

## CHAPTER XX.

Freedmen's Bureau—Gen. O. O. Howard, Commissioner—Platform for Reconstruction—Ironclad Oath—Natural Rights of Man—Civil Rights—Negroes Made Citizens—Persecution—Agents of Freedmen's Bureau—Personal Experience—Negro Justices—Some Trials—Judge Shackelford—Secret Societies—William A. Sharkey—Gov. Adelbert Ames—Sheriff Webber—Taxes—Board of Levee Commissioners Dismissed—Religious Negroes—Bishop Wilmer—Prayers for the President—Shotgun Election—Hegira—Carpetbaggers—Indissoluble Union—Indestructible States—We Were a Conquered Nation—Reconstruction Only a Definition for Deeds Done—Strength of Respective Armies.

WHEN I commenced writing the narrative of my observations in early life and the incidents of service in the United States army and my diary of the civil war, I did it to preserve for my children the record of these events, but in volume it has increased more than at first intended; and as it may perhaps some day be made public, I feel it incumbent on me to give *my experience* under the workings of reconstruction as being of more value than a description by any historian of a later age who would have no enlightenment by living under its arbitrary rule.

An act creating the Freedmen's Bureau was passed March 3, 1865. The commissioner was authorized to set apart for the use of loyal refugees and freedmen abandoned lands, also confiscated lands, and assign forty acres for three years, etc., to families.

In 1866 a supplementary bill was passed over a veto to extend the act. "Among other things the bill subjected any white person, who might be charged with depriving a freedman of civil rights or immunities to imprisonment or fine or both, without defining the meaning of "*civil rights or immunities.*" The jurisdiction of the agents extended to all contracts, and without a written contract and the agent's approval no freedman could be employed. No indictment by a grand jury nor a trial by a jury was necessary. The *ipse dixit* of an ignorant negro was cause for fine or imprisonment without appeal.

Gen. O. O. Howard, noted for exuberant piety, was made Commissioner, and his career, his establishing of the Howard University in Washington for the higher culture of the negro,

the cottages he built for them, the aid he gave the Church, the land he bought, and the Freedman's Bank he established, which blew up or burst, can be found in a report of a congressional committee. Under this bill the annual expenditure was \$11,750,000.

An article published in the *Atlantic Monthly* for August, 1865, sounded the keynote for the action of the United States government in legislation for the "rebels," wherein it is stated: "We are placed by events in that strange condition in which the *safety* of the republican form of government we desire to insure the Southern States has more safeguards in the INSTINCTS OF THE IGNORANT than in the INTELLIGENCE OF THE EDUCATED." And furthermore it is declared that "the highest requirements of abstract justice coincide with the LOWEST REQUIREMENTS of political prudence, and the LARGEST JUSTICE to the loyal blacks is the real condition of the WIDEST CLEMENCY to the rebel whites."

This declaration proclaims that the Southern States would be safer if their governments were established on the ignorance of the blacks than on the intelligence of the whites. Could malignity go any farther? On this degrading plane were the State governments established.

They had called for blood, and got none, save in the case of Wirz, who was given to the mob as a "sop." As they could not indict a whole nation, they arrested President Davis, and, discovering no grounds for conviction, he was released, because a failure to convict would establish legally the right of secession, and thus prove the North to be the aggressor. Failing on this line, the human passions and human prejudices of the people arrayed under the higher law of conscience swayed them like a mob, and, failing to find any lawful means to spill blood, sought vengeance in the enacting of partisan laws for plunder of wealth, and the humiliation of the whites. To this end the Freedmen's Bureau was created, and President Johnson's proclamation was issued disfranchising the whites on fourteen different counts: among them was one that made the possession of twenty thousand dollars' worth of *property a crime* that disfranchised the owner. Then came the ironclad oath, which debarred all persons from taking it "who had ever borne arms against the United States since they have been citizens thereof, or who have voluntarily given

*aid, countenance, counsel, or encouragement to persons engaged in armed hostility thereto; that they have never sought, nor accepted, nor attempted to exercise the functions of any office whatsoever under any authority, or pretended authority, in hostility to the United States,"* etc.

All men above twenty-one years of age who could take *this oath* could vote, and *no others*. As there were very few white men who could take this oath, the elections fell, as intended, into the hands of the negroes, carpetbaggers, and the United States troops on duty South.

The enactment of the fourteenth amendment to the Constitution of the United States was regarded in the North as a magnanimous exhibition of philanthropy toward the untutored slaves, and it was so accepted by nations; but in reality it was an insidious mode of punishing the Southern people.

The white people who owned the land and paid quite nine-tenths of all the taxes were now disfranchised, and the amendment was intended as a punishment by denying them a voice in legislation.

Senator Morton and Thaddeus Stevens, like the Roman augurs, could not look in each other's face without laughing at the success of their machinations.

Two years later (in 1870) the fifteenth amendment to the Constitution was passed. These last three articles placed the Anglo-Saxon people in the South under the rule of their former slaves! This was the *Sin* that started the race problem. The freedmen, left to themselves, would have settled the labor question, and their social position and the race issue; but for aggrandizement of power and acquisition of wealth he was dragged into the halls of legislation and flattered into the belief that also socially he was on an equality with the whites. From this sprung unmentionable crimes, and daily lynchings followed as a remedy.

What a change! As a slave he was the faithful protector of his mistress and her family; his children the terror now of unprotected women!

And here I will tell you how the voting was done. The negroes had, previously, been required to take the oath. At my home a table was placed on the gallery, and there the registrars were seated. The negroes were called up; as many as could touch the Bible were asked if they "had ever held office under

the United States or given aid," etc. Some said "No," some said "Yes," and some were silent. At last they were told to say "No," and registration papers were given them, with the charge not to lose them. There I sat, no more a citizen than if I had been born in China, while my negroes were made eligible to almost any office in the country.

It is now generally acknowledged that all the negro received was by the force of environments; and now he has discovered that he has been grateful to the radical party, and payed them for a debt of love that had no foundation except in hypocrisy. They were told that they were now American citizens, endowed with all their moral and civil rights.

"The *natural rights* of a solitary individual have no connection whatever with the *moral and civil rights* of the man who has entered into association with others." (Huxley.)

The dominant party entertained the belief that the slaves would politically always belong to the party that "confiscated"\* them; and confounding natural rights with civil rights, they forced the Southern States to pass the fourteenth amendment to the Constitution, which made them citizens of the United States and the State wherein they reside.

As vultures sail in long lines from their roost (countless in numbers) to where the carcass is, so came the harpies and political adventurers to the carcass (the South) to embrace the colored citizens; and, hand in hand, cheek by jowl, they entered the political arena, and filled the capitols of the South. Every officer in the State from governor to coroner was dismissed, and new appointments made. The Legislatures became bacchanalian feasts to divide the spoils of office and increase the debts of the States by selling State bonds to the amount of countless millions. They subsidized everything they could; in short, they ate up or took possession of all that was left after the war ceased; and at last departed with stolen wealth, and the execrations of all the honest people. Negroes were appointed or elected to such offices as Senator, Governor, members of Congress, † and the judiciary of the States and county officers.

\*The confiscation of the slaves by act of Congress is an acknowledgment of the just decision made by Chief Justice Taney in the Dred Scott case, that a slave was chattel, or personal property.

†I know a man North who paid \$6,000 to a Congressman for his son's

June 13, 1865, William A. Sharkey was appointed provisional governor of the State of Mississippi, and he ordered an election of delegates to the convention, and here is the way the members were elected:

On the appointed day the new-made citizens went to the precincts to vote. When they came home I asked my servant Levi, who had been with me through the war, how many persons were at the polls, and he said "about two hundred, that only two white men were there, and they were inside the house." When asked who he voted for, he replied "he voted for that thing, you know, called *invention*," and the way they voted was this: "You remember the paper we had [registration]; I handed it to two white men inside the room, through a window; they looked at it, handed it back to me, and said open your hand; I did so, and one of the men then put a little folded paper in my hand, then took it out and put it in a box and said, 'Move on.'" This was a Republican free election, peaceful, quiet, and decisive, based on ignorance. The complexion of the convention was dark, of course. This ungenerous revenge taken against a conquered people will ever remain a dark shadow over the generosity and Christian spirit of the Northern people. It, however, must be attributed to uncultured minds and want of knowledge of history. The masses did not know that New England's ablest statesmen always claimed their right of secession, as the debates in Congress show. Besides, they were unmindful that opinion at the North was about equally divided on this question.

When the revolutionary war was ended, and the cry for persecution, and confiscation of property of the *Tories* was raised, our Minister to France, Ben Franklin, put that as a trump card in his pocket to win against England; and Gens. Alexander Hamilton and Nathanael Greene and other liberal gentlemen declared it would be "an outrage to punish them for holding the *same opinion* that we all held only a few years ago, before the war commenced." What a contrast between the age of honor and the age thirsting for gold!

Perhaps in all the wide world never again will be seen such malignant legislation, and maladministration of law, such trials

appointment. This was excluding the South from positions in the army and navy.

in the courts, speeches in legislative halls, preaching by illiterate negroes, mode of getting religion, idleness of the laborers, immorality taught by men from the slums of Northern cities, thirst for money, howling for office, insolence in office, with upheaval of society, creating constant anxiety of mind as to what a day might bring forth.

Add to these the formation of loyal league societies of negroes, by politicians swearing them to obedience to orders, bands of brothers and sisters, composed of blacks under white villains, to burn our towns, and murder the whites; the Kuklux Klan of the whites for protection, and other kindred vexations and trials that made the South the home of the spirits of pandemonium; so one could truly exclaim with Ariel,

"Hell is empty and all the devils are here." \*

As I have said, they came like vultures to the carcass to devour the substance of the helpless South, and they were unblushingly successful. Under the Freedmen's Bureau and the military governors, those who could not take the ironclad oath were helpless.

The agent of the Freedmen's Bureau in our county (Washington, Miss.) who came first was desirous to aid the planters and freedmen to make a crop; and as this required reliable labor, the planters in the neighborhood agreed to give him cotton to the value of \$5,000 if he would visit the plantations, when necessary or convenient, to encourage the hands to work faithfully, under the contracts that he had *approved*, and I will most cheerfully say that without this aid and influence the negroes would have been unprofitable producers.

The agents were changed, and in 1867 an Irishman came, who could handle the shillalah, drink whisky without the smell of peat, sing the "Irish Dragoon" or the "Widow Malone," and run the Freedmen's Bureau. And here is a little of my own experience under it with him.

In renting out the land on shares, among the squads was one squad of thirteen hands, with two negroes named Miles and Derry as head men. They had about eighty acres put in cotton. The recorded contract required them to work under my direction, and I was to furnish means to raise the crop, and their

\* Shakespeare's "Tempest," Act I.

share was half the cotton. Owing to the almost constant spring rains, their crop became hopelessly overgrown with weeds and grass. I vainly tried to induce them to abandon the lowest part of the land and save about sixty acres; they refused. I then wrote a note to the agent. He came out late in the evening with the deputy sheriff and sent for Miles and Derry, heard what they had to say; then severely reprimanded them; took Miles by the ears and backed him against the side of the house and pounded his head against the wall vigorously; then taking Derry by the ears, he pounded his head as he did Miles's. By this time near a hundred negroes were on the lawn peeping up over the gallery, which was the arena of the acts.

Then he made a five minutes' talk to the people, giving them some good advice. He then took Miles and Derry through the same enlivening bout, ordering them to be at his office the next day at 10 A.M. Again he spoke to the crowd, telling them how he had "fought, bled, and *died* that they might be free," etc.

While this was going on, to stop such proceedings, I took the deputy sheriff, Wilson, into the dining room, put a decanter of whisky on the sideboard, and told him to get the agent in there, give him a glass to sober him, and, when he came out, take his arm and go direct for the horses. Much to my relief, he got him on his horse and they returned to Greenville. Miles and Derry went to Greenville next day, as ordered. The former came back much subdued and Derry went to an adjoining plantation to work. Ridiculous as the performance was, which lasted over an hour, it had a good effect on the deportment of all the hands on the place.

The military governor had commissioned a man from the North named Webber as sheriff of the county. Bolton, an Irishman, Harris, an educated negro from Ohio, and Horton, a cotton field negro without education, were appointed justices of the peace in Greenville. I will very briefly give you an idea of the administration of justice in a few cases out of many brought before them.

Ed Chamberlain, who had been a negro soldier in the United States army, occupied a house at the southern gate of the plantation, and he was instructed to keep the gate shut on account of cattle. Twice *without cause* he had told H. N. Hood, a neigh-

boring planter, in an insolent manner: "Shut the gate after you." On a third occasion he repeated the remarks, whereupon Hood and a friend with him gave him a trouncing. They then went to Justice Harris, told him what they had done, and settled the case by each giving him five dollars. On trial day Chamberlain went to court, and when the court adjourned he asked the justice why he did not try his case, and the answer was: "Go home; I tried your complaint long ago."

Another freedman on the place named Nelson one morning got into a triangular fight with his wife and a colored girl. They all started for Greenville to lay their respective grievances before Judge Harris. However, they met Harris on horseback on the road running through the plantation, and he accosted them: "Good morning, ladies and gentleman; where are you going?" They told him that they were going to see him in Greenville, and all made complaint to him there in the road; whereupon he fined each the sum of five dollars, and I had to advance the money or they would have left the plantation. That was summary justice, and an examination of the books by the grand jury showed that he had credited the county with the fifteen dollars.

A third case worthy of notice as illustrating the vigilance of the colored brethren as magistrates is the trial of what may be termed "State of Mississippi vs. S. G. French." John Dixon, a freedman, about Christmas stole two bales of cotton from the ginhouse in open daylight, and being pursued by my manager, threw the bales off his wagon, and they were recovered. I went to Greenville, and before Bolton, the justice of the peace, swore out a warrant for the arrest of Dixon. A number of days passed and he was not arrested. So I sent for Dixon, and settled *money accounts* with him, and told him to leave the plantation.

Some days after this a deputy negro constable was sent to arrest Dixon; but, meeting one of my hands on the road and making known to him the purport of his visit, he was told: "Go home, nigger; de ginneral done gone *settled* with John long ago, and John have left the place." So the deputy returned and reported accordingly.

Perhaps it was a week after this that a negro constable came to my house with a warrant to arrest me issued by the cotton-field justice, Horton, charging me with having compounded a

felony. Who prompted Horton to issue the warrant I never knew; but, as he employed a "jack-leg" lawyer to keep his docket and act as legal adviser, he may have induced Horton to act in the matter. I asked Frank Valliant, a distinguished lawyer, to take my case and defend me. He said that he had resolved not to argue any case where a negro presided, for he disliked to say, "May it please your honor," to an illiterate negro. However, out of friendship, he said that he would appear for me if I would pay any fine imposed upon him for contempt of court.

Some two weeks after this the trial day came. Valliant and I went to the room where Horton dispensed justice, and found him behind a railing seated at a small table with the Mississippi code in his hand. John Dixon and "Jack-leg" were there, but no lookers-on. After turning the code first one end up and then the other several times, he announced: "Dis court am assembled to hear the case of Gen. French for *composing* a felony with John Dixon."

Valliant seemed to be swallowing something that was swelling in his throat, but he rose and went near the table and said:

"Will your honor let me have the papers in this case?"

"What papers you want? I am done hab none."

"Where is the affidavit made against Gen. French?"

"I just told you, Mr. Valliant, I done hab none."

"Well, how could you arrest a person without charge being made?"

"Sir, dis court has been informed dat Gen. French swore John Dixon stole two bales ob his cotton, which am an offense, and then done settled and composed it, which am a crime against the law, and an insult to the majesty ob de State of Mississippi."

Here the "jack-leg" injected a remark to the judge, when Valliant asked him: "Are you engaged as an attorney in this case?"

He replied: "I am."

"Then I wish to see your license."

At this Horton said: "De gentleman wants to see your license. Go and get it, sir."

While he was absent in quest of the paper Valliant read the law to the court, showing his honor that the license must be granted by the Circuit Court.

When the license was handed to Valliant he read it to the court, and, it being one granted by the Chancellor, was of no authority. At this information Horton rose from his seat, and in a loud voice said: "Sir, you will stand aside. You have imposed on dis court, and am no more a lawyer in any case in court here."

When this incident was over, and the indignant court had composed itself, Valliant tried again to satisfy the judge that there was no case before the court; but he insisted that I had *composed* a felony, and that his court was bound to "investigate what am a crime in de eye of de law." Under the argument and showing of my attorney, however, the judge began to weaken, especially when told that he would be held responsible for this unwarrantable arrest.

Valliant now whispered to me: "We will have to buy out of this."

"All right," was the reply.

Then my attorney went to the table, and quietly whispered to Horton: "Will ten dollars settle expenses?"

A ten-dollar bill was handed the judge, and that sum *composed* the felony, the feelings of the court, and the offended majesty of the State.

Valliant was the wit of the Greenville bar, and a true friend. Some years ago he was called from his field of usefulness and sorrowing friends to

Sleep the sleep that knows no breaking.

These are not a tithe of my personal experience with the Bureau and the courts. They were almost daily annoyances to all.

One day I received a note from the agent of the Freedmen's Bureau to come to his office if convenient. I went as requested; found there one of my hands, who had no common sense, and was told he complained that I had not settled with him agreeably to the contract; and when the agent asked him what complaint he had to make he said that I had paid him only a *half*, whereas I had promised him a *fourth*, and insisted that four was more than two.

But I pass from the recital of these petty annoyances to larger ones. The circuit judge *appointed* was named S—, and in political parlance he was a "scallywag." It would seem that,

to make his loyalty apparent, he imposed harsh sentences or punishments on nearly every white person convicted, and he committed personally some criminal offenses.

It was, I believe, in the winter of 1876 or 1877 that I was a member of the grand jury of Washington County. All those who were summoned—twelve whites and six negroes—answered to their names. The judge excused one member, and accepted another person, who was sworn in. The matter of a murder was among other things brought to the notice of the grand jury. All voted against finding a true bill except two other members and myself. This same day (Saturday) we were about to find an indictment against the judge for falsely representing himself as surety on the bond of the notorious Bolton, who was appointed county treasurer, the facts in the case being that the judge did not sign his name to the bond, but told his clerk of the court to sign it for him. To this the clerk made oath, but excused himself by informing us that "it is common practice now."

On Sunday Bolton gave a champagne dinner to the judge, and it was there arranged that the judge should dismiss the grand jury on Monday morning to prevent indictments being found against *himself and Bolton*. The excuse offered was that putting a juror on in the place of one excused was irregular, and their findings would be void, and also we had failed to find a true bill against a certain man. And so we were all discharged without retaining *the three* who voted to find a true bill, and a new jury was empaneled. That night the negroes called a mass meeting to condemn these proceedings of the judge; but the meeting was captured through the influence of two negroes—Gray, the state senator, and Ross, a negro from Kentucky—and resolutions passed complimenting the judge. The fine hand of Bolton was seen in this. Some months after, the judge called on me, and said he wished to say that he discharged that grand jury because they did not find an indictment against S—, who had killed a man in an altercation. I replied: "Judge, no person in Greenville believes that to be true."

The judge was afterwards petitioned by the members of the bar to resign. The list was headed by the distinguished attorney, William A. Percy. Six months after this a person appeared in Greenville with a challenge for Col. Percy. For

amusement Percy said: "The judge has had six months to practice at a target, and I also want a little time to practice; then I will accommodate him." After worrying the bearer of the cartel some time he accepted the challenge, the fight to take place on an island in the Mississippi river. Nothing further was heard from the challenger, and he died soon after, it is reported, from mortification.

Before the judge had dismissed the grand jury it had found a number of indictments against persons who belonged to a secret association of freedmen, known as the "Band of Brothers and Sisters," bound by oaths to rob, burn the town, and murder the whites. The day these disclosures were made the witnesses were shot at in the night, and claimed protection.

Bolton, who had been an officer in the United States volunteers during the war, was president of the band; Gray, negro state senator, vice president; and a scallywag named Brentlinger, from Kentucky, was treasurer. He was also postmaster, through Bolton's influence. Bolton spent most of his time in the post office, and induced Brentlinger to lend him public funds to the amount of about \$3,000. An effort was made to destroy the post office books by setting fire to the office, but a man fortunately saved the books. Bolton, however, got them from the office as a package purporting to have come by mail, and destroyed them.

Then came a United States post office inspector, who discovered the loss of funds, books, etc., and removed or suspended the postmaster. Bolton went on Brentlinger's bond, and accompanied him to Jackson, Miss., where he was tried before Judge Hill. Bolton told Brentlinger that he had arranged it with the judge. If he would remain silent, and make no disclosures, he would be acquitted. He was found guilty, and sent to the penitentiary at Albany, N. Y.

In hope of convicting some of these scoundrels, I wrote to President Grant for permission to visit the penitentiary and obtain Brentlinger's testimony, and the attorney-general, Alphonso Taft, to whom the request was referred, gave permission.

In due time I made the visit to Albany, and with the keeper, Pillsbury, saw Brentlinger. He wrote out what he knew about the society, acknowledged that he was treasurer; but from timidity would give but little testimony of his own knowledge, and made it mostly hearsay evidence. It corroborated exactly what