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JSM

Profess

UNIVERSITY OF LOUISVILLE

This thesis has been prepared to fulfill a requirement for a Master's Degree in History at the University of Louisville. It is a sequel of a seminar course on "Kentucky in the RECONSTRUCTION IN KENTUCKY, on "Military Authority in Kentucky" and a part of the chapter on "The politics of Reconstruction", were worked out with that class.

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When this work was begun, there was no book on "Reconstruction in Kentucky", but since then Doctor E.K. Coulter, of the University of Georgia, has published a volume dealing with the subject, which the author has not had the privilege to examine, due to its delay in coming from the press.

Department of History

By

John W. Manning

1926

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Preface

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INTRODUCTION

Reconstruction in Kentucky

Reconstruction began in Kentucky somewhat sooner than in the States south of the Blue Grass Commonwealth. As soon as the invading Confederate army withdrew from the State in 1862, loyal Kentuckians began to prepare for peaceful pursuits, and to restore the State as best they could, to occupy the position it occupied before the war between the States. Of course it was impossible to remake the State as it was before the struggle, but at least the civil authority could be restored, and the State prepared for the reign of peace. The years 1862 to 1870 have been selected as the period of Reconstruction, because it was in 1862 that such a process was begun, and the State was practically free of military rule by 1870, and Kentuckians of both northern and southern sympathies, had by that time forgotten the old animosities of the past and were singling every man of them for admiration and emulation.

INTRODUCTION

The Reconstruction of Kentucky has been divided into four chapters. The first chapter deals with the attention of a student of Kentucky history during the period of Reconstruction in military interference within the State, which nearly supplanted the civil authority for a period of about three years. Therefore, the first chapter is concerned with Military Authority in Kentucky. Following close after the period of extensive military rule in the State, the activities of the Freedmen's Bureau occupy the center of the stage, and a second chapter, on the subject, has been devoted to this institution. Many

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For convenience this thesis has been divided into four chapters. The first subject to claim the attention of a student of Kentucky history during the period of reconstruction is military interference within the State, which nearly supplanted the civil authority for a period of almost three years. Therefore, the first chapter is concerned with Military Authority in Kentucky. Following close after the period of excessive military rule in the State, the activities of the Freedmen's Bureau occupy the center of the stage, and a second chapter, and the largest, has been devoted to this institution. Many

Kentuckians, angered over the conduct of affairs by the federal military officers in the State, organized themselves into secret bands of "Regulators", and it has been thought wise to devote a chapter to such activities. The last chapter, on the "Politics of Reconstruction", is an attempt to explain the changes in the political complexion of the State during the period from 1862 to 1870, showing how Kentucky emerged from the struggle with an extremely union sentiment, and gradually changed to a thoroughly Democratic policy.

It might be well in the beginning to show something of the general condition of the State during this period, and indicate the general condition of prosperity which prevailed in Kentucky throughout the whole period.

The credit of the State was maintained during the whole period of hostilities, and at the end Kentucky was not in debt to any great extent. The credit of Kentucky was better than that of the Federal government, and while the latter experienced some difficulty in procuring the necessary money to carry on the war, the State of Kentucky never wanted for money; there was always plenty to be had. The banks of the State were ever willing to advance the required funds. And the federal government borrowed some money from the State. The total claims of the State in 1869 against the federal government for advances during the war, in the form of direct taxes, amounted to \$3,562,085⁽¹⁾. The Federal government was exceedingly slow in paying this debt; in 1871, it still owed \$1,193,761⁽²⁾. The financial condition of the State is well shown by comparing this item with the total State

debt in the same year, which was only \$1,424,394⁽³⁾.

Both the quantity of land and its valuation increased immediately after the war. In 1865, there were 17,778,146 acres assessed at a value of \$197,676,721, while in 1866, there were 19,655,433 acres assessed at a value of \$210,621,897, an increase of 1,871,297 acres and an increase in the value of \$12,945,158. The value of town lots increased in the same period from \$61,883,478 to \$77,760,914⁽⁵⁾.

The war did not affect large incomes in the State to any great extent. In 1865 in Covington five citizens reported incomes over \$20,000; twelve reported incomes between \$10,000 and \$20,000, and twenty-six over \$5000 and under \$10,000. In Lexington, one person reported an income of over \$20,000, eight over \$10,000 and less than \$20,000, eighteen over \$5000 and less than \$10,000. In Maysville there was one income of \$13,273, five between \$5000 and \$10,000; in Ashland there was one income of \$23,062⁽⁴⁾.

The value of live stock in the State increased tremendously after the war. In 1865 the total value of horses and mules in the State was \$16,647,815, while in 1866, it had increased to \$20,319,404. Immediately after the period of hostilities, the value of Kentucky cattle began to increase also, but the increase was not as rapid as that of the horses and mules. In 1865 the value of cattle was \$6,267,237, while in 1866, it had increased to \$6,987,026⁽⁵⁾. The greater part of these cattle raised in the State were shipped to points north of the Ohio River, many of them going to New York. In 1869, Kentucky furnished New York with 22,887 head of cattle, ranking fourth in the last, with Illinois, Ohio, and Texas holding first, second.

and third places respectively in the number of cattle shipped to the eastern metropolis⁽⁶⁾. Also many hogs and sheep were being shipped to northern markets⁽⁷⁾.

The culture of tobacco, corn, and hemp increased tremendously after the war period. In 1869, there were 98,754,320 pounds raised in the State, and in 1870, 106,720,948 pounds were produced. In 1869, the State produced 38,183,404 bushels of corn, and in the following year 47,122,586 bushels⁽⁸⁾. A great deal of this was used in the manufacture of whiskey. In 1869, Kentucky was the largest whiskey producing State in the union; manufacturing 7,429,541 gallons in bond, while Pennsylvania, the next largest producer, manufactured only 2,718,215 gallons⁽⁹⁾.

Bank clearing during the period was unusually good. On January 2, 1866, the Northern Bank of Kentucky declared a semi-annual dividend of 10%, and the Central Bank of Kentucky, at Danville, declared a similar dividend from the profits of the previous six months, and in addition a dividend of 18% out of its contingent fund. At the same date, there were in Kentucky 11 national banks with \$2,200,000 capital. On July 2, 1866, the Northern Bank of Kentucky declared a semi-annual dividend of 7%, and on January 2, 1867 another dividend of 12%. In 1869, the semi-annual dividend had decreased somewhat, for on July 1 of that year this same bank declared a 6% dividend. Other banks of the State whose dividends were above 3% were: the Bank of Kentucky, the Bank of Louisville, The Farmers Bank, The Peoples Bank and Trust Company of Louisville, The Commercial Bank of Lexington, The German Security Bank of Louisville, and the German Insurance Company of Louisville, which in 1869, declared a semi-annual dividend of

14%⁽¹⁰⁾. Immediately after the close of the war, bank stock was selling above par. April 17, 1866, the sales of stock on Kentucky banks at Lexington were as follows; The Northern Bank of Kentucky, \$127; The Farmers Bank, \$115; The Bank of Louisville, \$102, and the Commercial Bank, \$100⁽¹¹⁾.

Great interest was also shown in railroad construction during the whole period of reconstruction. Subscriptions were made by both private citizens and by city councils toward financing railroad construction. Toward the extension of the Kentucky Central Railroad from Nicholasville through Danville and Somerset toward Knoxville, voters in Pulaski county in October 1866, made written pledges of \$200,000, while the voters of Wayne county pledged \$50,000 at the same time. Other counties through which the proposed road would pass pledged sums almost as large⁽¹²⁾. In January 1867, the city of Louisville, by popular vote, subscribed \$7,000,000 to complete the Lebanon Extension Railroad to Knoxville⁽¹³⁾, and on May 9, 1868, voted \$1,000,000 to aid the construction of the Elizabethtown and Paducah Railroad⁽¹⁴⁾. On June 3, McCracken county by a vote of 1065 to 629 subscribed \$500,000 to the Elizabethtown and Paducah road; Paducah giving 889 votes for and only 33 against the proposal. Lyon county by a majority of 62 voted a subscription to the same road⁽¹⁵⁾. Subscription to other roads were made by other counties of the State in the same spirit of co-operation. Interest in other internal improvements was manifest throughout the State. Many of the larger cities of the State voted bond issues for the construction of water works and similar

municipal improvements. In the realm of internal improvements, we might mention the various appropriations made by the state legislature for the purpose of removing obstructions and otherwise improving the navigable rivers of the State⁽¹⁶⁾.

The many appropriations by the legislature by the eleemosynary institutions of the State, for penal institutions, and for increases of salaries of state officials during the whole period of reconstruction, is an evidence of the splendid financial condition of the State, and also of the thoroughly reconstructed spirit of Kentuckians. There were appropriations for enlarging the State capitol, for establishing a House of Reform for juvenile delinquents, for adding new buildings to the Eastern and Western Lunatic Asylums, and for establishing an institution for feeble-minded children and idiots⁽¹⁷⁾.

An attempt has been made to show the attitude of Kentuckians toward slavery and the negro in both the chapters on Military Interference, and The Freedmen's Bureau. However, in the beginning, it might be well to indicate something of the feeling of the citizens of the State toward the negro population. Kentuckians, as a rule, were strongly intrenched in their belief that slavery was guaranteed by the constitution of the United States, and as such, should not be interfered with. Slaves in Kentucky were property until the passage of the thirteenth amendment to the constitution of the United States, Dec. 8, 1865, and in many cases, were considered as property even after the passage of this amendment. It was with reluctance that many Kentuckians gave up their rights in slave property, and many former slave masters continued to treat the negroes as if they were still slaves after they were

freed. The activities of the Federal government in freeing the slaves was looked upon by most Kentuckians as an attempt to deprive them of their rightful possession of property, and every attempt to give the slaves their freedom was blocked in so far as Kentuckians were able to block it. But, after the negroes were free, the state legislature in Feb. 1866, proceeded to pass acts concerning negroes, and one of the most important of them levied a capitation tax of \$2.00 on all male negroes over 18. The purpose of this was to provide funds to establish negro schools and provide for colored paupers of the State⁽¹⁸⁾, but there is little evidence that much of this was expended in establishing schools for the freedmen. This was largely in the hands of the Freedmen's Bureau, and because it was, the legislature would have nothing to do with it. There was much abuse of this taxing of negroes by local assessors and tax collectors, who in some cases levied and collected as much as \$8.00 per head from the negroes⁽¹⁹⁾.

Soon after gaining their freedom, some negroes came into possession of property, in some way or another, but it seemed to be extremely difficult to collect taxes upon this property. In Nov. 1866, there was \$976,956 of taxable property in the State, owned by negroes, upon which the tax was \$3661⁽²⁰⁾. By 1869, the amount of taxable property owned by negroes had increased to \$2,016,784⁽²¹⁾. On Feb. 9, 1871 the State legislature, seeking to make the tax on negroes and whites uniform, enacted a law that thereafter the same rate of taxation on real and personal property should be levied on negroes and mulattoes, as on the white population of the State,

also the same tax per capita was fixed⁽²²⁾.

The rapid increase in population in the State is a fair indication of the general prosperity prevailing there. During the decade ending with the year 1871, there was an increase of 14-1/3% in the population. Also we might mention the fact that during the same period there was a decrease in the black population of nearly 6%⁽²³⁾. The population of the two chief cities of the State increased in somewhat the same ratio during the decade. The population of Lexington in 1866 was 6,241 whites and 3,280 blacks, while in 1868 it was estimated at 10,196 whites and 10,745 blacks, or a total of 20,941⁽²⁴⁾. Caron's Directory of the city of Louisville for 1872 contained 36,486 names, or 2020 more than was listed for 1871. The estimated banking capital for 1872 was about \$12,000,000 with over \$7,000,000 deposits, and the capital employed in manufacturing was about \$18,000,000 with annual products amounting to \$20,000,000⁽²⁵⁾.

Although Kentucky was firmly attached to the cause of the union, as determined by the results of all elections in the State during the period of hostility and reconstruction, she, never-the-less, maintained a spirit of "manly magnanimity" toward her many citizens who were southern in sympathy. The legislature of December 1865 enacted laws which attempted to reconcile the differences between the citizens, and make Kentucky a unit socially and politically. Among these acts was one which extended a general pardon to all persons indicted by the courts of the State for treason against the federal government through acts done within the State; it repealed the act of Oct. 1861, declaring any citizens who

invaded the State as a confederate soldier guilty of felony, and subject to punishment in the penitentiary from one to ten years; it repealed the expatriation act of March 11, 1862; it repealed the act requiring ministers and others to take an oath of loyalty before solemnizing marriages; and it repealed the same act for jurors⁽²⁶⁾.

Because of the many acts of friendship by loyal Kentuckians toward old neighbors who had been allied with the southern cause, the sentiment of the State has wrongly been assumed to be southern. But most of these acts happened after the cessation of hostilities, and were probably prompted by a desire of Kentuckians to rapidly bring about peace and good-feeling among the citizens of the State. Many speeches were made which were construed to be southern in sentiment, and many confederate monuments were erected during this period, while very little of such sentiment was shown toward the northern cause. From December 17, 1866 to January 10, 1867, Admiral Raphael Semmes, the Commander of the confederate war steamer "Alabama" gave a series of lectures in the State on "The Cruise of the Alabama". He visited nearly all the important towns in the State, and gave his lecture for the benefit of the Confederate Monumental Society. At a Christman dinner to him at the home of ex-Governor Beriah Magoffin at Harrodsburg "with a large company of prominent ex-federal and ex-confederate 'hobnobbing together and forgetting their animosities', Governor Magoffin's toast was, 'To the fame of American soldiers and sailors, whether rebel or federa, it is the common heritage of our people, and here is the health of my distinguished guest'"⁽²⁷⁾. Many other occurrences tended to show that the

sentiment of Kentucky was southern immediately after the war; among them we could mention the various moves to cause congress to pass a law of general amnesty⁽²⁸⁾, the requests for pardons of distinguished Kentuckians who had been allied with the Confederate cause, such as J. C. Breckinridge⁽²⁹⁾, the re-interment of the body of General John H. Morgan on April 17, 1868 at Lexington⁽³⁰⁾, the erection of Confederate monuments, and the frequent decoration of confederate soldiers' graves. But, notwithstanding all this, we are compelled to say that Kentucky was a loyal State during the period of the war, and so far as the official acts of the State were concerned, a loyal State for all time.

9. *Ibid.*, p. 197.

10. *Ibid.*

11. *Ibid.*, p. 171.

12. *Ibid.*, p. 174. Other subscriptions were: \$50,000 by the city of Lexington, \$50,000 by Jessamine county, \$35,000 from the east end of Mercer county, \$15,000 from the east end of Boyle county, and \$50,000 by Lincoln county.

13. *Ibid.*, p. 176.

14. *Ibid.*, p. 189.

15. *Ibid.*, p. 191.

16. *Ibid.*, p. 194, 195, 197.

17. *Ibid.*, p. 193, 196, 170, 187, 194, 195.

18. Report of the Secretary of War, Nov. 1, 1866. Collins states that there were seven acts passed at this time, conferring certain civil rights on the negroes, relieving them from most of the legal disabilities as slaves, making them subject to the same punishment for crimes and offenses as whites, except for rape on white women.

NOTES

Introduction

1. Report of the Quartermaster General, Jan. 1, 1869.
(Collins, p. 193).
2. Collins, p. 208.
3. Message of Gov. Stevenson to the legislature, Jan. 4, 1867.
4. Collins, p. 173.
5. Democrat, Nov. 16, 1866. Report of W. T. Samuels, State Auditor.
6. Collins, p. 200.
7. December 1, 1866, Collins reports that 22,404 hogs, and 1074 sheep were carried over the Kentucky Central Railroad northward from Paris, during the month of November.
8. Collins, p. 209.
9. Ibid, p. 197.
10. Ibid.
11. Ibid. p. 171.
12. Ibid, p. 174. Other subscriptions were: \$50,000 by the city of Lexington, \$50,000 by Jessamine county, \$25,000 from the east end of Mercer county, \$15,000 from the east end of Boyle county, and \$50,000 by Lincoln county.
13. Ibid. p. 176.
14. Ibid. p. 189.
15. Ibid. p. 191.
16. Ibid. p. 194, 195, 187.
17. Ibid. p. 168, 186, 178, 187, 164, 195.
18. Report of the Secretary of War, Nov. 1, 1866. Collins states that there were seven acts passed at this time, conferring certain civil rights on the negroes, relieving them from most of the legal disabilities as slaves, making them subject to the same punishment for crimes and misconduct as whites, except for rape on white women.

19. Report of the Secretary of War, November 1, 1866.
20. Collins, p. 174.
21. Ibid. p. 198.
22. Ibid. p. 210.
23. Ibid. p. 205.
24. Ibid. p. 188.
25. Ibid. p. 229.
26. Smith, Vol. 1, p. 754.
27. Collins, p. 184.
28. The legislature requested Congress to do this Feb. 22, 1871.
29. A petition signed by 70 members of the legislature on Feb. 10, 1866, was sent to President Johnson requesting that he grant the pardon.
30. The body was removed from Hollywood Cemetery, Richmond, Va., and re-interred at Lexington April 17, 1868, with impressive ceremonies, and a large crowd of people gathered at the cemetery to do honor to the fallen confederate cavalryman.

MILITARY AUTHORITY IN KENTUCKY

By June 1, 1862, Kentucky was practically free from control by the Confederacy, and almost completely occupied by the Federal Army. As the Federal Army advanced into the State, Kentucky became the base of supplies for the soldiers, and military operations almost ceased in the State. Crittenden's force had been defeated at Mill Springs, Jan. 19, by Federal General Thomas, and had retreated to Murfreesboro. Ft. Henry fell Feb. 6, and Ft. Donelson Feb. 16. Gen. Johnston's force had retreated south, crossing the Tennessee River at Decatur, and moved to Corinth, and there received the news of Gen. Bell's evacuation of Columbus, Kentucky, Sept. 19. The battle of Shiloh was fought on April 6 and 7. Therefore, with the exception of occasional raids and during cavalry raids, Kentucky was entirely deserted by the Confederate forces. Kentucky was at the mercy of the Federal Army; it could do with Kentucky as it chose.

MILITARY AUTHORITY IN KENTUCKY

The opportunity for military use by both sides was very great. The Federal Army supplied itself for the remainder of the war with all that it required which could be extracted from the State. This was not done without some attempt at payment, even though the payment was worthless. The cost of the articles taken by the Federal Army were passed on to the soldiers, promising payment in the future, provided they had confidence proved to be loyal to the cause of the Union.

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The exactions for military use by both sides was very great. The Federal Army supplied itself for the remainder of the war with all that it required which could be extracted from the people of the State. This was not done without some attempt at payment, even though the payment was worthless. The contributors of the articles taken by the Federal Army were forced to take vouchers, promising payment in the future, provided that the contributor proved to be loyal to the cause of the Union.

The raiding parties of the Confederates made exactions as severe, but not so continuous. The daring cavalrymen were not

so much concerned with forms as were the northerners, for if they needed a horse, they went to the field and bridled him, justifying their action by the theory that if the animal was the property of a states-right man, he ought to gladly give it to the southern cause, and if the animal was the property of a union man, it was taken as a prize of war.

It was in 1862 that the daring cavalryman, Gen. John Morgan, made many of his numerous raids in Kentucky, and the states just across the Ohio River. Many citizens, either through fear of Morgan or through sympathy with the cause he represented, gave sympathy and aid to his troops. There was a great deal of activity on the part of the "Secesh" sympathizers. They engaged in recruiting for the Confederacy, furnished information and supplies, and sheltered and concealed the scouts of the rebel government. Spies and secret messengers were constantly crossing the lines into Kentucky. It is true that at the same time, the people of the State were annoyed even more by some of the home guards and the more violent of the radical union men, but never-the-less, the federal government at Washington viewed the activities of the rebels as a demand for a more suppressive policy in the border states, especially in Kentucky. Therefore, by authority of President Lincoln and Secretary of War, Staunton, General Jerry T. Boyle, a native Kentuckian,⁽²⁾ was appointed military commander of the Kentucky Division of the Department of the Ohio, then under command of Gen. H. G. Wright, at Cincinnati. On June 1, 1862, General Boyle established his headquarters at Louisville, with offices on Seventh Street, between Walnut and Chestnut.

He served in this capacity until Jan. 12, 1864, when he was relieved by Brig. Gen. Jacob Ammens.

The appointment of Gen. Boyle was highly satisfactory to the people of the State. Gen. Boyle was a loyal Kentuckian, and a just man, and attempted to administer the affairs of the state with justice to all, but his lot was a hard one, and because of the character of the orders he was called upon to enforce in his native state, finally resigned his office, rather than be the cause of any further suffering in Kentucky. Of him and his appointment, the Louisville Daily Journal remarks: "General Boyle has been assigned to the command of the United States forces in Kentucky. This appointment will be hailed with satisfaction by the loyal people of the Commonwealth. This appointment is a highly judicious one, a better one could not have been made....an ardent patriot, a chivalric soldier, a sagacious and enlightened statesman, an earnest and inflexible, and yet a just and unselfish man, a gentleman, and a Kentuckian. He will so combine discrimination and temperateness with energy and determination as to commend the laws whilst enforcing them, and after all to preserve the menaced peace of the State by policy rather than arms.... We may confidently promise that his management of affairs will be as free from vindictiveness as from indifference and as conspicuous for moderation as for vigor. He will do nothing in malice or in passion, and he will omit to do nothing in effectation or in lukewarmness. In short, Gen. Boyle, as military chief of this district, will effectually perform his duty, his whole duty, and nothing but his duty. Such at any rate, we know will be his sincere endeavor. The loyal

people of the Commonwealth have every reason to congratulate themselves on his appointment"⁽³⁾.

After assuming command of Kentucky, General Boyle found himself in quite a predicament. He was called upon to execute extremely harsh measures, oppressive to the people of the State and distasteful to its commander. The tyrannical measures with which he was charged to execute, emanated from the Secretary of War, and were of a cruel and tyrannical nature. A reign of martial law overrode the civil authority in the State for a period of over two years. General Boyle executed the policy as outlined for him, with as much leniency as he was allowed, but with a "severity that even strained the rules of civilized warfare"⁽⁴⁾. Behind the aspect of Federal severity, the commander was a man of kindly and humane disposition. He was extremely loyal, and sought to serve both his country and cause faithfully. "His dilemma was one that repeatedly fell upon good men in authority during this period of anarchy. They had a choice to remain in office and execute the oppressive orders of their superiors with such leniency as they could personally extend, or resign, and open the way for some unscrupulous and vindictive successor to add the violence of execution to the cruelty of the spirit of the orders sent him"⁽⁵⁾.

One of the first orders issued by General Boyle, June 10, required that all citizens and residents who had joined the Confederacy or given them assistance and had returned to their homes, or should return and be repentant for their conduct, had to report themselves to the Provost-marshals at Louisville, Bowling Green, Lexington, or Paducah, take an

oath of allegiance and give bond with security for their good conduct; if they failed to report, they were to be arrested and committed to the military prison at Louisville, or Camp Chase. All persons who organized or aided in organizing guerrillas, or harbored or concealed or gave information or assistance to guerrillas were to be arrested and dealt with according to military law. All good law-abiding citizens were urged to refrain from language and conduct that excited rebellion. The most famous provision of this order was as follows: "When damage shall be done to the person or property of loyal citizens by marauding bands or guerillas, the disloyal of the neighborhood or county will be held responsible, and a military commission appointed to assess damages and enforce compensation"⁽⁸⁾.

On the whole, this order was enforced with moderation and leniency. Yet there were some who seized upon it as an opportunity to inflict injury and annoyance, unnecessarily, upon the citizens of the State. Many arrests were made and quite a number of citizens sent to prisons at Louisville, Newport Barracks, Camp Chase, and elsewhere⁽⁹⁾. A district or county fared well or ill according to the character of the local provost. In some sections this order was carried out to the limit; hundreds of citizens of disloyal sentiments were arrested and sent to prisons, including many ministers and women. The local provosts were instructed to allow no one to be a candidate for office who in the least sympathized with the Confederacy. The western section of the State seemed to suffer more than any other. At Paducah, Colonel Noble ordered soldiers to enter the court room and break up court while in session. Thousands of dollars of indemnity were collected from innocent persons

in the district, as in the others⁽¹⁰⁾. Many of the rebel sympathizers proved to be women, and on July 1, Boyle inaugurated a war on the fairer sex, by issuing instructions to the provost marshals throughout the State to prepare quarters for the imprisonment of "such disloyal females as they may find it necessary to arrest"⁽¹¹⁾. It is probably true, however, that such prisons for women were very little used⁽¹²⁾.

Possibly the activity of the military authorities which caused the greatest cry from the people of the State was the interference at elections. The Kentucky legislature, on March 12, 1862, had passed a law that any citizen who should join the confederate army or enlist in any confederate service, or enter into the service of the Provisional Government of Kentucky, or should give voluntary aid to those in arms against the Federal Government, should be deemed to have expatriated himself and was not longer a citizen of Kentucky, nor should he become a citizen except by permission of the legislature, therefore, such men were not permitted to vote. On July 22, 1862, General Boyle issued a warning to all rebels to stay away from the polls at the August elections following. Boyle's order, number five, issued on the above date reads: "No person hostile in opinion to the government, and desiring its overthrow, will be allowed to stand for office in Kentucky. The attempt to do so will be construed as in itself sufficient evidence of his treasonable intent to warrant his arrest. In seeking office, he becomes an active traitor. All persons of this kind, who persist in office will be arrested, and sent to these headquarters"⁽¹³⁾. Many candidates for office were compelled to withdraw from the elections because of this

order, and Smith tells us that "among the many candidates who withdrew under this rule of the bayonet were some of the best and quietest citizens".

Probably the most noted case of interference by the military at the election occurred at the August elections in 1866, in which representatives were elected to the State Legislature. The seats of those elected from Clark, Campbell, Kenton, and Mason counties were contested when the legislature met, and declared vacant. The testimony presented in the contest proved that soldiers armed with guns and bayonets, in some cases, took possession of the polls, arrested some persons, and threatened others, who were accused of having southern sympathies, and prevented from voting. At Cold Spring precinct, in Campbell county, it was proved from the evidence of several witnesses that Capt. James W. Read, of the 53rd. Kentucky, arrested seven persons, and put them under guard in a pen 15 steps from the polls, and in full view of the turnpike. He grossly insulted, abused, and cursed them, threatening to shoot and gag one. It was stated that he tied two of them with ropes, their backs to a tree with their arms drawn behind them and tied, and they were kept in this position from 8 a.m. until 7.30 p.m. Some were released from the pen by Capt. John F. Herbert, of General Palmer's staff, who was there, but others were kept in the pen⁽⁵⁹⁾. Many similar outrages were reported when the elections were "regulated, controlled and unduly influenced by armed soldiers in the service of the United States, in utter disregard for the law", but there were few of such a violent nature.

Boyle was compelled to take notice of the raids of General John H. Morgan into Kentucky. In July 1862, Morgan dashed into Kentucky proclaiming, "Kentuckians, I am once more among you, confiding in your patriotism and strong attachment to our Southern cause"⁽¹⁴⁾. Morgan caused Boyle a great deal of worry, as he did the other Federals of the State. On July 13, Boyle issued an order that every able bodied man take arms and aid in repelling the marauder, and every man who did not join, was to remain in his home 48 hours and be shot down if he left it ⁽⁵⁵⁾. On July 15, Boyle issued orders for the defense of Louisville against an attack by Morgan⁽¹⁶⁾. Wherever General Morgan went the Federals were frightened and took every precaution. The Federal General Ward, in charge at Lexington, hearing that Morgan was either at Georgetown or Paris, issued an order, July 17, that the court house bell of the city would be rung at 9 o'clock, and at that time all citizens would be required to retire to their homes and put out their lights; all citizens found on the streets after the designated hour were to be arrested and confined in the guard-house. All members of the Home Guard who were not with their companies were ordered to report at the court house by 8 o'clock for such duty as should be assigned them. All citizens were strictly forbidden to leave the city after dark; a strict silence was to be preserved during the night through-out the city. The violator of this order was to be arrested as a spy and dealt with as such⁽¹⁷⁾.

When Morgan made his raid into Kentucky in October 1862, Boyle was again disturbed. He heard that the rebel cavalryman was at Glasgow Dec. 4, and sent a letter to General Rosecrans,

with the following information and pleadings for aid:

"Our cavalry has been driven back, falling back on Munfordville. Can you not send a force in the rear to cut Morgan off and capture him; with the daring and enterprise of the rebels, it can be done; cannot General Reynolds do this by sending additional force to Gallatin? Surely this can be done if Kirby Smith has gone to Mississippi"⁽¹⁸⁾.

The Military and the Governorship

On July 28, Governor Magoffin, in despair, called the State legislature to convene August 14. He stated that because of an overlapping of authority of the military and the Governor, it was impossible to reorganize the state militia as it should be done, therefore, the recent invasion of the State by Confederates found the State defenseless. The militia was unorganized and without a single commissioner officer beyond the Governor's own personal staff. In the proclamation he stated that he was without a single soldier to protect the lives and property of the citizens and to enforce laws; he was without the means and power to afford relief, and there was no other alternative but to appeal to the legislature. Magoffin and the military authorities did not seem to agree on any subject. There was constant conflict between the two, and the Governor saw that if proceeded further it would precipitate a conflict more acute than was good for either party. It is possible true that Magoffin had certain tendencies which were construed by many to be nothing short of rebel, so conflict between a "rebel" Governor and the Federal military authorities could be expected.

Magoffin had exerted all his authority "to arrest the encroachment of the military usurption upon the rights of citizens and the prerogatives of the civil powers" (19).

He had ordered the courts held, the elections to be free from military interference. He attempted to have the rights of persons and property respected, and the civil authority to operate, but the differences between the Governor and the military seemed to be irreconcilable. The Governor believed the time had come when it would be best for him to resign, but he had hesitated because a suitable successor was not available.

The legislature, accordingly, met August 14, and on the sixteenth the Governor tendered his resignation to take effect the eighteenth. In presenting his resignation, the Governor stated, "At any time within the last 18 months, I have been willing to resign my office, could I have done so consistently with my self-respect. But the storms of undeserved abuse which have been heaped upon me, and the threats of impeachment, arrest, and even assassination, repeatedly made against me have compelled me to continue in the quiet discharge of my duty. As yet no one has dared, before any tribunal of authority, to prefer a charge against me. My political friends, and by this term I mean the Southern Rights party, a great many of whom are not and never have been secessionists, have been subjected to what seems to me, in modern times, an unexampled persecution. It became impossible for me to relieve them, and yet I could not reconcile myself to even appear to desert them in their need. Could I be assured that my successor would be a conservative, just man of high position and character, and that his policy would be conciliatory and impartial toward all law-abiding citizens,

however they may differ in opinion, that the constitutional rights of the people would be regarded, and that subordination of the military to the civil power be insisted upon and maintained, I would not hesitate to put aside the cares of office and to tender my best wishes to such an executive"⁽²¹⁾. Previous to the tender of his resignation, John F. Fiske, Speaker of the Senate agreed to resign, and support James F. Robinson, of Scott County, for the Speakership⁽²⁰⁾. Robinson was elected, automatically became Governor, and was inaugurated August 18.

It seemed to have been the purpose of the military authorities of the State to bring about a change in the Governorship. After the installment of Robinson, the military authorities recalled some of their oppressive measures and seemed to abstain from such tyrannical measures against the citizens of the State, at least for a short time. On August 18, Provost Marshal Dent, at Louisville, announced that no arrests must be made except for causes set forth by General Boyle, and that "the charge for such must be specified, and supported by the written affidavit of one or more persons", and that General Boyle ordered that he execute his office under the Governor, and "that provost marshals who, directly or indirectly, take money from persons arrested, in the shape of fees for oaths, bonds or otherwise, will be arrested and brought to headquarters"⁽²²⁾. After the election of Robinson, General Boyle ordered that all officers and soldiers were prohibited from seizing any horse or horses,⁽²³⁾ as had been done before. Also the sale of arms to loyal citizens, the dealer to be the judge of their loyalty, was permitted in Louisville; the dealer was held accountable in every sale⁽²⁴⁾.

It was the purpose, nominally at least, to hand over the State to the civil authorities after August 1862, but this was not done. The Louisville Daily Democrat of August 24, published the following order by the military authorities, "The Federal and State authorities, being now in harmony, it is intended as soon as possible to hand over to the State authorities the duty of keeping peace in the State. In the meanwhile, indiscriminate arrests are strongly condemned".

From September 1862 until the end of the year, there was a tendency toward leniency on the part of the military authorities. The roads out of Louisville had been guarded, and by September 30, all guards were removed, and persons were permitted to leave the city without special permits. Even though there was not the oppression by the military after August 1862, its authority was not removed as rapidly as Kentuckians expected, and Governor Robinson complained early in November to General Wright at Cincinnati that the civil authority had not been restored. Wright answered that he thought it advisable that the provost marshals be retained, but gave no reason for their retention⁽²⁵⁾.

Boyle's Administration and Slavery

Many federal soldiers began to interfere with the institution of slavery as soon as the confederate troops were withdrawn from the State. It was, however, the purpose of General Boyle that this institution which was as yet guaranteed by the constitution of the United States and the laws of Kentucky, should not be molested. On November 27, 1862, he issued an order forbidding officers or men from interfering

with slavery in any way. This order had only a partial effect.

On December 8, 1862, citizens of Lexington complained to General Wright at Cincinnati that the military authorities were forcibly detaining slaves belonging to Union men, and carrying them off⁽²⁶⁾. On the above date, a meeting of the citizens of Fayette County drew up a set of resolutions and communicated them to Wright. These resolutions contained the following questions: "Does the military claim or intend to assert supremacy over the civil power in the Union State of Kentucky, if so, why and to what extent?". Also, "Whether the forcible detention of certain slaves belonging to union citizens of Kentucky within the lines of regiments under union command was authorized, and whether the same would be heretofore authorized or sanctioned, if so, under what laws, and for what purpose?⁽²⁷⁾". General Wright, December 14, replied, stating that he saw little occasion for the meeting called to give public expression to the supposed grievances of the citizens of Fayette county. He stated, "I am ready to believe that their object was peaceful and patriotic, prompted solely as they were by a desire to prevent possible collision between citizens and the military in matters in which strong antagonistic feelings are supposed to exist. Admitting this, I can assure the citizens of Fayette County that the forces which are now in Kentucky for its protection, and for the defense of the Union against the assaults of the rebels, shall be, as far as its officers are concerned, the conservators of the civil power". He further added, "As far as I am concerned, no law of Kentucky not in contravention of the laws of Congress shall be violated, that any force at my command shall be ready to

serve to preserve law and order at the call of the Executive of Kentucky, but no regiment or officers of my command shall be required by orders to hunt up runaway negroes..... that so long as the civil power is in operation, the military shall be subservient to it. This is not only in accordance with the spirit of our institutions, but in obedience to the doctrines taught as in the military code. The Civil Law is supreme"⁽²⁸⁾.

As the success of the Union Army was seen, the destruction of slavery seemed inevitable, even though some people of the State had forced themselves to believe that slavery would not be an issue of the war. President Lincoln had threatened to abolish it in the seceded states on September 22, 1862, but on January 1, 1863, the blow was dealt and with his famous Emancipation Proclamation slavery was a matter of history in the seceded states. Theoretically, the slaves of Kentucky were not affected by the proclamation, but practically it left slavery a wreck upon the sea of war in Kentucky; the price of slaves began to decline by leaps and bounds. Kentuckians had regarded slavery as constitutional, but now their attitude was extra-constitutional. The proclamation was bitterly opposed by practically all Kentuckians. The Legislature on March 2, 1863⁽²⁹⁾, passed resolutions protesting against it. Kentuckians were greatly disturbed over the matter; and their difficulties were increased by the constant interference of the military arm with the unoffending citizens suspected of rebel sympathies. But there was nothing left to do but to accept the inevitable, which they did, but not willingly.

Continued Interference Under Boyle's Administration.

Even though General Boyle was in command in Kentucky, there was in 1863 an increasing amount of interference by the military, his subordinates were more unscrupulous than their commander.

Freedom of assemblage was not granted by the military authorities. On February 17, the Democratic State Convention assembled at Frankfort to nominate a State ticket, requested the use of the House Chamber for their meeting, and upon being refused⁽³⁰⁾, they withdrew to a nearby building, and began their deliberations. Col. Gilbert, with a detachment of soldiers broke up the meeting and warned them "to refrain from all sedition and noisy conversation"⁽³¹⁾. The Senate on Feb. 19, condemned this act as "high-handed outrage".

In the elections which followed in August, there was the same interference on the part of the military. General Burnside, commanding the Dept. of the Cumberland, on July 31, declared martial law over the State for the purpose of protecting the rights of loyal citizens and preventing any disloyal person from voting. Many of the polling places of the State were under control of federal troops. The presence of these troops "exasperated the union men without restraining the confederate sympathizer. Thousands of union men lost heart and interest in the struggle. They had supposed that they were fighting not for the domination of armies, but for the maintenance of law, for the welfare of the country and not for the supremacy of a political party that appeared willing to destroy the Commonwealth if it stood in the way of its purposes"⁽³²⁾.

Throughout the entire year, the activities of some persons in sympathy with the cause of the South were numerous; many banded together as guerrillas. As a result the repressive measures of the military authorities became more severe. April 13, General Burnside warned that "carriers of secret mails were threatened with death, without discrimination as to the character of the letters or mail".

The orders that seemed necessary for General Boyle to enforce during the last few months were extremely unpleasant to him. To a man of a high sense of honor, as Boyle, "The continually increasing tendency to abusive military lawlessness on the one hand, and the rebellious defiance on the other hand, made the duties and responsibilities of the Commandant of Kentucky exceedingly unpleasant"⁽³³⁾, and entirely too much for him. So, General Boyle tendered his resignation as military commander of Kentucky, which took effect January 12, 1864. The resignation of Boyle, even though a great relief to him, was exceedingly unfortunate for the people of the State. He was succeeded by men less worthy and more unscrupulous than himself, who inaugurated a reign of terror in the State.

General Boyle was succeeded in command by Brig. Gen. Jacob Ammens, a former professor at Georgetown College, and an engineer under Gen. Wm. Nelson's command, who advised Nelson in retrieving the terrible defeat of General Grant's troops April 7, 1862, at Shiloh. To Ammens is due a great deal of the glory of saving the Federal army and changing defeat into victory. General Ammens spent a great deal of his time in Cincinnati on court-martial duty. During his absence from the State, Brig. Gen.

Stephen R. Burbridge, a native Kentuckian, acted as Commander, with headquarters at Camp Nelson. It was the intention of Secretary of War, Staunton and General Grant to give Burbridge command of the 4th. Division, 23rd. Army Corps, then operating in East Tennessee, but his work in Kentucky pleased Grant so well that when General Ammens' work at Cincinnati was finished, he was given the place intended for Burbridge, and Burbridge remained in Kentucky in charge of the Division⁽³⁴⁾.

Guerrilla Activities in Kentucky, 1864

To Kentucky, 1864 was a year of most oppressive military rule; it was the Kentucky Inquisition. Guerrilla raids were numerous, and the oppression of the military was almost unbearable. It seemed for a while that both the civil and military powers would turn against the peace-loving citizens of the State, and hunt down all persons who had ever uttered a disloyal word; it seemed that the "suspect law" of the French Revolution would be revived. On January 4, 1864, Governor Bramlette, a staunch union man and ex-union soldier, who, at the beginning opposed the summary and unwarranted actions of the military power, issued a proclamation against all rebel sympathizers. They were to be held as hostages for the return of all persons captured and detained by guerrillas⁽³⁵⁾. This proclamation was met with loud cries of condemnation by practically all citizens of the State. It was said to be a "serious transgression of the laws which the Governor was sworn to maintain, and as such, met the condemnation of a great part of the union men"⁽³⁶⁾.

In February, the legislature voted five million dollars for the purpose of paying for the defense of the State, hoping to secure the suppression of the evils of the military and civil arms of the government, by providing more troops and more money for the State. This action was prompted by the hope that by so providing for the defense of the State against the numerous guerrilla raids and frequent visits of Confederates to the State, the necessity for oppressive military rule would be done away with.

In 1864, guerrillas infested every county in the State, and their exactions upon the people were extremely severe. It might be well at this point to inquire as to the nature and character of these so-called Confederates. For the most part, they were men who had formerly given allegiance to the Confederate government, but because of the prospect of a lost cause, and with their money (Confederate) practically worthless, their support almost withdrawn, they had given up in disgust and were defying the authority of any government, especially that of the United States. The Confederate soldier was in a peculiar predicament; he was facing a lost cause, yet fighting on from pride. There was a serious lack of food, equipment and clothes, and no pay except the worthless confederate paper. In such desperation, many men who had been good citizens in ordinary times, turned their attention to lawlessness which, in many cases, was not exceeded by the organized guerrillas. Smith says: "So intensely and fiercely were the passions of men inflamed by constant criminations and recriminations, by daily injuries and retaliation, and by

tyrannous exactions and annoyances, that even men in authority of good intentioned, and of ordinary humane impulses were betrayed into measures of injustice and wrong which they themselves would not seek to justify on the return to sober reason. The whole land swarmed with cutthroats, robbers, thieves, firebugs, and malfactors of every degree and kind, who preyed upon the old, the infirm, the helpless, and committed thousands of brutal and heinous crimes in the name of the Union of the Southern Confederacy" (37).

The activities of these guerrillas have been well described by Smith in his History of Kentucky; he says: "They were reckless of all responsibility to the laws of God or man; gave themselves to unrestrained license of revengeful murder, bold and daring robbery, deeds of violence and outrages, all without the pale of the laws of civilized warfare. Men in federal uniforms, armed or not, sick or well, were massacred in cold blood. Banks, railroad trains, public depositories and stores were robbed. They scudded from one retreat to another like phantom scourages. These bands were made up of a strange medley of characters. Their lives were devoted to revenge for some outrage by some military enemy upon a mother, wife or sister, brother, son, or property".

"These cruel wrongs are but the incidents of war, which even the best men in authority are unable to avert, so this outgrowth of desperate character is the exceptional result of war, which good men and good government cannot repress or be responsible for" (38).

Among these guerillas was the famous Quantrill, of Missouri,

who had caused so much trouble while Ewing was in command there, and was driven from the State, and took refuge in Kentucky. Associated with him in Kentucky were the Halls, the Pences, the Jones, the Longs, Sue Munday, "One-armed" Berry, and other cutthroats⁽³⁹⁾. The center of their activities was a wide district south of Louisville, until General Palmer organized a special company of troops for their extermination. Quantrill was mortally wounded at Wakefield Station and the whole band of guerrillas was scattered.

The Administration of General Burbridge

Brig. Gen. Stephen G. Burbridge, a native of Kentucky, but of "unsavory memory"⁽⁴⁰⁾, assumed actual control of the District of Kentucky Feb. 15, 1864. He had been in many of the hardest fights of the war, distinguishing himself at Vicksburg, But Kentuckians distrusted him. He received the cognomen, "Butcher Burbridge", because of some of the horrible deeds he perpetrated in the State. "Every Kentuckian blushed at the thought that such a man should have had the honor of the State placed in his keeping. He was the only Kentuckian who won and wore a badge of dishonor during the great war or at its close"⁽⁴¹⁾.

Burbridge is especially famous for his attempts to put down guerrilla raids in the State. The Legislature, in Feb. 1864 passed a law setting a penalty of \$100 to \$5000 or imprisonment from three to twelve months for encouraging or harboring guerrillas, or failing to give information of their raids⁽⁴²⁾. This did not seem to discourage the raids of these outlaws in the least, so General Sherman instructed Burbridge as to the method of dealing with them. He said, "You may order all post or district commanders that guerrillas are not soldiers, but

wild beasts unknown to the usages of war. Your military commanders, provost marshals, and other agents may arrest all males and females who have encouraged or harbored guerrillas and robbers, and you may cause them to be collected at Louisville, and when you have enough, say 300 or 400, I will cause them to be sent down the Mississippi, through their guerrilla gauntlet, and by a sailing ship send them to land where they may take their negroes and make a colony, with laws and a future of their own⁽⁴³⁾.

The most infamous act of Burbridge's career as commander of Kentucky came July 1864, when he issued among other orders, his well known "four to one" order. It seemed to the commander that many of the citizens of the State were responsible for the guerrilla activity, which was interpreted as rebel sympathy. Desperate measures were undertaken; the writ of habeas corpus was suspended by proclamation of the President July 19. Burbridge ordered that all rebel sympathizers living within five miles of a guerrilla outrage should be arrested and deported beyond the limits of the United States, and that their property should be seized in sufficient quantity to meet all losses from the guerrilla raid. Therefore, on July 16, the commander, under authority of General Sherman, issued his "four to one" order; for every citizen of the State killed by guerrillas, four guerrilla prisoners would be taken to the spot where the deed was committed and shot. This was to be done without court martial or any sort of trial. Naturally, it was difficult to distinguish between a guerrilla prisoner and an actual Confederate prisoner of war, and as

a result, a great number of innocent men, lawful prisoners of war, were shot, by this order. The order was extremely distasteful to all fair-minded people of the State. Smith says it was a "reproach to the name of the race"⁽⁴⁴⁾. The union citizens deplored it as a disgrace to their cause, and it did not lessen guerrilla raids.

The following are a few cases of the execution of this "four to one" order⁽⁴⁵⁾. In July, two rebel prisoners were taken from Louisville to Henderson and shot in retaliation for the wounding of a Mr. Rankin at Henderson by guerrillas. \$1800 was collected from his southern neighbors as indemnity, but was not accepted by him. July 28, two rebel prisoners were similarly sent to Russellville and shot on the spot where a Mr. Porter died from wounds received in defending himself from guerrillas. Four prisoners were brought from Lexington to Pleasureville and shot in retaliation for the alleged killing of negroes in another part of the county. Their bodies were left unburied for several days, until taken by neighbors and interred in the cemetery at Eminence. Three prisoners were shot at Bloomfield for the killing of two negroes by Sue Munday's men, with which they had nothing to do. Such cases as these were numerous under the blood-curtling order of "Butcher" Burbridge; but even such orders as this failed to stop guerrilla activities. Probably the wisest and most effective measure used by Burbridge in dealing with guerrillas was issued Oct. 26, 1864, which stated that no guerrilla was to be received as a prisoner and any officer capturing such an outlaw and extending to him the courtesies due to prisoners of war, would be held responsible for the disobedience of orders.

But even this failed to accomplish its purpose, for guerrillas continued to be active until after the close of the war.

Negro Enrollment and Enlistment

In the early months of 1864 the federal government, feeling the need for more men for the military service, began the enrollment of negroes, with a view of enlisting them in the army. Negro enrollment was begun in Kentucky about Jan. 13, 1864. After the order of President Lincoln, Feb. 1, for a draft of 500,000 men to take place March 10, Burbridge was ordered by Grant to enroll all negroes possible. No sooner had enrollment started than Gov. Bramlette protested to General Boyle of this act of the federal officers. The legislature on Feb. 3, passed a resolution against the enlistment of Kentucky negroes, and requested the President to remove the camps of such soldiers from the State. Nothing was done about the matter. Enrollment and enlistment continued, and on March 15, Gov. Bramlette became reconciled to the order of affairs and issued a proclamation recommending that the people quietly submit to such enrollment and enlistment. However, the Governor and two others went to Washington March 22 to confer with the President concerning the enrollment and enlistment of negroes. Accordingly, a compromise was effected, the Governor assenting to the enrollment, but it was agreed that no enlistments were to take place unless Kentucky failed to furnish her quota of whites for the federal army (46).

The sentiment against the enlistment of negroes in the military service was an "instinctive outgrowth of the relation of the negro in slavery, of the property rights

in him, and of the prejudices against his use in any position of equality with the whites"⁽⁴⁷⁾. Fighting was considered a white man's privilege, and no negro was considered worthy to partake of the joys of military exploits.

The opposition to the enrollment and enlistment of negroes gradually gave way. The citizens of the State saw that nothing could be gained by objecting, so they became passively submissive. Then also, the increasing demands of the federal government had exhausted the volunteer element, and many wealthy citizens were included in the drafts which were made. Many of them were either unwilling or unprepared to become soldiers, and therefore were willing that the negroes go in their stead. The organization of negro regiments continued after Feb. 1864, but the people of the State could not but look on with contempt. Many federal officers in Kentucky condemned such activity. Among these were Col. Frank Wolford, and Lt. Gov. Jacobs. For language used in this connection both were arrested and sent to the South. Wolford was dishonorably discharged from the United States military service, but in June 1864, he was commissioned by Gov. Bramlette to raise a regiment for the defense of the State.

It was at this time that the system of substitutes for the army began. Because of the unwillingness of many to enter the military service when drafted, the system of substitutes was begun, and allowed by the government. A substitute could be obtained for a price of from \$700 to \$1500, according to the demand and supply of such mercenaries in the community. Quite a "brokerage speculation" sprang up in this peculiar traffic of human beings, and was largely

carried on by Provost-marshals. Negroes came to be used as substitutes by some of the citizens of the State, who disregarded the sentimental aspect of negro soldiery, and took a cold, businesslike view of the situation. The negro was still property in Kentucky, and as the destruction of slavery seemed to be at hand, and there was little sale for negroes anyway, so many took advantage of the situation and converted their slave property into coin. For the most part the negroes liked this sort of arrangement, for it meant freedom from a life of bondage; and after a trial very few were called upon to do any actual fighting as their bravery waned during battle. The use of negroes as substitutes continued throughout the remainder of the war.

Closing Months of Burbridge's Administration

Burbridge and Elections

Military interference at the August (1864) elections was more serious than ever. Attempts were even made to arrest all who criticized the military commanders. It was fortunate for the union cause that the elections were not general⁽⁴⁸⁾, as the results might have given encouragement to the rebellion. The only important office to be filled was that of Judge of the Court of Appeals for the Third District. Judge Alvin Duvall was a candidate for re-election. He had given very satisfactory service on the bench, and had indicated no sympathy for the rebellion, yet the military authorities did not regard him with much favor. They resolved to have him arrested, but he escaped from the State. Then it was ordered that he should not be allowed to be a candidate. Troops were placed at the polls in many places to

enforce this order. The military aimed to elect M. M. Benton, but to defeat him, the conservative union men nominated Judge Robertson, and telegraphed his nomination to the polling places on the morning of the election. The military guards had no orders to refuse to allow votes for Robertson, and as a result, he was elected as a protest against the authority of the military⁽⁴⁹⁾. This action of the military thoroughly disgusted and separated the better class of union men from any sympathy with the federal administration. This fact is well illustrated in the results of the presidential election in Kentucky, Nov. 8, 1864, when McClellan received a large majority over Lincoln: McClellan 64,301, and Lincoln 27,786.

Closing Months of Burbridge's Administration

After the August elections, the military authority, through the provost marshals began to exercise unwarranted power. They attempted to arrest and imprison all persons they could, regardless of sex or age, on charges of sympathy with the rebellion and correspondence with friends of the South. Women and children were banished from the State, and sent to Canada under negro guard⁽⁵⁰⁾. Bitterness grew to such heights in September that there was danger of revolt by the conservative union men. In September, 1864, General Ewing, commanding the district, ordered the county courts to levy a tax sufficient to arm and pay 50 men in each county. Governor Bramlette immediately issued a proclamation forbidding the courts to obey the order. Shaler says that he was on the verge of recalling the Kentucky troops from the field, when President Lincoln revoked Ewing's order, and the crisis was passed.

In the late summer and early fall of 1864, the people of Western Kentucky were suffering from the activities of the military authorities in that section, as they had never suffered before. In Sept., Gov. Bramlette took cognizance of this fact and appointed a committee of two, Gen. Speed Fry and Col. John Mason Brown, to investigate affairs in this section. The committee found that General E. A. Paine, and Co, H. W. Barry of the 8th. Negro Artillery, and Col. McChesney of Ill. had "caused many peaceable citizens to leave their homes, had used harsh and brutal language, with a great deal of vulgarity and blasphemy toward refined gentlemen and ladies. They had robbed, made summary arrests and imprisonments without any charge, had seized and executed prisoners and citizens without charge or trial. It was discovered that in the district there had been 43 executions, the graves were there to prove it"⁽⁵¹⁾. Paine, who was located at Paducah, was found guilty of corruption, bribery and malfeasance of office. He escaped and fled to Illinois. McChesney, who was located at Mayfield, had executed four citizens without trial, and had collected large sums of money by forcing people to do hard manual labor on useless entrenchments, unless they paid a large immunity, from \$5 to \$500 each.

After the flight of Paine, Gen. Meredith assumed charge of the Paducah district. He freed many prisoners and attempted to improve the general condition of the district, but his activities afforded only a temporary remedy. The trouble was too deep seated. Outrages by the commander and his aids continued. Guerrilla raids continued to increase and the inefficiency of the federal commanders disgusted the Home Guards.

It seemed that civil government would be destroyed by these two arch enemies: Guerrillas and provost-marshals.

On Oct. 28, Gen. Burbridge increased the fury of Kentuckians by issuing his famous "hog order". He ordered the farmers of the State to sell their hogs to designated agents at a fair price, and no hogs should be sent out of Kentucky without a special permit. As an incentive to obedience, he threatened confiscation and other penalties. The "fair price" offered by the agents was usually considerably lower than the current prices paid on the Cincinnati market. Such an order was made from a purely selfish reason, which amounted to confiscation of private property. The federal government had given contracts to certain parties in Louisville to furnish it with 10,000 head of hogs, and if the farmers were allowed to sell in the open market, these contracts would probably fall short of fulfillment.

An immediate protest from the people of the State went up after this order was published. It even aroused a more furious expression of indignation than had mere political acts, the purse was effected in this case. The protest of the State legislature was heard by President Lincoln, who again, set aside an order of a military commander and revoked the "hog order" on Nov. 17, 1864. The effect of this order was the immediate cause of Burbridges' fall from power, however, he did not resign immediately. His outrages continued during the closing months of 1864 and the opening months of 1865. By an order of Dec. 17, 1864, he commanded that all boats on the Ohio River must have permits for transporting cattle, produce and goods. This brought forth a storm of protest, and on Jan. 8, 1865, was set aside by President Lincoln.

The crowning outrage of his regime came in Jan. 1865, when after Lt. Gov. R. T. Jacobs had been banished and sent into the Confederacy, he ordered all his subordinates to resist the State government which at that time was attempting to raise troops to put down guerrilla raids. He sought not only to nullify this action of the State, but actually ordered the muster-out of all State troops in the service. This caused the State legislature, then in session, to appoint a committee to visit Washington and lay before the President the horrible condition of affairs in Kentucky caused by Burbridge and his associates. Finally Burbridge was removed from command in Kentucky⁽⁵²⁾, and on Feb. 22, 1865, General John M. Palmer assumed command. Upon the removal of Burbridge the Louisville Daily Journal remarked, "Thank God and President Lincoln"⁽⁵³⁾.

The Administration of General Palmer

General Palmer⁽⁵⁴⁾ was a man of a much better temper than General Burbridge. He came under the same influence as Burbridge, but never disgraced his calling as did his predecessor. Palmer was commander of Nashville in 1862, and the commander of the Old Nelson Division⁽⁵⁵⁾ at the battle of Stone River in 1863.

After Feb. 22, 1865, the State took on new life under the regime of Palmer⁽⁵⁶⁾. There was a renewed energy on the part of both civil and military authorities to suppress guerrilla raids, and with the close of the war in April, such raids had been reduced in number until practically none were heard of in the State.

Gov. Bramlette, Feb. 7, placed the thirteenth amendment before the legislature, where it was rejected, the vote being

21-13 in the Senate, and 56-28 in the House. The majority report strongly favored its rejection, while the minority report favored its acceptance, with the request that Congress give compensation to the loyal owners of slaves. After the ratification of the amendment by the required number of states, Kentucky, strange to say, accepted it. There was a sense of disgust in the State, but not so much attention was paid to the matter as would have been expected, even though the property loss was great; it was "forgotten in anticipation of a happy end of greater evils" (57).

On Feb. 29, President Lincoln signed a bill introduced by Senator Powell on Kentucky, to prevent military interference at elections. With the passage of this act, and the surrender of Lee and Johnston on April 9 and 13 respectively, Kentuckians thought that the war evils would be alleviated. But such was not the case. The Freedmen's Bureau and its activities then assumed a place of importance in the affairs of the Commonwealth. Military interference after April 1865 took the form of the Freedmen's Bureau, and rose to its heights under the administration of General C.B. Fiske, of the Freedmen's Bureau, and under Maj. Gen. Jeff. C. Davis, of Indiana, who succeeded General Palmer in command of Kentucky March 27, 1866⁽⁵⁸⁾, and his successor, Brig. Gen. Sidney Burbank. Military affairs in Kentucky under Generals Davis and Burbank are discussed in connection with the Freedmen's Bureau.

In concluding this chapter of reconstruction, a brief review of the conditions in Kentucky might be in order. There was destruction on all hands. Money and food were scarce, the guerrillas had generally demoralized the State, and labor

conditions, due to the destruction of slavery, were in a peculiar condition. Politically Kentucky was disorganized. The military authorities were still in the State and attempting to force military rule on the citizens of the Commonwealth; it continued until the following October. The writ of habeas corpus was suspended, and was not restored until Nov. 30, 1865. But, with all this, Kentucky was yet in a better condition than most of her southern neighbors, and it is probably that Kentucky would have been completely reconstructed within a few years, had federal interference been omitted.

He was also president of the Evansville, Henderson, and Nashville Railroad, and a trustee of Centre College.

3. Louisville Daily Journal, May 31, 1868.

4. Smith, p. 638.

5. Ibid.

6. These provost-marshals were: Col. Henry Dent at Louisville, Col. S. O. Bruce at Bowling Green, Maj. Provost at Lexington, and Col. Noble at Paducah.

7. The oath follows: "I do solemnly swear that I will bear true allegiance to the United States, and support and sustain the constitution and the laws thereof, that I will maintain the national sovereignty paramount to that of all states, county, or confederate powers, that I will discountenance, discourage, and forever oppose secession, rebellion, and disintegration of the federal union, that I will disclaim and denounce all faith and fellowship with the so-called Confederate armies and pledge my honor, my property, and my life to the sacred performance of this my solemn oath of allegiance to the

NOTES

Military Authority in Kentucky

1. Collins, p. 347.
2. General Boyle was born 1818 in what was then Mercer county (now Boyle). He was a son of Chief Justice John Boyle, a graduate of Princeton and the Transylvania Law School. He practiced law in Danville from 1841 to 1861; entered the federal army, was made Brig. General in 1862, and assigned to command of his own state. After the war, he projected the street railway of Louisville, and was made its first president. He was also president of the Evansville, Henderson, and Nashville Railroad, and a trustee of Centre College.
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4. Smith, p. 638.
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government of the United States of America". Beneath this oath was printed, "The penalty for a violation of this oath is death".

8. Journal June 10, 1862.
9. Smith, p. 637.
10. Ibid. p. 626.
11. Collins, p. 103.
12. Smith states that the prisons for women were but little used. The Democrat, Jan. 2, 1865 given the following incident: "Since the government's order to stop selling whiskey to soldiers, women have adopted the plan of arming themselves with bottles, etc. and going to camps around the city, and selling it to the soldiers. Five women have been caught and put into the female military prison".
13. Democrat, July 22, 1862.
14. Journal, July 12, 1862.
15. Collins, p. 628. Concerning Morgan, Collins states, "Every face wears a sickly frightened look. Men speak to each other of Morgan as though his name were to them what that of Richard the Lion Heart was to the Saracens".
16. Boyle's Special Order, Number 8, stated among other things that Major W.H. Sidell, 15th. U. S. Infantry was put on the staff of the commanding General to organize into battalions the different bodies of unorganized U. S. forces in and about the city; Capt. Jenkins was to take command of the artillery and increase the force if possible; Major Silgraves, Corps of Engineers, was to take charge of the force to be detached for the purpose of executing

- such work of defense as he deemed necessary; Lt. Col. Steward was to take command of the cavalry and arm and mount all enlisted men belonging to the cavalry of any regiment arriving there on their way to join their regiment; Col. W. E. Woodruff was assigned to command the Home Guards; Lt. Col. Maxwell, 26th. Regiment Ky. Volunteers, and Lt. Col. Moore, 33rd. Regiment Ohio Volunteers, was to command the Infantry regiment of convalescent soldiers, who were to be sent to their regiment, form them into companies, drill them and hold them for duty; Major Silgraves was to make a general examination of the country in the vicinity of Louisville, with a view of posting forces for the defense of it, and also for forward movements; camps were to be established and increased indefinitely.
17. Democrat, July 18, 1862.
18. War of the Rebellion Records, Vo. XX, p. 229. Also the following letter was sent to Rosecrans by Boyle, Nov. 3, 1862: "The rebel Morgan was at Hopkinsville on Oct. 31, arresting the union civil officers to take them south. If he has gone, he left Woodward there to do the work. Can you not order one of the regiments you have at Bowling Green to Hopkinsville, and send cavalry after the rebel band?"
19. Smith, p. 627.
20. The Lt. Gov. had died early in Magoffin's term, and his successor had to be the Speaker of the Senate. John F. Fiske held that office, and he was not accept-

able to Magoffin. An agreement was made previous to July 28, that if Magoffin would resign, Fish would also resign, and clear the way for a man acceptable to the Governor; this man, it was agreed should be Jas. F. Robinson, of Scott county.

21. Smith, p. 627.
22. Ibid. p. 628; also Democrat, Aug. 26, 1862.
23. Democrat, Aug. 18, 1862.
24. Ibid. Aug. 23.
25. War of the Rebellion Records, Vol. XV, p. 232.
26. Ibid, p. 177.
27. Ibid.
28. Ibid.
29. The legislature had met in an adjourned session Jan. 8.
30. The refusal by a union legislature was the first and only time in the history of the State when the use of the House Chamber had been denied for such a purpose; the veto stood 36, for granting the request, and 40, denying its use. Smith says the convention consisted of about 200 delegates from one third of the counties of the State.
31. The Democratic Party, at that time, included those who were mostly in sympathy with the rebellion, yet cherished no thoughts of secession. They were denounced by all union newspapers.
32. Smith, p. 642.
33. Ibid. p. 654.
34. War of the Rebellion Records, Vol. XXXLI, p. 401.
35. Smith, 654.

36. Ibid. Feb. 19, 1865.
37. Speech of Champ Clark, in Congress in acceptance of the Statutes of Benton and Blain, as reported by Kerr's History of Ky. p. 894.
38. Smith, p. 652.
39. Kerr, History of Ky. p. 899.
40. Johnson, History of Ky. p. 370.
41. Ibid. p. 371.
42. Kerr, p. 895.
43. Ibid.
44. Smith, p. 654-55.
45. Ibid.
46. The agreement was not adhered to, for on June 7, 1864, Col. Cunningham at Paducah, commanding the negro troops there, made a raid into Union county and impressed a steamboat of negroes into the federal service. He was accompanied by gunboats to help persuade the owners to consent to the raid.
47. Smith, p. 651.
48. County and district officers were the only candidates for election.
49. Smith, p. 656.
50. Ibid. 657.
51. Ibid, 658.
52. Burbridge was ordered to report to General Thomas, in command of the Department of the Cumberland, and was assigned to duty in the field. After the close of the war, he returned to the State and made his home at Lexington.

THE FREEDMEN'S BUREAU IN KENTUCKY

The Bureau of Refugees, Freedmen, and Abandoned Lands established in Kentucky, as in all the Southern States, by an act of Congress of March 3, 1865, (1) was a natural outgrowth of the military authority which had interfered with civil authority since the withdrawal of Confederate troops from the State in the Fall of 1862. Its excuse for existing was that it afforded federal protection through its military organization to the freed people in the rebel and border states. The Bureau existed from the passage of this act until January 1, 1868(2).

The act which created this institution, which was to play such a THE FREEDMEN'S BUREAU IN KENTUCKY of the South, had its inception in the Senate of the United States as far back as 1863, but the sentiment for such an organization did not reach fruition until March 3, 1865. The original Freedmen's Bureau Act entitled "An act to establish a Department of Freedmen and Abandoned Lands" had its beginnings in the Senate on February 9th. But evidently the title of the act was thought misleading, and on March 3rd, a substitute act entitled "An act to establish a Bureau of Refugees, Freedmen and Abandoned Lands" was passed by both the Senate and House and signed by the President on the same day. (3) But, for various reasons, and chiefly because of a lack of funds, the Freedmen's Bureau was not in active operation in Kentucky until the middle of the summer 1865, and did not arouse the feelings of the people of the state until near the end of the year. (4) Its lack of activity

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The act which created this institution, which was to play such a great part in the reconstruction of the South, had its inception in the Senate of the United States as far back as 1862, but the sentiment for such an organization did not reach fruition until March 3, 1865. The original Freedmen's Bureau Act entitled "An act to establish a Department of Freedmen and Abandoned Lands" had its beginnings in the Senate on February 9th. But evidently the title of the act was thought misleading, and on March 3rd. a substitute act entitled "An act to establish a Bureau of Refugees, Freedmen and Abandoned Lands" was passed by both the Senate and House and signed by the President on the same day.⁽³⁾ But, for various reasons, and chiefly because of a lack of funds, the Freedmen's Bureau was not in active operation in Kentucky until the middle of the summer 1865, and did not arouse the feelings of the people of the state until near the end of the year.⁽⁴⁾ Its lack of activity

during this period can be attributed to the same cause as the delay in its actual establishment.

The act as passed by Congress established at the seat of government, and as a bureau of the War Department, a Bureau of Freedmen, and Abandoned Lands, whose object was the good of the freedmen, and the administration of lands and other property falling to the national government in the rebel states, which had not already been appropriated to other uses. In Kentucky all the activity of the Bureau was directed toward the good of the recent slaves, and was not concerned with the administration of abandoned lands, as there were none within the state. Since the law specifically stated that the Bureau was to be established in the states which had lately been in rebellion, it was considered by many to be unconstitutional and extra-constitutional in Kentucky,⁽⁵⁾ and this was the ground on which most of the opposition to the Bureau was founded. This opposition will be discussed more fully later. The act of March 1865 limited the existence of the Bureau for one year after the rebellion, and since the rebellion was officially declared to be at an end April 2, 1866 by a proclamation of President Johnson, the Bureau would cease to exist April 2, 1867. But a subsequent act passed by Congress July 16, 1866, over the veto of the President, and the mightiest efforts of the border state members of Congress, such as James Guthrie, Senator from Kentucky, continued the Bureau for two years and legally established it in the border states such as Kentucky, Missouri, Delaware, and Maryland, where it was claimed the emancipated slaves needed the protection of the Bureau.

In the beginning we might well examine the various reasons for establishing the Freedmen's Bureau in Kentucky. Surely the original act establishing the Bureau did not authorize, in so many words, the setting up of the "detested institution" in Kentucky, for the act stated that the Bureau would be established in the States which had lately been in rebellion". First let us examine the reasons of the federal government and its official for the establishment of the Bureau in Kentucky. It is possible that many Congressmen and military men thought that Kentucky could be classed as a rebellious state, since there was a Provisional Confederate government set up at Russellville in 1862, and Kentucky was represented in the Confederate Congress. Then again, the purpose of the Freedmen's Bureau was the protection of the freedmen from the ravages of rebel citizens, and the attendant outrages committed upon their persons and property by many who would not be convinced that slavery was a dead institution. In Kentucky, there was a large slave population, and a large number of returned rebel soldiers, the combination of which demanded that some protection be given the former slaves, thus the necessity of the Bureau. But, the patriots of Kentucky took an entirely different view of the matter, claiming that the establishment of the Bureau in Kentucky was not contemplated in the act establishing it, and consequently "it was no business here, and is an unqualified usurpation in the midst of us"⁽¹⁰¹⁾. According to the historian Smith, the Bureau's "right of existence" was based on the plea that the people of Kentucky, a State which has sacrificed

as much to sustain the Union as any other, were not qualified or competent to manage their own internal affairs, a plea insulting their intelligence and integrity" (102). Some excuse for the existence of the Bureau in Kentucky might be found in " the inordinate desire of a certain class of governmental dependents, who, fearing their occupation gone with the cessation of all strife, sought every method to continue a rule of militarism that would perpetuate themselves in power at the expense of the Federal Treasury. The more patriotic and substantial soldiery and officials had returned to the honest occupations and industries of private life. The Bureau men were the shifting adventurers who are ever ready to speculate on the opportunities of the hour without regard to scruple for the character of the work or the methods by which they accomplish it. They were of kinship to the "Carpet-bag fraternity" (103).

Its Organization

The act establishing the Bureau provided that it should be under the care of a Commissioner appointed by the President with the consent of the Senate, with an annual salary of \$4000. This commissioner was empowered to appoint a Chief Clerk with an annual salary of \$2500, to act as disbursing officer, and in the case of a vacancy caused by the disability of the Commissioner, the Chief Clerk would assume the duties of the Commissioner. The act also provided that bond of \$100,000. must be given by the Commissioner, and \$10,000. by the Chief Clerk. The Commissioner under the direction of the President was to create districts of Freed-

men and Abandoned Lands within the rebel states, the number of districts not to exceed two in a state, and each district to be under the supervision of an Assistant Commissioner, with a salary of \$2500, and under a bond of \$10,000. The Assistant Commissioner was empowered to create sub-districts, and within these to provide for the organization of the several counties⁽⁶⁾.

The Commissioner was charged with the general superintendency of the freedmen throughout the several districts; to watch over the execution of all laws, proclamation, and military orders, which in any way concerned Freedmen, to "establish regulations as needed for protecting them in the enjoyment of their rights, promoting their welfare, and securing to them and their posterity the blessings of liberty"⁽⁷⁾. The Commissioner was required to make a full report of the affairs of the Bureau before the commencement of the regular session of Congress to the Secretary of War, who would forward it to the President and thence to Congress; and also to make special reports when requested by Congress or the President.

The Assistant Commissioner was placed under the direction of the Commissioner and in their districts, they were to take possession of all abandoned real estate belonging to disloyal persons, and all real estate to which the United States shall have a title, and were to "rent or lease such to freedmen, or permit the same to be cultivated, used, or occupied by them on such terms as they mutually agree"⁽⁸⁾. The Assistant Commissioner was to see that no freedman be employed on any estate than according to voluntary contract reduced to writing and certified by the Assistant Commissioner

or the local agents in charge of the sub-districts. All contracts were valid for one year (9). The Assistant Commissioners and local superintendents were to act as advisory guardians, "aid the freedmen in adjustment of their wages, or in the application of their labor"(10). They were to take care that freedmen did not suffer from ill treatment, or any failure of contract on the part of others; to act as arbitrators and settle differences among freedmen or with other persons; in case differences were carried before any tribunal, civil or military, they were to appear as friends of the freedmen, so far as to see that the case was fairly stated and heard.

All expenses necessarily incurred by such agents in any district prior to the organization under this act were defrayed by the Secretary of Treasury; the proceeds to the Bureau accrued under the act were to defray the expenses of the department, so as to make it self-supporting, and all proceeds over the actual expenses were to revert to the United States Treasury.

An important duty delegated to the Assistant Commissioner was the employment of freedmen. Whenever the officer could not otherwise employ any freedmen who came under his care, he was to make provision for them with humane and suitable persons at just compensation. The Assistant Commissioners were required to make quarterly reports to the Commissioner, and also to make special reports when called for.

All officers of the Bureau, including the commissioner, assistant commissioners, quartermasters, local superintendents, clerks, and supervising special agents were deemed to be in

the military service of the United States, and as such were liable to trial by court martial, or military commissioner, to be ordered by the commanding general of the military departments. Possible punishment for felony, embezzlement, willful misappropriation of public or private property, oppression of freedmen or any loyal inhabitant, was fixed by a fine not exceeding \$1000 or imprisonment at hard labor for a period not exceeding five years, or by both.⁽¹¹⁾

The enforcement of the act was placed with the President of the United States, who should furnish military or other support needful to carry the act into effect; and enforce its provisions.

Thus the act outlined a definite and seemingly effective organization for the Bureau, but as a matter of fact its organization in the several districts was anything but uniform⁽¹²⁾. The responsibility for this lack of organization was due partly to the energy of the officers in charge and partly to the opposition of the people of the several states. In this connection the "regulators" or Ku Klux played a large part.

Appointment of a Commissioner

Immediately after the passage of the act establishing the Bureau, the attention of President Lincoln was directed to the law, and consideration was given to the appointment of a commissioner. Before the death of Lincoln, he had determined upon the appointment of Major General O. O. Howard, then in the field in command of the Army of Tennessee, who supported Sherman's right in his campaign

against Johnston during the last period of hostilities. On May 12, 1865, President Johnson, by General Order No. 91 carried out Lincoln's desire and assigned General Howard to duty as Commissioner of the Bureau⁽¹³⁾. On May 15th., he entered upon his duties, but Congress was then adjourned and no appropriation was to be had for the support of the Bureau. Therefore, army officers were used to carry on the operations of the Bureau, and various benevolent organizations were depended upon to assist. The first appropriation by Congress was delayed until July 13, 1866, but meanwhile the Bureau was in active operation in all the rebel states and most of the border states.

Organization in Kentucky

From the establishment of the Bureau in May 1865 until June 12, 1866, the states of Kentucky and Tennessee formed one district, under the command and supervision of Major General Clinton B. Fiske, a native of St. Louis, Missouri,⁽¹⁴⁾ with officers at Nashville. Kentucky was divided into two sub-districts: one called the western sub-district of Kentucky, embracing all the counties in the State west of the Kentucky River, except the part of Franklin County west of the river, and the other, the Eastern sub-district of Kentucky, embracing the counties east of the Kentucky River and all of Franklin County⁽¹⁵⁾. Over each of these sub-districts a chief superintendent presided, with offices at Louisville and Lexington respectively. It seemed to be the intention of General Fiske to perfect Bureau organizations in all the counties of the state, but this was probably never done.

Opposition on the part of the people in many of the counties of the State made it impossible⁽¹⁶⁾.

General Fiske's work in Kentucky met with the approbation of General Howard, who wrote in his report to Congress December 1865, that Fiske was "chosen for his fitness for the work assigned him, and has administered the affairs of his district so as to meet my approbation"⁽¹⁷⁾. On the other hand, the efforts of Fiske in Kentucky in behalf of the freedmen was anything but pleasing to the people of the State; and Fiske had no more exalted opinion of the people of the State than they had of him. Of them he said, "There are some of the meanest, unsubjected, and unreconstructed rascally rebellious revolutionists in Kentucky that curse the soil of the country"⁽¹⁸⁾.

Something must be said of the officers in Kentucky who were Fiske's aids. Practically all of those in positions of great responsibility were members of some branch of the military service of the United States, especially of the volunteer organizations. Very few appointments were made in Kentucky until January 1866, when Fiske made an extended visit to the State, for the purpose of establishing agencies and inspecting the condition of freedmen. Among the towns he visited were Frankfort, where he spent five days, Lexington, Louisville, Danville, etc. In all of these places he convened the negroes and attempted to impress upon them their position as freedmen. During his visit he made forty-one appointments; all of them from citizens of the state, except two. In many instances, the county superintendents were civil officers of the counties, such as county judges and sheriffs.⁽¹⁹⁾ Of these appointees he writes: "I have

succeeded in obtaining the services of many first class judicious and popular citizens to act as superintendents at important points. The "Blue Grass" region in in the best of hands. I have consulted General Palmer in the appointment of every agent. (Report of Commissioner, Dec. 1, 1865, Senate Report Thirty-ninth Congress, Dec. 27.)

One of the most famous of his appointments, made on this visit was that of Colonel William P. Thomasson, as Superintendent at Louisville. Of Thomasson Fiske says, "he is an old citizen of good solid character, age, experinece, heart, conscience, faith, and courage. He was formerly in Congress, and is an able lawyer. He will, in the midst of a crooked and perverse generation, discharge his duty fearlessly"⁽²⁰⁾. Colonel Thomasson is famous especially for the Freedmen's court which he established at Louisville, and which attempted to try all cases in Louisville and the surrounding territory which involved Freedmen, thus interfering with the course of the civil law. More will be said of this court later. Even though Colonel Thomasson was highly acceptable to General Fiske, his resignation on March 15, 1866 was "gladly received by the people of Louisville"⁽²¹⁾.

The organization of the State as a whole was not begun until February 1866, and the organization of the eastern sub-district was perfected before any attempt was made to organize and centralize the western district. On February 10, 1866, Brigadier General John Ely, a native of Pennsylvania, was assigned to the district as Chief Superintendent. Ely was an efficient organizer, a man of pleasing personality, "a gentleman of education, of liberal mind and enlarged

views", and possessed of an "earnest desire to conciliate and harmonize" the factions for and against the activities of the Bureau.

Previous to the appointment of General Ely, the affairs of the eastern sub-district were conducted in more or less of a haphazard manner. He found a few counties with superintendents who had been appointed by order of the Assistant Commissioner, and who were doing their best to "attend to the onerous duties"⁽²³⁾ of the departments, but owing to the intense prejudices existing throughout the entire State by a large majority of the whites against the blacks, and the activities of the Freedmen's Bureau, the superintendents were powerless and had done little or nothing except to record cases of outrages and wrongs committed by whites upon the blacks, as reported by the colored people⁽²⁴⁾.

General Ely divided the entire sub-district into twelve parts, and appointed superintendents for each "from among the better class of citizens who applied for such positions and gave them instructions to recommend proper persons to act as agents in their respective districts subject to their orders"⁽²⁵⁾. This system was "found to operate very well" according to General Ely in his report to General Fiske, March 31, 1866. But in some sections the presence of a few troops, under immediate orders of the chief superintendent, was found to be essential to assume the proper respect for the Bureau. General Palmer, then in command of the Department of Kentucky furnished two companies of troops from the 119th. colored infantry, of these, one company was posted at Lexington, and a detail of thirty each at Maysville and

Covington⁽²⁶⁾. The presence of such troops caused a marked change in the attitude of the people toward the Bureau, made its establishment much easier than it would have been otherwise, and afforded protection for the colored people in many counties from the outrages committed by white people, individually and organized as "regulators". General Ely, commenting on the condition of freedmen in Kentucky at this time; in his report to General Fiske, March 31, 1866, says, "The freedmen are in the main well employed at fair wages throughout the district, and were it not for the terrorism incited by lawless bands, there would be no difficulty in finding good homes and employment for all. Many whites are afraid to employ blacks, for fear of "regulators".

As a reward for efficient service, General Ely was relieved of duty on March 20, at Lexington, and assigned to the position as General Supervisor of Affairs of the Bureau for Kentucky, with headquarters at Louisville⁽²⁷⁾. All agents and superintendents were to make their reports direct to his office. The Democrat of March 20 remarks of General Ely: "If we must have a Bureau in Kentucky, we are rejoiced that it will be in the hands of an officer as General Ely has been described to be". It was after this promotion that the organization of the western district was begun. A certain Captain Kennedy had been in charge of affairs at Louisville before this date, but had done little for the advancement of the Bureau and as a result was released. Of his departure from Kentucky, the Louisville Daily Democrat remarks, "Farewell Sweet Captain". Under the regime of General Ely, the organization of the western Kentucky district was begun on a scale

such as he had perfected in the eastern district. Lieutenant Colonel W.S. Babcock of the 12th. United States Colored Artillery (heavy) was appointed March 25, as Superintendent of the Bureau at Louisville⁽²⁸⁾. After these appointments, the people of the western district seemed to be better pleased with the conduct of affairs of the Bureau, and there was not the opposition to the institution as had been, nor was there the interference with the civil authorities as had been under the Thomasson-Kennedy regime.

Enlargement of the Powers of the Bureau

The success of the Freedmen's Bureau was more appreciated by northern Republicans, whose only contact with it was through high sounding reports of its chief officers, than by the people of the South who had seen at first hand, the fruits of this peculiar institution. Aroused by the reports of the numerous outrages perpetrated upon freedmen by the whites of the rebel and border states, members of Congress turned their attention in January 1866 to a program of enlargement of the Bureau. These reports, some of them true and some of them untrue, were to the effect that returned rebel soldiers were persecuting the freedmen of the rebel and border states, and that the intervention of the Freedmen's Bureau was necessary to prevent such outrages.

On January 20, 1866 Senator Trumbull, of Illinois introduced a bill into Congress to enlarge the powers of the Freedmen's Bureau. The bill provided that the President and those connected with the administration of the Bureau be given authority to spend 250 million dollars for the protection

of freedmen in the rebel and border states. It provided an agent in every county of the states concerned, at a salary of \$1500 a year, and addition of 72 clerks for the Bureau, and as many additional Assistant Commissioners as were deemed necessary; making in all an expenditure of \$731,000 for officers⁽²⁹⁾. The act would also give judicial power to the officers of the Bureau in all cases relating to freedmen. All officers and agents of the Bureau would be placed under military jurisdiction. The act would extend the jurisdiction of the Bureau, not only to the states that had lately been in rebellion, but also, would extend it to the border states in which there were freedmen and returned rebel soldiers⁽³⁰⁾. This legally and officially would extend the operations of the Bureau to Kentucky. Efforts and many of the, were made by congressmen from the border states to restrict its operations to the rebel states, but all such amendments were voted down. Senator James Guthrie, of Kentucky, was the leader of the opposition. But despite this opposition, the bill passed the Senate January 25 by a vote of 37 to 10, and the House by 136 to 33. The vote in both houses was a strict party vote, all Republicans voting for the bill, and all Democrats against it⁽³¹⁾.

The famous speeches of Senator Guthrie, Senator Davis and others, in an effort to have Kentucky excluded from the operation of the bill, deserve some attention⁽³²⁾. On January 20, in oratory waxing eloquent, Mr. Guthrie pleaded that Kentucky should not be included in the jurisdiction of the bill. He maintained that Kentucky had been a loyal state, always ready and able to attend to her own affairs, as she had done throughout the war period, that the state had answered to the fullest

every demand made upon her by the federal government, and at the same time maintained a credit better than any other state in the union, or even than that of the United States. He said that Kentucky did not want the relief that the Bureau afforded; that the freedmen were a part of the population of the State and would be cared for as such, and that the State could better take care of its freedmen than the Bureau itself. To this self-sufficiency argument Mr. Guthrie added the argument of economy, pointing out the enormous expense such an enlarged Freedmen's Bureau would entail upon the general government. He saw no reason in the world why Congress should send officers of the Bureau to regulate the relations between citizens and freedmen of Kentucky.

Senator Garret Davis, of Kentucky, gave even stronger arguments for the exclusion of Kentucky from the operations of the Bureau⁽³³⁾. He objected to the passage of the act because a majority in the Senate excluded Senators of eleven states from their seats, for the purpose of securing the passage of this and other measures; because the measure was unconstitutional in proposing to invest the Freedmen's Bureau with judicial power. He said that the proposed act authorized the President to assign to any officer the exercise of judicial power, broke down the partition of the power of the government made by the constitution, and deprived citizens of the right of trial by jury in the civil courts. He objected to it on the grounds that it was a scheme devised to practice injustice and oppression upon white people of the late slave states for the benefit of the freed negroes, and to engender strife between the two races. He states that the enlarged Freedmen's Bureau

involved a profligate, wasteful, and unnecessary expenditure of the public funds, and that this bill was one of a reckless and unconditional series of measures devised by the Radical Party to enable it to hold power and position⁽³⁴⁾.

Senator Saulsbury, of Maryland, also made strong objections to the bill; his chief point being that it meant the support of a worthless and idle negro class at the expense of an industrious white population. He suggested to the senators that they "look around these galleries at any time of the day, and you will see the beneficiaries of the Bureau crowded there and listening to the debates of this body. How many of the honest hard-working whites of this country are there who can afford to come to the city of Washington and sit day after day listening to your deliberations? They cannot afford to do it, but under the protective care of this Bureau, your galleries can be crowded every day with negroes doing nothing to support themselves, but supported out of taxation levied upon the white population of the country"⁽³⁵⁾.

When the measure was presented to President Johnson for his signature, it met the fate of all such measures in the hands of Johnson. Kentucky had the warmest praise for this veto. It was called "immortal" by the Louisville Daily Journal⁽³⁶⁾. Johnson meetings were held in almost every county in the State for several months following this action. A state convention met at Louisville the first Monday of May 1866 to endorse the presidential policy of reconstruction. Kentucky at this time seemed to give Johnson its united support.

There was an attempt to pass this Bureau enlargement act

over the veto of the President, but it failed, the opposition could not muster the sufficient number of votes.

General Howard, Commissioner of the Bureau, anticipated trouble after the failure of the measure, so, on February 23, he sent a letter to all Assistant Commissioners in which he states, "That you may act steadily and firmly in any emergency, you must be prepared for an increased hostility on the part of those who have so persistently hindered or troubled you or your agents; and there may be an increased restlessness amongst the freedmen. The President has assured the Commissioner that he regards the present law as continuing the existence of the Bureau at least a year from now"⁽³⁷⁾. Then he adds these sentiments of sympathy for the freedmen and cooperation with the civil authorities: "Please ascertain and report what steps have been taken in your district by the state and municipal authorities to provide for the absolutely indigent and suffering refugees and freedmen who has been and are being thrown upon the general government for support. Continue to use every possible effort to find good homes for orphan minors who are dependent, and to reduce by means of employment officers, accumulations of people in the different cities and villages, sending the unemployed to find homes and labor. You have succeeded in allaying strife, arranging labor and promoting education amid great difficulties; continue with your utmost efforts to pursue the same course, so as to demonstrate to the people of your district the good intentions of the government, and the complete practicability of the system of free labor"⁽³⁸⁾.

Nothing was done toward enlarging the Freedmen's Bureau by

Congress until the last of May 1866. Then agitation began for another measure similar to the one which had failed in February, with practically the same opposition, the proposed measure passed the Senate June 30, 1866, and was presented to the President for his veto or otherwise. The expected happened, and on July 20, the measure was passed over the veto of Johnson whose already meager popularity had reached its lowest point.

This Freedmen's Bureau act as passed by a republican Congress contained 15 sections. A brief outline of these follow: (1) the Bureau was to continue to exist for 2 years after the passage of this act, (2) the aid and protection of the Bureau was to extend to all loyal refugees and freedmen, as far as was necessary to enable them as speedily as practicable to become self-supporting citizens of the United States, (3) the President was to appoint two additional Assistant Commissioners⁽³⁹⁾. Military men were to be used, and all agents must have been in the military service of the federal government at some time: (4) Salaries; officers of the army were to receive their regular pay, but agents or clerks were to receive from \$500 to \$1200 according to the services required of them, all officers were to be considered in the military service of the United States, and under military jurisdiction. (5) Officers of the veterans reserve corps of volunteer service then on duty with the Bureau were to be retained. (6) The Secretary of War was to issue such medical stores or other supplies as may be needed. (7) The sale of lands in South Carolina to negroes was authorized,⁽⁴⁰⁾ but a limit was placed on the amount sold, not over twenty acres at \$1.50 per acre to one

person. (8) "School farms" in South Carolina were to be sold by the tax commissioners at \$10.00 per acre on January 1, 1867. (9) All negro claims now held to the land mentioned were valid⁽⁴⁰⁾. (10) All land claims were to be examined and passed on by the commissioners of Georgia and South Carolina. (11) Surveys of these lands were authorized. (12) Lands of the Confederate Government was authorized to be sold for the benefit of the Freedmen's Bureau, for educational purposes. (13) The establishment of schools was authorized, provided it involved no cost to the government, but rather by the cooperation of private individuals. (14) Military protection of Bureau officials was extended. (15) All Bureau officials were required to take the oath of allegiance, as required by the first Bureau act⁽⁴¹⁾.

The passage of this act seemed to have struck terror into the hearts of Kentuckians, and aroused their indignation⁽¹⁰⁰⁾. It meant the legal and authorized establishment of the Freedmen's Bureau in Kentucky, while previous to this Kentuckians had considered that the Bureau in the state was unconstitutional, since the act did not, in so many words, include the border states in its scope. The Louisville Daily Democrat remarks: "A glance at it (the act) will show a wholesale authority set upon the country in defiance of civil law, by which the only limit is the will of the agents of the Bureau and Congress. The officials are not amenable to State or Federal Courts, but only to military rule⁽⁴²⁾". Lands are disposed of for the exclusive benefit of blacks, while the men who fought for this union are excluded from the gift, for the nominal price of \$1.50 is really a gift.

All rights are secured by the blacks in the seceded states, and what these rights are, we suppose, are to be determined by the commissioners of the Bureau"⁽⁴³⁾.

On June 12, 1866 Kentucky was made a separate district and Brevet Major General Jefferson C. Davis was assigned to duty as Assistant Commissioner of the district. At the same time, General Davis was the military commander of the Department of Kentucky. It seemed to be the policy of the Bureau all over the South to have the two offices combined. This was said to be necessary because of the need of closer cooperation on the part of the two officers, the military commander of the district, and the commissioner of the Freedmen's Bureau for the district. The use of troops to enforce some order of the Bureau was often necessary, and much quicker results were possible when one officer controlled both the bureau and the troops. Also there was another reason for the combining of these positions, a financial reason. General Howard in his report to Congress November 1, 1866 says: "By union of these offices I am enabled, in numerous instances, to dispense with the services of officers employed in districts and sub-districts where military commanders have been assigned to the charge of the affairs of the Bureau, and thus to relieve the government of expense"⁽⁴⁴⁾.

The administration of affairs under the control of General Davis was as pleasing to the people of the State as could be expected. Under his charge the Bureau did not interfere with civil authority, as it did under the control of General Fiske. This can probably be accounted for by the fact that General Davis spend a great deal of his time in St. Louis,

and away from the State. During his absence, the affairs of the Bureau were largely in the hands of such men as General Ely, whose conduct of affairs was at least acceptable to the people of the State.

General Davis remained in control of both the Bureau and the military department of Kentucky only until February 18, 1867, when he was succeeded by Brevet Brigadier General Sidney Burbank, who remained in charge of the Bureau until its exit from the State on January 1, 1869. Judging from the peculiar absence of orders issued by the Bureau, under the signature of General Davis, we may assume that he was not particularly pleased with the combination of offices, thus his retirement in February 1867.

The activities of the Freedmen's Bureau under General Davis and General Burbank were of diminishing importance. (The Bureau seemed to be directing its efforts more toward establishing schools and hospitals for the freedmen than toward their protection, than it did under the regime of General Fiske.) Every report of the Commissioner at Washington remarks of the reduction of the number of officers. The reason for this reduction in force was probably the fact that laws were being passed by both the Congress of the United States and by the Legislature of Kentucky, which more and more guaranteed the protection and equal rights of the negro. In the annual report of the Secretary of War, November 11, 1867, the Commissioner of the Bureau reports that during the last twelve months 28 agents in Kentucky were discharged, 48 officers of the volunteer service were mustered out⁽⁴⁵⁾.

It was hoped by the officers in charge that by the constant discharge of officers and agents a virtual discontinuance of the Bureau could be effected in February 1868, and instructions were issued by General Howard to that effect. The receipt of this information throughout the State was followed by a large and immediate increase in the number of outrages and crimes perpetrated upon the freedmen by the whites. This caused the Commissioner to modify his order, and bring about a reorganization of the Bureau in Kentucky. This reorganization was effected by July 1868, but fortunately for the people of Kentucky, the operations of the Bureau were greatly curtailed and expenses were reduced about \$48, 983 per year⁽⁴⁶⁾.

The report of General Burbank in October 1868 shows that the Freedmen's Bureau employed at that time only 17 agents, 8 acting surgeons, and 17 clerks in the State, except the Assistant Commissioner⁽⁴⁷⁾. By order of General Howard, all officers of the Bureau were withdrawn from the State January 1, 1869, and Kentucky was free from the operations of the detested institution.

Activities of the Freedmen's Bureau

The Freedmen's Bureau assumed a sort of stepmotherly care over the colored population in the states in which it operated⁽⁴⁸⁾. This care assumed a patronizing guardianship of the negro, his wife and children. The Bureau attempted to control and dictate wages for the blacks, and determine the terms on which the former slaves might be employed by the whites. It also attempted to adjust difficulties between the two races, and to encourage prosecution against the white population for any grievances the negroes might allege⁽⁴⁹⁾. This protection was to continue only until the state governments should pass laws safeguarding the rights of the colored population. The officers of the Bureau and many radicals of the North claimed that this protection was absolutely necessary for the welfare of the negro, while the state authorities viewed it as a usurpation of the power of the federal government, and a violation of the right of the state government, which amounted to the announcement that the state was incapable of caring for its own affairs. It is true that many outrages were perpetrated upon the colored population of Kentucky by whites, but the Kentuckians as a whole seemed to think that since the State of Kentucky had remained a loyal state during the period of the war, it was thoroughly competent to take care of its own negro problem, and did not need or want the help of the federal government.

There seemed to be no settled mode of administration of the affairs of the Bureau in the State⁽⁵⁰⁾. There was an entire absence of system in the general administration of

the Bureau. In some states its officers exercise judicial powers, and in others all cases were referred to the civil authorities. In Kentucky, the officers of the Bureau exercise judicial powers⁽⁵¹⁾. Yet, in other states the Bureau collected the cases and turned them over to the military provost courts. In some states the officers of the Bureau attempted to regulate wages, while in others, wages were determined by the supply and demand for labor in the several sections. In some states, the actions of the Freedmen's Bureau favored the freedmen, in others it favored the planters. However, the activities of the Bureau can well be divided into several definite parts. Besides the attempt to provide general and military protection for the freedmen against the outrages of the whites, the Bureau maintained the Department of Lands⁽⁵²⁾, the record division, a department of financial affairs, a commissary department, and a medical department and also an educational department. Under the administration of General Burbank, a claim division was organized to take care of the claims of the negro soldiers, arising from the war.

The chief activities of the Freedmen's Bureau in Kentucky was connected with the protective care of the negro, made necessary by the many outrages perpetrated upon him by the whites of the State, according to the officers of the Bureau.

Feeling of the Whites Toward the Negroes,
and the Effects of the Freedmen's Bureau
in behalf of the Negroes.

The officers of the Freedmen's Bureau in Kentucky had made various charges that the people of the State badly mistreated the colored population, thereby making necessary

the operation of the Bureau in behalf of the negroes. Many of these charges are undoubtedly true, and on the other hand there is room to doubt quite a few of the charges.

According to General Fiske there was a great need for this sort of care for the colored population, even more so than in Tennessee. In the report of Fiske to General Howard on February 14, 1866, he says, "In Tennessee the people have much more generously treated the unfortunate freedmen, especially the families of fallen soldiers, than have the Kentuckians"⁽⁵³⁾. He further adds, "I rejoice that there are so many persons in the State who treat the freedmen justly and generously, but in different parts of the State there are outlaws who encouraged by the pro-slavery press which daily denounce the government and its officials, make brutal attacks and raids upon the freedmen, who are defenseless, for the civil law officers disarm the colored man and hand him over to armed marauders. In neither Tennessee, Georgia, Alabama, Mississippi, nor Arkansas, where I have had an opportunity of observation, does such a fiendish spirit prevail as in some portions of Kentucky. It has fallen to my lot to officially stand by the death bed of slavery in the United States, and Kentucky's throes are but the aspiring agonies of the great barbarism"⁽⁵⁴⁾.

It is not difficult to understand the position of Kentucky on the question of slavery. The institution of slavery seemed to have been guaranteed by the Federal constitution. Kentuckians had, as a rule, treated their slaves in a humane manner, and as a result had very little trouble with the slave population. Kentucky had remained loyal to the Union

through the period of secession, and then to have this profitable labor institution swept away without one cent of remuneration was more than Kentuckians could understand. It was extremely difficult for Kentuckians to believe that slavery was a dead institution even after the amendment abolishing it had been ratified. They clung to it with tenacity, and insisted that the government should pay them for the emancipated slaves. The whole sentiment of Kentucky was bitterly against the passage of the 13th. amendment, the 15th. amendment or any other measure granting the negro freedom, or political rights of any kind⁽⁵⁵⁾. A great many of the outrages of Kentuckians against the negro is traceable directly to the position of most Kentuckians toward slavery and the attendant results of its abolition. But many of these so-called outrages were caused by the numerous bands of "Moderators", "Nigger-killers", or Ku Klux which inhabited the State of Kentucky and the entire South during the construction period. More will be said about the activities of the so-called lawless bands later.

It may be well just at this point to recall some of these numerous cases of outrages upon the freedmen, and the action of the Bureau in their behalf. An attempt has been made to ascertain the exact number of outrages recorded by the Freedmen's Bureau in Kentucky during the whole period of its existence, but the records are somewhat incomplete, and only a partial account can be given. In 1865, and until March 5, 1866, the records show that there were 60 cases of outrages upon negroes, committed by the whites of the State⁽⁵⁶⁾. This number of outrages for a limited time and in a limited district

was said to be unparalleled in atrocity and fiendishness⁽⁵⁷⁾. There were 23 cases of the most severe and inhuman beating and whipping, 4 cases of beating and shooting, 3 of robbery, 5 freedmen were shot and killed, 2 were shot and wounded, 4 were beaten to death, one was beaten and roasted, 3 were assaulted and ravished, 4 women were beaten, 2 women were tied up and whipped until insensible, 2 men and 3 families were beaten and driven from their homes, and the property destroyed, there were two instances of the burning of dwellings of freedmen, and the inmates shot. Twelve of these were Union soldiers and three women were the wives of union soldiers⁽⁵⁸⁾. This information is said to have been gained through investigation, sworn evidence and observation, on the part of a special inspector for the states of Kentucky and Tennessee, appointed by General Howard for that purpose.

Of the offenses reported, only one was said to be arrested by the civil authorities, and that a case of murder, the murderer was released on bail and no attempt was made to try him. But the Freedmen's Bureau made attempts to bring to justice all these offenders. Of these arrests by the Bureau, the report reads, "Two offenders were arrested by the Bureau agent in Bath County, and while removing them for safe keeping to a military camp, a writ of habeas corpus was issued by Judge Hepperson of the Montgomery County Court, and the men were discharged and set at liberty, he, holding that the Freedmen's Bureau has no legal existence in Kentucky, and that the writ of habeas corpus is not suspended in the State⁽⁵⁹⁾.....The fact should be impressed upon the minds of the people not only that the Bureau has a legal existence

in Kentucky, but that it also has a real one" (60).

From March 5, 1866 to October 30, 1866, there are no statistics available as to the number of outrages committed. However, numerous instances might be recited.

The report of the Secretary of War, November 1, 1867 gives the following list of outrages by whites upon negroes from October 30, 1866 to November 1, 1867: murders-20; shootings -10; rape -11; otherwise maltreated - 270; Total-319; 89 arrests by the Freedmen's Bureau, and there were turned over to the United States Commissioner and by him held for trial before the United States District Court of Kentucky, under the Civil Rights Act.

The report of the Secretary of War made October 14, 1868 gave the following list of outrages for the period November 1, 1867 to October 14, 1868: murders - 26; shootings -30; rape - 3; otherwise maltreated -265; Total - 327. The majority of the last mentioned outrages were laid at the door of the Ku Klux Klan. The report also says that this increase in the number of outrages caused a great exodus from Kentucky. Those offenders who were arrested through the efforts of the Bureau were taken before the United States Commissioner and the United States District Court. It is said that warrants of arrest were easy to procure, but arrests were difficult, because the people of the State concealed, warned and protected the "evil doers".

In the report of General Fiske to the Commissioner at Washington, of February 14, 1866, there is a story of a certain Jordan Finney and family (freedmen) who lived in Walton, Kentucky, and owned a comfortable home. Two of the

daughters were wives of colored soldiers and lived with Finney. Returned rebel soldiers combined to drive this family from the State. They attacked the house three times, abused the women and children, destroyed all their clothing, bedding and furniture to the value of \$500.00, and finally drove them from their home. An attempt was made to bring these returned soldiers to justice, but it failed, as colored testimony could not be received in the courts of the State⁽⁶¹⁾. In a letter from the Bureau agent at Lebanon to General Fiske, the following instance is recited: "The ears of two negroes were cut off by whites near Lebanon; the negroes being unable to obtain any protection. Seventeen negroes were whipped in the streets of Lebanon, and the men who did it were headed by the town marshal!"

In a report of Captain Merrill, an Inspector for the Bureau in Kentucky, made to the headquarters of the Bureau at Louisville, he states that he visited Lebanon, Marion County, Glasgow, Barren County, and given detailed account of the condition of the freedmen in these places and tells of the treatment accorded them by the whites. In Lebanon, he found the feeling against the freedmen very bitter. On the night of March 29, 1866, a house occupied by freedmen was torn down by a party of men numbering from 50 to 75. These men were mounted and disguised. The freedmen, left without shelter, were driven into the street and threatened with violence if they remained in town any longer. The Captain found it impossible to obtain a clue to any of the persons engaged in the outrage. He said that there was a seeming willingness on the part of some, but the outrages were so perfectly

planned and secretly executed as to render detection almost impossible, and these parties informed him that if it were known in town that they had imparted any information that might lead to the detection of any of the party who had torn the house down, their own lives and property would be endangered. People, both black and white, were extremely cautious and guarded. He called on a colored man and endeavored to learn something of the treatment and condition of freedmen in the neighborhood, and was told by the negro that if it were known that he was conversing with him, or had given any information favorable to freedmen, it would cost him his life, and the negro was so frightened that he closed the door upon Merrill, locked it, and ran away. He states that every one with whom he conversed seemed to stand in fear of the self-styled "regulators". He also stated that he could not learn that freedmen had done anything wrong or that they had behaved in any other way than as peaceable and industrious citizens. In Barren County, the feeling toward freedmen and the Bureau was even more bitter than at Lebanon. He learned that several outrages had been committed upon Freedmen, and that the civil authorities did not afford the least protection for the negro. Many of the former slave-owners seemed to think that they had a perfect right to the possession and services of the former slaves, according to the Captain. In this report there is a story of one Green Johnson (Colored), a discharged soldier, who states on Monday April 2, that as he returned to his home in Metcalf county, he was met by one William Johnson (white) who asked him if he was a damn soldier, at the same time pointing a pistol at his head and

ordering him to leave the country on penalty of his life. The negro came to Glasgow for protection. Another negro, John Dorsey, and a discharged union soldier, residing in Metcalf county received a written warning to leave the country by February 20, 1866. He did not leave, therefore, on the night of February 20th., three men disguised, visited his house, and demanded him. Dorsey secreted himself and was not found. When the three men left, Dorsey followed them until they reached the house of a certain David Anderson, who met them at the door, and calling them by name asked them how they disposed of Dorsey. They replied that they did not find him, but "they hounded another damned soldier", putting out his eyes, and leaving him nearly dead⁽⁶²⁾.

Establishment of the Freedmen's Court

Such outrages as these, coupled with the absence of protection of freedmen by the civil authorities of the State caused the Freedmen's Bureau to take further steps toward the protection of the negroes.

This protection by the Bureau was provided for by the establishment of Freedmen's Courts in the summer of 1865. General Howard published the following order at that time:

1. Bureau courts shall be composed of three members, to be appointed by the Assistant Commissioner, subject to the approval of the commissioner, one of whom shall be an officer or agent of the Bureau, and the other two citizens of the county in which the court shall be organized.
2. Bureau courts shall have jurisdiction of cases relating to compensation for labor of refugees or freedmen, and may hear and determine other civil cases between refugees,

freedmen, and others, not involving more than \$300; they may also try offenses committed by or against freedmen, provided the punishment imposed shall not exceed a fine of \$100, or imprisonment at hard labor for 30 days. The judgment of these courts may be enforced by military authority and shall not be obstructed by the law of any State"⁽¹¹¹⁾.

This order was said to be in conflict with the portion of the federal constitution which reads as follows: "In all criminal prosecutions, the accused shall enjoy the right to a speedy and public trial, by an impartial jury of the State and district wherein the crime shall have been committed".

In the organization of courts in the State of Kentucky the provisions of the Commissioners order was not carried out, and courts were often composed of officers of the Bureau only, and in the majority of cases the officers of the court were not approved by the Commissioner, since this was almost impossible, and extremely inconvenient.

On December 26, 1865, by order of General Fiske, Bureau Courts were established "for the adjudication of cases in which freedmen are involved", and such courts were "to exist until the enactment and enforcement of state laws guaranteeing the freedmen ample protection in person and property"⁽⁶³⁾. These courts came into conflict with the civil authorities of the State and as such were condemned by the people of Kentucky. Why should the action of Kentucky Courts be abridged in any way? The courts of the State as a whole, had never been out of operation during the period of the war, and why should other courts now, sponsored by the

federal government interfere with the free course of justice as dispensed by Kentucky juries. The Freedmen's Bureau reasoned that Bureau courts were necessary because the ordinary civil courts of the State excluded negro testimony, and in cases involving whites and negroes, the word of the white man was always considered, while the evidence of the negro was excluded.

Something might be said at this time in regard to negro testimony in the courts of the State. With the passage of the Civil Rights Act in 1866 some assumed that negro testimony would be freely admitted in the courts, but such was not the case. A decision of Judge James P. Harbeson of the Louisville Circuit Court on July 9, 1866 illustrates the attitude of Kentuckians toward negro testimony and the Civil Rights bill. Judge Harbeson decided that the Civil Rights bill was incompatible with the state laws in some of its provisions, and so far inoperative in Kentucky⁽⁶⁴⁾. In the case of a certain Ryan, charged with deadly assault upon a negro, he refused to admit negro testimony, stating that his court was a Kentucky court and Kentucky statutes must rule. However, the Judge regretted that the Kentucky legislature did not pass an act giving free negroes the right to testify in such cases.

Another reason for the refusal to admit negro testimony in the courts of the State was the attitude of the Freedmen's Bureau, which in many cases used poor judgment in ordering the civil courts to admit such evidence. On February 6, 1866, A.W. Lawwill, Superintendent of the Bureau in Mason county addressed a communication to Thomas Daulton, Mayor of Maysville, and also another to a Justice of Peace, "proposing that he

should act as an agent of the said Bureau in the administration of justice, and in such cases admit the testimony of colored men in his court". Daulton replied indignantly to Lawwill's suggestions, then adds, "While not recognizing your rights in the premises, it is respectful to say that in all cases where the laws of Kentucky allow negroes to testify, they are freely heard in my court and never denied the privilege"⁽⁶⁵⁾. Because of the indignities brought upon the whites of the State by the Civil Rights Act, many prominent lawyers⁽⁶⁶⁾ and jurists of the State in January 1869 memorialized the legislature in favor of negro testimony in the courts, in order to relieve the people of the unequal and oppressive act⁽⁶⁷⁾. As a result, a bill providing for the admission of negro testimony was drafted and presented to the Kentucky legislature. On January 22, it was voted down in the Senate by 23 to 3, and on February 2, similar action was taken by the House by a vote of 74 to 15⁽⁶⁸⁾. It was not until 1871 that the united sentiment of jurists of the State seemed to favor the admission of negro evidence⁽⁶⁹⁾. On April 6, 1871, Judge William H. Randall of the Barbourville, Knox county circuit, in his charge to the grand jury, announced his intention to admit negro testimony, as legal under the 14th. amendment to the United States constitution⁽⁷⁰⁾. Similar action was taken by Judge Martin H. Cofer, at Brandenburg, Meade county on May 12⁽⁷¹⁾. At Louisville, a convention of Kentucky lawyers on December 15 and 16 recommended that the State legislature provide for the admission of negro testimony to the same extent as that of the whites, and otherwise amend the law of evidence⁽⁷¹⁾. Accordingly, the legislature

by an act of January 30, 1872 amended the law of evidence and provided for the admission of negro testimony⁽⁷²⁾. With the passage of this act, Judge Bland Ballard, of the U.S. District court at Louisville announced on February 22, that the jurisdiction of the court in all cases arising under the Civil Rights act ceased January 30, 1872⁽⁷³⁾.

The decisions of the Freedmen's courts were nearly always in favor of the freedmen, and seldom in favor of the white men in the case. And in a great majority of the cases the authority of the Freedmen's court came into conflict with the civil courts of the State. The decision of a few cases in the many courts of the State will suffice to show the operation of the institution. On February 3, 1866 James W. Poore, a late federal soldier, was undergoing his examining trial at Harrodsburg before Judge Thomas Edwards, for killing a negro when in a state of intoxication. Captain William Goodloe, of the Freedmen's Bureau made his appearance with a detachment of negro soldiers and presented an order from General Fiske for the custody of the prisoner, presumably to try him before a Freedmen's Court. Because of the presence of troops, the civil authorities were compelled to yield, and the prisoner was taken to Camp Nelson. On February 10, the legislature appointed a committee to present the matter to the Governor, and request him to call on the President to remove instantly from office and command General Fiske and Captain Goodloe, and deliver them to the civil authorities of the State to be tried for their violation of the laws, and that the prisoner be remanded back to the civil authorities for trial. On February 14, the Governor sent to the House a dispatch

from General Fiske, then at St. Louis, saying that he had ordered that Poore be returned to the civil authorities for trial, and that the officials of the Bureau were directed to adjudicate difficulties of colored persons excluded by the civil code⁽⁷⁴⁾.

The Freedmen's Court at Louisville, under the control of Colonel Thomasson in 1866, seemed to attract more attention than any other court in the State. It was constantly in conflict with the civil courts of the city and State, and proved to be very annoying to the white population. Just a few instances of its activities will be enough to indicate its importance. Collins, in his History of Kentucky, gave the following story of this court. On February 18, we are told that the Bureau proved itself a dangerous machine. "In Louisville about two years ago, Dr. Keller was annoyed by a little mulatto boy living near by, who persisted in ringing the doctor's door bell, until Dr. Keller caught him in the act, and switched his legs for it. The mother came up and abused the doctor with the vilest of epithets, which he resented by striking her several times with a whip. For this he was arraigned before the police court, where the case was dismissed. He was then brought before a military court and sentenced to thirty days imprisonment, but was let off before the expiration of the term. Next he was sued for \$5000.00 damages, which case is still pending; and now the Freedmen's Bureau arraigns him and fines him \$50.00"⁽⁷⁵⁾. On February 21, Tom Tindell, who was the proprietor of the Drama Saloon, next to the Louisville Theatre, was arraigned before the Bureau

court for having assaulted a negro who had been a servant at the Tindell home, and had appropriated \$800 of Tindell's money. The complaint was made to Colonel Thomasson, and Tindell was fined \$5 and held under bond of \$200 for four months on good behavior. Tindell refused to pay the fine or give bail, and was sent to a military prison, but later was released⁽⁷⁶⁾.

The most famous episode of the court at Louisville was concerned with the arrest of two negro women by two policemen of the city. These two policemen, Martz and Hipwell, arrested the women on charges of drunkenness and disorderly conduct. Each was fined \$10 and held to a bail of \$400 for three months by the city court. Before the trial by the city court, the negroes were released upon an officer of the Bureau becoming responsible for them, and upon a promise to appear at court the next morning. Instead of coming to the city court, the negroes went to the Bureau court and lodged complaints against the officers. The following day the officers saw the women again and re-arrested them for not appearing in court. They were presented at court and the case disposed of. Then the Bureau arraigned the officers before its tribunal. A number of witnesses were heard, and all of them testified to the disorderly conduct of the negroes. After a considerable amount of loud speaking and threats by Thomasson that he would make the policemen tremble in the boots, the Judge decided that if the negro girls went to the work-house, the officers who made the arrest should be sent to a military prison for the same length of time. Thus, "for doing their duty as officers of the law, these policemen were

arrested in direct violation of the law and carried before an illegal tribunal"⁽⁷⁷⁾. In addition to the suggestion that the officers be sent to a military prison they were fined \$50 and \$15 respectively, and required to give a paid bond of \$500 for their good behavior. This they refused to do, and Martz was fined an additional \$10 for contempt of court. Upon refusal to pay, the officers were sent to military prison, but released immediately. They later appeared before General Palmer, then in command of the District of Kentucky, and were released by him⁽⁷⁸⁾. Many other such instances of obstructing justice might be cited in connection with this most famous of all Freedmen's Courts⁽⁷⁹⁾.

On March 2, two indictments against Colonel W. P. Thomasson were placed with the Louisville circuit court, for obstructing the course of public justice⁽⁸⁰⁾. One of these was for threats and menace by attempting to prevent a witness from testifying in a felony case, and the other indictment alleged that by threats, etc., Thomasson endeavored to prevent policeman Martz and Hipwell from discharging their official duties as policemen in arresting the negro women mentioned before. Nothing came of these indictments, and Thomasson continued his court until relieved of duty by the commissioner of the Bureau.

Many arrests made by the Bureau throughout the State were not tried by Bureau courts, but the persons arrested were brought to Louisville and tried before the United States District court. Arrests became so frequent and often for such trivial offenses, that the United States authorities at Louisville, on November 5, 1867, rebuked the agents of the Bureau for the abuse of their power in arresting citizens

and dragging them off to Louisville for trivial and petty offenses⁽⁸¹⁾.

The Bureau and Labor Contracts

Probably the most helpful activity of the Freedmen's Bureau was that connected with the labor of the former slaves. The Bureau undertook to promote industry on the part of the negro and aid in establishing a successful system of free labor; thus taking care to see that the negro received a proper wage. This activity of the Bureau was begun immediately after its establishment in Kentucky in December 1865. Adjustment of the labor question was one of the first items to receive the attention of the agents of the Bureau. No fixed rates of wages were prescribed in Kentucky as in other states, but negro labor was left free to compete in open labor market. The negro and his employer were allowed to make any trade or agreement satisfactory to themselves, so long as advantage was not taken of the ignorance of the freedman⁽⁸²⁾.

After an Act of Congress March 3, 1865 which provided that the wives and children of negro soldiers should be free, an act that was bitterly condemned by Kentuckians as depriving them of property without due process of law, the Freedmen's Bureau undertook to compell the owners of these families of colored soldiers to pay them wages for all the time that had elapsed since the enlistment of their fathers and husbands⁽⁸³⁾. This action, of course, brought confusion and caused numerous suits to be filed against the owners. Honorable Garret Davis, United States Senator from Kentucky, was one of the

first to suffer from this action of the Bureau. Senator Davis was one of the most unconditional union men of the State, but the Bureau had no favorites, except the negro. A suit was brought against him for the wages of former slaves, but nothing came of it. Suits of similar character were brought against many citizens of the State, but all of the State, but all of them amounted to nothing except to exasperate the people and cause them to detest the Bureau.

After the release of the slaves from their owners, it was expected that much unemployment would prevail. The Bureau recognized this, and made efforts to persuade and force the freedmen to seek and get employment. The following circular is of interest in this respect: ⁽⁸⁴⁾

Headquarters of 2nd. District, Lexington,

Sub-district, Lexington, Ky., July 19, 1866.

To the Freedmen of the Second District, Lexington Sub-district:

Complaints have been made to these headquarters that there are a large number of freedmen (men, women and children) living in cities and towns of the district, who are out of employment, living in a state of idleness and poverty. All such are advised to seek employment and homes in the country without delay. Many can obtain employment by proper exertion on their part, or by applying to the agents of the Bureau. Those who do not find employment within a reasonable length of time from this date will be arrested as vagrants, and if found guilty will be punished as such.

All civil officers are earnestly requested to report to the agents of the Bureau the names of all those idling

and loitering about the cities and country without some visible employment.

The freedmen of the district will receive the aid and protection of the government in all honest endeavors to ameliorate their condition, but laziness and idleness will not be tolerated. You must be industrious and economical, and not become a burden upon the citizens or honest hard-working freedmen of the district. You must educate your children, and teach them habits of honesty and industry. Direct your efforts so as to receive the co-operation and assistance of your late masters, who will, no doubt, sustain and aid you in all well directed efforts to render you prosperous, intelligent, and happy.

(Signed) Jas. H. Rice, Brevet Lt. Col. U.S.V.
Supt. 2nd. District, Lexington Sub-district.

This circular provoked the ire of the Louisville Democrat which remarks: "All this is very well; but then, is it not contrary to the Civil Rights bill? Are not these negroes American citizens; and if so, what right has anybody to order them about in this way? We don't know how it is - don't comprehend the situation at all. If these people are fit to be free, this circular is not in order; if they are not fit to be free, then there is a good deal out of order" (85).

In order to insure the negro a living wage and make certain that he be treated fairly, the Bureau attempted to have all contracts between freedmen and whites reduced to writing, and recorded by the Bureau officials, but with

little success. It has been estimated that only about one out of every ten contracts were thus recorded. The whites would not consent to this action of the Bureau officials. They claimed that they could get the freedmen at a much lower wage than the Bureau officials advised them to take. The freedmen were persuaded to believe that a verbal contract was sufficient, then the employers would quarrel with them and discharge them without pay, and falsify the terms of the agreement, was the accusation of the Bureau⁽⁸⁶⁾. The reports of the Commissioner do not always give the number of labor contracts entered into and recorded by the Bureau. In order to give some idea of the number of contracts entered into, and the amount of money paid to the negroes, we will quote an item from the report of the Assistant Commissioner to the 40th. Congress in October 1868, The number of contracts made and approved from January to June, 1868 was 96; the number of persons contracted with was 119; the wage per month was as follows: \$12.50 for males, \$6.75 for females, these included rations and quarters⁽⁸⁷⁾.

Hospitals For Freedmen

Because the civil authorities of the State made no provision for the care of the health of the freedmen, the Bureau put into operation hospitals and dispensaries for the benefit of the colored race. The largest hospital in the State was located at Louisville, and patients from all over the State were admitted to it. Dispensaries were located at Louisville, Covington, Mt. Sterling, Paducah,

and Owensboro, the one in Paducah being discontinued December 1867, Mt. Sterling, May 1868, and Lexington, July 1868. Efforts were made from time to time to induce the civil authorities to take charge of these, but without success. The hospital at Louisville was discontinued July 16, 1868. In addition to the hospital, the Bureau maintained at Louisville an orphan asylum, which was continued after the removal of the Bureau from the State (88).

The following is a condensed report of the medical division of the Freedmen's Bureau during its existence in Kentucky:

Medical Organization in Kentucky

1865 - Ky. and Tenn.

Commissioner Medical Officers	Private Physicians Employed	Hospital Attendants	No. Hos- pitals	Capacity	Asylums, Colonies, and Dis- pensaries
1	5	None	1	20 beds	4
1	4	1866 11	1	80	1
2	10	1867 32	1	180	5
1	12	1868 29	1	169	5
0	6	1869 7	1	-	5

(90)

Number of Freedmen Treated, Died, etc.

Date	Treated	Died	Remaining
Oct. 31, 1865 to Aug. 31, 1866	13667	479	124
Aug. 31, 1866 to June 30, 1867	13393	138	409
July 1, 1867 to June 30, 1868	11964	256	619
July 1, 1868 to June 30, 1869	5830	92	None

The Commissary Division

In accordance with instructions from the War Department, the Bureau began in June 1865 to issue rations to the freedmen in the State. The following is a summary of the number of rations issued from June 1, 1865 to September 1, 1869 (September 1, 1868 to January 1, 1869 missing)

Rations Issued to Freedmen: (91)

June 1, 1865 to Sept. 1, 1866-----	322, 074
Sept. 1, 1866 to Sept. 1, 1867-----	69, 102
Sept. 1, 1867 to Sept. 1, 1868-----	85,495
Jan. 1, 1869 to Sept. 1, 1869-----	6,465

Rations were also issued to refugees as well as to freedmen, but this was not done to any great extent in Kentucky, so the statistics are omitted from this table. Clothing was also distributed to freedmen of the State;

this clothing being given to the Bureau by individuals and by benevolent organizations.

The Bureau and Schools for Freedmen

Another important activity of the Freedmen's Bureau was the establishment of schools for the education of freedmen in the State. The act establishing the Bureau stated that schools may be established so long as they did not involve any expense to the government. However, the Bureau undertook to care for these schools even though it did not support them financially. The chief financial support came from various benevolent societies, and individuals of the State who were kindly disposed toward the colored population. Also many of the schools for freedmen were supported and fostered by the various religious denominations of the State, and in many cases, the schools were conducted in the church buildings. In addition, some schools were supported by freedmen themselves, and taught by negroes. The Bureau undertook to afford protection for these schools; and such protection was in many cases sorely needed if the schools were to continue, for the citizens of the State as a whole were hostile to the establishment of such schools, and especially since the Bureau afforded them protection. A great deal of Ku Klux activity was directed toward the destruction of these schools, and many of the teachers were driven from the State (92).

Beginning in 1866, the Bureau made strenuous efforts to establish a well organized system of education for the former slaves, after it was seen that the Kentucky legislature was

not disposed to make any provision for the education of these freedmen. The estimate of the Bureau for 1866 included the item of \$1800 for the salary of a Superintendent of Schools, and Reverend D.K. Noble of the Methodist Church (South) was appointed Superintendent of Freedmen Schools, with offices at Louisville. He was to devote his whole time to his work, and all Bureau officials of the State were requested to cooperate with Reverend Noble⁽⁹³⁾. Assisting The Reverend Noble in the work of establishing schools for freedmen was The Reverend R.S. Gardinier, an itinerant minister of the Methodist Church. His duty was not only to establish schools for freedmen and procure suitable teachers, but to take general oversight of the churches composed of freedmen⁽⁹⁴⁾.

It is very difficult to ascertain the exact number of freedmens' schools located in the State at different times during the existence of the Bureau, since the number was constantly changing, due to the time of the year, and also to the activity of the Regulators, and the opposition in the various localities. The following is an exact^a summary of the number of schools, teachers, pupils, etc., as could be obtained:

Dec. 1865: (For Ky. and Tenn.)	No. of schools ---75
	No. of teachers --264
	No. of scholars---14,768
Feb. 1866:	No. of schools -----33 (All taught by negroes)
June 1866:	No. of schools -----96
	No. of teachers-----
	No. of scholars-----5921

- 1867: The Report of the Commissioner does not give the number of schools, but it states that the schools of the State were in a flourishing condition, and more were being established.
- 1868: The Bureau began to finance schools for the freedmen. During the year, 31 school houses were erected by the Bureau. 20,000 pupils were in attendance⁽⁹⁵⁾. There were in operation within the State on Oct. 5, 136 schools, with 21 white teachers and 144 colored teachers, and 6022 scholars. The cost of building the 31 schools was \$21,648.00⁽⁹⁶⁾.
- 1869: Day schools-----354 Teachers---377 Pupils--15,022
Sabbath schools--170 Teachers---993 Pupils--11,244

The Bureau also provided Normal school facilities for the Freedmen. April 6, 1868, a negro Normal was dedicated in Louisville. The building stood at the corner of 14th. Street and Broadway, and was at that time one of the largest and finest school structures in the city. It was erected by the Federal government at a cost of about \$25,000 and was known as the Ealy Normal School, after General John Ealy, of the United States Army, and a devoted friend of the freedmen.

Finances of Freedmen

The Bureau undertook to teach the freedmen the habit of thrift, and assumed a guardianship of finances for the negro. The Savings Bank and Trust Company for Freedmen was chartered by Congress in December 1865, with the main office at New York, and branches at Vicksburg, Wilmington, Norfolk, Newbern,

Louisville, Huntsville, Memphis, Nashville, Washington, Savannah, Mobile, Charleston, Richmond and Beaufort⁽⁹⁷⁾.

On January 1, 1866, the deposits in the principal office at New York amounted to \$201,126.55, and at the branches the total was \$28,531.07. The Louisville Branch was second in the list, with deposits amounting to \$4,895.15, Vicksburg being first with \$5,087.00⁽⁹⁸⁾.

The Discontinuance of the Bureau

From the establishment of the Bureau in Kentucky, it seemed to be the purpose of the majority of the people of the State to have it removed. Some had the idea that if the Legislature of Kentucky would enact laws favorable to negroes, the federal authorities would remove the troublesome piece of furniture, (chief among these proposed laws was one granting freedmen the right to testify in the state courts), others sought to force the removal of the Bureau from the State through the means of terrorism; this was the idea of the Regulators or Ku Klux Klan, and other secret bands who took the law within their own hands.

The State legislature was active in passing resolutions calling on the President to remove the Bureau. There was scarcely a session passed, but some resolution was presented. The sentiment of all of these petitions were about the same. The resolution of the House passed January 17, 1866 pointed out four reasons why the Bureau should be removed from the State: (1) That its establishment was a gross interference with the rights of the people and strictly unauthorized by the act of Congress creating the Bureau, (2) That the people of Kentucky, by reason of their intimate knowledge of the

negro character understood best what legislation was necessary for the future welfare of the negroes of the State.

(3) That the legislature felt no disposition to legislate in any spirit of oppression against the negro population, but was only desirous of enacting such laws as would protect the negroes in their rights and comply with their obligations. (4) That the Bureau was justly odious to the people of Kentucky, and its continuance in the State would only work to the detriment and injury of the negro population.⁽¹⁰⁴⁾ In presenting this resolution to the President, the Legislature claimed to have "enacted laws for the colored population characterized by justice and humanity, suited to their present condition and necessary and proper for their welfare"⁽¹⁰⁵⁾. Each of these resolutions drawn up by the legislature included a section asking that the President revoke the order suspending the writ of habeas corpus, although this did not cause the trouble that would be excited, since many judges of the courts of the State operated their courts on the assumption that the act of the President suspending the writ was unconstitutional, and therefore it was actually in effect in a great many of the courts of the State.

On February 8, 1866, Prentice, Henderson and Osborne, Publishers of the Louisville Daily Journal addressed a letter to General Palmer, then in command of the Department of Kentucky, asking him to use his good offices to restore the writ of habeas corpus, and remove the Freedmen's Bureau from the State. On February 9, Palmer replied, and stated reasons why the Bureau should remain within the State. He stated that there were more than 20,000 people of the State who were in arms

against the United States, and who had returned to the State with the avowed purpose of overthrowing the government, therefore, it was necessary that the writ of habeas corpus be suspended. He said that the courts of Kentucky, in many cases, permitted themselves to be used as mere instruments of the vengeance of those hostile to the country, and the government could not neglect the duty of protecting all people of the State, especially those who have periled their lives in its defense, meaning, of course, the negro soldiers. He also mentioned the fact that under the existing laws of Kentucky, the former slaves had neither rights of citizens or aliens, and adds that of the many outrages committed upon negroes, he was unable to hear of a single instance in which the civil authority had punished the aggressors. General Palmer said that the Bureau would be removed as soon as freedmen were admitted to the courts as suitors and witnesses⁽¹⁰⁶⁾.

The Commissioner of the Bureau at Washington, under the direction of the Secretary of War, hoped to effect a virtual discontinuance of the Bureau in Kentucky in February 1868. Instructions were issued to that effect throughout the State, but the "receipt of this information was followed by an immediate and large increase in the number of outrages and crimes perpetrated upon the freed people. It was, therefore, found necessary to modify the proposed action"⁽¹⁰⁷⁾. However, in July 1868, a reorganization of the Bureau was made, but the number of officers in the State was greatly reduced.

The Freedmen's Bureau was not discontinued in the State until it was brought to a close in the entire South. An act of Congress, July 25, 1868, required the Commissioner to cause

the Bureau "to be withdrawn from the several states within which the said Bureau has acted, and its operation, excepting the educational and bounty division, to be discontinued on the first day of January 1869"⁽¹⁰⁷⁾. In Kentucky, notice was given to officers, agents and clerks that their services would not be needed after December 31, 1868. The freedmen were informed that they must look to the civil magistrate for the protection of their rights and the redress of their wrongs. Disbursing officers were instructed to settle all outstanding accounts and sell all public property no longer needed⁽¹⁰⁸⁾. Thus, on January 1, 1869, Kentucky and the South was rid of the Freedmen's Bureau, and the government of the State of Kentucky was again entirely in the hands of the people of the Commonwealth.

Concerning the reason for the discontinuance of the Bureau on January 1, 1869, the Louisville Daily Democrat of November 26, 1868 publishes an editorial with the caption, "Exit the Freedmen's Bureau", which states the following: "During the war, and for a few months thereafter, the Freedmen's Bureau was a necessity of the times. It soon, however, ceased to be, and commenced and continued to be an unmitigated nuisance and curse to both races and doubtless would have been discontinued by Congress at least 2 years ago, but for its necessity as a political machine, for manipulating and controlling the negro vote of the South, until the Southern States would be saddled with negro governments, and the election of the radical candidates for the Presidency would be secured. These results have been accomplished⁽¹⁰⁹⁾, therefore, there is no longer a necessity for the Bureau. The Southern people do not think it should have an 'honorable discharge'" (110).

Biographical Notes

1. House Report, 38th. Congress, 2nd. Session, Doc. 9.
2. Senate Report, 41st. Congress, 1st. Session, Doc. 2.
3. House Report, 40th. Congress, 2nd. Session, Doc. 30.
4. Louisville Daily Democrat, Dec. 15, 1865.
5. It was "Legally" established in Kentucky July 16, 1866 by an act of Congress of that date.
6. House Report, 38th. Congress, 2nd. Session, Doc. 9.
7. Ibid.
8. Ibid.
9. Ibid.
10. Ibid.
11. Ibid.
12. Report of Special Inspectors appointed by General Howard, given March 15, 1866.
13. House Report, 40th. Congress, 2nd. Session, Doc. 30.
14. House Report, 39th. Congress, 1st. Session, Doc. 11.
Also Louisville Daily Democrat, January 7, 1866. The report of the Secretary of War, 1866, Page 705, states that after June 12, 1866, General Fiske was assigned to duty as District Commander of Troops in Tennessee, and finally mustered out of service, September 1, 1866. Brig. Gen. J. R. Lewis succeeded him as head of the Freedmen's Bureau in Tennessee, Kentucky was made a separate sub-district.

At this point it is interesting to notice the work of Fiske among the negroes, which must have been very intimate, if the newspapers are to be depended upon. The following are extracts from a speech of George

Washington Jackerspades, of color, to a meeting of freedmen in Louisville, January 16, 1866, as reported by the Democrat of January 17:

"He (General Fiske) told us, ladies and gemmen, feller citizens, dat ob right all de lands in de Souf belong to us. You hear dat. Yes, sar, and I tells you dat if dar was a few mor white men wid nigger hearts, like our respected friend Ginral Frisk, we had dem lands.... Fact tis, I would like to hab a plantation down on de Massissip river with a few of dese dam rebs to work for me....He tell us dat when one of dese dam rebs poke his head up (dat means when he sass collud gemmen or lady) just shoot him on de spot....He (General Fiske) is the only white man dat I eber see who was fit to be a nigger. He ben to my house, de Ginral hab, he set long side my ole omen at de dinner table, he pat my sun, Gump, on de hed and say, 'Sunny, you grow big arter while, kill lots dam white trash'. He kiss my little Tebisyann, and say, 'Brudder Sam, dis nice little gal ob yourn - you send her to school arter while- she make nice wife for my sun'. You hear dat." (Great applause). "He tell us to work or let lone, just as we please, dat every ting belong to us anyhow. And he say he be dam ef ne gwaine to let dem white trash make vagrous laws for us - you hear dat... Now I want you all to go home and pray dat if the Lord can't change Ginrals skin in dis world, dat he may always keep as black a heart as He got now, and when he come to die to gib him a seat in heaben longside de niggars he hep so well in dis world."

15. This is the manner in which all orders and proclamations of the Bureau are addressed from May, 1865 to June 1866. The counties in the Eastern Sub-district were: Kenton, Pendleton, Mason, Fleming, Nicholas, Bourbon, Grant, Gallatin, Greenup, Carter, Franklin, Woodford, Fayette, Montgomery, Morgan, Johnson, Madison, Estill, Wolfe, Magoffin, Campbell, Bracken, Harrison, Rowan, Scott, Bath, Boone, Lewis, Boyd, Owen, Jessamine, Clark, Powell, Lawrence, Breathitt, Owsley, Floyd, Pike, Boyle, Lincoln, and Mercer.

16. Officers of the Freedmen's Bureau in Kentucky:

Commissioner: Maj. Gen. O. O. Howard, Office at Washington, D.C.

Assistant Commissioners in Kentucky: Brevet Maj. Gen. Clinton B. Fiske, for both Tenn. and Ky. Office at Nashville, May 15, 1865 to June 12, 1866.

Brevet Major General Jefferson C. Davis, office at Louisville, June 12, 1866 to Feb. 18, 1867.

Brevet Brig. Gen. Sidney Burbank, office at Louisville, Feb. 18, 1867 to Jan. 1, 1869.

Chief Surgeon: Dr. R. A. Bell.

Chief Supt. for Kentucky: Brig. Gen. John Ely (Appointed April 1866, formerly Supt. of Eastern Sub-district of Ky.)

Supt. of Eastern Sub-district: (After April 1866) Col. Chas. G. Bartlett.

Supt. of Western Sub-district: (After April 1866) Col. W.S. Babcock.

Officers attached to Louisville Office: Col. W. P.

Thomasson, Capt. Kennedy, Major Bailey, Col. Ben P.

Runkle, Capt. Wm. H. Merrill, Asst. Inspector for Ky.,

W.D.B. Morrill, Claim Agent.

Officers attached to Lexington Office: Capt. Wm. Goodloe, Assistant Inspector; L.L. Pinkerton, Supt. of Fayette County.

Superintendents: Capt. A. W. Lawwill, Mason County; Capt. Jas. W. Read, Harrison County; Capt. Henry C. Hastings, Bourbon County; Lt. Geo. W. Kingsbury, Cumberland County (Burkesville); Lt. Bailey, Henderson County; Thos. Rice, Madison County (Richmond); C.P. Oyler, Kenton County (Covington); Judge Samuel A. Spencer, Green County; E.P. Ashcraft, Meade County; R. W. Thwing, Warren County; John B. Riggs, Barren County.

Supt. of Freedmen's Schools: Rev. T. K. Noble, Office at Louisville.

Chief Clerk and Disbursing Officer at Washington:

Brig. Gen. Geo. W. Ballock; Assistant Disbursing Officer: Maj. J. M. Brown.

17. House report, 39th. Congress, 1st. Session, Doc.11.
18. Senate Report, 39th. Congress, 1st. Session, Doc. 27.
19. Ibid.
20. Ibid.
21. Louisville Daily Democrat, Mar. 16, 1866.
22. Ibid. Mar. 20, 1866.
23. Ibid. May 2, 1866.
24. Ibid. May 2, 1866.
25. Ibid.
26. Ibid. March 26, 1866.
27. Ibid. March 26, 1866.
28. Ibid.

29. Ibid. Jan. 23, 1866.
30. Ibid.
31. Rhodes, History of the United States, P. 571. The Louisville Daily Democrat given the Senate vote 37 -8.
32. Louisville Daily Democrat, Jan. 21, 1866.
33. Ibid. Jan. 26, 1866.
34. Ibid.
35. Ibid. Jan. 24, 1866.
36. Louisville Daily Journal, Feb. 27, 1866.
37. Ibid. Feb. 26, 1866.
38. Ibid.
39. Kentucky was made a separate department, and one of these Assistant Commissioners placed in charge. Maryland was given the other.
40. By General Sherman's Special Field Order No. 10, 8000 acres in South Carolina had previously been offered to negroes at \$1.50 per acre. This land was in the parishes of St. Helen, St. Luke, Hilton Head, and Bay Point.
41. Louisville Daily Democrat, July 21, 1866.
42. This refers to section 14, which follows: "That in every State or district where the ordinary course of judicial proceedings has been interrupted by the rebellion, and until the same shall be restored, and in any State or district whose constitutional relations to the government have been practically discontinued by the rebellion and until such States shall be restored in such relations and shall be duly represented in the Congress of the United States, the right to make and enforce contracts, to sue, be parties and give evidence to in-

herit, purchase, have, sell, hold, and convey real or personal property, and to have full and equal benefit of all laws and proceedings concerning personal liberty, personal security, and the acquisition, employment, and disposition, of estate, real and personal, including the constitutional right to bear arms, shall be secured to and enjoyed by all the citizens of such state or district, without respect to race or color or previous condition of slavery, and whenever, in either said state or district, the ordinary course of judicial proceedings have been restored, and until such states have been restored in their constitutional relations to the government, and shall be duly represented in the Congress of the United States, the President shall, through commissioners and officers of the Bureau, and under such rules and regulations as the President through the Secretary of War, shall prescribe, extend military protection and have military jurisdiction over all cases concerning the free enjoyment of such immunities and rights, etc.....

43. Louisville Daily Democrat, July 1, 1866.
44. Report of the Secretary of War, Nov. 1, 1866, P. 705.
45. Report of the Secretary of War, Nov. 1, 1867, P. 705
46. Ibid, Oct. 14, 1868
47. Collins Annals of Kentucky, Vol. 1, P. 192. The Report of the Secretary of War, Oct. 14, 1868, gives 19 clerks employed at this time.
48. Smith, History of Kentucky, Vol. 1, P. 755.
49. Ibid.
50. Louisville Daily Democrat, Aug. 17, 1866, the Report of

Maj. Gen. Jas. P. Steedmen, and Brig. Gen. J. S.

Fullerton, appointed by Gen. Howard to investigate the condition of the Freedmen's Bureau in the South.

51. Ibid. Kentucky was the only state where this was done, because the States in the South were in the hands of "Carpet Baggers"; and since there was more or less of kinship between the Bureau and this institution, the state governments tried all cases to the satisfaction of the Bureau.

52. This department did not function in Kentucky, since there were no abandoned lands in the State.

53. Journal of 39th. Congress, 1st. Session, Senate Doc. 27.

54. Ibid.

55. The vote of the Kentucky Legislature against the 15th. Amendment on Mar. 13, 1869 was 27-6 in the Senate, and 80-5 in the House. The Civil Rights Bill met practically the same fate, and was decided unconstitutional in many of the courts of the state, among them was the decision of Judge Harbeson, of the Federal Court at Louisville on July 16, 1866.

56. Louisville Daily Journal, Mar. 26, 1866. The Report of F. Bonsteel, Special Inspector for Ky. and Tenn., made to Gen. Howard.

57. Ibid.

58. Ibid.

59. The Act of Habeas Corpus, suspended by President Lincoln, had not been restored at this time.

60. Ibid.

61. Senate Report, 39th. Congress, 1st. Session, Doc. 27.

62. Report of Fish to Howard, in the Report of the Secty. of War, Nov. 1, 1866, P. 748.
63. Senate Report, 39th. Congress, 1st. Session, Doc. 27.
64. Collins, Vol.1, P. 173.
65. Ibid. P. 169.
66. Ibid. P. 194. Judge Samuel S. Nicholas, Henry J. Stites, Joshua F. Bullitt, Wm.S. Bodley, Thos. E. Bramlette, P.B. Muir, and Isaac Caldwell.
67. Collins, Vol.1, P. 194.
68. Ibid. P. 200.
69. Ibid, P. 212. Judges Wm. S. Pryor of the Frankfort circuit, Horatio W. Bruce of the Louisville circuit, J. Crepps Wickliffe of the Bardstown circuit, and others declare on the bench in favor of allowing negro testimony.
70. Ibid. P. 214.
71. Ibid.
72. Ibid. P. 221.
73. Ibid. P. 222.
74. Ibid. P. 168.
75. Ibid. P. 170.
76. Democrat, Feb. 22, 1866
77. Ibid. Feb. 15, 1866.
78. Ibid.
79. Some cases presented to the Bureau by the negroes were very amusing. The Democrat of April 5, 1866 gives the following: " A negro woman who had washed and ironed a half dozen pieces and only charged the moderate sum of \$7.50, for a 'fair damsel', a resident of Hancock Street, upon application for payment was refused, and the negro

applied to the Bureau. Col. Babcock, as usual in such cases, addressed a polite note to the party, requesting her to pay the woman for her labor, but she, as the negro said, 'reared and snorted, and ripped and swore' that she would not pay it, and the Bureau might go to ---, a climate celebrated for its high temperature, for what she cared. "An' den I leff, kase I knowed dar was one place wher she could be made to pay, and dat's de buro, an' I just come right here, and I wants my money kase I ain't a gwine to lose any more of my time foolin' wid dat 'oman, now'."

80. The first was in a case of Mary Warren, a negress, who was indicted by the grand jury of the circuit court for larceny. The principal witness was C.W. Mills. The indictment alleged that Thomasson, by threats and menaces wilfully and knowingly intimidated the witness from giving his testimony before the court. (Democrat, Mar.2, 1866).
81. Collins, Vol. 1, P. 182.
82. Senate Report 39th. Congress, 1st. Session, Doc. 27.
Circular of Fiske's, issued Dec. 26, 1865.
83. Battle Perrin, and Kniffen, History of Kentucky, P. 475.
84. Democrat, Aug. 2, 1866.
85. Ibid.
86. Report of the Secty. of War, Nov. 1, 1866.
87. House Document, 328, 40th. Congress, 2nd. Session.
88. Reports of Secty. of War, 1866, 1867, 1868, 1869.
89. Report of Secty. of War, 1868. Commissioner's Report for Kentucky, Oct. 14, 1868.

90. The following orders were issued by the Bureau officials concerning the spread of cholera among the colored population.

Bureau Refugees, Freedmen, and Abandoned Lands,
States of Kentucky and Tennessee,
Asst. Commissioners Office,
Nashville, Tenn., April 2, 1866.

Order that Superintendents of the Bureau in all cities and large towns of Kentucky and Tennessee will institute the most thoroughly sanitary measures to prevent the spread of cholera among the freedmen.

(Signed) Clinton B. Fiske, Bt. Maj.Gen.
Assistant Commissioner.

Headquarters Sub-district of Kentucky,
Louisville, April 7, 1866.

Within the next 15 days every house occupied by a freedman in Louisville and one mile beyond, be white-washed, small ones outside and within, yards, grounds, etc., must be thoroughly cleaned.

Authorized inspectors will visit every part of the city on the 25th., and arrest and bring to punishment all who refuse to comply with regulations.

All freedmen of the city who have not regular and remunerative employment or who cannot procure healthy and economical quarters, are directed to seek the open country.

The medical officer in charge of the Bureau Dispensary, corner Green and Center St., will provide and dispense the best remedies known to arrest disease.

A Freedmen's Sanitary Commission has been organized. It will assess and collect a tax of \$1.00 from each colored person between 18 and 60. The fund will be collected before May 1, and deposited in the Freedmen's Savings Bank, of Louisville, subject to control of the Sanitary Commission, for hospital purposes only. All citizens are urged to cooperate.

(Signed) John Ely, Chief Supt.,
Sub-district of Kentucky.

91. Report of the Secty. of War, 1866, 1867, 1868, 1869.
92. The Report of the Secty. of War, 1868 states that "several schools have been broken up by bands of outlaws. In some instances the Assistant Commissioners have been compelled to send small detachments of troops to protect them!"
93. House Report, 40th. Congress, 2nd. Session, Doc.30 and Democrat Dec. 7, 1866.

94. House Report, 40th. Congress, 2nd. Session, Doc. 30. Concerning the attitude of the people of the State toward freedmen's schools, Rev. Gardinier says: "The freedmen have no better friends that are to be found in all parts of this State, who are ready to lend a helping hand, but throughout the State are those, who are violently opposed to all our efforts. They consider schools for the colored children a terrible nuisance and outrage, and urge their protest against them. They are equally violent in their opposition to our preaching to freedmen -- for doing which, my life has been threatened." At Georgetown, he was taken by a mob, nearly drowned and told to leave town.
95. Report of the Secty. of War, Oct. 14, 1868.
96. Collins, Vol. 1, P. 192.
97. Seante Report, 39th. Congress, 1st. Session, Doc. 27.
98. Ibid.
99. Concerning the fines imposed by the Bureau, Senator Jas. Guthrie in the Senate of the United States, on Feb. 8, 1866, made the following statement: "What is to be done with the fines that are imposed and collected by the Bureau?..... They are to go into the pockets of the officers; they have gone into their pockets in Ky." (Journal, Feb. 13, 1866).
100. As to the effects of this act upon the people of Kentucky, Jas. Guthrie, in the Senate on Feb. 8, 1866 remarks: "We have been plundered by Federal officers who have arrested our people, and compelled them to pay large fines to be released, and we have been

plundered by the rebels when they invaded our state. We have suffered all this, and our patriotism and our loyalty have endured through all these evils. You have not treated Kentucky as a member of this union, and this bill shows the prejudices that exist against her. Kentucky is the only loyal state that is selected by the bill as it comes from the House, for this system of punishment." (Others were included by the Senate, and included in the final bill.) "....." I tell you, gentlemen, that the passage of this system of bills is a dissolution of this union, and you cannot help it. You cannot govern them (Kentuckians) upon this system of government as conquered states." (Journal, Feb. 13, 1866).

101. Journal, Jan. 19, 1866.

102. Smith, History of Kentucky, Vol.1, P. 755.

103. Ibid.

104. Journal, Jan. 19, 1866.

105. Collins, Vol.1, P. 170.

106. Journal, Feb. 10, 1866.

107. Report of Secretary of War, Oct. 20, 1869.

President Johnson vetoed this act, and sent the following brief message to the Senate on July 25, 1868: "To the Senate of the United States: Believing that a bill entitled 'An Act relating to the Freedmen's Bureau, and providing for its discontinuance', interferes with the appointing power conferred by the constitution upon the Executive, and for other reasons, which at this late period of the session, time will not permit me to state, I herewith return the said bill to the Senate, in which

house it originated, without my approval."

108. Report of the Secretary of War, Oct. 20, 1869.

109. This, of course, has reference to the election of
General U. S. Grant to the Presidency.

110. Democrat, Nov. 26, 1868.

Report of Secretary of War, 1865. Commissioner's
Report, P. 15.

From almost the close of the war until the early eighties, Kentucky, as well as the other Southern States, was infested with organized and disguised bands of men who took the law within their own hands. Their vengeance was directed toward those who took advantage of the opportunities offered them to break the laws of the land, and to conduct themselves as unbecoming citizens of a loyal commonwealth; a greater part of their vengeance was taken upon unreconstructed whites, and upon negroes who took their position as freedmen too seriously. These bands received the names, "Regulators", "Nigger-Killers", etc., and in the latter stages of reconstruction, "Ku Klux".

REGULATORS

Shall we inquire why these bands existed, and why there was said to be a necessity for such organizations. Reconstruction brought in its train a great amount of lawlessness by the sympathizers of both sides of the struggle. The civil authorities were more or less powerless to cope with the situation, and many offenses against the peaceful citizens of the Commonwealth went unpunished. In order to enforce laws which were not being enforced by the constituted authorities, these bands of regulators were organized, and sought to force obedience to the common laws of the State and community by a reign of terrorism, or by "Judge Lynch's Court". It is true that the purpose of some of these bands was the redress of private wrongs, and the maintenance of white supremacy in a period when radical northerners were attempting to elevate the negroes to a position of equality in every respect with that of the whites, and sometimes above

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the whites. Their operations were carried on in the utmost secrecy, and their methods corresponded very much with the modern Ku Klux methods.

Because of the secrecy of these bands, it is extremely difficult to obtain much definite information of their organization. It is hardly probable that these Regulators in Kentucky had any connection with the organization of the Knights of the Ku Klux Klan as organized in Pulaski, Tennessee in 1866. The purpose of the Regulators, in the beginning, was serious, and not directed altogether toward the negroes; while the Ku Klux Klan began with anything but a serious purpose, and their efforts were directed at first toward only the negro. It is generally supposed that the Ku Klux Klan was made up of returned confederate soldiers and those who sympathized with their cause⁽¹⁾, but these Kentucky Regulator bands contained both southern and northern sympathizers⁽²⁾. It is probable that many of these local "law enforcers" came to be identified with the organization of the Knights of the Ku Klux Klan about 1868 and after. It was about that time that they came to be called by that name.

Regulator Activities in Kentucky

The chief field for the operation of Regulators in Kentucky was the central portion of the State, including the Blue Grass Region. They were also active in Washington, Mercer, Barren, Warren, Adair and Marion Counties.

The crimes against which the Regulators directed most of their efforts included theft, and especially theft of horses, rape, committed both upon the person of whites and

colored; counterfeiting, and unwarranted attacks upon peaceable persons of the various communities. However, the object of these men seemed to have been the eradication of all forms of lawlessness, and they proposed to do it by a form of lawlessness. Many have wondered which was the most dangerous. In the matter of the extinction of horse theft, they seemed to have been the most successful, and deserving of most praise. In the Louisville Daily Journal we read, "There are now in Marion county several organized bodies of self-styled regulators who claim to have for their object the eradication of horse thieves. Undoubtedly, in some respects, these Regulators have done good. At least we find horse thieves very much afraid of them. A party of them under charge of Captain Scraggs visited the delectable community near Haysville a few nights ago, and warned many men to 'change their course of life' or to expect a rope. Several were notified to leave the county immediately. Three spunky young fellows yesterday constituted themselves a committee of three to arrest the notorious Hardin Montgomery, and ex-confederate soldier, horse thief, and murderer, after whom the authorities have been vainly seeking for more than a year. The chivalric Hardin declined to be arrested by three mere boys, but the appearance of a small colt made him quite docile. Hardin now meditates upon the frailty of human expectations in Marion county jail⁽³⁾.

In a great many instances these regulators broke into jails and took possession of their victims, after the civil law had arrested the violators, and proceeded to meet out justice as they saw it. On June 30, 1868, a certain Samuel Davis, Jr.,

confined on a charge of counterfeiting, stealing, etc., was taken from jail at Harrodsburg and hanged by about 75 Regulators⁽⁴⁾. Again, such instances as the following occurred: On April 28, 1870, while three sons of J. M. Bulloch and a Mr. Bland were planting corn in a field near Rochcastle river, Laurel county, they were attacked by five men, who killed one of the sons, and severely wounded another. On May 13, a band of about 70 Regulators took the five men at 11 p.m. from the jail at London and hung four to one tree, the fifth escaping⁽⁵⁾.

Whipping and hanging seemed to have been the chief mode of punishment used by the Regulators. They would not remain together very long at a time, but would gather for a special purpose, and quietly disperse when that purpose was accomplished. Their activities were conducted with the utmost secrecy. Their purpose was to frighten as well as to punish. They would send anonymous threatening letters, or post threatening notices, and intimidate quiet and law-abiding citizens by riding about armed and disguised⁽¹¹⁾.

It is interesting to recall some of the outrages and punishments inflicted by the Regulators. The following are a few of them:

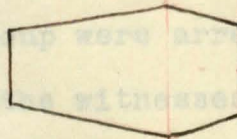
1. Aug. 3, 1867: A certain Nathan Lawson, age 70, was hung by Regulators near Cornishville, Mercer county⁽⁶⁾.
2. Aug. 25, 1867: Joseph Sutherland, who was confined in jail at Harrodsburg, on a charge of rape of a girl of 11 or 12 years, was taken from jail at 1 a.m. to a point 4 miles west, on the Mackville road, and was shot, then hung.
3. Aug. 26, 1867: Leacke Hicks was hung $3\frac{1}{2}$ miles south

- of Danville.
4. Aug. 10, 1867: Two negroes were hung by Regulators near Mackville, Washington county.
 5. Feb. 17, 1876. The Regulators broke open the jail at Danville, at 1 a.m., and took out Ed. Carrier to hang him. They found he was not the man they wanted, so they returned him to jail unharmed. After this, they sought Thomas Carrier at his home near Parksville, Boyle county, and hung him.⁽¹⁰⁾
 6. Many efforts of the Regulators were directed toward the teachers of negro schools. The following is an interesting notice sent to Mrs. L. A. Baldwin, a teacher of Freedmen School, Number 1, Bowling Green, dated April 27, 1868⁽¹²⁾.

Mrs. L. A. Baldwin, Teacher Colored School, Bowling Green, Ky.

Ku Klux Klans

Leave in five days, or Hell's your portion.



Rally, rally, watch your chance

First blood, first premium K.K.K.

If ball, or torch, or poison fails,

The house beneath you shall be blown

to hell, or move you.

K.K.K.

7. Nov. 20, 1869: There was a terrible affray at Somerset, Pulaski county, in which about 40 men were engaged, and 150 shots fired. Three men were killed and one desperately wounded. The difficulty had its origin in the whipping

of a man by a band of Regulators⁽¹³⁾.

8. Dec. 5, 1869: Two negro men were arrested for outraging the person of Miss Dick, near Boydsville, Graves county, and while they were being conveyed to jail, they were seized by disguised men and shot⁽¹⁴⁾.
9. Oct. 16, 1872: In the Eastern part of Shelby county, near North Benson Station, on the L.C. and L. R. R., a band of disguised men, burned the barn of a negro, Lawson Johnson, whom, with others, they had ordered to leave the State; and killed another negro⁽¹⁵⁾.
10. Oct. 4, 1873: A party of about 10 men, in disguise, and with guns and pistols, visited the house of Mrs. Sally A. Bunton, on Benson Creek, Franklin county, near Hardinville in Shelby county, at midnight and searched it for a negro boy, who had gone that day to Anderson county. The men clamored, "Bring out the boy George", and punched their guns under the beds. On Oct. 15, four men, believed to be members of this group were arrested and tried before an examining court, but the witnesses were intimidated and the evidence was entirely circumstantial; therefore, they were discharged⁽¹⁶⁾.

Opposition to the Regulators

Because of the absence of activity on the part of the mass of people of the State, we may assume that the majority of the people were in sympathy with the Regulators, and many of them, members of the different bands. The opposition to the Regulators came largely from the State government and the Federal officials within the State, including the officials of the Freedmen's Bureau. The county and local officials furnished very little

opposition to the activities of the Regulators, in fact many of them were members of the bands⁽¹⁷⁾. The opposition of the Freedmen's Bureau has already been discussed in the chapter dealing with the Bureau.

It seemed that the State legislature was rather dilatory in passing laws to suppress these bands who took the law within their own hands, but the State executive was constantly calling the attention of the lawmakers to the outrages of Regulators, and urging that action be taken to suppress the terrorism. The activities of Regulators did not become a crying evil in the State until the early months of 1867. Before that time the people of the State who were Regulators either did not have an opportunity to bring to "justice" offenders against the peace of the State, due to the constant watchfulness of the military, or there was no desperate need, as the Regulators saw it, for supplementing the ordinary course of the law. On Feb. 21, 1867, Gov. Bramlette, by a special message to the legislature, called attention to the outrages and murders committed by these lawless bands in Mason, Boyle, and adjoining counties "who set themselves up as Regulators to execute lynch law", and suggested that provisions be made for their arrest and punishment⁽¹⁸⁾. The legislature did not act according to the Governor's suggestion and nothing more was done during the administration of Bramlette.

In September 1867, Gov. Stevenson issued a proclamation warning the bands of Regulators, who had "attempted, regardless of all laws, to inflict punishment upon various citizens for real or supposed offenses", that the Governor did not tolerate any such associations of men, but that he proposed to see

that they were brought to punishment⁽¹⁹⁾. On Dec. 2, 1867, the legislature met, and the following day Gov. Stevenson communicated his annual message to that body. He related his efforts to preserve order and put down the Regulators in Boyle, Marion and other counties, and added, "These disturbances originated from private feuds or sprang from an impression in the minds of the Regulators that the laws were not sufficiently enforced; they do not owe their origin to the differences in political sentiment, and are wholly unconnected with antagonism springing out of the late war"⁽²⁰⁾. Again the legislature refused to take any definite steps toward putting down the Regulators. On Aug. 15, 1870, in desperation, Governor Stevenson issued another proclamation "deprecating and discountenancing all forms of lawlessness and appealing to the officers of the law to rigidly execute the laws, and to the people to uphold them in it". He also offered \$250 reward for the arrest and conviction of certain parties found guilty of burning stacks of hay and grain, and farm buildings in Woodford and Franklin counties, and \$500 for the arrest and conviction of persons guilty of killing two negroes August 1, near Versailles. He made the statement in this proclamation that "mob violence is no remedy for either public or private wrong"⁽²¹⁾.

In March 1867, the legislature did undertake means of lessening the difficulties with Regulators, and authorized the Governor to offer \$500 reward for the apprehension of any person engaged in organizing mobs or unlawful assemblages in the State⁽²²⁾. Even though the Governor presented the matter of Regulators in his message to practically every legislative

session, no other law was passed until April 11, 1873, when severe penalties were imposed on those who would send threatening notices or letters, and on those who insisted upon banding together to intimidate or alarm persons, or to do any felonious act, or to go forth armed or disguised⁽²³⁾. None of these laws had much effect on the activities of the Regulators in the State. They continued to operate as if the law had not been passed, and their activities were conducted in such a secret manner that detection was almost impossible. Another reason for the inefficiency of legislation in dealing with Regulators is found in the fact that many of them were officers of the law, and as such, naturally exempted themselves from its operations⁽²⁴⁾. In some cases the State militia was used by the State government to maintain order in the regions infested by the Regulators⁽²⁵⁾.

Regulator Activities at the Close of the Period of Reconstruction

The Regulators probably served a good purpose immediately after the close of the war. The law enforcement powers of the State were weak, and the unusual amount of lawlessness demanded that some means be invented to assure that the State be protected in some measures from the ravages of radical northerners and from negroes who were overjoyous of freedom, and misunderstood their positions as freedmen. But, after the complete restoration of the civil authority in the State, the Regulators seemed to occupy an unnecessary position. Also many unscrupulous men were converting the usefulness of the organization to their own selfish purposes, and in many cases

brought the Regulators into disrepute with those who had in a small way, at least, sympathized with the honest men who were attempting to preserve law and order in the State.

In 1871, the negroes, most of whom feared the Regulators, began to imitate their methods. We might recall some instances of this imitation. On September 29, 1871, in the Pleasant Green neighborhood, Bourbon county, seven radical negroes went to the house of a Democratic negro at 2 a.m. called him out and shot him with bird-shot, because he had voted the Democratic ticket. Also they set fire to a school house in the same neighborhood Oct. 2⁽²⁶⁾. At Harrodsburg, April 28, a mob of 30 or 40 negroes, disguised, took from the jail a young colored man, who was serving out a term of two years confinement for rape on a colored girl 12 or 13 years old, and hung him⁽²⁷⁾. There are several cases of such activity, but these will suffice to show how the Ku Klux methods were being imitated by the negroes. These acts caused Kentuckians, as a whole, to turn in disgust against the Regulators; and as a result regulator activities began to decrease after 1870. Many of the whites of the State sympathized with the negroes who were at this time the chief victims of the Ku Klux. In January 1871, a negro shoemaker, named Cupid, was killed by 17 Regulators near Stamping Ground, Scott county. A few miles away, at Watkinsville, they attacked some negroes and wounded three. The negroes were armed and killed one Regulator and wounded another. The attacking party was finally driven off. A public meeting at Georgetown denounced the outrage, sympathized with the negroes and called upon the State authorities to a rrest and

punish those who made the raid⁽²⁸⁾.

. The press, about this time, was very bitter in denouncing and condemning the Ku Klux outrages. When the people of the State began to frown upon the Regulator activities, they diminished. Ku Klux Klans were probably organized over the State, but were not so active after 1873. However, until late in the nineteenth century, Ku Klux activities were heard of, and as yet probably have not disappeared entirely, but their purpose came to be the control of county and State politics rather than the mere redress of local and individual wrongs, as was the case during reconstruction.

2. Collins, p. 195 states that on March 18, 1868, a band of men who called themselves Ku Klux made an attack at the house of a certain Mrs. Bowen, several miles east of Nicholasville, Jessamine county, and her son, in defending himself, killed one of the disguised men, Lewis Roberts, of Clover Bottom, Woodford county, who was an ex-federal soldier, and a radical, while young Bowen, had always been a Democrat.

3. Journal, Feb. 19, 1868.

4. Collins, p. 191.

5. Ibid, p. 204.

6. Ibid. 181.

7. Ibid.

8. Ibid.

9. Ibid. 182.

10. Ibid. 178.

11. Ibid. 235.

12. Report of the Assistant Commissioner of the Freedmen's

NOTES

Regulators

1. The Freedmen's Bureau assumed that practically all members of these bands were Southern sympathizers. In the Report of General Ely to General Fiske, March 31, 1866, as reported by the Louisville Daily Democrat of May 2, 1866, we read: "These scoundrels are generally returned rebel soldiers of the lowest grade of white humanity, working at no respectable employment; the graduates of the corner groceries and groggeries of this region."
2. Collins, p. 195 states that on March 16, 1869, a band of men who called themselves Ku Klux made an attack at the house of a certain Mrs. Bowen, several miles east of Nicholasville, Jessamine county, and her son, in defending himself, killed one of the disguised men, Lewis Roberts, of Clover Bottom, Woodford county, who was an ex-federal soldier, and a radical, while young Bowen, had always been a Democrat.
3. Journal, Feb. 19, 1866.
4. Collins, p. 191.
5. Ibid, p. 204.
6. Ibid. 181.
7. Ibid.
8. Ibid.
9. Ibid. 182.
10. Ibid. 178.
11. Ibid. 225.
12. Report of the Assistant Commissioner of the Freedmen's

Bureau April 1868, in the Report of the Secretary of War, 1868.

13. Collins, p. 198.
14. Ibid.
15. Ibid. 232.
16. Ibid. 246.
17. Ibid. 225.
18. Ibid. 178.
19. Ibid. 182.
20. Ibid. 183.
21. Ibid. 206.
22. Ibid. 179.
23. Ibid. 246c.
24. Sept. 8, 1867, the deputy sheriff of Boyle county and three others were arrested upon the charge of being Regulators, but released by Gen. Geo. H. Thomas, upon bail to answer any indictment found against them by the federal grand jury. (Collins, p. 182).
25. Aug. 22, 1869, three companies of State militia, 95 men in all, were sent from Louisville to Lebanon to take care of Regulator activities in that section, where they were becoming almost unbearable.
26. Collins, p. 217.
27. Ibid, p. 246c.
28. Ibid. p. 208.

POLITICS OF RECONSTRUCTION

The Politics of Reconstruction

Whether Kentucky went into the war with any Democratic feelings, she emerged thoroughly devoted to Democratic policies, and bitterly opposed to the Radical Unionism of the north. If election results can be taken as an indication of the political leanings of a state, Kentucky was, at the beginning of the war, given over to a state's right policy. This is evidenced by the election of Beriah Magoffin to the governorship in 1860. He seemed to have had the support of the legislature during the period of neutrality, and his resignation in 1864 was not brought about by a hostile people, but by the military authorities⁽¹⁾.

During the course of the war, Kentuckians united politically in the support of the preservation of the union, and Democrats, who were generally thought to be in sympathy with the rebellion, were passive. This change of policy can be attributed to the many outrages by unscrupulous southerners upon the people of the State. From 1862 until the middle of 1864 Kentuckians were thoroughly devoted to the union cause, and the predominant political group in the State was the Union party. The result of all elections in the State until 1863 is testimony of this fact.

With the increase of military authority in the State, the political feeling of the State began to change, and in a measure to oppose the union cause; not that it was opposed to the preservation of the union, but rather opposed to the conduct of affairs by the federal administration. Four reasons for this growing tendency toward the Democratic party and away from a thoroughly Union sentiment might be given: (1) the

conduct of Republicans in regard to the civil rights of the State, (2) a disgust arising from the emancipation of the slaves without any compensation to the owners, (3) the acts of the Freedmen's Bureau, and (4) other proceedings hostile to the governmental integrity of the State (2).

The campaign of 1863, for state officers, attracted a great deal of attention, due to party contentions. At this time, Kentuckians were definitely divided into two schools of political thought. There were the Peace Democrats, and the Union Democrats; the candidates for Governor by the former was Thomas E. Bramlette and by the latter, D. C. Wickliffe. The Peace Democratic party was largely made up of those who had sympathized with the southern cause during the days of neutrality. Their ranks were swelled by those who had since grown weary of excessive federal military rule and opposed the radical position of the northerners on the negro question. The Union Democrats, the majority group, were composed of two factions, one faction being loyal to the Union, but yet unable to endure the term Republican, and opposed, but not so bitterly, to the federal military rule, and the other faction being hopeful that some compromise could be brought about between the military and civil authorities. The chief issue of the campaign between Bramlette and Wickliffe was the unpopularity of the national administration. The Peace Democrats accused the Union Democrats with favoring it, while the latter group repelled the charges with indignation. Bramlette's attitude was that, of two evils, the administration was more desirable than

a rebel victory. The strength of the two groups is seen in the results of the election in August 1863, Bramlette polling 68,306 to 17,389 for Wickliffe. Union candidates were elected over the State with little opposition except in three counties, Boone, Carroll, and Trimble. Possibly the results of these elections were influenced in some degree by the policing of the polls by the military authorities, which prevented many Peace Democrats from voting.

In the August elections of 1864 military interference was even more oppressive than before. As has been stated, it was perhaps fortunate for the union cause that the elections were not of so general a nature, the only office of importance to be filled was that of Judge of the Court of Appeals in the Third District⁽³⁾. In order to escape arrest, Judge Duvall, the Peace Democratic candidate, was compelled to leave the State, but a substitution of Judge Robertson by the Conservative Union men of the district, insured the election of a conservative man to the place instead of the choice of the radical group, which was controlled by the military authorities. The action of the military sanctioned by the federal government, under whose protection the military authorities operated, pretty thoroughly separated the better class of union men from all sympathy with the federal administration.

The sentiment of the State was well illustrated by the outcome of the presidential election in November 1864, when the Democratic ticket headed by McClellan and Pendleton received 64,310 votes to 27,786 for the Republican ticket headed by Lincoln and Johnson. About this time, party

alignments were in the process of remaking. The Bramlette and Wickliffe Democrats both claimed to be true Democrats, and both wings of the party sent delegates to the Chicago convention which nominated McClellan. The few supporters of the national administration in Kentucky bitterly denounced the Bramlette group, and accused it of stealing the Union party machinery and converting it to rebel uses. The opposition group under the leadership of Robert J. Breckinridge, sent delegates to the national republican convention at Baltimore, which nominated Lincoln. This was the actual beginning of the Republican party in Kentucky. The two wings of the so-called Democratic party about this time seemed to be almost of one mind; and all the influences were at work to bring about complete harmony of the two groups, Peace Democrats and Union Democrats. In the first place, both bitterly detested the Lincoln administration, and in the second place, both had received fair treatment at the Chicago convention; both had been seated, the delegates of each were given one half vote each and tactfully advised to work in harmony in the campaign which was to follow. After a great deal of discussion and many conferences between the leaders of the two groups, they coalesced, and Kentucky Democracy included all men of all political complexions who opposed the national administration, from the most uncompromising rebel to the thorough union man, yet one who opposed Lincoln. There soon came to be three distinct groups in the Democratic party, each more or less jealous of the other and apprehensive lest it be persecuted and made the victim of the other. There were the Confederates, who had participated actively

in the rebellion; the Conservatives, who sympathized with the Confederate cause and opposed the usurpations of the federal authorities; and the union men, who, when war was over, desired to bury the past and proclaim an honest amnesty. These three elements, combined and standing upon the common ground of hostility to radicalism, constituted the Democratic party of Kentucky⁽⁵⁾. On the subject of a speedy restoration of the ten excluded states to their constitutional positions in the union, and on the overthrow of the entire system of radical rule, the three divisions stood as a unit. The Confederate element was the special object of suspicion. But the suspicion was totally unwarranted, because the element as far as numbers were concerned, was miserably inferior to the other two groups. In actual control of the actions of the party, they constituted only about one-fifth⁽⁶⁾. The union element constituted the majority of the party, and actually controlled the policies of the whole group.

Thus, the struggle of the state authorities with the excess of the military spirit, and the malicious legislation of a Republican Congress drove the State into "political antagonism to the party that had control of the government. This has unjustly been assumed to prove the essential sympathy of the Kentucky people with the southern cause. All conversant with the inner history of Kentucky will not fail to see the error of this idea. The truest soldiers to the union cause were leaders in antagonism to the militarism that was forced on them, such as Bramlette, Jacobs, and Wolford"⁽⁴⁾.

Kentucky Democracy and President Johnson

Kentuckians were reverent enough not to hold a celebration after the assassination of President Lincoln, but there was little doubt that a great majority of them sighed with relief. Their opponent, as they thought, and the man whom they hated, was gone. In his place was a man, rough though he was, around whom Kentucky Democrats could rally. When his policy of reconstruction began to run contrary to that of northern radicals, Kentucky Democrats gave him excellent support, notwithstanding the fact that he had put into operation the Freedmen's Bureau and kept the writ of habeas corpus suspended. Senator Guthrie, in 1866, said of Johnson's policies: "They embrace principles upon which all union men in Kentucky, regardless of differences heretofore existing among them, all may cordially unite in support of President Johnson's statesmanlike and conservative programme in opposition to the destructive programme of abolition and secession radicals. Let such a union be quickly effected among the unionists of this State; our salvation depends upon it"⁽⁷⁾.

The Louisville Daily Journal was positive in its support of Johnson. In an editorail of Jan. 5, 1866, is the following: "It behooves the union men of Kentucky to organize themselves anew that they may effectively cooperate with the true friends of President Johnson, on whose liberal policy now rests the hopes of all conservative men. For this vital object we urge the assembling of a union convention in the city of Frankfort on Feb. 1st."⁽⁸⁾. The Louisville Daily Democrat was not so strongly inclined toward the

presidential policy of reconstruction, In answer to the statement of the position of the Journal, the Democrat published the following: "The Louisville Journal is the supporter of the President, so the editor says; and it is all the worse for the President that it is so. But will the Journal tell us who keeps the writ of habeas corpus suspended in the State; who has established the Freedmen's Bureau; who supported the practice of giving free passes to slaves long before the constitutional amendment was declared adopted? If the President has not done all this, who has?"(9)

Beginning in February 1866, enthusiastic Johnson meetings were held in practically every county in the State. The purpose of these was to endorse the presidential policy and praise Johnson for his veto of the Freedmen's Bureau act⁽¹⁰⁾. On Feb. 22, a large and enthusiastic meeting was held at Louisville to endorse the policy of Johnson. Gove. Bramlette presided and was one of the speakers. It was a non-partisan meeting; Kentuckians of all different political complexions attended the meeting⁽¹¹⁾. This sympathy and praise for Johnson continued throughout his impeachment trial in 1868. In the matter of preferring charges against the President, Feb: 22, 1868, all Kentucky members of the House voted with the opposition⁽¹²⁾. The votes of Kentucky Senators, Garret Davis and Thomas C. McCreery, on May 26, 1868 in the Senate, were for acquittal of the President⁽¹³⁾.

Results of Elections, 1865-1870

One of the most hotly contested elections after the war, in Kentucky, occurred Aug. 6, 1866. County judges, sheriffs, and other county officers were elected; the only State officer to be elected was Clerk of the Court of Appeals. A Democratic State Convention, meeting at Louisville, had, on May 1, 1866, nominated Judge Alvin Duvall. A Union State Convention met at Louisville May 30, and nominated Col. R. R. Bolling, who declined June 26. Then Gen. Edward H. Hobson became a candidate for the Union wing of the Democratic party⁽¹⁴⁾. The campaign which followed was spirited. On election day, Aug. 6, there was great excitement and "much bad blood around the polls in many precincts; not less than 20 men were killed in the State". Duvall was elected over Hobson by a vote of 95,979 to 58,035⁽¹⁵⁾.

Jan. 30, 1867, Senator Garret Davis (Democrat) was re-elected United States Senator for six years from March 4, 1867. Twenty-one ballots were taken, with the following results on the 21st. ballot: Of the Democrats and Conservatives, Davis received 78 votes, Lazarus Powell 2; James Robinson 1; John C. Breckinridge 1; Jessie D. Bright 1; William O. Butler 1; the Union (Republican) nominee, Benjamin H. Bristow, received 41 votes⁽¹⁶⁾.

On February 22, 1867 the Democratic State Convention, meeting at Frankfort, nominated John L. Helm for Governor, and John W. Stevenson for Lieutenant Governor. The vote for Governor was: John L. Helm, 448; Richard H. Stanton, 218; George W. Craddock, 120; William F. Bullock, 35; William C.

P. Breckinridge, 13. About this time the Union wing of the party was split into two camps, one the conservative, or Union Democrats, and the other the Radical Unionists. The former, at a State convention at Frankfort, Feb. 26, nominated Col. Sidney M. Barnes for Governor⁽¹⁷⁾. In the elections of Aug. 1867, Helm and the Democratic ticket were the victors by an overwhelming vote; the Radicals polling the second highest vote. The Louisville Journal placed the Democratic nominees at the head of its columns and vigorously advocated their election. On Sept. 3, Helm was inaugurated Governor while lying dangerously ill at his home at Elizabethtown. He died Sept. 8, and Sept. 13, Lt. Gov. J. W. Stevenson was inaugurated Governor at Frankfort.

Due to the untimely death of Governor Helm, another election was held the following year for Governor. On Jan. 8, 1868, there occurred a consolidation of the two wings of the Democratic party. The Central Committee of the Union Democrats (3rd. party) issued an address, calling upon all conservatives and Democrats to unite in support of the candidates nominated by the Democratic State Convention at Frankfort on Feb. 22, and requested that both send delegates to take part in that convention⁽¹⁸⁾. At the convention which followed, Acting Governor Stevenson was unanimously nominated for Governor, and George H. Pendleton of Ohio was recommended as the Democratic nominee for the next President. A Union (Republican) State Convention, which met at Frankfort Feb. 27, nominated R. Tarvin Baker of Campbell county for Governor, and recommended Gen. U. S. Grant as the next Republican candidate for President, with James Speed, of Kentucky, for

Vice-President⁽¹⁹⁾. In the elections held August 3, 1868, Stevenson received 115,560 votes, to 26,605 cast for Baker⁽²⁰⁾. Other officers elected at this time were the Judge of the Court of Appeals in the First District, sixteen circuit and other judges, and circuit clerks and sheriffs in each county. In practically all cases there was an overwhelming victory for the Democrats.

In the meanwhile, two other elections deserve attention. On Feb. 10, James Guthrie resigned as United States Senator, because of a severe illness preventing him from attendance at the sessions of Congress for several months, and on Feb. 18, the legislature filled the vacancy by electing Thomas C. McCreery (Democrat) over Sidney M. Barnes (Union), and Aaron Harding (Union Democrat, or third party); McCreery received 110 votes to nine for Barnes, and five for Harding⁽²¹⁾. The other election of interest was the city election of Louisville, which occurred April 4. In this there was the largest vote ever polled in Louisville up to that time. It was called a "glorious result and a brilliant Democratic victory"⁽²²⁾. The Courier remarked upon it as follows: "We most heartily congratulate the Democracy of Louisville on the brilliant victory they achieved yesterday over the radical bushwackers, sore-heads, and bolters.....Organization did it"⁽²³⁾.

The vote in Kentucky in the presidential elections, Nov. 3, 1868, illustrates the political feelings of Kentuckians at that time. The Republicans, on May 20, at Chicago, had nominated General U. S. Grant for President and Schuyler Colfax of Indiana for Vice-president; and on July 9, at New York,

the Democrats had nominated Horatio Seymour of New York for President, and General Grank P. Blair of Missouri (a native of Kentucky) for Vice-President. In the Nov. elections in Kentucky, Seymour and Blair received 115,889 votes, while Grant and Colfax received 39,566 votes; a majority of 76,323 votes for the Democrats. At the same time, nine Democratic congressmen were elected in the State⁽²⁴⁾.

In 1869, the first election to claim our attention occurred Aug. 3, when a State Treasurer, State Senators, and Representatives were elected. For Treasurer, James W. Tate, the Democratic Candidate, polled 82,617 votes to 24,759 for E. Rumsey Wing, the Republican; a majority of 57,858 for Tate. The senators elected, including those held over, were 36 Democrats and 2 Republicans. 92 Democrats and 8 Republicans were elected to the House. A proposition to increase the school tax 15% on the \$100 was also presented to the voters with the following results: 79,085 votes for it, and 54,408 against it.

The legislature, which met in December 1869, had important problems with which to deal. Gov. Stevenson was a candidate for United States Senator, and the irregular election in Aug. 1869, to fill the vacancy in the governorship, had elevated Lt. Gov. Stevenson to the Governors chair, thus leaving a vacancy in Lt. Governorship. Thus, the Speaker-elect of the Senate would automatically become Governor in case Stevenson was elected to the Senate, and there was little doubt that he would be elected. On Dec. 8, Preston H. Leslie of Barren county was elected Speaker of the Senate and Acting Lt. Governor, receiving 20 votes to 17 for William

Johnson of Nelson county, on the third ballot. In the House John T. Bunch was unanimously elected speaker⁽²⁶⁾.

On Dec. 16, Governor Stevenson was elected Senator for six years beginning Mar. 4, 1871, on the fifth ballot⁽²⁷⁾. His chief Republican opponent was H. F. Finley⁽²⁸⁾. After his election Governor Stevenson gave a grand banquet at the gubernatorial mansion to members of the legislature and distinguished citizens from all parts of the State⁽²⁹⁾. Stevenson resigned the Governorship Feb. 13, 1871, and acting Lt. Gov. Leslie was inaugurated Governor. To show their esteem for the retiring executive, the citizens of the capital city gave him a grand farewell banquet on Feb. 16. A similar banquet of welcome was given him on Feb. 22, by the citizens of Louisville, his proposed residence after his retirement from the Governor's chair⁽³⁰⁾.

The year 1870 was a complete Democratic year in the State. In the elections of November 8, the entire Democratic ticket for Congress was elected; the closest race being in the eighth district between George M. Adams (Democrat), who received 12,226 votes, and Hugh F. Finley (Republican), who received 12,208 votes⁽³¹⁾.

In 1871 both parties, and especially the Republicans, put forth a mighty effort in the State. The Democrats held a State convention at Frankfort May 3 and 4, to nominate a candidate for Governor. It was the largest political convention ever held in the State up to that time; there were 1250 accredited delegates in attendance, and 113 out of 116 counties were represented. Acting Gov. Preston H. Leslie

was nominated for Governor on the sixth ballot over J. Proctor Knott, of Marion county. Judge John G. Carlisle of Covington was unanimously nominated for Lt. Governor on the second ballot. The Republican convention at Frankfort, May 17, was likewise the largest of its kind ever held in the State; 86 counties were represented. General John M. Harlem was nominated for Governor, and Col. Geo. M. Thomas for Lt. Governor⁽³²⁾. In the elections which followed Aug. 7, 1871, Leslie polled 126,455 votes to 89,299 for Harlem, while Carlisle received 125,965, and Thomas 86,807. The election also determined that the next legislature would consist of 35 Democrats and 3 republicans in the Senate, and 82 Democrats and 18 Republicans in the House⁽³³⁾. This is the first election in which the negro vote could be noticed. Twenty-five counties out of 116 were carried by Republicans and in every case by the negro vote⁽³⁴⁾. When the Republicans could not elect Harlem to the Governorship, they proposed him for United States Senator, but the Democratic legislature, on Dec. 19, elected Thomas C. McCreery for a term of six years from Mar. 4, 1873, to succeed Garrett Favis. The vote was, McCreery, 112, Harlem, 20⁽³⁵⁾.

In 1872, a presidential year, the Democrats nominated, at a convention at Baltimore July 9 and 10, Horace Greeley of New York for President, and B. Gratz Brown of Missouri for Vice-president⁽³⁶⁾. These same candidates had been nominated by a Liberal Republican Convention at Cincinnati May 1. On Sept. 3, 4, and 5 a convention of "Straight-out Democrats" met at Louisville, repudiated the action of the regular convention at Baltimore in nominating the Liberal

Republican candidates, and nominated Charles O'Connor of New York and John Quincy Adams of Mass. for President and Vice-President respectively⁽³⁷⁾. A colored Liberal Republican national convention met at Louisville, Sept. 25 and 26, with delegates from 23 states, and passed strong resolutions in favor of Greeley for President⁽³⁸⁾. As one would expect, Kentucky was overwhelmingly in favor^{of} the Democratic candidates, and at the elections Nov. 5, 1872, Greeley received 100,212 votes, Grant received 88,816, and O'Connor, 2,374; Greeley's majority over Grant was 11,296. Even though this was a Democratic victory, it was a falling off in the Democratic vote of 23,473, and only a decrease in the Republican vote of 267 since the last general state election.

This election indicates that there was a second party in the State to be reckoned with, and from that time to the present, one party and then the other, has controlled the reins of government. However, we may safely say that Kentucky, at least until a very few years ago, has almost completely been a Democratic State.

On Aug. 8, the Louisville Courier published the following: "The Democrat and Journal accuse the Courier of calling General Hobson a radical. We deny it, and say that he was merely named by that section. He is like the dog, Tray, caught in bad company and compelled to pay the penalty".

On Aug. 10, The Courier reported the following from the Owensboro Mirror:

Sp. For Salt River

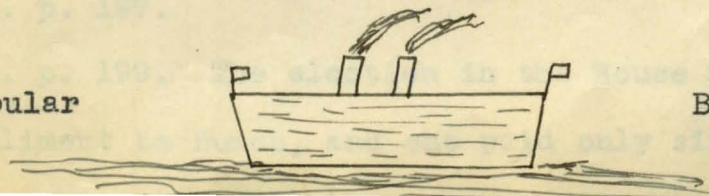
NOTES

The Politics of Reconstruction

1. See "Military Authority in Kentucky, p. 9
2. Shaler, p. 385-386.
3. See "Military Authority in Kentucky", p. 25
4. Shaler, p. 385-386.
5. Louisville Daily Courier, Jan. 9, 1867.
6. Ibid.
7. Louisville Daily Journal, Jan. 5, 1866.
8. Ibid.
9. Louisville Daily Democrat, Feb. 16, 1866.
10. Ibid., Feb. and Mar. 1866.
11. Collins, p. 170
12. Ibid. p. 187. Two Kentucky Representatives at that time had not been seated, *John Y. Brown, and John D. Young. The other Kentucky members voted nay.
13. Ibid. p. 190.
14. Ibid. p. 171.
15. Ibid. p. 173. On Aug. 9, the Louisville Courier published the following: "The Democrat and Journal accuse the Courier of calling General Hobson a radical. We deny it, and say that he was merely named by that faction. He is like the dog, Tray, caught in bad company and compelled to pay the penalty".
On Aug. 10, The Courier reported the following from the Owensboro Minitor:

Ho, For Salt River

Tubular



Boilers

The Piratrical Steamer

General Hobson

Prentice-----Master

What Whitaker-----Chief Clerk

Harney-----Mud Clerk

Crew

The Radical Party of Kentucky

Pilots

General Harlan, W. R. Kenner,
assisted occasionally by army
contractors, and small fry
politicians.

Engineers

T. Stevens, W. Philips, E. Summer,
H. Greeley, Morton and Company.

Engine Greasers

Burbridge, Paine, and Sam Johnson.

16. Collins, p. 176.

17. Ibid. p. 178.

18. Ibid. p. 185.

19. Ibid. p. 187.

20. Ibid. p. 192.

21. Ibid. p. 186.

22. Courier, April 5, 1868.

23. Ibid.

24. Collins, p. 193.

25. Ibid. p. 197.

26. Ibid. p. 199. The election in the House was a remarkable
compliment to Bunch, and one paid only six times in the

history of the State.

27. The reason for holding the election so long before the Senator-elect took his seat in Congress, was that the legislature would not meet again in regular session until too late to take care of this important matter.
28. Collins, p. 199.
29. The banquet took place Jan. 8, 1870.
30. Collins, p. 211.
31. Ibid. p. 207.
32. Ibid. p. 214.
33. Ibid. p. 216.
34. Ibid. p. 216.
35. Senator Garrett Davis died at the age of 70, Sept. 22, 1872, at his home at Paris, Ky., and Gov. Leslie appointed Willis B. Machen, of Lyon county, to fill the vacancy until March 4, 1873.
36. John W. Stevenson was a candidate for Vice-President, but on the last ballot received only 6 votes to 713 cast for Brown.
37. Collins, p. 231.
38. Ibid. p. 232.

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