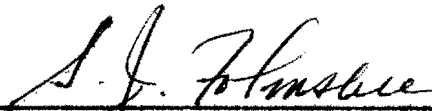


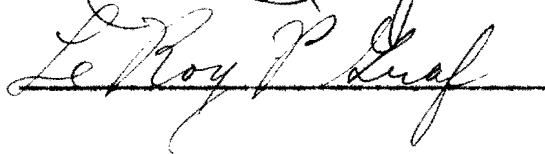
August 1, 1951

To the Graduate Council:

I am submitting herewith a thesis written by William N. Chesney entitled "The Public Career of William B. Bate." I recommend that it be accepted for nine quarter hours of credit in partial fulfillment of the requirements for the degree of Master of Arts, with a major in History.


Major Professor

We have read this thesis
and recommend its acceptance:

Accepted for the Council:


Dean of the Graduate School

THE PUBLIC CAREER OF WILLIAM B. BATE

A THESIS

Submitted to
The Graduate Council
of
The University of Tennessee
in
Partial Fulfillment of the Requirements
for the degree of
Master of Arts

by

William N. Chesney

August 1951

PREFACE

William B. Bate, soldier, governor, and United States Senator, had a long and active public career, lasting from 1846 to 1905. When one considers the important and far-reaching events that transpired within this period, it can readily be seen that a work of this length cannot tell a complete story. Consequently I have tried to deal with Bate mainly in his relation to the history of Tennessee.

Having been interested in the history of Tennessee and of the South since I was a child, I chose Bate as the subject of this thesis. My interest was also increased by the fact that my paternal grandfather took part in the Battle of Chickamauga, and many times my father has told me how Grandfather described the battle and spoke of the part that Bate's brigade had in it.

The writer is greatly indebted to Dr. S. J. Folmsbee, under whose supervision this work has been done, for his suggestions, assistance and criticism. Acknowledgment is also due to Dr. Ruth Stephens and Dr. Leroy P. Graf who read the manuscript and offered valuable suggestions. Lastly, acknowledgments are due to the staffs of the University of Tennessee Library and the Lawson-

McGhee Library, as well as to Mr. Robert A. Quarles,
Custodian of the State Archives at Nashville, who made
available for me the correspondence of the governors
and the Nashville Daily Gazette.

W. N. C.

TABLE OF CONTENTS

CHAPTER	PAGE
I. EARLY LIFE	1
II. CIVIL WAR PERIOD	8
III. FROM THE CIVIL WAR UNTIL 1882	26
IV. GOVERNOR OF TENNESSEE, 1883-1887	50
V. UNITED STATES SENATOR, 1887-1905	77
BIBLIOGRAPHY	119

CHAPTER I

EARLY LIFE

William Brimage Bate, son of James and Alma Weathered Bate, was born near Castalian Springs, Sumner County, Tennessee, on October 7, 1826. At the age of seven he began to attend school at Rural Academy near Castalian Springs. His father died in 1841, and young Bate left school to work on the farm. At the age of eighteen he became a clerk on the Saladin, a river steamer principally owned by John Bell, a prominent Whig and former Congressman from Tennessee, and made regular runs between Nashville and New Orleans.¹

When the Mexican War began he was in New Orleans. On May 15, 1846, he enlisted for six months in Company F, Fourth Louisiana Infantry. This regiment arrived at Lomita, Mexico, June 4, 1846, for service under General Zachary Taylor, who for three months was unable to launch an active campaign due to a lack of supplies. Officials of the War Department in Washington had planned to send both supplies and reinforcements for his army up the Rio Grande by ocean steamers;

¹J. G. Cisco, Historic Sumner County, Tennessee (Nashville: Folk Kellin Printing Co., 1909), 222-224.

but upon learning that the mouth of this river was too shallow to admit ocean-going vessels, these officials had river steamers brought from the South and the Southeast for this purpose. Meanwhile the restless volunteers were becoming more impatient; and, when General Taylor received an order from the War Department saying that the soldiers who had enlisted for a term of six months or less would be discharged immediately unless they reenlisted for a year, 8,000 of his volunteers chose to accept discharges. Among this number were Bate and the other members of the Fourth Louisiana Infantry, who were sent back to New Orleans and given honorable discharges on August 14, 1846.²

Bate returned to Tennessee and on October 2, 1847, volunteered as a private in Company I, Third Tennessee Infantry, which was commanded by Colonel B. F. Cheatham and composed largely of men from Sumner, Davidson, Maury, and Williamson counties.

On October 8, 1847, his regiment departed for Mexico to serve in General Winfield Scott's army. Bate was soon promoted to First Lieutenant and took part in

²Alfred H. Bill, Rehearsal for Conflict (New York: Alfred A. Knopf, 1947), 123-126.

the campaigns against Vera Cruz, Puebla, Molino del Rey, and Mexico City. He served with this regiment until July 22, 1848, when its members were mustered out at Memphis.³ From here he returned to his home in Sumner County where he worked on the farm and published The Tenth Legion, a strongly pro-Democratic weekly newspaper,⁴ at Gallatin.⁵

In 1849 he was a candidate on the Democratic ticket for representative in the legislature from Sumner County. There were eight other candidates, the principal one being General George P. Maney, a former soldier in the Mexican War. Bate was easily elected and served for one term, 1849-1850.⁶

As a member of the House of Representatives, he helped to elect Landon C. Haynes as Speaker.⁷ He also introduced bills to charter Bledsoe Creek Turnpike in

³Representative Gaines of Tennessee quoting a statement from the War Department, Military Secretary's Office, Washington, June 16, 1906, in William Brimage Bate - Memorial Address, 59 Congress, 2 Session (Washington: Government Printing Office, 1907), 67.

⁴Park Marshall, A Life of William B. Bate (Nashville: The Cumberland Press, 1908), 29.

⁵Cisco, op. cit., 22.

⁶William Brimage Bate - Memorial Address, 67.

⁷Journal of the House of Representatives, Tennessee General Assembly, 1849-1850, p. 5. Hereafter cited House Journal.

Sumner County,⁸ divide and apportion the Academy fund of Sumner County equally between boys and girls, and incorporate Bledsoe Female Academy. He also presented a memorial from some citizens of Sumner County on the subject of a railroad from Louisville to Nashville.⁹

Bitter feeling had been created in both the North and the South by the Wilmot Proviso of 1846, which, had it been enacted, would have prohibited slavery in any territory acquired from Mexico as a result of the war. Hardly had this feeling subsided, when California applied for admission as a free state. The quarrel over the question of the admission of California, slavery and the slave trade in the District of Columbia, the Fugitive Slave Law, and the status of slavery in the remainder of the territory acquired from Mexico was building up a sectional nationalism in the South.¹⁰

In Tennessee each house of the legislature had a committee on Federal Relations. Bate, a member of this committee in the House, on November 23, 1849, presented, on behalf of this committee, a series of resolutions on the subject of Southern rights with reference

⁸Ibid., 287.

⁹Ibid., 364, 619.

¹⁰Francis B. Simkins, The South Old and New
(New York: Alfred A. Knopf, 1947), 28-29.

to slavery. These resolutions denied the right of Congress to prevent slavery in the territories, upheld the sovereignty of the States, and declared that the Wilmot Proviso together with the other attacks being made upon the institution of slavery showed a design on the part of the people of the North to abolish slavery in the States.

The resolutions expressed a desire to maintain the Union as it was formed, demanded that Congress enact laws to aid in the recovery of fugitive slaves, opposed the admission of California as a free state, and recommended that a convention of the slave-holding states be held at Nashville on the first Monday in June, 1850, to devise and adopt some mode of resistance against the attacks on slavery and the South. In conclusion the resolutions said:

Should congress pass the Wilmot Proviso, or a law abolishing slavery in the District of Columbia, or prohibiting the slave trade between the States, these would be such a breach of the Federal Compact that would make it the duty of, as well as it is the right of the slaveholding states to take care of their own safety, and upon the passage by Congress of either of these laws, the Governor of the State is requested forthwith to convene the General Assembly to consider the mode and measure of redress.¹¹

¹¹House Journal, 1849-1850, pp. 327-331.

To these resolutions was added this amendment for which Bate voted:

And that the only method by which the Union can be preserved in the original purity, so as to secure to the several states their constitutional rights is by resisting at all hazards and to the last extremity any and all attempts to violate the spirit and intent of its provisions.¹²

The majority report of the Committee on Federal Relations, which was practically the same as Bate's, was adopted by the House of February 6, 1850.¹³ However, the Whig Senate refused to adopt these or similar resolutions on the ground that it was no part of their delegated trust to have any connection with the proposed convention at Nashville.¹⁴

Bate did not seek reelection to the legislature. In 1851 he entered the Cumberland University College of Law at Lebanon, Tennessee, and was graduated in 1852.¹⁵ He was then admitted to the Gallatin bar.¹⁶ Major

¹²Ibid., 358.

¹³Ibid., 796.

¹⁴Journal of the Senate, Tennessee General Assembly, 1849-1850, p. 764. Hereafter cited Senate Journal.

¹⁵James Phelan, History of Tennessee (Boston: Houghton Mifflin and Co., 1888), 229.

¹⁶"Bate, William Brimage," in Biographical Directory of the American Congress, 1774-1927 (Washington: Government Printing Office, 1928), 67-68.

George W. Winchester, observing that Bate was a successful, methodical, tireless practitioner, formed a partnership with him that lasted until 1854, when Bate was elected Attorney General for the Nashville District, composed of Sumner, Davidson, and Williamson Counties. In this position Bate developed a keen intuitive judgment and was considered one of the outstanding attorneys general of the State. He held this office until 1860.¹⁷

In 1856 Bate was married to Miss Julia Peete of Huntsville, Alabama, and shortly after his marriage he was nominated for Representative in Congress but declined.¹⁸ In 1860 he was a candidate for presidential elector on the Breckinridge-Lane ticket, and about this time he became deeply interested in politics.

¹⁷Remarks of Senator Daniel of Virginia in William Brimate Bate - Memorial Address, 21.

¹⁸E. W. Carmack, "Record of a Confederate and a Senator," Confederate Veteran, XV (March, 1907), 114.

¹⁹Phelan, op. cit., 228.

CHAPTER II

CIVIL WAR PERIOD

7

Immediately after the election of Abraham Lincoln in 1860, the South Carolina Legislature called a convention of the people to consider the dangers of remaining in the Union. This convention on December 20, 1860, passed its Ordinance of Secession. By February 1, 1861, Georgia and the five Gulf States had followed South Carolina out of the Union; and on February 4, 1861, representatives from the seceding states met at Montgomery, Alabama, to organize a provisional government for the Confederate States of America.

The people of the Upper South were torn between sentiment for the Union and a spirit of sectionalism based on the plantation system and white supremacy. They wanted to stay in the Union if their rights would be respected and they could have peace.

When Governor Francis Pickens of South Carolina received a message that a relief expedition was on its way to Fort Sumter, he ordered General P. G. T. Beauregard to reduce the fort. At dawn on April 12, 1861, the South Carolina forces began the bombardment of the

fort.¹

On the next day after the attack on Fort Sumter, Bate enlisted in Company 2, Second Tennessee Regiment, Confederate, and was elected Colonel.² Five days later he was in Montgomery, Alabama, where he conferred with L. P. Walker, Secretary of War for the Confederate States of America, who promised to furnish his regiment with arms.³ As a compliment to Secretary Walker, Bate called his regiment the Walker Legion.⁴ Because Tennessee had not yet seceded, arms were sent to Lynchburg, Virginia, and the Walker Legion went into service under the call of Governor Letcher of Virginia.⁵

Colonel Bate believed that Tennessee would secede, but he feared that Governor Isham G. Harris, who was a

¹Simkins, op. cit., 129-133.

²Cisco, op. cit., 223.

³Bate to L. P. Walker, Secretary of War, in War of the Rebellion: Official Records of the Union and Confederate Armies (Washington: Government Printing Office, 1902), Series I, Vol. II, 58. Hereafter referred to as O. R.

⁴Report of Daniel S. Ruggles, Colonel, Provisional Army to Colonel R. S. Garnett, Adjutant General Virginia Forces, ibid., 55-56.

⁵Extracts from the proceedings of the Advisory Council of the State of Virginia, ibid., 793.

staunch supporter of secession and of union with the Confederacy, might not be reelected. He asked Secretary Walker to give Governor Harris the power to recall the Second Tennessee Regiment if necessary to insure Harris' reelection.⁶ Walker notified Governor Harris that he might recall the Tennessee troops at any time because Tennessee was not a member of the Confederacy and her contribution was considered voluntary.⁷

On May 3, 1861, three companies of soldiers from Sumner County, who expected to be sent immediately to join General Beauregard in the East, arrived by train in Nashville. One of these was Company 2, composed of 104 men.⁸ There was a difference of opinion among the military and civil authorities as to whether the soldiers should remain in Tennessee or be sent into Virginia. General Gideon J. Pillow held the first opinion. Fearing that the Federals would invade Tennessee, he asked that the movement of troops into Virginia be discontinued.⁹ Governor Harris overruled General Pillow

⁶Bate to L. P. Walker, Secretary of War, April 20, 1861, ibid., 73-74.

⁷Extracts from the proceedings of the Advisory Council of the State of Virginia, ibid., 793.

⁸Nashville Daily Gazette, May 4, 1861.

⁹Ibid., May 6, 1861.

saying that people would defend their own state who would not fight willingly in another. Bate agreed with Harris. His company had been formed with the understanding that it would be sent to Virginia. Besides, 137 companies had already been tendered to Harris, and Bate felt that his could be spared for service in the East.¹⁰

On May 9, 1861, Bate's regiment started for Lynchburg, embarking on the Nashville and Chattanooga Railroad.¹¹ In a letter written at Bristol, Bate reported that secession sentiment seemed to be strong in East Tennessee and termed the Unionist efforts of Andrew Johnson and T. A. R. Nelson as abortive.¹² The Second Tennessee Regiment reached Lynchburg on May 12, and was mustered into the Confederate service.¹³ By May 21, this regiment, numbering 952 men, had arrived in Richmond and gone into camp at the head of Main Street.¹⁴ Six days later the regiment set out for Fredericksburg,¹⁵ and

¹⁰Ibid., May 9, 1861.

¹¹Ibid., May 10, 1861.

¹²Ibid., May 19, 1861.

¹³John B. Lindsley, The Military Annals of Tennessee (Nashville: J. M. Lindsay and Co., 1886), 131.

¹⁴Frank Moore, ed., The Rebellion Record, 11 Vols. (New York: G. P. Putnam, 1864), I, 74 ("Doc. 182").

¹⁵Nashville Daily Gazette, May 31, 1861.

upon arriving there, was ordered to a point on the Fredericksburg and Aquia Creek Railroad known as Camp Jackson.¹⁶ Here Bate was given command of a brigade composed of his own regiment and the Virginia troops present,¹⁷ numbering about 3,000 in all.¹⁸ On May 31 the Confederate Battery at Aquia Creek was fired upon by three war steamers, and Colonel Daniel Ruggles, who was in command of the Confederate forces at Fredericksburg, moved all the available forces including the Walker Legion to the defense; but they reached Aquia Creek after the firing had ceased.¹⁹

On the next day the Federals returned to the attack with four steamers and several transports. Bate was in charge of the defense until Colonel Ruggles arrived. He pronounced Bate's conduct admirable, but Bate was soon superseded in the command of the defenses by Brigadier-General T. H. Holmes, who arrived with the First Arkansas Regiment.²⁰

¹⁶Lindsley, op. cit., 131.

¹⁷Letter from M. W. McCluskey to L. P. Walker, Secretary of War, June 1, 1861, in O. R., Series I, Vol. IV, Part 2, p. 501.

¹⁸John Dowling's Statement to S. C. Rowan, Commander U. S. S. Pawnee, ibid., 530-531.

¹⁹Report of Colonel Daniel Ruggles, C. S. Army Commander U. S. S. Pawnee, ibid., 530-531.

²⁰Lindsley, op. cit., 131-133.

Most of the Southern soldiers were not well informed concerning the defensive war that the South would have to wage if it were to be able to maintain its independence.²¹ Bate evidently was one of this number because on June 11, 1861, he wrote to L. P. Walker from Aquia Creek:

I want the Walker Legion to be in the column which advances upon Washington. I believe we will have skirmishes here, nothing more.

I want a $\frac{1}{2}$ hour's talk with you, and if you will telegraph General Holmes to send me individually to Richmond for a day, I can get to go; otherwise I don't think the old Tycoon (Holmes) will let me, and I never disobey orders.²²

A few days later the Walker Legion was ordered to Fredericksburg to embark upon an expedition down the Rappahannock. It took part in the capture of the Federal mail packet St. Nicholas, the Halifax loaded with coffee, and the ice-laden Virginia.²³

Bate's regiment began a forced march from Camp Jackson on June 19 to join Beauregard to Manassas and early the next morning. It was posted on the extreme

²¹Simkins, op. cit., 143.

²²O. R., Series I, Vol. IV, Part 2, p. 500.

²³Lindsley, op. cit., 131.

right of Beauregard's army along with Holmes' brigade but took no part in the battle.

After this battle the Second Tennessee was stationed at Evansport on the Potomac where it aided in constructing batteries and defenses and remained as a corps of observation facing Generals Daniel Sickles and Joseph Hooker until February 1, 1862.²⁴

During the time Bate was at Evansport, it appeared to him that the Confederates under General Beauregard were making a gradual approach upon Washington, and again he wrote to Secretary Walker asking that he be allowed to take part in the movement. Bate knew that General Beauregard and Jefferson Davis, President of the Confederacy, were in disagreement as to whether the Confederates should take the offensive or remain on the defensive before Washington. General Beauregard favored the first kind of campaign, but President Davis insisted that the Confederates must remain on the defensive.²⁵

On February 1, 1862, the Second Tennessee Regiment reenlisted for three years, was given a fifteen-day

²⁴Ibid., 133.

²⁵Bate to Governor Harris, August 11, 1861, in General Correspondence of Isham G. Harris (State Archives, Nashville).

furlough, and ordered to rendezvous at Nashville on February 16. Before this furlough expired, Nashville had been evacuated by the Confederates; and the regiment reassembled at Huntsville, Alabama, about the last of March, 1862, where it reformed and was sent to Corinth, Mississippi. Here it was assigned to the brigade of General Pat R. Cleburne.²⁶

The brigade left Corinth on April 4, and on the next day it took position in General William Hardee's Corps for the Battle of Shiloh. Here on Sunday, April 6, while leading his regiment in its second charge, Bate was struck just below the left knee by a minnie ball.²⁷ Both bones were broken.²⁸ A brother, Captain Humphrey Bate, and a brother-in-law were killed in this battle.²⁹

Disabled for several months, Bate was placed on duty at Huntsville, Alabama, and given temporary command

²⁶Lindsley, op. cit., 133.

²⁷Report of Colonel Bate to Commanding Officer, C. S. Army, O. R., Series I, Vol. X, pp. 584-586.

²⁸W. J. McMurray, History of the Twentieth Tennessee Regiment, Volunteer Infantry (Nashville: C. S. A. Publications Committee, 1904), 376.

²⁹Cisco, op. cit., 223.

of the Military District of North Alabama,³⁰ with the rank of Brigadier-General.³¹ Bate was relieved of his temporary command over the military district on February 23, 1863, and ordered to report to Lieutenant-General Leonidas Polk at Shelbyville, Tennessee. Here he was placed in command of Rains' Brigade of McGowan's Division commanded by Brigadier-General A. P. Stewart.³²

In a letter of March 24, 1863, to Landon C. Haynes, one of the Confederate States' Senators from Tennessee, Bate asked that General Braxton Bragg be retained as commander of the Army of Tennessee. His letter stated:

I do not doubt that General Johnson is his superior in many respects. If the Army has to fall back South of the Tennessee and General Bragg is disconnected with it and the terror of his name lost to deserters, the Army will become a mere skeleton from desertions. I am at present commanding a brigade in McGowan's Division, yet I take no part in the disputes between him and General Bragg. General Stewart is in command of this Division by assignment. If the President had given me the rank you and I thought I was entitled to as a Brigadier, I might have been in command of this Division, but of that I have no complaint; it is doubtless in better hands; and I am satisfied the President did what he thought was best.

³⁰McMurray, op. cit., 376.

³¹Lindsley, op. cit., 132.

³²McMurray, op. cit., 376.

Would it not be consistent with your sense of duty to have an interview with the President and urge the retention of Bragg in his present command. Except for an occasional interview I do not personally know General Bragg and am not influenced by other than patriotic motives.

While on my crutches I have been in the rear of his Army in command of the District of North Alabama and at Chattanooga, I have had a good opportunity to observe his force of character and discipline. I am quite lame yet and fear I shall always be so.³³

On June 17, 1863, Bate, still walking on crutches, was offered the nomination for Governor of Tennessee by a Democratic convention that met at Winchester. He declined the nomination in the following message:

Wartrace, June 17, 1863.

To Messrs. Calloway, Rice, Winchester, Brown and others:

Gentlemen: In reply to your telegram of today, I beg to say that, however flattering the honor you suggest, and to which I am not insensible, there is a duty that rises above it. As a son of Tennessee and a Southern soldier, I would feel dishonored in this hour of trial to quit the field. No, sirs, while an armed foe treads our soil, and I can fire a shot or draw a blade, I will take no civic honor. I had rather, amid her misfortunes, be the defender than the Governor of Tennessee. Let me exhort to harmony.

Upon the receipt of this telegram, the convention nominated Judge Robert L. Carruthers, who, although elected,

³³O. R., Series I, Vol. LII, Part 2, pp. 442-443.

was unable to serve because the Federal forces had occupied the State.³⁴

General W. S. Rosecrans started for Chattanooga in June, 1863, and attempted to cut Bragg's line of communication with the West. On June 23, Bate met this army at Hoover's Gap where he delayed the Federal force and saved the line of communication despite the fact that he was outnumbered and forced to retreat.³⁵

By the middle of August, 1863, it appeared to the Federals that Chattanooga was being deserted. Bragg was reported to be in Georgia, and D. H. Hill's Corps was stationed from Harrison's Landing up the Tennessee to Loudon. On August 22, Lieutenant-General D. H. Hill ordered Major-General A. P. Stewart to move a brigade with a battery to the mouth of the Chickamauga. Bate, who was at Harrison's Landing guarding a shallow ford, was to support Stewart's Brigade if firing should begin.³⁶

Early on Saturday morning, September 19, 1863, Bate's men fired the first shots of the Battle of

³⁴Marshall, op. cit., 64-65.

³⁵O. R., Series I, Vol. LII, Part 2, p. 443.

³⁶Report of J. Wilder commanding First Brigade Fourth Division, 14th Army Corps to Colonel Goddard, Assistant-General, Department of the Cumberland, in ibid., Series I, Vol. XXX, Part 3, p. 51.

Chickamauga when they repulsed a detachment of the Federal forces that attempted to cross the ford.³⁷ On the night of the 19th, heavy firing began, and General Stewart's three divisions led by Clayton, Brown, and Bate were pushed back and forced to form a new line.³⁸ Early the next morning the battle became furious and continued in this manner until about 5 o'clock in the afternoon when the three divisions moved against the enemy's defenses. The Federals began their retreat, and Bate's men fired the last shots in this battle. His losses had been severe; out of a total of 1,217 officers and men, 503 were killed, wounded or missing. Two horses had been shot from under General Bate, and he had been wounded again.³⁹

After the Battle of Chickamauga, Bragg fortified Lookout Mountain and Missionary Ridge, shut Rosecrans up in Chattanooga, and tried to starve him into surrender. A large part of General U. S. Grant's forces was

³⁷Report of Major-General A. P. Stewart, C. S. Army to Captain J. N. Gallagher, Assistant Adjutant-General, Buckner's Corps, ibid., Part 2, p. 361.

³⁸Ibid., 364.

³⁹Ibid., 366.

sent to raise the siege, and on November 24 the Battle of Missionary Ridge was fought.⁴⁰

Bate, in command of Breckinridge's Division, was holding the trenches at the foot of the ridge⁴¹ when General P. H. Sheridan began his attack.⁴² The Federals succeeded in breaking the Confederate line on the right and gained the crest of the ridge. Bate was sent to the broken line; but, finding it beyond repair, he formed a second line to cover the retreat of General J. C. Breckinridge. He succeeded in carrying out his plan, and the routed right wing made its way back in great disorder. Throughout this engagement Bate was distinguished for coolness, gallantry, and military conduct.⁴³

A period of internal confusion and weakness began in the South after 1862. State governments, especially those of North Carolina and Georgia, insisted that large numbers of their troops be exempted from the regular

⁴⁰G. R. McGee, History of Tennessee (New York: American Book Company, 1927), 205.

⁴¹McMurray, op. cit., 378.

⁴²Report of Major-General P. H. Sheridan, U. S. Army, to Lieutenant-General J. S. Fullerton, Assistant Adjutant-General, in O. R., Series I, Vol. XXXI, Part 2, p. 664.

⁴³Report of Braxton Bragg, General Commanding the Army of Tennessee to General S. Cooper, Adjutant and Inspector-General, C. S. Army, ibid., 664-667.

Confederate forces for service in the local militia. Unscrupulous physicians became wealthy by issuing certificates of ill health when such was not the case, and owners of fifteen to twenty slaves were exempted from service.⁴⁴ General Bragg stated that the greater number of men who were hired as substitutes were aliens or individuals who were physically unfit for service.⁴⁵

On July 25, 1863, Braxton Bragg, A. P. Stewart, Leonidas Polk, John C. Brown, Pat R. Cleburne, Bate, and twelve other officers held a meeting and drew up the following statement which was sent to General Cooper, Adjutant and Inspector-General of the Confederate States Army:

Unless the ranks are speedily replenished our cause will be lost. The whole system of exemptions is based on a false assumption. We find multiplied post offices and printing presses which add to the comfort and convenience of the people but do not contribute to our success in arms.

All vocations which afford exemption are crowded. We especially deplore that provision of the exemption bill which has allowed more than 150,000 soldiers to employ substitutes. In numerous instances fraudulent papers were employed; in others diseased men were presented,

⁴⁴Simkins, op. cit., 153-154.

⁴⁵B. I. Wiley, The Life of Johnny Reb (Indianapolis: The Bobbs-Merrill Co., 1943), 124-142.

accepted, and had to be discharged. In other cases vicious and unprincipled substitutes were bought up only to desert at the earliest possible moment.

Friends of timid and effeminate young men are continually asking the War Department through Congressional and other agents to get soldiers placed upon details or transferred to other safe places. The total loss to the Army from this cause is enormous. We do know certainly that the number of detailed and exempted men exceeds a quarter of a million. The Army can be increased by this number without more suffering than is to be expected in such a life and death struggle as we are now engaged in. We urge prompt action. The existence of the Confederacy itself is endangered.⁴⁶

General Cooper replied to the above communications on August 6 as follows:

1. Men who are exempt by law from conscription have been invited to organizations for local defense. They are subject to duty as militia of the states, and you have probably observed that the states have been called on to furnish additional forces in both of these forms.

2. I am surprised to find the statement about 150,000 substitutes. Records of the War Department do not furnish means of verifying this, and I would be glad to know how you got your information.

3. If you are correct in saying that one-fourth of a million men under 45 are detailed and exempted, you will do the War Department justice to remember that it has construed the exemption laws very rigidly and

⁴⁶ O. R., Series IV, Vol. II, 670-671.

made constant efforts to reduce the number of effective soldiers and men employed at depots and by staff officers in the field.⁴⁷

On January 2, 1864, Major General Cleburne read a paper in which he proposed to emancipate the slaves, arm them, secure them as allies, and increase the Confederate forces in the field. The officers present at this meeting were: Johnston, Hardee, Walker, Stewart, Stevenson, and Bate.⁴⁸ The proposal was favored by none of those present except Cleburne.⁴⁹

After having been promoted to succeed Major-General Patton Anderson as commander of a division in Breckinridge's Corps,⁵⁰ Bate took part in the Battle of Atlanta, where he was again wounded in the knee by a minnie ball.⁵¹ This injury proved to be less severe than

⁴⁷Ibid., 695-696.

⁴⁸Letter of Patton Anderson to Lieutenant-General Leonidas Polk, ibid., Series I, Vol. LII, Part 2, pp. 598-599.

⁴⁹Communication from J. E. Johnston to James A. Seddon, Secretary of War, ibid., 608-609.

⁵⁰Communication from Jefferson Davis to J. E. Johnston, ibid., 629.

⁵¹"Journal" of Brigadier-General Francis A. Shown, ibid., Vol. XXXVIII, Part 3, p. 689.

had been expected, and he was dismissed from the hospital shortly before General Hood moved the Confederate Army into Tennessee.⁵²

On December 5, 1864, there arrived an order from A. P. Mason, the Assistant Adjutant-General of the Confederate States, for Generals Bate and Forrest to unite their divisions and attack General Robert H. Milroy's forces at Murfreesboro.⁵³ Two days later Milroy completely routed their forces. Bate's division then joined General Hood's army for an attack on Nashville; but the ragged, footsore men were forced to retreat when General George H. Thomas moved his forces against their front and flank.⁵⁴

In the early spring of 1865, the Army of the Tennessee was placed under the command of Joseph E. Johnston. At Bentonville, North Carolina, it fought its last battle,⁵⁵ and on April 26, 1865, General Johnston surrendered to General W. T. Sherman at Durham Station, North Carolina.⁵⁶

⁵²McMurray, op. cit., 378.

⁵³O. R., Series I, Vol. XLV, Part 2, p. 652.

⁵⁴McMurray, op. cit., 379.

⁵⁵Ibid., 380.

⁵⁶Marshall, op. cit., 170.

On the night before the surrender, the soldiers gathered about General Bate's headquarters. He climbed upon a stump and made a speech to which was this conclusion:

We are consoled in that we know we have fought a good fight, we have kept the faith. The star of hope, though seen in the dim distance, beckons us to the future. After the long struggle in which we were knit closer than brothers, the end has come, and we must part. We will all meet again in the great beyond; many of us will meet again in this life, but whatever fate betide us, we must be friends and be true to our Confederate history.⁵⁷

Some of the younger soldiers from Florida expressed the intention of returning to their home state and carrying on the war from there. Bate told them that such action would be unsoldierlike and that they should go home and attend to their affairs as peaceful citizens. In Bate's opinion the war had settled all the legal questions involved but the principle of right or wrong in these questions was not affected.⁵⁸

⁵⁷Ibid., 172.

⁵⁸Ibid., 173-183.

CHAPTER III

FROM THE CIVIL WAR UNTIL 1882

Immediately after the surrender at Durham Station, Bate returned to his old home at Castalian Springs. He had little means of support, and the old farm was badly in need of rehabilitation. He was obligated as surety for friends to the amount of \$30,000. Refusing to take advantage of the bankruptcy laws, he went to work and paid the security debts with interest by 1830.¹

In 1866 he began the practice of law with Judge W. K. Turner, who died soon after. Then in partnership with Colonel Frank E. Williams, he formed the firm of Williams and Bate, which became one of the leading law firms in Tennessee. This partnership lasted until he was elected governor in 1882.

Bate was unusually successful as a lawyer. He was able, sincere, and never represented a corporation. The war had left much litigation. Prices remained high for several years, and business as a whole was fairly prosperous.² Consequently there was a great demand for

¹Marshall, op. cit., 189.

²Ibid., 187-189.

the services of able attorneys, and the general condition of business made payment of fees easy. He became greatly interested in public affairs while he was practicing law. Although he had been disfranchised, along with all other former Confederates, by an act of the legislature,³ Bate was a candidate for presidential elector in 1868, and again, after his disabilities had been removed, in 1876. From 1868 until 1880 he represented Tennessee on the National Democratic Committee.⁴

The Ku Klux Klan was organized in Tennessee; and in 1867 at a convention in Nashville, shortly after Negroes had been enfranchised in the State, it was made into a general organization under the name of the Invisible Empire of the South. Governor William G. Brownlow hated and feared this organization mainly because it seemed a threat to his continuance in power.⁵

On June 14, 1868, Congressman S. M. Arnell telegraphed Governor Brownlow that on the previous night

³ Acts of the State of Tennessee, First Session of the Thirty-fourth General Assembly, 1865, pp. 32-36.

⁴ Marshall, op. cit., 190.

⁵ W. L. Fleming, Sequel of Appomattox (New Haven: Yale University Press, 1921), 247-248.

several members of the Klan, with ropes and pistols in their hands, stopped a train, boarded it, and searched for him. Arnell asked that he might be empowered in the name of the Governor to call out sufficient troops to suppress all armed and masked bands in the vicinity of Columbia.⁶

Governor Brownlow telegraphed General George H. Thomas, Commander of the Department of the Cumberland, at Louisville to send additional troops into Tennessee to help curb the activities of the Klan. Thomas refused, giving as his reason the insufficient number of soldiers under his command. Later General Thomas said: "Middle Tennessee is disturbed by animosities and hatreds much more than it is by the disloyalty of persons toward the Government of the United States."⁷

On July 6, 1868, Governor Brownlow issued a proclamation for the legislature to meet in extraordinary session on July 27, at which time he would give the reasons for calling the members together.⁸ In his message to the legislature the Governor declared that,

⁶"Governor's Message," House Journal, Extraordinary Session of the Thirty-fifth General Assembly, July 27-September 14, 1868, pp. 8-15.

⁷S. F. Horn, The Invisible Empire (Boston: Houghton Mifflin Co., 1939), 102.

⁸House Journal, Extraordinary Session of the Thirty-fifth General Assembly, July 27-September 14, 1868, p. 3.

although conservatives and former rebels had assured him that law and order would be preserved without the aid of troops, certain rebellious elements had been secretly arming and building up a secret organization known as the Ku Klux Klan, composed of former rebel soldiers and their sympathizers, who had as their objects the overthrow of the state government, carrying the State in the next presidential election, the abolition of Negro suffrage, the enfranchisement of every former Confederate soldier, and the wiping out of all constructive legislation passed since 1865.⁹

Then Governor Brownlow said:

I recommend that these organized bands of enemies and robbers be declared outlaws by special legislation and punished with death wherever found. Letters and petitions have reached me from some of your constituents calling for the militia to protect them in their persons and property.¹⁰

Bate was not a member of the Klan,¹¹ but on the next day he and twelve other former Confederate generals including General Nathan B. Forrest, met at Nashville.¹² The drew up a memorial which was presented to the legislature on August 4. It read:

⁹"Governor's Message," ibid., 8-15.

¹⁰Ibid., 14-15.

¹¹Congressional Record, 53 Congress, 2 Session, Vo. XXVI, Part 2, p. 1994.

¹²Horn, op. cit., 102.

We are regarded with that large class supposed to be hostile to the State Government. We do not seek the overthrow of the State Government or to do any other act by revolutionary or lawless means. We do not believe that there is in Tennessee any organization either public or secret that has such a purpose, and if there is, we have no sympathy or affiliation with it. We think the peace of the State does not require the organization of a military force. Such a measure would promote collision rather than preserve harmony and good government. As an inducement to your body not to organize such a military force, we pledge ourselves to maintain the order and peace of the State with whatever influence we possess, to uphold and support all laws, and aid in their execution, trusting that a reciprocation of these sentiments by your honorable body will remove all irritating causes now disturbing society.

The large mass of white men in Tennessee are denied the right to vote or hold office, consequently more or less dissatisfaction exists. We also submit that removal of the political disabilities resting upon so many of our people would heal all the wounds of our State and make us once more a prosperous, contented, and united people.¹³

Despite this memorial, the legislature enacted a measure by which the governor was authorized and empowered to organize, equip, and call into service at his discretion a volunteer force composed of one regiment from each congressional district to enforce the laws where citizens were threatened on account of rebellion or

¹³House Journal, Extraordinary Session of the Thirty-fifth General Assembly, July 27-September 14, 1868, pp. 42-43.

insurrection. Another act outlawed the Ku Klux Klan and made provision for the punishment of its members.¹⁴

On October 23, 1867, Governor Brownlow was elected to the United States Senate to succeed David Patterson, whose term would end on March 4, 1869.¹⁵ Brownlow resigned the office of governor on February 25, 1869, and DeWitt Clinton Senter,¹⁶ Speaker of the Senate, succeeded him. When the Radical gubernatorial convention was held at Nashville on May 20, 1869, the contest for the nomination was between Senter and W. B. Stokes, a Radical from Middle Tennessee. A. M. Cate, the temporary chairman, would not recognize any of Senter's supporters; and after two days of disorder, one part of the convention nominated Senter and other one chose Stokes. Each claimed to be the nominee of the whole party. The Conservatives did not nominate a candidate but watched Senter and Stokes carefully, trying to determine which to support. On June 5, Senter stated that he favored immediate, universal suffrage and promised to ask the next general assembly to remove all restrictions upon taxpayers' voting. This

¹⁴Acts of the State of Tennessee, Extraordinary Session, 1868, pp. 18-25.

¹⁵Senate Journal, 1868-1869, p. 64.

¹⁶House Journal, 1868-1869, p. 455.

statement won him much conservative support. Stokes also favored reenfranchisement of the citizens, but he believed that the legislature would have to reenfranchise each individually. Such a process would require years. Brownlow, himself, urged the reelection of Senter, who removed all the commissioners of registration that were not favorable to his plans, which were to allow all actual citizens to vote, and replaced them with men who would do as he wished. Senter was elected, and along with him a Democratic legislature. The rule of the Radicals was ended.¹⁷

The Thirty-sixth General Assembly which met soon after the reelection of Governor Senter, legalized the actions of the commissioners of registration in the preceding election¹⁸ and repealed the acts that disqualified former Confederates from becoming candidates for state and county offices and for serving on juries.¹⁹ It also provided for the Constitutional Convention of 1870 which wrote into the proposed constitution that all men 21 years of age or older who were citizens of

¹⁷Thomas B. Alexander, Political Reconstruction in Tennessee (Nashville: Vanderbilt University Press, 1950), 215-225.

¹⁸Acts of the State of Tennessee, First Session of the Thirty-sixth Assembly, 1869-1870, p. 19.

¹⁹Ibid., 134-135.

the United States, had paid their poll tax, and had resided in the State and county for six months had the right to vote. This proposed constitution was ratified by the voters of the State on March 26, 1870, by a vote of 98,128 to 33,782.²⁰ Furthermore, the Federal Government began to be more liberal toward the ex-Confederates. Section 3 of the Fourteenth Amendment had declared that no one could hold any office under the United States Government or any other state government, who, previous to the rebellion had, in the capacity of his office, whether it was state or national, taken an oath to support the Constitution of the United States and then had engaged in rebellion or given aid and comfort to the enemy; but, by an act of Congress, passed in 1872, these restrictions were removed from all except those who had been members of the Thirty-sixth and Thirty-seventh Congresses, and those who had been judicial, civil, and military officers, heads of departments, and foreign ministers of the United States.²¹ Thus the political disqualifications of William B. Bate were removed.

²⁰W. R. Garrett and A. V. Goodpasture, History of Tennessee (Nashville: The Brandon Company, 1900), 254.

²¹United States Statutes at Large (Boston: Little, Brown and Company, 1873), XVII, 142.

In 1875 Bate became a candidate for Senator to succeed William G. Brownlow. Other leading candidates were John C. Brown, W. A. Quarles, John H. Savage, W. H. Ewing, and former President Andrew Johnson, all Democrats. The first three had been officers in the Confederate Army; Ewing was an able lawyer, and Johnson was the leader of the small farmers and workingmen as well as the unyielding foe of the Bourbons.

Johnson began to make his plans for this senatorial election as early as 1872 when a Congressman-at-large was to be elected. Before the Democratic nominating convention of 1872 met, Johnson made several speeches in which he denounced the "military ring of ex-Confederate officers," or Bourbons, for acting as if all elective offices in the State belonged to them. General Bate and Isham G. Harris immediately began to make speeches in which they praised the Bourbons and condemned Johnson.

When the convention met, B. F. Cheatham, a former Confederate officer, was nominated for Congressman-at-large. Three days later a group of workingmen met in Nashville and nominated Johnson, who declared himself to be the champion of the masses against the Bourbons.²²

²²Philip M. Hamer, ed., Tennessee, A History, 4 vols. (New York: The American Historical Society, Inc., 1933), II, 678-679.

Johnson did not expect to be elected; his object was to break the power of the ex-Confederates and thus bring about the election of a legislature that would send him to the Senate in 1875. He succeeded. The Republicans, heartened by seeing two Democrats running for the same office, nominated Horace Maynard, who was elected.²³

In 1875 many people thought Johnson could not be elected Senator because he had run as an independent candidate for Congress in 1872, but Johnson went to work shrewdly and methodically. He canvassed the State, attacking Governor John C. Brown's administration, but said nothing unkind about the other candidates for the senatorship. E. C. Reeves, his private secretary, saw each member of the new legislature except those of the Shelby delegation, which were pledged to Johnson, and learned that Bate led Brown by a few votes. Deciding that neither of these men would allow the other to be elected, Johnson waited calmly, satisfied that when the electors had come to see the hopelessness of choosing either of the two leading candidates, he would be elected.²⁴

²³James S. Jones, Life of Andrew Johnson (Greenville: East Tennessee Publishing Co., 1901), 348-349.

²⁴E. C. Reeves, "The Real Andrew Johnson," in Appendix to Lloyd Paul Stryker, Andrew Johnson, A Study in Courage (New York: The Macmillan Co., 1929), 833-834.

The balloting lasted for more than a week with Bate usually leading, but unable to get a majority. Brown withdrew after the thirty-fourth ballot, stating that harmony and integrity within the party would be promoted by his doing so. The contest was now between Johnson and Bate. Soon Quarles withdrew; and before the fifty-third ballot was taken, Lewis Bond, the Speaker of the House, had renominated Brown. Upon the heels of Bond's action, H. March of Franklin County withdrew the name of Bate.²⁵ On the following day Senator J. C. Hodges of Morristown read before the convention a letter from Bate, which had been written after Brown was renominated, stating that his own name was withdrawn in good faith; and, because he did not wish to be an obstacle to the election, Mr. Hodges was directed to withdraw his name immediately if it should be placed before the convention again. After the fifty-fourth ballot had been taken, Brown's name was withdrawn, and Johnson was elected on the next ballot.²⁶

Upon the death of Johnson in July, 1875, Governor James D. Porter appointed David M. Key of Hamilton County

²⁵House Journal, 1875, pp. 115-193.

²⁶Senate Journal, 1875, pp. 195-210.

to serve in the Senate until March 4, 1877. Consequently when the legislature met in January, 1877, there were two Senators to elect, one for the long term to succeed Henry Cooper and the other for four years to fill out Johnson's unexpired term. As usual there was no scarcity of candidates, the principal ones being Bate, Isham G. Harris, James E. Bailey, David M. Key, and Peter Turney, all Democrats; and A. H. Pettibone, Horace Maynard, and L. M. Hawkins, Republicans. It was believed that Harris and Bate would be elected, and Bate's supporters conceded the long term to Harris because of his position in the party. On the first ballot Harris was elected to succeed Senator Cooper.²⁷

On January 9, 1877, a joint convention of the two houses proceeded to the election of a Senator for the short term. Bate received thirty-four votes on the first ballot; Bailey twenty-four; Key twelve; and Pettibone twenty.²⁸ In this election the Bourbon Democrats divided their votes between Bailey and Bate, while Key was supported by the Johnson element of the convention.²⁹ By January 14, the convention had balloted forty-six

²⁷Marshall, op. cit., 195-197.

²⁸House Journal, 1877, 76.

²⁹Knoxville Chronicle, January 13, 1877.

times without being able to elect. The fight was now between Bailey and Key, with Bate running a close third.³⁰ Key had moved into second place as a result of getting twelve Republican votes; but, when he learned that the Republicans intended to nominate Horace Maynard, he withdrew,³¹ only to be renominated two days later by Senator Jesse Arledge of Winchester. Bate's supporters gradually drifted to Key until the evening of January 19, when Bate withdrew. On the next ballot, the seventy-third, Bailey was elected over Key by a vote of fifty-five to thirty-eight.³²

Before the end of 1880, the opponents of Bailey began to make preparations for his defeat in January. The Memphis Avalanche in its issue of December 13, 1880, declared that Bailey's defeat was a foregone conclusion, and another newspaper stated that for the sake of unity and harmony within the party, Bailey should not be returned to the Senate.³³

When the legislature met on January 3, 1881, there were several potential candidates including the two Bourbons, Bate and Bailey; outspoken John H. Savage; former

³⁰Ibid., January 14, 1877.

³¹Ibid., January 16, 1877.

³²House Journal, 1877, p. 182.

³³Knoxville Chronicle, December 3, 1880, quoting the Franklin Review.

governor Albert S. Marks; the popular Robert L. Taylor, considered by many as the successor to Johnson's following; House Representative Howell E. Jackson from Madison County, a state credit Democrat, who fortunately for himself, possessed the respect of all factions within his party; and the East Tennessee Republican, Horace Maynard.³⁴ Again the contest was between the two Bourbons until the twentieth vote was taken when Bate, recognizing the hopelessness of his candidacy, withdrew.³⁵ His followers, determined that victory should not come to Bailey, told the Senator that they would never support him but would scatter their votes until he withdrew at which time they would be willing to support a candidate acceptable to all the Democrats.³⁶ Bailey seemed to think he could be elected, for he allowed his name to remain before the convention until five additional ballots were taken. Then he withdrew, and on the thirtieth ballot the compromise candidate, Howell E. Jackson, was elected.³⁷

From the Democratic party's return to power in 1870, until 1883, the main issue in Tennessee politics

³⁴Knoxville Chronicle, January 19, 1881.

³⁵House Journal, 1881, pp. 153-207.

³⁶Knoxville Chronicle, January 25, 1881.

³⁷House Journal, 1881, p. 238.

was the state debt, which consisted of two parts, the state debt proper representing direct obligations of the State, and the state aid debt which was made by extending the credit of the State to railroad companies³⁸ under the terms of an act of 1852 and those amendatory to it. These acts provided that before the Governor could issue state bonds to any railroad, the railroad company must have met the following conditions:

1. Secured bona fide, good and solvent subscriptions of stock enough to prepare for the rails the whole extent of the main trunk line within the State.
2. Graded and prepared for the rails a specified number of miles, usually thirty.
3. Had given no prior lien on the road.
4. Notified the Governor of these facts by the written affidavits of the chief engineer and the president of the company, together with a resolution of a majority of its board of directors that the bonds issued to it would be used only for the purposes described.

Provisions were made whereby bonds were to be issued in separate lots to iron each successive section of

³⁸D. M. Robison, Bob Taylor and the Agrarian Revolt in Tennessee (Chapel Hill: The University of North Carolina Press, 1935), 201.

the road, and a railroad commission was appointed to supervise the management of the companies that received state aid as well as to approve every issue of state bonds.

Certain other conditions were to apply, among which were these: the bonds were not to be sold at less than par; the loan was to constitute a first lien upon all the property of the road; the interest was to be paid to the State fifteen days before it was due; and if this payment was not made, a receiver, appointed by the governor, was to take over and operate the road until the interest and the expenses incurred in operating it had been paid; five years after the completion of the road, the company was to begin to pay back to the state two per cent of the loan each year to provide a sinking fund from which the bonds would be paid at maturity.

This arrangement worked well until the Civil War, but as a result of the conflict the roads were left in poor physical and financial condition. During the Civil War no payments had been made for interest or toward the retirement of the bonds; many lines were torn up by retreating armies, and most of the rolling stock was worn out, missing, or had been destroyed.

The Brownlow administration issued about \$5,000,000 in new bonds to pay the arrears of interest, and the roads were not required to make payments to the sinking fund until 1870. The governor was also authorized to issue additional bonds of the same kind and under the conditions and restrictions of the Act of 1852, to nearly all the railroads. State aid bonds to the amount of nearly \$4,000,000 were issued under this provision. Few of these bonds were used to rehabilitate the roads.

In December, 1866, an act of the legislature authorized an appropriation of \$2,550,000, most of it to insolvent roads, and a year later the "Omnibus bill" appropriated \$3,700,000 to a group of fifteen railroads, in amounts ranging from \$50,000 to \$300,000 for each. During three years of the Brownlow-Senter regime \$13,943,000 of bonds had been issued to railroads as compared with \$14,658,000 in the decade preceding the Civil War.

The greater part of the bonds issued under the administration of Governor Brownlow and Governor Senter were used for private speculation or to bribe members of the legislature to vote for additional appropriations, so that, instead of being better able to pay their debts, the railroad companies soon owed the State large amounts of unpaid interest. Finally the State had to borrow money abroad to pay the interest, and the bonds that

matured in 1867 and 1868 had to go by default. Prices of Tennessee securities dropped, and speculation in state bonds resulted.

By 1869, the state aid debt to railroads amounted to \$34,127,524, and under the provisions of an act of February 25, 1869, as amended January 20, 1870, the solvent railroads were authorized to pay their debts with legally issued bonds of any series. The companies were able to buy up certain bonds at far less than their par value and apply them toward their debts at face value. Furthermore, an act of July 1, 1870, provided for the sale of delinquent railroads. From these sales the State received \$6,698,000, mostly in depreciated securities which had been bought for purposes of speculation.³⁹

The Democrats began to divide over the state debt question in 1873, one wing saying that a part of the debt, especially that contracted under the administration of Governor Brownlow, was fraudulent and should not be paid at all, and on March 20, 1877, the legislature suspended all further payment of interest on the State's bonds except those held by educational institutions

³⁹S. J. Folmsbee, "The Radicals and the Rail-Roads," in Hamer, ed., op. cit., 659-673.

within the State. In the election of 1878, Albert S. Marks was elected governor on a platform that said no settlement of the state debt would be legal until it had been ratified by the voters in a special election.⁴⁰ Governor James D. Porter in his last message to the legislature said that certain creditors of the State had proposed in December, 1877, that the state debt be adjusted upon a basis of fifty per cent of the principal and past due interest. It was Porter's opinion that the bondholders would still accept these terms, and he advised the legislature to enact such a law.⁴¹ This legislature passed an act in accordance with Governor Porter's recommendation, adding that the interest rate of the new bonds would be four per cent and that the measure would have to be ratified by the voters of the State in an election to be held in August of that year.⁴² On August 7, 1879, the voters rejected the act by a vote of 75,755 to 46,704.⁴³ The one-sided vote was due to the fact that many people objected to paying as much as

⁴⁰Hamer, *ec.*, op. cit., 683-684.

⁴¹"Governor Porter's Message," Senate Journal, 1879, pp. 60-61.

⁴²Acts of the State of Tennessee, 1879, pp. 247-248.

⁴³Garrett and Goodpasture, op. cit., 264.

fifty per cent of the debt and others were too disinterested to go to the polls.⁴⁴

The other wing of the Democratic party, known as state credit Democrats, opposed repudiation and favored a prompt settlement of the debt through negotiations between the legislature and the creditors. In the Democratic convention of 1880, the state credit Democrats succeeded in nominating Judge John V. Wright for governor. S. F. Wilson, a delegate, left the convention and became the candidate of the low tax Democrats, the faction that favored repudiation of the state aid debt. As a result of this division in the Democratic party, the Republican candidate, Alvin Hawkins, was elected.⁴⁵

During the administration of Governor Hawkins, two measures designed to settle the state debt were enacted. The first of these provided for the funding of all the bonds into new bonds at face value plus accumulated interest, bearing interest at six per cent;⁴⁶ but it was declared unconstitutional by the Supreme

⁴⁴Hamer, ed., op. cit., 684.

⁴⁵Marshall, op. cit., 209.

⁴⁶Acts of the State of Tennessee, 1881, p. 279.

Court of Tennessee.⁴⁷

The second act stated that the debt was to be funded at sixty per cent of the face value plus accumulated interest. The new bonds were to bear interest at the rate of two per cent for the first two years, three per cent for the next two, four per cent for the fifth and sixth, five per cent for the seventh and eighth years, and six per cent thereafter.⁴⁸

When the Democratic convention met at Nashville on June 20, 1882, the low tax Democrats had a majority. Senator Harris gave the keynote address. After making a few remarks he said, "Fellow Democrats, I understand that the state debt is the rock upon which our party has split, and now I am in favor of splitting the rock!"⁴⁹

Following the election of a permanent chairman and other officers, this platform was adopted:

⁴⁷"Governor's Message," Senate Journal, Third Extraordinary Session of the Forty-second General Assembly, 1882, p. 20.

⁴⁸Acts of the State of Tennessee, Third Extraordinary Session of the Forty-second General Assembly, 1882, p. 6.

⁴⁹John A. Pitts, Personal and Professional Reminiscences of an Old Lawyer (Kingsport: Southern Publishers, Inc.), p. 251.

1. The enactment of the 60-2-3-4-5-6 Act was unwise because it did not reflect the will of the people.

2. The state debt proper less the war interest should be paid in full.

3. The remainder of the state debt to be paid at the rate of fifty cents to the dollar and bear three per cent interest.

4. The twenty-nine bonds held by Mrs. James K. Polk, and all bonds held by educational, charitable and literary institutions shall be paid in the same manner as the state debt proper.

5. We favor the establishment of a commission to regulate the tariffs charged by the railroads of the State.

6. We favor an efficient public school system and the liberal education of all the children of the State.

Immediately after the adoption of this platform, some of the state credit Democrats from Maury and Williamson Counties, led by John H. Childress, James E. Bailey, and W. H. Jackson, withdrew. These and other delegates met on the following day and called a convention to meet on July 11, 1882, which nominated John H. Fussell of Maury County for governor. It adopted a platform which was almost the same as that of the regular Democratic convention except that it approved and considered the 60-2-3-4-5-6 act as the final settlement of the state debt.⁵⁰

⁵⁰ Knoxville Weekly Whig and Chronicle, June 28, 1882.

After the departure of Bailey, Jackson, Childress, and their followers, the regular Democratic convention began to ballot on candidates for governor.⁵¹ General Bate had not announced as a candidate; but on the first ballot he received 589 votes to 214 for J. D. C. Adkins, 288 for Robert L. Taylor, seventy-six for W. L. Ledgerwood, ninety-seven for John R. Neal, and sixty-five for R. E. Thompson. At midnight General Bate was nominated.⁵²

The Republican convention had met in Nashville on April 27, and Judge L. C. Houk, the temporary chairman, made complimentary allusions to the state credit Democrats. Governor Hawkins was unanimously renominated, and the 60-2-3-4-5-6 settlement was vigorously defended.⁵³

Hawkins, Fussell, and John R. Beasley, the candidate of the Greenback party, held joint debates. Bate declined to meet them, but he did make an active canvass of the State. In the election of 1882, Bate received 120,637 votes, Hawkins 93,168, Beasley 9,660, and Fussell

⁵¹History of Tennessee (Nashville: Goodspeed Publishing Company, 1886), 793.

⁵²Knoxville Weekly Whig and Chronicle, June 28, 1882.

⁵³Ibid., May 3, 1882.

4,814.⁵⁴ The new House would have seventy-one Democrats, twenty-six Republicans, and three Greenbackers; while the Senate would be composed of twenty-five Democrats and eight Republicans.⁵⁵

⁵⁴Senate Journal, 1832, p. 114.

⁵⁵Goodspeed, op. cit., 793.

CHAPTER IV

GOVERNOR OF TENNESSEE, 1883-1887

Bate was inaugurated governor on January 15, 1883,¹ and on February 9, his first biennial message was read to the Senate² after having been read in the House on the previous day.³ Much of this message was devoted to the state debt. He asked the legislature to enact measures that would settle the debt in accordance with the Democratic platform of 1882. Other matters to which he called attention were the need for: a fair method of ascertaining the value of railroad corporations for purposes of taxation; a railroad commission to regulate the tariffs of railroads; the establishment of intermediate courts of appeal; an assistant superintendent of public instruction who was to be a Negro and in charge of Negro school children of the State, subject to the superintendent of public instruction; extended hospital facilities for the insane; continued appropriations for the School for the

¹Senate Journal, 1883, p. 184.

²Ibid., 296.

³House Journal, 1883, pp. 311-363.

Blind and the School for the Deaf; appropriations and greater powers for the Board of Health; the lease of the labor of convicts in the penitentiary; and a method by which the Torbett notes of the Bank of Tennessee might be investigated and a report made of the same.⁴

One of the principal tasks that the Forty-ninth General Assembly faced was a permanent solution of the state debt. To facilitate the solution of this problem quickly, the legislature, on January 23, enacted a law that repealed the Funding Act of 1882.⁵

The state debt proper represented direct obligations of the State and consisted of the following:

Capitol Bonds	\$493,000
Hermitage Bonds	35,000
Agricultural Bonds	18,000
Bonds of the Union Bank	125,000
Bonds of the Bank of Tennessee. .	214,000
Turnpike Bonds	741,000
Bonds of the Hiwassee Railroad. .	280,000
East Tennessee and Georgia Railroad Bonds	144,000

⁴Senate Journal, 1883, pp. 311-343.

⁵Acts of the State of Tennessee, 1883, p. 6.

Memphis and LaGrange Railroad

Bonds \$68,000⁶

The state aid debt amounted to \$18,903,000 and consisted of railroad aid bonds and funded bonds.⁷

The debt settlement act of 1883 provided that the state debt proper plus the accumulated interest, less interest for four years, be funded at face value into new bonds, the new bonds to bear the same rate of interest as the old; the state aid debt, with the exception of the twenty-nine bonds owned by Mrs. James K. Polk and those held by educational, charitable, and literary institutions in the State, was to be funded into new bonds which would be one-half the value of the old plus accrued interest and were to bear interest at the rate of three per cent. The bonds held by Mrs. James K. Polk and the educational, charitable, and literary institutions in the State were to be treated in the same way as the bonds of the state debt proper; and all these bonds were to bear the date of July 1, 1883, and be payable thirty years after that date, but could be redeemed at the pleasure of the State after

⁶"Governor's Message," House Journal, 1883, pp. 320-321.

⁷Ibid., 324.

five years.⁸

In his "Governor's Message" Bate had recommended that the legislature make a settlement of the state debt without consulting the creditors and then let each creditor act as he thought best.⁹ The reaction of the holders of the state aid bonds was soon known. On March 16, 1883, L. E. Schonieder, a bondholder of New York, in a letter to Governor Bate, asked him to veto the debt settlement act. Schonieder said the act of 1883 would not be accepted by the bondholders but that the 60-2-3-4-5-6 settlement passed in 1882 was satisfactory.¹⁰

Bate signed the state debt act,¹¹ and soon afterwards the holders of railroad aid bonds to the amount of \$12,000,000 to \$15,000,000 filed suits in the Federal Circuit Courts of the three grand divisions of Tennessee against the railroads to which their bonds were issued, charging that the railroad companies and not the State were liable for the payment of the debt.¹²

⁸Acts of the State of Tennessee, 1883, p. 81.

⁹House Journal, 1883, p. 787.

¹⁰General Correspondence of Governor Bate (State Archives, Nashville).

¹¹Acts of the State of Tennessee, 1883, p. 84.

¹²"Governor's Message," House Journal of the Extraordinary Session, 1885, p. 9.

The bondholders based their argument that the railroads were liable for the payment of the debt on a part of Section 3 of the act of February 11, 1852, which stated that the state bonds loaned to the railroad companies constituted a lien or mortgage on all the property of the railroad company to which they were issued.¹³ The question for the courts to decide was whether the State was the owner of the lien or whether the bonds in themselves constituted the lien, thus giving the bondholder the lien or mortgage. The courts ruled that the lien belonged to the State,¹⁴ and the United States Supreme Court affirmed the decisions.¹⁵ Consequently, the bondholders were forced to accept the settlement of 1883.

A railroad commission act provided for a commission of three members, one from each grand division of the State, to be chosen by the governor with the consent of the Senate, to serve until January 1, 1885, after which the commissioners were to be elected by the qualified voters of the State. Their duties were

¹³Acts of the State of Tennessee, 1852, p. 205.

¹⁴"Tennessee Bond Cases," United States Reports (New York: Banks and Brothers, 1885), CXIV, 685.

¹⁵Ibid., 705.

to investigate all charges of rate discrimination against individuals or localities, hear complaints, hold hearings, examine witnesses under oath, bring suit against the accused companies in the name of the State, and to consider and approve tariffs. In addition to these duties the commissioners were given general supervision over the railroads as to repairs, stations, and rates, and were required to make annual reports to the legislature.¹⁶

The three commissioners, all Democrats, who were appointed were John H. Savage of Warren County, J. A. Turley of McMinn County, and George W. Gordon of Shelby County.¹⁷

The state tax on every \$100 worth of taxable property was set at forty cents; of this tax, thirty cents was to be for state purposes and ten cents for schools. Counties were empowered to levy a tax not to exceed the state tax, plus additional taxes for schools, roads, and interest on their debts.¹⁸

A law was enacted providing for the chemical analysis of all commercial fertilizers selling at more

¹⁶Acts of the State of Tennessee, 1883, pp. 271-279.

¹⁷Goodspeed, op. cit., 795.

¹⁸Acts of the State of Tennessee, 1883, pp. 128-135.

than ten dollars a ton. The tax was to be fifty cents per ton, and all tests were to be made and reported by the Experiment Station of the University of Tennessee. If, after the inspectors had been paid and the University had received a fair compensation, there was a surplus, it was to be used to establish experiment stations in Middle and West Tennessee.¹⁹

A pension of ten dollars per month was provided for all former Confederates who had lost their sight while engaged in battle in the War between the States. Federal soldiers from Tennessee who were not receiving pensions from the United States were eligible for this pension also.²⁰

Another act provided for the leasing of the penitentiary, the labor of the convicts, and the tools and equipment belonging to the penitentiary for a period of six years to the highest bidder. Bids were to be made at public auction, and no bid of less than \$100,000 was to be considered. The law further provided that the lessee should treat the prisoners humanely, not work them more than ten hours a day, with no work on Sundays,

¹⁹Ibid., 246-249.

²⁰Ibid., 323-324.

and be subject to rules and regulations made by the Board of Prison Inspectors, which was to be composed of the Comptroller, the Treasurer, and the Secretary of State.²¹

The Torbett notes presented a difficult problem to the Forty-third General Assembly; they were notes of the Bank of Tennessee, which had been established in 1838 by an act of the legislature. This bank was an agent of the State to which the faith and credit of the State were pledged, having as one of its functions the issuance of notes which were receivable by the State for all debts due it.²² It soon became one of the largest banks in the Mississippi Valley and had ten branches scattered from Memphis to Rogersville.²³ In May, 1861, Colonel G. S. Torbett became its president. One of his duties was to sign the notes of the bank as they were issued.²⁴ On February 16, 1862, the mother bank was moved from Nashville southward, and from this time until the end of the War, it transacted business

²¹Ibid., 233-238.

²²Ibid., 1837-1838, p. 160.

²³Garrett and Goodpasture, op. cit., 189.

²⁴House Journal, October 2, 1865-May 28, 1866, p. 1776.

at various places behind the Confederate lines.²⁵

At act of the legislature in 1865 placed the bank in a state of liquidation and declared that all notes signed by G.C. Torbett or any officers of the principal or branch banks after May 6, 1861, would not be considered legal because they had obviously been issued in aid of the rebellion.²⁶ The greater part of the repudiated notes were bought up by speculators in the hope that the State would ultimately have to redeem them.²⁷ Although a suit was pending in the courts concerning the validity of the repudiation clause in the act of 1865, the legislature by an act of March 29, 1883, provided that the assets of the bank were to be divided pro rata among the holders of the bank's notes in exchange for the notes themselves. Then certificates of indebtedness in denominations of \$1.00, \$2.00, and \$5.00 to the amount of \$1,000,000 were ordered to be issued to the holders of the old notes upon their being surrendered. These certificates were not to bear interest and could be received as payment on state

²⁵ House Journal, Appendix, Nov. 9, 1868-March 1, 1869, p. 244.

²⁶ Acts of the State of Tennessee, 1865, p. 37.

²⁷ "Governor Marks' Message," Senate Journal, 1879, p. 151.

taxes due before 1832, or for any other dues to the State. However, the fractional currency notes, notes of a less denomination than five dollars, and the \$500 and \$1,000 notes, known as post notes, were not to be exchanged under this act.²⁸ The question of the legality of the Torbett notes was settled by a United States Supreme Court decision in the case of "Keith vs. Clark" which was that the State was bound by law to accept all genuine notes of the Bank of Tennessee unless it could prove that they were issued in aid of the rebellion and that this burden of proof rested upon the State.²⁹

Other acts passed during Governor Bate's first term provided \$80,000 for the erection of an insane asylum at Lyon's View near Knoxville;³⁰ gave municipal corporations and taxing districts the power to compromise their debts and fund them at the rate of fifty per cent of the principal and past due interest; gave employees of a partnership or corporation a lien upon the firm's property, real and personal, for their services; gave county courts the power to divide their counties

²⁸Acts of the State of Tennessee, 1883, pp. 100-103.

²⁹United States Reports (Boston: Little, Brown and Co., 1883), CVI, 464-465.

³⁰Acts of the State of Tennessee, 1883, pp. 195-197.

into road districts and elect a commissioner for each who was to have control over the roads and bridges in his district and was to direct the manner of working the road, and made it unlawful to buy, sell, or give away pistol cartridges in the State.

The Vital Statistics Act of 1881³¹ was repealed by a vote of sixty to twenty-six in the House³² and in the Senate by a vote of twenty-seven to two.³³ Governor Bate did not veto this repeal. He did look upon the Bureau of Vital Statistics as being essential to the work of the Health Department and said that if there were deficiencies in the act of 1881, they could have been amended.³⁴ Perhaps Governor Bate felt that the legislators deserved consideration for enacting measures designed to settle the state debt and set up a railroad commission. No legislation was introduced to provide for an assistant superintendent of public instruction for the Negro children.

It had been thought that the settlement of the state debt question would bring an end to the strife

³¹Ibid., 195-197, 23, 173-175, 17, 209.

³²House Journal, 1883, p. 797.

³³Senate Journal, 1883, p. 387.

³⁴"Governor's Message," House Journal, 1885, p. 114.

between the factions of the Democratic party. Such was not the case. The industrialists, led by A. S. Colyar, denounced the settlement as repudiation and made the Railroad Commission Act the main target of their attack. Another faction charged that many of the old bonds were fraudulent and should not have been funded.³⁵

W. H. Cherry, principal owner of the Nashville World, was a firm supporter of the Governor.³⁶ He was a member of the firm of Cherry, Morrow, and Company, which had subleased more than 400 state convicts from the Tennessee Coal, Iron, and Railroad Company. These prisoners made furniture and wagons which were sold in competition with goods produced by free labor.³⁷ He was accused of having bought the World to use as an exponent for the leasing of convicts and as the mouth-piece of the administration.³⁸ It was charged by the Chattanooga Daily Times that he had been given special rates on his products by the railroad commissioners.³⁹

³⁵Robison, op. cit., 21.

³⁶Chattanooga Daily Times, February 4, 1884.

³⁷Ibid., February 11, 1884.

³⁸Ibid., February 7, 1884.

³⁹Ibid., April 2, 1884.

J. J. Vertrees, a close political ally of Cherry's and also President of the Democratic State Executive Committee, had tried to wrest control of the Nashville American from its principal owner, A. S. Colyar. Charges of being dominated by money-seeking politicians were hurled at the Governor.⁴⁰

The Morristown Gazette in an issue of February 21, 1884, declared that Governor Bate was not the choice of the rank and file of the East Tennessee Democrats but of political rings and groups that dominated the State. The Gazette favored an East Tennessean for governor, a man younger than Governor Bate, his superior in many respects, capable of contesting his election on the stump from Carter County to Shelby, and who could be elected. Evidently the Gazette was referring to Robert L. Taylor, who at this time was becoming popular with East Tennessee Democrats.

On April 17, 1884, the Republican convention met in Nashville. L. C. Houk of Knoxville made the opening address. Judge Frank T. Reid, a former Confederate soldier, was nominated for governor by acclamation; and, in the platform which was adopted, the Democrats were

⁴⁰ Ibid., March 24, 1884.

denounced for setting up the Railroad Commission with its low rates, repudiating one-half of the state bonds, leasing the penitentiary, and bringing convict labor into competition with free labor.⁴¹

On May 24, John V. Wright, a leader of the state credit Democrats, announced that he would not be the candidate of that faction of his party and urged his followers to accept the debt settlement of 1883 as final.⁴²

The Democrats met in convention at Nashville on June 18. They elected J. D. C. Adkins permanent chairman and drew up their platform. This platform endorsed the administration of Governor Bate, regarded the state debt settlement as final, favored legislation to make the railroads bear their just share of taxation, and favored the promotion and encouragement of popular education.

Some ill feeling was engendered when the convention endorsed a plank in the party's national platform declaring for a tariff for revenue instead of for a protective tariff which was favored by the industrialist

⁴¹Ibid., April 18, 1884.

⁴²Ibid., May 25, 1884.

group. However, Bate and the three railroad commissioners were renominated without opposition.⁴³

Bate and Reid canvassed the State in joint debate. The main issue was the Railroad Commission Act.⁴⁴ One newspaper editor believed that the race would be close but that Bate could win if he did not drive the independent voters to Reid. He said that if Bate used the methods of the Nashville World, he would not be re-elected.⁴⁵ Former Governor Alvin Hawkins said:

If the Republicans will exert themselves, they can carry the State this fall. The Democrats have nominated for Governor a man who is so unpopular that many of the Cleveland and Hendricks Clubs have refused to put him on their ticket. On the other hand, the Republicans have nominated an unusually popular man, an ex-confederate soldier.⁴⁶

Bate was reelected. He received 132,201 votes to Reid's 125,546.⁴⁷ His reelection was due to his personal popularity, the Bourbon element in his party, and the normal dislike for Republican rule.⁴⁸

⁴³Ibid., June 19, 1884.

⁴⁴J. T. Moore, Tennessee, The Volunteer State, 4 Vols. (Chicago: S. Clark Publishing Co., 1923), I, 564.

⁴⁵Dresden Weakley County Enterprise, July 3, 1884.

⁴⁶Chattanooga Daily Times, August 1, 1884, quoting the Boston Herald.

⁴⁷Senate Journal, 1885, p. 583.

⁴⁸Robison, op. cit., 22.

The legislature met in regular session on January 5, 1885. The Senate was composed of thirteen Republicans and twenty Democrats; the House had forty Republicans and fifty-nine Democrats.⁴⁹ C. R. Berry was elected Speaker of the Senate⁵⁰ and J. A. Manson was chosen Speaker of the House.⁵¹

On January 12, Governor Bate caused his message to be read to the Forty-fourth General Assembly. He explained how the state debt had been scaled down to \$15,784,608.19 of which \$2,135,150 represented the state debt proper. The sum of \$648,000 was owed to educational, charitable, and literary institutions in the State and to Mrs. James K. Polk, and \$13,001,458.19 represented the state aid debt.

Bate reported that the State was taking up annually \$200,000 of the Torbett notes in the payment of taxes. He also said that \$636,000 of the "Torbett issue" had been changed into Treasury certificates and that suits were pending in the state courts concerning the legality of \$300,000 of the same issue.

⁴⁹Chattanooga Daily Times, January 6, 1885.

⁵⁰Senate Journal, 1885, p. 48.

⁵¹House Journal, 1885, p. 7.

The Governor reviewed the work of the railroad commission. He pointed out that similar bodies had been declared legal in other states, but asked that the powers given to the Tennessee commission be clarified and changed if necessary, to meet constitutional requirements. He explained how the commission had been restrained from carrying out its duties by an order from a federal court granted to the officials of certain railroads until the court should give a decision in the case.

By leasing the penitentiary and the labor of the prisoners to the Tennessee Coal, Iron, and Railroad Company, an annual profit of \$101,000 was made. This company used 772 prisoners to mine coal at the Tracy City, Coal Creek, and Inman mines. The Tennessee Coal, Iron, and Railroad Company had subleased more than 400 convicts to Cherry, Morrow and Company of Nashville, which used nearly all of its prisoners to manufacture wagons within the main penitentiary at Nashville.

Other parts of the "Governor's Message" asked that an act providing for a bureau of vital statistics be passed; that laws be enacted whereby illegal voting, especially in the larger cities might be prevented through the registration of voters and reforms made in the system of election returns; and again asked that

the legislature provide for an assistant superintendent of public instruction, a Negro, to have charge of the Negro school children of the State, subject to the superintendent. Bate emphasized that it would be good policy to have a Negro in this position and said that the cause of popular education would be advanced by doing so.⁵²

One of the first acts of the legislature was to repeal the law of 1883 that had created the Railroad Commission. Bate vetoed the bill, but the Senate overrode the veto twenty-two to eleven, and the House again passed it by a vote of fifty-five to thirty-nine.⁵³ E. W. Carmack, who represented Maury and Williamson Counties in the House, said he favored regulation of railroads but he was not in favor of paying salaries to commissioners who were enjoined from carrying on their work and who were not in favor of railroad regulation.⁵⁴

The legislature appointed a committee to purchase not less than 100 acres of land in West Tennessee on which to build a hospital for the insane;⁵⁵ appropriated \$10,000 to pay for the return of the State's exhibits at

⁵²"Governor's Message," House Journal, 1885, pp. 90-114.

⁵³Senate Journal, 1885, p. 583.

⁵⁴House Journal, 1885, pp. 817-818.

⁵⁵Acts of the State of Tennessee, 1885, pp. 151-152.

The World's Exposition at New Orleans; provided for the admission of children to the Randall Cole Industrial School; appointed a committee to ascertain and establish the boundary line between Tennessee and North Carolina in conjunction with a commission from that state; and made all able-bodied men between the ages of eighteen and forty-five subject to work on the public roads of their counties from three to six days a year.⁵⁶

Dr. P. D. Sims in a report to the State Board of Health, charged that at the penitentiary in Nashville, 552 prisoners were kept in a space which was sufficient for only 100; that the prison population had increased one hundred per cent in twelve years; that the penitentiary was a school of crime, and that prisoners were more dangerous enemies of society when they left the penitentiary than when they entered. He attributed these evils to the lease system.⁵⁷ The Nashville Banner published the text of an interview with a former guard at the Tracy City prison, who said that conditions in this prison were worse than those that

⁵⁶Ibid., 44, 57-62, 159-160, 33-42.

⁵⁷Chattanooga Daily Times, January 18, 1885.

Dr. Sims described.⁵⁸

A joint committee from the Senate and the House which was appointed to investigate these charges⁵⁹ submitted two reports. The majority report stated that the Nashville, Tracy City, and Inman prisons were well conducted, that no fraud or bribery had existed in the enactment of the leasing act, that the prisons were well-ventilated, and that the convicts were furnished Bibles and other books. It did report that the Coal Creek prison was dirty, poorly ventilated, and had inadequate sewage disposal facilities.⁶⁰ The minority report submitted by the Republican members agreed with the facts in the report of the majority, but attacked the lease system, and demanded the repeal of the Leasing Act.⁶¹ No further action was taken.

House Bill 133, which provided for the registration of voters in towns or voting districts of more than 1,000 voters, had been passed by the House on March 10

⁵⁸Ibid., January 14, 1885, quoting the Nashville Banner.

⁵⁹Senate Journal, 1885, p. 192.

⁶⁰Ibid., 564-574.

⁶¹Ibid., 615-618.

by a vote of fifty-four to six, with thirty members present but not voting. This bill was to come up in the Senate for final action on April 6. When this day came, the Republican Senators were conspicuously absent while all Democratic Senators were present. Since a quorum was not present, the Senate gave orders to the Sergeant-at-Arms to arrest the absent Republican Senators and bring them to the Senate Chamber.⁶² By the next morning, an assistant Sergeant-at-Arms had arrested H. B. Ramsey, a Senator from Shelby County, and returned him to the Senate.

The filibustering Senators sent a communication to the Senate in which they said that House Bill 133 had passed the House illegally because less than a quorum had voted on it and that the bill in itself was a deliberate attempt to disfranchise Republicans. They also contended that the Senate had no right to compel their attendance because its constitutional term had expired.⁶³

The Sergeant-at-Arms and his assistants searched for the missing Senators for two days before they

⁶²Ibid., 633.

⁶³Ibid., 629-631.

learned that the solons were occupying rooms at the Maxwell House. The Senators had locked their doors and placed guards on the outside. The Sergeant-at-Arms, who had the authority to enter but not to break doors, was unable to do anything except to remain near the doors in the hope that they might be opened. No such thing happened. Food and drink were lowered to the Senators from an upper story window by means of a rope attached to a basket. On one occasion when food and whiskey were being lowered to the men, Senator John P. Rogers of Union County, thrust his head out a window and said: "Behold the manna the Lord sends down from Heaven to the Republicans."⁶⁴

The filibuster continued, and on April 9, 1885, the legislature adjourned.⁶⁵ It had made no appropriation for the expenses of government and had accomplished very little in the way of constructive legislation.

Governor Bate called the legislature into extraordinary session on May 25, 1885. The purposes of this session were to provide revenue for the State and counties; to make appropriations to defray current expenses

⁶⁴Chattanooga Daily Times, April 9, 1885.

⁶⁵Senate Journal, 1885, p. 644.

of the state government for the next two years; to pass laws to further effectuate the Funding Act of 1883; to appropriate \$85,000 for the purchase of land and construction of a hospital for the insane in West Tennessee; to redistrict the circuit and chancery courts in order to secure efficiency and economy; to prevent the spread of pleuro-pneumonia; to give convicts time off for good behavior; and to preserve the purity of elections and prevent illegal voting in districts having a voting population of 1,000 or more by the enactment of a registration law or by any other method allowable under the constitution.⁶⁶

The legislature enacted a law to set the tax rate on each \$100 worth of taxable property at forty cents of which thirty cents was to be used for State purposes and ten cents for schools, and counties were allowed to levy a like amount exclusive of their taxes for roads, schools, and interest on their debts.⁶⁷ The State was divided into fourteen judicial districts and eleven chancery districts. Circuit court was to be held three

⁶⁶"Governor's Message," Senate Journal, Extraordinary Session, 1885, pp. 3-7.

⁶⁷Acts of the State of Tennessee, Extraordinary Session of the Forty-fourth General Assembly, 1885, pp. 196-198.

times a year and chancery court twice. The Treasury was empowered to borrow money to make payments for two years' interest on the bonds released from litigation by the decision of the United States Supreme Court. Acts were passed to control the spread of pleuro-pneumonia, and another was enacted whereby convicts were to be given diminution of their terms for good behavior.⁶⁸

In the extraordinary session of the Forty-fourth General Assembly, four bills concerning election reforms were introduced in the House, none of which passed beyond second reading.⁶⁹ In the Senate, however, it was different. Senate Bill No. 23, "To prohibit illegal voting, the taking of ballot boxes, the buying and selling of votes, and to prohibit judges, clerks, and others from violating the election laws, and to preserve the purity of elections,"⁷⁰ was passed on third reading by a vote of thirty-one to one;⁷¹ while a bill providing for the registration of voters, Senate Bill No. 13, passed this body nineteen to two.⁷²

⁶⁸Ibid., 96-108, 13-15, 69-74 and 93-94, 87-90.

⁶⁹House Journal, Extraordinary Session of the Forty-fourth General Assembly, 1885, pp. 196-198.

⁷⁰Ibid., 166.

⁷¹Senate Journal, Extraordinary Session of the Forty-fourth General Assembly, 1885, p. 53.

⁷²Ibid., 108.

The House began its consideration of Senate Bill No. 23, which passed to third reading. However, on its third reading, Representative S. H. Haynes of Madison County moved to amend the bill by striking out its enacting clause and substituting that of Senate Bill No. 13, and in the same speech he moved to amend the body of Senate Bill No. 23 by substituting the body of the registration bill. Immediately Representative John Ruhm of Nashville declared that a Senate bill on third reading could not be amended by substituting another Senate bill on first reading. Overruled on this point of order by the Speaker of the House, J. A. Manson of Hardeman County, Mr. Ruhm appealed from the ruling of the chair, but the House sustained the Speaker's ruling by a vote of fifty-six to thirty-one. Next came a move to adjourn, followed by several proposed amendments, all of which were voted down. Finally the House adopted Mr. Haynes' double amendment by a vote of fifty-nine to three. When the roll call on this amendment was made, only sixty-two members answered; and the Speaker instructed the clerk to record Representatives S. E. Browder of Polk County, R. R. Butler of Carter County, John Ruhm, and John Vernon of Shelby County as present and not voting so that the adoption of the amendment

would be constitutional. Mr. Haynes did not enjoy his triumph long, for on the next roll call forty-seven representatives were absent. The House then adjourned. The next day it met again. A quorum was lacking, and after a few reports and resolutions were made, Speaker Manson declared the House of Representatives adjourned sine die. No bill for the registration of voters had been passed.⁷³

On January 11, 1887, Governor Bate's last biennial message was read to the legislature. In it he reviewed the progress made in retiring the bonds and settling the "Torbett Issue;" pointed out that the boundary dispute with North Carolina had never been settled; said that the boundary between Tennessee and Virginia was in dispute; reviewed the progress made in public education; advised the legislature to enact laws concerning election returns; and asked that steps be taken to return the remains of John Sevier to Tennessee.⁷⁴

Bate was not a candidate for governor in the election of 1886, which resulted in the choice of Robert L. Taylor, Democrat, over his brother, Alfred A. Taylor, the

⁷³House Journal, Extraordinary Session of the Forty-fourth General Assembly, 1885, pp. 166-178.

⁷⁴"Governor's Message," Senate Journal, 1887, pp. 179-180.

Republican candidate. On Monday, January 17, 1837, Robert L. Taylor was inaugurated governor. Bate was present and was introduced by W. L. Clapp, Speaker of the House, who in the course of his speech, said:

There is no citizen in the State, whatever his political predilections may be, who will not unite with me in saying he has been true and faithful to the great public trusts we confided to him. Splendid as was his reputation as a soldier, it has been eclipsed by his management of State and Civil offices. Elected to the Chief Magistracy of the State in 1832, when his party differed upon State questions, and was divided within itself, he was confronted with and embarrassed by difficulties of an extraordinary character. No higher encomium could be pronounced upon his financial ability than to remind you that when he entered upon the discharge of the duties of office, the six per cent securities of the State were selling in the open markets of the world at forty cents or less, and now on the eve of his retirement out three per cent securities are worth eighty cents or more.⁷⁵

Bate had made an enviable record as governor. The state debt, which had plagued every governor since the Civil War, was settled; the credit of the State was on a firm basis; groundwork had been laid for the control of public utilities, and the Democratic party was better united in 1837 than it had been in a decade.

⁷⁵Ibid., 179-180.

CHAPTER V

UNITED STATES SENATOR, 1887-1905

The senatorial term to which Howell E. Jackson had been elected was to end on March 4, 1887.¹ Jackson, however, had resigned in 1886, and Governor Bate had appointed W. C. Whitthorne in his stead.² Before the close of his term as governor, Bate announced that he would be a candidate for the full term and said that he favored a caucus to nominate the Democratic candidates for both the long and the short terms.³ Although there were several other strong contenders for the nomination, such as Albert S. Marks, Solon E. Rose, John F. House, and L. T. Sneed,⁴ Bate appeared to be unconcerned about the result, saying that he was sure of forty votes on the first ballot and as the voting continued he would gain more.⁵

¹Marshall, op. cit., 232.

²"Governor's Message," Senate Journal, 1887, p. 150.

³Knoxville Journal, January 8, 1887.

⁴Senate Journal, 1887, p. 199.

⁵Knoxville Journal, January 8, 1887.

On January 13, 1887, a caucus, the first held in the State since the War Between the States, to nominate candidates for the Senate, composed of the Democratic members of both houses of the legislature, met in Nashville to nominate candidates for both the long and the short terms. On the first ballot for the long term, Bate received thirty votes; Marks twenty; House eleven; Sneed ten; and Robert L. Taylor one.⁶ The caucus continued to ballot on each afternoon until Monday, January 24, when Marks withdrew. On the next ballot, the sixty-ninth, Bate was nominated.⁷ The Bourbon element supported him throughout the caucus, and on the last ballot Congress-elect James Phelan of Shelby County rallied the anti-Harris Democrats to Bate's support.⁸

In the meantime the legislature had balloted for five days without having elected a Senator; but on the afternoon of January 25, Bate was elected, receiving eighty-one votes to forty-five for A. M. Hughes, the Republican candidate, one for James D. Porter, and one

⁶Ibid., January 14, 1893.

⁷"The Week," Nation, XLIV (January 27, 1887), 68.

⁸Knoxville Journal, January 27, 1887.

for A. S. Colyar.⁹

On December 5, 1887, Bate was sworn into office as United States Senator from Tennessee¹⁰ and was appointed to serve on the committees of Agriculture and Forestry, Improvement of the Mississippi, Military Affairs and Territories.¹¹

The national election of 1884 had resulted in the election of Grover Cleveland as President, the first Democrat elected to this office since 1856. The Democrats had also secured control of the House, which they held throughout Cleveland's first administration, but the Senate kept its Republican majority. Although the Democrats had rallied to elect Cleveland, in 1884, they were far from united; and nowhere could this lack of unit be seen better than in the divergence of views on the tariff question. The Southern Democrats, as a whole, favored a tariff for revenue only and the Northern Democrats favored protection.¹²

⁹Senate Journal, 1887, p. 242.

¹⁰Congressional Record, 50 Congress, 1 Session, XIX, Part 1, p. 4.

¹¹Ibid., 16.

¹²Woodrow Wilson, A History of the American People, 10 vols., (New York: Harper and Brothers, 1918), X, 66.

It became evident to Cleveland that a great deal of the economic trouble of this period was due to the operation of the tariff, most of the rates of which had been set in time of war to meet extraordinary demands of government;¹³ and in his first annual message to Congress, he had recommended that the tariff be revised downward. This Congress accomplished nothing in the way of tariff reform; and Cleveland determined to devote the whole of his third message to the tariff.¹⁴

In his annual message of 1887, President Cleveland informed Congress that the surplus revenue, amounting to \$55,258,701.19 on December 1, was estimated to reach \$113,000,000 by the end of the fiscal year and that this amount plus prior accumulations would raise the surplus to \$140,000,000 by June 30. Urging a reduction of the tariff instead of repealing internal revenue taxes, the President declared that the Treasury had become a hoarding place for money withdrawn from circulation, thereby crippling industry, threatening financial disaster, and inviting public plunder.¹⁵

¹³Ibid., 75.

¹⁴George F. Parker, Recollections of Grover Cleveland (New York: The Century Company, 1909), 103.

¹⁵"President Cleveland's Message," Congressional Record, 50 Congress, 1 Session, XIX, Part 1, pp. 9-11.

The Republic protectionists at once began to devise means to spend the surplus so that the tariff might be saved.¹⁶ One of these measures, commonly known as the Blair Bill, was first introduced in the Senate by Senator Henry W. Blair of New Hampshire on March 6, 1881, during the first session of the Forty-seventh Congress. It was reported by the Committee on Education and Labor but was not acted upon by the Senate. The same bill passed the Senate in the Forty-eighth Congress and also in the Forty-ninth but was not acted upon by the House. Again Senator Blair introduced a similar bill in December, 1887.¹⁷

The Blair Bill provided that for eight years after its passage there should be appropriated from the Treasury to be used for non-sectarian public schools, without distinction as to race or color and to be extended by the states, the amounts in the following order:

1st year - \$7,000,000	5th year - \$11,000,000
2nd year - \$10,000,000	6th year - \$9,000,000
3rd year - \$15,000,000	7th year - \$7,000,000
4th year - \$13,000,000	8th year - \$5,000,000

¹⁶Robison, op. cit., 76.

¹⁷Congressional Record, 50 Congress, 1 Session, XIX, Part 1, p. 268.

These funds were to be paid out in the ratio that the number of those ten years of age and older who could neither read nor write bore to the total number of this group in the United States; and in states where there were both white and Negro schools, the funds were to be provided for each race in the ratio that the white and Negro illiterates between the ages of ten and twenty-one bore to each other. It also provided that a state could not receive a greater amount than it had spent for schools during the preceding year.¹⁸

The Blair Bill became an issue in Tennessee politics. On February 10, 1887, Governor Robert L. Taylor, in speaking to the legislature of the needs of the public schools of the State, said that if there was a surplus in the Treasury not applicable to the national debt, it should be stripped of federal supervision and given to the states for educational purposes.¹⁹ Governor Taylor made this statement mainly to ascertain the attitude of the legislators toward the proposed bill.

Both Senator Bate and Senator Isham G. Harris opposed the bill. Bate attacked its constitutionality,

¹⁸Ibid., 266-267.

¹⁹"Governor's Message," Senate Journal, 1887, pp. 300-301.

declaring that it would appropriate national revenue for a purpose that was never contemplated in the Constitution. He warned that the enactment of such legislation would lead to the dependence of people on the national government thus making it more centralized and paternalistic. Federal aid would finally lead to federal control, and rival political parties would be quick to seize upon the cry of additional appropriations for schools until the amount spent would be enormous. In addition he warned that the best way to spread false doctrines and destructive political influences was through the medium of education and that, when these false doctrines and destructive political influences were disseminated under a national law, they would neutralize all opposition and cause the state and local governments to be absorbed into the national.²⁰

Again the Blair Bill passed the Senate by a vote of thirty-nine to twenty-nine but failed of consideration in the Democratic House.²¹

The Chattanooga Daily Times, a Democratic newspaper, in its issue of February 17, 1888, said:

²⁰Congressional Record, Appendix, 50 Congress, 1 Session, XIX, Part II, pp. 61-66.

²¹Congressional Record, 50 Congress, 1 Session, XIX, Part 2, p. 1223.

Both Senators from Tennessee voted against the Blair Bill. All the best lawyers of the Senate were for it; Bate and Harris have misrepresented the enlightened sentiment of their state. If these men are ever reelected, it will show to the world that our people prefer ignorance to enlightenment and progress.

When President Cleveland in his message of December 6, 1887, spoke so strongly of the need for tariff reform, Representative Randall of Pennsylvania and his followers, about forty Democratic representatives from New York, Pennsylvania, Ohio, and California, appeared stunned; but they immediately swung to the support of the President with the result that when Roger Q. Mills of Texas, Chairman of the House Committee of Ways and Means, proposed a bill which provided for a systematic reduction of duties, it passed the House with but four Democrats voting against it.²²

It was in connection with this bill that Senator Bate made his first speech on the tariff on October 10, 1888, in which he pointed out that, while the South American nations imported \$475,000,000 worth of manufactured goods annually, only \$75,000,000 worth of these came from the United States. These figures showed that

²²Wilson, op. cit., 78.

people would not buy where they could not sell, and the lowering of import duties, especially on raw products, would bring us into closer and better relationship with our sister republics of the New World. In concluding his speech Bate said that one reason for the decline of Spain was that she passed tariff laws in order to retain her gold, while England opened her ports to the world and became rich and powerful. Herein lay a lesson for American legislators.²³

In Tennessee the Colyar wing of the Democratic party stood for a protective tariff, and also for the Blair Bill, but the Harris faction clung to the traditional views of the Democratic party on these subjects. A Knoxville newspaper quoted Senator Bate as saying that Colonel Colyar was an estimable gentleman but a crank on the Blair Bill, and added that Bate should have said that Colyar was a "crank on the tariff too."²⁴

The Mills Tariff Bill was rejected by the Senate, and duties were proposed higher than some of the existing ones, with the result that Cleveland was unable to

²³Congressional Record, 50 Congress, 1 Session, XIX, Part 10, p. 9361.

²⁴Chattanooga Daily Times, September 16, 1888, quoting the Knoxville Journal.

bring about any tariff reform during his first administration.²⁵ The tariff question, however, had given the President and the Democratic party an issue for the campaign of 1888; and upon accepting the nomination, President Cleveland again pointed out that there was an acute need for tariff reform because the surplus amounting to \$130,000,000 represented an exorbitant tax upon the necessities of life.²⁶

As a result of the election of 1888, the Democrats lost control of both the Presidency and the House.²⁷ Benjamin Harrison, who was elected President, declared that a surplus in the Treasury was an evil; recommended that Congress adjust the tariff laws so that no considerable surplus would remain; and added that such a step could be taken without serious injury to domestic industry. He also spoke of a need for laws to protect the purity of elections, declaring that Congress possessed the power to enact legislation concerning national elections and that it was the duty of Congress to do so whenever state election laws were inefficient.²⁸

²⁵Wilson, op. cit., 78.

²⁶Chattanooga Daily Times, September 16, 1888.

²⁷Wilson, op. cit., 78.

²⁸"Inaugural Address," Congressional Record, 51 Congress, 1 Session, XXI, Part I, p. 4.

During the first two years of President Harrison's administration, the tariff question was the main topic for discussion not only in Washington but also throughout the country. Under the leadership of William McKinley of Ohio, Chairman of the Ways and Means Committee, the House on May 21, 1890, passed what was known as the McKinley Tariff Act after a debate that lasted about two weeks.²⁹ The Senate, however, kept the bill under consideration all summer, amending and altering it, before it was finally adopted in September, 1890. After this, a joint conference had to be held between representatives of the two houses before an agreement could be reached.³⁰

Senator Bate opposed this bill throughout the debate. To him it seemed that the McKinley Tariff Act had for its object the retardation of commercial and agricultural prosperity in order that manufacturing might be promoted. The duty on sugar was remitted, but the bounty of two cents a pound for the domestic growers was merely a device to get the support of the Louisiana Congressmen and some of the Westerners whose

²⁹Congressional Record, 51 Congress, 1 Session, XXI, Part 5, p. 5113.

³⁰Ibid., Part 10, pp. 9943, 10794.

constituents were interested in the sugar beet industry. It was intended that the act should reduce the value of imports by \$130,000,000 a year. Bate warned that such a course would lead to commercial and agricultural disaster. Our export trade amounted to \$730,000,000 annually; and, if we should decrease our imports by \$130,000,000 annually, we would either have to export less or import that amount of gold, neither of which would be desirable. If we should import more gold, prices would rise, thereby bringing hardship upon workers in the non-protected industries; and, if we should export less, more products would be thrown upon the home market reducing the already existing low prices.

To McKinley's statement that American prosperity depended upon a protective tariff, Bate countered with the statement that farmers were using corn for fuel because there was no export market for their grain or meat, and that while about 15 per cent of the workers did receive higher wages under a protective tariff than they otherwise would, real wages were made less. He warned that the McKinley Act was class legislation which would raise the tariff rates to an average of about forty-nine per cent of the value of the imported goods themselves.

Then he said:

Show the farmer how to increase the price of corn and wheat, and he will life the mortgage from his homestead. Thirty years of protection have brought no relief; he is worse off than ever before. Under the existing tariff at present, if a housewife makes an expenditure of \$61.90 for ordinary articles of clothing, she is paying a bounty of \$20.76 to the manufacturer. The McKinley Bill will add to this by increasing the rates.³¹

The Republican convention which met in Chicago in 1888, passed a resolution that demanded effective legislation to secure the purity and integrity of elections and charged that President Cleveland and the Democratic majority in the House owed their election to a criminal nullification of the Constitution and the election laws.³²

A few days after President Harrison made his inaugural address on March 4, 1889, a Republican caucus was held for members of the House. This caucus endorsed the President's statements on election reform, and named a committee composed of Representatives Henry Cabot Lodge of Massachusetts, Jonathan H. Roswell, a veteran of the War Between the States from Illinois, and Thomas H. Carter of Montana to draw up a bill designed to protect the Southern Negro in his right of

³¹Ibid., Part 9, pp. 8556-8566.

³²George F. Hoar, Autobiography of Seventy Years, 2 Vols. (New York: Charles Scribner's Sons, 1903), II, 151.

the franchise. Roswell wrote the first draft of the bill, but it was so stinging and caustic that Lodge rewrote it in milder form and introduced it in the House, which referred the Force Bill, as it came to be called, to the House Committee on Elections of which Lodge was chairman. He promptly reported it out of committee for consideration by the House,³³ where it was passed on third reading on July 2, 1890, by a vote of 155 to 149.³⁴

Under the terms of this proposed act, whenever 100 people in any Congressional district or fifty persons in any county or parish of such district made request in writing to the state supervisor of elections, a federal official, for supervision of their Congressional election, it would be the duty of this official to notify a United States circuit judge in whose circuit the Congressional district was located of such request. This judge would then open court; and, from a list of prospective supervisors which the state supervisor thought necessary to observe the registration and election. These supervisors were to go about their

³³Karl Schriftgiesser, The Gentleman from Massachusetts (Boston: Little, Brown and Company, 1944), 106.

³⁴Congressional Record, 51 Congress, 1 Session, XXII, Part 7, p. 6286.

duties in groups of three, of which not more than two could belong to the same political party; and their duties would be to enforce the election laws, to see that the election officials discharged their duties, and to prevent fraud and irregularity. Moreover, if the state supervisor thought it necessary, special deputy marshalls would be appointed by the judge to aid the supervisors. In addition, each state was to have a board of canvassers composed of three persons, of which not more than two could belong to the same political party, whose duties would be to receive and examine the election returns and certify the election of Representatives to the Clerk of the House.³⁵

Meanwhile, the leaders of the Republican party in Tennessee were confronted by the problems as to what attitude to take on the bill. The Farmer's Alliance had succeeded in getting control of the Democratic party in the state and nominated its state president, John P. Buchanan, for governor in the regular Democratic state convention. Many Democrats were so disgusted with the result that they were inclined to support the Republican

³⁵Ibid., 6851.

candidate, Lewis T. Baxter, if the state convention of his party did not endorse the hated Force Bill. Baxter, knowing he could not be elected governor if the convention declared itself in favor of the bill, firmly opposed it. After much argument the convention termed the bill an act that would unsettle the business interests of the nation and expressed confidence that the Republican party would have patriotism and wisdom enough not to pass it.³⁶

H. Clay Evans, Representative in Congress from the Chattanooga District, said he voted for the bill in order to protect the South as well as the North from corrupt political practices and predicted that the bill would pass the Senate; but the leaders of the Democratic party emphasized that every vote for the Democratic candidates was a vote against the Force Bill and the unjust tariff, and urged their followers to see that every Democratic vote was polled in the November election of 1890.³⁷

The Chattanooga Daily Times in its issue of November 10, 1890, stated that although the Republicans

³⁶"The Week," Nation, LI (August 7, 1890), 102-104.

³⁷Chattanooga Daily Times, October 5, 1890.

had retained control of the Senate, the Democrats would have a majority in the new House. A further source of satisfaction to its editor was the fact that H. Clay Evans had been defeated for reelection to Congress by the Democratic candidate, Nicholas N. Cox.

On December 18, 1890, Senator Bate in a long speech on the floor of the Senate attacked the Force Bill as being unconstitutional, sectional, tyrannical, destructive of local self-government, and a destroyer of peace and harmony. He denied that supervision of elections was necessary in his own state, and termed the bill an attempt to perpetuate the Republican party in the control of national affairs.³⁸

Senators Matthew S. Quay and Don Cameron, Republicans from Pennsylvania, were more concerned with the passage of the McKinley Tariff Act than they were with the reported plight of the Negroes in the South. Leading the opposition to the Force Bill was Senator Arthur Gorman, Democrat, of Maryland, who agreed with Quay and Cameron not to oppose the tariff if they would work for abandonment of the Force Bill. However, Senator George

³⁸Congressional Record, 51 Congress, 1 Session, XXII, Part 1, p. 532.

F. Hoar, Republican from Massachusetts, who knew nothing of the agreement, asked that the Senate take the bill up for consideration. The vote of forty-one to thirty in favor of his motion so alarmed the Democrats that they met in caucus and decided to filibuster.

For thirty-three calendar days the Democrats led by Senators Gorman, Bate, George Vest of Missouri, and M. C. Butler of South Carolina, talked, and finally on January 22, 1891, the bill was shunted aside.³⁹ More than a year later, Senator Henry M. Teller, Republican, of Colorado, termed the bill the most infamous that ever passed the doors of the Senate, and another Republican, Senator Preston B. Plumb, of Kansas, said that the western silverite Senators made an agreement with the Democrats not to limit debate in exchange for the Democrats' promise to support legislation for the increased purchase of silver by the United States mint.⁴⁰

As a member of the Committee on Military Affairs, Bate secured the enactment of legislation to transfer the Weather Service Bureau from the War Department to the Department of Agriculture and Labor where its

³⁹Schriftgiesser, op. cit., 106.

⁴⁰Knoxville Journal, April 21, 1892.

services could be better utilized by navigators and farmers. Having accomplished this task, he turned his attention to building up the Signal Corps of the Army. Largely as a result of his efforts, this branch of the Army became highly scientific, and its system was adopted by England, France, Belgium, Austria, and Russia.⁴¹

The silver purchase clause of the Sherman Silver Act of 1890 provided that the Secretary of the Treasury was to purchase not more than four and one-half million ounces of silver a month at the market price for which treasury notes, redeemable in either gold or silver, were to be issued. Bate opposed this measure for the reason that he favored the free and unlimited coinage of silver. Had it not been for the support of Senators Quay and Cameron, who had obligated themselves to the silverites in order to secure the enactment of the McKinley Tariff Act,⁴² the bill would not have passed the Senate. The Eastern Senators realized that if the act did not become law, Congress

⁴¹Congressional Record, 53 Congress, 2 Session, XXXVI, Part 6, p. 7362.

⁴²Schriftgiesser, op. cit., 123.

would vote for the free coinage of silver.⁴³

As a result of the agreement with the Southern Senators concerning the Force Bill and that with Quay and Cameron, the silverite Senators found themselves possessed with a strength altogether out of proportion to their numbers, and on July 1, 1892, a bill that provided for the free and unlimited coinage of silver passed the Senate by a vote of twenty-nine to twenty-five, Bate voting in favor of the measure;⁴⁴ but the Democratic House, however, by a vote of 154 to 136 refused to consider the bill, probably because its leaders thought it best to await the outcome of the presidential election.⁴⁵

In 1893 Bate was again a candidate for Senator. Opposed in the Democratic caucus by Robert L. Taylor and John H. Savage, he secured the nomination on the first ballot, receiving sixty-one votes out of a total of eighty-five.⁴⁶ A few days later the legislature

⁴³James F. Rhodes, History of the United States, 9 vols. (New York: The Macmillan Company, 1936), VIII, 355.

⁴⁴Congressional Record, 52 Congress, 1 Session, XXIII, Part 6, p. 5719.

⁴⁵Wilson, op. cit., 233.

⁴⁶Marshall, op. cit., 233.

reelected him by a vote of eighty-nine to thirty-one over his Republican opponent, G. W. Winstead.⁴⁷

Believing that his second election represented a demand of the people for tariff reform, President Cleveland in his inaugural address of 1893 declared that the only justification for taxes was the necessity of securing enough revenue to support the government. He did not mention the silver issue,⁴⁸ but by the end of June, 1893, he had come to the conclusion that the silver problem needed to be dealt with immediately and issued a proclamation for Congress to meet in extraordinary session on August 7, 1893.⁴⁹

When Congress met, the President briefly reviewed the financial situation and said that the present economic and financial condition of the country had its source in the purchase and coinage of silver by the government. Between May 1 and July 15, 1893, treasury notes to the amount of \$54,000,000 had been issued in payment for silver bullion, and during the same period \$49,000,000 of these same notes were

⁴⁷Senate Journal, 1893, p. 102.

⁴⁸"Inaugural Address," Congressional Record, 53 Congress, 1 Session, XXV, Part 1, p. 3.

⁴⁹Wilson, op. cit., 110.

redeemed with gold. Such a system made the depletion of our gold reserve easy; and the situation was all the more alarming because in the fiscal year that ended on June 30, 1893, the excess of exported over imported gold amounted to \$87,500,000. Moreover, in the past three years the supply of gold coin and bullion in the Treasury had steadily decreased; but the silver had increased to more than \$147,000,000. Warning that the existing system of purchasing and coining silver would result in a depreciated currency and worse financial condition, President Cleveland asked Congress to repeal the silver purchase clause of the act of 1890.

This message from Mr. Cleveland put the Democratic members of Congress in an embarrassing position because many Democratic conventions in the North as well as in the South had declared for the free and unlimited coinage of silver;⁵¹ but a bill was soon introduced in the House by Representative William L. Wilson, Democrat of West Virginia, embodying the President's recommendations. It passed the House by a vote of 239 to 108 on August

⁵⁰"President's Message," Congressional Record, 53 Congress, 1 Session, XXV, Part 1, p. 205.

⁵¹John Sherman, Recollections of Forty Years in the House, Senate, and Cabinet, 2 vols. (New York: The Werner Company, 1895), II, 1197-1198.

28;⁵² but it was not until October 30 that the Senate passed it forty-three to thirty-two.⁵³

Bate strongly opposed this act. To him it seemed an effort on the part of the wealthy few to create a single gold standard in the greatest silver-producing country of the world in order to force the states and debtors in general to pay their debts in the more expensive money. He reminded the Democratic Senators that the Senators from the silver-producing states had sided with the Democrats against the hated Force Bill.⁵⁴

The Wilson-Gorman Tariff Act as passed by the House was a genuine effort at tariff reform, but the Senate added more than six hundred amendments before its final adoption by this body on July 5, 1894. Disappointed, Senator Bate voted for it in its final form,⁵⁵ perhaps because he considered it an improvement over the McKinley Tariff Act of 1890.

Although the Force Bill had been defeated, there still existed an act of 1872 that allowed federal supervision of Congressional elections and registration in

⁵²Congressional Record, 53 Congress, 1 Session, XXV, Part 1, p. 1008.

⁵³Ibid., Part 2, pp. 1749-1750.

⁵⁴Ibid., 2 Session, XXVI, Part 2, p. 1796.

⁵⁵Ibid., Part 7, p. 7136.

any Congressional district upon the written application of ten citizens of a county or parish.⁵⁶ Senator Bate, on December 6, 1892, introduced a bill to repeal all statutes relating to supervision of elections and special deputies.⁵⁷ Referred to the Judiciary Committee on which the Republicans had a majority, the bill was prevented from being considered by the Republican members, O. H. Platt of Connecticut, George Hoar of Massachusetts, John Mitchell of Oregon, and James F. Wilson of Iowa. In December, 1893, Bate introduced a similar bill. The Democrats now had control of the Senate, and the prospect for its enactment was good due to the hearty support of the Northern Democratic Senators led by David B. Hill of New York,⁵⁸ who wished to succeed Cleveland as President and in whose state Congressional elections had been supervised several times.⁵⁹ To expedite repeal of the federal election law, Senator Hill succeeded in getting House Bill 2331, which Representative Henry Tucker of Virginia

⁵⁶United States Statutes at Large (Boston: Little Brown and Company, 1873), XVII, 348-349.

⁵⁷Congressional Record, 52 Congress, 2 Session, XXIV, Part 1, p. 17.

⁵⁸Ibid., 53 Congress, 2 Session, XXVI, Part 1, p. 84.

⁵⁹Hoar, op. cit., 157.

had drawn up and successfully steered through the House by a vote of 201 and 102,⁶⁰ substituted for Senator Bate's bill. To this motion Bate agreed, and the bill was referred to the committee on privileges and elections of which Senator James L. Pugh of Alabama was chairman.⁶¹ This committee submitted two reports on the bill, the majority report was favorable, and the minority report unfavorable.⁶²

During the debate on this measure Senator Bate declared that the federal election laws were devised by Senator Charles Sumner of Massachusetts, to disfranchise the Southern whites and give the franchise to the Negroes so that the Republican party might be perpetuated in power. In the course of his speech Senator Bate said:

There is the race problem in the South. It promises continuance. Leave the races to the influence of industry, mutual dependence and social contact to correct the evils. Education has done much and will do more to right matters. It is social, moral, and religious development that is needed, not the interposition of federal agents.

The persistent agitation of those who do not live in the same locality as the Negro

⁶⁰Congressional Record, 53 Congress, 1 Session, XXV, Part 2, p. 2378.

⁶¹Ibid., 53 Congress, 2 Session, XXVI, Part 1, p. 84.

⁶²Ibid., 224.

and know but little of him keeps up political agitation which brings no good to him and to the society in which he lives.⁶³

This repeal measure passed the Senate and was signed by President Cleveland in February, 1894,⁶⁴ and the Nation in its issue of February 15, 1894,⁶⁵ said: "This repeal by the Senate and its signing by President Cleveland ends a long agitation. All Republicans but one opposed its repeal. The laws have utterly failed and in many cases have led to grossest abuses."

In spite of the fact that President Cleveland had signed the measure which repealed the federal election law of 1872, he was one of the most unpopular men whose name could be mentioned in the South because of his insistence on the repeal of the purchasing clause of the Sherman Silver Act.⁶⁶ The demand for free and unlimited coinage of silver constantly grew stronger in the South and West, and in 1895 a national conference of silver advocates met in Washington to formulate plans to secure control of both political parties for the election of 1896.⁶⁷ Similar conferences were held

⁶³Ibid., Part 2, p. 1990.

⁶⁴Ibid., 2100.

⁶⁵Ibid., p. 111.

⁶⁶Parker, op. cit., 311.

⁶⁷Wilson, op. cit., 142.

throughout the nation, one of which was at Memphis on June 12-13, 1895. The Memphis convention was attended by about 1,000 delegates of whom approximately 900 were Democrats. Outstanding among these were Senators David Turpie of Indiana, who was elected chairman; Bate and Harris; James K. Jones and James H. Berry of Arkansas; James Z. George and Edward C. Walthall of Mississippi; "Pitchfork Ben" Tillman of South Carolina; former governor Prince of New Mexico; and W. J. Bryan of Nebraska. After some discussion and several stirring speeches, one of which was delivered by Bate, the convention denounced the monetary policy of President Cleveland and went on record as favoring the free and unlimited coinage of silver at the ratio of sixteen to one.⁶⁸

The advocates of free silver did get control of the regular Democratic party in 1896 and nominated W. J. Bryan as their candidate for president on a platform that declared for the free and unlimited coinage of silver, but a group of Democrats calling themselves the National Democratic party endorsed the monetary policy of Grover Cleveland and nominated Senator John Palmer of Illinois. In the Republican party a division resulted when their convention adopted a platform opposing

⁶⁸"The Memphis Silver Convention," Public Opinion, XVIII, No. 25 (June 20, 1895), 690.

the free coinage of silver except by international agreement with the leading commercial countries of the world. William McKinley was nominated by this convention, and the disgruntled silver Republicans, calling themselves the National Silver party, endorsed the platform and candidate of the Democratic party. The Populist party also supported Bryan.⁶⁹

An exciting campaign resulted. In Tennessee Senator Bate, Robert L. Taylor, Benton McMillin, Representative in Congress from the Carthage district, and other Democrats canvassed the State for Bryan. Bryan carried Tennessee, but McKinley was elected.⁷⁰

The United States Government had maintained diplomatic contacts with the government of Hawaii since 1826. At first the islands were used by Americans as a base for whaling expeditions, but during the War Between the States they became important not only for their production of cane sugar, which found a ready market in the United States, but also as a field for the investment of American capital in sugar plantations. On January 20, 1875, a reciprocity treaty was signed by representatives of the two governments under the

⁶⁹Wilson, op. cit., 143-146.

⁷⁰Chattanooga Daily Times, November 13, 1896.

terms of which Hawaiian sugar was to be admitted to the United States duty free.

As a result of this treaty an era of prosperity began for the islanders. The exportation of sugar rose from 12,000 short tons in 1876 to 47,000 tons in 1880, and during this same period the price of sugar increased about two and one-half cents per pound. Not only was more American capital invested in Hawaii, but many Americans went there to live. These immigrants together with the Hawaiian-born Americans constituted a wealthy and powerful group that soon gained control of the upper house of the legislature as well as the cabinet.

The reciprocity treaty to which the American Senate added an amendment for the exclusive right to use Pearl Harbor as a coaling and supply station was renewed in January, 1887; but under the terms of the McKinley Tariff Act, all sugar was placed on the free list, and a bounty of two cents a pound was paid to domestic growers. The effect of this bounty on Hawaiian sugar was the same as if a tariff had been placed on it. The value of sugar exported to the United States decreased by more than \$5,000,000 during 1891.

Early in 1892 a small group of Americans in Hawaii, desiring to secure a more stable government and wanting to benefit financially by obtaining a bounty on Hawaiian

sugar, formed a club, the purpose of which was to secure the annexation of Hawaii to the United States. Lorrin Thurston, a member, was sent as its representative to the United States. Thurston arrived in Washington in May, 1892, and conferred with Secretary of State James G. Blaine. Thurston found Blaine favorable to annexation and informed the secretary that the Hawaiians would be permitted to vote on a treaty of annexation if such a course appeared feasible; but, if not, annexation would be brought about through a favorable legislature. However, by 1893, Thurston doubted if annexation could be accomplished because the wealthy landowners had begun to fear that contract labor and Chinese immigration would be prohibited in case the United States annexed Hawaii.

Early in 1893 Thurston's opportunity came. King Kalaula had been succeeded on the throne by his daughter, Queen Lilioukalani, who promulgated a new constitution in which she restored the ruler's control over the cabinet and the upper house of the legislature and limited the suffrage to actual residents.

Immediately Thurston, Sanford Dole, and a few other members of the club asked John L. Stevens, the American Minister to Hawaii, to land marines from the U. S. S. Boston. Stevens, who had long favored annexation,

agreed to land the marines and promised that the new government would be recognized. With these assurances the members of the club for annexation to the United States began the revolution; three companies of American marines were landed; a provisional government with Sanford Dole heading the executive council was set up; and Queen Lilioukalani surrendered to the Americans. The provisional government drew up a treaty that provided for the annexation of Hawaii as a territory to the United States.⁷¹

On January 30, 1893, Senator William E. Chandler of New Jersey submitted a resolution in the Senate requesting President Harrison to begin negotiations with the provisional government of Hawaii for admission of the islands as a territory to the United States.⁷² Negotiations were begun, but Congress took no action on the proposed treaty during President Harrison's administration. The problem of the annexation of Hawaii was thus passed over to President Cleveland who sent James H. Blount of Georgia to Honolulu to make a special investigation of the change in the Hawaiian government

⁷¹Sylvester K. Stevens, American Expansion in Hawaii (Harrisburg: Archives Publishing Co., 1945), 87-221.

⁷²Congressional Record, 52 Congress, 1 Session, XXIV, Part 2, p. 929.

and of all questions bearing upon the proposed treaty of annexation. Upon receiving Blount's report Cleveland withdrew the treaty because he thought a majority of the Hawaiians was opposed to annexation.

As a result of the election of 1896, the Republican party gained control of both houses of Congress as well as the executive department, and on April 5, 1897, Secretary of State John Sherman was informed by the Hawaiian minister to Washington that the Hawaiian legislature had adopted a resolution favoring annexation.⁷³

Senator Bate opposed annexation on the grounds that the Hawaiian government was of doubtful authority and did not represent the will of the people. To him the acquisition of these islands would divest the natives of their right to rule their own country and make our government one of aggression and colonization for which it was not prepared. Furthermore, one act of aggression would lead to another; and the country which was a republic would become an empire, ruling subject peoples until finally our own government would cease to be a republic.⁷⁴ But after Hawaii had declared its neutrality

134
117
251
50
301
20
321

⁷³Stevens, op. cit., 247-290.

⁷⁴Congressional Record, 55 Congress, 2 Session, XXXI, Part 7, pp. 6517-6528.

during the war with Spain, the Senate passed a joint resolution providing for annexation by a vote of forty-two to twenty-one on July 6, 1898, after it had already been passed by the House.⁷⁵

On March 15, 1897, the Fifty-fifth Congress met in extraordinary session pursuant to a call of President McKinley on March 6. In his message the President said that there had been a treasury deficit for every fiscal year since June 30, 1892, and asked Congress to enact legislation that would provide revenue for the ordinary expenses of government, pay liberal pensions, and make payments on the public debt. He recommended duties upon foreign products high enough to preserve the home market for American-made products.⁷⁶ Congress responded by passing the Dingley Tariff Act sponsored by Representative Nelson Dingley of Maine.⁷⁷ Duties were placed on flax, sugar, and raw hides which had been admitted free under the tariff of 1894, and the average of rates was even higher than under the tariff of 1890. Bate opposed this act.⁷⁸

⁷⁵Ibid., 6712.

⁷⁶Ibid., 55 Congress, 1 Session, XXX, Part 1, pp. 11-13.

⁷⁷Ibid., Part 3, p. 2962.

⁷⁸United States Statutes at Large, XXX, 55 Congress, 1897-1899, pp. 151-214.

Immediately after the blowing up of the battleship Maine on February 14, 1898, Congress in a joint resolution authorized the President to intervene to stop the insurrection in Cuba and establish a stable and independent government of the Cuban people.⁷⁹ Bate held that the sinking of the ship was sufficient justification for war, urged that our government recognize Cuba as an independent nation, and then declare war against Spain.⁸⁰

The Spanish-American War soon began, and on May 10, 1899, by the Treaty of Paris, Spain relinquished all claims to Cuba and agreed to cede Puerto Rico and Guam. Spain also ceded the Philippines to the United States, which agreed to pay Spain \$20,000,000 within three months and to admit Spanish ships and merchandise to the Philippines for a period of ten years on the same terms as those of the United States.⁸¹

Bate, along with a majority of the Democratic members of Congress, opposed ratification of the treaty on the grounds that the acquisition of the lands ceded by Spain was but another step in the process of changing the

⁷⁹Congressional Record, 55 Congress, 2 Session, XXXI, Part 5, p. 3993.

⁸⁰Ibid., 3966.

⁸¹United States Statutes at Large, XXX, 1897-1899, pp. 1754-1782.

United States into an empire. Although William J. Bryan came to Washington and influenced a number of Democratic Senators to vote for ratification of the treaty, Bate's stand on the question never changed.⁸²

In 1899 Bate was again nominated by the legislative caucus for Senator, this time without opposition,⁸³ and was reelected over his Republican opponent, George N. Tillman, by a vote of ninety-five to twenty-three.⁸⁴

During the vacation of Congress in 1899, a committee of Republicans, none of whom were members of Congress, drew up what is commonly known as the gold standard act. This bill, which was to define and fix the standard of value, maintain the purity of all money issued or coined by the United States, and to set up new regulations for national banks, was introduced in the House by Representative Jesse Overstreet of Indianapolis. Here it was adopted in exactly two weeks by a vote of 190 to 180.⁸⁵ The Senate, however, discussed the bill from December 19, 1899, until the following February 15, with Senators George Vest, Henry M. Teller, and Bate

⁸²Congressional Record, 56 Congress, 1 Session, XXXIII, Part 4, p. 3608.

⁸³Marshall, op. cit., 233.

⁸⁴Senate Journal, 1889, p. 67.

⁸⁵Congressional Record, 56 Congress, 1 Session, XXXIII, Part 1, p. 572.

leading the opposition. The Tennessean pleaded with the Senators not to pass a law of such far-reaching effect when the wishes of the people were unknown. President McKinley, said Bate, had been elected on a platform which favored international bimetallism; while the Democratic platform called for national bimetallism. Seven million persons had voted for McKinley; six and one-half million for Bryan; but only those who had voted for Palmer, 133,000, were known to have favored making gold the standard money. The Senate, after having added several amendments, adopted the measure on February 15, 1900, by a vote of forty-six to twenty-nine.⁸⁶ This act made the gold dollar consisting of 25.8 grains, nine-tenths fine, the standard unit of value and provided that all other money issued by the United States should be maintained on a parity with this standard; set aside a reserve fund of \$150,000,000 in gold coin to redeem the United States notes and treasury notes of 1890; provided that the legal tender of the silver dollar or any other coin issued by the United States was not to be affected by this act; and restricted the chartering of national banks to those with

⁸⁶Ibid., Part 2, pp. 1610, 1635.

a capital of \$100,000 or more unless the bank was located in a town of 6,000 or less.⁸⁷

Before Puerto Rico was ceded to the United States, the bulk of her exports, consisting of coffee, sugar, and tobacco, was sold to Cuba and to Spain; but after the cession these countries adopted tariffs so high that Puerto Rican products were practically excluded. Economic distress resulted, and this situation suddenly became acute as the result of a hurricane that struck the island in 1899, killing people and destroying property to the extent that the local government appeared to be powerless to deal with the problem. Congress on April 12, 1900, enacted a law called the Foraker Act whereby 15 per cent of the rates of the Dingley tariff were imposed on Puerto Rican imports, the tariff thus collected to be used for the expenses of the island's government which amounted to about \$4,000,000 a year.⁸⁸

Questioning the constitutionality and the justice of any duties on Puerto Rican imports, Bate asked if the Constitution followed the flag as the imperialists had

⁸⁷United States Statutes at Large, XXXI, 1899-1900.

⁸⁸James B. Foraker, Notes of a Busy Life, 2 vols. (Cincinnati: Stewart and Kidd Co., 1917), II, 71-74.

claimed, then were the Puerto Ricans not entitled to the equal protection of the law; and why should 300,000 tons of Hawaiian sugar be admitted duty free while 60,000 tons of Puerto Rican sugar was subject to duty? He declared that the tariff on Puerto Rican products would create a trust in tobacco and sugar and added that the peoples of this island and of the Philippines should be given their independence as soon as order and security could be established.⁸⁹ American imperialism, however, demanded that the islands be retained, and they were.

In 1904 Bate announced that he would again be a candidate to succeed himself in January, 1905. He was opposed by Benton McMillin, who had ably represented his district in Congress for twenty years. By the first of August, 1904, it became apparent to McMillin that he could not be nominated, and he soon withdrew leaving Bate unopposed for renomination.⁹⁰ Bate was easily reelected on January 10, 1905, receiving 107 votes to twenty-one for Walter P. Brownlow, the Republican candidate.⁹¹

⁸⁹Congressional Record, 56 Congress, 1 Session, XXXIII, Part 4, p. 3613.

⁹⁰Marshall, op. cit., 234.

⁹¹Senate Journal, 1905, p. 74.

On January 4, 1905, Senator Bate performed his last major act in the Senate when he succeeded in having a bill sent back to the committee on Territories that would have made one state of the two territories of New Mexico and Arizona.⁹²

In 1863 the territory of Arizona was formed from that of New Mexico. Early in the 1890's the business interests of Arizona began to differ sharply with Eastern demands for the gold standard and a protective tariff, and in 1891 the territorial legislature of Arizona sent a formal petition to Congress requesting statehood for the territory.

In their platform of 1900 the Republicans had inserted a plank favoring the admission of Oklahoma and Indian Territory as one state, and the territories of New Mexico and Arizona as separate states. This action was an effort to placate the Western members of Congress until the gold standard could be adopted. The Democratic platform of the same year had also demanded statehood for the territories.⁹³

⁹²Congressional Record, 58 Congress, 3 Session, XXXIX, Part 1, pp. 443-444.

⁹³H. A. Hubbard, "Political History," Arizona and Its Heritage, University of Arizona, Bulletin No. 3 (Tucson: University of Arizona, 1936), 151-152.

A bill was finally proposed to allow the people of Oklahoma and Indian Territory and the people of the territories of Arizona and New Mexico to form constitutions and be admitted to the Union as two states on an equal footing with the other states. This bill passed the House and was sent to the Senate where it was referred to the Committee on Territories of which Albert J. Beveridge of Indiana was chairman and Bate was a member.⁹⁴

The advantage to the administration in having two new states instead of three lay in the fact that there would be but four additional Senators instead of six. It was expected that Oklahoma and Indian Territory would elect Democratic Senators and that the Senators from the other proposed state would be Republicans. Western and Southern Congressmen usually held similar views on the tariff and coinage questions, hence the desirability to the administration of having as few of these Congressmen as possible.⁹⁵

A great number of petitions from Arizona and some from New Mexico were sent to Congress in protest against

⁹⁴Congressional Record, 58 Congress, 3 Session, XXXIX, Part 2, p. 1905.

⁹⁵Hubbard, op. cit., 152.

the bill. It was pointed out in these petitions that the proposed state would be larger than New England, New York, Pennsylvania, and New Jersey combined and that the economic interests of the two territories were so widely divergent, New Mexico being largely agricultural while Arizona's chief interests were mining and commercial, that the people who signed the petitions preferred to live in territories for an indefinite length of time rather than have their territories admitted as one state. Bate regarded his action in having the bill sent back to the committee as one of his outstanding deeds in the interest of self-government.⁹⁶

On March 4, 1905, Senator Bate attended the inauguration of President Theodore Roosevelt and sat for more than an hour on the platform in front of the Capitol during which time a cold wind was constantly blowing. By the second day after the inauguration he had developed a severe cold which, upon his going as usual to the Senate Annex in connection with his senatorial duties, became worse. Pneumonia and heart complications had developed by March 8, and early on Thursday, March 9,

⁹⁶ Congressional Record, 58 Congress, 3 Session, XXXIX, Part 1, p. 444.

five days after he had entered upon his fourth term in the Senate, he passed away at the Ebbitt House where he and Mrs. Bate lived when they were in Washington. In accordance with his wishes his body was returned to Tennessee and laid to rest among his kindred in Mt. Olivet Cemetery in Sumner County.⁹⁷

As soldier, citizen, and statesman, William B. Bate always clung to his party's earliest creed, a strict interpretation of the Constitution and the importance of local self-government. He never placed party loyalty above principle, neither did he speak in the legislative chambers of his state and country for the mere sake of speaking but was always in earnest. He was and is not termed one of the leading statesmen of his time; but his honesty, vision, and clear insight into national problems do in my opinion give him a secure place among the statesmen of his time.

⁹⁷Marshall, op. cit., 223.

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