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**WILLIAM PITT BALLINGER:  
GALVESTON'S RELUCTANT REBEL**

*by Kenneth R. Stevens*

November 1860 brought news William Pitt Ballinger had dreaded. Abraham Lincoln had been elected president. Lincoln's election, he confided to his diary, produced a "deep sensation in our midst ... I believe we shall have serious dangers to our gov[ernmen]t if not its disruption."<sup>1</sup> It was an agonizing time for the Galveston attorney, who later wrote a friend that from his boyhood, he had held "a religious veneration" for the Union and the order and stability that he thought it provided.<sup>2</sup>

Over the next few days Ballinger watched incredulously as secession fever gripped Texas. On November 14, he attended "the largest public meeting" he had ever seen in Galveston and he reported that disunionists were "a much larger majority" than he had supposed.<sup>3</sup> After a sleepless night, he became convinced that "our Gov[ernmen]t will be overthrown & the Union dissolved."<sup>4</sup>

Like many others, the pro-Union Ballinger was an adopted son of Texas. Born into a prominent Kentucky family in 1825, he came to Galveston in 1843 to recover his health after a bout with illness. There he studied law with his uncle, James Love, a prominent attorney and planter. When the War with Mexico broke out in 1846, Ballinger enlisted in a regiment of Texas volunteers and participated in the attack on Monterey. By the end of the war, he had been promoted to first lieutenant.<sup>5</sup>

When he returned from Mexico, he was admitted to the bar, and over the next few years emerged as one of the leading attorneys in Texas. As the main port of entry and the commercial center of the state, Galveston provided lucrative opportunities for a person of ambition and talent. Ballinger's law practice grew to include clients from across the United States. In 1854, he traveled east to Boston, New York, Philadelphia, Mobile, and New Orleans, where he concluded arrangements to represent the legal interests of dozens of merchants and firms. By 1860, he owned considerable property and had an annual income approaching \$10,000, a considerable sum at that time.<sup>6</sup> For financial, as well as patriotic reasons, Ballinger had an interest in the continuation of the Union.

Now, near the end of 1860, everything he had worked for seemed on the verge of collapse. By December his fears were confirmed. South Carolina withdrew from the Union on December 20, 1860. In Texas, Governor Sam Houston reluctantly called a special session of the legislature, which authorized an election for a state convention to vote on secession. On January 28, 1861, the convention voted 166-8 to secede. The ordinance of secession was submitted as a referendum to the people, who passed it by an overwhelming vote of 46,129 to 14,697.<sup>7</sup>

Like Houston, Ballinger opposed secession. On December 31, he despondently recorded the "last of 1860" in his diary. The Republican Party, he believed, was "dangerous & unconstitutional" but the solution should be

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“sought peacefully & within the Union & that the disruption of the Union without such efforts is treason to humanity.”<sup>8</sup>

Despite his opposition to secession, Ballinger gave himself wholeheartedly to the cause once it became a fact. He told his friend, Texas Supreme Court justice James H. Bell, that no one had opposed secession more than he had, but once it was done “every man’s feelings & efforts sh[oul]d now be to put forth our utmost strength to whip the enemy & maintain our independence ... Our duty was to fight – & still to fight as long as an arm could be raised.” If the Southern states went back to the Union, it would be because they were “whipped back, & it will be with a sense of inequality, dishonor, humiliation & future political insecurity & degradation worse than that of any people of the globe ... Men may become involved in an error – but in that may be embarked all their manliness – all their honor, all their virtue.”<sup>9</sup>

Over the next four years this reluctant rebel gave his all to the Confederate cause. Ballinger’s first public service was a mission – undertaken with John S. Sydnor and M.M. Potter – to the Confederate capital in Richmond in July 1861, to deliver a requisition for guns to defend the Texas coast against the Federal navy. Their experience was frustrating and perhaps an omen for the future of the Confederacy. Arriving in Richmond on August 4, they met the secretary of war, who was surprised to learn that Texas needed guns for its defense. At the Tredeger Iron Works they placed an order for four ten-inch Columbiads, two eight-inch Columbiads, two eight-inch rifled guns, and a quantity of ammunition – in all about five train cars of matériel. They were told the eight-inch guns were not yet built nor were carriages for the guns available in Richmond.<sup>10</sup>

Taking what was available, the Texans returned home via New Orleans – where they hoped to obtain carriages for the guns and additional weapons – but they encountered one difficulty and delay after another. At several points along the route officials were unable to provide them with engines to haul their cargo. At another the train jumped the track and the guns rolled off the cars. In New Orleans they waited a week before a Confederate quartermaster paid attention to their request for transport. Then, since the road directly west of New Orleans was flooded, they headed northwest to Alexandria. In Alexandria, they contracted for teams of oxen to haul their freight overland. On October 12, Ballinger disconsolately recorded in his diary that some of the cannon were “bogged down” sixty miles behind. His entry for the day concluded “This is horrible!” With the guns still miles away three days later, Ballinger wrote “We seem to be doomed.” At Niblett’s Bluff, on the Sabine River, they learned that the riverboats they had counted on to transport the guns down river were grounded on sandbars.<sup>11</sup>

Finally reaching Galveston on the night of October 24, Ballinger returned to an empty house. While he had been away his wife, Hally, had returned to her parents’ home in Waco to bear their child. The cannon were still “mired deep in mud” east of the Sabine and did not reach Galveston until the early months of 1862.<sup>12</sup> Then Brigadier General Paul O. Hébert decided that Galves-

ton could not be defended and withdrew to the mainland.<sup>13</sup> The city fell without a fight to Union forces in October 1862. "The talk is," Ballinger said disgustedly, "that our troops will not leave the town but fight them when they land – But this I take it is all gas. For many months it has been a foregone conclusion not to defend the place ... Galveston goes dishonored into the hands of the enemy ... I feel deeply grieved & humiliated."<sup>14</sup> Relocated in Houston, Ballinger worried that Union forces would soon initiate a campaign against the rest of Texas.<sup>15</sup>

Another job Ballinger undertook for the Confederate cause was receiver of alien enemy property. In 1861, the Confederate Congress passed a Sequestration Act that authorized confiscation of Northern-owned property in the South. Ballinger doubted the wisdom of the law. He believed that if Northern merchants could recover debts owed them by Southerners they would favor peace, but if they could recover their debts only by subjugating the South they would fight.<sup>16</sup>

Despite misgiving, Ballinger accepted the appointment because it promised an income of \$5,000 a year. While he had opposed passage of the measure, he believed that it should be administered firmly to bring as much money as possible to Confederate coffers. The position of receiver helped Ballinger maintain a high standard of living. Throughout the war he continued to indulge his favorite vice of buying books and in March 1862, he bought Hally "an elegant set of diamond jewelry" at a cost of \$336, a "heavy outlay," he noted, but "I know she has long wanted something of the kind – & that they will delight her."<sup>17</sup>

Ballinger also advocated the Southern cause through newspaper articles he wrote for the *Galveston News* and the *Houston Telegraph*. Early in the secession crisis Ballinger stated that if the Union was to be broken apart he wanted the "largest confederacy" that could be formed, and his editorials tended to take a broad view of the proper scope of national power in the Confederacy.<sup>18</sup>

Ballinger held strong opinions on the controversial subject of conscription and the Confederacy's use of Texan troops outside the state. Texas provided the Confederate armies with approximately 70,000 soldiers during the war. Still, the South suffered a constant shortage of men. In 1862, the Confederate Congress passed a conscription act at the recommendation of President Jefferson Davis. The measure encountered heated resistance in some areas. Georgia governor Joseph E. Brown ordered state officials not to cooperate with Confederate officials and complained to Davis that conscription was "subversive of sovereignty, and at war with all the principles for the support of which Georgia entered into this revolution."<sup>19</sup>

Conscription was also a contentious issue in Texas. Texans were at war not only against the Union but western Indian tribes as well, and Confederate policy threatened to draw state troops away from the frontier where they were needed to protect settlers. In December 1863, the Texas legislature passed "An Act to Provide for the Protection of the Frontier, and turning over the Frontier Regiment to Confederate States Service." Despite howls of protest from desperate Confederate generals, the law kept many Texan troops at home throughout the war.<sup>20</sup>

Ballinger sided with the national government. In his opinion the state's claim against Confederate authority had "no foundation in law or Constitution, or in good policy. If the conscript law is Constitutional, no exigencies of the State militia can oppose the enrolm[en]t of conscripts."<sup>21</sup>

As war news worsened, Ballinger drafted an article proposing arming of slaves and making them part of the army in order "to save them from the enemy,"<sup>22</sup> but his plan was never implemented. In January 1863, he opined that the Union would win because of its greater strength. The sheer numbers of the North were "so superior – their advantages of every kind so much greater that if their endurance will only continue it would seem that they must crush us by their greater bulk...God protect us from such a fate. We would be the most humiliated and enslaved people on the globe."<sup>23</sup>

Confederate resistance collapsed in April 1865. Lee surrendered to Ulysses S. Grant at Appomattox on April 9. William Tecumseh Sherman accepted Joseph E. Johnston's surrender on April 26 near Durham, North Carolina. Richard Taylor gave up remaining Confederate forces east of the Mississippi at Citronelle, Alabama, on May 4. Jefferson Davis fled the capital as Union forces closed in, but was captured on May 10 at Irwinville, Georgia. On May 26, Edmund Kirby Smith's representative capitulated in New Orleans. Cherokee chief Stand Watie was the last Confederate to lay down arms, on June 23 at Doaksville in the Indian Territory.

Ballinger reacted to defeat as he had responded to secession: reluctantly but with acceptance of reality. In May 1865, he wrote that if the military cause was lost, "there sh[oul]d be no further protraction of the war – no useless sufferings should be demanded of our people or soldiers."<sup>24</sup> Ballinger wrote in a long and thoughtful entry in his diary:

"I feel extremely dejected, far beyond any feelings I ever had in my life. The condition of men of pride & sensibility & honesty will be humiliating to the lowest degree. With my whole soul I opposed secession. I loved the Union and desired its preservation – its strengthening and its glories[ – ]to the end of time. I was conscious of our troubles – but I had no sympathy with the ultra slavery sentiments developed in the latter days of the Southern Democrats, on which they staked the Union. I felt our evils not to be of a nature justifying Disunion even if easily practicable: and I felt that Disunion w[oul]d involve us in war, result almost certainly in the loss of slavery, put to the most imminent hazard our entire existence, overwhelm us with all the calamities of war, and if successful in the end in the establishment of a Southern Confed[er]acy, we w[oul]d. suffer many & the worst disappointments instead of finding it a political panacea."

Once secession was accomplished, he felt that the Federal effort "to conquer & subdue them, & compel a submission to their gov[ernmen]t by force of arms was wrongful & wicked – and I felt all evils to be minor compared with that of defeat & subjugation."<sup>25</sup>

Governor Pendleton Murrah asked Ballinger to travel through Union lines to New Orleans to seek terms for the surrender of Texas. Ballinger doubted that Federal officers would negotiate, but he thought sending a mission might at least make a "good impression" and perhaps "facilitate reunion on acceptable terms."<sup>26</sup>

On May 24, Ballinger and Ashbel Smith left Houston for New Orleans where they met with Union General Edward Canby. Ballinger told Canby that large numbers of Texan troops already had "disbanded themselves and gone to their homes." Texans were ready "in sincere faith, to return to their relations to the government of the United States." Elections for governor and the legislature were scheduled for August 1, and he saw no reason why "the people of Texas, loyal to the Union," should not proceed. Imposing military government in Texas, he said, was unnecessary. "The machinery of the Civil Gov[ernmen]t of the State is complete – its authority intact – It possesses all the means of preserving civil order. It is ready to obey the U.S. Gov[ernmen]t & enforce its authority; & maintain State authority in constitutional subordination to the Union."<sup>27</sup>

Canby seemed receptive to Ballinger's pleas and suggested that he travel to Washington to make his case. But no letter of accreditation came and Ballinger later learned that "radicals" opposed sending him to Washington since he "had been engaged in confiscating their property whilst they were fighting for the Union &c &c." Having done all he could, Ballinger returned to Texas.<sup>28</sup>

In June, President Andrew Johnson named Andrew Jackson Hamilton provisional governor of Texas. Ballinger initially regarded Hamilton as "dissipated, unprincipled & revengeful," but he quickly changed his opinion when the governor "very kindly & promptly and in strong terms" recommended him for a full pardon. By the first week in August Ballinger was bound for Washington to obtain his pardon. Along with the request for his own absolution, Ballinger carried applications for others as well. Ever the practicing lawyer, Ballinger planned to make a little money pressing pardon requests for others in addition to his own.<sup>29</sup>

Ballinger was well connected when it came to winning a quick hearing in Washington. His uncle was former Kentucky Whig congressman Green Adams, then an auditor in the Department of the Treasury, who knew President Johnson. Equally significant, his brother-in-law was Samuel F. Miller, an associate justice on the United States Supreme Court – a Republican appointed to the court by Lincoln – who gave him letters of introduction to President Johnson and Secretary of State William Henry Seward.<sup>30</sup>

Shortly after his arrival in Washington Ballinger met with Seward. The next day he received his pardon, which he described as "a formidable looking document," and he promised himself that he would "fulfill its obligations in good faith."<sup>31</sup> He remained in Washington two more months obtaining pardons for his clients. On October 27, his Uncle Green delivered twenty pardons for which Ballinger paid him \$3,000 plus the promise of another \$500 once he returned to Galveston. Ballinger's own profits from handling his client's pardons reached \$7,500.<sup>32</sup> He was back in Galveston in November, having had an uneventful return except for being taken for \$10 by some cardsharps on the steamboat.<sup>33</sup>

Ballinger's life after the war was full and prosperous. By 1866, his law practice was as busy as it had been before the war. Galvestonians chose him

as their representative to the state constitutional convention in 1875. Two years later a Texas congressman proposed Ballinger for a seat on the Supreme Court, but the appointment went to John Marshall Harlan. Texas Democrats offered Ballinger their nomination for governor in July 1878, but he declined, citing his lifelong aversion to seeking elective office. There was another vacancy on the Supreme Court in 1883 and Ballinger was again considered but did not receive the appointment. In January 1888, he contracted pneumonia and died, having lived a full and honorable life as a successful lawyer and dedicated, if reluctant, revolutionary.

#### NOTES

<sup>1</sup>William Pitt Ballinger Papers, 1815-1909, Center for American History, University of Texas at Austin, Diary (transcript), November 8, 1860, p. 124. Hereinafter cited as Diary. The Ballinger Papers at the Center for American History include seventeen feet of material, consisting of manuscripts, letterpresses, typescripts, photocopies of manuscripts, printed matter, and photographs. The Rosenberg Library in Galveston also holds a Ballinger collection. See James L. Hill, "The Life of Judge William Pitt Ballinger" (M.A. thesis, University of Texas, 1936), and John A. Moretta's biography, *William Pitt Ballinger: Texas Lawyer, Southern Statesman, 1825-1888* (TSHA, Austin, TX, 2000). Maxwell Bloomfield includes a biographical sketch of Ballinger in his *American Lawyers in a Changing Society, 1776-1876* (Cambridge, Mass., 1976), pp. 271-301.

<sup>2</sup>Ballinger to George W. Paschal, May 8, 1863, quoted in Bloomfield, *American Lawyers*, p. 273. See also John Moretta, "William Pitt Ballinger and the Travail of Texas Secession," *Houston Review* 11 (Fall 1989): 3-23.

<sup>3</sup>Diary, November 14, 1860, pp. 126-27.

<sup>4</sup>Diary, November 15, 1860, p. 127.

<sup>5</sup>Bloomfield, *American Lawyers*, p. 274.

<sup>6</sup>Bloomfield, *American Lawyers*, p. 274-78.

<sup>7</sup>Robert A. Calvert and Arnoldo De León, *The History of Texas* (2d ed., Wheeling, IL, 1996), pp. 131-133.

<sup>8</sup>Diary, December 30, 1860, p. 140; December 31, 1860, p. 142.

<sup>9</sup>Diary, February 23, 1862, pp. 2-3.

<sup>10</sup>Diary, August 19, 1861, pp. 4-5; Alwyn Barr, "Texas Coastal Defense, 1861-1865," *Southwestern Historical Quarterly* 65 (July 1961), pp. 1-31.

<sup>11</sup>Diary, August 19, 1861, pp. 5-6; August 21, 1861, p. 7; September 13, 1861, p. 11; October 12, 1861, p. 19; October 15, 1861, p. 21.

<sup>12</sup>Diary, October 24, 1861, p. 24; October 25, 1861, pp. 25-26; Barr, "Texas Coastal Defense," p. 7.

<sup>13</sup>Barr, "Texas Coastal Defense," pp. 7-8; Diary, November 29, 1862, pp. 34-35.

<sup>14</sup>Diary, October 4, 1862, pp. 78-79.

<sup>15</sup>Diary, October 17, 1862, p. 83.

<sup>16</sup>Maxwell Bloomfield, *American Lawyers*, pp. 287-91; Nowlin Randolph, "Judge William Pinckney Hill Aids the Confederate War Effort," *Southwestern Historical Quarterly* 68 (July 1964), pp. 15-20; William M. Robinson, *Justice in Grey: A History of the Judicial System of the Confederate States of America* (Cambridge, MA, 1941). See Ballinger's diary entries for; October 24, 1861, p. 25; October 25, 1861, p. 25; October 26, 1861, p. 26; September 17, 1863, pp. 104-05.

<sup>17</sup>Diary, October 24, 1861, p. 25; October 26, 1861, p. 26; March 25, 1862, p. 14; September 17, 1863, p. 105.

<sup>18</sup>Diary, December 21, 1861, pp. 136-37.

<sup>19</sup>Quoted in Paul D. Escott, *After Secession: Jefferson Davis and the Failure of Confederate Nationalism* (Baton Rouge, LA, 1978), p. 81.

<sup>20</sup>John Moretta, "Pendleton Murrah and States Rights in Civil War Texas," *Civil War History* 45 (1999), pp. 129-136; David P. Smith, "Conscription and Conflict on the Texas Frontier, 1863-1865," in Ralph A. Wooster, ed., *Lone Star Blue and Gray: Essays on Texas in the Civil War* (Austin, TX, 1995), pp. 275-287; Diary, February 6, 1864, p. 145.

<sup>21</sup>Diary, February 6, 1864, p. 144; May 10, 1864, p. 165.

<sup>22</sup>Diary, August 31, 1863, p. 99.

<sup>23</sup>Diary, January 28, 1863, p. 26.

<sup>24</sup>Diary, May 13, 1865, p. 52.

<sup>25</sup>Diary, May 13, 1865, pp. 55-56.

<sup>26</sup>Diary, May 17, 1865, p. 58.

<sup>27</sup>Diary, May 27, 1865, p. 63; May 29, 1865, pp. 66-72; May 30, 1865, pp. 72-79; June 18, 1865, pp. 79-90. See also Bloomfield, *American Lawyers*, pp. 296-97.

<sup>28</sup>Diary, May 13, 1865, p. 86; June 18, 1865, p. 86.

<sup>29</sup>Diary, May 30, 1865, p. 78; August 8, 1865, p. 96.

<sup>30</sup>Bloomfield, *American Lawyers*, p. 298; Diary, August 8, 1865, p. 96. See also Miller to Johnson, August 13, 1865, quoted in Bloomfield, *American Lawyers*, p. 299.

<sup>31</sup>Diary, August 25, 1865, p. 105.

<sup>32</sup>Diary, November 10, 1865; November 23, 1865, cited in Bloomfield, *American Lawyers*, p. 301.

<sup>33</sup>Diary, November 12, 1865, pp. 130-32.