

THE DEMOCRATIC PARTY AND THE GUBERNATORIAL
ELECTION OF 1876 IN SOUTH CAROLINA

By

BETSY GINSBERG

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Chapter I

THE BACKGROUND OF RECONSTRUCTION AND THE BEGINNING OF DEMOCRATIC REORGANIZATION

For the native whites of South Carolina, the determination of the status of the free Negro was the most difficult problem posed by Reconstruction. The racial issue underlay and, in large measure, controlled virtually all white thought and action during this period. Although the native whites often appeared to subordinate racial considerations to other dilemmas, it is the author's contention that the whites saw the Negro as a political, social, and economic threat and that the whites acted, first and foremost, to counter that threat.

The problem, as viewed by the whites, was manifold. First, as a result of Emancipation, there were thousands of newly freed slaves, largely unskilled and uneducated, suddenly thrust upon a society whose prewar devices for control of the Negro had been shattered. Second, there were Congressional demands for Negro rights which had to be met before the state could resume her normal position in the Union. Third, there was the urgent need to resume

normal agricultural production coupled with the widespread belief among the whites that the Negro would not labor except under compulsion. And fourth, there was the fear that a Negro-Republican coalition would capture the political processes of the state and use them to the detriment and degradation of the whites.

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The actual political reconstruction of South Carolina had been accomplished without delay. Under the Reconstruction Acts of March and July, 1867, the people of the state were required to elect a constitutional convention to frame a new constitution and to enfranchise the Negro. Congress also demanded that the subsequent state legislature ratify the Fourteenth Amendment.¹ The one hundred twenty-four delegates to the convention assembled on January 14, 1868.² The new constitution provided for universal manhood suffrage, declared that no person could be

¹Francis Simkins and Robert Woody, South Carolina During Reconstruction (Chapel Hill, 1932), p. 64.

²Seventy-six of the one hundred twenty-four delegates were Negroes. Simkins and Woody, South Carolina During Reconstruction, p. 94.

disenfranchised for crimes committed as a slave, established the popular election of the governor, justices of the peace, and presidential electors; and abolished property qualifications for office-holding. Also, the legislature was now to be apportioned according to total population, and although the legislature was still to elect judges, life tenure was abolished. In the area of new social legislation, the constitution ended imprisonment for debt, outlawed dueling, opened the public schools to children of all races, desegregated the militia, and declared that "distinction on account of race or color in any case whatever shall be prohibited. . . ." Other reforms included enlarging the rights of women, requiring all public officials to take an oath recognizing the supremacy of national law, and reorganizing the judicial system. No limitation was placed on either the amount of public indebtedness or on the number of agencies to which the credit of the state could be extended.³

The constitution was submitted to Congress which accepted it and declared that as soon as the state legislature approved the Fourteenth Amendment, the state was

³Ibid., pp. 97-101, 102-103.

entitled to representation in Congress. On July 7, 1868, the state senate approved the Amendment by a vote of thirty-two to five, and the following day it was approved in the house by the margin of one hundred eight to ten. On July 24, the military commander of South Carolina, General Canby, transferred all his authority to the state's new civil government.⁴

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Despite the ease with which the constitution was written and approved, and despite the fact that the constitution remained in force, almost unchanged, for nearly nineteen years after the whites regained control of the state, white reaction at the time of its passage was vehement and out of all proportion to the facts. The Central Executive Committee of the Democratic party of South Carolina declared:

That Constitution enfranches every male negro over the age of twenty-one, and disfranchises many of the purest and best white men of the State. The negro being in a large numerical majority as compared with

⁴Ibid., pp. 109-110.

the whites, the effect is that the new Constitution establishes in this State negro supremacy with all its train of countless evils. A superior race . . . is put under the rule of an inferior race . . . the people of our State will never quietly submit to negro rule . . . by moral agencies, by political organization, by every peaceful means left us, we will keep up this contest until we have regained . . . political control. 5

A convention of whites in Columbia condemned the constitution as "the work of sixty-odd Negroes, many of them ignorant and depraved, together with fifty white men, outcasts of Northern society, and Southern renegades, betrayers of their race and country." The Fairfield Herald labeled it "the maddest, most unscrupulous and infamous . . . in history." It had "snatched the power from the hands of the race which settled the country . . . and transferred it to its former slaves, an ignorant and feeble race."⁶

Clearly, these whites were not calmly assessing the merits and demerits of the constitution but were

⁵As quoted in John S. Reynolds, Reconstruction in South Carolina (Columbia, 1908), pp. 93-94. See also Walter Allen, Governor Chamberlain's Administration in South Carolina (New York, 1888), pp. 6-7.

⁶Quotations in W.E.B. DuBois, Black Reconstruction in America, 1860-1880 (New York, 1935), p. 400.

rather giving voice to their deepest fears and racial animosities. The whites could not abide a government in which Negroes had a voice, not because the Negroes were unlettered and crude, but because they were Negroes and thus inherently inferior, "depraved," and evil. As W.E.B. DuBois has aptly put it, "if there was one thing that South Carolina feared more than bad Negro government, it was good Negro government."⁷

For the whites, there at first appeared to be no easy remedy for this situation, since the Negroes did compose the majority of the population and thus could not be quickly voted out of office. Violent overthrow of the government was not feasible since that would undoubtedly bring down upon South Carolina the wrath and troops of the Republican North. Nevertheless, almost from the moment the new constitution was written, the whites began to work toward their two most important objectives--the reinstatement of native white rule and the resubjugation of the Negro. Before long, they discovered that the cry for economic reform could provide a convenient cover for their attempts to redeem the state. Under the veil

⁷Ibid., p. 428.

of reform these aims could be accomplished without arousing undue apprehension in the North or resentment in the state. By working for economic reform, the pre-war aristocracy could reestablish the domination of landed property in politics and by covertly playing on racial antagonisms, they could gain the support of the lower classes of whites. Together, these groups could oust the Negro from power.⁸

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Undoubtedly, the Reconstruction governments of South Carolina provided the whites with ammunition for their charges of corruption and fraud, but these speculations were ^{usually} ~~always~~ exaggerated or distorted by the whites and were never equal to those of the Tweed Ring, the Credit Mobilizer, or the "salary grab" in the North. The whites objected heartily to the increased taxation but never admitted that the new taxes were for the re-organization and improvement of schools, orphan asylums, and lunatic asylums. The new revenues were also used for poor relief and railroad construction. Then too, the

⁸Black Reconstruction, pp. 428-429.

whites ignored the fact that the tax rate on each dollar in South Carolina was substantially lower than that in many northern states. In the words of DuBois:

The appropriations to meet the new expenses had to grow. . . . They [the antebellum planters] had made the functions of the state just as few as possible, and did by private law and on private plantations most of the things which in other states were carried on by the local and state governments. The economic revolution, therefore, which universal suffrage envisaged for this state, was perhaps greater than in any other Southern state. It was for this reason that . . . expenditures for the new functions of the state [were] denounced as waste and extravagance. 9

Furthermore, many of the whites did not wish to improve the lot of the Negro and were either opposed or at least indifferent to providing the Negro with an education leading to self-improvement. Many whites still viewed the Negro primarily as a laborer and did not wish to

⁹Black Reconstruction, p. 408. See also Simkins and Woody, South Carolina During Reconstruction, p. 177. Simkins and Woody noted that the tax law passed by the Republicans levied "a uniform rate of assessment of all property at its fair money value" instead of the antebellum system which had been "light on land and slaves." Both Simkins and Woody and DuBois noted that the average rate of taxation for the first four years of Republican rule was nine mills on the dollar, while for the second four years it was more than eleven mills. DuBois stated that, "In Northern states like Illinois, Massachusetts, New York, and Pennsylvania, the average was 21-1/2 mills on the dollar.

provide him with the means to escape from that menial position.

At first, the whites did not blame the Negro for the corruption in the state. The Negro, they believed, was merely the unwitting tool of the carpetbagger and scalawag who really controlled the fraud. However, once federal troops withdrew from the state, the wealthier whites quickly united with the poorer whites in labeling the Negro as the major cause of corruption. In this way, the whites hoped to weaken the Negro's political position in the state and ultimately, to remove him from politics altogether.¹⁰

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Other important spurs to Democratic reorganization in South Carolina were provided by events on both the national and local level. The depression of 1873 severely disturbed the economic fabric of the country and inclined Northerners to turn from the problems of Reconstruction to those of the tariff and economic recovery.¹¹ In the 1870's, too, there was a growing

¹⁰DuBois, Black Reconstruction, p. 616.

¹¹Vernon Lane Wharton, The Negro in Mississippi, 1865-1890 (New York, 1965), p. 182. See also James G.

realization among Northerners that the South could be a fertile ground for economic development if its politics could be stabilized. "Had it not been for carpetbag mismanagement," wrote the New York Tribune in 1872, "this country [the South] today would be filled with millions of Northern or foreign yeomanry carving out farms, or working. . . ." ¹² A later historian, William B. Hesseltine, observed that the "masters of capital were convinced that only the removal of this 'swarm of locusts' would make possible the economic exploitation of the section." ¹³ In addition to these economic considerations, such scandals as the "salary grab" and the Whiskey Ring during the Grant administration weakened the prestige and position of the Republican party. In 1874 the Democrats captured the House of Representatives and almost won the Senate, and rumors abounded that the Democrats would gain the presidency in 1876. ¹⁴ A further blow to Republican prestige was the

Randall and David Donald, The Civil War and Reconstruction (2d ed.; Boston, 1961), p. 664.

¹² New York Tribune, 1872, as quoted in Randall and Donald, Civil War and Reconstruction, p. 679.

¹³ "Economic Factors in the Abandonment of Reconstruction," Mississippi Valley Historical Review, XXII (September, 1935), p. 204.

¹⁴ Wharton, Negro in Mississippi, p. 182.

bolting of the Liberal Republicans in 1872, many of whom wished to soften the party's policy toward the South. The war had been over for almost ten years and Northern passions were finally beginning to subside; economics was becoming more important than the Negro. As Carl Shurz said, "there are vast numbers of Republicans or men who used to vote the Republican ticket who have lost their fear of the return of the Rebellion to power."¹⁵

A final important factor contributing to the revival of the Democratic party in South Carolina was the success of most of the other southern states in "redeeming" themselves and particularly the success of the "Mississippi Plan." Starting in 1874, the whites of that state had undertaken a vigorous campaign of terror and intimidation to rid their state of Negro rule. The meaning of the "Mississippi Plan" was not lost on South Carolina whites, particularly since Mississippi, like South Carolina, had a Negro majority.

It was thus a combination of many factors which strengthened the determination of native white South Carolinians in 1876. No longer intimidated by Northern

¹⁵Carl Shurz as quoted in Randall and Donald, Civil War and Reconstruction, pp. 678-679.

Republican power which had been severely weakened by depression and scandal, and heartened by the hope that national Democratic victory was near, the whites of South Carolina eagerly anticipated success. Although the Democratic party as a definable entity had not engaged in a state campaign since the war and, although its "whole organization had fallen to pieces,"¹⁶ two events soon provided the catalyst whereby the party was reorganized with a new vigor.

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The first of these events was the election by the Republican legislature of the former Governor, Franklin Moses, Jr., and of W.J. Whipper, a Negro, to the first and third circuits of the state judiciary in December, 1875. Moses was a native South Carolinian whose father had been a lawyer, member of the state senate, circuit judge, and, from 1868 to 1877, chief justice of the state supreme court. Moses, Jr. attended South Carolina College

¹⁶ U.S. Congress, House, Testimony Concerning the Recent Election in South Carolina, 44th Cong., 2d Sess., 1876-1877, House Misc. Docs. #31, p. 369. Hereafter cited as Recent Election in South Carolina.

for a short time and, in 1860, became Governor Pickens' private secretary. The younger Moses was admitted to the bar in 1866 and for the next year was editor of the Sumter News. Prior to the war, he had been a vociferous supporter of secession, but in 1867 "he suddenly became a renegade" by giving his allegiance to the Republican party. He was a delegate to the 1868 constitutional convention and subsequently served as Speaker of the House of the state legislature, adjutant-general, and trustee of the state university. "As a public officer he was thoroughly unscrupulous," but in 1872 he was elected Governor. As Speaker, Moses had been involved in the fraudulent issue of pay certificates and had accepted bribes for influencing legislation. As adjutant-general, he had misappropriated funds destined for the militia and, as governor, he was noted for the money he received for making appointments, handing out pardons, and approving legislation.¹⁷ Of Whipper little is known except that he was a northern Negro who had represented Beaufort country in the 1868 constitutional convention

¹⁷ Simkins and Woody, South Carolina During Reconstruction, pp. 126-127.

and had been elected to the lower house of the legislature in that year.¹⁸

The election of these two men angered reform-minded Republicans as well as Democrats. Daniel Chamberlain, the moderate Republican governor, looked upon their election as a "horrible disaster" for both the state and the Republican party and shrewdly noted that,

One immediate effect will . . . be the re-organization of the Democratic party . . . as the only means left . . . for opposing . . . this misgovernment and public debauchery.¹⁹

Other critics were equally vociferous. A letter to the Charleston News and Courier called the election "an outrage against virtue, decency, and . . . honest administration." A group of Darlington county Republicans declared that the election "is regarded . . . as a declaration of war against the honest people of South Carolina. . . . The honest Republicans . . . feel that they have been . . . betrayed." The Edgefield Advertiser rejoiced in this "infamous" election, "which will

¹⁸ Reynolds, Reconstruction in South Carolina, pp. 59, 77, 107.

¹⁹ Allen, Chamberlain's Administration, p. 220.

unite the press of the state on a strict Democratic ticket." The Kingstree Star called the episode "the most terrible thrust we have received since the war." The Abbeville Press and Banner despaired that the election had struck a blow at "hopes . . . of a moderate conciliatory policy on the part of the South Carolina Republicans." The Union-Herald, a Republican paper, concluded that the action of the legislature had doomed the party, that it would soon "see that no man, no party, no State, can resist the awful power of public opinion."²⁰

Governor Chamberlain was so opposed to the election, which had been engineered by his enemies in the legislature, that he refused to sign the commissions for Moses and Whipper on the grounds that the previous session of the legislature already had elected two judges, Jacob P. Reed and J.A. Shaw, to fill unexpired terms. Chamberlain insisted that the election of Reed and Shaw had been for a full four-year term and that, therefore, the new legislature had no right to elect Moses and Whipper.²¹

²⁰Newspaper quotations are from the Charleston News and Courier, December 20, 24, 1875.

²¹Simkins and Woody, South Carolina During Reconstruction, p. 478. See also Reynolds, Reconstruction in South Carolina, pp. 323-324 and Allen, Chamberlain's Administration, pp. 195-197.

Whipper was scheduled to hold court first in Charleston, and in that city a protest meeting was held. Several resolutions were adopted condemning the legislature's action, one of them declaring that the citizens of Charleston would resist Whipper's taking office. At a similar meeting in Sumter, a county in Moses' circuit, it was declared that "F.J. Moses, Jr. shall never take a seat as a judge in our courthouse, unless placed there by Federal bayonets."²²

On August 21, 1876, shortly before Whipper and Moses were to assume their judicial duties, Chamberlain issued a proclamation warning them not to do so and sustaining the authority of Judges Reed and Shaw. Moses never attempted to take his seat and Whipper, who brought suit in the courts, had his case denied.²³

The second spur to Democratic reorganization at this time, according to many whites, was the urgent and long-standing need for economic reform. The whites of the state had been complaining about high taxes and waste in government for several years, but their complaints went

²² Reynolds, Reconstruction in South Carolina, pp. 324-325.

²³ Ibid., p. 326.

unheeded. One notable effort on the part of the whites to bring about retrenchment was the Taxpayers Convention of 1874 at which the delegates publicized their grievances and sought to petition the Federal Government for relief. The Convention expressed the problem as follows: "The property-holding and taxpaying people are not only in distress, but in despair. They see in the future nothing but ruin or revolution. Their Government has become a sword instead of a shield. . . . This is not Republicanism . . . it is despotism, plain, naked ruinous despotism."²⁴ The main complaint of the delegates was that the preponderance of political power was in the hands of the unpropertied, non-taxpaying group, who "persistantly refuse to the taxpayers a fair representation for the protection of their property interests."²⁵ The delegates professed non-partisanship and non-recognition of racial differences at the Convention; indeed, the president of the group said,

²⁴ Address of the President, W.D. Porter, Proceedings of the Tax-Payer's Convention of South Carolina, February 17-20, 1874. Charleston, 1874, p. 12.

²⁵ Ibid., p.14.

What we want . . . is an honest, economical government. It matters little, in our present condition, whether it be Republican or Democrat, Radical or Conservative. It is not with us a question of faction, or party, or race; it is simply a question of self-preservation. 26

Despite these protestations by the president, other speeches belied the alleged non-political character of the Convention. Colonel S.W. Maurice, a delegate from Williamsburg, noted that the main obstacle to reform was the present administration which had been elected largely by Negro votes. Maurice suggested that in order to overcome the Negro majority, the Convention should encourage the immigration of whites into the state. His resolution on the subject read.

Whereas, this change [of government personnel] can only be certainly completed and permanently effected by neutralizing and overcoming the existing negro majority in the State by bringing white men into the State. 27

Another delegate, Colonel Richard Lathers of Charleston, gave voice to the sentiments of many when he said,

²⁶Proceedings of the Tax-Payer's Convention, p. 16.

²⁷Ibid., p. 22.

No free people have ever . . . been subjected to the absolute rule of dishonest strangers and the domination of their own slaves. No Commonwealth has ever been so prostrated as to elevate ignorant, unlettered slaves . . . to perform the delicate duties and functions of lawmakers. 28

From these and similar statements made at the Convention, it is clear that once the petitions failed and once the immigration policy proved unsuccessful, it would not be a far step to the conclusion that the only way to achieve economic honesty in government would be for the whites to take over that government.

For example, even the moderate Charleston News and Courier soon connected the problem of reform with that of race when it stated that the Democratic party's aim was not partisan ascendancy but rather "reform . . . obtained by local State effort, and not through the National Administration." This editorial continued by declaring that the whites did not object to Negro voting per se but wished only "to persuade the negroes to use the franchise wisely." The paper further observed that nothing was to be gained by waging a partisan campaign.

²⁸Proceedings of the Tax-Payer's Convention, p. 71.

Rather, it would be necessary to "take such a course as will tend to win over colored men, not to the Democratic party, which they distrust, but to a harmonious working for good government."²⁹ James A. Hoyt, an ardent Democratic organizer and editor of the Anderson Intelligencer, commented that the reorganization plan was "a movement of the people to regain their rights," after the long years of "weary and desolate"³⁰ Republican rule.

Thus, with the election of Moses and Whipper and the realization by the whites that the cry for reform was a tactical success, the anti-Negro sentiment in the state congealed. These things, however, were merely the immediate causes of reorganization; national events and the successes of other Southern states had long ago set the mood for what was to come.

²⁹ Charleston News and Courier, May 26, 1876.

³⁰ Anderson Intelligencer, February 10, 1876.

Chapter II

THE STRUGGLE TO REORGANIZE THE DEMOCRATIC PARTY

Once party reorganization was decided upon, the problem of procedure raised its head. Within the Democratic party at this time were two main elements: the "compromise" or "cooperationist" faction and the "straight-out" faction. The compromisers, led by the Charleston News and Courier, hoped to secure reform and supremacy through an alliance with Daniel Chamberlain, the moderate Republican governor. They wanted to "wait and see" if the Republicans would renominate Chamberlain. If they did, the News and Courier wanted the Democrats to make no nomination of their own for governor. Instead, if Chamberlain and the entire Democratic ticket were elected, Chamberlain would be sent to the United States Senate, leaving the state itself solely in Democratic hands.¹ The straight-outers, on the other hand, would brook no compromise

¹Eric McKittrick, Andrew Johnson and Reconstruction (Chicago, 1960), p. 247. See also Reynolds, Reconstruction in South Carolina, p. 344 and Simkins and Woody, South Carolina During Reconstruction, pp. 480-481, 490, 494.

whatever with the Republicans and wanted a totally Democratic ticket.

According to a poll of all counties taken by the Charleston News and Courier, nineteen definitely favored a straightout policy, six were opposed and seven were listed as doubtful.² It is difficult to determine why some counties favored straightoutism and some favored compromise but one thing appears certain--racial density alone is not a reliable determinant. It is true that only five of the nineteen straightout counties lacked large Negro majorities but it is also true that eleven other counties with heavy Negro populations were either undecided or opposed to straightoutism.³ The straightout counties did, however, have geography in common. With the exception of Horry County on the North Carolina border, and Beaufort at the southern tip of the state, all the straightout areas were either along the state's western border

²Charleston News and Courier, August 10, 1876.

³The figures on the number of Negroes per county were obtained from the U.S., Bureau of the Census, Ninth Census of the United States, 1870. Population and Social Statistics, I. In 1870, the total population of the state was 705,606, comprising 289,667 whites and 415,814 Negroes.

(Oconee, Anderson, Abbeville, Edgefield, Aiken, and Barnwell), or in the northwest and northcentral portions of the state.

Pre-Civil War prosperity also appears to have had only the most tenuous relationship to Democratic policy. Using percentage of slaves to total population as an index of wealth, the five counties with the lowest percentage of slaves to total population were straightout, but two of the three counties with the highest percentage were also straightout. Eight of the straightout counties had a slave population of between forty-eight and sixty-four percent. Of the six counties opposed to straightoutism, two had a very high percentage of slaves and the remaining four had a forty-six to sixty percent slave population. Among the undecided counties were Georgetown with the highest percentage, eighty-five, of slaves to total population and Fairfield with seventy-one percent. The other undecided counties ranged from thirty-seven to sixty-six percent slaves to total population.

Of the counties with less than fifty percent slave populations, seven were straightout, two were undecided, and one was opposed. Of the counties with more than fifty percent slave populations, ten were straightout,

five were undecided, and five were opposed. Thus, the straightouts dominated the poorer counties (in terms of percentage of slaves) but were equaled in strength by the other factions in the wealthier areas. Four of the counties with less than fifty percent slaves but favoring straightoutism (Pickens, Anderson, Spartanburg, and Greenville) are in the extreme northwest portion of the state, two (Lexington and Horry) are in the center of the state, and one (Lancaster) is located on the North Carolina border. Of the seven counties, only Lancaster had more Negroes than whites in 1875.⁴

Despite the wide variation in the figures on percent of slaves to total population, it is possible to conclude that straightoutism was strongest in the poorer Northern counties. These poorer whites, no longer able to pride themselves on their white skins as a sign of freedom and status, saw in the free Negro a threat to both their economic and social position. Prior to the war, any white was "better" than any Negro just because he was free and because he could dream of one day attaining

⁴See chart on following page for percentage of slaves, by county, to total population.

Table Showing Percentage of Slaves, by County, to Total Population (Negro plus White), 1860.

- a - county favoring straightoutism
 b - county opposed to straightoutism
 c - county undecided

<u>County</u>	<u>Percent of Slaves</u>
c-Georgetown -----	85
a-Beaufort -----	83
a-Colleton -----	77
c-Fairfield -----	71
b-Sumter -----	70
b-Orangeburg -----	67
a-Newberry -----	66
c-Clarendon -----	66
c-Williamsburg -----	65
a-Abbeville -----	64
a-Edgefield -----	61
a-Richland -----	61
b-Chester -----	60
a-Kershaw -----	60
a-Barnwell -----	58
c-Darlington -----	58
b-Charleston -----	56
b-Marlboro -----	56
a-Laurens -----	55
a-Union -----	55
a-Lancaster -----	48
c-Marion -----	47
b-York -----	46
a-Lexington -----	39
c-Chesterfield -----	37
a-Anderson -----	37
a-Greenville -----	32
a-Spartanburg -----	30
a-Horry -----	29
a-Pickens -----	21

Percentages calculated by author from data obtained from U.S., Bureau of the Census, Eighth Census of the United States, 1860, Population, pp. 450-451.

economic equality with the great planters just as they already shared racial equality. But after emancipation, the poorer white had much more in common with the Negro-- both needed land and jobs. Thus, by returning the state to native white rule, the lower class whites hoped to remove the Negro as an economic and political competitor and to ~~regain~~ their social status. By remanding the Negro to virtual slavery,^a permanent, institutionalized class of inferiors would again be created.

Those counties which opposed straightoutism may have done so because they feared that such a policy could not succeed in view of the heavy Negro majority. Furthermore, there were still a considerable number of whites in the state who liked Chamberlain and his efforts at reform. The Charleston News and Courier sent a reporter, R. Means Davis, around the state to sound out the sentiments of the people. In York County Davis concluded that "the acceptance of Mr. Chamberlain is based chiefly on the ground of expediency. . . ." The people of York felt that a purely Democratic ticket would "arouse passions and strife" by sharply drawing party lines and would thus injure Tilden's chances for election. The Marlboro Planter editorialized that no matter how charismatic the leader of

the Democratic ticket might be, the whites would still be in a minority and a straightout policy "would defer many of the voters from going to the polls at all, for they are tired of voting a minority." In Chester County, one of the wealthiest in the state, Davis reported that sentiment generally supported Chamberlain either for reasons of "expediency" or because "they consider him a strong champion of reform." A letter written to the News and Courier by a "citizen and property owner" in Colleton County noted that a straightout ticket would "force the negro back into a corrupt party." Aware of the Negro majority in the state, "Rusticus" continued that, "the whites, without colored votes, can . . . accomplish nothing. . . . By running a straight Democratic ticket you must expect little or no votes from the colored men." The News and Courier summarized cooperation sentiment by saying that Negroes would not vote for the Democratic party because they feared it. If, however, Democrats and Republicans worked together, the Negroes might prove more responsive to Democratic pleas for reform and retrenchment. Furthermore, said the paper, cooperation would unite whites and blacks "making both races effective in accomplishing reform

without affecting the political independence of either group."⁵

Thus there seems to have been a considerable amount of division among the Democrats as to which policy would prove the most efficacious. Many of those opposing straightoutism did so because they believed that in view of the heavy Negro majority, a purely Democratic ticket could never capture the state. These people wanted economic and political reforms via the Democratic party, but believed that nominal cooperation with reform elements among the Republicans was the safest solution. Regardless of the method used, however, the end desired was Democratic state control and, most definitely, not fusion. The scheme to send Chamberlain to the Senate and the absence of speculation about the possibilities for cooperation after the election illustrate this point. Indeed, the Charleston News and Courier felt constrained to explain to its readers that

co-operation is not fusion; . . . it does not contemplate any consolidation or amalgamation with the

⁵ All quotations are from the Charleston News and Courier, July 17 and 13, 1876, June 9, 1876, and May 30, 1876.

Republican party; . . . it does not involve disbanding the Democratic party, but, on the contrary, requires, for its proper working, thorough Democratic organization and discipline. ⁶

To such analysts cooperation appeared to be the necessary, if not ideal, means to an end; but future events would soon prove that even a luke-warm alliance with the Republicans would not prove feasible.

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The single event which did the most to wreck these conciliatory hopes was the Hamburg Massacre. This incident originated on the morning of July 4, 1876, when a Negro militia company was drilling on a public street in the town of Hamburg in Aiken county, and two young white men, Thomas Butler and Henry Getzen, drove up in their carriage and demanded that the company make way for them. Words were exchanged between the men and Doc Adams, the militia's captain. Finally, however, Adams did order the company to break ranks and allow the men to pass. Subsequently the father of one of the young men swore out a

⁶Charleston News and Courier, June 1, 1876.

complaint against Adams and the militia. The Negro trial justice, Prince Rivers, issued a warrant for Adams. At his trial, Adams was arrested by Rivers for contempt and the case was recessed until July 8. On the appointed day, M.C. Butler, a leader of the straightouts, and no relation to Thomas, and the two white men appeared at the court and found Adams absent. A recess was granted so that M.C. Butler could speak with Adams in an attempt to arrange a private settlement of the case, Meanwhile, word was sent to Prince Rivers that two or three hundred white men were converging on the town demanding that the militia surrender its arms. Adams refused since the whites bore no authority for such an order. The inevitable shot was fired and the Negroes attempted to escape from their militia building, in which they had gathered, through its rear windows. The whites then began to search for the Negroes and rounded up about twenty-five. Some of the Negroes were shot immediately, others were turned loose and shot as they began to flee. Seven Negroes and one white were killed.⁷

⁷U.S. Congress, Senate, Report on the Denial of the Elective Franchise in South Carolina at the State and National Election of 1876, 44th Cong., 2d Sess., 1877,

When the affair was later investigated by a committee of the United States Senate, various explanations were set forth. Some including the Republican-dominated committee itself, saw it as a planned "political massacre," aimed at intimidating the Republican voters of the State.⁸ Others, including M.C. Butler, saw it as a "citizen's duty" to disperse Negroes who had "assembled riotously" and "were in a state of armed resistance to the laws."⁹

The News and Courier roundly condemned the event in a series of editorials. It agreed that Doc Adams had been "insolent" and that the militiamen were "boisterous" and "quarrelsome," but concluded that this conduct gave the whites "no legal or moral right to demand the surrender of the arms." The editorial continued, "Their (the Negroes) offense lay . . . in being negroes and in bearing arms."

III, Senate Misc. Docs. #48, pp. 473-475. Testimony of South Carolina Attorney-General Stone, July 12, 1876. Hereafter cited as Report on the Denial of the Elective Franchise. See also Francis Simkins, "The Election of 1876 in South Carolina," South Atlantic Quarterly, I (October, 1922), p. 236.

⁸Report on the Denial of the Elective Franchise, II, p. 106.

⁹Quoted in Allen, Chamberlain's Administration, p. 327.

The editorial continued, "Their [the Negroes] offense lay . . . in being negroes and in bearing arms." The editor considered the whole affair "shamefully wrong."¹⁰

Governor Chamberlain was quick to berate the whites for their part in the trouble. In a letter to Senator T.J. Robertson, Chamberlain wrote, "If you can find words to characterize its atrocity and barbarism, the triviality of the causes, and the murderous and inhuman spirit which marked it in all its stages, your power of language exceeds mine. . . ." ¹¹ Addressing himself to President Grant, Chamberlain wrote,

The lines of race and political party were the lines which marked the respective parties to the affair at Hamburg. I mention this as a fact. . . . But the Hamburg massacre has produced another effect. It has . . . caused a firm belief on the part of most Republicans . . . that this affair at Hamburg is only the beginning of a series of similar race and party collisions in our State, the deliberate aim of which is believed by them to be the political control and subjugation of the State. They see . . . a campaign of blood and violence, and such a campaign conducted on the "Mississippi plan". . . . To be more specific, will the General Government exert itself vigorously

¹⁰ Charleston News and Courier, July 11, 1876, July 10, 1876, and July 14, 1876.

¹¹ Ibid., July 21, 1876.

to repress the violence in this State during the present political campaign on the part of persons belonging to either political party, whenever that violence shall be beyond the control of the State authorities?. . . . 12

One possible effect of Hamburg on Democratic policy may have been reflected in the increasing strength of the straightouts at party conventions. The first was held in Columbia on May 5, 1876, almost two months prior to Hamburg. The Anderson Intelligencer reported that the delegates wished to address themselves to two main points: party reorganization and the selection of delegates to the national convention.¹³ Most of those attending the state convention were involved in commerce or planting and had once been strongly identified with slavery and the Confederacy. Only two Negroes were present.¹⁴ Almost immediately, General Johnson Hagood, a leader of the straightouts, moved that the convention be adjourned to a closed

¹²Report on the Denial of the Elective Franchise, III, p. 482. Letter dated July 22, 1876. See also Charleston News and Courier, August 9, 1876 and Simkins and Woody, South Carolina During Reconstruction, pp. 487-488.

¹³Anderson Intelligencer, May 11, 1876.

¹⁴Simkins, "Election of 1876 in South Carolina," South Atlantic Quarterly (July, 1922), p. 233.

caucus. The motion carried but no definite plan of action was agreed upon. Finally, the Committee on Resolutions issued a statement which was carried by a vote of seventy-two to forty-two.¹⁵ It read, in part,

The committee deem it inexpedient to take any action upon the resolutions submitted to them . . . but recommend that this convention urge on the . . . counties the utmost vigor and zeal in perfecting a thorough . . . organization of the Democratic party. . . .¹⁶

An alternative resolution was introduced by General Martin Witherspoon Gary which sought to tie the convention to the straightout policy but this was defeated. The convention then adjourned subject to recall by the state executive committee. Clearly, the straightouts had been defeated for the time being.

On July 12, 1876, only eight days after Hamburg, the state executive committee issued a call for another convention to be held in Columbia on August 15. At this convention, each county was to be represented in proportion to the number of members the county had in the state assembly. Thus, the eighteen counties known to favor

¹⁵ Ibid.

¹⁶ Anderson Intelligencer, May 11, 1876.

straightoutism had eighty-nine delegates, the six counties opposed had forty-two representatives, and the seven undecided counties had twenty-seven delegates among them.¹⁷

The first test of strength among the various factions was the vote for a permanent chairman. George D. Tillman, acting under instructions from the straightouters, nominated General W.W. Harllee for the post. The cooperationists nominated Charles Simonton of Charleston.¹⁸ The final vote was seventy-eight for Harllee and sixty-six for Simonton.¹⁹ Thus, eight days after Hamburg the straightouts were able to win the victory which had been denied them just two months before the massacre. They achieved yet another triumph when the convention in secret session voted eighty-eight to sixty-four to make immediate nominations for state officers

¹⁷Charleston News and Courier, July 13, 1876 and August 10, 1876.

¹⁸William A. Sheppard, Red Shirts Remembered: Southern Brigadiers of the Reconstruction Period (Spartanburg, South Carolina, 1940), p. 114. See also Simkins and Woody, South Carolina During Reconstruction, p. 490.

¹⁹Anderson Intelligencer, August 24, 1876. Sheppard, Red Shirts Remembered, pp. 115-116 gives the vote as 73 to 66. Francis Simkins notes that Simonton's greatest support derived from the more moderate Low-counties. See Francis Simkins, "The Election of 1876 in South Carolina," South Atlantic Quarterly, I (July, 1922), p. 238.

rather than "wait and see" as the cooperationists had proposed.²⁰

Those persons favoring cooperation failed to carry their party because they were, almost from the start, clearly in a minority. The Hamburg affair and Chamberlain's letter to Grant did much to undermine whatever support the cooperationists possessed. National politics as well as the general tenor of the times also aided the straightouters by diverting northern attention from the South and by damaging Republican prestige. The cooperationists were little more than a loose alliance of moderates and they were unable to compete with straight-out promises of state redemption and salvation. Finally, the prestige of the straightouters was very high. In their ranks were such famous wartime officers as Gary, Haskell, Butler, and the famed Wade Hampton himself who had made it known that he would run only on a straightout ticket.

With the straightouters now clearly in command, the convention addressed itself to selecting a suitable gubernatorial candidate. General Matthew C. Butler nominated Wade Hampton, who urged the delegates to consider

²⁰ Simkins and Woody, South Carolina During Reconstruction, pp. 490, 494.

their choice carefully and then left the hall. John Bratton and ex-Governor Manning were also nominated but immediately withdrew in favor of Hampton, who was then nominated by acclamation.²¹ The remainder of the slate was: lieutenant-governor, W.D. Simpson, of Laurens; secretary of state, R.M. Sims, of York; attorney-general, James Connor, of Charleston; comptroller-general, Johnson Hagood, of Barnwell; and adjutant-general, E.W. Moise of Sumter. The nominations of Connor and Moise, both of whom had opposed straightoutism, was a concession to that faction of the party and an attempt to restore party unity.²² The convention also elected an executive committee which was composed of Andrew C. Haskell, John Bratton, J.D. Kennedy, T.B. Fraser, James A. Hoyt, J. Adger Smyth, and R. O'Neale, Jr.²³

The platform adopted by the convention was conciliatory and moderate in tone except in its references

²¹ Simkins and Woody, South Carolina During Reconstruction, p. 490. See also Reynolds, Reconstruction in South Carolina, p. 351.

²² Simkins and Woody, South Carolina During Reconstruction, pp. 490-491.

²³ Ibid., p. 491.

to the Republican leaders in the state. By not condemning the rank-and-file Republicans, the platform opened the way for them to support the Democratic party. The moderate tone of the document would also serve to mollify the North and the native Negro, and would garner support from the wavering native white. The platform, in effect, provided a perfect screen of reason behind which the fierce campaign would be fought. It declared the party's full acceptance of the Thirteenth, Fourteenth, and Fifteenth Amendments and called for a turn from the "settled and final past" to the "living and momentous" future. It reiterated that "substantial and lasting reform is impossible within the ranks of the Republican party" and called for both races to work together toward reform. The platform closed with the following:

We charge that party [the Republicans] with arraying race against race, creating disturbance and fomenting difficulties; with prostituting the elective franchise, [and] tampering with the ballot box; . . . with having accumulated an enormous debt, mismanaged the finances and injured the credit of the State; with levying exorbitant taxes and squandering them when collected. . . .

We do not charge this condition of things . . . upon the masses of the party, but upon their leaders, who have made such false use of their confidence and trust; for it is our firm conviction that all the people of the State, of both races, desire peace and prosperity. We, therefore, call upon our fellow

citizens, irrespective of race or past party affiliation, to join with us in restoring the good name of our State, and in elevating it to a place of dignity and character among the commonwealths of this great country. 24

Hampton's candidacy came about almost by accident. In June, 1876, General Gary met Hampton on a train bound for North Carolina. Recognizing Hampton's recent political non-involvement, his prestige, and his war record as great political assets, Gary broached the subject of the coming campaign and the possibility that Hampton would run for governor. At first Hampton demurred, noting that with his wealth gone he had little to offer save his time and talent. Finally, however, Hampton agreed that he would run but only on a straightout ticket.²⁵ In a letter reprinted in the Anderson Intelligencer, Hampton said,

My first impulse was to decline the nomination . . . but I deferred . . . until some indication should be given as to the policy the State would pursue . . . my judgment is clear that the convention should enter into no compromise . . . with the Radical party, but that it should present to the State a

²⁴Platform of the Democratic Party of South Carolina, 1876 as reprinted in Reynolds, Reconstruction in South Carolina, pp. 354-355.

²⁵Sheppard, Red Shirts Remembered, pp. 84, 88.

full ticket made up of her own true, tried, and trusted sons. . . . 26

Prior to the convention, Hampton's name was the one most often mentioned in connection with the gubernatorial nomination. The Charleston News and Courier described him as "the one South Carolinian who, more than any other, would warm the people to the work, and enlist their activity in the canvass. Hampton is to South Carolina what Lee or Jackson . . . were to Virginia."²⁷ There were, however, some people who did not favor Hampton's nomination although most of those opposed were from outside the state. Samuel Tilden, the Democratic Presidential candidate, was afraid that Hampton's Civil War record and his initial opposition to the Reconstruction Acts would hinder the Democracy's chances in the North. Indeed, John Coyle of the National Democratic Committee had been dispatched to Columbia to fulminate against his nomination.²⁸

²⁶Anderson Intelligencer, August 17, 1876. See also Sheppard, Red Shirts Remembered, p. 109.

²⁷Charleston News and Courier, August 23, 1876.

²⁸Sheppard, Red Shirts Remembered, pp. 110-113. See also Hampton Jarrell, Wade Hampton and the Negro (Columbia, South Carolina, 1949), pp. 51-52.

Hampton himself felt that he was given the nomination for two reasons:

I would bring out all the white vote, and . . .
I would bring to my support a large number of
colored people, with whom my relations have al-
ways been friendly. 29

He stated in his acceptance speech that his "sole effort" would be to "restore our State government to decency, to honesty, and to integrity." He attempted to allay Negro fears by saying that he would represent the "whole people" without partisan or racial bias. He promised to "hold the scales of justice with firm and impartial hand," protecting all classes and "devoting every effort to the restoration of prosperity and the reestablishment of honest government."³⁰

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Wade Hampton, the eldest of eight children and the third generation to bear that name, was born in Charleston

²⁹Report on the Denial of the Elective Franchise, I, p. 991. Testimony of Wade Hampton.

³⁰Reynolds, Reconstruction in South Carolina, pp. 352-353.

in 1818. His name was revered throughout the South, both before and after the war, most particularly in his native state. Typifying the paternal slaveholder and the tradition of noblesse oblige, he was a symbol for southern whites of all that was best in the antebellum period. Hampton was also raised in the military tradition held dear by so many southern aristocrats prior to the war. His grandfather had been a lieutenant-colonel in the Revolutionary cavalry and a brigadier-general in the United States Army, and had made a fortune in southern cotton. Hampton's father had been a colonel under Andrew Jackson in the War of 1812. The third Wade Hampton studied law at South Carolina College and married at an early age. His wife soon died, however, and he took another, Mary McDuffie, the daughter of a former governor. In 1852 Hampton was elected to the state legislature and served two terms before moving to the state senate. Hampton's pre-war political views, like his personal habits, were moderate. He opposed slavery in principle, was against reopening the slave trade, and opposed secession in 1860. But Hampton always believed that a state had a legal right to secede and when South Carolina did leave the Union, he was among the first to offer his services

to the Confederacy. Largely at his own expense, he organized the Hampton Legion, a cavalry-infantry brigade composed of scions of the best families in the state. In 1864, Hampton was elevated to the command of Lee's cavalry and in 1865 was commissioned a lieutenant-general in the Confederate Army.³¹

Prior to the war, Hampton had owned five plantations in both Mississippi and South Carolina and over nine hundred slaves.³² By 1868, however, he was forced to declare himself bankrupt, largely as a result of the destruction of much of his property during the war and the freeing of his slaves.³³ In 1865, the constitutional convention in the state tendered him the gubernatorial nomination, which he refused on the grounds that his military exploits identified him so closely with the Confederacy that his nomination would be resented in the North. From that time until 1875, Hampton remained out

³¹Manly Wade Wellman, Giant in Gray: A Biography of Wade Hampton of South Carolina (New York, 1949). See also McKittrick, Andrew Johnson and Reconstruction, pp. 239-242.

³²Charles Cauthen (ed.), Family Letters of the Three Wade Hamptons, 1782-1901 (Columbia, South Carolina, 1953), p. xv.

³³Sheppard, Red Shirts Remembered, p. 86.

of politics, living for long periods of time in Mississippi and North Carolina.³⁴

As will be seen by his statements both before and after 1876, Hampton's attitude toward the Negro and his rights was ambiguous. He was proud of the fact that in 1867 he had been among the first in his state to advocate Negro suffrage.³⁵ He said,

On a late public occasion . . . I expressed my perfect willingness to see impartial suffrage established at the South. . . . The States . . . are competent to confer citizenship on the negro, and I think it is the part of wisdom that such action should be taken by the Southern States. We have recognized the freedom of the blacks. . . . Let us recognize in the same frank manner. . . their political rights also. 36

Hampton believed the Negro ought to vote because he was a citizen, not because the ballot was a means of self-improvement for the race: "I fully realized that when

³⁴ Simkins and Woody, South Carolina During Reconstruction, p. 43.

³⁵ Wade Hampton, "What Negro Supremacy Means," The Forum Extra, I (March, 1890), p. 3. See also C. Vann Woodward, The Strange Career of Jim Crow (New York, 1957), pp. 34-35.

³⁶ Free Men, Free Ballots, Free Schools - the Pledges of General Wade Hampton to the Colored People of South Carolina, 1865-1876 as reprinted in Recent Election in South Carolina, III, p. 309.

a man had been made a citizen of the United States he could not be debarred the right of voting on account of his color."³⁷ On another occasion he noted that in a republic, no citizen "ought to be excluded from any of the rights of citizenship because of his color or any other arbitrary distinction."³⁸

Despite his dislike of "arbitrary distinction," Hampton later declared that the Negro should not "have been enfranchised at the time and in the manner in which it was done." That method of enfranchisement, Hampton believed, was "extra-constitutional," and the Negro was not yet ready to understand the rights conferred upon him.³⁹ For these reasons, Hampton asserted that a limited Negro suffrage with educational requirements should have been established so as "to allow the most intelligent of the colored people to vote at once, and this would have been an inducement to the rest . . . to

³⁷Wade Hampton, "Ought the Negro to be Disfranchised? Ought He to have been Enfranchised?," North American Review, CCLXVIII (March, 1879), p. 242.

³⁸Hampton, "What Negro Supremacy Means," p. 3.

³⁹Hampton, "Ought the Negro to be Disfranchised," p. 243.

endeavor to qualify themselves for the . . . exercise of this privilege by securing the necessary education."⁴⁰

The educational qualification was, for Hampton, a protection not only for the ignorant ex-slave but also for the whites. Gradually allowing the Negro to vote would have absorbed "these new-made citizens into our body politic, without any violent shock to our system, and without any danger to the republic."⁴¹ But since the Negro had the vote, the immediate problem was how best to guide that vote in a direction beneficial to the white society.

The answer for Hampton lay in "educating the negro until he comprehends the duties and responsibilities of citizenship." Education, to Hampton, meant "that their moral nature should be cultivated . . . with their intellect."⁴² Despite his apparent concern for educating the the Negro, however, Hampton never was a strong advocate of improved schools and never criticized the whites for complaining of increased taxation for that purpose. He

⁴⁰ Hampton, "Ought the Negro to be Disfranchised?," p. 242. See also Hampton, "What Negro Supremacy Means," p. 4.

⁴¹ Hampton, "What Negro Supremacy Means," p. 4.

⁴² Hampton, "Ought the Negro to be Disfranchised?," p. 240.

was content to propose a solution but did not attempt to implement it in a meaningful way.

Under no circumstances did Hampton want Negro domination in politics. "Negro supremacy," said Hampton, "would bring disgrace and ruin to any State of the Union, and would be a perpetual menace to our republican institutions."⁴³ Indeed, one of the reasons Hampton opposed any policy of Democratic cooperation with the Republicans was because he thought such a policy might "fix on the State negro rule and negro equality." "It would be better for the State," he said, "to be remanded to military government rather than . . . [to have] the negro permanently in power."⁴⁴

Thus, Hampton appears to have supported limited Negro enfranchisement merely because he could not, in good conscience, deny a citizen his due political rights. Of course, advocating Negro suffrage in a state with almost twice as many Negroes as whites was also good tactics, and in this instance, Hampton's paternalism merged with his

⁴³ Hampton, "What Negro Supremacy Means," p. 14.

⁴⁴ Hampton as quoted in Joel Williamson, After Slavery: The Negro in South Carolina During Reconstruction, 1861-1877 (Chapel Hill, 1965), p. 406.

racism. His two greatest fears were Negro rule and an unlettered electorate, be it Negro or white. By no means a democrat, Hampton wanted rule by the rich and well-born. He wanted an aristocracy of talent which would administer the state economically and efficiently and which would, of course, have the effect of placing the Negro in a subservient position. The dichotomy in Hampton's thought was so great, however, that he never consciously realized what effect his proposals would have, believing only that he was willing to grant the Negro no more than was absolutely necessary under the Fourteenth and Fifteenth Amendments and he was "in perfect harmony with those native whites who . . . refused to recognize the Negro's political equality by joining with him in any political partnership."⁴⁵ Hampton and his followers relegated the Negro to the outermost fringes of the political gains. According to C. Vann Woodward, Hampton appointed approximately eighty-six Negroes to office during his two-year administration, yet none of them was ever appointed to an important state office. They were named trial-justices, jury commissioners, and members of county and state commissions

⁴⁵ Williamson, After Slavery, p. 406.

and served mainly in counties which had a high Negro population.⁴⁶

At the same time that Hampton was defending Negro suffrage, he was acutely aware of the importance of the Negro as a laborer. At the Georgia State Fair in November, 1869, Hampton said,

The negro is undoubtedly better fitted . . . to make a more efficient laborer than any other. . . . Our object, then, should be to develop to the utmost, his capacity as a laborer. To do this . . . we shall have to exercise great forbearance, consistent prudence and steady kindness. We must make him feel that his interests are indisolubly bound up with ours. . . . Try to elevate him in the scale of true manhood, of civilization and Christianity so that he may be better fitted for the grave duties and high responsibilities forced upon him by his new position. In a word, convince him that we are his best, if not his only, friends, and when we shall have done this, we shall not only have placed our labor on a sound footing, but we shall have gained in the laborer a strong and zealous ally. . . . A longer experience . . . will teach him . . . the great truth which no laws can change, "in every soil, those who think must govern those who toil."⁴⁷

In another speech, at Abbeville, Hampton said "the labor of the colored man is more valuable to us than if he was

⁴⁶Woodward, Strange Career of Jim Crow, pp. 36-37.

⁴⁷Hampton as quoted in the Anderson Intelligencer, September 14, 1876.

a slave, because they were perishable property."⁴⁸ Thus, Hampton believed that even though he was a citizen with a vote, the Negro's proper purpose was to serve as the white man's laborer. Citizenship and its attendant rights did not by any means confer a new humanity upon the Negro. Although no longer a slave, the Negro was to occupy a position similar to that which he occupied under slavery albeit with certain rights "forced upon him by his new position."

Two other themes often stressed by Hampton were the need for friendly coexistence between the races and the Negro's dependence upon the white. In the Abbeville speech, Hampton stated: "The only way to bring about prosperity in this State is to bring the two races in friendly relation together."⁴⁹ In his campaign pamphlet he wrote,

I cannot too strongly reiterate my counsel that all classes should cultivate harmony and exercise forbearance. . . . Deal with them [the Negroes] with perfect justice, and thus show that you wish to promote their advancement and enlightenment. Do this, and the negroes will not only learn to trust you, but they will appreciate the fact, so evident to us, that we can do without them far better than they can do without us. 50

⁴⁸ Hampton as quoted in the Charleston News and Courier, September 20. 1876.

⁴⁹ Ibid.

⁵⁰ Free Men, Free Ballots, Free Schools, pp. 306-307.

In February, 1867, Hampton addressed a group of Negroes in Columbia. In his speech he noted that the welfare of the white and Negro was inseparably linked; that the fate of the white was also the fate of the Negro. He concluded by warning the Negroes that "if we are ruined, you will be destroyed. Your prosperity depends entirely on that of your country. . . ." ⁵¹ What Hampton neglected to mention in these and similar speeches was that white acceptance of the Negro was to be on white terms only and that "advancement and enlightenment" of the Negro meant little more than preserving him as a pliant and cheap source of labor. "Perfect justice" did not imply social, economic, or political equality to Hampton, and he never realized that it might mean this and more to the Negro.

Hampton's concessions to the Negro were severely qualified and limited and were not based upon any conception of the Negro as an equal. On the one hand, he was urging the Negro to educate himself for political participation. On the other hand, that participation, as conceived by Hampton, was to be limited merely to casting a ballot for the "right" candidate and was not to include a

⁵¹ Hampton as quoted in the Anderson Intelligencer, September 14, 1876.

share in policy making, except on the most local level. Furthermore, Hampton was not prepared to aid the Negro in his search for education. Rather, the Negro was to be "educated" by following the example and dictates of the whites. The end result was to be a "happy" laborer who "knew his place" and who would not cross the bounds established by white society. In addition, although Hampton often told the Negro that he was beholden to the whites for his general well-being, Hampton was also acutely aware that the whites needed the Negro as a laborer and, if Republican rule was to be ended, as a Democratic voter. Hampton never was able to reconcile these contradictions in his thought and it is entirely possible that he never even recognized them since most of this thought was premised on antebellum presumptions of paternalism and noblesse oblige. Hampton admitted the reality of the new South only insofar as Congress and emancipation forced him to; within the new framework of freedom and civil rights for Negroes, however, Hampton was striving to restore the relationship of the antebellum South.

True to his aristocratic background, Hampton envisioned a society in which the educated whites benevolently

ruled the Negro working force much as they had prior to the war. Indeed, the only real difference between the prewar and postwar world for Hampton was that Negroes were now free citizens and, therefore, had to have some measure of political rights. Social and economic relationships had not been altered. It was still the white man's duty to "elevate" and "humanize" the Negro, and the black man was still the white man's laborer. Political relationships were changed only insofar as the Negro could now become a tool to be used by the whites in their efforts to reform and redeem the state. Hampton thus cloaked himself in the mantle of paternalism, the more sordid details of the political campaign and other realities of postbellum life were left to his less restrained lieutenants.

Chapter III

DEMOCRATIC CAMPAIGN TACTICS

Chief among Hampton's aides was General Martin Witherspoon Gary, an early proponent of straightoutism and the man most influential in securing Hampton's consent to the nomination. Gary was born on March 25, 1831, in Abbeville, South Carolina but spent most of his life in Edgefield county. For two years he attended South Carolina College and then entered Harvard, from which he graduated in 1854. Returning to his native state, Gary was admitted to the bar in 1855. He established a successful criminal law practice, but abandoned it in 1860 when he was elected to the state legislature where he became a leader of the secessionists. When the war began Gary entered the Hampton Legion as a captain and eventually attained the rank of general. After the war, he resumed his law practice and turned to planting, and in 1876 was elected state senator from Edgefield County.¹ Gary was described as possessing

¹ S.S. McKay, "Martin Witherspoon Gary," Dictionary of American Biography, ed. Allen Johnson and Dumas Malone, VIII (New York, 1931), p. 177.

a "hasty and violent disposition" and as being a "stump speaker of the most effective type."² Andrew Haskell, the chairman of the state executive committee, disparaged Gary's campaign speeches for their "violent language" and the fact that they were "contrary to the spirit of our party and to our whole campaign."³ Claude Bowers has observed that Gary was "the grimly practical politician quietly superintending the machinery of the movement. . . . Gary's power was in his organizing genius."⁴

The relationship between Gary and Hampton was a strange one, reflecting the divergence between Up-country and Low-country, or between straightout and moderate, in the state. Although both men were united in their desire for a straightout ticket, neither their temperaments nor their policies harmonized. Gary, like Hampton, was a wealthy man with a distinguished war record, but he was also a tough-speaking, fast-acting, rough-hewn product of the Up-country while Hampton reflected the genteel, aristocratic traditions of the Low-country. The attitudes of

²Ibid.

³Report on the Denial of the Elective Franchise, I, p. 833.

⁴Claude Bowers, The Tragic Era (New York, 1929), p. 515.

the two men toward the Negro was yet another source of friction. Hampton had long advocated enfranchisement and peaceful co-existence whereas Gary sought to eliminate the blacks from politics, by force if necessary. Throughout the campaign, Gary became more and more resentful of Hampton's "force without violence" tactics and made few appearances on behalf of Hampton's candidacy.⁵ Furthermore, Gary was not appointed to the Democratic State Executive Committee, although he had been an energetic party worker, and he was not given high political office after Hampton's election.⁶ The culmination of the enmity between the two men was reached in the Tillman movement of the 1890's when Gary's name (he had died in 1881) was linked to that of Benjamin Tillman to form the new rallying cry of the white supremacists. Yet in 1876, each man so desired to redeem the state that he was willing to lay aside differences of policy and background

⁵Testimony of Andrew Haskell in Report on the Denial of the Elective Franchise, I, p. 833. See also Jarrell, Hampton and the Negro, pp. 60, 119.

⁶William Watts Ball, The State That Forgot: South Carolina's Surrender to Democracy (Indianapolis, 1932), pp. 176, 179. See also D.D. Wallace, The History of South Carolina, III, pp. 328-330, and Jarrell, Hampton and the Negro, p. 118.

to join in uneasy alliance with the other. The alleged Negro threat, like politics, made strange bedfellows.

Shortly after the war, Gary had analyzed the political situation in South Carolina and had determined that the power base of the Republicans was the Negro and that the only way to break the hold of the Republicans upon the state was to overcome the Negro's influence, either by removing him from politics or by persuading him to vote the Democratic ticket.⁷ He embodied his ideas in a Plan of Campaign which he had begun composing even before the August 15 Democratic convention.

The first section of Gary's Plan declared that every Democrat in every town be enrolled in a Democratic club. Each club was to compose a roster of every white and every Negro in its area. Military clubs were to be organized and "armed with rifles and pistols and such other arms as they may command," and each member was to be provided with at least thirty rounds of ammunition. The military clubs were to be divided into companies of older and younger men with an "experienced commander" at

⁷Sheppard, Red Shirts Remembered, p. 45. See also Jarrell, Hampton and the Negro, p. 57.

the head of each. The younger companies were directed to provide themselves with a baggage wagon to be provisioned on the day before the election with three days' rations in order that "they may be prepared at a moment's notice to move to any point in the County when ordered by the Chairman of the Executive Committee." On election day, each voter was to be at the polls by five A.M. and to "carry his dinner with him and stay there until the votes are counted." Furthermore, each club was charged with providing transportation to the polls for all disabled or elderly Democrats. Gary wanted every Democrat to feel "honor bound to control the vote of at least one Negro, by intimidation, purchase, keeping him away or as each individual may determine, how he may best accomplish it." Gary urged the Democrats to parade in red shirts with banners and mottoes in order to make an imposing spectacle, particularly before the Negroes. He also advised whites to organize Negroes into Democratic clubs or at least "to pretend that we have organized them and write letters from different parts of the County giving the facts of organization but from prudential reasons, the names of the Negroes are to be withheld." Yet another part of the Plan urged Democrats not to threaten Radicals, because if a

Radical acted in such a manner as to warrant a threat, he deserved to die. Gary closed his Plan with the reminder that,

In speeches to Negroes you must remember that argument has no effect upon them; they can only be influenced by their fears, superstitions and cupidity. Do not attempt to flatter and persuade them. Tell them plainly of our wrongs and grievances. . . . Prove to them that we can carry the election without them and if they co-operate with us, it will benefit them more than it will us. Treat them so as to show them, you are the superior race, and that their natural position is that of subordination to the white man. 8

Prior to its being made public, Gary's Plan was discussed by the Edgefield County Executive Committee of which he was chairman. Objections were raised to those portions dealing with military clubs, Negro Democratic clubs, and the threatening of Radicals, and they were omitted from the copies sent to the other county organizations. However, the seventeenth paragraph of the Plan left an ample loophole for implementing the omitted provisions. That paragraph read,

⁸Gary's Plan is reprinted in full in Sheppard, Red Shirts Remembered, pp. 46-51 and in Simkins and Woody, South Carolina During Reconstruction, pp. 564-569.

Members of the Executive Committee and the leading members of the Party should visit the various Clubs and explain the Plan of Campaign and such facts as are necessarily of such a nature as are not to be reduced to writing. 9

There is no evidence to show that Hampton ever endorsed the Plan but he certainly knew of it. It was not necessary, and perhaps not possible, for Hampton to repudiate the Plan as a campaign tactic since he was part of a clever dual canvass which operated on two distinct levels. Hampton could cajole and coax the Negro, affirm his right to vote, and promise him a fair government, while Gary and his aides worked in the shadows according to the coercive Plan. Hampton could and did simply ignore the unpleasantness about him since the primary aim was, of course, a Democratic victory, and Hampton proved capable of condoning any method used to obtain that objective, short of outright violence. Even when violence became "necessary," a convenient excuse, e.g., Negro aggressiveness or labor unrest, could be found to explain away an occasional act of terrorism or even

⁹ Simkins and Woody, South Carolina During Reconstruction, p. 567.

murder by the Democrats. Francis Simkins has summed up the dual campaign by saying,

The Democratic plan of campaign moved on two lines of strategy. The first was Hampton's regular campaign of ovations and oratory which played upon the sympathy of the North, aroused white sentiment, and converted a few Negroes. This was supplemented by a real campaign of force, concealed by the Hampton pageant, which was the effective means through which government was wrested from the Negro majority. 10

-2-

In September, 1876, Daniel Chamberlain was re-nominated by the Republicans, and the campaign was enjoined in earnest. Clearly, the problem for the Democrats was twofold: to persuade a majority of Negroes to vote Democratic or to prevent an equal number from voting Republican. The Negroes definitely held the key to Democratic success for the whites were still in a minority.

In his campaign Hampton attempted to convince the Negroes that he would govern in their best interest and that they had nothing to fear in casting their ballots for him. From the beginning, he reiterated that his was

¹⁰ Francis Simkins, "The Election of 1876 in South Carolina," South Atlantic Quarterly, I (October, 1922), p. 355.

a campaign based on non-violence and reform. Testifying before a Senate committee, Hampton said,

I claim that this was not a party contest at all. It was incidentally one. It was simply a call for the honest people of the State to endeavor to bring about a better state of affairs here, and to promote harmony and peace among all classes. 11

Hampton also declared that the platform on which he ran recognized all the amendments to the Constitution and acknowledged the equality of every citizen before the law. Blithely ignoring Gary's Plan, Hampton renounced violence as a campaign tactic and even threatened to withdraw from the canvass if his strictures on such activity were not obeyed.¹² Again and again, Hampton promised that he would "know no party nor race, in the administration of the laws. . . . I shall know nothing but the law, and the constitution of South Carolina and the United States."¹³ Hampton was, in fact, fond of recalling the fact that his appeals to the Negro were

¹¹Report on the Denial of the Elective Franchise, I, p. 992.

¹²Ibid., p. 984.

¹³Free Men, Free Ballots, Free Schools, p. 309.

based on reason and measured argument rather than on mere rhetoric and passion:

I spoke to very large numbers of colored people. I always told them very frankly that they were in a majority in the State; that no ticket could be elected unless part of them voted for me, and that while I was in favor of free speech, free voting, yet I came to them appealing to them as South Carolinians who had the interests of the State at heart, to join in the effort to redeem the State, and that I hoped enough of them would go with us to secure the election. Those were, in general, the principles upon which the canvass was conducted. ¹⁴

On another occasion, Hampton explained that his appeals to the Negro were based on arguments designed "to reach their heads through their hearts."¹⁵

Whatever Hampton said, and he undoubtedly believed much of it, he was certainly not being honest with the Negroes. For one thing, he never alluded to those Democrats who preferred force to reason and, for another, he never really offered the Negro any substantive gains. Hampton, as governor, would undoubtedly scrupulously administer the state according to the letter of the law but

¹⁴Report on the Denial of the Elective Franchise, I, p. 984.

¹⁵Recent Election in South Carolina, pp. 305-306.

he certainly would not propose programs to alleviate the degradation and ignorance caused by years of slavery. The Negroes wanted schools and land and the opportunity to become contributing members of society, and many of them feared with reason that Hampton's election could mean a return to virtual slavery. A contemporary observer, B.O. Townsend, described Hampton's campaign in the following terms.

The plan was, first, to arouse the white population to secession or nullification madness; next, to get as many negroes as possible to vote the democratic ticket, and prevent as many as possible from voting the republican; and finally, to put such a face on their doings as to work no harm to the democratic cause outside the State. 16

One means of arousing the whites to "secession madness" was to stage huge outdoor meetings. Townsend has left a description of one such meeting. The stores in town closed for the day and the entire white population, for miles around, gathered along the streets. Before Hampton himself appeared, there were "processions of the

¹⁶ B.O. Townsend, "The Political Condition of South Carolina," The Atlantic Monthly, XXXIX (January, 1877), p. 183.

rifle clubs . . . miles in length, marching amidst the strains of music and the booming of cannon; at night there were torch-light processions equally imposing."¹⁷

Another contemporary, William Henry Ravenel, recorded the following in his diary:

There was a grand torch light procession of the Democratic party here last night, estimated at 2,000 men, mostly mounted. . . . There were some eight or ten speakers, & the meeting was kept up until 12.30 this morning. 18

Hampton's campaign, then, confined itself to sweet words and spectacular meetings which really meant nothing to the welfare of the Negro. He was careful to refrain from any show of force and never allowed himself to fall from his pedestal of high-minded humanitarianism. The other side of the campaign, however, was not so pleasant.

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The Anderson Intelligencer sounded the battle cry of the real campaign in an editorial entitled "The Duty of

¹⁷ Townsend, "The Political Condition of South Carolina," The Atlantic Monthly, XXXIX (January, 1877), p. 183.

¹⁸ Arney Childs (ed.), The Private Journal of William Henry Ravenel, 1859-1887 (Columbia, 1947), p. 380. Entry dated September 6, 1876.

the Hour:"

There is but one object now that engrosses the political attention of all Democrats and all honest men in South Carolina. That object is the establishment of Democratic supremacy by the election of Tilden and Hendricks, Hampton and Simpson. Whatever may have been our differences upon matters of policy, we are now in ranks together and are battling against a common foe. . . . The past is no longer remembered, and the unity of our people is for the first time since reconstruction complete. . . . This battle is not to be fought upon the dissensions of the past. . . . It is the duty of all to harmonize as far as possible the conflicting elements around them, for we cannot afford to lose any force or time in settling unnecessary disputes. 19

The principle weapons in the "battle against a common foe" were the rifle clubs, the Democratic clubs, preference in employment, and sheer intimidation and terror.

The exact origin of the rifle clubs is unknown but it appears that the direct stimulus to their formation was the arming of the Negro militia of Edgefield County by the state authorities in 1874.²⁰ One antecedent of the

¹⁹ Anderson Intelligencer, August 24, 1876.

²⁰ Williamson, After Slavery, p. 267. See also F.A. Porcher, "The Last Chapter in the History of Reconstruction in South Carolina," Southern Historical Society Papers, XII (June, 1884), p. 244; Report on the Denial of the Elective Franchise, I, p. 985, testimony of Wade Hampton; Anderson Intelligencer, October 26, 1876.

clubs, and similar to them in many ways, was the Ku Klux Klan which first appeared in South Carolina in 1868. Like the rifle clubs, the Klan was most active in the Up-country, particularly in Spartanburg, York, and Union counties where the white population was of lower socioeconomic status than was the case in the Low-country. Both the Klan and the rifle clubs were based on terror, fear, and intimidation and both existed to prevent the Negro from exercising his political rights. Similarly, both groups utilized secret rituals and elaborate costumes to bolster their members' confidence and feelings of superiority.²¹ Still, the Anderson Intelligencer insisted that the clubs "have been a conservative force and served a good purpose in keeping the armed negroes from rash acts. . . ." The paper further commented that because of their thorough organization and discipline, the clubs "constitute a political power which is used with great effect in this campaign."²² Hampton, however,

²¹For a discussion of the Klan in South Carolina see Francis Simkins, "The Ku Klux Klan in South Carolina, 1868-1871," Journal of Negro History, XII (October, 1927), pp. 606-647. For an excellent account of the tradition of violence and "easy justice" in the South see W.J. Cash, The Mind of the South (New York, 1941).

²²Anderson Intelligencer, October 26, 1876.

denied that the clubs were organized for political purposes²³ and went so far as to say that,

I can state that although I spoke at fifty-seven large meetings . . . yet I never saw an organized body of men at any of those meetings, and I do not think I saw during the whole canvass twenty pistols exhibited . . . in the sense of organized ~~armed~~ military bodies there was never one attending a meeting at which I was present. 24

One committee member commented sardonically that Hampton was no doubt telling the truth since Hampton appeared only at Democratic rallies and the clubs were used to intimidate Republican meetings.²⁵ Indeed, for Hampton to make such statements indicates that either he never read the newspapers, which are replete with notices of the formation of such clubs; that he simply ignored them; or that he lied.

The Anderson Intelligencer, for example, carried a notice that the young men of Anderson County had organized a rifle company with "sixty-three members." The paper suggested that the men of Abbeville, Greenville, and

²³Report on the Denial of the Elective Franchise, I, p. 985.

²⁴Ibid.

²⁵Ibid.

Anderson unite in forming a batallion which would hold drilling and shooting contests. The article ended by expressing confidence that, "If the young men need any assistance towards procuring arms . . . we trust the citizens of Anderson will promptly respond to their appeal."²⁶ The same paper carried numerous reports of rifle club activity in other areas of the state. On September 7, twenty-eight clubs were listed as participating in a rally; on September 14, Hall Township organized a club of about fifty-six members; on September 28, a uniformed club of sixty-eight members was organized at Brushy Creek, and seventy-one members were enrolled at Hopewell.²⁷ The Charleston News and Courier carried similar notices in many of its issues.²⁸

According to Charles Babbitt, Governor Chamberlain's private secretary, there were, as of October 10, 1876, at least 290 rifle clubs throughout the state. He

²⁶Anderson Intelligencer, June 15, 1876.

²⁷Ibid., September 7, 14, 28, 1876. See also the August 31, 1876 issue for further notices of a similar nature.

²⁸See, for example, Charleston News and Courier, June 6, 8, 17, 24, 1876; August 26, 1876; September 2, 26, 1876.

estimated that the lowest membership of any one club was fifty persons and that the entire state membership was approximately 14,350.²⁹ Francis Simkins concluded that "We are safe in assuming that the number actually under arms included a majority of the white male population able to ride."³⁰

C. Irvine Walker, the president of the Carolina Rifle Club from 1873 to 1877, has left an account of the formation and activities of that organization. Walker tells us that the club, which was formed on July 30, 1869, was purely a social organization according to its constitution. He notes, however, that "as the weapon which was adopted was . . . a sixteen shooter Winchester, it is not hard to appreciate that its hidden defensive object was not so peaceable as its constitution professed." Walker says that the minutes of the club reveal only its social aspects and that no record was kept of the drilling and

²⁹ Report on the Denial of the Elective Franchise, III, pp. 499-509. See also Simkins, "The Election of 1876 in South Carolina," (October, 1922), p. 337.

³⁰ Simkins, "The Election of 1876 in South Carolina," (October, 1922), p. 337.

the "real object" of the club, "the protection of the people of Charleston."³¹ Walker observed that the members of the club were prominent in the social and professional life of Charleston and that almost all of them had been in the Confederate Army. They were, said Walker, "all South Carolina gentlemen of the olden time."³² The club armed itself well, purchasing one hundred Remington Rifles and forty rounds of ammunition in August, 1876. The number of members in the club was limited to the number of rifles it possessed.³³ Walker also tells us that in Charleston alone, between 1869 and 1876, about ten rifle clubs were organized³⁴ and, that they were "the most powerful means by which the white men were enabled to quell the negro and his carpet-bag masters, and regain political control of the State."³⁵

The General Orders of the Colleton Rifle Club reveal

³¹C. Irvine Walker, Carolina Rifle Club (Charleston, 1905), p. 21.

³²Ibid., p. 22.

³³Ibid., pp. 30-31.

³⁴Ibid., p. 52.

³⁵Ibid., p. 19.

an organization premised on defense. Apparently, "defense" meant whatever the whites said it meant, and that could, and did, include the harrassment, beating, and murdering of Negroes who dared commit the great sin of supporting the Republican party. The captain of the club was authorized to call out the companies to quell any disturbance "which cannot be quieted by the officers of the law." The company was warned to "act strictly within the limits of the law" but provision was made for those cases where "violations of the law assume such proportions as to require that they should be met by force. . . ." In such cases, the company was enjoined to "act promptly."³⁶

The credulity of Hampton's statements on rifle clubs is further strained when it is noted that Andrew Haskell, the chairman of the Democratic State Executive Committee and a close friend of Hampton's, admitted the existence of such clubs. Haskell told the Senate committee that after Hampton's nomination "a great many" clubs were formed. He explained that there were about ten clubs in each county and thirty-two counties in the

³⁶ Report on the Denial of the Elective Franchise, III, p. 502.

state which meant about 320 clubs in all. The purpose of the clubs, according to Haskell, was "home protection" and "they were urged to go all over the State as rapidly as they could."³⁷

In August, 1876, a United States Marshall stationed in Chester County wrote to the United States Attorney-General describing the conditions he observed:

Rifle and saber clubs, well organized and fully armed and equipped, under experienced and intelligent leaders . . . openly declare that they intend to carry the coming election, and ostracise and threaten all leading men in the republican party. It is infinitely worse since they have nominated Wade Hampton. . . . These rifle and saber clubs as, now organized, are in a condition to interrupt and break up the peace of the country on the slightest pretext. . . . They are now daily riding up to republican meetings, armed, and demand (not request) half the time for their democratic speakers, and surround the meetings on horseback, to the great terror of the people. 38

Governor Chamberlain, aware of the extremely tense situation prevailing in the state, issued a proclamation against rifle clubs on October 7, 1876. Noting that "it has become necessary, in my judgment as Governor, to call

³⁷ Report on the Denial of the Elective Franchise, III, p. 142.

³⁸ Ibid.; See also ibid., III, p. 91.

forth and employ the military force of the State to enforce the faithful execution of the laws," Chamberlain forbade the existence of all "organizations or combinations of men commonly known as rifle clubs" which did not form a part of the regular state militia. He ordered them to immediately disband and forbade them to "exist in any place and under any circumstances in the State."³⁹

The Democratic party of the state reacted immediately and with vehemence to Chamberlain's Proclamation. That same day, the State Executive Committee published an answer which read, in part,

The charges preferred by Governor Chamberlain against the citizens of the State are as false and libelous as his threatened usurpation of power is tyrannical and unwarranted; and his extraordinary proclamation can be explained only upon the assumption that Governor Chamberlain . . . is determined to resort to the most extreme measures to prevent the otherwise certain defeat of himself and his corrupt party. . . .

We assert . . . that no condition of things exists in this State which justifies so extraordinary a proceeding. . . . Its sole object is to irritate and provoke collisions which may be the excuse for an appeal to the administration of the United

³⁹ Chamberlain's Proclamation as reprinted in the Anderson Intelligencer, October 12, 1876. See also Reynolds, Reconstruction in South Carolina, p. 381.

States to garrison the State. We shall counsel our people to preserve the peace, observe the laws and calmly await the day of their deliverance from this wanton despotism. 40

The Anderson Intelligencer also replied to Chamberlain. This paper freely admitted the existence of rifle clubs but denied that they served a sinister purpose. "Their chief employment," said the editorial, "has been to attend political meetings in a body, unarmed as a general rule." Indeed, the clubs were advantageous in that they served to check "disorder and turbulence." The editorial closed with the following sarcastic statement:

As free American citizens we have the right to attend political meetings in a body; we claim the right to go on horseback if we choose; and every citizen of South Carolina can wear a red jacket, if his taste and inclination so dictates. 41

Governor Chamberlain, however, was not mollified by the Democratic protests and, during the early part of October, he appealed to President Grant "for aid in

⁴⁰Letter from the State Executive Committee as reprinted in the Anderson Intelligencer, October 12, 1876. See also Reynolds, Reconstruction in South Carolina, pp. 383-384.

⁴¹Anderson Intelligencer, October 12, 1876.

suppressing domestic violence in the State." Grant's reply was immediate. He commanded "all persons engaged in said unlawful and insurrectionary proceedings" to disperse, to abandon their organizations, and to "submit themselves to the laws and the constituted authorities of said State."⁴² In addition to Grant's orders, the Secretary of War issued the following order to General Sherman, the commander of the United States Army:

In view of the existing condition of affairs in South Carolina there is a possibility that the President's proclamation . . . may be disregarded. To provide against such a contingency you will immediately order all the available force in the military division of the Atlantic to report to General Ruger, commanding at Columbia, S.C., and instruct that officer to station his troops in such localities that they may be most speedily and effectually used, in case of resistance to the authority of the United States. It is hoped that a collision may thus be avoided; but you will instruct Gen. Ruger to let it be known that it is a fixed purpose of the Government to carry out fully the spirit of the proclamation and to sustain it by the military force of the General Government, supplemented, if necessary, by the militia of the various States. 43

⁴² Chamberlain's letter and Grant's reply are reprinted in Reynolds, Reconstruction in South Carolina, p. 386.

⁴³ Order of the Secretary of War as reprinted in Reynolds, Reconstruction in South Carolina, pp. 386-387.

Upon publication of these orders, Hampton telegraphed General Johnson Hagood, a Democratic organizer, to "urge our people to submit peaceably to martial law. I will see and consult with them." To General Matthew Butler, Hampton sent the following message: "Use your influence to keep our people in Aiken from resisting martial law."⁴⁴ The Democrats, including Hampton, were not adverse to using any and all means to win the state but they most definitely did not want to provoke a conflict with the armed force of the United States government. Therefore, Hampton and his men limited their activities when such a conflict appeared imminent.

On October 18, 1876, the State Democratic Executive Committee addressed another letter to the people of the state. After accusing Chamberlain of making political capital out of the rifle clubs, they urged obedience to the proclamations and orders of the government.

We know that their [the rifle clubs] necessity was occasioned by the reckless distribution of arms and ammunition among the colored people by the State officials . . . but, nevertheless, we advise

⁴⁴ Hampton's telegrams are reprinted in Reynolds, Reconstruction in South Carolina, p. 387.

and command . . . that every such 'rifle club' . . . be forthwith disbanded. 45

The dismay with which native South Carolinians viewed Grant's Proclamation is well illustrated by the following excerpt from the diary of William Henry Ravenel. The entry for October 19, 1876 reads,

We are now under martial law, for no other offense than being Democrats. We have been so long oppressed & defamed by the Govt. that should protect us, that to say there is indignation would be too mild an expression. Our only hope is that . . . the infamous party which has misgoverned the country for the past 15 yrs. may be . . . thoroughly defeated. 46

The disbanding of the rifle clubs by executive fiat had little real effect since most of the clubs simply continued their activities underground. The clubs no longer met publicly to drill or practice shooting but they did retain their identities, organizations, and purposes. Often, the clubs simply reformed under new names: the Allendale Mounted Baseball Club, Mother's Little

⁴⁵The letter from the Executive Committee is reprinted in Reynolds, Reconstruction in South Carolina, p. 389.

⁴⁶Childs (ed.), Private Journal of William Henry Ravenel, pp. 381-382.

Helpers, and the First Baptist Church Sewing Circle were typical examples. One club in Columbia announced that it was reorganizing under the title of the Hampton and Tilden Musical Club with "twelve four-pounder flutes."⁴⁷ Historian Edward Wells later concluded that the effect of dispersement was only "to stir up increased armed organization." Arms continued to pour into the state but were disguised in dry-goods boxes and provision barrels and, "every man of responsibility combined with some one else for self-preservation."⁴⁸

Similarly, Chamberlain's call for toops had an adverse effect in the state. The end result was to instill even further in white Democratic hearts the need for overthrowing the Chamberlain administration. As the whites rationalized the matter, Chamberlain had appealed to the federal military not because the lives and rights of the Negroes were in jeopardy, but because he wanted to carry

⁴⁷New York Tribune, October 30, 1876. See also Wellman, Giant in Gray, p. 265 and Simkins and Woody, South Carolina During Reconstruction, p. 509.

⁴⁸Edward L. Wells, Hampton and Reconstruction (Columbia, South Carolina, 1907), p. 139.

the election by any means and to suppress the "rights" of the native population. Furthermore, the visible presence of United States troops served as a constant reminder to the whites of the degradation they believed they had endured since the end of the war. The presence of troops may also have served to convince undecided whites that opposition to the Republicans was the only course of action open at this juncture. While defensible from a strategic point of view, Chamberlain's action was unfortunate insofar as it further galvanized the Democrats.

-4-

Another principal campaign tactic was economic discrimination, known euphemistically as "preference, not proscription." According to this policy, Democrats were not to patronize Republican-owned businesses, hire Republican laborers, or engage in any type of commercial transaction with Republicans. Such proscription could be particularly effective when applied to the tenant farmers, most of whom were Negro, since they were at the mercy of the white landlord for their homes and work. If his political ideas were not "correct," the Negro tenant

might find himself thrown off the land.

The newspapers of the State zealously encouraged the proscription policy. The Anderson Intelligencer, for example, carried the following notice.

To our farmers we would say, plant largely of oats, and be sure to vote for Hampton, and make a note of all hands upon your lands who vote the Republican ticket - not to turn them off or violate your contracts already made, but for the purpose of employing Democratic laborers when your contracts expire. 49

The Charleston News and Courier reported a Democratic meeting in Aiken County at which a resolution was adopted urging "the people of the county to employ no one who refused to vote the ticket put forward by the State democratic convention."⁵⁰ That paper also urged all Democratic clubs to adopt the resolutions passed by the Easterlin's Mill club. They read,

Resolved, That we will not rent land to any radical leader . . . or furnish a home, or give employment to any such leader.

That we will not furnish any such leader . . . any

⁴⁹ Anderson Intelligencer, November 2, 1876.

⁵⁰ Charleston News and Courier, August 7, 1876. See also Report on the Denial of the Elective Franchise, III, pp. 631-639.

supplies such as provisions, farm implements, stock, etc.

That we will not purchase anything any radical leader . . . may offer for sale, or sell any such leader . . . anything whatever.

That the names of such persons who may be considered leaders, be furnished to this club . . . and that a list of the same be furnished each member of the club.

That whenever . . . persons who shall be denominated radical leaders by a vote of this club shall cease as such, these resolutions shall become null and void. 51

The Marion Star urged its readers to "Rent neither lands nor houses to anyone who votes the radical ticket." They justified such action by saying that,

The manufacturers up North, who have their hundreds of employees, march up to the polls and vote their whole company as they see fit, and southern employers have the same right and should dare exercise it. 52

The Anderson Intelligencer told of a Negro barber, a Democrat, who "is entitled to the patronage and support of Democrats who have shaving or hair-cutting to be done in Anderson."⁵³ The News and Courier described the rationale

⁵¹Charleston News and Courier, III, September 18, 1876.

⁵²Marion Star, September 27, 1876.

⁵³Anderson Intelligencer, October 5, 1876.

behind the proscription program as being nothing more than discriminating "in favor of your associates and neighbors, and against ruthless or senseless adversaries." According to the paper, proscription did not imply intimidation although, of course, there was but a fine line between the two.⁵⁴

Undoubtedly, the "preference, not proscription" policy had its desired effect on many Republicans and particularly on the Negro laborer. It was, of course, this latter group which was most susceptible to intimidation through economic sanctions. For the Negroes it was a matter of survival, because the whites owned virtually all the land. In addition, because of their great numbers and lack of mobility, if only one or two Negroes were made an example of, the others would be cowed. Of course, it is equally true that the whites needed the Negro as a laborer but since supply exceeded demand and since ballots were not secret, the Negro who voted Republican was likely to find himself replaced by a more pliant field hand. In any case, the mere threat of

⁵⁴Charleston News and Courier, September 25, 1876.

economic sanctions was probably sufficient to convince many Negroes to vote Democratic or to not vote at all.

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Yet another important means of influencing the vote was sheer intimidation. At best, it is very difficult to determine to what extent intimidation was carried on and how often it erupted into actual violence, but certainly there was much tension between the races and probably more than a few beatings and murders. Whatever the exact facts, letters and petitions from Negroes show that they felt threatened and that they feared for their lives. A group of Negroes from Aiken County wrote to President Grant on September 25, 1876, pleading for protection because,

Our people are being shot down like dogs; and, no matter what democrats may say, unless you help us our folks will not dare go to the polls. . . . The democratic whites are going about bushwacking the people of color for our political opinion, and throwing their threats around, saying that they will kill the last one of us before the day of election. 55

⁵⁵ Report on the Denial of the Elective Franchise, III, p. 93.

The Negro leaders of the Republican party in Anderson County wrote to Chamberlain urging him to send protection because the white democrats were threatening their lives and making them promise to vote for Hampton. The whites also left "bunches of switches near our houses, with threats what they will do [sic] if we don't vote for Hampton."⁵⁶ The Negroes of Laurens County voiced the same complaint. "We live under intimidation," they said. The whites "are bent upon coercing us against our wishes to vote with them." The Negroes denied that their fears were groundless because "No week passes without some of our people [sic] are either chased, whipped, or shot."⁵⁷ Alexander Wilson, a Negro resident of Abbeville County, testified that on election day he was told by the man on whose land he lived that if he voted the Republican ticket "he would turn me out of doors; and he did." Wilson also said that although he did not know of other Negroes being evicted immediately, he was aware of some

⁵⁶ Report on the Denial of the Elective Franchise, III, pp. 553-554. Letter dated October 10, 1876.

⁵⁷ Ibid., pp. 548-549. Letter to Chamberlain dated August 22, 1876.

who were allowed to stay on only until Christmas and were then turned off the land.⁵⁸ Alexander Richardson, a Negro teacher in Chester County, told the House Committee that "I don't know of any republican . . . but what has [sic] in some way been intimidated."⁵⁹ General Matthew Butler admitted to the Committee that he had used coercion against Negroes. In response to a question asking if he would turn Negroes off his land if they did not vote the Democratic ticket, Butler replied,

I said this: I went down and gave them tickets, and said to them that they had a right to vote the republican ticket if they pleased; . . . but if they exercised that right, and imposed taxes on me which were destroying my property and prospects, I should throw myself back on some of the rights I had under the laws of the country, and see that they left my plantation. 60

Further evidence of intimidation and violence is provided by the report of the United States District Attorney for South Carolina, D. T. Corbin, who investigated conditions in Aiken County on the request of Governor

⁵⁸ Recent Election in South Carolina, p. 216.

⁵⁹ Ibid., p. 232.

⁶⁰ Ibid., p. 303.

Chamberlain. He found rifle clubs existing "throughout the county" and discovered that "pistols are universal." The rifle clubs were causing a "perfect reign of terror" and the only way for Negroes to avoid death or whipping was for them to promise to vote the Democratic ticket. Corbin concluded his report by saying that "From the best information I could obtain . . . I fixed the number of colored men killed in this county alone by white men . . . during the past three weeks, as thirteen certainly, and at probably twenty-five or thirty."⁶¹

Still, violent tactics were not employed by Democrats alone, although Republican intimidation was hardly comparable and seems to have been confined almost solely to Negro Republicans harrassing Negro Democrats, with the women playing a very prominent role. Part of the reason for this is that the Republicans could be fairly confident of re-election since sheer weight of numbers was on their side and they did not need to employ violence to gain votes.

⁶¹Report of D.T. Corbin as reprinted in Report on the Denial of the Elective Franchise, III, pp. 523-524.

The Charleston News and Courier reported that "colored men who join the Democratic ranks are regarded by their race as traitors in every sense." That paper carried several reports of Negroes being expelled from their churches for joining Democratic clubs, of Negro Republicans chasing Negro Democrats through the streets, and even of Negro women refusing to live with their husbands if the men supported the Democrats.⁶² One J.J. Ward of Darlington County reported that on election day, Republican Negroes surrounded the polls and threatened and harassed Democratic Negroes.⁶³ The Anderson Intelligencer reported a "determined effort" to intimidate Negro Democrats and warned that "if our colored people do not cease interfering with others who choose to be Democrats, they may expect trouble in this County."⁶⁴ The paper, of course did not issue a similar warning to Democrats who interfered with those who chose to be Republicans.

Several of the Negroes who testified before the Senate and House committees told of threats and violence.

⁶²Charleston News and Courier, September 22, 30, 1876.

⁶³Report on the Denial of the Elective Franchise, III, p. 145.

⁶⁴Anderson Intelligencer, September 15, 1876.

Edward Sumter said that the Negro Republicans "treated us [Democrats] very coolly. . . . They treat us as off-casts, and did not wish to have anything to say to us or to do with us; Negro women threatened to 'split blankets' if Negro men voted Democratic." Preston Taylor was attacked by a group of Negro women on election day and escaped their clutches only after they had torn his clothes off, and J.H. Pigott and Philip Grandison were kicked and stoned by Negro Republicans.⁶⁵ Despite these examples, however, it appears that the more serious acts of violence were committed or instigated by Democrats rather than by Republicans and that the former were guilty of far more infractions than the latter. Republican violence seems to have been more an occasional reflection of popular emotionalism than a carefully applied party policy as was the case with the Democrats.

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In addition to the more flagrant efforts to win the election, Hampton appears to have been involved in a

⁶⁵ Testimony of these men can be found in Recent Election in South Carolina, pp. 439, 402, 436, 399-400.

scheme to withdraw the Democratic Presidential Electors in return for being granted victory in the gubernatorial election. On September 16, 1876, Hampton called a conference at Abbeville to discuss withdrawal. Present at the meeting were: Samuel McGowan, an elector-at-large on the Tilden ticket; Robert Toombs of Georgia; William D. Simpson, the Democratic nominee for lieutenant-governor; James Cothran; and James Hoyt, the editor of the Anderson Intelligencer. Hoyt reported that on the previous evening, Judges Thomas Mackey and Thompson Cooke, one-time Chamberlain supporters, had appeared at Democratic headquarters in Columbia to propose that if the Democrats withdrew their electors, Hampton would be permitted to win with a minimum of opposition. Mackey offered to obtain \$10,000 from the Republican National Executive Committee for the Hampton campaign and Toombs offered another \$10,000 from his personal funds if the plan was agreed to. Although Hampton "eagerly accepted" the bargain and Toombs "urged it to the last," McGowan opposed the idea.⁶⁶ Subsequently,

⁶⁶Sheppard, Red Shirts Remembered, pp. 140-141. For a more complete discussion of the entire scheme see William Sheppard, Some Reasons Why Red Shirts Remembered (Greer, South Carolina, 1940).

Hampton wrote to Manton Marble, chairman of the Democratic National Executive Committee and editor of the New York World, offering to "aid" Tilden by severing his affiliation with the national party. The letter read,

Our Executive Committee seems to apprehend that our friends at the North are embarrassed by our allegiance with them. . . . If these apprehensions are well founded, how can we best relieve our friends at the North of their embarrassment? Before our convention met I wrote fully to Mr. Tilden, telling him what would probably be its action, and asking his advice so that we could promote the interests of the Democratic party. He did not reply . . . and I was forced . . . to accept the nomination for Governor. . . . With aid from abroad the State can be carried for Tilden. There is no doubt of it being carried for our State ticket, for our opponents would gladly agree to let us elect our men if we withdraw from the Presidential contest. Of course we are most anxious to aid in the general election, but you can understand our solicitude to find out how we can best do this. If our allegiance is a load, we will unload. If our friends desire us to carry on the contest . . . we shall do so. 67

On September 29, Marble telegraphed Andrew Haskell that,
 "it is agreed here that your friends's persistency and

⁶⁷ Sheppard, Reasons Why Red Shirts Remembered, p. 8. See also Sheppard, Red Shirts Remembered, pp. 142-143 and the Abbeville Press and Banner, January 24, 1877.

his present efforts and plans are wise and advantageous."⁶⁸

The scheme was abandoned at this point, however, probably because there was not time enough to convene a state convention to ratify the plan.⁶⁹

It does appear that Hampton was willing to sacrifice Tilden since Hampton's efforts on behalf of Tilden's candidacy were, at best, meager. Perhaps as a result of this, the face of the returns showed a Democratic majority for the state ticket, while for the national ticket they showed a Republican majority.⁷⁰ In a speech at Darlington, for example, Hampton announced that although he would personally vote for Tilden, he regarded Rutherford Hayes with high esteem.⁷¹ Furthermore, the Anderson Intelligencer presented a plan whereby the Negroes of the state

⁶⁸D.D. Wallace, "The Question of the Withdrawal of the Democratic Presidential Electors in South Carolina in 1876," Journal of Southern History, VIII (August, 1942), p. 379.

⁶⁹Sheppard, Red Shirts Remembered, p. 19. See also the letter signed "A Tilden Democrat" which appeared in the Augusta, Georgia Chronicle and Sentinel, January 10, 1877 and which is reprinted in full in Sheppard, Some Reasons Why Red Shirts Remembered, pp. 16-20.

⁷⁰Jarrell, Hampton and the Negro, p. 114.

⁷¹Sheppard, Reasons Why Red Shirts Remembered, p. 18.

could both organize "Hampton Colored Clubs" and maintain "their allegiance to a connection with the National Republican organization."⁷² Then too, there was long-standing enmity between the two candidates stemming from Tilden's fear of Hampton's Civil War record and his dislike for the straightout movement. In addition, the National Democratic party had been notably reluctant to contribute to Hampton's campaign and had even tried to prevent his nomination.⁷³ For all these reasons, it is likely that Hampton was not as dedicated to Tilden's campaign as he was to his own.

⁷² Anderson Intelligencer, September 28, 1876.

⁷³ Jarrell, Hampton and the Negro, pp. 51-52, 116-117. See also Sheppard, Red Shirts Remembered, pp. 112ff, and the Nation, XXIII (August 24, 1876), p. 11.

Chapter IV

THE ELECTION AND THE DUAL GOVERNMENT

Although there was little or no overt violence at the polls on election day, there most certainly was much dishonesty and fraud. Repeat voting, voting by minors and non-residents, and ballot-box stuffing were common in many areas and were promulgated by both parties and both races. Each party attempted to capture the polls in the counties in which it was strongest so as to prevent the opposition from voting its full strength, and verbal harassment of opponents was frequent.¹ To the Democrats, these frauds were merely the logical culmination of the violent tactics they had employed throughout the campaign. They no more recoiled from subverting the election at the ballot box than they had recoiled from shooting Negroes during the campaign. To the Republicans and the Negroes,

¹See Report on the Denial of the Elective Franchise, III, pp. 9-53 for sworn affidavits from both Republicans and Democrats relating to infractions at the polls. See also Recent Election in South Carolina, Appendix, pp. 37-71 for similar affidavits filed with the Board of State Canvassers.

the use of fraud was perhaps the only means of retaliation left them and the only way to compensate for the depletion of their ranks caused by Democratic terror tactics. The presence of Federal troops at many of the polls did little to prevent this travesty of democracy and, in any case, the troops were often friendly to the whites.²

Because of these widespread irregularities, any analysis of the vote for governor must be based on the official face of the returns since any attempt to discount allegedly fraudulent votes would be both arbitrary and impossible. Even so, we can determine in what counties the respective parties were successful and it is possible to arrive at some tentative conclusions about the voting by comparing the returns with various social, political, and economic indicators.

According to the official returns, the vote for Chamberlain was 91,127; for Hampton it was 92,261, a majority of 1,134. Of the eighteen counties which voted

²Simkins and Woody, South Carolina During Reconstruction, p. 509. There were sixteen companies of Federal troops in the state at the time of the election. They were deployed in the following counties: Charleston, Richland, York, Barnwell, Aiken, Laurens, Edgefield, Lancaster, Marion, and Abbeville.

for Hampton, nine had a majority of white males over twenty-one while every one of the fourteen counties voting for Chamberlain had Negro majorities. Fourteen of the Hampton counties had originally favored the straightout movement, two had been opposed and one was listed as undecided. Among the Chamberlain counties, five had favored straightoutism, four had been opposed, and five were undecided. Five of the Hampton counties are listed by Professor Simkins as having been centers of Klan activity from 1868 to 1871,³ and Federal troops were stationed in eight of them in 1876.⁴ Two of the counties, Edgefield and Aiken, were the scene of serious conflict between the races. Four serious racial incidents occurred in the Chamberlain counties⁵ and Federal troops were deployed in

³The five are: York, Spartanburg, Union, Anderson, and Edgefield. Only Anderson and Spartanburg had a majority of whites. See Simkins, "The Ku Klux Klan in South Carolina," pp. 609, 621.

⁴The eight are: York, Barnwell, Aiken, Laurens, Edgefield, Lancaster, Marion, and Abbeville. Only Aiken and Marion had white majorities. See Simkins and Woody, South Carolina During Reconstruction, p. 509.

⁵There were two strikes for higher wages by Negro agricultural laborers in Charleston County and racial disturbances in Beaufort and Colleton Counties.

two of them.⁶ Nine of the Hampton counties had less than ten known rifle clubs; four had ten to twenty clubs; and one county had thirty-five such organizations.⁷ Five of the Chamberlain counties had fewer than ten rifle clubs; five had from ten to twenty; and three had twenty to twenty-five such groups.⁸ In seven of the Hampton counties (38%) the aggregate cash value of all farms in 1870 was less than one million dollars; in eight counties (44%) the farms were worth between one million and \$1,999,999; in two counties (11%) farms were valued at between two million and \$2,999,999; and, one county had farms worth four million dollars.⁹ Among the Chamberlain counties, five (35%) had farms valued at less than one million dollars in 1870; five had farms valued at between one million

⁶They were Charleston and Richland Counties.

⁷No data on the number of rifle clubs is available for four of the Hampton counties and, of course, there may have been many more not officially known. See Report on the Denial of the Elective Franchise, III, pp. 508-509.

⁸No data on rifle clubs is available for one of the Chamberlain counties. See ibid.

⁹U.S. Bureau of the Census. Ninth Census of the United States, 1870. Report on Industry and Wealth, pp. 238-239.

and \$1,999,999; and four (28%) possessed farms worth from three to four million dollars.¹⁰ In terms of per capita value of farms,¹¹ we find that the Hampton counties were significantly poorer than the Chamberlain counties. This disparity in wealth, however, decreased as total farm value increased. For example, in counties with farms worth less than one million dollars, the average per capita value of the Hampton counties was sixty-five dollars as compared with one hundred sixteen dollars for the Chamberlain counties, but in the counties with a total farm value of over two million dollars, the average per capita value of the Hampton counties was two hundred two dollars as compared with two hundred forty-three for the Chamberlain counties. Finally, the northwest corner of the state together with all the counties on the eastern and northern borders were solidly for Hampton while the Chamberlain counties tended to be in the southern-most and central portions of the state.

Comparing these two groups of counties, it appears

¹⁰U.S. Bureau of the Census, Ninth Census of the United States, 1870. Report on Industry and Wealth, pp. 238-239.

¹¹See table on the following page for per capita value of farms in South Carolina, 1870.

Cash Value of South Carolina Farms, 1870

1. Farms worth less than one million dollars:

County	Total White Population, 1875	Average <u>Per Capita</u> Value of Farms (dollars)	Voted For
Chesterfield	7,860	90	Hampton
Georgetown	2,929	233	Chamberlain
Greenville	20,213	48	Hampton
Horry	8,310	15	Hampton
Kershaw	6,503	117	Chamberlain
Lancaster	6,862	91	Hampton
Lexington	9,791	59	Hampton
Oconee	10,367	65	Hampton
Orangeburg	10,555	91	Chamberlain
Pickens	8,836	91	Hampton
Richland	9,385	94	Chamberlain
Williamsburg	6,821	46	Chamberlain

Average per capita value for Hampton counties - \$65

Average per capita value for Chamberlain counties - \$116

2. Farms worth one million to \$1,999,999:

Anderson	16,407	78	Hampton
Chester	7,228	200	Chamberlain
Clarendon	5,317	240	Chamberlain
Darlington	11,249	170	Chamberlain
Laurens	10,278	97	Hampton
Marion	15,012	96	Hampton
Marlboro	7,324	205	Hampton
Newberry	7,141	272	Chamberlain
Spartanburg	21,337	54	Hampton
Sumter	8,394	177	Chamberlain
Union	9,460	130	Hampton
York	13,739	110	Hampton

Average per capita value for Hampton counties - \$110

Average per capita value for Chamberlain counties - \$211

Cash Value of South Carolina Farms, 1870 (Continued)

County	Total White Population, 1875	Average <u>Per Capita</u> Value of Farms (dollars)	Voted For
3. Farms worth two million to \$3,999,999:			
Abbeville	13,035	-----223	----- Hampton
Beaufort	7,123	-----358	----- Chamberlain
Charleston	33,606	----- 88	----- Chamberlain
Colleton	12,460	-----164	----- Chamberlain
Edgefield	12,466	-----171	----- Hampton
Fairfield	6,217	-----356	----- Chamberlain

Average per capita value for Hampton counties - \$202

Average per capita value for Chamberlain counties - \$243

4. Farms worth four million dollars or more:

Barnwell	12,076	-----380	----- Hampton
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Data on value of farms taken from U.S. Bureau of the Census. Ninth Census of the United States, 1870. Report on Industry and Wealth, pp. 238-239. Per capita value computed by the author.

that Negroes tended to vote for Chamberlain since every one of his counties had Negro majorities. Still, Hampton carried nine counties with a majority of 8,375 Negroes. Since voting does appear to correlate with race, it seems that a significant proportion of Negroes either voluntarily chose to refrain from voting, or were forcibly prevented from voting, or had their votes discounted, or voted the Democratic ticket. Since interest in the election was so extraordinarily high,¹² the first alternative can probably be discounted. Even granting that some of these Negroes were ignorant and apathetic, only a small portion of them would have been necessary to elect Chamberlain. Due to the fact that such a high proportion of the population voted in the nine counties, some Negroes undoubtedly voted for Hampton but probably not enough to honestly carry the counties. Therefore, the likely conclusion is that the Democrats, through intimidation or brute force, prevented large numbers of Negroes

¹²The author has roughly computed the proportion of votes cast to the total number of eligible voters. These figures show that every county had an unusually large voter turnout, ranging from eighty-seven to virtually one hundred percent. There was no significant difference in turnout between the Negro and white counties. In six of the nine counties voting for Hampton, the voter turnout was as follows: Abbeville, 95.5%; Aiken, 96%; Barnwell, 92.5%; Laurens, 92.5%; Union 98.5%; and York, 98.5%. In the other three counties, the number of votes cast exceeded the number of eligible voters.

from voting or, unable to do this, tampered with the results
in certain counties.¹³

Although there is little difference between the number of known rifle clubs in the Chamberlain and Hampton counties, virtually all of these clubs were Democratic organizations. They were strongest in the original straightout counties where the use of violence was not frowned upon but they also existed in the Chamberlain counties which, although more moderate, nevertheless had vocal and active Democratic minorities and which also tended to have the largest Negro populations. The clubs existed, despite their disclaimers, for the prime purpose of terrorizing the Negro and thus they would be active in the Chamberlain areas. Significant too, is the fact that many more of the Hampton counties were originally straightout indicating their lack of desire for any compromise from the beginning and, in addition, their greater willingness to utilize drastic and forceful measures. The Chamberlain counties, on the whole, seem to have favored more moderate policies. The presence of many

¹³ Williamson, After Slavery, p. 411. See also Ball, State That Forgot, p. 163.

more troops in Hampton counties was probably the result of greater actual violence in these counties or Republican fears of such violence. In addition, the presence of troops may also have had the effect of strengthening the resolve of the Democrats thus making those counties even more strongly Democratic than they otherwise would have been.

Finally, it was the historically wealthier and more moderate Low-country which backed Chamberlain and the rougher and poorer Up-country which favored Hampton. Although the value of all farms in both areas was high, the very wealthiest farm areas voted for Chamberlain. Thus it might appear at first that the Hampton-Gary coalition, a union of Low- and Up-country, was an anomaly. Such was not the case, however. Hampton, although wealthy and aristocratic, was as anti-Negro as was Gary. The difference was in style rather than content; Hampton's racism was more sophisticated and paternalistic and less overt than Gary's, and for this reason the alliance was highly effective. Hampton brought to the campaign a veneer of charisma, gentility, and innocence while Gary and his henchmen carried out, behind the Hampton image, the brutal aspects of the movement. This union

brought together the two sections of the state long enough to secure the election, but, having served its purpose, the Hampton image was abandoned in later years when Gary and his followers openly embraced segregation and white supremacy of the most virulent sort.

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One of the controversies surrounding the election of 1876 is whether or not large numbers of Negroes voluntarily voted for Hampton. James Connor, Hampton, and other Democrats claimed that they did¹⁴ while the historian Joel Williamson and William W. Ball, a southern newspaperman, take the opposite view.¹⁵ It is^{im}possible to know the true answer but this author believes that while some Negroes certainly did vote Democratic, the vast majority did not because the Democrats offered them nothing but platitudes and because it was not so long ago that these same Democrats had been their masters. Further-

¹⁴Recent Election in South Carolina, pp. 333, 372; Report on the Denial of the Elective Franchise, I, p. 965; Simkins and Woody, South Carolina During Reconstruction, p. 512.

¹⁵Williamson, After Slavery, p. 411. See also Ball, State That Forgot, p. 163.

more, the violence employed by the Democrats during the campaign may have suggested to the Negro that worse things would come after the Democrats gained office. It also suggests that the Democrats themselves doubted that the Negroes would voluntarily support them. James Davis, a Negro tradesman from Columbia, explained to the Richland Democratic Club why he could not support their ticket:

I have come to the conclusion that you have made up your minds that this is the white man's land and must forever remain so. . . . You have money and have lands and if Hampton is elected you can readily obtain amounts from the North, but what have we? Whilst I know that if the men that you have nominated had their way, none of our rights would be endangered, yet what guarantee have I that their opinion will be regarded? . . . I will agree with you that I and many like myself are not competent to run this government, but you must now draw a line and exclude all of my race. 16

Still, if the Democrats offered little, the Republicans had done little for the Negro. Obviously, the Republicans were unable to protect the Negro from the whites and, more importantly, had secured few economic and social gains for that group. Although some advances had been

¹⁶Speech of James Davis before the Richland Democratic Club, October 5, 1876. MS Minutes of the Richland Democratic Club.

made, particularly in the area of Negro education, much of the initiative and effort had come from the Negroes themselves, and certainly the Republicans had not secured equality for the Negro. The record of Republican non-performance was one reason why some Negroes did support Hampton, but sheer economic necessity and the desire for peace in the state were also instrumental in securing Negro support for the Democrats. Augustus Grana, a Negro, stated that he had "become satisfied that neither the white people nor the colored people in South Carolina will ever get along quietly and well until the State is governed by her own people."¹⁷ M.R. Delaney, in a letter to the Charleston News and Courier, declared that,

I have then but one line of duty left me and that is to aid that effort which . . . best tends to bring about a union of the two races . . . in one common interest in the State, with all the rights and privileges of each inviolate and sacredly respected. The present Democratic movement promises this, and asks us . . . simply to aid them and try them once; if they do not fulfill their promises, to trust them no more. 18

¹⁷ Charleston News and Courier, September 26, 1876.

¹⁸ Ibid.

Aaron Mitchell, a Negro blacksmith from Abbeville, said that he left the Republican party because he was "disgusted" with it "on account of its abuses and the incompetence of the representatives to the legislature."¹⁹ Preston Taylor explained his support of the Democrats in this way: "I was pretty hard up in the summer time, and I tried all these republican fellows to see if I could get any money from them, and I couldn't, and I went to Childs [Colonel Childs on whose lands Taylor lived] . . . and I borrowed money from him all summer; and I thought the democratic party was good. . . . I think we have to live off the democrats."²⁰ Merriam Washington, another Negro living on Child's land voted Democratic because, "I don't live no other way than by the Democrats."²¹

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In order to make sure that both Negro and white lived "no other way than by the Democrats," that party

¹⁹Report on the Denial of the Elective Franchise, I, p. 962.

²⁰Recent Election in South Carolina, p. 402.

²¹Ibid., p. 405.

conducted a shamefully unscrupulous campaign culminating in a blatantly dishonest election. As a result of the gross irregularities of the canvass and the charges resulting from them, both parties claimed victory.

According to the election laws of the state,²² adopted in 1868 and subsequently amended, the governor was authorized to appoint three commissioners of election for each county.²³ These, in turn, were empowered to appoint three managers of election for each precinct in the county. A clerk, appointed by the managers, was charged with maintaining a poll-list of the names of each person casting a ballot in his precinct. At the end of the election day, the precinct managers and clerk were directed to immediately proceed "publicly, to open the ballot-box and count the ballots therein . . . and make such statement of the result thereof." If more ballots were found in the box

²²The election laws are reprinted in Recent Election in South Carolina, Appendix, pp.179-182. See also Statutes of South Carolina, XIV, pp. 395-397; Simkins and Woody, South Carolina During Reconstruction, p. 516; Reynolds, Reconstruction in South Carolina, pp. 397-398.

²³In an attempt to secure harmony and equity, Chamberlain appointed two Republicans and one Democrat as election commissioners for each county. See the Charleston News and Courier, August 28, 1876 for Chamberlain's proclamation on this subject.

than names listed on the poll-sheet, the law directed that one of the managers or the clerk, without seeing the ballots, remove at random the excess ballots and destroy them. Finally, within three days of the election, the managers were to deliver to the county commissioners the poll-list, ballot-boxes, and a written statement of the election result in the precinct. The county canvassers were to recount the ballots and forward results, along with all papers and protests relating to the election, to the Board of State Canvassers.

The State Board was composed of: H.E. Hayne, Secretary of State; F.L. Cardozo, Treasurer; T.C. Dunn, Comptroller-General; William Stone, Attorney-General; and H.W. Purvis, Adjutant-General. According to state law, the persons holding these offices automatically constituted the State Board in any given election; they were not specifically appointed by Chamberlain. However, they were all Republicans and the first three were candidates for re-election. Despite their Republicanism, the political loyalties of this group was motled. Some, such as Cardozo, had long been Chamberlain supporters, while others, like Dunn, had tended to side with the Governor's foes. In 1872 when part of the Republican party bolted,

Hayne, Cardozo, and Purvis ran on the regular ticket with Franklin J. Moses, Jr., Chamberlain's enemy.²⁴

State law required that the Board should,

Upon the certified statements made by the boards of county canvassers, proceed to make a statement of the whole number of votes given at such election for the various officers. . . . Upon such statements they shall then proceed to determine and declare what persons have been, by the greatest number of votes, duly elected to such offices. . . . They shall have power . . . to decide all cases under protest or contest that may arise when the power to do so does not, by the constitution, reside in some other body. In case of a contest of the election for Governor . . . the Senate and House of Representatives shall, each separately, proceed to hear and determine the facts in the case . . . and decide thereon, who according to the tenth section of article eight of the Constitution, is entitled to be declared elected.

The law also gave the Board the power to adjourn from day to day "for a term not exceeding ten days" excluding Sundays. Article eight, section ten of the state Constitution reads: "In all elections held by the people under this

²⁴Allen, Chamberlain's Administration, p. 80; Simkins and Woody, South Carolina During Reconstruction, pp. 77, 125; Williamson, After Slavery, pp. 397, 404.

²⁵See the Constitution of South Carolina, adopted April 16, 1868, and Reynolds, Reconstruction in South Carolina, p. 398; Simkins and Woody, South Carolina During Reconstruction, p. 516.

Constitution the person . . . who shall receive the highest number of votes shall be declared elected." Article two, section fourteen of that document declares that: "Each house [of the General Assembly] shall judge of the election, returns, and qualification of its own members."²⁵ In addition to this, the secretary of state was charged with the responsibility of recording "each certified statement and determination which shall be delivered to him by the board of State canvassers. . . . He shall, without delay, transmit a copy, under the seal of his office, of such certified determination, to each person thereby declared to be elected. . . ."²⁶

The State Board convened on Friday, November 10 at twelve noon and, answering objections raised regarding its jurisdiction in the election of the members of the General Assembly, adopted the following resolution: "That as to the returns of the election of members of the general assembly, the board will consider them in

²⁵ See the Constitution of South Carolina, adopted April 16, 1868, and Reynolds, Reconstruction in South Carolina, p. 398; Simkins and Woody, South Carolina During Reconstruction, p. 516.

²⁶ Election laws of South Carolina in Recent Election in South Carolina, Appendix, p. 181.

connection with any protests . . . that may be presented, this having been the established practice of the board heretofore."²⁷ James Connor, counsel for the Democrats, contended that "the duty and power of the board . . . can extend no further than to transmit to the secretary of state the returns as forwarded by the managers of election to the board." He further argued that the Board had no right to exercise jurisdiction since three of its members were themselves seeking re-election and that, regarding the vote for members of the General Assembly, the Board could only "declare what persons have received the greatest number of votes." In reply, the Board announced that its candidate-members could sit with the Board but would not be allowed to vote on their own elections and that it did not propose to canvass the returns for governor and lieutenant-governor as "the determination of these offices is given by the constitution to the general assembly."

Not mollified by these assurances, however, the Democrats applied to the state Supreme Court for two writs:

²⁷The complete minutes of the Board meetings can be found in Recent Election in South Carolina, Appendix, pp.67-78. This and subsequent quotations are taken from that source.

one of mandamus to compel the Board to perform the purely ministerial function of determining, from the face of the returns, which candidates had received the most votes and one of prohibition to prevent the Board from "hearing any protest or contest, and from exercising any judicial functions whatever touching the elections."²⁸ The Supreme Court was composed of three men, all of whom had been elected by Republican legislatures. Chief Justice Franklin J. Moses, Sr., the father of the notorious ex-governor, was a native South Carolinian who had served his state as state senator from 1841 to 1866 and as trustee of and professor of law at South Carolina College. "Always a conservative in politics," he had opposed secession in 1852 but acquiesced in 1860 when he was sent to North Carolina to encourage that state to secede. Jonathan Jasper Wright was a Negro and a native of Pennsylvania who had come to South Carolina during the war as an agent of the Freedman's Bureau. He was a delegate to the 1868 constitutional convention, and in that year was elected state senator from Beaufort. In the summer of 1877,

²⁸The New York Times, November, 1876 as quoted in Allen, Chamberlain's Administration, p. 430.

Wright was charged by the Democrats with official misconduct, but he resigned and the charges were dropped. The third member of the court was Amiel J. Willard, a native of Albany, New York, He came to the South as an officer of Negro troops and in 1868 was elected associate justice of the Court. After Moses' death in 1877, Willard was elevated to the chief justiceship.²⁹ The Court was generally acknowledged to be a competent one although some authors have charged it with having a pro-Democratic bias largely due to F.J. Moses Jr.'s earlier difficulties with Chamberlain.³⁰

On November 17, prior to hearing arguments on the issuance of the writs, the Court ordered the Board to "aggregate the statements forwarded to them by the boards of county canvassers, and ascertain the persons who have received the greatest number of votes . . . and certify

²⁹Ulysses R. Brooks, South Carolina Bench and Bar, I (Columbia, S.C., 1908), pp. 33-35, 68-69, 36-39. See also Williamson, After Slavery, p. 330.

³⁰Simkins and Woody, South Carolina During Reconstruction, p. 522n. See also Allen, Chamberlain's Administration, p. 429 and Paul Leland Haworth, The Hayes-Tilden Disputed Presidential Election of 1876 (Cleveland, 1906), p. 149. The New York Times of November 22, 1876 also claimed that Wright was the only Republican on the Court.

their action in the premises under this order to the court." Justice Wright dissented "from so much of this order as requires that the board . . . certify the action . . . to this court."³¹ Called upon to issue writs and to decide abstract questions of law, the Court went beyond the apparent necessities of the case and demanded to know the prima facie returns. In other words, the Court appeared to want to know the outcome of the election (which had no legal bearing on the case at hand) prior to issuing its decision.

Nevertheless, the Board reported to the Court that, according to the face of the returns from the County Commissioners, the Republicans had elected all the Presidential Electors and all but two of the state officers. The governor, lieutenant-governor, two of the five Congressmen, and a majority of four in the lower house of the Legislature had been elected by the Democrats.³²

³¹The State Ex Rel. R.M. Sims et al v. H.E. Hayne et al, Board of State Canvassers, and H.E. Hayne as Secretary of State in Recent Election in South Carolina, Appendix, p. 91.

³²Recent Election in South Carolina, Appendix, pp. 91-114. See also the New York Times, November 22, 1876, p. 1.

Finally, on November 22, Chief Justice Moses issued the Court's decision. He refrained from ruling on the "extent of the character of the board of State canvassers, except so far as they relate to the election of members of the general assembly." Literally interpreting the constitutional dictum that "each house shall judge of the election, returns, and qualification of its own members," Moses argued that the Board was limited to providing "a mode and manner which was deemed the most reliable and effective in ascertaining in each county the will of the people, expressed through the ballot-box." The Board's certification of the returns, said Moses, was "not to show the election in terms of the constitution" but merely to show "the apparent choice of the people." He concluded by stating that "It was not competent for the board to determine, as the house only could, who, in fact, was the chosen member; for the extent of their means to that end were not commensurate with that of the house. . . ."

The Court ordered a writ of peremptory mandamus commanding the Board to declare elected those persons who received the highest number of votes as certified by the Board to the Court, and to submit this information to the secretary

of state for publication.³³

Meanwhile, in compliance with the state law which limited the Board to a ten days' existence, the Board had adjourned sine die at 12:48 P.M. on Wednesday, November 22, before the writs had been issued. Therefore, the Board argued that the writs could not be served and no further action could be taken against it as it no longer legally existed.³⁴ Prior to its adjournment, however, the Board again canvassed the returns, this time excluding those from Laurens and Edgefield, where Democrats had ostensibly been elected, on the grounds that there had been so many irregularities in those counties that it was impossible to determine the victors.³⁵ Thus, the Board

³³Opinion of C.J. Franklin J. Moses, Sr., in Ex Rel. Sims v. Hayne in Recent Election in South Carolina, Appendix, pp. 114-115.

³⁴Recent Election in South Carolina, Appendix, pp. 116-117. The Board gave two reasons for its adjournment. The first was that it was compelled by law to do so. The second was that if they did not, the Democrats might later claim that the Board had no right to issue certificates of election because its legal period of existence had expired. See the New York Times, November 23, 1876, p. 1.

³⁵Voting "yes" to accept the returns from Laurens County were Hayne and Stone; the three other members of the Board voted in the negative. Only Hayne voted to accept the returns from Edgefield, the reason being that "the testimony before the board as to irregularities in . . . the election in those counties is entirely ex parte. See

issued certificates of election to fifty-nine Republicans and fifty-seven Democrats in the House, leaving eight vacancies from the disputed counties. In the Senate, the Republicans possessed a majority of five with two vacancies from Laurens and Edgefield.³⁶

The Democrats protested that the Board had not waited for the Court's ruling on its powers, and, by adjourning, the Board had placed itself "beyond the reach and control of the court."³⁷ The Court responded by declaring the Board in contempt, fining and jailing its

Minutes of the Board, Recent Election in South Carolina, Appendix, p. 77. The motives behind the action of Stone and Hayne are unclear. Both men seem to have been allies of Chamberlain - Stone was a Chamberlain appointee - although both were accused of malpractice in office. Perhaps they acted out of conscience or perhaps they did not wish to completely alienate themselves from the Democrats whose victory they may have believed was inevitable.

³⁶Simkins and Woody, South Carolina During Reconstruction, p. 522. Alfred B. Williams, a newspaperman who took part in the Hampton campaign, says that upon announcement of the Board's determination, Hampton told him that he "had his mind set to fight the United States government, if it became necessary, to the last South Carolinian who would follow him." See Alfred B. Williams, Hampton and His Red Shirts: South Carolina's Deliverance in 1876 (Charleston, 1935), p. 387.

³⁷Protest of the Democratic counsel, James Connor, November 24, 1876 in Recent Election in South Carolina, Appendix, pp. 117-118.

members. On November 27, the Board members petitioned United States Circuit Judge Hugh L. Bond³⁸ for a writ of habeus corpus on the grounds that they were part of the executive arm of the government and, as such, not subject to control by the judicial branch in accordance with the constitutional provision relating to separation of powers. Bond assumed jurisdiction in the case on the grounds that the Board was engaged in canvassing returns for Presidential Electors and Congressmen whose election is provided for by the United States Constitution.³⁹

Bond ruled that:

The duty of this board . . . was not merely ministerial, but that they were clothed with a large discretion . . . is very plain. They were not merely to take the returns and aggregate them.

³⁸ Bond, a native of Baltimore and a Grant appointee, was said to be sympathetic to the Republicans. It is known that he arrived in Columbia several days before court and that he stayed at Chamberlain's home. See the Charleston News and Courier, November 21, 1876; Simkins and Woody, South Carolina During Reconstruction, p. 522n; Marie A. Kasten, "Hugh L. Bond," Dictionary of American Biography, ed. Dumas Malone and Allen Johnson, II (1929), pp. 431-432; Williams, Hampton and His Red Shirts, p. 386.

³⁹ Case No. 4336; Case of the Electoral College in The Federal Cases Comprising Cases Argued and Determined in the Circuit and District Courts of the United States, VIII (St. Paul, 1895), p. 431.

They were to canvass them. That is, they were to examine, to sift, to scrutinize them, which implies a power to reject such as were not lawful in their judgment. . . . If they decided erroneously . . . the remedy of those candidates who thought themselves wronged was by quo warranto, but no court had the jurisdiction to compel the board . . . to do otherwise than their own judgment dictated. 40

Bond concluded by arguing that so far as the laws of the United States are concerned, at an election where members of Congress are to be chosen, "any alleged intimidation or violence toward a voter . . . would be a proper consideration for the board in determining the result. . . ."

Since the nominees for both state and federal offices were listed on the same ticket, Bond ruled that the Board had the right to sift all the returns.⁴¹

Control of the General Assembly now assumed paramount importance since it was this body which, by law, was to rule on the results of the election for governor and lieutenant-governor. Meanwhile, President Grand[†] had ordered Federal troops, under General Ruger, to take positions around the State House in order to "sustain Governor

⁴⁰ Ibid., p. 432.

⁴¹ Ibid., p. 433.

Chamberlain in his authority against domestic violence."⁴²
 In this tense atmosphere, the legislature convened on
 November 28, 1876.

At noon of that day, the Democratic members-elect
 of the House, led by those from Laurens and Edgefield,⁴³
 marched to the State House. When the Republican door-
 keeper refused admission to the men from the disputed
 counties, the entire body of Democrats retreated to near-
 by Carolina Hall where they proceeded to organize by elect-
 ing William Wallace as Speaker. At the same time, the Re-
 publicans, gathered in the State House, were electing
 E.W.M. Mackey, a nephew of Judge Thomas J. Mackey, as
 their Speaker. Thus, there were two Houses, each claiming
 validity.⁴⁴ The Senate organized on the same day with the
 Republican Lieutenant-Governor, R.H. Gleaves, in the chair.
 The Democrats, even with the members from Laurens and

⁴²See Reynolds, Reconstruction in South Carolina,
 p. 409 for Grant's order of November 26, 1876 to General
 Ruger.

⁴³These eight members held certificates of election
 from the clerk of the Supreme Court as a result of the de-
 cision in Ex Rel. Sims v. Hayne. The other members held
 certificates from the secretary of state as was usual.
 See Recent Election in South Carolina, Appendix, p. 141.

⁴⁴Charleston News and Courier, November 28, 1876.

Edgefield, were in a minority in the Senate and it is for this reason that they did not withdraw although they took no active part in the proceedings.⁴⁵

Two days later, the Democrats succeeded in entering the State House. Alfred Williams, who was present at the time, gives the following account.

Colonel Haskell and [James L.] Orr led the line. They were halted at the door of the House by the negro doorkeeper . . . who told them it was against the rules to enter. Colonel Haskell looked the man in the eyes and said, "You know me. You open this door and stand aside." The man obeyed. . . . The members of the Mackey House . . . stared open mouthed and wide eyed at the sudden invasion, while the Democrats . . . selected desks and seats. General Wallace marched straight to the speaker's desk. . . . 46

Both the Wallace House and the Mackey House then proceeded to conduct business, each on one side of the hall. These simultaneous deliberations continued for four days with neither side leaving for fear of being denied re-entry. Then, on December 3, Hampton received an anonymous letter warning him that the Hunkidori Club, a group of Charleston

⁴⁵New York Times, November 29, 1876.

⁴⁶Williams, Hampton and His Red Shirts, p. 391.

toughs, was on its way to Columbia to eject the Democrats from Laurens and Edgefield. The Democrats immediately sent out alarms calling for protection and, by the next day, several thousand persons had gathered in the town.⁴⁷ Fearing violence, the Wallace House returned to Carolina Hall declaring that the legitimacy of the House did not depend on its convening in the State House.⁴⁸

The Mackey House claimed that its fifty-nine members constituted a quorum since, after the exclusion of the eight representatives from Laurens and Edgefield, the total membership of the House was one hundred sixteen instead of the constitutionally prescribed one hundred twenty-four. The Wallace House, including the members from Laurens and Edgefield, had sixty-five members and claimed that this was a quorum of the full House membership of one hundred twenty-four. Once again, Wallace brought the case before the state Supreme Court, arguing that although he had been elected Speaker by a legally

⁴⁷ Charleston News and Courier, December 1, 2, 4, 1876.

⁴⁸ See Reynolds, Reconstruction in South Carolina, pp. 419-420 for Wallace's speech upon withdrawing to Carolina Hall. See also Simkins and Woody, South Carolina During Reconstruction, p. 526.

constituted House, the Secretary of State had refused to give him the returns of the election for governor and had instead delivered them to Mackey, the alleged Speaker of an unconstitutional House.

On December 6, Chief Justice Moses spoke for a unanimous Court which found that Wallace was indeed the elected Speaker of a legally constituted House of one hundred twenty-four members. The Court cited a previous case, Morton, Bliss and Co. v. The Comptroller-General, in which it had been decided that "to constitute a house of representatives there must be a majority of the number [one hundred twenty-four] which the constitution requires to make a house. As there were sixty-three members in their seats at the time Wallace was elected, the Court ruled that he was legally the Speaker. The fact that eight members of the Wallace House held certificates from the clerk of the Court rather than from the secretary of state did not alter the situation because, "No matter what was the character of the certificates they had, the return of the board of State canvassers to this court showing that they had received the greatest number of votes in their . . . counties entitled them to access to the floor for the

purpose of organization.⁴⁹

On December 5, a day before the Court's decision,⁵⁰ the Wallace House adopted and sent to the Senate a resolution fixing December 14 as the day for canvassing the returns for governor and lieutenant-governor and swearing-in those found to be elected. Based on the returns reported to the Court, (in Ex Rel. Sims v. Hayne) and including those from Laurens and Edgefield, the Wallace House declared Hampton governor by 1,134 votes and Simpson lieutenant-governor by one hundred thirty-nine votes. Hampton was duly sworn into office by Judge Thomas J. Mackey. Previously, on December 5, the Republican-controlled House had declared Chamberlain and R.H. Gleaves the victors on the basis of returns not including Laurens and Edgefield and, two days later, they had been

⁴⁹ Opinion of Chief Justice Moses in The State of South Carolina Ex Rel. William Wallace v. H.E. Hayne, as Secretary of State and E.W.M. Mackey, December 6, 1876 in Recent Election in South Carolina, Appendix, pp. 146-150.

⁵⁰ The timing here may suggest that the Democrats were confident that the Court would rule in their favor but probably indicates that the Wallace House, like the Mackey House, was determined to carry on regardless of the Court's ruling.

sworn-in.⁵¹ Ignoring the Court's ruling in Ex Rel. Wallace v. Hayne, however, Chamberlain refused to surrender the accouterments of office to Hampton and once again the dispute went into the courts.⁵²

On December 20, Chamberlain pardoned a convict in the state penitentiary but the superintendent of that institution refused to recognize the validity of the pardon on the grounds that Chamberlain was not the legal governor. The case came before Judge R.B. Carpenter of the fifth circuit, a native of the North who had unsuccessfully run for governor in 1870 on the Republican ticket with Democratic backing.⁵³ Judge Carpenter ruled that Chamberlain was still "lawfully in possession of the executive office" since "there had been no legal qualification of his successor." He declared that the duty of the court was limited to "inquiring whether either of the claimants [Hampton and Chamberlain] have complied with the

⁵¹Charleston News and Courier, December 6, 1876. See also Simkins and Woody, South Carolina During Reconstruction, p. 530.

⁵²See Reynolds, Reconstruction in South Carolina, p. 432 for the exchange of letters between Hampton and Chamberlain on this subject.

⁵³Brooks, South Carolina Bench and Bar, I, pp. 167-168.

constitutional conditions precedent to entering upon the discharge of the duties of the office of governor." Accepting the Supreme Court's ruling of December 6 although "unable to follow the reasoning of the court . . . as to some of the points decided," Carpenter ruled that the Mackey House was "illegal and void" and that its installation of Chamberlain was "without lawful authority." Similarly, Carpenter ruled that the Wallace House was "ineffectual to invest General Hampton with official authority" since the constitution, by "frequent iteration . . . of the term 'general assembly' in connection with the . . . installation of the governor," seemed to require the actual presence of both branches for such an action. Since both houses were not present, Hampton's investiture was invalid. Carpenter further ruled that although the attempted installation of Chamberlain was void "it did not operate in law as a resignation of the office of governor which he held at that time [as a result of the election of 1874]."⁵⁴

⁵⁴Opinion of Judge R.B. Carpenter in Ex Parte Peter Smith, January 29, 1877 in Recent Election in South Carolina, Appendix, pp. 197-201.

On the same day that Carpenter issued his decision, Hampton pardoned a prisoner in the county jail but the sheriff of the county refused to comply. Judge Thomas J. Mackey⁵⁵ of the sixth circuit ruled in favor of Hampton. In his decision, which was a direct rebuttal of that by Carpenter, Mackey ruled that the publication of the election of the governor; the actual title to the office is derived from the election itself. Furthermore, in the matter of opening and publishing the returns, the two houses do not act together but are present "as mere auditors." Mackey declared that "the contumacious absence of the senate after due notice can only be considered [as] . . . a protest against such publication." Such a protest, however, does not prevent the speaker from performing his

⁵⁵Mackey was a native of Charleston who became a Republican in 1868. He served as secretary to Governor Scott in 1870 and, in 1872, he joined the Bolters and opposed Franklin J. Moses, Jr.'s nomination as governor. During the racial trouble in Edgefield in 1874-1875, Mackey blamed the unfitness of Judge Carpenter, whose circuit included that county, for the disturbances. In 1874 he was an ardent supporter of Chamberlain but broke with the Governor after the Hamburg Massacre, disapproving of Chamberlain's denunciation of the whites and his appeal to President Grant. When Chamberlain was renominated in 1876, Mackey announced his support of Hampton and the Republican national ticket. See Brooks, South Carolina Bench and Bar, I, pp. 196-202.

constitutional duty. Therefore, Wallace was merely adhering to the law when he opened the returns and declared Hampton the winner on the basis of the number of votes he had received.⁵⁶

On February 9, Hampton pardoned yet another prisoner but the warden ignored the order and the case was brought before the Supreme Court by the prisoner who applied for a writ of habeas corpus. After long arguments by both sides, Associate Justice A.J. Willard filed an order releasing ~~the~~ prisoner; Justice Wright concurred and Chief Justice Moses was absent, being mortally ill at the time. The Court ruled that Hampton was "at least" de facto governor although he had not gone through "the regular form of installation." "A pardon," said the Court, "granted by one who is de facto Governor is valid, irrespective of his not having a perfect title to the office." Furthermore, the Court found that Chamberlain is "not entitled to be recognized as Governor holding over nor as Governor de facto

⁵⁶Opinion of Judge T.J. Mackey in Ex Parte Amzi Rosborough, February 3, 1877 in Recent Election in South Carolina, Appendix, pp. 221-226. The Senate Journal shows that the Senate adjourned sine die on April 14, 1876 and reconvened on April 24, 1877. There is no record of its deliberations in the intervening period.

against the person who received the highest number of votes."⁵⁷ Seemingly the case was settled but an incident connected with this decision does cast doubt on the non-political nature of the court.

Justice Wright had only "reluctantly" agreed with Willard's decision and, after two days of alleged "bulldozing" by the Republicans, Wright entered an order of his own withdrawing his signature from the original opinion and substituting a dissenting opinion. Wright argued that since both Houses of the legislature were not present at the opening and publishing of the returns and since the Senate took no part in the work of declaring the election of Hampton, his installation was not valid and Chamberlain was still the lawful executive officer.⁵⁸ The court was then reconvened by Willard but Moses again was absent and Wright could not be found. Acting alone, Willard announced

⁵⁷ Opinion of Associate Justice Willard in Ex Parte Norris in Report of Cases Heard and Determined by the Supreme Court of South Carolina, VIII, April, 1876-April, 1877, pp. 408-459. See also Simkins and Woody, South Carolina During Reconstruction, pp. 533-534.

⁵⁸ Dissenting opinion of Justice Wright in Ex Parte Norris in Report of Cases Heard, VIII, pp. 460-468.

that the original decision was binding and that Wright's dissent had no effect.⁵⁹ It was probably for this reason that the Democratic House sought to impeach Wright, a Negro, on the flimsy grounds of drunkenness.⁶⁰

Meanwhile, the rival governments were carrying on independent of one another. Both levied taxes, passed laws,⁶¹ and elected a United States Senator; the Democrats chose General M.C. Butler and the Republicans selected D.T. Corbin, United States District Attorney for South Carolina. By conducting business as usual, each house asserted its claims to legality. Perhaps too, each house hoped to become so entrenched that, by the time the final decision was reached on which government was lawful, it would be too late to oust the illegal house. However, by the middle of March it was said that "the entire judiciary of the

⁵⁹The Nation, XXIV, March 8, 1877, p. 141. See also Brooks, South Carolina Bench and Bar, I, pp. 68-69 and Williams, Hampton and His Red Shirts, p. 440.

⁶⁰See the Journal of the House of South Carolina, 1876-1877, pp. 31, 39, 92, 159, 165, 182, 211, 226, 227, 234 for the debates leading to impeachment.

⁶¹The Republicans, for example, passed a law "to prevent and punish any person . . . for setting up, or attempting to set up . . . a government of the State in opposition to the legitimate and lawful government of the State."

state was cooperating with the people in enforcing the actual fact of Hampton's governorship."⁶² Judge Mackey, for example, strayed far from judicial impartiality when he declared his determination "to enforce Governor Hampton's authority. . . . He charged the grand juries that any officer recognizing Chamberlain was a law-breaker. . . . He warned the people against paying taxes to the Chamberlain men, and urged them to make prompt contributions to the Hampton government."⁶³ L.C. Northrup, a Republican judge, declared: "It matters not . . . whether Hampton is lawfully elected or not; the people believe it. It is the burden of their thoughts. . . . It is a terrible enthusiasm with them."⁶⁴ The Janesville Gazette reported "the indifference of the democrats . . . to Tilden. They seem to care nothing for him in comparison to Hampton."⁶⁵

⁶²Charleston News and Courier, March 14, 1877. See also The Nation, XXIV, March 8, 1877, p. 141; Simkins and Woody, South Carolina During Reconstruction, p. 536; Reynolds, Reconstruction in South Carolina, pp. 435, 441.

⁶³Brooks, South Carolina Bench and Bar, I, p. 202.

⁶⁴New York Times, April 1, 1877, p. 1.

⁶⁵Janesville Gazette, November 21, 1876, p. 1.

On January 8, 1877, mass meetings were held in Charleston and in several counties at which resolutions were adopted calling for non-payment of taxes to the Chamberlain government.⁶⁶ Even Chamberlain himself recognized that his administration was sustained only by the presence of Federal troops.⁶⁷

While these events were occurring on the local level, the United States Electoral Commission in Washington was deciding that South Carolina's electoral votes belonged to Hayes, thus securing his election⁶⁸ and giving Chamberlain hope that he would be aided by the new Republican administration in his bid to maintain the governorship. Chamberlain's hopes, however, were soon shattered when Stanley Matthews, a close friend of Hayes, wrote Chamberlain suggesting an arrangement which would "obviate the necessity of the use of Federal arms to support either government and leave that to stand which is

⁶⁶Williams, Hampton and His Red Shirts, p. 434.

⁶⁷See Allen, Chamberlain's Administration, p. 477 for Chamberlain's letter to President Hayes, dated March 31, 1877.

⁶⁸For a full account of the Compromise of 1877 which resulted in Hayes' election see C. Vann Woodward, Reunion and Reaction (New York, 1961.)

able to stand by itself."⁶⁹ Angered by this apparent desertion, Chamberlain replied that he could not "accept any compromise which was not forced upon me by a power which it would be idle to resist."⁷⁰ Chamberlain received another thrust when he received a letter from R.B. Elliott, Attorney-General; John R. Tolbert, Superintendent of Education; James Kennedy, Adjutant-General; T.C. Dunn, Comptroller General; F.L. Cardozo, Treasurer; and H.E. Hayne, Secretary of State. These Republicans urged Chamberlain to abandon the fight for the governorship because,

We are unanimous in the belief that to prolong the contest, in the absence of that moral aid to which we feel ourselves entitled . . . at the hands of a National Administration . . . will be to incur the responsibility of keeping alive partisan prejudices which are . . . detrimental to the best interests of the people of the State, and perhaps of precipitating a physical conflict that could have but one result to our defenceless constituency. 71

⁶⁹ See Allen, Chamberlain's Administration, p. 469 for Matthews' letter to Chamberlain dated March 4, 1877.

⁷⁰ See Ibid., pp. 470-471 for Chamberlain's reply to Matthews, dated March 7, 1877.

⁷¹ Ibid., pp. 482-483. Letter dated April 10, 1877.

Undoubtedly, these men realized that further protest was useless as the courts were finding in favor of Hampton and the people were resisting Chamberlain's authority. They probably feared a new reign of Democratic terror after that party settled in office and did not wish to prolong the conflict.

In a further effort to effect a solution, Hayes invited both Chamberlain and Hampton to confer with him in Washington. On March 31, Chamberlain addressed a long letter to Hayes setting forth his opinion of the results attendant upon a withdrawal of troops. It would, Chamberlain said, aid domestic violence, sanction the terror of the Democratic campaign, and place the state in undisputed control of the Democrats.⁷² The letter was read to the Cabinet but without the desired effect, for on April 3, the President and his advisors decided to withdraw the troops. Returning home, Chamberlain denounced Hayes' action but admitted that no means of resistance was left and thus withdrew from office. At noon on April 11, 1877

⁷²Allen, Chamberlain's Administration, pp. 474-477 for Chamberlain's letter to Hayes, dated March 31, 1877.

Wade Hampton officially took over the executive office of South Carolina.⁷³

The period of the dual government was the height of shabbiness and sham democracy in South Carolina. Although the courts were not actually controlled by the Democrats, politics certainly entered into many of the decisions. In the final analysis, however, the governorship rested far more on power politics than on legal principles since once the Federal troops were removed, the Republicans crumbled. Although the Republicans had a firm basis for their charges of election fraud,⁷⁴ law, precedent, and popular sentiment were all on the side of the Democrats and enabled them to gain legal sanction for their illegal election activities. Perhaps the only solution would have been to hold a new election under Federal overseers but, of course, the results might not have been

⁷³ Charleston News and Courier, April 5-15, 1877. See also Simkins and Woody, South Carolina During Reconstruction, p. 539 and Allen, Chamberlain's Administration, p. 479.

⁷⁴ In twenty-five counties, for example, the number of white voters exceeded the number of white males eligible to vote. In Edgefield County alone, there were 3,728 more white voters than residents. In only two counties was there in excess of Negro voters over Negro population.

different particularly as the North was weary of Southern problems and was willing to allow the old Confederacy to seek its own solutions. So, beaten by a corrupt campaign, abandoned by the National Administration, defeated by the courts, and deserted by the people of the State, Chamberlain could only withdraw in abject defeat.

The re-emergence of the Democrats in South Carolina in 1876 underscores several important characteristics of the social, economic, and political life in that state. From the very start of Reconstruction, the whites of South Carolina made it abundantly clear that they would accept no government in which Negroes were allowed to play a significant role and that they would not rest until they had regained control of the state. The whites regained power not by default or accident, but because they embarked on a carefully devised plan with definite strategy and aims.

Although by 1876 they were no longer hindered by Northern demands for fair treatment of the Negro, South Carolinians still felt the need to assuage Northern fears on this point. Thus, there was the dual campaign of

force on the one hand and reasonable argument on the other. Also implicit in the dual campaign was the awareness on the part of men like Hampton and Gary that much as they may have disliked it the Negro was a political force to be reckoned with. True, the whites could and often did deal harshly with Negroes, but in 1876 the freedmen were still voters and had to be dealt with in one way or another.

Chamberlain's defeat also illustrates the impotence and hollowness of Republican achievements in South Carolina. Although the Negroes had made some peripheral gains under the Republicans, these were neither numerous nor meaningful enough to prepare the Negro to confront successfully the white power structure. Despite the fact that individual Negroes served in government or held other positions of importance, the masses were still ignorant and poverty stricken. Lacking strong leadership and a firm political base and intimately dependent upon the whites for their livelihood, the Negroes easily fell prey to white intimidation as soon as the threat of Northern intervention subsided. The only advantage possessed by the Negroes was numerical superiority but they lacked coherent organization and a collective will, and it was thus relatively easy for the Democrats to beat and cheat their way back to power.

The Democrats' return to power was further facilitated by the weakening of Northern concern for the Negro. Weary after fifteen years of the contention and strife of the Civil War and Reconstruction, and more concerned about economic questions than Negro rights, the citizens of the North turned to their own affairs and left Southerners to handle their problems as they wished. In addition, most of the other Southern states had been redeemed by 1876 and South Carolinians saw no need to wait any longer before returning their state to native rule.

White cries for economic reform were not always genuine, but they served well as an effective shield for racism. Taxes had increased, but they were not exorbitant and many of them were used to provide necessary community services for both whites and Negroes. The use of the taxes for the benefit of Negroes added a strong emotional dimension to the normal outcry against higher taxes.

Finally, although Wade Hampton may have represented the best of the "Old South," he was not temperamentally suited to deal with the problems of the new South. He and the other whites never thought of the Negro as anything but a laborer for the white man and in no sense did they accept the Negro as the equal of the white.

Although some concessions were granted, Hampton still viewed the Negro through the veil of paternalism rather than through the clear glass of a democratic vision. As if this were not grievous enough, Hampton also permitted men like Gary to use him as a shield behind which the campaign of terror was waged. Given these attitudes and assumptions, perhaps the surprise was not that the Democrats regained power but rather that it took them so long to do it.

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E. H. C.

DATE:

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