two reveal that they differed widely in their interpretation of political conditions back home in Texas. John Marshall assured his old friends in Jackson, Mississippi, that Texas was "fully alive to the necessity of resisting any further encroachment upon her rights by the General Government, even to the shedding of blood."41 Paschal, on the other hand, informed President Buchanan that Texas Democrats remained and would continue to remain "union-loving Democrats."42 Both men returned to Austin
in June, 1858 determined to steer Texas in the direction each felt the Democratic party should go.

James H. Bell was the only candidate in the 1858 state election to oppose a nominee of the Democratic convention. But the principle upon which he ran, the necessity of keeping the judiciary independent of corrupting political influence, was a formidable one, as Paschal and other Texas lawyers recognized. In addition, rumors raising doubts about the moral character and personal integrity of C. W. Buckley endangered his candidacy. Democratic newspapers lined up for and against the Fort Bend legislator and attorney. The Austin *Southern Intelligencer*, the Galveston *News*, the Dallas *Herald* all opposed the principle of judicial nominations and supported the independent candidacy of Bell, a Harvard-educated, native of Texas and Brazoria. The Clarksville *Standard*, while it supported judicial nominations, opposed Buckley's nomination, alleging that his "integrity and sobriety of habit" were openly questioned. The *Standard* supported Peter W. Gray of Houston instead. The Austin *Texas State Gazette*, the Marshall *Republican*, and the Houston *Telegraph* vigorously supported Buckley.

The *State Gazette* insisted that the candidacy of Bell was but a "rehash" of the previous summer's attempt by Sam Houston and "self-styled independent Democrats" to break down the organization of the Democratic party by attacking the convention system. But the division
was real. Few could logically doubt the Democratic credentials of Willard Richardson of the Galveston News, J. W. Latimer of the Dallas Herald, or George W. Paschal of the Intelligencer. Moreover many Democrats who had loyally supported C. W. Buckley as the convention nominee began to feel as the campaign wore on that the convention had made "an awful blunder" even if the scandalous rumors were untrue. A Supreme Court judge, they reasoned, must be "like Caesar's wife--above suspicion."  

John Marshall had been aware of opposition to Buckley before he left Texas in March, but his three-month absence suggests that he did not take the movement seriously. When he returned to Austin early in June, he realized that Bell's candidacy, if successful, would represent an entering wedge for a potentially strong opposition party. Marshall printed Buckley's circular denouncing the malicious rumors circulating against him and issued a statement as chairman of the Democratic Central Committee affirming that all the charges against Buckley had been patiently and impartially examined by the committee and found to be groundless. He charged that for every "weak-minded" man who supported Bell, "the little petty tyro of Brazoria," because they opposed the principle of judicial nominations, a hundred sustained him simply as an attempt to disorganize and destroy the Democratic party.

Excitement ran high in a politically divided capital on July 31, the Saturday preceding the August 2nd election.
That afternoon George Paschal shared the speaker's rostrum with attorneys A. J. Hamilton and N. G. Shelly before a large, enthusiastic assembly of "Independent Democrats." Hamilton entertained the crowd by ridiculing the leadership of the Democratic party, calling Congressman Guy M. Bryan, "Goober Pea," Governor Runnels, "Pop Corn," and Lieutenant-Governor Lubbock, "Chinkapin." He termed the state Democratic Committee a "Star Chamber" and those who supported them "organ-grinders." It was clear that the movement for Bell went far beyond concern for judicial nominations or opposition to C. W. Buckley. In the words of George Paschal, "a political revolution" had commenced which he hoped would awaken "the honest yeomanry of Texas" to the fact that they were their own rulers and did not have to take orders from the "Austin Junto."

Not to be outdone, the "organized" Democracy staged their own rally that same July evening to hear S. G. Sneed, G. W. Jones, W. S. Oldham, George M. Flournoy, and Morris Reagan defend C. W. Buckley and the state convention. Those who attended also witnessed brilliant lighted transparencies spelling out such mottoes as "The Democracy will never abandone her cause" and "The Rights of the States in the Union or out of it."

Initial returns following the August 2nd election indicated a complete victory for the Democratic nominees, including C. W. Buckley. In the August 21st Gazette Marshall announced in bold headlines, "Bring out the
Rooster!! Let her crow!! Roll out the Cannon!! The 
Democracy is Triumphant!! . . . Buckley is elected." With 
the Democratic ship in safe quarters, so he thought, John 
Marshall left Austin for Mississippi to be with his wife, 
whose ill health had prevented her return to Austin the 
previous June.

Before he left town, however, John Marshall printed 
a vicious personal attack upon George W. Paschal, A. J. 
Hamilton, and businessman-financier S. M. Swenson in an 
article which he entitled "The Monied Dynasty vs. the 
Austin Clique, Star Chamber, &c." Marshall claimed that 
"Yellow Dwarf" [S. M. Swenson], who ran a general store 
on Hickory Street that was well furnished with Union Bank 
shin plasters and everything "except niggers," was the 
acknowledged head of a "Monied Dynasty at Austin" to whom 
state officers were expected to bow reverently and sub-
missively. Swenson, he charged, had established the 
_Southern Intelligencer_ in 1856 and summoned his "Man 
Friday--Jerry Sneak" [George W. Paschal] to the editor's 
chair because he realized that he could not control the 
_State Gazette._ He accused Swenson of trying to defraud 
the state government by trading "shin plasters" for state 
treasury gold and silver. He charged George Paschal with 
"indulging in envious flings at the public printer" because 
he had failed to win that position for himself. Marshall 
concluded:
Long ago we had the honor of securing their hatred. We now hope to retain it. As well might oil and water mix, as they attempt to blend in fraternal feeling with the Democratic party.

They have begun the fight, and they shall have their fill of it. They have sent for their Padre Houston to vomit forth fresh emissions of loathsome abuse congenial to the Black Republican party, whose preachers he had held up as the Viceregerents of Heaven. We shall meet them on their own ground, and lay on the lash until they may hide their heads in shame.52

George Paschal did not intend to hide. The next issue of the Intelligencer carried an answer to Marshall's attack under the title "Petty Malice." Paschal suggested that Marshall, who had himself become known around town as "Hairy Nasty," "Vulture," and "Little Filthy," might be pardoned for calling other men names. But he promised that the revolution which was then overwhelming "the despotic spirit which assumes to dictate, and seeks the assassination of every man's character who dares resist it" would go forward. Paschal printed a letter from one "Junus" which defended Swenson as one who had done more for Austin than any other citizen. "Junus" characterized Marshall as "a broken-down politician from Mississippi" who had come to Texas to retrieve his fallen fortunes. Furthermore, "Junus" alleged that the editor of the Gazette had received far more money from the public treasury than his contract or the law allowed. He suggested that Marshall had learned that Paschal was "taking notes" on the matter and sought to raise a "terrible smoke" to divert public attention and permit himself to escape through the fog.53
It was mid-September, when the official vote from El Paso County was finally received, that readers of the State Gazette realized that John Marshall had celebrated prematurely the election of C. W. Buckley as Associate Justice of the Texas Supreme Court. When the final vote was in, James H. Bell had received 25,325 votes to 24,904 for Buckley, a majority for Bell of only 421 votes. Moreover the questions regarding the public printing, which George W. Paschal raised in response to the bitter, personal attacks unleashed by John Marshall in his elation over Democratic victories in August could not be recalled and would not be soon forgotten.
CHAPTER V NOTES

1 Southern Intelligencer (Austin, Texas), October 7, 1857.

2 Ibid., April 15, 1857.

3 Ibid., September 23, 1857.

4 Texas State Gazette (Austin, Texas), August 29, November 21, 1857; February 6, 1858.

5 Ibid., February 20, 1858.

6 Texas, Senate Journal, 7th Legislature, Reg. Sess., November 2, pp. 37-38. Editor George W. Paschal commented that whatever faults Governor Pease might have had, all acknowledged his honesty of purpose: "He leaves a full treasury, a united party, a liberal policy well established, a prosperous country and a confiding people." Paschal strongly recommended Pease as a model for his successor. See Southern Intelligencer (Austin, Texas), December 16, 1857.

7 Southern Intelligencer (Austin, Texas), December 23, 1857.


9 Southern Intelligencer (Austin, Texas), January 27, 1858.

10 Ibid., August 26, 1857; January 6, 1858.

11 Ibid., September 9, 1857.

12 Texas State Gazette (Austin, Texas), January 23, 1858.

13 Ibid., January 9, 1858.

14 Texas, Senate Journal, 7th Legislature, pp. 560-561.
15The Standard (Clarksville, Texas), March 6, 1858; Texas, Senate Journal, 7th Legislature, p. 577. George W. Paschal noted that a correspondent for the Waco Southerner seemed to think that the amended Kansas resolutions were "no better than a sacked orange." Paschal believed to the contrary that should such an emergency arise as envisioned by the resolutions, it would be better that the people have a chance to choose "conservative delegates" rather than leave the appointment to "a diseased imagination." Nothing should be done, he urged, to widen the breach between their bachelor President and their bachelor Governor. See Southern Intelligencer (Austin, Texas), March 3, 1858.

16Texas, House Journal, 7th Legislature, Reg. Sess., February 15, 1858, p. 900. There was some question as to the legality of the passage of the resolutions by the House. George Paschal claimed that the resolutions were not read a third time and passed as required by House rules. John L. Haynes, Representative from Star County, claimed that there was not a quorum present at the time of passage. See Southern Intelligencer, (Austin, Texas), February 24, 1858; Clipping, undated [1861], from the Southern Intelligencer, John L. Haynes Papers (Archives, University of Texas Library, Austin).

17H. R. Runnels to Guy M. Bryan, Executive Office, Austin, February 19, 1858, Guy M. Bryan Papers.

18Texas State Gazette (Austin, Texas), February 20, 1858.

19Congressman Silas M. Burroughs, Republican of New York expressed his dismay at the ingratitude of a state whose admission to the Union had cost the United States $200 million and which now threatened to secede unless slavery were admitted into Kansas. See Congressional Globe, 35th Congress 1st Sess., February 23, 1858, p. 816.


21The English Bill was supported by Texas Congressman John H. Reagan and Senator Sam Houston, while it was opposed by Congressman Guy M. Bryan and Senator J. P. Henderson, who believed that it sacrificed Southern principle. Henderson agreed not to vote at all as a concession to those Democrats who favored compromise, while Bryan, as he announced his vote on April 30, 1858, said that he voted "ay" only because the South voted "ay." See the Congressional Globe, 35th Congress, 1st Sess., April 30,

22Texas State Gazette (Austin, Texas), June 12, 1858.

23Ibid., March 28, 1857.


25Texas State Gazette (Austin, Texas), July 15, 1857.

26Chamberlain, Alexander Watkins Terrell, p. 53.


28Texas State Gazette (Austin, Texas), November 28, 1857.

29Ibid.

30Ibid., December 26, 1857.

31Ibid., March 13, 1858.


33Weekly News (Galveston, Texas), January 26, 1858.

34The Standard (Clarksville, Texas), January 30, 1858.

35Texas State Gazette (Austin, Texas), January 16, 1858.

36Ibid., April 10, 1858.

37Southern Intelligencer (Austin, Texas), January 13, 1858.

38Ibid., January 20, 1858.

39Ibid., January 27, March 10, 1858.

40Ibid. March 14, 1858.
Texas State Gazette (Austin, Texas), May 1, 1858.

Southern Intelligencer (Austin, Texas), June 9, 1858.

Ibid., March 17, 1858; The Herald (Dallas, Texas), July 24, 1858; Weekly News (Galveston, Texas), March 23, May 11, 18, July 20, 1858.

The Standard (Clarksville, Texas), May 15, 1858.

Texas State Gazette (Austin, Texas), March 20, 1858; Texas Republican (Marshall, Texas), June 12, 1858; E. H. Cushing to Guy M. Bryan, Houston, March 20, 1858, Guy M. Bryan Papers.

Jim Holland to Governor H. R. Runnels, Tyler, April 26, 1858, Hardin R. Runnels Papers (Governor's Correspondence, 1857-1859, Archives, Texas State Library, Austin, Texas).

Texas State Gazette (Austin, Texas), June 12, 1858. In his circular Buckley said that the "opposition press" often spoke of "grave charges" against him without specifying their nature so that he could answer them. But in his home county of Montgomery County, where he had served as District Judge, he was charged with "moral turpitude" in the suit of B. J. Smith vs. N. K. Kellum. Buckley chose to remain silent until the charges were dismissed by a county grand jury on May 17. See Texas State Gazette, June 12, 1858.

Some of the opposition to Buckley was apparently based upon his alleged drunkenness and personal dissipation. One lawyer claimed that Buckley's only qualification was that he was "the most profound swearer in the state." See C. L. Cleveland to W. P. Ballinger, Liberty, August 29, 1858, William Pitt Ballinger-Thomas M. Jack Papers (Archives, University of Houston Library, Houston, Texas).

Texas State Gazette (Austin, Texas), July 17, 1858.

Ibid., August 14, 1858.

Southern Intelligencer (Austin, Texas), August 11, 1858.

Texas State Gazette (Austin, Texas), August 7, 1858.

Ibid., August 21, 1858.
53 Southern Intelligencer (Austin, Texas), August 25, 1858.

54 Ibid., October 6, 1858.
CHAPTER VI

THE PUBLIC PRINTING CONTROVERSY

The public printing controversy, which occupied so large a part of John Marshall's and George W. Paschal's attention during the fall of 1858 and the spring of 1859 was in part the continuation of the personal feud between the two editors and in part an important episode in the evolving political realignment in Texas which culminated in August, 1859, with the election of Sam Houston as governor. Paschal did resent the idea that the Texas State Gazette had a "prescriptive right" to all the public printing but his criticism had deeper political roots.¹

In the September 8 and 15 issues of the Southern Intelligencer, Paschal published long articles concerning "the Public Printing and the Public Printer" which he later issued in pamphlet form under the same title. In these articles Paschal suggested that since the State Gazette had received some $70,000 from the state treasury during the past two and a half years, it was not unnatural to inquire, "have they honestly and faithfully earned it."² Paschal alleged that not only had the owners of the Gazette broken their bond to execute the public printing within
the time limits specified by state law, but they had received $10,000 more than they were legally entitled to under any circumstance. Citing evidence drawn from the accounts of the state comptroller, Paschal argued that this had been done in the following ways: (1) By charging the Senate and the House separately for the same document which should have been reported as a unit; (2) By overlooking in several instances the reduced rate allowed the State by law for larger printing orders; (3) By charging double for "Rule and figure work" on such reports as that of the comptroller or the treasurer; (4) By shorting almost every page printed by from one to twelve lines below that required by statute. To give added force to his allegations, Paschal included a letter from Secretary of State, T. S. Anderson, dated September 10, 1858, confirming that his office had mistakenly recommended payment to the Gazette of $1,071.67 on April 24, 1858. He concluded by stating that a bill to abolish the office of public printer had passed the Texas Senate the previous winter, only to be defeated in the House of Representatives by requisitioning "every subaltern of the Austin Clique."

Paschal reiterated his personal support for this reform bill and his own conviction that every piece of public printing should be assigned to the lowest bidder in fair and open competition.3

Williamson S. Oldham and John S. Ford, editing the State Gazette in John Marshall's absence, answered Paschal's
charges as best they could, particularly in regard to themselves. They admitted the error referred to by Anderson, but noted that it had occurred during Marshall's absence and without his knowledge. They emphasized the widespread practice among printers throughout the nation of charging twice for "rule and figure work."\(^4\)

There was no rebuttal from John Marshall himself, however, until January 8, 1859, when he returned from Mississippi where he had suffered an accident which had temporarily caused the loss of his hearing and necessitated corrective surgery. At this time Marshall denied at length Paschal's allegations and implications of fraud or corruption. He claimed that Paschal simply sought revenge for disclosures by the *State Gazette* that Paschal had deliberately misrepresented the positions of other Democrats in order to create the impression that they were joining him in his opposition to the nominees of the Democratic state convention. Marshall concluded:

> With such an unscrupulous opponent, it has been impossible to be on terms of respect, and I have necessarily named him JERRY SNEAK, as the only suitable term by which his attributes can be designated, or by which I can recognize him in my editorial intercourse. If, at any time, my exposures have been unjust, he has had ample opportunity for redress.\(^5\)

That same January 8th, John Marshall received a call at the *Gazette* office from I. A. Paschal, brother of the editor of the *Intelligencer* and state Senator from Bexar County, and Major Robert S. Neighbors. I. A.
Paschal stated that he had come to demand an unqualified retraction of all the language in Marshall's article reflecting upon the honor of his brother. Marshall refused to comply and referred Paschal to his friend and second, Dr. J. M. Steiner.

There was a difference of opinion as to what transpired next. J. M. Steiner said that he made it clear to I. A. Paschal and Neighbors that Marshall would welcome the opportunity to meet George Paschal on the "field of honor." This the editor of the Intelligencer was unwilling to do, so Steiner claimed, because dueling violated the state constitution. Therefore he and Marshall agreed to submit the entire disagreement to a board of honor comprised of friends of both parties. I. A. Paschal and Robert Neighbors, on the other hand, denied emphatically that Steiner ever proposed that Marshall would or should meet George Paschal in a duel or that he ever talked in terms other than that of a neutral board of honor.

In spite of these differences, it looked for some time during the next few weeks that a mediation board, composed of George Flournoy, J. M. Steiner, and George F. Moore, as friends of John Marshall and F. M. Gibson, John C. Duval, and John Hemphill as friends of George Paschal might be able to reach some compromise acceptable to both parties. But when Marshall published an "award" absolving himself of any impropriety except righteous indignation at false and unjustified allegations, an
award which at least two of the three friends of Paschal disputed, George W. Paschal submitted his allegations regarding the public printing to his own impartial board of review. When this board, comprised of former-Governor Elisha M. Pease, John L. Haynes, James H. Raymond, John M. Swisher, and William Alexander, submitted a report on February 28 sustaining Paschal, the two editors were right back where they had been on January 8, very close to violent confrontation.  

On March 12 John Marshall published a letter from J. M. Steiner accusing Paschal's friend, Major Robert Neighbors, of being "actuated by a low-instinctive bullyism" in having voluntarily chosen to espouse the quarrel of "a wretched poltroon, whose cowardise has compelled him to dishonor himself." Steiner expressed the hope that the Major would not permit the constitution or his conscience to come between his rights and his valor.  

George W. Paschal had resolved to regard this new insult with the "silent contempt" which it deserved, so he claimed, when on Tuesday afternoon, March 15, he received word that Steiner and Marshall and another "valient Knight" or two, "armed to the teeth," were at the post office on Congress Avenue chuckling over his non-appearance. Accompanied by his son and his law clerk, and armed with double-barreled shotguns, Paschal made his way slowly toward the post office, only to see Steiner and Marshall disappear inside the building. Once at the post office, Paschal
called loudly for Marshall's friends to bring out the man who had published him as a "poltroon and a coward." Waiting only two or three minutes for a response that did not come, Paschal strode home to pen a note for the next day's *Intelligencer* before taking his dinner and leaving for Georgetown where he had to be in court the next day. Paschal pledged to continue to publish the truth and to act only on the defensive: "If I fall by the assassin, let me. My cause is just."  

As might be expected, Marshall and Steiner interpreted the events of March 15, 1859 somewhat differently. They claimed that they were unarmed when they saw George Paschal approaching the post office. But as soon as their guns had been brought to them, they stalked the avenue awaiting Paschal's return to the livery stable before his departure to Georgetown.

Whatever the facts, Congress Avenue was soon thronged with curious spectators that afternoon and intense excitement prevailed. District Judge A. W. Terrell, informed of the threatened violence and apparently convinced that the aggressors were Marshall and Steiner, issued an order for the arrest of the two on the charge of disturbing the peace. At mid-afternoon Marshall and Steiner were brought before Justice of the Peace DeCordova by the local sheriff, but charges against them were dismissed for the time being for lack of evidence. While these proceedings were in progress, George Paschal left
Austin with his wife and son for Georgetown.

When Marshall and Steiner discovered Paschal's exodus, they ordered a buggy and horses and by four o'clock were in hot pursuit. By sundown the road to Georgetown was crowded with friends of both parties rushing to the expected scene of battle. When Paschal arrived in Georgetown, however, he was immediately taken into protective custody by the local sheriff. Marshall and Steiner, finding it impossible to confront Paschal, reluctantly returned to Austin, arriving about daybreak the next day. There they were once again arrested by Sheriff Jackson. A hearing was conducted the next afternoon by Judge A. W. Terrell, who was forced to conduct the examination himself in the absence of the district attorney and the unwillingness of several local attorneys to have anything to do with the affair. After hearing the evidence, Judge Terrell imposed a bond of $5,000 on both John Marshall and J. M. Steiner to insure the suspension of hostilities toward George W. Paschal for one year.11

Under the ban of Judge Terrell, John Marshall apparently decided to continue his personal feud with George W. Paschal by means of the printed page rather than the shotgun. J. M. Steiner soon followed suit. On April 30 the State Gazette published a card from a board of honor appointed to adjust the difficulty between Major Robert S. Neighbors and J. M. Steiner stating that
the "controversy originated and progressed in a mutual misapprehension of their position." If, however, John Marshall and George Paschal were diverted from a tragic personal confrontation that spring of 1859, they continued on a collision course politically and editorially in the pages of the Texas State Gazette and the Southern Intelligence.
CHAPTER VI NOTES

1Southern Intelligencer (Austin, Texas), September 8, 1858. Robert M. Loughery, editor of the Marshall Texas Republican commented at the time that Paschal's charges against Marshall was a question of the "ins" against the "outs." He suggested that had Paschal been elected State Printer, Paschal would have made no complaints if the job turned out to be a profitable one. See Texas Republican (Marshall, Texas), September 24, 1858.

2Southern Intelligencer (Austin, Texas), September 8, 1858.

3[George W. Paschal], The Public Printing and the Public Printer (Austin: Southern Intelligencer Press, September 13, 1858); Texas Republican (Marshall, Texas), October 1, 1858.

4Texas State Gazette (Austin, Texas), September 18, October 2, 1858.

5Ibid., January 8, 1859.

6Southern Intelligencer (Austin, Texas), January 26, 1859.

7Ibid., March 9, 1859.

8Texas State Gazette (Austin, Texas), March 12, 1859.

9Southern Intelligencer (Austin, Texas), March 16, 1859.

10Texas State Gazette (Austin, Texas), March 19, 1859.

11The Standard (Clarksville, Texas), April 9, 1859.
CHAPTER VII

PARTISAN POLITICS AND THE SLAVE TRADE ISSUE

When Senator Sam Houston returned to Texas late in August, 1858, he echoed many of the sentiments expressed earlier that summer by George W. Paschal, Willard Richard, A. J. Hamilton, and other "Independent Democrats." This was particularly the case in regard to the subject of political conventions and the alleged dictatorial political leadership of John Marshall and Governor Hardin R. Runnels. Speaking at Hempstead on August 17, Houston called Marshall "the Autocrat of the Texas Democracy."\(^1\)

Taking note of Houston's remarks, John Marshall charged that the "monied Dynasty" in Austin had invited Houston to town to sustain their dying fortune. "Let him come," Marshall wrote, "we will give him enough to reflect upon from our editorial chair in return for his kind services. Marshall concluded from the "signs of the times" that the political campaign of 1859 would be a contest between the "Democracy proper" and the men who opposed organization and Democracy--a "simon-pure Jackson Democratic Party."\(^2\)

J. W. Latimer, editor of the Dallas Herald suggested
in May, 1858, that George W. Paschal had been "read out" of the Democratic party of Texas. Throughout the summer the State Gazette accused Paschal of trying to organize an opposition party. Paschal, however, persistently denied the charge. He remained what he had always been, he claimed, a "National Democrat." He took great delight in reminding W. S. Oldham and John S. Ford, editing the Texas State Gazette in John Marshall's absence, that it was they, not he, who had deserted the Democratic party in 1854 to join the Know-Nothings. But Paschal made no effort to conceal his differences with those who then controlled the Democratic party in Texas, particularly John Marshall and Governor Runnels.

Dissension in the ranks of the Democratic party at the state capital was apparent to almost everyone in late August, 1858. Congressman Guy M. Bryan, visiting Austin at that time, found the party "torn all to pieces with crimination and recrimination." With friends on both sides of the party dispute, Bryan decided not to side with either and made no political speech as he had planned.

Congressman John H. Reagan, who had supported the Democratic convention nominees in the August state elections, read a prepared speech on the subject of slavery and the national political crisis in his hometown of Palestine on August 16 which further compounded the party confusion in Texas. Reagan condemned the abolitionists, Republicans, and Free-Soilers for agitating the slave
issue, but he also affirmed once again his own loyalty to the federal Constitution. He noted that some were for meeting the crisis by dissolving the Union, creating a Southern Republic, incorporating Mexico and Central America, and reopening the African slave. Reagan could not accept this solution, which he termed the "extreme Southern view." He believed it to be "impractical" to reopen the slave trade and condemned such filibustering expeditions as that of General William Walker as lawless acts of international criminals. He saw no need for new parties whether they were "Par Excellence Southern rights" parties like the Southern League of William L. Yancey of Alabama or a "Par Excellence Negro party" like the Republican party. His own course would be to look to the Union as the "sheet anchor of our hopes" and to remain loyal to the federal Constitution.6

George W. Paschal agreed with John H. Reagan that "no sincere patriot" desired to organize a new party. The principles of the Democratic party were indeed sufficiently "States-Rights" to be conservative and sufficiently "Union" to exclude sectionalism, whether Northern or Southern. But Paschal believed that Reagan was more blind than he thought if he did not see a disposition in Texas to "proscribe every conservative, anti-secessionist with more truculency than if they were Know-Nothings."

He feared that the Democrats of Texas, like those of his native Georgia in 1832-1833 might be forced to rally under
the name of Union in order to preserve the Union. Paschal was convinced that Southern extremists within the organized Democratic party were intent on raising one emotional issue after another until they provoked a political crisis which would split the National Democratic party and ultimately destroy the Union. In 1857 such an issue had been Kansas and the Lecompton Constitution; in 1858 and 1859 it was the proposal to reopen the African slave trade.

The movement to reopen the African slave trade began to receive public notice in Texas, as in the rest of the South, as early as 1855. It was not until the summer of 1858 after his return from Mississippi, however, that John Marshall began to give serious editorial attention to the subject. On June 5 Marshall printed a letter from William L. Yancey to the Montgomery Southern Commercial Convention in which the Alabama Democrat declared that the laws prohibiting the foreign slave trade were a violation of the Constitution and an insult to the South. The following week he ran a front page review of a report by South Carolinian L. W. Spratt to the same convention arguing that the slave trade should be re-established. Marshall wrote candidly at the time:

... while it may on the threshold be asked why discuss a question which cannot become a practical issue in the Union, we will answer that it is sufficient for us to know that the slave trade is right and that its existence is demanded for the welfare of the South. When the public mind is thoroughly enlightened upon the subject, it will be time enough to determine whether the South should ask
for the repeal of a law which is odiously unjust, and which is every day weakening the political power of the Southern States.10

When John Marshall returned from his second sojourn in Mississippi in January, 1859, he proceeded with renewed zeal to "enlighten" the public mind upon the slave trade issue. Although he did at one point acknowledge that "good Democrats" might possibly disagree about the matter, he made perfectly clear where the Gazette stood on the issue. Texas needed slave labor; if it was cheaper to obtain that labor in Africa than in Virginia, then Texas had the natural sovereign right to do so. He hoped to see the day when the price of slaves would be within the financial reach of every industrious white man. Federal laws which then stood in the way of this goal were "inhuman and unjust" and should be repealed.11

It surely surprised no one who regularly read the Austin newspapers to discover that George W. Paschal and the Southern Intelligencer did not share John Marshall's enthusiasm for reopening the African slave trade. Paschal suggested in the spring of 1858 that their "fast running young men" who were so anxious to show "their Southern intensity" by clamoring for the "impossible experiment of reopening the African slave trade" would do well to consult the population statistics, which he claimed would clearly show that the present stock of slaves would by 1930 yield 30,000,000 slaves, an "entirely sufficient number."12 Reopening the foreign slave trade was not
only unnecessary, but it was undemocratic, since no national party could endorse it; it was not even Southern, since the South itself was divided on the issue. The movement was but another example of extremist tactics "to raise the cry of grievances--things which can only be remedied by Southern enterprise and industry."¹³

During the fall of 1858 and the spring of 1859 Paschal used every editorial opportunity to oppose the African slave trade, which he regarded as the primary issue then before Texas Democrats. His major appeal was to white laboring men who might have reason to fear economic competition from additional black slaves. His basic argument was that if the price of Negro labor were reduced, the value of white labor would also be reduced in the same ratio. Paschal was particularly offended by the inference of some Southern editors in Texas that physical labor was somehow beneath any respectable Southern white man, that "mere animal labor" was personally degrading. Paschal pointed indignantly to the example of his own father, who although he had labored long years beside slaves on his Georgia farm, "was every inch a Southern man."¹⁴ The notion that the South's prosperity depended upon importing black men until they were cheap enough for everyone to buy them Paschal regarded as "simply suicidal." Whenever slaves became that cheap, he argued, their owners would turn them loose. To his attorney-friend in Galveston, William Pitt Ballinger, Paschal
wrote that the attempt to reopen the slave trade was a blow at the institution of slavery itself, a blow aimed at "disunion and monarchy":

They would establish the St. Domingo order of society. They would have no poor whites; they would crowd out the white population and set up baronial nations . . . . 15

As chairman of the Democratic Central Committee, John Marshall sought to impress his readers with the importance of the state Democratic convention which was to meet in May, 1859. This convention had the opportunity, he claimed, to formulate "ULTIMATUMS" in regard to the tariff, the territories, or the slave trade, which because they would be tried by the "ordeal of the ballot box" in the August state elections, could have great influence at the Charleston meeting of the national Democratic party in 1860. 16 On February 5, 1859, he issued the official call for the state convention and urged every "staunch State's Rights democrat in Texas" to meet in Houston on May 2nd to lay down a "platform of principles" which would commend itself to every sister Southern state. 17

During the weeks preceding the convention, John Marshall gave much space in the State Gazette to reports of county Democratic meetings, particularly to those such as Caldwell, Smith, DeWitt, Fort Bend, Matagorda, and Brazoria which adopted resolutions in favor of reopening the African slave trade. 18 He also published resolutions adopted by the Young Men's Democratic State Rights' Club
in Houston which included the demand that the foreign slave trade be left to the "wisdom and discretion of each individual state." Marshall commented that it was young men who accomplished "the greatest deeds in every cause." 19

As George Paschal read the *Gazette* reports of county Democratic meetings, he concluded that "the charge of schism" must lay at the door of those who sought to engraft new planks upon the Democratic platform. 20 On March 28, 1859, he wrote to John H. Reagan that a strong effort would be made by those who controlled the Democratic party in the state to defeat the Congressman's re-election. Paschal intimated that those who opposed extremism should organize as "independents" and provide the electorate with a choice. Reagan advised Paschal that he was aware of opposition to his re-election but intended to remain within the Democratic party and there fight for the principles in which he believed. He felt that "this thing of going out of the party to correct its supposed errors" had always been fatal to those who tried it. 21

In contrast to Congressman Reagan, George Paschal retained little respect for the "organized" Democratic party in Texas. He took no part in a meeting in April of the Travis County Democrats which saw John Marshall and J. M. Steiner, among others, elected as delegates to the state convention in Houston. 22 He promised editorially to support the nominations of the Houston
convention if neither the platform nor the candidates endorsed what he termed "ultra utopias and sectionalism," but it was evident that he did not expect this to be the case. 23

On May 2, 1859, John Marshall called the state Democratic convention to order at the Academy Building in Houston. Some 220 delegates representing 66 counties were in attendance. 24 Elected as president of the convention was A. J. Hood of Cherokee County and named as chairman of the important Committee on Resolutions and Platform was George W. Chilton of Smith County.

It was in the Committee on Resolutions and Platform that the crucial issue of the African slave trade was debated and decided. In spite of the fact that Chilton had been an outspoken advocate of reopening the slave trade and the acknowledgement by one participant that "nineteen-twentieths" of the convention believed federal laws prohibiting the foreign slave trade to be unconstitutional, 25 the committee's report failed to mention the issue of the foreign slave trade at all. The committee simply recommended to the convention a platform which reasserted the platform of the National Democratic party in 1856 and repeated the Kentucky and Virginia Resolutions of 1798. 26

The slave trade question, however, would not remain silenced. After Hardin R. Runnels, Francis R. Lubbock, and Francis W. White had been nominated for the offices
governor, lieutenant-governor, and commissioner of the General Land Office, respectively, the convention was rocked on May 3rd by a resolution from George W. Chilton to commit the Texas Democracy to a "full and fair discussion" of the question of the constitutionality of the Federal laws prohibiting the introduction of African slaves. In the debate that followed Ferdinand Flake, delegate from Galveston and editor of the German newspaper Die Union, and Hamilton Stuart, editor of the Galveston Civilian, stomped out of the convention hall, declaring that "the odor of the slave trade was too strong for their nostrils." E. A. Palmer of Harris County finally moved to lay Chilton's resolution on the table and substitute for it a resolution stating that the convention opposed adoption of "new tests or measures calculated to produce dissension in their midst, if not permanent disunion" even though they were determined to resist any aggression on the Constitutional rights of the States or the people. Although Palmer's compromise resolution was adopted, the slave trade issue was not resolved. On the final day of the convention yet another delegate, Edward Waller, introduced another resolution that the prohibition of the slave trade was oppressive and ought to be repealed. Amidst angry debate and pending a vote on Waller's motion, the state convention adjourned sine die, again on motion of E. A. Palmer.

In his reports of the state convention, Central
Committee chairman John Marshall discreetly omitted any reference to dissension and stressed the "freedom of discussion" and the harmony which had prevailed in their proceedings. Praising the "self-sacrificing devotion to principle" of those who had not won nomination, he proclaimed that the opposition were "entirely discomfitted" because the "irreparable breach" in the Democratic party which many had expected had not materialized.\(^\text{30}\)

Needless to say, George W. Paschal saw the Houston convention in a different light. On May 11 he wrote in the *Southern Intelligencer* that the "ultraists" at the convention had shrunk from risking the African slave trade plank in their platform but had succeeded in presenting the very embodiment of all that was extreme in their candidates for governor and lieutenant-governor. He noted how solicitous the "imposition Party" had suddenly become to calm discussion of the slave trade, secession, and disunion. He reminded his readers that it was radicals like Marshall who had raised these issues in the first place; they would not now be laid aside to benefit the organized Democracy.\(^\text{31}\)

Paschal also announced on May 11 the candidacy of A. J. Hamilton as an "independent Democrat" for Congress from the Western District of Texas. Hamilton's candidacy came as no surprise to John Marshall. The *Gazette* had noted the previous August that Hamilton would probably run for Congress as the candidate of a discordant group
of "old-line Whigs, 'fishy Democrats,' broken-down politicians, and disappointed office-seekers." Marshall argued that the real issue between Hamilton and Thomas N. Waul, the "organized" Democratic candidate for Congress, was that of "squatter sovereignty." This principle, which Marshall claimed Hamilton supported, would allow any number of men who could first reach a United States territory to establish their own political institutions. If accepted, "squatter sovereignty" would prove fatal to the South for it would enable the populous free states to command the settlement of every future territory in existence. It was this issue, Marshall claimed, not the slave trade issue, upon which the Union might indeed split.

On May 20, 1859, the Intelligencer carried a large placard urging all "freemen" who opposed reopening the African slave trade and disunion and all friends of the National Democracy and James Buchanan to meet at eleven o'clock the next day at the Federal court room in the Swenson Building. Those who accepted the invitation heard a rousing speech by A. J. Hamilton in which he condemned John Marshall for trying to make "squatter sovereignty" a "scuttle fish dodge," to divert public attention from the fact that it was the State Gazette which had initiated "the work of agitating the slavery question in its most objectionable and dangerous form"--by openly advocating the reopening of the African slave trade. Hamilton concluded his remarks with a dramatic appeal for support
of Sam Houston for governor. 34

Following Hamilton's address, resolutions were unanimously adopted calling upon all freemen to unite upon a ticket of Sam Houston for governor, Edward Clark for lieutenant-governor, and A. J. Hamilton and John H. Reagan for Congress. Edward Clark, accepting nomination in person, was unexpectedly interrupted by John Marshall. Marshall asked the former Commissioner of Claims if the State Gazette had not actually tolerated a difference of opinion among Democrats upon the African slave trade issue. Clark replied without hesitation that it had done so only after the Houston Democratic convention, when it had been forced by political expediency to do so. 35

George W. Paschal claimed that he had had nothing to do with the organization of the May 21st "independent" meeting in Austin except to prepare the call. He could not have been happier, however, with the developments. 36 "Little Dicky" [Governor Hardin R. Runnels] must prepare to evacuate the new governor's mansion, Paschal exclaimed editorially; all the "squatter sovereignty" in the world, money at "two for one," or cursing the "d___d Dutch" as "Abolitionists" would not save him this time. 37 To the call for Sam Houston to run for governor as an independent candidat Paschal gave his complete support. He believed that conditions demanded political reform which only Sam Houston could initiate. To Ashbel Smith, long-time friend of Houston, Paschal wrote on May 27 that the time had
come for "a glorious revolution" which would redeem the Democracy. Smith could best serve the Constitution, the Union, the Texas frontier, and the cause of state reform by advising Houston to run once again for governor of Texas. 38

The pleas of Paschal, Ashbel Smith, and other conservatives had their desired effect. On June 1, 1859, Paschal announced in the Intelligencer that their "agony" was over; Sam Houston was in the field once more. The next week he printed the following letter from Houston, dated Independence, June 3, 1859:

Geo. W. Paschal, Esq.--Dear Sir:--On Yesterday I yielded my own inclination to the wishes of my friends, and concluded, if elected, to serve the people as the Executive of the State. THE CONSTITUTION AND THE UNION EMBRACE THE PRINCIPLES BY WHICH I SHALL BE GOVERNED IF ELECTED. THEY COMPREHEND ALL THE OLD JACKSON NATIONAL DEMOCRACY I EVER PROFESSED, OR OFFICIALLY PRACTICED.

I am Thine truly,
SAM HOUSTON 39

The gubernatorial campaign of 1859 was for Sam Houston remarkably quiet in contrast to that of 1857. He made only one major speech, that in Nacogdoches on July 9. 40 But for the editors of the Austin State Gazette and Southern Intelligencer, the campaign could hardly have been more active or more heated. Paschal endorsed Sam Houston for governor, Edward Clark for lieutenant-governor, and A. J. Hamilton for Congress from the Western District of Texas. John Marshall supported the Democratic convention nominations of Hardin R. Runnels for governor,
Francis R. Lubbock for lieutenant-governor, and Thomas N. Waul for Congress. In Paschal's words, the contest between Houston and Runnels was a question of who was the "better Democrat."\textsuperscript{41}

To the surprise of some, both Marshall and Paschal endorsed and claimed John H. Reagan, candidate for re-election to Congress from the Eastern District of Texas, and Frank M. White, candidate for re-election as commissioner of the General Land Office. Marshall charged on May 28 that the "opposition" wished to create the impression that White was "with them" and claimed that the commissioner in fact condemned the entire movement being made against the organized Democratic party in Texas. Paschal, in turn, published a letter from White in which White stated that he did not regard those who refused to support "some" of the nominees of the Houston convention as categorically opposed to Democracy, that he did not favor reopening the slave trade, and that he did, in general, support the Buchanan administration.\textsuperscript{42}

In regard to John H. Reagan, John Marshall sought throughout the campaign in 1859 to play down a split among East Texas Democrats which resulted in many of the more extreme Southern-rights Democrats such as Robert W. Loughery, editor of the Marshall \textit{Texas Republican}, supporting former Whig and Know-Nothing William B. Ochiltree for Congress. Paschal, of course, took great delight in the party squabble. He wrote derisively:
The poor discomfitted Chairman of the Central Committee occasionally turns from the treasury trough, casts his beseeching eyes Eastward and hollers, "Whoah!! Loughery!! . . . you are killing little dicky and grinding the treasury trough to powder!!!!!!" 43

As to his own position, Congressman Reagan refused to disassociate himself from the organized Democratic party. In a letter to Paschal of June 26, Reagan acknowledged the "complications and confusion" which then reigned in Texas politics and admitted that he had at times regretted allowing his name to be used in the canvass. But he refused to abandon the party which had first nominated him. His preference was to work for Democrats of "the National and conservative school" within the organized party.44

Both John Marshall and George Paschal accused the other of Know-Nothing proclivities during the campaign. Marshall termed Houston's announcement of his candidacy his "Independence Letter No. 2." He explained that in Houston's "first" letter from Independence in July, 1855, the Senator had pledged his support to the American party, and he shrewdly printed Paschal's own condemnation of Houston's 1855 Know-Nothing position. Houston remained in 1859 what he had been in 1855, argued Marshall, a Know-Nothing who would barter the dearest rights of Texas for the vain hope of Northern support for the presidency. Paschal, as anyone could plainly see, was the worst sort of political hypocrite.45 As in 1855, Marshall sought to equate the opposition with Know-Nothingism and Know-Nothingism
with the abolitionist movement in the North. The "enemies of Democracy" wanted Houston in power to destroy the Democratic party in Texas and then to betray the South to the Black Republicans in 1860. "Fusionists," such as Paschal and Houston, Marshall argued, stood ready to "secede from the Constitution . . . and to bow with humble submission to the Higher Law of Black Republicanism."47

Paschal made no more apology for his criticism of Houston in 1855 than he did for his support of Houston in 1859. Houston, Paschal claimed, had "acted Democracy" and had ably stood by James Buchanan while "the secessionists" made common cause with Northern fanatics against the President.48 In Paschal's view the charges of Know-Nothing and the question of Union or disunion were thoroughly interwoven. In 1854 and 1855, he claimed, the Know-Nothings appealed to prejudices against "castes, nativities and form of worship" under the plea of "Americanism." The "organizers," the convention Democrats in Texas, under the plea of Southern patriotism now opposed foreign immigration in favor of importing cheap, raw Africans. They branded as "anti-Southern" or tainted with abolitionism anyone who admitted that he had labored in a Southern field or who contended that white men could and did work in the South. The "democracy" preached by Marshall and company was but "a narrower sort of Know-Nothingism":

"Southrons and fire-eaters shall rule the South," is substituted for "Americans shall rule America." "Destruction to men of Northern birth, who have
Northern kindred," has taken the place of "death to the criminals and paupers;" "Intense Southernerism" has supplanted "intense Americanism;" "Allegiance to the Union" is to be made as hateful as "spiritual allegiance to the Bishop of Rome;" and "Conventions for every office from President to Constable," are the machinery substituted for the "grand councils," the "State councils," and "encampments." 49

In spite of John Marshall's efforts to down-grade its importance, the most important issue in the governor's race in 1859 was the proposal to reopen the African slave trade and its implication for national union or disunion. Marshall, forced upon the defensive by the division among Democrats at the May state convention, continued to insist throughout the campaign that the slave trade was not an issue but simple a scheme of the opposition to secure the disorganization and ruin of the Democratic party in Texas. 50 He published a letter from Governor Runnels vowing that he was then and ever had been "for the Union under the Constitution, and the strict maintenance of the Supremacy of the laws." 51

Marshall interpreted much of the political opposition as a personal vendetta of George W. Paschal. Paschal's newly discovered opposition to political convention was strange, he thought, coming from a man who for eight years was heard to say that until Texas organized and had conventions, none but "lack learning men" would be elected to office. Marshall suggested that a "true confession" by Paschal might run something like this:

I tried the people of Texas without convention nomination, and found that though I have been
"Judge in Arkansas"--I was not known--I am a great man. A great constitutional lawyer . . . What could be expected of conventions; they passed me over--the great convention held at Austin in 1856 would not make me chairman of the Central Committee. The Waco Convention left me off the committee entirely. The people of Travis would not send me to the State Convention at Austin in January, 1858, so I will endeavor to destroy what has been of no use to me--no matter if I consort with those to whom I have ever been (apparently) opposed. 52

The split among Texas Democrats, contrary to what John Marshall would have liked to believe, was far more than the work of one man. 53 Governor Runnel's re-election was opposed not only by George Paschal but by many others whose loyalty to the Democratic party had never been questioned, men such as Elisha M. Pease, M. T. Johnson, Ferdinand Flake, Hamilton Stuart, and George H. Sweet. The division could be seen in the newspaper line-up in the campaign. Those supporting the regular Democratic ticket included the Galveston News, Houston Telegraph, Huntsville Item, Washington Ranger, Waco Southerner, Seguin Mercury, Marshall Texas Republican, Jefferson Herald, Jefferson Gazette, Quitman Herald, Upshur Democrat, Henderson Beacon, the Liberty Gazette, Dallas Herald, Crocket Argus, Trinity Advocate, Sherman Patriot, and the Clarksville Standard. Those supporting the independent ticket, in addition to the Austin Southern Intelligencer, included the Waco Democrat, Colorado Citizen, Richmond Reporter, San Antonio Zeitung, Galveston Union, Galveston Civilian, Brownsville Flag, Birdville Union, Anderson Central Texian, San Antonio Herald, Washington Register, Seguin Journal,

John Marshall was correct, however, in singling out George W. Paschal as one of those whose opposition to the "organized Democratic" nominations was most effective. As he had done earlier in the spring, Paschal flattered the poor white's pride in the dignity of his labor and appealed to his anxious sense of self-interest in the face of further future economic competition from the importation of more black slaves. The "organizers" might rail about the beauties of "organization," but "the wood-chopper, the cow driver, the merchant or the honest lawyer," Paschal claimed, knew that theirs was a "spoils patriotism." Sam Houston had not answered the call of the Southern Intelligencer in announcing his candidacy for governor, but the call of the "hard fisted yeomanry" of Texas, men who were "Democrats by nature and habits of thought."  

In a speech to the Independent Democracy of Travis County on the Saturday before the election, Paschal noted that it had been but one year before that he had spoken at a similar rally for Judge Bell, whose election at the time appeared to most observers to be impossible. But victory was won, he reminded his listeners, by the "quiet, orderly, reflecting men of the country." The ship of the "paid Democracy" had in the 1858 election been "wrecked;" in 1859 it would be "dashed to pieces." Paschal was certain that in Texas, secession and the slave trade were dead.
The state elections of August, 1859 resulted in a complete, decisive, victory for the moderate, conservative national wing of the Democratic party in Texas. Elected were independents Sam Houston as governor, Edward Clark as lieutenant-governor, and A. J. Hamilton as Congressman from the Western District. "Organized" Democratic nominees who had come out strongly against the foreign slave trade, Frank M. White and John H. Reagan, were also re-elected. Interpretations of the victory varied. Some believed the election resulted simply from "a blind infatuation" by many Texans with Sam Houston. Some, like State Senator James W. Throckmorton, saw the opposition of Congressman John H. Reagan to extremism as the true cause of Runnel's defeat. Charles R. Pryor, editor of the Dallas Herald, agreed with the analysis of the Bonham Era that the "quivocal [sic] position of Messrs. Runnels and Lubbock on the reopening of the African slave trade" had been the most potent factor in the Democratic defeat. Guy M. Bryan, on the other hand, blamed those Democratic newspapers which had eulogized Sam Houston after his Senate speech criticizing the unpopular federal district judge, John C. Watrous, thus preparing the people to accept Houston favorably when he became a candidate for governor.

However one might analyze the defeat of the organized Democratic party in 1859, the election represented the pinnacle of George W. Paschal's personal influence upon Texas politics. Paschal regarded the independent's victory
as a personal vindication of his own break with John Marshall and those who controlled the organized Democracy party in Texas. Moreover, he regarded the victory as reassuring evidence that the real Texas Democracy still retained faith in the national union.
CHAPTER VII NOTES

1Weekly News (Galveston, Texas), August 24, 1858.

2Texas State Gazette (Austin, Texas), August 21, 1858.

3As quoted in the Southern Intelligencer (Austin, Texas), May 5, 1858.

4Ibid., September 15, 1858. Paschal wrote, "Well, if we are to be read out of the good old democratic party in which we have battled from the days when Jackson was threatening disunionists with hemp until the present time, let the sentence be performed by those high priests in Sam's councils in 1855."

5Guy M. Bryan to Thomas M. Jack, September 2, 1858, William Pitt Ballinger and Thomas J. Jack Papers. In view of the division, Bryan probably felt content with his decision to defer to the wishes of his young fiancee, Laura Jack, and not run for re-election to Congress in August, 1859.

6Texas Republican (Marshall, Texas), August 26, 1858.

7Southern Intelligencer (Austin, Texas), September 8, 1858.

8The Texas delegation to a commercial convention in New Orleans voted unanimously to legalize the slave trade in 1856. In 1857 John Henry Brown, State Representative from Galveston introduced in the Legislature a joint resolution extolling the virtues of slavery and proposing that the governor and the Congressional delegation press for repeal of the laws or treaties restricting the African slave trade. The House Committee on Slaves and Slavery returned an unfavorable report at the time because of the controversial nature of the petition, but significantly ordered ten thousand copies of Brown's resolution and accompanying treatise on slavery printed at state expense for distribution across the state. See A Report and Treatise on Slavery and the Slave Agitation (Austin: John Marshall and Company, 1857); Earl Wesley Fornell, The Galveston Era, p. 215-230; W. J. Carnathan, "The Attempt to Reopen the African Slave Trade in Texas, 1857-1858," Proceedings of the Sixth Annual

Texas State Gazette (Austin, Texas), June 12, 1858.

Ibid., January 1, 1859.

Southern Intelligencer (Austin, Texas), April 28, 1858.

Ibid., September 18, 1858.

Ibid., May 5, 1858; January 12, 1859.

George W. Paschal to W. P. Ballinger, Austin, Texas, June 15, William Pitt Ballinger and Thomas M. Jack Papers.

Texas State Gazette (Austin, Texas), January 15, 1859.

Ibid., February 5, 1859.

Ibid., March 19, 1859; Southern Intelligencer (Austin, Texas), March 30, April 20, April 27, 1859.

Texas State Gazette (Austin, Texas), April 9, April 23, 1859.

Southern Intelligencer (Austin, Texas), May 4, 1859. J. W. Latimer, editor of the Dallas Herald, predicted that if "fire-eaters, disunionists and sectionalists" predominated over the conservative element at the coming Democratic state convention, "nothing but the most positive danger to the ticket, if not actual defeat" would result. See Herald (Dallas, Texas), April 27, 1859.

John H. Reagan to Hon. G. W. Paschal, Palestine, Texas, April 4, 1859, John H. Reagan Papers (Archives, University of Texas Library, Austin.) Reagan did, however,
issue a controversial circular to the voters of the First Congressional District and made several speeches defending his opposition to political extremism. His course was said to have produced "quite an excitement" in North and East Texas with the "fire-eating portion" down on him for being "too Northern in his sentiment" and "on the Houston (Sam) platform." See James H. Bell to W. P. Ballinger, Tyler, Texas, May 1, 1859, William Pitt Ballinger and Thomas M. Jack Papers.

22Southern Intelligencer (Austin, Texas), April 20, 1859; Brown, "Annals of Travis County and the City of Austin," Chapter XIX, p. 13; Texas State Gazette (Austin, Texas), April 23, 1859.

23Southern Intelligencer (Austin, Texas), May 4, 1859.

24Proceedings of the Democratic Convention of the State of Texas, Held in the City of Houston, May 2d, 3d, 4th, and 5th, 1859 (Houston: Printed at the Telegraph Office, 1859), p. 5.


26One correspondent suggested that Governor Runnels and Judge W. S. Oldham, regarding their nomination as certain, prevailed upon the resolutions committee to omit reference to the controversial issue which might "injure their prospects before the people." See Southern Intelligencer (Austin, Texas), May 18, 1859.


28Telegraph (Houston, Texas), May 6, 1859, as cited by Earl Wesley Fornell, The Galveston Era, p. 225.


30Texas State Gazette (Austin, Texas), May 14, 1859.

31Southern Intelligencer (Austin, Texas), May 18, 1859.

32Texas State Gazette (Austin, Texas), August 28, 1858.

33Ibid., May 21, 1859.
34 Southern Intelligencer (Austin, Texas), May 25, 1859. A correspondent for the Clarksville Standard reported that he had never seen such a "promiscuous, heterogenous conglomeration of humanity." It included "Old Line Whigs, Know-Nothings, Independents, Renegades, Bolters, Faggots, Frazzles, Stubs and Tail-ends of all parties, with an occasional Democratic spectator." See The Standard (Clarksville, Texas), June 4, 1859. Willard Richardson of the Galveston News, commenting on the Austin meeting predicted that the new party would eventually embrace "all the elements of opposition to Southern Democracy." See Weekly News (Galveston, Texas), May 31, 1859.

35 Southern Intelligencer (Austin, Texas), May 25, 1859.

36 Willard Richardson termed Paschal "the soul of this plot against the Southern Rights' Democratic party of the State of Texas," while E. H. Cushing wrote of the "new Paschalian Austin clique." See Weekly News (Galveston, Texas), June 28, 1859 and Texas State Gazette (Austin, Texas), June 4, 1859.

37 Southern Intelligencer (Austin, Texas), May 25, 1859.

38 George W. Paschal to Dr. Ashbell Smith, Austin, Texas, May 27, 1859, Ashbel Smith Papers.

39 Southern Intelligencer (Austin, Texas), June 8, 1859.

40 Paschal called the speech "a stunner from which the Secessionists and the Re-open the African Slave Trade Opposition cannot recover." He noted that he was sending out several thousand copies of the speech in a special edition of the Intelligencer. See Southern Intelligencer, July 27, 1859. The speech may be found in The Writings of Sam Houston, Vol. VII, p. 343-367.

41 Southern Intelligencer (Austin, Texas), July 27, 1859.

42 Ibid., June 8, 1859. See also George W. Paschal to Hon. F. M. White, Austin, May 28, 1859; Francis M. White to George W. Paschal, Austin, May 30, 1859; J. M. Steiner, Member State Democratic Committee to Hon. F. M. White, Austin, June 6, 1859; Francis M. White to Dr. J. M. Steiner, Austerian, June 6, 1859, all in the Francis M. White Papers (Archives, University of Texas Library, Austin).

43 Southern Intelligencer (Austin, Texas), July 27, 1859.

44 John H. Reagan to Hon. George W. Paschal, Palestine, Texas, June 26, 1859, John H. Reagan Papers (Archives, Texas State Library, Austin.)
Texas State Gazette (Austin, Texas), June 11, 1859.

Ibid., July 2, 1859.

Ibid., June 11, 1859.

Southern Intelligencer (Austin, Texas), June 15, 1859.

Ibid., August 17, 1859.

Texas State Gazette (Austin, Texas), June 25, 1859.

H. R. Runnels to Major John Marshall, Chairman of State Committee, Austin, June 17, 1859, printed in the Texas State Gazette, July 2, 1859.

Texas State Gazette (Austin, Texas), July 23, 1859.

John E. Campbell, who made his home on a farm near Austin, described the party split to his brother in July, 1859. He explained that "an offshoot from the Democratic party" had formed a coalition with the old Know-Nothing party and other independents. The leadership of the Democratic party, he believed had been such as to render a great many Democrats dissatisfied with no remedy to correct the evil but to desert the party. See John E. Campbell to "Brother," Mountain Home, July 8, 1859, John E. Campbell Papers (Archives, University of Texas Library, Austin).

Campaign Intelligencer (Austin, Texas), July 16, 1859.

Southern Intelligencer (Austin, Texas), August 3, 1859.

Ibid.

Brown, "Annals of Travis County and the City of Austin," Chapter XIX, p. 31.

H. Wilson to H. R. Runnels, Marshall, Texas, August 3, 1859, Hardin R. Runnels Papers. T. Scott Anderson explained that a majority of Texans "had determined to apologize to Gen. Houston for their treatment of him two years ago and . . . all hell couldn't prevent them from doing it." He called it "blind submission to a Humbug Hero." See T. S. Anderson to Thomas M. Jack, Austin, August 24, 1859, William Pitt Ballinger and Thomas M. Jack Papers.

J. W. Throckmorton to B. H. Epperson, McKinney, Texas, August 18, 1859, Benjamin H. Epperson Papers (Archives, University of Texas Library, Austin).
Herald (Dallas, Texas), August 10, 1859. Ronald T. Takaki concluded that Houston's managers were successful in identifying Runnels with the African slave trade and were able to construct a powerful coalition of Know Nothings, Unionists, National Democrats, non-slaveholders, and German immigrants that made political victory possible. See Ronald T. Takaki, A Pro-Slavery Crusade, p. 184.

Guy M. Bryan to Austin Bryan, Galveston, Texas, August 15, 1859, Guy M. Bryan papers.
CHAPTER VIII

DEMOCRATIC COUNTERATTACK

John Marshall must have been deeply disappointed by the election results, but his editorial of August 6 reads more like a declaration of war than an acknowledgment of defeat:

From this time forward, we strike back upon the enemy which through the indifference and supineness of the masses have been enabled to approach the threshold of the citadel of the Democracy . . . . From this hour hence forward the flag of the Democracy is nailed to our masthead for the fight of 1860 . . . . Time will tell the tale. We have nothing to fear for our principles. 1

In the succeeding weeks John Marshall, as chairman of the Democratic Central Committee and as editor of the Texas State Gazette, launched a three-pronged counterattack to redeem his party's defeat and insure victory in the critical state and national elections in 1860.

In the first place Marshall moved to seal the rift between Congressman John H. Reagan and East Texas States-rights Democrats, a rift which had been a major factor in the defeat of the Democratic ticket in August, 1859. He wrote to Reagan soon after the election seeking a promise from the Congressman to continue to support the organized Democracy. Marshall assured Reagan that for
the present a single platform should be made the basis of future party action, and while they continued to enjoy the guarantees of the Constitution, disunion per se ought not to be advocated.²

John H. Reagan pledged to John Marshall his future cooperation. He candidly asserted, however, that the Democratic defeat in 1859 resulted from some "who professed most loudly to be the peculiar champions of Democracy" while advocating "doctrines at war with its principles and platform."³ In an open letter to the public on September 5, 1859, Reagan reaffirmed his intention to remain loyal to the Democratic party, but he made clear, as well, that the "sectional element" in that party, which he believed constituted less than one-fifth of the party membership, must not be permitted to control the party. Reagan saw himself as an old fashioned Democrat who needed no descriptive adjective--be it "Free Soil" or "Southern-Right."⁴

In a second phase of his new offensive, John Marshall initiated an editorial attack upon what he regarded as the indifference and ignorance of many Texans as to where their vital interests lay. Marshall was furious at the apparent effectiveness of Paschal's editorials regarding the "dignity of white labor." As a school marm who has to re-teach a lesson unlearned, Marshall reiterated his contention that agitation of the slavery question would never cease, that Black Republicans had determined to
have every new territory for free soil and to crush slavery where it already existed. The course of the Intelligencer in proclaiming a conflict of free and slave labor only strengthened the hands of the Black Republicans. There was no antagonism of labor in the South. The white laborer was not only better paid in the South, but his whole character was dignified by the existence of menial laborers in African slaves. The white laborer knew that there might be wealthier white men than himself, but there was also a class below him that yielded to him and obeyed him.

The poor man at the South must realize, Marshall maintained, that if slavery were abolished, the value of his own labor would not only be diminished, but his political and social condition would be lowered and his personal safety, itself, would be greatly jeopardized. If slavery were abolished, every white man, slave owner or not, would be imperiled. As if to illustrate the danger which Texas faced, Marshall reprinted a warning from the Texas Christian Advocate concerning the alleged intention of the Northern Methodist Church to send missionaries to North Texas to organize "an Abolition Missionary Conference." He printed, as well, a description of how some two hundred men, armed with revolvers and bowie knives, wisely broke up an annual conference meeting at a Methodist church at Timber Creek in Fannin County because the minister was rumored to have defamed slavery. Marshall
termed the action an "unpremeditated uprising of the people for the protection of their property, and firesides and their homes." 7

A third integral part of Marshall's counterattack was a stepped-up campaign of personal abuse toward his rival George W. Paschal. Paschal's editorials, Marshall charged, exposed him as the "champion of free Negro citizenship" and the lone advocate of free Negro suffrage in Texas. Paschal's philippics in favor of free labor were merely ideas stolen from the press of abolitionists Horace Greeley and Wendell Phillips. "Jerry's Black Republican dog meat," however, no matter how well disguised, would not be swallowed here; the Texas gullet was not sufficiently dark to render the dose palatable. Paschal became an editor, Marshall suggested, because he had been "too noisy and long-winded" to acquire "honorable distinction" as a lawyer. His "hybrid character" as lawyer and editor, illustrated well his "reputation for duplicity." 8

In his new assault upon the editor of the Southern Intelligencer, Marshall did not forget his old quarrel with Paschal over the state printing. On September 12 he addressed a circular letter to every state printer in the Union inquiring about their charges for "rule and figure work." He proudly printed what he said were replies from printers in fifteen states which said that they charged, as had he and Oldham, one page of "rule and figure" for two of plain printing. 9
When the Legislature reassembled in November for its biennial session, Marshall and W. S. Oldham prevailed upon friends in both Houses to introduce petitions requesting a full investigation of the charges published by Paschal in the pamphlet, "Public Printing and the Public Printer."\(^{10}\) The matter was referred to a joint committee of both houses, but the committee was reluctant to enter a personal dispute which might consume much time and never reach an acceptable conclusion.\(^{11}\) The committee respectfully declined to reach any decision early in January and requested permission to return the memorials to the respective Houses and be discharged from further investigation.\(^{12}\) Although the Legislature later accepted once again the bid of John Marshall and the \textit{State Gazette} to do the public printing for the years 1859 and 1860, it was something of a shallow victory, since one of the first acts passed by the Eighth Legislature, "An Act to Regulate the Public Printing," abolished the office of public printer after June 1, 1861.\(^{13}\)

By the time of the Inaugural Ball for Governor Sam Houston in mid-December, 1859, two events had occurred which neutralized to a great extent the victory of the Unionists and independent Democrats in August. The first of these events was the raid by John Brown on the federal arsenal at Harper's Ferry, Virginia, on October 16, 1859. Although initial newspaper response was restrained in Texas,\(^{14}\) the significance of the raid was not lost upon
Texans sensitive to any threat to the South's peculiar institution. John Marshall, in reference to John Brown, argued that slavery was the bulwark of the Southern social fabric and any attempt to destroy it would be a signal for an uprising of their whole people in its defense.15 Marshall had long been convinced of the certainty of a Yankee--abolition--Black Republican conspiracy to overthrow slavery. John Brown, he asserted, was a "heated partizan" of that irrepressible conflict and his raid but a sample of the peril which the South faced from those intent on abolishing slavery.16

Brown's raid helped convince many Texans that John Marshall had been right all along. The Gazette carried a letter to the editor on December 17, 1859, which observed:

... the events of the last three months, including the Harper's Ferry affair and the astounding disclosures growing out of it, have convinced thousands of our most thoughtful and conservative men, that a great crisis is before us.

Governor Hardin R. Runnels in his farewell address to the Texas Legislature on November 10, 1859, commented that events were fast converging to a fearful catastrophe similar to that which prevailed prior to the American Revolution. He pointed specifically to the attempted insurrection at Harper's Ferry. The States-rights democracy, the Governor said, relied upon the conviction that government was founded in the interests and affections of the people and that upon them it must rely for maintenance and support: "Equality and security in the
Union, or independence outside of it, should be the motto of every southern state."\textsuperscript{17}

A second event, which represented an enormous setback to George Paschal and other Texas moderates, was the election of Louis T. Wigfall to the United States Senate by the Texas Legislature on December 5, 1859. Marshall, Robert Loughery, Willard Richardson, and other State-rights advocates, had strongly endorsed Wigfall because of his service to the organized Democratic party in 1857 and 1859 and his bold stand for the rights of the South. Although his election met strong resistance in the Legislature, it was finally insured by the inability of the opposition to rally around a suitable nominee.\textsuperscript{18} While George W. Paschal lamented that "the national democracy" deserved defeat for not concentrating upon one of their own, John Marshall hailed Wigfall's election as senator as redemption from the Democratic defeat of the past summer:

The Legislature of her State elects to the American Senate one who is well recognized as an embodiment of our States Rights Democracy. When we reflect upon the late success of a party without any common principles of action, in electing Sam Houston to the Governorship of the State of Texas, we may well say that she has since done the best day's work ever accomplished by her from the day she entered the American Union! 19
CHAPTER VIII NOTES

1. *Texas State Gazette* (Austin, Texas), August 6, 1859. Professor William Barney, in a recent study of the secession movement in the South refers to the ability of Southern radicals to analyze their mistakes and "fashion a revolutionary ideology that would blend tactics and goals into an effective strategy for future action." Barney wrote that the goal of the radicals from the start was to convince their fellow Southerners that slavery and the Union could not safely coexist. See William Barney, *The Road to Secession: A New Perspective on the Old South* (New York: Praeger Publishers, 1972), p. 116.


3. Ibid. State Senator J. W. Throckmorton had hopes that Reagan might head a coalition of former Whigs, conservative Democrats, and discontented Democrats. He sought to impress upon Reagan the precarious position in which he stood with Runnels, Marshall, and to convince Reagan that he could profit politically by endorsing the independent Democratic movement. See J. W. Throckmorton to John H. Reagan, McKinney, Texas, September 9, 1859, John H. Reagan Papers (Archives, Texas State Library, Austin, Texas).

4. *Texas State Gazette* (Austin, Texas), September 24, 1859. Reagan's position remained, then ambiguous, with both Marshall and Paschal claiming the support of the Congressman.

5. *Texas State Gazette* (Austin, Texas), September 10, 1859.

6. Ibid., August 13, 1859.

7. Ibid., September 17, 1859. It was almost as if John Marshall had decided that because a calmer appeal to reason and principle had failed in August, he had now to resort to fear and racial prejudice.

8. Ibid., September 3, 1859.
Ibid., December 3, 1859.

Ibid., November 12, 1859.

Standard (Clarksville, Texas), December 10, 1859.

Texas State Gazette (Austin, Texas), January 14, 1860. Unsuccessful in his attempt to secure legislative vindication, Marshall published again the controversial "award" by the committee of mutual friends which Paschal had repudiated in March, 1859.

The act directed the Secretary of State, Treasurer, and Comptroller thereafter to advertise their printing needs and accept the lowest bid. See The Laws of Texas, 1822-1898, Vol. IV, pp. 1365-1370.


Texas State Gazette (Austin, Texas), November 5, 1859.

Ibid., January 14, 1860.

Ibid., November 12, 1859; Weekly News (Galveston, Texas), January 10, 1860. An indication of the division of sentiment in the House of Representatives can be seen in the result of a resolution introduced by E. H. Epperson of Red River County dissenting from Governor Runnels's view that affairs were then similar to that which existed prior to the American Revolution. Epperson's resolution was laid on the table by a vote of 45 to 41. See Texas State Gazette (Austin, Texas), November 26, 1859.


Texas State Gazette (Austin, Texas), January 14, 1860.
CHAPTER IX

THE LONG, HOT SUMMER OF 1860

In an editorial in August, 1859, George W. Paschal expressed the hope of conservative Independents that they might represent the Texas Democracy at the 1860 Charleston national convention. He suggested that the Democratic "organization" should disband and unite with the "National Democracy" in sending representatives to Charleston.\(^1\) Paschal insisted that Sam Houston was the only candidate who could defeat a Black Republican in 1860. The recent defeat of "the whole family of Mississippi Barnacles" in Texas placed this state at the center of a movement around which all "national men, Union men, States- Rights men, and friends of the Constitution" might rally.\(^2\)

John Marshall mocked the idea that Governor Sam Houston stood any chance before the Democratic convention at Charleston as mere folly. It was Houston's course in the Senate, he charged, that admitted Black Republicanism to political power in the first place. Houston had been elected governor by a peculiar combination of favorable circumstances which the opposition could never hope for again, particularly not in 1860.\(^3\)

Both Marshall and Paschal anticipated that Stephen
A. Douglas would be a strong contender for the Democratic presidential nomination in 1860. Paschal indicated that he preferred Sam Houston, but might be willing to accept Douglas. In a letter to Congressman A. J. Hamilton in February, 1860, Paschal predicted that Douglas would either be nominated in Charleston or there would be no nomination. He still hoped that in the "chapter of accidents" Sam Houston might somehow become a presidential candidate, but if it came to a choice between Douglas and "a bolting secessionist," he would certainly choose Douglas. Paschal confided that he had never liked Douglas and thought him "a rather poor lawyer," but the Illinois Senator had "will and brains." 4

John Marshall, on the other hand, refused to consider Stephen Douglas as a contender for the Democratic presidential nomination. Douglas, said Marshall, stood for "white government, white population, and white progress" in which black slaves held no place. Douglas' squatter sovereignty would win more free soil to the North than Black Republicanism. 5 The South must have a perfect understanding that her Constitutional right to introduce slave property into the territories would be recognized. This, according to Marshall, Douglas could not provide. 6

A concern with Southern property rights in the territories permeated John Marshall's preparations as chairman of the Democratic Central Committee for the annual state convention to be held in Galveston on April 2, 1860.
In his official convention call in February, Marshall announced that "the work of transcendent interest" at the convention would be the adoption of a platform declaring the position of the people on the grave issues then before the country. What was essential was "a firm and determined stance in favor of our right to the protection of our property in the Territories." All who sought to sustain the Union on the only basis worth saving, the Constitution, were invited to join the ranks of the Democratic party.  

George Paschal stated as early as August 17, 1859, that he would have nothing to do with a convention to nominate candidates for state comptroller, treasurer, and attorney-general in 1860. These offices should be filled, he said, by "the free voice of the people," and no convention, in his opinion, was likely to reflect that voice.  

He must have grown even more discouraged as he saw public opinion in Texas hardening around an extreme Southern position in the wake of John Brown's raid and witnessed Wigfall's election to the United States Senate. Moreover, Paschal's own personal affairs demanded attention that had been neglected in the interest of politics during the past year. Disillusioned by the march of events and anxious about his own professional affairs, Paschal wrote his friend William Pitt Ballinger early in March, 1860, that it had become "absolutely necessary" that he resign as editor of the Southern Intelligencer in order to devote his full time to his law practice.
In his valedictory editorial for the *Intelligencer* Paschal admitted that politics was a "poor trade" and that his private affairs had suffered.\(^1\)

John Marshall, of course, was elated at the news of Paschal's retirement as editor of the *Intelligencer*. He bid a fond farewell to the infamous "Jerry Sneak," and took particular pleasure in the fact that Paschal had conceded, so he claimed, that in abandoning the organized Democracy, he had been "poorly paid and worse treated."\(^2\) Marshall undoubtedly agreed with the Matagorda *Gazette* that "no editor ever retired from the tripod with a greater load of odium and contempt than Paschal."\(^3\) The fact that Paschal surrendered the editor's chair to another, however, did not mean that he intended to retreat completely from the battlefield of Texas politics.

Late in March, 1860, John Marshall made his way by stagecoach and railroad to Galveston to attend the Democratic state convention. He found a somewhat warmer reception than he had anticipated, since he was called upon to help fight a local house fire before he had even found his hotel.\(^4\) The Island City welcomed some 242 delegates from 70 Texas counties.\(^5\)

Delegates to the Galveston convention assembled at the Court House on Monday, April 2nd to hear John Marshall call the meeting to order at twelve o'clock noon. After an opening prayer Marshall addressed the delegates briefly on the grave issues confronting the nation. In
the Black Republicans, Marshall asserted, Democrats faced a party intent on nullifying the Fugitive Slave Act in the free states and destroying the right to property in the territories. It was now time, above all others, when their Constitutional rights must be expressed in a "clear unequivocal and firm manner." He congratulated the convention upon the good representation of the state and the harmony of political sentiment which seemed to prevail. 15

In marked contrast to the Houston convention of the previous year, which had been characterized by bitter debate over the foreign slave trade, the Galveston assembly unanimously adopted the platform recommended by Fletcher S. Stockdale and the Resolutions Committee. This platform repeated the Virginia and Kentucky Resolutions and declared that Texas had parted with none of her sovereignty in joining the Union and possessed the full right to resume her independence, if her rights were violated. Every citizen had the right to take property of any kind into a territory of the United States. Whenever the "sectional party at the North" succeeded in electing a president, then the people of Texas stood ready to cooperate with South Carolina in taking necessary measures for their protection, either in or out of the Union. Furthermore, government was organized for the benefit of the white race; any effort by the Black Republicans to disturb the happy "subordinate condition of the negro" or invest him with social or political equality with the
white race would be regarded as a violation of nature itself and the experience of all mankind.\textsuperscript{16} In the same spirit of unity, the convention went on to nominate candidates for the state races in 1860, select presidential electors for the party, and name delegates to the Democratic national convention in Charleston.\textsuperscript{17}

John Marshall did not return immediately to the Texas capital following the Democratic convention. He spent almost the next two months visiting members of the press in Galveston, Houston, and Louisiana, as he made his way once again to the home of his wife's relatives in Mississippi. When he did return to Austin early in June, he brought with him subscriptions for a two-volume biography by John H. Cliborne of the late John A. Quitman, former Mississippi governor and Congressman. Quitman's life, Marshall was certain, would inspire all who read it in those troubled times with a love of the "great principles of State Rights."\textsuperscript{18}

When news of the breakup of the national Democratic convention in Charleston reached Austin, Marshall echoed the Southern demand for "equal protection and rights of the South." If the substance of the majority report guaranteeing such protection were not adopted at Baltimore, the \textit{Gazette} would not support the party.\textsuperscript{19} After the arrival of news of Breckinridge and Lane's nominations, a special retifcation rally was held in front of the Air Line Railroad office on the evening of Saturday,
June 30. The chairman, Captain J. C. Tannehill, requested Marshall to explain the object of the meeting, after which a committee drew up resolutions which repeated the Democratic resolves at Galveston and recommended Breckinridge and Lane to all Texans who wished to belong to a "party which will never submit to the humiliation of a Black Republican President."\(^{20}\)

George W. Paschal, meanwhile, still hoped for some miracle by which Sam Houston might be made president. He knew that on March 25, 1860, Governor Houston had informed Union men in Galveston that he would not permit his name to be presented at Charleston, that if it were put forward for president, it must originate with "the people" themselves.\(^{21}\) Paschal sympathized with friends of Houston who gathered at the Old San Jacinto battlefield on April 21, 1860 to nominate the Governor for president and call upon conservative men of all parties in all sections of the country to support him. On the evening of May 17 a meeting was held at Swenson's building in Austin to ratify the proceedings at San Jacinto. Paschal was the first speaker called to the platform. He spoke of the failure of the Charleston Democratic convention to make a nomination, chided the Texas delegates to that convention, and railed against the State-rights press of the state. The convention system was "rotten to the core;" Sam Houston was the man for the times. Paschal closed by offering a resolution approving Houston's nomination
at San Jacinto and calling upon the people of the entire United States to support him.\textsuperscript{22}

John Marshall belittled these efforts to bring out Governor Houston as an independent nominee for president. "Who does not at least see," he wrote, "that every vote cast in Texas for Houston is aimlessly thrown away." It was the duty of every Texan to place his vote where it might be counted against the Black Republican party and that was with Breckinridge and Lane.\textsuperscript{23} Houston's support had dwindled to the point that only "Jerry Sneak" [Paschal] was left to sustain his dying fortunes. He predicted that in the August state election that year the Democracy would reveal a "revolution" in which those who had voted "Independent" the previous August would now vote "Democratic."\textsuperscript{24}

On August 11, 1860, Marshall ran a large two-column picture of a rooster which crowed in bold headlines: "Hurrah for the Galveston Platform! Hurrah for Johns! Hurrah for Randolph!" Texas Democrats had, indeed, won a resounding victory.\textsuperscript{25} Marshall estimated that Texas voters had repudiated Sam Houston by more than a ten thousand vote majority and predicted that the margin of victory for Democrat Breckinridge in the November election would be at least twenty thousand votes. Some had seen the long, blistering drought of that summer as a sign of Almighty disfavor. When on August 7, the day after the State elections, rain poured down upon their drooping crops,
awakening everything to renewed life, many were certain that the Lord was smiling at the election results.26

John Marshall's arrogant assurance and cocky contempt for anyone who might oppose the Democratic party led to yet another near-violent personal encounter in late summer, 1860. Beginning on August 4, 1860, a series of formal notes concerning "offensive epithets" were exchanged by John Marshall and A. B. Norton, who had replaced Paschal as editor of the Southern Intelligencer. Since the code duello was prohibited in Texas by the state constitution, Norton curtly wrote Marshall on August 21 that he was leaving that very day for Tah-la-quah, a village north of the Red River in Indian Territory, where he would remain for three days. If the editor of the State Gazette really wished to defend his besmirched sense of honor, he could do it there.27

John Marshall's extended absence from Austin during the first half of 1860 suggests that he had already grown weary of his sedentary duties as editor. He therefore welcomed Norton's challenge. He and a friend, Junius W. Smith, set out north on horseback, arriving in Sherman in Grayson County on September 4.28 In Sherman Marshall and Smith met their old rival, George W. Paschal, who said that A. B. Norton desired to arrange a meeting beyond the Red River. Marshall claimed that he and Smith left Paschal with a "perfect" verbal understanding that Norton would allow them to reopen their correspondence on the
north bank of the Red River. Starting in the direction of Colbert's Ferry, Marshall and Smith had gone only a few miles before they were suddenly overtaken by a deputy sheriff from Sherman and arrested. Marshall made bond, and though delayed, continued on to Indian Territory the next day.

A. B. Norton was apparently similarly detained in Sherman a day or so later. By the time he reached Tah-la-quah, John Marshall was already leaving Indian Territory by another route. The two men somehow managed to miss one another, perhaps not unintentionally, since both editors were thus able to "save face" and claim that the other had failed to meet him at the appointed time and place.

By mid-September Marshall and Norton were back in Austin, "very still and peaceable [sic]" according to one observer, as if they had "seen the Elephant." If the two editors accepted the continued existence of the other, however, they returned to Austin with very different conceptions of events that had occurred that summer in North Texas.

The summer of 1860 was the hottest that most Texans could ever remember. Temperatures soared over the 100 degree mark for days on end until vegetation was dead from the heat and lack of rain. To make matters worse, destructive, unexplained fires broke out in numerous places across the great state. It took no great leap of the
Texas imagination in a critical presidential election year to connect those fires with John Brown-like abolitionist conspirators.

On July 10, 1860 Charles R. Pryor, editor of the Dallas Herald, wrote John Marshall that the great fire which had destroyed a large section of Dallas on July 8th was the result of a diabolical scheme "conceived with infernal ingenuity" by certain abolition preachers who had been expelled from North Texas the previous year. The plan called for white Kansas abolitionists and Oklahoma Indians to devastate the whole of North Texas by flame and incite a massive revolt of the slaves on the day of the state elections in August.  

The Gazette kept its readers informed of the numerous reports of incendiaryism throughout the state, such as a $200,000 fire at Henderson in north central Texas. But possibly because Marshall's immediate interest was elsewhere, particularly his show-down with A. B. Norton, he did not give unusual attention to them. When, however, he arrived back in Austin after nearly a month away in Indian Territory and North Texas, his attitude toward the fires was unmistakeably changed. He returned convinced that a plot had been formed in the Northern states to expel or destroy the entire pro-slavery population of Texas. This plot was not to be executed suddenly, like the mad raid of John Brown, but slowly, over a period of several months. Towns would be fired, merchant's stocks destroyed, slaves
excited to acts of violence until slave owners would be psychologically as well as physically prostrated:
"Slavery was to go down amid the assassinations, the fire, the massacre and the general ruin of a combined savage, servile and incendiary war."³⁵

John Marshall advised Texans to be "vigilant, active, firm and prudent, to discriminate carefully between the innocent and the guilty." If anyone doubted the reality of "an abolition-underground organization in Texas," Marshall believed that he had only to read the famous W. H. Bailey letter written from Denton County on July 5, 1860, purporting to reveal the activities and plans of the abolitionists. He also quoted from a Lowell, Massachusetts paper of August 20 news that the Anti-slavery Emigration Society of Boston had enrolled one hundred "picked men" to repair to Texas that fall. Could any "good patriot," Marshall asked, condemn as "mob law" the attempt by their friends in North Texas to protect their wives and children and their property from the hands of the assassin and the incendiary?³⁶

Some who considered themselves patriots could, indeed. George W. Paschal and A. B. Norton, who had recently returned from North Texas themselves, saw the fires and rumors of abolitionist plots in a different light. They discredited most of the incendiary stories as fabrications produced specifically for political effect.³⁷ Paschal, in debate with General Thomas N. Waul at Seguin, Texas, on September
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17, charged "northern transplant editors" in Texas with rashly and willfully inflaming the popular mind both in Texas and elsewhere in order to strengthen the Democratic party and consummate their own political designs. The consequences, he stated, were already hurting the financial interests and economic well-being of the state, particularly Texas merchants.38

When the results of the August state elections were known, Governor Sam Houston decided to withdraw his name as a presidential candidate in order to insure greater harmony among those who wished to see Lincoln defeated but the Union preserved.39 Consequently Houston's Texas supporters, including George W. Paschal, were thrown into a quandry about how best to oppose Lincoln and Breckinridge, both of whom they regarded as sectional extremists whose supporters, at least, were bent on destroying the Union. Some saw an answer in a "fusion" of all friends of the Constitution and the Union in Texas in support of one electoral slate.

On the evening of September 3, 1860, an enthusiastic group of men in Austin met to form the Travis Union Club. The assemblage, which included former-Governor Elisha M. Pease, Congressman A. J. Hamilton, and Texas Secretary of State E. W. Cave, adopted resolutions calling for a "Union electoral ticket" which would be left free to cast the vote of Texas for the "most available candidate against Lincoln and Hamlin." The group, which probably numbered
less than a hundred, nominated B. H. Epperson and George W. Paschal as electors for the state at large and William Steadman and John H. Robson as district electors. 40

In an open letter of that same September 3, George Paschal formally accepted the petition of eighty-six men to serve as an elector for the Constitutional-Union movement in Texas. He reviewed events which had precipitated the current political crisis, affirming that he held no principle in Texas which he would not own anywhere in the Union. He saw no reasons why he should not be a standard bearer for those who, though disagreeing upon minor issues, were agreed upon the duty of all national-minded men to defeat the candidate of the Republican convention. With those who preferred crisis and disunion, however, he had no sympathy:

I am not prepared for a dissolution of this great and glorious Government. Civil war will have to precede disunion. And whatever battles I may fight will be for the preservation of the Constitution and the Union, not for the destruction of the latter because the former has been violated. 41

As the first Monday in November, 1860, approached, the only real question before Texas voters became the proper course to pursue should Lincoln be elected president. Paschal made clear that he, for one, did not regard the election of Lincoln as in itself a sufficient cause for secession. In a letter to the Union Club of Bexar County, Paschal observed that the easy, flippant talk of withdrawal from the Union and the establishment of a Southern
Confederacy were preliminaries to revolutionary tribunals and the subversion of all law and order. He argued that:

If ours was not a government of laws, if we had no great charter of liberties, if the President was elected for life, with the right in Congress to declare the succession, if he was not bound by the Constitution and Laws, then the elevation of a particular corrupt man, under the guidance of a fanatical or sectional party, might be cause for inaugurating a revolution. 42

This was clearly not the case, Paschal believed; revolution was not the remedy. To Congressman John H. Reagan, Paschal wrote, that if their efforts to defeat Lincoln failed, it was the duty of every Democrat "to bow to the Constitution and the laws, and to resist all encroachments legally and constitutionally in the Union and not out of it."43

John Marshall acknowledged that the question usually put to States-rights men in the last weeks of the campaign by those he termed "demagogues" was whether the South should secede if a Black Republican were elected president. His own answer to that query was a resounding "yes." To submit to a Black Republican administration would be to abandon the United States Constitution for the Republican party held that the Negro was the equal of the white. Should the North elect Lincoln, thus clearly indicating that the Constitution was to be subverted to the "mad purposes of fanatical haters of the South," then as true conservators of the Constitution, the South must adopt such means as would enable them to perpetuate the Constitution.
for themselves. Quoting several lines from Massachusetts Senator Charles Sumner's June 4 speech, "The Barbarism of Slavery," Marshall asked, "with such a bloated and corrupt carcase [sic] at the North, can there be a Union of the South? Never! Never! The Constitution in its integrity, or Dissolution!" As John the Baptist was the forerunner of the Savior of mankind, Marshall wrote, so the election of Lincoln, could only be regarded as the forerunner of the dissolution of the Union.
CHAPTER IX NOTES

1Southern Intelligencer (Austin, Texas), August 17, 1859. Senator M. M. Potter of Galveston similarly suggested to former-governor E. M. Pease that those Democrats who supported Houston should turn out and try to win control of the primary county conventions so as to control the State Democratic convention whose job it was to appoint delegates to the Charleston convention. By this means, he said, "John Marshall and his ilk will have to fall into ranks with us and go along quietly in their proper position or they can go out, I care but little which . . . ." See M. M. Potter to E. M. Pease, Galveston, Texas, August 18, 1859, E. M. Pease Papers.

2Southern Intelligencer (Austin, Texas), September 28, 1859.

3Texas State Gazette (Austin, Texas), August 20, September 17, 1859.

4George W. Paschall to A. J. Hamilton, Austin, Texas, February 17, 1860, Andrew Jackson Hamilton Papers (Archives, University of Texas Library, Austin, Texas).

5Texas State Gazette (Austin, Texas), October 8, 1859.

6Ibid., December 17, 1859.

7Ibid., February 25, 1860. Marshall wrote Thomas M. Jack, Galveston attorney, Democrat, and brother-in-law of William Pitt Ballinger, of his hope for a large convention at the Island City in May. He asked if Galveston private citizens would promise to entertain 100 to 200 delegates, believing that such a gesture would induce many delegates to attend from distant portions of the state who might otherwise decline to do so. See John Marshall to Thomas M. Jack, Austin, Texas, January 21, 1859 [1860], William Pitt Ballinger and Thomas M. Jack Papers.

8Southern Intelligencer (Austin, Texas), August 17, 1859.

Texas State Gazette (Austin, Texas), March 10, 1860. The last issue of the Southern Intelligencer edited by Paschal is unfortunately not available.

Ibid.

Lynnel Jackson, True Witness, p. 46.

Texas State Gazette (Austin, Texas), April 14, 1860.


Ibid., pp. 3-4.

Ibid., pp. 11-13.

George M. Flournoy of Travis County was nominated for Attorney-General; Clement R. Johns of Hays County, for Comptroller; and Cyrus H. Randolph of Houston, for Treasurer.


Texas State Gazette (Austin, Texas), June 16, 1860.

Ibid., July 7, 1860.

Friend, Sam Houston, The Great Designer, p. 313.

Newspaper clipping, Bryan Scrapbook, Guy M. Bryan Papers.

Texas State Gazette (Austin, Texas), July 14, 1860.

Ibid., July 28, 1860.

George M. Flournoy defeated Independent J. D. McAddo 37,459 to 18,754 votes for Attorney-General; Democrat C. R. Johns defeated Independent G. W. Smyth for Comptroller 37,439 to 15,085 votes; Democrat C. H. Randolph defeated Independent James Shaw for Treasurer, 40, 385 votes to 18,287 votes. See Texas State Gazette, October 20, 1860. The Navarro Express exulted, "Hurrah for our Roman-nosed Marshall, who 'ruled and figured' Norton's and Paschal's guerrila [sic] backs with the cat o'nine-tails of truth during the canvass." Quoted in the Texas State Gazette, September 1, 1860.

Texas State Gazette (Austin, Texas), August 11, 1860.
Ibid., September 15, 1860.

28 John E. Campbell, central Texas farmer, wrote to his brother that, "Our Editors have gone off to try to kill each other I suppose . . . Some reflection of Marshall's upon the private character of Norton's is the cause immediate of the troubles and politics the cause remote." See John E. Campbell to "Dear Brother," August 25, 1860, John E. Campbell Papers.

29 Marshall claimed that the mayor of Sherman, a man named Henry, was a close personal and political friend of A. B. Norton.

30 *Texas State Gazette* (Austin, Texas), September 15, 1860.

31 Edward Smithwick to John [Moore], Austin, Texas, September 27, 1860, Edward Smithwick Papers (Archives, Roseberg Library, Galveston, Texas).

32 *Texas Republican* (Marshall, Texas), June 13, 1860.


34 Ibid., August 18, 1860.


36 Ibid. The letter was addressed to a Reverend William Buley, identified as Anthony Bewley, a minister of the Northern Methodist Church, who had fled Texas soon after the July fires began. He was pursed by Texas vigilantes to Cassville, Arkansas, captured on September 4, 1860, and returned to Fort Worth where he was hanged. Marshall noted that the Bailey letter had appeared earlier in the *Gazette* on August 25, but his colleague had not been apprised at the time of the facts in regard to it or it would have been prefaced with suitable comments. See Zoie Odum Newsome, "Antislavery Sentiment in Texas, 1821-1861" (Unpublished M. A. Thesis, Texas Technological University, 1969), pp. 75-79.

37 *Texas State Gazette* (Austin, Texas), September 29, 1860. Historians have continued to debate both the true extent and cause of the 1860 fires in Texas. William H. White concluded that a real plot of insurrection existed in 1860 in Texas and pointed to the loss of at least one million dollars in property because of various fires. Wendell G. Addington seemed to accept at face value all reports of all slave revolts or incendiary acts in an
effort to prove his thesis that there was in 1860 on the part of Blacks in Texas "an uprising of vast proportions against the slave system." Donald E. Reynolds, on the other hand, rejected the Democrat's allegation of an actual abolitionist conspiracy against Texas, but he documents brilliantly the hysteria and panic which the rumors of conspiracy caused. He concludes: "It is impossible to exaggerate the role of the Southern press in fanning the hot-weather flames of the Texas prairie into a roaring inferno of terror that swept the whole South." See William H. White, "The Texas Slave Insurrection of 1860," Southwestern Historical Quarterly, LII (January, 1949), pp. 259-285; Wendell G. Addington, "Slave Insurrections in Texas," Journal of Negro History, XXXV (October, 1950), pp. 408-434; Donald E. Reynolds, Editors Make War, pp. 67-117. Quotation is from page 116.

38Texas State Gazette (Austin, Texas), September 29, 1860.


40Southern Intelligencer (Austin, Texas), September 5, 1860; Alamo Express (San Antonio, Texas), September 10, 1860. The fusion movement had the support of many conservatives who had long sought to preserve the Union, including Governor Houston; former-Congressmen Lemuel D. Evans and George W. Smyth; Congressman A. J. Hamilton; Ferdinand Flake, editor of the Galveston Die Union; James P. Newcomb, editor of the San Antonio Alamo Express; State Senator I. A. Paschal, John Hancock; William Pitt Ballinger; etc. It did not receive the endorsement, however, of Congressman John H. Reagan. Reagan, appalled at the revolutionary tactics of the Republicans in Congress, came back to Texas during the summer of 1860 to campaign for Breckinridge as the only hope for preservation of the Constitution and the Union.

41Southern Intelligencer (Austin, Texas), September 5, 1860; Alamo Express (San Antonio, Texas), September 10, 1860.

42George W. Paschal to J. D. Wade, President of the Union Club of Bexar County, Texas, October 1, 1860, printed in the Alamo Express (San Antonio, Texas), October 1, 1860.

43George W. Paschal to Hon. John H. Reagan, n.d., printed in the Southern Intelligencer (Austin, Texas), October 10, 1860. Paschal believed that the very refusal of all Southerners to unite upon a fusion ticket to defeat Lincoln proved that there were thousands who preferred "the crisis" and hoped for the "spoils." See George W. Paschal to Charles DeMorse, Austin, Texas, October, 1860, printed in the Standard (Clarksville, Texas), October 12, 1860.

44Texas State Gazette (Austin, Texas), October 13, 1860.
CHAPTER X

SECESSION--NEW DREAMS AND OLD LOYALTIES

In the final days preceding the November election, John Marshall, tiring of further comment on issues which he regarded as settled, left Austin once more for Mississippi to be with his wife, who had remained with her family in declining health since spring.¹ On his way to Shreveport Marshall passed through Cherokee County, the home of the late Senator Thomas J. Rusk. There he found a healthy public sentiment on the "Southern question." One leading citizen told him that the day was not far distant when they would have a "Southern legislature for the South" and see the end of "unmitigated wrongs" which had inflated the price of slaves.²

George W. Paschal persevered in behalf of the Constitutional-Union electoral ticket, speaking at Washington, Brenham, Austin, and other central Texas points.³ In late October he attended a speech in Austin by General George Bickley, commander of the mysterious Legion of the Knights of the Golden Circle, at which Bickley was trying to enlist volunteers into his semi-secret military organization. It was apparent from Bickley's remarks that he regarded the K. G. C. as a "rallying army" for the South should Abraham
Lincoln be elected. Paschal interrupted Bickley to inquire if the "allegiance" which members swore was in subordination to the Constitution and laws of the United States. Bickley replied that it was. In answer to a second question by Paschal as to who determined the constitutionality of those laws, Bickley shouted that the members, themselves, should. Paschal then read a paragraph from a pamphlet which said that the South should support the K. G. C. as a "domestic police system" and a "nucleus for her military system," and asked Bickley if members had not secretly marked the baggage of travellers, labeling them as suspicious persons. Bickley conceded the practice, but saw no reason why any "sound man" should object. Paschal retorted that such practices was clear evidence that the "Robespierre" organization would plunge the South into a sea of revolution worse than the bloodiest day of France. "Revolutions" Paschal cried, "must be the work of the people; . . . to the people belong the question of life, liberty, property, and honor."4

These were dark days for Texas, days when widespread fear and suspicion made tolerance, liberality, and even humor almost impossible. Edward Smith, a young law clerk in Austin referred to almost daily reports of men being hung "by order of Judge Lynche's Court." If a man raised his voice in favor of law and order in some localities, it seemed he was to be liquidated.5 For example, the Navarro Express carried a report on October 5 that four respectable citizens of the county, all members of the County Court
were found hung in the public square of Corsicana; the cause of their death or their alleged offense was unknown. 6

When the election of Lincoln as president became known in Austin in mid-November, 1860, a gloom that could be felt but not described fell over the majority of its citizens. Townsmen gathered in small groups to discuss the situation, amidst all sorts of predictions and apprehensions. Some favored acquiescence; some resistance within the Union under the Stars and Stripes; some a separate Republic under the Lone Star banner; some cooperation with other slave states and formation of a Southern confederacy. 7

From the home of his wife's parents in Jefferson County, Mississippi, John Marshall wrote that he had informed his friends that Texas would give a 25,000 vote majority for Breckinridge. Now it looked to Marshall as if that margin would be even greater. 8 His exhilaration at the result was obvious. Delay, he urged, was now dangerous. Every moment added to the South's economic embarrassment. South Carolina's withdrawal from the Union would be a "god-send" to the South. Marshall had been assured by friends in Mississippi that within sixty days from the time that the first Southern state left the Union, the South would be able to command European deposits in their own cities sufficient to buy the entire Southern cotton crop. Russia stood ready to invest heavily in a Pacific railroad across Texas and her twenty million people, "without a cotton shirt on their back" represented
a potential demand for cotton that would stagger the Southern mind.  

John Marshall enthusiastically seconded the call of the Gazette for a popular assembly to consider Texas' future, even if that assembly had to be called by the people rather than by the governor. If this be revolution, he wrote, let it be so. It was the people's government, and they had the right to change it. When Marshall finally received news of South Carolina's secession, he was convinced that separation from the Black Republican North was then beyond danger. The world would soon witness a Republic built firmly upon "the rock that African slavery is the decree of Heaven as well as man—that it is right and just, and ought to be sustained."

George W. Paschal deplored the election of Lincoln as much as did John Marshall, but he warned that slavery could never survive secession. War, despotism, and anarchy would follow, and the South would fail. Early in December, 1860, Paschal journeyed to Galveston and thence on to Washington, D. C. He apparently went on legal business, but there is no doubt that he was deeply interested in measuring for himself the political climate of the nation's capital. To the disappointment of many friends in Austin, Paschal wrote in January, 1861, that he no longer had any hope for continuance of the Union or for peace: "The division spirit was gathering in volume and the determination to fight had a corresponding strength."
Politics had held the center of attention in Austin during the summer and fall of 1860. As the year ended, the scene was no different. Impatient with the refusal of Governor Sam Houston to call the Legislature into emergency session to deal with the political crisis, a group of Austin politicians, including Attorney-General George M. Flournoy and Supreme Court Justice Oran M. Roberts, issued on December 3 a call for the voters in each legislative district to select on January 8, 1861, two delegates to a "people's convention" in Austin on January 28.

Sentiment in Austin for a people's convention was divided. Austin Unionists rallied on December 22 and raised the Stars and Stripes in front of George Hancock's general store on the corner of Congress and Sixth Streets. Those who favored secession met on December 30 to nominate George M. Flournoy, H. Newton Burdett, and John A. Green as delegates to the proposed convention. On January 5, 1861, the State Gazette published a long appeal from these nominees for Austin voters to go to the polls on January 8 and "strike for liberty and equality, for your homes and your firesides, your civilization and your institutions." That same afternoon a parade of horsemen and carriages formed on Congress Avenue in front of the City Hotel under the direction of Colonel John S. Ford and made its way to the site of the old capitol building. There on the corner of Colorado and Eighth Streets a Lone Star flag was raised on a flag staff that towered 130 feet into the sky and a
fifteen gun salute was fired.\textsuperscript{20} In spite of the effort to arouse enthusiasm in the secession cause, however, only 350 to 400 of the 1,100 voters turned out in Travis County to endorse Flournoy, Burnett, and Green as convention delegates; the majority chose to ignore the entire proceedings.\textsuperscript{21}

Near the end of January, 1861, Governor Sam Houston called to the executive mansion a number of gentlemen who, like himself, opposed the secession of Texas. Among those invited were James W. Throckmorton, Benjamin H. Epperson, David B. Culberson, and George W. Paschal.\textsuperscript{22} Houston informed them that he had received a message from President-elect Abraham Lincoln to the effect that at the proper time, the President would land a large body of Federal troops on the Texas coast if the Governor would undertake to hold Texas in the Union. Houston asked the advice of these men, whom he respected. Epperson wanted to accept Lincoln's offer, but Paschal and the others disagreed, arguing that secession and war were inevitable, but Texas, because of its geographical position, might escape many of its horrors. If the course suggested by Lincoln were followed, however, Texas would become the theater of war and would likely be devastated by fire and sword. Houston listened to the counsel of his friends, paused, and then said that he had sought their advice and he would take it; but if he were twenty years younger, he would accept Lincoln's proposition and try to hold Texas in the Union.\textsuperscript{23}
By the time the people's convention met on January 28, 1861, Austin was a "perfect jam" with more people in town than anyone could remember. The convention, itself, wasted no time. Officially recognized by the Texas Legislature, which Governor Houston finally called into session in hope of impeding the popular rush toward secession, the convention promptly approved an ordinance of secession on February 1. The ordinance was referred to the voters of Texas for their approval or rejection on February 23.

While convention president, Justice Oran M. Roberts issued a statement to the people endorsing the Ordinance of Secession and urging Texas voters to approve it, twenty-four members of the secession convention or the State Legislature issued their own address to Texans urging them to turn it down. This address was signed by State Senators Martin D. Hart, I. A. Paschal, Emory Rains, J. W. Throckmorton; State Representatives M. L. Armstrong, Sam Bogart, L. B. Camp, W. A. Ellett, B. H. Epperson, John Hancock, John L. Haynes, J. E. Henry, T. H. Mundine, A. B. Norton, W. M. Owen, Sam J. Redgate, Robert H. Taylor, G. W. Whitmore; and convention delegates Joshua F. Johnson, John D. Rains, A. P. Shuford, L. H. Williams, George W. Wright, and William H. Johnson. These men preferred to be remembered, they wrote, as men who dared to confess gratitude and veneration for the free and parental government framed by their fathers rather than desert it in the day of gloom and danger.
George Paschal and other Austin Unionists had little time to mount a state-wide campaign to oppose secession, even if they had been of a mind to do so. They could, however, make their own views known. On February 15 Paschal issued a statement to the voters of Texas explaining that it was being rumored that he had returned from Washington, D. C. wearing the blue cockade and intended to support the ordinance of secession in the February 23rd referendum.

These rumors, he wrote, were completely false:

I shall vote against it, and advise all men who love liberty better than anarchy, disorder and lawless oppression to exert their whole energy to defeat it. Disunion is no remedy for existing evils . . . .

I am convinced from a thousand sources during my travels, and stay at Washington that the Disunionists do not intend to stop short of a full slave basis of representation, and of suffrage confined to slave ownership, and a Military Dictatorship to support it. I cannot therefore support disunion, and beseech my countrymen who love their wives, children, and homes to defeat it. 26

Heedless of Paschal's pleas or those of other Unionists, Texas voters on February 23, 1861, approved secession by a vote of 46,129 to 14,697, a majority of 76%. 27 Travis County voters, however, rejected secession 704 to 450. 28

As the polls closed that February day in Austin, the 130 feet flagstaff, from which waved the Long Star flag, suddenly collapsed in the cold, north wind. The flagstaff was soon repaired, but many Union men, like Paschal, interpreted the event as an omen of the final outcome of secession. 29

With the bombardment of Fort Sumter and the call of
President Lincoln for volunteers to put down rebellion in the South, the issues of Unionism and States' rights which had divided Texans were largely swept aside. As A. B. Norton wrote in the Southern Intelligencer, the Union, as it was, was at an end; government, as it was, was at an end. 30 Most Texans united with their Southern kinsmen to protect their homes, their firesides, and their liberty. 31

It is ironic that when secession finally came in Texas, John Marshall, who had done as much to prepare the Texas mind for it as any man in the state, was absent, attending a sick wife in Mississippi. In a letter to the State Gazette Marshall stressed the importance of Texas' secession and the early provision of security against attack from Kansas or the Indian Territory. He felt no anxiety about the future of Texas or the Southern Confederacy:

The child of to-day, will live to see the boundaries of a Southern Republic gradually extend over Chihuahua, Sonora and Lower California. Our ships will whiten the Gulf of California and the Pacific, as well as of Mexico and the Atlantic. 32

By the end of March, 1861, even though his wife was still unable to travel, John Marshall could stay away from Texas no longer. Going first to New Orleans and thence to Galveston and Houston, he arrived in Austin on April 13. Writing once again in the Austin State Gazette, he congratulated his friends upon the "auspicious victory" which had crowned the cause of State-rights in the late
contest. He noted that the cause was one to which he had devoted his energies for the previous quarter of a century and to which he expected to give himself so long as life continued. Marshall observed that the dissolution of Texas from the Union could never have transpired at that time, however, had not "years of labor, and of close and untiring organization been devoted to the discussion of our political principles." He recalled the admission of one leading secessionist that he had never read the Kentucky and Virginia Resolutions of 1798 and 1799 prior to their being incorporated into the Democratic platform of 1854; yet, Marshall wrote, "upon a thorough knowledge of these resolutions hung the argument for the secession of the South." Marshall's own confidence in the Southern Confederation was undimmed. The "Chivalrous South with her cavalier origin" would command the respect of all the world. The subsequent ten years would revolutionize the world's labor system and make African slavery imperishable.

John Marshall was no longer willing, however, only to comment editorially on the activities of others. He wished to defend with the sword the principles which he had so long advocated with his pen. On Sunday, May 12, 1861, Marshall left Austin for Richmond, Virginia, with a commission from Governor Edward Clark to seek permission from President Jefferson Davis for at least one regiment to represent Texas in Confederate service in Virginia.

By May 30, Marshall had arrived at the Confederate
capital to find much diversity of opinion as to the expected length of the war. When Marshall spoke to President Davis about the part which has adopted state had played in "the first great acts of the drama of independence" and the modest demand she now made for a place for her sons on the battlefield in Virginia, Davis promptly and warmly agreed that Texas had fully done her duty and pledged that she should have the position which she desired. President Davis ordered Governor Edward Clark to raise two regiments of 1,000 men each and promised that their identity as Texas fighting units would be preserved. When these men reached Richmond, Davis would personally appoint their officers.

John Marshall was back in Austin early in July, having successfully completed his mission for the Governor. He wrote at the time that the "unnatural war" would not be ended without "a giant battle" whose tragic history would pass down to descendants evidence of their "superior courage, character and destiny." As for himself, Marshall joined the Tom Green Rifles of Travis County, which rendezvoused at Harrisburg, near Houston, with other Texas volunteer companies before going on to the Virginia front.

It was mid-August before Marshall and the Texas volunteers were able to leave Texas and September 12 when they arrived in Richmond by train. President Jefferson Davis there appointed Louis T. Wigfall as general of the Texas Brigade, John Bell Hood as Colonel, and John Marshall as Lieutenant Colonel of the Fourth Texas Regiment. Marshall's
appointment met "severe animadversion" among the Texas volunteers. Though he was esteemed as a brave man, an eminent civilian, an able editor, and a friend to secession, his selection over others more qualified was looked upon as "savoring too much of a spirit of political favoriti-
tism." His men accepted the appointment, however, and later found that as a "warm personal friend of the President," Marshall was able to see that they secured all the "necessaries and comforts" for the campaign that would be enjoyed by the most favored.

John Marshall had witnessed scenes of incompetency among Southern military units during his visit to Richmond in the spring. He knew the necessity of constant drill on the part of soldiers and decisiveness on the part of their commanders. But by December, 1861, Colonel Marshall, too, was tiring of inactivity. To his superior, General Wigfall, he wrote as the year ended:

We must strike the Enemy, even if like David, we have but a little stone in a sling. Inertiae [sic] destroys us. Revolutions strengthens by their electric shock. Let us fight the Enemy wherever we find an opportunity to do so.

Promoted to Colonel of the Fourth Texas Regiment when Hood was named commander of the Texas Brigade upon Wigfall's decision to honor his election by the Texas Legislature to the Confederate Senate, John Marshall found the action he craved. He led his men into their first major engagement in a series of campaigns around Richmond known as the Seven Days Battle, including Eltham's Landing on May 7 and Seven
Pines, May 31-June 1. While he was wheeling his regiment around to make a charge on the field at Gaines Farm on June 27, Marshall was suddenly struck by a minnie ball in the head and died instantly. He was buried with military honors in the Confederate Cemetery at Richmond, Virginia.43

Colonel John Marshall's death did not go unnoticed or unmourned in Texas. Willard Richardson wrote in the Galveston News that "his acts have been true to his profession, and he has now sealed his fidelity to his principles with his life."44 Edward Cushing in the Houston Telegraph agreed: "While he courted neither enmity nor friendship, he never swerved from his own path for the one nor failed in his duties to the other."45 Robert W. Loughery of the Marshall Texas Republican wrote, "No more honored form reposes upon the soil of Virginia; no richer libation than his blood has been poured out in the defense of freedom."46 The journeymen printers of Austin, who perhaps knew Marshall best of all, met on July 16, 1862, and adopted resolutions mourning the death of Colonel Marshall as a "brave and good patriot" who fell leading his regiment against an enemy "who would rob us of everything that was dear to Southern freemen."47

Neither did the courage and ability of John Marshall and other Texans go unnoticed in Virginia. In a letter to Louis T. Wigfall, General Robert E. Lee wrote that he relied upon the Texas regiment "in all tight places" and feared that he had to call upon them too often: "With
a few such regiments as those Hood now has, as an example of daring and bravery I could feel much more confidence of the result of the campaign."\(^{48}\)

As his grown sons made their plans to leave Texas to fight in the Union army in the spring of 1861,\(^ {49}\) George W. Paschal turned his own attention to his professional affairs, determined to close out as many cases as he could. To his Galveston friend, W. P. Ballinger, Paschal wrote that he was disgusted with the sessionists and revolutionists and was trying "to wind up" with a view to going to some city where a "constitutional man" might make his profession available.\(^ {50}\)

Paschal always looked upon secession in Texas as "revolution . . . without any appreciable justification." He started a treatise upon the doctrines of secession, but the war came so suddenly that it smothered his effort before it reached the public. He was present when at the news of the assault on Fort Sumter, George Hancock was compelled to take down the United States flag which flew in front of his general store. Wishing to have nothing to do with a war which he had sought to prevent, Paschal withdrew from public life and retired to his law office where he spent every leisure moment during the war years compiling and editing a digest of the laws of Texas. Denying a report in the Houston Telegraph that he had been appointed a federal tax collector for the district of Texas, Paschal wrote on August 13, 1862:
That I opposed secession as a remedy is true, that I insisted upon fighting for our every right in the union is well known. But, after the vote of the people of Texas, it is well known that I determined to acquiesce in her fortunes for weal or woe. 51

As a constitutional lawyer, however, Paschal continued to fight for his political convictions in his own way. In 1862 he challenged the validity of the Confederate Conscription Act in the Texas Supreme Court. Representing Frank Coupland, a twenty-one year old draftee, he applied before Chief Justice Wheeler's court for a writ of habeas corpus on the ground that Coupland was being illegally restrained of his liberty. 52 In these judicial proceedings, Paschal intemperately denounced martial law and soon found himself ordered before military commissioners and at least for a time imprisoned. 53

Paschal's unfortunate experience in the Coupland case apparently led him to restrain his legal objections to Confederate legislation. On May 13, 1863 he wrote Ballinger seeking the latter's view on a case involving the state sequestration laws, which he fully regarded as unconstitutional. Paschal noted, however, that these views would be strictly for his personal perusal since he was "done with public legal opinions." 54

George W. Paschal, though impoverished by the war and suffering many personal indignities at the hands of those who thought him a traitor to Texas and the South, lived to see the Stars and Stripes hoisted once again on the flagstaff in front of George Hancock's store when
Federal troops entered Austin on July 25, 1865. On that auspicious occasion a large crowd of both black and white persons had gathered and George Paschal was called out to speak. Paschal gently warned the listening Black men that freedom would not be like heaven, "where there is a great deal of singing and nothing to do." Freedom would bring no holiday from "head-aches, side-aches, back and belly aches," and they would now have to pay the doctor themselves. The war had settled that there would be no slavery, but it had not determined that Blacks must not work. Blacks asked only for the chance to be "equal citizens" now, he believed, and few whites would return to the "Confederate flag, conscription, impressment, martial and military despotism" to refuse that request.

In closing, Paschal complimented General Merritt and his men for their accomplishments during the war. He suggested, however, that "more courage was needed to live a Union man in Austin, than to have led or followed in all these victories or defeats." 55

Unlike most Texans, George W. Paschal never abandoned his conviction in 1861 that the Union was indestructible and that Texas remained a part of the United States. In February, 1862, he secretly notified the United States Secretary of the Treasury that an effort would be made to use the remaining United States indemnity bonds which Texas still held as a result of the settlement of the New Mexico boundary issue in 1850 for the purposes of
the Confederacy. After federal troops occupied Austin, Provisional-Governor A. J. Hamilton asked his old friend, George Paschal, to file a suit in the Texas courts annulling the sale of those bonds which had been completed near the end of the war in January, 1865.

Four long, trying years later, on April 12, 1869, the United States Supreme Court granted George W. Paschal and the State of Texas the relief each sought in the matter in the case Texas versus White. In that case the Supreme Court affirmed for the first time in law what had been decided by force of arms on the battlefield—that the Union was indeed indestructible and that secession was unconstitutional. In the words of Chief Justice Salmon P. Chase:

The Constitution was ordained to "form a more perfect union"! It is difficult to convey the idea of indissoluble unity more clearly than by those words . . .

With Texas versus White the story of John Marshall versus George W. Paschal comes to an end. John Marshall gave his life for his conviction that as a sovereign state Texas had the right to withdraw from the Federal Union when her safety and honor demanded, as he believed they did in 1860. No one could have done more; no one can doubt his sincerity or his devotion to Texas and the South. The tide of American history, however, was on the side of George Paschal, not John Marshall. So it was in a quiet Washington courtroom seven long years after John Marshall
had fallen on a Virginia battlefield that George Paschal won the final victory of Constitutional principle which had seemed so hopelessly lost that fateful Texas spring of 1861.
CHAPTER X NOTES

1 The Texas State Gazette for November 17, 1860, mentions that Major Marshall had been absent from Austin for some weeks past.

2 Texas State Gazette (Austin, Texas), January 26, 1861.

3 Southern Intelligencer (Austin, Texas), October 10, 1860.

4 Alamo Express (San Antonio, Texas), November 5, 1860. The encounter between Paschal and Bickley is also described by Ollinger Crenshaw, "The Knights of the Golden Circle: The Career of George Bickley," The American Historical Review, XLVII (October, 1941), pp. 41-42. See also the articles by C. A. Bridges, "The Knights of the Golden Circle," Southwestern Historical Quarterly, XLIV (January, 1941), pp. 287-302 and Roy Sylvan Dunn, "The KGC in Texas, 1860-1861," Southwestern Historical Quarterly, LXX (April, 1967), pp. 543-573. Dunn, far more than Bridges, believes that the K.G.C. had much to do with organizing and carrying through secession in Texas.

5 Edward Smithwick to Friend John [Moore], Austin, October 19, 1860, Edward Smithwick Papers.

6 Cited in the Texas Republican (Marshall, Texas), October 13, 1860.

7 Brown, "Annals of Travis County and the City of Austin," Chapter XX, p. 28.

8 Breckinridge polled 47,561 votes; Bell, 15,402; Douglas, 18; Lincoln none; see Burnham, Presidential Ballots, p. 764, 947.

9 Texas State Gazette (Austin, Texas), January 5, 1861.

10 Ibid.

11 Ibid., January 19, 1861.
Southern Intelligencer (Austin, Texas), August 11, 1865. Frank Brown noted that an exciting meeting took place late in November at E. B. Smith's Hotel, corner of Congress Avenue and Pecan Street in which Paschal spoke for the Union and Mills, Brownrigg, and John R. Baylor spoke for the opposition. See Brown, "Annals of Travis County and the City of Austin," Chapter XX, p. 29.

William P. Ballinger noted in his diary that he had met Paschal on the evening of December 8 and had a long talk with him. He noted that Paschal was "very bitter on the political divisions." See William Pitt Ballinger, Diary (Archives, Rosenberg Library, Galveston, Texas), December 8, 1860.

Former-Congressman Guy M. Bryan wrote to his wife in April, 1860 that Paschal was one of several witnesses to be summoned to Washington in the John C. Watrous judicial investigation by a Congressional committee. See Guy M. Bryan to Laura Bryan, New Orleans, Louisiana, April 15, 1860, Guy M. Bryan Papers.


On December 1, 1860 the two Associate Justices of the Texas Supreme Court, Oran M. Roberts and James H. Bell debated the issue of Union or secession at the Capitol. Bell argued that the political crisis did not demand a convention to consider taking Texas out of the Union in order to protect the property and political rights of their people, while Roberts argued that the crisis did demand such action. See Roberts, "The Political, Legislative, and Judicial History of Texas," pp. 91-92.

Texas State Gazette (Austin, Texas), December 8, 1860. The call is reprinted in the Journal of the Secession Convention of Texas, 1861, ed. Ernest W. Winkler (Austin: Austin Printing Company for the Texas Library and Historical Commission of the State Library, 1912, pp. 9-13. Congressman John H. Reagan wrote Justice Roberts on December 7, 1860 that he hoped to see Texas leave the Union before Lincoln's inauguration. He no longer saw reason to hope for security in the Union as it was. If a state convention was called, he hoped that Roberts would be a part of it, since their "clearest and most experienced heads must direct its proceedings." Reagan requested Roberts to show his letter to John Marshall. See John H. Reagan to O. M. Roberts, Washington, D. C., December 7, 1860, Oran M. Roberts Papers (Archives, University of Texas Library, Austin).


20 Texas State Gazette (Austin, Texas), January 12, 1861. Frank Brown recalled that there were about 300 persons in the possession and about 1,000 persons at the flag raising. The flag was made by ladies of Austin and the flagstaff was made by materials secured by A. T. Logan with the assistance of blacksmiths Wade Henry and Gustavus Kirchberg. See Brown, "Annals of Travis County and the City of Austin," Chapter XXI, p. 7.

21 Edward Smithwick to John [Moore], Austin, January 13, 1861, Edward Smithwick Papers. Amelia Barr, resident of Austin at the time, wrote a friend that the capital was "a scandalously Yankeefied Union-loving town which means that the majority of the citizens want Pease and Picayunes at any price." As quoted in Claude Elliott, "Union Sentiment in Texas, 1861-1863," Southwestern Historical Quarterly, L (April, 1947), p. 467.


23 After the war Paschal commented that had the secret of Lincoln's offer been published, some of the odium which was heaped upon Texas Unionists might have been avoided, for the incident proved at least a determination on their part to avoid civil war until it should be forced by the South. But the confidants remained true to their faith and never asked for the publication of the facts. Paschal concluded that in reality, the federal government offered to go to the assistance of Houston "when it was too late." See George W. Paschal, "The Last Years of Sam Houston," Harper's Magazine, XXXII (April, 1866), p. 633.

24 Bellville Countryman (Hempstead, Texas), February 6, 1861. Ed Smithwick, the young Austin law clerk, claimed that he was "completely worn with politics" and wished that he could flee to the mountains. See Ed Smithwick to John [Moore], Austin, January 26, 1861, Edward Smithwick Papers.

25 "Address to the People of Texas," printed pamphlet, John L. Haynes Papers (Archives, University of Texas Library, Austin).

26 Alamo Express (San Antonio, Texas), February 19, 1861.

28 Southern Intelligencer (Austin, Texas), March 27, 1861.

29 Brown, "Annals of Travis County and the City of Austin," Chapter XXI, p. 8. Paschal recalled after the war that despite the fact that before the February 23rd vote, the United States Army had been turned over to state authorities, that delegates had already been dispatched by the convention to Montgomery, Alabama, to take part in the formation of a Southern Confederacy, and that "the death cry of abolition was bawled at all who dared raise a voice in favor of the great, might and glorious union," one-fourth of the voters cast their ballots against secession, while one-fourth stayed away from the polls. He always believed that a majority of Texans really opposed the revolution. See Southern Intelligencer (Austin, Texas), August 11, 1865.

30 Southern Intelligencer (Austin, Texas), May 8, 1861.

31 Many who had opposed secession, like James W. Throckmorton, B. H. Epperson, E. W. Cave, William Pitt Ballinger, and James Love, either took up arms in the Confederate army or accepted civil positions with the Confederate government. Some, like former governors Elisha M. Pease and Sam Houston, however, simply retired from public life. Houston did not live to see the conclusion of the civil war which he had prophesied. He died in Huntsville on July 26, 1863, his death little noticed amidst the troubled conditions of wartime Texas. On the other hand, a few who opposed secession in Texas, like former Congressmen Lemuel Dale Evans and A. J. Hamilton and State Representatives A. B. Norton and John L. Haynes were forced into exile because of their political convictions and joined the Union army. See Frank H. Smyrl, "Texans in the Union, 1861-1865," Southwestern Historical Quarterly, LXI, (October, 1961),

32 Texas State Gazette (Austin, Texas), February 23, 1861.

33 Ibid., April 27, 1861.

34 Ibid., May 11, 1861.

36 Texas State Gazette (Austin, Texas), June 22, 1861.

37 Ibid., June 29, 1861.

38 Ibid., July 6, 1861.

39 Nicholas A. Davis, The Campaign from Texas to Maryland with the Battle of Fredericksburg (Richmond: Office of the Presbyterian Committee of the Publication of the Confederate States, 1863), p. 18.

40 Ibid., p. 119.

41 Texas State Gazette (Austin, Texas), June 29, 1861.


43 Marcus J. Wright, Texas in the War, 1861-1865, p. 102.

44 Tri-Weekly News (Galveston, Texas), July 15, 1862.

45 Tri-Weekly Telegraph (Houston, Texas), July 14, 1862.

46 Texas Republican (Marshall, Texas), July 26, 1862.

47 Bellville Countryman (Hempstead, Texas), August 2, 1862.


49 Editor Loughery wrote that George W. Paschal, Jr., had "absconded" from Travis County to avoid conscription and had said to have succeeded in reaching the Federal fleet at Galveston. Paschal's other son, Loughery understood to have turned out as badly. "So much for the traitorous advice and example of the father." See Texas Republican (Marshall, Texas), October 18, 1862.

50 George W. Paschal to William P. Ballinger, Austin, Texas, April 3, 1861, William Pitt Ballinger and Thomas M. Jack Papers.

51 Weekly News (Galveston, Texas), August 20, 1862.
52 Exparte Coupland, Robards' Synopses of Texas Reports (Austin: Brown and Forster, 1865), pp. 5-7, as cited in Scarborough, "George W. Paschal," p. 75.

53 George W. Paschal, Address to the People of Texas, Discussing the Political Situation of the Country, and Declaring Himself a Candidate for the United States Senate (Washington, D. C.: McGill and Witherow, Printers and Stereotypes, 1869), p. 15. To William P. Ballinger, Paschal wrote the succeeding year that the record in the Coupland case did not present one-tenth of the truth of the enormity perpetuated by the Chief Justice in abdicating civil authority in favor of martial law. The whole policy appeared to Paschal to "declare that every free man belongs body, soul and blood to the Confederate Corporation." See George W. Paschal to W. P. Ballinger, Austin, Texas, May 1, 1863, William Pitt Ballinger Papers (Archives, University of Texas Library, Austin).

54 George W. Paschal to W. P. Ballinger, Austin, Texas, May 13, 1863, William Pitt Ballinger and Thomas M. Jack Papers.

55 Southern Intelligencer (Austin, Texas), August 11, 1865.


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